6040. Also, petition of residents of Cedar Lake, Mich., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

6041. By Mr. WILLIAMSON: Petition of Julia Davidson, Harriet De Haan Martin Shaugreau, and sundry other citizens of Washington and Pennington Counties, S. Dak., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6042. By Mr. WYANT: Petition of Mrs. Mary E. Wright and others, of Alverton, Westmoreland County, Pa., urging enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *February 4, 1927*

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

Our Father, who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. As we lisped this prayer taught at mother's knee, we now long for the time when that will be answered in the hearts and lives of earth's multitudes, and glad to do Thy will. Help each of us so to understand this obligation that we shall fulfill that heavenly purpose by being constantly active in fulfilling Thy good pleasure. Hear and help us through this day. For Jesus Christ's sake. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10728) authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, P. R., certain property in the city of San Juan, P. R.; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. HILL of Maryland, and Mr. FISHER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15547) to authorize appropriations for construction at military posts, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JAMES, Mr. HILL of Maryland, and Mr. MCSWAIN were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

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

H. R. 2190. An act for the relief of Agnes W. Wilcox;

H. R. 3664. An act to correct the military record of Daniel C. Darroch;

H. R. 6384. An act to amend the acts of June 7, 1924, and March 3, 1925, granting certain public lands to the city of Phoenix, Ariz.;

H. R. 7563. An act to amend section 4900 of the United States Revised Statutes;

H. R. 8784. An act for the relief of Bertha M. Leville;

H. R. 9061. An act to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a "Knight of the Order of Dannebrog";

H. R. 9268. An act to amend the agricultural credits act of 1923;

H. R. 9433. An act for the relief of Alexander Edward Metz;

H. R. 10424. An act to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of La Grange, Ga.;

H. R. 11174. An act to amend section 8 of the act of September 1, 1916 (39 Stat. L., p. 716), and for other purposes;

H. R. 13778. An act for the relief of certain citizens of Eagle Pass, Tex.;

H. R. 15127. An act for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925; and

H. R. 16023. An act relating to the transfusion of blood by members of the Military Establishment.

CALL OF THE ROLL

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	Frazier	Lenroot	Robinson, Ind.
Bayard	George	McKellar	Sackett
Bingham	Gerry	McLean	Schall
Blease	Gillett	McMaster	Sheppard
Borah	Glass	McNary	Shipstead
Bratton	Goff	Mayfield	Shortridge
Broussard	Gooding	Means	Smith
Bruce	Greene	Metcalf	Smoot
Cameron	Hale	Moses	Steck
Capper	Harris	Neely	Stephens
Caraway	Harrison	Norbeck	Stewart
Couzens	Hawes	Norris	Trammell
Curtis	Heflin	Nye	Tyson
Dale	Howell	Oddie	Wadsworth
Deneen	Johnson	Overman	Walsh, Mass.
Dill	Jones, N. Mex.	Pepper	Walsh, Mont.
Edge	Jones, Wash.	Phipps	Warren
Ernst	Kendrick	Pine	Watson
Ferris	Keyes	Pittman	Weller
Fess	King	Reed, Pa.	Willis
Fletcher	La Follette	Robinson, Ark.	

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

CONSIDERATION OF APPROPRIATION BILLS

Mr. CURTIS. Mr. President, I desire to submit a unanimous-consent request.

I ask unanimous consent that at 5 o'clock this evening the Senate shall proceed to the consideration of House bill 16576, making appropriations for the Departments of State and Justice, and so forth, and if that is concluded that we proceed to the consideration of House bill 16249, the War Department appropriation bill, and that we consider those two measures until not later than 7 o'clock to-night.

Mr. ROBINSON of Arkansas. I have no objection to the request.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kansas? The Chair hears none, and it is so ordered.

READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. In accordance with the order of the Senate of January 24, 1901, the Chair designates the Senator from Georgia [Mr. GEORGE] to read Washington's Farewell Address on the 22d instant.

EX OFFICIO COMMISSIONERS FOR ALASKA

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill from the Senate (S. 3928) authorizing the designation of an ex officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes, which were, on page 3, line 2, after the word "of," where it appears the first time, to insert "all"; on page 3, line 7, after the word "law," to insert "now under the direction of the Secretaries named in section 1 hereof"; and on page 3, line 10, after the word "appropriations," to insert:

Provided, That the charge and control of all matters relating to the construction and maintenance of roads in Alaska which may now be under the jurisdiction of any other department, bureau, or agency of the Government, together with the records or transcripts thereof, the property including field and office equipment and the unexpended balances of appropriations pertaining thereto, may, with the concurrence of the Secretaries of the respective departments involved, be assigned and transferred to the board of road commissioners for Alaska, created by and in pursuance of the provisions of section 2 of the act of Congress entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906.

Mr. WILLIS. I move that the Senate concur in the amendments which have been made by the House of Representatives.

Mr. ROBINSON of Arkansas. Will the Senator from Ohio state the effect of the second amendment?

Mr. WILLIS. I will state the effect of the amendment. In the first place, the Senator will recall that this is a bill which authorizes the different departments to designate a representative of each department to have charge of the work of that department in Alaska in connection with the Governor of Alaska. The amendment provides that all matters relative to roads shall be passed first to the Roads Commission of Alaska. That is the effect of the amendment and, so far as I know, it is satisfactory.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. ROBINSON of Arkansas. I see no objection to it.

Mr. KING. Mr. President, may I inquire of the Senator if the purpose is to create a sort of understudy for the Governor of Alaska?

Mr. WILLIS. No.

Mr. KING. What is the commissioner, and what are his duties?

Mr. WILLIS. The commission was provided for in the bill which passed the Senate, and it simply enables coordination of the work of the different departments. As the Senator knows, there has been in Alaska and elsewhere an overlapping of the work of the departments. The Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Commerce have collaborated in the matter, so that there may be designated by each Secretary, without additional expense to the Government, a representative of his department to be in Alaska and to cooperate with the Governor of Alaska in the coordination of the service. It is believed to be in the interest of sound economy and better administration. All the Secretaries I have named are greatly interested in it.

Mr. KING. It does not interfere with the functioning of the governor?

Mr. WILLIS. Not in any respect at all.

Mr. KING. Or with the Legislature of the Territory of Alaska?

Mr. WILLIS. Not at all.

Mr. KING. There has been a vast amount of duplication among the departments.

Mr. WILLIS. Yes; and the object of the amendment is to get red of that very duplication.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio that the Senate concur in the amendments of the House.

The motion was agreed to.

LAND AT BATTERY COVE, NEAR ALEXANDRIA, VA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 11615) providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Vice President appointed Mr. WADSWORTH, Mr. REED of Pennsylvania, and Mr. FLETCHER conferees on the part of the Senate.

CONSTRUCTION AT MILITARY POSTS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15547) to authorize appropriations for construction at military posts, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Vice President appointed Mr. WADSWORTH, Mr. REED of Pennsylvania, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

ASSOCIATION SIERVAS DE MARIA, SAN JUAN, P. R.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10728) authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, P. R., certain property in the city of San Juan, P. R., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WADSWORTH. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. WADSWORTH, Mr. REED of Pennsylvania, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD conferees on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of the House of Representatives of the State of Oklahoma, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House resolution 7, by Brown, requesting favorable action by the Congress of the United States on Senate bill No. 3027 and House Resolution No. 4548, now pending, pertaining to the retirement for disabled emergency officers of the World War on equal terms and conditions with officers of the Regular Army, the Navy, and Marine Corps

Whereas there is now pending in the Senate of the United States a bill known as the Tyson bill (Senate bill No. 3027), and a similar bill is pending in the House of Representatives of the United States known as the Fitzgerald bill (H. R. 4548); and

Whereas both of said bills provide for retirement of disabled emergency officers of the World War on equal terms and on the same conditions provided for other disabled officers of the Army, Navy, and Marine Corps; and

Whereas there were nine classes of officers in the World War, namely: (1) Regular Army officers, (2) regular naval officers, (3) regular Marine Corps officers, (4) provisional Army officers, (5) provisional naval officers, (6) provisional Marine Corps officers, (7) emergency Army officers, (8) emergency naval officers, (9) emergency Marine Corps officers; and

Whereas all officers disabled in line of duty in the service of the United States during the World War are granted retirement privileges, except the emergency Army officers disabled in line of duty; and

Whereas it is simple justice to the emergency Army officers, who served in the World War and who were disabled, to receive the same benefits accorded the other eight classes of officers: Therefore be it

Resolved by the House of Representatives of the State of Oklahoma, That we request the Senate of the United States to pass Senate bill No. 3027, and request the House of Representatives of the United States to pass House bill No. 4548, in their present form, which said bills are designed to give relief to said disabled emergency officers of the Army, as provided in said bills; and be it further

Resolved, That the chief clerk of the house of representatives be instructed to furnish each Senator and Member of Congress from the State of Oklahoma, the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the chairman of the Rules Committee of the House of Representatives of the United States, the chairman of the steering committee of the House of Representatives of the United States, Congressman ROY FITZGERALD, and Senator LAWRENCE D. TYSON with a copy of this resolution.

Mr. GLASS. Mr. President, I ask unanimous consent to have inserted in the RECORD resolutions adopted by the Virginia Department of the American Legion, with respect to Senate bill 3027, the bill introduced by the Senator from Tennessee [Mr. TYSON].

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
DEPARTMENT OF VIRGINIA,
Richmond, Va., February 2, 1927.

Hon. CARTER GLASS,
United States Senate, Washington, D. C.

DEAR SIR: This is to respectfully invite your attention and urge your influence in behalf of the Tyson-Fitzgerald bill for disabled emergency Army officers, and in connection therewith submit the following resolution, adopted by the American Legion, Department of Virginia, in convention at Alexandria, Va., August 9, 10, and 11, 1926, and ask that same be read into the CONGRESSIONAL RECORD:

"Resolution

"Whereas there were nine classes of officers in the World War, the regular, provisional, and emergency officers of the Navy, Marine Corps, and Army; and

"Whereas eight of these classes have been granted by the Congress honorable retirement for their wounds and disabilities received as a result of their service in camp and field; and

"Whereas the emergency Army officers who bore the brunt of the fighting, as evidenced by more than 2,000 battle deaths in France, have alone failed to receive the honorable retirement accorded all other classes for officers; and

"Whereas there are 1,000 of these disabled emergency Army officers now suffering from disabilities received on the field of battle whose honorable retirement has not been granted by Congress; and

"Whereas the American Legion is firm in its belief that those disabled emergency Army officers are entitled to honorable retirement and at the past four national conventions has unanimously adopted resolutions calling upon Congress to enact such a measure; and

"Whereas it has been apparent during the progress of this legislation that an overwhelming majority of the Members of the House and Senate have believed in the justice of this measure and have desired to make it effective by the passage of the Bursum bill (S. 33); and

"Whereas the Senate of the United States on February 20, 1925, passed this measure by a vote of 63 to 14. It was immediately sent to the House, where is was favorably reported by the Committee on World War Veterans' Legislation. It was apparent that an overwhelming sentiment in favor of the measure existed in the lower body; and

"Whereas certain Members of the House of Representatives occupying key positions opposed this measure, and because of such opposition denied the House of Representatives the privilege of voting (on this measure), as it was well known that it would be passed overwhelmingly should the House have the opportunity of recording its will upon it; and

"Whereas it was stated by certain Representatives that the support of the American Legion was divided on the measure, and that its enactment was a matter which could be well delayed; and

"Whereas the members of the American Legion are not divided on this subject, but believe in the justice of the measure, and reiterate their indorsement of it and call upon the Congress of the United States to recognize this truth: Now therefore be it

"*Resolved*, That the American Legion, Department of Virginia, favors such legislation as will fulfill the spirit of this resolution and request the Congress to enact it at the next session; and be it further

"*Resolved*, That the national legislative committee be instructed to make this measure a part of the Legion's major legislative program."

It is further desired to invite your attention to the fact that this resolution, or a similar one, has been adopted by several national conventions of the American Legion, and to inform you that the national organization, composed of 11,000 posts and 750,000 members throughout the Nation, is solidly behind this bill. It is felt that, irrespective of this information, no one familiar with the merits of same could be justifiably opposed to it.

I believe that some 2,000 emergency Army officers are affected by this bill, and I am informed that 50 of these officers have died since the World War. These, of course, could not be helped, but the failure of Congress to enact legislation placing these men upon the same basis for disability retirement purposes as the Regular Army officer is an injustice beyond human understanding.

It is perhaps true that a large number of these men are not legionnaires, but it is desired to point out that the Legion stands for justice not only to its members but to any and all persons. As a legionnaire and a citizen, I therefore respectfully urge your influence and efforts to see that this matter is made a special order of business in order that it may be enacted into law at this session, and assure you of the appreciation of the legionnaires of Virginia for anything you may do in the interests of same.

Sincerely,

J. A. NICHOLAS, Jr.,
Department Adjutant.

Mr. PHIPPS presented the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Irrigation and Reclamation:

Senate joint memorial No. 2, by Senators Headlee, Warren, Abbey, and Nelson, and Representatives Sylvester, Fassett, Garcia, and Moffatt

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, the General Assembly of the State of Colorado, respectfully represents to your honorable body that what is known as the San Luis Valley on the Rio Grande, in which is located some 2,000,000 acres of irrigable, productive, agricultural land in the State of Colorado, has been greatly damaged and retarded in its growth and development, to the detriment of the peoples of the San Luis Valley and the Commonwealth of the State of Colorado in this, to wit:

That for and on account of the action taken by the Congress of the United States and different departments of the Government of the United States, and particularly on request of the honorable Secretary of State contrary to the advice of the Attorney General of the United States, in the year 1896 an embargo was placed upon the construction of reservoirs on the upper Rio Grande in the State of Colorado.

That by reason and on account of such embargo the peoples of the San Luis Valley were prevented from constructing reservoirs whereby they could scientifically and economically administer the distribution of irrigation waters from the Rio Grande River in that territory.

That as a direct result of the prohibition, illegally and unjustly placed upon the people of the San Luis Valley as aforesaid, a large amount of irrigation water was applied to lands in the springtime when the river was in flood for a number of years, during which period these people were prohibited from the construction of reservoirs to properly regulate their supply of water, in an attempt to secure a sufficient amount of ground storage to supply their crops during periods of drought. This excessive use of water in the springtime resulted in the seeping of a large area of land, aggregating several hundreds of thousands of acres, theretofore very productive; a total loss of its productivity resulting, and a direct loss to the landowners and entrymen on the public domain in that locality variously estimated at from $187,000,000 to $200,000,000, in addition to the loss of homes and improvements erected at the cost of a lifetime of toil by the owners of such lands, and the desolation of a thriving and productive community, occupied by several thousands of happy, industrious, satisfied, and contented people, all citizens of the United States of America.

That in the year 1925 the embargo against the construction of reservoirs on the upper Rio Grande in Colorado was removed and was then found by the then Secretary of the Interior to have been illegally initiated and imposed.

That by the drainage of said lands and the construction of reservoirs now permitted, whereby the application of water in the future may be properly and scientifically regulated, said lands, now desolate and unproductive, may be reclaimed and again made productive; but before such reclamation can be provided for it is necessary that an outlet for the excess waters so applied to such lands which caused the seepage thereof, be provided for from what is known as the San Luis Lakes to the Rio Grande, a distance of about 22 miles.

That the action of the governmental agencies of the United States in imposing such an embargo whereby the peoples of the San Luis Valley were prohibited from exercising rights and unquestionably exercised and enjoyed by all other citizens was unjust and discriminatory, and, as now found by the Secretary of the Interior, illegal.

That the people of the San Luis Valley have never been recompensed in any particular for the great loss occasioned to them by these unwarranted and unjust acts of the United States Government, notwithstanding the fact that the peoples of southern New Mexico and western Texas on the Rio Grande River, under what is known as the Elephant Butte Dam, have been heretofore compensated by a direct appropriation of Congress in the amount of $1,000,000 to compensate them for 60,000 acre-feet of water ceded to the Republic of Mexico, which, as a matter of fact, on account of the embargo heretofore mentioned, was charged directly to the San Luis Valley in Colorado.

That the 60,000 acre-feet of water, heretofore ceded to Mexico by the United States, can be replaced in the Rio Grande by the construction of the outlet contemplated; 2,000 square miles can be added to the drainage area of the Rio Grande and the flow of the river be materially agumented, thereby furnishing an additional supply of water for the use of the people in New Mexico and Texas.

Therefore, in order to recoup in a very small part the immense loss occasioned to the people of the San Luis Valley and the State of Colorado, and in order to enable them in so far as may be possible to recoup the loss occasioned by the desolation of their farms and homes by the reclamation thereof, and in all justice and fairness to the people so discriminated against, your honorable body is respectfully requested to take such action as may be necessary to provide an outlet from the San Luis Lakes to the Rio Grande in order that these unfortunate people sacrificed upon the altar of what was then no doubt considered to be the good of the Nation, be permitted to drain their lands and relieve the condition brought about by the imposition and maintenance for the last 30 years of an embargo illegally initiated and imposed.

JOHN A. HOLMBERG,
Speaker of the House of Representatives.
GEORGE M. CORLETT,
President of the Senate.

Attest:

CHAS. M. ARMSTRONG,
Secretary of State.

Mr. PHIPPS. I also present a resolution adopted by the Boulder Post, No. 10, of the American Legion, Department of Colorado, which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolution

Whereas the Government of the United States has of late been involved in a controversy with those at present at the head of the Government of Mexico concerning certain land laws of that nation; and

Whereas resolutions denouncing those in charge of the foreign affairs of the United States have been formulated and spread broadcast over the country for adoption; and

Whereas these resolutions are identical in form and content and have been prepared at some central place for dissemination, and have been adopted widely over the country by many persons and organizations knowing little of the questions involved; and

Whereas those in charge of our national affairs are fully informed concerning the fact and merits of the controversy: Now therefore be it

Resolved, by the Boulder Post, No. 10, of the American Legion, of the Department of Colorado, here assembled, That we have faith in the wisdom and integrity of the officers of our National Government and that we have every confidence that the people of America will never be called upon to defend our rights by armed force unless such action be necessary to protect our national honor and to fulfill our national obligations, in which event our rights and obligations should and must be protected by any means at our disposal, including armed force; and be it further

Resolved, That we deprecate the hysteria at present evidencing itself in a certain element of the press and in various meetings where an unwarranted fear that this Nation is on the threshold of war, encourages the signing of form resolutions disseminated by some central society, at present unknown.

HUBERT KAUB, *Commander.*
A. B. WOOLUMS, *Adjutant.*

Mr. NORBECK. Mr. President, I present a concurrent resolution adopted by the Legislature of the State of South Dakota favoring legislation to put agriculture on a parity with industry and labor, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Senate Concurrent Resolution 9, introduced by committee on agriculture, relating to the agricultural depression and its solution

Whereas our major political parties appealing for support in past campaigns promised legislation to restore agriculture to the level of other industries, which promises have not been fulfilled; and

Whereas the continued unequal purchasing power of farm products makes impossible the return of agricultural prosperity: Now therefore be it

Resolved by the senate (the house of representatives concurring), That we petition and insist that the Congress enact at an early date legislation to place agriculture upon an equal footing with other industries by establishing a Federal farm board with authority to direct the handling of surplus agricultural commodities, as embodied in the McNary-Haugen bill; be it further

Resolved, That a copy of this resolution be forthwith transmitted by the secretary of the senate to the President of the United States and to the Senators and Representatives in Congress from the State of South Dakota.

H. E. COVEY,
President of the Senate.
W. J. MATSON,
Secretary of the Senate.
R. F. WILLIAMSON,
Speaker of the House.
WRIGHT TARBELL,
Chief Clerk of the House.

Mr. ROBINSON of Arkansas presented a resolution adopted by the board of directors of the New Orleans (La.) Association of Commerce and unanimously indorsed by the Little Rock (Ark.) Chamber of Commerce, favoring correction by the Department of Agriculture of alleged discriminating practices with reference to shipments of citrus fruits from Cuba and grapes from Argentina by way of the port of New York as against the port of New Orleans, which was referred to the Committee on Agriculture and Forestry.

Mr. GREENE presented a resolution adopted by the convention of the American Legion, Department of Vermont, at Burington, Vt., favoring the passage of legislation placing disabled emergency officers of the World War on the retired list, substantially as provided in the so-called Tyson-Fitzgerald bill, which was ordered to lie on the table.

Mr. ERNST presented memorials numerously signed by sundry citizens of the State of Kentucky, remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation of a religious character, which were referred to the Committee on the District of Columbia.

Mr. BINGHAM presented a letter in the nature of a petition from a committee representing the United States Custodian Service Association, and petitions of sundry citizens of New Haven, Ansonia, and Danbury, all in the State of Connecticut, praying for the passage of legislation granting increased compensation to employees of the United States Custodian Service, with a minimum wage of $1,200, which were referred to the Committee on Civil Service.

Mr. JOHNSON presented petitions numerously signed by sundry citizens of the State of California, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. BRUCE presented a petition of sundry citizens of Baltimore, Md., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. GILLETT presented a petition of sundry citizens of the State of Massachusetts, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

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

He also presented a memorial of sundry citizens of Tuscarawas County, Ohio, remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation of a religious character, which was referred to the Committee on the District of Columbia.

Mr. DENEEN presented petitions numerously signed by sundry citizens of Cook, La Salle, and De Kalb Counties, all in the State of Illinois, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WALSH of Massachusetts. I present a telegram from the president of the New England Flour Co., in which he states what the McNary-Haugen bill will do in increasing the price of bread, and he quotes the opinion of a large number of manufacturers of bread in the New England States. I ask that the telegram may be treated as a petition, printed in the RECORD, and lie on the table.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The telegram is as follows:

BOSTON, MASS., *February 3, 1927.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

The McNary-Haugen bill is vicious class legislation, and its operation would positively result in raising the price of bread from 2 to 4 cents a loaf. Our corporation does a business of over one-half million barrels annually exclusively with bakers in 10 States, and this is their unanimous opinion. I urge you to use your best efforts to block an increase of bread prices to the public.

CLARENCE O. CASE,
President The New England Flour Co.

Mr. BLEASE presented the following concurrent resolution of the Legislature of South Carolina, which was ordered to lie on the table:

A concurrent resolution

Whereas there are nine classes of officers in the World War, the regular, provisional, and emergency officers of the Navy, Marine Corps, and Army; and

Whereas eight of these classes have been granted by the Congress honorable retirement for their wounds and disabilities received as a result of their services in camp and field; and

Whereas the emergency Army officers who fought heroically, as evidenced by more than 2,000 battle deaths in France, have alone failed to receive the honorable retirement accorded all other classes of officers; and

Whereas there are 1,848 of these disabled emergency Army officers now suffering from disabilities received on the field of battle whose honorable retirement has not been granted by Congress; and

Whereas we are informed that legislation is pending in both Houses of Congress, being reported favorably by their respective committees and now on the calendar of each House (the Bursum bill, S. 33; the Lineberger bill, H. R. 4548): Therefore be it

Resolved by the house (the senate concurring), That we do urgently request our Members in Congress to use their best efforts to have this legislation removing this discrimination passed at this session of Congress: Be it

Resolved further, That the clerk of the house of representatives and the senate join in sending a copy of this resolution to each United States Senator and Member of the House of Representatives from South Carolina.

This is to certify that the within resolution is a correct copy of a concurrent resolution passed by both houses of the State legislature on January 21, 1927.

[SEAL.] J. WILSON GIBBES,
Clerk of the House of Representatives.
[SEAL.] JAS. H. FOWLES,
Clerk of the State Senate.

COLUMBIA, S. C.

INVESTIGATION OF CONTRACT WITH FRED HERRICK

Mr. McNARY. Mr. President, a few days ago there was published in the CONGRESSIONAL RECORD a joint memorial passed by the Senate and House of the State of Oregon appertaining to a contract had with a Mr. Herrick for the purchase and removal of standing timber in the Malheur National Forest in the State of Oregon. A day or so ago I received a telegram from the same source, which in a way modifies the original attitude of the Senate of the State of Oregon, and which I desire to have

printed in the RECORD and referred to the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Without objection, the telegram will be referred to the Committee on Public Lands and Surveys and printed in the RECORD.

The telegram is as follows:

SALEM, OREG., *January 28, 1927.*

HON. CHARLES L. MCNARY,
Washington, D. C.

Referring to Senate Joint Memorial No. 5, Oregon Legislature, regarding Herrick contract in Malheur Forest. We do not retract the memorial in the least, but believe desired results may be obtained more speedily in another manner. If definite arrangements for ample funds to complete construction and start manufacture of lumber during present calendar year be insured, investigation might be postponed in discretion of Oregon delegation. Extension should be limited in time definite in requirements with positive penalties to be collected on default. Penalty provision should be positive with no possibility of waiver and safeguarded by ample bond or securities; insist upon no waiver of provision that railroad must be common carrier.

WILLIAM G. HARE,
Chairman of Senate Committee on Resolutions.
FRED J. MEINDL,
Chairman of House Committee on Resolutions.

We concur in the foregoing.

HARRY J. CORBETT,
President of the Senate.
JOHN H. CARKIN,
Speaker of the House.

Mr. McNARY. Also covering the same subject matter, which I should like to have printed in the RECORD and with the same reference, is a communication from the county court of Harney County, Oreg., in which a part of the national forest is located.

Mr. SMOOT. The Senator will have the communication referred to the same committee?

Mr. McNARY. That is my request.

There being no objection, the communication was referred to the Committee on Public Lands and Surveys and ordered to be printed in the RECORD, as follows:

BURNS, OREG., *January 23, 1927.*

HON. CHAS. L. MCNARY,
HON. ROBT. N. STANFIELD,
HON. N. J. SINNOTT,
Washington, D. C.

Re Bear Valley-Fred Herrick timber sale.

GENTLEMEN: A telegram was forwarded to each of you gentlemen to-day and we attach a copy of such wire hereto for confirmation.

Our reason for sending such telegram and for writing this letter is that the facts, as we know them, relating to the above subject may be placed before you for your information. We are not acting for Mr. Herrick, nor against Mr. Barnes and those he represents; we are acting for the good of this community and, as we believe, the State at large.

We are just as anxious as our friends in Grant County that the Herrick development be expedited as much as possible, and we would urge you to use your powerful influence with the forest department and with Mr. Herrick toward securing an early completion of this project. Our only fear is that out of the present controversy some action might be taken that would involve the project in litigation or would impair the financial ability of Mr. Herrick, thereby further delaying the completion of the project.

We believe that we are fully informed as to the policy of the Forestry Service and of the Chief Forester, and that such policy is favorable to early development; we know that the Chief Forester has used his great influence in securing for this part of the State a development of its timber resources that will also develop every other resource, and that he has at all times had in mind the best interests of the Government and local communities and has so acted. We therefore resent the charges made through the press, impugning the motive or actions of the Chief Forester and his department. We assert that such charges are not founded on fact.

At the time the Bear Valley unit was put up for sale by the Forest Service in January, 1923, the department, against the vigorous protest of Mr. Barnes, made the minimum price of $2.75 per thousand for yellow pine. It is impossible to say whether or not the activities of Mr. E. W. Barnes had anything to do with the first sale, but the fact is that there was not a bid submitted at the first call. Mr. Barnes then insisted on a resubmission of the timber sale and tried to get the minimum requirement at about $1.50 per thousand, but the timber was offered at a minimum of $2 and at the second offer Mr. Herrick made the offer of $2.80 and contract was entered into with him. After the bid of Mr. Herrick was submitted Mr. Barnes used ever bit of influence he had to prevent the sale at this price and virtually demanded that the sale be to interests, represented by him, at a much lower figure. Since the sale Mr. Barnes has used every effort to hinder the operations of Mr. Herrick and to embarrass the Forestry Service and the Chief Forester. We recite this to show that any statement made by Mr. Barnes may be influenced by his personal interests and should be accepted with caution.

Since the sale Mr. Herrick has built and conditioned the 31 miles of railroad from Crane to Burns and this section has been turned over to the Union Pacific and daily train service is being operated into Burns.

In addition to that section, Mr. Herrick has completed the 50 miles of grade over the mountains from Burns to Seneca, ties are distributed along the entire route, 40 miles of steel has been laid, and the steel crew is now laying from 3,000 to 4,000 feet a day. Only a severe storm will delay steel laying over 15 days. This is not a logging line but a standard 14 to 18 foot grade with heavy steel, substantial and numerous sidings.

It is charged that the Forestry Service has authorized striking from the Herrick contract a provision that the Seneca-Burns Railroad should be operated as a common carrier. This is the charge that has aroused the citizens of Grant County; and if true, they would have just cause for complaint, and we would join with them in protest. However, we are not able to find any fact in support of this charge. Mr. Herrick caused this part of his operation to be incorporated at The Malheur Railroad Co. under the laws of Oregon as a common carrier. He has condemned right of way in Harney and Grant Counties as a common carrier and has also secured rights of way over Government land and forest reserve as a common carrier. This action alone, independent of any contract with the Forest Service, would establish the line as a common carrier. Nor could any act short of an act of Congress, together with an act of the Oregon Legislature, relieve him of this status as a common carrier when his line is completed. We also find that he is reporting to the public-service commission of Oregon as a common carrier.

An examination of the financial records of Fred Herrick Lumber Co. in Burns discloses that exclusive of the line from Crane to Burns they have expended to January 1, 1927, $1,313,000.

The charge has been made through the press "that up to December 19, 1926, no work had been done on the sawmill." This may be "splitting hairs" to obtain a distinction, so permit us to recite the facts and conditions.

The site selected for the sawmill is approximately 2½ miles south of Burns. The plans for the mill call for a log pond of approximately 40 acres to impound the waters of a warm spring at the site, the construction of a reinforced-concrete boiler house and also power plant, the mill to be of steel construction, with machinery electrically driven. The dike creating the log pond has been completed and tested. The reinforced-concrete power plant and boiler house were under construction, floor and walls poured to within a few feet of the top when subzero weather closed down the work about December 12. Since that time weather conditions have not been favorable for resumption of work at the mill site. As to the sawmill proper, as distinguished from its power plant, there has been no work done. The mill site and log pond involved a change of approximately 2½ miles of the graded and partly graveled section of the Central Oregon Highway, and this change has also been completed by Mr. Herrick. The financial records show that on this work at the mill site there has been expended some $74,119 to January 1.

We have been disappointed that the Herrick project has not been completed before this; however, the unfavorable lumber market of the past three years and the judicious expenditure of such a large sum in development are elements that undoubtedly have influenced the slow development of the project. We feel, however, that with the present investment in the project that Mr. Herrick can not permit the construction to drag and that it is his desire as well as to his interest to complete the plant this year. We feel that he is entitled to reasonable extensions to permit an early completion.

Another element in this controversy that prompts us to make this lengthy explanation is that we understand that Mr. Herrick is now preparing to float a bond issue to complete the project. Naturally, any action like a congressional investigation will have an unfavorable effect on such an issue, as it would create uncertainty in the minds of the investing public. This would be immediately reflected in local improvements at Burns and along the line of the railway, where interests are investing on the promise of an early construction of the Herrick project.

The Oregon Legislature has adopted some kind of a memorial asking congressional investigation of this project. This measure was put over by an active lobby from Grant County without anyone in Harney County being given an opportunity to be heard. We have not been able to secure the text of the memorial, and our only information is taken from the Portland papers. We do not criticize such measure, for we do not know that it deserves it, except that legislation without a hearing from all interests affected may be viewed with suspicion.

If a congressional investigation of this transaction could be disposed of within a few days and the blame placed where it belongs for this activity, we would have not the slightest objection; but we fear that

such an investigation would involve the entire administration policies of the Forestry Service, grazing fees, etc., and be long drawn out, and this community would suffer.

Thanking you for your consideration, we remain,

Respectfully yours,

R. J. WILLIAMS,
County Judge.
G. N. JAMIESON,
Mayor.
L. E. HIBBARD,
President Commercial Club.

BURNS, OREG., *January 23, 1927.*

CHARLES L. MCNARY,
United States Senate, Washington, D. C.:

Officials and citizens of Harney County strongly urge your investigation of facts before taking any action on Barnes demand for congressional investigation Herrick timber sale.

Memorial passed Oregon Legislature without time for us to present facts. Action does not meet our approval.

Charges that work has stopped on railroad, that no work has been done on sawmill, that common-carrier provision for railroad Burns to Seneca has been deleted from contract are false.

Believe this move fostered to impair Herrick ability to finance.

Urge you to use caution. Letter explanation follows.

