The following-named midshipmen to be ensigns in the Navy from the 3d day of June, 1926:
Claude W. Haman.
Roy B. Stratton.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23, 1926

POSTMASTERS

CALIFORNIA

William C. Douglas, Red Bluff.

IOWA

Dell Johnson, Sidney.
Helene F. Brinck, West Point.

KANSAS

Robert C. Caldwell, Topeka.

MARYLAND

Edward M. Tenney, Hagerstown.

MICHIGAN

Frank O. Parker, Alma.
Gordon L. Anderson, Armada.
Albert W. Lee, Britton.

NEW JERSEY

Ross E. Mattis, Riverton.

OKLAHOMA

Earl T. Hull, Fargo.

WISCONSIN

William H. Zuehlke, Appleton.
Lloyd A. Hendrickson, Blanchardville.
Charles V. Walker, Bruce.
George S. Eklund, Gillett.
Emil H. Lang, Gleason.
Peter O. Virum, Junction City.
Harry V. Holden, Orfordville.
Lewis W. Cattanach, Owen.
James Kelly, Ridgeway.
Louis Baumgartner, St. Nazianz.
Maud E. Johnston, Spencer.
Ellen E. Hamberg, Winegar.
Aaron R. White, Wonewoc.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *June 23, 1926*

The House met at 12 o'clock noon.

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

Enable us, our Father in heaven, to reach out past the things we can not understand to the God we trust. Arouse us to a freer and fuller, nobler and more loving devotion to Thee, for our times are in Thy hands. We thank Thee that we are passing under the hand of a miracle-working God. Teach us the significance of the opportunities of life. Direct us to serve the people. Let wealth bring ease to the poor. May the learned lift up the lowly and the strong stoop to the needs of the weak. Deeper than we have known, clearer than we have seen, light the flame of divine love upon the altars of our hearts. Waken in us the songs of praise and gratitude and manifest Thyself to those who find life a hardship and a difficulty. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its Clerks, announced that the Senate had passed without amendments bills of the following titles:

H. R. 10363. An act to reinstate William R. F. Bleakney in West Point Military Academy;

H. R. 10980. An act to authorize leasing for the production of oil and gas certain public lands in Carbon County, Wyo.;

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery; and

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following title:

S. 7. An act 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, Nev.;

S. 1821. An act authorizing joint investigations by the United States Geological Survey and the Bureau of Soils, of the United States Department of Agriculture, to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom;

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes; and

S. 4482. An act to increase the limit of cost of submarine tender *No. 3* and to authorize repairs and alterations to the U. S. S. *S-48*.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10827) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes.

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

H. R. 5353. An act to amend the act of Congress approved March 4, 1913 (37 Stat. L. p. 876);

H. R. 9655. An act for the relief of Edward L. Duggan;

H. R. 10227. An act for the relief of Charles W. Reed; and

H. R. 10807. An act to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased.

ENROLLED BILLS SIGNED

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

S. 183. An act to acquire, by purchase, condemnation, or otherwise, additional land for a driveway to the post-office building at Bristol, R. I., and to construct said driveway, and for certain improvements and repairs to the post-office building at Bristol, R. I.;

S. 2005. An act for the enlargement of the Capitol grounds;

S. 3012. An act to change the name of "the trustees of St. Joseph's Male Orphan Asylum" and amend the act incorporating the same;

S. 3028. An act to divide the eastern district of South Carolina into four divisions and the western district into five divisions;

S. 3545. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

S. 3978. An act to authorize credit upon the construction charges of certain water-right applicants and purchasers on the Yuma and Yuma Mesa auxiliary reclamation projects, and for other purposes;

S. 4138. An act granting the consent of Congress to the State Highway Department of Georgia to construct a bridge across the St. Marys River;

S. 4221. An act authorizing the construction by the Secretary of Commerce of a power-plant building on the present site of the Bureau of Standards in the District of Columbia;

S. 4267. An act to extend the times for commencing and completing the construction of a bridge across the Pend d'Oreille River, at or near the Newport-Priest River road crossing, Washington and Idaho;

S. 4293. An act granting the consent of Congress to the cities of Omaha, Nebr., and Council Bluffs, Iowa, or either of them, to construct a bridge across the Missouri River;

S. 1119. An act to transfer jurisdiction over United States reservation No. 248 from the Director of Public Buildings and Public Parks of the National Capital to the Commissioners of the District of Columbia;

S. 7. 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;

S. 1821. An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests;

S. J. Res. 109. Joint resolution authorizing the Secretary of the Interior to employ engineers for consultation in connection with the construction of dams for irrigation purposes;

H. J. Res. 64. Joint resolution to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building;

H. R. 10080. An act to authorize leasing, for the production of oil and gas, certain public lands in Carbon County, Wyo.;

H. R. 12207. An act authorizing an appropriation of $2,500 for the erection of an appropriate tablet or marker at Providence, R. I., to commemorate the landing of Roger Williams in the State of Rhode Island;

H. R. 11802. An act to authorize the transfer to the jurisdiction of the United States Botanic Garden of a certain portion of the Anacostia Park for use as a tree nursery; and

H. R. 10363. An act to reinstate William R. F. Bleakney in West Point Military Academy.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, day before yesterday I secured unanimous consent to extend my remarks on a bill we then had before the House. I found, when I was ready to put my remarks in the RECORD, that I had two short clippings which I thought, perhaps, were not covered by my consent request. I ask unanimous consent to include them in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SUBMARINE TENDER "NO. 3" AND U. S. S. "S-48"

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a bill which has just been reported from the Senate, Senate bill 4482, and pass the same. I will then move to lay a similar House bill on the table.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table Senate bill 4482 and consider the same. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (S. 4482) to increase the limit of cost of submarine tender *No. 3*, and to authorize repairs and alterations to the U. S. S. *S-48*.

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, has the House bill passed the House or has it simply been favorably reported?

Mr. BUTLER. It was unanimously reported by the Naval Affairs Committee, and I was instructed to join with my colleague, Mr. VINSON of Georgia, in pressing the bill to a conclusion. The Senate has passed an exactly similar bill, and it is an urgent one.

Mr. GARRETT of Tennessee. Is it a Union Calendar bill?

Mr. BUTLER. Yes; it is on the Union Calendar and has been there for several days. The Senate passed a similar bill yesterday.

Mr. BLACK of Texas. How much additional is carried in the bill?

Mr. VINSON of Georgia. I will state to the gentleman from Texas that this ship is being built in the navy yard at Puget Sound. It is one of the 1916 ships that was laid down in 1917, and they ask about $200,000 to finish the ship. As I say, this is being built in a Government navy yard, and if it were being built under private contract, of course, Congress would not have to appropriate this additional $200,000.

The other item in the bill is for reconditioning submarine *S-48*, which recently went on the rocks off the New England coast. It requires $1,080,000 to recondition that submarine.

Mr. CONNALLY of Texas. Why not construct a new one?

Mr. VINSON of Georgia. A new one would cost about $12,000,000, and we believe it is economy to repair this ship, which, as I say, went on the rocks off the coast of New England, and put it back in condition; otherwise it will go to the scrap heap and be sold as junk.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of submarine tender *No. 3*, heretofore authorized, is increased from $4,800,000 to $5,000,000, and repairs and alterations to the U. S. S. *S-48* are hereby authorized to cost not to exceed $1,080,000.

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.

A similar House bill was laid on the table.

TREASURY SURPLUS

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to place in the RECORD two newspaper articles bearing upon a bill which I am introducing to-day.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing two newspaper articles relative to a bill he is introducing to-day. Is there objection?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following articles.

The author of these two very instructive and illuminating articles is a student of public finance who has been delving into the financial statistics of the Treasury operations. His articles contain much valuable information and many shrewd and pertinent observations:

[From Rochester Democrat and Chronicle and Rochester Herald, published June 21, 1926]

HOLDS POTENTIAL SURPLUS JUSTIFIES NEW TAX SLASH—LARGE EXCESS THIS YEAR WILL BE AUGMENTED NEXT YEAR BY $350,000,000 TO $450,000,000

By William P. Helm, jr.

(Copyrighted, 1926, Article I)

WASHINGTON, June 20.—Immediate reduction in the Federal income tax appears warranted in the light of returns to the Treasury within the past six weeks. These returns indicate that when the current fiscal year closes nine days hence the Government at Washington will have collected during the 12 months more than $2,000,000,000 in income taxes, the greatest revenue of its kind since 1923.

They presage as well the collection of from $1,900,000,000 to $2,000,000,000 in income taxes at the present rates during the coming fiscal year, barring a sharp, sudden, and unexpected decline in the volume of American business, which is now running at full tide.

They forecast, in addition, a surplus in the Treasury at the close of the coming fiscal year—again barring a business slump and assuming that the short session of Congress practices the same sort of economy that has thus far distinguished the administration of President Coolidge—of from $350,000,000 to $450,000,000, which would be available for the further reduction of taxes.

The revised returns, which include the full statements of taxable earnings filed under the new law May 15 by thousands of heavy taxpayers, indicate further that the Treasury will take in during the single month of June more than $700,000,000—a figure unmatched in recent years.

On June receipts and expenditures alone, according to present indications, the Government will have a surplus amounting to not less than $350,000,000, swelling the current year's surplus to considerably more than $400,000,000. Out of that surplus, actual and prospective during the coming nine days, Secretary Mellon has been able to retire in full Treasury notes amounting to more than $333,000,000 without diminishing, because of such retirement, the balance in the general fund of the Treasury by so much as a single dollar.

Adjourning politics and discussing the cold figures, it would seem, on the face of this unexpectedly prosperous showing, that Congress would be justified in reducing taxes again within the present year.

Here are possible dispositions that could be made by Congress in reducing taxes with a surplus of $350,000,000 available in 1927:

Congress could remit 10 to 20 per cent of the amounts due on the September and December installments of the 1925 income taxes.

Individual income taxes for 1925 could be cut one-third or more.

Corporation taxes for 1926 could be cut from the present rate of 13½ per cent to 10 per cent.

Any one of these three methods would be justified by a $350,000,000 surplus.

DRIVE FOR SLASH BEGUN

This situation is well known to leading business interests of the country and a movement looking to tax reduction in 1926 is now well under way. It was inaugurated more than two months ago and is gaining headway as the volume of tax receipts mounts at Washington.

Until the Government closes its books for the fiscal year, somewhat more than two weeks hence, a precise estimate of what may be expected in revenue from the income tax during the coming fiscal year of 1927 can not be made. When the books are closed, however, the Treasury experts can determine with almost uncanny accuracy what income-tax collections will amount to during the remainder of the calendar year.

Experience has shown over a considerable period of time that income-tax collections from March to June, inclusive, constitute between 55 and 60 per cent of the total for the year. Those percentages are well established. They have worked accurately in the past and have been used at the Treasury in computing future yields.

With those percentages in mind an examination of the revenues in March shows the total to have been $504,000,000 from income taxes. Indications are that this sum will be exceeded by the June payments,

as Secretary Mellon has been advised that the preliminary estimates of the amount due the Government, filed under the new law in March, have fallen short of the actual swings, as disclosed by the full returns filed May 15. The June payments, now being counted, will have to include the shortages thus developed in March.

PREDICTION MAKES GOOD

It was with this rosy prospect in mind that Secretary Mellon announced his intention of retiring the $333,700,000 in Treasury notes maturing June 15 in full out of the current year's surplus. Secretary Mellon's announcement, by a coincidence, was made almost at the moment when administration leaders on Capitol Hill were decrying the likelihood of a $250,000,000 surplus this year, forecast three weeks ago by this correspondent.

Should Secretary Mellon's advance information be sustained, the Government may anticipate the collection of from $504,000,000 to possibly $525,000,000 via the income-tax channel this month. This, added to March collections, would place the total for the two months at from $1,008,000,000 to $1,029,000,000.

Considering, as well, April and May collections of income tax and applying the established 55 to 60 per cent rule, the Government may reasonably expect to collect from $900,000,000 to $1,000,000,000 in income taxes, including back taxes, between July and December next, both inclusive. This is more than the sum anticipated by Treasury experts under the old high rates when the Budget for 1927 was sent to Congress by President Coolidge last December.

That estimate contemplated collection of $1,880,000,000 in income taxes under the 1924 rates. Under the lower 1926 rates there is fair prospect that, notwithstanding the recent cut, the Government will take in $2,000,000,000 during the fiscal year 1927, beginning July 1 next.

NEAT SURPLUS POSSIBLE

Even so, under the old tax rates the Treasury experts anticipated a surplus of $330,000,000 for 1927. If the $120,000,000 additional were taken in under the new rates, the surplus obviously would be increased by that amount, or to $450,000,000, assuming, of course, that Congress continues to practice economy.

The necessity for economy will be stressed by President Coolidge, in all likelihood, in his address this week before the business organization of government. The President, as a conservative, is guided, of course, by the ultraconservative figures of the Treasury's experts. For four years, however, these experts have been underestimating Government revenues at the average rate of more than $400,000,000 a year.

They have undoubtedly underestimated the Government's revenues for the coming fiscal year. Either that or there has been a complete change of policy—the policy which has been so fruitful in holding down expenditures and creating large surpluses. With that policy few if any students of government finance have quarreled. Its wisdom has been demonstrated time and again. But regardless of its wisdom, the record stands with an average underestimate exceeding $400,000,000 annually.

[From New York Evening World, June 22, 1926]

WHY INDUSTRIES DEMAND TAX CUT—POINT TO GROWING TREASURY SURPLUS AS REASON FOR DROPPING CORPORATION LEVY FROM 13½ TO 10 PER CENT—AND THEY WANT IT TO APPLY ON THIS YEAR'S BUSINESS—SEE BETTER BUSINESS—CALL RELIEF A "RIGHT"

[Mr. Helm is a Treasury expert whose predictions of Treasury surplus have been confirmed in many instances. He has written a series of articles showing conditions which seemingly justify tax reductions. Below is his second article.]

By William P. Helm, jr.

The largest industrial interests in the United States are moving now and have been moving for the past two and one-half months to obtain an income tax reduction at the December, 1926, session of Congress. They are familiar with the possibilities for tax reduction and believe that the growing surplus should be devoted at once to tax relief rather than to further heavy public debt retirements.

What they want is a cut to 10 per cent in the corporation tax rate—at present 13½ per cent—and they want it on 1926 business. The statement of the Treasury's condition at the present time and the prospective surplus for the coming fiscal year entitle them to a further tax cut, in the language of the leader of the movement, on the ground that "relief from an undue tax burden is not a privilege but a right."

This movement originated April 7 last with the National Association of Manufacturers in a call for the appointment of a committee to consider the simplification and clarification of the present tax law and "further relief from the present rate." The call was addressed to about 15 of the leading organizations of producers and manufacturers in the country. A meeting was held April 27 at Washington, over which James A. Emery, general counsel of the National Association of Manufacturers, presided.

THE WORKING COMMITTEE

At that meeting there was appointed a committee of seven persons, representing the manufacturing, mining, lumber, petroleum, cotton manufacturing, boot and shoe, and automobile industries of the country, as a working committee on tax cooperation. While the committee was primarily to assist the newly created Joint Congressional Committee on Internal Revenue Taxation in obtaining the industries' views as to simplifying and clarifying the present tax law, the whole question of another tax reduction was not overlooked.

The industrial committee of seven consists of W. S. Bennett, of the National Lumber Manufacturers' Association; McKinley W. Kriegh, of the American Mining Congress; Fayette B. Dow, of the National Petroleum Association; J. C. Peacock, of the American Cotton Manufacturers' Association; R. P. Hazard, of the National Boot and Shoe Manufacturers' Association; H. H. Rice, of the National Automobile Chamber of Commerce; and James A. Emery, of the National Association of Manufacturers, chairman. Nathan B. Williams, of the Manufacturers' Association, is secretary.

The next development was an invitation, addressed by Mr. Williams to officials of 143 trade associations, representing many varied industries, for their views as to the proper action and procedure in accomplishing the purposes for which the committee was created. Replies to this invitation are still being received. It was mailed on May 28 from Washington.

In the meantime the spectacular rise in governmental revenues and the growing Treasury surplus, coupled with Mr. Mellon's retirement, out of current funds, of $333,700,000 in Treasury notes, focused the committee's attention sharply on the possibilities for further immediate tax reduction. This was reflected in a letter addressed June 9 to members of the committee by Mr. Emery, reading as follows:

"I beg to direct your attention to significant developments in the tax situation. It is not only apparent that the Federal Government will close the fiscal year June 30, 1926, with a surplus of not less than $350,000,000, but it is equally probable that the fiscal year 1927 will show, if anything, a larger surplus.

"Reduced rates on individual income and surtax have fully justified the assurance that they would produce a large revenue. The Secretary of the Treasury confirms the estimate of present surplus by announcing his intention of immediately retiring $333,000,000 in Treasury notes out of current funds, and presumably without lessening the balance in the general fund.

"The Treasury experts have always computed future yields upon spring and summer income-tax collections. Since the March collections totaled slightly more than $500,000,000, and the June collections are conservatively assured of exceeding this amount, the surplus for 1927 is fairly well indicated unless we either meet with an unanticipated business decline or an abandonment of the present policy of Federal economy. Neither contingency is probable.

"In the light of these facts we venture to urge the advisability of directing the attention of Congress through its joint tax committee, to the practical possibility of further tax relief. The December session could well grant immediate corporate relief.

"CALLS RATE DISCRIMINATION

"The corporation as a form of business suffers discrimination in rate and administration in comparison with the partnership and the individual. The corporate rate, unchanged since the war, was increased by the revenue act of 1926 to a maximum of 13½ per cent for 1927. This upon the theory that the abolition of the capital-stock tax would cause a loss of $90,000,000 per year in revenue.

"It must be evident from the prospective minimum Treasury surplus in sight that not only no increase in rate is necessary to provide revenue, but a reasonable application of the surplus in being, which in all likelihood will continue to grow, would justify a corporate rate for the calendar year 1926 of not more than 10 per cent, effective on 1926 business.

"It is to be remembered that the right to tax is the right to take and retain only that which is necessary for the support of Government. The relief of the citizens from an undue tax burden is not a privilege but a right. A continuing surplus of revenue justifies a steady demand for relief until revenue is reduced to the reasonable requirements of Government.

"I therefore request that the representatives of the various national industrial associations comprising the committee on tax cooperation will immediately signify their approval or disapproval of presentation to the next session of Congress and to the congressional joint committee on internal-revenue taxation, as opportunity affords, of a request for corporate-tax relief for 1927." (Copyright, 1926.)

THE DECLARATION OF INDEPENDENCE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on American independence in connection with the one hundred and fiftieth anniversary.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD on American independence. Is there objection?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, under leave to extend my remarks in the RECORD, and having in mind that this is the sesquicentennial celebration of the signing of the Declaration of Independence and that many communities throughout our country will on July 4 have celebrations, among them one at Jasonville, Ind., in my district, at which I have been invited to address them on the subject of American Independence. In that connection, I therefore place my observations in the RECORD:

American independence is one of the outstanding achievements of civil government and probably as a model to other peoples is our country's greatest contribution to human progress. Our independence goes back in history into England long before the days of Magna Charta; was in evidence in our colonial legislatures, continuing through the Continental Congress, and finally reaching a rich fruition in the Constitutional Convention of 1787.

The Second Continental Congress, composed of 56 Delegates selected by the Colonies, assembled in Independence Hall, Philadelphia, on May 10, 1776. The time was ripe and the sentiment was crystallizing for us to throw off the yoke of foreign domination and establish our own independence. Already Lexington and Bunker Hill had been fought, and as Patrick Henry had so eloquently declared to his Virginia colleagues:

> There comes down from North the clash of resounding arms. Our brethren are already in the field. Why stand we here idle? Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Almighty God forbid. I know not what course others may take; but as for me, give me liberty or give me death.

