HOUSE OF REPRESENTATIVES

WEDNESDAY, *June 16, 1926*

The House met at 12 o'clock noon.

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

Almighty God, our heavenly Father, lift upon us all the light of Thy holy countenance as we pray: Our Father who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power and the glory forever. Amen.

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

ADDRESS OF HON. HARRY M. WURZBACH, OF TEXAS

Mr. SPROUL of Illinois. Mr. Speaker, I ask unanimous consent to print in the RECORD a speech delivered by my colleague, Mr. WURZBACH.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print in the RECORD a speech by the gentleman from Texas [Mr. WURZBACH]. Is there objection?

There was no objection.

Mr. SPROUL of Illinois. Mr. Speaker, under leave granted to extend my remarks in the RECORD I insert the following radio address of Hon. HARRY M. WURZBACH, delivered June 12, 1926, at radio station WRC, Washington, D. C.:

THE PROTECTIVE TARIFF

The mere announcement that a tariff speech is about to be inflicted upon you radio "listeners-in" is sufficient to drive you from the wires. Before you scatter (and I can almost hear some of you shuffling nervously from here) I solemnly promise that I shall make an honest effort to discuss this ancient and time-worn, but still live, subject from a new angle.

Volumes have been written and speeches literally by the millions have been delivered in and out of Congress ever since the birth of the Republic upon that interesting and controversial topic. It is not my intention to discuss the merits or demerits, if any, of the protective-tariff policy. It is sufficient to assert that the policy has become and is now the settled policy of this country. Even the Democratic politician of to-day recognizes this fact in his advocacy of what he is pleased to evasively denominate either "a tariff with incidental protection" or a "competitive tariff," whatever they mean by that, if they do not mean protection.

An erroneous impression prevails quite generally, but especially in the South, that the protective-tariff policy is either a machination of the devil or of the Republican Party—no; they are not synonymous—that it is anti-Democratic and violative of all the ancient traditions of the Democratic fathers. Such an indictment, though unsupported by fact, is enough to damn the policy in the South. Exactly that false impression has made the protective-tariff policy unpopular in Southern States despite the fact that southerners are realizing more and more that southern interests—manufactures which are now in the "infant industry" stage of your northern and eastern manufacturers of a half century and more ago, and the agricultural and pastoral products of the South as well—need and must have protection against the almost pauper-produced manufactures of Europe and against the coolie-labor products of the Orient. Southerners—and I am proud to class myself as a son of the South—are strong for tradition. Political as well as family tradition are both deep rooted in southern folk.

I have the conviction and do assert that a study of the early political history of America proves that the protective-tariff policy is not anti-Democratic, does not violate the traditions of the Democratic Party, but is in strictest accord with the best thought and profession of the early Democratic fathers. When that proposition is established and understood, Democrats by inheritance, principally in the South but in the North as well, will no longer be dissuaded by an unfounded and baseless prejudice from affiliating with the Republican Party on account of its support of the policy of tariff protection.

A southern Democratic Member of Congress, during the debates on the Fordney-McCumber tariff bill, used the following language:

"I have heard frequently on the floor of the House the false Republican boast that the protective-tariff principle is an American principle."

He implied, of course, that the principle is also anti-Democratic. My reply is that not only is that principle or policy American, but that in its origin and in its early development it was under Democratic leadership. This is high praise of the Democratic Party, but it applies only to the early Democratic Party when it was under able leadership. As a Republican I would much prefer giving my party credit for a great policy that has contributed so much to the development and prosperity of this Nation, but simple truth, as reflected in history, forbids. All that we Republicans can claim is that our party is the foster father of Democracy's abandoned child.

The first resolution introduced in the American Congress, and in the very first session thereof, was a protective tariff resolution. The author was James Madison, of Virginia, sometimes called the "Father of the Constitution," close personal and political friend of Thomas Jefferson, fellow Virginian, and father of the Democratic Party, and then Secretary of State in the Washington Cabinet. It is fair to assume that Jefferson was consulted by Madison before the Madison resolution was introduced, and that it had Jefferson's full approval and support.

The debates in Congress on the Madison resolution show that southern Democrats were among its staunchest supporters. Raw products, cotton included, were on the protected list. Beer even, real beer. I read from the debates: "Mr. Madison moved to lay an import of 8 cents on all beer imported. He did not think this sum would give a monopoly, but hoped that it would be such an encouragement as to induce the manufacture to take deep root in every State of the Union."

The 2.75 per centers ought to get some consolation from this, and I hope they will, for they need consolation. "Oh, the decadence of American statesmanship," I hear them mourn. But as this is not a light-wine-and-beer discourse, I shall revert to my subject.

We need not depend upon inference to discover Jefferson's views on the protection policy. In his annual message to Congress, December 15, 1802, he definitely states that the policy of his administration is to "foster and protect manufactures" by and through the levying of import duties. In a letter written after his retirement to Monticello, dated March 2, 1815, to Jean Batiste Say, a French economist who was contemplating settling in America, Jefferson says:

"We have 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."

Next to Madison and Jefferson stands Andrew Jackson in Democratic regard, regard approaching worship. Early Democracy can not be thought of without "Old Hickory" looming large in the mental picture. He is Democracy's patron saint. His is a name to conjure with from Texas to Tammany. The mention of his name in Democratic convention halls or on the hustings calls forth more spontaneous acclaim than that of any Democrat, ancient or modern.

But Jackson was a protectionist par excellence. In a letter dated Warrenton, Va., April 21, 1824, L. H. Colman, writing for himself and for "six members of the Virginia Assembly," took Jackson to task for favoring "the protection-duty policy," and closed with the threat "that should you be the advocate of a measure to which our interest is evidently opposed, the zeal with which you have been hitherto supported will be relaxed." Jackson's reply of about 1,000 words is well worth reading, but I have not the time to give it in full. It is plain to the point of brusqueness but logical and unanswerable as a protective-tariff argument. He concludes with this stirring patriotic appeal: "In short, sir, we have been too long subject to the policy of the British merchants. It is time we would become a little more Americanized, and instead of feeding the paupers and laborers of Europe feed our own, or else in a short time, by continuing our present policy, meaning the then low-tariff policy, "we shall be paupers ourselves."

Jackson was elected to the Presidency in 1828, and in his first annual message to Congress he again, and now officially, confirms the views just expressed. He says:

"The general rule to be applied in graduating the duties upon articles of foreign growth or manufactures is that which place our own in fair competition with those of other countries; and the inducement to advance even a step beyond that point are controlling in regard to those articles which are of prime necessity in time of war. In deliberating, therefore, on these interesting subjects local feelings and prejudices should be merged in the patriotic determination to promote the great interests of the whole."

It is safe to assume that the closing sentence was directed at John C. Calhoun and the Nullificationists of South Carolina. Jackson, it will be remembered, threatened his own native State with the armed forces of the Federal Government for its refusal to enforce the collection of tariff duties levied by Congress.

Jackson in his second annual message also completely refutes the charge that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purpose of revenue only. Limitation of time prevents me from reading it now. It is well worth reading. Its logic is irresistible. Compare with it the Democratic platform of 1892, which in the selfsame section No. 1 "reaffirms allegiance to the principles of the party as formulated by Jefferson and exemplified by the long and illustrious line of his successors in Democratic leadership from Madison to Cleveland," and then proceeds immediately following to denounce as unconstitutional the very principles and policies championed by those "illustrious leaders."

Having now demonstrated conclusively, I believe, that Madison, Jefferson, and Jackson were stalwart protectionists, let us determine whether or not their views were reflected in the popular votes of Southern States. Take the period from 1836 to 1848, both inclusive, and the presidential election returns for those years in Southern States only. I do not select this period arbitrarily, but because the period begins with the first election following the organization of parties along strict party lines and with platform issues, and because the period ends with the election (1848), after which all other issues, including the tariff, were subordinated to the overshadowing slavery question. If I shall fail to establish that the votes of Southern States with the tariff the issue corresponded with what I claim to have been the views of the Southern Democratic leaders, it might well be doubted that I had established the main proposition, namely, that the protective-tariff policy was the traditional policy of the Democratic Party. If I succeed, however, then it must be admitted, at the very least, that I am strongly corroborated in my first and main contention.

From 1836 to 1848 the Whig and the Democratic Parties were the two great contending political parties, the Whigs on a protective tariff and the Democrats on an antiprotective tariff platform. In the presidential campaign of 1836 the Southern States of Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, and Virginia, Van Buren, Democrat, polled less than 2,000 votes more than Harrison, Whig candidate, or, on a percentage basis, 50.3 per cent and 49.7 per cent, respectively. In the 1840 campaign the combined votes of all the Southern States showed a majority in favor of Harrison, Whig, over Van Buren, Democrat, of 50,075, or 54 per cent, as against 46 per cent. In this election the following Southern States went Whig: Georgia, Kentucky, Louisiana, Mississippi, North Carolina, and Tennessee. In 1844 the admission of Texas was an important issue, and, involving as it did the extension of slavery, and Polk, Democrat, favorable to admission, had the decided advantage in all the Southern States. Notwithstanding this, Clay, Whig, received 48 per cent of the votes of these Southern States. In 1848 in the Southern States only Taylor, Whig, polled 51.3 per cent, and Cass, Democrat, only 48.7 per cent. In the total of Democratic and Whig votes in these four presidential campaigns, the Whigs had a combined majority of over 44,000 over their Democratic opponents.

In conclusion, and to further strengthen my contention, I shall read a few excerpts from southern newspapers of that period. This from the Columbus Enquirer, May 26, 1842 (all editorials):

"We used to be a tolerably hot-headed nullifier in our boyhood days, when our heads were turned inside out by the glittering bauble of an impracticable free-trade system, which we were fool enough to think within the range of possibility. But we may as well confess that our free-trade notions are looked upon at this time as the vagaries of an unduly excited imagination."

Now from the Jackson Southron of April 6, 1842:

"The people of the South and West, who until recently were opposed to protection, are retracing their steps almost unanimously. In two years' time there will hardly be a southern man of intelligence opposed to the tariff principle."

And the Savannah Georgian, August 10, 1841:

"Free trade with all its beauties has brought with it few or no benefits but rather a train of calamities, and we find the whole South laboring under a complete prostration of prosperity."

And finally the Savannah Republican, August, 1841:

"The views of southern people have been much changed of late years, and they do not view protective duties with quite so distempered an eye, for their own factories are already growing up."

I submit the case. It is yours to render the verdict.

I thank you, ladies and gentlemen.

LEAVE TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that I may address the House on Tuesday next for 15 minutes immediately after the reading of the Journal and disposition of matters on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent that on Tuesday next immediately after the reading of the Journal and the dispositon of the routine business he may address the House for 15 minutes. Is there objection?

There was no objection.

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent that on Tuesday next, following the speech of the gentleman from New York [Mr. FISH], I may address the House for 15 minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent that on Tuesday next, following the speech of the gentleman from New York [Mr. FISH], he may address the House for 15 minutes. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to address the House now for 10 minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. SNELL. Mr. Speaker, this is Calendar Wednesday, and I wish the gentleman would postpone his request. Generally we try to give Calendar Wednesday to the committees.

Mr. HOWARD. I will say to the gentleman from New York that I always try to grant every request that he may make, but the subject which I want to present would not be as appropriate at any other time as right now. If it were not so, I would not ask for the time to-day.

Mr. LEAVITT. Reserving the right to object, as the gentleman has said, this is Calendar Wednesday, and I would like to know upon what subject the gentleman from Nebraska wants to speak?

Mr. HOWARD. It is with reference to agriculture.

Mr. SNELL. Mr. Speaker, I shall have to object.

Mr. HOWARD. Mr. Speaker, is objection heard?

The SPEAKER. The gentleman from New York objects.

Mr. HOWARD. Then, Mr. Speaker, it seems to me that we are a little short of the required number to transact business in a constitutional manner.

Mr. SNELL. If the gentleman from Nebraska wants to make the point of no quorum, let him do so.

Mr. HOWARD. I will withhold the point, Mr. Speaker, while gentlemen are making their requests.

Mr. FISH. Mr. Speaker, I ask unanimous consent that the gentleman from New York Mr. BLACK, the gentleman from New York Mr. BOYLAN, and the gentleman from New York Mr. LAGUARDIA may be given 15 minutes each on next Tuesday immediately after the reading of the Journal.

The SPEAKER. The gentleman from New York asks unanimous consent that following the orders already made the gentleman from New York Mr. LAGUARDIA, the gentleman from New York Mr. BOYLAN, and the gentleman from New York Mr. BLACK may have leave to address the House for 15 minutes. Is there objection?

Mr. SNELL. For the present, Mr. Speaker, I will have to object until we find out what the situation is.

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent that to-morrow immediately after the reading of the Journal I may have leave to address the House for 10 minutes.

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

There was no objection.

IMPEACHMENT OF FREDERICK A. FENNING

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a brief of mine in the Fenning case.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, under the unanimous-consent agreement of the House on yesterday, I was given permission to insert in the RECORD my reply brief in the case of the impeachment of Frederick A. Fenning, a commissioner of the District of Columbia, which I submit for the consideration of the House:

IN THE CONGRESS OF THE UNITED STATES

Before the Committee on the Judiciary, House of Representatives.

In the matter of the impeachment of Frederick A. Fenning, commissioner of the District of Columbia.

Reply brief of Representative JOHN E. RANKIN, of Mississippi, for the Government of the United States.

Chief Counsel Frank J. Hogan, for the defendant, Frederick A. Fenning, in his brief filed with the Judiciary Committee of the House on June 14 bitterly assails the action of Representative BLANTON, of Texas, for preferring impeachment charges in this case. In doing so he uses language which if one Representative should use on the floor of the House with reference to another might, under the rules of the House, be stricken from the RECORD.

For instance, he says, "In the light of the evidence now taken as regards every one of the matters set forth in those charges, it is conservative to say that the record of the Congress of the United States discloses no more flagrant abuse of the privileges of membership than that which this case presents." That statement is found on page 38 of counsel's brief. He also suggests that Mr. BLANTON should be punished by the House.

Punished for what? For unmasking the plunder bund of Washington? Indications are that he had just scratched the surface.

Congress is charged with the highest duty toward the people of the District of Columbia. They are forced by their peculiar situation to depend upon Congress and the President of the United States to see that the affairs of the District are honestly and decently administered,

and they have a right to expect that none of those so charged shirk that responsibility.

Mr. BLANTON may have made mistakes in the past. All of us have; but this is one service for which, instead of being punished, he deserves the thanks of Congress and the gratitude not only of the people of the District of Columbia but of the ex-service men throughout the country, and of every other red-blooded American whose heart goes out in sympathy to our unfortunate insane veterans who are shown by this record to be the victims of this iniquitous cabal. Counsel intimates that those who have been "pushing these investigations are seeking to make political propaganda out of insane World War veterans."

The truth is that a majority of those Members of the House who have been urging these investigations are ex-service men of the World War who have no other desire than to see justice done to all concerned, and especially to their disabled comrades in that conflict.

During the early days of the war I read a gruesome story of a couple who appeared in Paris apparently in very ordinary circumstances. It was during those dark and trying days of the conflict when that thin, gray line of French heroes was staggering under the terrific blows of the Imperial German military machine and gradually driving the Kaiser's army back from before Paris. Owing to their hard-pressed circumstances they were forced to leave behind them a veritable Golgatha of unburied dead.

This strange pair, so the story goes, would go out toward the battle field every day or two and then return. It was soon observed that they were wearing better clothes, riding in fine automobiles, attending the best theaters, and stopping at the finest hotels. Their increased wealth was manifested in the jewelry which they wore and in their rapidly growing bank accounts. It was also discovered that they were sending money back to the country from which they came. This excited the suspicion of the French secret service, who had these persons watched and found that they were going out behind the lines every day and enriching themselves by extracting the gold from the teeth of the unprotected dead.

The counterpart of that hideous story is reflected in the way our insane, disabled veterans of the World War have been treated, as shown by the testimony in this case taken at the three hearings in these investigations, and especially in the hearings before the Committee on World War Veterans' Legislation.

I do not ask Members of Congress to rely upon the charges made by Mr. BLANTON or by anybody else, but I do urge them to read all the testimony taken in these hearings and then to decide whether or not these men have been cruelly mistreated, neglected, and plundered.

Counsel refers to what he terms "The wanton, cruel suggestion, made without any basis of fact or the slightest justification" to the effect "that it is not known whether the estates of Mr. Fenning's wards are intact," yet before he closes his brief he admits that they are not intact because of the fact that Mr. Fenning has, in violation of law, taken the 25 per cent commissions on the bond premiums, amounting to more than $5,000, which should have been turned back into the estates of these wards.

Not only that, but there is not a member of the committee nor of the House who can say that these estates are otherwise intact until they have been thoroughly examined and thoroughly audited.

Counsel also denounced as a half truth the statement that Mr. Fenning has received more out of these wards' estates every year than the wards themselves have received. I ask the members of the committee to get a copy of the hearing before the Committee on World War Veterans' Legislation and read those cases in which the guardianship reports were read into the record. Every single case that was gone into before Mr. Fenning refused to testify further discloses the fact that Mr. Fenning received more as attorney's fees and commissions out of each estate every year than was spent on the ward himself.

For instance, take the Adolph Adler case. I see from the record which I have before me that in the fourth annual account of 1923, when the auditor's report was filed, Adler was allowed $40 for clothes and $25 for personal use, making $65 allowed this young man for clothing and spending money during the entire year, while Fenning received $200 commissions and attorney's fees, in addition to a 25 per cent commission on the premium on the bond. Although this soldier had an income of $1,200 a year in compensation and $690 insurance, there was expended on him the pitiful sum of $65. Again, the second annual account shows that Fenning was allowed $270.63 attorney's fees and commissions, in addition to the 25 per cent commission on bond premiums, while the ward was allowed during the entire year only $149.65.

Take the case of Emmanuel M. Anderson, lunacy No. 7716. In turning through the record I see that in the second annual account filed by Mr. Fenning the ward received $123.80 for clothing and personal tax, while Mr. Fenning received $148.40 commissions and attorney's fees, in addition to 25 per cent on the premiums on the bond.

Glancing further I see the case of John A. Beasley, lunacy No. 8400. The third annual account shows that Beasley was allowed $56.52 for clothing and $5 for candy and fruit that year, making a total of $61.52, while Mr. Fenning received commissions and attorney's fees to the amount of $200, in addition to the 25 per cent of the premiums on the bonds.

These are simply a few illustrations of what the records in these cases show to sustain the charge to which counsel refers as a "half-truth."

A thorough investigation of all these cases will reveal the same condition pertaining to every one of them, I dare say, without exception. But it is contended by the defense that the remainder of this money was deposited in the bank to the credit of the guardian as such. This money was not appropriated by a generous Government to build up an estate for this ward to leave when he dies or to enrich a guardian while he lives, but it was intended to furnish the necessities and comforts of life sufficient to help him fight his battle back, if possible, to perfect health. Instead of that, I repeat, they are put in St. Elizabeths Hospital, fed, housed, and slept not only with the beggars of the street, who are committed to that institution, but with the hopelessly and perhaps violently and criminally insane. If the money appropriated for these boys had been properly expended upon them, and they had been given that treatment which their cases required and which these funds would have amply supplied, many of them would to-day be restored to their normal condition of health and sanity and be enjoying the God-given blessing of American life as well as the consciousness of a nation's gratitude.

It is shown that the moment the defendant, Mr. Fenning, went out of the Bureau of Pensions, where he was serving as a clerk more than 20 years ago, he was a poor man. He entered this lunacy practice and has continued in it for more than a quarter of a century. He is to-day wealthy.

Mr. BLANTON has referred to him as a lunacy lawyer and has defied him to show a single case of real importance where he has served as attorney that was not a lunacy case. It is admitted in the brief of counsel for the defendant that Mr. Fenning is now guardian for 120 persons. These wards are confined in St. Elizabeths Hospital, of which Dr. William A. White is the superintendent.

It is not denied that Mr. Fenning and Doctor White have a joint bank account; that they wrote a book together many years ago; that Fenning has access to the secret records of St. Elizabeths Hospital, and he is the only person not connected with that institution that has such a privilege; that when Doctor White was investigated 20 years ago Fenning went to his defense; that it is practically impossible to get a person released from St. Elizabeths Hospital without Doctor White's consent. It is shown that a vast number of people confined at St. Elizabeths Hospital have never been adjudged insane and that some have been placed and held there until they died or until they finally found some avenue of escape without ever having been adjudged of unsound mind.

I

IS A COMMISSIONER OF THE DISTRICT OF COLUMBIA A CIVIL OFFICER OF THE UNITED STATES?

While counsel considers the authorities cited in his brief of June 10, 1926, conclusive on the question as to whether Fenning is an officer of the United States, and that the case of the United States *v.* Hartwell (6 Wallace, 385) and the case of the United States *v.* Germaine (99 U. S. 509) have settled the matter, he nevertheless cites the following as bearing upon that question: Statutes at Large of the United States, volume 17, page 7, contains the following: "For compensation of the Board of Public Works of the District of Columbia, $10,000: *Provided*, That no person shall be entitled to draw a salary as a member of the board of public works who is paid a salary for the discharge of the duties of any other officer under the Government of the United States."

On page 74 of volume 17 of the Revised Statutes we find the following: "District of Columbia: For salaries of the members of the board of public works, $10,000. For salary of the members of the board of health, at $2,000 each, $10,000: *Provided*, That no part of the sum hereby appropriated should be paid to any member of said board who shall hold any other Federal office."

On page 500 of the Statutes at Large, volume 17, it is provided: "District of Columbia: For salary of the members of the board of health, at $2,000 each, $10,000; making, in all, $27,880: *Provided*, That no part of the sum hereby appropriated should be paid to any member of such board who shall hold any other Federal office."

Note that on page 5 the language is used, "Any other officer under the Government of the United States," and in the succeeding acts the statute says, "Who shall hold any other Federal office."

The foregoing shows the status of the Commissioners of the District of Columbia as Federal officers as the judgment of Congress and the political branch of the United States Government.

Mr. Hogan cites the case of Barns *v.* District of Columbia (91 U. S. 540), decided under the act of 1871 by the Supreme Court of the United States. This was an action against the District of Columbia because of a defective condition of a street. The Supreme Court held that since the streets were under the board of public works, and that board was charged with the duty of keeping them in repair, that the District of Columbia was liable. After that case was decided under the act of 1871 Congress passed the organic act of 1878.

District of Columbia *v.* Woodbury (136 U. S. 450) was a similar case where the plaintiff was injured by a defective sidewalk, and the Supreme Court said that since Congress imposed upon the commissioners the duty of keeping the streets in repair, the District of Columbia was liable as a municipal corporation. The question as to whether the Commissioners of the District of Columbia, who are appointed by the President of the United States and confirmed by the Senate, bonded to the United States, and taking the oath of all Federal officers, ceased to be officers of the United States because officers of the municipal corporation was not even touched upon in these cases or in any other case cited by Mr. Hogan.

Mr. Hogan, in citing from Barns *v.* District of Columbia (91 U. S. 540), leaves out of the citation section 37 of the act of February 21, 1871, entitled "An act to provide a government for the District of Columbia," the very part of the section which indicates, in the opinion of the Supreme Court of the United States, that the commissioners are impeachable officers. The opinion says, in section 37, paragraph 1: "The four persons composing this board," meaning the board of public works, "are nominated by the President and hold their offices for a fixed period of time. They can not be removed except by the President of the United States. The same thing is true of the governor and of the secretary of the District, except as to them there is no power of removal. Each is appointed in the same manner and holds until the expiration of his term and until his successor is qualified."

All the foregoing after the word "time" was left out of the citation by Mr. Hogan. The significance of it is apparent.

The organic act of 1878 (20 Stat. L. 102) appears as section 21 in the Compiled Statutes in force in the District of Columbia at page 200. Section 21: "The official term of said commissioners appointed from civil life shall be three years and until their successors are appointed and qualify." It will be seen, therefore, that the power to remove in the foregoing act of 1871 by the President the four members of the board of public works was not carried forward in the organic act of 1878, and if not removable by the President it follows that they must be impeachable. As a matter of fact, as shown in my brief of June 10, 1926, all Presidents of the United States from the time of Washington have removed impeachable officers of the United States without going through the process of impeachment; but citations are expressly made in that brief to show that Fenning may be removed by either method. Since no power to remove a commissioner is contained in the act of 1878, it follows that he is impeachable, and that, instead of waiting upon impeachment proceedings, the President has the power to remove him.

This very decision of Barns against United States, cited by Mr. Hogan, clearly shows that by the act of 1871 the four members of the board of public works of the District of Columbia were removable by the President under the expressed terms of the act and that the governor and secretary of the board could only be removed by impeachment proceedings, unless the President chose to remove under the doctrine that the power to appointment implies the power of removal.

The following is copied from page 663, Twenty-fifth Ruling Case Law: "It is undoubtedly true that the District of Columbia is a separate political community in a certain sense, and in that sense may be called a State, but the sovereign power of this qualified State is not lodged in the corporation of the District of Columbia but in the Government of the United States. Its supreme legislative body is Congress. The subordinate legislative powers of a municipal character which have been or may be lodged in the city corporation or in the District corporation do not make these bodies sovereign. Crimes committed in the District are not crimes against the District, but against the United States."

Ruling Case Law, case 676: "Its executive department consists of a board of three commissioners who are appointed by the President of the United States, by and with the advice and consent of the Senate." Its judges are appointed in like manner. Its local legislature is Congress. Its permanent residents are citizens of the United States.

Ruling Case Law, page 137, says: "Persons liable to impeachment under the Federal Constitution are the President, the Vice President, and all civil officers of the United States. It is also settled by legislative precedent that a Senator of the United States is not liable to impeachment. In general, so far as the matter can be said to be definitely settled, it appears that the officers liable to this process are those who are commissioned by the President, as provided by section 2, Article II, of the Constitution, excepting those employed in the land and naval forces, but including all the Federal judges."

It is contended that the Supreme Court of the United States in Metropolitan Railroad *v.* District of Columbia (132 U. S. p. 1) has decided that the District of Columbia is not a department of the Government. This in nowise affects the question whether or not Fenning is an officer of the United States. It is true, as decided by the Supreme Court of the United States in Hartwell *v.* United States (6 Wallace), that all persons appointed by the heads of departments are civil officers of the United States; therefore it can not be argued that Fenning is not a civil officer of the United States, because the District of Columbia is not a department of the Government. He comes within the primary class of Federal officers mentioned in that decision, namely, those appointed by the President and confirmed by the Senate.

The Supreme Court of the United States in the case of Krichman *v.* United States (256 U. S. p. 363) held that the Director General of Railroads, appointed by the President to control the railroads of the United States, owned by numerous private corporations, was an officer of the United States, although a porter on a sleeping car of a railroad controlled by the Director General of Railroads was not an officer of the United States or a person acting for or on behalf of the United States, and therefore subject to the penalties of section 39 of the Criminal Code of the United States. In this case it was held that all persons acting in official functions under or by virtue of the authority of a department or office of the Government was included in the condemnation of section 39 of the Criminal Code of the United States, which uses the words: "Any officer of the Government of the United States, or any person acting for or on behalf of the United States in any official function or by authority of any department or office of the Government thereof."

In Federal Statutes annotated, second edition, supplement 1918, pages 169 and 170, on page 170, section 2, will be found the following: "That all branches of the government of the District of Columbia shall be considered a governmental establishment for the purposes of section 7 of the deficiency appropriation act approved October 6, 1917."

The Supreme Court of the United States held in the case of United States *v.* Strang (254 U. S. 491) that officers of the Fleet Corporation, organized by the United States Shipping Board as a corporation under the laws of the District of Columbia, with a capital stock of $50,000,000, owned by the Government, were not officers of the United States, because they were appointed by the corporation, and the Supreme Court adds: "Its inspectors were not appointed by the President nor by any officer designated by Congress. They were subject to removal by the corporation only, and could contract only for it. In such circumstances we think they were not agents of the United States within the true intendment of section 41 of the United States Penal Code." From the foregoing it appears that if they had been appointed by the President or by any officer designated by Congress, all the officers of the Emergency Fleet Corporation would have been officers of the United States, although this Fleet Corporation was incorporated under the general statutes relating to the District of Columbia.

II

WAS FREDERICK A. FENNING GUILTY OF EMBEZZLEMENT IN ACCEPTING COMMISSIONS ON BONDS?

Mr. Hogan claims that the charge that Fenning appropriated to his own use 25 per cent of the commission on bond premiums is the most serious charge preferred against his client. While there are many charges equally serious, there is no charge more conclusively proved than this one. Justice Siddons of the Supreme Court of the District of Columbia has decided that this action on the part of Fenning, carried on for more than 20 years in hundreds of cases, was illegal. In the opinion filed by this justice on June 10, 1926, in the case of Adolph Adler, lunacy No. 7742, the justice reiterates that neither the court nor the auditor nor any judge of the Supreme Court of the District of Columbia ever had any knowledge of this practice by Fenning. The court held as untenable the claim of Fenning that if he turned over the premiums unlawfully appropriated by him to his wards, he would be violating section 654 of the code prohibiting rebates. It would have added to the weight of the justice's opinion if he had also held, which he apparently did not know, that all bonding companies come under the act of August, 1895, as amended by the act of March, 1910, and report to the Secretary of the Treasury, and that there is no prohibition of rebate in either of said acts. Although the question as to whether Fenning had committed embezzlement or perpetrated a fraud on the auditor or the court was not involved in the order of reference to the auditor and could not have been involved, the court was not called upon to pass upon those questions from which counsel for Fenning appear to get satisfaction. The court went out of its way and as obiter dictum expressed the opinion that the evidence did not show a fraud; but since that is not a legal opinion, but is a mere expression of the individual views of the justice, it is a private view and is entitled to no more weight.

It is noteworthy and remarkable that in deciding that Fenning in abstracting into his pocket one-fourth of the bond premiums in the Adler case should refund but one-fourth of the premiums paid in the seventh and final report of said Fenning, although the learned justice had before him six other reports of said Fenning covering the entire period from 1919 to 1926, in which Fenning perpetrated a similar fraud upon the estate of this insane veteran, no part of which premiums covering all of those years is he required to return to the estate of this ward, except the part of the premium covering 1926. It is noticeable that the auditor penalized Fenning by denying him all claims for attorney's fees, commissions, and premiums on bonds because of this illegal and disreputable practice of putting one-fourth of all premiums in his pocket and charging the full premium up to the estates of his wards; but the learned justice penalizes Fenning by cutting off one-half of his commission, reducing them from 10 per cent to 5 per

cent, and requiring him to pay back to the estates but one-fourth of one of seven premiums in which Fenning had defrauded the estate of this one man. The difference between the auditor, therefore, and the learned justice is merely a difference in the view that each takes as to the degree of moral turpitude of the said Fenning. Nowhere does the learned justice suggest the repayment by Fenning of unlawful premiums taken in the hundreds of other cases filed in his court in a stream and continuously for the past 20 years, or require the said Fenning to pay to his wards the thousands of dollars that he got for 15 years, up to the decision in the Hoff case, lunacy No. 5560, in 1915.

It is a fact that can not be disputed that, under the act of Congress of 1863, establishing the Supreme Court of the District of Columbia, the six judges of that court have plenary power to make rules that have the effect of a statute and that the said Fenning can be required by them to return, under an order of court, every cent of premiums he has put into his pocket during the past 20 years in lunacy and other cases, and can be compelled by the court to return to the estates of his wards every cent of commissions he has appropriated to his own use on loans made by him of the moneys of his wards; and the compulsion of removal or disbarment can be applied by the court for any disobedience of its orders in this respect. The court has always had power to limit the fees of Mr. Fenning to 5 per cent by a general rule adopted by the court in general term, and to limit the number of his wards to five as to any one guardian.

If Fenning is not guilty of embezzlement in appropriating for 15 years the commissions secretly taken by him as commissions on loans of his ward's money, and if he is not guilty of embezzlement in appropriating to his own use for more than 20 years one-fourth of all premiums on bonds paid out of the estates of his wards, then the case of the United States *v.* Masters and Kinnear (42 Appeals D. C. p. 350) should be overruled and the fine of $2,000 paid by each refunded to them and their characters as embezzlers reinstated, because they did no more than Fenning has done in retaining commissions paid them on a loan. The only difference is that they committed this act at one time and were each indicted and convicted of the felony of embezzlement, while Fenning committed this act hundreds of times in cases of unlawful commissions and thousands of times in cases of unlawful premiums.

It can be conservatively estimated that since Fenning on an average appropriated to his own use not less than five premiums on the bond of each ward during his period of guardianship, he has appropriated to his own use about 4,000 premiums, every one of which, under the decision of Justice Siddons, he is morally and legally bound to return to his wards either under penalty of disbarment or of criminal prosecution, or both.

It is stated that Fenning showed his good faith when, on filing his report in the case of Edward F. Hoff in 1915, he asked to be allowed to retain the commission he had received on a loan of $300 of his ward's money. Since this commission amounted, according to his own report, to but $1.50, it was evidently put out as a feeler, because he had been collecting illegal commissions for 15 years, and the loss of $1.50 would not be a great one—to Fenning. However, it can not be said that he was actuated by any high motive in making that disclosure, because the disclosure appears in a report filed by him on July 8, 1915, and in 1914 both Masters and Kinnear had been convicted of embezzlement for doing just what Fenning did.

It is reasonable to say that it was the fear of being convicted of embezzlement that caused him to bring this matter to the attention of the court in 1915. Undoubtedly it was the contemplation of his acts of appropriation of commissions covering a period of 15 years and his knowledge that Masters and Kinnear had been twice convicted of embezzlement and finally paid fines of $2,000 each for doing what he did that caused him to bring the matter to the attention of the auditor.

In reading the case of Masters and Kinnear *v.* United States (42 Appeals D. C. p. 350), reversed upon an instruction given by the trial judge, it will be well for the committee to read the subsequent record of that case where the defendants were convicted a second time and paid the penalty of their crime. If the promise of restitution made by counsel for Fenning is made in good faith, it would be well for him to start with the payment to the estates of the wards of the illegal premiums he collected for years in the 120 cases now in his charge. Later he can make restitution in about 700 more cases in which he has appropriated illegal commissions and premiums on bonds.

It is said in defense of Fenning that neither he nor the auditor knew of the decision of the Supreme Court of the United States in Magruder *v.* Drewry (235 U. S. 106), holding that a fiduciary could not take commissions on loans and that neither the auditor nor Fenning knew that the decision of the Court of Appeals of the District of Columbia in the same case had been overruled by the Supreme Court of the United States. However, the auditor says he did know all about it; so informed Fenning at the time, and based his proceeding upon it. As bearing out the truth of his statement, attention is called to the fact that the case of Magruder against Drewry was decided by the Supreme Court of the United States November 30, 1914, and appeared in the advance sheets of opinions immediately thereafter, and the Hoff case did not reach the auditor until July 8, 1915, or eight months after the matter had been decided by the Supreme Court of the United States.

ARE THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA WITHIN THE PROHIBITION OF SECTION 41, UNITED CRIMINAL CODE?

Section 41 is cited in my brief of June 10, 1926, as bearing on the interest of Commissioner Rudolph in contracts made by his firm, Rudolph, West & Co., with the District of Columbia, and to Fenning's participation in the execution of these unlawful contracts, and in the payment for goods furnished by said firm under contracts which section 32 of the Revised Statutes, relating to the District, declare to be void.

Section 41 of the Criminal Code forbids any person from acting as an officer or agent of the United States in the transaction of business with a business concern with which he is connected or in which he has a pecuniary interest. Commissioner Rudolph testified that he had a pecuniary interest in said firm to the extent of owning one-third of its capital stock and receiving one-third of all the net earnings of the firm, which amounted to yearly dividends of 20 per cent on the capital stock.

It is believed that this and the former brief have established the fact that both Fenning and Rudolph are officers of the United States and are, in the language of said section, agents of the United States for the transaction of business with such corporation. Moreover, under the decision of Krichman *v.* United States (256 U. S. 363), which Mr. Hogan apparently never heard of, the Commissioners of the District of Columbia in performing service for the Government of the United States through the Federal establishment known as the District of Columbia have violated said statute.

The opinion of the Attorney General (24 Ops. 557) has no application to cases like the purchase by the Board of Commissioners of the District of Columbia of supplies from Rudolph, West & Co. Masters in that case was a subordinate in the Post Office Department and was connected with a firm that was the lowest bidder in furnishing coal to the department. A contract was not made by Masters, but by the Postmaster General, and under those circumstances the Attorney General gave an opinion that the Postmaster General could enter into that contract without making Masters punishable.

In the case of the commissioners they are the principals and sit as a board in the execution of contracts. All who participate in the violation of section 41 of the Criminal Code are equally guilty. Could it be said that if the contract for coal had been made by the Postmaster General with a firm of which he was a member that he would not have been violating section 41 of the Criminal Code? The case cited by Mr. Hogan was one which held only that the Postmaster General was not prohibited from making a purchase of coal under contract with a firm in which a subordinate had an interest, because this section of the Criminal Code does not apply to cases of this kind.

As heretofore stated, the case cited by Mr. Hogan—United States *v.* Strang (254 U. S. 491)—was that of an inspector of the Emergency Fleet Corporation, all of the inspectors being appointed by the corporation, which was incorporated under the laws of the District of Columbia and none of the officers of the corporation being appointed by the President of the United States or any head of department. Of course, such an appointee would not be an agent of the United States, but merely an agent of the corporation.

Counsel for Fenning says that not one judge and not one brother lawyer has been found to come forward with any word of criticism of Fenning's professional conduct. It is safe to say that he is under the condemnation of practically every member of the bar. The judges have already testified that they knew nothing of his illegal practices relative to commissions on loans and premiums on bonds until the disclosure was brought out by Congress.

It is admitted that Fenning is guardian at the present time for more than 120 mentally afflicted persons, the majority of whom are veterans. These people are locked up in asylums where their complaints fall upon deaf ears; where their mail is censored, and, being insane or being alleged to be insane, their complaints would be treated as the result of mental disease; and yet Mr. Fenning and his counsel boast that little evidence has been produced of the complaints of his wards, some of whom he has not seen for years. To whom would they complain? To Doctor White, an emissary and agent of Fenning? To the subordinates of Doctor White, over whom Fenning exercises authority through his relations with Doctor White? To the courts, to whom they can not gain access or an opportunity to be heard? To lawyers who are forbidden to see insane patients, and who would refrain from going for fear of being accused of barratry, and who would not be permitted within the jurisdiction of the asylums to have a paper executed except by stealth?

Is it to be expected that under such circumstances the wailing complaint of his wards should reach the ears of Congress? One of the most shameful things in the hundreds of cases of men for whom Fenning has been guardian is that their estates have been plundered, as the records will show, and they have not been in mental condition to understand their rights or make complaints.

One defense of Fenning, a defense which has been overruled by the courts everywhere, and lately in the opinion of Justice Siddons, is the

defense of that in receiving illegal commissions and illegal premiums the estates of his wards lost nothing. This defense is not even true in the case of his paying premiums on bonds and charging the whole premium to his ward's estate, while putting one-fourth of it in his pocket. The very argument that his illegal practices are not wrong because the estates of his wards lost nothing is the blackest philosophy of dishonesty, and can only be justified on the reasoning:

"He that is robb'd, not wanting what is stolen,
Let him not know't, and he's not robb'd at all."

Fenning evidently reasoned that if his unethical practices were not discovered and his wards did not know of them they were not robbed. The mere thought is enough to stifle a decent man with loathing and disgust. When considering the small percentage of cases handled by him that came before three committees of Congress, in which he plundered the estates of helpless men and women and made a fortune out of their misfortunes, and was rewarded and remunerated for neglecting and violating a trust, it is incredible how he could ever have been allowed any commissions whatever for his pretended services. The payment to him of commissions under the circumstances amounted to no more than to divide the property of an insane ward between the ward and Frederick A. Fenning.

I respectfully submit, as I said in my original brief, that Mr. Fenning should be impeached or removed from office and that proceedings should be started at once to recover for the estates of these unfortunate victims the moneys he has unlawfully taken from them. This can be done by a rule of the Supreme Court of the District of Columbia. Not only that, but I submit that the Department of Justice should be called upon to institute the necessary proceedings to punish the defendant for the offenses which this brief and the evidence show him to have committed, and to see that the Supreme Court of the District of Columbia adopts the proper rules governing such matters, and that he should be removed from his position as guardian for his present wards.

Respectfully submitted.

JOHN E. RANKIN, M. C.,
Counsel for the Government.

LEAVE TO ADDRESS THE HOUSE

Mr. WINGO. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes on next Tuesday after the completion of the other orders that have already been made.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to address the House for 30 minutes on Tuesday next after the completion of the orders already made. Is there objection?

Mr. SNELL. We have two special orders now, Mr. Speaker. I dislike to have these orders fill up the whole day.

The SPEAKER. There are already two orders of 15 minutes each on that day.

Mr. SNELL. I think we ought to have no more orders for Tuesday; but I will not object to this one.

The SPEAKER. Is there objection?

There was no objection.

RECORD IN CONGRESS OF HON. CHARLES D. CARTER, OF OKLAHOMA

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

Mr. CARTER of Oklahoma. Mr. Speaker, under leave granted to extend my remarks in the RECORD I make the following statement:

In order that those whom I have directly represented in Congress and the public in general may be correctly advised as to my official acts as their Congressman, I am submitting hereinbelow compiled from the records of the House, the position I have taken on public matters of importance coming before Congress for consideration. All important votes cast in the Sixty-ninth Congress, which is the present Congress, are given; but for the reason that they have been published heretofore, and out of consideration for the people's time, only the most highly important votes cast in former Congresses are referred to.

During the Sixty-ninth (the present) Congress, I supported the following bills:

1. The act reducing Federal taxes.
2. Amendment to increase to 25 per cent the limit on income and inheritance taxes.
3. Haugen agricultural bill and all other farm relief measures.
4. All acts and appropriations for Government aid to roads.
5. Veterans' pension increase bill.
6. Bill extending time for converting war risk insurance and all other measures rendering proper adequate aid to war veterans.
7. Railway labor bill.
8. Amendments for increase in rural service.
9. Printing and distribution of books on diseases of horses and cattle.
10. Reduction and limitation of armament commission.
11. Uniform bankruptcy law.
12. Bill authorizing women to serve on juries in District of Columbia.
13. Act validating titles to allotted lands in Five Civilized Tribes.
14. Act paying to the State of Oklahoma its rightful share of the Red River bed oil royalties.

During this same Congress I opposed the following:

1. I opposed the Italian debt settlement cancelling 75 per cent of the $2,000,000,000 debt of Italy, thereby imposing burden of $1,500,000,000 on American taxpayers.
2. I opposed the French debt settlement cancelling 50 per cent of debt of $4,000,000,000 of the debt of France, thereby saddling another $2,000,000,000 on the American taxpayers.
3. I opposed the administration public buildings bill which as it passed the House authorized $50,000,000 for buildings in the District of Columbia and $115,000,000 for projects in different States, but not $1 for Oklahoma.

The following are some of the more important measures I supported in former Congresses:

1. The Carter Act for sale of surface of segregated mineral land, authorizing sale and settlement by home owners of some 450,000 acres of land.
2. Carter Act for sale of segregated mineral deposits.
3. Carter amendment preventing the use of tribal funds by departments.
4. Carter amendment for annual per capita distribution of tribal funds as they accumulate in Treasury.
5. Carter Act for determination of heirs and partition in Five Civilized Tribes.
6. Carter bill giving Oklahoma courts full jurisdiction in settlement of inherited estates of Five Civilized Tribes.
7. Carter Act authorizing Choctaws and Chickasaws to bring suit for any claims they may have against the United States.
8. Removal of restrictions act, liberating many capable Indians from departmental supervision and making possible sale and taxation of between eight and nine million acres of allotted lands.
9. Sale of timber reserve and unallotted lands, making possible the purchase and settlement by home owners of 4,000,000 acres of unallotted lands.
10. Carter amendment making annual appropriations for Oklahoma schools under which more than $4,000,000 has been made available from Federal Treasury in support of rural public schools in Oklahoma.
11. Carter amendment to good roads act granting additional Federal funds to State for nontaxable Indian lands.
12. Federal reserve banking act.
13. Federal Trade Commission act.
14. Farm credits act and all amendments thereto.
15. Agricultural extension act.
16. Amendment giving labor seat in Cabinet.
17. All acts giving adequate compensation for ex-service men and for relief of disabled war veterans.
18. All appropriations for rural mail service.
19. Vocational education act, which provides cooperation with the States for promoting vocational education and training of teachers on vocational subjects.
20. Physical valuation of railroads.

The following are some of the important measures which I opposed in former Congresses:

1. I opposed the Esch-Cummins Railroad Act, which practically destroyed the powers of different State corporation commissions and undertook to guarantee the railroads a fixed dividend of 6 per cent during reconstruction period at a time when every other business institution in the country was operated at a loss.
2. I opposed the Fordney-McCumber Tariff Act, which practically prohibits importation, destroys foreign market for surplus farm products, and imposes further high cost of living on the American people.
3. I opposed the ship subsidy bill taxing the American people $50,000,000 annually for the benefit of ship operators.
4. I opposed all exorbitant appropriations for Army, Navy, Shipping Board, and other purposes.
5. I opposed antilynching bill.
6. I opposed the administration bill proposing to divest Oklahoma courts of jurisdiction in Indian land cases.

LEAVE TO ADDRESS THE HOUSE

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that on Thursday of next week after the reading of the Journal

and the disposition of matters on the Speaker's table, I may address the House for 30 minutes.

The SPEAKER. The gentleman from Oregon asks unanimous consent that on Thursday of next week after the reading of the Journal and the disposition of routine matters he may address the House for 30 minutes. Is there objection?

There was no objection.

Mr. SNELL. Have we any other special orders for Thursday of next week?

The SPEAKER. The Chair understands not. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to address the House on Tuesday next for five minutes upon the subject of coal legislation.