R. J. WILLIAMS,
County Judge.
G. N. JAMIESON,
Mayor.
L. E. HIBBARD,
President Commercial Club.

BOULDER DAM PROJECT

Mr. JOHNSON. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial from the Christian Science Monitor of February 2, 1927, entitled "Status of the Boulder Dam project."

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

The editorial is as follows:

STATUS OF THE BOULDER DAM PROJECT

Several more or less powerful influences have combined to render uncertain the possibility of the enactment at the present session of Congress of the pending Swing-Johnson bill providing for the development of the vast Government power and irrigation project at Boulder, on the Colorado River. Denunciation of the compact entered into among the several States constituting the drainage area which forms the river and the States through which the river runs, by some of the contracting parties, has made somewhat more difficult the problem of adjusting differences regarding benefits than was the case when Arizona, of all the States affected, was the only dissenter. But these new difficulties probably will not stand long in the way. It is a foregone conclusion, in the opinion of western Senators and Representatives, that the benefits which will be derived from the project are so apparent that public sentiment is gradually solidifying behind the plan.

Newspaper offices throughout the country have been flooded, metaphorically, in recent weeks with carefully prepared literature distributed by corporate interests which see, evidently, a prospect of more thorough Federal control and regulation of the Boulder dam project than has heretofore been attempted in fixing the rates and determining the basic values of similar utilities elsewhere. The comprehensive dual feature of the Colorado River improvement plan contemplates the utilization of a valuable natural resource for public and semipublic uses. There is to be monopolized and either publicly or privately controlled, as in hundreds of similar cases where less extensive resources are concerned, properties in which the people of the entire Nation are possessed of an undivided inalienable interest. But this particular project is of such magnitude and involves the rights and privileges of so many people that there has been no thought of granting to a private corporation, no matter what the influences behind it, absolute control over it.

The interesting fact is made to appear, however, that in the distribution of the hydroelectric power which will be one of the products of the plant which it is proposed to establish, leases may be made to private concerns now or later to be organized to carry on the sale to industries and individuals. No doubt it is realized that when the time comes for State and interstate commissions to fix the rates to be charged by these distributors, the basis upon which they are determined will be arrived at after a thorough survey of all surrounding and contributing conditions. Quite properly, it would seem, these commissions should take into account the fact that in the production of hydroelectric power the property of the people is being used, and that the creation of a natural monopoly does not give by right the privilege of penalizing the public for its use.

Public interest has been aroused in this phase of the matter by the recent decision of the United States Supreme Court in what is known as the Indianapolis Water Power case. In that decision there was emphasized, perhaps more clearly than heretofore, the tendency of all courts to permit reasonable promotion profits, reproduction costs, going values, and other elements, to be reckoned into what becomes, for rate-making purposes, legitimate investment costs. It will be a wise precaution that precludes, in the completed Boulder dam project, the possibility of passing on to the public, if it should be decided to grant long leases on the property, this questionable burden. In that case, as in countless others where a natural right has been monopolized, the inalienable sovereignty of the people should definitely be protected and safeguarded.

PROPOSED FARM LEGISLATION

Mr. GEORGE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from former Senator Rebecca Latimer Felton, of Georgia, with reference to farm legislation and with particular reference to the measure of the senior Senator from South Dakota [Mr. NORBECK].

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

The letter is as follows:

CARTERSVILLE, GA., *January 29, 1927.*

Hon. Senator GEORGE.

MY DEAR SIR: In the CONGRESSIONAL RECORD of January 27 I read the following:

"Mr. GEORGE. Mr. President, there is not any general prosperity in Georgia. If I were to stand here and make the statement that there is prosperity among about 85 per cent of our population—85 per cent or thereabouts of our population being rural—I would not be worthy of my place on this floor. I do not like to parade the poverty of my people, and for that reason I have seldom taken occasion to speak of it, but there is no prosperity on the farm in my State. Not only is there no prosperity there, but there has not been an hour since 1914 when conditions were as bad as they are at this moment. We have never faced such conditions. There is statistical prosperity; there large corporations are prosperous—and they make up the totals—but the people as a whole are not prosperous, at least they are not prosperous in every section of the country. They are not prosperous on the southern cotton farms; they are not prosperous on the farms in the Southwest. Other Senators may speak for their particular sections."

This statement of yours is a very conservative one. During 1925 we had a drought that killed all growing crops where I live. There was but little cotton gathered and food crops were even more disastrous. Next to nothing was made in 1926.

To begin a crop on my farm I was obliged to stand security on the fertilizer—as the landlord. The fertilizer people understood the helplessness of the tenant class and took no chances.

May I tell what I experienced to you, and will you inform the Senate, that my own case is similar to that of scores of farmers in northwest Georgia? To begin the 1926 crop I became responsible to the fertilizer people for 15 tons of 9–3–3, and have had to pay the same without receiving a single dollar from those who owe me on their signed notes, between $550 and $600. A few bales of rent cotton did not pay my taxes, amounting to $450. These tenants were furnished houses, gardens, pastures, and firewood, and the loss in firewood is heavy.

The cotton crop was fine until the flea pest and army worm attacked the squares and the young bolls literally were destroyed. I had also been compelled to furnish foodstuffs for some plow mules yet unpaid. Yesterday one of my colored tenants came to tell me that negro labor has about played out. They are rushing to towns to get a job because they have made nothing to sell in two years and must live by some means.

A conflagration could hardly have served us worse, and my farm of between 600 and 700 acres has not given me enough to feed and nourish me at nearly 92 years of age. There is nobody inclined to farm under such conditions, as you see.

There is not a spare dollar to advance with such experiences. Tens of thousands of acres will lie idle in Georgia because nobody can continue to advance money, as you see.

These stricken ones are met at every turn with "cut down the acreage." My dear sir, that is superfluous advice. That admonition falls on deaf ears. The acreage is already cut to the bone. Only the speculators have had a joy ride in 1926. The price of cotton went to nearly zero. The average is cut. Some months ago the sugar dealers in Cuba underwent a panic and the reserve bank in Atlanta shipped United States currency by the trainload to stabilize sugar.

In Georgia we see and deplore the difference. We only ask for a loan of a few hundred dollars on farms like mine to get food for man and beast and a chance to satisfy the Fertilizer Trust. Why not?

All last year I hoped something would materialize to assist those who are willing to work in rural sections in northwest Georgia. The drought condition made wreckage inevitable, inscrutable, providential.

No man cared to help us, and we began the 1926 crop, like drowning sailors struggling to reach the shore, only to survive.

And no man seems to care whether this section of Georgia is filled with abandoned farms. Money is liberally voted for all sorts of enter-

prises, but the poor tenants can go to the "damnation bow-wows," and the landlords may be sold out by the sheriff, and who cares? I predict that Georgia lands will be gobbled up at zero prices by great land owners, as once in England, and the farm owners can die in poverty before the lawmaking power of the United States can care to investigate their present condition.

They sent $10,000,000 to Tokyo, Japan, after a conflagration. The strong box of the Nation is packed full of the taxpayers' money, and we in the northwest Georgia are, through no fault of our own, begging for the loan of a little money to secure food and clothing and enough help to start a crop in 1927, with no attention or concern or pity or remembrance that this delay will ruin the landlords after the tenants are obliged to go elsewhere to get relief.

I have lived in Cherokee, Ga., nearly 74 years. I lived through the Civil War and saw the poor old South in poverty, but the present condition is worse than that. My dear Senator, will you allow me to tell them this true story?

Respectfully,

REBECCA LATIMER FELTON.

DESIGNS FOR AIRCRAFT

Mr. BINGHAM. I am directed by the Committee on Military Affairs to report back favorably without amendment the bill (S. 5402) to amend the act entitled "An act to provide more effectively for the national defense by increasing the efficiency of Air Corps of the Army of the United States, and for other purposes," approved July 2, 1926.

The bill is designed to correct an apparent error in the law regarding aviation which we passed last year. I ask unanimous consent for its immediate consideration.

In the aircraft act of last year we created a design board to consist of three Assistant Secretaries, and we directed them to act upon designs for aircraft upon the recommendation of the aeronautic committee of experts. The Judge Advocates General of the Army and Navy, however, have ruled that the law as it reads does not mean exactly what we intended it to mean. The bill is brief and has been drawn to correct that situation so as to make the language more specific.

Mr. HARRISON. Mr. President, I think I shall object to the immediate consideration of the bill, because this morning under the unanimous-consent agreement the tax reduction resolution comes up, and the bill just reported by the Senator from Connecticut might lead to some discussion and occupy considerable time.

Mr. BINGHAM. If it shall lead to discussion, I shall withdraw it immediately.

Mr. ROBINSON of Arkansas. I understand that the bill is merely intended to make clear the meaning of language that was incorporated in the law enacted last year?

Mr. BINGHAM. The Senator from Arkansas is correct.

Mr. ROBINSON of Arkansas. And that by some construction placed by the Judge Advocate General upon that law the purpose of the Congress is not to be effected without this proposed change?

Mr. BINGHAM. That is correct, Mr. President.

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

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

Be it enacted, etc., That the second sentence of subdivision (r) of section 10 of the act entitled "An act 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," approved July 2, 1926, is amended so as to compose three sentences to read as follows:

"Any individual, firm, or corporation may submit to the board for its action any design, whether patented or unpatented, for aircraft, aircraft parts, or aeronautical accessories. The board shall refer any design so submitted to the National Advisory Committee for Aeronautics for its recommendation. If and when the committee makes a favorable recommendation to the board in respect of the design, the board shall then proceed to determine whether the use of the design by the Government is desirable or necessary and evaluate the design and fix its worth to the United States in an amount not to exceed $75,000."

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

CLAIMS OF THE SHOSHONE TRIBE OF INDIANS

Mr. KENDRICK. From the Committee on Indian Affairs I report back without amendment the bill (S. 5523) authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims, and I submit a report (No. 1389) thereon. I ask unanimous consent that the report of the committee may be printed in the RECORD.

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

[Calendar No. 1410; S. Rept. No. 1389; 69th Cong., 2d sess.]

AUTHORIZING THE SHOSHONE TRIBE OF INDIANS OF THE WIND RIVER RESERVATION IN WYOMING TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

Mr. KENDRICK, from the Committee on Indian Affairs, submitted the following report to accompany S. 5523:

The Committee on Indian Affairs, to whom was referred the bill (S. 5523) authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill is a redraft of S. 2301, which passed both Houses of Congress, but was vetoed by the President on January 28 last, because of the provision therein for the payment of interest from the date of origin of the claim. In his message the President stated should the item of interest be eliminated, he could see no reason why the bill should not be approved. This bill was redrafted to correct the objection of the President and is identical with S. 2301 except for the interest provision.

The President's message, which is Senate Document No. 199, Sixty-ninth Congress, second session, is attached hereto and made a part of this report.

[S. Doc. No. 199, 69th Cong., 2d sess.]

VETO MESSAGE RELATING TO THE ACT AUTHORIZING THE SHOSHONE TRIBE OF INDIANS OF THE WIND RIVER RESERVATION IN WYOMING TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

Message from the President of the United States returning without approval the bill (2301) authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims

To the Senate:

I am returning herewith Senate bill 2301, "An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims," without my approval.

The Fort Bridger treaty of July 3, 1868 (15 Stat. 673), set aside a reservation for the Shoshone Indians and for such other tribes as the Shoshones might "admit amongst them," but also provided that no cession of any portion of the reservation should be valid unless a treaty for the purpose should be signed by a majority of the male adult Indians of the Shoshone Tribe. Afterwards the northern band of Arapaho Indians were located on the Shoshone Reservation.

The Shoshone Indians claim that a majority of the male adult Shoshones did not sign a treaty agreeing to the cession to the Arapahoes of a portion of the reservation; that the consent, if any, given by the Shoshones to the location of the Arapahoes on the reservation was for temporary occupancy only; and that the Shoshones have from time to time asserted that they should be compensated for the land occupied by the Arapahoes.

It might be fair to say that these contentions may be disposed of, it seems to me, by the fact that in 1896 and 1904 reservation lands were ceded by agreements signed by both the Shoshones and the Arapahoes which provided that the moneys received therefor should be divided between the Shoshones and the Arapahoes. Congress ratified these agreements and they were carried into effect. Still, this objection might not be fatal.

But aside from the question of the merit of the claim the enrolled bill is objectionable because of the provision for the payment of interest from the date of origin of the claim. It had never been Government policy, prior to the Crow Indian jurisdictional act of July 3, 1926, to provide for the payment of interest from the date of origin of a claim. I am now satisfied that further departure from our former policy would be unjustified. It seems to me unreasonable to expect that the Government should be charged with interest from the dates of origin of such ancient claims. The amount of the interest under the enrolled bill is several times greater than the amount of the principal. Such an interest policy would inevitably mean that issues supposed to have been placed in the way of fair determination by jurisdictional acts of the past will come forward again for additional interest settlements far exceeding the amounts of the original claims. Should the item of interest be eliminated, I can now see no reason why the bill should not be approved. But if interest is to be allowed on this claim it will certainly result in an effort to reopen an endless number of claims which have already been settled.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 28, 1927.*

[S. 2301, Sixty-ninth Congress of the United States of America: At the second session, begun and held at the city of Washington on Monday, the 6th day of December, 1926.]

An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims

Be it enacted, etc., 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, adjudicate, and render judgment in any and all legal and equitable claims which the Shoshone Tribe of Indians of the Wind River Reservation in the State of Wyoming may have against the United States arising under or growing out of the treaty of July 3, 1868 (15 Stat. p. 673), or arising under or growing out of any subsequent treaty or agreement between said Shoshone Tribe of Indians and the United States or any subsequent act of Congress affecting said tribe, which claims have not heretofore been determined and adjudicated upon their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 2. The claims of said tribe shall be presented by petition, subject, however, to amendment at any time. The suit under this act shall be instituted or petition filed in the Court of Claims within three years from the date of approval of this act. Such suit shall make the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming party plaintiff and the United States party defendant. The petition shall be verified upon information and belief by the attorney or attorneys employed by said tribe to prosecute said claims under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Letters, papers, documents, and public records, or certified copies thereof, bearing upon the claims presented, may be used in evidence, and the departments of Government shall give the attorney of said tribe access to any such letters, papers, documents, or public records, and shall furnish certified copies of such thereof as may be deemed material.

SEC. 3. In said suit the court shall also hear, examine, and adjudicate any claims which the United States may have against said tribe, but any payment including gratuities which the United States may have made to said tribe shall not operate as an estoppel, but may be pleaded as an offset in such suit: *Provided, however*, That the United States may interpose to such suit or action any and all pleas of defense, affirmative and negative, legal and equitable, which it may have thereto not herein specifically barred by the provisions of this act.

SEC. 4. If it be determined by the court that the United States, in violation of the terms and provisions of any law, treaty, or agreement, has appropriated or disposed of any lands, money, or other property belonging to the Indians, damages therefor shall be confined to the value of the money, lands, 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 Shoshone Indians in and to such money, lands, or other property.

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 said Shoshone Tribe of Indians, and the same shall be included in the decree and shall be paid out of any sum or sums found to be due said tribe.

SEC. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to said suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

SEC. 7. A copy of the petition in such suit shall be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States.

SEC. 8. All amounts which may be found due and recovered for said tribe under the provisions of this act, less attorneys' fees and expenses, shall be deposited in the Treasury of the United States to the credit of said tribe and shall draw interest at the rate of 4 per cent per annum from the date of the judgment or decree.

NICHOLAS LONGWORTH,
Speaker of the House of Representatives.
CHARLES G. DAWES,
Vice President of the United States and President of the Senate.

REPORTS OF COMMITTEES

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 5213) for the relief of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries, reported it without amendment and submitted a report (No. 1390) thereon.

Mr. LENROOT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13481) authorizing the Secretary of the Treasury to accept title for post-office site at Olyphant, Pa., with mineral reservations, reported it without amendment and submitted a report (No. 1391) thereon.

Mr. ODDIE, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4530) amending sections 11 and 21 of the Federal highway act, approved November 9, 1921, amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," prescribing limitations on the payment of Federal funds in the construction of highways, and for other purposes (Rept. No. 1392); and

A bill (S. 4602) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes (Rept. No. 1393).

BILLS INTRODUCED

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

By Mr. GEORGE:

A bill (S. 5582) for the taking of testimony in actions at common law and in equity in the United States courts; to the Committee on the Judiciary.

A bill (S. 5583) to authorize the reappointment of George Edwin Penton as second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. LENROOT:

A bill (S. 5584) for the relief of the Milwaukee Tanning & Clothing Co., a corporation; to the Committee on Finance.

By Mr. GLASS:

A bill (S. 5585) to extend the time for construction of a bridge across the southern branch of the Elizabeth River, near the cities of Norfolk and Portsmouth, in the county of Norfolk, State of Virginia; to the Committee on Commerce.

A bill (S. 5586) for the relief of Carl Halla; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 5587) granting an increase of pension to Emily Browning (with accompanying papers); to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5588) granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct and maintain and operate a bridge across the Tug Fork of Big Sandy River at Devon, Mingo County, W. Va.; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 5589) to authorize a reward for the discovery of a successful cure for cancer, and to create a commission to inquire into and ascertain the success of such cure; to the Committee on Education and Labor.

By Mr. SHORTRIDGE:

A bill (S. 5590) for the relief of George H. Koerner; to the Committee on Naval Affairs.

A bill (S. 5591) granting an increase of pension to Annie E. Johnson; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 5592) to provide for cooperation by the Smithsonian Institution with State, educational, and scientific organizations in the United States for continuing ethnological researches on the American Indians; to the Committee on Indian Affairs.

A bill (S. 5593) for the relief of Walter W. Price; to the Committee on Claims.

By Mr. BRUCE:

A bill (S. 5594) granting six months' pay to Maria J. McShane (with an accompanying paper); to the Committee on Naval Affairs.

A bill (S. 5595) relating to assuring compensation for accidental injuries or death of employees in certain occupations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GERRY (for Mr. UNDERWOOD):

A bill (S. 5596) granting the consent of Congress to Dauphin Island Railway & Harbor Co., its successors and assigns, to construct, maintain, and operate a railroad bridge and approaches thereto and/or a toll bridge across the water between the mainland at or near Cedar Point and Dauphin Island; to the Committee on Commerce.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. PHIPPS submitted an amendment intended to be proposed by him to the second deficiency appropriation bill for the fiscal year 1927, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert:

"For development of oil shale, including mining and transportation of shale, operation, repairs, and alteration of plant, the maintenance and repair of necessary camp buildings and appurtenances thereto, and the operation and maintenance of experimental refinery, and for all necessary expenses incident thereto, including clerical and technical assistance, $75,000, of which amount not to exceed $7,500 may be expended for personal services in the District of Columbia."

Mr. WILLIS submitted an amendment intended to be proposed by him to the second deficiency appropriation bill for the fiscal year 1927, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert:

"Not to exceed $4,000 for the purchase of a picture of the late President Warren G. Harding for the White House, selection to be made under the direction of the Library Committees of the Senate and House and with the approval of the Fine Arts Commission."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 4502. An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable, and providing penalty; and

H. R. 7776. An act for the reimbursement of Emma Pulliam.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate to the said bill Nos. 4 and 7 and concurred therein; that the House had insisted on its disagreement to the amendments of the Senate Nos. 8, 9, and 10, requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. CRAMTON, and Mr. BYRNS were appointed managers on the part of the House at the further conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

H. R. 2994. An act for the relief of Harry J. Dabel;

H. R. 5085. An act to remove the charge of desertion from and correct the naval record of Louis Nemec, otherwise known as Louis Nemeck;

H. R. 5243. An act to promote the mining of potash on the public domain;

H. R. 5486. An act for the relief of Levi Wright;

H. R. 7849. An act for the relief of Ella Miller;

H. R. 8923. An act for the relief of Sheffield Co., a corporation of Americus, Ga.;

H. R. 9919. An act for the relief of Stanton & Jones;

H. R. 10082. An act to permit construction, maintenance, and use of certain pipe lines for petroleum and its products;

H. R. 10901. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska;

H. R. 11139. An act for the relief of Celestina Mateos;

H. R. 11586. An act for the relief of Fannie B. Armstrong;

H. R. 11259. An act to reimburse or compensate James E. Parker for money, clothing, and other property misplaced or appropriated by United States authorities during the World War;

H. R. 12109. An act to amend section 115b of subchapter 3 of chapter 1 of the District of Columbia Code;

H. R. 12110. An act to amend section 1135, chapter 31, of the District of Columbia Code;

H. R. 12952. An act to authorize the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa;

H. R. 13451. An act to increase the pensions of certain maimed veterans who have lost limbs or have been totally disabled in the same, in line of duty, in the military or naval service of the United States; and to amend section 4788 of the Revised Statutes of the United States by increasing the rates therein for artificial limbs;

H. R. 13453. An act to amend the act providing additional aid for the American Printing House for the Blind;

H. R. 14250. An act to authorize reimposition and extension of the trust period on lands held for the use and benefit of the Capitan Grande Band of Indians in California;

H. J. Res. 53. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved December 23, 1924; and

H. J. Res. 100. Joint resolution to authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska.

GROWTH OF COTTON IN TEXAS

Mr. MAYFIELD. Mr. President, for two or three years the Dallas News, one of the greatest newspapers published in the United States, has been conducting a campaign under the slogan "More cotton on fewer acres," which has been directly in charge of Victor H. Schoffelmayer, agricultural editor of this great paper. It is proposed to bring about a more intensive cultivation of cotton and thereby reduce the cost of production, and at the same time release land that had been planted to cotton, so that the released land can be planted to feed stuff.

Selling cotton for 11 to 12 cents a pound requires a minimum yield of one bale an acre. The South's average per acre yield of cotton for 10 years is 165 pounds, or a fourth of a bale, which manifestly is far below the yield required to pay cost of production, which averages about 18 to 20 cents a pound. Higher yields per acre are essential to larger profits. There is no danger of increasing production along this line, because intensive farming means reduced acreage and larger yields to make greater profits.

The Dallas News, through Mr. Schoffelmayer, made a most accurate investigation into the cost of the production of cotton and found that it cost an average of 18 cents per pound to produce cotton in the State of Texas. Accordingly the News offered a very attractive prize to the lady who could produce the most cotton on 1 acre of land at the least possible cost, and a most attractive prize to the gentleman who could produce the most cotton on 5 acres of land at the least cost.

In the gallery of the Senate at this moment is Miss Elga Daniels, of Nacogdoches, Tex., who won the first prize in the contest for ladies. She produced two and one-half bales of cotton on 1 acre of land at a cost of 6 cents per pound. By her side sits Mr. Mont Adams, of Tyler, Tex., my old home, who won the first prize in the contest for gentlemen. Mr. Adams produced 16 bales of cotton on 5 acres of land at a cost of 5 cents per pound.

Mr. President, these accomplishments show that the cost of producing this great staple crop of the South can be greatly reduced when the plan of intensive cultivation is applied. Texas is proud of Miss Daniels and Mr. Adams. I considered it a great honor to pay them the recognition to which they are entitled.

TAX REDUCTION

The VICE PRESIDENT. Morning business is closed. The Chair lays before the Senate Senate Resolution 366, which will be read by the clerk.

The Chief Clerk read the resolution (S. Res. 366) submitted by Mr. HARRISON January 28, 1927, as follows:

Resolved, That it is the sense of the Senate that permanent tax legislation should be enacted during the present session of the Congress providing for tax reduction sufficient to absorb the surplus in the Treasury resulting from revenue received under the tax laws now in force.

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

Mr. HARRISON. I ask for the yeas and nays.

Mr. GILLETT rose.

Mr. NORRIS. Mr. President, I wish to offer an amendment to the joint resolution, a copy of which I have only just now before me. I understand the Senator from Massachusetts desires to address the Senate on the resolution. If he wishes to speak now, I will prepare my amendment while he is doing so.

Mr. GILLETT. Mr. President, I wish to say a few words on this resolution. It seems to me it is a palpable and barefaced attempt on the part of the Senator from Mississippi to transfer to himself and his party associates some of the popularity which has accrued to the present administration by the tax reductions which it has been able to effectuate. Those tax reductions were brought about by stringent economies, and yet we have never heard of any praise of those economies from

those who now advocate the pending resolution, although such economies were the only means by which the tax reductions became possible.

Of course, the suggestion contained in the resolution is not even original here. The very same gesture was made in the House of Representatives by the ranking minority member of the Ways and Means Committee there. It was made strenuously and vigorously, but it failed there, which was the only place where it could have any effect. Therefore, we all now know that it here is merely a gesture.

Even if we unanimously favored it, it would not be possible to enact a general tax reduction bill at this time, with the calendar crowded and only a few days remaining of the life of this Congress. But even if it were possible, in my opinion, it would not be wise. For the economy which the administration has practiced it has deserved the most praise, because it requires courage and wisdom to effect economy.

A distinguished English statesman once said, "If you want to raise a certain cheer in the House of Commons make a panegyric on economy; if you want to bring about sure defeat propose a particular saving." That is just as true here as it is in England. While everybody can praise economy, particular saving nearly always treads on somebody's toes and causes unpopularity. So I think that the achievement for which this administration deserves the greatest praise and the greatest credit is that for years it has instigated and insisted upon particular saving at the cost in some quarters of unpopularity. As a result of that accomplishment it has been able to bring about tax reduction. Now our opponents, who never favored the particular saving, wish to gather for themselves its fruits.

I served for some years with a Member of the other House who said that his political program—I do not know whether he was humorous or whether he was sincere, but I suspect a mixture of both—was to vote against every tax and in favor of every appropriation.

Mr. HARRISON. Mr. President, may I ask the Senator if he was not a Republican?

Mr. GILLETT. He was. [Laughter.]

Mr. HARRISON. Yes.

Mr. GILLETT. That was long before the present administration, and there are Members on both sides now who, judging from their votes, are actuated by that impulse. The difficulty is to find men who are willing to practice economy and who are not merely seeking the popular fruits of economy.

The reason, in my mind, why we ought not to try to adopt the pending resolution, and why we ought not, if it were possible, to pass a tax-reduction measure now, is that we do not know whether the present surplus is permanent or is temporary. We have for this year a large surplus, but what the surplus will be next year, if any, nobody can foretell. Less than a year ago we enacted a tax reduction law, the result of which nobody can as yet measure. From appearances up to date it looks as if the policy which the administration, against Democratic opposition, so vigorously supported, of reducing the surtaxes, was going to fulfill the prediction of the administration, and that, as so often happens in the levying of taxes, by reducing them, the revenue derived would be increased. Whether the tax-reduction measure which was last enacted will go as far in that direction, as was anticipated, nobody can predict, but the administration believed that by reducing taxes we would not greatly diminish, and might increase, the returns by causing capital to be withdrawn from tax-exempt securities, and thus stimulating the channels of trade and increasing the prosperity of the country and its taxable income.

We have been for a year at the very peak of prosperity. We all hope that it will continue, and the Senator from Mississippi pays a certain compliment to the administration by assuming that it is going to continue for another year. I trust it will, but, at the same time, we all know that business has its fluctuations; that it runs in cycles; that there can not be a continuous increase in prosperity, for finally production overtakes consumption, and there is a reaction. That condition may come at any time. It may come this year; it may come next year; nobody can foretell when it will come. We can only tell, judging by the past, that it is inevitable that it shall come at some time. Therefore, when we have a tax bill on the statute books which has reduced the taxes and which has not as yet been in effect a year, it is reckless to assume that present prosperity is going to continue for two years, and, therefore, it would be improvident and unwise to pass as the pending resolution contemplates a permanent tax reduction law, because of course if we should do that and a reaction should come next year, there would be only one remedy and that would be to impose greater taxes immediately. I know the Senator from Mississippi would not wish—he is too good a patriot to wish—to have larger taxes imposed; but it might be a mitigating circumstance in his mind if that should become necessary just before a national election when his political opponents are in power. It is possible if the program proposed by this resolution should be followed that we would be faced with that necessity, and, therefore, it is not safe, and it is not wise, in my opinion, until we know what the permanent effect of the present tax law shall be, to try to reduce taxes again, with a certainty that when business recedes and the income from taxes diminishes we shall have to enact a law providing permanent tax increases.

It is not as if we were wasting the money. The surplus which we are now accumulating is being applied to the reduction of our national debt, the interest on which is the largest item of our national expenditures, and, therefore, the decrease of the debt is of itself equivalent to a reduction of taxes and is something which benefits the people.

So, in my opinion, Mr. President, it is not safe at the present time to reduce taxes further. At any rate, it is impossible that the resolution should accomplish anything; it is a mere gesture, and, therefore, should not be adopted.

Mr. BRUCE. Mr. President, if I thought the pending resolution was a mere empty flourish, a mere insincere party maneuver, I should not give it my support. The Members of the Senate know that ever since I took my seat here I have been one of the most consistent and one of the firmest upholders of what has commonly come to be called the Mellon plan of income taxation. That plan was finally perfected and carried into effect, and, now that it has resulted in a large surplus, just as Mr. Mellon always anticipated that it would, with the application of proper principles of income taxation to our revenues, I think that the surplus ought to go to the taxpayers of the country, and first of all to the corporation taxpayers of the country. Everybody admits that the incidence of income taxation falls too severely upon them; and I myself, as is doubtless true of every Member of this body, have received numbers of communications from corporations throughout the United States expressing the hope that we would at this session of Congress give them the relief to which they are justly entitled.

It is not the Democrats who are engaged in party maneuvering, in making a party gesture, in fighting for prospective party advantage; it is the Republicans. The President himself has recommended that there should be a rebate or refund of income taxation this year. There seemed to be no article of his program upon which he was more bent; and yet here we have the suggestion that no Republican, at least in this body, should give his support to the resolution of the Senator from Mississippi [Mr. HARRISON].

The motive back of that is perfectly obvious. The Republicans in this body are simply hoarding campaign material for the presidential campaign of 1928; that is all. Whether this country maintains its present prosperity or experiences adversity in the interim, when the time comes there will be a proposal made by the Republicans in this House or in the other House to reduce income taxation so as to get the benefit of the reduction in the ensuing presidential campaign. In my opinion, they would not be justly entitled to such benefit. The people of this country should have a reduction in taxation, especially as to the smaller corporations, and they should have it now, when no suspicion that the reduction was being made simply for political or campaign purposes could attach to the reduction; and as for the idea that the time is too short within which to give this relief, I, for one, do not think that it is tenable.

Everyone knows that the general principles of income taxation have been exhaustively discussed in both Houses of Congress. There is no substantial difference of opinion left with respect to those principles; so, if there is any real inclination upon the part of the Republicans in the House and in the Senate to give the people of this country a reduction of taxation at the present time, they could with our aid give it, and a bill could be framed providing for reduction and be put through the House and the Senate in the time that is left to us to legislate.

I trust that I have some little reputation in this body for sincerity of conviction and purpose; and I hope nobody will believe that I am being influenced by mere partisan considerations or secondary considerations of any sort in espousing the cause of tax reduction at this time. But I, for one, am not willing, when we are ready with the concurrence of the Republicans presently to reduce taxation, to forego the credit that would justly attach to both Republicans and Democrats if such a reduction were effected simply because the Republicans in this body and in the House are desirous of having

another string to their campaign bow, so to speak, when 1928 comes.

Another thing I say, though with great respect to President Coolidge: The idea of his being robbed of any credit in connection with taxation is, in my judgment, a far-fetched idea. Personally, I could not conceive of a smaller form of petty larceny than that of robbing the President of any credit for the present system of income taxation which he helped so little to devise. We all know that recently he has scarcely made a recommendation of any kind to this body that has been accepted by his fellow Republicans here. Again and again, no more attention has been paid to his suggestions than if he had not been clothed with the power and dignity of his office at all. It seems to me that it is a commoner thing for his party associates in this body to disregard his recommendations than to heed them; and if he can derive any solace from that fact it must be in keeping with the famous lines that were once used about Charles II.

You recollect that somebody—I think it was the Earl of Rochester—wrote—

> Here lies our sovereign lord the king,
> Whose word no man relies on;
> He never says a foolish thing
> Nor ever does a wise one.

When these lines were reported to Charles II he wittily said, "That is true, because my words are my own and my acts are my ministers." So I do not see any escape for the President except to say that he has given wise verbal counsel, but that his Republican associates in this body have not seen fit to pay any attention to them, and, therefore, that the responsibility for much legislation that deserves criticism should attach entirely to them and not to him.