The patriotic passion of Patrick Henry, Thomas Jefferson, and others fired a flame in Virginia, as did that of Samuel Adams and others in the North. Virginia's delegation was instructed to stand for independence, and Richard Henry Lee offered the resolution, which John and Samuel Adams and others heartily supported. On June 11, 1776, the Congress referred it to a committee of five to draw up a formal declaration. Jefferson desired that Adams write the declaration, but Adams, Franklin, Sherman, and Livingstone, of the committee, all agreed that Jefferson, because of his learning and literary ability, should be the author. It was a wise selection, as Jefferson was probably the best-educated man of his day. Out of a soul that loved democracy, and inspired by his violin, which he played at intervals while writing, there came forth this masterpiece of democratic government. It is the world's greatest pronouncement of human liberty based upon popular sovereignty. It is the very highest essence of the Jeffersonian doctrine that governments exist for the benefit of the governed. It asserts the equality of men.

This declaration was adopted July 4, 1776, signed by the Members of the Congress, with John Hancock, the President, signing in such bold hand that King George III might read without spectacles. Some one cautiously remarked that they must all hang together in this venture, and Franklin, with his usual wit, added: "Yes; hang together or we shall all hang separately." Then the old liberty bell rang out the glad news, which completed the prophecy of the motto graven on its side, taken from Leviticus, chapter xxv, verse 10:

> Proclaim liberty throughout all the land unto the inhabitants thereof.

In every city and hamlet, in town halls and churches, the declaration was read. Washington proclaimed its inspiring passages to the Continental Army, and the people became fanatically enthused for the cause of liberty. It mounted to a tidal wave of patriotic passion, sweeping all before it, and resulted in victory to the cause of the Revolution.

In the preamble of this declaration is expressed with clarity and force man's relationship to government. It is the ultimatum of freemen to monarchy. It challenged the ancient creed that human rights descend from some exalted prince and substituted a new doctrine that—

> Men are created equal, and that governments derive their just powers from the consent of the governed.

Our Revolutionary fathers defied the autocrat, and with mutual pledges of their "lives, their fortunes, and their sacred honor" they for themselves and their posterity staked all for the cause of American independence. This is the heritage they bequeathed to us. We do well to honor them and hold sacred the product of their hands.

To fully appreciate American independence we must study the Constitution of the United States as the basic and fundamental scheme of government that carries out and makes effective the principles of the declaration. To-day these great twin charters of our democracy are preserved and enshrined together. In the Congressional Library the original copies of these two sacred documents are encased under glass and open for your inspection. Over them a policeman stands constantly to protect. They are preserved as the precious evidences of American ideals and traditions.

The Constitution proceeds on the Jeffersonian theory that all sovereignty of government belongs to the people. For centuries previous to the colonization of America, sovereignty, that ultimate authority which regulates human conduct, was claimed and administered by the monarch. In England limitations were placed upon the King, and Parliament was endowed with certain legislative powers. It was America's sublime achievement to rescue the whole field of sovereignty and restore its dominion to the people. This is the new dispensation of government. It is America's great discovery and her greatest contribution to the science of civil government.

Another American innovation in government is the arrangement under the Constitution called dual sovereignty. The States succeeded the Colonies and were in existence when the Constitution was adopted. The Confederacy had proved a failure. It was a time for action if credit was to be preserved, war debts paid, commerce regulated, a common defense maintained, and foreign relations established. So the framers of our Constitution preserved the States and created a Nation. Here we have two sovereignties coexistant over the same territory with the same citizenship.

Never before was such an arrangement attempted. Always before national sovereignty was considered supreme, but now we have a Federal Government with only limited and delegated authority. The residuary powers are reserved to the States and the people. We have worked out the twilight zones of action between States and Nation, and each operates under the Constitution within its limitations, each with due respect for the other's sovereignty. I am aware of the two schools of political thought sometimes designated as the "Strong centralized government plan" and the other the "State rights plan." There has been a recent drift toward the Hamiltonian theory of centralization. This seems almost inevitable with the increase of population, the obliteration of State lines in transportation, and the nationalization of industry and business. This development has its dangers in drifting toward tyranny and irresponsibility of bureaucracy. The expense, the inefficiency, the corruption, the favoritism, and the arrogant disregard of the rights of the citizen growing out of this present increasing army of Federal officers and agents, are conditions to be pondered. However, the need of legislative action to meet new conditions, which is so often ignored and neglected by the States, in fields in which they should act, now often forces the body politic to seek redress in the councils of the Nation. If States expect to retain their sovereignty they must exercise it for the preservation of the life, liberty, and happiness of the people.

I still cling to the belief of Jefferson that governments exist for the protection of the people. Governments are the servants of the people. Academic theory must not block governments' service to the people. In those fields being administered by the States and where the subject matter is local, it is a vicious policy to transfer control to the Federal Government. In those matters pertaining to general welfare, and which can best be administered by the National Government, and especially where relief is needed, and the States have refused or neglected to act, I am in favor of the Federal Government being given constitutional authority to act.

It becomes a question as to which sovereignty can the better and more economically serve. We have no favoritism as between States and Nation, but will extend priority to that sovereignty which can best serve the people. There must be no division in our loyalty, but with one flag and one Constitution there shall be no sections, no prejudice, no cleavage, but, rather, let us be united under one name, which shall embrace all—the name American.

The framers of the Constitution kept constantly in mind a government that should serve but not oppress the people. They builded a Government based upon a separation of powers. They decreed that no man or set of men should enact the law, set in judgment upon its violation, and also punish the violator. First, then, they created the three departments, so that each should be a check and balance upon the others. Then they established another innovation in the making of the court, the voice of the Constitution, the agency of last resort. Judicial supremacy in the Constitution is a preeminent achievement. It is a safeguard of the rights of the citizen. If any law is enacted, or any officer assumes to act contrary to the Constitution, a citizen can enter the courts as a litigant against his

Government and restrain any such unwarranted action. So the Supreme Court is the chart and compass of the ship of state and has guided her safely through waves and storms. May the court continue to shine undimmed as a lighthouse to keep our Nation off the rocks of anarchy and tyranny.

The Constitution proceeds on the theory that all sovereignty resides with the people and that the Federal Government has only such grants as are specifically given. The States have authority except where forbidden in Federal or State Constitutions. There is a field of action, however, in which no government shall trespass against the inherent rights of the people.

The denial of governmental action in these particulars is covered by the first 10 amendments, which is called the Bill of Rights. George Mason is generally accredited with being the father of these reservations. However, Jefferson, cooperating with Madison, urged their adoption in Virginia, along with the ratification of the original articles This nonsurrender of sovereignty is a crowning virtue of the Constitution. It preserves inviolate certain alienable privileges that are above governmental control. Freedom of speech, freedom of religion, right of assembly, trial by jury, writ of habeas corpus, freedom from unlawful searches, seizures, and military arrogance. All of these are the ancient common-law demands of Englishmen, and against which the Government shall not intrude. This feature of our Constitution heralds to the world the truth that government is the servant of the people and not the master.

One of the great precautions and outstanding provisions of the Constitution is the ultimate control of government by the suffrage of the people. This is the supreme check and balance of the whole scheme. The selection of the representatives and officers of government remain with the voter. Thus the ballot box is the vehicle of government. Responsive government therefore depends upon a responsive citizenship. If we would have good laws and better administration, it will depend on the citizen being as willing and anxious to go to the polls on election day as they are willing to go to the recruiting office in times of war. We are glad that Indiana holds the record for high percentage of voting. While most States run 50 per cent or below, Indiana tops the list with about 85 per cent of the qualified electors voting. Thus diligently performing the duties of citizenship by voting, coupled with a wholesome respect for our Constitution and the laws, and also a cheerful obedience to every law whether it suits us or not, is the hope of the Republic.

As the population increases and economic conditions are constantly becoming more complicated, it is not to be expected that there will be less law and regulation, but rather more legislation in order to control the situations. The problem is for legislation to keep abreast with invention, discovery, and development. Let us hope that through the coming years the philosophy of government remains sound; that the people nourish a wholesome spirit of legalism that will develop a finer liberty, based upon obedience and discipline. Monarchy in the Old World has broken down, and all eyes are turned upon America. Much depends upon our success with representative government. It therefore behooves us to be alert and circumspect in our political life. We must set ideals in politics that will frown upon and punish the use of money, liquor, and crooked methods that men are still using to lift themselves to places of power and responsibility. The corruption of primaries and elections are not to be tolerated. The influence of large cities and aggregations of capital must be made to understand that they are not to be permitted to muddy the fountains of representative government from which many desire to drink.

So the Declaration of Independence was written and the Constitution was formed, that we might have a Government that would protect and preserve the life, liberty, and happiness of a free people. I would not believe this one hundred fiftieth celebration complete without paying a tribute to Thomas Jefferson, the author of this greatest charter of human rights. Thomas Jefferson believed supremely in and was not afraid to trust the people. He is the father of democracy in America. His creed is indelibly stamped on our traditions, our laws, our customs, and our progress.

The Declaration of Independence both as a literary and political production has stood the test of a century and a half. It is immortal. Therein Jefferson gave us the most perfect expression of the political philosophy of a free people. Jefferson not only wrote the Declaration of American Independence; he urged the Bill of Rights to be added as a safeguard in the Constitution. He drafted the ordinance excluding slavery from the Northwest Territory. He associated education with popular government, founded the University of Virginia, and provided for sale of land in Northwest Territory for common schools and universities. He acquired by peaceable methods the Louisiana Territory, a rich empire filled with the democratic spirit. He wrote the statutes of Virginia for religious freedom. The accumulated honors bestowed upon him during a long life were member of the Virginia House, Governor of Virginia, Member of Congress, minister to France, Secretary of State, Vice President, and twice President of these United States. These preferments represent and mark a long, useful, and honorable career. Washington achieved greatness on the field of battle, John Adams by his voice in debate and as an advocate, Jefferson was preeminent in his constructive proposals of government as recorded by his pen. America thus by her democracy preempts the wisdom of her sons and weaves them into the fabric of her program of freedom and preserves their services for the welfare of generations living and those that are yet unborn.

This is the one hundredth anniversary of the death of John Adams and Thomas Jefferson, both of whom signed the Declaration of Independence and fought for the establishment of ideals set forth in that great charter. Through them and their colleagues America is a word synonymous with freedom and democracy.

So this one hundred and fiftieth celebration of the signing of the Declaration of Independence would not be complete without this further recognition of the service rendered to our country by its author. It must be celebrated in connection with the one hundredth anniversary of the death of Jefferson, which, by coincidence, falls on the same day.

Few men write their own epitaphs, but it was typical of Thomas Jefferson to do so. From the long inventory of achievements and honors bestowed upon him he selected three items by which he wished to be judged by his Maker and remembered by his fellow men. He discarded all official honors, which were many, and simply had inscribed on his tomb this very significant phrase:

> Here is buried Thomas Jefferson, author of the Declaration of Independence; and of the statutes of Virginia for religious freedom; and father of the University of Virginia.

He therefore considers most highly his accomplishments for freedom of government, freedom of religion, and freedom of education. In all of these matters he had in mind the uplifting of humanity, their welfare and happiness under a government of the people. These three supreme accomplishments of Jefferson are all nonpartisan.

We, therefore, honor the name of Thomas Jefferson, who was born an aristocrat, who lived, served his fellow man, and died bearing the distinction, as I believe, of being the greatest democrat in all history.

HORACE G. KNOWLES

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 978, for the relief of Horace G. Knowles, insist upon the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate bill 978, insist on the House amendment, and agree to the conference. The Clerk will report the bill.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. UNDERHILL, VINCENT of Michigan, and BOX.

G. C. ALLEN

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 2188, for the relief of G. C. Allen, insist upon the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate bill 2188, insist on the House amendments, and agree to the conference. The Clerk will report the bill.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Messrs. UNDERHILL, VINCENT of Michigan, and BOX.

LET THE PEOPLE RULE

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. EVANS. Mr. Speaker, under leave granted me I here insert a copy of a letter written by me to a constituent in Montana briefly setting forth my position on a question now pending before the Congress and the country.

The letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 27, 1926.

——— ———, *Butte, Mont.*

DEAR SIR: I beg to acknowledge receipt of your favor of recent date, and thank you for same. I note with interest your criticism upon my position on the prohibition question and your desire for a modification of the Volstead law.

No man is worthy to represent a great people in the Congress of the United States unless he is willing to subordinate his personal views, whatever they may be, to the views of his people as expressed at the ballot box.

I have repeatedly told people in Montana that before they were in a position to ask me to change my vote they must change their vote. If the Governor of the State of Montana or the mayor of the city of Butte or Anaconda, for instance, should refuse to do a certain thing for which the people had voted because, perchance, he did not agree with the people, he would be a fit subject for impeachment.

If in 1916 the people of the State of Montana had voted "wet" and within a period of two or three years I had come to Congress and voted "dry," you and thousands of others would have condemned me. You would have said I had betrayed the people, and justly so. On the other hand, if the people voted "dry" and I had come to Congress and voted "wet," thousands of others would have condemned me and said I betrayed the people, and their criticism would be meritorious and just.

Now, as it transpired, the people of Montana voted "dry," and accordingly I voted "dry." No fair-minded man can justly criticize me for my vote.

I do not believe a man has the right to guess the people have changed their minds on any question on which they have once voted until they have recorded that change by their vote. The last vote they cast on this question in Montana was for bone-dry prohibition.

It is their right and privilege to change that vote at any time, but until they have recorded such a change I do not see how reasoning people can ask their Representative in Congress, who has followed their verdict, to change his vote. I shall continue to follow any verdict of the people expressed at the polls, and, in my judgment, the man who will not is unworthy to represent a great people.

You speak of modifying the Volstead law to allow light wines and beer. If the Volstead law was modified, or even repealed, it would not bring back light wines and beer in Montana. The bone-dry law voted by the people would still be in effect there, and the principal effect of such a modification or repeal would be to transfer from the Government pay roll to the State and county pay roll a lot of enforcement officers.

Some months ago I saw in the Montana American, published in Butte, a statement to the effect that the Volstead law passed the House by only one vote, and that I had cast the deciding vote. Of course, such a statement is wholly out of accord with the facts. The Volstead law passed the House by a vote of almost 3 to 1—to be exact, 287 to 100. You will find a record of this vote in volume 58, part 3, page 3005, of the CONGRESSIONAL RECORD of the Sixty-sixth Congress. The RECORD can be found in any public library.

In a recent issue the Montana American says: "When President Wilson vetoed the prohibition bill and it became law over the Executive veto, the lower House was pretty evenly divided. In fact, it would have been a tie and the veto would have prevailed had not Congressman EVANS, of Montana, voted against the President. The motion to override the veto carried by 1 vote. Looking at it from a certain angle Congressman EVANS can be said to have made effective national prohibition by his solitary vote."

The vote on this proposition will be found in the CONGRESSIONAL RECORD, Sixty-sixth Congress, volume 58, part 8, page 7610. It shows the measure passed over the President's veto by 175 yeas to 55 nays, a little more than 3 to 1. The RECORD further shows Mr. EVANS, Montana, did not vote to pass the bill over the President's veto.

What confidence can be reposed in an editor who tells his readers, "The lower House was pretty evenly divided" when the RECORD shows the vote was more than 3 to 1?

Under such circumstances what excuse can be offered for the statement, "In fact it would have been a tie and the veto would have prevailed had not Congressman EVANS, of Montana, voted against the President" when the vote was 175 to 55, Congressman EVANS not voting? How can one reconcile his statement with the record when he says, "The motion to override the veto was carried by 1 vote," when the RECORD shows it carried by 120 votes?

What fair-minded reader will believe him when he says, "Congressman EVANS can be said to have made effective national prohibition by his solitary vote," when the RECORD shows Congressman EVANS did not even vote on the proposition?

I must leave to you and any others who may be interested in the question, the motive that prompts such statements.

I have written at some length, not by way of apology or excuse but only in recital of facts because of misinformation given out on the subject.

Very respectfully,

JOHN M. EVANS.

LEAVE OF ABSENCE

Mr. GAMBRILL. Mr. Speaker, I ask unanimous consent that my colleague, the gentleman from Maryland, Mr. LINTHICUM, may be excused for the rest of the week from attending the sessions of the House, on account of illness.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY

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

Mr. HILL of Maryland. Mr. Speaker, I make the point of order there is not a quorum present.

The SPEAKER. The gentleman from Maryland makes the point of order that there is not a quorum present. Evidently there is not a quorum present——

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

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

[Roll No. 121]

Aldrich	Drewry	Lineberger	Robsion, Ky.
Allen	Eaton	Linthicum	Sabath
Andrew	Ellis	Luce	Sinclair
Anthony	Fenn	McKeown	Sproul, Kans.
Appleby	Fredericks	McLaughlin, Nebr.	Steagall
Bankhead	Freeman	McSwain	Stobbs
Beck	Fuller	Magee, Pa.	Strong, Pa.
Berger	Funk	Mansfield	Sullivan
Bixler	Furlow	Mead	Swartz
Blanton	Gallivan	Merritt	Swoope
Bloom	Garner, Tex.	Michaelson	Taylor, N. J.
Boies	Garrett, Tex.	Mills	Tilson
Bowles	Golder	Mooney	Tincher
Britten	Gorman	Morin	Tinkham
Brumm	Graham	Nelson, Me.	Tucker
Buchanan	Harrison	Nelson, Wis.	Tydings
Canfield	Hawes	Newton, Mo.	Vaile
Carter, Calif.	Hawley	Norton	Vare
Carter, Okla.	Hersey	O'Connor, N. Y.	Wainwright
Cleary	Hudspeth	Oldfield	Walters
Connery	Johnson, Ill.	Parker	Warren
Connolly, Pa.	Johnson, Ky.	Patterson	Wason
Corning	Jones	Peavey	Welsh
Cox	Kahn	Peery	Whitehead
Cramton	Kearns	Phillips	Williams, Tex.
Davenport	Keller	Porter	Winter
Dempsey	Kendall	Prall	Wood
Dickstein	Kiess	Purnell	Woodrum
Doughton	Kindred	Quayle	Wurzbach
Douglass	Kvale	Rayburn	Yates
Doyle	Lea, Calif.	Reece	Zihlman
Drane	Lee, Ga.	Reed, N. Y.	

The SPEAKER. Three hundred and three Members have answered present, a quorum.

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

The motion was agreed to.

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

CLAIMS OF POTTAWATOMIE INDIANS

Mr. LEAVITT (when the Committee on Indian Affairs was called). Mr. Speaker, I call up the bill (S. 1963) authorizing the Citizen Band of Pottawatomie Indians in Oklahoma to submit claims to the Court of Claims, and ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Montana calls up the bill (S. 1963) and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party as in other cases, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of the treaty of February 27, 1867 (15 Stat. L. p. 531), or arising under or growing out of any subsequent act of Congress in relation to Indian affairs which said Citizen Band of Pottawatomie

Indians of Oklahoma may have against the United States, which claims have not heretofore been determined and adjudicated by the Court of Claims or the Supreme Court of the United States.

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition filed as herein provided in the Court of Claims within five years from the date of the approval of this act, and such suit or suits shall make the Citizen Band of Pottawatomie Indians of Oklahoma party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Citizen Band of Pottawatomie Indians, approved in accordance with existing law; and said contract shall be executed in their behalf by a committee or committees to be selected by said Citizen Band of Pottawatomie Indians. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Citizen Band of Pottawatomie Indians to such treaties, papers, correspondence, or records as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 3. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Citizen Band of Pottawatomie Indians, but any payment or payments which may have been made by the United States upon any such claim shall not operate as an estoppel, but may be pleaded as a set-off in such suit or suits, as may any gratuities paid to or expended for said Indians subsequent to February 27, 1867.

SEC. 4. The court shall join any other tribe or band of Indians that may be necessary to a final determination of any suit brought under this act. Upon the final determination of such suit or cause of action, the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys, not to exceed 10 per cent of the amount of the judgment, if any, recovered in such cause, and in no event to exceed the sum of $25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid out of any judgment that may be recovered, and the balance of such judgment shall be placed in the United States Treasury to the credit of the Indians entitled thereto, where it shall draw interest at the rate of 4 per cent per annum or be paid direct to the Indians, in the discretion of the Secretary of the Interior.

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.