The SPEAKER. Is there objection?

Mr. SNELL. I shall have to object to any more special orders on Tuesday next.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Committee on Indian Affairs has the call. The Clerk will call the Committee on Indian Affairs.

The Clerk called the Committee on Indian Affairs.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Welch, one of its clerks, announced that the Senate had passed without amendments bills and joint resolution of the following titles:

H. R. 4810. An act granting and relinquishing title to certain lands in the State of Washington to the American Board of Commissioners for Foreign Missions, and for other purposes;

H. R. 11896. An act 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. 12168. An act 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; and

H. J. Res. 157. Joint resolution 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 message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1047. An act to reimburse the State of Montana for expenses incurred by it in suppressing forest fires on Government land during the year 1919;

S. 1727. An act for the relief of the Carib Steamship Co. (Inc.); and

S. 1728. An act for the relief of the owners of the steamship *San Lucar* and of her cargo.

The message also announced that the Senate had passed bill of the following title in which the concurrence of the House of Representatives was requested:

S. 756. An act directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act.

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. 4810. An act granting and relinquishing title to certain lands in the State of Washington to the American Board of Commissioners for Foreign Missions, and for other purposes;

H. R. 9504. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

H. R. 10611. An act to change the time of holding court at Elizabeth City and at Wilson, N. C.;

H. R. 11354. An act to change the time of holding court at Raleigh, N. C.;

H. R. 11896. An act 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. 12168. An act 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;

H. R. 12203. An act 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. J. Res. 157. Joint resolution 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; and

S. 675. An act granting certain lands to the city of Ogden, Utah, to protect the watershed of the water supply system of said city.

OIL AND GAS MINING LEASES UPON UNALLOTTED LANDS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 9133) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 9133. This is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9133, and the gentleman from Ohio, Mr. BEGG, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9133) to authorize oil and gas mining leases on unallotted lands within Executive-order Indian reservations, with Mr. BEGG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection the first reading of the bill will be dispensed with.

There was no objection.

The CHAIRMAN. The gentleman from Montana is recognized for one hour.

Mr. LEAVITT. Mr. Chairman, the gentleman from Kansas [Mr. SPROUL] desires to control the time in opposition to the bill. I yield myself 10 minutes.

The CHAIRMAN. The gentleman from Montana is recognized for 10 minutes.

Mr. LEAVITT. Mr. Chairman and gentlemen of the House, it is my intention to allow the gentleman from Arizona [Mr. HAYDEN] to make the principal statement with regard to the provisions of this bill. I wish at the outset only to state that the Committee on Indian Affairs of the House has considered the bill further since it was first reported to the House, and that it intends to offer at the proper time certain amendments which will bring the bill very close to the provisions of the Senate bill, S. 4152, which recently passed the Senate. Our procedure will be to consider the House bill and perfect it in accordance with the final action of the Committee on Indian Affairs, and then at the proper time to offer this perfected bill, striking out in the Senate bill all after the enacting clause and substituting the perfected House bill.

I make this statement so that there will be no misunderstanding of what we intend to do. The amendments that are to be offered should be understood in advance, so that the House will not consider that it is in all particulars considering the bill as it is now before you. For example, it is the action of the House Indian Affairs Committee that on page 5 of the bill, starting with line 10, the amendment shown there shall be stricken out and another substituted as follows:

And provided further, That any applicant for permit filed prior to May 27, 1924, under the provisions of said act of February 25, 1920, which permit was not issued, for any lands covered by the provisions of this act, who shall show to the satisfaction of the Secretary of the Interior that he, or the party with whom he has contracted, has done all of the following things, to wit, expended money in geologically surveying the lands covered by such application, has built a road for the benefit of such lands, and has drilled or contributed toward the drilling of the geologic structure upon which said lands are located, may have the right of prospecting and leasing as provided in this section.

Mr. SNELL. Do I understand that that is agreeable to the Secretary of the Interior?

Mr. LEAVITT. Yes.

Mr. SNELL. As I understood, he did not want to have anything left to his discretion in respect to these permits.

Mr. LEAVITT. The Secretary of the Interior has been opposed to recognition of anybody to whom a permit has not been issued. He has taken that position from the beginning, and it is in his report, but a showing has been made, and I think he is agreeable to it, that in the case of perhaps a half dozen who actually expended a like amount with those to whom permits had been issued, but whose permits had been denied and whose application was suspended because of conflict with water power withdrawals, they might be considered if they could show they had done all these required things.

Mr. SNELL. And the amendment which the gentleman is going to submit is absolutely agreeable to the Secretary of the Interior.

Mr. LEAVITT. Yes. That is true.

I should perhaps have said something about what the bill is. The bill has to do with Executive-order Indian reservations, upon which question has arisen regarding the title of the lands, especially as to whether the title rests with the Indians or if they are still a part of the public domain. If they are a part of the public domain, it is held that they are subject to the general oil leasing act, which would mean that if they are leased to oil companies under the general oil leasing act the Indians occupying such Executive-order reservations will not be entitled under the law to anything in the way of oil royalties. The question is now pending in the courts. The Committee on Indian Affairs feels that there should be no doubt as to the right of the Indians to the natural resources of their reservations, even though these reservations have been created by Executive order. The situation should be the same as it now is on reservations which were created by treaty or by act of Congress.

Mr. SNELL. If this matter is partly before the courts at the present time, why would it not be satisfactory to the people who are interested to let it rest there until the courts make final decision and then take the matter up.

Mr. LEAVITT. It would not be satisfactory to two groups of people in particular for the following reasons: There is a certain group of people who in good faith at a time when the Secretary of the Interior proclaimed these to be public lands, subject to the general leasing act, went on the land with applications, no question of fraud having been raised, and who have expended up to something like $300,000, and who were forced under the provisions of the leasing law to expend that amount to protect their permits, these permits having been issued by the Secretary of the Interior. They, of course, prefer that they be allowed to go ahead now to protect their very large investment. The others who would not be satisfied are the Indians and those who are charged with the protection of the rights of the Indians.

Mr. SNELL. Have the Indians had anything to do with this bill—or their representatives?

Mr. LEAVITT. They have, so I consider.

Mr. FREAR. Let me say that we have gone over this matter very carefully, and these suits that the speaker has just mentioned are all to be withdrawn providing this bill is passed, and those who represent the Indians are satisfied now with both the Senate bill and this bill as proposed to be amended.

Mr. SNELL. Has there been a change since the report?

Mr. FREAR. Yes, indeed.

Mr. LEAVITT. The situation in this regard is that the Government brought these suits as a matter of protection to the Indians, it being charged with the protection of the rights of the Indians; and with these suits pending these great natural resources in the States of Arizona, Utah, and New Mexico, particularly, can not meanwhile be developed. Neither the Indians nor the local communities can get the benefit of them.

Mr. MORROW. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. MORROW. I notice the gentleman stated that it would be the intention to recognize those who expended up to $300,000.

Mr. LEAVITT. No; I did not make that statement. I said there were a group of 16 or 20—16 in Utah and 4 in the State of Utah—who, it is stated, will show that they have expended up to $300,000 in the development of permits to carry on development under the oil leasing act.

Mr. MORROW. Does the gentleman mean to say that a group or individual purchaser will be recognized?

Mr. LEAVITT. Of course, those expenditures have to be on leasing permits, which they have been given and have been expended, I assume, in the usual way, by individuals and by groups who have gone together for that purpose.

Mr. MORROW. If it develops that this is a fact, that many of those to whom permits have been issued have not expended $1, and yet have received permits under the terms of this bill, they will be recognized?

Mr. LEAVITT. Only under the terms of the bill can they be recognized by the Secretary of the Interior.

Mr. MORROW. But this bill does recognize all to whom permits have been granted.

Mr. LEAVITT. It recognizes those whom, as a result of the proposed action of Congress here, the Committees on Indian Affairs of the House and Senate feel are entitled, as a matter of equity, to this consideration.

Mr. MORROW. But the bill starts out and says all those to whom permits have heretofore been granted shall be recognized whether they spent $1 or $100,000.

Mr. LEAVITT. That is not the purpose at all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEAVITT. I yield myself five additional minutes. Now I want to make plain on the part of the Committee on Indian Affairs that it is our purpose in advancing this legislation to make sure that the Indians occupying these reservations are given complete protection of their rights and a square deal. At the same time a development of their reservation by those who in good faith, and with no question of fraud raised, have expended large amounts of money in the prospecting for oil is to their advantage.

Those who have so proceeded should also be protected in their rights. But the foundation of it all on the part of the Committee on Indian Affairs is the determination that in matters having to do with the Indians they shall be given the full protection to which they are entitled. In the development of the natural resources of their reservations they shall be by proper legislation put in the position of securing the proper benefit. If it is true that there is a question, because of a decision of the Federal court of the district of Utah, as to the status of these lands, a question which is now pending before the Supreme Court of the United States, it is the feeling of this committee that such question should be determined by legislation, that there be no chances taken that these lands may be handled in such a way that it will be someone else besides the Indians who will secure the benefits of that development. We feel that the fact there is a matter pending in the courts is an added reason for passing this legislation, rather than a reason against it. If the decision of the District Court of Utah is upheld by the Supreme Court, and the development of these oil lands shall come under the general leasing act, the Indians, except by the passing of another act of Congress, will get absolutely no benefit whatever.

I yield back the balance of my time, Mr. Chairman.

Mr. HAYDEN. Mr. Chairman, I suggest that the gentleman from Montana yield 10 minutes to the gentleman from Nebraska [Mr. HOWARD].

Mr. LEAVITT. I yield to the gentleman from Nebraska 10 minutes.

The CHAIRMAN. The gentleman from Nebraska is recognized for 10 minutes.

Mr. HOWARD. Mr. Chairman, I do not want to procure time under a misapprehension. I do not know that I can support the bill, and receiving the time from the chairman of the Committee on Indian Affairs I might be misunderstood.

Mr. LEAVITT. My understanding is that the gentleman from Nebraska wishes to talk on the measure.

Mr. HOWARD. Just a little bit on the measure, and then I want to talk on some other things.

Mr. LEAVITT. I can not yield at this particular time for a discussion of anything except the bill, because there are several members of the committee who wish to be heard in favor of it.

The CHAIRMAN. No discussion other than that on the measure is in order on Calendar Wednesday except by unanimous consent.

Mr. HOWARD. I am not asking for time, Mr. Chairman. Time has been volunteered to me. I will not ask for time from any individual. I will ask for time from the whole House, not from an individual. If the gentleman wants to concede me the time, I will accept it.

Mr. HOWARD. I do not seem to be recognized, then?

The CHAIRMAN. The gentleman can not get recognition unless somebody yields him time.

THE PRESIDENT OF HAITI

Mr. MADDEN. Mr. Chairman, from Haiti, one of the gems of the Carribees, comes the President to honor us with a visit. President Borno, of Haiti, is now in the gallery of the House of Representatives, with the Speaker and the chairman of the Committee on Foreign Affairs. [Applause.]

Haiti, discovered by Christopher Columbus in 1492, has had a varied career, but she has a stable government to-day and is one of the friendly nations, and we are honored by the visit of her President. We desire, on the part of the legislative branch of the United States Government, to extend our greetings and express our interest in the welfare of the nation over which he so ably presides. [Applause.] There is every indication that under the wise leadership of President Borno Haiti is to become more prosperous than she ever has been before. We wish Godspeed not only to the chief executive of that friendly Republic in his efforts to advance the interests, prosperity, and happiness of his people but we wish to have him take back a message from this House conveying the hope on the part of the Congress of the United States that Haiti and her people may continue to prosper and be happy as one of the nations which we class as the Gem of the Antilles. [Applause.]

OIL AND GAS MINING LEASES UPON UNALLOTTED LANDS

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, in my candid opinion this is a very important bill, one which every Member of us should, as nearly as we may, understand before we vote upon it. It should be understood from the beginning that it authorizes the Bureau of Indian Affairs to lease for oil and gas about 23,000,000 acres of public lands.

I am wondering if the Members of this House are aware of the fact that this little bill provides that one man shall have the power to lease for oil and gas 23,000,000 acres of public lands upon such terms as he, under the direction of the Secretary of the Interior, shall prescribe? I wonder if they understand that the Secretary of the Interior or the Commissioner of Indian Affairs under this bill have the power to lease any portion or all of this land to such bidder and on such terms as he sees fit to make: This bill does not provide absolutely that the leases shall be sold to the highest bidder. It provides as an alternative that the Secretary of the Interior may sell the leases on such other terms as he may provide.

Mr. SCHAFER. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. SCHAFER. Is there anything in the bill which would prevent the Secretary of the Interior from selling a great quantity of leases to any one individual or corporation? Is there a limit as to the extent of the leases that any individual or corporation can receive?

Mr. SPROUL of Kansas. There is not. Let me call your attention, gentlemen of the House, to the fact that there are two interests back of this bill. What two? The interests of the oil men, the men who under the terms of this bill are to get from 85 to 95 per cent of the Government's oil; that bunch of men who get some of the leases at a 5 per cent royalty to the owners of the land get 95 per cent of the oil, and from the balance of the lands to be leased at a 12½ per cent royalty they get 87½ per cent of the oil. The big interest, the predominating interest back of this bill, is the oil interest, and there is no question about it.

Let me call your attention to the fact that when Mr. Fall was Secretary of the Interior he leased a great quantity of the Government's land to Mr. Doheny. He leased another big quantity to Mr. Sinclair, both naval reservations. The worth of the Teapot Dome has been minimized and scoffed at as something not worth the attention of this great Government, but only this week a report is published in an oil paper of the bringing in on the Teapot Dome of one well less than 900 feet deep which yields 5,000 barrels of high-grade oil per day, coupled with the statement that it is the greatest oil pool opened up to-day in the world. I read that myself within the last few days.

Mr. WINTER. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes. I do not know that that is true.

Mr. WINTER. I am simply wondering whether the gentleman's information is correct. I doubt it very much.

Mr. SPROUL of Kansas. I do not know whether it is. I can not vouch for it.

Mr. WINTER. My impression is that that is in the Salt Creek field.

Mr. LEAVITT. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. LEAVITT. The gentleman does not wish to give the impression that Teapot Dome or any of these other reservations are on any of these Executive-order Indian reservations?

Mr. SPROUL of Kansas. I am going to state some facts and let the Members draw their own conclusions.

Mr. LEAVITT. Will the gentleman answer that question? I think the House is entitled to a direct answer.

Mr. SPROUL of Kansas. Will the gentleman repeat his question?

Mr. LEAVITT. My question is this: The gentleman does not wish to give the impression that Teapot Dome or any other naval oil reservation is on any one of the Indian reservations in question in this bill?

Mr. SPROUL of Kansas. No; I do not.

Mr. SCHNEIDER and Mr. WOODRUFF rose.

Mr. SPROUL of Kansas. I yield first to the gentleman from Wisconsin.

Mr. SCHNEIDER. Are these leases granted under practically the same status as the leases given to Doheny?

Mr. SPROUL of Kansas. I think not.

Mr. WOODRUFF. The gentleman said a moment ago that in the leasing of these lands for oil development that from 5 to 12½ or 15 per cent would go to somebody—the Indians or somebody else—and that the balance of the oil belonging to the Government, the gentleman stated, would go to the oil companies. I want to ask the gentleman, if these are Indian lands, how the gentleman figures that the oil within these lands belongs to the Government?

Mr. SPROUL of Kansas. Well, in the first place, the gentleman does not figure that these are Indian lands.

Mr. LEAVITT. Will the gentleman yield for a question?

Mr. SPROUL of Kansas. Yes.

Mr. LEAVITT. Is not that really the foundation of the gentleman's objection to the bill? The gentleman takes the position that in these lands the Indians have no equity whatever.

Mr. SPROUL of Kansas. Not exactly. That is partially the position that the gentleman is taking.

Mr. LEAVITT. That is really the result of the gentleman's position and the Indians would get nothing from the development of these lands.

Mr. SPROUL of Kansas. I will elucidate the position I take, I hope, to the satisfaction of every one. In the first place, I say Mr. Fall leased one reservation to Doheny and another reservation to Sinclair. Then soon thereafter it seemed that his mind was turned to the Navajo Indian Reservation, which is near the corners of Utah, Arizona, New Mexico, and Colorado.

Let me call your attention to the legal status of the Executive-order Indian reservation which has been proved to be so valuable for oil, and which is involved in this bill.

There was something like 9,000,000 acres of land that were in the public domain; let every one understand that; about 9,000,000 acres or more of the land involved in this bill belonged to the public domain, and the President, by Executive order, withdrew that 9,000,000 acres of land and set it apart for the use of the Indians; and let me call your attention to the fact that no particular tribe of Indians was mentioned. It was just for the Indians. We have 200 tribes of Indians in the United States. We have a lot of poor Indians. This tract of land on which rich oil has been discovered was set apart by the President without any legal authority from the Congress for the use of the Indians.

I ask the members of the bar, the lawyers, the ex-judges who are Members of the House, even if the President had had authority to transfer and alienate the title of the Government, could a legal transfer be made without naming a particular, definite individual to receive it? It would not be legal if the President had had legal authority to make transfers. He not only had no legal authority from the Congress to alienate public land but he did not name any particular tribe of Indians to receive the Executive-order lands.

Mr. HOCH. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. HOCH. I am trying to follow the gentleman's argument. If, as the gentleman contends, this Executive order was not legal, then what rights do the Indians have in any of the land?

Mr. SPROUL of Kansas. That is the question. That shows just why somebody is urging the enactment of this bill.

Mr. LEAVITT. Will the gentleman yield for a short statement with regard to that point?

Mr. SPROUL of Kansas. Yes.

Mr. LEAVITT. One of the principal purposes of this bill is to settle that question in favor of the Indians and to decide by an act of Congress that they have the legal title to their lands and to the resources of their lands.

Mr. SPROUL of Kansas. Now, gentlemen, let me call your attention to the fact that there are three kinds of reservations or three kinds of title. One is a treaty reservation, a treaty made between the Congress and a tribe of Indians, which partakes of the nature of a contract importing a consideration. Then, we have a congressionally made treaty, unilateral in its nature and character, one-sided, made by the Congress. Then, we have these so-called Executive-order reservations. There are three different kinds, one of them a legal contract, obligating the Government, obligating the Indians and supporting and including a consideration. The second has the sanctity of an act of Congress, even though it is unilateral, but equally legal with the first. The third was that made by the President without any legal authority and the instrument or order in itself being void for the want of a necessary party to receive title. It amounts to nothing. It is nothing.

Mr. LEAVITT. Will the gentleman yield?

Mr. SPROUL of Kansas. If it is any title whatever, the most you can construe in favor of its legality and character is that it gives the Indians, out of the paternalistic and merciful attitude of this great Government, the right to use the land to fish and hunt over, or something of that sort, and is a mere license.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. SPROUL of Kansas. Yes.

Mr. SCHAFER. Did any of these Indian tribes or their representatives appear before your committee and urge the passage of this legislation?

Mr. SPROUL of Kansas. I am very glad the gentleman has asked that question. Gentlemen of this House, during all the consideration of this bill there never has been one Indian appearing before the committee asking for this legislation. I imagine they have not heard of it. They do not know of it. It is not their land and they do not know anything about it. They did not appear either in person or by accredited representatives. The men who have appeared for the Indians have been voluntary and self-accredited agents.

Mr. LEAVITT. Will the gentleman yield for a question?

Mr. SPROUL of Kansas. Yes.

Mr. LEAVITT. Does the gentleman contend that the Government which occupies the position toward these Indians of their being the wards of the Government, that the Government must wait when it sees an opportunity or the necessity of protecting their rights until they, who are wards of the Government, come before the committees of Congress and ask for protection?

Mr. SPROUL of Kansas. No; I do not contend that; neither do I contend that the Congress of the United States should throw a smoke screen or camouflage, if you please, over the eyes of the American people to make them believe that something is being done for the poor Indians, when the Indians have not petitioned for it and have not asked for it, and when nobody but the oil companies are asking for it.

Mr. FREAR, Mr. SCHAFER, and Mr. LEAVITT rose.

Mr. SPROUL of Kansas. I yield first to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. The gentleman knows that throughout this whole controversy I have protested very seriously against the original bill. I was acting at that time as the representative of all the Indian associations. They have acceded to this bill, as they have before the Senate committee, as being the best thing in the interest of the Indians. I am willing to discuss that when the opportunity comes, but I did not want to have any misunderstanding about it.

Mr. SPROUL of Kansas. I have never understood that the gentleman was anything more than a voluntary friend of the Indians. I have never understood that he was the Indians' representative. I have understood that he was like the rest of us, a Member of Congress who had taken his oath to support the Constitution and look after the welfare of this great Nation and its possessions, conscientiously and sacredly, instead of allowing it to be virtually robbed.

Mr. FREAR. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. FREAR. This takes it away from the Indians, if the gentleman's theory is right.

Mr. SPROUL of Kansas. My theory is that the Indians do not own it. It belongs to the Government, and you are taking it away from the Government and giving 95 per cent of the oil to these companies. That is what you are unquestionably doing.

Mr. LEAVITT. The gentleman will agree that the gentleman from Arizona [Mr. HAYDEN] represents the Navajos in his State and that I represent the Indians on the Executive-order reservation in my State. It is not necessary, where we see our constituents in danger, according to the gentleman's own theory. If the gentleman's theory is carried out, the Indians would have nothing.

Mr. SPROUL of Kansas. I want to suggest that those Indians whom the gentleman from Arizona and the chairman represent had very little part in the Government. They pay no taxes. The Government keeps them tax free. The gentleman from Arizona and the chairman, the gentleman from Montana, in a very small sense represent the Indians.

Mr. HILL of Washington. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. HILL of Washington. If this bill should pass, would it benefit the Indians on the Executive-order reservations?

Mr. SPROUL of Kansas. So far as I know, there are no Indians on the Executive-order reservations. Think of it—23,000,000 acres!

Mr. HILL of Washington. I want to say that I have in my district two Executive-order Indian reservations with Indians on them.

Mr. SPROUL of Kansas. Mr. Chairman, after Mr. Fall had prepared a very exhaustive brief as to his legal authority to lease the Navajo lands and had proceeded to issue some permits in September, then in October the big oil companies of the country were in possession of the permits and developed these lands. The Geological Survey says that practically all over the Navajo Reservation are splendid mineral prospects. Already on the Navajo Reservation there are big oil wells. In a recent hearing before the Senate committee one Senator stated that three and a half million dollars had been offered for a half interest in an oil well and some leases on the Navajo Reservation.

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

Mr. SPROUL of Kansas. I yield myself 10 minutes more. The Navajo Indian people whom you would believe, according to the doctrines advocated by the proponents of this bill, are poor and needy. It is very important to inquire into the question of their solvency. I dare say there are few Members of Congress who have 28,000 constituents in a body who are worth as much per capita as these Navajo Indians. The valuation of the personal property of the 28,000 Navajo Indians is more than $34,000,000. Besides their wealth of oil on their treaty reservations there are about $1,100 per capita for each man, woman, and child on the whole reservation. We have no white constituency so well equipped in this world's goods. This rich tribe of Indians does not have to pay any tax. It is tax free. The Government pays for the teachers; the Government pays their doctors' bills. The Government takes care of them and protects them against taxes, doctors' bills, and educational expenses.

Now, under this smoke screen of representing the Indians, but really representing the oil companies, 23,000,000 acres of Government oil lands throughout the West is to be placed in the hands of one man for lease on such terms as he sees fit to make. The Secretary of the Interior could let these leases go without a bonus if he prescribes such terms. Why, gentlemen, it is an outrage.

Soon after Secretary Fall had leased the Elk Hill Naval Reservation to Mr. Doheny and the Teapot Dome Reservation to Mr. Sinclair, he leased portions of the Navajo Executive-order Indian reservation to certain exploiters. And soon after Mr. Stone became Attorney General, at the instance of the President he brought suit on behalf of the Government against the oil men occupying the Navajo Executive-order reservation upon the theory that Secretary Fall had no legal authority to issue permits or leases thereon. This suit was tried in the United States District Court for Utah. It should be remembered that this is the land that formerly composed a part of the public domain and which was withdrawn from sale and settlement and set apart for the use of the Indians. No tribe in particular. The court held that the Navajo Executive-order lands never had been occupied by Indians and never had been in possession of any Indians; that the Executive order did not name any particular tribe of Indians as grantee, or otherwise pass title or interest in the land; that the title not only to the surface but to the oil under it remained in the United States. An appeal was taken to the circuit court of appeals and by it the case was certified to the Supreme Court of the United States where it is now pending.

So it will thus be seen that a Federal court has passed upon the question of who owns the Navajo Executive-order Indian lands and has decided unequivocally that they are owned by the Federal Government.

Suits likewise were prosecuted against Doheny for the cancellation of his leases. Other suits were prosecuted against Sinclair for the cancellation of his leases. But it appears that the Commissioner of Indian Affairs desires Congress to remove one of these suits, resulting from Mr. Fall's leasing activities, out of the Supreme Court. After the Federal court has held that the land is Government land and not Indian land, our distinguished Commissioner of Indian Affairs proposes that Congress reverse the action of the Federal court instead of allowing the case to be heard in the regular and ordinary way in the Supreme Court. Why all this undue haste on the part of our commissioner to reverse the United States district court?

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. For a question.

Mr. SCHAFER. Is it not rather unsound business for this House to pass an act legalizing and validating a condition which is now before the Supreme Court for determination, where the proponents admit that if this legalizing act is passed the suit will be withdrawn?

Mr. SPROUL of Kansas. I think so. What is the attitude of the Commissioner of Indian Affairs as to this bill? I am sorry to say that he has been pushing this bill from the start. He is the most active and interested man to be found in favor of this bill. Yet when we look at the situation we can see that the oil companies who are going to have access to 23,000,000 acres of Government land are the most vitally of all interested, and it is a very significant fact—and I wish it were generally understood by the bureau heads and even the Secre-

tary—that they are only the mere agencies of the Congress, the creatures of the Congress. I am sorry to say that instead of that understanding of their relationship to the Congress, they walk around as though they own the Congress, and as though the Congress were a mere agency of theirs. We suffer ourselves to be made the mere petty agency of a bureau head. It is an insult to the greatest legislative and governing body on earth to be treated by a bureau head as this Congress is. I submit instead of yielding to the demands of the bureau head that we lease 23,000,000 acres of these Government lands, we ought to tell him to keep his place and to attend to his duties and to make reports when requested to do so on the condition of the subject matter which he controls. This is a shame. If we lease this land we ought to dismiss the suits by appropriate action against Mr. Fall, against Mr. Doheny, against Mr. Sinclair. All they needed to do was to get a bureau head to work on Congress and get Congress to pass the legislation. Whatever the bureau head wants he can get. Then we ought to apologize to the people of the United States for appropriating $100,000 to be wasted in prosecuting these men.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. MONTGOMERY. Regardless of whether this act is passed or not, the land will be either public domain or Indian reservation, and it will be under the same department, and that department will have the power to lease it. That will be so whether we pass this bill or not.

Mr. SPROUL of Kansas. They would have the power until such time as it may be taken away from them. But I think the Executive order in withdrawing this land from the public domain may have robbed the department of power to lease it. Here is a situation that is very important to be considered. There is no shortage of crude oil in the country. There is no special demand for crude oil more than the average. I concede that the gentlemen from the four States interested have an interest in having the land of the Government in their States developed. They have an interest. In fact, there are two interests—that of the oil companies and that of the States in which all public land lies. This is public land. It does not belong to the Indians, and in my judgment we are doing the worst thing possible to pass this legislation or anything like it.

Mr. WILLIAMSON. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. WILLIAMSON. A moment ago the gentleman said that the Commmissioner of Indian Affairs was pushing this bill. Has not the only interest of the commissioner been to protect the rights of the Indians to the oil upon Executive-order Indian reservations? That is the only interest he has had so far as I have been able to ascertain.

Mr. SPROUL of Kansas. That might be true, but a Federal court had held this land to be Government and not Indian land. If the gentlemen had known, as the gentleman from Kansas does, that the commissioner saw his way clear to indorse the giving away of $1,100,000 of the property of a poor ignorant Creek Indian, old Jackson Barnett, who has not sense enough to come in out of the rain, the gentleman might have a different estimation of the commissioner's judgment.

About all of that Barnett million has been wasted in litigation and dissipated except what the big attorneys got. I do not prize too highly his judgment about what ought to be done. I do not think that he has demonstrated his loyalty to the Indian interests and good judgment sufficiently well for the Congress to do his bidding or follow his judgment.

Mr. LEAVITT. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman and gentlemen of the House, when this bill of my colleague on the committee [Mr. HAYDEN] was introduced, I offered minority views, which are found in the printed report. The first objection raised, and raised by the Indians themselves and those who directly represented them and who presented the facts to me, was to the effect that the tax provision of 37½ per cent to be paid by the Indians out of their royalties would be unjust to the Indians and in effect would exempt all of the oil producers from paying taxes. I am not going to discuss the merits of that criticism of the bill, but that proposition to tax the Indians unjustly was objected to at the time. Another proposition that has been agreed to was that those oil prospectors, who, under the Fall order had been making investigations for oil and had spent their money, some 20 permits and 2 or 3 others in all, according to the evidence presented to the committee, they were entitled in equity to consideration, because they had proceeded under the Fall order and had made expenditures to large amounts and so should be given preference under the bill. That the 475 other applicants, according to the testimony of the commissioner before the committee, were not entitled to any preference because the applications were speculative upon their part. That is the bill as it was originally introduced. The bill then went back to the committee and it was there amended by my colleague [Mr. MORROW], a very able and estimable member of the committee, who on behalf of these applicants put in possibly four hundred and odd applications for permits, as stated. If you should agree to the Morrow amendment, it may take a million acres of the 22,000,000 acres in the oil fields that are under Executive-order reservations. This bill is before you, and with the changes made or to be made I can not see but that in every respect it gives to the Indians full rights, while all those who represent the Indians say that it is fair to them, just as the Cameron Senate bill is.

In other words, the oil leasing bill as it will be framed with the amendments gives protection to the Indians and in effect validates their title to Executive-order lands, places their taxes at the same rate as in all treaty reservation lands, limits the permits as originally agreed, and, so far as I can find, is unobjectionable.

Mr. SPROUL of Kansas rose.

Mr. FREAR. I have only 10 minutes and I can not yield until I state the substance of the bill.

The tax proposition has now been changed in the bill from 37½ to the ordinary tax on Indian oil lands of about 3 per cent in the case of the Osages and others. As to the other propositon with permits, the chairman has announced that he is going to present an amendment and put in the bill the original permits, amounting in number to about 20, and two or three other applications where they have put in a large amount of money for surveys, road construction, and other purposes, or more than the average person, and are therefore entitled to recognition. Now, this bill has been presented to parties representing the Indian tribes with whom I have been in touch in the past—I do not claim to represent them, but I am trying to protect the Indians—and this bill now meets with their approval. If the opposition of the gentleman from Kansas, who has just spoken, is carried out nothing will be done for the Indians, because he claims the Executive-order lands are public lands to which the Indians have no right. I submit the opinion of the Attorney General is more important than our judgment, and in passing upon these titles the Attorney General said in this connection, as follows—and I am quoting from Justice Harlan Stone, who is now on the Supreme Court bench but was then Attorney General. He said in regard to these Executive-order lands:

> The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of Indian rights as between Executive-order reservations and reservations established by treaty or act of Congress. So that if the general leasing act applies to one class there seems to be no ground for holding that it does not apply to others. You are therefore advised that the leasing act of 1920 does not apply to Executive-order Indian reservations.

Now, the gentleman from Kansas [Mr. SPROUL] is entitled to differ from the Attorney General of the United States. Provided this bill is passed in its present form it gives the Indians these oil-leasing rights and a title not affected except by further congressional action. It gives not 12½ or 5 per cent, as contended, but puts up at auction these leases just the same as on all the other Indian lands; in some cases, I understand, a million dollars has been bid for one leasing right, and the Indians on these reservations will get the benefits if you pass this bill. The only effect of the contention of my good friend from Kansas may be to take from the Indians their lands through the suits now pending. These suits are to be dismissed. That is the statement of the bureau head. If the bill is passed it is so agreed by the parties to the suit. If those who are interested find it to their benefit to perfect the titles of the Indians, at least to the extent covered by this bill, and are willing to dismiss the suits, why is not that the proper thing to do? The Indians are the beneficiaries of the reduced taxes; they are the beneficiaries of the leasing bids; they are the beneficiaries in every case. Now, gentlemen who oppose the bill should be frank about it and let us have a full understanding that when you are doing so you are acting against the interests of the Indians. Why this quibbling over a bill which has finally been agreed to and is here as a matter of conciliation by agreement of all parties in Senate and House?

It gives what was originally asked for, and all opposition is simply to interfere with the best interests of the Indians. Say the suits go on, as my friend from Kansas proposes. Say the results eventually in the Supreme Court will be to throw the Indians out of these 22,000,000 acres of Executive-order lands.

Let the responsibility rest with those who feel they do not want the suits dismissed and want to have these lands thrown into the public domain. Now, as the gentleman from Oklahoma [Mr. MONTGOMERY] well said a little while ago, "What do you gain by throwing these lands back into the public domain?" The same bureau is going to administer the lands but not for the Indians ipso, and the gentleman from Kansas concedes that. I believe this bill, with the proposed amendments to be offered, is in the best interest of the Indians and should be passed.

Mr. SCHAFER. Will the gentleman yield?

Mr. FREAR. I will.

Mr. SCHAFER. If this is thrown back into the public domain, will the leases be disposed of by auction wherein one corporation can get many thousand acres of land?

Mr. FREAR. Absolutely the same situation applies, and no change exists than under the public leasing act. You are in the same position.

Mr. SCHAFER. The gentleman assumes that the passage of this bill will legalize about 20 of these permits which were issued by Mr. Fall?

Mr. FREAR. Yes; in effect.

Mr. SCHAFER. The question of legality is now before the Supreme Court?

Mr. FREAR. Yes; but when a man has brought suit and is willing to dismiss, he avoids that question being raised.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. FREAR. I will.

Mr. SPROUL of Kansas. The gentleman suggested that Attorney General Stone had held this land was Indian land.

Mr. FREAR. No; I did not so state. I said he stated it was the same kind of title that exists with the other reservations.

Mr. SPROUL of Kansas. Will the gentleman agree that the United States District Court has held that the Attorney General was wrong and that this was not Indian land?

Mr. FREAR. Yes; and I will admit beyond that, that the parties who brought the suit now want to dismiss it, and if this bill passes they will dismiss it, and there will be no action in court.

Mr. SPROUL of Kansas. Is it not a fact that your only authority was a statement of the Indian Bureau to the effect that these suits would be dismissed?

Mr. FREAR. Yes; his statement was made to the committee.

Mr. SPROUL of Kansas. For the information of the gentleman I will say that I asked the Attorney General who instituted the suit, and he said it was done at the instance of the President. When the President withdrew from the public domain all these lands, then they ceased to be leasable, as the gentleman from Oklahoma suggested. They are not leasable under the present law, with the existence of the Executive order as it now is, because they have been withdrawn, even though they could not be given to the Indians.

Mr. FREAR. Let me say this in regard to the treaty reservations——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. May I have a little more time, say five minutes? I yielded to him.

Mr. SPROUL of Kansas. I yield to the gentleman two minutes.

Mr. FREAR. Then I can not have interruptions hereafter. Let me say we have, first, the treaty reservations; then by congressional action and then Executive-order reservations. The gentleman from Kansas well knows that no treaty reservation has been made for years, because the Government does not recognize the Indians as capable of making treaties. The only kind of reservations now made are by the President as Executive-order reservations. Here we have a bill that is presented for the purpose of settling the controversy and by agreement with the parties in controversy; and I want to say for my own part that if this settlement meets with the consent of all those who have been opposing the bill because of rights of Indians, it ought to pass; not on the grounds the gentleman from Kansas and those who oppose the question of title are objecting, but because it meets the purpose of those who have been trying to protect the interests of the Indians in these oil leases.

Mr. CARTER of Oklahoma. The gentleman is thoroughly satisfied with the issuance of these permits to the persons formerly granted this right, and the amount of royalty? The gentleman is satisfied with that?

Mr. FREAR. Yes. Those best qualified to speak feel the same way.

Mr. CARTER of Oklahoma. I know; but the gentleman has distinguished himself by fighting that very thing, and therefore a statement from him is important.

Mr. FREAR. I think this is the best proposition that could be had, and it equals and is far better than anything that we hoped for originally.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. SPROUL of Kansas. Mr. Chairman, I yield 15 minutes to the gentleman from New Mexico [Mr. MORROW].

The CHAIRMAN. The gentleman from New Mexico is recognized for 15 minutes.

Mr. MORROW. Mr. Chairman, ladies, and gentlemen of the committee, you have heard considerable discussion on the proposed oil leasing law. I do not agree with what has been said by all the Members who have spoken from the floor. I differ somewhat from what has been said by the gentleman from Kansas [Mr. SPROUL].

It is the purpose of this legislation to lease the remaining 22,000,000 acres of Executive-order Indian reservation lands for the development of oil and gas by giving complete power to the Commissioner of Indian Affairs to designate under what rules and regulations this land shall be leased. It includes all the remaining Executive-order Indian lands within the United States, including the Indian lands situated within 10 States. My State of New Mexico has, with the exception of Arizona, the greatest number of acres of land of any of the remaining States that contain Executive-order Indian reservations. In my State and the States of Arizona and Utah there are 10,000,000 acres of Executive-order Indian lands situated within the Navajo Reservation, 600,000 acres of that being in the State of Utah.

My contention is not against the law for the benefit of the Indians, but with the discrimination as it is intended to be carried out. There has been considerable said here concerning the former Secretary of the Interior. The courts thus far have sustained the Secretary in his position that by Executive-order Indian lands did not pass title to the Indians. You gentlemen know that the Constitution of the United States puts the power of legislation in the Congress of the United States. The Executive of the Nation has the power to supervise its property, but has no power to dispose of the same.

Now, that is where this question arises. I differ in regard to Indian lands, in their disposition in this respect. There are three classes of Indian lands:

First, the lands given by treaty, which law applied up until 1871. There is no question but that under the law the Indians received, and should receive, title to everything vested within their land. But when we come from 1871 down to the present time concerning lands which were granted by the President under an Executive order for use and occupancy, there is a distinction, and there is a distinction between two other classes of the Indian lands. There is one class that the President sets aside for allotment purposes. Under the law I believe the Executive had absolute power under the general leasing act along in the eighties and under the different homestead acts which have been enacted in the United States by which to set aside certain tracts of land for the use and occupancy of the Indians and for the purpose of allotment. The last class is the unallotted Executive-order Indian lands.

Now, under the different orders by which the 10,000,000 acres of Executive order lands were set aside in New Mexico, Arizona, and Utah there are but just two orders: One made by Theodore Roosevelt when President of the United States, and one made by William Howard Taft, in which they stated that these lands are set aside as a part of the Navajo Reservation for the purpose of allotment under the general allotment act.

Now, I concede that these lands should be allotted. Some of them have been allotted. It is provided in the bill by the court that has spoken that the remaining lands not allotted shall be considered the property of the United States. Now, if all the lands were allotted under the general allotment act and the individual Indian was given 160 acres of land, and each orphan given 80 acres, and each one over the age of 18 was given 80 acres, and those under 18 were given 40 acres, 3,000,000 acres of land would be all that would be required.

Then if we take the land act in regard to the allowance as to dry land in the western country and double it up, between 5,000,000 and 6,000,000 acres would cover everything that they would be entitled to under the general allotment act.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. JOHNSON of Texas. I have a high regard for my colleague's knowledge of these affairs, and he, being on the committee, I was wondering whether he thought this was a bill we could support in its present form?

Mr. MORROW. My opinion is that the purpose of this bill is proper. It is intended that this land shall be put into use

and that the Indians shall get the benefits therefrom; but I am contending this, that this entire tract of land was not originally intended in my State, in the State of Arizona, and in the State of Utah, to go to the Indians, but it was to be allotted.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. HUDSPETH. The gentleman says "this tract of land." To what does the gentleman refer?

Mr. MORROW. I refer to the Navajo Indian Reservation in particular.

Mr. HUDSPETH. The Navajo Indian Reservation is wholly in the gentleman's State, is it not?

Mr. MORROW. No; a great portion of it is in Arizona.

Mr. HUDSPETH. In those two States?

Mr. MORROW. No; and in Utah—three States. My contention is this, that the purpose of the law is proper, but I want to refer further to the fact that under this bill as prepared 20 persons are recognized, as the chairman of the committee stated, for the reason that they have expended large sums of money in locating oil and gas upon the land and in developing it. I do not know that he referred to it, but it has been in discussion. I want to say that I made an investigation of the expenditures, and that is where I am opposed to the principle of the bill. That recognizes 20 people who were given permits by the Interior Department, and some of these 20 people were the ones who went into court, and they are recognized in this bill. Upon an investigation, made by the Commissioner of the General Land Office, it is clearly shown that only seven of those people expended any money in the development of oil.

Mr. LEAVITT. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. LEAVITT. The amendment which is to be offered does not provide that there shall be 20 recognized. That is only an estimated number. The amendment provides that they must show to the satisfaction of the Secretary of the Interior—

that he, or the party with whom he has contracted, has done any or all of the following things, to wit, expended money or labor in geologically surveying the lands covered by such permit, has built a road for the benefit of such lands, or has drilled or contributed toward the drilling of the geologic structure upon which such lands are located.

If there are only seven who can make that showing, that is all who would come under this bill.

Mr. MORROW. But it does apply to those who have permits under the bill, unless you intend to change the bill from what it was.

Mr. LEAVITT. It is not the intention to have it apply to all of those to whom permits have been issued.

Mr. MORROW. If that be true, that will perhaps withdraw one of the objections I have. But I want to say that the discussion heretofore has been to recognize those who had permits and then to recognize another class, those who had done certain things. Now, my contention is this, and that contention is upheld by the decisions of the courts thus far. The opinion rendered by Attorney General Stone has been referred to. I respect his opinion and think that he, perhaps, construed the law as he saw it, recognizing the fact that the Indians had certain equities and that they should have certain recognition. I respect that right. I think we should not deprive the Indians of that which they are legally entitled to, but there is something, as the gentleman from Kansas said, far more sweeping in this legislation.

One other thing was stated on the floor, and it is true, that this land will be placed in the control of the Interior Department and that that control will be exercised by the Commissioner of Indian Affairs. He will have the sole authority and his rules and regulations will govern. What has been the history of the land thus far offered? In my State there has been one sale of Navajo land upon the Indian reservation in which they have offered 3,000 and more acres in one body. I want to say to you there is no immediate rush that this land be placed upon the market. The soil itself is a good reservoir for the oil until such time as it has been ascertained that oil exists.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. SPROUL of Kansas. It is a fact, is it not, that the United States District Court of Utah, I believe it is, has held that this land was public land and not Indian land?

Mr. MORROW. It has recognized the fact thus far that the original grant did not pass the land to the Indians; that the land still existed in the United States and Congress could legislate about it.

Mr. SPROUL of Kansas. And that is the law as decided by the United States district court to-day?

Mr. MORROW. That is the law as far as the case has gone. But the point I was making was this: We have 3,000,000 acres of treaty reservation land in Arizona and New Mexico. It has been demonstrated that there is oil upon that land and the highest quality of oil in the United States has been found there. It is said that for one tract of land alone $1,500,000 has been offered, and there are 3,000,000 acres of that land yet to be disposed of. You are not taking anything from the Indians by conserving that land temporarily. Of course, it is true that if this case goes on and the courts decide that the Indians have no rights in the minerals thereon it will be distributed under the general leasing act and the Indians will receive nothing therefrom.

Mr. HUDSPETH. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. HUDSPETH. If that should be decided, is it not necessary that we should pass this bill at this time and give them an interest in that land?

Mr. MORROW. I am not opposing the legislation along that line. But that is true and there is no question about that, that in order that the Indians' rights shall be protected this legislation is necessary, but I am opposed to discrimination.

The gentleman from Wisconsin [Mr. FREAR] comes from a State that lost its land to the big interests by manipulation years ago. I am afraid the gentleman from Kansas [Mr. SPROUL] did inject something that may be carried out here. The time will pass when the little fellow will get recognition under this law in the way of developing oil.

In my State, after the ruling made by the Secretary of the Interior and promulgated by the Interior Department that the land came within the general leasing act of February 25, 1920, 225 people residing near this land in my State filed upon the land under the general leasing law. They expended a certain amount of money, not sufficient to come within the provisions that are intended here, but they got valid filings from the Land Office. They put up a bond certifying they would carry out the general provisions of the leasing act, putting up a $1.000 bond of a surety company. These people are all to be wiped out. They are not to be recognized under this bill.

Mr. FREAR. Will the gentleman yield?

Mr. MORROW. I yield.

Mr. FREAR. Is it not the fact that most of those people, or a great majority of them, were speculators and simply made the application with the purpose of assigning their applications, and is it true they are now upon these lands. There was not any testimony to that effect before the committee. Let me add also that I appreciate what the gentleman has said about Wisconsin losing its land, because the gentleman himself was originally from Wisconsin.

Mr. MORROW. I was originally from Wisconsin and I respect that State very much. But getting back to this proposition, the gentleman's statement that these people were speculators is figuratively speaking. Some of the very best citizens in the State were among those who filed.

A former chief justice of the State is one of those who filed, together with many other people of the State, and some filings made by people who came in from other States and followed the ruling made by the Secretary of the Interior and other officers under his charge. Filings were granted at the land office in Santa Fe, N. Mex., to the applicants upon these Executive-order Indian lands. The Secretary of the Interior in an exhaustive opinion set forth the following as his views, which the United States District Court of Utah has upheld. Quoting from the Secretary of the Interior's opinion under date of June 2, 1922:

On May 17, 1884, President Arthur withheld from sale and settlement several thousand acres of land in Arizona and Utah as a reservation for Indian purposes. This withdrawal mentioned no particular purpose other than as "a reservation for Indian purposes," and named no particular tribe of Indians as beneficiary.