When we come to nominate a candidate for the Presidency, if I may make any reference at all to partisan considerations, we do not propose to be imposed on by any spurious, artificial credit that the Republicans may claim for themselves in harmony with the remarks that have just been made by the Senator from Massachusetts [Mr. GILLETT]. I, for one, most sincerely trust, as a Member of this body, as a citizen, as a taxpayer, as an individual who thinks that in dealing with questions of this kind party considerations should be altogether eschewed, that this resolution may meet with the approval of the Senate.

Mr. TRAMMELL. Mr. President, in the message submitted by the President upon the convening of Congress last December, the President expressed his views in regard to a tax reduction. He states in that message that he does not believe that a permanent change in the nature of a reduction should be brought about, but that legislation should be enacted which would provide for temporary relief. I read on page 3, where the President states:

> As I do not think any change in the special taxes or any permanent reduction is practical, I therefore urge both parties of the House Ways and Means Committee to agree on a bill granting the temporary relief which I have indicated. Such a reduction would directly affect millions of taxpayers, release large sums for investment in new enterprise, stimulating industrial production and agricultural consumption, and indirectly benefiting every family in the whole country.

The Chief Executive in this message gave expression to his views as to the method which he would have in bringing about a tax reduction, due to the large surplus which had been accumulated. The resolution pending before the Senate gives each Senator in this body an opportunity to express his views and the views of the Senate upon the question of tax reduction. There is no question but that the situation which has arisen, due to the accumulation of a large surplus, justifies some degree of relief to the taxpayers of this country. The question involved, however, is the method which shall be followed and adopted.

I think the Senate should go on record as favoring a tax reduction. Under the Constitution, of course, all revenue bills have to originate in the House. The people of this country, both the large and the small taxpayers, I think, feel that the circumstances are such that we may bring about some tax reduction. For the Senate to say, "We will not pass a resolution of this character," would indicate that we are unwilling to express ourselves upon the subject.

The argument has been made here that we may enact a law bringing about reductions and as a result there may be a deficit. The same argument was made when we were considering the tax bill in 1926. Well do I remember, when it was proposed by the ranking Democratic member [Mr. SIMMONS] of the Finance Committee that the schedules of the so-called Mellon plan, which had been submitted to Congress and passed almost in its original form by the House, could be reduced, that a hue and cry went up from the administration and from the Secretary of the Treasury that if the reductions that were proposed in the amendments which were then being offered by the Senator from North Carolina [Mr. SIMMONS] should become the law there would be a deficit, and we would not have sufficient funds with which to run the Government.

A majority of the Senate, however, were not deterred by threats or predictions of this character. We proceeded, and a majority of the Senate reduced the schedule of rates in the main which were contained in the House bill; and even under those reduced rates we have accumulated something like three hundred and eighty-odd millions of surplus. So I do not think we should be deterred by a little intimation or a forecast that if we make a tax reduction we are going to have a deficit and bring about a deplorable condition in this country.

When we revised the tax bill in 1924, I believe, we heard a similar argument. When it was proposed in 1924 that we should increase the exemption to the head of a family to $2,500, and that we should reduce proportionately the levy upon those of moderate incomes—say incomes running from five to fifty thousand dollars—it was suggested that if we made any such reductions as that we were absolutely going to force a deficit and that the Treasury would not have sufficient funds to meet the necessary expenses of the Government.

Not heeding that kind of threats and warnings, however, a majority of the Congress went ahead and made those reductions, and following up the act of 1924 we found we could make reductions again in 1926.

All of the past experiences we have had in dealing with the tax question would indicate that we have a condition now which will justify a substantial tax reduction; and if that is true, why should not Congress act? Why should there not be introduced in the House, that being the body in which revenue bills must originate, and why should that body not pass and send to the Senate a tax bill bringing about a substantial reduction?

I am heartily in favor of the Senate passing this resolution and going on record in favor of a substantial tax reduction. When this session shall come to an end Congress will not convene again, unless we happen to have an extra session of Congress, until next December, and then practically nothing will be done before the holidays. Then there will be talk about tax reduction in January, 1928, and along in January and February, 1928, we will be met with the very argument that has been made now, that if we pass tax reduction legislation at that time and have it reach back to 1927 it will be retroactive, and that in its retroactive effect money will be refunded to corporations and to other taxpayers who have reimbursed themselves for the money they paid in the way of taxes, and that therefore we would not reach back to the person who had really contributed the tax in the first instance. We would be confronted with that very argument in 1928.

There is some merit, of course, in the argument. A great many of our taxes are imposed upon corporations, such as the automobile tax and other taxes. They, of course, pass the taxes on to the purchasers of the articles or the commodities in which they deal, and if we pass an act in 1928, which would apply to 1927, the inevitable result would be that a great many taxpayers would be relieved of a tax which they had already levied and collected from the purchaser of the article or the commodity which they were disposing of, and that would run through a great many different lines of industry. So we would be confronted with that situation.

I believe that with the surplus we have on hand, and considering how the taxpayers of this country have been burdened with taxes from the war down to the present time, if we could possibly do so, we should afford them some relief.

Mr. NORRIS. Mr. President, we are confronted with this resolution stating it as the sense of the Senate that there should be an immediate reduction in taxation, when it is absolutely known by everybody that it would be a physical impossibility to pass through both Houses of Congress a tax reduction bill in the closing hours of this session. No one will contend otherwise for a moment, for everybody knows that a tax reduction bill, which, under the Constitution, must originate in the House of Representatives, and over which the Senate has no jurisdiction until it has passed the House of Representatives, could not possibly become a law at this session.

If there were any merit in the expression of the opinion of the Senate, it ought to have been given at the beginning of the session. It could bring no results now. It is a physical impossibility for it to bring any, and regardless of its merit, regardless of the controversy as to whether we ought to reduce taxes

or not, we are asked to express our opinion at a time when it could have no possible effect upon anybody.

I did not agree with the policy of President Coolidge that was enunciated in his message to Congress, or the one he announced to the people through the newspapers some time ago, as to his method of reduction. He proposed to reduce taxes by a method of refunding. To my mind, that is perfectly illogical and contrary to good business principles, and I myself can not see how any business man in the administration of the ordinary business affairs of life could have followed such a course.

We are presented here with this condition, that under existing law a surplus has been brought about through the collection of taxes. If a business man were in debt, and found at the close of the year that he had made more money than he had expected to make, and had a surplus on hand, he would not hesitate a moment to apply that surplus upon his indebtedness, and thus reduce not only the principal but the interest as well.

It has been said here on both sides of the Chamber that this is a matter of politics. I am not questioning the motive of anyone. I am not suggesting the idea that it would be improper for the Senate to express its opinion even now, although the result of such expression could bring nothing in the way of legislation at this late date.

I have never been bothered very much about a surplus. It has seemed to me that it was not a bad thing to have a surplus when we are so deeply in debt, and if we have collected several hundred millions dollars more in the way of taxation than we need to operate the Government, we can easily apply the surplus upon the redemption of Liberty bonds, an indebtedness which sooner or later the people of this country must meet by taxation.

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

Mr. NORRIS. I yield.

Mr. SHORTRIDGE. I suppose it is agreed upon all hands that it is easier to deal with a surplus than it is to deal with a deficit. I fully agree with the sentiments expressed by the Senator from Nebraska. We can easily handle a surplus.

Mr. NORRIS. I thank the Senator. No one can tell in advance when we enact a tax bill whether we are going to have a surplus or a deficit, at least if we are trying to steer near the line. It depends upon the condition of the country.

I am not opposed to a tax reduction bill if one can be enacted in the regular way. There are some taxes—nuisance taxes, for instance—which I think we ought to eliminate, and I would be glad to have an opportunity to join in doing that. But such a plan is not going to be presented at this session, and everybody knows that.

After all it is not a serious thing that we have this surplus. It is much better than if we had a deficit. We can apply the surplus upon the payment of a debt which must be paid through taxation, and, as I was about to say when I was interrupted, I believe, and always have believed, that when we are enacting a tax bill we should rather steer toward a surplus than toward a deficit. A deficit would be a serious thing to the people of the country. A surplus could be used in reducing the debt to-day that we will have to pay some time in the future.

We are not going to get rid of objectionable taxation during the lifetime of any man now in this Chamber. Our children and our grandchildren will be compelled to toil to pay the interest and the principal of the Liberty bonds, which represent a debt we incurred in carrying on the war. It seems to me we would better pay as large a part of that debt as possible, as a matter of business while we have the ability to do so.

If hard times should come, if depression should come, then the burden of taxation would rest more heavily upon the shoulders of the American people than it does now. It seems to me that if we are going to express any opinion now about this surplus which has accumulated in the Treasury it ought to be one that is practical.

I have no sympathy with the political party that will try to make political capital out of this matter, either now or in the future. I do not intend to be a party to such controversy. I think we ought to consider the question as a business man would consider the ordinary affairs of business life, that we ought to apply the same principles of business in these financial matters of our Government that we apply in our private business; that we ought to pay our debts just as soon as we can, and if we have some money for which we have no other use, the first thing we ought to do would be to apply it upon the national debt.

Various plans for the use of this surplus were given publicity about the time Congress convened last December, and it seemed to me that as a matter of business none of the plans hit the mark where a business man would have hit it, that at least we ought to apply the surplus we had upon what we owe, and thus reduce the burden that will come upon posterity in the payment both of interest and of principal.

If time would relieve us of the payment of this debt, that argument would not be good, but everybody knows that as time goes on, although the interest is small and would be smaller on the various renewals, it is piling up every day, it is piling up night and day, Sunday and week day. The interest is adding to the burden all the time, and whenever we pay off a dollar, we not only pay part of the principal but we prevent the accumulation of interest that would grow through the years.

I do not think the surplus we have is really of such an enormous size as to cause us any alarm. I do believe we have some taxes that we ought to eliminate and get rid of.

With that idea in view, I offer a substitute for the resolution, which I send to the desk and ask to have read.

The VICE PRESIDENT. The clerk will read.

The Chief Clerk read as follows:

Resolved, That it is the sense of the Senate that any surplus in the Treasury arising from taxation should be applied toward the payment of the national debt.

[Mr. MAYFIELD addressed the Senate for several minutes. His remarks appear in the RECORD preceding the debate on Senate Resolution 336 on page 2923.]

Mr. NORRIS. Mr. President, I have modified the resolution which I introduced and would like to have the clerk read the resolution as modified.

The VICE PRESIDENT. The resolution as modified will be read.

The CHIEF CLERK. Strike out all after the word "*Resolved*" and insert in lieu thereof the following:

That it is the sense of the Senate that any surplus now in the Treasury arising from taxation should be applied toward the payment of the national debt.

Mr. HARRISON. Mr. President, I want to raise a point of order to the substitute. My resolution has reference to permanent legislation and this substitute has reference merely to the surplus now in the Treasury and applies only to this year. I do not care to argue the proposition. I merely wish to make the point, and after while we can argue the proposition.

The VICE PRESIDENT. Does the Senator insist on his point of order?

Mr. HARRISON. I shall insist on it. I want to serve notice of it now. Debate closes at 2 o'clock and I do not want to take up any time in an argument of the point of order now.

The VICE PRESIDENT. Does the Senator wish to have a ruling on the point of order?

Mr. HARRISON. Not just yet.

Mr. WILLIS. Mr. President, if I thought the Chair needed any suggestion upon the point of order I would discuss that point. To me it is so perfectly apparent that the point of order is not well taken that I can not imagine that the Chair entertains any doubt upon it, so I shall not discuss it unless it should become necessary later.

I rose, Mr. President, to speak in behalf of the amendment offered by the Senator from Nebraska [Mr. NORRIS]. My attention was diverted for a moment by the very appropriate remarks made by the Senator from Texas [Mr. MAYFIELD] relative to champion cotton growers who came from his State. That reminded me that the corn king of the world, the man who has grown the greatest quantity of corn on 10 acres of land, barring none in the history of the world, comes from Hardin County, Ohio, where I formerly had the honor of living. So I speak of that while the crowns are being passed around, in order that it may be understood that one should go to the corn king of Ohio.

But, Mr. President, referring to the resolution and to the substitute or amendment which has now been offered, it seems to me that the remarks of the Senator from Nebraska are particularly appropriate. It is perfectly evident to anyone acquainted with the legislative situation that the resolution offered by the Senator from Mississippi, and, of course, offered in perfectly good faith and without the slightest idea on his part that it would have any political effect, is only a gesture, and if adopted it could have only one effect, if it has any effect at all. In the first place, it is a most unusual thing for one branch of the national legislature to undertake to advise the other branch what it should do. The sole power of raising revenue, so far as originating revenue measures is concerned, of course, resides in the House, and the Senate has no jurisdiction in the premises. The Senator from Mississippi perfectly well understands that. So it is an unusual thing.

But in the second place, if it had any effect, if the House would pay any attention to the resolution, which it would not

and which it ought not to do, and we should go into the subject of tax revision, the only effect it would have would be to cause a special session of Congress. I do not at all charge that my friend from Mississippi desires any such calamity as that, but we must consider the present condition of the calendar. With less than a month of time to elapse between now and the final adjournment of Congress we have eight appropriation bills to be passed; with the legislative jam that exists now as the result of the necessity for consideration of various important measures, such as the farm relief bill, the banking bill, the bill for the reorganization of one branch of the Commerce Department, bills relating to the enforcement of prohibition laws, the truth in fabrics bill, and various other measures which must and will be considered here, and my friend the Senator from New Hampshire [Mr. MOSES] suggests that I should add the postal rate bill. With all those bills pending, and only one month in which to consider them, it is perfectly apparent that if we go into the question of taxation legislation many of those bills will fail, the appropriation bills will fail, and we shall have created a situation which some gentlemen desire. Of course, the Senator from Mississippi does not desire it. He has not thought of the untoward result which would flow from the adoption of his resolution. We would create a situation with the failure of the appropriation bills by virtue of which it would become necessary for the President of the United States to call a special session of Congress.

I might say, in passing, that to me that it is an amazing thing that my friend from Mississippi has become in a way the spokesman for the forces which have been conducting for some time an active fight in the country for the very thing which he now proposes. No doubt every Senator has received numerous letters from chambers of commerce and from corporations urging a reduction of the corporation tax. I have tried to explain to those gentlemen who have written me that it would not be possible to take up one item of taxation without opening the whole subject, and that would inevitably lead to that which I have just referred, namely, a failure of appropriation bills, a failure of taxation legislation, and the creation of a situation whereby it would become imperative that the President should call an extra session of Congress.

Mr. HARRISON. Mr. President, the Senator told them he was for a reduction of corporation taxes, did he not?

Mr. WILLIS. I can not understand how my friend knows what I told them, but I will tell him what I told them. I told them just what I am telling the Senator now, that I thought it was the part of wisdom for this Congress to pass the appropriation bills and go home, and not create a situation whereby we should have a special session of Congress, with attempted revision not only of taxation but of the tariff, a session which would last along until next September or October, and which would enable our friends across the aisle to manufacture political war munitions. I told them I was opposed to that.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. WILLIS. Certainly.

Mr. ROBINSON of Arkansas. The Senator's advice, which he gave to his correspondents who asked for a reduction of the corporation tax, indicates that he is in favor of limiting legislation at this session to the passage of appropriation bills. Is that correct?

Mr. WILLIS. Oh, no, Mr. President, not entirely to appropriation bills.

Mr. ROBINSON of Arkansas. The Senator's statement I thought warranted that conclusion. In view of his statement that he had advised those seeking tax reduction that he thought the best thing Congress could do was to pass the appropriation bills and go home, let me ask the Senator what other measures he thinks the Congress should consider during this session aside from the appropriation bills?

Mr. WILLIS. I have already enumerated several. I should say to the Senator that inevitably we ought to consider the farm-relief measure which is now before the Senate. That is going to take considerable time. We ought to consider the banking bill. We ought to consider the measures which have for their purpose the better enforcement of the prohibition law. We ought to consider the radio bill.

Mr. ROBINSON of Arkansas. Will the Senator pause there just a minute to indicate when he expects to proceed to the consideration of the reorganization bill relating to the enforcement of prohibition?

Mr. WILLIS. I trust the Senator will direct his question to the Senator from Utah [Mr. SMOOT], who can answer the question.

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

Mr. WILLIS. I yield to the Senator from Utah in order for him to answer the question, because he has the information with reference to the bill.

Mr. SMOOT. I have reported the bill to the Senate as amended by the Finance Committee. It came to the Senate with a unanimous report, and I intend at the earliest possible date next week to ask the Senate to consider the bill.

Mr. ROBINSON of Arkansas. I shall join the Senator in his effort to obtain consideration of the bill.

Mr. WILLIS. Of course I am interested in the consideration of the bills which I have enumerated, and I do not know that the list includes all that we ought to consider.

Mr. HARRISON. Mr. President, will the Senator answer my question?

Mr. WILLIS. Just wait a moment, if the Senator please. I am not in favor of creating a situation which will simply bring about a jam in the legislative situation in which none of these bills can be passed, and the Senator knows that is true.

Mr. HARRISON. Did the Senator tell his correspondents that he was in favor of a reduction of the corporation tax?

Mr. WILLIS. I told them that when it came to the proper time in the next session of Congress to deal with that question I should be glad to take it up, and I think that was a pretty good answer.

Mr. ROBINSON of Arkansas. Just prior to the next election?

Mr. WILLIS. I should not be averse to it simply because there is an election coming on, so far as that is concerned. I do not think that ought to militate against it.

Mr. ROBINSON of Arkansas. Will the Senator go a little further——

Mr. WILLIS. Just a moment, if the Senator please. I am opposed to creating a situation here which would enable the jovial, eloquent, and handsome Senator from Mississippi and his colleagues all summer to dillydally here in a special session of Congress with tax bills and revision of the tariff until a situation would be reached in which those very corporations which have been appealing to the Senator would be crying out for relief and calling on the Congress to go home. I think it is unwise further to complicate the situation by going into taxation matters.

In view of the legislation we have already enacted and legislation that is likely to be enacted, I do not know whether there will be very much of a surplus next year anyhow. For example, we have enacted legislation providing a building program which will involve an ultimate expenditure of $165,000,000. The other day we passed a bill providing for the purchase of the triangle for $25,000,000 more. It is understood that another public buildings bill carrying $100,000,000 is soon to be reported. The river and harbor bill carries approximately $75,000,000. Proper and necessary appropriations for the Veterans' Bureau will amount to $500,000,000. In view of these expenditures and others, the existence of any surplus becomes problematical.

The VICE PRESIDENT. The time of the Senator from Ohio has expired.

Mr. ROBINSON of Arkansas. Mr. President, it is true that many measures of importance are pending before the Congress which will not receive consideration and which will not be disposed of during the present session of Congress. We all knew, when we came here in December last, that a process of elimination necessarily would be adopted, and in consequence of that knowledge the majority steering committee presented to the Senate a program. That program listed a number of measures which the steering committee deemed especially desirable that the Senate consider.

It is significant, Mr. President, that comparatively few of the bills included in that program have been acted upon, and the indications are that quite a number of them will remain undisposed of when the 4th of March shall have been reached. I make the assertion that in all the list of public measures which might have been made at the beginning of this Congress no subject was of greater importance than that pertaining to the adjustment or reduction of Federal taxes.

It is both amazing and amusing to find the morals of the Senator from Massachusetts [Mr. GILLETT], the Senator from Nebraska [Mr. NORRIS], and the Senator from Ohio [Mr. WILLIS] shocked at the suggestion that political consideration should be devoted to subjects pertaining to taxation. Long prior to the beginning of this Government in Great Britain the subject of taxation was regarded as a proper one upon which to base political issues, and almost every national political platform that has been adopted since the beginning of this Republic has contained proposals relating to Federal taxation. The platform of the Republican Party which was adopted in 1924 boasted of the alleged measures of economy and of tax relief alleged to

have been passed through the instrumentality of Republican agencies. It then pledged—

> Progressive reduction of the taxes of all the people as rapidly as may be done with due provision for the essential expenditures of the Government administered with rigid economy and to place our tax system on a sound peace-time basis.

Of course, the object of that plank in the Republican platform, the object of the boast in the Republican platform concerning economy, was to obtain votes. The Senator from Massachusetts and the other Senators to whom I have referred are shocked when a political issue is raised respecting taxation only when the issue raised promises to drive votes away from the party to which they belong into another party which promises relief to the people of the country from the oppressive burdens of taxation which have been imposed under the Republican Party.

Ah, the Senator from Massachusetts grows eloquent when he talks about the economy of the present administration. He is afraid that in order to increase his popularity the Senator from Mississippi [Mr. HARRISON] will detract from the popularity of the President of the United States, to whom the Senator from Massachusetts would attribute all credit for the tax relief measures that have been passed and proposed. The Senator from Mississippi does not need to increase his popularity. He is without doubt one of the most popular men who have ever served in either branch of the American Congress.

When we came here in December last we knew that the question of tax reduction was one of the most vitally important that confronted Congress. Through the instrumentality of the Republican machine, which dominates absolutely what measures shall be considered by the body at the other end of the Capitol, the American people have been and are being denied relief from tax laws which admittedly extort excessive sums from the taxpayers of the Nation.

Let me recall briefly what happened in the body at the other end of the Capitol. On the first or second day of the session a tax-reduction measure was introduced by Representative GARNER, simple in its features, a measure that few Republicans dare vote against, if a vote could be obtained respecting it; a measure that would pass the body at the other end of the Capitol by a two-thirds vote, according to the opinion of some who have undertaken a census of the body; and yet, because of the rules of the machine which dominates the body at the other end of the Capitol, the representatives of the people are denied an opportunity to express their views concerning this very important legislation.

There has been no expression by the Senate concerning this subject. This resolution indicates the attitude of the Senate. We recognize that taxation is a proper basis for political issues. We accept the challenge made by the Senator from Massachusetts. The boast of economy is poorly founded. It consists more in words than in measures. We were told, when the last tax-reduction measure was before this body, that we dared not eliminate the amusement tax; that we dared not vote to discontinue the club dues tax; that we must continue the automobile tax, because a deficit would result if those taxes were eliminated. We now have, however, the significant statement in the message of the President of the United States that a surplus approximating $400,000,000—to be exact, $383,000,000—already has appeared; and yet the proposal of the party in power that dominates legislation of the body at the other end of the Capitol is to withhold further tax reduction until another election shall be at hand, and then to attempt to secure political advantage by making reductions that ought now to be made; in fact, that should have been made when we had before Congress the last bill relating to tax reduction. Let Senators who are so anxious not to inject politics into the subject of taxation refrain from boasting of what has been accomplished by their party and of thus themselves playing politics.

If this were merely a business proposition, if the popularity of the man in the White House and the future political security of Senators on the other side of the aisle and of Representatives belonging to the Republican Party at the other end of the Capitol were not involved, if the question were to be determined purely on a business basis, it would not require the remainder of this session, it would not require prolonged debate to afford relief from some of the excessive taxes that are being perpetuated; it would not be necessary to wait until the next election is at hand and the Republican Party is in desperate straits for an issue in order to afford the relief which ought to be immediately given.

Mr. HEFLIN. Mr. President, I am surprised at the attitude of some Republican Senators, the Senator from Nebraska [Mr. NORRIS] in particular. If a tax can be reduced, it should be reduced; if a surplus accumulates in the Treasury it shows that the taxes are excessive and burdensome; and when they become excessive and burdensome it is wrong, and the Government has no right to continue such taxes upon the American citizen. As I have said repeatedly here, the Government belongs to the American citizen, and it ought to be run in his interest. It ought not to be used as a handy instrument to further the political plans and purposes of any party. That principle applies to both the Democratic and the Republican Parties.

What right have we, as the representatives of the people, to continue a tax upon the people which the President of the United States has already declared should not be continued and a tax which we know should not be continued? Why should we sit here in silence and permit this tax to be collected from the American people when the President and Congress have both said the taxpayer is entitled to have his tax reduced? Are you playing politics?

The presidential campaign is coming on next year, and it is plain to anyone who can see that Republican leaders are getting ready to submit a program of tax reduction in the spring of 1928 for the purpose of drawing certain portions of the American electorate to the support of the Republican Party. Is it right and fair to compel the people to pay an unjust tax for two years in order to enable the Republican leaders to play politics? Mr. President, that is wrong. It ought to be condemned by every patriot who serves in either branch of Congress. No party has the right to do that.

What right have we to continue an admittedly unjust tax upon the people and burden them for the purpose of accumulating money in the Treasury of the United States to be doled out in refund gifts to the special pets of the Republican Party? The people are asking us to take it off. They have a right to petition their Government. The chambers of commerce, to which the Senator from Ohio referred, the various organizations and associations throughout the country have the right to make their wishes known to Congress. Why not? Now they are petitioning us to reduce this tax, and the President has said it ought to be reduced. We know that it ought to be reduced. Why postpone tax reduction for the benefit of the Republican Party?

I will tell you, Mr. President, what the Republican majority are doing, and the country has a right to know the truth about it. They are accumulating tax money in the Treasury; instead of reducing the taxes of people who ought to have them reduced, they are permitting Mr. Mellon to take this very money, the surplus that is accumulating, and give it back to the favorites of the Republican Party in millions of dollars at a time. They have permitted Mr. Mellon, with the aid of four or five clerks in his department, where no testimony is taken and kept of record, and where the Congress can not know why the action is taken, to give out in the shape of refunds nearly a billion dollars since he has been at the head of the Treasury Department, and they have permitted him to give out to a few big taxpayers in the last year $175,000,000.

They have permitted him to give to five big, rich Republicans $21,000,000. They have permitted him, right recently, to give to du Pont $6,000,000 in a refund. We have no way of finding out why these refunds were made. The Secretary of the Treasury refused to furnish the testimony showing why he made the refunds. Why not bring this business of the people into the open? Why not make Mr. Mellon come up here before a Senate committee and tell why he is giving out this money by the millions to these favorites of the Republican Party?

It is plain that the Republican majority are going to get money from these people to help run their presidential campaign in 1928. They will send the agent of their campaign committee around, and he will introduce himself, and say to these gentlemen: "We have been very nice to you. We refunded to you $6,000,000, Mr. du Pont. We are gathering up money for campaign expenses now. Won't you help us out?" "Why, sure," and Mr. du Pont can very easily give you one-sixth of what you took out of the Treasury when you did not have a right to take out a dollar of it. He can very easily give you a million dollars. You will gather much of your campaign fund in that way.

The Republican Party has reached the point where it will trade with any interest in the country in order to retain control of the instrumentalities of government. In order to keep control of the taxing power, and the money supply and credits of the Nation—these two most dangerous and deadly powers in any government—you will do anything. You will trade with any faction to get their support.

Mr. President, that is a strong indictment, but it is the truth. What right have you to permit Mr. Mellon to sit behind closed doors and hand out to the favorites of your party, a few thousand of them, nearly a billion dollars during the term that

he served as Secretary of the Treasury? What right have you to keep that testimony from the Congress of the United States, and refuse to let the people know in every instance why a refund has been made to these people?

Mr. President, I thank God that next year is a presidential year, and that the people will have an opportunity to look all these questions full in the face. They will not be hidden and covered up then, as they have been all during this administration.

Mr. President, I want to say this in conclusion:

We ought to go upon record as favoring tax reduction. It may have some influence on the House. If the House learns that the Senate has indorsed tax reduction, we may get tax reduction at this session. The taxpayers are entitled to it. Let us go ahead and pass it. There should be no hurry about our getting away from here. The Senator from Ohio says we have only a month. It is true that we have only a month until the 4th of March; let the President call an extra session. We are the servants of the people. I should like to get away and take a rest, as other Senators would, but conditions are such here that I think we should remain here. Why hurry and get through and go home leaving important questions unconsidered? Let us investigate all these questions as they should be investigated; let us deliberate on them as we should deliberate on great national questions. If it takes an extra session, let it come.

The VICE PRESIDENT. The time of the Senator from Alabama has expired.

Mr. FESS. Mr. President, I can hardly express my sensations upon hearing the Senator from Alabama talk about giving to different individuals large sums of money. The people who do not understand the play of politics in this body are apt to be led to believe that the Senator is serious; that the Secretary of the Treasury deliberately gives to individuals that he expects some time to show a favor to his party a specific amount of money.

I regret beyond my power of expression that such statements are heard in a body like this. If they would not go any further than this body, they would not mean so much; but to make statements of that kind that would lead the unthinking public to believe that the head of the Treasury Department of this Government is doing such a thing as that I think is a very serious matter.

The truth about the matter is that from the beginning of this legislation on taxation, when we knew that the war would exact from almost every dollar we could collect, we embarked upon a system of taxation that was most complicated. Under the rules of the Treasury Department in administering the tax there were tax sources not necessarily concealed, but many elements of taxation that ought to have been applied were not originally applied; and some of the agencies of the department, because the system was new, collected in large quantities taxes that were not legal. The great complaint I have had from the beginning has been from the taxpayers. They have come to my office, through their attorneys, to ask for a hearing in order that their case might be laid before the proper authority to permit them to demonstrate that the tax had been illegally collected.

I thought every Member of the Senate would be in favor of so simplifying the tax laws that there would not be any taxes illegally collected. The fact is, however, because of the complication of the law and the ease with which the taxpayer can refrain from bringing to the open the sources of taxation, that a tremendous amount of back taxes have been collected; and even in the last year vastly more back taxes have been collected than taxes illegally collected. So, as it appears without controversy that taxes were and are being collected illegally, these taxes ought to be refunded. As soon as it is demonstrated that the taxes were not legally collected no one ought to refuse to have the Treasury Department return the money that is illegally collected, no matter who the taxpayer is, whether it is the farmer or the small business man or the big business man from whom large taxes are collected.

I deplore beyond expression these statements that would lead to the belief that these refunds were mere gifts back to the taxpayer for an ulterior purpose.

Mr. President, as to the application of the surplus to the payment of the debt, we have reduced the debt in the last seven years $5,629,074,419. We have reduced the debt by the application of payments on foreign loans to the amount of $790,560,750. We have reduced the debt by simply reducing the cash balance for operation of the Government's affairs to the amount of $1,041,663,000. We have reduced the debt by the application of the sinking fund to the amount of $1,740,552,550; and we have reduced the debt by the application of the surplus—and I should like to have Senators note this—to the amount of $2,056,298,119.

There are four sources of the payment of the debt—the interest and payments on foreign loans, the application of the sinking fund, the reduction of the cash balance for operations of the Government, and then the surplus; but while the second largest amount is the sinking fund, which is $1,740,552,550, the surplus applied was $2,056,298,119.

In other words, from the close of the war, including the Wilson administration, we began the process of reducing the public debt, operating under a law of 1881 which permits the Secretary of the Treasury to buy up Government obligations and thus reduce the debt. This administration as well as the Wilson administration has been applying that law, and in each of the seven years we have paid some of the debt by the surplus.

While it is vastly the largest source of the payment of the debt, this year, when we desire to apply the present surplus in accordance with what we have done from the beginning, a tremendous opposition is coming from the other side of the aisle, as if that were wrong, as if the policy introduced by Woodrow Wilson and continued by the Harding and Coolidge administrations were wrong. It seems to me that the common-sense view would be, if we had a surplus beyond the needs of the operation of the Government, to follow the law of 1881 and the practice of the administration since that time and apply the surplus to the payment of the debt.

The argument for following that course is without real serious controversy, for the reason that the largest item of Government expenditure is the interest on the public debt, which can not be reduced except by payment; and I have felt, without regard to either side of the aisle, that to follow the plan of applying whatever surplus we had to the further reduction of this permanent obligation of the Government would not only be thought wise, but, even preceding a national election, it would be thought wise enough not to play politics in regard to it.

For that reason, it seems to me that the only thing to do is to use the surplus in the reduction of the public debt.

Mr. HARRISON, Mr. BRUCE, and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. HARRISON. Mr. President, the Senator from Utah desires to speak; and I yield to him under the understanding, if we can have such an understanding, that he is to speak six minutes, and then I will follow him.

The VICE PRESIDENT. The Senator from Maryland [Mr. BRUCE] understands that under the unanimous-consent agreement a Senator can speak but once?

Mr. BRUCE. Yes. I was not in the Senate Chamber when that agreement was made.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. The Senator from Utah.

Mr. BRUCE. Mr. President, I was not going to make any speech. I was simply going to ask the Senator from Ohio a question; and, if the Senator from Utah will yield to me a minute, that is all I wanted to do—just to ask the Senator from Ohio a question. I promise not to make any observations of any sort.

Mr. SMOOT. I yield to the Senator to answer, if he desires to answer.

Mr. BRUCE. I wanted to ask the Senator from Ohio whether it was his idea that in case the surplus were applied to the debt it should be applied at once, during the present year.