CLAIMS OF THE CROW TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes, and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. SNELL. Mr. Speaker, it seems to me this is a rather important matter of administration of Indian affairs and ought to be explained. I do not think we should pass this bill by unanimous consent without any explanation whatever. I think the gentleman should certainly take some time and explain to the House what he is seeking to do by the passage of this bill; and I wish the gentleman would make the usual motion to go into Committee of the Whole so the bill can be explained.

Mr. LEAVITT. I withdraw my request, Mr. Speaker.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the Senate bill 2868, 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.

Mr. LEAVITT. Mr. Chairman and members of the committee, this bill is one which should not require any lengthy explanation. The purpose of it is to allow the Crow Tribe of Indians to take specified claims into the Court of Claims for adjudication. The bill as it has been reported by the House Committee on Indian Affairs sets forth in detail the different treaties and acts of Congress under which these claims can be brought. It is not one of those wide-open jurisdictional bills such as we passed in other Congresses and which have brought, I am sorry to say, a certain amount of criticism on the Committee on Indian Affairs.

The present Committee on Indian Affairs of this Congress has adopted a different policy. This new policy is to report out these bills in a form definitely specifying certain treaties under which actions may be brought. It is for the protection both of the Indians and of the United States. The old form of bill, in which there was no specification, swamped the Department of Justice because it was necessary that they prepare their defense against anything, regardless of how far back in the history of the country the Indians, through their attorneys, might go. This has worked greatly to the disadvantage of those tribes of Indians for whom jurisdictional bills have not yet been passed, because it has raised a question and caused opposition to all of these bills.

Nothing is or can be more important to the development of the Indians of the western country than the passing of these bills, allowing the Indians to go into the Court of Claims and to have settled once and for all the question of whether or not they have certain amounts of money coming to them from the Government of the United States.

Mr. WINGO. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. WINGO. As I understand the gentleman, the present policy of the Indian Committee is that when there is an Indian tribe that wishes to go into the Court of Claims the committee restricts the action to a test of their rights under some specifically named treaty, so that the Department of Justice simply has to meet their claim under that treaty and not have to face a dragnet or a fishing expedition.

Mr. LEAVITT. That is the situation.

Mr. SNELL. Was it on account of the general law that so many claims got into the Court of Claims that it put the department back four or five years?

Mr. LEAVITT. It was not on account of the general law; it was separate laws for Indian tribes authorizing them to bring claims not under specific treaties.

Mr. SNELL. If those other laws had been framed similar to this there would not have been that congestion.

Mr. LEAVITT. There would not have been that congestion.

Mr. WINGO. The gentleman's bill that we are now considering would confine it to these specific questions under some specific provision of a treaty.

Mr. LEAVITT. There are two treaties.

Mr. WINGO. Do the treaties mentioned in the bill as to whether or not they are entitled to the money under these two issues presented to the Court of Claims? In other words, you confine the issues to these specific treaties submitted in the bill.

Mr. LEAVITT. That is true. If the Indians or their attorneys find that there are other matters that can be specified and upon which they have a reasonable claim, another bill can be introduced in Congress to determine whether they shall recover under those claims.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. CHINDBLOM. Is it the purpose that this bill shall be substantially the same in content and effect and carry the same terms as other bills?

Mr. LEAVITT. That is the policy of the Committee on Indian Affairs of the House.

Mr. CHINDBLOM. I want to call the gentleman's attention to the fact that the bill S. 1963, which we just passed in the House, provided for interest at the rate of 4 per cent per annum upon moneys placed in the Treasury of the United States to the credit of the Indians, while the present bill we are now considering carries interest at the rate of 5 per cent upon like amounts.

Mr. LEAVITT. The situation has to do with different tribes.

Mr. CHINDBLOM. Does the gentleman think that the United States should pay one rate of interest to one tribe and a different rate to another upon moneys belonging to those tribes placed in the Treasury?

Mr. HASTINGS. Under the treaty agreement with the Pottawatomies we pay 4 per cent interest, and that is why that provision was placed in that bill. If they recover anything and the Government retains the money and places it to the credit of the tribe for the benefit of the Indians, the Government pays 4 per cent.

Mr. CHINDBLOM. With reference to the Crow Indians, you allow them 5 per cent interest.

Mr. LEAVITT. That is the form of the bill passed by the Senate, and there was no reason for any change set forth by the subcommittee.

Mr. CHINDBLOM. Was there any consideration of the rate of interest by the committee?

Mr. LEAVITT. Yes, indeed; by the subcommittee.

Mr. CHINDBLOM. As I understand, the statute of limitations has run against these suits to be brought under the treaties. We are now creating a new right of action, and the old treaty would not govern as to the rate of interest. Does

not the gentleman think that in establishing this new policy as to suits to be brought in the Court of Claims, where the statute of limitations has run, we ought to establish a uniform policy for all of the Indian tribes?

Mr. LEAVITT. My belief is that 5 per cent interest on money belonging to the Indians, where we have had it for many years and the Indians have been trying to get into the Court of Claims, is not unreasonable unless contrary to treaties.

Mr. CHINDBLOM. The Government of the United States is going to pay this interest on money in the Treasury. In all probability the Government will invest that money in its own securities. We have few 5 per cent securities, and I hope we will not have permanently any 5 per cent securities in which the moneys of the United States may be invested.

Mr. LEAVITT. I suggest that when that portion of the bill is reached the gentleman may offer an amendment and let it be considered by the House.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. WILLIAMSON. Under the treaty between the Crow Tribe of Indians and the Government they are entitled to 5 per cent interest on all funds deposited in the Treasury to their account. If the Government had settled at the time the lands were taken away they would have received 5 per cent interest through all these years.

It is because of that fact, because of treaty obligations, that the rate of 5 per cent has been placed in this bill. Some of the bills carried 4 per cent and some 5 per cent. In other words, we have followed the rate which the Government has obligated itself to pay.

Mr. CHINDBLOM. But we are creating a new right for the Indians to bring suit in the Court of Claims. If they had the old right which has expired, then we would not need to pass this bill?

Mr. WILLIAMSON. We are creating no new rights, except in so far as removing the statute of limitations is concerned.

Mr. CHINDBLOM. Certainly. The statute of limitations now closes them off.

Mr. LEAVITT. That is not all that closes them off. What closed them off originally is the failure of the Congress to pass an act years ago to allow them to take their claims before the Court of Claims, without which act they are helpless.

Mr. WINGO. Mr. Speaker, if the gentleman will yield, it is not a new right. What you do is to give them the privilege of asserting rights that are fixed by treaty, some of them at 4 per cent and others at 5 per cent. You are not giving an additional right. You are simply saying that we will waive the statute of limitations and give them the privilege of going into court and having those rights adjudicated, and whether the treaty rate is 5 per cent or 4 per cent that rate is fixed by the treaty and not by anything that we do here.

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

Mr. LEAVITT. Yes.

Mr. HILL of Maryland. Under the existing situation without this legislation all of these claims are barred by the statute of limitations, are they not?

Mr. LEAVITT. Yes. They are barred through the failure of Congress to pass such an act as this. The Indians have been the wards of the Government and are entirely at the mercy of Congress. Without the action of this Congress they are as helpless now as they have been in the past.

Mr. HILL of Maryland. I notice that section 2 of the bill provides:

> Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Crow Nation or Tribe party plaintiff and the United States party defendant.

That places a five-year statute of limitation on all of the matters dealt with in this particular bill.

Mr. LEAVITT. That is true.

Mr. HILL of Maryland. Are there any other matters pending between the Crow Nation and the United States except those taken up under this bill?

Mr. LEAVITT. None that I know of.

Mr. HILL of Maryland. Therefore, this bill gives to the Crow Nation an entire power of recovery of whatever they get under the various treaties and at the same time puts a five-year limitation upon it in order that the whole matter may be definitely cleaned up.

Mr. LEAVITT. That is the situation.

Mr. WINGO. Mr. Chairman, my attention has been directed to the necessity of putting the interest rates in the bill; that is, the interest rates that each treaty provides for, because under the organic act of the Court of Claims, it has been suggested to me by one who should be familiar with it that that bars allowing interest unless Congress specifically authorizes the court to allow interest. So, if you are going to permit a complete adjudication of their treaty rights under any treaty, then it is necessary for Congress to say to the Court of Claims that it is specifically allowed to permit the rate of interest specified by those treaties. That is the reason it is necessary to carry specific rates.

Mr. MADDEN. But suppose there is not any provision for interest in the treaty, then what?

Mr. WINGO. I am assuming that the reason for the different rates here is because these treaties fix the rate.

Mr. LEAVITT. That is the case as I understand it from the subcommittee.

Mr. WINGO. I assume the committee would not authorize a rate of interest where the treaty does not state it.

Mr. BLACK of Texas. The only reason for interest is because the United States is going to retain the custody of the money. This provides that the United States shall hold the money and that during the time it has the money it shall pay a certain rate of interest. Section 5 of this bill proposes a committee amendment to authorize the payment of attorney fees not to exceed 10 per cent.

Mr. LEAVITT. Not to exceed 10 per cent.

Mr. BLACK of Texas. I notice in most of these bills there is a further limitation that in no event shall the attorneys' fees exceed $25,000. Does not the gentleman think the bill ought to contain the same limitation, and, if not, why not?

Mr. LEAVITT. The situation with regard to this is different. It has been represented to the committee that the limitation of $25,000 has barred certain tribes of Indians from securing the kind of legal talent that is necessary to give them a real representation in the courts, and also we must take into consideration the fact that this in the form of a contingent fee, that the attorneys take these cases, meet their own expenses, go into the records, and that it is a matter sometimes of years. They take their chances on what they are going to get. The feeling of myself is that the Court of Claims can be depended upon in a case of this kind, particularly if representations are made, as we expect they will be, by the Bureau of Indian Affairs at the time the fees are determined to see to it that there is full protection to the Indians. At the same time that they will be able to secure the right kind of legal talent.

Mr. HASTINGS. That is the present policy of the Indian Affairs Committee, to leave the court to restrict not to exceed 10 per cent. It is purely a contingent fee.

Mr. LEAVITT. That is true. I will also state the Commissioner of Indian Affairs has placed himself on record as not being in any way opposed but favorable to it as being better for the Indians, for whose interest we are particularly looking out.

Now, I think, Members of the House, that I have covered the situation. I want in closing to make only this brief further observation, that the removal of the uncertainty from the minds of the different tribes of Indians as to what the Government owes them is a most essential and necessary thing for their development toward being self-reliant and self-supporting in every particular, as they must be as that part of the citizenship of the United States which the present laws intend they should be.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted, etc.,* That all claims of whatsoever nature, including what is known as the River Crow claim, which the Crow Indian Nation or tribe or any branch thereof may have against the United States which have not heretofore been determined by a court of competent jurisdiction may be submitted to the Court of Claims for determination of the amount, if any, due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians or any Executive order: *Provided,* That if in any claim submitted hereunder a treaty or an agreement with the Indians or any Executive order be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians or the River Crow Indians may have against the United States, it being the intent of this act to confer upon said Court of Claims full and complete au-

thority to adjust and determine all claims submitted hereunder, so that the rights, legal and equitable, both of the United States and of said Indians, may be fully considered and determined, and to render judgment thereon accordingly.

The committee amendment was read, as follows:

Strike out all after the enacting clause, on page 1, down to and including line 23 on page 2, and insert in lieu thereof the following:

"That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding lapse of time or statutes of limitations, to hear, adjudicate, and render judgment in any and all claims arising under or growing out of the treaty of Fort Laramie, dated September 17, 1851 (Second Kappler, p. 594), between the United States and the Crow Indian Nation and the treaty dated May 7, 1868 (15 Stats. p. 649), between the United States and the Crow Indian Nation, or arising under or growing out of the Executive order dated July 2, 1873 (First Kappler, p. 855), or any subsequent Executive order, the act of Congress approved April 5, 1874 (18 Stats. p. 28), or any subsequent act of Congress or agreement with said Crow Indian Nation, which said Crow Indian Nation or any branch thereof may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States; and jurisdiction is hereby conferred upon the said courts to determine whether or not any provision in any such treaty or Executive order has been violated or breached by any act or acts of Congress or by any treaty made by the United States with any other Indian tribe or nation, and if so, to render judgment for the damages resulting therefrom."

Mr. LEAVITT. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 3, line 11, strike out the figure "5" and insert the figures "15."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The Clerk read as follows:

SEC. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit shall make the Crow Nation or Tribe party plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the Crow Tribe of Indians, approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Crow Indian Nation to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian nation.

SEC. 3. That if any claim or claims be submitted to said court it shall determine the rights of the parties thereto, notwithstanding lapse of time or statutes of limitation, and any payment which may have been made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off in any suit; and the United States shall be allowed credit subsequent to the date of any law, treaty, or agreement under which the claims arise for any sum or sums heretofore paid or expended for the benefit of said Indians, if legally chargeable against that claim.

The committee amendment was read, as follows:

Page 5, line 3, after the word "Indians," strike out the words "if legally chargeable against that claim" and insert in lieu thereof the words "including gratuities."

The commitee amendment was agreed to.

The Clerk read as follows:

SEC. 4. That if it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, agreement, or Executive order, has unlawfully appropriated or disposed of any money or other property belonging to the Indians, or obtained lands from the Crow Indians for an inadequate consideration under mistake of fact, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the Unted States and shall annul and cancel all claim, right, and title of the said Crow Indians in and to such money or other property.

The committee amendment was read, as follows:

Page 5, line 7, after the word "order," insert "set forth and referred to in section 1."

The committee amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, in line 14, page 5, I move to strike out the figure "5" and insert the figure "4."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 4, strike out the figure "5" and insert the figure "4."

Mr. CHINDBLOM. Mr. Chairman, we discussed this matter while the chairman of the committee, the gentleman from Montana, had the floor, and I am not disposed to go any further into it except to say in my view we are now creating a new right, or reviving a right of action which would be barred by the statute of limitations, and having fixed the rate of interest at 4 per cent in the preceding bill for the Pottawattamie Tribe of Indians I think we ought to be consistent and fix it at that rate for all tribes.

Mr. SNELL. What is the general rate paid to Indian tribes?

Mr. CHINDBLOM. I do not know.

Mr. LEAVITT. It depends upon the treaty.

Mr. SNELL. The gentleman from Montana says it depends upon the treaties with the various tribes.

Mr. LEAVITT. Mr. Chairman, the situation with regard to interest is one of keeping faith and agreement with these Indians. In the case of the Pottawattamie Indians, as stated by the gentleman from Oklahoma [Mr. HASTINGS], on all of their funds on deposit in the Treasury of the United States 4 per cent interest is paid in accordance with some other treaties, funds deposited under other rates. The Government has the alternative of paying this all out, if it wants to, to the Indians. That is up to the Congress, but if we are keeping their funds in the Treasury of the United States, as a matter of good faith we should pay them the rate of interest that exists according to our definite agreement with them, and I hope that the amendment will not be agreed to.

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

The question was taken, and the Chair announced he was in doubt.

The committee again divided; and there were—ayes 5, noes 24.

So the amendment was rejected.

The Clerk read as follows:

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

The committee amendment was read, as follows:

Strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes."

Mr. BLACK of Texas. Mr. Chairman, I have an amendment which I desire to submit to the committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 6, line 11, amend the committee amendment by adding after the word "recovery" the following: "And in no event to exceed the sum of $25,000."

Mr. BLACK of Texas. Mr. Chairman, we have already today passed a bill authorizing the Citizen Band of Pottawottamie Indians in Oklahoma to submit claims to the Court of Claims, and in that bill, in section 4, we provided that the attorney's fees shall be fixed by the Court of Claims and shall not exceed 10 per cent of the amount of the judgment. It also provides that in no event shall the attorney's fees exceed $25,000.

Also we have a bill on the calendar, which I suppose the chairman intends to call up, authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington

to present their claims to the Court of Claims, and section 4 of that bill provides that the attorney's fees shall be fixed by the court and shall not exceed 10 per cent of the amount recovered. It further provides that in no event shall the attorney's fees exceed $25,000.

Those being the provisions in these bills which I have named, I can not understand that there is any good reason why it should not be provided in the bill that we are now considering.

Mr. LEAVITT. The committee in the provisions has to do with the different amount of work that can be foreseen in the preparation and prosecution of these claims. In the case of the Pottawottamie Indians the matter is a small matter, and it is definitely known in advance from all that can be presented that it is a small matter. In the case of the Washington Indians I understand the situation is the same, so far as the amount of work required is concerned. In these other two cases the subcommittee of which the gentleman from South Dakota [Mr. WILLIAMSON] is the chairman, after considering fully all the testimony that was brought before the subcommittee and which may have been found in the hearings, felt that a limitation so small as that would operate to the disadvantage of the Indians by preventing their getting the kind of legal representation that they should have.

Mr. BLACK of Texas. I have the belief that if it were not for the attorney's fees involved we would not have so many of these Indian cases to be tried in the Court of Claims. I have always felt that way. I have always felt that Congress in a number of cases has allowed unreasonable and outrageous fees to be paid in these cases, and I call attention to the fact that because of this very reason the policy has arisen within the last few years to make the maximum fee that can be charged in any event $25,000. It is a wise policy and we should not abandon it.

And let me further call attention to the fact that the attorneys, in addition to this possible fee of $25,000, will be reimbursed for all necessary and proper expenses in the preparation and prosecution of the cases. They will be reimbursed for all that. But after they have received that reimbursement under the provision that I have offered they could not receive more than $25,000 as a net fee, and I think that is all that they ought to have.

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

Mr. BLACK of Texas. Yes.

Mr. COLTON. I understood that it was practically the rule that the limit would be $25,000.

Mr. BLACK of Texas. It ought to be the rule.

Mr. COLTON. I will say that in a case arising in my State last year, involving a tremendous amount of work, the amount was limited to $25,000, and the bill did not pass because that amount was not acceptable. I have stated repeatedly that it would be no use in trying to pass a bill with a larger fee than $25,000.

Mr. BLACK of Texas. Feeling that we have a policy of that kind, I would not permit, so far as I can help it, this bill to pass without a record vote.

Mr. LEAVITT. The situation in regard to that is this: The gentleman is always present on Unanimous Consent day, and with the gentleman present on a Unanimous Consent day we passed a bill at this session for the Chippewa Indians of Minnesota, in which there was a provision allowing attorney's fees for a period of five years amounting to $30,000, and a limitation then on the recovery of $40,000. I should have stated $30,000 for two firms of attorneys, if there are two divisions of that tribe of Indians, so that there could be a total recovery there up to $100,000.

Mr. BLACK of Texas. I would not like to assume and would not assume responsibility for all the bills that pass on Unanimous Consent days. I try to look after them the best I can and to prevent any bad bill passing. Other Members of the House do the same, but nevertheless many bills get by that ought not to pass.

Mr. LEAVITT. I will say that the President signed that bill, and it is now a law.

Mr. WILLIAMSON. The subcommittee that has charge of these bills has given a great deal of thought and attention to the matter of attorney's fees. I want to say that at the opening of this session of Congress a special Subcommittee of the Committee on Indian Affairs was appointed to work out a definite policy as to the amount that should be allowed in the way of fees in cases involving Indian suits.

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

Mr. WILLIAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WILLIAMSON. That subcommittee finally reported back to the full committee, suggesting a provision, quite similar to the one found in the bill. In many of these cases the attorneys have spent years in investigation. If no recovery is made—and in some of these cases the recovery is not going to be very large—these attorneys will get very little in view of the services rendered. It seems to me that a contingent fee not to exceed 10 per cent is fair. If the services rendered do not justify a fee of 10 per cent of the recovery, I assume a smaller amount will be allowed by the court.

Mr. HILL of Maryland. If that is the case under the pending legislation, what would the gentleman think was a maximum amount of recovery upon which fees would be paid? How much money is involved?

Mr. WILLIAMSON. At the very outside in this case it might be $2,000,000. I doubt if the recovery will amount to that much.

Mr. HILL of Maryland. If they were entirely successful and got $2,000,000, the attorneys would get, in addition to expenses, a fee of $200,000.