In the summer and fall of 1921 several applications for permit to explore lands within this withdrawal for oil and gas were filed in the Department of the Interior under the general leasing act of February 25, 1920 (41 Stat. 437), and after a formal hearing wherein were filed briefs by the Indian Bureau claiming the leasing act did not apply, and by the permit applicants claiming it did, the Secretary of the Interior, on June 2, 1922, rendered his decision (Harrison, 49 L. ed. 139) holding that the leasing act applied, and the Department of the Interior thereafter issued several permits (20 in all) granting to the several citizens of the United States the right to drill and develop for oil and gas.

The opinion of Attorney General Stone under date of May 27, 1924, while no doubt expressing in a clear and concise manner

his views concerning the action regarding the disposition of Executive-order Indian reservations that had heretofore been disposed of, could have no bearing upon the validity of the action of the former Secretary in view of the court decision, rendered on April 27, 1925, which is as follows:

United States District Court, District of Utah. United States of America, plaintiff, *v.* Ed McMahon Harrison, defendant. No. 8288, E.

At the conclusion of the testimony and argument the court said:

"This case, gentlemen, as indicated a moment ago, seems to have been brought by the Attorney General to cancel permits granted by the Secretary of the Interior pursuant to the leasing act, on the ground not that the Secretary of the Interior did not have authority to issue permits under the act, but that he had no authority to issue permits upon this particular piece of land. The land it is claimed was set apart by Executive order for Indian purposes, but it does not appear that any Indian rights have attached. It is much in the future, so far as the Indians are concerned, as it was on the 17th day of May, 1884, the day the order was made. The title, both legal and equitable, continued and was in the Government at the time this permit was issued. That being true, the Executive order could have been set aside at any time, could be set aside yet by the Executive.

"My impression is, gentlemen, that the Secretary of the Interior could have set it aside under the authorities; and especially so in view of the leasing act, wherein he is specifically given authority under certain rules and regulations to issue permits upon Government land.

"The equities are all in favor of the defendant. The claim of the Government is, as I view it, highly technical in that no substantial rights with respect to the Government or anyone else are alleged or claimed. There is no question of fraud here; no claim that these lands have been occupied by Indians or can possibly be occupied by Indians in any practical way. It is a desert, unfit for occupancy by any human being.

"The right of the Government to insist upon and enforce what in effect is a forfeiture is too doubtful in my mind for the court to adopt that view and deprive the defendants of possible benefits to be derived from the large expenditures which they have made upon this ground in good faith. I shall hold against the contention of the Government, and I will add also in all these other cases as well, if the facts are the same.

"I can see no advantage to anyone for the court to take this matter under advisement and write an elaborate opinion upon it, or an opinion of any sort, for that matter, especially in view of the fact that counsel for the Government and also for the defendants, in part, are nonresidents. Being here, gentlemen, and knowing what the decision is, you can perhaps arrange for a speedy appeal of the case and review by the appellate court.

"Mr. WILLIAMS. May I consider that a decree entered in this case dismissing the bill?

"The COURT. That will be the end of this case; yes. Decree will be entered dismissing the bill; that will be the decree.

"Ordered filed and made a part of the record.

"TILLMAN D. JOHNSON, *District Judge.*"

In view of the district court decision sustaining the position of the Secretary of the Interior in granting filings upon this land for developing oil and gas and granting permits thereunder, and the further fact that the circuit court of appeals saw fit to certify certain questions direct to the Supreme Court, as follows:

1. Was there authority in the Secretary of the Interior to issue, under the provisions of the leasing act of February 24, 1920 (41 Stat. L. 437, 441; Comp. Stat. 1923, Supp., sec. 4640), the permit which the United States now seeks to have canceled in this suit?

If this question be answered in the negative, then we ask:

2. Can this suit be maintained by the United States in equity to cancel the permit, it having been issued upon formal hearing by the Secretary of the Interior, no claim of fraud or bad faith being made, and the Government having brought no action to cancel the same for 1 year 10 months 9 days after its issuance, appellees, Midwest Oil Co. and Southwest Oil Co., in that time having expended over $200,000 in developing the property for oil, which to them is a total loss if the permit is canceled?

These questions of law are by the United States Circuit Court of Appeals for the Eighth Circuit hereby certified to the Supreme Court in accordance with the provisions of section 239, United States Judicial Code.

Judges who sat in the circuit court of appeals on the hearing of the case:

ROBT. E. LEWIS,
United States Circuit Judge.
WILLIAM S. KENYON,
United States Circuit Judge.
THOS. C. MUNGER,
United States District Judge.

It would appear a rank injustice not to place the 275 people who received valid filings from the local land office at Santa Fe, N. Mex., back upon the records of the Interior Department in the same position they were at the time that Attorney General Stone rendered his opinion setting aside the ruling of the former Secretary, which permitted the filings. It is an injustice that Congress should not carry out the rulings of an officer of the Government, and especially where there appears a discrimination in favor of large oil interests, who are to be recognized and granted permits, and the people who made filings and who had knowledge that the land embraced within their filings is valuable for oil and gas.

This act also places the entire 22,250,000 acres remaining of the Executive-order Indian reservation land directly under the authority of the Secretary of the Interior, and the oil and gas therein will be developed under the rules and regulations of the Commissioner of the Bureau of Indian Affairs. The policy pursued in the past in disposing of this land has been by sale in large quantities. If this policy is to be pursued in the future, no one except the large and wealthy oil companies will be recognized.

The CHAIRMAN (Mr. BACHARACH). The time of the gentleman from New Mexico has expired.

Mr. LEAVITT. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. CARTER]. [Applause.]

Mr. CARTER of Oklahoma. Mr. Chairman, the gentleman from New Mexico [Mr. MORROW] must indeed be a very exacting man if he would not be satisfied with the amendment which the committee has proposed.

Mr. MORROW. What is the amendment?

Mr. CARTER of Oklahoma. In dealing with such matters as this it has been the practice of the Congress to recognize bona fide development; that is, to recognize the man who has spent his money in bona fide development, if he went on the land under what he thought was authority of law. Now, what does this amendment, which the gentlemen in charge of the bill has just called to our attention, propose to do? It proposes to let each permittee have his day in court who has expended money or labor in geologically surveying the lands covered by such permit, who has built a road for the benefit of such land, and who has drilled or contributed toward the drilling of the geologic structure upon which such lands are located.

In the past it has been customary to confine such privilege to the drilling of actual producing wells, but in this amendment we even go to the extent of recognizing the rights of a man who has drilled into the structure if he has done geologic surveying on the ground or who has built a road for the benefit of the land, and I think the gentleman from New Mexico ought to be satisfied. I do not see how this could prevent any bona fide operator from having his day in court.

Mr. MORROW. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes; I yield.

Mr. MORROW. Simply because they were prohibited from going upon the land after they got their valid filings. They were stopped——

Mr. CARTER of Oklahoma. They did not make any expenditures.

Mr. MORROW. Will the gentleman yield further?

Mr. CARTER of Oklahoma. Yes; if the gentleman will not take up too much of my time. I only have 10 minutes.

Mr. MORROW. I will be very brief about it. There are 20 permits that are recognized under this bill, and I have a certificate right here which shows that only 7 of them spent any money.

Mr. CARTER of Oklahoma. If the gentleman's people have expended $1 for drilling or contributing toward drilling, and for surveying or even the building of a road, then they come within the terms of the amendment that is to be offered by the gentleman from Montana [Mr. LEAVITT].

Some objection has been made to recognizing these permittees because the permits were obtained through a former Government official who is now under indictment. I am not going to be stampeded by any scare of that kind. If these permittees have any meritorious rights they ought to be considered without reference to whether their permits were granted by a man who is now under indictment or not. We are not passing upon the rights of the indicted official. We are simply undertaking to pass upon the rights of the gentlemen who obtained these permits and who have undertaken to do bona fide development. But if I had any apprehension about that, it was thoroughly satisfied a few moments ago in my colloquy with the gentleman from Wisconsin [Mr. FREAR], who always stands in the breach when anything of that kind is about to occur.

I am sorry I can not find myself in agreement with my good friend from Kansas who objects to this bill because these royal-

ties are paid to the Indians. My friend, it is well for us to remember——

Mr. SPROUL of Kansas. I hope the gentleman will allow me to correct him about that. I do not object to the bill for that reason.

Mr. CARTER of Oklahoma. The gentleman's whole argument, as I understood it, was upon the ground that we are taking something away from the Federal Government and giving it to the Indians when they are not entitled to it.

Let us consider that for a moment. Let us consider who these Indians are. The American Indian at one time owned this entire continent. He was supreme within his domain. He was monarch of all he surveyed, and whenever his sacred rights were infringed upon, he rushed out upon the warpath to commit bloody depredations as civilized nations are wont to do to-day. But that time has long since departed. The Indian has long since found that his rights can not longer be enforced by the tomahawk.

He has found out that he is the benefactor of what we might term the white man's benevolent assimilation steam roller. The Indians are having their reservations reduced. They were reduced sometimes by treaty in which they usually got the worst of it, and sometimes by Executive order in which they had no say at all, and by which their land was taken away from them, or a portion of it, and they were put on a diminished portion which we call a reservation. For a time they built a Chinese wall around them and put up a sign, "White man keep off the grass."

Now, what are the facts with reference to this particular tribe, the Navajo Tribe? The Navajo Tribe originally claimed, and perhaps owned by right of possession, all of that section of the country from the Colorado on the north down to the Little Colorado, and from the Rio Grande on the west up to the Grand Canyon. Now they are confined to a reservation; oil has been developed on that reservation and royalties are accruing from that source.

But my friend from Kansas seems to think that they should not be entitled to these royalties. Why, if they are not entitled to it by right of original ownership, then who in God's name is entitled to it? If they have not any right to this land on which they lived when the white man discovered them, how long will it be until their little homes will be confiscated, and they driven out helpless, destitute vagabonds, strangers around their own hearth and fireside?

Mr. SPROUL of Kansas. Upon the gentlemen's theory they would be entitled to all of the public lands.

Mr. CARTER of Oklahoma. They once owned them, but they have been divested of those lands.

Mr. SPROUL of Kansas. The gentleman's idea is that they all ought to be turned back to the Indians?

Mr. CARTER of Oklahoma. No; I have made no such statement. They are the victims, as I said before, of the white man's benevolent assimilation steam roller, but it is about time that we call a halt on the roller and consider for a moment the rights of the red man.

Mr. LEAVITT. Will the gentleman yield?

Mr. CARTER of Oklahoma. Certainly.

Mr. LEAVITT. Is not this the position—that if we accept the position of the gentleman from Kansas he is subject to the white man's law, which the white man has imposed upon him, and the technicalities which he invokes on the part of the Government against its wards, which are the Indians? Now, we have an amendment along the line the gentleman has been speaking about, which reads as follows:

> That hereafter changes in the boundaries of reservations created by Executive order, proclamation, or otherwise, for the use and occupation of the Indians, shall not be made except by act of Congress: *Provided*, That this shall not apply to temporary withdrawals by the Secretary of the Interior.

There is that exception that it shall not apply to where there has been a temporary withdrawal by the Secretary of the Interior before it has been made permanent.

Mr. CARTER of Oklahoma. I am for that.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. LEAVITT. Mr. Chairman, I yield the gentleman five minutes more.

Mr. MORROW. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. MORROW. Under the general allotment act the Indians on the Navajo Reservation in New Mexico, Arizona, and Utah were allotted lands, and there are still about 8,000,000 acres of land——

Mr. CARTER of Oklahoma. Oh, the gentleman is presupposing a condition that does not exist. As long as they are not allotted they have a right to every foot of land, just as much right to one as any other.

With reference to the Executive-order reservations, I did not go into that as fully as I should have a while ago. The difference between a treaty and an Executive order is that when an Indian makes a treaty he gets title to the land specified by the treaty. Thereafter the Indian has something to say about that portion of his land which has been reduced and delivered to him as his last home. But in an Executive-order reservation the Indian does not have a word to say about it. He is not consulted; his reservation has been diminished; he is set down upon his diminished part and given what the Government wants him to have, without reference to his rights, without reference sometimes to his needs, and certainly without reference to his desires, in connection with the matter.

Therefore, it ought not to lie in any man's mouth to say that simply because the Indian is on an Executive-order reservation he has no rights which we are in honor bound to recognize. The thing that is done for him, or more proper, perhaps, "to him," by granting a treaty reservation is done by obtaining his consent. Sometimes by devious methods it is true, but nevertheless his consent must be obtained, otherwise we would have no treaty status; but when he is confined to an Executive-order reservation it is done without his consent or permission.

Mr. COLTON. And is it not a fact that on this very reservation there are thousands of acres that are actually worthless?

Mr. CARTER of Oklahoma. Oh, the gentleman and I have been over the reservation and we know something about it. It is the most barren waste there is in the United States, outside of two or three places in California.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. HUDSPETH. The gentleman from New Mexico [Mr. MORROW] made a statement a few moments ago that converted me to the bill. He said there is a suit pending whereby the Indian would likely lose this royalty. I want to ask if there ever has been a treaty inaugurated between this Government and the Indians where the Indians did not get the worst of it?

Mr. CARTER of Oklahoma. That has been the general experience.

Mr. HUDSPETH. The Government has conceded him something that originally belonged to him?

Mr. CARTER of Oklahoma. Always.

Mr. HUDSPETH. If this bill grants him a right to royalties, I am for the bill.

Mr. WEFALD. And was there ever a treaty made with the Indians that the Government scrupulously lived up to in all its particulars?

Mr. CARTER of Oklahoma. If there ever was, I never heard of it.

Mr. MORROW. The gentleman will not say that in New Mexico, Arizona, and Utah the Indians have been dispossessed of anything, where they were granted anything originally. Eight million acres additional have been added to their possessions. In answer to the gentleman from Utah [Mr. COLTON], who said that this is barren land, I want to say that the Geological Survey has reported that the entire Navajo Indian Reservation is underlaid with coal, some of the veins 35 feet in thickness.

Mr. CARTER of Oklahoma. I hope the gentleman will not take up my time, but let me say in response that we have in Oklahoma a coal area in the Choctaw and Chickasaw Nations amounting to about 500,000 acres. A Geological Survey man came down there about 30 years ago and surveyed that coal. He estimated the value at more than $1,000,000,000. Ever since that good day the Government has been doing its best to sell that property of the Chickasaw and Choctaw Indians, and the most that they have been able to realize from it during these 30 years has been a little over a million dollars. They have reduced the estimate to less than $18,000,000 and have only been able to sell a value of $1,000,000. I simply mention this fact to show how much practical reliance can be placed in the estimates of value beneath the earth's surface by geological engineers or anyone else. Nobody can tell what there is in the ground when it comes to oil. There is not a man in the world who can forecast anything about what lies beneath the surface of the ground. You may find a well which produces a thousand barrels and within a few hundred feet of it put down an offset well which will prove to be a duster. Nobody can tell what the value is. It is idle, it is futile, it is folly, to talk to a man who comes from an oil-producing country and tell him that anybody's estimate is of accurate worth as to the value of undeveloped oil remaining in the ground.

Mr. SPROUL of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that I may be permitted to speak partially with reference to this bill and partially with reference to some other matters.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to speak out of order. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Chairman, I have not the temerity to stand here and oppose a piece of legislation dealing with a section of our country with which I am not familiar when I see standing here several magnificent gentlemen who represent that particular country and who tell me that this bill ought to be passed following their close study of its provisions. There is one single matter about the bill to which I must call attention, and that very briefly.

I am an old-fashioned believer in our form of government. In that plan of government we have three separate and coordinate branches—the legislative, the executive, and the judicial. During the consideration of this bill in the Indian Affairs Committee a gentleman interested in the bill sitting in the committee room told me that the main object was to get it through before the Supreme Court could render a decision in a pending cause. That being the situation, I can not participate in any action on the part of the legislative branch of the Government which will seem to be a usurpation of the functions of the judicial branch of the Government. I am sometimes referred to as a radical, and my greatest shame is that I am not more radical, and yet in my radicalism I want to be radically true to my country's plan of government if I can. For that reason I can not vote for this bill, because I think the main object, as stated, is to forestall action by the Supreme Court of the United States upon a cause therein pending.

I was greatly distressed this morning by reading in the Washington morning newspapers that the chairman of the great Committee on Agriculture had thrown up both hands and had said that we might just as well go home as far as hope of agricultural legislation during this Congress is concerned. I apprehend that that statement made by the chairman of the committee will fall upon unhappy ears throughout all that middle western agricultural zone which in part I have the honor to represent. Mr. Chairman and gentlemen, what are we going to do? A committee of three administration Members of this House wrote a joint letter to America's Mussolini with reference to a piece of pending legislation.

Our Mussolini—and he is our Mussolini, more powerful than the one over the sea—tells three Members of this House that this proposed legislation of ours is not "economically sound." Great God, Mr. Chairman, is it not time for us to stop and banish that damnable sentence to hades and go on until we can give the country a chance for its white alley? We are up against the proposition. We have a lot of pending legislation here, and we have opportunity to know whether or not we can pass it. And I have a plan. I am going now to introduce a resolution that I think will lift us out of all of our difficulty with reference to the differences ahead of us regarding the legislation which any Member may desire to pass or to destroy. I shall read my resolution, and then I shall drop it in the basket. The resolution says:

Whereas in the CONGRESSIONAL RECORD of this morning appears a statement by Hon. Andrew W. Mellon in response to an inquiry presented to him by three administration Members of the House—Messrs. HAUGEN and DICKINSON, of Iowa, and ANTHONY, of Kansas, regarding the merits of the so-called McNary-Haugen bill in behalf of agriculture; and

Whereas in the Washington morning newspapers of to-day there appears a statement by Chairman HAUGEN, of the House Committee on Agriculture, expressing opinion that the statement uttered by said Andrew Mellon has killed the last hope for legislation in behalf of agriculture during the present session; and,

Whereas in view of the statement made by Mr. Secretary Mellon, and in view of the value placed upon that statement by Chairman HAUGEN, it would seem the part of wisdom by this House to take steps immediately to discover the views of Mr. Mellon with reference to any and all other legislative problems remaining before the House, thereby gaining information as to any matters of legislation which may have a chance for passage during the present session; therefore, be it

Resolved, That the Speaker of the House be, and he is hereby, directed to appoint a committee of three administration Members of the House, with instructions to lay before said Andrew Mellon any and all unsolved problems of legislation, soliciting his view thereon, to the end that the House may be officially advised regarding the merits of any and all pending bills, thus avoiding the useless discussion of bills which can not win the favor of Mr. Mellon, and without which favor can not possibly be passed by this House.

[Applause.]

Now, Mr. Chairman and gentlemen, while that may strike you as a quasi facetious resolution, I want you to believe that I am introducing it in all of the earnestness and candor at my command. I have studied the situation here for some time. I made the statement here some time ago that in four years the Morgan-Mellon group of international bankers, of which Mr. Andrew Mellon, our Secretary of the Treasury, is the practical managing genius, had not lost to exceed two heats in any congressional race which had been run within the space of four years.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HOWARD. I will.

Mr. WILLIAMSON. Will the gentleman vote for his own resolution?

Mr. HOWARD. Certainly. I am not in the class of my inquiring brother. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORROW. How does the time stand?

The CHAIRMAN. The gentleman has three minutes, and the gentleman from Montana 10 minutes.

Mr. LEAVITT. I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, I am for this bill with such committee amendments as the chairman of the committee has been authorized by the Committee on Indian Affairs to present. I think it is very greatly in the interest of the Indians of the country. I am sure it is in the interest of the development of the entire country, and therefore it is in the interest of the Indians and the whites alike. In the first place, let me invite your attention to the first section of the bill, in which it brings the Executive-order Indian reservation under the leasing provisions of the act of May 29, 1924. Now the administration of this law is under the Secretary of the Interior. The administration of the act of May 29, 1924, is under the Secretary of the Interior. As the report here indicates it has three or four purposes. The first purpose, of course, is to make the general leasing act applicable to Executive-order Indian reservations. The authority of the President has been questioned by the gentleman from Kansas to issue Executive order reservations. There has been quoted, and I want to read again, in order to emphasize the opinion of the Attorney General with reference to Executive-order reservations, in which he says:

The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of Indian rights as between Executive-order reservations and reservations established by treaty or act of Congress. So that if the general leasing act applies to one class there seems to be no ground for holding that it does not apply to others. You are therefore advised that the leasing act of 1920 does not apply to Executive-order Indian reservations.

I have not the time to argue it further in detail, but here is the responsible head of the Department of Justice, the Attorney General, who renders an opinion in the language that I have just quoted.

It is expected, of course, that these lands will be put up at public auction and that they will be leased and the leases sold at public auction. That is the way that oil leases are made out in the Osage country. Some of those leases on a 160-acre tract of land sold at public auction bring as much as $1,250,000. All of that money goes to the Indians, and is therefore for their benefit. I can not see why, then, if this legislation is for their benefit, anyone can question it, because the Indians did not appear before the committee. We are criticized for not having the Indians brought before the Committee on Indian Affairs, when unquestionably this legislation is for their benefit.

I do not think anyone at all can question that; and anyone who is a friend of the Indian and wants to protect his rights and wants to give him the benefit of the oil royalties upon Executive-order reservations certainly ought to be in favor of this bill.

I am very glad to say that the committee has carefully studied the bill and carefully studied the proposed amendments that will subsequently be offered by the chairman of the committee; and with the adoption of these amendments I think this bill ought to pass. I make a distinction between the permittee and those where applications have been filed and not recognized and approved. In one case, as shown to the committee, the applicant went there in good faith and spent some money; and the applicant has been recognized by the department, and a permit in this case has been granted, and

the committee has been informed that something like 18 or 20 permits have been made.

There is another amendment similar to the Senate provision that will be offered to cover some three or four more cases that we think are meritorious.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. SPROUL of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. SCHAFER. Mr. Chairman and gentlemen of the committee, I am opposed to this bill, notwithstanding the fact that my colleague from Wisconsin [Mr. FREAR] has spoken in its favor. I especially wish to submit to the members of the Wisconsin delegation this fact, that one of the main points of opposition by that delegation to the river and harbor bill was that Congress by legislative act was undertaking the adjudication of a question that was then pending before the Supreme Court of the United States for a judicial decision, namely, the abstraction or diversion of water from Lake Michigan. Now, I do not see how anyone who took that stand against the river and harbor bill can support this bill, which legalizes and validates permits which are now before the Supreme Court of the United States for a judicial decision.

In his minority report the gentleman from Wisconsin [Mr. FREAR] set out objections against H. R. 9133 as reported by the committee April 1, 1926, and one of those objections is, Why give the Secretary of the Interior the great powers unrestricted, proposed by this bill? The gentleman from Wisconsin and the proponents of this bill have not brought to the attention of the House any fact as to how these great unrestricted powers have been curtailed by the amended bill or by amendments submitted.

In opposing the bill Mr. Collier, the executive secretary of the American Indians' Defense Association (Inc.), stated his objections in a letter sent to the Members on April 6, 1926, and he devoted two paragraphs to the reasons for his opposition and his desire to accomplish the defeat of the legislation in question; that on the grounds oil interests appeared before the committee, and not one tribe of Indians had appeared.

We find here to-day that we are now urged by those who were formerly opposed to the bill to pass the legislation, and I now understand that Mr. Collier himself is in favor of the legislation, notwithstanding the objection he cited still holds that no tribe of Indians had appeared.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LEAVITT. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman, I was called from the floor just as we took up this bill by some people from Australia, and have just come back. I want to explain that the minority report which I signed was drawn up before the bill was further amended. My principal objection to the bill as reported was that it took up a matter which was in litigation and attempted to have the legislative bodies settle the matter, a matter which should have gone through litigation. I believe that is a wrong practice for this House to follow, but since that minority report was signed and we have come to the consideration of the bill here certain amendments have been prepared which will take care of the objection I have to the bill. It seems that the matter in litigation was that of the protection of the rights of the Indian, but, as I say, some amendments will take care of that, so it leaves me standing on the one premise that this House should never take out of the court litigation which should be settled there.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LEAVITT. Mr. Chairman, I shall, in closing the debate, read a short letter which I had printed in the CONGRESSIONAL RECORD on June 7 from the Commissioner of Indian Affairs, addressed to me as chairman of the Committee on Indian Affairs:

> 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.*

The CHAIRMAN. The time of the gentleman from Montana has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That unallotted lands within the limits of any reservation or withdrawal created by Executive order for Indian purposes or for the use or occupancy of any Indians or tribe may be leased for oil and gas mining purposes in accordance with the provisions contained in the act of May 29, 1924 (43 Stat. p. 244).

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word. I stepped out of the Chamber for a moment, and I would like to know more about the merits and demerits of this bill. So much controversy has arisen between Members from the State of Wisconsin that I am rather at a loss to know how to vote on the bill. Can the gentleman enlighten me as to what the trouble is with Wisconsin?

Mr. LEAVITT. I will state that the gentleman from Wisconsin [Mr. FREAR] is a member of the Committee on Indian Affairs and was a member of the subcommittee which I appointed to hear the evidence with reference to this bill. He started out opposed to some of the provisions in it; but as the bill has been developed, he has, through his belief that it is in the interest of the Indians, become one of the staunchest supporters of it, whereas the other gentleman from Wisconsin [Mr. SCHAFER] is not a member of the committee, has not taken any part in the hearings, and, in my opinion, is not as well informed in regard to the bill as is the other gentleman from Wisconsin.

Mr. ABERNETHY. But that does not settle the Wisconsin controversy, does it?

Mr. LEAVITT. The Committee on Indian Affairs is not called on to decide that.

Mr. SCHAFER. If the gentleman will permit, if the members of the Committee on Indian Affairs are the only ones competent to discuss and vote upon the bill, let us amend our rules so that other Members of the House who do not belong to the committee shall have no opportunity to discuss the legislation and confine the discussion and the vote on Indian legislation to the members of the Indian Affairs Committee.

Mr. ABERNETHY. I have been enlightened, and I thank you. [Laughter.]

Mr. CRAMTON. Mr. Chairman, I move to strike out the last two words. By reason of the unanimity that has come about so far as the members of the House committee are concerned I have not made the study of this bill that I might otherwise think necessary. I had the impression that in the Senate an amendment was placed in this bill designed to bar the Indians of New Mexico from voting. Now, has the House committee accepted such an amendment?

Mr. LEAVITT. It has not.

Mr. CRAMTON. What is the situation with reference to that amendment?

Mr. LEAVITT. The situation is that the House committee has adopted an amendment, which is in this bill, which would put the question of taxation of the oil royalties from the Indians' share in exactly the same position as the royalties from the white men's share. In the Senate there was a provision included, which would provide as follows:

> Until the State of New Mexico enacts a law placing a production tax upon royalty, bonus, or other income of Indians or Indian tribes under the terms of this act and an act entitled "An act authorizing the leasing of oil," and so on, approved May 29, 1924, the Secretary of the Interior is authorized and directed to pay said States out of the proceeds of such royalty, bonus, or other income such sum as shall be equivalent to the tax levied by such State upon an equal quantity of such oil, gas, or other minerals produced upon unrestricted lands.

Mr. CRAMTON. And the effect of that, joined with the law of New Mexico, would be to prevent the Indians of that State from voting.

Mr. LEAVITT. My understanding is that under the State laws of New Mexico Indians that are not taxed can not vote, and if we should accept this Senate amendment, the actual result of it, in my opinion, would be that the Legislature of the State of New Mexico would never pass a law that would place a tax on the royalties of the Indians' oil, but would require that the Interior Department should always pay them the equivalent of it, thereby continuing this discrimination upon the franchise of the Indians.

Mr. CRAMTON. And the item was devised for the disfranchisement of the Indians. I have read in the RECORD of debates in another body, many tearful bursts of eloquence in behalf of the Indians of New Mexico by, I think, the same authority that drafted this amendment. The House committee is now eliminating that amendment?

Mr. LEAVITT. It is.

Mr. CRAMTON. And the House would have some reason to believe that the House committee in conference would be rather insistent upon its attitude?

Mr. LEAVITT. It surely has been.

Mr. CRAMTON. This bill, I might say further, Mr. Chairman, is a matter over which there has been a good deal of controversy, and in connection with that controversy it has afforded opportunity for very unfair criticism of the Indian Bureau. Responsibility has been placed on that bureau for many things that were not approved by that bureau or advised by it. As I understand, there is quite a unanimity of sentiment here. I rather hoped that on a bill of this kind, where there is a disposition in some quarters to make unwarranted attacks and to place responsibility where it ought not to be, the House may bear its own responsibility, and I hope the gentleman will have it in mind to put the House on record on this bill when it finally passes so that there can be no question as to who is responsible for the legislation.

Mr. LEAVITT. I would have no objection to that if the gentleman wishes it.

The pro forma amendment was withdrawn.

Mr. SCHAFER. Mr. Chairman, I move to strike out the section and ask unanimous consent to speak out of order for five minutes.

Mr. LEAVITT. Mr. Chairman, I hope the gentleman will not insist upon that until we get this bill out of the way.

Mr. FREAR. Mr. Chairman, if that time is to be devoted to a discussion of myself, I do not object, but I ask the privilege of having five minutes to reply to the gentleman, and I ask the unanimous consent of the committee for that privilege.

Mr. LEAVITT. I object, Mr. Chairman, under those conditions.

The CHAIRMAN. The Chair will not couple the requests, but will put them one at a time. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER]?

Mr. LEAVITT. I object.

Mr. SCHAFER. Mr. Chairman, I make the point of no quorum.

Mr. LEAVITT. Mr. Chairman, I withdraw my objection.

Mr. FREAR. Then I ask unanimous consent that both parties may speak out of order for five minutes and air their troubles before the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER] to speak out of order for five minutes?

Mr. HASTINGS. Mr. Chairman, reserving the right to object, and I am not going to object to this request or to the request of the other gentleman from Wisconsin, but I want to give notice that if there are any further requests to proceed out of order I shall object, because this is Calendar Wednesday, and the Committee on Indian Affairs has a great many bills here, and I do not think we ought to proceed out of order any further.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. SCHAFER]?

There was no objection.

Mr. FREAR. Mr. Chairman, I now submit my unanimous-consent request.

The CHAIRMAN. The gentleman from Wisconsin [Mr. FREAR] asks unanimous consent to speak out of order for five minutes immediately following the gentleman from Wisconsin [Mr. SCHAFER]. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Chairman and gentlemen of the committee, in exercising my rights as a Member of this House I endeavored to bring to the attention of the House certain objectionable features in this bill, and it appears my statements were questioned and the inference was drawn that an humble Member of this House should not vote or exercise his judgment, but that voting on Indian legislation and speaking on Indian legislation should be reserved to the members of the Indian Affairs Committee. So long as I am a Member of this House I will exercise my constitutional rights. I was never clubbed into line by any political or economic leader or any would-be political or economic leader on any political or economic question. [Applause.]

I want to quote in these few minutes a portion of a letter sent to me by John Collier, executive secretary of the American Indian Defense Association (Inc.), dated April 6, 1926, which reads as follows:

> In line with the above astonishing fact is the following: This is the most important measure affecting Indians that has been before Congress in 20 years. It affects not merely their income but their vested right and title to 22,000,000 acres—two-thirds of the whole undivided reservation area. Yet not one Indian tribe was heard by the House Indian Affairs Committee. No expression in writing was asked for or obtained from any Indian tribe.
>
> But neither the Pueblos, the Navajos, the Pimas, the Papagos, the Apaches, nor any of the other numerous Indian tribes absolutely concerned in this measure were heard by the committee or were asked for an opinion.

I respectfully ask the question of the chairman of the committee, how many of these tribes mentioned in Mr. Collier's statement, when he opposed this bill, appeared before the committee subsequent to April 6 and up to the present moment?

Mr. CARTER of Oklahoma. Is Collier now supporting the bill?

Mr. SCHAFER. I am just asking whether any Indian tribes have appeared before the committee.

Mr. CARTER of Oklahoma. I do not know. I am not a member of the committee. Let me ask if any tribe asked to appear before the committee.

Mr. SCHAFER. Was any Indian tribe asked to appear before the committee?

Mr. CARTER of Oklahoma. No; did any Indian tribe ask to appear before the committee?

Mr. HASTINGS. Does not the gentleman from Wisconsin believe that this bill is clearly in the interest of the Indian tribes, and has any suggestion been made by anybody on the floor to-day that it is contrary to the best interests of the Indian tribes?

Mr. SCHAFER. No.

Mr. HASTINGS. Then why is the gentleman opposing the bill?

Mr. SCHAFER. This gentleman, Mr. John Collier, who is the executive secretary of the American Indian Defense Association (Inc.), specifically called attention to the fact that one of his main reasons for opposing the bill was that no tribe of Indians had appeared before the committee and advocated the legislation, and now I assume from present developments that the bill is satisfactory to Mr. Collier, and I simply wanted to ascertain whether or not some of his objections have been met.

Mr. LEAVITT. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. LEAVITT. I have a letter dated May 12 in which he states he is favorable to the bill in the terms that we are reporting it out.

Mr. SCHAFER. Yes; that is the point. Mr. Collier opposes the original bill on the ground that no Indian tribe had come before the committee, and now his opposition is withdrawn, notwithstanding the fact that one of his vital objections has not been remedied.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FREAR. Mr. Chairman, first let me express my appreciation of my colleague's work in the House, which I have mentioned a number of times. I do not think there can be any question as to his sincerity and his industry.

He questions my position in making the minority report. I want to say that I tried to make that as clear to the House as I could. I believe it is generally understood. Now, as to the position of Mr. Collier, he has been as earnest and anxious about this bill as any Member of the House could be, and he has acted entirely in the interest of the Indians. When the 37½ tax was withdrawn, which permitted the exemption of all the producers from all taxation, Mr. Collier was then very emphatic in his opposition. That provision has been changed to the same provision that is now in all the other bills. When, as I stated to the chairman, he says he is going to introduce subsequently an amendment to limit the number of permits that can be had so it will correspond to the Senate bill, then there is no controversy between us. Everything we have urged and had a right to ask for on behalf of the Indians—and I am not criticizing anyone—has been granted. I can not see how

anyone can have any objection to this bill and why it should not receive our hearty support.

Let me say to my colleague that I appreciate his work in the past, and to show my good faith I offered to strike out what I had said in the heat of discussion; I shall do so.

Mr. CARTER of Oklahoma. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the gentleman from Wisconsin [Mr. SCHAFER] seems to take some umbrage at the fact that the members of the Indian Committee are taking a leading part in this legislation. I am not a member of the Indian Committee. This bill does not apply to any Indians in my State. The chairman of the Committee on Indian Affairs was kind enough on my request to yield me 10 minutes for discussion of this measure, and in my opinion he has been as liberal as the demands of the occasion would admit. Let me advise my friend from Wisconsin that it has always been the practice of this House for these Members of the House who have been on committees connected with legislation, who have attended the hearings, who have conducted the examination of the witnesses, who have studied the hearings, who have themselves made statements in connection with the legislation, who have had opportunities to make a more careful study of such legislation than the ordinary busy Member of the House with all the multifarious duties imposed upon him can hope to do, it has been the practice, I say, for these members of the committee to take a leading part in the discussion of legislation reported from their committees. Other Members of the House have looked to them for information, and they have as a rule looked not in vain, because I think the men in charge of these matters, whether Indian Affairs or any other committee, no matter which party has been in power, have measured up fully to their responsibility and have given the House justification for the faith imposed in them. Let me advise my friend that no matter, despite our objection, that practice will probably continue throughout his service and mine, and possibly will be bequeathed to the heirs and assigns of our successors.

Mr. SCHAFER. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. SCHAFER. The gentleman from Wisconsin did not undertake to complain of the Committee on Indian Affairs——

Mr. CARTER of Oklahoma. Oh, I do not want to enter into a discussion with the gentleman on that, but I leave to the judgment of the House as to what the gentleman indicated in his remarks.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The Clerk read as follows:

SEC. 2. That the proceeds from rentals, royalties, or bonuses of oil and gas leases upon lands within Executive-order Indian reservations or withdrawals shall be distributed as follows: Thirty-seven and one-half per cent shall be paid in lieu of taxes to the State within the boundaries of which the leased lands or deposits are located, upon the condition that the same are to be used by such State, or subdivisions thereof, for the construction and maintenance of public roads within the respective reservations in which the leased lands are situated and public roads contributory thereto and forming a part of the same highway system, or for the support of public schools or other public educational institutions attended by Indian children; 62½ per cent shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created or who are using and occupying the land, and shall draw interest at the rate of 4 per cent per annum and be available for appropriation by Congress for the expense of administration and for the use and benefit of such Indians.

With the following committee amendments:

Beginning on page 1, after the word "withdrawals," strike out the remainder of line 11, and on page 2, all down to and including line 10, and after the word "for" in lines 16 and 17, strike out the words "the expense of administration and for the use and benefit of such Indians" and insert: "expenses in connection with the supervision of the development and operation of the oil and gas industry and for the use and benefit of such Indians: *Provided*, That said Indians, or their tribal council, shall be consulted in regard to the expenditure of such money, but no per capita payment shall be made except by act of Congress."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. SPROUL of Kansas. Mr. Chairman, I move to strike out the last word. Oftentimes we act thoughtlessly and with more or less prejudice in respect to many of the things that we do. It is a fact that once upon a time the Indians owned this country before the whites came, and upon one theory of ownership and right, the Indians, 200 tribes, have a better right than the people of the United States not only to the public lands of this country but to all of the property thereon. The newspapers say that under an authorization bill passed by this House an action is to be brought against the Government for the value of a large portion of the State of Michigan. If a broad authorization bill were passed providing that the 200 tribes of Indians might join in an action against this Government and prosecute any suits for damages they might have, I dare say, if the court was as prejudiced in favor of letting the Indians have what they want, as we sometimes find this body to be, then we might just as well get ready to move out of the United States.

The United States District Court for the District of Utah says that this land belongs to the Government, and I am surprised that men will say that we have to pass this bill to protect the rights of the Indians.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. SPROUL of Kansas. I can not yield now. If this land is not the Indians' land, then they have no right in it, and they have no rights to be protected. I call attention to this, and think it is my duty as a member of the committee to do so. Here is a decision pending down here in the Supreme Court, stating that the decision of the court was that this land was unoccupied by the Indians, was not used by the Indians, was not in their use, and that they had no legal right to it which the court was under any obligation to respect. This very section provides that the money that shall be gotten shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created. I have already told you that no tribe of Indians was named in the Executive order, and yet you will not believe it. Everything that somebody says here goes whether it is so or not. No tribe of Indians was named in the Executive order, and yet it is to be placed to the credit of the tribe of Indians in whose favor the Executive order was made. Besides that, the United States court has held that the land was unoccupied by the Indians, and was not used by any Indians, so where will the oil royalty be credited? How are you going to get away from the United States district court decision? How are you going to get away from the fact that the land was unoccupied and unused by the Indians and that no tribe was named in the Executive order? They are Government lands and not Indian lands, and yet you are here to protect the rights of the Indians! They have no rights, according to the decision of the courts and no tribe of Indians has any right in the oil under this bill and according to the Executive order. I call attention to these facts, and that is all that I can do.

Mr. FREAR. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Kansas [Mr. SPROUL] has made quite clear and has repeated frequently the statement that the courts of Utah have passed on these titles and has held that the Indians have no title to Executive-order lands. One member of the court, a lone judge, decided in Utah that the Indians were not entitled to this land, and that it is public land. I do not know what the presentation of the case was or how made. The matter subsequently went to three judges, and those judges certified the question to the Supreme Court of the United States as to the exact ownership and title to the land. They did not decide anything. It is now in the Supreme Court. The Attorney General in the meantime had stated in a long, very able opinion that these lands are not distinct from any other treaty lands or any reservation lands. That is his position. This suit that is now in the Supreme Court is to be dismissed and no further litigation is to be had. It is not to take advantage of any situation, so far as the decision is concerned, if these suits were withdrawn, and that is the promise we have in the committee.

Mr. SPROUL of Kansas. The gentleman quotes the opinion of the Attorney General to the effect that the Indians had some rights in these lands?

Mr. FREAR. Yes.

Mr. SPROUL of Kansas. And then the gentleman also quotes the opinion of the United States district court to the effect that the Attorney General was wrong and that these are public lands.

Mr. FREAR. That is the position of the gentleman from Kansas, but let me say that if this bill is passed the Indians will get the benefit of everything that we have contended for, and they will not be held to occupy public lands. As to the point that the lands do not belong to any tribe, let me say whoever settles on the land and occupies it, as I understand, will be considered the one tribe entitled to the benefits.

Mr. CARTER of Oklahoma. I call attention to the fact that this money is to be deposited to the credit of the Indians in the Treasury of the United States. The bill provides that it—

shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created or who are using and occupying the land, and shall draw interest at the rate of 4 per cent per annum and be available for appropriation by Congress for expenses in connection with the supervision of the development and operation of the oil and gas industry and for the use and benefit of such Indians: *Provided*, That said Indians, or their tribal council, shall be consulted in regard to the expenditure of such money, but no per capita payment shall be made except by act of Congress.

That means that the funds will be used to relieve the Treasury of the expense of the administration of Indian affairs, and that it shall not be distributed per capita among the Indians, and after all the Government gets the money.

Mr. ABERNETHY. Will the gentleman yield for a short question?

Mr. FREAR. I will.

Mr. ABERNETHY. If I understand this controversy the Indians claim this land, and finally the court of Utah said they did not own it.

Mr. FREAR. Yes.

Mr. ABERNETHY. And Congress puts it back to the Indians?

Mr. FREAR. It was withdrawn by Secretary Fall and some of these applicants went in with the understanding these were contended to be public lands at the time by him.

Mr. ABERNETHY. And this bill is really in the interest of the Indians?

Mr. FREAR. Entirely so, in my judgment.

Mr. ABERNETHY. I am glad to hear it.

Mr. WEFALD. Suppose these lands were eventually found not to belong to the Indians?

Mr. FREAR. If suits are withdrawn there will be no such decision, as the action of Congress under this bill validates the Indians' titles.

Mr. WEFALD. Can not some action be brought?

Mr. FREAR. I have offered bills to validate definitely all Executive-order lands, and I think they ought to be passed; but this is the nearest approach we can get, and it is so much better than existing conditions that we are glad to accept it.

Mr. HUDSON. If the gentleman will permit, where he made the statement a while ago that it was entirely in the interest of the Indians, I think the gentleman should modify that and say that this will take care of some 22 people who would have no right.

Mr. FREAR. We have been discussing that proposition and have acted for what we believe are the equities and best interests of the Indians as well as others.

Mr. CARTER of Oklahoma. The proposition is, this money is to be used by the department for their own affairs, schools, and other things which the Government itself will have to pay for, and therefore it is not using governmental funds for their benefit.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last two words. I go further than the statement made by the gentleman from Oklahoma. We provide in this bill that these expenditures—that is, the question of how these funds shall be expended—shall be referred to the Indians and their tribal council, so as to give them an opportunity to express themselves.

One further thing, and that is in regard to these 20 people to whom permits have already been issued. Let us suppose that the decision of the District Court of the District of Utah should be upheld as the law by the Supreme Court of the United States. That would mean that these, as public lands, are subject to the general leasing act, and that these 20 people to whom permits have been issued would be in exactly the same position as they will be under this bill if they make the required showing. They would then have their permits legalized and would be in a position to go ahead and develop these oil leases.

All we are doing, therefore, is to say to these people to whom leases were issued when this was considered by the Department of the Interior to be public land subject to the general oil-leasing law, that they can go ahead and develop it now instead of waiting until the Supreme Court acts, which may be a matter of two or three years.

Mr. CARTER of Oklahoma. So the decision of the court would not affect their rights, but this will rather expedite its development?

Mr. LEAVITT. Expedite. Here is the only other thing it does: If the Supreme Court should uphold the decision of the District Court of the District of Utah and say that these are public lands and that the Indians have no equity in them, as contended by the gentleman from Kansas, then the disposition of the oil royalties would be in a different direction unless Congress passed an act, and there would not be one cent coming from the development of these resources in the Indian reservations for the benefit of the Indians, not one cent. The committee takes the position that if there is any question as to what the law is, if the decision in the District Court of the District of Utah is correct, then the law ought to be changed, and that Congress, which is the law-making body, should see to it before the Indians are deprived of their rights in the natural resources of their reservations. Congress ought to step in now and decide for itself not what the law may have been in the past, but what it ought to be now and shall be in the future.

Mr. HUDSPETH. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. HUDSPETH. Is it the contention of the Indians in the courts that they claim interest in the land?

Mr. LEAVITT. The Commissioner of Indian Affairs, speaking for the Indians as is his duty, has always taken the position, according to the record, that these lands belong to the Indians. The Commissioner of Indian Affairs has always protested against the position that these are public lands. There has been one Assistant Secretary who has said that these lands are public lands and subject to the general leasing law. There is a difference of opinion, and what we are trying to do is to say not what was the law, but what the law ought to be now and must be in the future for the protection of these Indians.

Mr. HUDSPETH. In other words, that the contract of the Government should be carried out in good faith with the Indians?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. I ask that the gentleman be given one additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma, that the gentleman from Montana be given one minute? [After a pause.] The Chair hears none.

Mr. CARTER of Oklahoma. The thing I wanted to ask the gentleman was this: How long have these Navajo Indians occupied these lands?

Mr. LEAVITT. Almost from time immemorial, so far as that section of the country is concerned.

Mr. CARTER of Oklahoma. The white man found them there when he came there?

Mr. LEAVITT. So I understand.

Mr. SPROUL of Kansas. Is it not a fact that the United States district court made a finding that these particular lands were unoccupied by any Indians and were unused by any Indians, and that there was no record showing that any particular tribe inhabited them?