Mr. FESS. Yes, Mr. President.

Mr. SMOOT. I may say to the Senator that, in my opinion, it has already been applied to the debt.

Mr. BRUCE. I am glad to get the idea of the Senator from Ohio. That would relieve the question of any suggestion of partisan politics.

Mr. SMOOT. Mr. President, the Secretary of the Treasury, representing the Government of the United States, has, week in and week out, month in and month out, whenever there is a surplus, purchased Government bonds, and, of course, the money with which it has been done is not now in the Treasury of the United States.

In 1928, $2,500,000,000 of these bonds will fall due. I think of those bonds we have already purchased and have in the Treasury over $500,000,000, and whatever surplus there is in the Treasury now should be applied in the further purchase of such bonds, in my opinion.

Mr. FLETCHER. Mr. President, does not the law now provide for a sinking fund to take care of those bonds?

Mr. SMOOT. Yes, Mr. President. There is such a sinking fund, but whenever there is a surplus over and above the sinking fund that surplus ought to be used in the same way.

I may say to the Senator that if the sinking fund had been the only source from which we had gotten money to reduce the debt we would not have had the debt reduced from $26,000,000,000 to nineteen and three-quarter billions. That has been accomplished by applying not only the sinking fund but all of the surpluses for the past several years.

I do not intend to talk politics at all in speaking on this resolution. Politics has not entered my mind in connection with this question. I am going to speak only from a business standpoint. To any business man who found himself in comparatively the same position in which we find the United States to-day, with the obligations our Government owes, there would be but one thing to do—and any good business man would do it—that is, reduce the obligations just as quickly as possible.

Some have said, "Let the coming generations take the responsibility of a part of this debt." The coming generations will have even greater responsibilities, I fear, than they can meet, without carrying a part of our own. We ought to meet the obligations in our day, when we can do it, when the business of this country is prosperous, as it is. I maintain—and I would take the same attitude if the Democratc Party were in power—that whenever there is a surplus following such a radical reduction in taxes as was made in 1926 it ought to be used in the reduction of the debt.

Now, as to the amount of the surplus, Senators have not stopped to think that during the last six months of 1926 the surplus did not amount to nearly as much as it did for the first six months. During the first six months we operated under the 1924 law, and the surplus grew rapidly; but during the last six months of 1926, during which the tax reduction law of 1926 was in operation, the surplus did not grow as rapidly as it did during the first six months, because in the 1926 act many of the sources of taxation were eliminated; but the taxes under the old law had been collected up to June 30 of that year, following which date there were no collections under those sections of the law which had been repealed.

I care nothing about the effect of this upon politics. I only ask the Senate of the United States to consider the matter from a business standpoint, and I say that no man in the Senate and no man in the Treasury Department and no business man or professional man in the United States knows to-day how much we ought to reduce the rates below those fixed in the revenue act of 1926. We will know as soon as we can get the figures of the collections for a full year under the operation of the new law. Then we will know what the returns from the tax law will be for the following year.

It is unsafe to make any prediction now, and we have made no predictions. Our actuary estimated that under the new law the yield for the latter half of 1926 would be only about $11,000,000 above the expenses, whereas business has been so great that the yield is much more than that. But I am giving the figures only of the year, not of the six-month period, and it would be unwise, as I have already said, to base a reduction of taxes upon the information we have now.

When we do get the information, I will be perfectly willing to have the taxes reduced to the point where there will be no danger of a deficit at the end of this calendar year, and I think it ought to be done as quickly as possible.

I promised the Senator from Mississippi to yield, and I shall do so. I think the Senator is entitled to the last 10 minutes on his resolution.

Mr. HARRISON. Mr. President, in my experience here I have never seen any question enshrouded with more political hypocrisy than that which has been practiced by the majority in the consideration of this tax question. I have but 10 minutes, and I must go right to the point at issue.

What are the arguments? The Senator from Utah [Mr. SMOOT], the chairman of the Committee on Finance, says we can not tell now how much of a surplus there will be. He has been wrong in every estimate he has made during the consideration of the last three tax-reduction bills. He was wrong in 1922, he was wrong in 1924, he was wrong in 1926, and he is wrong to-day. We have tried to lower the taxes further than he wanted to go in the consideration of all those measures, and he said, "Oh, you will cause a deficit," and here we are now with a surplus, and he makes the same argument. Senators will remember the argument the Senator from Utah made as to the corporation tax in 1926.

It was very appropriate to-day that the Senator from Massachusetts [Mr. GILLETT] should have been the one to lead off in this discussion. Coming from the Bay State, no doubt he has been talking to President Coolidge about the matter. In this instance he may be his spokesman. He does not want the "President's popularity to be affected," and he extols the "economy virtues" of the President. I can pass the economy praise of President Coolidge by merely citing this fact as an illustration: That in the administration of the White House, of which the President has sole jurisdiction, in 1921 Wilson expended $197,000; in 1922 Harding expended $206,000; in 1923 Harding expended $349,000. Coolidge, as soon as he got in, in 1924, expended $450,000; in 1925 Coolidge expended $411,000; and in 1926 Coolidge expended $483,000.

That is this economy President, who is extolled by the distinguished Senator from Massachusetts in discussing his popularity. He has not any more popularity in this country. It has waned, until you can not find it with a microscope. The "careful Cal," the "cautious Cal," has now suddenly been transformed into the "calculating Cal." Since November 6, 1926, when he said that with this surplus a credit should be given to the taxpayers of the country, when it was published in all the papers of the land, and many of them praised the plan, we now find his spokesman and followers lining up against tax reduction. The "regular" Republicans now get behind this Norris leadership. They have thrown out the Senator from Utah [Mr. SMOOT], they have repudiated the Senator from Kansas [Mr. CURTIS]——

Mr. CURTIS. Mr. President——

Mr. HARRISON. And now this former insurgent in the ranks of the Republican membership, a man whom they have abused, is to lead them on this substitute.

I yield to the Senator.

Mr. CURTIS. The Senator forgets that the other day I suggested this very thing, and suggested that the plan of using the surplus for the extinguishment of the debt is now being carried out.

Mr. HARRISON. I am glad, then, that the Senator thought the Senator from Nebraska had more influence than he did, so he said to the Senator, "You offer it and we will follow you. If I offer it, they might defeat it."

This is what you are up against, and do not fool yourselves, Senators. The country is going to know what the issue is. You propose in this substitute resolution to take the surplus now—it says "now"—this year, and apply it to the debt. You are trying to kill the resolution I have offered by applying your rule only to this year's surplus.

I ask the Senate to express its opinion with reference to permanent tax legislation. Not as to what you will do with this year's surplus. You are going on record for this substitute resolution, saying, "Oh, we voted to apply the surplus, this surplus, this year, to the payment of the national debt."

Did Mr. Coolidge on November 6 ask you to do that? Every one of you is slapping your own President in the face when you vote for this substitute. He asked you then to give it to the taxpayers. You can not get away from the issue.

The Senator from Arkansas [Mr. ROBINSON] has read from the platform of the Republican Party of 1924. It pledged itself to a progressive reduction of taxes in this country. It meant permanent tax reduction. Time after time, consistently so, when a surplus was piled up in the Treasury, you have passed a tax bill, and it was a permanent tax bill. That occurred in 1922, in 1924, and in 1926. Why? Because there was a surplus in the Treasury, and with only one exception was there a greater surplus in the Treasury than there is to-day. When there was a surplus of $250,000,000 in the Treasury, you said there should be permanent tax reduction, and you passed the bill of 1922. When there was a surplus of approximately $280,000,000 in the Treasury, you said, "Let us have permanent tax reduction," and you passed a tax reduction bill in 1924. After a surplus had piled up in 1925, you passed the 1926 bill. But now we have a larger surplus than, with one exception, we have had in the Treasury in a decade—$383,000,000—and yet you say, "No; we will go back home. We will refuse to pass a tax reduction bill at this time."

The Senator from Ohio [Mr. WILLIS], adroit and smooth as he is, says, "We have not time. There are just 30 days more of the session." No sooner had this session of Congress convened in December than there were men on this side—I among the number—who appealed for tax reduction legislation at this session. We pointed out that it was the most important question affecting the American people, and that it should be considered by the Congress. The same was true of the Democratic membership in the House of Representatives. There has been no laches here upon the part of the minority party. But now you say there is so much on the calendar that we can not do anything.

In my opinion, Mr. President, this question is so important that the Democratic minority here would be justified in blocking legislation and forcing an extra session of Congress. You know we have not done anything to obstruct. We have tried to cooperate. We have not tried to force an extra session of Congress. But you are confronted with this proposition, and you must make explanation to your constituents.

This is a short session, which will expire the 4th of March. We will not convene again until December of this year. What are you going to do with the surplus for next year? You can not legislate on that as it accumulates, because you will not be here until December next. It means that for two years, at least, the surpluses must pile up, and you will be back in your delightful homes enjoying yourselves while the American people are being burdened with taxes. You and you alone hold it in your hands to pass tax legislation. You and you alone can give them relief. You know you will get cooperation from this side. I do not know a Democratic member on the Finance Committee of the Senate, or a Democratic member of the Ways and Means Committee of the House, who will not cooperate with the majority members in writing a bill for the reduction of taxation now; and we will put it through. Indeed, we will help you apply cloture, even, to pass it. You can not get away by suggesting that the time is too short.

In his message to Congress, which has already been cited, the President said that the people would be more benefited by tax reduction than by any other thing that looks toward their welfare. He says it benefits the wage earner and the agriculturist of the country, that it brings benefit to all the people. That is what your President said, and yet you are going to vote for this sham, this pretense, offered by the Senator from Nebraska, in order to get out of some hole and say, "Oh, the surplus in the Treasury this year should be applied to the public debt."

You will not be able to fool anybody. You had better stop clinging to Cal. Do not expect to offer an excuse when you go back home, and say, "This met with the President's approval." Your constituents will show you what the President said on November 6. You will say, "Oh, he told us differently after that." Perhaps he did. But that will not justify you in preventing tax reduction at this time.

You must stand upon your own records. Your constituents are going to inquire about it, and I look into the faces of men here who must make explanation, and on this record you will show yourselves up. Are you going to vote for this simple resolution expressing to the House Members your opinion that we ought to have tax reduction at this time, or are you going to kill it? If you vote for the Norris substitute, you will kill my resolution. Let it be known. Your constituents will know it.

Gentlemen, let us cooperate. Let us fight this proposition out. If it is necessary to have an extra session of Congress, let us come back here and have it in order to give relief to the American taxpayers. They deserve it. There is no reason for laying heavier taxes upon the people than those required to run this Government in an economical way.

You are exacting of the people $383,000,000 more than you should, and you should help us give relief to them at this time. Ample provision is now in the law and every requirement of it is being met to extinguish the public debt in an orderly way and within a reasonable time. They are paying taxes to meet that demand, but here you are going far beyond that. It is unwise, unfair, and burdensome. Take your course and make ready your explanation. You will need it. That is all.

The VICE PRESIDENT. Does the Senator from Mississippi insist upon his point of order against the substitute of the Senator from Nebraska?

Mr. HARRISON. I withdraw the point of order. I want to see how Senators will vote on the question.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	George	McLean	Schall
Bayard	Gerry	McMaster	Sheppard
Bingham	Gillett	McNary	Shipstead
Blease	Glass	Mayfield	Shortridge
Bratton	Goff	Means	Simmons
Broussard	Gooding	Metcalf	Smith
Bruce	Greene	Moses	Smoot
Cameron	Hale	Neely	Stanfield
Capper	Harris	Norbeck	Steck
Caraway	Harrison	Norris	Stephens
Couzens	Hawes	Nye	Stewart
Curtis	Heflin	Oddie	Trammell
Dale	Howell	Overman	Tyson
Deneen	Johnson	Pepper	Wadsworth
Dill	Jones, N. Mex.	Phipps	Walsh, Mass.
Edge	Jones, Wash.	Pine	Walsh, Mont.
Ernst	Kendrick	Pittman	Warren
Ferris	Keyes	Reed, Pa.	Watson
Fess	La Follette	Robinson, Ark.	Weller
Fletcher	Lenroot	Robinson, Ind.	Wheeler
Frazier	McKellar	Sackett	Willis

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Nebraska to the resolution of the Senator from Mississippi.

Mr. HARRISON. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. OVERMAN. May the amendment be stated?

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. The Senator from Nebraska proposes the following amendment in the nature of a substitute:

Resolved, That it is the sense of the Senate that any surplus now in the Treasury arising from taxation should be applied toward the payment of the national debt.

The VICE PRESIDENT. The clerk will call the roll on agreeing to the amendment.

The Chief Clerk proceeded to call the roll.

Mr. ERNST (when his name was called). I have a pair with the junior Senator from New Jersey [Mr. EDWARDS]. In his absence, I withhold my vote.

Mr. FESS (when his name was called). On this vote I am paired with the junior Senator from New York [Mr. COPELAND]. I transfer that pair to the junior Senator from Maine [Mr. GOULD] and vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], which I transfer to the Senator from Louisiana [Mr. RANSDELL], and vote "nay."

Mr. GILLETT (when his name was called). I have a general pair with the Senator from Alabama [Mr. UNDERWOOD]. Not knowing how he would vote, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Oklahoma [Mr. HARRELD]. In his absence I transfer that pair to the senior Senator from Missouri [Mr. REED], and vote "nay."

Mr. GERRY (when Mr. SWANSON's name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily detained from the Senate. If present, he would vote "nay."

Mr. WATSON (when his name was called). I have a pair with the senior Senator from Virginia [Mr. SWANSON]. I am unable to obtain a transfer and therefore withhold my vote, but if voting, I should vote "yea."

The roll call was concluded.

Mr. GERRY. I desire to announce that the Senator from Utah [Mr. KING] is necessarily detained from the Senate. If present, he would vote "nay."

The result was announced—yeas 46, nays 33, as follows:

YEAS—46

Bingham	Gooding	Means	Schall
Blease	Greene	Metcalf	Shipstead
Cameron	Hale	Moses	Shortridge
Capper	Howell	Norbeck	Smoot
Couzens	Johnson	Norris	Stanfield
Curtis	Jones, Wash.	Nye	Stewart
Dale	Keyes	Oddie	Wadsworth
Deneen	La Follette	Pepper	Warren
Edge	Lenroot	Phipps	Weller
Fess	McLean	Pine	Willis
Frazier	McMaster	Reed, Pa.	
Goff	McNary	Robinson, Ind.	

NAYS—33

Ashurst	George	McKellar	Steck
Bayard	Gerry	Mayfield	Stephens
Bratton	Glass	Neely	Trammell
Broussard	Harris	Overman	Tyson
Bruce	Harrison	Pittman	Walsh, Mass.
Caraway	Hawes	Robinson, Ark.	Walsh, Mont.
Dill	Heflin	Sheppard	
Ferris	Jones, N. Mex.	Simmons	
Fletcher	Kendrick	Smith	

NOT VOTING—16

Borah	Ernst	King	Swanson
Copeland	Gillett	Ransdell	Underwood
du Pont	Gould	Reed, Mo.	Watson
Edwards	Harreld	Sackett	Wheeler

So Mr. NORRIS's amendment in the nature of a substitute was agreed to.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the inquiry.

Mr. HARRISON. Does the vote just taken signify that 46 Senators voted to pay the bondholders more quickly and to refuse to reduce taxation?

Mr. WILLIS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state the point of order.

Mr. WILLIS. The Senator from Mississippi is not stating a parliamentary inquiry.

The VICE PRESIDENT. The Chair sustains the point of order made by the Senator from Ohio. The question is on the resolution as amended.

Mr. ROBINSON of Arkansas. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. Let us have the resolution as amended reported.

The VICE PRESIDENT. The clerk will read the resolution as amended.

The Chief Clerk read as follows:

Resolved, That it is the sense of the Senate that any surplus now in the Treasury arising from taxation should be applied toward the payment of the national debt.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is the resolution now subject to amendment?

The VICE PRESIDENT. It is not subject to amendment. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. ERNST (when his name was called). Making the same announcement as before as to my pair, I will state that if I were permitted to vote, I should vote "yea."

Mr. FESS (when his name was called). Making the same announcement as on the last roll call, I transfer my pair to the junior Senator from Maine [Mr. GOULD] and vote "yea."

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair and its transfer as on the previous roll call, I vote "nay."

Mr. GILLETT (when his name was called). I withhold my vote for the same reason which I stated on a previous roll call.

Mr. SIMMONS (when his name was called). Making the same announcement as to my pair and its transfer as on the former vote, I vote "nay."

Mr. WATSON (when his name was called). Making the same announcement with reference to my pair as before, I withhold my vote. If permitted to vote, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 52, nays 28, as follows:

YEAS—52

Ashurst	Glass	McNary	Schall
Bingham	Goff	Means	Shipstead
Blease	Gooding	Metcalf	Shortridge
Bruce	Greene	Moses	Smith
Cameron	Hale	Norbeck	Smoot
Capper	Howell	Norris	Stanfield
Couzens	Johnson	Nye	Stewart
Curtis	Jones, Wash.	Oddie	Wadsworth
Dale	Keyes	Pepper	Walsh, Mont.
Deneen	La Follette	Phipps	Warren
Edge	Lenroot	Pine	Weller
Fess	McLean	Reed, Pa.	Wheeler
Frazier	McMaster	Robinson, Ind.	Willis

NAYS—28

Bayard	George	King	Sheppard
Bratton	Gerry	McKellar	Simmons
Broussard	Harris	Mayfield	Steck
Caraway	Harrison	Neely	Stephens
Dill	Hawes	Overman	Trammell
Ferris	Heflin	Pittman	Tyson
Fletcher	Kendrick	Robinson, Ark.	Walsh, Mass.

NOT VOTING—15

Borah	Ernst	Jones, N. Mex.	Swanson
Copeland	Gillett	Ransdell	Underwood
du Pont	Gould	Reed, Mo.	Watson
Edwards	Harreld	Sackett	

So the resolution as amended was agreed to, as follows:

Resolved, That it is the sense of the Senate that any surplus now in the Treasury arising from taxation should be applied toward the payment of the national debt.

FARM RELIEF

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, being Senate bill 4808.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4808) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

Mr. McNARY obtained the floor.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. McNARY. I yield.

Mr. CURTIS. Before the Senator proceeds with his remarks, and so as not to interrupt him later on, I should like to suggest to him that in the presentation of the bill he explain, if he will, the difference between the measure which we are now considering and the one which was voted upon at the last session of Congress.

Mr. McNARY. Mr. President, I shall try to conform to the request of the Senator from Kansas.

Agreeably to a statement I made on yesterday, I shall discuss this afternoon briefly the general purposes of the bill and some of the modifications which have been made in comparison with previous bills, and shall lightly touch upon the agricultural economic situation. I am conscious of the fact that there are a great many important bills on the calendar which are pressing for attention. The Senate has unanimously consented to take a vote this afternoon at 4 o'clock on the milk importation bill, and one or more Senators desire to speak on that subject. Should I fail to conclude my remarks to-day, though I have no desire at any future time long to detain the Senate, I will conclude them to-morrow.

I do not think it is necessary to enter into a long disquisition upon this measure or to relate at length the unfortunate condition in which agriculture finds itself. I think there have been a thousand speeches made in the two branches of Congress since agriculture met with a very distressing sickness in May, 1920, from which it has not yet recovered.

Mr. President, it is true that the Congress has shown a very sympathetic attitude toward the farmers of the country. I recall in the brief period of six years, now approaching seven years, since distress overtook agriculture, there have been a great many bills passed by the Congress calculated to benefit agriculture. I was a member of the committee on agricultural inquiry which convened in 1921, and which was composed of five Members of the Senate and five Members of the House of Representatives. Nearly a year was spent by that committee in studying the agricultural problem.

Economists, scientists, heads of farm organizations, bankers, commercial men, financiers of note throughout the world, appeared before the committee and attempted in some manner to suggest legislation that would relieve the depressing conditions affecting agriculture. Suggestions embracing legislative proposals were made to Congress, and as a result thereof the intermediate credit banks were established, which afforded an additional system of credit to that provided by the Federal farm-land banks. Congress also passed what is known as the grain exchange act, the packer and stockyards regulatory act, the Capper-Volstead Act, which took the farmers operating through cooperative organizations from the provisions of the Clayton and Sherman Antitrust Acts.

Mr. President, it seems that these various remedies have not remedied the particular vital illness from which the farmers are suffering. It was thought for a while that all the farmer needed was more credit, an avenue opened for money that might be loaned to him through existing banking institutions of the country or through agencies created by the Federal Government; but we have found that it is not money the farmers need; it is markets for their crops.

I know as a member of the Committee on Agriculture and a rather frequent attendant upon its meetings that all of the remedies which have been proposed have been given more or less serious and sympathetic consideration by that committee. It seems to me, after giving the subject matter considerable thought, that there are three ways of approaching the subject that might ultimately lead to a better condition of agriculture. I say this with a full knowledge that I will find opponents to challenge the statement, but that does not deter me one iota; it really leads me on. It can be approached by caring for the surpluses. I have no doubt whatever that if the surpluses of agriculture might be segregated and removed from the domestic market the result would be a higher price level for farm commodities. I feel assured as an economic proposition that a small surplus in the domestic market forces that market down to the level of an unprotected world market. That is one of the conditions to-day confronting the agriculturist, and it is the particular reason why I have espoused this bill and why its adherents are asking Congress to give it very serious consideration. It is thought by the advocates of the bill, which I shall discuss more at length in a moment, that if we can accomplish this very desirable result the farmer will be placed on a parity with industry generally.

There is another way of approaching this subject, and that is to reduce the cost of production to the farmer; but, Mr. President, that would result, perhaps, in the destruction of the economic structure which to-day has brought prosperity to every agency of human activity except agriculture.

It would require a repeal or drastic modification of the immigration laws. If the hordes of Europe and Asia were permitted to come to our shores and supplant our workers at a much-reduced standard of living and wage scale, it would result in the cheapening of the manufactured products the farmer uses to produce his crops. It would result in a great lowering of the wage scale; but it is impossible for a legislator in the Halls of Congress to advocate such a radical measure. It would not conform to the principles of Americanism which we have established in all our dealings with foreign nations on the subject of immigration.

The matter could be approached in another way, and that would be by the lowering of the duties on imported goods, which would be an assault upon the tariff. As a member of the Republican Party I have always believed in the principle which has become the policy of the Nation as advocated by that party;

namely, a reasonable protection for labor and those engaged in manufacture. I did not support all the schedules of the Fordney-McCumber bill—indeed, I thought many were too high—but I supported the general policy and principles carried in the bill. I realized, however, that if we were to lower the tariff to a point where the farmer could buy his supplies and his implements on a world basis, we would injure almost fatally the economic structure which is giving prosperity to-day to all of our people save those engaged in agriculture.

If we removed other legal assurances and permitted the cruel law of competition to enter into the operation of our railroads, or repealed section 15-A, or took away from the Interstate Commerce Commission the power to levy rates sufficient to give a fair net return on the operating railroad properties of the country, the farmers might receive a lower rate for the transportation of their commodities; but, Mr. President, I see no wisdom in that form of legislation. To-day the tariff law and the immigration law are two great obstacles to the free operation of the law of supply and demand. Every industry save agriculture has received from the Congress some artificial stimuli. Congress has legislated in a field that has helped every agency of human activity but that of agriculture. It is appealing to the Congress to-day to give it the same assistance that it has rendered to other occupations and industries and to labor. Consequently, I am not advocating a tearing down of the social and economic structure which we have built up by legislation. I am willing to accept that condition and go forward; but, Mr. President, why leave agriculture in a condition that is made by world conditions while we are operating behind laws that protect labor and industry and penalize agriculture therefor?

Mr. President, in my judgment there is still another way in which this great problem might be met, and that is by adjusting supply to demand by limiting, if possible, the agencies of production; by holding production to a point where it would be just equal to consumption. If that were done, we would not need legislation of this kind. We would not need to attempt to lower our tariff duties or open the doors to foreign and cheaper labor. We would not need to apply to the Interstate Commerce Commission for the lowering of freight rates. It is, however, visionary and impossible.

The greatest factor in the result of the crop is not the acreage. The harvest is not dependent upon the area that is seeded. Weather conditions, the hazards over which the farmers have no control, the element of frost, the freeze and the drought, insects, pests, and diseases of all kinds, comprise factors which are more subtle and impossible of control than the question of acreage.

Furthermore, Mr. President, in the great farm area comprising 500,000,000 acres in this country, stretching from Maine to California, it is impossible, through any form of communication, for the farmers to understand what one is doing or what groups are doing. It is impossible for the farmer to subsist, if he could, upon what he might, perhaps, raise this year and the scarcity that might ensue the next. It would imperil the national defense if that were undertaken. A paucity in some of our basic agricultural commodities might coincide with a national conflict that would jeopardize the safety of the country, or, indeed, do irreparable injury to its social condition.

So, Mr. President, briefly outlining, in my judgement, the only three ways in which we can approach this subject to better the conditions of agriculture, and realizing that the latter one I have just mentioned is impractical and impossible, and being keenly alive to the fact that any effort to tear down the economic structure in order to help agriculture would result in a nation-wide disaster, I approach the subject in the greatest of confidence that it is possible by legislation—by segregating the surplus above domestic requirements, and either withhold that surplus for orderly marketing or sell that surplus in an orderly way in the markets of the world, receiving therefor the highest possible price. In that fashion the problem of the farmer can be solved, and by that remedy itself the farmer will be put on a parity with labor and industry. Consequently, I am whole-heartedly in sympathy with the provisions of the bill which is now before the Senate, known as the surplus control bill.

It was suggested a moment ago by the Senator from Kansas that I might, in the few minutes I desire to occupy to-day, state in what way the present bill differs from its predecessors. I think, perhaps, that is highly important, in order that we may have a better understanding of how the bill treats of the subject.

I approach this matter with the full knowledge that the subject, though important, is threadbare, so I shall hurry along as fast as possible. At any time a Member of the Senate desires to interrupt me I shall gladly yield.

The bill first introduced in the Sixty-eighth Congress embodied the same principles and was fashioned after lines similar to those of the bill now before the Senate. It proceeded upon the theory that a present surplus always depresses prices in the home market. It also was wisely builded on the theory that those receiving the benefits of the higher price should pay the cost thereof, and thereby avoid a subsidy which must be cared for with money provided by the Treasury of the United States.

But, Mr. President, there was in that bill a device properly referred to as the price-fixing plan. The board, similar to the one provided for in this bill, named a price at which the basic commodities would be purchased, based upon what was known as the ratio price, or a price related to the index number of the all-commodity price, the statistics of which are kept in the Department of Labor. It is true that it was price fixing, because it was possible for the board by reference to these statistics and data to determine what price it would pay for wheat or any of the basic agricultural commodities. That measure was defeated in the House in the Sixty-eighth Congress, at the second session. It never came before this body for consideration or debate.

In the first session of the Sixty-ninth Congress—to be precise, in June of last year—another bill was introduced, which came to a vote in the Senate, which contained a provision that was referred to by the scholarly Senator from Ohio [Mr. FESS] as a price-fixing device, namely, that the board could not pay losses on any purchases made through cooperative associations or farm organizations or other agencies if those agencies paid a sum of money in excess of a fair and reasonable price. My friend from Ohio at length censured the bill because of that provision. It was put in there, against the advice of the author of the bill, to please a certain Senator, in order, in his judgment, to protect the consumers against unreasonable prices. That provision, unwise as it was, is omitted from this bill.

Mr. President, in the House bill voted on at the first session of the Sixty-ninth Congress the board was authorized to pay for these basic agricultural commodities a price equal to the tariff plus the cost of production, often referred to as the tariff yardstick. That provision is not in this bill. I am not accustomed to making challenges, but I challenge anyone to point to one place in the bill where the subject of price fixing is referred to.

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

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Oregon yield to the Senator from Ohio?

Mr. McNARY. I gladly yield.

Mr. FESS. If we could omit the element of price fixing, I think that would remove a very serious item in legislation. What I want to know—and I am very serious about it—is how we can make up the losses which are to be cared for by the equalization fee unless a price is determined by the Government. If that could be done, it would be quite a solution, to my mind.

Mr. McNARY. Mr. President, it can be done, and I think the solution is apparent. It occurs to me we have about approached it.

Anyone familiar with world trade and world economic conditions knows that when the board—and I speak of the board as the operating agency of the bill—shall remove or withhold the accumulated surplus, on account of that fact alone, through economic pressure, the price of that commodity will go to a point where it would reach the level of the tariff wall.

I have never heard the question disputed. It is so fundamental in political economics, and so well recognized by all students of agricultural problems, that this is the first time I have even heard reference made to the subject or inquiry made about it.

Proceeding, I repeat, there is no reference to price fixing. Whenever the Federal Farm Board, after a careful survey and study, determines, indeed, that there is in this country a surplus above domestic requirements, operating not by itself as an instrumentality of the Government, but through cooperative associations or other agencies, these agencies appear in the field and remove the surplus by paying the current price—the price at which the farmer desires to sell, and everyone will admit that when the farmer knows that an agency is coming out to buy the surplus, he will not give it away, he will sell it at the most advantageous price, which will mean the full protection guaranteed by the tariff, which, up to date, has not been and is not calculated to protect the farmer when he produces a surplus. That is a situation which is self-evident to anyone who has had any dealings in any of the business affairs

of life. But I shall advert to that question more at length. I must hasten on.

One of the provisions that characterizes the simplicity of this bill over the one of last year and its predecessors is the machinery that is to be created by the Congress, and placed wholly in the control and under the administration of the producers themselves. In order that we might get away from politics, from governmental persuasion, and autocracy, and the abuses of bureaucracy, the farmers, after considering this great problem and the possibility of legislation, decided that they would not only pay for the administration of the law but would have that machinery completely under their control.

Therefore it is provided, first, that a nominating committee shall be selected by the cooperative associations and farm organizations in the 12 land-bank districts. Those organizations, typically representative of those who produce the great crops mentioned in this bill, will select four members, and the Secretary of Agriculture will select one, making a nominating committee of five.

These men representing the farm organizations shall present to the President of the United States the names of three representative farmers of the district, and from those three the President shall select one; and he shall select one from each of the 12 Federal land-bank districts, making 12 in number, with the Secretary of Agriculture the ex-officio member.

By that method, it is clear, the farmers will designate their representatives, and the board will be free from politics and political influence; and above all, Mr. President, they will be in a position to dictate when this board shall operate and when it shall cease operations, a thought which I shall elaborate in a moment. These carefully safeguarded provisions were not in the bill last year with the same fullness and completeness that they are in the bill now pending before the Senate.

An advisory board is created by this measure. It has a fourfold function that was not in the bill last year. This advisory board determines, along with these farm organizations and cooperative associations, when the board shall operate and when the equalization fee shall be applied. They shall assist in the determination of when the board shall cease its operations. They shall advise with the board, imparting such information as they may glean from their contacts with their fellow farmers. It is not one advisory board of seven; it is a board of seven related to each commodity upon which the board operates. If the commodity is wheat, the advisory board will be selected from the wheat sections of the country. If the commodity upon which the board is to operate shall be cotton, the members will be selected from the several Federal farm districts in which cotton is raised. The same applies to corn and hogs and rice. That provision is inserted for the purpose of protecting the farmers from precipitous action by the board or the application of an equalization fee when a majority of the farmers of the country do not want such a fee levied.

This bill makes the imposition of the equalization fee permissive, to a great extent, and not compulsory. Before the equalization fee can be laid upon any commodity it is necessary, first, for the board to find, after a careful survey and investigation, that there is in the country an excess of some basic commodity over domestic needs or requirements.

They must also find that there is a surplus above the requirements for orderly marketing. They must further find, before they can impose an equalization fee, that a substantial number of the farm organizations and cooperative associations favor the imposition of the equalization fee. Before the board can proceed they must find that this advisory board, which is composed of those interested in the particular commodity upon which there is a threat to impose this equalization fee, is in favor of its imposition.

If the advisory board should protest against it, and a substantial number of organizations representing the producers of the commodity and cooperative organizations should protest against the imposition of the fee, it can not be laid, irrespective of the fact that there may be in the country a stifling and depressing surplus.

Further, before the fee can be laid, the bill requires action by a majority of the members who compose the Federal farm board, one being chosen from each of the Federal land-bank districts, making representation thoroughly equitable throughout the country.

Again, before the fee can be imposed upon the producers, it is necessary that the members of the farm-loan board representing Federal land-bank districts which, in the aggregate, produced during the preceding crop year more than 50 per cent of such commodity, shall vote to impose the fee.