Mr. BLACK of Texas. That could be done under the bill.

Mr. WILLIAMSON. I might say that even $200,000 on a recovery of $2,000,000 would not seem to be particularly excessive as an attorney's contingent fee, but let me say to the gentleman that I do not believe that the Court of Claims is going to allow 10 per cent unless the firm of attorneys can show that they have actually earned the money. They have to make a showing as to what they have done; they have got to make a showing as to the amount of service rendered, the amount of labor performed, the time spent, and all that sort of thing, and then the court will fix a fee in conformity with the services rendered not exceeding 10 per cent.

Mr. HILL of Maryland. Would it not be well to put in the proviso something to indicate to the court that they are not to allow a flat 10 per cent fee?

Mr. WILLIAMSON. The bill provides that the fee shall not exceed 10 per cent. It is up to the court to fix it.

Mr. HILL of Maryland. But that is not very clear.

Mr. BLACK of Texas. The reason I have raised the objection is that most of the bills we have passed recently embody a limitation of $25,000, and in addition to the $25,000 all the necessary expenses which have been incurred in the preparation and prosecution of the case are paid.

Mr. WILLIAMSON. Let me say to the gentleman from Texas that I believe the gentleman from Oklahoma [Mr. HASTINGS], of the Indian Affairs Committee, has had a good deal of experience with Indian litigation, and perhaps he can throw additional light on the subject.

Mr. LEAVITT. I will say that in the Sixty-eighth Congress there were four bills of this kind which were passed that contained that limitation, as I recall it, and it should also be stated that in the consideration of this bill before the whole committee and before the subcommittee there were representatives of the tribe of Indians present to state their belief and their desire with regard to this matter.

Mr. BLACK of Texas. That would not be very persuasive, because tribes of Indians have made contracts with attorneys in the past under which very large and unreasonable fees have been paid, and the Government goes upon the assumption that in these cases we should act, in a sense, as the guardian of these Indians and not allow these excessive fees to be paid.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. CHINDBLOM. I will say that I am in very thorough accord with the purpose of the gentleman, but it occurs to me that in a case as large as this, involving $2,000,000 in claims, it is possible you will not be able to employ competent attorneys when you limit the fee to $25,000.

Mr. UNDERHILL. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. UNDERHILL. The whole policy followed by Congress heretofore has encouraged lawyers in the District of Columbia to hunt up and dig up these supposed claims and they are perfectly willing to take the chance of getting these large fees that have been paid in the past, even though it seems to be almost an impossibility to get them through.

Mr. BLACK of Texas. I may say to the gentleman that their invariable practice is to put in for a great big amount, an amount that no reasonable man could expect to recover.

The CHAIRMAN. The time of the gentleman from Texas has again expired. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the Chair being in doubt, the committee divided and there were—ayes 13, noes 20.

So the amendment to the committee amendment was rejected.

The committee amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I find that as a matter of good faith with the House I must correct a statement I made a short time ago with reference to the rate of interest in effect under agreements and treaties with the Crow Indians. I had taken my statement from the report of the subcommittee. The chairman of the subcommittee now informs me, from a study of the record, that the rate in force with regard to the Crow Indians is 4 per cent rather than 5 per cent, as I stated. Therefore, I must ask unanimous consent to return to section 4.

The CHAIRMAN. The gentleman from Montana asks unanimous consent to return to section 4. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent that the proceedings taken on the amendment offered by the gentleman from Illinois [Mr. CHINDBLOM] be vacated.

The CHAIRMAN. The gentleman from Montana asks unanimous consent that the proceedings taken on the amendment offered by the gentleman from Illinois [Mr. CHINDBLOM] be vacated. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the figure "5" in line 14, page 5, and insert the figure "4."

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

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 5, line 14, strike out the figure "5" and insert in lieu thereof the figure "4."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual costs necessary to be incurred by the Crow Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Crow Tribe in the Treasury of the United States.

Mr. CHINDBLOM. Mr. Chairman, I offer an amendment, on page 7, in line 7, strike out the figure "5" and insert the figure "4."

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

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 7, line 7, strike out the figure "5" and insert in lieu thereof the figure "4."

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill 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 the committee having had under consideration the bill (S. 2868) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes, had directed him to report the same back to the House 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 bill and all amendments thereto to final passage.

The previous question was ordered.

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

The amendments were agreed to.

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

Mr. BLACK of Texas. Mr. Speaker, I move to recommit the bill with instructions to report the same back with an amendment, as follows:

On page 6, line 11, after the word "recovery," insert "and in no event to exceed $25,000."

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLACK of Texas moves to recommit the bill to the Committee on Indian Affairs with instructions to that committee to report the same back forthwith with the following amendment:

"Page 6, line 11, after the word 'recovery,' insert the words 'and in no event to exceed the sum of $25,000.'"

Mr. LEAVITT. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill.

The question was taken.

Mr. BLACK of Texas. Mr. Speaker, I make the point there is not a quorum present and object to the vote on that ground.

The SPEAKER. Clearly, there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 65, nays 212, not voting 153, as follows:

[Roll No. 122]

YEAS—65

Abernethy	Goldsborough	McMillan	Shallenberger
Anthony	Hare	Madden	Somers, N. Y.
Aswell	Haugen	Milligan	Speaks
Bell	Hill, Ala.	Moore, Ky.	Stephens
Black, N. Y.	Hoch	Morehead	Stevenson
Black, Tex.	Huddleston	Oliver, Ala.	Strong, Kans.
Box	Jeffers	Oliver, N. Y.	Strother
Brand, Ga.	Johnson, Tex.	Peery	Summers, Wash.
Briggs	Kemp	Perkins	Taylor, W. Va.
Byrns	Kincheloe	Quin	Tucker
Celler	Kirk	Rainey	Underhill
Chapman	LaGuardia	Rankin	Vinson, Ga.
Connally, Tex.	Lanham	Reed, Ark.	Vinson, Ky.
Crisp	Lankford	Robinson, Iowa	Wright
Edwards	Larsen	Rouse	
Fulmer	Lyon	Rutherford	
Gasque	McLaughlin, Mich.	Schafer	

NAYS—212

Ackerman	Driver	Ketcham	Reid, Ill.
Adkins	Dyer	Kindred	Robsion, Ky.
Almon	Elliott	King	Rogers
Andresen	Eslick	Knutson	Romjue
Arentz	Evans	Kopp	Rowbottom
Arnold	Fairchild	Kunz	Rubey
Bachmann	Faust	Kurtz	Sanders, N. Y.
Bailey	Fish	Lampert	Sanders, Tex.
Barkley	Fisher	Lazaro	Sandlin
Beedy	Fitzgerald, W. T.	Leatherwood	Schneider
Beers	Fletcher	Leavitt	Scott
Begg	Fort	Letts	Sears, Fla.
Boies	Foss	Lindsay	Seger
Bowman	Frothingham	Little	Shreve
Boylan	Gambrill	Lozier	Simmons
Brand, Ohio	Garber	McClintic	Smith
Brigham	Gardner, Ind.	McDuffie	Smithwick
Britten	Garrett, Tenn.	McFadden	Snell
Browne	Gibson	McLeod	Sosnowski
Browning	Gifford	McReynolds	Spearing
Bulwinkle	Gilbert	McSweeney	Sproul, Ill.
Burdick	Goodwin	MacGregor	Stalker
Burtness	Gorman	Magee, N. Y.	Stedman
Burton	Green, Fla.	Magrady	Stobbs
Cannon	Greenwood	Major	Swank
Carew	Griest	Manlove	Swartz
Carpenter	Griffin	Mapes	Sweet
Carss	Hadley	Martin, La.	Taber
Chalmers	Hale	Martin, Mass.	Temple
Chindblom	Hall, Ind.	Menges	Thatcher
Christopherson	Hall, N. Dak.	Michener	Thurston
Clague	Hammer	Miller	Timberlake
Cole	Hardy	Montgomery	Tolley
Collier	Hastings	Moore, Ohio	Treadway
Colton	Hawley	Moore, Va.	Underwood
Cooper, Ohio	Hayden	Morgan	Upshaw
Cooper, Wis.	Hersey	Morrow	Vestal
Coyle	Hickey	Murphy	Vincent, Mich.
Crosser	Hill, Md.	Nelson, Mo.	Walters
Crowther	Hill, Wash.	O'Connell, N. Y.	Watres
Crumpacker	Hogg	O'Connell, R. I.	Watson
Cullen	Hooper	O'Connor, La.	Weaver
Darrow	Houston	O'Connor, N. Y.	Wefald
Davey	Hull, Tenn.	Parker	Weller
Davis	Irwin	Parks	Wheeler
Deal	Jacobstein	Pou	White, Kans.
Denison	James	Prall	Whittington
Dickinson, Iowa	Jenkins	Pratt	Williams, Ill.
Dickinson, Mo.	Johnson, Ind.	Purnell	Williamson
Dickstein	Johnson, S. Dak.	Ragon	Wolverton
Dominick	Kelly	Ramseyer	Woodruff
Doughton	Kendall	Ransley	Wyant
Dowell	Kerr	Rathbone	Yates

NOT VOTING—153

Aldrich	Appleby	Bacon	Berger
Allen	Auf der Heide	Bankhead	Bixler
Allgood	Ayres	Barbour	Bland
Andrew	Bacharach	Beck	Blanton

Bloom	Fuller	McKeown	Sumners, Tex.
Bowles	Funk	McLaughlin, Nebr.	Swing
Bowling	Furlow	McSwain	Swoope
Brumm	Gallivan	Magee, Pa.	Taylor, Colo.
Buchanan	Garner, Tex.	Mansfield	Taylor, N. J.
Busby	Garrett, Tex.	Mead	Taylor, Tenn.
Butler	Glynn	Merritt	Thomas
Campbell	Golder	Michaelson	Thompson
Canfield	Graham	Mills	Tillman
Carter, Calif.	Green, Iowa	Montague	Tilson
Carter, Okla.	Harrison	Mooney	Tincher
Cleary	Hawes	Morin	Tinkham
Collins	Holaday	Nelson, Me.	Tydings
Connery	Howard	Nelson, Wis.	Updike
Connolly, Pa.	Hudson	Newton, Minn.	Vaile
Corning	Hudspeth	Newton, Mo.	Vare
Cox	Hull, Morton D.	Norton	Voigt
Cramton	Hull, William E.	Oldfield	Wainwright
Curry	Johnson, Ill.	Patterson	Warren
Davenport	Johnson, Ky.	Peavey	Wason
Dempsey	Johnson, Wash.	Perlman	Welsh
Douglass	Jones	Phillips	White, Me.
Doyle	Kahn	Porter	Whitehead
Drane	Kearns	Quayle	Williams, Tex.
Drewry	Keller	Rayburn	Wilson, La.
Eaton	Kiefner	Reece	Wilson, Miss.
Ellis	Kiess	Reed, N. Y.	Wingo
Esterly	Kvale	Sabath	Winter
Fenn	Lea, Calif.	Sears, Nebr.	Wood
Fitzgerald, Roy G.	Lee, Ga.	Sinclair	Woodrum
Frear	Lehlbach	Sinnott	Wurzbach
Fredericks	Lineberger	Sproul, Kans.	Zihlman
Free	Linthicum	Steagall	
Freeman	Lowrey	Strong, Pa.	
French	Luce	Sullivan	

So the motion to recommit was rejected.

The following pairs were announced:

General pairs until further notice:

Mr. Aldrich with Mr. Canfield.
Mr. Graham with Mr. Carter of Oklahoma.
Mr. Tilson with Mr. Corning.
Mr. Luce with Mr. Mead.
Mr. Fenn with Mr. Doyle.
Mr. Eaton with Mr. Quayle.
Mr. Cramton with Mr. Gallivan.
Mr. Bowles with Mr. Rayburn.
Mr. Morin with Mr. Garner of Texas.
Mr. Wood with Mr. Mooney.
Mr. Connolly of Pennsylvania with Mr. Connery.
Mr. Carter of California with Mr. Buchanan.
Mr. Kiess with Mr. Sullivan.
Mr. Welsh with Mr. Lea of California.
Mr. Wurzbach with Mr. Lee of Georgia.
Mr. Andrew with Mr. Johnson of Kentucky.
Mrs. Kahn with Mrs. Norton.
Mr. Campbell with Mr. Blanton.
Mr. Freeman with Mr. Garrett of Texas.
Mr. Mills with Mr. Williams of Texas.
Mr. Vare with Mr. Bankhead.
Mr. Michaelson with Mr. Hudspeth.
Mr. Kearns with Mr. Bloom.
Mr. Merritt with Mr. Drane.
Mr. Taylor of New Jersey with Mr. Cleary.
Mr. Strong of Pennsylvania with Mr. Sabath.
Mr. Green of Iowa with Mr. Auf der Heide.
Mr. Porter with Mr. Harrison.
Mr. Bacharach with Mr. Allgood.
Mr. French with Mr. Steagall.
Mr. Patterson with Mr. Hawes.
Mr. Golder with Mr. Ayres.
Mr. Furlow with Mr. Sumners of Texas.
Mr. Reece with Mr. Howard.
Mr. Butler with Mr. Taylor of Colorado.
Mr. Hudson with Mr. Thomas.
Mr. Reed of New York with Mr. Tillman.
Mr. Sinclair with Mr. Bland.
Mr. Johnson of Illinois with Mr. Jones.
Mr. Swing with Mr. Warren.
Mr. Johnson of Washington with Mr. Tydings.
Mr. Curry with Mr. Bowling.
Mr. Kiefner with Mr. Whitehead.
Mr. Lehlbach with Mr. Linthicum.
Mr. Magee of Pennsylvania with Mr. Busby.
Mr. Free with Mr. McKeown.
Mr. Thompson with Mr. Lowrey.
Mr. Sinnott with Mr. Wilson of Louisiana.
Mr. Perlman with Mr. Collins.
Mr. Barbour with Mr. McSwain.
Mr. Fuller with Mr. Wilson of Mississippi.
Mr. Wason with Mr. Mansfield.
Mr. Wainwright with Mr. Montague.
Mr. Zihlman with Mr. Wingo.
Mr. Newton of Missouri with Mr. Cox.
Mr. Bacon with Mr. Woodrum.
Mr. William E. Hull with Mr. Douglass.
Mr. Davenport with Mr. Oldfield.
Mr. Taylor of Tennessee with Mr. Drewry
Mr. Dempsey with Mr. Kvale.
Mr. Ellis with Mr. Beck.
Mr. Updike with Mr. Peavey.
Mr. Vaile with Mr. Frear.
Mr. Esterly with Mr. Nelson of Wisconsin.
Mr. Roy G. Fitzgerald with Mr. Voigt.
Mr. Morton D. Hull with Mr. Berger.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the bill was passed.

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

CLAIMS OF THE ASSINIBOINE INDIANS AGAINST THE UNITED STATES

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes.

Mr. MADDEN. Mr. Speaker, I think all of these bills ought to be considered in Committee of the Whole House on the state of the Union because of the possibility of their involving a large expenditure. On their face they authorize these Indians to prosecute their suits in the Court of Claims, but they result in the expenditure of a large sum of money. They ought to be considered in Committee of the Whole, where they can be discussed.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BEGG in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read the title to the bill.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. LEAVITT. Mr. Chairman and Members of the House, the situation in regard to this bill is exactly that of the Crow jurisdictional bill that has just been passed. I do not feel it is necessary to repeat the explanation I made on the other bill in connection with this one. Unless there is some question to be asked by some Member of the House I will yield the floor, with the hope that this bill will also be accepted and passed by the House.

Mr. UNDERHILL. Will the gentleman yield?

Mr. LEAVITT. Certainly.

Mr. UNDERHILL. Is this the Washington bill, so-called?

Mr. LEAVITT. No; this has to do with the Assiniboine Tribe. It has reference to the same treaty of 1851 and the conditions of the bill are exactly the same as that for the Crows.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. LEAVITT. I will yield to the gentleman.

Mr. MOORE of Virginia. Can the gentleman tell us whether the Indian Bureau is growing or not in personnel and expenses?

Mr. LEAVITT. The Indian Bureau is spending more money at this time than it has in the past in connection with health and educational work. It is branching out in those activities. I will state in that connection that these jurisdictional bills which allow the Indians to take their claims into the Court of Claims will have a tendency to reduce the work of the Indian Bureau rather than to increase it, because it will remove the uncertainty regarding what these Indians have coming from the Government. That will be a long step toward making them self-supporting and self-reliant.

Mr. MOORE of Virginia. These bills providing for litigation in the Court of Claims have been passed from time to time for more than a generation.

Mr. LEAVITT. Not with regard to these Assiniboine Indians.

Mr. MOORE of Virginia. Why is it not possible to hurry this litigation and finally dispose of these treaty matters?

Mr. LEAVITT. I will state that the House Committee on Indian Affairs has given some attention to a general jurisdictional bill, which we hope to work out when we are not pressed by legislation as we are to-day, and do the very thing the gentleman from Virginia suggests. I am sure it ought to be done.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. How much has been expended for the Indians each year?

Mr. LEAVITT. I can not give that information offhand, and it has nothing to do with this bill.

Mr. LAGUARDIA. I know that, but would it not be better for the Indians and the United States Government if we conferred citizenship on all of the Indians?

Mr. LEAVITT. The Sixty-eighth Congress, of which the gentleman was a Member, did confer citizenship on all of the Indians.

Mr. LAGUARDIA. Then why do we not close the Indian Bureau?

Mr. LEAVITT. The situation is that there are still Indians on some reservations who require the work of the In-

dian Bureau and who would be helpless in the hands of the surrounding white people and Indians of better education if they were relieved of all restrictions as to their property at this time. The work of the Indian Bureau and all of those interested in Indians should be toward building them up into self-supporting and self-reliant citizens.

Mr. LAGUARDIA. They were doing that when I was a boy out in Arizona 40 years ago.

Mr. LEAVITT. Yes, but the Indian problem started on the Atlantic coast and has been continually working west, and to-day parts of the West are exactly in the situation that once obtained on the Atlantic coast.

Mr. LAGUARDIA. I remember Indians 40 years ago who were as capable as they are to-day.

Mr. LEAVITT. I would be glad to add to the tribute to the Indians as to their wonderful capabilities and their high character.

Mr. COLTON. Will the gentleman yield?

Mr. LEAVITT. I will.

Mr. COLTON. Referring to these jurisdictional bills, do I understand that it is now the policy of the committee to fix the fee at $25,000 rather than to take into consideration all of the elements in the case and the work involved and try to determine what would be a just amount?

Mr. LEAVITT. Mr. Chairman, the policy of the committee is to consider each individual case with regard to fees upon its merits. As I understand, the gentleman asks this question because a jurisdictional bill was presented in the Sixty-eighth Congress setting the limitation that was a short time ago proposed by the gentleman from Texas [Mr. BLACK], the result being that that tribe of Indians were not able to secure the services of qualified attorneys, and therefore for the period of two years have been barred from the courts.

Mr. COLTON. That is the situation, exactly; and I am glad to have the chairman state what he has just now stated, because we have not been able to get any results looking toward a settlement of the Uinta Indian claims.

Mr. LEAVITT. In the Sixty-eighth Congress I was perhaps one of the strongest advocates of the limitation, but it is just such instances as that to which the gentleman refers that have convinced me that in certain cases that limitation operates to keep the Indians out of court, and therefore is entirely to their disadvantage. In other cases it is fixed.

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

Mr. LEAVITT. Yes.

Mr. BURTNESS. The gentleman may have answered this question in the discussion of the other bill. What I want to ask is whether it is the policy of the committee before approving these jurisdictional bills to require that a sort of prima facie case be established before the committee by the proponents of the bill?

Mr. LEAVITT. That is the policy; yes.

Mr. BURTNESS. Or do you favorably report any jurisdictional bill that is proposed?

Mr. LEAVITT. This jurisdictional bill, in common with others that in this Congress have come before the House committee, was given to a subcommittee headed by the gentleman from South Dakota [Mr. WILLIAMSON], the committee's policy being to ask that they be confined to certain specified treaties or Executive orders or acts of Congress—something that the Department of Justice can take as a definite basis on which to prepare a defensive action.