Mr. LEAVITT. These lands are desert lands. Of course, the number of Indians who can live in that kind of a country on the produce of the soil—grass and pasture, from which they can get a little sustenance for their little flocks of sheep—is very limited.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. CARTER of Oklahoma. I rise in opposition to the amendment. I yield to the gentleman.

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last three words.

Mr. FREAR. Opposition to the amendment for the two.

Mr. LEAVITT. These lands are all desert lands. I know that from having been almost the length and breadth of this reservation. And just as long as the Indians in this case were wandering there as a people, living off the produce of the small bands of sheep and goats they possessed on the desert, the land was not considered worth anything, and no white man raised any question in regard to their use and occupancy of the area. But just as soon as it was found that there may be a valuable deposit of oil underneath the surface, then some people want to step in and invoke the technicalities of white man's law and say the Indians must get off, and that the white man, as he has always done, by reason of his greater strength, must break in and occupy it. I am opposed to any such procedure.

Mr. CARTER of Oklahoma. Mr. Chairman, the contention of the gentleman from Kansas [Mr. SPROUL] is but a continuation of the age-old story of the treatment of the Indian by the white man. A story so replete with mistreatment of the aborigine that reference to it even at this late day can not be made with any credit to the history of our Government. A story which has caused a woman of the white race itself to write a most renowned book denominating the first hundred years of this Government's dealing with the Indian as "a century of dishonor."

What is the history of this proposition here? We find that when the white man first began to penetrate the western desert a century or so ago he encountered some wild blanket Indians

in full possession of those desert wastes. These were the Navajos. The Indian met him with open arms at first. Afterwards when he found the avariciousness of his neighbor he resisted him. He resisted until resistance was unavailing; then he yielded. He gave up practically everything he had. He yielded a portion of his reservation, that the white man might have a home. He yielded his worship of the Great Spirit and his cherished happy hunting grounds for the Christian religion and the white man's God. He yielded his revered tribal government for the modern institutions of civilized government. Now we find him settled on this desert with an acreage of land which the gentleman from Montana [Mr. LEAVITT] rightfully tells us the white man would not consider stepping on, but now it is found that something valuable lies beneath the ground. Oil—liquid gold. Again right in this House we find the white man undertaking to divest him of that which is his last earthly possession. The Indian has not been so badly manhandled by this House in the past 20 years, and I do not believe it lies in the nature of those who constitute this the greatest legislative body in the world to now do him further wrong. I do not believe that a majority of the Members who compose this House or the other Chamber will try under some technicality of law, as the gentleman from Kansas [Mr. SPROUL] suggests, to divest the Indian of this last vestige of his rights to be yielded to the white man's government. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

The Clerk read as follows:

Committee amendment as follows: On page 2, line 24, insert:

"SEC. 3. That taxes may be levied and collected by the State or local authority upon improvements, output of mines or oil and gas wells or other rights, property, or assets of any lessee upon lands within Executive-order Indian reservations in the same manner as such taxes are otherwise levied and collected, and such taxes may be levied against the share obtained for the Indian as bonuses, rentals, and royalties, and the Secretary of the Interior is hereby authorized and directed to cause such taxes to be paid out of the tribal funds in the Treasury: *Provided,* That such taxes shall not become a lien or charge of any kind against the land or other property of such Indians."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I have another amendment to offer.

The CHAIRMAN. The gentleman from Montana offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page 8, at the end of section 3, insert a new section:

"SEC. 4. That hereafter changes in the boundaries of reservations created by Executive order, proclamation, or otherwise for the use and occupation of Indians shall not be made except by act of Congress: *Provided,* That this shall not apply to temporary withdrawals by the Secretary of the Interior."

Mr. LEAVITT. The only purpose of this is to further settle the question of the title of these lands by saying that in future it shall not be changed except by act of Congress.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Without objection, the Clerk will be authorized to correct the section numbers.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to allow any applicant to whom a permit to prospect for oil and gas under lands within an Indian reservation or withdrawal created by Executive order has heretofore been issued in accordance with the provisions of the act of February 25, 1920 (41 Stat. p. 437), or the holder thereof, to prospect for a period of two years from the date this act takes effect, or for such further time as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in his permit, under the terms and conditions therein set out, and a substantial contribution toward the drilling of the geologic structure by the holder of a permit thereon may be considered as prospecting under the provisions hereof; and upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil and gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided,* That the permittee shall be granted a lease for as much as 160 acres of said lands if there be that number of acres within the permit. The area to be selected by the permittee shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of 20 years upon a royalty of 5 per cent in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they may accrue for that year, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per cent in amount or value of the production, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided further,* That the Secretary shall have the right to reject any or all bids.

With the following committee amendment:

And provided further, That the Secretary of the Interior in his discretion is authorized to reinstate, in the order of their original filing, all applications of qualified applicants filed prior to May 27, 1924, for permits to prospect for oil and gas under the said act of February 25, 1920, upon any lands covered by the provisions of this act, and which applications were not granted, upon the following conditions: Written request for such action shall be filed by the original applicant, or his heirs, in the land office of the appropriate land district within 90 days from the date of the approval of this act, and the reinstatement of any such applications shall confer the right of prospecting and to secure a lease or leases as in this section provided upon the lands described in such application.

Mr. LEAVITT. Mr. Chairman, I offer as a substitute for the committee amendment another committee amendment.

The CHAIRMAN. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: On page 5, strike out the committee amendment and insert in lieu thereof the following:

"*And provided further,* That any applicant for permit filed prior to May 27, 1924, under the provisions of said act of February 25, 1920, which permit was not issued, for any lands covered by the provisions of this act, who shall show to the satisfaction of the Secretary of the Interior that he, or the party with whom he has contracted, has done all of the following things, to wit, expended money in geologically surveying the lands covered by such application, has built a road for the benefit of such lands, and has drilled or contributed toward the drilling of the geologic structure upon which said lands are located, may have the right of prospecting and leasing as provided in this section."

Mr. MORROW. Mr. Chairman, I offer an amendment to the substitute.

The CHAIRMAN. The gentleman from New Mexico offers an amendment to the substitute for the committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 6 of the amendment, after the word "done," insert in lieu thereof the words "any or."

Mr. MORROW. Mr. Chairman and gentlemen, the purpose of this amendment is to recognize in my State, where oil was discovered upon the Indian reservation, the rights of 225 applicants who made valid filings under the law as interpreted by the Interior Department, who complied with every request that the Interior Department asked, and who made filings upon the land similar to those who are going to be recognized in the bill, except that no permit was issued to them. The Indians will not lose one cent by these filings being recognized; they will receive the same royalty that will be received from others who are going to be recognized in this bill. The rights of the Indians will not be violated.

Mr. HUDSON. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. HUDSON. Have these others any rights except that they simply filed an application?

Mr. MORROW. Yes; they have rights. They gave a bond that they would comply with all the regulations; they expended some money in surveying this land; they went upon the land and they got an order enjoining the department

from canceling their filings. It is said in the correspondence I have had that they have expended from $100 to $700 each.

Mr. HUDSON. Will the gentleman yield further?

Mr. MORROW. Yes.

Mr. HUDSON. Does the gentleman contend that the mere filing of an application and the giving of a bond would constitute a right that should be handed down to the descendants of the applicants, which would result if the gentleman's contention holds?

Mr. MORROW. I maintain this, that if they had a right in the first instance, and if the courts of Utah have interpreted the law correctly in stating that this land had not passed from the Government, and the Government authorities, who were the authorities then in power, recognized these people, it is proper, now that they have recognized the rights of others, as provided in the bill, that the Secretary of the Interior should recognize their rights.

Mr. HUDSON. Will the gentleman yield further?

Mr. MORROW. Yes.

Mr. HUDSON. If the gentleman's contention is logically carried out, it would mean that this bill ought not to pass; that the title is in the Government and not in the Indian reservation.

Mr. MORROW. My dear sir, from the very fact that you are passing this law you recognize the fact that the title is not now in the Indians. [Applause.] I say the Indians should have their right in this land. I am not taking from the Indians by asking that these people be reinstated where there was one right that the Indians are entitled to.

Mr. FREAR. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. FREAR. I understand from the gentleman on my left [Mr. COLTON] that there are 56 applications in his State. Assuming that there are 200 applications, those 200 would only pay the 5 per cent royalty. Is not that right?

Mr. MORROW. It depends on whether they carry out the law or not. Their rights will not be recognized unless they carry it out.

Mr. FREAR. But as I understand, under the bill as originally drafted only 20 or 25 would pay the 5 per cent. I am speaking now of the difference in the interest of the Indians, and we have recognized, for the sake of the equities, 20 or more, while if the gentleman's amendment should prevail the number might run up to 200.

Mr. MORROW. It might run to 250, but I want to say that according to the facts I have gotten from the department only seven people have ever expended one dollar.

The CHAIRMAN. The time of the gentleman from New Mexico has expired.

Mr. LEAVITT. Mr. Chairman, I rise in opposition to the amendment to the substitute. The situation is this, as well set forth in the report that was made by the Secretary of the Interior under date of February 16, the original report on this bill, in which he said:

> In addition to the applications upon which permits were granted, there were filed approximately 400 for which no permits were issued. Undoubtedly many of these applications were purely speculative and nothing expended by the applicants in attempted development, and it is not believed that they should be recognized or given any preference right for leases covering the lands for which they applied.

Now, between that position and the position of the gentleman from New Mexico, there has been a desire to recognize those who have actually made large expenditures which give them some equity in this matter. So we have accepted a limited provision which has been already passed by the Senate. This same question was raised in the Senate by the Senator from New Mexico and it was defeated. I think the RECORD shows that there were only two votes for the contention that is now being made by the gentleman from New Mexico. We have said if there are any who have done all of a certain number of things, the Secretary may give them recognition.

Mr. MORROW. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. MORROW. The language is "who have done all of a certain number of things," why put in the word "all"?

Mr. LEAVITT. Because if we do not put in the word "all," we are throwing the gate wide open to anyone who made any sort of application. Our committee, at the suggestion of the gentleman from New Mexico, did report a more liberal amendment to the House, one which would have recognized all of these persons, but the Commissioner of Indian Affairs came before the committee and said that the discretion of the Secretary would be only as to the matter of legal standing of the applicants.

Mr. MORROW. Is that all he said?

Mr. LEAVITT. The result would be, as I understand it, speaking now from the standpoint of the Indians who, we are trying to say in this bill, are the owners of this land, that instead of the Secretary of the Interior leasing oil lands to the highest bidder, which would mean that he would see that the Indians get the best possible result from the development, the general leasing law would be in effect. That would mean a considerably smaller royalty going to the Indians than would probably go to them by calling for competitive bids. I will admit that the same lands would ultimately be developed, but under the development as we would restrict it here, my opinion is the Indians would profit much more fully and there would be absolutely no retarding of oil development in this section.

Mr. MORROW. Will the gentleman yield further before his time expires?

Mr. LEAVITT. I yield.

Mr. MORROW. Was the purpose of putting in the four different things—geologic surveying of the land, drilling for oil, building roads, and geologic examinations—for the purpose of recognizing other people who are not now in the bill?

Mr. LEAVITT. It is also a limitation.

Mr. MORROW. And cutting out the people in my State who have done one or two of the things but not all the things?

Mr. LEAVITT. We are not cutting out anybody who can come within the qualifications of the bill. The situation with regard to these other people is that there were three or four only, as the record will show, who took part in these large expenditures and whose permits were not granted, simply because there was a conflict with water-power withdrawals, which disability has since been removed.

I hope, Mr. Chairman, the amendment to the substitute will be defeated.

The CHAIRMAN. The question is on the amendment to the substitute offered by the gentleman from New Mexico.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 3, noes 33.

So the amendment to the substitute was rejected.

Mr. MORROW. Mr. Chairman, I have another amendment which I desire to offer.

The CHAIRMAN. The gentleman from New Mexico offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Substitute offered by Mr. MORROW for the committee amendment——

The CHAIRMAN. The gentleman's substitute is not in order, as there is one substitute pending. The question is on the substitute offered by the gentleman from Montana [Mr. LEAVITT].

The substitute was agreed to.

The CHAIRMAN. The question is on the amendment as amended by the substitute.

The amendment as amended by the substitute was agreed to.

Mr. BLACK of Texas. Mr. Chairman, I offer an amendment in line 21, page 4, strike out "5" and insert "12½."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BLACK of Texas: Page 4, line 21, strike out the figure "5" and insert in lieu thereof the figure "12½."

Mr. BLACK of Texas. Mr. Chairman, I will very readily admit that on these questions of Indian affairs the committee that has charge of the legislation naturally is a great deal better informed than the rest of us can possibly be, and in the few remarks I make on this amendment, if I state anything that is not correct, I would be pleased to be corrected by some of the committee who are better informed than I am.

Section 1 of the bill, which might be termed the general leasing section of the bill, provides that the leases shall be made in accordance with the provisions contained in the act of May 29, 1924. If I understand the provisions of that act, they are that the Indians shall receive a royalty of 12½ per cent of the value of the production. Am I not correct in that statement?

Mr. HAYDEN. That is the practical effect of it; yes.

Mr. SPROUL of Kansas. That is the minimum royalty.

Mr. BLACK of Texas. Yes; it may be more, but that is the minimum. In other words, it is the usual one-eighth royalty that is paid when you strike oil in what we call wildcat territory.

Mr. SPROUL of Kansas. That is correct.

Mr. BLACK of Texas. This section we now have under consideration, as I understand it, is to deal with certain attempted leases by former Secretary of the Interior Albert B. Fall, and those leases, as I understand it, contained provisions that the royalty should be 5 per cent of the value of the production instead of 12½ per cent.

Mr. MORROW. Will the gentleman yield there?

Mr. BLACK of Texas. Yes.

Mr. MORROW. That was under the general leasing act, and that is the law at the present time with respect to leasing land in the public domain.

Mr. BLACK of Texas. Let me see if I understand correctly. The Secretary of the Interior assumed that these Indian reservations, which had been created by Executive order, still retained their character of public lands.

Mr. MORROW. Concerning the minerals.

Mr. BLACK of Texas. That is my understanding, and the leases made called for a royalty of 5 per cent. Whereas if they had been leased under the act of May 29, 1924, as part of Indian reservations the minimum royalty would have been 12½ per cent.

Mr. SPROUL of Kansas. The gentleman is right. The lands covered by the leases to which the gentleman refers are to be treated as public lands and especially under the leasing act. There are 160 acres out of a possible 2,560 acres on which the royalty is 5 per cent only, charged to the lessee, whereas on the balance of 2,400 acres of his original 2,560 acres he will have to pay a minimum of one-eighth, or 12½ per cent.

Mr. BLACK of Texas. The objection I have to this section 5 which we are now discussing, and the reason I have offered my amendment, is that the section does not purport to validate the leases made by the Secretary of the Interior; but the bill itself is predicated on the idea that the Secretary of the Interior had no right to make these leases; that he was acting beyond the scope of his authority in making them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK of Texas. But also the bill is written upon the theory that as a matter of equity, as a matter of recognition to the people who have expended certain sums of money in prospecting, we will give them a preferential right to take up this land. That is all right. I have no objection to that at all; but I see no reason why, if we are to assume that these leases made by Secretary Fall are invalid, we should give them a lease which will permit them to pay a royalty of only 5 per cent as against 12½ per cent which everybody else will have to pay under the terms of this bill. That might mean many millions of dollars. I understand that two oil companies which would enjoy this privilege are the Midwest Oil Co. and the Southwest Oil Co. Why should they receive special favors?

Mr. WILLIAMSON. Notwithstanding the provision in the gentleman's amendment, they might go into court and maintain the contract.

Mr. BLACK of Texas. Oh, I will grant to the gentleman that they probably will continue the suit if my amendment is adopted. That will be all right; let them do it. If the Supreme Court of the United States holds their former leases are good, then very well, but I am strictly opposed to giving them any 5 per cent leases under the terms of this bill.

Mr. LEAVITT. The effect of continuing the suit, if it was won, would take away from the Indians everything, and the only court that has acted on this upheld their contention that this is public land and that the leases are valid.

Mr. BLACK of Texas. If the Supreme Court of the United States decides that these reservations made by Executive order still retain the character of public lands, why, of course, the leases will be held good, and no one will have any right to complain; but if, on the other hand, the Supreme Court holds, as Attorney General Stone held, that all the rights to the land made a part of Indian reservations by Executive order pass to the Indians, the Indians will be entitled to the full royalty of 12½ per cent. Why should Congress permit some favored lessees to get in under a 5 per cent royalty?

Mr. COLTON. They would not get anything under those facts.

Mr. BLACK of Texas. If the Supreme Court holds that the Secretary of the Interior had no right to lease these Indian reservation lands, then they will come under the general leasing clause of the act, and the lessees will have to pay 12½ per cent.

Mr. FREAR. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. FREAR. The withdrawal of the suit is to be had in case the bill passes, but only 23 or 24 lessees are involved in the 5 per cent.

Mr. BLACK of Texas. My friend will recognize that number of leases might mean millions of dollars.

Mr. FREAR. Yes; but not so likely as to have the Indians compelled to take the chances of validation of title hereafter.

Mr. BLACK of Texas. I like to go according to the laws of the land. [Applause.] I am not willing to come in here and by this kind of a bill O. K. the leases of Secretary Fall to certain lessees and let them off with a 5 per cent royalty that might mean many millions of dollars. Of course, if oil is not discovered in paying quantities, it would mean but very little what rate of royalty is specified in the leases; but if oil is discovered in paying quantities, then there is a very great difference between a 5 per cent royalty and a 12½ per cent royalty.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLACK of Texas. I will.

Mr. SCHAFER. Would it not be just as logical for Congress to legalize the Teapot Dome oil leases on the same contention raised in favor of this bill that the oil companies have spent money in drilling, and so forth?

Mr. BLACK of Texas. Yes; I think in a great measure that would be true. All we ought to do in section 5 is to say to these men and oil companies who have done this prospecting, we will give you a preferential right, we will let you go ahead, and if you develop an oil field you will pay the same royalties as all the others that lease under the provisions of the bill. I can see no justification in giving them a permit under this act we are about to pass and charging them a royalty of only 5 per cent.

Mr. WINTER. Will the gentleman yield?

Mr. BLACK of Texas. I will yield to the gentleman.

Mr. WINTER. Why should they not have the same royalty that has been decided by Congress to be a fair royalty in the general leasing act. Under section 3 of the present leasing act when they develop oil they get a portion of the area and pay 5 per cent royalty.

Mr. BLACK of Texas. The point I make, and the gentleman will correct me if I am in error, is that the act of May 29, 1924, which provides for the leasing of Indian land provides for a minimum royalty of 12½ per cent.

Mr. HAYDEN. That is the point I am trying to get the gentleman to yield about. That act does not provide anything of the kind. The act provides that it shall be such royalties as the Secretary may fix.

Mr. BLACK of Texas. And under the practice what is the rule?

Mr. HAYDEN. It is 12½ per cent, but that is not the law, and the law under which these gentlemen proceeded allows for wildcat wells under an original lease, one-quarter.

Mr. BLACK of Texas. Has the Secretary of the Interior made any lease on any land under the act of May 29, 1924, where the royalty was not 12½ per cent?

Mr. HAYDEN. Not that I know of.

Mr. BLACK of Texas. That is what I thought, and that is why I am objecting to section 5 of this bill and that is what I am trying to correct by my amendment. I hope a majority of the Members of the House will view the matter as I do and adopt my amendment.

Mr. HAYDEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas. The Committee on Indian Affairs gave very careful consideration to the minimum rate of royalty which should be charged and acted in the light of two court decisions, one by the judge of the Federal Court for the District of Utah who found that these permittees had in good faith, without any taint or sign of fraud, expended large sums of money on a wildcat well and had such equities that they were entitled to proceed under their permits. The court of original jurisdiction found in their favor, and then the case was appealed to the circuit court of appeals in Denver, where three judges—Judge Lewis, Judge Kenyon, a former United States Senator, and Judge Munger—in certifying this case to the Supreme Court, said:

> Can this suit be maintained by the United States in equity to cancel the permit, it having been issued upon formal hearing by the Secretary of the Interior, no claim of fraud or bad faith being made, and the Government having brought no action to cancel the same for 1 year, 10 months, and 9 days after its issuance, appellees Midwest Oil Co. and Southwest Oil Co. in that time having expended over $200,000 in developing the property for oil, which to them is a total loss if the permit is canceled?

Mr. BLACK of Texas. Mr. Chairman, will the gentleman from Arizona yield?

Mr. HAYDEN. I yield.

Mr. BLACK of Texas. The gentleman understands that I am perfectly agreeable to giving all of the permittees included in section 5 a preference. The only thing I seek to do is to make them pay the same royalty as any other lessor will have to pay.

Mr. HAYDEN. I insist that it is manifestly unfair to raise the rate of royalty to be charged these permittees who have expended over $200,000 under the conditions as stated by the circuit court of appeals. Congress should treat them as did the courts when it was decided that all of their acts were in good

faith, that there was no fraud, and that they did exactly what the law required of them. It is wrong to arbitrarily say that because these permittees are in a position where Congress can mulct them that the rate of royalty should be increased to 12½ per cent. That would be an injustice which Congress should not perpetrate.

Mr. COLTON. And would not that, in effect, be abrogating a contract?

Mr. HAYDEN. It would be an act of bad faith.

Mr. SPROUL of Kansas. Is it not a fact that each party to a contract must be the judge of the legal capacity of the party he is dealing with, and when the permittee procures permits and expends money under them, the permits having been issued by Mr. Fall in a leasing proposition that was questionable as to his authority, then they occupy the same position as any other man who takes the chance, and are bound by the principle of caveat emptor.

Mr. HAYDEN. Caveat emptor was as vile and inhuman a principle as was ever incorporated in the Roman law. By quoting it the gentleman from Kansas proposes to hold down these permittees to the technical letter of the law in violation of every element of equity. What we should do here is justice, and nobody can read the court record and honestly say that Congress should do anything except place these 20 permittees in exactly the situation that they were on the day when they were prevented by the Federal Government from proceeding with the work of drilling for oil.

Mr. COLTON. And is not this a proposal to carry out the exact provisions of the law under which these people went on the property?

Mr. HAYDEN. Yes; and yet there are misguided gentlemen here who would take away from these permittees the rights which the courts have said that they acquired under the law.

Mr. BLACK of Texas. The gentleman will admit that if these leases are legal under the law, the passage of this act will not affect them in any way, and if they are not legal and we are assuming that they are not by passing this law——

Mr. HAYDEN. Oh, no; this bill is not based on that assumption.

Mr. BLACK of Texas. Then we ought to have a uniform rate of royalty.

Mr. HAYDEN. Five per cent is the uniform rate of royalty prescribed by the general oil and gas leasing act of February 25, 1920, to encourage the discovery of oil in wildcat or unproven territory.

Throughout the course of this debate reference has been repeatedly made to the fact that Secretary Fall leased certain oil lands to Sinclair, Doheny, and others, including Harrison, the individual mentioned in the litigation involved in this bill. The evident inference is that there is something comparable between the Sinclair and Doheny cases and the Harrison case, when, as a matter of fact, they have nothing in common. The lands in the Doheny and Sinclair cases were known oil lands not within any Indian reservation, and leases were given on them. The lands involved in the relief provisions of this bill are not known oil lands, and Harrison was given only a permit to prospect for oil, which if discovered would bring him under existing and general governmental regulations. There were no leases issued to anyone on these Executive-order Indian reservations.

In the Sinclair and Doheny cases there is a direct charge of fraud. That is the important point in the suits against them. In this case there is absolutely no fraud, and that question is not involved in any way. The Government admits that Harrison acted in entire good faith upon lands then open to leasing.

The Secretary of the Interior was expressly prohibited by law from making leases upon the lands involved in the Sinclair and Doheny cases, and one of their defenses in the criminal case against them is that Secretary Fall had no power to make the leases. I have entire faith that this House will not be led astray by these appeals to prejudice but will do full and complete justice to the 20 permittees who are granted relief by the section of the bill now under discussion. The only way to treat them fairly and equitably is to reject the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLACK of Texas) there were—ayes 6, noes 28.

So the amendment was rejected.

Mr. LEAVITT. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Page, 3, line 14, strike out the word "under" and insert the word "upon."

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

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment offered by Mr. LEAVITT: Page 3, line 18, after the word "therefore," insert the following: "Who shall show to the satisfaction of the Secretary of the Interior that he or the party with whom he has contracted has done any or all of the following things, to wit, expended money or labor in geologically surveying the land covered by such permit, has built a road for the benefit of such lands, or has drilled or contributed to the drilling of the geological structure upon which said lands are located."

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

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I offer the following amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Committee amendments: Page 5, line 8, after the word "Secretary," insert the words "of the Interior," and in line 9, after the word "Secretary," insert the words "of the Interior."

The question was taken, and the amendments were agreed to.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to consider in lieu of the House bill which has now been perfected the bill S. 4152, by striking out all after the enacting clause and inserting the House bill as now perfected. I will say we have now made the House bill practically the same as the Senate bill except in some particulars, and since the Senate bill has passed the Senate I desire to substitute the Senate bill for the House bill by striking out all after the enacting clause and substituting the House bill as perfected in Committee of the Whole House on the state of the Union.

Mr. CRAMTON. Mr. Chairman, it would seem to me a question as to whether the committee has the Senate bill before it. If when the gentleman moved to go into the Committee of the Whole he only moved to go into the committee to consider the House bill, that is the only bill which this committee has before it.

The CHAIRMAN. The Chair will make the statement that that will have to be done in the House.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill (H. R. 9133) back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 9133, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the amendments.

The SPEAKER. Is a separate vote demanded on any amendment; if not, the Chair will put them en gros.

The question was taken, and the amendments were agreed to.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill S. 4152, a similar bill, may be considered in lieu of the House bill by striking out all after the enacting clause in the Senate bill and substituting the House bill as perfected.

The SPEAKER. The gentleman from Montana asks unanimous consent to discharge the Committee on Indian Affairs from the further consideration of the bill S. 4152 and to consider the same; that the text of the House bill as amended be considered as an amendment, striking out all after the enacting clause of the Senate bill. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. When is it in order to offer a motion to recommit?

The SPEAKER. Immediately after the third reading. The question is on the third reading of the Senate bill.

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

Mr. SCHAFER. Mr. Speaker, I have a motion to recommit, providing a member of the committee does not desire to make a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SCHAFER. Yes.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Motion to recommit: Mr. SCHAFER moves to recommit the bill to the Indian Affairs Committee with instructions to strike out the number "5," in line 21, page 4, and insert "12½."

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken; and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. SCHAFER) there were—ayes 5, noes 53.

Mr. SCHAFER. Mr. Speaker, I object to the vote, because there is clearly no quorum present.

The SPEAKER. Clearly there is no quorum present. The question is on the motion of the gentleman from Wisconsin to recommit.

The question was taken; and there were—yeas 38, nays 221, not voting 171, as follows:

[Roll No. 114]

YEAS—38

Abernethy	Crosser	Kerr	Rouse
Allgood	Davey	Kincheloe	Schafer
Black, N. Y.	Dowell	King	Snell
Black, Tex.	Driver	LaGuardia	Somers, N. Y.
Box	Eslick	Lanham	Sproul, Kans.
Brand, Ga.	Fitzgerald, Roy G.	Lozier	Stevenson
Briggs	French	Parks	Taylor, W. Va.
Busby	Hogg	Quin	Wilson, Miss.
Collins	Howard	Ragon	
Connally, Tex.	Huddleston	Rankin	

NAYS—221

Almon	Fenn	Little	Scott
Arentz	Fish	Lowrey	Sears, Nebr.
Arnold	Fisher	Lyon	Shallenberger
Aswell	Fitzgerald, W. T.	McDuffie	Shreve
Auf der Heide	Fletcher	McFadden	Simmons
Bachmann	Fort	McKeown	Sinnott
Bacon	Foss	McLaughlin, Mich.	Smithwick
Bailey	Frear	McLaughlin, Nebr.	Sosnowski
Barbour	Frothingham	McLeod	Speaks
Barkley	Gardner, Ind.	McMillan	Sproul, Ill.
Beers	Gasque	McReynolds	Stedman
Begg	Gifford	McSwain	Stephens
Bell	Glynn	McSweeney	Strother
Bland	Goodwin	MacGregor	Summers, Wash.
Bowles	Graham	Magee, N. Y.	Swank
Bowman	Green, Fla.	Magrady	Swing
Brigham	Green, Iowa	Major	Taber
Browne	Greenwood	Mansfield	Taylor, Colo.
Browning	Griest	Mapes	Taylor, Tenn.
Bulwinkle	Hadley	Martin, La.	Temple
Burdick	Hale	Martin, Mass.	Thompson
Burtness	Hall, Ind.	Michener	Tilson
Burton	Hall, N. Dak.	Miller	Timberlake
Butler	Hardy	Montgomery	Tinkham
Byrns	Hare	Mooney	Tolley
Campbell	Hastings	Moore, Ky.	Underwood
Canfield	Haugen	Morehead	Upshaw
Cannon	Hayden	Morgan	Vestal
Carew	Hickey	Morrow	Vincent, Mich.
Carter, Okla.	Hill, Md.	Murphy	Vinson, Ga.
Celler	Hill, Wash.	Nelson, Me.	Vinson, Ky.
Chalmers	Holaday	Nelson, Mo.	Voigt
Chapman	Hooper	Newton, Minn.	Wainwright
Chindblom	Hudson	O'Connell, N. Y.	Walters
Christopherson	Hudspeth	O'Connell, R. I.	Wason
Clague	Hull, Tenn.	O'Connor, La.	Watres
Cole	Hull, Morton D.	O'Connor, N. Y.	Watson
Collier	Jacobstein	Oldfield	Weaver
Colton	Jeffers	Parker	Wefald
Connery	Jenkins	Perlman	Weller
Cooper, Wis.	Johnson, Ill.	Prall	Wheeler
Cox	Johnson, Ind.	Purnell	White, Kans.
Coyle	Johnson, S. Dak.	Quayle	White, Me.
Cramton	Johnson, Tex.	Ransley	Whitehead
Crisp	Kendall	Rathbone	Whittington
Cullen	Kiefner	Reed, N. Y.	Williamson
Curry	Knutson	Reid, Ill.	Wingo
Darrow	Kurtz	Rogers	Winter
Davis	Kvale	Romjue	Wolverton
Dickinson, Iowa	Lampert	Rowbottom	Wright
Dickstein	Lankford	Rubey	Wyant
Dyer	Larsen	Rutherford	Yates
Edwards	Lazaro	Sanders, N. Y.	Zihlman
Elliott	Leatherwood	Sanders, Tex.	
Evans	Leavitt	Sandlin	
Fairchild	Letts	Schneider	

NOT VOTING—171

Ackerman	Berger	Carter, Calif.	Doughton
Adkins	Bixler	Cleary	Douglass
Aldrich	Blanton	Connolly, Pa.	Doyle
Allen	Bloom	Cooper, Ohio	Drane
Andresen	Boies	Corning	Drewry
Andrew	Bowling	Crowther	Eaton
Anthony	Boylan	Crumpacker	Ellis
Appleby	Brand, Ohio	Davenport	Esterly
Ayres	Britten	Deal	Faust
Bacharach	Brumm	Dempsey	Fredericks
Bankhead	Buchanan	Denison	Free
Beck	Carpenter	Dickinson, Mo.	Freeman
Beedy	Carss	Dominick	Fuller
Fulmer	Kearns	Morin	Strong, Kans.
Funk	Keller	Nelson, Wis.	Strong, Pa.
Furlow	Kelly	Newton, Mo.	Sullivan
Gallivan	Kemp	Norton	Sumners, Tex.
Gambrill	Ketcham	Oliver, Ala.	Swartz
Garber	Kiess	Oliver, N. Y.	Sweet
Garner, Tex.	Kindred	Patterson	Swoope
Garrett, Tenn.	Kirk	Peavey	Taylor, N. J.
Garrett, Tex.	Kopp	Peery	Thatcher
Gibson	Kunz	Perkins	Thomas
Gilbert	Lea, Calif.	Phillips	Thurston
Golder	Lee, Ga.	Porter	Tillman
Goldsborough	Lehlbach	Pou	Tincher
Gorman	Lindsay	Pratt	Treadway
Griffin	Lineberger	Rainey	Tucker
Hammer	Linthicum	Ramseyer	Tydings
Harrison	Luce	Rayburn	Underhill
Hawes	McClintic	Reece	Updike
Hawley	Madden	Reed, Ark.	Vaile
Hersey	Magee, Pa.	Robinson, Iowa	Vare
Hill, Ala.	Manlove	Robsion, Ky.	Warren
Hoch	Mead	Sabath	Welsh
Houston	Menges	Sears, Fla.	Williams, Ill.
Hull, William E.	Merritt	Seger	Williams, Tex
Irwin	Michaelson	Sinclair	Wilson, La.
James	Milligan	Smith	Wood
Johnson, Ky.	Mills	Spearing	Woodruff
Johnson, Wash.	Montague	Stalker	Woodrum
Jones	Moore, Ohio	Steagall	Wurzbach
Kahn	Moore, Va.	Stobbs	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Mills with Mr. Garrett of Tennessee.
Mr. Sweet with Mr. Drane.
Mr. Strong of Pennsylvania with Mr. Deal.
Mr. Taylor of New Jersey with Mr. Blanton.
Mr. Underhill with Mr. Harrison.
Mr. Morin with Mr. Bankhead.
Mr. Treadway with Mr. Johnson of Kentucky.
Mr. Newton of Missouri with Mr. Kindred.
Mr. Vare with Mr. Steagall.
Mr. Pratt with Mr. Peery.
Mr. Wurzbach with Mr. Tydings.
Mr. Seger with Mr. Garner of Texas.
Mr. Patterson with Mr. Drewry.
Mr. Merritt with Mr. Lindsay.
Mr. Appleby with Mr. Corning.
Mr. Ackerman with Mr. Bloom.
Mr. Free with Mr. Goldsborough.
Mr. Gorman with Mr. Sumners of Texas.
Mr. Connolly of Pennsylvania with Mr. Woodrum.
Mr. Ketcham with Mr. Lee of Georgia.
Mr. Denison with Mr. Reed of Arkansas.
Mr. Kiess with Mr. Lea of California.
Mr. Carter of California with Mr. Cleary.
Mr. Bacharach with Mr. Bowling.
Mr. Michaelson with Mr. Griffin.
Mr. Williams of Illinois with Mr. Gilbert.
Mr. Furlow with Mr. Kemp.
Mr. Aldrich with Mr. Linthicum.
Mr. Faust with Mr. Douglass.
Mr. Anthony with Mr. Mead.
Mr. Freeman with Mr. Gambrill.
Mr. Boise with Mr. Dominick.
Mr. Golder with Mr. Buchanan.
Mr. Hersey with Mr. Ayres.
Mr. Irwin with Mr. Pou.
Mr. Johnson of Washington with Mr. Spearing.
Mr. Crumpacker with Mr. Rayburn.
Mr. Britten with Mr. Sullivan.
Mr. Eaton with Mr. Tillman.
Mr. Crowther with Mr. Wilson of Louisiana.
Mr. Fuller with Mr. Rainey.
Mr. Gibson with Mr. Thomas.
Mr. Manlove with Mr. Warren.
Mr. Luce with Mr. Sears of Florida.
Mr. Thatcher with Mr. Williams of Texas.
Mr. Madden with Mr. Tucker.
Mr. Perkins with Mr. Sabath.
Mr. Reece with Mr. Carss.
Mr. Robsion of Kentucky with Mr. Hawes.
Mr. Wood with Mr. Boylan.
Mr. Welsh with Mr. Hill of Alabama.
Mr. Swartz with Mr. Kunz.
Mr. Keller with Mr. Montague.
Mr. Hawley with Mr. Gallivan.
Mr. Funk with Mr. Oliver of New York.
Mr. Brand of Ohio with Mr. Milligan.
Mr. Cooper of Ohio with Mr. Fulmer.
Mr. Dempsey with Mr. McClintic.
Mr. Ellis with Mr. Doyle.
Mr. Vaile with Mr. Moore of Virginia.
Mr. Stobbs with Mr. Garrett of Texas.
Mrs. Kahn with Mrs. Norton.
Mr. Smith with Mr. Oliver of Alabama.
Mr. Lehlbach with Mr. Doughton.
Mr. Stalker with Mr. Hammer.
Mr. Porter with Mr. Jones.
Mr. Moore of Ohio with Mr. Dickinson of Missouri.
Mr. Sinclair with Mr. Beck.
Mr. Hoch with Mr. Nelson of Wisconsin.
Mr. Kearns with Mr. Peavey.
Mr. Updike with Mr. Berger.

The result of the vote was announced as above recorded.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. LEAVITT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE TO ADDRESS THE HOUSE

Mr. JACOBSTEIN. Mr. Speaker, early in the day I asked unanimous consent to address the House to-morrow for 10 minutes. I should like to have that transferred to next Tuesday, and I make that request.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for 10 minutes on next Tuesday. Is there objection?

There was no objection.

THE EIGHTEENTH AMENDMENT IS A BLUNDER, BUT THE VOLSTEAD ACT IS A LIE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks on the eighteenth amendment.

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

There was no objection.

Mr. CELLER. Mr. Speaker, the eighteenth amendment was a woeful blunder, but by virtue of the difficulty of amending the Constitution it is there to stay as long as 13 States hold out it will remain. These 13 States may contain but a small portion of our entire population, yet they hold the whip hand. So long as there is fear of negro domination the South will always cling to the eighteenth amendment, in order to keep booze from the negro. The South always will furnish enough States to rivet the eighteenth amendment to the Constitution beyond possibility of removal.

But we can live down the blunder of that amendment. Like other portions of the Constitution it will enter the state of "innocuous desuetude." Its teeth will gradually be drawn, and it will become in time harmless—just an excrescence of the Constitution like the fourteenth and fifteenth amendments. We shall give it in time only a lip service. For surely it has only been of disservice to the country.

Some say it is treason to speak this way. Others say it is nullification. I have eminent authority for such nullification and for such treason. Wendell Phillips said "To hell with the Constitution" when confronted with the fugitive slave law, which the Supreme Court upheld. The most ardent "wet" would not so speak of the Constitution. Yet, Phillips and the abolitionists are heroes now. As for treason, that is an old way of attempting to wave aside an unanswerable argument. Patrick Henry inveighed in 1765 against the stamp act of George the Third just as we "wets" now fight against the present law of prohibition. Patrick Henry arose in the House of Burgesses of Virginia and with fiery eloquence said:

> Cæsar had his Brutus, Charles the First his Cromwell, and George the Third—." "Treason," cried the Speaker. "Treason," "Treason," echoed the conservatives. But Henry, unshaken, completed his sentence: "And George the Third may profit by their example. If this be treason, make the most of it."

If my utterances be treason, make the most of it.

Getting back to nullification, a good many portions of our Constitution are in fact nullified every day. There is nothing sacred about the Constitution. It was made by human hands and is endowed with human frailties. It is not infallible. Its framers never deemed it perfect; otherwise they would not have provided for amendment. Woodrow Wilson, in his Constitutional Government, pointed out the mistaken notion of our fathers that our three branches of government, executive, judicial, legislative, could always be kept separate and distinct—as far from each other as the poles. Wilson showed that the country was still young when it was readily discernible that each branch was dependent upon the other and had to keep together and cooperate. That was one of the first notable changes in constitutional construction. He said the Constitution grows and expands, despite the fixity of its language, by judicial interpretation and legislation. It also lets useless portions decay and unworkable sections atrophy. To point out that we have abandoned by disuse numerous sections of the Constitution is not nullification. To proclaim that the eighteenth amendment will in course of time and ought to decay and rot away, and thus become useless, is likewise far from "nullification."

This kind of "nullification" already exists, as pointed out recently by a morning World's editorial, in at least 10 instances:

1. The presidential electors, by nullification, and nullification alone, have lost the right which the Constitution gives them of using their discretion in the choice of the President.

2. The provision that no person shall be Senator who has not attained the age of 30, and none shall be a Representative who is not at least 25, has been nullified. Henry Clay entered the Senate at 29; ROBERT M. LA FOLLETTE, Jr., was elected when below legal age.

3. The provision that Representatives shall be apportioned among the several States according to their population as determined anew every 10 years has been nullified. There has been no apportionment since that based on the census taken 16 years ago.

4. The Constitution provided in its original form that Senators should be elected by the State legislatures. Before 1913 this was effectively nullified in many States by direct primaries, which placed the election in the hands of the people. In 1913 the seventeenth amendment, providing for the direct election of Senators, was proclaimed.

5. The Constitution provides that the President shall make appointments subject to "the advice and consent of the Senate." This has been largely nullified. The President never asks the Senate's advice, and with certain offices the right to refuse its consent has become virtually extinct.

6. The Constitution (Article IV) declares that a person charged in any State with treason, felony, or other crimes who shall flee from justice and be found in any other State shall on demand be delivered up by the latter State. This has been nullified. States frequently refuse to deliver up prisoners, and Governor Smith gave an emphatic refusal to Massachusetts a few days ago.

7. The Constitution provides that any person "held to service or labor" in one State and escaping to another shall also be delivered up on demand. In the days before and after the fugitive slave act this was nullified by the attitude of many Northern States.

8. The Constitution provides that the President shall make treaties only with the advice and consent of the Senate, provided that two-thirds consent. This has in some degree been nullified. Repeatedly the President has pushed his power to make Executive agreements so far as to override the section. Roosevelt in 1905 made an Executive agreement with Santo Domingo which embraced almost precisely the same provisions as a treaty which the Senate had just rejected. Wilson in 1917 authorized an agreement with Japan covering questions which would ordinarily be dealt with only by formal treaty.

9. The fourteenth amendment, in the requirement that any State which denies or abridges the right of any adult male citizens to vote shall be penalized by a reduction in representation, is a dead letter.

10. The fifteenth amendment, asserting that the right to vote shall not be abridged by reason of race, color, or previous condition of servitude, has been nullified throughout a large part of the Union.

Let us hear no more of this prate and balderdash about "nullification" and "treason."

When all else fails wave the American flag. Patriotism is the last refuge of the scoundrel. Just so, the prohibitionists seek to bowl one over with the charge of "treason" and "nullification" when their bag of trick arguments fail them.

But the Volstead Act is a lie. It is worse than the blunder of the eighteenth amendment. That prohibits only intoxicants. But the Volstead Act bans all beverages of one-half of 1 per cent of alcohol or more. That definition is utterly false. The circuit court of appeals, Judges Hough, Manton, and Hand forming the court, in the recent Steinberg case, said the Volstead Act was an "admitted falsehood."

Wayne B. Wheeler, general counsel to the Anti-Saloon League, admitted on the witness stand at a legislative hearing in New Jersey in 1920 that when Congress barred liquors containing more than one-half of 1 per cent of alcohol it barred liquors which are not intoxicating, notwithstanding that the eighteenth amendment specifically prohibits only liquors that are intoxicating. And in 1922, when it was proposed to appoint a scientific commission to determine exactly what constitutes intoxicating liquor, this same Wayne B. Wheeler, speaking for the Anti-Saloon League, declared that—

> the findings of such a commission would serve no helpful purpose in determining what legislation is necessary to enforce the eighteenth amendment.

The Anti-Saloon League wants no light cast on the lie of the Volstead Act. Doctors, scientists, even temperance advocates, have scoffed at the pretense that all alcoholic content above one-half of 1 per cent produces intoxication. Truckling to the Anti-Saloon League, Congress deliberately classified as intoxicating liquors which are not in fact intoxicating.

It has remained for New York, my State, to challenge this lie. It passed a 2.75 beer bill in 1920. Its legislature petitioned Congress in 1923 to liberalize the Volstead Act. It repealed the Mullen-Gage law so that a man could not be punished twice for the same offense. This coming November the people of New York will vote on the subject. The referendum on the question whether beverages nonintoxicating in fact shall be legal will be decisive of the proposition. This referendum will be the "smoothe stone from the brook of truth" that will smite this lie.

Congress can redeem itself and the blunder of the eighteenth amendment by following New York. Amend the Volstead Act, legalizing beverages nonintoxicating in fact. That will bring back beer and light wines. It would relegate all alleged offenders to the courts where the petit jury would determine the

question of guilt or innocence. The effect would be that each community would enforce prohibition as it sees fit. Juries in Georgia might convict for slight traces of alcohol. Juries in New York reflecting the more liberal and tolerant spirit of its people might acquit unless the beverage contained a great degree of alcohol. Then no State would be enforcing its will upon another. No State would exercise a tyranny over another, as is the case to-day. It is unfair for New York to force South Carolina to abide by its wishes, and vice versa New York should not be made to do South Carolina's bidding.

We may not be able to repeal the eighteenth amendment. That blunder will for all time plague us. Finally, however, its effectiveness will fade like the mists before the morning sun. It will be a mere memory—a skeleton of its former existence. But the lie of the Volstead Act can not endure. It must be scotched as one would a snake.

A tentative program for the change would be:

1. No saloon. To that end wines and beer, which the amended Volstead Act would permit, would have to be consumed off the premises where sold.

2. There could be no consumption in restaurants and hotels. That would give rise to the old Raines law hotel scandals, and the so-called dinner consisting of a stale sandwich that remains on the table for days. Consumption would be in the home.

3. Ardent spirits in bond shall be bought up by the Government and shall be dispensed under permit to druggists for medicinal purposes only.

4. The sale of wine and beer shall be under the Quebec system; that is, Government monopoly. The Government shall either brew or make wine itself or purchase from brewers or vineyards.

GOOD BEER OR BAD LIQUOR

Under present conditions, good beer being impossible, people are poisoning their systems with bad liquor. It has been reliably estimated that in 1925, 60,000,000 gallons of denatured alcohol were "rewashed" or redistilled to remove the poisoned denaturing reagent. Those gallons were diverted to bootleg channels. Result: The Federal chemist, Quillian, in New York found that 98.5 per cent of 56,000 samples of seized liquors contained denatured alcohol which had been imperfectly "cleaned" or redistilled.