Let us take cotton, for instance. Of those on the board there will be members from several Federal farm land-bank districts in which cotton is raised. It requires the votes of all the members on the board representing the land-bank districts in which cotton is raised to impose the equalization fee.

Mr. FESS. Mr. President, would it interrupt the Senator——

Mr. McNARY. I hope the Senator will accord me the courtesy due to one who is hurrying through and desires to give way to the Senator from Utah [Mr. KING], who wants to speak on the milk bill; but I will be very glad to be interrupted.

Mr. FESS. I will not interrupt the Senator.

Mr. McNARY. If the Senator wants to propound an inquiry.

Mr. FESS. I desired to make an inquiry.

Mr. McNARY. Very well; I yield gladly.

Mr. FESS. I think we would get better results and save time if there were some inquiries.

Mr. McNARY. Certainly.

Mr. FESS. If the equalization fee is not applied, then how will the losses be made up?

Mr. McNARY. If the Senator will listen to me carefully, I will explain that point when I reach it. However, I am desirous of explaining the bill to his complete satisfaction; I will say that there may be a surplus, and that surplus, it is possible, might be cared for by another provision of this bill about which I want to speak in a moment, which authorizes and empowers this board to loan money to cooperatives, to withhold the surplus, and promote orderly marketing by paying interest at 4 per cent per annum on the moneys advanced.

Right here permit me to say that there are two ways of handling the surplus problem. One is by a withholding of the surplus, from which perhaps there would be a gain, the surplus being sold a little later, when the market was hungry. It might be held for a few weeks, or a few months, or for the period of a year.

Let me illustrate to the Senator from Ohio: It might be that under the loan provisions of the bill the board could loan to some cooperative organization $10,000,000 to withhold a quantity of wheat that seemed to depress the market, and thereby, after it was withdrawn, permit the domestic price to go to the point where it would go on account of economic pressure created by the removal of the surplus.

This cooperative organization might hold that wheat for three months and sell it at a profit. There would be a gain there, a gain more than equal to the penalty imposed by the 4 per cent interest. Consequently, there would be no loss in that case. But of course if there is a loss, and that loss should be largely incident to selling the surplus in the market where world competition enters and fixes the price, there would be a loss, and of course it would be necessary to impose the equalization fee, a situation which the board would determine prior to the commencement of operations.

Mr. FESS. Suppose, in the case of cotton or wheat, the advisory council did not desire to suffer this loss, and would not vote to impose the equalization fee. What then would happen?

Mr. McNARY. There would not be any operation by the board.

Mr. FESS. But suppose they do not; who would make up the loss?

Mr. McNARY. If they do not operate, there would be no loss and no gain. If I do not go down town and spend a dollar, I have my dollar yet. I have been trying to explain, and I hope to the satisfaction of some of those who have been kind enough to listen to me, the care with which we have surrounded the imposition of the equalization fee which so many timid men have said was not practicable and not within the provisions of the Constitution. The board can only operate after these safeguards have all been applied and not until all those interested in the basic agricultural commodities have expressed their willingness that the board should function. If there is no functioning of the board, there is no loss. If the board does function and there is a loss, it is taken through the medium of the equalization fee from those who receive the benefits.

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

Mr. McNARY. I yield.

Mr. BROUSSARD. Just for the purpose of being sure that I have followed the Senator I desire to ask a question. The Senator was proceeding to illustrate by using the cotton territory where there would be seven members. I wish to propound a question which I shall apply to rice, for instance.

Mr. McNARY. Very well.

Mr. BROUSSARD. Louisiana, Texas, Arkansas, and California are rice-producing States. Louisiana finds itself in the Atlantic system. It would be represented there by one member

of the board as is provided under the terms of the bill. Before an equalization fee——

Mr. McNARY. Will the Senator permit me to interrupt him for an inquiry? Is he speaking of the Federal land-bank districts?

Mr. BROUSSARD. I understand there was to be a representative of the board from each of the districts.

Mr. McNARY. The Federal land-bank districts. There is one in New Orleans.

Mr. BROUSSARD. Then, we would have a member there?

Mr. McNARY. Yes.

Mr. BROUSSARD. Am I to understand that before the equalization fee can be imposed, the rice growers would have the privilege of expressing themselves as to whether or not they would want to be taxed for that purpose or have a fee levied upon their product?

Mr. McNARY. They have the power that will cause the board to function or prevent it from functioning under the terms of the bill.

Mr. BROUSSARD. That is expressed through the farm organizations?

Mr. McNARY. That is in two provisions. One requires a favorable vote of those members of the board who represent districts where rice is grown. The other requires the action of the advisory counsel of five representing rice producers before the fee may be imposed.

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

Mr. McNARY. Gladly.

Mr. LENROOT. Am I correct or not in the understanding that if the surplus control feature is applied at all to rice, the fee must then be imposed, but it can only be applied to rice at all with the consent of the majority?

Mr. BROUSSARD. That is what I was trying to find out.

Mr. McNARY. Oh, yes. I am discussing when it can be applied and under what circumstances. I concede, and everyone must concede, that when the act is done, if it is done, the liability at that time attaches.

Mr. President, I come now to another provision which I mention now largely as a matter of courtesy to the suggestion of my friend from Ohio [Mr. FESS], because he first suggested the idea or some one suggested it to him. It was contained in what was known as the Fess bill of last year.

The surplus control bill of last year did not provide a fund that might be used to loan to cooperative organizations to take care of the surpluses. All of the $250,000,000 carried in the present bill could be loaned by the board. It is possible for the board to employ the $250,000,000 provided in the bill for the purpose of loaning to cooperative associations, to take care of the surpluses. Let me repeat that the bill does not interfere with any part of the crop save the surplus.

Many have the idea that we are projecting an instrument here which will absolutely dominate the law of supply and demand and will interrupt the flow of commerce. That is not so at all. It only functions when there is a surplus.

The bill provides that this money, or any sum of money agreeable to the judgment of the board, may be loaned to cooperative associations who are attempting to take care of the surplus of any commodity, not only those mentioned here but all as basic commodities. We have broadened the scope of the bill. The farm organizations realize that the bill proposed as a substitute for the one we voted on last year as presented by the Senator from Ohio [Mr. FESS] contained one feature that might well be engrafted into this bill. I think it is a strong feature of the measure.

There might be organizations having in their possession agricultural commodities which are not mentioned in the bill and which are in need of help. Upon application of those organizations the Federal Farm Loan Board may loan money to them at the rate of 4 per cent per annum to take care of their surplus by withholding it for orderly marketing. That is a feature in the bill which makes it more liquid and liberalizes its terms and broadens its scope of action and which, in my opinion, very much betters the bill.

Mr. President, there is another change in the measure. We do not take from the producer an equalization fee that may be imposed by the board. The product marketed, when it reaches the processors, the miller, the transportation company, and so forth, pays that equalization fee, so, of course, the reduction is reflected in the price the producer receives for his commodity. It takes away the annoying feature of dealing with the producer. It prevents direct dealing with him and reduces to the minimum the number who may pay the fee. If the slaughtering of hogs is done by the independent packers or by some of the big packers or by some agency established by the board, they will report the fee to the Government. The processors or the miller will report the fee in respect of wheat. The transportation companies rightly, and even more so than the ginner, will report the application of the fee on cotton.

Mr. President, other changes have been made which do not at this time occur to me, but all are less important than the main ones which I have discussed. While I should like to proceed until 4 o'clock, at which time we are to vote on the milk importation bill, I desire to follow the thought suggested by the Senator from Kansas [Mr. CURTIS].

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

Mr. McNARY. Gladly.

Mr. CURTIS. I think the Senator has explained the changes which I desired to have him explain. I would in this connection like to have him add a few words, if he will, unless he has it in some other part of his explanation which he intends to make, with reference to the effect of the contracts with the packers, millers, and others. As I read the measure, there is a guaranty against loss to those people, because a contract is made with them, but whatever they do they get paid for and the loss eventually comes from the producer of the article. I may be mistaken about it, but that is the conclusion I reached from reading the bill.

Mr. McNARY. I can not criticize the deduction. It was made last year, I think, by the Senator from Missouri, Mr. Williams. Anyone knows that the board itself can not do the desirable things necessary to administer the law. The board must operate through existing agencies, and if none exists must create the agency. Hence, with the desire of not disturbing normal conditions or institutions which have grown up through the perilous years of strife and competition, it is natural to suppose the board will enter into a contract with the big packers or with an independent packer to slaughter the hogs. It is supposed the board will enter into contracts with the millers to process the grain or grind the wheat into flour. There is no guaranty to the miller against loss by reason of fluctuation in price. He is guaranteed against loss upon the service which he renders, and that is all.

Mr. CURTIS. I think the Senator misunderstood my question. My understanding was, of course, that a contract would be made with the miller and others—a contract which would prevent a loss to him unless he was a very poor business man.

Mr. McNARY. Of course.

Mr. CURTIS. But the conclusion I reached from the statement made by the Senator a moment ago was that the change in the bill in regard to the deduction of the equalization fee from the man who produces the article to the man who processes it, like the packer, was that the packer or the miller paid the fee, and my idea was that it is charged back to the original producer under the provisions of the bill.

Mr. McNARY. I said that, but I used the additional language that the deduction and cost therefor was reflected in the less price the producer receives for the commodity which he sells. It is true and proper that when the board enter into a contract with the cooperative organizations they do guarantee them against loss for handling whatever commodity they may serve. That is paid out of the equalization fund which is created by the equalization fee, and the first contribution to that comes from the revolving fund out of the Treasury of the United States.

On this phase of the question I have occupied an hour. I had promised the Senator from Utah [Mr. KING] to give way at 3 o'clock. I am exceedingly regretful that I did not keep my promise. If he desires to discuss the milk importation bill, which is to be voted upon by unanimous consent at 4 o'clock, I yield the floor to him, and I shall hope to have an opportunity to go forward on another day with what I have to say on the farm relief bill.

IMPORTATION OF MILK AND CREAM

The Senate resumed the consideration of the bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health.

Mr. KING. Mr. President, the so-called milk bill has so many iniquities, and will be followed by consequences of so evil a character, that I am unwilling to permit it to pass without further voicing my objection to it. It was rushed through the other branch of Congress without, as I am advised, a full understanding of its provisions. It was reported to the Senate and placed upon the calendar, and would have passed without notice or discussion whatever, except for a casual remark which I overheard, as I was leaving the Chamber to attend an important committee meeting. This precipitated some debate and caused the bill to be held in the Senate for several weeks. As Senators became aware of its provisions, growing opposition developed, and instead of the bill passing without objection, it now encounters some obstacles.

I confess to profound regret when I find so many Senators avowing their purpose to vote for a measure such as this. I am surprised to find upon the other side of the aisle a number of Senators, among them the able Senator from Connecticut [Mr. BINGHAM], who have earnestly and eloquently opposed the creation of Federal bureaus and have pleaded for the maintenance of the rights of the States against usurpation by the Federal Government, giving their support to a bill which creates another Federal bureau, requires additional appropriations from the Federal Treasury, which will increase until they reach hundreds of thousands of dollars annually, and which will impair the rights of the States and interfere with their political subdivisions exercising rightful authority possessed by them under our form of government.

I do not expect many of my Republican friends to defend local self-government or individual rights. They lend themselves to paternalistic measures which infringe upon the rights of sovereign States and are calculated to undermine their integrity. The sweeping and powerful movement in favor of a consolidation in the Federal Government of all governmental powers receives strength and support from the Republican Party and unfortunately finds some Democrats who are not averse to permitting Federal encroachments, particularly where Federal appropriations are made for purely local purposes and to relieve States and local communities of burdens and responsibilities which rest upon them.

If our dual form of government shall be preserved, the States must be preserved. The States must maintain their vitality and be secure against Federal invasion, whether voluntarily sought by the people or illegally accomplished by the National Government. We should not forget the words of Lincoln in his first message to Congress:

> To maintain inviolate the rights of the States to order and control, under the Constitution, their own affairs by their own judgment, and exclusively, is essential for the preservation of that balance of power on which our institutions rest.

Mr. President, the evidences are unmistakable that the American people evince but little interest in fundamental questions relating to government. They seem indifferent to the philosophy of government; indeed, there seems to be no understanding that philosophy or rational and fundamental principles have any part in government or governmental policies.

Occasionally there is some exuberant but meaningless discussion about the "science of government and political problems"; but many political leaders, as well as many of the people, bestow no serious thought to the problems and philosophy and theory of government. The doctrine of expediency has many followers, and principles are sacrificed to temporary triumphs or supposed transitory material advantages. There is in the land a spirit of discontent and of resentment against rules and regulations and law and discipline. This spirit permeates our political life, influences the social organism, and infects the religious life of the people. It is more than a spirit of agnosticism—which doubts all things, which repudiates the certitudes which have guided the past. It is essentially iconoclastic and challenges the past and the present and seeks to undermine and destroy superstructures of beauty and strength and protection which have been erected in various fields of human thought and endeavor by noble and patriotic men and women whose services to the cause of humanity are of inestimable value. This spirit lends itself to materialism and denies the influence and the permanence of moral and spiritual forces. In this view there is nothing worthy of preservation; there are no precedents which should be followed, no lessons to be derived from the pages of the past.

The communists of Russia were caught within the swirling grasp of this destructive influence, and the sorrows of Russia were intensified and their tragedies made more somber as this malignant spirit encompassed the land. This influence is to be distinguished from that fine spirit which has animated the real leaders of the past—those who have sought truth for truth's sake and who have recognized that in this little world of ours, as in the overarching skies, there are principles and truths, spiritual and moral, which are enduring, and the possession and application of which in our political institutions and in the social organism will produce justice and righteousness to be enjoyed as the common inheritance of all.

Those who laid the foundation of this Government were students of political institutions, and they believed that under a democratic government, such as that which they established, the highest felicity could be obtained by man. They had witnessed the evils of autocratic power and had been the victims of a tyrannous paternalism and bureaucracy. They were determined that the principles announced in the Declaration of Independence should be the basis of the governments to be established by them. Recognizing the importance of the letter of the law, they desired to be quickened by the spirit of the law. They sought to establish governments and institutions under which liberty and justice and equal opportunity would be enjoyed by all. They believed that all power rested with the people and that the inalienable rights with which individuals were endowed might not be invaded, but should be protected from evil influences and from centralizing and autocratic forces.

They set up republics which were denominated sovereign States. Perceiving the necessity of a central government, with limited powers, they adopted the Constitution of the United States. They recognized that the vast domain extending from the Atlantic to the Pacific would some day become a part of the United States of America. The Revolutionary poet, Philip Freneau, foresaw the time when, beyond the Mississippi, great States would arise—

> No less in power than Greece and Rome;
> Possessing statesmen, poets, sages, chiefs.

The struggle for the establishment of sovereign States and a National Government constitutes one of the most glorious epics in the history of the world; but it will be a greater struggle to preserve the Government and the institutions which their sacrifices established. History furnishes many parallels and examples to which we can look for guidance. After long centuries of oppression, mental and physical, the day dawned when the light burst upon the world. But liberty has been ever the object of attack by malevolent forces which lurk along the pathway of human progress. Lord Byron found many precedents to justify his rather gloomy and melancholy prediction when, in speaking of society and governments, he stated that when people obtained freedom, then "came wealth, vice, corruption, barbarism at last, and history with all her volumes hath but one page."

No sooner were the sovereign States organized and the Federal Government established than the malign influences which had brought so much woe and sorrow to the world, attacked—not always openly, but nevertheless persistently—the structures which our fathers had erected. The possession of a priceless jewel imposes the highest vigilance for its protection. Thieves will attempt to break in and steal it away. It is the same with the rich inheritance of democratic institutions and political, civil, and religious liberty. But men are usually more concerned in the protection of property and gold and precious stones than they are in the preservation of liberty and justice. There are those who believe that democracy breeds "the cult of incompetence," using the words of the distinguished Frenchman Emile Faguet. At any rate, it does not always develop that spirit of vigilance which must constantly be armed if the treasures of freedom and democracy are not stolen away. There is wanton neglect by many persons of wealth and education in the study of our political institutions. As a result, political intrigues and evil forces confederate together and often seize control of political units from the smallest city to the very Capital of the Federal Government.

Demagogues combine and put forth false propaganda to inflame the passions of the people, or to arouse their fears and credulity, that evil measures may be carried forward and un-American and destructive policies put into execution. The greatest present-day danger is found in the nation-wide propaganda by demagogues and persons ignorant of our form of Government, which seeks to destroy the sovereignty of the States and to constitute the Federal Government an omnipotent power whose authority shall extend to individuals and States, and may not be challenged by either.

The growth of paternalism and bureaucracy in the United States must excite in the minds of patriotic Americans the most gloomy forebodings as to the future of this Republic. Bureaucracy, if unrestrained, will lead either to socialism or to an oligarchy of wealth or an oppressive political power. There are many Americans who effect to believe that there are no dangers besetting this Republic and that it is secure for all time. Those entertaining that view reveal their ignorance of history and their utter lack of knowledge of the elements and forces operating in human society now as in the past.

There are forces in the social organism as indestructible as the power of gravitation. Humanity is in a condition of flux; is like a pilgrim seeking the city of God, beset upon all sides by powerful and relentless foes. The city may be reached, but only by those possessing stout hearts and true faith, and fidelity to the moral and spiritual truths which, like heavenly visitors, are ever ready to point the way of salvation.

Mr. Godkin, that brilliant writer, in his Problems of Modern Democracy discusses some of the questions which I have so imperfectly alluded to. I recall that he refers to the power possessed by some, who, exercising the right of franchise, are

often stimulated by envy, or antisocial passions, and that often demagogues, and those who would fasten an arid and deadly form of socialism upon the people, inflame these passions and promote measures and policies at variance with individual liberty, the maintenance of local self-government and the preservation of the Republic.

Senators may recall the caustic criticism of some of the legislation enacted by Congress, uttered by former Congressman Charles N. Fowler, who was for years chairman of the Banking Committee of the House. In an address delivered a number of years ago, he stated that there are laws upon our statute books affecting our finances and currency which are clearly and purely the result of uneconomic thought and such as would not have passed, but for necessity, ignorance, or political cowardice.

Mr. President, I fear that legislation relating to many other subjects has resulted from political cowardice and ignorance, and from a most ignoble and ugly form of political expediency.

The Constitution is a sealed book to many Americans. They do not care to open the volume, nor to be guided by its provisions. We have boasted of the American judiciary and have claimed that our judges have been men of learning, of purity, and of devotion to the legal principles upon which our system of jurisprudence rests, and to the most exalted spirit of justice. We read of charges that in some countries the courts are corrupt, that their decisions result from caprice or favoritism or expediency. Legislative bodies should be as free from prejudice or extraneous influences or from expediency as are the courts. They should seek the underlying principles of our Government, and shape their legislative course by the Constitution and those principles of justice which must animate and guide a people, if freedom shall endure.

Our fathers, as I have stated, familiar with the history of the past, sought to establish a government that would be free from the evils and practices which had brought so many nations to premature ends. But many students of political institutions see in our Republic, as they have seen in the republics of antiquity, many of the practical aspects and elements which create as sodden and sordid abuse of political power as has existed in the past. Mr. Huxley declared that up to this time—

> The progress of such republics as have been established in the world has not been such as to lead to any confident expectation that their foundation is laid on a sufficiently secure subsoil of public spirit, morality, and intelligence. On the contrary, they exhibit examples of personal corruption and of political profligacy as fine as any hotbed of despotism has ever produced, while they fail in the primary duty of the administration of justice as none but an effete despotism has ever failed.

This criticism, Mr. President, is severe—indeed, savage—but there are those who will wonder whether it can be successfully refuted. I appreciate, Mr. President, that what I am saying will be regarded as academic and wholly irrelevant to the bill which is now under consideration. It is regarded by some as quite inappropriate to discuss constitutional morality, the rights of the States, individual liberty, the question of whether proposed measures are in harmony with the letter and spirit of the Constitution, and will promote the welfare of the people.

The visionary scheme that promises an appropriation from the Treasury or the setting up of a new Federal agency with unlimited authority to promulgate rules and regulations to deal with a fancied evil are regarded as of paramount importance, and any appeals to "the law or to the prophets," or to the experiences of the past, or to the philosophy of Government are treated with derision here and elsewhere. If an evil, real or imaginary, exists in our political or social life, the apostles of the "cult of incompetence" and those who believe in the magic touch of bureaucracy immediately rush to Congress and demand legislation. They beat the bushes and organize societies to stimulate public support for foolish, half-baked, and oftentimes heretical and socialistic measures. No inconsiderable part of Federal and State legislation is the product of influences, forces, and organizations of the character just referred to.

And so we find persons clothed with governmental authority, and many not in official positions, who seek to cure all the ills of society by some legislative fiat or decree.

The idea of reform and growth and progress by the application of natural laws is scouted. Arbitrary power, usurpation, and ruthless destruction of the individual and his rights are not only justified but approved. I sometimes think that this spirit is akin to that which manifests itself in lynch law.

Mr. President, there are those to whom any form of government is obnoxious. By drastic penal statutes they would control the habits and appetites of individuals and deny freedom of thought or liberty of action. They deny the competency of individuals to govern themselves. Natural and normal conditions—conditions that flow from the sure evolution and progress of humanity—are regarded by this class as either nonexistent or so inapplicable as to require governmental interposition for their extinction. Officials of the mentality referred to, and others possessing like views, would permit no individual liberty and can not conceive of any orderly growth and development. Miracles must be wrought in their view in the lives of individuals and nations. Traditions, environment, individual idiosyncrasies, immutable laws that lie at the base of human progress, they neither recognize nor approve. The reserved rights of the people, the powers conferred upon the States of the Union, and the limitations imposed upon the Federal Government are not only no admonition against the exercise of arbitrary authority, but any claim that such rights and powers must be preserved is treated with contumely and reproach. Lack of uniformity is regarded as detrimental to progress.

This is the spirit which seeks conformity to a crudely nebulous ideal type. The theory is that uniformity of thought and action, the conformation of conduct to arbitrary rule and standard, are productive of the best results and will secure an ideal civilization. It may be said that most tyrants and despots have claimed the same objective.

Mr. President, we have to-day a multitude of people who turn from the development of self, from the determination to grow and expand and to be differentiated from the mass around, and regard the Federal Government as the source of all light and power and the arbiter of their destinies. Society is not a protoplasmic mass. We want no form of government that crushes individualism and reduces the Government to a colloidal state. The chief glory of the American people is found in the fact that the men and women of this land have developed to a high degree the spirit of self-initiative. Whatever strength the Nation possesses arises from the strength of the individuals within the Nation.

Mr. President, local self-government lies at the very foundation of a free country. The ideal of local self-government is one of our most precious heritages. It is the school in which self-control, independence, and liberty are bred. This is not a question of bringing to life a dead State-rights doctrine. It is dealing with a fundamental principle of political science. It is by no means a dead issue. On the contrary, no student of public affairs can fail to see that the question of the relation of State functions to Federal control is one of the most vital problems in our body politic. These United States cover a vast territory. From ocean to ocean and from the Lakes to the Gulf may be found almost every variety of soil and climate. Physical environment and historical tradition have given rise to a diversity of custom and manner, thought and speech. The occupation of the people of the different sections are characterized by fundamental and permanent differences. While we are essentially one people along broadly nationalistic lines, one meets with a variety of local conditions and habits of life as one journeys from Maine to California or from Key West to Oregon. This very diversity makes local government essential to justice.

Mr. Harold J. Laski has written with a fine appreciation of the problems of government, and in his admirable work entitled, The Problem of Sovereignty, he declares that—

> Everywhere we have diversity, plurality. It seems, indeed, time to admit its existence. It is really difficult to understand what special merit attaches to unity. Germany points proudly to the complete absence of differences among her citizens. Contempt is openly expressed for a country like the United States, where diversity of opinion is most clearly apparent.

He states that there is real moral insufficiency in any theory of the State which impresses upon its numbers the need for any consistent uniformity of outlook, and continues—

> We prefer a country where the sovereignty is distributed, where the richness of the corporate lives is insurance against such sterility of outlook. * * * The price of liberty is exactly divergence of opinion on fundamental questions.

Mr. President, during the World War the Federal Government exercised powers which are denied it in peace times. When peace came we were unwilling that the authority exercised by the Government under these war powers should be relinquished. It was insisted that the Federal Government should be an overlord and take over authority which belong to the States and superimpose upon individuals authority which is not consonant with individual liberty, and with the letter and spirit of the Constitution under our institutions.

Judge Henry Wade Rogers admonished us of the dangers of the centralizing forces of the hour. He declared that the question is not whether the States will destroy the National Government but whether the National Government shall be permitted to destroy the States.

Senators will recall that it was the fear of these latter consequences that led many of the great leaders like Samuel Adams and John Hancock and Clinton and Patrick Henry to withhold their assent to the ratification of the Constitution. If the Union is indestructible, then the States must be indestructible.

Mr. President, Professor Thompson, of the University of Wisconsin, in his work on Federal centralization, refers to the depressing influence upon the people if the Government is too far removed from them. He declares that—

> Democracy is more than a form of government. It is an ideal. The feeling among the citizens that the Government is their Government, in which they have a vital interest, is the soul of a democracy. Where the Government becomes too far removed the interest of the people in their Government begins to wane, because their interests nearer to them take precedence in their minds.
>
> It is difficult to see how democracy in government can remain a vital thing unless the individuality and autonomy of local governmental institutions is retained in which people can take an interest, where they can have personal contact with the leaders, and where they can see the actual results of democracy. Without this the demos becomes disinterested, and a democracy with a disinterested demos is probably less fortunate than a despotism with a benevolent despot.

He declares that centralization in large states is not adapted to meet the requirements for governmental supervision that modern industry entails, and that all attempts in the United Kingdom—

> to reconcile centralized control with a degree of local autonomy has been an ever-recurring problem in legislation during the last century.

It is to be noted that this problem is being solved by home rule, local autonomy, indeed, practically independence being given to the former British dominions. Decentralization, Mr. President, is taking place in many governments. It is an anachronism that in the United States centralizing forces should be so powerfully operated.

Mr. President, a few moments ago I expressed my surprise that Republican Senators who have spoken eloquently in behalf of the rights of the States are found supporting the bill before us, and my surprise and disappointment have been greater at the position taken by a number of Senators upon this side of the Chamber. I have upon a number of occasions stated that the high mission of the Democratic Party was to preserve individual rights and local self-government. In National and State conventions Democrats have for nearly a hundred years, declared their fidelity to the principles of Jefferson. The Democratic Party has been the party of the people, the party that sought to protect individual rights, that stood against the advancing forces of destructive Federalism which sought to destroy individual rights and the sovereignty of the States. It has been the guardian and protector of liberty and the ark of the covenant. If it betrays the people, if it permits them to be trampled upon by a powerful consolidated government and the States to be robbed of their sovereign powers, if it joins with Republicans in undermining the Constitution and supports measures and policies belonging to the category of class legislation and special privileges, it is no longer worthy to hold the banner which Jefferson unfurled, and which for more than a century and a quarter has led in storm and tempest and peace, the forces which were supporting constitutional government and those immortal principles which must find expression in this Republic, if its life shall be prolonged. The Democratic Party in its last national convention adopted a plank which reads as follows:

> We demand that the States of the Union shall be preserved in all their vigor and power. They constitute a bulwark against the centralizing tendencies of the Republican Party. We condemn the efforts of the Republican administration to nationalize the functions and duties of the States. We oppose the extension of bureaucracy, the creation of unnecessary bureaus and Federal agencies, and the multiplication of offices and officeholders. We demand a revival of the spirit of local self-government essential to the preservation of the free institutions of our Republic.

Mr. President, I had the honor to draft this plank and it received the unanimous support of the representatives of the Democratic Party. It announced no new doctrine. It announced a political truth, accepted by that party since the date of its birth. Unfortunately, fundamental principles upon which the Democratic Party rests are not always preserved, and legislation is often supported by Democrats which, in my opinion, is not only not justified, but is violative of the cardinal principles and long-accepted faith of the party of Jefferson and Jackson and Wilson.

Mr. President, I proceed now to a brief discussion of the bill under consideration. There is no demand for the enactment of this measure, except by a few dairy and milk producers' organizations in a limited number of States. I submit that a dispassionate examination of the facts will establish that these organizations are interested in increasing the price of milk and cream, and creating, so far as within their power, a monopoly, actual or potential, in respect of these essential food commodities. They are also interested in forcing their products into the State of New York and certain New England States. To accomplish the latter result they are seeking to prevent the importation of milk from Canada, thus limiting the required supply, particularly in the large cities of New York, Massachusetts, and Connecticut.

This bill, it is believed, will materially reduce the importation of milk and cream from Canada, if it does not effectually operate as an embargo upon their importation.

I have been advised that these organizations have maintained a lobby in Washington for some time to secure the passage of this bill. This charge has been made heretofore, and so far as I can learn has not been denied. I have a list of members of this organization, and it shows that 31 associations, found principally in Michigan, Iowa, Ohio, Wisconsin, and Illinois, constitute its membership. Efforts made by some of the producers of milk in several of the States referred to to introduce their product into the State of New York resulted in a number of arrests and convictions, because the milk and cream shipped to New York for sale and consumption did not measure up to the standards of purity required by the State and by the city of New York.

Apparently this angered the organizations lobbying for this legislation, and they, by way of retaliation, have organized to procure the enactment of the bill before us. It is obvious that if this bill becomes a law importers of Canadian milk into the United States, even though the milk producers of Canada meet the standards prescribed by the bill, as well as the requirements of the various municipalities and States in this country, will be prevented from shipping their product into this country. As I shall show before concluding, the bureaucratic authority given to the Department of Agriculture and exercised as bureaucratic authority usually is exercised, and in the future will be exercised, will interpose obstacles that will make the sale of Canadian milk in the United States almost impossible.

Of course, this will increase the monopolistic power of the organizations back of this bill and raise the price of milk and cream to the American consumers, and particularly to the millions of people in New York City, Boston, and other metropolitan cities.

This is a bill to create a monopoly of one of the prime necessities of life and to entrench such monopoly in a number of States bordering upon the Great Lakes and in New England. It is a monopoly which will injuriously affect millions of babes and little children in the centers of population within the cities referred to. It will make milk and cream scarcer and increase the prices in many instances beyond the capacity of hundreds of thousands, if not millions, of working people to purchase the same to nourish and sustain their children. Any legislation that attacks the home, that deprives women and children of nourishment and of proper food, is to be condemned.

It has been avowed upon the floor of the Senate during debate that this bill would increase the price of milk and cream; that that was one of the reasons for its passage; and that if by organization and legislation the prices of milk and cream could be increased, it was a desideratum worthy of attainment.

Health experts and doctors of eminence have demonstrated how important it is for the health and life of infants and children that an adequate supply of milk and cream and butter should be provided. The war-stricken countries of Europe furnish to-day millions of living examples of the terrible results following the denial of milk products to the little children during and immediately following the World War. Statistics show that hundreds of thousands died from lack of milk, and the millions of children who survived still suffer; and their health will be more or less impaired during their lives owing to malnutrition and the impossibility of obtaining milk.

This bill is aimed at the health—indeed, the lives—of infants and little children. If it is enacted into law it may be responsible for the death of many children whose fathers and mothers, because of their lack of means, will be unable to provide for them the food imperatively required for their health and welfare.

But this is the day when trusts and monopolies dominate our industrial and economic life. They control State legislatures

and stand unafraid in the presence of the Congress of the United States. The Sherman antitrust law or the Clayton Act are almost forgotten, and the law-enforcing agencies of the Government, National and State, slumber while powerful monopolies and predatory interests confederate and conspire to exploit the people. The organizations of giant monopolies and trusts in industrial lines encourage like organizations in every branch of our economic life. The greater part of the wealth of the country is controlled by corporations, most of which form combinations in restraint of trade and organizations to increase prices, and often to diminish production.

The results of these illegal combinations are found in the constant interruptions of the natural laws of supply and demand and in the artificial stimulation of prices, which injuriously affect the great mass of the people.

The milk-producing organizations behind this measure, as well as certain other dairying interests in the United States, are not satisfied with the tariff which they imposed upon certain agricultural products; and in the tariff act of 1922 they procured the imposition of a tariff of 2½ cents per gallon upon fresh milk and 20 cents per gallon upon cream. In the same section of the law it was provided that fresh or sour milk containing more than 7 per cent of butterfat shall be dutiable as cream, and cream containing more than 45 per cent of butterfat shall be dutiable as butter.