Mr. BURTNESS. In other words, you do require a prima facie showing of some claim against the Government?

Mr. LEAVITT. That is the case.

Mr. BURTNESS. Obviously you can not pass upon the merits of it, but you require some proof.

Mr. LEAVITT. There was one bill reported upon which the decision was perhaps a hair-line decision, in which the question of doubt was resolved in favor of the Indians in the belief that that was the fair thing to do. But we have specified and amended the form in which bills have reached us in the belief that they would have been vetoed. We felt it was unjust and unfair to the Indians, rather than otherwise, to report any bill out in a form we felt sure would meet with a presidential veto. We have tried to conform to the reasonable provision that treaties be specified and that a prima facie case up to a reasonable point shall be made.

Mr. MADDEN. Is it the policy of the committee to grant the right to go into the Court of Claims on any claim that may be presented by any band or tribe of Indians?

Mr. LEAVITT. That is not the case. There are now pending before the committee a number of these jurisdictional bills. Some of them have passed the Senate and are now before a subcommittee. The policy of the subcommittee, I am informed and I know from experience, will be to scrutinize them very carefully. I know of one bill that has been held in that subcommittee all through this session, or practically all through it, with a demand made by the subcommittee that the specific treaties be set forth. As a subcommittee, it has refused to report that bill to the whole committee until that is done.

Mr. MADDEN. Is it the practice or the policy of the committee to go through the treaties themselves and ascertain what the obligations of the Government are under the treaty, if any, or is it the policy just to listen to these attorneys who represent the Indians and permit them to go to court irrespective of whether the committee thinks there is an obligation or not?

Mr. LEAVITT. The policy has been to present the bill to the Bureau of Indian Affairs and attempt to get from them what their records show may be treaties in existence, according to their records, and then the subcommittee gives consideration to the matter from that point on, taking all of the evidence it can get. I can not tell the gentleman whether it reads in full every treaty, but I am sure that the gentleman from South Dakota [Mr. WILLIAMSON], who is chairman of the subcommittee and has been a judge on the bench of South Dakota, goes into this to the point where he is satisfied there is at least a real claim on the part of the Indians. He is ably assisted by Mr. HASTINGS, of Oklahoma, and Mr. BRUMM, of Pennsylvania.

Mr. MADDEN. Is it the practice of the committee to report this class of bills in the face of an adverse report by the Interior Department?

Mr. LEAVITT. That has been done in one case, but not in this case.

Mr. MADDEN. I mean the general practice.

Mr. LEAVITT. No. It has not been, because we have felt that the bill ought to be in form before it is reported, even where we must resolve a substantial doubt in favor of the Indian. We are doing a greater favor to the Indian if we keep his bill in committee until these controverted questions are properly answered and the bill put in such form that it can be presented to the Congress and passed upon its merits and then signed by the President. In doing that we feel that we are doing a greater service to the Indians than we would be to report the bills out in a form sometimes demanded but which we feel sure would be defeated or vetoed.

Mr. MADDEN. I have not read the report upon this bill or upon any other, and I do not know how much detail the committee goes into in presenting the facts on which they base a request for legislation from the House.

But does the committee, as a matter of fact, go into the details sufficiently to enable the House or any Member of the House who is not a member of the Committee on Indian Affairs to learn anything about the merits of the pending case by a reading of the report?

Mr. LEAVITT. I think that the committee does go into it to that extent.

Mr. MADDEN. I mean does the report go into the case?

Mr. LEAVITT. I so consider it does, the report and the hearings together.

Mr. MADDEN. Would any Member of the House who was inclined to judge the question on the merits of the case be able to determine what the merits of the case from a reading only of the report?

Mr. LEAVITT. The report and the hearings; yes.

Mr. MADDEN. And the gentleman thinks that in order to have an intelligent understanding of the things submitted to us for consideration would require a reading of the hearings?

Mr. LEAVITT. Of course the report never gives all that is in the hearings.

Mr. MADDEN. Only a portion of it.

Mr. LEAVITT. But I hope it gives a sufficiently full understanding of the situation.

Mr. MADDEN. I wondered whether the committee felt there was sufficient obligation imposed on the committee to write the report in such a way as to enable a Member who has not time to read the hearings, and many Members here have not, to understand the case and vote upon it intelligently. Now, I am frank to say that I have never seen a report on one of these bills I thought I could get an intelligent conclusion from as to what I ought to do, and so I have adopted the policy of voting against all the bills because of the consideration we have had in the past.

I have no disposition whatever to do any injustice to anybody by voting against one of the bills. I should prefer to vote for them because of my desire to follow the committee; but it seems to me we never have had, and we are entitled to have, a comprehensive statement of everything that is involved in the case when we are undertaking to pass legislation, but we have not that. Now, there would not be any bill here if there was any law that authorized these people to go to court.

Mr. LEAVITT. No.

Mr. MADDEN. There ought to be some good reason why it is authorized. Of course, there is a reason perhaps in the minds of the committee, but how are we going to vote intelligently on it?

Mr. LEAVITT. Of course, I think that the report gives sufficient grounds in connection with the hearings, which hearings were short. If the House desires a more complete report on these bills in the future the committee would be very glad to comply with the request, but the situation is, as a general proposition, that the Indians being the wards of the Government and the statute of limitations having run, no Indian tribe can get its case before the Court of Claims without the passing of a jurisdictional act.

Mr. MADDEN. Of course, I realize that; and neither could the gentleman's case be asserted before the court without jurisdictional legislation.

Mr. LEAVITT. In my case, I am a white citizen of the United States and have always had all the rights of a citizen. The Indians up until the Sixty-eighth Congress were only partial citizens of the United States. Great numbers were and are still wards of the Government. The Government is the guardian of the restricted Indians and their fate in many ways is entirely in the hands of the Government. They are in a position, especially as tribes, where they have to depend entirely on the action of the Congress, and they have been knocking at the door of Congress with these claims for many years.

Mr. MADDEN. There are claims that are not Indian claims that have been knocking at the door of Congress since the foundation of the Government, and they are still knocking at the door, and while I am perfectly happy to see the same rights accorded to the Indians accorded to anybody else, and perhaps give a little better consideration to the fact of their being wards of the Government, there ought not to be any undue haste, it seems to me, in loading the courts up with litigation on claims of doubtful propriety, as I consider many of these claims.

Mr. LEAVITT. I will state that there has been none by this committee.

Mr. UNDERHILL. Will the gentleman yield?

Mr. MADDEN. I have not the floor.

Mr. LEAVITT. I would like to answer the question. It is because of the fact that bills of a much more general form than this were passed in previous Congresses.

Mr. MADDEN. The trouble is we have paid out many dollars that we should not have paid.

Mr. LEAVITT. And the fact the Department of Justice and the office of accounts have become crowded has brought about a feeling of opposition. As a matter of justice to the Indians, a great saving——

Mr. MADDEN. But does the gentleman think the Treasury of the United States is more fully safeguarded by the legislation which is proposed than by past legislation enacted?

Mr. LEAVITT. Undoubtedly; because in the case presented by this bill there are certain treaties under which these claims can be brought, and nothing else can be brought, so the Department of Justice in advance knows how to prepare its defense.

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

Mr. LEAVITT. Yes.

Mr. UNDERHILL. I would like to say to the gentleman from Illinois [Mr. MADDEN[that the House has just refused to place a limitation on the fees that may be charged by lawyers in these various claim cases, and just as long as the House takes that attitude, these claim lawyers, or "ambulance chasers," as we call them, will continue to bring these bills before Congress. This bill, however, has a limitation put on it.

Mr. MADDEN. Of course, if there is any such legislation as will allow any lawyer in any case in which the United States is involved to go on with unlimited fees, that, of course, is unjustifiable.

Mr. UNDERHILL. We passed a bill for $2,000,000 and there is no limitation on the fee.

Mr. LEAVITT. There is there a 10 per cent limitation, I will say to the gentleman, and we left it to the Court of Claims to fix the exact and reasonable amount. In this bill the situation is the same. You have just heard the gentleman from Utah [Mr. COLTON] state that the old method has kept the Uintah Indians out of court, because under the limitation imposed in their case they have not been able to secure attorneys of sufficient standing to make success possible.

Mr. UNDERHILL. So far as lawyers are concerned who present these claims in Washington, they hunt up these claims and take their chances on getting a slice out of the claims they win, and nothing is lost.

Mr. LEAVITT. That has been true in some cases, no doubt.

Mr. KNUTSON. Is it not true that the Committee on Indian Affairs has held extensive hearings on all of these jurisdictional bills, and that the claims have been carefully scrutinized, and that the committee has refused to bring out these jurisdictional bills because it was held that the tribe did not have any just claim against the Government?

Mr. LEAVITT. Yes. We have felt in some cases that a showing has not yet been made.

Mr. MADDEN. I commend the gentleman's committee. That is as it ought to be. Is it true in every case?

Mr. KNUTSON. Is has been true in every case.

Mr. MADDEN. The gentleman said a moment ago that the committee had brought out a claim with an adverse report from the Department of the Interior.

Mr. KNUTSON. Yes. But that does not mean that the claim is without merit. Are we to follow the sayso of someone down in the department? If the tribes come before the committee and present a just case we will report out that bill for them.

Mr. LEAVITT. I will say in connection with the bringing of these claims that unfortunately it has been true in the past that some lawyers have been led to work up claims where perhaps a good claim did not exist, and it has brought about a situation where it is hard now to get a hearing for even legitimate claims. I have stated before that bringing actions for unreasonable amounts is unfair to the Indians, because it creates a doubt at the outset. But there are many reputable attorneys and we want to allow Indians who are entitled to come into court to get into court, and protect the Government at the same time.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. MOORE of Virginia. There is a prospect now that proceedings of this sort may go on for 50 or 100 years. Does not the gentleman think it possible, and if possible, does he not think it would be wise, to fix some reasonable limitation, and then for the committee to bring in an omnibus bill giving the various tribes of Indians the right, where there is a prima facie showing made, to go into court and adjudicate their claims, and end this business?

Mr. COLTON. Naming the tribes in the bill?

Mr. MOORE of Virginia. Yes; naming the tribes, of course, in the bill.

Mr. LEAVITT. I will say in that connection that until quite a recent period there was opposition in the department to an omnibus bill, which made it rather difficult to bring out a form that would be satisfactory to the Congress. My position in regard to that is this: That we should, just as quickly as we can form up a bill that will take care of all the different tribes and stop the necessity of their sending representatives or agents to Washington in connection with their claims, and within a reasonable period close the matter up.

There is a time limitation in these bills of five years in which the claims can be brought, and after that time the matter is closed except by further action of Congress. And I will say we are working in the committee and trying to give constructive thought to the entire problem of Indian legislation. We have had before us at this session over 180 bills, some of them, of course, duplications, and we have had to give consideration to many. There have been, I think, 49 bills reported out of the Committee on Indian Affairs that have passed both the House and the Senate, and many of them have become laws. But we feel that the time has come when, perhaps at the next session of Congress, our principal duty will be in connection with some of these constructive measures—not individual bills—that will take care of the problem, as we hope, in a much better way.

The CHAIRMAN. The Clerk will read.

Mr. LEAVITT. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. WILLIAMSON].

The CHAIRMAN. The gentleman from South Dakota is recognized for 10 minutes.

Mr. WILLIAMSON. Mr. Chairman and gentlemen of the committee, in view of the discussion that has taken place in connection with this bill, as well as some of the other jurisdictional bills that have already passed the House, I want to take a little time to discuss further the general attitude of the Committee on Indian Affairs and of the subcommittee in charge of these jurisdictional bills toward this character of legislation.

The first thing that I do as chairman of the subcommittee when one of these jurisdictional bills is referred to the subcommittee is to investigate, so far as time will permit, all the laws, treaties, Executive orders, and other matters relating to the particular tribe in question in order to ascertain, so far as possible, the character of claims likely to arise and the probable amounts involved. Having done this, I call the subcommittee together and proceed with the hearings. At these hearings we attempt to get at the nature and character of the claims and

laws and treaties for the alleged violation of which recoveries are sought.

We include in the bill only those laws, treaties, and Executive orders under which, it seems to us, the Indians have a legitimate claim. In this particular case, for instance, the Assiniboine Indians are seeking to recover under the treaties of 1851 and 1855 and subsequent laws, treaties, and Executive orders that may be in violation of these treaties.

Mr. MADDEN. Will the gentleman yield?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. The committee deals with the problem on this basis, if I understood what the gentleman said, that if there were a law enacted in conflict with a treaty, that would be a subject for adjudication. Is that right?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. Or if an Executive order were issued that was in violation of the terms of the treaty, that would create a subject for adjudication. Am I right?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. And that is the basis upon which these jurisdictional bills are proposed?

Mr. WILLIAMSON. Oh, no; not all of them.

Mr. MADDEN. I mean that is involved in them.

Mr. WILLIAMSON. That is not involved in all of them.

Mr. MADDEN. And unless that situation does arise is there ever a jurisdictional bill reported? If that question does not arise, a conflict between the treaty and the law, or a conflict between the treaty and the Executive order—if any of these things are involved in it, does the committee report bills?

Mr. WILLIAMSON. Oh, yes. We report out a bill in the event it is clearly shown that a treaty has been violated, but it does not have to be violated, necessarily, by another law, treaty, or Executive order.

Mr. MADDEN. That is only one element?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. I wish the gentleman would give us a typical illustration of what the violation of a treaty could be.

Mr. WILLIAMSON. I will give the gentleman as an illustration a bill which we had before the committee——

Mr. MADDEN. No; give us a typical illustration of what the violation of a treaty could be which would justify the committee in reporting a jurisdictional bill to the House. I think that is of more importance than it would be to give us an illustration of the conflict between an Executive order and a treaty.

Mr. WILLIAMSON. Our subcommittee has had under consideration a jurisdictional bill (H. R. 6726) involving the Shoshone Tribe of Indians. In that particular case the Arapahoe Indians were moved in upon a reservation belonging to the Shoshones. This reservation had been set aside by the treaty of Fort Bridges on July 3, 1868, for the sole use and benefit of the Shoshone Indians, and by its terms the United States expressly agreed that such reservation should be "set apart for the absolute and undisturbed use and occupation of the Shoshone Indians."

Mr. MADDEN. That is to say, they were moved in on lands that were owned by somebody else?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. That is, occupied by somebody else?

Mr. WILLIAMSON. Not only occupied by another tribe but where by specific treaty this tribe had been allotted a certain reservation having defined boundaries with the specific guarantee that no other Indian tribe should ever be permitted to come on their reservation without their consent. Despite these guaranties and against the protest of the Shoshones, the northern band of the Arapahoes, under military escort, was moved upon their reservation in the winter of 1877–78. To disarm the Shoshones they were promised that the Arapahoes were to be removed from there the following spring and placed upon a reservation of their own. In place of doing that, they left the Arapahoes where they had been placed, and they are still there and have been allotted. The Government has taken the lands which belonged to the Shoeshones and divided them with the Arapahoes. It would seem that this is a very clear case where the Shoshone Tribe ought to be permitted to go into the Court of Claims and assert their claim for compensation for the lands which were taken away from them. The lands in question were taken from them in defiance of the treaty and given to the Arapahoes.

Mr. MADDEN. I think that would be a good case.

Mr. WILLIAMSON. That is one illustration. In the particular case under consideration the Assiniboin Indians——

Mr. MOORE of Virginia. Let me ask the gentleman one question. How long has the Arapahoe case been pending?

Mr. WILLIAMSON. That has been pending ever since 1858. Now, as to the merits in this particular case. The Assiniboin Indians were given a reservation lying between the Missouri and the Yellowstone Rivers and the forty-seventh and forty-eighth parallels of north latitude involving a considerable acreage. They were also given certain hunting rights in the territory reserved for that purpose by the treaty of October 17, 1855 (11 Stat. L. 657). They have been deprived of these hunting rights, and much of their reservation has been taken away from them and given to other tribes or otherwise disposed of. They are now seeking to recover for the lands which have been taken away from them and for the loss of their hunting rights upon a certain reservation, which had been specifically guaranteed to them by treaty.

Mr. MADDEN. Can the gentleman describe how they were deprived of their hunting rights? In what way?

Mr. WILLIAMSON. They were deprived of their hunting rights by not being permitted to leave their own reservation for the purpose of hunting upon the reserve set aside for that object.

Mr. MADDEN. Did the committee enter into the question of what the value of the hunting rights would be before they decided to report a bill?

Mr. WILLIAMSON. In regard to that, I do not think it is the function of our subcommittee to enter into details to that extent. That is the function of the Court of Claims. It is for us to determine whether a right has been violated that ought to be adjusted. If we tried to ascertain the damage in every case, our job would be interminable.

Mr. MADDEN. The more time you spent, the less it would cost the Government and the more nearly perfect you would have your case.

Mr. WILLIAMSON. I do not think it would cost any less because eventually it would be up to the Court of Claims, upon the law and the evidence, to say what they are entitled to. I do not know whether these Indians will recover anything for their hunting rights. It will probably not be a very large amount.

The loss of these lands will involve the value at the time they were lost, and in most cases that was not over 50 cents to $1.25 an acre at the outside. Therefore, the recovery will be very reasonable and certainly not beyond what the Indians are entitled to recover.

Mr. LEAVITT. Will the gentleman yield?

Mr. WILLIAMSON. I yield.

Mr. LEAVITT. Is it not true that in one case where the claim was for $1.25 an acre, the allowance by the court was 19 cents an acre?

Mr. WILLIAMSON. Yes.

Mr. MADDEN. Let me put this question to the gentleman from South Dakota, or rather, make this statement, if the gentleman will allow me——

Mr. WILLIAMSON. I yield.

Mr. MADDEN. There was a case before the Committee on Appropriations not long since, and I think it involved the Minnesota Indians. I am not sure about the name of the Indian tribe.

Mr. WILLIAMSON. I think that was the case of the Chippewa Tribe.

Mr. MADDEN. Back a number of years ago the Government bought the Indian lands and they paid them for the Indian lands at the price land was selling for at the time, as I recall.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. LEAVITT. Mr. Chairman, I yield the gentleman from South Dakota [Mr. WILLIAMSON] 10 minutes more.

Mr. MADDEN. Later on it turned out that, say 10 or 15 years afterwards, or perhaps 20 years afterwards, or whatever the number of years may have been, they had a commission appointed to ascertain the value of the lands. The commission did not begin to function until perhaps 20 years after the land was transferred from the Indians to the Government. The Government bought the Indian land. Then the question arose, notwithstanding the fact that the Government had paid the Indians the price, should there not be an adjudication on the basis of the existing value of the land, on the theory that interest was not paid on the amount involved. Then an investigation that was authorized went on to develop a state of facts which finally showed that the timber on the land was of greater value than it had been at the time of the sale; and, later on, the investigation went on to show the Government had the Indians' lands on the mere payment of $1.25 an acre; that the Government had had this land for a certain number of years and interest had not been paid for the time which elapsed between the purchase and the time of the adjudication. By the time they got through with the investigation it turned out that there was

more interest paid to the Indians on that purchase, several times over, than the total value of the land amounted to at the time of sale. Now, are any cases of that kind coming up here again?

Mr. WILLIAMSON. Of course, there may be cases where the interest will amount to as much as the original claim, because these claims have run for a great many years.

Mr. MADDEN. I do not know whether I stated the case I have referred to clearly or not.

Mr. WILLIAMSON. But the point is that these claims ought to have been settled when the lands were taken away from the Indians, and if they had been settled at that time this money would have been placed in the Treasury and the Indians would have received the rate of interest which we provide in these bills during all these years, and the Government will be no worse off now than it would have been if it had settled at the proper time.

Mr. MADDEN. In this case which I have referred to the Government did settle.

The bill did not allow the interest, but the adjudication which was authorized in the act produced the same effect, and in the adjustment of the matter the interest was allowed.

Mr. WILLIAMSON. I want to say that these bills do provide, "damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof." It is intended to amend the bill so as to read 4 per cent.