Let us make good beer possible and bad liquor impossible.

THE POWER BEHIND THE THRONE

General Andrews testified that 875 prohibition agents have been discharged for crookedness out of a total personnel of 3,600 to 3,800. One out of twelve was caught. How are agents appointed? Read the following colloquy between Senator REED and General Andrews:

Senator REED asked who recommended the force in which there was so much crookedness.

Mr. Andrews said, "You know how it is done; they are recommended by people."

Pressed further, he said: "Well, politics was behind many of the old appointments, and other forces."

Senator REED insisted that he say who else was behind them.

Mr. Andrews gave a halting list, with an insistent "who else" interjected by Senator REED.

Mr. Andrews first named the churches. Asked what churches, he replied, "All the churches. I suppose they are all interested." Then he named the Woman's Christian Temperance Union, the Anti-Saloon League, and kindred reform bodies.

Mr. REED asked who the persons were who made the recommendations. Mr. Andrews said he did not know, and was asked what were their positions. He replied that they were State superintendents of the Anti-Saloon League and others. Asked if there were any such in Washington, he named Wayne B. Wheeler.

PADLOCKING PERSONS—A LETTER TO THE ATTORNEY GENERAL

JUNE 17, 1926.

Hon. JOHN G. SARGENT,
Attorney General, Department of Justice,
Washington, D. C.

MY DEAR ATTORNEY GENERAL: Certain of the Federal attorneys have adopted practices in the enforcement of the Volstead Act, which are not only unlawful but most reprehensible, and, if continued, will be destructive of the constitutional provision according every accused the right of trial by jury.

Sections 22 and 23 of the Volstead Act provide for the procuring of an injunction against continued violation in any room, house, building, etc. Under this provision the so-called "padlock" proceedings have been taken and the equity powers of the Federal district courts have been invoked in abating the common nuisance in the continued sale of liquor in the room, house, building, or other places mentioned in the statute. It was never intended to allow the injunction against any individual as such. Under the act the injunction was limited to a certain place or situs where the unlawful or criminal acts are continued, but the Federal attorneys, in their zeal for enforcement, have gone further and have attempted to procure and have actually, in some cases, procured injunctions against individuals from committing further unlawful acts, regardless of place or situs. Equity can enjoin a nuisance at a given place, but equity can not enjoin the commission of crime; otherwise a man would be deprived of his right to trial by jury. The Volstead Act only provides for "padlocking" a place, not a person. Neither at common law nor by statute has any Federal attorney the right to do this. Many consent and default decrees have been entered in this fashion. They are not worth the paper they are written on. A violation of the injunction could not result in contempt of court. One of the district court justices of the southern district of New York has already so held.

Section 24 of Illinois enforcement statute is almost exactly like section 22 of the Volstead Act, which provides for the injunction against a nuisance. Chief Justice Dunn, of the highest court in Illinois, on October 28, 1925, in the case of the State of Illinois against Tony Brush, handed down the opinion that the injunction can not be personal, but must apply to a given place, and that the Illinois statute does not enjoin the commission of a crime, and that such a power is not inherent in the equity side of the Illinois court.

The Volstead Act has done enough damage in the way of weakening respect for law and constitutional rights. Misguided enthusiasm of Federal attorneys in ruthlessly denying right of trial by jury will easily complete the vicious circle and inspire in the minds of the people utter contempt not only for the Volstead Act but for courts and law in general.

Very truly yours,

EMANUEL CELLER, M. C.,
Tenth District, New York.

ANOTHER LETTER—PROHIBITION IS STILL THE SAME

MAY 13, 1924.

Dr. CHARLES W. ELIOT,
President Emeritus Harvard University,
Cambridge, Mass.

DEAR DOCTOR ELIOT: My considerable interest was aroused by your reply to President Butler, of Columbia University, on the subject of prohibition.

I have always had a great respect for your high-minded principles and splendid public spirit. Your reply to Doctor Butler, however, has been somewhat disquieting.

Some years ago as one of the leading lights, along with the late Seth Low and Jacob H. Schiff, of the committee of 50, after an exhaustive study of prohibition, you sent out, with the committee of 50, over your signature, the following scathing denunciation of prohibition.

"There have been concomitant evils of prohibitory legislation. The efforts to enforce it during 40 years past have had some unlooked-for effects on public respect for courts, judicial procedure, oaths, and law in general, and for officers of the law, legislators, and public servants. The public have seen law defied, a whole generation of habitual lawbreakers schooled in evasion and shamelessness, courts ineffective through fluctuations of policy, delays, perjuries, negligences, and other miscarriages of justice, officers of the law double-faced and mercenary, legislators timid and insincere, and candidates for office hypocritical and truckling, and officeholders unfaithful to pledges and to reasonable public expectation. Through an agitation which has always had a moral end, these immoralities have been developed and made conspicuous."

It is difficult to square what Doctor Eliot now states with what he thought about prohibition not so many years ago.

To my mind, what you previously stated still holds good. Prohibition has had a most corroding effect on the public mind.

Very truly yours,

EMANUEL CELLER,
Tenth District, New York.

THE UNDERWORLD OF PROHIBITION

Wheeler's Inside Story of Prohibition's Adoption shows to what extremes he and his ilk have gone to kill representative government and how boldly they use "slush funds" to influence congressional elections.

Wheeler's articles, swollen with conceit of the author, show how Senators, Representatives, and Presidents were browbeaten and forced to yield to the will of the Anti-Saloon League.

"Make it safe for the candidate to be dry" was (and still is) the slogan. Money, religion, duress, anything was used to elect "drys." In voting for prohibition many voted not as they or their constituents desired but as their master dictated. The whole business "smells to heaven." Legislators were desiccated, but representative government was desecrated.

Cataline never rendered a greater disservice to his country than did Wheeler in this sordid inside story.

Wilson, who vetoed the Volstead Act, found that his war legislation was being hamstrung by Wheeler and the "drys."

They humiliated him by refusing to accept his oral pledge concerning the food conservation act of 1917. They demanded his written word as the price for votes to pass this necessary war measure. Patriotism was nothing as compared to prohibition.

With the cunning of a Machiavelli, Wheeler boasts of an annual expenditure of $2,500,000. That is what he admits. What the "slush fund" was beyond that sum we are not told. Two million five hundred thousand dollars can buy many elections. He should be made to disgorge the secrets of the source of that wealth and how it was spent. His statement, "As I recall it, we spent less than $100,000 directly in electing drys to the Congress which voted to submit the amendment to the States; tens of thousands of dollars were spent for postage and telegrams," is too well guarded to satisfy the curious.

This story of the underworld of prohibition unmasks the real Anti-Saloon League and shows its sinister influence in American political life.

FOOL OR KNAVE

A man is a fool or knave to oppose the New York referendum this November—fool because he is past understanding this democratic method of testing the people's will, knave because he fears the result will lessen his private benefits. The Anti-Saloon League and professional "drys" are attempting to discount defeat in advance by telling their pepole not to vote.

Recently in the Rocky Mountain area the Denver Post conducted a poll, and there the prohibitionists, thinking they would win, urged all the drys to vote. Then the shoe was on the other foot. They even went so far as to place ballot boxes in churches and public places. To their dismay and chagrin they found that the Rocky Mountain area, including Denver, was overwhelmingly damp and moist, and that the people wanted light wines and beer.

The "drys" shriek their protests against the referendum. They remind me of the story that Lincoln once told of a traveler on the frontier who found himself out of his reckoning one night during a terrific thunderstorm. He floundered about; the lightning afforded him the only clue to his way, but the peals of thunder were frightful. A terrific bolt brought him to his knees, and he prayed:

O Lord! If it is all the same to you, give me a little more light and a little less noise.

The "drys" give us much clamor, but little enlightenment. There is unfailing light in a popular referendum.

The Senate prohibition hearings disclose that 875 prohibition agents were guilty of graft. That these same agents were appointed at the suggestion of the Anti-Saloon League and temperance societies is a sort of Banquo's ghost that returns to plague them. The assurance given by the head of the Prohibition Enforcement Bureau that there will always be corruption is of itself sufficient reason to permit the people of New York to blaze the trail with this referendum that other States may follow.

The "drys" in the present Congress can prevent a national referendum. They mistake stubbornness for true conviction and fear of constituents for courage. They will not see that a supposedly moral cause has made the country most immoral.

OUR BEST CITIZENS—ANOTHER LETTER

APRIL 15, 1926.

Hon. JOHN G. SARGENT,

Attorney General, Department of Justice, Washington, D. C.

MY DEAR ATTORNEY GENERAL: I have the highest respect for you and the high office you hold. Nevertheless, I must take exception to the speech made by you on Tuesday before the Women's National Conference for Law Enforcement. We have been fed up on similar speeches. They are like the giving of water to a dropsical man. The rank and file of the people, who are not in sympathy with prohibition, look upon your remarks as being as useless as falling snow upon an iceberg.

You state that prohibition is the will of the people. You forget that the people had nothing to do with the prohibition amendment. There was never a direct vote on the subject, and the members of the legislatures who voted to ratify were in most instances not elected on the prohibition issue. It is the law of the land and must be obeyed, but it need not be respected. It is not respectable. You state that the law proscribes against drinking, and you back up General Andrews's (for whose opinion I usually have high regard) plea to make the serving of liquir unpopular at parties. The law does not ban drinking. Those who had stocks prior to prohibition are allowed to use them. That is the rub; the poor man has no such stocks. When he makes his stuff and is accused he resents the fact that the judge and the jury and the prosecuting attorney probably all drink.

You say the so-called best citizens forfeit the right to being called such if they drink and inveigh against the law. They have a right to do both; to drink the preprohibition stocks at parties in their homes and by virtue of the first amendment of the Constitution to exercise free speech as well as to petition the Government to redress the grievance of prohibition.

They have the right to protest, particularly since the methods used to put over prohibition were the most immoral. A "Pussyfoot Johnson," who boldly admits that lying and bribery were used to advance prohibition, goes uncondemned. Even the New York Presbytery fail to disapprove of such dishonorable methods and thereby encourages a course of immoral conduct to bring about a supposedly moral result. Your so-called "best citizens" that drink and serve cocktails include the highest officials in and out of Washington, and they will continue to be the "best citizens" despite the heavy strictures you lay upon them. It was suggested that the House of Representatives refuse to allow a Member to sit if he drinks, and one of my colleagues rightfully stated that in that event there would be no quorum.

I do not know what the situation is in your own department, but am inclined to the belief that the conditions are quite similar. Without referring to you personally in any sense of the word, those that are loudest in accusing those who drink and serve drinks should be the accused rather than the accuser, and to them I tell the story often told by Lincoln. He was accused by Douglas of being a dramseller. Lincoln admitted the charge, but added that Douglas was his best customer.

With the kindest personal regards and assurances of my highest esteem, I am,

Very truly yours, EMANUEL CELLER,

Member of Congress, Tenth District of New York.

NOT EVEN WASHINGTON WOULD BE SAFE

Wayne B. Wheeler is now venting his venom and spleen upon United States District Attorney Buckner. Buckner has honestly given his opinion of the breakdown of prohibition enforcement and has made prohibition look ridiculous. Wheeler prohibits any ridicule of prohibition. A few weeks ago Wheeler had naught but praise for Buckner and fawned upon him. Buckner has come out for a New York State referendum and is now reviled by Wheeler. The latter and his poltroon league wither when the light of truth is cast upon them. They want the darkness of untruth to carry out their project of prohibition hypocrisy.

Wheeler is drunk with his power over a lot of maudlin women and mawkish prohibitionists. He should be made to drink the vintage of his "grapes of wrath." The recent newspaper poll has been a good purgative for him. A few more such shocks will sober him. He has defiled many a good character; even Washington would not be immune—the Washington who in hiring a gardener agreed that as part of the compensation the man should have, "$4 at Christmas with which he may be drunk for four days and four nights; $2 at Easter to effect the same purpose; $2 at Whitsuntide to be drunk for two days; a dram in the morning and a drink of grog at dinner at noon." (See p. 158, The True George Washington, by Ford.)

ALL NATURE IS WET

While the tempest rages over Washington's recipe for making beer, the "drys" are again worried over a complete exhibit of beer and wine and whisky making in the museum of the Botanical Garden of New York City. There one finds a veritable paradise or Garden of Eden for the home brewer. Here is a rum row—less than 12 miles out. There are rows and rows of bottles of lager beer, pale ale, stout and porter, burgundy, port, sherry, moselle, and champagne. The brass rail, the free lunch, and the cuspidors only are absent, otherwise an old-time beer emporium is manifest. The botanical exhibit shows brewing with New York barley and with Montana barley. If the palate is jaded with soft and low-powered wine, one is told how to fortify the port or sherry with alcohol, the amount of alcohol varying the degree of jag desired.

There are bottles of delectable sour-mash bourbon. A complete education may be had in rye mash. The contents of these bottles are classified as liquid food—all displayed behind glass doors under lock and key. Crowds of people gape and lick their chops at the display. Most of them copy the recipes and go home and try their luck.

Thus even botany refuses to be "dry." All nature is "wet."

A CONTRAST

Despite the strike in England the utmost order was maintained. There was no violence by direct action. There was no brutal police clubbing as in Passaic, N. J. The militia did not turn the city into an armed camp as in our street-car strikes.

In England there is no prohibition—hence the Englishman's greater general respect for law and order. In the United States there is prohibition—hence less respect for law and order.

Curbing the manufacture of alcohol has driven distilling into the home; padlocking breweries has encouraged the art of home brew. Children, therefore, grow up in an atmosphere of contempt of law.

A general strike in the United States surely would not witness, as in England, a friendly game of football between teams of policemen and strikers. No—thanks to prohibition there would be violations of all the laws of the decalogue by both sides. Demand for law and order would be as effective as a wet firecracker.

In England the church preaches and teaches; it does not lobby. The Methodist Episcopal Church South recently, at Memphis, appropriated $24,000 a year for a lobbying bureau at Washington. The Anti-Saloon League for years has made many churches collection agencies to raise slush funds to beat "wet" legislators.

In England the home is sacred against seizure and search. In the United States it is only supposedly so. Prohibitionists shriek to invade the home by passage of a law that would break down the door of dwellings to permit a bullying prohibition agent to enter at will. In England schoolboys glow with pride reciting the famous phrase of Lord Chatham:

> The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rain may enter; but the King of England may not enter.

In the United States we consign such noble sentiment to limbo—thanks to prohibition.

IT DEPENDS UPON WHOSE OX IS GORED

The Methodist Board of Temperance defends the practice of paying Members of Congress fees for making prohibition speeches. They would even defend Satan himself if he were on the side of prohibition. They failed to discredit Pussyfoot Johnson, who admitted he actually committed crimes putting across prohibition.

Such a defense is as useless as trying to make a sieve hold water. The burden of proof has indeed shifted to these Congressmen. It is for them to exculpate themselves if they can. It is undoubtedly a species of wrongdoing. They must of necessity vote only one way. They dare not vote except as their employers dictate.

Suppose I got a retainer from the American Sugar Refining Co. for making "sweet" speeches? Would I not be compelled, if I had any manhood, to vote for a high sugar duty? Suppose the Steel Trust hired me to speak for it, and suppose further it had a claim against the Government before the Committee on Claims, of which I am a member. I could hardly "steel" myself against voting for its bill.

If the Association Opposed to Prohibition offered me any money to make speeches, in good conscience I would be compelled to reject their offer because of my "wet" record. The "dry" Members of Congress should not do less. They lay a flattering unction to their souls by calling their retainer an honorarium. I should call it a dishonor-arium. There is nothing honorable about it.

They defend themselves and throw the cloak of pseudorespectability about them, but the frayed fringes of a petticoat of infamy still protrudes.

If "wet" or amphibious Members accepted similar tainted money the Methodist board would howl in protest. It depends upon whose ox is gored.

ALIEN BAITERS TAKEN TO TASK

General Andrews in a recent statement gave the impression that most of the liquor-law violators were aliens. It is only true that most of those caught are aliens. Otherwise, violation of the law is widespread and embraces aliens and natives about equally. If the alien is the bootlegger, is he less guilty than his native customer? The difference is that the alien is less likely to have the money and finesse to avoid arrest. It is easier to catch the ignorant and poor than the intelligent and rich. The Volstead law is like a cobweb, wherein small flies are caught but big ones break through.

The Commissioner of Internal Revenue reports 172,000 stills captured last year. General Andrews says only one out of ten is seized. That makes almost one and one-half million used illegally. The bulk of those seized are in States like Georgia, Alabama, North and South Carolina, Tennessee, and Virginia—all States that have proportionately little alien population. Portions of a recent deportation bill which passed the House bear most heavily against the alien. I hold no brief for the alien felon, alien smuggler, the insane alien, and criminal. I do, however, want to stand between the alien and absolute oppression. Every one of our treaties guarantees to the alien equal protection of the law. When it comes to prohibition, alien and native should be treated alike. I say this despite the ignorance of some of the aliens.

Even those aliens have contributed something to the country, despite their ignorance. They dig our subways, build railroads, span rivers, erect buildings, and till the soil.

To deport a man for violation of a law for which most native judges, bank presidents, business and professional men have, in private, no respect is barbarous. To rip an alien out of the bosom of his family and send him into exile harks back to the tortures of the Spanish Inquisition. Such pronouncement therefore ill suits the dignity of the United States district court and the judge that presides over it.

MANY FARMERS AND GRAPE GROWERS REJOICE

The farmer can make cider and fruit juices to his heart's content. He can make it to any degree of alcoholic voltage. Section 29 of the Volstead Act protects them. They must prove against him that the cider or prune juice is intoxicating in fact. That is for a jury to determine. His brethren, the home brewer in the city, is nabbed, but can raise no such defense. If the Government chemist testifies that beer contains more than one-half of 1 per cent, the Federal judge must instruct the jury to convict, and the jury must convict. Thus prohibition discriminates in favor of the farmer.

In 1920, 253,148,754 acres of land were given over to grape growing. In 1924 the total acreage jumped to 381,738,396, an increase in four years of 128,549,642. Prohibition has been a boon to vitaculture. The grape growers have waxed great and grown rich in furnishing the country with grapes to make wine. In 1921 the farmer raised about 152,000,000 pounds of corn sugar. In 1923 these figures jumped to about 528,000,000 pounds. "White mule," "third rail," "greased lightning" are all made from corn sugar. They say prohibition keeps the "booze" from the negroes in the South. The negroes are the best customers of the southern planters.

STOP AND LOOK, BUT DO NOT TOUCH

Congress has sanctioned the holding of the Sesquicentennial Exposition at Philadelphia in July, 1926, to commemorate the one hundred and fiftieth anniversary of the Declaration of Independence. I recently voted to appropriate money for buildings and exhibits of the United States. Many nations have accepted the President's invitation to exhibit their products.

Is it not strange that it has escaped attention of the drys that these countries will want to exhibit their wines? Wine is one of France's principal exported products. Spain and Italy will have the right to exhibit Marsala, Barbera, Sherry, and Vino Rosso and Bianco. Wines are the very life of these countries. France without her exhibit of sparkling burgundy, Italy without her showing of the velvety Chianti, Spain without her tawny port would be like a Texas without cotton, Detroit without an auto, Kentucky without the horses of the blue grass.

A country is known and interpreted by her products. Germany is always associated with beer and Rhine wine.

How interesting to have full-blooded Americans gaping at shelves of bottles of Irish malted and barley Scotch whisky! How lips will pucker at the sight of French champagne. We will have to keep our distance. It is verboten to go nearer. Strong and armed guards keep us back. We are like Tantalus of old. He was plunged up to his chin in water, with the finest fruits hanging over his head, but both water and fruit retreated when he attempted to taste them.

Will our Government refuse to accept these exhibits? It can not. The prohibition is only against beverage uses. Showing the wines and liquors is not such a use.

(With apologies to Horace, Catullus, and Omar Khayyam)

1

In days of old, e're Volstead's time,
The flowing bowl was not a crime,
And jollity and mirth no sin;
The wit came out as wine went in,
And loud proclaimed each sparkling glass,
In vino veritas!

2

But now no ruddy goblet's seen,
Where diners sit with guilty mien
And sidelong glances, as they sip
Concoctions strange to cup and lip;
While furtive waiters slyly pass,
In vino demitasse.

—By Adolph Feldblum, my esteemed friend.

LEAVE TO ADDRESS THE HOUSE

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to address the House to-morrow morning, after the work on the Speaker's table is disposed of, for 15 minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House to-morrow morning, after the business on the Speaker's table is disposed of, for 15 minutes. Is there objection?

There was no objection.

THE REPUBLICAN PARTY—THE MARYLAND POLITICAL SITUATION

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, including in my remarks a speech I made last night.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD, including therein a speech he made last night. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech, which I made in Baltimore last night at the Broadway Market Hall:

Mr. National Committeeman Jackson, Madame National Committeewoman Lowndes, Senator France, ladies, and gentlemen:

Breaking his political silence of five years, Senator WELLER to-day, in the morning papers, starts his campaign for renomination by saying that my statements about his record in the Senate are "deliberate and dishonest repetition" of "misstatement."

Senator WELLER, in the public press this morning, having declined to answer my letter and my invitation to be here to-night, calls me "dishonest" and the maker of "misstatements." He calls me these names, not in a direct letter to me, but in a long-winded circuitous letter to Mr. Baetjer, the eminent and rich corporation counsel, who, like Senator WELLER, opposed the soldiers' bonus, favors the World Court, and pussyfoots on prohibition.

I rejoice in the opportunity to defend the CONGRESSIONAL RECORD on the absenteeism of Senator WELLER, nor do I object to his mud slinging when he calls me "dishonest" and the maker of "misstatements." I consider this kind of Weller campaign as a good omen for me. Similar attacks are what elected me to Congress in 1920. After all, Senator WELLER is really referring to the CONGRESSIONAL RECORD as "dishonest," not me.

I am against the renomination of Senator WELLER for three reasons: (1) More than 55 per cent of the time since he took his seat in the Senate, five years ago, he has entirely failed to represent Maryland by attending or voting in the Senate; (2) more than 55 per cent of the time when he has actually voted on public matters he has misrepresented the sentiment of the people of Maryland; and (3) more than 55 per cent of the Republican Party in the State of Maryland has been defeated in the past five years by reason of his selfish assumption of leadership.

I do not propose to take much time to-night to "the Baetjer letter," Senator WELLER'S circuitous statement of this morning, because I desire to talk to you to-night about the platform of principles upon which Colonel Humphreys, Mayor Broening, and I are candidates for Republican nominations. I believe that the Republican Party in the Nation and in the State is the best agency for good government when the Republican Party stands honestly and fearlessly for the principles on which it was founded.

I shall not devote much time, therefore, to Senator WELLER'S circuitous statements that the CONGRESSIONAL RECORD is "dishonest." I shall, however, prove that he is ignorant of his own record in the Senate and has not taken the trouble to refresh his recollection from the CONGRESSIONAL RECORDS of the Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses. I shall prove that every one of the statements made in the 14 letters about Senator WELLER'S record which I have issued in the past six months, are true. I shall also prove that Senator WELLER voted for the entry of the United States into the World Court, the "heart of the League of Nations," as well as the back door of the League of Nations, that he voted against the soldiers' bonus, and that to-day he pussyfoots on prohibition, the child-labor amendment to the Constitution, and most every controversial question of national importance. I shall thereafter discuss our platform—the platform of the Maryland Free State, on which Colonel Humphreys, Mayor Broening, and I are candidates, paying especial attention to the underlying principle of that platform, which is that "American freedom, and principles coming directly of it, are the surest, safest, soundest guides to-day—locally, nationally, and internationally."

First. Have I misquoted Senator WELLER'S record in the Senate? I stated in my letter of June 1 that from March 4, 1921, when Senator WELLER took oath as one of the Senators from Maryland, until June 1, 1926, that he had been absent or not voting 55.1 per cent of the time. I stated that out of 2,713 recorded quorum calls and yea-and-nay votes, Senator WELLER was absent or not voting 1,495 times.

In the press this morning, as to his record in the Senate, Senator WELLER states, "I have given the people of my State first claim on my time." He has given the people of his State less than 45 per cent of his time on the floor of the Senate. I do not know to what group of people he gave the remaining portion of his time, but I hope that we shall learn, as this campaign develops, to what section of Maryland people he did devote the time in which he was absent from his duties in the Senate. Perhaps Mr. Baetjer may be willing to come some time and discuss publicly on behalf of Senator WELLER what group of people of Maryland Senator WELLER has served most of the time.

I have here the check made of every quorum call in the Senate from the time Senator WELLER took his seat until June 1, 1926, showing the above absences. They have been triple checked in my office. Here they are, and I shall be glad to hand them to Mr. Baetjer or any other of Senator WELLER'S apologists.

Senator WELLER, in the press this morning, says I make a deliberate and dishonest repetition of misstatement when I attack his record. He defends his absence for five months, from May, 1922, until September 20, 1922, from 270 out of 296 roll calls on the Fordney-McCumber tariff bill of 1922. He was absent 91.21 per cent of the time, and here is his defense for such absence. In the press this morning, in "the Baetjer letter," Senator WELLER says: "As an illustration of the unfairness of Mr. HILL'S charges, he states in his letter, to which you replied, that I missed numerous roll calls on the Fordney-McCumber tariff bill in 1922. This was an old charge made by Mr. HILL several months ago and adequately answered in the press by Col. Henry B. Wilcox, who showed that during this period I was absent from the country on an official, semidiplomatic mission to Japan as a guest of the Japanese Government, made at the request of President Harding and of Secretary of State Hughes. Mr. HILL'S deliberate and dishonest repetition of this misstatement is in keeping with his other attacks upon me."

So far I have made no attacks on Mr. WELLER. I have merely pointed out the character of the record on which he seeks renomination. Let us take, for example, the above defense of his absence on the tariff bill, which the chairman of the Republican National Committee has stated to have been the most important matter which has come before the Congress of the United States since Senator WELLER and I took our seats in the Sixty-seventh Congress.

Senator WELLER says that he was "absent from the country on an official, semidiplomatic mission to Japan." Senator WELLER was not absent officially as a member of the Diplomatic Service of the United States, nor was he absent officially as a Senator of the United States. On the contrary, he was absent as a Senator of the United States, derelict in his duty, in direct opposition to a resolution of the Senate passed condemning the trip to which he refers.

Senator WELLER was not "absent from the country on an official and semidiplomatic mission" when he missed 270 out of 296 votes on the tariff bill during a period of five months. He was absent on a very agreeable trip which cost about $1.50 a day for accommodations on the *Henderson* for himself and his family, whereas the rest of his colleagues in the Senate were fighting through the hot summer days in Washington to pass the Fordney-McCumber tariff bill.

The Constitution of the United States guarantees one thing, and one thing only, to the State which can not be changed by amendment. The Constitution guarantees to each State representation of its interests in the Senate by two Senators. The records of the Senate show that Senator WELLER deliberately absented himself against the wishes of the Senate, when, in 1922, he made what he calls an "official and semidiplomatic mission to Japan." Senator WELLER says that my statement in reference to his "diplomatic mission" is a deliberate, dishonest statement. Let us see what the Senate itself says about it:

"On Tuesday, May 16, 1922, occurred the following in the Senate:

"VISIT OF 1881 NAVAL CLASS TO JAPAN

"Mr. MCCORMICK. Mr. President, I offer and ask unanimous consent for the immediate consideration of a resolution to which I am certain there will be no opposition.

"The resolution (S. Res. 296) was read, considered by unanimous consent, and agreed to, as follows:

"'*Resolved*, That it is the sense of the Senate of the United States that the transport *Henderson* should not proceed to Japan to convey thither certain former midshipmen of the United States.'

"The above resolution, offered by Senator MCCORMICK, followed the discussion on the floor of the Senate on Friday, May 12, 1922, which is as follows:

"VISIT OF 1881 NAVAL CLASS TO JAPAN

"Mr. MCCORMICK. Mr. President, I would like to invite the attention of the Senate to the report that the great transport *Henderson* is to proceed from the United States to Japan for the sole purpose of conveying thither the Annapolis classmates of Admiral Uryu.

"It is an excellent idea that the classmates of the admiral, including the Secretary of War and the Secretary of the Navy of the United States, should go to Japan in the interest of comity between the nations, but inasmuch as the Navy complains of a shortage of fuel, I venture to suggest to the Committee on Commerce, the Committee on Naval Affairs, and the Committee on Appropriations that possibly there is a vessel operating under charter from the Shipping Board which could find 27 berths for the 27 classmates of Admiral Uryu to carry them to Japan without the great expenditure involved in the navigation of the *Henderson* from this country across the Pacific.

"Mr. ROBINSON. Does the Senator state that it is the purpose of the authorities of this Government to provide transportation and ex-

penses incidental to the same for the purpose of transporting students who are Japanese and citizens of the United States?

"Mr. McCORMICK. Oh, no, Mr. President; these are American naval officers, retired or in active service, who were classmates of Admiral Uryu when he was at Annapolis in 1881. I note in the press that the *Henderson* is going for the purpose of affording that transportation, and in view of the shortage of coal available for the Navy I merely suggest that, as vessels are crossing the Pacific under charter from the Shipping Board, they might travel comfortably as first-class passengers on a Shipping Board vessel.

"Mr. ROBINSON. Has the Senator investigated the press report to ascertain its accuracy or reliability? I will say in connection with the question I have just submitted to him that it seems astonishing to a degree almost unreasonable if such a purpose is in the mind of any agency of the Government, I can not comprehend it.

"Mr. McCORMICK. I have not made inquiry of the department, but let me say to the Senator that before I read the report in the press I had heard it remarked by Senators who know some of the officers who are likely to make the voyage that it was to be made under these conditions. I want the matter called to the attention of the committees responsible for the maintenance of the Navy and the merchant marine and the appropriations therefor.

"Mr. ROBINSON. I am very glad the Senator has made the statement, and I may say, since he has done it, that the course which he says is in contemplation will not be taken."

It was doubtless a very pleasant thing for former naval officers, classmates of Admiral Uryu, as was Senator WELLER, to go largely at Government expense for a five-month junket to Japan, but the people of Maryland did not send Senator WELLER to the United States Senate for such purposes. The Senate unanimously condemned the Japanese junket, and one can not blame the Senators who remained at their seats during the summer of 1922 for referring on numerous occasions to certain of their absentees who were "all over the world." I have not the time here to repeat an analysis of all the absenteeism of Senator WELLER during the past five years. He was absent when most important matters in the tax reduction bill (H. R. 8245) were debated in the early days of his service. He was absent when the Norris publicity amendment of income-tax payments was passed on May 2, 1924. He was absent when the Republican organization in the Senate was defeated by the seating of Senator NYE. He was absent on the final passage and on the votes to every one of the amendments to the child-labor amendment to the Constitution. He was absent when the Democrats of the Senate were only defeated in their attack on President Coolidge in the Aluminum Co. of America resolution by the votes of Senator BRUCE and Senator BLEASE. He was absent when the bill for the new Federal reserve bank in Baltimore passed the Senate. He was absent when the bill for an additional Federal judge for Maryland passed the Senate.

I desire to call to your attention the following 14 letters to Maryland citizens beginning on Tuesday, December 1, 1925, in which I summarize the roll calls and votes in the Senate as recorded in the CONGRESSIONAL RECORD in relation to matters of great national importance, giving the presence and absence and the votes of Senator WELLER from the time he took his seat in the United States Senate five years ago up to June 1 of this session of Congress. These are public records. They relate to the work of Congress, and every citizen of this country has a right to know them. There is no element of attack on anyone's character, and there is no element of "mud slinging" in quoting to the people of Maryland the public records of the Senate as set forth in the CONGRESSIONAL RECORD.

These 14 letters, all signed by me, are as follows:

(Letter 1)

TUESDAY, DECEMBER 1, 1925.

The business men of Maryland very properly are interested in knowing what part their representatives in the Congress of the United States take in framing and shaping matters of national legislation, matters vital to industry and commerce.

The chairman of the Republican National Committee, Senator BUTLER, of Massachusetts, himself a trained and successful business man, recently said that the Fordney-McCumber tariff bill of 1922 presented the most important questions before the American people at the present time.

For five months the various schedules of the tariff bill, from May 2, 1922, until September 20, 1922, with slight intermission, were debated and voted on daily in the Senate.

There were 296 roll calls on yea-and-nay votes taken. Senator WELLER was absent 270 of these roll-call votes. He was absent 91.21 per cent of the time.

All during the months of May, June, July, August, and September important fights were made over the schedules of the tariff applying to wool fabrics, cotton yarns, lard, milk, wood pulp, silk, sewing machines, hides, cement, steel wire, earthenware, sugar, and all the various elements of a comprehensive system of protection for American industry and American labor.

Senator WELLER, of Maryland, was present and voting on only 26 out of 296 occasions. He was present only 8.79 per cent of the time.

Feeling that you are interested in such matters, I will take the liberty of giving you a week from next Tuesday further information as to the representation of Maryland in the Senate by Mr. WELLER.

(Letter No. 2)

TUESDAY, DECEMBER 15, 1925.

The business men of Maryland are interested in taxation. The part their representatives in the Congress of the United States take in framing and shaping matters of national taxation is of vital concern to everybody. The bill (H. R. 8245) to reduce and equalize taxation, to amend and simplify the revenue act of 1918, and for other purposes, was bitterly fought over. When it was considered in the Senate many questions arose and many amendments were proposed and voted on.

For example, (a) increase of personal exemption. When this amendment was voted on Senator WELLER was absent and did not vote.

For example, (b) gifts and inheritance amendment. When this question arose Senator WELLER was absent and did not vote.

For example, (c) amendment to discontinue taxes on transportation. When this question arose Senator WELLER was absent and did not vote.

For example, (d) amendment striking out taxes on telephone, telegraph, and radio messages. When this amendment came up Senator WELLER was absent and did not vote.

For example, (e) amendment reducing taxes on sales of stock. When this question came up Senator WELLER was absent and did not vote.

For example, (f) amendment striking out foreign-trade corporations. When this amendment arose Senator WELLER was absent and did not vote.

For example, (g) merger of corporations. When this question came up Senator WELLER was absent and did not vote.

For example, (h) hotels and lodgings amendment. When this amendment arose Senator WELLER was absent and did not vote.

For example, (i) reduction for losses amendment. When this question came up Senator WELLER was absent and did not vote.

For example, (j) bonds and securities amendment. When this amendment arose Senator WELLER was absent and did not vote

For example, (k) estate-tax amendment. When this amendment arose Senator WELLER was absent and did not vote.

Finally, on the passage of this tax reduction revenue bill, affecting every taxpayer, Senator WELLER was absent and did not vote.

As I am aware of your interest in such matters, I will take the liberty of giving you a week from next Tuesday further information as to the representation of Maryland in the Senate by Mr. WELLER.

(Letter No. 3)

TUESDAY, DECEMBER 29, 1925.

I take pleasure in inclosing herewith a copy of a letter Senator WELLER is now sending out.

You will see that Senator WELLER promises that he will urge the repeal by this Congress of the law providing for the publicity of income-tax payments.

You will note Senator WELLER says that the law providing for the publicity of income-tax payments is the worst form of meddling with business and that he is unalterably opposed to such iniquitous and un-American legislation.

This is what Senator WELLER tells you now.

On May 2, 1924, the Norris amendment providing for this publicity of income-tax payments was bitterly debated on the floor of the Senate. Senator WELLER was so little interested in the matter then that he did not even take the trouble to go to the Senate and vote against the above tax publicity amendment.

As I am aware of your interest in such matters, I shall take the liberty of giving you a week from next Tuesday further information as to the representation of Maryland in the Senate by Senator WELLER.

(Inclosure.) (Copy of Senator WELLER's letter.)

DECEMBER, 1925.

MY DEAR TAXPAYER: In view of the fact that a new tax bill is to be enacted in the Congress which convened on December 7, it has occurred to me that you may like to have before you my attitude on different phases of taxation.

It gives me great pleasure to advise you that I shall urge the repeal by this Congress of the law providing for the publicity of income-tax payments. I have consistently stood with President Coolidge in opposition to this measure and voted against it in the last Congress.

This is the worst form of meddling with business. It is unwarranted interference with a man's private affairs. It serves no good purpose. It does great harm in many cases. It is a direct infringement on the personal rights of American citizens. Our business men want to be let alone and not hampered by radical and socialistic laws. I am unalterably opposed to such iniquitous and un-American legislation.

I believe that the Treasury will probably have a surplus of $350,000,000 at the end of this fiscal year and that income taxes should be reduced from 25 to 50 per cent.

I favor lower taxation on earned incomes than on unearned incomes. Earned incomes mean wages, salaries, professional fees, compensation for personal services, etc.

Income taxes can readily be cut in half. The country needs it and the Treasury can stand it. I would reduce the rates all along the line. If taxes are thus lowered, capital will be encouraged to go into enterprises, business will flourish, and all classes will be benefited.

With kind regards and assuring you of my pleasure in serving you whenever within my power, believe me,

Sincerely yours,

O. E. WELLER.

(Letter No. 4)

TUESDAY, JANUARY 12, 1926.

The business men and women of Maryland are deeply interested in knowing what part is taken in framing and shaping matters of legislation in the Congress of the United States by their Representatives, matters which are vital not only to industry and commerce but to the general welfare of the Nation.

The Sixty-ninth (the present) Congress of the United States assembled on Monday, December 7, 1925.

The Senate met, received the credentials of new Members, swore them in, advised the President of their assembly, and adjourned.

The following day, Tuesday, December 8, the Senate met, heard read the President's annual message, and started on the work of the session.

Since then there have been 19 roll calls and yea-and-nay votes in the Senate.

Senator WELLER was absent and not voting on 15 of these roll calls and votes. He was absent 79 per cent of the time.

During all this period the Senate has considered matters of the greatest importance—the entrance of the United States into the World Court, the proposed investigation of foreign indebtedness, the proposed modification of the Volstead Act, and all the various phases of State rights and constitutional matters involved in the appointment by the Governor of North Dakota of Mr. NYE as Senator of the United States.

President Coolidge in his message favors the World Court, yet Senator WELLER took so little interest in the World Court and the other work of the Senate that out of 19 votes and roll calls he was present but four times. He was present only 21 per cent of the time.

Feeling that you are interested in such matters, I will take the liberty of giving you a week from next Tuesday further information as to the representation of Maryland in the Senate by Mr. WELLER.

(P. S. to letter of Tuesday, January 12, 1926.)

THURSDAY, JANUARY 14.

I wrote you the above letter on the morning of Tuesday, January 12th. In it, I said that since the opening day of the present Congress, there had been 19 roll calls and yea-and-nay votes in the Senate, and that Senator WELLER was absent and not voting on 15 of these roll calls and votes.

Tuesday afternoon, just after I so wrote you, there were 3 more votes and roll calls in the Senate, making a total of 22 in all, exclusive of the opening day, out of which Senator WELLER was absent 18 and present 4. He was absent 82 per cent of the time.

The yea-and-nay on Tuesday afternoon was on the seating of Senator NYE, of North Dakota, the discussion of which in the Senate I referred to in the above letter to you.

The Republican organization in the Senate was defeated by a vote of 41 to 39. All Senators knew the vote was to be taken, but Senator WELLER was absent.

This vote is considered by the press of the country as a defeat and shock to the Coolidge leaders, as making antiadministration amendments to the tax bill certain in the Senate, and as throwing doubt on other items in the Coolidge program.

(Letter No. 5)

TUESDAY, JANUARY 26, 1926.

Nothing is more important to our people than amendments to the Constitution. Since it was adopted in 1787 there have been 19 amendments. The proposed twentieth, or child labor amendment, has been presented by Congress to the various States for ratification. Final action has not yet been taken by the States. In the United States Senate there were, in the Sixty-eighth Congress 8 votes on the final passage and on various amendments proposed to the child labor amendment. Senator WELLER did not vote a single time. His record for not voting on this measure was 100 per cent.

No question of public legislation in the Sixty-eighth Congress was as bitterly fought or as bitterly debated in the Senate as the proposed child labor amendment, because it involved the fundamental principles of State rights.

Among the amendments offered to the child labor amendment were the following:

An amendment excluding persons engaged in agriculture or horticulture. On this Senator WELLER did not vote.

An amendment to strike out "18" and insert "14" years of age. On this Senator WELLER did not vote.

An amendment to strike out "18" and insert "16" years of age. On this Senator WELLER did not vote.

An amendment stipulating that Congress have the power only to "reasonably" regulate child labor in matters involving special hazard to health, life, or limb. On this Senator WELLER did not vote.

An amendment to strike out requirements for ratification by State legislatures and insert ratification by State conventions, thus insuring State referendums on the proposed child labor amendment. On this Senator WELLER did not vote.

An amendment providing the child labor amendment should be inoperative unless ratified within five years. On this Senator WELLER did not vote.

An amendment to strike out the words "and prohibit." On this Senator WELLER did not vote.

Finally, on the passage of the child labor amendment, which required a two-thirds vote, Senator WELLER did not vote.

The Senate by a special rule, adopted May 27, 1924, set apart June 2, 1924, for voting on the child labor amendment and all proposed amendments thereto, thus giving Senator WELLER at least six days' notice. On June 2, 1924, there were five roll calls showing merely presence or absence. Senator WELLER answered two of these roll calls, thus showing that he was at the Capitol. He did not, however, answer a single call for a vote, including the vote on the final passage of the amendment itself.

Was Maryland properly and fully represented in the Senate by Senator WELLER on this important proposed amendment to the Constitution of the United States?

(Letter No. 6)

TUESDAY, FEBRUARY 9, 1926.

During the sessions of the Sixty-seventh Congress and the Sixty-eighth Congress there was no subject which created more bitter personal feeling in the Senate and House of Representatives than adjusted compensation for war veterans, generally known as the soldier bonus.

On one side Senators strenuously contended that adjusted compensation was due to those who had fought in the war, while on the other side other Senators bitterly denounced the proposed soldier bonus as a raid on the Treasury and as an unnecessary gratuity to the veterans of the World War. Every vote concerning the soldier bonus was bitterly contested by its advocates and opponents.

At various times, from July 5, 1921, until May 19, 1924, there was 23 votes on the soldier bonus. Senator WELLER did not vote 20 times. He voted only 13 per cent of the time on the soldier bonus.

On June 20, 1922, Senator WALSH of Massachusetts moved to lay aside the tariff bill and to take up the soldier bonus. Senator WATSON, of Indiana, moved to table this motion. On this motion Senator WELLER did not vote; whereupon, on the same day Senator WATSON, of Indiana, moved that the bonus bill be taken up immediately after the passage of the tariff bill. On this motion Senator WELLER did not vote.

On August 30, 1922, Senator SMOOT made a motion, as a substitute for the bonus bill, to provide 20-year life insurance policies. On this proposed amendment Senator WELLER did not vote. On August 31, 1922, a vote was taken on the passage of the bonus bill. Senator WELLER did not vote. On September 15, 1922, there was a vote on the conference report on the bonus bill. Senator WELLER did not vote.

On September 20, 1922, an attempt was made to pass the soldier bonus over the President's veto. Again, Senator WELLER did not vote. On April 23, 1924, there were six proposed amendments to the bonus bill on none of which Senator WELLER voted. On the same day came the final vote on the passage of the bill, and again he did not vote.

Out of 23 votes on various amendments and passage of the bonus bill, Senator WELLER voted only three times. He did not vote 87 per cent of the time.

(Letter No. 7)

TUESDAY, FEBRUARY 23, 1926.

Last week, in the Senate, two matters of importance to the whole Nation and two matters of local importance to Baltimore and to Maryland, were discussed, debated, and acted upon by the Senate. Senator WELLER was absent when these matters were considered.

These matters were H. R. 7554, a bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1927; H. R. 8722, a bill making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior years, and to provide urgent supplementary appropriations for the fiscal years ending June 30, 1926, and June 30, 1927; a Senate amendment to H. R. 8722 appropriating $28,522.35 for the restoration of Fort McHenry, and S. 451, a bill authorizing payment to Baltimore City of $173,073.60 as reimbursement for expenditures made during the Civil War.

H. R. 7554, the Navy appropriation bill, as it passed the House, appropriated $312,312,287. The Senate adopted or rejected 34 amend-

ments and added $9,183,653 to the House bill. Senator WELLER was absent during these proceedings.

H. R. 8722, the urgent deficiency bill, as it passed the House, appropriated $381,684,019.76. The Senate considered 53 amendments and added $44,577,315.24 to the House bill. The bill carried appropriations of over $7,000,000 for increasing the strength of the Coast Guard in the attempt to enforce the Volstead Act. During the discussion of this bill in the Senate the economies of President Coolidge were bitterly attacked by opposition Senators. Senator WELLER was absent during all of these proceedings.

On these two bills alone there was appropriated $747,757,275 of the taxpayers' money, the Senate having added $53,760,968.24 to the House bills.

Senator WELLER took no part in any of these proceedings. The $173,073.60 for Baltimore's war expenditure did not interest him; the $28,522.35 for Fort McHenry did not interest him; the over $7,000,000 added to the annual appropriation for attempted Volstead Act enforcement did not interest him.

(Letter No. 8)

TUESDAY, MARCH 9, 1926.

One week ago last Friday the Senate defeated by a vote of 35 to 33 the Walsh resolution to adopt Report No. 177 from the Judiciary Committee, ostensibly relating to the Aluminum Co. of America.

The Coolidge administration was saved from severe censure by two votes only. Senator BRUCE and Senator BLEASE, both Democrats, voted "nay." Senator WELLER was absent and did not vote.

Senator CUMMINS, chairman of the Judiciary Committee, Republican leader of the Senate, said, "If the course indicated in the proposed resolution becomes the settled practice of the Senate, the overthrow of our form of government is the certain result. The struggle which must ensue will end either in the complete subordination of the executive or judicial branches of the Government to the legislative branch or in subjecting the legislative power to the executive power." He also said, "The whole theory is wrong, and utterly subversive of the Constitution and of good government."