The next section of the act laid a duty of 1 cent per pound on unsweetened condensed or evaporated milk, and if sweetened 1½ cents per pound; and on all other milk, condensed or evaporated, the tariff was 1⅜ cents per pound; whole-milk butter 3 cents per pound, cream powder 7 cents per pound, and skim-milk powder 1½ cents per pound; and malted milk, and compounds or mixtures of or substitutes for milk and cream, 20 per cent ad valorem.

A tariff of 8 cents a pound was imposed upon butter and the same rate upon butter substitutes and oleomargarine. A tariff of 5 cents per pound was imposed upon cheese, but in no case was the tariff to be less than 25 per cent ad valorem. A tariff was laid upon eggs and poultry, fish, cattle, sheep, swine, and meats, fresh, prepared, or preserved. Not satisfied with the tariff duties provided for milk and cream and butter, the interests and combinations back of this bill have sought and are seeking to have the Tariff Commission, under the flexible provisions of the act increase the duties by 50 per cent. I submit, Mr. President, that the conduct of the organizations pushing this bill is subject to just condemnation. They are not satisfied with the combination which has been effected to increase prices, nor with the tariff which has been laid at their request, nor with the proposition to increase that tariff 50 per cent. And so, in order that their monopolistic control may be substantially complete, they drive through Congress a measure which is expected to prohibit the importation of any milk products into the United States. To accomplish this end they demand that the Federal Government shall exercise an authority which should be sparingly used and which in the present instance should be denied. Moreover, this measure foreshadows further legislation hostile to the rights of the States and their political subdivisions and is designed to circumscribe, if not defeat, their right to exercise their undoubted police powers.

Mr. President, it is depressing to witness the efforts made by Congress to degrade, if not destroy, the States and to set up powerful bureaucratic Federal agencies to aid in the accomplishment of that ignoble and sinister purpose. The sovereign States reserve to themselves in the Constitution the right to provide inspection laws and to execute them. They may, in the exercise of their police powers and their undoubted authority, prescribe standards of quality and purity for food commodities sold within their borders. They have the right to enact suitable laws for the inspection of food and to prohibit, under penalties, the sale of such articles of food as are not of the character and grade and standards of purity prescribed. And they may delegate to municipalities authority to pass inspection laws applicable to articles of food intended for sale within such political subdivisions. That power the States possess and they should exercise it. It should not be abridged or interfered with by any congressional enactments.

No State, so far as I can learn, has asked for this legislation, nor has any State claimed a lack of power to provide and enforce the necessary laws for the inspection of food products and the protection of the health of its inhabitants. It is manifest, therefore, that the true object of this bill is not for the protection of the States, or the inhabitants thereof, or to provide pure milk and cream or suitable milk and cream for the people. The bill is a fraud upon its face; it is a deception and seeks the support of Congress and the approval of the people under false pretenses. It bears the attractive title of—

> An act to regulate the importation of milk and cream into the United States for the purpose of promoting dairy interests of the United States and to protect the public health.

An accurate statement of the purpose of the bill would conform to the suggestions which I made a few moments ago, that it is a bill in the interest of monopoly and to compel the people, particularly in the large cities of New York, Massachusetts, Connecticut, and a few other States, to pay exorbitant prices for milk and cream for their use and the sustenance of little children.

The declaration that this bill is to protect the public health is neither sincere nor honest. One of the purposes for its passage; namely, to promote the dairy industry, is undoubtedly true, and that industry is to be promoted by increasing the price of milk and milk products to aid that industry in its monopolistic efforts to control and to increase the price of these food products. The evidence shows that 90 per cent or more of the milk and cream imported from Canada is used in the cities of New York and Boston. Neither the city nor the State of New York is asking for this legislation, nor is Boston nor Massachusetts. The States and the people in which nearly all of the milk and cream imported from Canada is used are opposed to this bill and implore Congress to defeat it.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. KING. I yield.

Mr. WALSH of Massachusetts. Confirming what the Senator has said about this bill not being a bill the passage of which is requested or desired by the health authorities, I should like to read to the Senator an entirely unsolicited telegram which I have received within an hour. It is from the president of the Massachusetts Association of Boards of Health. That means the association of all the boards of health in all the cities and towns of the State. It is as follows:

> DEAR SIR: The Massachusetts Association of Boards of Health urgently requests you to do your utmost to defeat the Lenroot-Taber milk bill. Its passage would seriously affect this section.

That is signed by the president of the State association. Now, who knows better how to protect the public health—the health authorities, or the dairymen who are seeking this legislation?

Mr. KING. Mr. President, this telegram confirms what I have said, and I might add that many letters and telegrams have been received by Senators from the authorities in various cities in New York, Massachusetts, and other States protesting against the passage of this bill.

I repeat that there are no complaints being made by health authorities in the cities to which 90 per cent of the Canadian milk and cream is being shipped; that these food products are not of the highest standard of purity and excellence and do not measure up to all of the requirements prescribed by State, municipal, and health authorities. This can not be said of the milk products shipped by some States into other States, although 10 per cent, or perhaps less, is not consumed in New York and Boston. So far as I can learn no complaints have been made that it is below the food and inspection and purity standards prescribed by the most exacting States and municipalities in the United States; so this pretense that this bill is to protect the American people from impure milk and cream shipped into the United States from Canada is not only absurd, but untrue.

Mr. President, legislation is often promoted by earnest and sincere people who do not know the facts, and for whom there might be some extenuation because of their ignorance. But what must be said with respect to this bill which a monopoly seeks to rivet upon the people in its own interests, but under the pretense that it is unselfishly and altruistically seeking their health and happiness and the welfare of the little children and the people of various sections of the United States?

Mr. President, the overwhelming majority of the people of New York and Boston who buy the Canadian products referred to are working people; their means are limited. They will be the victims of the monopolistic control of milk and cream. Their little babes will be the ones who will cry for milk when the grasp of the monopoly becomes all powerful. That is why the people of Boston and of New York and of the cities in which Canadian milk and cream are sold are opposed to this bill.

I received a telegram a few days ago from Doctor Harris, the health commissioner of New York, in which he denounces

the pending measure. On the 27th of January he wrote a letter to Congressman BLOOM, who, as Senators know, is from New York City. I have his letter, which reads as follows:

DEPARTMENT OF HEALTH,
OFFICE OF THE COMMISSIONER,
New York, January 24, 1927.

Hon. SOL BLOOM, *Washington, D. C.*

MY DEAR CONGRESSMAN: I am grateful for your energetic action in behalf of the health interests not only of the city of New York but of other cities in the northeastern section of our country. I had no intimation of conditions when the Taber bill was rushed through the House. When Senator COPELAND communicated with me, I asked him to use his influence to the utmost to prevent the passage of the Lenroot bill now before the Senate. It is greatly to be regretted, if for want of knowledge on my part of the rules of procedure of the Senate committee, I am now to be deprived of the opportunity to voice the health needs of 6,000,000 people.

I trust that it will be brought home to the Senate committee that this bill is a vicious and dangerous one, which will profit a few who are commercially interested but demoralizes our milk situation, which is none too well stabilized. I am eager to be heard in defense of the health interests of our community.

I am told that some one testified before the Senate committee that he represented me. Please brand that statement as utterly unfounded. I expressed my views over the long-distance telephone to Senator COPELAND, but to no other person in Washington, who by any stretch of the imagination could conceive himself to be delegated to speak as my representative.

Very cordially yours,

LOUIS I. HARRIS, M. D.,
Commissioner.

Mr. BINGHAM. Mr. President——

Mr. KING. I yield to the Senator from Connecticut.

Mr. BINGHAM. The Senator has been so kind as to refer to some of the efforts which I have made upon this floor to interest representatives of the different States in the rights of those States and in the rights of local self-government.

Mr. KING. And I was paying a sincere compliment to the Senator because of his able addresses upon that subject.

Mr. BINGHAM. I appreciate that fact; but I should like to inquire of the Senator why, in his opinion, section 8 of the bill does not protect the rights of the States? That section provides:

Nothing in this act is intended nor shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision after the milk and/or cream shall have been lawfully imported under the provisions of this act.

The Senator will agree with me, I am sure, that if the State of Connecticut desires to protect itself against milk and cream of a character which its own citizens are not allowed to produce and sell, it can not make any laws to prevent their importation from a foreign country, but that must be done by the Congress. This bill does not interfere with the right of the State of Connecticut, so far as I can see, in the slightest particular; in fact, the rights of the States are specifically protected. On the other hand, that which a State can not do, namely, to impose duties on or regulations regarding importations from foreign countries, is just what this act tries to do through the Federal Government.

Mr. KING. Mr. President, the insertion in the pending bill of the provision just read by the Senator, to the effect that this proposed legislation is not intended to affect the powers of any State or any political subdivision, is a clever, strategical move, intended to abate opposition to the bill and to reassure those who have some regard, or at least effect some regard, for the rights and duties of the States. But if it is not intended, directly or indirectly, now or in the future, to abridge or limit or interfere with the rights of the States to control their domestic and internal affairs, what is the necessity or purpose of the bill before us. I have stated, and no one has denied it, and it can not be denied, that no State is complaining about the improper character or the lack of purity of Canadian milk or cream. None of the consumers of these products are calling for Federal legislation to protect their health. Those who are demanding this legislation avow as one of the principal purposes is to increase the price of milk and milk products and to force the cities of New York and Boston to buy milk from certain States west of New York, instead of some Canadian milk and cream, which meet every health requirement and every standard of purity prescribed by municipal regulations, which, as I am advised, are stricter and of a higher standard than can be found in any other cities or States of the Union.

Neither Canada or any other foreign country is attempting to interfere with the powers of any State or any political subdivision to regulate the shipment of milk or cream into, or the handling, sale, or other disposition, of the same in such State or political subdivision.

Indeed, Mr. President, as stated by the Senator from New York [Mr. COPELAND] during the course of debate, the Canadian milk and cream are inspected by competent American inspectors sent into Canada, and no cream or milk is brought into New York City—and this is true of Boston and other cities—until it has passed the high test prescribed by these municipalities. Moreover, the inspectors examine the cows to determine whether they are healthy and whether the milk and cream when raw are produced from cows which have passed a tubercular test by a duly authorized official veterinarian. The inspectors determine upon the sanitary conditions of the dairy farms or plants in which the milk or cream is produced or handled, score as many points as are required by the various score cards employed in the United States to determine the purity and quality of the milk.

These inspectors also make the necessary tests to determine the freedom from bacteria, so that the proper standards of purity in this respect shall be attained.

There is no effort, so far as I am advised, to bring Canadian milk or cream into the United States in violation of any of the laws of any State, or any regulations of any municipality, with respect to the character and quality and purity of milk and cream that may be sold within their respective borders. The declaration, therefore, that this bill is not intended to interfere with the powers of the States or municipalities, in dealing with milk and cream brought into their borders for sale, is a mere gesture and pretense offered for the purpose of concealing the real object of the bill.

But the Senator knows that if a new Federal bureau is created, and it is given the tremendous powers contained in this bill, the rights of the States to regulate the sale of milk and cream within their borders will be interfered with by the Federal Government.

A few days ago, in the discussion, the Senator from Massachusetts [Mr. WALSH] asked the Senator from Oregon [Mr. MCNARY], the chairman of the Committee on Agriculture and Forestry of the Senate, who reported the bill to the Senate, the following question:

May I ask the Senator if the bill proposes to establish national uniform regulation and inspection of dairy products, milk and cream?

The following is the reply of Senator MCNARY:

It does not go quite that far. It is the first step. It is thought that later perhaps Congress would attempt, under the commerce clause of the Constitution, to make those regulations uniform and general throughout the country. The bill does conform to tests prescribed in Boston and New York and the other cities. Though not wholly national in its application, it meets a situation which it is thought should be met in the interest of those who consume milk.

Senators will note that this bill is the first step in the establishment of a national "uniform regulation" and inspection of dairy products. What does this mean? It means that this entire question has been the subject of consideration by persons or groups or organizations; that it was deemed unwise to at once attack the States and seek to deprive them of their power to inspect these food products and to regulate and control their sale within their borders. It means that some persons or groups or organizations have determined that later, after this bill has become a law, and after Federal bureaucratic machinery has been set up, and a bureau created, ostensibly to inspect the limited amount of Canadian milk imported into the United States, additional legislation will be enacted that will deprive the States of all regulatory power over the shipment of milk and cream into the States and the handling, sale, and disposition of the same within their borders.

This statement, which I have just read, reveals the attitude of some persons or groups or organizations who have promoted this legislation and further reveals the hysterical, and, as I believe, reactionary, impolitic, and unwise view that uniformity is the goal to which we must aspire in all political activities or individual or collective conduct. The commerce clause of the Constitution is to be invoked to justify this legislation, and the Federal Government is to perform all of the duties of inspection of milk and cream and prescribe regulations under which it is shipped, produced, and transported and sold. The Federal Government is to go into the States and prescribe the form and character of barns and sheds that are to be erected and maintained for the accommodation of cows which are to produce milk and cream. The bureaucrats from Washington are to formulate rules and regulations as to how cows are to

be fed and kept and inspected and the manner in which the milk is to be handled and the standards which it must attain in order to be shipped from one State to another or sold in interstate commerce.

Mr. President, as I interpret this bill and its purpose, it will, contrary to the view of the Senator from Connecticut, interfere with the rights of his State. His State has the right now to purchase milk and cream from Canada and to prescribe such standards and tests as it deems proper, to be applied to the milk brought into the State of Connecticut and sold to the people therein.

Under this bill the Federal Government is to prescribe what kind of milk and cream may be brought into the United States for sale to the people of Connecticut. The standards which the State of Connecticut or the municipalities of the State may establish and which it may deem wholly adequate may not meet the standards which the bureaucrats of Washington, under this bill and under the powers given them, may set up.

This bill will prove an immediate interference with the rights of Connecticut and other States, and, as indicated by the Senator from Oregon [Mr. McNARY], Congress will attempt later, under the commerce clause, to prescribe uniform regulations throughout the entire country.

It is true that this bill does not now attempt to interfere with the powers of Iowa, for instance, to prescribe standards and tests of milk and cream brought into and sold within the State. But after a Federal bureau is established—with the usurping tendencies always exhibited by bureaus—there is no question but that within a short time efforts will be made by the Federal Government to set up a Federal inspection law which will supersede all State laws and apply to all interstate shipments and transactions relating to milk, cream, butter, and other commodities.

So, I assert, this bill does interfere and will interfere with Connecticut and other States and it will abridge their rights and make for an oppressive bureaucratic institution within the Agricultural Department.

Mr. President, the issue is before us. This bill is but one of the evidences of the existence of a powerful paternalistic and bureaucratic movement, the aim of which is to reduce the States to mere geographic expressions and to rob them of their authority and of their sovereign power; this movement contemplates the substitution of bureaucracy and paternalism for local self-government and the rule of bureaucrats for the rule of the people. Once this power is established, as provided in this bill, it will grow and expand until it reaches every part of the Republic.

While this bill does not create a bureau in name, it provides for such machinery that a bureau will speedily be provided to utilize the same. The Secretary of Agriculture, under this bill, is given tremendous powers. No persons may import into the United States any milk or cream unless a permit is given him by the Secretary of Agriculture which, of course, means by some bureau chief or some employee in that department. And no milk or cream may be brought into the United States unless the cows producing the same have been inspected within one year previous to the offering of such milk for importation.

None of these products can be brought into the United States unless the cows producing the same have passed a tuberculin test prescribed by the Secretary of Agriculture; nor unless the sanitary conditions of the dairy farm or plant in which the cream or milk is produced has scored the necessary number of points provided by the score cards of the Bureau of Dairy Industry in the United States Department of Agriculture; nor can any raw milk be imported if the number of bacteria per cubic centimeter exceeds 300,000, and in the case of raw cream 750,000, in the case of Pasteurized milk if the number of bacteria per cubic centimeter exceeds 100,000, and in the case of Pasteurized cream 500,000. Nor can milk or cream be imported into the United States when the temperature of either at the time of importation exceeds 50° F.

The Secretary of Agriculture may revoke permits which he grants and exercise other powers, apparently without limit and without being subject to having his powers or rulings or conduct reviewed. He may prescribe rules by the hundreds or, indeed, thousands, and for the violation of which fine or imprisonment or both may be inflicted upon the alleged violator. He may revoke permits if the permittee does not perform according to the view of bureaucratic officials and their interpretation of the regulations and of the act. And any violation of the provisions of the act, which means the regulations, subjects the offender to a fine of not less than $50 or not more than $2,000 or by imprisonment for not more than one year, or by both fine and imprisonment. And, like all measures creating Federal bureaus and agencies, this bill carries an appropriation so that more persons may get jobs.

Mr. President, this bill confers too much power upon the Secretary of Agriculture—it confers too much power to prescribe regulations. It delegates authority to one person to define what acts or omissions are crimes and to formulate regulations which will entail pains and penalties for the violation of the same. It puts it into his power to prevent the importation of any milk or cream into the United States. It constitutes him a czar with unlimited authority to deal with persons and property and to prescribe pains and penalties for acts of omission and commission which he may determine shall be offenses.

This bill will call for a multitude of new employees, because it is not possible for the Secretary of Agriculture to make the inspections required by this act, to prescribe and enforce all of the regulations called for by the bill; and as the Senator from Oregon indicated, if this bill is but the first step to the establishment by the Federal Government of a "uniform system of regulation" of the production and transportation and sale of milk and butter, then a bureau will soon be required with hundreds, if not thousands of employees, at an annual cost to the Government of millions of dollars. If from the Atlantic to the Pacific coast, along the entire border separating Canada from the United States, inspectors are to be placed and rules and regulations enforced relative to the production of milk in Canada and its importation into the United States, then thousands of employees will be required, and a stupendous amount of administrative and bureaucratic machinery will become necessary. And if all the tests are to be made provided for in the bill and in the regulations which will be promulgated by the Secretary of Agriculture or the bureau which is to be established in addition to the large personnel required, laboratories will be needed and competent persons required to determine the bacterial contents and to make the temperature tests. Stations will be needed, which must be equipped with ice machines or ice houses; and samples of the milk and cream brought to the border will have to be taken of each shipment, and the same properly iced and protected and sent to central laboratories for analysis.

Mr. President, I invite the attention of Senators to another provision of the bill which should be obnoxious to all Senators and bring about the defeat of the bill. It is section 4, which reads as follows:

> SEC. 4. It shall be unlawful for any person in the United States to receive milk or cream imported into the United States unless the importation is in accordance with the provisions of this act.

It will be perceived that it is to be unlawful for any person within the United States to purchase or receive a glass of milk or a teaspoonful of cream imported into the United States in contravention of one of the hundreds of rules and regulations prescribed by the bureaucratic officials of the Government. To show the absurdity and the puritanical and fanatical character of this legislation, one need only to give as an illustration, the drinking of a cup of milk by some person a few yards on this side of the Canadian line which some neighbor or friend just across the line in Canada gave to him.

Along the border separating the United States and Canada are thousands of homes. There are some persons whose farms are divided by the international border—an invisible line. If the house happened to be on this side of the line and the barn a few yards to the north, across the line, it would be unlawful to carry the milk from the barn to the home, and the unlawful act would be more reprehensible if the owner of the cow happened to take a sip of it.

Even the most earnest advocates of Federal prohibition have not felt it necessary or prudent to make it unlawful to receive or take a drink of intoxicating beverage. But it was reserved for those who conceived this legislation to make it unlawful for a person who purchases or receives by gift or otherwise an infinitesimal quantity of milk or cream brought from Canada or some other foreign country that may not have met every requirement, every standard, and every rule or regulation set up by an army of Federal employees who are to be the judges and juries to try those whom they charge with violating their own regulations which define offenses. And yet, Mr. President, when attention is called to this outrageous provision of the bill it excites no concern in this body and arouses no opposition. I wonder if Senators would manifest the same indifference if we were discussing a bill making it a crime to take a taste of beer or whisky. As stated, the most zealous advocates of prohibition have not gone that far.

Mr. BRUCE. Mr. President, will the Senator let me interrupt him at that point?

Mr. KING. I yield.

Mr. BRUCE. I desire to call the attention of the Senator from Utah to the fact that the latest program of the Methodist Board of Prohibition, Temperance, and Morals contemplates that very thing. That is one of their proposals. That is to say, that the buying of a drink shall constitute a criminal offense.

Mr. KING. Why not? If to buy a glass of milk is unlawful, why should it not be unlawful to purchase or drink a teaspoonful of beer or wine or whisky?

Mr. President, I was referring a moment ago to the undoubted purpose of those back of this legislation to increase the authority of the Federal Government, so as to put the control of the transportation of milk and cream in the hands of the Federal Government. Not satisfied with regulating the importation into the United States of milk and cream, or embargoing it for that matter, the bureaucrats and those who support this legislation will go further and demand that the Federal Government shall establish uniform regulations as to the conditions under which milk and cream shall be produced and prescribe the methods of inspection, the tests of cream for purity, and so forth. That will be the next demand.

Mr. BINGHAM. The Senator realizes, I am sure, that I would be one of the first to fight any such attempt as that; but Connecticut has no authority at the present time to make any rules about the landing of milk from foreign countries.

Mr. KING. But what concern is it of the State of Connecticut as to what milk or cream is landed in New York or Minnesota? Connecticut has the right to prescribe whatever rules and regulations she may deem proper, not only with respect to milk brought into the United States for consumption in Connecticut, but also milk and cream produced in any other State and destined for sale and use in the State of Connecticut. In other words, Connecticut now has complete jurisdiction over the importation into the State and the sale therein of milk and cream.

Mr. GEORGE. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. GEORGE. Mr. President, I wanted to make this statement to support what the Senator from Michigan has so well indicated and what the Senator from Utah has said; undoubtedly the State of Connecticut, or any other State, has the full authority and power to prevent the sale of milk or cream within its borders that does not reach the standard fixed by the State. I will go further——

Mr. BINGHAM. The only point with regard to the position taken by the Senator from Utah which I attempted to make was that the State has no authority to go into Canada and find out the conditions surrounding the production of milk there.

Mr. GEORGE. I will go further. The State of Connecticut, in my opinion, has a perfect legal right to say that no milk shall be sold within that State unless certain inspection laws shall have been complied with, and if the United States through its bureaus and the swarm of agents that will infest the bureaus, can go over into Canada and say that no milk shall be imported into the United States unless we are permitted to inspect the dairies of Canada, the State of Connecticut may, with like propriety, say that no milk shall be put on sale within that State and sold to the people of the State unless the producer of the milk shall present a certificate showing that his dairy has been inspected.

Mr. COUZENS addressed the Chair.

The PRESIDING OFFICER (Mr. NORRIS in the chair). Does the Senator from Utah yield?

Mr. KING. Yes.

Mr. COUZENS. I wish to ask the Senator from Connecticut, who is a great advocate of State rights, why the State of Connecticut can not control the distribution of milk after it comes into the State, regardless of whether or not it has been inspected before leaving Canada? In other words, if he says the State of Connecticut can not stop the importation—which may be correct—it certainly can stop the distribution and the use of such milk within its borders.

Mr. LENROOT. Mr. President——

Mr. KING. I yield to the Senator from Wisconsin for a question.

Mr. LENROOT. I will put what I was about to say in the form of a question.

Will not the Senator agree that while the State has a right to impose inspection laws to insure pure milk, that right is limited to the right of inspection of the article itself; that it can not, for instance, take any evidence—it has been so held by the Supreme Court of the United States—regarding quality; it must be determined by the inspection itself. So, as the Senator from Connecticut has suggested, while the State can make tests of the milk, it can not, in my judgment, make requirements as to the conditions under which the milk was produced, either in another State or in another country.

Mr. GEORGE. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. GEORGE. I undertake to say that if, by an inspection of the milk itself, it can not be ascertained whether it is pure and wholesome and free from any material that would have any injurious effect upon the person using it, undoubtedly the State may say that no milk may be sold within the State unless it has first been given the authority to make an inspection of the dairy. If the inspection is the necessary means through which the quality of the milk can be ascertained, then undoubtedly the State has that power. It can not force admission into another State or Territory and ask for the privilege of examining or inspecting the dairy thereof; neither can the United States force itself into Canada; but the State can say, as the United States is seeking to say under this very bill—

> Unless you submit to an inspection, that being the only way by which the purity of the milk can be ascertained and determined, it can not be lawfully sold within our State.

Mr. LENROOT. Mr. President, will the Senator from Utah yield for just one statement?

Mr. KING. I yield.

Mr. LENROOT. It is very seldom that I disagree upon a legal question with the very eminent Senator from Georgia, but upon this question I do. I think, if I had the time, I could establish that a State has but two rights with reference to a matter of this kind, or with reference to interstate and foreign shipments. It may pass inspection laws, or it may pass quarantine laws, but its rights are limited to those two things; and, if it be an inspection law, the inspection must be of the article itself, and the State can not make any regulation as to the conditions under which commodities are produced.

Mr. KING. Mr. President, my time is so limited that I will be unable to present the decisions of the court which, I have announced, support the position which, as I understand the Senator from Georgia, is the one which he takes. The authorities, as I interpret them, are clear that States have power to enact such laws as they deem proper to protect the health of the people within their borders. The police powers of the States are very broad. They have the right to provide for the inspection of milk and cream brought into their borders, and if it is impossible for them to determine at the border of the milk and cream as to whether it is pure or impure, whether it is free from diseases or otherwise, they may provide other means to determine these questions; and the sale of milk and cream within the States may be prohibited until the health authorities provided by the States are fully advised upon these questions.

Mr. BINGHAM. Mr. President, will the Senator permit a question?

Mr. KING. Yes.

Mr. BINGHAM. Does the Senator know of any test which can be given to milk to show whether or not it comes from cows that have tuberculosis.

Mr. KING. Mr. President, I am not a chemist nor a food expert, nor familiar with the tests which are applied to determine the purity of milk, or whether it is free from disease germs.

Whether there is a test that will show whether milk has come from cows suffering from tuberculosis, I can not say. Concede that there is no test, that would be an additional reason for the State to prescribe stricter regulations for milk sold within its borders; and I believe that, if, in order to make certain that milk brought into a State to be sold, or produced within a State for sale, comes from cows free from tuberculosis, such State would have the power to deny the right to sell milk within its borders, unless inspection be permitted of the cows—places where they are kept. Of course, the State in which the milk is to be sold could not force in some other State the inspection of the cows therein, but it could prevent the sale of their milk within its borders unless inspection were permitted of the cows producing the milk.

Mr. GEORGE. Will the Senator yield?

Mr. KING. I yield.

Mr. GEORGE. It does not seem to me that it is an open question—and I say this with all due respect to the very able Senator from Wisconsin [Mr. LENROOT], able lawyer that he is—that while the State has the primary right of inspection and of quarantine, yet if the commodity, whatever it may be, is such in its nature that it can not be searched and tested by those two methods or by the exercise of the right of inspection and quarantine, the State, with the full police power of a complete sovereign, can make unlawful the sale of any commodity which can not be finally tested and finally searched under any scien-

tific method or mode of testing it and searching it. So that while you can not by inspection ascertain whether or not the milk came from a cow affected with tuberculosis, you can impose the condition of the right of inspection of the cow itself, if that be the only means of ascertaining it, before it shall be lawful to sell that milk in any State.

Mr. BINGHAM. Mr. President, one more question.

Mr. KING. I can not yield further.

Mr. BINGHAM. Just one question, if the Senator please.

Mr. KING. Very well; I yield.

Mr. BINGHAM. I should like to ask the Senator if he will answer before he gets through the question which I asked him in the beginning—why it is that section 8, which I read, does not fully protect the rights of the States?

Mr. KING. Mr. President, I deny that it does, and have, as I believe, already demonstrated that fact. My time is limited, so can not stop to further analyze that section; but concede that it does protect the States. Why is it necessary to pass this bill? The only persons who have asked for the passage of this bill are a few dairymen in the United States. There have been no complaints in their States. There has been no complaint against the Canadian milk in the States of New York and Massachusetts, which buy 90 per cent of the Canadian milk and cream brought into the United States.

A perusal of this bill shows that the Agricultural Department—and, of course, that means the bureau that is to be created—will have power to formulate and make such regulations as it pleases, regulations as to how inspection is to be made in Canada, who is to make the inspections, what kinds of floors shall be used, the character of the milk, and the character of the food of the stock. A thousand regulations may be prescribed, and the infraction of a single one, no matter how insignificant, is made a Federal offense for which a man may be dragged from his home to a Federal court, perhaps hundreds of miles away, indicted by a grand jury, and subjected to the penalty of a heavy fine or one year in the penitentiary, or both fine and imprisonment.

We have gone mad in creating Federal offenses by statute and bureaucratic regulations. We are harassing the people by Federal espionage and Federal supervision. We are dragging persons from their homes to be tried in States hundreds and thousands of miles distant. I am glad to say that the Judiciary Committee is considering a measure looking to the curbing of the arbitrary and often illegal authority exercised by Federal agencies.

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

Mr. KING. I yield.

Mr. SMITH. Under section 4, to which the Senator has called our attention, would it not necessarily follow, in justice to the buyers of milk that there should be a labeling of the imported and the domestic milk, so as to serve at least some little notice on one who desires to keep the law? Would not that be another prohibition, in a way, to the importing of milk?

Mr. KING. Absolutely.

Mr. SMITH. Anyone buying milk subject to this wide-open section, no matter where he got it, might be informed against, the informer stating that to his best belief it was imported milk and had not been imported according to the rules and regulations. Then the man buying the milk would have to defend himself and prove that it was not imported milk, or was imported in accordance with the regulations. That would lead, of course, to the necessity of having all milk labeled as either domestic or imported.

Mr. KING. I agree with the Senator. While I am on this point I want to reinforce what I said a moment ago. I have here a statement which was handed to me by Congressman BLOOM after verification upon his part. It states:

> The great bulk of the market milk and cream imported is subject to New York and Boston approval.

Just as I have indicated.

> Both of these cities have inspectors of dairies working in Canada as well as the United States; none of the import goes to small towns, and even if it did their laws as to sales of market milk apply to that as well as local product.

The Senator from Connecticut seemed to indicate that the Government of the United States had more power to go into Canada than the State of Connecticut has. The Senator knows that the State of Connecticut is a sovereign State, and it has just as much right to send inspectors into Canada as has the United States.

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

Mr. KING. I yield.

Mr. BINGHAM. The Senator does not seem to realize that if his proposal were carried out, and each one of the States should have the right to send inspectors into Canada, it would be necessary to have at least 48 inspectors to go to Canada, whereas we have intrusted to the Government our foreign relations, and it seems eminently proper that we should intrust to the Government such activities as the inspections referred to.

Mr. KING. The Senator knows, of course, that his illustration does not meet the situation at all. He knows, for instance, that Iowa does not import milk from Canada. There are but two or three States that import milk from Canada, and the Senator wants to punish New York and Boston and his own State, the principal communities which import milk from Canada, in order to help a few men in Wisconsin and Minnesota to form a milk trust, and to force their product, which has not been pure, upon the people of the East.

Mr. BINGHAM. Mr. President, the Senator made a reflection on my own State a moment ago at the suggestion of some Senator at his side——

Mr. KING. I have made no reflection on the State of Connecticut. Why should I?

Mr. BINGHAM. The Senator inserted some words in his own statement at the suggestion of a Senator sitting near him, and I want to call attention to the fact that in the hearings I stated that the request, so far as any has come from Connecticut, has been earnestly for the passage of this bill in order to protect our farmers, who are trying to keep their dairies clean, from foreign competition.

Mr. KING. It is quite likely that some dairymen there have done so, although there is nothing in the hearings, so far as I have seen, to indicate that fact.

Mr. LENROOT. Mr. President, the Senator stated that demand came from Wisconsin or Minnesota. If he would examine the hearings he would find that the demand came principally, so far as farmers are concerned, from the New England States.

Mr. KING. The information which I have is quite the reverse. Those who are here backing this bill negative the statement made by the Senator.

I read further from the statement furnished me, which has been verified by Congressman BLOOM:

> It is to be noted that there is no evidence that any Canadian shipper has had his license revoked, while it appears that after the New York milk scandal began and just prior to the drive against Canadian cream, 10 large Wisconsin shipping stations and 1 from Minnesota were barred. It is to be noted also that Commissioner Harris wants the Canadian cream, because it is under his inspection and properly belongs in the milk shed of New York. Also that Boston, equally interested, sent its chief of dairy inspectors here to oppose this bill, for the same reason that Commissioner Harris gave for desiring Canadian cream.