They are entitled to interest upon the claim. Let me say in connection with the jurisdictional bill which has been particularly criticized on the floor of the House from time to time, that that law happens to involve the Sioux Tribe of Indians in my State. I was not a Member of Congress at the time that jurisdictional bill was passed, but it was passed in general terms, with the result that the Sioux have brought a suit going back over a period of from 75 to 100 years and involving a multitude of claims. In order that the Government might properly defend in that suit it has had to put on a special force in the General Accounting Office, and your committee has already appropriated $50,000 to enable the Government to expedite the case, a fact which I very much appreciate. In view of this criticism and the pocket vetoes of the President of certain other bills couched in general terms the subcommittee has rewritten every one of these bills when framed in general language, with a view to meeting the objections raised, and at the same time being fair to the Indian tribes involved. The committee realizes that the only way the Indians can get relief is to make the bills specific, and the Indians themselves approve of the new plan.

I believe that both the subcommittee and the full committee are assuming the right attitude toward these bills. I may say to the gentleman from Illinois [Mr. MADDEN] that I personally think we should give all tribes of Indians having legitimate claims the right to go into the Court of Claims in order to get a final accounting and adjudication as between themselves and the Government, and the sooner that this is done the better it will be for everybody concerned.

Mr. MADDEN. I want to say to the gentleman and to the Members of the House who are now present that my purpose here this afternoon is to try to establish, if I may, through the Committee on Indian Affairs some policy that will stop the recurrence of the conditions I have just been describing and to prevent the necessity of appropriating $50,000 or $60,000 to employ clerks to prepare data in the trial of a case that has been authorized to go to the Court of Claims, and I hope what I have said may have sufficient weight with the committee to induce it in the future to so prepare what they bring in here that there will be a pretty clear understanding from the report of what the proposed legislation means. That is all I wanted to do.

Mr. WILLIAMSON. I believe this bill is in proper form and should become law.

The CHAIRMAN (Mr. PERKINS). The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Assiniboine Indian Nation or tribe may have against the United States, which have not heretofore been determined by a court of competent jurisdiction, may be submitted to the Court of Claims for determination of the amount, if any, due said Indians from the United States under any treaty or agreement or law of Congress, or for the misappropriation of any of the property or funds of said Indians, or for the failure of the United States to administer the same in conformity with any treaty or agreement with the said Indians: *Provided*, That if in any claim submitted hereunder a treaty or an agreement with the Indians be involved, and it be shown that the same has been amended or superseded by an act or acts of Congress, the court shall have authority to determine whether such act or acts have violated any property right of the claimants; and, if so, to render judgment for the damages resulting therefrom; and jurisdiction is hereby conferred upon said Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, to hear and determine all legal and equitable claims of whatsoever nature which said Indians may have against the United States, it being the intent of this act to confer upon the said Court of Claims full and complete authority to adjust and determine all claims submitted hereunder so that the rights, legal and equitable, both of the United States and of said Indians, may be fully considered and determined and to render judgment thereon accordingly.

With the following committee amendment:

Strike out all of section 1 following the enacting clause and insert: "That jurisdiction be, and is hereby, conferred upon the Court of Claims, with right of appeal to the Supreme Court of the United States by either party, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all claims arising under or growing out of the treaty of Fort Laramie of September 17, 1851 (11 Stat. p. 749), between the Government of the United States and the Assiniboine Indian Nation, and other Indian nations therein specified; and the treaty of October 17, 1855 (11 Stat. p. 657), between the Government of the United States and the Blackfeet Indian Nation and other Indian nations therein specified; or any subsequent act of Congress or any treaty, Executive order, or treaty with any other Indian tribe or nation that violates any of the treaty rights of the Assiniboine Indian Nation which the said Assiniboine Nation or tribe may have against the United States, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States; and jurisdiction is hereby conferred upon the said courts to determine whether or not any provision in any such treaty has been violated or breached by any act or acts of Congress, or by any treaty made with any other Indian tribe or nation; and if so, to render judgment for the damages resulting therefrom."

The committee amendment was agreed to.

The Clerk read section 4, as follows:

SEC. 4. That if it be determined by the court of the United States, in violation of the terms and provisions of any Executive order, law, treaty, or agreement, set forth and referred to in section 1 has unlawfully appropriated or disposed of any money or other property belonging to the Indians, damages therefor shall be confined to the value of the money or other property at the time of such appropriation or disposal, together with interest thereon at 5 per cent per annum from the date thereof; and with reference to all claims which may be the subject matter of the suits herein authorized, the decree of the court shall be in full settlement of all damages, if any, committed by the Government of the United States and shall annul and cancel all claim, right, and title of the said Assiniboine Indians in and to such moneys or other property.

With the following committee amendment:

On page 5, line 3, after the word "agreement," insert the words "set forth and referred to in section 1."

The committee amendment was agreed to.

Mr. WILLIAMSON. Mr. Chairman, I find on looking up the treaty that it specifies that the interest to be paid on moneys belonging to the Assiniboine Tribe now in the Treasury of the United States is 4 per cent instead of 5 per cent. In order that the rate may conform to the treaty rights, I move that the figure "5" in line 8, page 5, be changed to the figure "4." Later on, when we come to section 8, I will offer the same amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 8, after the word "at," strike out the figure "5" and insert the figure "4."

The amendment was agreed to.

The Clerk read section 5, as follows:

SEC. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian nation for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment or in excess of a sum equal to 10 per cent of the amount of recovery against the United States.

With the following committee amendment:

Strike out all of the section and insert the following:

"SEC. 5. Upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, together with all necessary and proper expenses incurred in preparation and prosecution of the

suit, to be paid to the attorneys employed by the said tribes or bands of Indians, or any of them, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribes."

Mr. BLACK of Texas. Mr Chairman, I move to amend the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: On page 6, line 6, after the word "recovery," insert the following language: "and in no event to exceed $25,000."

Mr. BLACK of Texas. Mr. Chairman, the Secretary of the Interior, in suggesting certain amendments to the Committee on Indian Affairs, used the following language on page 3 of the report. He says:

Heretofore attorneys' fees have been limited in bills by the inclusion of the words "and in no event to exceed $25,000" in the section relating to such fees. Section 5, or the proviso thereof, of S. 2141 does not contain this limitation and the matter is being called to your attention for your consideration.

The amendment I have offered is the identical language with the amendment suggested by the Secretary of the Interior, and I submit that it ought to be adopted.

Mr. LEAVITT. Mr. Chairman, the situation is, of course, that the Secretary of the Interior in the report on the Senate bill used the words which have been quoted by the gentleman from Texas, but there is no recommendation there that the limit of $25,000 be placed in the bill. It simply calls the attention of the committee to the fact that that has been the policy. That, of course, is not an exact statement, for there have been bills passed without the limitation, four, as I recall it, in the Sixty-eighth Congress, and one in this Congress, where we did not have the limitation of $25,000.

I want to call the attention of the committee in that connection to the language found in the hearings before the subcommittee, in which this question is raised, and the Commissioner of Indian Affairs stated as follows:

Mr. BURKE (interposing). I did not mean to make any suggestion. I think I said to Mr. HASTINGS, in informally discussing the question, that if Congress adopts the plan contemplated by this bill, then the Court of Claims ought to have the right to fix the fee. This is the same language that was in the Creek jurisdictional bill. This language provides that the amount shall not exceed the amount stated in the contract. The jurisdiction conferred upon the Court of Claims should be to fix and determine the fee, with such limitation as Congress may name.

There is more of the discussion and we have in several places in the hearings before the Committee on Indian Affairs the opinion of the commissioner that the limitation in cases such as this, of not to exceed 10 per cent, with the Court of Claims charged with determining and fixing a reasonable fee, is sufficient to fully protect the rights of the Indians. In connection with that we must take the statement of the gentleman from Utah [Mr. COLTON] that in the case of the Indians in Utah a bill before the Sixty-eighth Congress fixing $25,000 as a contingent fee has prevented that tribe of Indians from securing legal services to present their case, which involves a number of treaties; that they could get no reputable attorney to undertake it. I hope this amendment will not be agreed to.

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

The amendment was rejected.

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 8. The proceeds of all amounts, if any, recovered for said Indians shall be deposited in the Treasury of the United States to the credit of the Indians decreed by said court to be entitled thereto, and shall draw interest at the rate of 5 per cent per annum from the date of the judgment or decree. The costs incurred in any suit hereunder shall be taxed against the losing party; if against the United States such costs shall be included in the amount of the judgment or decree, and if against said Indians shall be paid by the Secretary of the Treasury out of the funds standing to their credit in the Treasury of the United States: *Provided*, That actual costs necessary to be incurred by the Crow Indians as required by the rules of court in the prosecution of this suit shall be paid out of the funds of the Crow Tribe in the Treasury of the United States.

With the following committee amendments:

Page 7, line 9, strike out the word "Crow" and insert "Assiniboine," and in line 11 strike out the word "Crow" and insert "Assiniboine."

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

The committee amendment was agreed to.

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

The Clerk read as follows:

Amendment offered by Mr. WILLIAMSON: Page 7, line 1, strike out the figure "5" and insert in lieu thereof the figure "4."

Mr. WILLIAMSON. Mr. Chairman, this amendment has for its purpose exactly what the previous amendment I offered had. I propose making the rate of interest conform to the treaty rate.

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

The amendment was agreed to.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that 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 had had under consideration the bill (H. R. 2141) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes, and 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 bill and all amendments to final passage.

The previous question was ordered.

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

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

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

PAPAGO INDIAN RESERVATION, ARIZ.

Mr. LEAVITT. Mr. Speaker, I call up the bill (S. 3361) to purchase lands for addition to the Papago Indian Reservation, Ariz., and 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 S. 3361, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill by title.

The Clerk reported the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $9,500 is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, to enable the Secretary of the Interior to purchase, as an addition to the agency reserve of the Papago Indian Reservation, Ariz., the south half of the southwest quarter of section 25, the north half of the northwest quarter of section 36, township 17 south, range 4 east, known as the Steinfeld tract; and the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter of section 35, the north half of the southwest quarter, the south half of the northwest quarter, and the southwest quarter of the northeast quarter of section 36, township 17 south, range 4 east of the Gila and Salt River meridian, known as the Tierney tract; in all, 440 acres.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

DRAINAGE ASSESSMENT ON SHAWNEE INDIAN LANDS, OKLAHOMA

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 12390) to authorize the payment of drainage assessments on absentee Shawnee Indian lands in Oklahoma, and for other purposes, and 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. 12390, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill by title.

The Clerk reported the title of the bill.

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

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, in his discretion, to approve such assessments, together with maps showing right of way and definite location of proposed drainage ditch approximately 3 miles in length connecting Little River Drainage Ditch No. 1 in Pottawatomie County, Okla., with Little River Drainage Ditch No. 2 in Cleveland County, Okla., upon the allotments of certain absentee Shawnee allottees as in his opinion fairly represent the allottees' pro rata share of the construction cost of the ditch.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against each of the allotments mentioned; and there is hereby authorized to be apropriated for such purpose, out of any money in the Treasury not otherwise appropriated, the sum of $1,200, this amount to be reimbursable from the rentals of the allotments mentioned, not to exceed 50 per cent of the amount of rent received annually, or from any funds belonging to the allottees in interest, in the discretion of the Secretary of the Interior.

SEC. 3. That in the event any of the allottees affected hereby shall receive a patent in fee to his or her allotment, before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

With the following committee amendments:

Page 2, line 15, after the word "allotment," insert "or in the event the restrictions against alienation shall be otherwise removed therefrom."

Page 2, line 21, after the word "fee," insert "or other instruments."

Page 3, at the end of the bill, insert as a new section the following:

"SEC. 5. The word 'allotments' as used in this act shall be held to embrace any tract of land belonging to individual Indians and over which the Government has supervision or control, and the word 'allottees' shall be construed to include the owner of any tract of land affected by this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

UNALLOTTED IRRIGABLE LAND ON INDIAN RESERVATIONS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 12596) to authorize the leasing of unallotted irrigable lands on Indian reservations, and 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. 12596, and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill by title.

The Clerk reported the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the unallotted irrigable lands on any Indian reservation may be leased for farming purposes for not to exceed 10 years with the consent of the tribal council, business committee, or other authorized body representative of the Indians, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. UPDIKE. Mr. Speaker, I move to strike out the last word. Mr. Speaker, I ask unanimous consent to proceed out of order for five minutes.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. HASTINGS. Mr. Speaker, this is Calendar Wednesday and the call is with the Committee on Indian Affairs. I do not want to object myself, but I will give notice that if another such request is made I shall object.

The SPEAKER. Is there objection?

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, on last Monday on the call of the Unanimous Consent Calendar there was a bill on this calendar seeking to amend the census law pertaining to the census of tobacco, and when that bill was called, to my surprise the gentleman from Indiana, who is now asking unanimous consent, objected, not because he knew anything about tobacco, for he would not know the difference between a tobacco plant and a mullen stalk. But he objected, and the attorney for the Tobacco Trust was in the gallery. That was a bill which pertained to the welfare of thousands of tobacco growers in southern Indiana, the gentleman's own State, and in view of that, Mr. Speaker, I object.

Mr. UPDIKE. Mr. Speaker, I will say——

Mr. KINCHELOE. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. UPDIKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. KINCHELOE. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

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

Mr. LEAVITT. I hope the gentleman will not insist on that.

Mr. UPDIKE. I withdraw the point of order.

The bill was ordered to be engrossed and read the 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.

CLAIMS OF CERTAIN WASHINGTON INDIAN TRIBES

Mr. LEAVITT. Mr. Speaker, I call up the bill H. R. 9270 and ask unanimous consent to discharge the committee ffom further consideration of the bill S. 3185, an identical bill, and consider the same in lieu thereof.

The SPEAKER. The gentleman from Montana calls up the bill H. R. 9270 and asks unanimous consent that Senate bill 3185, an identical bill, be considered in lieu thereof. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (S. 3185) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3185 with Mr. BEGG in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3185 which the Clerk will report.

The Clerk read as follows:

A bill (S. 3185) authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims.

Mr. LEAVITT. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

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

Mr. LEAVITT. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HILL], and the gentleman can yield of that time.

The CHAIRMAN. The gentleman from Washington is recognized for 20 minutes.

Mr. HILL of Washington. Mr. Chairman, the bill under consideration relates to the Indians of the Colville Indian Reservation in the State of Washington. I shall endeavor to make a clear and frank statement concerning the status of this proposed legislation. In the Sixty-eighth Congress I introduced a bill (H. R. 9160) covering the subject matter involved in the bill now under consideration. That bill passed the House and the Senate at the latter end of the second session of the Congress, but Executive approval was not given thereto and the Congress adjourned, and that Congress expired before the expiration of 10 days from the time the bill was presented to the Executive for action thereon, and hence it did not become a law. I introduced at this session——

Mr. UNDERHILL. Will the gentleman yield?

Mr. HILL of Washington. I will.

Mr. UNDERHILL. Will the gentleman go a little further and state whether he has any reason to believe that had there been more than sufficient time the President would have signed the bill?

Mr. HILL of Washington. I have no reason to believe it.

Mr. UNDERHILL. In fact, it has been intimated the President would have vetoed it if the time limit had not expired.

Mr. HILL of Washington. He might have vetoed it had the time required permitted such action. I am not endeavoring to present anything except the true situation.

Mr. UNDERHILL. One further word. There is no evidence in the report as to the reason which the President had for not signing the bill or from the department?

Mr. HILL of Washington. No; nothing whatever, but to supply the gentleman with that information, and in line with my purpose to make a frank statement, I shall read a communication which I received from the White House on the subject. Under date of March 21, 1925, the President addressed to me a letter as follows:

THE WHITE HOUSE,
Washington, March 21, 1925.

Hon. SAM B. HILL,
House of Representatives, Washington, D. C.

MY DEAR MR. HILL: Answering your inquiry as to H. R. 9160, authorizing the Washington Indians to sue in the Court of Claims, my conclusions were based on the feeling that it did not seem fair to the Government at this time to undertake to litigate claims of such ancient origin. It seems to me they rest under the general objection which justifies all statutes of limitation.

Very truly yours, CALVIN COOLIDGE.

The bill H. R. 9160, with reference to which the letter I have just read was written, was in the form that has been heretofore employed in the framing of jurisdictional bills.

In other words, it was a blanket form of bill. At the beginning of the present session of Congress the Committee on Indian Affairs considered the policy of requiring jurisdictional bills to specify the grounds upon which claims were based and recovery should be sought. In introducing the present bill, H. R. 9270, for which the Senate bill S. 3185 has been substituted for consideration, I complied with the requirements of the committee as to specifying the particular grounds upon which these claims are based, and that fact would perhaps make some difference to the Executive in his consideration of the proposition of approving or disapproving the present bill, although he states in his letter that the claim is old and should be governed by the rules applying in cases coming within the statutes of limitation.

I want to give you something of the history of the efforts of the Colville Indians in seeking the adjustment of their claims or their rights with the Government. They are not presenting claims in this bill based upon any treaty or statute granting them any right or recognizing in them any rights by the Government. There are some Executive orders and some statutes that incidentally might be referred to, but the bases of the claims are not treaties or statutes.

The Colville Indians, comprising a number of affiliated tribes and bands of Indians, occupied from time immemorial a section of country in the northeastern part of what is now the State of Washington. When the Hudson Bay Co. extended its operations to that part of the country, these Indians were there, and later on, as the white settlers filtered in from the East, these Indians were there in the occupancy of the lands to which they now claim their rights. When the Territory of Washington was created out of the original Oregon Territory in 1853, Isaac I. Stevens was appointed the first Territorial governor, and was constituted Superintendent of Indian Affairs for the Indians in that northwest country, embracing not only the territory now embraced in the State of Washington, but also that embraced in the State of Idaho and part of Montana.

In 1855 the Indians in that northwestern country were becoming somewhat restive. They were becoming jealous of their rights by reason of the fact that the white man was encroaching on their territory in such numbers as to the Indians presented the spectacle of a menace to their peaceful occupancy of that territory. They became somewhat restive, as I say, and were on the verge of war on many occasions, requiring the governor of that Territory to negotiate with them in the effort to keep them from the path of hostilities.

The Yakima Indians, the Walla Wallas, the Cayuses, the Nez Perces, and other tribes of Indians were showing a warlike spirit. The Colville Indians, in whose behalf this bill is presented, were at all times peaceable, and at all times friendly to the white man, and at all times seeking to get along peaceably and without any warfare. But by reason of the fact that these other Indian tribes were hostile, Governor Stevens turned his attention to them first, and in his capacity as Superintendent of Indian Affairs he sought to negotiate treaties with those tribes, and he did negotiate treaties with them, fixing the boundaries of their lands, fixing their rights in the treaties, and in a measure at least pacifying their restlessness.

But these Colville Indians, as I say, being peaceable and being friendly to the white man, were left until the last. They, with others, were summoned in council by the governor near the site of the present city of Walla Walla in that State, with the purpose of negotiating in a preliminary way a treaty fixing their territorial boundaries and their rights growing out of their use and occupancy of the land which they had occupied from time immemorial; and in 1855, in the month of June, when Governor Stevens was on his way to negotiate a treaty with the Blackfoot Indians in Montana, he called a council in Walla Walla with the Indians in that part of the present State of Washington, and among them the Colvilles, and he told them at that time that he was on his way to negotiate this treaty with the Blackfoot Indians, and that he would return in the fall, perhaps in September, and he designated a meeting place near the present city of Spokane, where he would meet the Indians and negotiate a treaty with them.

When he returned in the fall these Indians were there; the Colvilles were there, ready to meet and negotiate with Governor Stevens in order that their rights might be settled, as had been done in the case of the Nez Perces, the Walla Wallas, and some others. But, as Governor Stevens returned from his mission in what is now called Montana and reached the point where the conference was to be held, near Spokane, he found that the Yakimas had gone on the warpath. And so he did not have time to give this conference the deliberation required to negotiate a treaty, and he told these Indians that he would have to go on at that time but would come back and negotiate with them further when he had plenty of time for negotiation. These Indians were there, ready to negotiate, anxious to negotiate, to settle their property rights; but one event after another intervened, causing the postponement not only at that time but at the earlier period, and prevented at that time the negotiation of a treaty.