Three times during the heated debate of this resolution a quorum was called for. Each time Senator WELLER was absent.

Senator MOSES, President pro tempore of the Senate, said, "Neither the galleries nor anyone else can remain in ignorance that the target set up here is the Secretary of the Treasury; but behind him, Mr. President, the real target, as I believe, at which the Senator and his associates are aiming, is the administration and the President of the United States. The Senator tried this method once before in 1924, and he knows how the country reacted to it."

To this Senator WALSH replied, "Mr. President, that speech ought to keep in line some of the 'regulars' on the other side of the aisle."

Neither the statements of Senator CUMMINS nor the warning of Senator MOSES, however, were sufficient to keep in line the Republican Senator from Maryland, Mr. WELLER.

Senator WELLER was not sufficiently interested in the attack on the President and the Coolidge administration to attend or vote. He was absent 100 per cent of the quorum calls and on the vote.

(Letter No. 9)

TUESDAY, MARCH 23, 1926.

The inclosed editorial from the Sun of yesterday, reprinted from the CONGRESSIONAL RECORD, shows the enormous importance to Baltimore and to the whole transportation system of the country of Senate bill 575, known as the Gooding bill, dealing with the long-and-short haul clause of the interstate commerce act.

On Thursday, March 4, Senator MCKINLEY, in debate, said: "Senate bill 575 is one of the most pronounced pieces of class or sectional legislation that has ever been proposed in the history of the deliberations of this Chamber." Senator WELLER, however, did not take the trouble to be present when this debate was in progress, although the fundamental principle of the Gooding bill is the same as that of the Butler bill, which attacks the Baltimore port differential.

The Gooding bill has occupied most of the time of the Senate in the past two weeks. Wednesday, March 10, the bill came up. Senator BRUCE was present and on guard. Senator WELLER, however, did not take the trouble to attend. Friday, March 12, while Senator GOODING debated his bill, there were two roll calls. Senator WELLER missed them both. The next day most of the debate was on the Gooding bill. There were two roll calls. Senator WELLER answered neither.

Monday, March 15, Senator WELLER was again absent. He missed three quorum calls, and was not even present when Senator BRUCE blocked Senator GOODING'S attempt to close debate and fix the time for a vote on his bill. Again, on the 17th, Senator WELLER absented himself for three roll calls. Again, on the 20th, he missed two roll calls during debates on this bill of such enormous importance to Baltimore.

(Inclosure)

LONG-AND-SHORT-HAUL CLAUSE OF THE INTERSTATE COMMERCE ACT

[Extracts from speech of Hon. JOHN PHILIP HILL of Maryland in the House of Representatives, Monday, March 22, 1926]

Mr. HILL of Maryland. * * * For several weeks the Senate has devoted a great deal of time to the consideration of the proposed amendment of section 4 of the interstate commerce act, as provided by S. 575, which is known as the Gooding bill.

* * * * * * *

This whole matter is very carefully summarized in a short editorial from the Baltimore Sun of to-day, which is as follows:

"THE GOODING BILL

"The Middle West is up in arms against the Gooding bill, declaring that it would force the manufacturers in that region to move to the seaboard in order to compete with manufacturers having the advantage of cheap water freight rates. The bill would prohibit the charging of more for a short than for a long haul in which it is included.

"If the fears of the West are warranted, Baltimore would be benefited by the passage of the measure, but there are reasons why it should reject the gift.

"The bill is a raid upon the authority of the Interstate Commerce Commission. It takes out of the hands of a commission of experts determination of highly technical questions, into which enter innumerable factors, and gives them over to Congress, where they would become political and sectional issues.

"The transcontinental railroads are confronted with serious competition by the Panama Canal. East and west bound coast traffic is growing rapidly. Cities as far west as Milwaukee can ship to Baltimore through the canal to the Pacific coast at less cost than they can ship direct by rail. The railroads would meet the situation by lowering through rates where this practice is adopted. The Gooding bill would prohibit the charging of higher rates to intermediate points.

"The railroads contend that they can not accept the differential allowed through traffic put into effect to prevent further inroads on their business by water routes as the maximum for intermediate shipments. To do so would mean further losses. Two-thirds of their westbound cars are now empty. They can fill them only by lowering rates to the coast. To deprive them of this revenue will not permanently help intermountain territory.

"The contention seems logical, and the law now confers on the Interstate Commerce Commission, a body which knows far better than Congress what equity and the interests of both the railroads and the public demand—authority to exercise its discretion in the matter. The vicious feature of the bill is that it seeks to undermine the authority of the commission and substitute for it the inelastic and unscientific judgment of a legislative body in the matter of rate making."—[Extracts from CONGRESSIONAL RECORD, Monday, March 22, 1926.]

(Letter No. 10)

TUESDAY, APRIL 6, 1926

Since my last Tuesday letter, March 23, up to yesterday, there were 23 votes and quorum roll calls in the Senate on various matters of more or less importance to the people of Maryland and the Nation.

Senator WELLER was absent or not voting 17 times out of 23.

During this time the Italian debt settlement was bitterly debated. Senator WELLER was absent most of the time.

During this time the resolution in regard to the actions of the Department of Justice in the prosecution of Senator WHEELER came up. Senator ROBINSON of Arkansas said, "Mr. President, the resolution unquestionably is based upon the theory that the power and influence of the Department of Justice was perverted to work an injustice upon a Member of this body." Senator WELLER was absent during the debate and did not vote on the resolution.

During this time the Senate went into the whole question of secrecy in executive sessions in relation to the Woodlock confirmation vote. Senator NORRIS said, "Are we ashamed to let the people know how we voted? Are we cowards? Are we afraid to let them know?" Senator NORRIS called this "the most important vote that we have cast during this session of Congress." Senator WELLER was absent during the debate and did not trouble to vote on the Pittman resolution for publicity.

Farm relief and the maternity bill were debated. Senator WELLER was absent. My bill, H. R. 6260, which had passed the House, conveying a certain portion of Fayette Street to Baltimore City, came up and was passed. Senator WELLER was absent.

The bill for the relief of the Monumental Stevedore Co. of Baltimore came up and was passed. Senator WELLER was absent. The bill to authorize the General Accounting Offices of the United States to allow credit to Galen L. Tait, collector and disbursing agent, district of Maryland, for certain disbursements, came up and was passed. Senator WELLER was absent.

During all this time, Senator WELLER was absent or not voting on 73.9 per cent of the roll calls.

(Letter No. 11)

TUESDAY, APRIL 20, 1926.

The senior Senator from Maryland [Mr. WELLER] took the oath of office on April 11, 1921. That was five years ago.

Since then there have been seven sessions of Congress, including the present session.

In all these five years, and in all these seven sessions of the Sixty-seventh Congress, the Sixty-eighth Congress, and the Sixty-ninth Congress, Senator WELLER introduced but five public bills. The five bills that Senator WELLER introduced in the five years of his service were (1) to loan tents, cots, and blankets for the buddy week reunion; (2) to pay Baltimore's Civil War claim; (3) to authorize a power company to construct a dam at Williamsport, Md.; (4) to pension certain members of the former Life Saving Service; and (5) to authorize the Federal Reserve Bank of Richmond to erect a branch-bank building in Baltimore.

The first and second of these bills did not pass. The third bill passed, with no indication that Senator WELLER was present. The fourth bill is still pending.

The fifth and last public bill introduced by Senator WELLER in the five years of his representation of Maryland in the Senate was a bill authorizing the Federal Reserve Bank of Richmond to contract for and erect in the city of Baltimore a building for its Baltimore branch for a sum not exceeding $1,025,000. In this bill the banking and business interests of Baltimore and Maryland were deeply interested.

This bill came up for consideration in the Senate on April 10, 1926. One objection could have prevented its consideration at that time. The Linthicum bill for the same purpose—House Joint Resolution 191—which had passed the House, was very properly substituted for Senator WELLER'S bill and passed by the Senate. Senator WELLER was absent. Senator WELLER did not take enough interest in the new Federal reserve bank building in Baltimore to be present when this legislation came up for consideration.

Senator WELLER in the five years of his legislative career introduced five public bills, only two of which passed. He was not present and backing either one of these two bills when they came up for consideration in the Senate.

(Letter No. 12)

TUESDAY, MAY 4, 1926.

Yesterday the Senate passed the Bruce-Hill bill, providing for an additional Federal judge for Maryland. Senator WELLER was absent.

The present session of the Sixty-ninth Congress is nearing its close. Every vote in the Senate is important. Absence from any quorum call delays business and shows lack of interest in the general welfare.

Since my last Tuesday letter, April 20, up to to-day Senator WELLER was absent or not voting on 42 per cent of the roll calls. The Esthonian debt settlement, involving $13,830,000, came up for a final vote in the Senate on April 27. Senator PEPPER, although in the midst of a bitter primary fight, was present and voted, but Senator WELLER did not take the trouble to do so. He was absent and not voting.

The Czechoslovakian debt settlement, involving $312,811,433.88, came up for a final vote in the Senate on April 28. Again Senator PEPPER and also Senator WATSON, both in the midst of hard-fought primary fights, were present and voting, but Senator WELLER did not take the trouble to do so. He was absent and not voting.

The Agriculture Department appropriation bill (H. R. 8264) came up in the Senate on May 1 for final action on an amendment, involving $127,924,573. The amendment was agreed to. Senator WELLER was absent.

Senator WELLER was absent on April 24, when the Senate discussed all day the Belgian debt settlement. He was absent on April 27, when the Senate discussed relief for veterans of the World War. He was also absent when the Senate discussed the McFadden national bank branch banking bill.

Senator WELLER was also absent when a message from the House was received, advising the Senate that the House had the day before passed S. 2907, an act for the relief of Galen L. Tait, collector of internal revenue, which bill, although originally introduced by Senator WELLER, had passed the Senate during his absence. I passed this bill in the House.

(Letter No. 13)

TUESDAY, MAY 18, 1926.

Senator WELLER was absent when the beer bill (H. R. 7294), a bill supplemental to the national prohibition act was, on Tuesday, June 28, 1921, read twice in the Senate by its title and referred to the Committee on the Judiciary. On Thursday, July 7, 1921, this bill was reported back favorably to the Senate by the committee. Again, Senator WELLER was absent.

The conference report on this bill finally passed the Senate on Friday, November 18, 1921. The Senate was continuously in session from July 7 to November 18, 1921, a period of more than four months. During this period the beer bill repeatedly came up for long and heated debate and discussion. During this period there were 246 roll calls, disclosing presence or absence, on various matters. Senator WELLER was absent 180 times, 73 per cent.

There were nine record votes in the Senate in connection with the beer bill. Senator WELLER was not voting five times. He was not voting 55.5 per cent of these votes.

The whole country has recently centered its interest upon the hearings on prohibition before the Subcommittee of the Committee on the Judiciary of the United States Senate. These hearings will be officially published next week in 1,660 printed pages. Two hundred and two witnesses, including those who filed written statements, appeared. The hearings started on April 5 and ended on April 24. There were 24 sittings during this time.

Senator WELLER neither appeared in person, nor submitted a statement of any kind. Numerous Senators and Members of the House of Representatives, interested in one or the other side of the prohibition question, appeared in person or submitted statements on modification of the Volstead Act. Senator WELLER did not bother to be present at a single one of the 24 sessions. He did not take the trouble to appear in person, nor did he submit a statement for or against prohibition.

(Letter No. 14)

TUESDAY, JUNE 1, 1926.

The Constitution of the United States guarantees to Maryland representation by two United States Senators. From March 4, 1921, when Senator WELLER took the oath as one of these two Senators, until to-day, he has been absent or not voting 55.1 per cent of the quorum calls and yea-and-nay votes. He has been absent more than one-half of the time.

Representation of Maryland in the work of the Senate consists of (1) introduction of legislative measures, (2) participation in debate, (3) reports made for committees, and (4) presence and yea-and-nay votes. In the five years of his incumbency Senator WELLER has made but two committee reports. He has not uttered one word in the Senate in advocacy of a good bill or in opposition to a bad one.

In this five years there have been 2,713 recorded quorum calls and yea-and-nay votes. Senator WELLER was absent or not voting 1,495 times, 55.1 per cent.

Six months ago to-day I began giving information in reference to Senator WELLER'S absenteeism. Every other Tuesday these informative letters have been issued. This is the last of these letters. The facts given have been carefully compiled from the records of the Senate. If you doubt their accuracy or authenticity, ask any of the Senators—ask Senator WELLER himself.

I do not know what Senator WELLER considers as important legislation, and I can not understand on what theory he bases his statement in "The Baetjer Letter" of this morning, in which he says, "I voted on practically all important measures in the Senate and have dodged none."

So much for Senator WELLER'S record of absenteeism. I have not the time this evening to discuss what kind of votes Senator WELLER has cast when he has actually voted. Senator WELLER and I were elected five years ago on a platform of bitter antagonism to the League of Nations. In spite of the direct mandate of the people of Maryland, however, Senator WELLER has recently voted the United States into the World Court, which every Democrat considers the "heart of the League of Nations." I voted against the Burton resolution in the House of Representatives committing the United States to the World Court.

To-day Colonel Humphreys, Mayor Broening, and I are standing squarely on the following platform:

OUR PLATFORM

American freedom is the issue.

As candidates for governor, Senator, and attorney general of Maryland, it is for American freedom we stand and, what is more, will continue to stand if elected.

For too many years American freedom has been whittled down—whittled down by extravagant taxation; whittled down by volumes of unnecessary lawmaking; whittled down by shallow and ill-considered schemes of so-called reform; whittled down by failure, honestly and frankly, to stand up and fight for what you believe, be the consequences to your personal fortunes what they may.

The practical, very simple, and entirely business-like principles we place our faith in are principles to be found in the Declaration of Independence, the Bill of Rights, the Maryland constitution, the Maryland religious toleration act of 1649, and in the addresses of three old-fashioned hard-headed Americans, Washington, Jefferson, and Lincoln.

Those principles mean that we believe the people of Maryland deserve to be trusted, because they are thoroughly responsible and decent.

Those principles mean a square deal for all.

We believe in the right of the people of this State to work out their local problems in their own way.

We believe in the right of the people of this State to know where candidates stand as to governmental economy, as to the Volstead Act, as to the proposed Volstead Act for Maryland, and as to the need of more major legislation.

We favor economy in government, economy in the Federal Government, and economy in the government of Maryland.

We are opposed to the Volstead Act, and opposed to the introduction of Volsteadism into Maryland through the proposed local Volstead Act.

The laws of Maryland as they stand to-day are sufficient fairly, intelligently, and effectively to administer questions arising in connection with business, education, public service corporations, the courts, transportation, and other matters; and we are opposed to further increase in the size, undertakings, and complexity of the Federal Government.

We believe stable and genuine progress comes about through a homely, straightforward endeavor to be just, sincere, upright, and sensibe, rather than through gilded fakes and panaceas.

American freedom and principles coming directly of it are the surest, safest, soundest guides to-day—locally, nationally, and internationally.

That is our platform.

On the 8th of June I wrote Senator WELLER and told him that in the counties he was being classed as a "dry," while in the city his friends considered him "wet." I asked him to advise me by to-night (1) what was his present position on prohibition, and (2) does he favor a State enforcement act for Maryland. Yesterday, not hearing from him, I asked him to come down to-night and tell us where he stands, one way or the other, on prohibition.

In "the Baetjer letter" this morning he makes no mention of prohibition. He still seeks wet votes from the wets and dry votes from the drys. In "the Baetjer letter" he says, "I shall at the proper time make my position known clearly and unequivocally on the issues of this campaign." When does Mr. WELLER consider the proper time to let the people of Maryland know how he stands on the prohibition question? We shall hold the next meeting of our campaign in Annapolis. I shall advise Senator WELLER fully in advance of the date of this meeting. Perhaps then, in the capital of Maryland, he will be willing to state to the people of Maryland (1) what is his present position on prohibition, and (2) does he favor a State enforcement act for Maryland?

(Representative HILL of Maryland then discussed the work of the Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses on the following subjects: The World Court, Prohibition, the Soldiers' bonus, Child-labor amendment to the Constitution, Revenue measures, Tax reduction, Farm relief, National defense, State rights, Immigration, and the Tariff.)

THE AMERICAN MERCHANT MARINE

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a couple of addresses by Commissioner Hill of the Shipping Board.

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

There was no objection.

Mr. BRIGGS. Mr. Speaker, Commissioner Hill, of the United States Shipping Board, has made some recent addresses on the value of the American merchant marine, port, and waterway facilities to the American people, and particularly agriculture, which he feels will prove of general interest; and it has afforded me pleasure to obtain permission for the publication of the two following addresses in the CONGRESSIONAL RECORD:

SPEECH OF W. S. HILL, COMMISSIONER UNITED STATES SHIPPING BOARD, BEFORE THE MIDDLE WEST FOREIGN TRADE COMMITTEE, CINCINNATI, OHIO, NOVEMBER 24, 1925

IMPORTANCE OF AN AMERICAN MERCHANT MARINE TO THE MIDDLE WEST

It is a pleasure to have the privilege of appearing before this gathering of business men to talk to you about the American merchant marine and the activities of the Shipping Board. As exporters and importers you are directly interested in these phases of the Government's business. There are none more so. You understand fully the importance of an American merchant marine in this great country of ours. At least you realize the necessity of a merchant marine, and I am sure we people of the Middle West are fast coming to realize this must be an American merchant marine.

To-day not only are we producing raw materials far in excess of local consumption, but we are developing a manufactured output which is yielding us a surplus. A generation ago, with the exception of our meat products, our raw materials were shipped to the factories along the Atlantic seaboard and there made into manufactured goods to be distributed to the markets of the world from these manufacturing centers. Our great staple food products were sold to speculators in Mid West buying centers and then we promptly forgot all about them. We knew nothing of ocean shipping rates. The wheat raisers of this vast interior granary of food products have been mulcted millions of dollars because of this ignorance of ocean freight rates. From the selling price of their grain there is always deducted the assumed freight rate to Liverpool. But grain makes good ballast, and often a shipmaster would cut the freight rates to a nominal value because he wanted to use the wheat for that purpose. But none of this rate cut was passed back to the producer of the wheat. It remained with the speculators and often, because of this, fortunes were realized from this source.

Not only were we people of this interior indifferent to European shipping but we cared as little about our relations with the other nations of our own continent. Perhaps this was not so much to be wondered at a generation ago. They, like us, were exporters of raw materials, and yet in many things there was no conflict, for we needed their raw materials, which we could not produce, and they needed some of ours. Before the recent war the volume of trade between South America and Europe was more than five times that between South America and the United States. Many of the things we needed from South America reached us by the triangular route, which carried them first to Europe and then reshipped them to the United States.

This South American trade is one of the opportunities the Shipping Board is working to develop. Under the present merchant marine act the Shipping Board has developed a vastly increased business with South America by establishing a fine, fast, regular passenger and freight service. This has become so well established that within the present month we have been able to sell this Pan America Line to the operator, who has aided in its development, under conditions guaranteeing continued operations for a period of five years. It is interesting to note that since this sale was made we have sold to the purchaser of the line in question a number of smaller ships which are to be used in South America as feeders to improve and increase this service. The coal strike in England has opened for us a coal market there. The increasing use of oil for fuel during the last decade is another factor that has turned South American trade to us, for we can furnish them much more oil than Europe can. This trade is directly interesting to us Mid West people because not only do the South Americans want quantities of coal and oil but they also want the things we manufacture—farm machinery, automobiles, grain products, including flour.

We people of the interior can do much to help develop the business of our merchant marine with the countries to the south of us. The South Atlantic and Gulf ports are peculiarly our ports, and through them it is possible for us to have a thriving trade. The climate of these ports is such that they are open and easily accessible the year round. This means much to systems of regulated marketing by which products are put into the market only as the demand calls for them.

Let me say again, the great Middle West and the Southland are to-day much more than storage places of raw materials. Industrial enterprises have developed until the raw materials are being converted into manufactured products in the localities where they are produced. These regions are producing, or are capable of producing, far beyond our own need for consumption. Therefore, foreign markets are an absolute necessity. We must have access to these markets in a way that will enable us to compete profitably with other nations. This means the shortest and cheapest haul possible to the seaboard and then an American merchant marine that we may be assured of prompt, efficient, and reasonable ocean service.

The power of production of these sections being considered is yet but slightly developed. Agriculture and industrial enterprises can be made to produce a much greater output. For a good many years to come, I believe this ratio of increase will greatly exceed our increase in population. And for all this time foreign markets and profitable access to them will be imperative.

The area of the United States is almost as great as that of Europe. But if you will compare the maps of the two countries, you will see that Europe has many more major ports than we have. Our population is about 80 per cent less than that of Europe, but our ocean-borne commerce is only about 10 per cent less. Observation will show you well-established seaports near all the producing centers of Europe. We have to compete in the world market not only with the cheaper labor of Europe, but this great interior has always had to compete with Europe's shorter and cheaper haul to the seaboard. This is an insidious handicap not fully sensed by the Middle West. A few days' time, more or less, a few cents per hundred difference in freight rates on a staple product may mean gain or loss to the American producer. England kept the coal trade of the South American Republics so long as she could furnish the coal because her haul from the mines to the sea-going vessel was short. The shorter and cheaper we can make this land haul for the products of this vast interior region, the more prosperous we can be. One thing necessary to do this is a merchant-marine policy that will develop the ports most nearly contiguous to this region. A cursory study of the map of Europe will convince any fair-minded person that there is no danger at present of an overdevelopment of our port system.

As I have said above, Europe has only 10 per cent more ocean-borne commerce than has the United States. But there are almost four times as many well-established ports in Europe as there are in the United States.

Keeping in mind always that the prosperity of this great valley is dependent on our ability to reach the world markets, to our advantage, with our surplus, we will understand that there must be well-established ports as near by as possible, equipped to handle our products quickly and efficiently. So, another cardinal principle of our merchant marine policy must be a supply of American-owned

merchant ships that will equip these ports with the necessary transportation facilities. These should be lines of privately owned ships. Of this, I will speak again.

I have already said that the Gulf ports are peculiarly the ports of the great Middle West. One of the purposes of the merchant marine act is to develop ports on all our coast lines, and, by this means, enable the people of all parts of the country to realize that an American merchant marine is an advantage to every section. This is shown by the regional distribution of the commissioners. In a country so vast as ours, even men of broad and just outlook are not able to sense the requirements of large national policies from the viewpoint of every part of the country. Again, let us think of the United States as having practically as large an area as Europe. We would not expect a man living in England to shape any kind of a policy for the interior of Europe. A man living in Italy would not be permitted to do anything of the kind for northern Europe.

The main reason why we people of the Mid West have not been willing to actively support a merchant marine is because we have had no direct connection with the Nation's shipping. When Senator JONES made it necessary that the Mid West have a commissioner on the Shipping Board, he recognized the right of this great section to first-hand contact with the marine policies of the Nation. He sensed what we people ourselves did not—that being a thousand miles or more from the Atlantic seaboard did not nullify our dependence on the shipping policies of the Nation. And so he recognized the necessity that we be represented on a board that is expected primarily to shape these policies.

The Great War and the consequent financial distress which came to this region have caused the midwesterner to study the marketing of his products as he never did before. We have about all reached the place where we realize our dependence on foreign markets. Realizing this, we are becoming interested in the means of reaching these markets. The midcontinent business man must come to know, as does the seaboard business man, that this means should be an American merchant marine. If we compete successfully in foreign markets, we must be able to take advantage of first demands. In other words, we must beat the foreign product into the market and so establish our trade. If we are dependent on foreign merchant ships, we are never sure that we can do this. As I have said above, we want a quick and efficient ocean service. And no producers need this any more than the Mid West producer. We want an American merchant marine, so that no matter at what ports seasonal or other conditions intensify the demand ships can be supplied at these ports promptly to meet these demands. Foreign ships may do this, but they are a precarious dependence. They will serve us when their own nationals can not use them. Steamship companies can, and often do, destroy or build up trade by the nature of the service their vessels render. Many instances have been reported in which foreign vessels have improperly handled American products destined abroad, simply to give foreign competitors an advantage. Shipments of machinery have been split so as to make the first part useless and the second part arrive too late to make the assembled machine of any service for its seasonal use. Another disadvantage that results from using foreign vessels to market our wares is the fact that quite often our trade secrets are revealed to our disadvantage.

But it is in time of war that the greatest stress comes to the nation that is lacking in a merchant marine. At such a time products congest in land terminals and waste on overcrowded docks. Producers suffer financial distress because they can not liquidate their products. Financial centers feel this stress and money markets threaten to become panicky. And all this because there is not an adequate merchant marine under that nation's flag, when other nations are taking their shipping off the routes of trade. We have only to recall the conditions that prevailed in this country in 1915 to have a concrete example of what I mean.

And so it seems to me the necessity of an American merchant marine is not debatable. It is beyond question. But a merchant marine can not build up of itself. This is proved in the experience of other nations. Every nation with an adequate merchant marine has given to that service assistance in some way. The marine policy of the United States looks toward private ownership of merchant vessels as quickly as it is possible to bring it about. The great fleet of fine vessels in the possession of the Government at the close of the recent war made a great opportunity for the development of an American merchant marine. The disadvantages of the lack of a merchant marine had been so dramatized for us by our experiences in the war that everybody agrees to this use of the great fleet. The difference in opinion is found in how this merchant marine shall be developed and how far the Government shall go in giving aid to privately owned shipping lines.

Ships alone are not sufficient to make a merchant marine. If that were the case, we have enough ships to assure its establishment and success. If we are to build up our merchant marine, it is going to be necessary for us as American citizens, regardless of our location or line of business, to get behind the proposition and see that our ships are manned by real American citizens and backed by American capital. If it requires aid in some form to assure such establishment, and those best informed say that it will, then we should face the problem. It has cost us vast sums to establish and maintain the parcel post and the rural mail delivery. And yet where is the person who would advocate doing away with either? If we are to enjoy here in this Mid West country the prosperity to which our resources entitle us, an American merchant marine, rightly administered, is as essential as are the parcel post or the rural delivery.

The merchant marine act, 1920, enjoined upon the Shipping Board the duty of developing a merchant marine of the best-equipped and most suitable type of vessels, sufficient to carry the greater portion of its commerce and serve as a naval auxiliary in time of war, ultimately to be owned and operated privately by citizens of the United States.

In carrying out this mandate the Shipping Board has established about 30 separate lines of ocean carrying services, sailing from every important port in America, covering practically the entire commercial world. These services are being maintained at some direct loss to the Government; but when the advantages to the country as a whole are considered, the apparent loss is very little, if indeed there is any loss.

It is the policy to sell these lines whenever possible, and two strictly cargo lines have been recently sold.

Whenever a sale is made, guaranteed operation for a period of five years is required.

The Shipping Board is making sales of our ships to private citizens of the United States as fast as purchasers can be developed. It may be of interest to tell you that the Shipping Board, through the ship-sales department of the Fleet Corporation, has disposed of over 800 ships for operation under the American flag since 1920.

Considering the unfavorable shipping conditions obtaining during most of this time, I feel this is quite a remarkable showing. The sale for ships is rapidly improving. In proof of this, I will say that at our last regular board meeting held last week the Shipping Board approved the sale of 18 cargo ships for a total price of $1,942,300.

We people of the United States fail to realize the loyalty which Europeans give to their respective national enterprises. If an Englishman visits America, he books on a British liner. In case of the French or the Germans this same thing is true. If a ship of their own country's shipping lines is not sailing the day they have decided to go, they wait until one does sail. A large number of Americans visit Europe every year. Many of these Americans give little heed to whether it is an American or a foreign ship on which they book passage. If these American travelers were loyal to American shipping, it would be one great boost for the American merchant marine. And this loyalty would not cost these travelers any discomfort or inconvenience. The United States shipping lines operate to European ports passenger ships unsurpassed by any other liners in any particular.

American exporters and importers have it very much within their power to boost and help establish an American merchant marine, or they can retard its progress or even defeat its success. If our cargo ships are to be established in permanent lines of traffic, we American business men must give them our support. The shipping interests of our competitors receive this kind of support from their nationals. Whenever it is possible to do so, foreigners in buying from us insist that this be done f. o. b. our ports. When they are selling to us they insist this be done on a c. i. f. basis. Thus they name the ships that carry the products both ways. American exporters and importers should see to it that our merchant marine has at least an even break in the routing of our foreign trade both ways.

In closing I want to say that I am sure this is the time and chance for the United States to establish an adequate, efficient merchant marine. It will mean much to every section of the country if this is done. To accomplish it the Government must have the boosting support of every section. Whether we will or will not, we are a world power. Shall we be a great, dominant world power, making good our right to our share of dictation in the policies of world affairs, or shall we take a second-rate place and leave to other nations the shaping of these policies? No nation has ever been truly great nor an important factor in the affairs of the world unless it has also been powerful on the sea.

SPEECH OF W. S. HILL, COMMISSIONER UNITED STATES SHIPPING BOARD, BEFORE THE MISSISSIPPI VALLEY FOREIGN TRADE CONFERENCE, ST. LOUIS, MO., WEDNESDAY EVENING, APRIL 21, 1926

NEED OF FOREIGN MARKETS

I wish to express my appreciation of this opportunity to talk to this body of men interested in foreign trade, because foreign trade means a necessity for foreign carry facilities, and this in turn should mean an abiding interest on your part in a strong and efficient American merchant marine.

We are situated here very near the center of the greatest producing area of raw materials in the world. We are rapidly awakening to the truth that raw materials should be turned into manufactured products near their source of supply. And, so, this great Middle West is developing manufacturing centers which are already turning out a surplus of finished products for which markets must be found outside our domain. Nor have we nearly reached the maximum of our power

to produce. In the matter of food products alone, this Mid West country has always produced a surplus, and could do much more in this line than it ever has done. That is shown by the results of our speeding up process during the Great War. So effective was this process that we have scarcely yet gotten back to normalcy and the farmers are still suffering from the results of overproduction.

But even with a return to normalcy, we people of this great valley are producing a surplus of food products. This is as it should be, for when we cease to produce a surplus, we shall cease in great measure to be an influence in foreign markets. Because, first of all, the world wants food. But I do not believe we shall cease to produce this surplus for many years to come. And I do think it would be unfortunate for us if we did so.

In the year of 1924, the value of agricultural products in round numbers was $12,000,000,000. Of this, two billions was realized from exports of these products. Then, upon the ocean carrying trade depends 16 per cent of our agricultural income. Counted in bulk, or tonnage, the farmers of the country furnished 33 per cent of our export trade in 1924. But in monetary value of the total export trade, we bulked even larger yet. Of all this trade, agricultural products accounted for 46.6 per cent of the value—almost half in exchange value in the markets of the world.

The skill and ingenuity of our people are such that production of manufactured products has outrun our consumption also. It is estimated that in manfactures we can supply in seven months of the year our own needs for the entire year. If, then, we are to find steady and full-time employment for those of our people who are engaged in this line of work we must find sale for a surplus abroad. When industrial workers are well employed agriculture is prosperous.

To give an example that is of direct interest to this Mid West section:

For the four years ending with 1924, machinery and vehicles averaged 11.5 per cent of the value of all our exports. The Middle West is fast forging to the front in the manufacture of these commodities, and we are much interested in a means to reach a profitable foreign market for any surplus there may be.

In fact the resources of this country are so great and so slightly developed that we fail to realize our possibilities. Prophets tell us that we are at the dawning of a period of great activity and prosperity. If this be true, as we all hope it is, it means a crisis for the American merchant marine which must be met with a policy and support of that organization which will develop it into a worthy competitor of the established marines of the older nations.

After what has been said above, no argument is necessary to show the need of foreign markets. The thing for us to consider is how can these markets be developed and supplied. In this connection the prime necessity is transportation on the high seas.

IMPORTANCE AND NEED OF AN AMERICAN MERCHANT MARINE

We know well in this part of the country the importance of the inland waterways. One of the domestic questions now pressing hard upon the consideration of Congress is this very matter. Railroad freight rates have greatly increased, and we must naturally look for the cheapest way to get our exports to our seaports. When we midcontinent people have given the highroads of the sea the same thought and study that we have given the inland ways we shall come to realize that ocean transportation is even more important to our prosperity than are rivers and canals. In the latter connection the railroads are here to perform a like service. But when our products have reached the seaboard there is only one means to send them farther on their way to foreign markets, and that is by the use of ships.

For any country to-day there is no such thing as isolation. Each one of us is bound to every other one in the air and under the sea by invisible bands of communication. But when it comes to material things—to the transportation of great quantities of the ponderable necessities of life—the United States is largely isolated. Our products must go down to the sea in ships if they reach the foreign marts of trade.

GOVERNMENT'S AID IN FOREIGN SHIPPING

I should like to tell you as briefly as I can what the Government is doing to aid in this matter through the United States Shipping Board. At the close of the World War the Government had to its credit a large fleet of ships that it had built and acquired in carrying on the war. This fleet numbered more than 2,300 good steel ships. These ships were built for the purpose of winning the war, and were built under war pressure regardless of cost. This extravagant building of ships was necessary, because at the beginning of the war in 1914 we had no merchant marine. Less than 10 per cent of our foreign trade was being done under the American flag. This had not been always so. There was a time when our ships had proudly carried our flag into all the ports of commerce. But with the passing of the wooden clipper ships in the third quarter of the nineteenth century the United States lost her prestige on the seas. Before the twentieth century was ushered in we had practically ceased to have any merchant marine engaged in the foreign trade. Foreign ships were carrying more than 90 per cent of our export and import trade. As a nation we were indifferent to this condition, and no section was more so than we people of the Middle West. That we paid excessive ocean freight rates did not disturb us, for we did not know it.

When at the close of the Great War we found ourselves in possession of the greatest number of ships we had ever owned, we believed here was an opportunity to reestablish the American merchant marine. The men directing the fortunes of our Government at this time were wholly committed to this policy. The shipping act of 1916 was superseded by the merchant marine act of 1920. This latter act makes it the duty of the Shipping Board to develop out of this great war fleet a workable, efficient merchant marine that will restore the American flag to the commercial roads of the high seas and keep it there.

To carry out this purpose Congress has appropriated annually a definite sum. Two years ago this appropriation was $50,000,000. But the shipping lines are now established and we have gained efficiency in operation through experience. These things, coupled with a growth in volume, have made it possible to reduce the amount of Government aid. A year ago the appropriation was thirty-six millions and we are operating this year with an appropriation of twenty-four millions. It is estimated that we will be able to maintain this service for next year at a further substantial reduction. This gain has been made without any discriminations in favor of American-flag ships. In fact, it is doubtful if discriminations are practicable.

After the initial appropriation had been made, among the first things to be done was the establishment of regular lines of ships to foreign ports. We have established 33 of these lines. They travel the routes of world commerce from every important port of the United States. Each line has a regularly established schedule of sailings and departures, so that anyone wishing to use their service can know exactly what to arrange for.

The merchant marine act directs that these lines shall be sold to American citizens for private operation under the American flag as soon as they can be established on a paying basis. Seven of them have been sold to private American operating concerns, with a guaranty to the Shipping Board that the service will be continued for a period definitely agreed upon. When a line is sold the Shipping Board stands behind it with a certain moral support. If the private operators are unable to keep a line in operation it comes back under the management of the board. In one instance the board has taken over a line that had been sold and is again operating it under the direct control of the Fleet Corporation. The present session of Congress has been asked by the President to set aside a fund for the use of the Shipping Board in cases of emergency where lines are weakened by strong foreign competition, and Congress has enacted it into law.

At present, the board controls 26 of these world lines, and they are under the direct operation of the Emergency Fleet Corporation. They comprise about 300 ships all told. The influence of these 300 ships on foreign trade in rates and in furnishing to American products a certainty of delivery can not be overestimated. Ocean freight rates are regulated by conferences between the operators interested. Control over these 26 lines gives the Shipping Board a part in these rate conferences and a very appreciable influence in the making of the rates. Ocean freight rates are now as low as they were before the war, and they are about the only thing I know of that has reached that position. This is one of the very direct ways that the Shipping Board is having a beneficial influence on foreign trade.

The running of these lines directly and regularly to the seaport trading centers of the world is opening up and strengthening foreign markets for our products. The control of our shipping as an aid in extending our trade is a sound theory. If we compete successfully in foreign markets, we must be able to take advantage of first demands. In other words, we must beat the foreign product into the market and so establish our trade. Foreign ships may do this for us, but they are a precarious dependence. They will serve us when their own nationals can not use them. The worth of a foreign shipping service which is our own is well shown by the practice of the great corporations; such as the Steel Corporation, the Standard Oil, the Ford Motor Co. These concerns own and operate lines of ships because they must be sure they are always able to move their products, when and where the demand requires.

DEVELOPMENT OF PORTS

Another activity of the Shipping Board which is of interest to us Middle West people is the development of our ports. It means much to us to reach the seaboard by the shortest possible haul. The area of the United States is almost as great as that of Europe, but if you will compare the maps of the two countries, you will see that Europe has many more major ports than we have.

Our population is about 80 per cent less than that of Europe, but our ocean-borne commerce is only about 10 per cent less. Observation will show you well-established seaports near all the producing centers of Europe. We have to compete in the markets of the world not only with the cheaper labor of Europe, but this great interior has always had to compete with Europe's shorter and cheaper haul to the seaboard. This is an insidious handicap not fully sensed by the Middle

West. A few days' time, more or less, a few cents per hundred difference in freight rates on a staple product, may mean gain or loss to the American producer. The shorter and cheaper we can make the land haul for the products of this vast interior region, the more prosperous we can be. One thing necessary to do this is a merchant-marine policy that will develop the ports most nearly contiguous to this region. A cursory study of the map of Europe will convince any fair-minded person that there is no danger of an overdevelopment of our port system. As I have said above, Europe has only 10 per cent more ocean-borne commerce than has the United States. But there are almost four times as many well-established ports in Europe as there are in the United States.

Closely connected with the development of ports is the necessity for a merchant marine that will meet the demands of these ports. This is especially true of ports that serve an agricultural region, because the delivery of these products is seasonal. The railroads are prepared to furnish increased service throughout this section during stated times of the year. If the movement of crops is to be as efficient and expeditious as it should be, the ports these railroads feed must have an increase in their number of ships, too. This service the Shipping Board is prepared to render to any port wherever the need may arise. This making possible an orderly movement of our products onto the highways of the sea means a lessening of the fluctuation in prices and the maintaining of these prices at a higher level. And it is only an American merchant marine that can be depended on to render this service whenever and wherever congestion in ports may occur.

Foreign ships might give us this service when required—and they might not. We Mid West people must learn to think of the control of the highways of the sea as being just as essential to our prosperity as are our railroads. No one would be aroused more quickly than we would be if England, or France, or Sweden—or even Canada—got possession and control of our railroads. Then let us think of our steamship routes as continuations of these same railroads, just as necessary to our economic welfare, and let us be just as zealous to develop them into a strong American merchant marine worthy of the greatest exporting country in the world.

MERCHANT MARINE AN AID IN NATIONAL DEFENSE

What I have said concerning the American merchant marine up to this point has to do with it only from a commercial standpoint—its glories of peace, which are not so spectacular as the glories of war but which contribute much to the Nation's triumphs at any time. But we must not lose sight of the importance and absolute necessity of a merchant marine as an auxiliary to our Navy in case of war or national emergency. With the disarmament agreements now in effect, the construction of battleships is halted. This has been done in the hope that it is a long step toward the outlawry of war. We all hope it is. But it is not a certain guaranty that there will be no more war. And if war does come, no matter what its instruments of warfare may be, in the future as in the past the backbone of military action will be the support given to the soldiery by the quick, efficient, constant delivery of necessary supplies. We have had it recently demonstrated that up-to-date war means the involvement of many nations. And that means that the high seas must become the military roads of these nations. Any nation to be effective in the warfare of the future must have an adequate, effective merchant marine to carry its supplies over these roads.

The old maritime nations realize this and are giving every encouragement they can to the building and maintaining of their merchant marines. The large fleet to our credit at the close of the Great War made us second in the world in maritime strength. It was our opportunity, and is still our opportunity, to take and to keep our balance of seafaring power along with the other first-class nations of the world. We can do this by building merchant ships of the right design and speed. Shall we do this? The answer depends upon the support of us people of this interior region as much as upon the people of any section of the country.

NEED FOR REPLACEMENT AND THE MOTOR SHIP

I have spoken several times of the 2,300 ships that were ours at the close of the war. But ships wear out. And so the ships of this great fleet are deteriorating with age, and becoming obsolete to a degree. We should immediately enter upon a definite replacement program. We should bear in mind that improvements are being made in the design and propulsion of ships the same as they are in automobiles. A ship that was up-to-date five years ago is not the last word at the present time. The greatest change and improvement going on at this time is the application of the internal combustion or Diesel engine to the propulsion of ships. The fuel cost for the operation of a ship is the largest item in ship operation. The first propulsive power for ships was the wind against the sail. This was succeeded by the steam-driven ship, the fuel used being coal. At present the fuel used on most of our steam-driven ships is oil, which is burned to generate steam. This is an extravagant use of oil. The motor-driven ship is replacing the steam-driven ship quite rapidly, economy in fuel being the main thing in its favor. The motor-driven ship is particularly adapted to long voyages. It can carry enough oil at one time to drive it long distances. This enables it to select the best and cheapest places to do its fueling.

If the American merchant marine is to keep pace with that of other nations, it must see that its ships are kept up to date. In order to do this, the Shipping Board now is developing the application of the internal combustion or Diesel engine to a limited number of cargo ships. These are to be American-built engines. In order to develop the building of such motors throughout our entire country, contracts have been let on both coasts and in the interior. We believe this is the most commendable forward movement to keep our American merchant marine in position to meet world competition.

We lost our prestige on the ocean with the advent of the steel ship by failing to keep up with its development. Let us hope we do not make the same mistake in the motor-driven ship.

Instances can be shown where motor ships are being placed in competition with our steam-driven ships on some of our extremely long voyages that is placing the American ship at a disadvantage. Not only have these motor ships the advantage of the economy of fuel, but they have greater speed than our present ships.

The motor ship is in its infancy, but America must keep pace with its development if she expects to hold our rightful place on the sea. I have no hesitation in saying that I fully believe the skill and ingenuity of America will produce motor ships the equal of any in the world.

CONSTRUCTION LOAN FUND

To aid in the building and equipment of ships by private American citizens, the present merchant marine act provides that the sum of $25,000,000 may be set aside from the sale of ships and other property annually for five years from the passage of the merchant marine act of 1920, or until a $125,000,000 fund had been accumulated.

This fund is to be loaned to American citizens for the building of ships of a desirable type as approved by the Shipping Board. The rate of interest on such loans shall be 4¼ per cent on ships that are built to be used in foreign trade and 5¼ per cent for ships that are to be used in the coastwise trade.

No loan shall be in excess of 50 per cent of the cost of any such vessel built or for a longer period than 15 years.

Unfortunately it was not possible to set aside the amount contemplated within the five-year period.

A bill is now before Congress to permit this fund to be built up to $125,000,000, the amount originally intended by Congress. This does not contemplate an appropriation, but asks that funds resulting from the sale of ships be placed in this fund.

With such a fund available for the building of ships of desirable design, size, speed, and equipment, a decided step is taken in a replacement program that is vitally necessary if our merchant marine is to even maintain our present position.

There is just one further thing that we need to make our Nation the greatest power on the sea in the world, and that is the interest, the cooperation, the support, of the American people. If the same loyalty and support were given American ships by the American people that it accorded the ships and shipping of other nations by their nationals, the question of an American merchant marine would be largely solved. Many foreign firms refuse to ship goods to us, except in bottoms flying their country's flag. They often buy goods in this country, subject to their own dictation as to what ships shall bring these goods to them. And I tell you that is efficient loyalty!

I have tried in this brief message to show that the expansion and growth of our foreign trade is an absolute necessity to our expansion and growth as a Nation.

I have tried to set forth in a brief way the part an American merchant marine plays in this development.

I have tried to bring to you the service rendered by the Government through the Shipping Board in the development of strategic trade routes from the ports of this country to all important ports and countries in the world.

I have also attempted to show how the Government under the merchant marine act, as amended, is developing the motor-driven ship and at the same time encouraging the manufacture and improvement of this important motive power when applied to ships.

I have tried to bring home to you that we mid-continent people are fully as much interested in a great American merchant marine as are the people of any section of the country.

I know you are interested in this matter, and I hope this interest will show itself by developing a genuine, loyal sentiment toward our ships and our American merchant marine.

THE PORT OF CHARLESTON, S. C.

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD relating to the port of Charleston and inserting some shipping statistics in connection therewith.

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

There was no objection.

Mr. McMILLAN. Mr. Speaker, the justification of any seaport is its ability to serve adequately a producing hinterland. The port of Charleston, S. C., for two and a half centuries has met this requirement.

In the 254 years since Governor Sayles founded for the lords proprietors the Province of the Carolinas Charleston's commerce has changed repeatedly, and a half-score times has Charleston made for itself a reputation as a pioneer handling port for many commodities of international importance. Not only has Charleston handled well these specialties, but many of these commodities have left at Charleston their high-water mark in world commerce, so that at different periods of our national history we find Charleston referred to as "the rice port," "the indigo port," "the cotton port," "the phosphate port," and so on, covering the specialties of lumber, beef, tobacco, fertilizers, and other commodities. While many of these items have passed on with the march of progress and the gradual shifting of sources of supply, others are yet profitable items in the commerce of the port which in late years has taken on the character of general cargo.

In its more recent rôle of general-cargo port Charleston has found invaluable its acquired experience in the handling of many lines, and the diversity of facilities and apparatus built up in the course of its versatile activities place it to-day as one of the best-equipped ports of the South.