Let me say, in conclusion, that this bill is wholly unnecessary and most unwise. It creates a new bureau, and Senators here are denouncing the creation of new bureaus. If this bill is to be effective, and to be enforced along the entire Canadian border, instead of $40,000 we will need to appropriate $4,000,000. It is an entering wedge, as stated by the Senator whom I quoted, for the control a little later, under the interstate commerce clause, of the entire transportation and sale of milk and cream in the United States. It is a dangerous measure. It attacks the rights of the State and aggrandizes the power of the General Government.

As a part of my remarks I desire to have inserted in the RECORD an analysis of the bill, and a statement as to some of the objections to it made by a person who has made a study of the measure.

The VICE PRESIDENT. Is there objection?

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

Memorandum on Lenroot-Taber Canadian milk importation bill, H. R. 11768

FUNDAMENTAL OBJECTIONS TO BILL

No milk or cream can at present be moved from Canada to New York, or any other municipality in the United States, which does not comply with all municipal regulations, health and otherwise.

Paragraph 2, section 2 of this act, prior to the present amendment, prevented the importation into the United States of raw milk or cream even for purpose of Pasteurization, unless produced from tuberculin-tested cows, though nontuberculin-tested milk could be shipped to New York from points in the United States if Pasteurized before consumption. Paragraph 5 of section 2 prior to the present amendment required a temperature at time of importation of 50 degrees Fahrenheit of cream or milk. While the city of New York requires grade A milk to be cooled to a temperature of 50 degrees, it only requires grade B milk to be cooled to a temperature of 60 degrees, and

provides that morning's milk, whether grade A or grade B, need not be cooled before delivery to a creamery, if in the case of grade A it is delivered before 8 a. m., and in the case of grade B it is delivered before 9 a. m. While the present amendment shown on page 4, lines 13 to 25, by exempting milk produced in Canada within 20 miles of the border from paragraphs 2 and 5, section 2 of this act, now permits Canadian border milk to move to the city of New York under the same conditions in these respects that milk from the United States side of the border may move to New York, all Canadian cream is still subject to paragraphs 2 and 5 of section 2, and all Canadian milk moving from points more than 20 miles from the border is still subject to those paragraphs. In addition, no Canadian milk or cream from any point can be shipped without a permit obtained from the Secretary of Agriculture and without inspection at the border.

The act fails to define at what point such border inspection shall be made; that is, whether at the border or at the port of entry. Courts will undoubtedly construe the act as requiring inspection at the border, for the reason that penalties of fine or imprisonment are attached, and the temperature and bacteria content may change between the time of crossing the border and the time of reaching the port of entry, which frequently is several miles distant from the border.

If inspection is to be made at the border, it means that there must be maintained at every point where a wagon road or a railroad crosses the border an adequate laboratory and a competent person to take the bacteria count and to make the temperature test. Otherwise, such stations would have to be equipped with either an ice machine or an ice house, and samples would have to be taken of each shipment, properly iced and protected, and sent to a central laboratory for analysis. In this event, however, in every attempt to prosecute, where such samples were found not to conform to the act, the defendants would contest the question as to whether the samples when reaching the central laboratory were in the same condition as when they crossed the border. If the Government should attempt to make inspections at ports of entry instead of at the border, it would afford still greater opportunity for contesting the validity of such inspections, due to the fact that it would be practically impossible to show that the shipments when arriving at port of entry were in the condition as when they crossed the border as to bacteria count and temperature. In any event, it is obvious that neither the present appropriation of $50,000, nor any reasonable appropriation could be adequate to afford necessary facilities for such border inspection, since the minimum cost of a bacteriologist would be not less than $2,000 a year, and it would cost in the neighborhood of $3,000 to build and equip the simpliest laboratory.

Moreover, in order to inspect rail shipments of milk crossing the border, it would be necessary since such shipments move largely by express or baggage in passenger trains to hold every passenger train carrying such shipments at the border until every can of milk could be sampled for temperature and bacteria test. Then it would be necessary to further hold the trains until the samples could be analyzed for bacteria content, since if it were attempted to send the samples to a central laboratory for analysis, the same question would arise as would arise in the case of wagon shipments. Moreover, it would be legally impossible to inspect at border shipments entered under bond under so-called I. T. form of entry, though many shipments are so entered. It is incredible that such delay in the shipment of milk and cream could be contemplated, and it is suggested that the framers of this bill either did not understand these conditions, or understanding them, meant to make it impossible to import milk and cream.

Furthermore, no milk or cream can be imported from Canada unless the person shipping or transporting it into the United States holds a valid permit from the Secretary of Agriculture. In the first place, there is no provision in the act itself as to how such permits may be obtained by the farmer in Canada. While the Secretary of Agriculture is authorized to make such regulations, he has not indicated whether he will require the Canadian farmer to come to Washington to obtain such a permit, or to obtain one through an attorney in Washington, or will set up subagencies along the border, or in Canada, where such permits can be obtained. Assuming such subagencies are to be set up, they will be an additional expense chargeable to the appropriation.

Moreover, under section 3 of the act such permits can only be issued after the Secretary of Agriculture has made or caused such inspections to be made as are necessary to insure that the Canadian milk and cream is produced under the conditions required by paragraphs 1, 2, and 3 of the act, or unless the Secretary of Agriculture will, in his discretion, accept a duly certified statement by a duly accredited official of an authorized department of any foreign government, or of any State of the United States, or any municipality thereof, that the provisions in clauses 1, 2, and 3, section 2, of this act, have been complied with. It is further provided, however, by lines 8 to 15 of page 5 of the act, that if the Secretary of Agriculture is of the opinion that such inspections as made or caused to be made by him are so incomplete as to require the issuance of temporary permits, he shall issue temporary permits to any applicant therefor, to ship or transport milk and/or cream into the United States, which temporary permits, however, may be revoked by the Secretary of Agriculture at any time.

This means that if the Secretary of Agriculture, as is entirely probable, could not under the present appropriation make the necessary inspections in Canada, that he need not, unless in his discretion he decides to do so, accept the inspection by the Canadian Government or by any State or municipality of the United States, though they may be able and willing to make such inspections.

Moreover, even if he should determine that the inspections he was able to make were incomplete and should issue temporary permits, he is authorized to revoke those temporary permits without cause at any time. This means that it is in the power of the Secretary of Agriculture to embargo all Canadian milk absolutely.

Has the Secretary of Agriculture any information which would indicate his capacity to make such inspections in Canada under the present appropriation, or any information as to the ability of the Canadian Government to make such inspection in lieu of inspections by him, and if the Canadian Government should be willing to make such inspections, or if States of the United States, or municipalities thereof, are in a position to make such inspections, will the Secretary of Agriculture indicate whether he will accept such inspections?

Assuming the prosecutions are instituted under this bill, the only persons who can be prosecuted are citizens of the United States, since it is obviously impossible to prosecute Canadian farmers in Canada, or extradite them for the purpose of prosecuting them in the United States. The only prosecutions that could be successfully made in the United States would be that if it could be proved that shipments were knowingly made by persons in the United States in violation of the act.

It would probably be impossible to prove sufficient knowledge of the receiver in the United States to sustain a conviction, but it would undoubtedly be necessary, if any attempt is to be made to enforce this act at all, to institute numerous prosecutions which would be a burden upon citizens of the United States to defend, and a menace to their business reputations, and impose upon them heavy legal expense in the defense of such vexatious suits.

Finally, this legislation is utterly superfluous and unnecessary as a health measure. No milk or cream can now move from Canada to any municipality in the United States unless it complies with all the health and other regulations of such municipalities as fully as milk and cream moving from any point in the United States to that municipality. For instance, no milk or cream can or does move from Canada to the city of New York that does not comply with every health and other regulation of the city of New York as fully as does milk and cream moving from any point in the United States to that city. Furthermore this bill will not protect any municipality from impure milk or cream unless it continues to protect itself. So far as this bill is concerned it at most would govern the condition of the milk or cream when it crossed the border and the milk or cream might without violating any portion of this bill be in the worst possible condition when it reaches a municipality in the United States, unless such municipality protects itself.

Mr. BRUCE. Mr. President, the Senator from Utah has expressed himself with such a degree of violence in his opposition to this bill that one would suppose that the subject he has been discussing was whisky, rather than such a sweet, emollient thing as milk.

Mr. KING. I was imitating my friend in discussing whisky.

Mr. BRUCE. All I can say is that I, for one, do not concur with his conclusions at all.

In the first place, the Senator thinks that some of us, who are well known on this floor for adherence to the constitutional principle of State sovereignty, have been guilty of some sort of betrayal of the good cause in which his energies and my energies have been so often enlisted in the course of debate in this Hall. It is to that aspect of what the Senator has said that I desire almost exclusively to address myself.

When a matter is of national, what I might call continental, concern, to use the good old phrase of our forefathers, and relates to commerce——

The VICE PRESIDENT. The Senator is aware that at 4 o'clock the bill is to be voted upon?

Mr. BRUCE. I did not know it.

The VICE PRESIDENT. The Chair thought that perhaps that might affect the arrangement of the Senator's argument.

Mr. BRUCE. It is needless for me, in view of that agreement, to say anything further. So, to my own relief, and no doubt to the relief of the Senate, I will pause.

The VICE PRESIDENT. The Senator from Maryland has the floor.

Mr. BRUCE. I will take up the matter at some later time, for there are only a few minutes left.

Mr. WALSH of Massachusetts. Mr. President, I have already discussed this bill, and as my time is limited to a few minutes I shall only make a brief summary of my objections.

This bill is intended to be an embargo upon milk flowing from Canada into New York and the New England States. The

proof of that is that under the bill as originally drawn no one could ship milk under any conditions, commencing with the passage of the bill, from Canada until the farm where the milk was produced was inspected. As only $50,000 is appropriated to inspect all the Canadian farms that supply the cream that is used in the summer months in the New England and New York cities, no permits could be granted.

Under the bill as originally drawn a higher standard of inspection was required than is required by any State or any city in the whole United States. The farm score standard of grading the sanitary farm conditions was 70 per cent. No State or city requires a percentage higher than 55 for domestic grading.

The quality of the milk, determined by bacteria content, was set at a higher standard than any State or city in this country has already fixed for domestic milk.

There is no attempt to improve the standard of milk that is produced in the several States and transported from one State to another, or to require that it should be of as high standard as imported cream. The sole intent and purpose of this bill, with its miserable appropriation of $50,000, is to set up a system of inspection of milk and cream produced in Canada that will deny the poor of the great cities of this country of that supply of cream and milk which they use during the summer months, because the local production is ample except during that period. Practically the only time there is a flow of milk from Canada into New York and Boston and the other large cities is during the three summer months, when there is an excessive demand for ice cream by the poor in the crowded cities. It is the industrial workers and crowded tenement-house children that this bill penalizes. It is prohibition run riot—prohibition of ice cream and soda-fountain milk and cream drinks for the city toilers.

We do not go to Canada for cream because we want to; it is because we are compelled to do so or go without cool drinks and foods made of cream.

I join with the Senator from Utah in characterizing this legislation as vicious, as an attempt to establish another bureau, as amounting to an arbitrary denial of the right of the people of this country to get good milk, where they want it and when they want it, at reasonable prices. Further, it means, as he has indicated, an entering wedge into a complete inspection system of all milk and cream, because we have no right to establish a standard of inspection and quality of Canadian milk and cream that we are unwilling to apply to the domestic supply of every State and community in the Union.

Mr. President, the States have ample power to protect the public health. They are performing that duty now. Where are we to stop in our bureaucratic usurpation of State rights?

Mr. President, the hour of 4 o'clock has arrived. I am sorry there is not opportunity to discuss this bill more at length. I assume the bill will pass, because I know the influences that have been at work here. I want to say to Senators who vote for this bill that they will regret it, because it means the establishment of another bureau, and it may mean ultimately a very substantial increase in this appropriation and the employment of a corps of spies and inspectors second only in numerical strength and power to the spies and inspectors now maintained by the Prohibition Bureau. When these inspectors visit the farms of American dairymen there will be general regret that we set up a national standard of milk and cream and usurped the control now wisely and satisfactorily exercised by local communities. To what low ebb has local self and State government sunk that it can no longer protect the public against unfit milk and cream or regulate its supply of these necessities of life?

Mr. President, this bill is a most dangerous precedent, in addition to its violation of the principles of local self-government. It is a bill to force the people of one section of the country to buy certain necessities of life from another section of the country that will result in higher prices and inferior quality, for the longer the haul of milk and cream the more likely of deterioration and the higher the price because of increased transportation costs.

Mr. KING. 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	Caraway	Frazier	Harrison
Bayard	Couzens	George	Hawes
Bingham	Curtis	Gerry	Heflin
Blease	Deneen	Gillett	Howell
Borah	Dill	Glass	Johnson
Bratton	Edge	Goff	Jones, Wash.
Broussard	Ernst	Gooding	Kendrick
Bruce	Ferris	Greene	Keyes
Cameron	Fess	Hale	King
Capper	Fletcher	Harris	La Follette
Lenroot	Norris	Robinson, Ind.	Trammell
McKellar	Nye	Sackett	Tyson
McLean	Oddie	Schall	Wadsworth
McMaster	Overman	Sheppard	Walsh, Mass.
McNary	Pepper	Shipstead	Walsh, Mont.
Mayfield	Phipps	Smith	Warren
Metcalf	Pine	Stanfield	Watson
Moses	Pittman	Steck	Wheeler
Neely	Reed, Pa.	Stephens	Willis
Norbeck	Robinson, Ark.	Stewart	

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

Mr. WALSH of Massachusetts. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. WALSH of Massachusetts. Under the unanimous-consent agreement would a motion to recommit the bill be in order?

The VICE PRESIDENT. It seems to the Chair that it would not be in order, because the unanimous-consent agreement provides that the bill shall be proceeded with at this hour to its final disposition.

Mr. ROBINSON of Arkansas. Mr. President, I think the universal practice of the Senate has been, under an agreement like this, to treat the recommittal of a bill to the committee as its final disposition. A motion to recommit has always been held to be in order, so far as I am informed, and certainly there is no intention to preclude a motion to recommit.

Mr. LENROOT. So far as I am concerned, to avoid taking time on the parliamentary point, if the Senator from Massachusetts will ask unanimous consent to submit the motion, I think there will be no objection.

The VICE PRESIDENT. The Chair is informed that it has been the custom to provide specially in unanimous-consent agreements for a motion to recommit, where it was desired to present such a motion. In the absence of such a provision in the present unanimous-consent agreement the Chair assumes that the motion would be out of order.

Mr. ROBINSON of Arkansas. That has sometimes been done, but I do not recall any case in which it has been held that a motion to recommit is not in order under a unanimous-consent agreement to proceed to the final disposition of a bill. However, I presume there will be no objection to submitting the motion. The Senator from Wisconsin having announced that he would not object, I suggest that the Senator from Massachusetts make the motion.

Mr. WALSH of Massachusetts. I move that the bill be recommitted to the committee.

Mr. BRUCE. Mr. President, I trust that the motion will not prevail. I have had no opportunity to express my views upon the bill at any time——

The VICE PRESIDENT. The question is not debatable after 4 o'clock under the unanimous-consent agreement.

Mr. WALSH of Massachusetts. I ask for the yeas and nays upon my motion.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. GILLETT (when his name was called). I transfer my pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from Maine [Mr. GOULD], and vote "nay."

Mr. WATSON (when his name was called). I have a pair with the senior Senator from Virginia [Mr. SWANSON] which I transfer to the junior Senator from Oregon [Mr. STANFIELD], and vote "nay."

The roll call was concluded.

Mr. ERNST. I have a pair with the junior Senator from New Jersey [Mr. EDWARDS]. I transfer that pair to the senior Senator from Maryland [Mr. WELLER], and vote "nay."

Mr. FLETCHER. I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Louisiana [Mr. RANSDELL], and vote "yea."

Mr. GERRY. I desire to announce that the senior Senator from Missouri [Mr. REED] is paired with the junior Senator from New York [Mr. COPELAND]. If present, the senior Senator from Missouri would vote "yea" and the junior Senator from New York would vote "nay."

Mr. WATSON (after having voted in the negative). I made a transfer of my pair to the Senator from Oregon [Mr. STANFIELD], who has just entered the Chamber and voted. I now transfer that pair to the Senator from California [Mr. SHORTRIDGE] and allow my vote to stand.

Mr. JONES of Washington. I wish to announce that the Senator from Oklahoma [Mr. HARRELD] has a general pair with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 31, nays 48, as follows:

YEAS—31

Ashurst	Fletcher	King	Smith
Bayard	George	McKellar	Steck
Blease	Gerry	Mayfield	Stephens
Bratton	Glass	Neely	Trammell
Broussard	Harris	Overman	Tyson
Caraway	Harrison	Pittman	Walsh, Mass.
Couzens	Hawes	Robinson, Ark.	Walsh, Mont.
Ferris	Heflin	Sheppard	

NAYS—48

Bingham	Gillett	McLean	Reed, Pa.
Borah	Goff	McMaster	Robinson, Ind.
Bruce	Gooding	McNary	Sackett
Cameron	Greene	Metcalf	Schall
Capper	Hale	Moses	Shipstead
Curtis	Howell	Norbeck	Stanfield
Deneen	Johnson	Norris	Stewart
Dill	Jones, Wash.	Nye	Wadsworth
Edge	Kendrick	Oddie	Warren
Ernst	Keyes	Pepper	Watson
Fess	La Follette	Phipps	Wheeler
Frazier	Lenroot	Pine	Willis

NOT VOTING—16

Copeland	Gould	Ransdell	Smoot
Dale	Harreld	Reed, Mo.	Swanson
du Pont	Jones, N. Mex.	Shortridge	Underwood
Edwards	Means	Simmons	Weller

So the Senate refused to recommit the bill to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah [Mr. KING], which the clerk will state.

The CHIEF CLERK. In section 5, on page 6, line 8, it is proposed to strike out "$2,000" and insert "$500," and on the same page, in line 9, to strike out "one year" and to insert "six months."

The VICE PRESIDENT. The question is on the amendment.

The amendment was rejected.

The VICE PRESIDENT. The bill having been read three times, the question is, Shall it pass?

Mr. LENROOT. I ask for the yeas and nays on the passage of the bill.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. ERNST (when his name was called). I transfer my pair with the junior Senator from New Jersey [Mr. EDWARDS] to the senior Senator from Maryland [Mr. WELLER], and will vote. I vote "yea."

Mr. GILLETT (when his name was called). Again I transfer my pair with the Senator from Alabama [Mr. UNDERWOOD] to the Senator from Maine [Mr. GOULD], and will vote. I vote "yea."

Mr. WATSON (when his name was called). I am informed that my pair, the senior Senator from Virginia [Mr. SWANSON], would vote as I shall vote if he were present. Therefore I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. FLETCHER. Making the same announcement as to my pair and transfer as before, I vote "nay."

Mr. GERRY. I desire to announce that the Senator from New York [Mr. COPELAND] is paired with the Senator from Missouri [Mr. REED] on the passage of the bill. If the Senator from New York were present he would vote "yea," and the Senator from Missouri, if present, would vote "nay."

Mr. JONES of Washington. I wish to announce that the Senator from Oklahoma [Mr. HARRELD] has a general pair with the Senator from North Carolina [Mr. SIMMONS].

The result was announced—yeas 51, nays 27, as follows:

YEAS—51

Bingham	Glass	McMaster	Sackett
Bruce	Goff	McNary	Schall
Cameron	Gooding	Metcalf	Shipstead
Capper	Greene	Moses	Smoot
Curtis	Hale	Norbeck	Stanfield
Dale	Howell	Norris	Steck
Deneen	Johnson	Nye	Stewart
Dill	Jones, Wash.	Oddie	Wadsworth
Edge	Kendrick	Pepper	Warren
Ernst	Keyes	Phipps	Watson
Fess	La Follette	Pine	Wheeler
Frazier	Lenroot	Reed, Pa.	Willis
Gillett	McLean	Robinson, Ind.	

NAYS—27

Bayard	Ferris	King	Smith
Blease	Fletcher	McKellar	Stephens
Borah	George	Mayfield	Trammell
Bratton	Gerry	Neely	Tyson
Broussard	Harris	Overman	Walsh, Mass.
Caraway	Harrison	Robinson, Ark.	Walsh, Mont.
Couzens	Hawes	Sheppard	

NOT VOTING—17

Ashurst	Harreld	Ransdell	Underwood
Copeland	Heflin	Reed, Mo.	Weller
du Pont	Jones, N. Mex.	Shortridge	
Edwards	Means	Simmons	
Gould	Pittman	Swanson	

So the bill was passed.

Mr. ROBINSON of Arkansas. Mr. President, with respect to the question which arose just before the last vote as to whether or not a motion to recommit would be in order under the unanimous-consent agreement which was then controlling the Senate, I recall one instance, at least—perhaps there were two instances—where it was held by a Presiding Officer of the Senate that such a motion was not in order and did not contemplate a final disposition of the bill. There was one case in which it was held that a motion to recommit with instructions to report would constitute a final disposition. I felt it due to the Chair and to myself to make this statement.

FARM RELIEF

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, being Senate bill 4808.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4808) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

FARM RELIEF

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4808) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

EUROPEAN CORN BORER

Mr. McNARY. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the immediate consideration of House bill 15649, which contemplates the eradication and control of the European corn borer.

The PRESIDING OFFICER (Mr. BRATTON in the chair). Is there objection to the request of the Senator from Oregon?

Mr. KING. Let the bill be read first.

The PRESIDING OFFICER. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill.

Mr. KING. I object to its consideration.

Mr. McNARY. Mr. President, will the Senator permit the Secretary to read a letter, which I send to the desk, from Secretary Jardine, the head of the Agricultural Department?

The PRESIDING OFFICER. Without objection, the letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, February 1, 1927.

Hon. CHARLES L. McNARY,
United States Senate, Washington, D. C.

DEAR SENATOR McNARY: In my letter of January 5, 1927, in reference to the proposed clean-up measures for the control of the corn borer (Rept. No. 1330 to accompany H. R. 15649, Senate Calendar No. 1356, p. 2), I called attention to the fact that this work would have to start not later than February 1 if anything is to be accomplished this spring. The spring program is the highly important part of the effort to delay the spread of the corn borer. We must at once get together the equipment necessary, and unless it is ordered at this time it may not be ready. Unless prompt action can be taken, both as to authority and money, it will be useless to start the program this spring.

Sincerely yours,

W. M. JARDINE, *Secretary.*

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

Mr. KING. Mr. President, I should like a little explanation about this measure. I understand it authorizes the appropriation of $10,000,000.

Mr. BRUCE. Mr. President, I ask that the bill be read. My disposition toward the bill is distinctly favorable, but I should like to hear it read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Chief Clerk read as follows:

A bill (H. R. 15649) to provide for the eradication or control of the European corn borer

Be it enacted, etc., That to enable the Secretary of Agriculture to apply such methods of eradication or control of the European corn borer as in his judgment may be necessary, including the employment of persons and means in the District of Columbia and elsewhere and all other necessary expenses, the sum of $10,000,000 is hereby author-

ized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended in cooperation with such authorities of the States concerned, organizations, or individuals as the Secretary may deem necessary to accomplish such purposes: *Provided*, That in the discretion of the Secretary of Agriculture no expenditures shall be made hereunder until the States wherein the European corn borer exists shall have provided necessary regulatory legislation and until a sum or sums adequate to State cooperation shall have been appropriated, subscribed, or contributed by States, county, or local authorities or individuals or organizations: *Provided further*, That expenditures from this appropriation for any necessary farm clean-up incidental to such eradication or control shall include only such as are, in the judgment of the Secretary of Agriculture, additional to those normal and usual in farm operations: *Provided further*, That no part of this appropriation shall be used to pay the cost or value of corn or other farm crops or other property injured or destroyed.

The CHIEF CLERK. At this point in the bill the committee proposes to insert, in line 18, page 2, after the word "destroyed," the following additional proviso:

And provided further, That the Secretary of Agriculture may receive, and shall cover into the Treasury as miscellaneous receipts, any and all moneys authorized by the law of any State to be paid to the United States out of amounts assessed against and collected from any owner of premises who refuses or neglects to carry out State-control requirements when such moneys represent expenditures made on such premises by the United States under the provisions of this act.

Mr. BLEASE. Mr. President——

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

Mr. McNARY. I yield to the Senator.

Mr. BLEASE. It seems to me there should be some proviso there as to the laws being passed by certain States. Some of the States have biennial sessions of their general assemblies; and it is possible, if we are suffering from this pest, that some time might elapse before the legislature would meet and the necessary provision of law could be made so that the Secretary could go into those States and use some of this money there. It seems to me there should be a provision somewhere giving the Secretary power to go into those States, if necessary, even though they have not made the provision of law provided for in this bill.

I should like to ask the Senator from Oregon what would be the result in case there were no provision put there for that purpose?

Mr. McNARY. Mr. President, this is a general control measure; and the Department of Agriculture will seek cooperation with the States not only in the matter of financial aid but in attempts to eradicate or control the corn borer through the employment of men.

Mr. BLEASE. That is right, and I favor it; but what about the other matter?

Mr. McNARY. There is nothing in the bill that prevents the Secretary of Agriculture from going into any State unless the legislature has acted. Let me say to the Senator that the corn borer is limited to a very small area of the United States, mainly the New England States, and has reached a portion of the States in the Mississippi Valley. The attempt now is to localize it and prevent it from spreading to the West and the South and through the Mississippi Valley States. This bill does not contemplate the State of the Senator from South Carolina, nor any of the Southern States, because the corn borer is not found there. It has proven to be the most destructive agency to corn that has been known, and it works upon all forms of vegetation. The theory is that by a clean-up such as is provided in this large appropriation the spread, instead of continuing, can be controlled and the pest finally eradicated; hence, the necessity of doing this work on a national scale, in a large way, immediately.

Mr. BLEASE. Then, if I understand the Senator, if it should happen that the corn borer should jump to one of the Southern States or to any other States, the Secretary of Agriculture could go in there without waiting for a law to be passed to allow him to do so?

Mr. McNARY. Absolutely.

Mr. BRUCE. Mr. President, I do not so read this bill. The proviso on page 2 says:

Provided, That in the discretion of the Secretary of Agriculture no expenditures shall be made hereunder until the States wherein the European corn borer exists shall have provided necessary regulatory legislation and until a sum or sums adequate to State cooperation shall have been appropriated, subscribed, or contributed by States, county, or local authorities or individuals or organizations.

It seems to me that the authority conferred by this bill is entirely too contingent in character to make the bill of any real value. The corn borer is coming right down from the Lakes to this part of the world, making steady progress. In the State of Maryland, for instance, our legislature meets only once every two years, and I will say to the Senator from South Carolina that the right to expend any money in this bill is made contingent not only on the passage of the proper regulatory legislation by the State legislature but also on the raising of the proper sum or sums by county or local authorities or individuals or organizations.

Mr. SMITH. Does it not say, if I understood the reading of the bill—I have not looked at it recently—"in the discretion of the Secretary"?

Mr. BRUCE. Yes; it does. It says "in the discretion of the Secretary of Agriculture," but I would not leave him any discretion about it.

Mr. McNARY. The Secretary of Agriculture proposes, if this appropriation is made and the bill is passed, to spend this money in a national way in those States where the corn borer is present, all of which have passed regulatory legislation. It is discretionary with him; and if he finds the presence of the corn borer in a State where there has not been the passage of regulatory legislation, he can cooperate with the county and State officials upon some sufficient guaranty that will permit him to enter there and expend this money.

Mr. BRUCE. I believe the Senator is right. I withdraw my suggestion.

Mr. McNARY. It is necessary to handle this matter in a large way if anything is to be accomplished. I want to say that the bill has passed the House, practically without any opposition, and has received the sanction of the Director of the Budget.

Mr. BLEASE. Mr. President, I am glad I mentioned the matter, anyway, because now, in case there should be any question, the Secretary will know that that is the Senate's idea of the bill.

Mr. KING. Mr. President, I should like to ask the Senator from Oregon if he does not think there are some elements of injustice and discrimination in the bill. That is to say, the Secretary of Agriculture has discretion to make an appropriation, say, for the State of South Dakota, providing, in the exercise of his discretion, he determines that South Dakota shall contribute $100,000. He may say that the State of Utah shall not contribute anything. It would seem to me that if we are going to exact any contribution from a State we ought to fix the amount which each State shall pay.

Mr. McNARY. In the first place, the corn borer is present only in portions of a few States, all of which have passed regulatory legislation. Secondly, we have passed many bills of similar character, placing discretion in the Secretary of Agriculture; namely, in the Senator's own State, where the Secretary of Agriculture cooperates with private institutions and with the State in the control and detection and prevention of fire, and the amount of cooperation is left discretionary with the Forest Service. It is impossible to state any specific amount of money that may be expended in any State, or what the State's contribution shall be. The purpose of this bill is to go into those States where the corn borer is now found, and is destroying practically all of the corn which is being grown, to save further national destruction of this great crop.

Mr. KING. Mr. President, may I ask the Senator—and I am asking for information—if some of the States refuse to make any contribution at all, whether the Secretary of Agriculture will not go ahead and make the expenditure just the same; and, if that is true—let me ask the other question, also—would not that be an incentive to all of them not to make any contributions?

Mr. McNARY. I do not think that situation will arise; but I want to say to the Senator that if we can localize and control and eradicate this great pest before it spreads over the country, for the whole country's sake, it would be better if the National Government paid the whole bill if necessary.

Mr. WATSON. Mr. President, if the Senator will yield, I think the question asked by my friend from Utah is largely academic, because if the corn borer gets into any State there is no question in the world but that the legislature will at once make an appropriation. It is the deadliest pest that has ever affected corn.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from South Dakota?

Mr. McNARY. I do.

Mr. McMASTER. The Senator mentioned the fact that only a few States are affected by the corn borer. What States are those, please?

Mr. McNARY. The northern portion of New York, New Hampshire, Maine, Vermont, a portion of Pennsylvania, Indiana, and Michigan.

Mr. WATSON. It is in five counties of my State.

Mr. McNARY. So far, the area is a restricted one.

Mr. McMASTER. In other words, the largest area affected is in the New England States?

Mr. McNARY. Yes.

Mr. McMASTER. I am very glad to support any measure that will help agriculture in the New England States, and I am glad that they are here asking for help. I hope that they will help some of the Western States on some other measures in which we are interested.

Mr. HOWELL. Mr. President——

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

Mr. McNARY. I yield.

Mr. HOWELL. The corn borer began its ravages in Massachusetts and has since infested other portions of New England, New York, Ontario, Michigan, northern Pennsylvania, northern Ohio, and, I believe, has already infested portions of Indiana.

Mr. WATSON. It is in five counties in Indiana.

Mr. HOWELL. It is in 17 counties in Michigan. Hon. L. Whitney Watkins, commissioner of agriculture for Michigan, recently wrote me as follows:

We have 1,000 square miles of infested area in Michigan at the present time, and it is gradually spreading westward. Fifty-two additional townships were discovered by the scouts to be infested during the summer of 1926, and I presume that there were other townships which we were unable to locate.

This is the worst pest which has ever invaded the agricultural districts of the United States. I hope that it will never reach the great Corn Belt of the West. We are trying to hold it back from spreading, but it looks as if Federal aid in large proportions will be necessary to do it. The larger the area over which it spreads the greater the cost of combating it.

It may be necessary to reduce the corn acreage to 5 acres per farmer in the State, and then see that the crop is so treated as to not leave a corn borer alive. The only solution that I see for the elimination of the corn borer is to destroy it.

The situation is serious, and that does not fully express it, as evidence by the following trustworthy statements:

Several agricultural authorities, after studying the European corn-borer situation and visiting the devastated areas in Canada, have pronounced this insect as the greatest menace that has ever confronted American agriculture. This is the opinion of careful, conservative scientific men and not the disordered imagination of alarmists. With the advance of this pest toward the Corn Belt of the Central West, and its increasing destructiveness in the areas already infested, national prosperity is seriously threatened as never before realized. This pest looms on the horizon as a factor which is absolutely certain to have a tremendous disturbing influence on the whole fabric of our national, economic, and political life.

Although the borer has already ruined the corn and hog industry of sections of Canada, it has only begun to show its effect in the United States, and the degree of disturbance to American industry which will be caused by this new theatening factor will depend on the financial and moral support of every agency in America.