Now, I want to read to you a few excerpts from official documents in confirmation of what I have said in regard to this matter.

In the reports of explorations and surveys, Serial No. 758, date 1854, Thirty-third Congress, second session, Senate Document No. 1, Governor Stevens recommends:

2. The extinguishment of the Indian title—at least on the line of the road, and for the fertile valleys and regions in connection with it. * * * Generally speaking, all the Indians west of the mountains, both in Washington and Oregon, should be placed in reservation and the country opened to settlement. With prudence, judgment, and the display of a small military force, no difficulty will be experienced in accomplishing these arrangements, so essential to the construction of the road (p. 153).

* * * * * * *

With the exception of the district occupied by the Flatbows and Kootenaies, the remaining country north of the forty-seventh parallel is occupied by different tribes of the Selish or Flathead Nations (p. 411).

In 1855 it was the intention of Gov. Isaac I. Stevens to make a formal treaty with the Okin-e-kanes, Pilquouse, Colville, and other northern tribes. The Journal of Operations of Gov. Isaac Ingall Stevens, Superintendent of Indian Affairs and commissioner, kept by his secretary, James Doty, contains the following entry, May 19, 1855:

McKenzie came from the Spokane country and says that the Colville, Spokanes, and Cœur d'Alene Indians will meet Governor Stevens at the Cœur d'Alene Prairie upon such day as he may desire. With him came a Colville chief named Chee-qeche-can, or the Fool's Son, who is desirous to hear what Governor Stevens has to say to the Indians.

Several representatives from the northern tribes were present at this Walla Walla treaty, and general information regarding all Indian tribes was gathered by the commissioners and the general question of reservations and of consolidating all the tribes in the country was given some consideration and discussion. In Secretary Doty's journal, under date June 14, we find the following with respect to the proposed treaty with these northern tribes:

Agent A. I. Bolon with two men and an interpreter will with the two ox wagons transport the foods remaining here, designed for the Spokane council, to Walla Walla and then place them in store. Then take his supplies for the Nez Perce and Spokane in the wagons to Walla Walla, where the Nez Perce Agency supplies will be deposited, and that place be supplied with the Spokane goods, with which he will push on and form a camp near Antoine Plantes at a suitable point for holding a council when Governer Stevens shall return from the Blackfoot country.

Further, under date June 26, 1855, Mr. Doty records the following statement made by Governor Stevens at the Cœur d'Alene Mission en route to the Blackfoot council at Fort Benton:

I am now going to the Blackfoot country. There is not time to hold a council here. When I return, probably about the middle of September, I wish to meet in council at Antoine Plantes's place the Spokanes, Colvilles, Okin-a-kanes, and Cœur d'Alenes, and see if we can not make an agreement by which you will sell your lands and live upon a reservation. About this reservation and the treaty some of you heard at Walla Walla. We wish to make with you a treaty like those made with the Nez Perces and Yakimas and Cayuses, Umatillas, and Walla Wallas. You know what the Government has promised in those treaties and I need not enter into their particulars. * * * When I come to hold the council with you I will give you 8 or 10 days' notice, so that you may have time to collect at the council grounds, and I hope to see you all there.

The outbreak of the Yakima war changed Governor Stevens's plans. Hastening back from Fort Benton, a short council was held at Antoine Plantes's place on December 4, 1855, in the course of which Secretary Doty records the following:

Governor Stevens said: "* * * I think it is the best for you to sell a portion of your land and live on reservations, as the Nez Perces and the Yakimas agreed to do. I would advise you, as a friend, to do that, for I shall not say one thing to-day and another to-morrow; as your friend, I shall tell you what I think. If you say, 'We do not wish to sell,' it is also good, because for you to say. It is my business, as your friend, to protect you in your lands and rights, and that I shall do as well as I can.

"I do not think this is a proper time to talk about the land. When you talk about your lands you want time to think of selling it. I want time to think of it. We want to think together.

"You hear it from me what I have said to you in regard to your rights—that your rights are your rights, and you shall not be deprived of them.

"If you want to talk to me about your lands, I will hear you; but you must talk; you must not ask me. I wish to hear what you want. Why did I come here at all? Why did I not go direct to the Nez Perce country? I know the road well.

"Have you anything further that you wish to speak about? Do you want to speak about lands? Do you wish to point out lands you want the whites to have? I call on Garry to answer."

Garry was known as Chief Garry of the Spokane Indians.

Garry said, "All these things we have been speaking of had better be tied together as they are, like a bundle of sticks, because you are in a hurry. There is not time to talk of them. But afterwards you can come back, when you find time, and see us."

Governor Stevens said, "You hear Garry. What say the other chiefs? What is the feeling of the Cœur d'Alene chief about it?"

The Cœur d'Alene chief and the Colville expressed the same opinion as Garry.

Governor Stevens said, "Your decision is a good one. We need more time to make a treaty. I think that what Garry has said is good. Take some other time when we are not in a hurry and can talk it all over and endeavor to agree.

"Now, do not let your minds be troubled. I, your friend, say that your lands will not be taken from you. I will try and come to see you next year. Early in the year, if possible. I will try and come and talk with as many as I can. I want to know you all well and want you to know me well. Have no fears but we shall always be friends. Now, if any wish to speak more, I shall be glad to hear them."

No reply was made by the Indians other than signs and ejaculations expressive of approbation and satisfaction at what Governor Stevens had said.

And then at 4 p. m. the council was declared adjourned sine die.

Now, Mr. Chairman, that is the representation which Governor Stevens, as Superintendent of Indian Affairs, made to these Indians at that time, and the Indians were there ready, willing, and anxious to negotiate treaties. There was never any further negotiation. Shortly after this the Yakima Indian War broke out. From 1855 tho 1858 the Yakimas and other hostile Indians were on the warpath, but these Colville Indians were peaceable, were friendly to the whites, and even furnished them their own arms in order to help combat the warlike Indians with whom the United States Government was then at war. Because they were peaceable and because they were not giving any trouble they were neglected; they were not treated with and their rights were never protected in accordance with the promises of Governor Stevens to them. We find in the records and in the official reports of various superintendents in charge of the Colville Indians that these Indians were all the time anxious, ready, and clamoring for some kind of a treaty which would define their rights, their territory, and so forth.

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

Mr. LEAVITT. Mr. Chairman, I yield the gentleman 20 minutes additional.

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

Mr. HILL of Washington. Yes.

Mr. SNELL. Do I understand from the gentleman's statement that there has never been any treaty with these Indians in regard to their lands?

Mr. HILL of Washington. There has never been a treaty, and I am seeking to give you the reason why there has not been any treaty. The Indians were willing and anxious to negotiate in accordance with the promises made by Governor Stevens, but one event followed after another which prevented the accomplishment of that desired end.

As I say, there was the Yakima Indian war; then came later the Nez Perces war; and then the discovery of gold in the country to the north, that caused a great inrush of people into that country, and many of them settled on the lands of the Indians. Then followed pretty closely the Civil War; and Governor Stevens, being a military man, attached to the Army, he was called back for service in the Civil War. He engaged in that war and was killed while so engaged, and hence he never did return to the Territory of Washington to carry out the work he had begun there.

The Colville Indians, at the time Governor Stevens was having these conferences with them, occupied a territory that embraced not only the present Executive-order reservation that was set aside for them, but all the land that they are now claiming compensation for, and in addition to that about three times as much more land that they are making no claim for whatever. Governor Stevens, at about the time he was holding these conferences with these Indians with a view of negotiating treaties with them, had a map prepared which showed the approximate territory occupied by all the Indians in that particular country, and the territory occupied by the Colvilles, as shown on that map, embraced about four times the territory that they are now claiming, including the present reservation.

On April 9, 1872, there was an Indian agent in charge of these Indians by the name of Park Winans. He had previously been a farmer for the Indians, and on April 9, 1872, through the recommendation of the Commissioner of Indian Affairs, the President of the United States, President Grant, issued an order setting aside certain territory as a reservation for these Indians. That territory embraced the lands that they occupied as their homes, lands in the fertile valley of the Colville River, and they had opened up small farms there. They were cultivating the land on a small scale, and they were getting into the industry of agriculture in a crude way. These lands had been their homes from time immemorial. They were on the east and south sides of the Columbia River. The reservation which President Grant established by Executive order embraced these lands, embraced the lands for which the Indians are now claiming compensation. This order was sent through the proper channels to this man Park Winans, who was the Indian agent at that time, but he kept the knowledge of that Executive order secret and kept it from the Indians. They knew nothing about the order, and he, with other scheming and conniving white men who sought to acquire the lands then occupied by the Indians, made misrepresentations to the President and secured a change in the territorial limits of that Executive order; in fact, a complete change of territory.

They secured an order from the President to transfer these Indians to the opposite side of the Columbia River and away from the lands they were occupying, and took them clear away from the lands they had built their homes upon, lands they had farmed, lands they had used for burial grounds, and lands upon which they had hunted and fished, and put them across the Columbia River into a barren, rough, rocky, cold region, where there was not sufficient land susceptible of agriculture to sustain them. This was done through the connivance and scheming of the Government's own agent there at that place, this man Park Winans.

In confirmation of this statement let me read again from the official record.

The reports of the Commissioner of Indian Affairs for the years 1873, 1874, 1875 disclose the situation as developed in the first years after the Executive order of July 2, 1872, creating the curtailed Colville Indian Reservation.

Now, bear in mind this Executive-order reservation embraced lands that were already included in the territory occupied by these Indians. It was simply a limitation of their territory rather than giving them something in exchange for something else. I read from the report as follows:

It will be recollected that the Colville Reservation proper, including the Colville Valley, was set apart by Executive order of April 9, 1872, and with the reservation the majority of the nontreaty Indians east of the Cascades in this territory were much pleased. But without consulting their interests or wishes, and even without their knowledge,

the Government being deceived as to the state of affairs, was induced to change the reservation by Executive order of July 2, 1872, to the west and north of the Columbia, east of the Okanagan, and bounded on the north by British Columbia as now constituted. The country embraced in this reservation was but little known to the whites.

Then, reading from a letter of John A. Simms, agent, October 20, 1873:

As soon as practicable I called the chiefs and headmen in council to ascertain (as instructed from your office) how they were pleased with the new reservation set aside for them by Executive order, and if they were willing to remove to it. The result of that council was made known to you in my special report of November 20, 1872. I will only add here that the tribes represented, viz, the Colvilles, Spokanes, Pend d'Oreilles and Lakes, were unanimous, as they still are, in their opposition to removing to the reservation north of the Columbia; their principal objections being, first, their great unwillingness to leave their own country; secondly, the reservation boundaries do not include their fisheries; thirdly, there are no root grounds on that side of the river, and an insufficiency of farming land whereby they could subsist themselves by agriculture. Until such time as they may be able to cultivate the soil, the different fisheries and root grounds now frequented by them must be their main source of subsistence.

As to whether or not their objections to the reservation are well founded, you will be able to decide from your recent careful and patient examination. For myself I am free to say that I deem the reservation, as now defined, entirely insufficient for the number of Indians belonging to this agency, and would give my reasons more in detail did I not know that you are now thoroughly acquainted with it, and in your report will set forth its merits and demerits more forcibly than I can possibly do.

At the council held here on the 11th and 12th of August by General Shanks and yourself, the Indians renewed their objections to the reservation, and asked that Colville Valley be given to them for a reserve. The propriety of acceding to their wishes in that respect is now the all-important question, both to the Indians and the white settlers of the valley, which I hope will be eventually settled to their mutual satisfaction. For many reasons, which I shall soon make the subject of a special report, I would earnestly recommend that a commission be appointed to assess the value of the property of the white settlers of this valley with a view of its being set apart as an Indian reserve.

In other words, restoring to the Indians the land upon which they had built their homes and upon which they had lived for time out of mind.

Mr. PERKINS. Will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. PERKINS. Can the gentleman give us an idea of the number of these Indians at that time?

Mr. HILL of Washington. There were about 4,000.

Mr. PERKINS. And about how many are there now?

Mr. HILL of Washington. About 3,000.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. HILL of Washington. Yes.

Mr. WILLIAMSON. I find these Indians in the State of Washington are very poor and have very small amounts of money in the Federal Treasury at the present time, and therefore we are compelled to now provide funds from the General Treasury for their support, education, care, and so forth. So that even if we do allow these Indians to recover and put them upon a self-supporting basis, eventually we will be no worse off than we are at the present time.

Mr. HILL of Washington. That is very true. The gentleman, however, is somewhat in error in a part of his statement. I want to touch upon that question of support contributed by the Government as well as the question of gratuities, and so forth, because the report of the Secretary of the Interior touches upon it.

This is the situation: These Indians were placed across the Columbia River up next to the Canadian line. This is a mountainous country with deep valleys, rocky, high peaks, with some valuable timber in the higher levels, but very little farming lands. It was not the home of very many of these Indians before the reservation was created and before they were forced over there through pressure of military power. They were, however, finally along about 1890, compelled to go over into this reservation, because the incoming white settlers kept crowding them out of their lands, and the Government, through its military forces, pushed them across the river into this sterile, barren, cold, comfortless region that the white man did not then want.

In 1890 a commission was authorized to treat with various Indian tribes of the country, including the Colvilles, to ascertain whether or not they would cede back to the public domain or for use as public domain, parts of their reservation. The commission visited the Colville Reservation, and in 1891 negotiated a treaty whereby the Indians agreed to cede the north half of this reservation that had been set apart for them through this Executive order for $1,500,000. In other words, they proposed to cede back to the Government one and a half million acres of land at $1 per acre, and this agreement was reported to the President, and he, in turn, sent it to the Congress for action thereon. In 1892 the Congress passed the act of July 1, 1892, and ignored this treaty into which the Indians had entered, and simply by the strong arm of its fiat restored the north half of this reservation to the public domain without any consideration to the Indians, except the act provided that the lands so restored to the public domain should be open to homestead entry upon the payment of $1.50 an acre in addition to the ordinary land-office fees, and that this $1.50 an acre should go into a separate fund, and out of that fund there should be paid money for the Indians—not to the Indians—but for their civilization and education. About $120,000 received, bear in mind, from the Indians' own lands as set apart to them in this Executive order was used for their benefit.

But the Congress in 1906, thinking better of the situation, recanting its former act, passed a law recognizing in part the treaty negotiated in 1891, in that they proposed to pay the Indians a million and a half dollars, as the agreement provided for. But it was only after the Indians had hired lawyers to come here and induce the legislation that it was secured. They had to pay out of that million and a half dollars $60,000 attorneys' fees to get the relief. The one and a half million dollars was for one and a half million acres of land that the President had set apart for their reservation, and that money, together with the $120,000 which came from their lands restored by Congress in 1892 to the public domain, is practically all the money the Government has ever paid to these Indians. It was their money in exchange for their lands, and no one can in good faith say that they have been paid so much on account by reason of the payment of these sums. With those qualifications the gentleman is correct. The Indians are poor. Practically their only financial resources are the proceeds of the sales of timber, and that comes in small annual payments, and out of the tribal fund thus accumulated is appropriated every cent of money that the United States expends for the administration of the affairs of that tribe of Indians. The Government does not pay a cent of the $30,000 a year which is appropriated out of their small stipend to maintain their agency. They have received some gratuities and some gifts from the Government, but none of great value. Take the $1,500,000 and the $120,000 from what the Secretary of the Interior's office says have been paid to these Indians and you will find that the amounts advanced to them by the Government are negligible.

I want to say to you without going further into details that these Indians have been treated unjustly simply because they have been the white man's friend. If they had gone on the warpath and caused trouble, as did the Umatillas and the Cayuses and other tribes, if these Indians had been warlike and treacherous, they would have had their reservation and treaties would have been made which would have settled their property rights.

Mr. BUTLER. Will the gentleman yield?

Mr. HILL of Washington. I will.

Mr. BUTLER. Are there any lawyers engaged in these claims?

Mr. HILL of Washington. One lawyer.

Mr. BUTLER. How much is he going to get out of it?

Mr. HILL of Washington. Not to exceed 10 per cent and in no case to exceed $25,000.

Mr. BUTLER. How long has he been working at it?

Mr. HILL of Washington. Four or five years; and how much longer he will have to work before he gets the case ready for presentation to the Court of Claims I can not say. It is a herculean task, for many of the old Indians have died, and it is more difficult as time goes on to get the evidence. That is one reason why the legislation should be passed as promptly as possible.

Mr. BRIGGS. Will the gentleman yield?

Mr. HILL of Washington. I will yield to the gentleman from Texas.

Mr. BRIGGS. I understand that all this bill does is to allow these Indians to go to the Court of Claims?

Mr. HILL of Washington. That is all.

Mr. BRIGGS. I assume that there is no serious objection to that?

Mr. HILL of Washington. If the Government is big enough to be just to its wards, there can be no objection. There has been some objection because the Indians do not base their claims on a treaty. They endeavored to make a treaty and it is not their fault that they do not have one.

Mr. BUTLER. Will the gentleman yield again? I am very much interested in this and always interested in anything that pertains to the Indians. Will the gentleman tell me wherein this bill differs from the one which the President vetoed?

Mr. HILL of Washington. The bill that the President vetoed was a blanket proposition which gave them a right to come into court and assert any claims that they might have, or any that they might think that they had against the Government.

Mr. BUTLER. This bill confines it to the treaty.

Mr. HILL of Washington. Not to the treaty; they could not secure any treaty.

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

Mr. HILL of Washington. Yes.

Mr. HADLEY. Is it not a fact that the prior bill did not express any limitations, whereas the present bill limits the demands within the particulars to which I refer—fishing rights on the Columbia River and hunting rights on land east of the Rocky Mountains?

Mr. HILL of Washington. And certain lands of which they had been deprived.

Mr. HADLEY. There is express limitation in both those regards, which did not exist in the other bill, and the matter has never been before the President at all under the conditions stated in this bill.

Mr. HILL of Washington. It has not.

Mr. BUTLER. Does the Secretary of the Interior approve this?

Mr. HILL of Washington. He does not, and the Bureau of the Budget does not approve it. The Bureau of the Budget advises that it is in conflict with the President's financial program, which is tantamount to a disapproval.

Mr. SNELL. As I understand, the provisions of this bill are such that they will meet the disapproving views of the President to the bill when he had it before him and vetoed it.

Mr. HILL of Washington. I could not presume to say what the President had in mind, but it does meet the requirements of being specific as to the grounds upon which the claims are based. That is the rule required by the committee and suggested by the Secretary of the Interior.

Mr. BUTLER. In a word, why does not the Secretary of the Interior approve this bill?

Mr. HILL of Washington. The Secretary says that perhaps half of the amount of the claim has already been paid.

Mr. BUTLER. Will that question be settled in the Court of Claims?

Mr. HILL of Washington. Absolutely. The Secretary's report was prepared and then was submitted to the Bureau of the Budget for the bureau's reaction on it. I have in my hand a carbon copy of that report. The gentleman will notice rubbed out there in the carbon copy "however, in view of the showing made by the claimants," and so forth.

Mr. BUTLER. Who rubbed it out, I wonder?

Mr. HILL of Washington. It was rubbed out when it came into my hands.

Mr. WEFALD. The department did not recommend the other jurisdictional bills that have been passed here in full.

Mr. BUTLER. Oh, I do not compare one thing with the other.

Mr. HILL of Washington. Mr. Chairman, I want to read one paragraph of a report made by a commission composed of J. P. C. Shanks, T. W. Bennett, and H. W. Reed on November 17, 1873, to the Commissioner of Indian Affairs relative to the Colville Indians. It is as follows:

> The commission herewith incloses his report made them, together with a record of the council held with the Indians interested, who were present, and make both the record of the council held with the Indians interested, who were present, and the report of Mr. J. P. C. Shanks part of this report to you and ask your attention to both, as showing the condition of our Indian affairs along the line of Britism America and to the great injustice done to the peaceable Indians by the interested action of white men, and especially to the conduct of their ex-agent, Park Winans, in procuring a change of reservation through selfish motives, and to the more important fact that the reservation as now located is in a frigid and high latitude, where farming is impossible, while the lines of the reservation cut Indians off from the Columbia River and remove them from the Spokane River, the only sources from which they could procure a livelihood by fishing, game being nearly exhausted, so that they were without fish or game, and in a locality where farming is impossible, as proven by white men who having settled on the reservation abandoned the country on account of frost.