Naturally cotton has been and is yet the most important export item out of Charleston. As in many other specialties, Charleston for years led the ports of the Nation in cotton shipments. Out of Charleston in 1784, we are told, went the first shipment of cotton sent from any American colony to an overseas destination. History tells us that John Teasdale, of Liverpool, was the first consignee of this American cotton, eight bags having been carried on his account from Charles Town, as the port was then known. This venture proved unprofitable because the Crown immediately confiscated the cotton upon arrival, basing the reason of seizure upon the claim that it could not have been grown in the colonies.

One hundred years later the report of Mr. Richard A. Tavell, superintendent of the Charleston Exchange, dated February 18, 1885, gives the total cotton movement through Charleston as 413,445 bales for the fiscal year 1883–84, with estimated receipts of upland cotton, 1884–85, at 520,000 bales.

Despite the fact we hear much of Charleston's "lost cotton trade," the cotton exports moving through the port in 1925 were, according to the Charleston Cotton Exchange figures, 317,689 bales.

A peculiar economic upheaval, namely, the gradual shifting southward of the Nation's textile industry, has been in part responsible for the apparent falling off in Charleston's cotton trade.

In the Carolinas alone, which form but a modest part of the vast textile section known as the southeastern mill district, there are more than 650 textile mills, and the demand on raw materials has been enormous. In short, the cotton-growing industry that found its chief outlet in the overseas markets has been turned inward to feed the mills at the grower's very door, and this cotton reappears in a manufactured or semimanufactured form and moves through the port of Charleston for shipment coastwise to the finishing and bleachering plants of the Eastern and New England States.

Charleston's total shipments of textiles, cotton, and cotton by-products alone now average annually well over $85,000,000 moving foreign, coastwise, and intercoastal.

The importance of the port of Charleston in relation to the textile industry should not be underestimated.

The manufacture of textiles has by natural preference shifted southward, drawn by that trinity of advantages found nowhere else within the country, namely, proximity of source of raw materials, abundance of native white skilled labor, and ideal climatic conditions for the producing of this most essential commodity. But so far the Southeast has drawn only the production phase of the textile industry; finishing and bleaching must be yet done in large part in the mills of the Eastern and New England States while financing and marketing is carried on chiefly in New York City. To bridge swiftly the gap between the southern looms and the northern bleaching plants special textile trains, analogous to the "silk trains" plying between Seattle and New York, are operated from strategic points and in line with this service Charleston has its own textile special making up at Atlanta and touching at Spartanburg, Greenville, and other important mill centers; this special gives a two-day service down to the port where fast express steamers relay the goods coastwise to the points of destination. Because there are no break-up yard delays these through shipments, even in face of the time consumed in handling from car to ship come in ahead of the all-rail shipments routed through congested eastern terminals.

The Clyde Line, serving Charleston since 50 years ago, links up these textile-mill towns with the distributing points of New York, Boston, and lesser New England ports, while the Baltimore & Carolina Steamship Co. gives contact with Baltimore and, by transshipment, Philadelphia.

In all, eight steamship companies give to the southeastern textile mills rapid and efficient distribution to more than 30 coastwise, intercoastal, and overseas ports.

In time the Southeast will have acquired complete facilities for doing its own bleaching and finishing. Already the Santee Canal project at Charleston's back door is under way, with assurance of vast potential power, and once the widely separated processes of the textile industry are centered entirely in the South the financial machinery will also gravitate southward. When this happens the importance of a thoroughly experienced and equipped textile port such as Charleston is apparent, and here it may be also remarked that Charleston's banking facilities, especially as relates to maritime commercial transactions, are among the country's best.

But cotton and its products are only a few of the essentials produced or manufactured in the vast territory logically served by Charleston; lumber comes down to the port in increasing quantities, for, although it is axiomatic that a port is only a lumber port as long as there is adjacent source of supply, Charleston seems not to have shared the fate of other ports left stranded as the lumber industry has followed the diminishing forests southward.

In 1925 nearly 10,000,000 feet of lumber was shipped out of the port of Charleston for overseas destinations, nearly half of this being rough southern pine for Cuba. Ash, oak, gum, cypress, poplar, hardwood logs, and other hardwood timber go from Charleston to the principal overseas ports, while great quantities of shingles and ties move in and out in vessels in intercoastal and coastwise service.

Three States of the Southeast—Georgia, South Carolina, and North Carolina—depend upon the port of Charleston for their fertilizers, and Charleston meets this demand not only by bringing in the raw materials from every quarter of the globe but by converting these materials at its 20 factories into commercial fertilizers in an amount that places it in the lead in the list of American manufacturing centers for high-grade fertilizers.

Drawing from many foreign sources, Charleston imports annually about 300,000 tons of raw materials for use in the manufacture of fertilizers, about 75 per cent being nitrates from Chile. Guano, calcium cyanamide, bone and crude phosphates, crude chloride potash and sulphate potash, kainite, manure salts, dried blood, tankage, and other nitrogenous materials enter also into the annual imports.

Charleston is the oil port of the South Atlantic. Big business was quick to see the advantages of Charleston as a distributing center, and as a result the Standard Oil Co., the Texas Co., the Gulf Refining Co., and recently the Sinclair Oil Co. have erected refineries or tank farms at this point, with storage facilities of more than a million barrels.

Charleston in 1925 exported to the United Kingdom, Canada, Germany, and Scandinavian countries approximately 34,000,000 gallons of gas and fuel oil, and imported, mostly from Mexico, 77,000,000 gallons of crude petroleum.

Naphtha, gasoline, and other light products were imported in the amount of 2,500,000 gallons.

In addition to the splendid oil-bunkering facilities at Charleston, ships find complete equipment for handling cargo and bunker coal, the Southern Railway having placed at Charleston the most modern tipple south of Norfolk. Here ships in the West Indian and Caribbean trade or bound to and from the Panama Canal may pick up cargo or bunkers with only a loss of a few hours out of their run of the regular ship tracks.

Coal moves from Charleston to Cuba in the amount of about 200,000 tons annually.

But these predominating items of foreign trade make up only a few of the commodities exported and imported through Charleston. Exports for 1923 numbered 83 articles and imports totaled 102 commodities.

General cargo has increased greatly with the opening up of new European and far eastern services. In 1925 foreign trade for the calendar year increased 36.5 per cent over 1924 and 245 per cent over 1921.

The following table shows the foreign trade of Charleston over a period of five years. Tonnage is based on United States Shipping Board figures showing long tons hauled. Valuation is from United States customhouse figures:

	Tonnage	Value
1921:		
Imports	309,333	$2,761,743
Exports	359,380	9,797,738
Total	668,713	12,558,481
1922:		
Imports	280,820	6,542,096
Exports	174,790	12,875,518
Total	455,610	19,417,619
1923:		
Imports	373,227	7,936,504
Exports	324,699	25,514,475
Total	697,926	33,450,979
1924:		
Imports	594,289	12,771,826
Exports	191,893	18,820,604
Total	786,182	31,592,430
1925:		
Imports		12,776,113
Exports		30,241,100
Total		43,017,213

That Charleston's astounding increase in foreign trade is to continue through the present year is evidenced by the January export figures recently released by the Department of Commerce. Only four ports of the United States showed an increase in exports in January, 1926, over the same month of last year. Charleston ranked third among these ports.

Seattle, Wash., ranked first with a gain of about 55 per cent, followed by Savannah with 45 per cent, and Charleston third with 36 per cent; Tampa showed a slight percentage of increase. The exports of the country as a whole showed a noticeable falling off.

Probably no port of the Nation shows more promise than does Charleston in the development of its coastwise vessels. A pioneer in coastwise steamship traffic, Charleston first gave service of this type in 1870 when the steamship *South Carolina*, of the Clyde Line, entered the field against the clipper ships then serving the ports of the North and South Atlantic.

Charleston's coastwise trade which forms the most substantial item of its maritime commerce consists principally of cotton and cotton piece goods, lumber, crossties, petroleum products, fertilizer, and miscellaneous merchandise.

The cotton mills of the southeastern mill district shipping cotton piece goods to the bleacheries and finishing plants of the eastern and New England sections find in Charleston an ideal transshipment port.

A "textile special" operated by the Southern Railway and made up at Atlanta touches at Spartanburg and other important textile centers. This train, in line with the textile specials serving the East, provides a two-day service to the port of Charleston for through shipments to the distributing points named.

Ample safe and dry ship-side storage is available, and special care is assured in the handling of this commodity. No bale hooks are used, and butt-end storage is the rule.

Charleston's intercoastal trade is also rapidly growing. Outbound shipments between the port of Charleston and the terminals of the Pacific coast embrace textiles, oyster shells, canned vegetables, granite, furniture, peanuts, and general merchandise. Predominating inbound commodities are talc, canned milk, beans, dried fruit, doors, lumber, hay, and flour. Intercoastal trade in long tons hauled increased 35.5 per cent in 1925 over 1924, the movements being 31,507 and 23,245 tons, respectively.

A résumé of coastwise and intercoastal trade for five years is shown by the following figures compiled by the Board of Engineers for Rivers and Harbors:

	Tonnage	Value
1920	615,471	$69,305,723
1921	788,458	103,728,968
1922	890,384	78,511,698
1923	1,012,203	141,610,618
1924	886,759	128,588,005

It is with some degree of national pride that Charleston finds itself the predominant American-flag ship port of the South Atlantic. During the calendar year 1925 a total of 388 ships in foreign trade entered and cleared at the local customhouse; entrances totaling 200 and clearances 188. The year's total exceeded the 1924 figures by 71, reflecting the increase in foreign trade for the port. The American flag was predominant, with 251 of the vessels entering and clearing flying the Stars and Stripes. Of the foreign flags Great Britain led. Others were Germany, Norway, Sweden, Denmark, France, Belgium, Italy, Spain, and Japan. One thousand and seventy-one ships of all types entered the port.

What is back of this reawakening of Charleston's commerce? The answer is that Charleston has at last spread the story of its advantages so that the shippers of the country are beginning to take notice; the promise of new freight has encouraged new services, which in turn has encouraged more freight, and so the port of Charleston is prospering.

To enumerate some of the natural and acquired advantages which have advanced Charleston since 1923 from thirty-second to twenty-fifth place in relative rank among the 70 ports graded by the United States Government on physical tonnage carried:

Charleston is strategically located to centers of production and world markets, possessing a shorter average sailing distance to the principal key points of the world than does any other competitor port of the Atlantic or Gulf coast.

Taking as these key points Liverpool, Gibraltar, Colon, Habana, and Pernambuco, Charleston's comparative average in nautical miles is shown in the following table:

Charleston	2,599	Boston	2,639
Norfolk	2,611	Baltimore	2,733
Jacksonville	2,634	New Orleans	3,061
New York	2,638	Montreal	3,178

Computed on the basis of a freight ship averaging 10 nautical miles an hour the following saving in time is had by Charleston over its principal North Atlantic and Gulf competitors, New York and New Orleans are taken as representatives:

To—	From—	Distance in nautical miles	Sailing time saved each trip	Sailing time saved each voyage
			Days Hrs.	*Days Hrs.*
Liverpool	Charleston	3,540	4 11	8 22
	New Orleans	4,614		
Gibraltar	Charleston	3,595	4 1	8 2
	New Orleans	4,593		
Bordeaux	Charleston	3,676	4 11	8 22
	New Orleans	4,749		
Pernambuco	Charleston	3,649	1 12	3
	New Orleans	4,108		
Habana	Charleston	646	2 10	4 20
	New Orleans	1,227		
Colon	Charleston	1,564	1 17	3 10
	New York	1,944		
Iquique, Chile	Charleston	3,594	1 17	3 10
	New York	4,004		
Honolulu	Charleston	3,594	2 11	4 22
	New York	6,792		
Georgetown, British Guiana	Charleston	2,000	22	1 20
	New York	2,217		
Vera Cruz	Charleston	1,455	2 6	4 12
	New York	1,995		
Yokohama	Charleston	9,289	1 17	3 10
	New York	9,699		
Melbourne	Charleston	9,982	1 17	3 10
	New York	10,392		
Port Antonio	Charleston	1,013	1 17	3 10
	New York	1,423		

Charleston possesses excellent transportation facilities both by rail and water.

The following steamship companies operate out of Charleston: The Carolina line, operated by the Carolina Co., and the J. A. Von Dohlen Co. both give regular and frequent sailings to the principal ports of the United Kingdom and Continental Europe; while the Isthmian Steamship Line connects Charleston with the leading ports of the Orient, and, as cargoes offer, with the west coast of South America. The Carolina Co. and the J. A. Von Dohlen Steamship Co. also operate to Far Eastern ports.

The Clinchfield Coal Co. operates its vessels extensively between Charleston and Cuban ports.

The American-Hawaiian Panama Canal line gives direct westbound service between Charleston and the ports of the Pacific coast, with transshipments on through bills of lading to Victoria and Vancouver, British Columbia, the Hawaiian Islands, and the Far East. For the eastbound service of this company, Charleston is the South Atlantic concentration point.

Coastwise, the Clyde Steamship Co. gives a fast and efficient service between the ports of Boston, New York, and Jacksonville, with transshipment to Miami via Jacksonville; while the Baltimore & Carolina Steamship Co. connects this port with Baltimore, Georgetown, Jacksonville, Miami, and by transshipment with Philadelphia.

The Coastwise Transportation Co. gives a monthly service between Charleston, Jacksonville, Savannah, and New Orleans.

In the matter of rail transportation Charleston is served by four trunk-line railroads that tap with over 15,000 miles of track the country's most fertile producing regions and prosperous manufacturing centers; Charleston is able through favoring rail differentials to move the commodities of these sections at material savings over many of its competitors down to the seaboard, where modern storage and handling facilities and a diversity of ocean services insure economy and efficiency in distribution.

Through harbor improvement and a tidal variation of 5.2 feet Charleston has deeper water than any other harbor on the Atlantic and Gulf coasts south of Norfolk, Va. There is a 30-foot channel about 600 feet wide from Charleston Lightship to the plant of the Charleston Dry Dock & Machine Co., with but small tendency to shoal.

From the bar to the city piers there are but three changes of ship's course, with ranges well marked day and night by buoys and range lights.

As a result of dredging done by the Navy Department under the naval appropriation act of August 29, 1916, a channel was completed 30 feet at all stages, 600 feet wide in straight reaches, and increasing to 1,000 feet at bends. This channel extends from deep water in the Cooper River to the United States Navy Yard, the existence of which, 6 miles above the city, insures that the approach channel will always be kept dredged to accommodate the largest-sized naval vessels.

Recently I went before the proper Government officials at Washington with an invitation for the midshipmen on cruise to stop in at Charleston on June 28, the occasion of the one hundred and fiftieth anniversary of the battle between Fort Moultrie, which guards the harbor of Charleston, and the British fleet under Sir Peter Parker.

The Navy Department has accepted my invitation, and it is planned now to send the entire personnel then on cruise to Charleston, and preparations are being made to receive the *New York*, the *Utah*, and the *Wyoming*, three of the Navy's largest vessels. The Government has confidence in the port of Charleston as a safe harbor for its vessels.

Speaking of Charleston's splendid anchorage facilities, Rear Admiral F. W. Dickens officially reported to the Navy Department:

> After entering the harbor, 50 battleships with 26 feet draft can be anchored in Charleston Harbor at single anchor, 400 yards apart, with a scope of 45 yards of chain.

In 1905, and again in 1912 the Atlantic Fleet anchored in Charleston Harbor, and the steamship *Edgar F. Luckenbach* has entered the harbor drawing 33 feet 5 inches.

Another interesting fact is that the giant tankers of the four oil companies at Charleston, many drawing upward of 30 feet, enter Charleston at all stages of the tide and proceed to berth; often at night.

Second only to Galveston in proximity to the open sea, being 7½ miles from the protecting jetties that flank the entrance to the harbor, Charleston enjoys many advantages of saving not found at its competitor ports.

Charleston's easy access to the sea means a saving of time in turn around and in insurance on hull and cargo.

Few ports on the Atlantic seaboard offer to ships the economy of towage rates to be found at Charleston.

Here the majority of the wharves are of the marginal type and because of ample turning space vessels under power are not dependent upon tugs for docking.

Port charges are reasonable, and ships handling cargo over Charleston wharves do so free of cost. There is no charge assessed against a steamer at this port for layage or dockage where the vessel either loads or discharges cargo at the pier.

Discharging and loading of ships are normally rapid.

Between Hampton Roads and San Francisco, Charleston is the only first-class harbor of refuge and repair for both commercial and Navy vessels.

Too much importance can not be attached to this strategically located navy yard.

Here is located a large graving dock and also shipways for practically all types of naval vessels. Three Akemoff dynamic balancing machines make possible the handling of all kinds of turbine, dynamos, and other high-speed revolving parts.

Located south of turbulent Hatteras, this yard is a Godsend to vessel bound northward in distress as well as an indispensable asset to the Nation in time of war.

As far back as 1685, Edward Randolph, collector of the King's customs at the port of Charleston, saw the advantage of this port of refuge and wrote into his report the following advisement:

> Charleston is the safest port for all vessels coming through the Gulf of Florida in distress, bound from the West Indies to the northern plantations; if they miss this place, they may perish at sea for want of relief, and having beat upon the coast of New England, New York, and Virginia by a northwest wind in the winter, be forced to go to Barbadoes if they miss this bay, where no wind will damage them and all things will be had necessary to refit them.

Charleston's strategic position as a port of refuge was dramatically set forth in 1923. On the evening of Charleston's initial Navy day celebration the Hon. ELLISON D. SMITH, Senator from South Carolina, spoke eloquently upon the need of maintaining the navy yard at Charleston, stressing the fact that northbound vessels in distress would of necessity be forced to weather Hatteras should repair facilities not be available at Charleston.

The following morning three battered submarines were towed into the harbor, having been overtaken by storm while bound from Caribbean waters. These crafts were being convoyed north for dismantling when the storm overtook them, and it is doubtful whether any of the three could have proceeded farther than Charleston. In several days, repaired and supplied with fuel, these vessels proceeded on their way.

But the importance of Charleston's harbor is not confined to the advantages of refuge and repair, nor yet to its commercial advantages. It is a vital factor in the Nation's scheme of defense. At Charleston is found two fortifications, both of which have made history—Fort Moultrie and Fort Sumter. Since the beginning of the eighteenth century Moultrie has stood between this harbor and many invaders. In 1706 it figured in the defeat of the French Fleet under LeFeboure, and in June, 1776, six days before the signing of the Declaration of Independence, this fort fired upon and defeated the British Fleet under Sir Peter Parker.

American shipping in the South Atlantic found its growth through the aggressive action of a Charleston fleet in wiping out piracy in that range.

The World War demonstrated the value of Charleston as a shipping point for troops and supplies when northern ports became congested beyond hope. No less an authority than General Goethals placed the seal of his approval upon Charleston as the strategic point for the placing of one of the country's giant Army supply bases, with the result that the Government spent more than $11,000,000 on this one item alone.

But Charleston's value from the standpoint of national defense lies not alone in the fact that it served adequately as an emergency outlet during the war when other and older channels became congested, but that it is in itself the logical channel through which must flow the resources of the richest producing sections of the United States, namely, those of the Southeast and the Middle West.

To the World War Charleston owes the impetus that brought into prominence the advantages of this port, and also made possible the recreation of a rate structure that permitted of export movements from the Mid-Western or Central Freight Association.

Various changes on the part of the Interstate Commerce Commission have left the southern ports with favoring differentials compared with the ports of the North Atlantic. Nor was Charleston and its sister ports slow to follow up the advantages gained by these rail rate adjustments. Faced with an unfavorable ocean differential of 7½ cents per 100 pounds over the ports of the North Atlantic, the port interests of Charleston and Jacksonville took the initiative for the ports of the South Atlantic on May 5, 1924, and petitioned the United States Shipping Board to provide for a parity adjustment of ocean rates to couple up with the approximate parity of inland rates from competitive territory, thus providing an adjustment of through rates and routes to foreign ports to enable foreign commerce originating in the Mid West, Northwest, and Southern territories to flow freely and without discrimination through all Atlantic ports offering suitable steamship service. This petition was consummated on January 20, 1925, when the United States Shipping Board declared abolished the tripartite conference agreement between the North Atlantic, South Atlantic, and Gulf ports, thus wiping out ocean differentials at the ports of the South Atlantic and Gulf. The resulting advantages were reflected in flexibility of ship operation at southern ports and the development of new business heretofore held down by uneconomical rates.

Nor has Charleston confined its activities to the readjustment of rates applicable to major groups; specifically has this port directed its energies toward removing rate discriminations on such essential factors in its commerce as cotton, cotton sweepings, cotton linters, and cotton waste from southern territory, and furniture, cotton piece goods, and manufactured and leaf

tobacco from Carolina territory. Various rates, both export and import, have been brought into line on iron and steel articles, oils, logs, lumber, wood pulp, bagging, newsprint paper, fertilizer materials, machinery, handles, agricultural implements, cement, card strips, coffee, ferromanganese, pig iron, and iron ore. As a result, the general character of the commerce of the port of Charleston is changing. Charleston by the very diversity of its handling facilities will remain a highly specialized port, but in no sense can it be considered a specialty port, for, as reflected in the eighty-odd commodities that made up its exports in 1925 and the 102 articles comprising its imports. The trend of its commerce is toward general cargo.

New and economical outlets have stimulated production in the territory logically tributary to the ports of the South Atlantic. Given its own gateways and choice of carrier routes, the South has opened its resources to the Nation as exemplified in the following statistics:

The value of all manufactured products in the South in 1923 was over $9,460,000,000, against $6,878,000,000 in 1921, an increase of $2,582,000,000, or 37 per cent. Since 1923, unofficial figures show even a greater percentage of increase.

Practically all of the bauxite used in the aluminum industry of the Nation is produced in the South; 99 per cent of the country's sulphur is produced, and three-fourths of the world's output of that item comes from the South. It produces the entire output of the country's rosin and turpentine, with 75 per cent of the world's output of rosin and about 65 per cent of the world's output of turpentine.

Nearly 100 per cent of the country's supply of phosphate rock and fuller's earth is mined in the South.

Sixty per cent each of the country's petroleum, natural gas, and graphite comes from the South, while more than half of the country's lumber, mica, and quartz are there produced.

With the exception of about 1,000 bales of cotton raised in Arizona and California, the entire crop of the country is raised in the South, which supplies about 55 per cent of the world's cotton.

All of the country's output of cottonseed oil, cane sugar, molasses, peanuts, and peanut oil is produced there, together with 90 per cent each of the country's sweet potatoes, sorghum sirup, and winter and early spring vegetables; more than 80 per cent of the Nation's entire crop of tobacco and rice are raised on southern soil.

The growth and importance of the steel industry need only be mentioned, while the textile industry, with hydroelectric power, has shown amazing expansion.

The industrial development of the South depends largely upon adequate power resources, and an idea of the nature of this available power is shown in the 1923 figures for the Southern States, during which year 7,800,000,000 kilowatt-hours of electrical energy were produced. Of these, 4,000,000,000 kilowatt-hours were produced by water-driven generators, and this development is reflected in the rapid increase in the tonnage movements of all South Atlantic and Gulf ports. These increases indicate that these gateways are striving to meet the demand for short routes to foreign markets from these new centers of production in the various Southern States.

It is only sound economics and sound business that their products should move by the shortest, quickest, and most economical paths to foreign destinations.

The outlets of the South Atlantic, as a group, give the required factors of short average haul, quick turn around, and economy of handling. Charleston, of this group, stands preeminent.

LEAVE TO ADDRESS THE HOUSE

Mr. CAREW. Mr. Speaker, I ask unanimous consent that my colleague [Mr. BOYLAN] may address the House for 10 minutes next Tuesday, after the approval of the Journal and the disposition of business on the Speaker's table, on the subject of coal.

The SPEAKER. The gentleman from New York asks unanimous consent that on next Tuesday, after the completion of the orders already made, his colleague, Mr. BOYLAN, may address the House for 10 minutes on the subject of coal. Is there objection?

Mr. SNELL. Mr. Speaker, we have a pretty heavy calendar on that day all arranged, and I shall have to object.

Mr. CAREW. Then on Wednesday.

Mr. SNELL. That is Calendar Wednesday.

Mr. CAREW. Then can Mr. BOYLAN speak on Thursday, after the approval of the Journal?

Mr. SNELL. At the present time I think we shall have to object to special orders for next week.

Mr. CAREW. Does the gentleman mean on any day of next week?

Mr. SNELL. At the present time I think we shall have to object.

Mr. LAGUARDIA. Mr. Speaker, what we want to do is to get four or five 10-minute allotments in order to take up this question of coal.

Mr. SNELL. We can not undertake to load up the calendar for next week by special orders. I have no objection to the gentleman's speaking, but I do object to loading up the calendar for next Wednesday until we know what is the special business we shall have to take up at that time.

Mr. CAREW. Can the gentleman tell me when I can renew this request for Mr. BOYLAN to speak next week on coal?

Mr. SNELL. On any morning.

Mr. CAREW. The gentleman means any morning after 12 o'clock?

Mr. SNELL. I can not undertake to tell the gentleman on what day he should renew his request.

Mr. CAREW. Can I have any prospect of having more success than I have had to-day?

Mr. SNELL. Is the gentleman from New York [Mr. BOYLAN] here?

Mr. CAREW. No; he has gone to New York. He was here yesterday.

DESTRUCTION OF PAID UNITED STATES CHECKS

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8034, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 8034, with a Senate amendment, and concur in the Senate amendment. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8034) to authorize the destruction of paid United States checks.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

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

There was no objection.

The Senate amendment was agreed to.

CREDITS TO CONTRACTORS FROM APRIL 6, 1917, TO NOVEMBER 11, 1918

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 47, insist on the House amendments, and agree to a conference.

The SPEAKER. The Clerk will report the resolution by title.

The Clerk read as follows:

Joint 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 SPEAKER. The gentleman from Pennsylvania [Mr. GRAHAM] asks unanimous consent to take from the Speaker's table Senate Joint Resolution No. 47, insist on the House amendments, and agree to a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. CHRISTOPHERSON, Mr. HICKEY, and Mr. DOMINICK.

PERMISSION TO ADDRESS THE HOUSE

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, I may be permitted to address the House for 10 minutes on the subject of coal.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow, after the disposition of other orders, he may proceed for 10 minutes on the subject of coal. Is there objection?

Mr. TAYLOR of West Virginia. Mr. Speaker, reserving the right to object, some of us who want to protect the coal industry would also like to have an opportunity to be heard on this question. I ask unanimous consent that to-morrow, following the gentleman from New York [Mr. LAGUARDIA], I may be permitted to address the House for 10 minutes on the subject of coal.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. LAGUARDIA] and the gentleman from West Virginia [Mr. TAYLOR]?

There was no objection.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to address the House to-morrow for 10 minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent that to-morrow, after the completion of other orders, he may be permitted to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent that on to-morrow I may be permitted to address the House for 10 minutes on the subject of coal.

The SPEAKER. The gentleman from New York asks unanimous consent that on to-morrow, after the completion of other orders, he may be permitted to address the House for 10 minutes on the subject of coal. Is there objection?

There was no objection.

BOXING AND SPARRING MATCHES AND EXHIBITIONS IN ALASKA AND HAWAII

The SPEAKER. The Chair now thinks that House bill 12799 was erroneously referred to the Committee on the Territories. Both chairmen have been consulted and have agreed, and without objection, the Chair will rerefer the bill to the Committee on the Judiciary.

There was no objection.

CALENDAR WEDNESDAY BUSINESS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that a number of bills which I think are not controverted may be considered in the House as in Committee of the Whole until 5 o'clock, and in that connection, in agreement with others, I will state that under the circumstances of the late hour I have had to agree not to bring up any of the controversial bills, as much as I should like to do so.

Mr. CRAMTON. I did not quite hear the gentleman's request. Why does not the gentleman take up one bill at a time in the House? That would seem more in order.

Mr. LEAVITT. I have no objection to that, and my only idea was to save time in making the same requests.

Mr. CRAMTON. I do not think it will take much more time to make the request as to each bill.

FORT BELKNAP RESERVATION, MONT.

Mr. LEAVITT. Mr. Speaker, I call up H. R. 11510, to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes, and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized a revolving reimbursable appropriation of $25,000 from the tribal funds on deposit in the Treasury of the United States to the credit of the Indians of the Fort Belknap Reservation, Mont., subject to expenditure in the discretion of the Secretary of the Interior, in the purchase of seed, animals, machinery, tools, implements, building material, and other equipment and supplies, for sale to individual members of the tribe under the reimbursable regulations of August 7, 1918: *Provided*, That repayments shall be credited to said revolving fund and may be again expended for similar purposes without reappropriation by Congress.

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.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed by inserting a memorandum prepared for me by the Indian Bureau, showing the operation of a similar revolving fund among the Crows.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The memorandum referred to follows:

MEMORANDUM SHOWING OPERATION OF CROW REVOLVING FUND

Section 11 of the act of June 4, 1920 (39 Stat. 755), set aside $50,000 of Crow tribal funds for use as a revolving fund to be used for the purchase of seed, animals, machinery, tools, implements, and other equipment for sale to individual members of the tribe.

The entire amount of $50,000 was authorized for use during the fiscal year 1921. The unexpended balance of $15,392 on June 30, 1921, was reallotted for use in the fiscal year 1922. As the Indians make payments, these amounts are again available for use and the records show expenditures made as per attached schedule.

As the fund is handled under the reimbursable regulations of August 7, 1918, a 5 per cent surcharge is added to all expenditures to offset possible losses in handling. On $85,383.05 such charge amounts to $4,269.15, making a total of $89,652.20 to be accounted for. There have been losses of seed amounting to $282.21, leaving a net total of $89,369.99.

To December 31, 1925, the Indians had paid back $63,259.12 and there was a balance of $26,110.87 unpaid still in active accounts under process of collection as installments come due.

At that time there was a cash balance in the fund of $27,876.07 available for authorization. Since that time further expenditures and collections have been made, which will not be of record until the end of the fiscal year, June 30, 1926.

Many of these Indians now realize that they must depend on their own efforts to make their living, and are developing their allotments. This revolving fund has been the means of supplying the needed equipment and the results are seen in cultivated land and improved homes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL from the Committee on Enrolled Bills reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9504. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

H. R. 11354. An act to change the time of holding court at Raleigh, N. C.; and

H. R. 12203. An act 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.

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. 2320. An act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

S. 756. An act directing the Secretary of the Treasury to complete purchases of silver under the act of April 23, 1918, commonly known as the Pittman Act; to the Committee on Banking and Currency.

CHIPPEWA INDIANS OF MINNESOTA

Mr. LEAVITT. Mr. Speaker, I call up Senate bill 1613, setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota, and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and is hereby, created within the limits of the White Earth Indian Reservation in the State of Minnesota a reserve to be known as Wild Rice Lake Reserve, for the exclusive use and benefit of the Chippewa Indians of Minnesota, which reserve shall include Rice Lake and the following-described contiguous lands, to wit: Beginning at the northwest corner of the northeast quarter of the southeast quarter of section 8 in township 145 north, range 38 west, and running due east to the northeast corner of southeast quarter of section 9; thence south to northeast corner of northeast quarter of section 16; thence due east to northeast corner of northeast quarter of section 14, township 145 north, range 38 west; thence due south to southeast corner of northeast quarter of section 2, township 144 north, range 38 west; thence due west to southwest corner of northwest quarter of section 3 of said township and range; thence due north to southwest corner of northwest quarter of section 15, township 145 north, range 38 west; thence due west to southwest corner of northwest quarter of section 16; thence due north to northwest corner of northwest quarter of said section 16; thence west to southwest corner of southeast quarter of southeast quarter of section 8; thence north to point of beginning, which, excluding the lake bed, contains approximately 4,500 acres.

SEC. 2. All unallotted and undisposed of lands within the area described in section 1 hereof are hereby permanently withdrawn from sale

or other disposition and are made a part of said reserve, and the Secretary of the Interior is authorized to acquire by purchase any lands within said area now owned by the State of Minnesota or in private ownership at a price not to exceed $5 per acre, and to acquire from private owners by condemnation proceedings in accordance with the laws of the State of Minnesota relating to the condemnation of private property for public use, any lands within said area which can not be purchased at the price herein named; the purchase price and costs of acquiring said lands to be paid out of the trust fund standing to the credit of all the Chippewa Indians of Minnesota in the Treasury of the United States upon warrants drawn by the Secretary of the Interior.

SEC. 3. The reserve hereby created shall be maintained for the exclusive use and benefit of the Chippewa Indians of Minnesota under the supervision of the Secretary of the Interior and under rules and regulations to be prescribed by the said Secretary.

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.

THE RICE LAKE BILL—S. 1613, H. R. 4098

Mr. WEFALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. WEFALD. Mr. Speaker, I am indeed pleased that the House has to-day concurred with the Senate in passing this bill, known to the Chippewa Indians of Minnesota as the Rice Lake bill, and I can also, I am sure, say that the Chippewa Indians will be greatly pleased when they hear of the action the House has taken. This bill aims to set aside a reserve at Rice Lake, in Mahnomen County, Minn., of 4,500 acres for the exclusive use of the Chippewa Indians, that they may gather their staff of life, the wild rice, in the fall unmolested by anyone. The setting aside of this reserve will solve the difficult problem and controversy of the past regarding the draining of the lake, which would result in lowering the level of the water in the lake and the destruction of their wild-rice crop. This reserve will be one of the few places in America where the Chippewa, who still follows the ways of his fathers, can go in the fall, pitch his tent, build his bark hut, or make his wigwam, live there with his family, and gather the wild rice, which pulled his ancestors through the hard winters, and which will pull him through the winter. I do not know of another reserve like it anywhere in the country.

Of course, this reserve will not be used by all the Chippewas. They are too many in number, and most of the Chippewas have taken to the ways of their white neighbors. They farm land, they go into business, they send their children to public schools, and many of them have gone to the large cities to seek their fortunes. But there are a few of the Chippewas who can not forget the ways of their fathers, and who, out of racial pride, scorn to follow the ways of the white man. It is these Chippewas for whom this reserve will be a boon and for whom this act of justice has been done. The white man in passing this law has shown that he still has a little regard for the race that once roamed over and owned the States of Wisconsin and Minnesota.

The passage of this bill to-day terminates a long agitation and controversy over Rice Lake. From time immemorial the Chippewa Indians have gathered their rice on this lake. It has been one of the great sources of their subsistence, and the land around the lake should never have been alienated from the Chippewa Indians. But the Federal Government patented much of the land to the State of Minnesota, and the State of Minnesota patented some of the land to individuals who now own land around the lake. The white men have wanted to drain their lands which have been low and swampy and make them productive for agriculture. On the other hand, the Chippewa Indians continued to gather their rice on the lake, and consequently a grave controversy grew up concerning the draining of this lake. This controversy resulted in agitation on the part of the Chippewas to have the lake and the land surrounding it set aside as a reserve for their exclusive use and benefit. It is many years since this was first thought of and agitated, but for a long time nothing was done. It was only last fall that definite action was taken in the matter, and that was when the senior Senator from Minnesota [Mr. SHIPSTEAD] and I introduced the bill that this body has to-day passed, and it may be that if we had not taken that step that this lake and its great food supply for the Chippewas would have been lost to them. But we have now carried this matter to a successful conclusion, and I wish to thank the Bureau of Indian Affairs and the Indian Affairs Committee in both the House and the Senate for their splendid cooperation in this matter.

Since the coming of the Farmer-Labor Senator and Congressmen from Minnesota to Congress the Chippewa Indians can truly feel grateful for the treatment they have received at the hands of Congress. Through the influence of their Farmer-Labor Senator and Congressmen they have received three per capita payments in the last three years, a jurisdictional bill was passed in the present Congress which permits them to secure an adjustment of their claims against the Federal Government arising under the act of 1889 and the agreements entered into thereunder, and now, in the last days of the first session of the Sixty-ninth Congress, this bill to set aside the land surrounding Rice Lake as a Chippewa reserve has been passed and will soon be law. It took hard work and persistent effort on our part to bring these results about, but we can feel now that we have been in a measure successful. The Chippewas still have a long way to go in securing their full rights, but it is safe to say that in securing these few laws they have made a good beginning.

I shall now, for the information of the House, devote a few minutes in a short description of Rice Lake, and to the importance of this lake and its product—wild rice—to the Chippewa Indians. It is a subject which will be new to many of you, and important as it now is to a certain degree, wild rice, through experimentation and scientific development may in the future be of still greater importance to the white man as a cultivated food.

I shall quote a paragraph or two from a letter written by H. W. Dietz, Supervising Engineer of the Indian Irrigation Service, to the Commissioner of Indian Affairs, August 15, 1918, on the situation at Rice Lake, White Earth Reservation, Minn. These paragraphs are very illuminating and interesting, and show how great is the importance of the lake. Mr. Dietz said in his letter

> The only objection to draining Wild Rice Lake lies in the fact that the Indians for years have harvested the wild rice from the lake. While the lake covers 1,650 acres, in reality there are but 100 acres of open water, the balance being one massive field of wild rice.
>
> In the fall of the year the Indians in great numbers move their camps to the margin of the lake and spend about two weeks in harvesting the rice. As nearly as I could ascertain there were at least 230 families represented in this enterprise last year, meaning of course a very much greater number of individuals. I also learned they harvested from 400 to 1,200 pounds per family, and an average of 750 pounds per family or an aggregate of 172,500 pounds. On account of crude methods and the fact that the whole lake was not gone over, this represents but a small percentage of the total which might have been obtained.
>
> Upon considering all the facts gathered from several sources I was amazed at the possibilities of this industry. A conservative estimate of the yield of this rice places it at 10 bushels to the acre, though I have been given figures varying from 15 to 50 bushels. At this figure, however, the 1,550 acres would produce 15,500 bushels, which at 50 pounds per bushel would aggregate 775,000 pounds. This year the Indians obtained from 20 cents to 50 cents per pound for the rice with a prevailing price, however, of 25 cents, which would make the crop valued nearly $200,000. The cost of production was practically nil, but assuming that 600 Indians worked 20 days at $2 per day, the net income would still be in the neighborhood of $170,000.
>
> Do not understand that the Indians actually obtain this amount, for it is doubtful if they average more than 30 per cent, as stated, on account of crude methods and partial harvesting only. But the value still exists and could be obtained by proper direction and careful methods. With this return possible it will be seen that the rice industry of this lake is an important and valuable one, indeed.

An illuminating book on the important part that wild rice played in the economic life and history of the Chippewa Indians of Minnesota and Wisconsin before the coming of the white man into the territory is The Wild Rice Gatherers of the Northwest, by Albert Ernest Jenks, included in House Document No. 539, Fifty-sixth Congress, second session, volume 119, being the Nineteenth Annual Report of the Bureau of American Ethnology, Smithsonian Institution, part 2, 1898, pages 1019–1131. This work is intensely interesting and throws much light on economic life of the Chippewas and the economic importance of the wild rice to them. After giving an extensive survey of the rice grounds of Wisconsin and Minnesota, Mr. Jenks says on page 1036:

> This view of the habitat within the wild-rice district shows that no other section of the North American Continent was so characteristically an Indian paradise, so far as a spontaneous vegetal food is concerned, as was this territory in Wisconsin and Minnesota.

In showing the importance of the wild rice in Chippewa history, I quote from page 1038:

When one considers their fierceness, numbers, and extensive habitat, the Ojibwa (usually called Chippewa) and Dakota (generally designated Sioux) are the most important of all of the Indians within the wild-rice area. These two tribes have been enemies and friends successively from historic times until 1862, when the Dakota were removed from Minnesota.

Even previous to the records of written history, native tradition paints a picture of almost constant struggle between the Ojibwa and Dakota Indians for the conquest and retention of the territory, including the rich wild-rice fields. Schoolcraft wrote in 1831: "A country more valuable to a population having the habits of our northwestern Indians could hardly be conceived of; and it is therefore cause of less surprise that its possession should have been so long an object of contention between the Chippewas and Sioux."

The same author further spoke of this region, as follows: "It has been noted from the first settlement of Canada as abounding in the small furred animals, whose skins are valuable in commerce. Its sources of supply to the native tribes have been important. It has at the same time had another singular advantage to them from the abundance of the grain called monomin or rice by the Chippewa Indians and psin by the Sioux."

From this we see that just as civilized nations to-day wage war to gain possession of oil fields, so the Chippewas and the Sioux fought to control the rice fields. Fundamentally these Indians were like white men. Economics was at the basis of their lives, and their activities and warfare were prompted largely by economic motives.

Mr. Jenks also says in his work referred to here that the wild-rice section of Minnesota and Wisconsin sustained an Indian population—

equal to all the other country known as the Northwest Territory, viz, all those States lying between the Ohio and Mississippi Rivers and Lakes Superior and Huron. This would include southwestern Wisconsin, Illinois, Indiana, Ohio, and Michigan. This statement applies to the period when the Indian lived by aboriginal and not by civilized production. Roughly speaking, the wild-rice district is about one-fifth of the entire territory considered.

The Indian has contributed much to the white man's economic life. Three of the greatest crops grown in the United States to-day—corn, potatoes, and tobacco—were the Indian's gift. So also has wild rice been a gift of the Indian to the white, though, due to great difficulties in keeping the seed fertile and in harvesting it, the white man has not yet utilized it to a great extent. But with a great deal of experimentation the white man may be able to perfect wild rice whose seed can be successfully stored so it will retain its powers of germination and which will ripen uniformly, so that it may be harvested with machinery. In that event wild rice will be grown on a large scale in the localities suited to it, and it will become an important article of food in the white man's diet. But the wild rice has not yet been so perfected, and we must depend on the Indian for the little bit of it that we can get to-day. When we consider this the establishing of this reserve becomes doubly important, and we may be wiser than we think. I shall quote from United States Department of Agriculture Circular No. 229, August, 1922, entitled "Wild rice," on the importance of this cereal:

The Indians of the upper Mississippi Valley were using the seed of wild rice for food when that region was first explored by Europeans. Among certain tribes it is one of the principal articles of diet to this day. The earlier settlers, traders, and hunters recognized the food value of this seed and ate it, especially on their hunting and fishing expeditions. The grain is considered by many a great delicacy and is frequently served in the best hotels and restaurants with game. It is nutritious and very palatable and probably would be more generally used if its food qualities were better known. The grain after being parched is used by the Indians in soups or stews. It makes a very attractive dish when boiled and served as a vegetable with meat. It could readily take the place of potatoes and cultivated rice in our dietary. The quantity of grain that is available for the general trade, however, is never large, because the Indians who gather it sell only what they do not need for their own use. This surplus is always small and in consequence the price is high, which does not contribute to its popularity.

Another important use of wild rice is as food for wild waterfowl, and to-day, when our wild fowl are gradually diminishing in quantity with each year that goes by, this use of it may be more important as time goes on. Regarding this use of wild rice Mr. Jenks says in his book from which I have quoted:

Waterfowl in countless numbers feed upon the grain at its maturity. In fact, it is so choice a food for duck, geese, teal, and other waterfowl that it is now quite frequently sown by gun clubs in mud-bottomed waters in hunting preserves to attract such fowl for shooting.

Many descriptions are given of clouds of blackbirds, redwing blackbirds, and ricebirds which subsist on the grain during and immediately after its milk stage. Rails, pigeons, quails, herons, cedar birds, woodpeckers, and many other birds also consume the grain by feeding from the heavy stalks.

We can see, then, that in our future programs for establishing public wild-fowl reserves the planting and propagation of wild rice will be an important factor. Our wild game fowl must have food, and the proper cultivation of wild rice in extended areas will add materially to our game resources, to the benefit of both the Chippewa, who loves to hunt, and to the white hunter.

I want to stress the fact that Rice Lake is set aside exclusively for the Chippewa Indians. Only the Chippewas can gather wild rice there, and only they can hunt there. But perhaps in the future public reserves may be set aside in other places where the wild rice will be propagated for the purpose of preserving our wild bird life. If that is done the establishing of the Rice Lake reserve under this bill will have served as an important precedent.

Mr. Speaker, in concluding I submit as part of my remarks the report of the Indian Affairs Committee of the House favoring the passage of this bill. This report contains a summary of the whole matter in a nutshell.

The report is set out as follows:

[House Report No. 1417, Sixty-ninth Congress, first session]

SETTING ASIDE RICE LAKE AND CONTIGUOUS LANDS IN MINNESOTA FOR THE EXCLUSIVE USE AND BENEFIT OF THE CHIPPEWA INDIANS

Mr. WILLIAMSON, from the Committee on Indian Affairs, submitted the following report to accompany S. 1613:

The Committee on Indian Affairs, to whom was referred the bill (S. 1613) setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota, having considered the same, report thereon with the recommendation that it do pass without amendment.

From the testimony submitted at the hearings upon H. R. 4098, the purpose of which is identical with S. 1613, herewith reported, it appears that Rice Lake is entirely within the limits of the White Earth Indian Reservation, in the State of Minnesota, and that it has for generations been one of the main sources of food supply for the Indians of the surrounding territory. The value of the rice crop produced in this lake annually is in the neighborhood of $200,000. It has been well termed "the granary of the Chippewas."

Practically all of the lands surrounding the lake passed to the State of Minnesota under the swamp-land grant of March 12, 1860 (12 Stat. 3). As a result of this the Indians have been hampered in getting at their rice fields, and it is necessary, in order to protect their rights to the lake, to purchase the surrounding land. Responsible officials of the State have indicated that the State is willing to dispose of such of its lands as are desired at $5 per acre. A part of the land described in the bill is in private ownership, but the owners have indicated that they are willing to dispose of their holdings at a price not to exceed $15 per acre. The total area involved is about 4,500 acres, and it is believed its purchases would involve an expenditure not to exceed $35,000.

The Chippewas are very anxious to purchase the land described and are willing that the purchase price should be taken from their funds. Your committee believes that the purchase of the described area would be greatly to the advantage of these Indians and hopes that the bill may be speedily enacted.

Further facts relating to this proposed purchase and its desirability will appear in the letter from the Secretary of the Interior, which is herewith appended.

DEPARTMENT OF THE INTERIOR,
Washington, May 21, 1926.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further reference is made to H. R. 4098, a bill to authorize the setting aside of Rice Lake, Minn., and lands contiguous thereto, for the exclusive use and benefit of the Chippewa Indians in Minnesota.

Under date of February 23, 1926, this department informed your committee that there was then pending in the United States Supreme Court suit filed by the United States against the State of Minnesota to recover for the Chippewa Indians the swamp lands or their value, and suggested that no action be taken on the bill pending disposition of the suit. Approximately two-thirds of the area described in H. R. 4098 is classified as swamp, and as a decision adverse to the State of Minnesota would have operated to restore this land to the Indians, it was believed that the purchase of additional land would have been unnecessary. However, a decision has been rendered upholding the claim of the State to the swamp lands, with the exception of about 700 acres, none of which is in the vicinity of Rice Lake.

As practically all of the lands bordering on Rice Lake and for a considerable distance back are classified as swamp, it will now be necessary to obtain by purchase, as proposed by H. R. 4098, such lands as may be required to protect the rights of the Indians to the lake and preserve for their use the large amount of wild rice produced annually. It has been ascertained that a reserve considerably smaller than the one described in H. R. 4098 will meet the needs of the Indians in this respect. The diminished reserve, as now proposed, contains approximately 4,500 acres. As stated, practically all of this land is swamp, and according to the county records title is still held by the State of Minnesota.

The State has sold part of the land to individuals at the rate of $5 per acre. The county records further show that many of such sales have not been completed and that the land has been resold for taxes. The Governor of the State of Minnesota has been informed that this department is in favor of the purchase of lands surrounding Rice Lake for the Indians, and the suggestion was made that if possible their sale by the State be suspended until the necessary legislation to authorize their purchase is obtained.

With respect to privately owned land, such of the owners as have been consulted are willing to dispose of their holdings. These private holdings include a tract on both sides of the lake outlet, which extends through sections 9 and 16 and the dam site in section 8, which regulates the level of the lake, all in township 145 north, range 38 west. The value of the lands in these three sections are somewhat higher than the others abutting on the lake, the sum asked in certain cases running as high as $15 per acre.

As to the dam site in section 8, there has been considerable contention among the Indians, the State, and the owners of the land as to the proper depth of the water that should be maintained in the lake. Lowering of the water level has been found to greatly reduce the quantity of the rice crops, upon which the Indians depend for food and revenue through sale of the surplus. It may be said here that the owner of this land has expressed his willingness to sell to the Government. For these reasons inclusion of land in sections 8, 9, and 16 is especially desirable.

The Chippewa Indians of Minnesota now have to their credit trust funds in the amount of $4,800,000. As most of the land desired is said to be worth not more than $5 per acre, the entire proposition would involve an expenditure of not more than $35,000.

This department, therefore, respectfully recommends that H. R. 4098 be modified as hereinafter set out and given favorable consideration by your committee and the Congress.

Strike out all of paragraph 2 of section 1 of the bill and insert the following: "Beginning at the northwest corner of the northeast quarter of the southeast quarter of section 8, in township 145 north, range 38 west, and running due east to the northeast corner of southeast quarter of section 9; thence south to northeast corner of northeast quarter of section 16; thence due east to northeast corner of northeast quarter of section 14, township 145 north, range 38 west; thence due south to southeast corner of northeast quarter of section 2, township 144 north, range 38 west; thence due west to southwest corner of northwest quarter of section 3 of said township and range; thence due north to southwest corner of northwest quarter of section 15, township 145 north, range 38 west; thence due west to southwest corner of northwest quarter of section 16; thence due north to northwest corner of northwest quarter of said section 16; thence west to southwest corner of southeast quarter of southeast quarter of section 8; thence north to point of beginning, which, excluding the lake bed, contains approximately 4,500 acres."

Section 2, line 16, insert, after the word "now," the following: "owned by the State of Minnesota or." Section 2, line 17, insert, after the word "acquire," the following: "from private owners."

The Director of the Bureau of the Budget on May 13, 1926, advised this department that this favorable supplemental report is not in conflict with the President's financial program.

Very truly yours,

HUBERT WORK.

AMENDMENT OF INDIAN APPROPRIATION ACT OF JUNE 30, 1919

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 12393) to amend section 26 of the act of June 30, 1919, entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920," and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 26 of the act of June 30, 1919 (41 Stat. L. p. 31), entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920," are hereby amended so as to permit the leasing of the unallotted Indian lands affected thereby for the purpose of mining nonmetalliferous minerals.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That paragraphs 1 and 2 of section 26 of the act of June 30, 1919 (41 Stat. L. p. 31), entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920,' are hereby amended to read as follows:

"'That the Secretary of the Interior be, and hereby is, authorized and empowered, under general regulations to be fixed by him and under such terms and conditions as he may prescribe, not inconsistent with the terms of this section, to lease to citizens of the United States, or to any association of such persons or to any corporation organized under the laws of the United States or of any State or Territory thereof, any part of the unallotted lands within any Indian reservation within the States of Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, or Wyoming heretofore withdrawn from entry under the mining laws for the purpose of mining for deposits of gold, silver, copper, and other valuable metalliferous minerals and nonmetalliferous minerals, not including oil and gas, which leases shall be irrevocable, except as herein provided, but which may be declared null and void upon breach of any of their terms.

"'That after the passage and approval of this section, unallotted lands, or such portion thereof as the Secretary of the Interior shall determine, within Indian reservations heretofore withheld from disposition under the mining laws may be declared by the Secretary of the Interior to be subject to exploration for the discovery of deposits of gold, silver, copper, and other valuable metalliferous minerals and nonmetalliferous minerals, not including oil and gas, by citizens of the United States, and after such declaration mining claims may be located by such citizens in the same manner as mining claims are located under the mining laws of the United States: *Provided*, That the locators of all such mining claims, or their heirs, successors, or assigns, shall have a preference right to apply to the Secretary of the Interior for a lease, under the terms and conditions of this section, within one year after the date of the location of any mining claim, and any such locator who shall fail to apply for a lease within one year from the date of location shall forfeit all rights to such mining claim: *Provided further*, That duplicate copies of the location notice shall be filed within 60 days with the superintendent in charge of the reservation on which the mining claim is located and that application for a lease under this section may be filed with such superintendent for transmission through official channels to the Secretary of the Interior: *And provided further*, That lands containing springs, water holes, or other bodies of water needed or used by the Indians for watering livestock, irrigation, or water-power purposes shall not be designated by the Secretary of the Interior as subject to entry under this section.'"

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 by which the bill was passed was laid on the table.

The title was amended to read as follows: "A bill to amend paragraphs 1 and 2 of section 26 of the act of June 30, 1919, entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920.'"

OFFICE OF SUPERINTENDENT FOR THE FIVE CIVILIZED TRIBES AT MUSKOGEE, OKLA.

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 10540) authorizing an appropriation to revise, repair, index, and file various records in the office of the superintendent for the Five Civilized Tribes at Muskogee, Okla., and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to revise, repair, index, and file such records in the office of the superintendent for the Five Civilized Tribes at Muskogee, Okla., as may be necessary for their preservation, including the tribal rolls, census cards, township plats, and such other records as may

be necessary to be preserved, and there is authorized to be appropriated the sum of $12,500 to pay the expense of the same.

With the following committee amendments:

Strike out all after the enacting clause and insert:

"That there is authorized to be appropriated out of the funds in the Treasury not otherwise appropriated, the sum of $10,000 or as much thereof as may be necessary for recopying, repairing, rebinding, indexing, and otherwise preserving valuable old records and papers in the office of the superintendent for the Five Civilized Tribes at Muskogee, Okla., the necessary work to be done and the expenditure therefor to be made under the direction of the Secretary of the Interior."

Mr. CRAMTON. Mr. Speaker, I would like recognition on the committee amendment for a moment.

This bill is one that is entirely unnecessary to take up the time of the House. The bill simply authorizes an appropriation. There is already full authority of law for such an appropriation. The only thing necessary to get this money now in an appropriation bill is to either get an estimate sent up through the Budget included in the appropriation bill, or for the gentleman from Oklahoma to offer an amendment and have it inserted in the bill.

Mr. HASTINGS. Will the gentleman yield?

Mr. CRAMTON. I have not in mind opposing this bill, but I do think, in view of the fact that with a crowded calendar the Committee on Indian Affairs thinks this bill of enough importance to bring it up at this time, I should take this opportunity to make the suggestion that in the case of bills of this kind, where there is already authority of law, it is in the interest of public economy, instead of taking such matters up in this way, to let them be considered with other needs of the Government service through the Budget.

There are many things that are desirable and would appeal to the House if considered by themselves, but when the time comes to make up the Budget and a certain total has to be kept within and there is a balancing of needs one as against another, then the item might not be approved; but you pass a bill through in this form, and then the House seems to feel that the Budget, the President, and the Committee on Appropriations have no discretion to balance it as against other needs. Of course, that is why my friend, the gentleman from Oklahoma, is so insistent upon getting this bill through. I do not believe as a general policy it is in keeping with public economy to authorize a specific appropriation where there is already authority of law for that general class of items.

Mr. LEAVITT. I agree with the gentleman on the general proposition.

Mr. HASTINGS. Mr. Speaker, in reply to the gentleman from Michigan, this is a very important item and only involves an appropriation of about $10,000. With reference to whether or not there is already authority of law for the item, this bill has been introduced, it has been referred to the Interior Department, and if we were to attempt to get an estimate for it, it would require much more time and labor to go before the Interior Department and also to present it to the Bureau of the Budget. We preferred to have it in this way. The bill has been introduced, referred to the Committee on Indian Affairs, and this will be an authorization. The bill has gone to the department and the department in a very strong recommendation has recommended that the bill do pass. I do not feel disposed to take up any further time of the House.

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 by which the bill was passed was laid on the table.

PAWNEE INDIAN SCHOOL PLANT, PAWNEE, OKLA.

Mr. MONTGOMERY. Mr. Speaker, taking into consideration the remarks of the gentleman from Michigan [Mr. CRAMTON], I ask unanimous consent to lay on the table the bill (S. 1834) providing for remodeling, repairing, and improving the Pawnee Indian school plant, Pawnee, Okla., and providing an appropriation therefor, the same having been taken care of in an appropriation bill.

The SPEAKER. The Chair thinks that the proper request would be that the bill be indefinitely postponed.

Mr. MONTGOMERY. Then, Mr. Speaker, I ask unanimous consent that the bill S. 1834 be indefinitely postponed.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill S. 1834 be indefinitely postponed. Is there objection?

There was no objection.

CHEYENNE AND ARAPAHO TRIBES OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 12533) to amend the act of June 3, 1920 (41 Stat. L. p. 738) so as to permit the Cheyenne and Arapaho Tribes to file suits in the Court of Claims, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill (H. R. 12533) and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. CRAMTON. Reserving the right to object, in this case the bill reported by the House committee is materially different from the bill considered in the Senate. Frankly, I have no objection to the House bill. Did the Senate pass the identical bill?

Mr. LEAVITT. Yes.

Mr. CRAMTON. Then we can be assured that it will become a law in the House form?

Mr. LEAVITT. Yes. Mr. Speaker, I ask unanimous consent that the bill S. 4223, an identical bill, be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider the bill S. 4223 in the House as in Committee of the Whole. Is there objection.

There was no objection.

The Clerk read the bill, as follows:

An act (S. 4223) 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

Be it enacted, etc., That the time within which suit or suits may be filed under the terms of the act of Congress of June 3, 1920 (41 Stat. L. p. 738), is hereby extended for the term of two years from the date of the approval of this act for the purpose only of permitting the Arapahoe and Cheyenne Tribes of Indians residing in the States of Wyoming, Montana, and Oklahoma to file a separate petition or suit in the Court of Claims for the determination of any claim or claims of said tribes of Indians to the whole or any part of the subject matter of any pending suit or to file other suits hereafter under the terms of said act: *Provided*, That unless suit be brought within the time herein stated, all such claims shall be forever barred.

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.

COMPLETION OF ROAD FROM TUCSON TO AJO, ARIZ.

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 3122) for completion of the road from Tucson to Ajo, via Indian Oasis, Ariz., and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill S. 3122 and asks unanimous consent to consider it in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, or so much thereof as may be necessary, to be expended, under the direction of the Secretary of the Interior, for the improvement and construction of the uncompleted part of the road from Tucson to Ajo via Indian Oasis, within the Papago Indian Reservation, Ariz.: *Provided*, That before any money is spent hereunder the State of Arizona, through its highway department, shall agree in writing to maintain said road without expense to the United States.

With the following committee amendment:

Page 2, line 1, before the word "shall," insert the words "or the County of Pima, Ariz."

The committee amendment was agreed to.

The bill as amended was ordered to be read the 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.

Mr. CRAMTON. Mr. Speaker, my attention was diverted for a moment, and I intended to reserve an objection in order to ask the gentleman from Arizona a question. My attention has been drawn to the proviso which provides that before any money is spent hereunder the State of Arizona through its highway department, or the county of Pima, Ariz., shall agree in writing to maintain said road without expense to the United States. The thought occurred to me that the Federal Government ought to take only an assurance from the State of Arizona or to be sure that there was authority for the other agency to carry out the promise.

Mr. HAYDEN. The other agency is the county of Pima. The county highway system is not a part of the State highway system, and therefore the county can give the best assur-

ance. The county supervisors have authority to make such promise as will appear from the following:

(Excerpt from the minutes of the board of supervisors, Pima County, Ariz., February 24, 1926)

Upon motion by Roemer, seconded by Compton, all members present voting "Yes," the following resolution was adopted:

Whereas Congressman CARL HAYDEN, of Arizona, has introduced a bill in Congress asking for an appropriation of $125,000, to be used in the construction of the uncompleted section of the highway between Tucson, Ariz., and Ajo, Ariz., across the Papago Indian Reservation in Pima County, Ariz.; and

Whereas it has come to the attention of the board of supervisors of Pima County that there has been some concern expressed as to whether or not the county would maintain the said road in the event of its construction: Now, therefore, be it

Resolved, That Pima County assumes the duty of maintaining said road as a part of the highway system of said Pima County; and be it further

Resolved, That a sum of money sufficient to maintain said contemplated section of road in as good a condition as the other completed section of the said Tucson-Ajo Road is now maintained, be appropriated for the fiscal year following the completion of said section of road, and for every fiscal year thereafter.

MEMALOOSE ISLAND

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 12389) 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, and I ask to substitute therefor an identical Senate bill (S. 4344), and that the Senate bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 12389, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Montana asks unanimous consent to substitute for this House bill Senate bill 4344, an identical bill, and that the Senate bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk reported the Senate bill, as follows:

Be it enacted, etc., That Memaloose Island in the Columbia River, described as lot 2 of section 16, township 2 north, range 14 east of the Willamette meridian in Oregon, be, and he is hereby, withdrawn from entry, sale, or other disposition and set aside for the use of the Yakima Indians and confederated tribes as a burial ground.

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

The Clerk read as follows:

Amendment offered by Mr. SINNOTT: Line 8, strike out the period, insert a colon, and the following: "*Provided*, That the grave and monument of Victor Trevitt on said island shall remain undisturbed."

Mr. LEAVITT. Mr. Chairman, the committee is agreeable to that amendment.

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

The amendment was agreed to.

Mr. LEAVITT. Mr. Speaker, I move to amend in line 5 by striking out after the word "and" the word "he."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: Line 5, after the word "and," strike out the word "he."

The amendment was agreed to.

The bill as amended 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. 12389 was laid on the table.

SCHOOL FOR PIUTE INDIAN CHILDREN

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 3749) to provide for the erection at Burns, Oreg., of a school for the use of the Piute Indian children, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Montana calls up the bill S. 3749 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to construct and equip a suitable building, in or near Burns, Oreg., at a cost not to exceed $8,000, said building to be erected on land provided or owned by the town or school district, on condition that the public-school authorities shall conduct and maintain a school therein, in which Indian children shall be admitted on the same terms and conditions as are white children to the State public schools.

SEC. 2. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the sum of $8,000, or so much thereof as may be necessary to carry out the provisions of this act.

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.

TRUCKEE-CARSON IRRIGATION DISTRICT, NEV.

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 7) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation of Nevada, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Montana calls up the bill S. 7, and ask unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $611.55, or so much thereof as may be necessary, to reimburse the Truckee-Carson irrigation district, State of Nevada, for necessary expenditures incurred and to be incurred by said district during the years 1924 and 1925, in operating and maintaining irrigation drains for lands under water-right application, located within the limits of the Paiute Indian Reservation in said State. The money herein authorized to be appropriated shall be reimbursed to the Treasury of the United States under such rules and regulations promulgated by the Secretary of the Interior in accordance with provisions of the law applicable to the Indian lands benefited.

With the following committee amendment:

Page 2, after the word "benefited," insert: "*Provided*, That all charges assessed, or to be assessed for the construction of irrigation works, against approximately seven and a quarter sections of Paiute Indian lands situated in township 19 north, range 30 east, Mount Diablo meridian, Nevada, that are within the Newlands reclamation project, be, and the same are hereby, remitted and canceled, and said lands are hereby recognized and declared to have a water right without cost to the Indians: *Provided further*, That such lands shall be subject to their proportionate share of the annual operation and maintenance charges."

The committee amendment was agreed to, and the bill as amended 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 title was amended to read: "An act to authorize the cancellation and remittance of construction assessments against allotted Paiute Indian lands irrigated under the Newlands reclamation project in the State of Nevada and to reimburse the Truckee-Carson irrigation district for certain expenditures for the operation and maintenance of drains for said lands."

QUANNAH PARKER

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 3613) authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Montana calls up the bill S. 3613 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 for the purchase and erection of a suitable monument to the grave of Quannah Parker, late chief of the Comanche Indians, to be expended under the direction of the Secretary of the Interior and in accordance with such regulations as he may prescribe.

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.

IRRIGATION DAM ON WALKER RIVER, NEV.

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Montana calls up the bill S. 2826, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., For reconnaissance work in Schurz Canyon, on the Walker River, State of Nevada, to determine to what extent the water supply of the river can be augmented and conserved by the impounding of its said waters, and to determine if there is a feasible reservoir site, or sites, available for the storage of such waters and for securing information concerning the feasibility of the construction of the necessary dam or dams, and appurtenant structures, and for the purpose of determining the amount necessary for the purchase and acquisition of necessary lands and rights of way in connection with the construction of said dam or dams and appurtenant structures, which are proposed in order to provide water for the irrigation of lands allotted to Indians on the Walker River Indian Reservation, Nev. For the above-named purposes an appropriation of $10,000 is hereby authorized to be used for the reconnaissance work herein referred to.

With the following committee amendment:

Page 2, line 9, strike out "an appropriation" and insert "the sum of $10,000, or so much thereof as will be necessary," and in line 11, page 2, strike out "used" and insert the word "appropriated."

Mr. CRAMTON. Mr. Speaker, I think there are committee amendments, and I offer a substitute for the committee amendments to section 1.

The SPEAKER pro tempore. The Clerk will report the substitute.

The Clerk read as follows:

Mr. CRAMTON offers as a substitute for the committee amendments to section 1 the following:

"Strike out all of section 1 after the word "water," in line 7 of page 2, and insert in lieu thereof:

"'For irrigation purposes, the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated. Said sum or any part thereof that may be expended for this work shall be reimbursable if and when the project referred to is adopted or constructed by the United States or other agency, and in accordance with the terms of such adoption of the project.'"

Mr. CRAMTON. Mr. Speaker, the amendment has this purpose. In the first place it smooths out the language somewhat, but, more important than that, there is a controversy existing and litigation is being carried on to determine the respective rights of the Indians and the whites, and what the outcome of that litigation may be is not for anyone to prophesy. In the meantime it is apparent that additional water supply will be needed for some one, whether by the Indians or the whites or both is not necessary now to prophesy. It will depend in some degree at least upon the outcome of that litigation. As I understand, it is desired to avoid unnecessary delay and by having this investigation proceed, so when the time finally comes that the Government is ready to construct a reservoir and it is determined for whose benefit it will be, the investigation preliminary for reservoir sites and dam sites will have been completed, and that being of importance I have no objection to the legislation. I do think, however, that it is desirable that we shall serve notice now that some time or other this is to be reimbursed and the language that I have suggested does not say by whom, but leaves that to be determined when Congress finally adopts the project, the building of the reservoir, the building of the dam, that Congress then will necessarily pass on the question of reimbursement, and whatever their decision then this $10,000 would be simply treated as part of the construction cost of the reservoir.

Mr. ARENTZ. Mr. Speaker, I rise in opposition to the amendment, and owing to the few Members here this evening, the lateness of the hour, and the necessity of passing other bills, I do not want to take up the time of the House, and in lieu of a personal presentation of the question at this time I would like to insert right here these remarks.

The SPEAKER pro tempore. The gentleman from Nevada asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. ARENTZ. Mr. Speaker, many settlers came into the Walker River Basin between the years 1858 and 1870, and thousands of acres were put under cultivation by them. All these settlers reached Nevada by way of horse-drawn or ox-drawn prairie schooners from either Omaha or Sacramento, and surely no one can deny that these settlers gained certain rights by filing upon Government lands, making application for water, and tilling the soil. They filed upon Government land in good faith, built dams and diversion works in the streams, and constructed irrigation ditches which were in some instances miles in length.

During this same period the 400 or 500 Indians who were driven by Government troops to the lower reaches of the Walker River, on the shores of Walker Lake, hunted and fished and gathered roots and seeds, and, although every Government agent who had charge of them during the years 1859 to 1875 tried to turn them into farmers, no land to speak of was put under cultivation.

Up to the year 1875 the amount of land under cultivation upon the Walker River Indian Reservation was negligible. The white settlers had thousands of acres in alfalfa hay, which furnished the winter feed for range cattle and horses. Irrigation then, as now, started early in April—all the water in the stream was required to meet the needs of these early settlers during the first week or two of irrigating, because this early in the year flood water had not yet started to flow. As the snows melted during the warm days in mid-April the flood waters came down and Walker River was bank-full.

There was no storage at that time in the upper reaches of the river, and all this flood water passed through the three valleys in which the white man had settled and through the Indian reservation to be wasted in Walker Lake.

The flood continued and was unabated, except during the days of low temperature, through late April, May, and June, but as July approached the flow slackened perceptibly and the water decreased day by day until a point was reached at the end of the first week in July, when the total stream flow was just sufficient to meet the needs of all the white settlers upon the Walker River. The river flow decreases throughout July and August; the last irrigating of crops is generally carried on during the last week in August and the first week in September, and seldom during this period is the natural flow of the river sufficient to meet the needs of those who made filings previous to 1875; and when this point is reached priorities upon the stream became very valuable assets, for when water was short those who filed upon the water in 1868 compelled later priorities to shut down their gates and stop using water.

In these early days the return flow to the river was very light, but as the area of land under cultivation increased and the water was spread over the land farther and farther from the river upon the highland the return flow to the stream at the lower end of the valleys became an appreciable quantity until at the present time this return flow is sufficient to meet the needs of the 1,800 acres of land the Indians have under cultivation.

The Indians did not come into the picture until 1875, when they began to cultivate the soil and irrigate it, not because of knowledge imparted to them by the Indian agents but because of knowledge gained through their employment by the white men on their ranches upstream.

No mention was made in any governmental reports as to the total irrigated area upon the reservation until 1905, when the statement was made that there were about eight or ten thousand acres of such land. Nineteen years later, when the suit was filed by the Government against the white settlers, a definite statement was made that 10,000 irrigable acres existed upon the reservation and from the very first carried a water right senior to any other in the river. In 1922 approximately 100,000 acres was under cultivation by the white settlers in the three valleys upon the Walker River and its tributaries and 1,625 acres upon the Indian reservation.

In 1922, as in 1875, every farmer, whether white or Indian, desired to irrigate his crops the first week in April, the return flow at the lower end of the valley had then reached such a point that the Indian never suffered for lack of water during this period before the flood water had started to flow. All those who settled in this territory after 1875 had to wait for the flood waters before they could irrigate, and the water in the stream was distributed, as stated above, over the early priorities as far as it would go. Some years there was water enough to take care of all priorities up to 1880; other years only enough to take care of priorities up to 1868. After the flood water started to flow in the river and until the 1st of July everyone, whether his water right was 1859 water right or 1910 water right, received from this flood water sufficient water for all their needs, but as the flood waters receded and ceased and the river flow grew less and less, after the first week in July the later priorities were cut off from their water supply, the last being deprived of water first, and so on, until, as in 1875, only the very earliest priorities were obtaining

water, and, as I have stated before, during some summers only the priorities previous to 1870 received adequate water to irrigate their crops during the late summer. The Indians, through the return flow caused by the flood waters which had been spread over a large area of ground during the flood period, always found ample water flowing into the stream to take care of all their needs until 1924, when neither white nor Indian had water because this was the driest of three dry years.

The thing I wish to impress upon you gentlemen is the fact that if the Government wins the suit it has filed against the Walker River irrigation district, they will have during the late summer, through transfer to them of the water rights or priorities owned by the settlers who came to this Walker River Basin previous to 1875, insufficient water to meet the needs of more than 5,000 acres out of the total area of 10,000 acres of irrigable land upon the reservation.

Bear in mind, if you please, that water rights held under early priorities which consists of the stream flow during late July, August, and September can not be given to the Indians without depriving these early settlers of all water during this period. For lack of water in the stream the later priorities, even though they should be moved backward, would give nothing to these early settlers in the way of water because these later priorities in a normal year furnish no water to the holders of same, because the water, as I have stated, is not in the stream. Except for one or two weeks, additional water supply in July, all water rights dated subsequent to 1875 are little, if any, better than water rights dated 1900 or 1910, which carry no more than flood-water rights.

The line of demarcation between flood water and low water is a matter of but a few weeks, and the only ranchers having water during the low period are those possessing land and water rights acquired by those who came into this country before the Indians had one acre of ground under cultivation.

What have we done since 1920 to remedy this situation. By "we" I mean the owners of land on Walker River other than the Indians. We have mortgaged our property for $890,000, built two reservoirs with a total capacity of 92,000 acre-feet of water, so that now when the flood water ceases, when the snow is all melted in the mountains, and the Walker River becomes a trickling stream we can open the gates of these reservoirs and supply the needs of every settler in the district during July, August, and September with flood water stored during the winter months when there is no need for it for irrigation, and during the flood season between April and July, when it would otherwise have gone to waste in Walker Lake.

The investigation proposed in this bill, my colleagues, is, then, for what purpose? It is, first, to measure the stream flow to determine whether or not the facts herein set forth are correct, and, second, to determine the feasibility of a site or sites for a reservoir. A reservoir for whom? Surely not for the whites, for they have their reservoirs filled with water which otherwise would have gone to waste. No; not for the whites but for the Indians. And the question is a clear-cut one of whether or not, with this present white man's storage, there is still sufficient water in the river to meet the needs of the 10,000 acres of irrigable land belonging to the Indians upon the reservation and all situated below the land settled, cultivated, and owned by the white men.

That there is sufficient water for this purpose if storage is resorted to no one can deny, and since there is not enough water in the Walker River during the late summer to supply the needs of more than the present acreage under cultivation on the reservation, there is no way in which more land can be put under cultivation except by storing the water when there is water in the river, when it flows through the Indian land to be wasted into Walker Lake. By taking this water away from the white settlers and giving it to the Indians you are not taking something away from those who settled in the Walker River Basin 20, 30, or 40 years ago, since the Indians have put their 1,800 acres under cultivation, but you are taking it away from those brave pioneering men and women who drove into this country with ox teams and, as I have stated before, who furnished work to a large portion of the Indians, thereby making a saving to the Government of hundreds of thousands of dollars which otherwise would have been furnished by the Government to merely keep these Paiute Indians alive. I am not asking the Congress to give these white settlers anything; I am but asking that the Indians be given a workable irrigation system for their Walker River Reservation lands without penalizing the descendants of those brave pioneers who came into the Walker River Basin of Nevada before irrigation of Indian land was contemplated, let alone thought of.

Mr. CRAMTON. Will the gentleman yield?

Mr. ARENTZ. I will.

Mr. CRAMTON. I understand the gentleman is not opposing the amendment?

Mr. ARENTZ. Mr. Speaker, I withdraw the objection, but I have this to say: There are two sides to this question, and the question is whether or not there is water in this stream during the months of July, August, and September. During the early period from 1859 to 1875 settlers came in by ox-drawn carts and wagons across the United States to this part of the country and settled in this territory, put land under cultivation, and in 1875 there were thousands of acres under cultivation, and then along came the Indians and started to put land under cultivation since they had learned how by working for the whites.

Mr. CRAMTON. Will the gentleman yield?

Mr. ARENTZ. Yes; I will yield.

Mr. CRAMTON. It has not been my desire to enter into a discussion of that controversy, and it has been my thought that this amendment secures the investigation which the gentleman desires, but leaves the question of financial responsibility to the future. I had understood that the gentleman from Nevada [Mr. ARENTZ] and I were in agreement. I would like to know. I want to feel that if we do pass the bill it is going to become a law in this form.

Mr. ARENTZ. Mr. Speaker, so far as I am concerned, I will say to the gentleman from Michigan that I will withdraw my objection here in order to expedite the legislation, because it is necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the substitute.

The substitute was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended by the substitute.

The committee amendment as amended by the substitute was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. That upon the passage of this act all proceedings, legal or otherwise, on the part of the Federal Government affecting the water rights of water users of said river shall forthwith be suspended, and if and when the project be found feasible shall be dismissed.

With a committee amendment, as follows:

Strike out all of section 2.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

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

On motion by Mr. LEAVITT, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

The SPEAKER pro tempore. Without objection, the title will be amended to conform to the text.

There was no objection.

ADJOURNMENT

Mr. LEAVITT. Mr. Speaker, on account of the lateness of the hour, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, June 17, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 17, 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.)

To amend the packers and stockyards act, 1921 (H. R. 11384).

To prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them (H. R. 11510).

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To promote the unification of carriers engaged in interstate commerce (H. R. 11212).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10 a. m.)

To amend the immigration act of 1924 (H. R. 10660).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

588. A communication from the President of the United States, transmitting a supplemental estimate for the War Department, fiscal year 1926, to remain available until June 30, 1927, $2,000 (H. Doc. No. 439); to the Committee on Appropriations and ordered to be printed.

589. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, amounting to $5,000 (H. Doc. No. 440); to the Committee on Appropriations and ordered to be printed.

590. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the War Department for the fiscal year ending June 30, 1926, to remain available until June 30, 1927, amounting to $2,500 (H. Doc. No. 441); to the Committee on Appropriations and ordered to be printed.

591. A communication from the President of the United States, transmitting a supplemental estimate of appropriation under the legislative establishment, Architect of the Capitol, for the fiscal year 1926, and to remain available until expended, in the sum of $40,000 (H. Doc. No. 442); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WINTER: Committee on Irrigation and Reclamation. S. 4348. An act granting the consent of Congress to compacts or agreements between the States of Idaho and Wyoming with respect to the division and apportionment of the waters of the Snake River and other streams in which such States are jointly interested; with amendment (Rept. No. 1499). Referred to the Committee of the Whole House on the state of the Union.

Mr. SCOTT: Committee on the Merchant Marine and Fisheries. H. R. 12659. A bill authorizing the Shipping Board to give a preferential rate to alien veterans and their families; with amendment (Rept. No. 1500). Referred to the Committee of the Whole House on the state of the Union.

Mr. RATHBONE: Committee on the District of Columbia. H. R. 7848. A bill to establish a Woman's Bureau in the Metropolitan police department of the District of Columbia, and for other purposes; with amendment (Rept. No. 1501). Referred to the Committee of the Whole House on the state of the Union.

Mr. SPEAKS: Committee on Military Affairs. H. J. Res. 233. A joint resolution authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes; with amendment (Rept. No. 1502). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 12703. A bill granting the consent of Congress to Brownsville & Matamoros Municipal Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at Brownsville, Tex.; with amendment (Rept. No. 1503). Referred to the House Calendar.

Mr. LEA of California: Committee on Interstate and Foreign Commerce. H. R. 12315. A bill to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; without amendment (Rept. No. 1504). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 12303. A bill to correct the military record of James William Cole; with amendment (Rept. No. 1497). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 12551. A bill for the relief of the Fidelity & Deposit Co. of Maryland; with amendment (Rept. No. 1498). 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. COLTON: A bill (H. R. 12851) granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city; to the Committee on the Public Lands.

By Mr. HARE: A bill (H. R. 12852) authorizing the Secretary of the Navy to accept on behalf of the United States title in fee simple to a certain strip of land and the construction of a bridge across Archers Creek in South Carolina; to the Committee on Naval Affairs.

By Mr. SHREVE: A bill (H. R. 12853) authorizing the Secretary of the Navy to turn over the gunboat *Wolverine* to the municipality of Erie, Pa.; to the Committee on Naval Affairs.

By Mr. WEFALD: A bill (H. R. 12854) to amend sections 11 and 12 of an act entitled "An act to limit the immigration of aliens into the United States, and for other purposes," approved May 26, 1924; to the Committee on Immigration and Naturalization.

By Mr. FRENCH: A bill (H. R. 12855) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

Also, a bill (H. R. 12856) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

Also, a bill (H. R. 12857) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. McLEOD: A bill (H. R. 12858) to carry out the provisions of Article I of the Constitution; to the Committee on the Census.

By Mr. BOYLAN: Joint resolution (H. J. Res. 280) authorizing the selection of a site and the erection of a pedestal for the statue or memorial to Thomas Jefferson, in the city of Washington, D. C.; to the Committee on the Library.

By Mr. FISH: Concurrent resolution (H. Con. Res. 34) expressing the adherence of Congress to the doctrine of nonconfiscation of private property of enemy nationals; to the Committee on Foreign Affairs.

By Mr. HOWARD: Resolution (H. Res. 298) for the appointment of a committee of three Members of the House of Representatives to confer with Secretary Mellon concerning legislation now before the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN: A bill (H. R. 12859) for the relief of Thomas Murphy; to the committee on Military Affairs.

By Mr. CARTER of California: A bill (H. R. 12860) for the relief of Franklin B. Morse; to the Committee on Military Affairs.

By Mr. CHAPMAN: A bill (H. R. 12861) granting a reward to Cora Walden; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 12862) granting an increase of pension to Elizabeth T. Turnage; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 12863) granting an increase of pension to Hattie L. Keoppel; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 12864) granting an increase of pension to Lydia A. Smiley; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 12865) granting an increase of pension to Hannah F. Hauck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12866) granting an increase of pension to Rebecca J. Reber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12867) granting an increase of pension to Emily V. Ressler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12868) granting an increase of pension to Rebecca Klaus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12869) granting an increase of pension to Sarah M. Orner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12870) granting an increase of pension to Elizabeth Graf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12871) granting an increase of pension to Amanda Sauermilch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12872) granting an increase of pension to Ellen A. Williamson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12873) granting an increase of pension to Emma J. Horn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12874) granting an increase of pension to Sarah C. Aunsbach; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 12875) granting an increase of pension to Mary A. Bottorff; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12876) granting an increase of pension to Mary Crook; to the Committee on Pensions.

By Mr. JOHNSON of Illinois: A bill (H. R. 12877) granting an increase of pension to Wilhelmina Siefermann; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12878) for the relief of Carroll C. Humber; to the Committee on Military Affairs.

By Mr. LITTLE: A bill (H. R. 12879) granting an increase of pension to Catherine Harris; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 12880) granting a pension to Mary Moore; to the Committee on Invalid Pensions.

By Mr. LUCE: A bill (H. R. 12881) to correct the military record of Leslie R. Hodge; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 12882) granting an increase of pension to Samantha C. Parsons; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 12883) for the relief of Gustav E. Boettcher, and for other purposes; to the Committee on Claims.

By Mr. RAGON: A bill (H. R. 12884) for the relief of Eugene Henderson, widow of Marion H. Henderson, deceased; to the Committee on Claims.

By Mr. TEMPLE: A bill (H. R. 12885) to authorize the Hon. William B. McKinley, United States Senator from the State of Illinois, to accept certain decoration and diploma from the French Government; to the Committee on Foreign Affairs.

By Mr. TINCHER: A bill (H. R. 12886) granting an increase of pension to Mary J. Gothard, to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12887) granting a pension to Casey Mandrell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2503. By Mr. ARENTZ: Petition of sundry citizens of Tonopah, Nev., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2504. By Mr. ARNOLD: Petition from certain citizens of Crawford County, Ill., urging the passage of legislation to increase the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

2505. By Mr. BAILEY: Petition of citizens of Gideon and Poplar Bluff, Mo., and Butter County, Mo., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2506. By Mr. BARBOUR: Petition of residents of Porterville, Calif., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2507. By Mr. BARKLEY: Petition of Jesse Richey Akin and other citizens of the State of Kentucky, in favor of the Elliott bill increasing Civil War pensions; to the Committee on Invalid Pensions.

2508. By Mr. CARTER of California: Petition of 150 voters of Alameda County, urging the passage of a law increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2509. By Mr. CHAPMAN: Petition of Mrs. Lucy Carter, Mrs. Amanda Sawyer, Mrs. Ella Hardin, and Mrs. Laura Foree, of New Castle, Ky., for passage of Elliott pension bill; to the Committee on Invalid Pensions.

2510. Also, petition of O. D. Turner, R. D. Jackson, E. H. Smith, Dr. E. Bishop, M. J. Jones, and 50 other citizens of Henry County, Ky., for passage of Elliott pension bill; to the Committee on Invalid Pensions.

2511. By Mr. CURRY: Petition of 30 residents of Yolo County, Calif., favoring enactment of Civil War pension bill; to the Committee on Invalid Pensions.

2512. Also, petition of 79 residents of the third congressional district of California, favoring enactment of the Civil War pension bill; to the Committee on Invalid Pensions.

2513. By Mr. CANNON: Petition of Frederick Watkins, Civil War veteran; S. R. Watkins, World War veteran; and other Civil and World War veterans and citizens of Martinsburg and Farber, Audrain County, Mo., urging early and favorable consideration of legislation affording relief to Civil War veterans and their widows; to the Committee on Invalid Pensions.

2514. By Mr. DOWELL: Petition of 200 citizens of Des Moines and Polk Counties, Iowa, urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2515. By Mr. FENN: Petition of John F. Burns and 28 other citizens of New Britain, Conn., favoring the enactment into law of the bill to increase the pensions of the veterans of the Civil War, their widows and orphans; to the Committee on Invalid Pensions.

2516. By Mr. ROY G. FITZGERALD: Petition of 34 voters of Hamilton, Ohio, praying for an increase in pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2517. By Mr. FUNK: Petition of citizens of Forrest, Ill., asking for prompt action on legislation granting more liberal pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2518. Also, petition of citizens of Chatsworth, Ill., asking for prompt action on legislation granting more liberal pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2519. By Mr. GALLIVAN: Petition of Boston Mailing Co., 394 Atlantic Avenue, Boston, B. L. Goodwin, assistant treasurer and secretary, recommending passage of Senate bill 4189, introduced by Senator McKELLAR, providing for a revision of postal rates; to the Committee on the Post Office and Post Roads.

2520. By Mr. GARDNER of Indiana: Petition signed by Susan J. Payton and 35 others of New Albany, Ind., requesting Congress to enact legislation increasing the pensions of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2521. By Mr. HAWLEY: Petition of residents of Polk County, Oreg., that steps be taken to bring to a vote the Civil War pension bill, increasing the pensions of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

2522. Also, petition of residents of Salem, Oreg., that steps be taken to bring to a vote the Civil War pension bill, increasing the pensions of veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

2523. By Mr. HOOPER: Petition of Sanford Riley and 21 other residents of Potterville, Mich., requesting that immediate action be taken upon pending legislation to increase the present rates of pension of Civil War veterans, their widows and dependents; to the Committee on Invalid Pensions.

2524. By Mr. McREYNOLDS: Petition of voters of Meigs County, Tenn., in support of the passage of a bill for increase in pension of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2525. Also, petition of the voters of Chattanooga, Tenn., in support of the passage of a bill for increase in pension of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2526. By Mr. MANLOVE: Petition of 26 citizens of Carthage, Jasper County, Mo., in favor of the passage of legislation increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2527. By Mr. NELSON of Missouri: Petition from sundry citizens of St. Elizabeth, Mo., that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2528. By Mr. O'CONNELL of New York: Petition of the American Association for Labor Legislation, requesting the passage of the Cummins longshoremans and harbor workers' compensation bill before the adjournment of Congress; to the Committee on the Judiciary.

2529. Also, petition of W. E. Gould, vice president of the Savings Bank of Kewanee, Kewanee, Ill., favoring the passage of the Haugen and Tincher bills; to the Committee on Agriculture.

2530. Also, petition of the American Institute of Weights and Measures of New York City, opposing the passage of Sen-

ate Joint Resolution 105, Senate Joint Resolution 107, and House Joint Resolution 254, dealing with proposed legislation to fasten on the country the use of the metric system of weights and measures; to the Committee on Coinage, Weights, and Measures.

2531. By Mr. PRATT: Petition of citizens of Columbia County, N. Y., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2532. By Mr. ROBINSON of Iowa: Petition of sundry citizens of the city of Dubuque, Iowa, urging early action on legislation pending for the relief of the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2533. By Mrs. ROGERS: Petition of members of Sons of Union Veterans, asking favorable consdieration of Elliott pension bill; to the Committee on Invalid Pensions.

2534. By Mr. RUBEY: Petition of citizens of Pulaski County, Dallas County, and Sparta and Rogersville, Mo., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2535. By Mr. SINCLAIR: Petition of Mr. John P. Jungers and 68 others of Regent, N. Dak., urging the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2536. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana, Pa., in favor of pending legislation to increase the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2537. By Mr. TEMPLE: Petition of number of residents of Washington, Pa., urging the passage of legislation increasing pensions to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

2538. By Mr. VINSON of Kentucky: Petition of 100 voters who reside at Olive Hill, in the ninth congressional district of the State of Kentucky, urging the passage, before adjournment of Congress, of a bill granting increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2539. Also, petition of voters who reside in Fleming County, in the ninth congressional district of the State of Kentucky, urging the passage before adjournment of Congress of a bill granting increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2540. Also, petition of 44 voters who reside at Sardis, in the ninth congressional district of the State of Kentucky, urging the passage before adjournment of Congress of a bill granting increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2541. By Mr. WATRES: Petition of citizens of Scranton, Pa., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2542. By Mr. WEFALD: Petition of 10 citizens of Henning, Minn., all of them old veterans of the Civil War or widows of old veterans, praying that the bill reported by the Invalid Pensions Committee of the House to increase the pensions of old veterans and widows of old veterans of the Civil War be acted on in this session of Congress; to the Committee on Invalid Pensions.

2543. By Mr. WILLIAMSON: Petition of Frances Shriner, Almeda M. Moses, John H. Morris, and sundry other persons of Hamill, S. Dak., urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

2544. By Mr. YATES: Petition of Mr. R. M. Eastman, president W. F. Hall Printing Co., Chicago, Ill., urging the passage of the Graham bill (H. R. 11053) concerning additional judges; to the Committee on the Judiciary.

2545. Also, petition of the Ogle County Farm Bureau, of Oregon, Ill., urging passage of farm relief legislation; to the Committee on Agriculture.

SENATE

THURSDAY, *June 17, 1926*

(Legislative day of Wednesday, June 16, 1926)

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

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

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is necessarily detained from the Senate by illness.

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

LOANS TO FRANCE BY UNITED STATES BANKS (S. DOC. 129)

The VICE PRESIDENT laid before the Senate the following communication, which was read, referred to the Committee on Finance, and ordered to be printed:

(A. W. Mellon, chairman; Frank B. Kellogg, Herbert C. Hoover, Reed Smoot, Theodore E. Burton, Charles R. Crisp, Richard Olney, Edward N. Hurley, Garrard B. Winston, secretary)

WORLD WAR FOREIGN DEBT COMMISSION,
TREASURY DEPARTMENT,
Washington, June 16, 1926.

Hon. CHARLES G. DAWES,
The President of the Senate.

DEAR MR. PRESIDENT: In response to Senate Resolution 244, on behalf of the United States Debt Funding Commission, I make the following report:

First: Inquiry has been made of the principal banking houses in this country who are likely to be interested in French financing and from other sources from which information as to new financing would probably be had, and so far as can be ascertained there has not been made recently, nor is there being made, any agreement, expressed or implied, between any United States bank, banking corporation, partnership, or individual, with the Government of France, or its agents or representatives, touching a loan or loans to be made by such bank, corporations, firms, or individuals to the French Government or anyone representing the French Government.

Second and third. There being no agreement or understanding for such loan or loans, the detailed information requested by the resolution necessarily could not be furnished.

Very truly yours,

WORLD WAR FOREIGN DEBT COMMISSION,
By A. W. MELLON, *Chairman.*

PETITIONS AND MEMORIALS

Mr. MOSES presented petitions of sundry citizens of Freemont and Raymond and vicinity, in the State of New Hampshire, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of Brooklyn and New York, in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of Paulding, in the State of Ohio, praying for the 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. NORRIS presented petitions of sundry citizens of Lebanon, Neligh, Silver Creek, Plattsmouth, Hyannis, Grand Island, Polk, Cushing, and Bloomington, all in the State of Nebraska, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. WILLIAMS presented petitions of sundry citizens of St. Louis, Kansas City, Springfield, and of Carroll, Monroe, Harrison, and Lewis Counties, all in the State of Missouri, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. CAMERON. Mr. President, I present and request that there may be printed in the RECORD and lie on the table telegrams, in the nature of memorials, from the following prominent banks in Arizona, relative to the so-called McFadden banking bill now pending in the Congress: The Consolidated National Bank of Tucson and the Phoenix National Bank and the National Bank of Arizona, both of Phoenix.