Mr. Chairman, I say that if there are any Indians in this country that are entitled to consideration by this Congress they are the Colville and affiliated tribes of Indians, and I submit that this bill should pass in order to do belated justice to these Indians. [Applause.]

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill.

Mr. LEAVITT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment, with the recommendation that it 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 had had under consideration the bill S. 3185 and had directed him to report the same back to the House without amendment, with the recommendation that it do pass.

Mr. LEAVITT. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the bill.

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

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

A similar House bill was laid on the table.

IMMIGRATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein an article from a New York newspaper on the subject of immigation.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by incorporating therein an article from a New York newspaper on the subject of immigration. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, under leave granted me this day I insert the following editorial which appeared in The Day, the national Jewish daily, of June 17, 1926.

The matter referred to is here printed, as follows:

AT THE ELEVENTH HOUR

In less than three weeks, United States will celebrate its one hundred and fiftieth anniversary of independence. This greatest document of the world's history, many Congressmen, we fear, have not read since they left school. But the words are still there, never to be erased—the inalienable right of a man to freedom and the pursuit of happiness.

Not the right of a citizen but the right of a man, because one can not become a citizen before he has been in our country for five years. But one can be a man with certain rights even before then.

And the right to have his wife and children with him is surely one of the most elemental rights to which every man is entitled.

Does Congress recognize these elemental rights? In the hands of Congress is the right to pass laws. It is the duty of the citizens to obey these laws. Laws may be good or bad ones, but it is always necessary that the lawgivers should retain the respect of the citizens; that a citizen should believe in the sincerity of his lawgivers; he should believe that the laws were passed in the best interest of the country. Many of our lawgivers, perhaps the greatest majority of them, deserve the confidence of our citizens, and they have it, no doubt. And still, somehow, the word "politician" has some sting to it in our American language. We are always suspicious of the "politician"; his word is not always taken seriously. His promises are never believed too much. His reputation may be made or marred in one day, by one act.

Why?

The action of the House and Senate with regard to its immigration bills suggests the answer. On the 7th of December Congress opened. The President in his message to Congress demanded certain privileges for the families of aliens on humanitarian grounds. On Thursday scores of bills were introduced in Congress, looking forward to the amelioration of the condition of women and children who are barred from this country by the present immigration law, in spite of the fact that their husbands and fathers are here. During the seven months that Congress is in session Mr. ALBERT JOHNSON, chairman of the Housing Committee, changed his mind many times. He made promises to individuals and delegations that some measure of relief will be given. To his own members of the committee he promised things as soon as the deportation bill will be out of his way. Now the deportation bill is out of the committee's hands. Some members of the committee voted for it in the hope that they were making room for a more constructive measure of relief that will make America seem, in the eyes of the world, more like a friend of the homeless women and children than like a policeman with a club in his hand. Public opinion supported the bill. Commissioner Curran of Ellis Island supported the bill. Secretary Davis supported the measure

stating on the 27th of February "that when dealing with immigrants one is not dealing with a sack of salt but with human lives"; and he strongly urged the unifying of families.

What did our Congress committee do? All the bills for relief of the wives and children of declarants were thrown overboard. They juggled with figures, called to their assistance the State Department, and behind its statement that the new bill would admit nearly a million immigrants, they hid their own brutal act toward helpless women and children.

Came the Wadsworth-Perlman amendment. An amendment that explicitly asked for the admission of 35,000 women and minor children whose husbands and fathers came legally to this country before the 1st of July, 1924. In the Senate on technical grounds Senator WADSWORTH'S amendment was passed sine die, in the House Congressman PERLMAN'S amendment was tabled last Tuesday.

To be sure, three years later, when the present alien declarants will become citizens, the women and children will be admitted; in fact, they will be welcomed. But until then, as long as these men have only their first papers, their wives and children may starve; some of them may attempt suicide at the door of the American consul. We, members of the Immigration Committee, are not a party to it. Our ancestors came here when the doors of our country were wide open; we are prosperous. We have our wives and children near us; we can afford to talk about the sanctity of home and the nobility of family. These bills after all affect only foreigners.

Now the question arises, How can this impress 30,000,000 of our foreign-born citizens and citizens of foreign parentage? How can they reconcile such an attitude with the ideal of fair play of which every American is proud?

Friends of immigrants are in the habit of recalling on such occasions that America did not discriminate against foreigners, but it called them to the colors during the World War; that many foreigners have paid the supreme sacrifice on the battlefields of our country before they became citizens. We consider such an argument below our dignity. What the foreigners have done for America they did as a patriotic duty; one does not love America more because of the formal citizen papers. A man may be a true American from the first day he lands on our shores, just as he may be un-American living here for decades. We love America because we believe in her, because we believe our country will never fight an unjust fight and will not lift her hand against the weak and helpless.

And in the name of our faith in America do we appeal to the Members of the Congress committee at this eleventh hour. Clear yourselves of that implication; that you, the lawgivers of our greatest and strongest country, have not found enough power and enough courage to harbor these 35,000 women and minor children of your own citizens of to-morrow. Because a declarant of to-day is our citizen of to-morrow.

TREATY WITH SHAWNEE TRIBES OF INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the bill (H. R. 5218) to carry into effect the twelfth article of the treaty between the United States and the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians, proclaimed October 14, 1868, and 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 H. R. 5218 and asks unanimous consent that it be considered in the House as in Committee of the Whole. The Clerk will report the bill by title.

The Clerk reported the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $463,732.49, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said sum to the loyal Shawnee and loyal absentee Shawnee Tribes of Indians and to the persons composing said tribes individually or collectively, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior made in pursuance of the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868 (15 Stat. L. p. 513): *Provided*, That out of said sum there shall be paid to the attorneys for said Indians the amount provided for in the contract between said Indians and said attorneys executed May 26, 1909: *And provided further*, That before payment of the amount hereby appropriated the business councils of the loyal Shawnee and the loyal absentee Shawnee Tribes of Indians and the individual beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims of any nature which they may have against the United States and which shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and which shall be binding when executed on all parties thereto. The Shawnee Indian superintendent shall execute a release binding on all beneficiaries having no legal representative.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $463,732.49, and the Secretary of the Treasury be, and he is hereby, authorized and directed to pay said sum to the Indians of the Shawnee Tribe, and 13 Delaware Indians affiliated with said tribe, their heirs or legal representatives, in accordance with the official findings, arbitration award, and report of the Secretary of the Interior to Congress made in pursuance of the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868 (15 Stat. L. p. 513): *Provided*, That out of said sum there shall be paid to the attorneys for said Indians 10 per cent of the above amount in full satisfaction of their contract: *And provided further*, That before payment of the amount hereby authorized to be appropriated the Indian beneficiaries or their legal representatives entitled to said awards shall execute in writing a receipt, release, and relinquishment of any and all claims arising under the twelfth article of said treaty which they may have against the United States, and which receipt, release, and relinquishment shall be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and which shall be binding when executed and approved on all parties thereto. The Shawnee Indian superintendent and the council of the tribe at Shawnee, Okla., shall execute a release binding on all beneficiaries having no legal representatives."

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

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

The motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868."

LEAVE OF ABSENCE

By unanimous consent, Mr. W. T. FITZGERALD was granted leave of absence for a few days, on account of serious sickness in his family.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I understand the Committee on Indian Affairs has no further bills to be brought up, and as the hour is rather late and the Committee on Territories are not ready to be called I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Thursday, June 24, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for June 24, 1926, as reported to the floor leader by clerks of the several committees:

SPECIAL JOINT COMMITTEE

(10.30 a. m.)

To investigate Northern Pacific land grants.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

601. A communication from the President of the United States, submitting an estimate of appropriation in the sum of $1,000 to pay a claim which the Acting Secretary of Commerce has adjusted under the provisions of the act of December 28, 1922 (42 Stat. 1066), and which requires an appropriation for its payment (H. Doc. No. 455); to the Committee on Appropriations and ordered to be printed.

602. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1926, amounting to $114 (H. Doc. No. 456); to the Committee on Appropriations and ordered to be printed.

603. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Bureau of Indian Affairs, Department of the Interior, for the fiscal year ending June 30, 1926, amounting to $71,793.55, of which amount the sum of $5,000 is made payable from Indian tribal funds (H. Doc. No. 457); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOX: Committee on Claims. S. 3462. An act for the relief of Homer H. Hacker; without amendment (Rept. No. 1529). 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. JACOBSTEIN: A bill (H. R. 13013) to provide for the refund to taxpayers of the surplus in the Treasury and to provide for the reduction of admission, automobile, and corporation taxes in the event of an anticipated surplus during the fiscal year 1927; to the Committee on Ways and Means.

By Mr. CRISP: A bill (H. R. 13014) to amend section 230 of the revenue act of 1926; to the Committee on Ways and Means.

By Mr. CELLER: A bill (H. R. 13015) to amend section 316 of the tariff act of September 21, 1922; to the Committee on Ways and Means.

By Mr. MORTON D. HULL: A bill (H. R. 13016) granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and sixth Street, in the city of Chicago, county of Cook, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBSON: Concurrent resolution (H. Con. Res. 36) authorizing investigation of District of Columbia government; 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. ARNOLD: A bill (H. R. 13017) granting an increase of pension to Caroline A. McKnight; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 13018) granting an increase of pension to Mary E. Jones; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 13019) granting an increase of pension to Mary J. Grimes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13020) granting an increase of pension to Celicia E. Feaga; to the Committee on Invalid Pensions.

By Mr. BRIGHAM: A bill (H. R. 13021) granting an increase of pension to Laura E. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13022) granting an increase of pension to Augusta L. Ballard; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 13023) granting an increase of pension to Andrew J. Gallion; to the Committee on Pensions.

By Mr. CLAGUE: A bill (H. R. 13024) granting a pension to Josephine W. Burnside; to the Committee on Pensions.

By Mr. CORNING: A bill (H. R. 13025) granting an increase of pension to Mary A. Waldie; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 13026) for the relief of Elizabeth Halstead; to the Committee on Claims.

By Mr. ESTERLY: A bill (H. R. 13027) granting an increase of pension to Caroline Schweimler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13028) granting an increase of pension to Harriet M. Frederici; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13029) granting an increase of pension to Adaline Yerger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13030) granting an increase of pension to Margaret Schlegel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13031) granting an increase of pension to Rebecca Steinberger; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 13032) granting a pension to Jacob Goodman; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 13033) granting an increase of pension to Susan A. Brady; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 13034) granting an increase of pension to Mary C. Olson; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 13035) granting an increase of pension to Sallie Ann Barnes; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 13036) granting a pension to Andrea T. Bracken; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 13037) granting a pension to Mary A. Phillips; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 13038) granting a pension to Edgar C. Greene; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13039) granting an increase of pension to Sarah E. Scott; 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:

2784. By Mr. BARBOUR: Petition of residents of Tulare County, Calif., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2785. By Mr. BULWINKLE: Petition of citizens of Yancey County, N. C., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2786. By Mr. CARSS: Petition of citizens of Grand Rapids, Minn., urging enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2787. By Mr. CLAGUE: Petitions of citizens of Redwood Falls, Minn., and Lakefield, Minn., requesting Congress to pass bill to increase pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

2788. By Mr. DRIVER: Petition signed by various citizens of the first congressional district of Arkansas in Oak Bluff Township, urging immediate action on Civil War pension bill; to the Committee on Invalid Pensions.

2789. By Mr. ELLIS: Petition of sundry citizens of Kansas City, Mo., urging that immediate steps be taken to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

2790. By Mr. FAIRCHILD: Petition urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2791. By Mr. FISHER: Petition of B. V. Griffin, Sam Johnson, and others, shown in attached petition, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2792. By Mr. ROY G. FITZGERALD: Petition of W. P. Martin and 43 other business men and companies of Dayton, Ohio, urging passage of House bill 11 to permit fixing of resale prices; to the Committee on Interstate and Foreign Commerce.

2793. Also, petition of 52 voters of Hamilton, Ohio, praying for an increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2794. By Mr. GALLIVAN: Petition of Bay State Milling Co., Bernard J. Rothwell, president, 608 Grain and Flour Exchange, Boston, Mass., recommending early and favorable consideration of House bill 4539, with regard to establishment of standard weights and measures for wheat, rye, and corn mill products; to the Committee on Coinage, Weights, and Measures.

2795. By Mr. GARDNER of Indiana: Petition of Samuel Simpson and 21 other citizens of Lawrence County, Ind., urging immediate action on the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows, and also urging that the most hearty support on the part of our Senators and Representatives in Congress be accorded this legislation; to the Committee on Invalid Pensions.

2796. By Mr. GREENWOOD: Petition of George W. Osborne and 60 others, of Monroe County, Ind., asking action on bill to increase Civil War pensions of soldiers and their widows and dependents; to the Committee on Invalid Pensions.

2797. By Mr. HALE: Petition of 124 voters of Rochester, N. H., that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2798. Also, petition of citizens of Kingston, N. H., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2799. By Mr. HOGG: Petition of 84 members of Wayne Circle, No. 45, of the Ladies of the Grand Army of the Republic, for increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2800. By Mr. HOOPER: Petition of Mrs. Caroline E. Brown and 114 other residents of Kalamazoo, Mich., requesting immediate consideration of pending legislation to increase the rates of pension of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

2801. By Mr. KIRK: Petition of various citizens of the tenth district of Kentucky, requesting the passage of the Civil War pension bill now before Congress increasing the pensions of the Civil War veterans and their widows before the present Congress adjourns; to the Committee on Invalid Pensions.

2802. By Mr. KNUTSON: Petition of citizens of Verndale, Minn., urging the passage of Civil War pension bill; to the Committee on Invalid Pensions.

2803. By Mr. McLAUGHLIN of Nebraska: Petition of citizens of Valparaiso, Nebr., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2804. By Mr. MARTIN of Massachusetts: Petition of sundry citizens of North Attleboro and East Freetown, Mass., for the passage of the Civil War pension legislation; to the Committee on Invalid Pensions.

2805. By Mr. O'CONNELL of New York: Petition of the National Cooperative Milk Producers' Federation, favoring the passage of the Taber bill (H. R. 11768) to regulate the importation of milk and cream; to the Committee on Agriculture.

2806. By Mr. ROUSE: Petition of the Kentucky Pharmaceutical Association to Congress to withdraw the privilege of dispensing whisky from drug stores; to the Committee on the Judiciary.

2807. Also, petition of voters of Petersburg, Boone County, Ky., urging that a vote be taken in Congress on the Civil War pension bill; to the Committee on Invalid Pensions.

2808. By Mr. ROWBOTTOM: Petition of Mrs. Virginia Gordon and Mr. Oscar M. Wooldridge and others, of Evansville, Ind., asking that all pension bills increasing rates of pensions of Civil War veterans and their widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

2809. Also, petition of Julia A. Baldwin and Martha J. Welborn, of Stewartsville, Ind., and others of Stewartsville, Mount Vernon, and Poseyville, Ind., asking that all pension bills increasing rates of pensions of Civil War veterans and their widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

2810. By Mr. STEPHENS: Resolution unanimously adopted by the Forty-fourth Annual Encampment of the Ohio Division, Sons of Union Veterans of the Civil War, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2811. By Mr. VINSON of Kentucky: Petition of voters residing in the counties of Carter and Elliott, in the ninth congressional district of Kentucky, urging the passage before adjournment of Congress of a bill granting increases of pension to veterans of the Civil War, their widows and children; to the Committee on Invalid Pensions.

2812. By Mr. WATSON: Petition from residents of Montgomery County, Pa., favoring a bill for the relief of veterans and widows of the Civil War; to the Committee on Invalid Pensions.

2813. By Mr. WEFALD: Petition of 50 citizens of Bagley, Minn., praying that the House of Representatives and the Senate of the United States enact into law the bill reported by the Invalid Pensions Committee of the House to increase the pensions to old soldiers and widows of old soldiers of the Civil War; to the Committee on Invalid Pensions.

SENATE

THURSDAY, *June 24, 1926*

(Legislative day of Wednesday, June 23, 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	Fernald	Lenroot	Sheppard
Bayard	Ferris	McKellar	Shipstead
Bingham	Fess	McMaster	Shortridge
Blease	George	McNary	Simmons
Borah	Gerry	Mayfield	Smith
Bratton	Gillett	Means	Stanfield
Broussard	Glass	Metcalf	Steck
Bruce	Goff	Moses	Stephens
Butler	Gooding	Neely	Swanson
Cameron	Hale	Norbeck	Trammell
Capper	Harreld	Norris	Tyson
Caraway	Harris	Oddie	Underwood
Copeland	Harrison	Pepper	Wadsworth
Couzens	Heflin	Phipps	Walsh
Cummins	Howell	Pine	Warren
Curtis	Johnson	Ransdell	Watson
Dale	Jones, N. Mex.	Reed, Mo.	Weller
Deneen	Jones, Wash.	Reed, Pa.	Wheeler
Dill	Kendrick	Robinson, Ark.	Williams
Edge	Keyes	Robinson, Ind.	Willis
Edwards	King	Sackett	
Ernst	La Follette	Schall	

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

PETITIONS

Mr. CAPPER presented a petition of sundry citizens of Emporia, Kans., praying for the passage of legislation prohibiting the employment of aliens in any branch of the United States Government, which was referred to the Committee on Immigration.

Mr. COPELAND presented a petition of sundry citizens of Brooklyn and vicinity in the State of New York praying for the prompt passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

REPORT OF COMMITTEE ON INDIAN AFFAIRS

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 4451) to authorize the payment of drainage assessments on Absentee Shawnee Indian lands in Oklahoma, and for other purposes, reported it with amendments and submitted a report (No. 1146) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8564) for the relief of Lewis J. Burshia (Rept. No. 1147);

A 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. (Rept. No. 1148);

A bill (H. R. 11510) to authorize an industrial appropriation from the tribal funds of the Indians of the Fort Belknap Reservation, Mont., and for other purposes (Rept. No. 1149); and

A bill (H. R. 11662) authorizing an expenditure of tribal funds of the Crow Indians of Montana to employ counsel to represent them in their claims against the United States (Rept. No. 1150).

BILLS INTRODUCED

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

By Mr. CAMERON:

A bill (S. 4507) for the relief of Sam Alexander; to the Committee on Military Affairs.

By Mr. PEPPER:

A bill (S. 4508) to authorize the President to appoint Azel W. McNeal a captain in the Quartermaster Corps of the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. BUTLER:

A bill (S. 4509) for the relief of George C. Hussey; to the Committee on Military Affairs.

A bill (S. 4510) for the relief of Helen L. O'Brien; and

A bill (S. 4511) for the relief of Alfred S. Jewell (with accompanying papers); to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 4512) for the relief of Allen Farmer; to the Committee on Military Affairs.

INVESTIGATION OF THE COPPER INDUSTRY

Mr. CAMERON submitted the following resolution (S. Res. 259), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a committee of five Senators, to be appointed by the President of the Senate, is authorized to investigate the copper industry in the United States in all of its aspects, including production of copper, distribution of copper, and corporate organization in such industry. For the purposes of this resolution such committee is authorized to hold hearings and to sit and act at such times and places within the United States; to employ such experts and clerical, stenographic, and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee shall be paid from the contingent fund of the Senate. The committee shall make a final report to the Senate as to its findings at the beginning of the second regular session of the Sixty-ninth Congress, together with recommendations for such legislation as it deems necessary.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On June 23, 1926:

S. 161. An act for the relief of Charles H. Willey;

S. 1023. An act authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy;

S. 1885. An act for the relief of James C. Minon; and

S. 2005. An act for the enlargement of the Capitol grounds.

On June 24, 1926:

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