A study of the situation in the older infestations in Canada reflects the possible effects in the great Corn Belt of the Central West if the borer becomes well established there. Last year (1925) all of the cornfields in Kent and Essex Counties in Canada showed a commercial loss of 50 to 100 per cent. In 1926 the normal corn acreage of 100,000 acres in Essex County was reduced to 8,000 acres, this greatly reduced acreage showing practically a complete loss. Similar conditions prevailed in Kent County. Hundred-acre fields which were outside the heavy infested area in 1925 and which produced 50 to 100 bushels of corn were total losses this year. A speaker at a recent banquet at Chatham, Ontario, stated that the corn-fed hog in that section was almost a relic of the past. Farmers who produced 200 to 400 hogs each year do not have a single hog this year. Farmers are attempting to substitute sugar beets, tomatoes, alfalfa, tobacco, grapes, and other crops for the corn crop. It is evident to everyone that this change will be slow and that great loss is being suffered by the landowners. Land values in this section have already decreased 25 to 50 per cent.

The westward spread of the borer has been comparatively slow up to this year—about 30 miles per annum—because the natural spread is in the moth stage and with the wind. The prevailing wind when the moths are flying has been from the south and west. However, strong east and northeast winds in 1926 when the moths were flying carried them a hundred or more miles westward and the borer is now to be found in northeastern Indiana and in Michigan to within one and one-half counties of Lake Michigan. The spread may be expected to be more rapid from now on if the proper measures are not adopted. In other words, if this insect is not checked immediately, the corn borer will no doubt be found throughout the Corn Belt in two to five years. The consequences may be disastrous to American prosperity, and certainly the establishment of this insect will immediately increase the cost of production of corn.

The European corn borer has four distinct stages in its life cycle. First, the adult or moth which appears in late June. Second, the eggs, which are laid on the leaf surfaces about the first week of July by the adult female moth. Third, the larva or worm stage, which is the injurious stage and the one toward which the control methods are directed. This stage appears about the second week of July and continues with us the rest of the summer and the following winter. The larva goes into a dormant state to pass the winter and may be found in the burrows it has dug in either the stalks or cobs. Fourth, in early June, the larva changes into the pupa stage, from which it bursts as the moth later in the month.

Practically all of the borers pass the winter as full-grown borers in the stalks of corn. Workers in the United States Department of Agriculture and State experiment stations believe the corn borer can be controlled by thorough clean-up of crop residues in the sections now infested. This clean-up means the proper disposal of stalks by plowing under, burning, and feeding. The cost of such a clean-up is estimated at about $6 per acre. It is recommended that this plan be followed and that steps be taken to effect this clean-up by June 1, 1927.

It is unnecessary to urge that this measure should be combated immediately, because, as heretofore set forth, in Ontario, where in the past they have raised large quantities of corn, this cereal has ceased to be a crop. If this corn borer ever reaches our great corn-producing States of the Middle West it is evident that it will mean a revolution in our agricultural economy.

Mr. CURTIS. Mr. President——

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

Mr. McNARY. I yield.

Mr. CURTIS. I know that every corn-growing State in the Union will very gladly join in this effort to stop the spread of the corn borer.

Mr. BRUCE. Mr. President, I think the Senator from Kansas need not limit it to the corn-growing States. This is a matter of such vital and such universal concern to the interests of our country that I do not think anybody would be influenced by the fact as to whether it was regional or not.

Mr. CURTIS. I agree with the Senator from Maryland that all States should join in the eradication of the corn borer. I mentioned the corn-growing States because they had been referred to before.

Mr. BRUCE. I think we all feel the same way about the matter.

Mr. KEYES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. McNARY. I yield.

Mr. KEYES. Reference was recently made to the corn borer being in New England and as being confined practically to the New England States, and it was suggested that therefore New England would profit by this appropriation. I want to say that we have been through the experience of having the corn borer in New England, and I think we have handled the situation there pretty well.

I stated before the Committee on Agriculture when this matter was up—and I am a member of that committee—that if this appropriation were made, in all probability not one dollar of it would be spent in New England, but that we in New England are very glad to cooperate in every way to further the appropriation in order that States in the West now threatened with the corn borer might be benefited. I am very glad, indeed, to indorse this appropriation and believe it will be for the benefit of the whole country.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Oregon? The Chair hears none, so the unfinished business will be temporarily laid aside, and the Senate will proceed to the consideration of House bill 15649.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 15649) to provide for the eradication or control of the European corn borer.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 2, line 18, to insert an additional proviso.

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

STATE, JUSTICE, ETC., APPROPRIATIONS

Mr. JONES of Washington. Mr. President, I ask the Senate to proceed to the consideration of House bill 16576, making appropriations for the Departments of State, Justice, Commerce, and Labor.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16576) making appropriations for the Departments of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1928, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. JONES of Washington. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill may be read for amendment, the committee amendments to be considered first.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will be read for action on the amendments of the committee.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Diplomatic Service, ambassadors and ministers," on page 5, line 10, after the name "Dominican Republic," to insert "Dominion of Canada,"; in line 12, after the name "Hungary" to insert "Irish Free State,"; and in line 17, after the word "all" to strike out "$330,000" and insert "$350,000," so as to make the paragraph read:

Envoys extraordinary and ministers plenipotentiary to Albania, Austria, Bolivia, Bulgaria, Czechoslovakia, Colombia, Costa Rica, Denmark, Dominican Republic, Dominion of Canada, Ecuador, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Irish Free State, Nicaragua, Norway, Panama, Paraguay, Persia, Poland, Portugal, Rumania, Salvador, Siam, Sweden, Switzerland, Uruguay, and Venezuela, at $10,000 each; to the Serbs, Croats, and Slovenes, $10,000; and to Estonia, Latvia, and Lithuania, $10,000; in all, $350,000;

The amendment was agreed to.

The next amendment was, on page 5, at the end of line 23, to change the total appropriation for ambassadors and ministers from $611,500 to $631,500.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses, foreign missions," on page 8, at the end of line 6, to insert a colon and the following additional proviso:

Provided further, That the Secretary of State is hereby authorized to reimburse Lao Lang Hui, interpreter of the legation in Bangkok, Siam, from the appropriation for contingent expenses, foreign missions, 1927, for rent of living quarters occupied during the fiscal year 1927, not exceeding $550.

The amendment was agreed to.

The next amendment was, under the subhead "Boundary line, Alaska and Canada, and the United States and Canada," on page 17, line 13, after the figures "$26,410" to strike out "*Provided*, That the commissioner shall be allowed his traveling expenses in accordance with the provisions of the subsistence expense act of 1926," and in lieu thereof to insert:

Provided, That when the commissioner is absent from Washington and from his regular place of residence on official business he shall not be allowed actual and necessary expenses of subsistence in excess of $8 per day.

The amendment was agreed to.

The next amendment was, on page 18, line 15, after the figures "$22,000" to insert "of which sum $5,000 shall be immediately available," so as to read:

To enable the President to perform the obligations of the United States under the treaty between the United States and Great Britain in respect of Canada, signed February 24, 1925; for salaries and expenses, including the salary of the commissioner and salaries of the necessary engineers, clerks, and other employees for duty at the seat of government and in the field; cost of office equipment and supplies; necessary traveling expenses; commutation of subsistence to employees while on field duty not to exceed $4 per day each; for payment for timber necessarily cut in keeping the boundary line clear not to exceed $500; and for all other necessary and reasonable expenses incurred by the United States in maintaining an effective demarcation of the international boundary line between the United States and Canada and Alaska and Canada under the terms of the treaty aforesaid, to be disbursed under the direction of the Secretary of State, $22,000, of which sum $5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the heading "Waterways treaty, United States and Great Britain: International Joint Commission, United States and Great Britain," on page 23, line 16, after the words "Secretary of State" to strike out "*Provided*, That traveling expenses of the commission or secretary in accordance with the provisions of the subsistence expense act of 1926," and in lieu thereof to insert:

Provided, That no part of this appropriation shall be expended for subsistence of the commission or secretary, except for actual and necessary expenses, not in excess of $7 per day each, when absent from Washington and from his regular place of residence on official business.

The amendment was agreed to.

The next amendment was, under the subhead "Marshals, district attorneys, clerks, and other expenses of United States courts," on page 41, line 22, to increase the appropriation for regular assistants to United States district attorneys who are appointed by the Attorney General at a fixed annual compensation, from $1,075,000 to $1,100,000.

The amendment was agreed to.

The next amendment was under the subhead "Penal and Correctional Institutions," on page 48, after line 3, to insert:

Probation system, United States courts: For salaries and actual expenses of probation officers, as provided by section 3 of the act entitled "An act to provide for the establishment of a probation system in the United States courts, except in the District of Columbia," approved March 4, 1925, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Aircraft in commerce," on page 52, line 8, before the word "for," to strike out "$136,230" and insert "$165,000," and in line 24, after the word "foregoing," to strike out "$556,390" and insert "$796,250," so as to read:

Aircraft in commerce: To carry out the provisions of the act approved May 20, 1926, entitled "An act to encourage and regulate the use of aircraft in commerce, and for other purposes," including personal services in the District of Columbia (not to exceed $165,000 for the fiscal year 1928) and elsewhere; rent in the District of Columbia and elsewhere; printing and binding; traveling expenses; purchase of furniture and equipment; stationery and supplies, including medical supplies, typewriting, adding, and computing machines, accessories and repairs; purchase of one passenger-carrying automobile at a cost of not to exceed $2,000; maintenance, operation, and repair of motor-propelled passenger-carrying vehicles; purchase of not to exceed five airplanes, including accessories and spare parts, and maintenance, operation, and repair of airplanes, including accessories and spare parts; special clothing, wearing apparel, and similar equipment for aviation purposes; purchase of books of reference and periodicals; newspapers, reports, documents, plans, specifications, maps, manuscripts, and all other publications; and all other necessary expenses not included in the foregoing, $796,250, of which $111,500 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 53, line 14, after the word "grant," to strike out "$3,011,775" and insert "$3,219,500," and in line 15, after the word "which," to strike out "$400,000" and insert "$450,000," so as to read:

Air navigation facilities: For the establishment and maintenance of aids to air navigation, including the equipment of additional air mail routes for day and night flying; the construction of necessary lighting, radio, and other signaling and communicating structures and apparatus; repairs, alterations, and all expenses of maintenance and operation; for personal services in the District of Columbia (not to exceed $34,220) and elsewhere; purchase, maintenance, operation, and repair of motor-propelled, passenger-carrying vehicles, including their exchange; and for the acquisition of the necessary sites by lease, or grant, $3,219,500, of which $450,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Foreign and Domestic Commerce," on page 54, line 19, after the figures "$385,000," to insert a comma and "of which sum not to exceed $77,000 shall be available for personal services in the District of Columbia," so as to read:

Commercial attachés: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for the compensation of a clerk or clerks for each commercial attaché at the rate of not to exceed $3,000 per annum for each person so employed, and for janitor and messenger service, traveling and subsistence expenses of officers and employees, rent outside of the District of Columbia, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference, and periodicals, maps, reports, documents, plans, specifications, manuscripts, newspapers (both foreign and domestic) not exceeding $700, and all other publications, travel to and from the

United States, ice and drinking water for office purposes, and all other incidental expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $385,000, of which sum not to exceed $77,000 shall be available for personal services in the District of Columbia.

The amendment was agreed to.

Mr. KING. Mr. President, I want to ask the Senator having this bill in charge how much more, in the aggregate, is carried in this bill than was appropriated for the corresponding departments and the activities of those various departments for the present fiscal year?

Mr. JONES of Washington. Mr. President, the increase in the entire bill over last year, covering these four different departments, is $817,625. That is divided as follows:

For the State Department there is an increase of $20,000; for the Department of Justice, $75,000; for the Department of Commerce, $722,625; and for the Department of Labor no increase at all.

For the Bureau of Foreign and Domestic Commerce, in the Department of Commerce, the House increased the appropriation $368,000 over the appropriation for last year. The Senate committee have added $175,000 to what the House appropriated.

Mr. KING. For the Department of Commerce?

Mr. JONES of Washington. Yes; for the Bureau of Foreign and Domestic Commerce.

Mr. KING. Why did the committee give the Department of Commerce nearly a million dollars more than it had a year ago, when the appropriations for that department, as everybody knows, are not only generous but in some respects, I think, extravagant?

Mr. JONES of Washington. The principal increases came in the aviation section for air-navigation facilities. The Senator from Wyoming [Mr. WARREN] calls my attention to the fact that the item relating to helium plants was put in the bill in the House, and that carries $1,063,000. We did not add that. For air-navigation facilities we added a little over $200,000.

Mr. KING. For air navigation?

Mr. JONES of Washington. For air-navigation facilities. Then under "Aircraft in commerce" we increased the appropriation from $556,000 to $796,000. In other words, the House provided for 5 airplanes, and the committee gave 10, with a corresponding increase as to the other facilities.

Mr. KING. Ten airplanes for what purpose?

Mr. JONES of Washington. That is for carrying out the act of May 20, 1926, an act to encourage and promote the use of aircraft in commerce, and so forth. The duty was placed upon the Secretary of Commerce to examine all the airplanes, to register them, inspect them, and all that sort of thing.

Mr. KING. I make no complaint concerning that. I was wondering if 10 planes were needed to accomplish that task.

Mr. JONES of Washington. The department urged very strongly over 20, but the Budget estimate gave them 10. The House cut that down to 5, and the Senate committee restored it to 10, the same as the Budget estimate. They say they will do the best they can with that, but they feel that is not even sufficient to properly carry out the provisions of the act Congress passed.

Mr. KING. Did Secretary McCracken appear before the committee and testify?

Mr. JONES of Washington. He did.

Mr. KING. And it was his view that 10 planes are necessary?

Mr. JONES of Washington. It was.

Mr. KING. I have a good deal of confidence in his judgment and his practical experience.

Mr. JONES of Washington. He impressed me as a very competent man, and as a man who wants to keep expenses down as much as he possibly can.

Mr. KING. I think that is true. But I was wondering whether it would require so large a number in order to discharge the duties placed upon that department.

Mr. JONES of Washington. He felt that he ought to have twenty-odd.

Mr. BINGHAM subsequently said; Mr. President, the Senator from Utah a few minutes ago questioned the increase in the appropriation for civil aviation.

Mr. KING. I beg the Senator's pardon. If he means that by questioning I was objecting, he is in error.

Mr. BINGHAM. I did not mean to say that the Senator was opposed to it, but he asked a question. I merely wish to ask unanimous consent to put in the RECORD at this point a statement which I have prepared, which I think will be found interesting in that connection, showing the necessity for the increase over the amount provided by the House, explaining just what is involved.

I ask to have the statement printed in the RECORD, and I also ask unanimous consent to have printed in the RECORD a statement regarding the lighting of civil airways, a matter which is not generally understood. I think the statement will be found interesting in this connection, because it is largely for that purpose that the increased appropriation for the Department of Commerce is to be used.

Mr. KING. The Senator to understand will recall that when the bill for the passage of which he was so largely responsible was under consideration, we had a number of conferences, and I agreed with the Senator as to the necessity of that measure. I have taken a great deal of interest in it, and, so far as I can understand, these appropriations seem quite reasonable, although I did not know that it would need so many airplanes for the purpose of making investigations as are called for.

Mr. BINGHAM. Mr. President, I appreciate the Senator's interest.

The PRESIDING OFFICER. Without objection, the matter presented by the Senator from Connecticut will be printed in the RECORD.

The matter referred to is as follows:

MEMORANDUM SHOWING REDUCTION IN THE AERONAUTICS PROGRAM OF THE DEPARTMENT OF COMMERCE NECESSITATED BY THE CUT IN THE BUDGET ESTIMATES MADE BY THE HOUSE

1. The following table compares the Budget estimates with the allowances made in the bill as passed by the House:

Item	Budget estimates	House bill	Decrease
Aircraft in commerce	$796, 250	$556, 390	$239, 860
Air navigation facilities	3, 219, 500	3, 011, 775	207, 725
Total	4, 015, 750	3, 568, 165	447, 585

AIRCRAFT IN COMMERCE

2. The appropriation "Aircraft in commerce" is available for all expenses of administration, apart from the establishment and maintenance of lights and other navigational facilities along air routes. This appropriation, in other words, is for the expenses of the information service required by the air commerce act, the expenses of registering and licensing planes and examining and licensing pilots and mechanics, the expenses of mapping the air routes by the Coast and Geodetic Survey, and the expenses of the scientific research carried on at the Bureau of Standards. Funds for mapping and for scientific research are allotted to the Coast and Geodetic Survey and to the Bureau of Standards, respectively, from this appropriation.

3. Both the Budget estimate and the House bill provided that a certain portion of the appropriation under this item should be immediately available—that is, available for expenditure during the fiscal year 1927 as an addition to the current appropriation. The Budget contained $168,000 for this purpose. The House reduced this amount to $111,500. The reduction made by the House, therefore, affects the 1927 program as well as the work for the fiscal year 1928.

4. The following table shows, for both 1927 and 1928, the amounts which would be available for the several activities which the appropriation "Aircraft in commerce" covers under the Budget estimate, and, comparatively, under the allowance approved by the House:

Program

Item	Budget estimate	House bill	Reduction
1927			
Appropriation already available	$250, 000	$250, 000	
Added allowance in this bill	168, 000	111, 500	$56, 500
	418, 000	361, 500	56, 500
Estimated apportionment, by activities:			
Administration	55, 000	55 000	
Information	23 000	23, 000	
Registration and licensing	253, 000	196, 500	56, 500
Mapping (Coast and Geodetic Survey)	7, 000	7, 000	
Research (Bureau of Standards)	80, 000	80, 000	
	418, 000	361, 500	56, 500
1928			
Carried in this bill	628, 250	444, 890	183, 360
Estimated apportionment, by activities:			
Administration	74, 000	64, 000	10, 000
Information	40, 000	35, 000	5, 000
Registration and licensing	377, 250	224, 890	152, 360
Mapping (Coast and Geodetic Survey)	12, 000	12, 000	
Research (Bureau of Standards)	125, 000	109, 000	16, 000
	628, 250	444, 890	183, 360

5. It will be seen that, so far as the current year's program is concerned, the entire cut made by the House occurs in the allotment for the division of registration and licensing. This is reduced from $253,000 to $196,500—a cut of $56,500.

6. In the 1928 program, the reduction made by the House is distributed to some extent over several of the activities which must be supported out of this appropriation, although the work of registration and licensing is again the most seriously affected. Ten thousand dollars would be taken off of administration, $5,000 off of the information service, and $16,000 off of the experimental and research work being carried on by the Bureau of Standards. The division of registration and licensing is reduced from $377,250, as recommended by the Budget, to $224,890—a cut of $152,360, or 40 per cent of the Budget allowance.

REGISTRATION AND LICENSING

7. In regulating the use of aircraft for commercial purposes the department is required to register all aircraft engaged in interstate or foreign commerce and such purely intrastate aircraft as may apply for registration. It is required to rate registered aircraft as to their airworthiness, and to that end must, of course, inspect each plane or dirigible not only at the time of rating but at more or less frequent intervals thereafter.

8. The department is required to examine and to license pilots and mechanics working on registered planes, in more or less the same way that it now examines and licenses the masters, mates, and engineers of vessels in the merchant marine.

9. It is required also to establish and enforce air-traffic rules—rules by which all aircraft will be governed in flying on their courses, in taking off, and in landing. It must provide for the identification of all aircraft, by number or other symbol.

10. In cutting down the funds for the department's regulatory work (for the two fiscal years, 1927 and 1928) from $630,250 to $421,390—a cut of $208,860, or about one-third—the House has crippled the inspection and licensing features of the air commerce act in a very substantial way. The Budget estimates contemplated that the department would employ a force of 40 inspectors to carry on the actual work of inspecting and registering aircraft, examining and licensing pilots and mechanics, inspecting and rating air-navigation facilities, enforcing the air-traffic rules, and performing the other regulatory work which the air commerce act requires. To facilitate this work, the Budget estimates included funds for the purchase and the operation and maintenance of 10 airplanes, which the department's inspectors would use in the field. The House reduced the number of inspectors from 40 to 20 and the number of planes from 10 to 5. In other words, it cut the effective field force to be used in regulatory work squarely in two. Obviously, this means that but about half of the regulatory work contemplated by the Budget could be done.

11. Now, the Budget figure itself represented a very close estimate of the funds necessary to carry out the regulatory work required by the air commerce act. The Budget figure, of course, was determined last November. It is now the opinion of the Department of Commerce that even the full amount of the Budget estimate would not be adequate for all the work which should be done if the Government is to give to the aeronautical industry the service which it expects under the regulatory features of the air commerce act. The industry, through its various publications and by correspondence with the department, is every day making it perfectly plain that it is relying upon the Government to carry out the full regulatory program which the act contemplates. It would not be fair to the industry to cut this program in half and allow some important and necessary features to stand in abeyance.

AIR NAVIGATION FACILITIES

12. The appropriation "Air navigation facilities" is available for all expenses of providing beacon lights, emergency landing fields, radio-communication facilities, and other aids to air navigation along air routes, and for maintaining those aids and keeping them in operation. This entire appropriation is transferred to the Lighthouse Service for expenditure.

13. The Budget estimate included $3,219,500 for the establishment and maintenance of aids to navigation along air routes during the fiscal year 1928. The House reduced this amount to $3,011,775—a cut of $207,725. A reduction was made in the number of field employees and in the allowance for fuel and for travel expenses.

14. The department's lighting program up to the end of the fiscal year 1928, was based upon the anticipated contracts of the Post Office Department for carrying the mail. The department's policy was to be in a position to maintain beacon lights, landing fields, and other facilities along such routes as the Post Office Department might put under air-mail contract. It is anticipated by the Post Office Department that the total mileage of air-mail routes which will be under contract by June 30, 1928, assuming that proper navigational facilities can be provided, will be 10,408. Of this mileage, 551 miles will be on routes where night flying is unnecessary. Of the remaining mileage—9,857 miles—the transcontinental route has been lighted by the Post Office Department from New York to Salt Lake City, a distance of 2,041 miles. This leaves a mileage to be lighted by the Department of Commerce of 7,816 miles.

THE 1927 PROGRAM

15. The department has already established lighting facilities and landing fields along certain routes. It is steadily extending the lighted mileage. According to present plans, facilities will have been completed by the department, or contracted for, along 2,496 miles of airway by June 30 of this year. This will leave 5,320 miles to be provided with lights and landing facilities—so far as possible with the available funds—during the fiscal year 1928.

THE 1928 PROGRAM

16. The department had not expected, even with the full amount of the Budget allowance, to complete the equipment of this mileage during the fiscal year 1928—that is, the 5,320 miles in the Post Office Department program of air-mail routes which will remain without facilities at the close of the current year. With the money allowed by the Budget it was estimated that lighting facilities and landing fields could be established along about 3,500 miles only, which would leave about 1,800 miles of air-mail routes still without facilities at the close of the fiscal year 1928.

17. In cutting the Budget figure by more than $200,000, then, the House has reduced an amount which was already inadequate. If the reduction were permitted to stand, it would mean a reduction of 600 miles in the lighting program for the fiscal year 1928. It would cut the mileage to be provided with lights and landing facilities from 3,500 miles to 2,900 miles and leave approximately 2,400 miles of air-mail routes without navigational facilities at the close of the fiscal year 1928.

[From Aviation, January 31, 1927]

DEPARTMENT OF COMMERCE LIGHTS CIVIL AIRWAYS—CONTRACT AIR MAIL ROUTES ALMOST COMPLETELY LIGHTED BY 1928

The aeronautics branch, Department of Commerce, under the Assistant Secretary of Commerce for Aviation, William P. MacCracken, jr., is very rapidly pushing ahead with the work of lighting the airways of the United States to permit the mail on the contract air mail routes and other air transportation over these routes to be carried on at night and thus bring the advantages of the air method of transport up to their maximum value. The first airway beacon set up by the Federal Government under the provisions of the air commerce act of 1926 was lighted on December 7, 1926. It is designated beacon No. 71 and is located 15 miles northeast of Moline, Ill., on the Chicago-Dallas route. By the end of this month, January, according to plans, 501 miles of this route, which is the N. A. T. air mail route, should be lighted. The lights are being installed by the Limestone Products Co.

The work of installing lights has, however, not been confined to one locality only, the equipment of other routes for night flying having been carried on at the same time in order that it may be possible for all the contract air-mail operators to consider night flying as part of their schedules as soon as practical. Thus the lighting of the Boston-New York airway, including the lighting of emergency fields, is already completed. This route is 220 miles in length and extends from the Boston airport to Hadley Field, New Brunswick, N. J., which is the eastern terminus of the Trans-Continental Air Mail Service.

OTHER ROUTES BEING LIGHTED

Another route which is receiving immediate attention is that from St. Louis to Chicago. The equipping of this route for night flying is being carried out by the Robertson Aircraft Corporation, the air-mail contractor over the route. The distance is 277 miles and will include 24 revolving beacons, with 9 lighted intermediate fields. The Varney mail route between Elko, Nev., and Pasco, Wash., is also receiving the attention of the Department of Commerce at this time. This route is 424 miles in length and lights are in progress of installation for 110 miles at the northern end of the route. When completed, this section of the Elko-Pasco route will be provided with 1 revolving beacon and 20 acetylene blinkers at approximately 5-mile intervals between Coyote Hill and Pasco. No emergency fields are being lighted on this route at this time. Another western route upon which work is now in progress is that from Salt Lake City to Los Angeles, a distance of 589 miles. Air mail over this route is carried on contract by the Western Air Express. At the present time this route will be lighted only between Las Vegas and Los Angeles, a distance of 278 miles.

Surveys have been completed on three other routes, and these will be the next to receive the attention of the aeronautics branch. These are: The Chicago-Twin Cities route, 384 miles, of which 120 miles will be lighted; the Cheyenne-Pueblo route, 200 miles, of which 160 miles will be lighted; and the Detroit-Grand Rapids route, 140 miles, all of which is to be lighted. Whether this latter route will actually be lighted in the near future is not altogether certain.

The following is the lighting program under the appropriation for the fiscal year 1927:

Route No.	Route	Route, miles	Miles lighting	Number of lights	Number of lighted intermediate fields
1	New York-Boston	220	220	19	4
2	St. Louis-Chicago	277	277	24	9
3	Dallas-Chicago	1,000	501	[1] 72	13
4	Salt Lake City-Los Angeles	589	278	20	7
5	Pasco-Elko	424	110	[2] 21	0
9	Chicago-Twin Cities	384	120	(3)	(3)
12	Cheyenne-Pueblo	200	160	(3)	(3)
		3,094	1,666		

[1] Includes 5 revolving beacons and 30 gas blinkers installed by the air-mail contractor.
[2] Includes 1 revolving beacon and 20 gas blinkers.
[3] Under survey.

It is understood that the budget proposed for the fiscal year 1928 will probably admit of an additional 3,200 miles of airway being equipped with revolving beacons and lighted emergency fields. If this program can be carried into effect, the situation at the end of the fiscal year 1928 will be evident from the following details. The present air mail route system consists altogether of 8,656 miles. The following figures are based upon this total mileage. It is, of course, probable that by the year 1928 there will be many more miles of regular air routes to be lighted for night flying:

Present air mail system			8,656
Now lighted by Post Office		2,041	
Lighted by Commerce, 1927	1,666		
Lighted by Commerce, 1927 deficiency	830		
		2,496	
Lighted by Commerce, 1928		3,200	
			7,737
Unlighted balance of present system			919

TWENTY-FOUR-INCH BEACONS

The equipment adopted by the aeronautics branch for the lighting of the airways is based, in the main, on 24-inch revolving electric beacons of 2,000,000 candlepower, developed by the Sperry Gyroscope Co. These are placed on the average at approximate intervals of 10 miles, with intermediate lighted fields at intervals of from 25 to 30 miles. Each of these fields will have either a revolving beacon located on the site or the field will be situated in the immediate vicinity of one of these beacons on the airway. The emergency fields, in addition, will be equipped with 20 white boundary lights, evenly arranged around the field. A green light will indicate the best approach and red lights mark obstructions in or about the field.

It should be remembered that it is not within the province of the Department of Commerce to equip the airports at the cities where stops are made, such being in every case a municipal undertaking. It is reported that many of the cities on the regular air routes are already improving their airports in line with the Department of Commerce activities and are installing lighting.

NEW EMERGENCY FIELDS

Thirty-two new intermediate landing fields have been added to the list by the Department of Commerce in its surveys for lighting. These new fields are boundary lighted with white weather-proof electric lamps. At one end of the best approach is a green light. As already stated, red lights mark all obstructions. Many fields have revolving beacons in the northeast corner, while the others are located as near the airway revolving beacon as is possible. Of course, these field lights burn all night, as do all of the airway lights. At many fields caretakers are in charge, and telephones are available at the homes of the caretakers as a rule.

The new emergency fields are listed herewith by routes:

Boston-New York: Teterboro, Hasbrouck Heights, N. J.; Bethany, Conn.; Dudley, Mass.; Framingham, Mass.

St. Louis-Chicago: Godfrey, Ill.; Carlinville, Ill.; Lowder, Ill.; Mason City, Ill.; Pekin, Ill.; La Rose, Ill.; Tanica, Ill.; Morris, Ill.; Plainfield, Ill.

Dallas-Chicago: Arlington, Tex.; Slidell, Tex.; Muenster, Tex.; Punell, Okla.; Norman, Okla.; Edmond, Okla.; Perry, Okla.; Chillocco, Okla.; Unionville, Mo.; Bloomfield, Iowa; Fairfield, Iowa; Muscatine, Iowa.

Los Angeles-Salt Lake City: Verdemont, Calif.; Victorville, Calif.; Lenwood, Calif.; Harvard, Calif.; Baker, Calif.; Mohawk Hill, Nev.; Jean, Nev.

Mr. OVERMAN. Mr. President, in our subcommittee we struck out the provision for the establishment of a helium plant to cost a little over a million dollars. It occurred to us to be something like the Muscle Shoals proposition, putting the Government into business. There were no hearings on that item when I was present, and we concluded we would strike it out and have some understanding with the House conferees as to what it was for.

I understand that the full Committee on Appropriations did have some hearings on the subject; but I was not present, because I was in attendance on another very important committee meeting and could not be in the Committee on Appropriations. What was shown, if anything, as to the necessity for this million-dollar appropriation for a helium plant, putting the Government into the business of manufacturing helium, I do not know. We struck out the provision, but I understand the full committee restored it. Is that true?

Mr. JONES of Washington. That is true. Let us dispose of the committee amendments first, and then we can take up the matter. The full committee restored the item.

Mr. CURTIS subsequently said: Mr. President, there is an item in the bill in regard to helium, and I wish to have printed in the RECORD, following the discussion on that subject, an analysis of the helium situation.

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

The matter referred to is as follows:

THE HELIUM SITUATION

AN ANALYSIS FROM THE STANDPOINT OF PRIVATE OWNERSHIP WHICH SERIOUSLY CONCERNS FUTURE SUPPLY AND COST

Helium is not scarce. All available supplies are for the present stored in the *Los Angeles*, but potentially there is a vast supply in the known gas fields of Kansas, Texas, and Utah and a still vaster supply certain to be discovered in these and other States.

The Bureau of Mines has promoted the idea of conservation of the readily visible supply. The principle may be wrong. In view of the great potential supply, much of which is being lost in fuel consumption, the extraction by commercial interests should be urged and encouraged. Instead, certain legislation has been passed and much discouragement set forth to restrain private citizens from entering the business. I have a record of some of these statements.

There can be no volume of opposition at this time because so very few people know anything about helium. If the plain facts as outlined here should appeal to you, it is earnestly hoped you will use every means to defeat the new $1,063,000 appropriation asked on January 18 by the Bureau of Mines through the route of the Department of the Interior by direct appeal to President Coolidge. The money is asked for the "construction of additional helium plants."

The real or concealed intention is to use this money in the construction of a plant at Amarillo, Tex. Our endeavor is to divorce the Government absolutely from helium manufacture and permit private capital to build the aforesaid plant.

The helium bill, introduced by Senator WADSWORTH and which passed the House on January 21, 1925, reads in part as follows:

"That for the purpose of producing helium with which to supply the needs of the Army and Navy and other branches of the Federal Government, the Secretary of the Interior is hereby authorized to acquire land or interest in land by purchase, lease, or condemnation, when necessary, when helium can not be purchased from private parties at less cost."

Congress, through the Interior Department, has turned over to the Bureau of Mines the proposition of helium production. The Bureau of Mines has called the Linde Co. to operate the Fort Worth plant, the bureau maintaining business supervision.

On January 7, 1927, the House passed an amendment to the helium bill which provides that the Bureau of Mines may "lease" any surplus helium to any American concern, and when no surplus exists they are empowered to "sell" helium for scientific and commercial developments.

The proposition is fraught with mischief for the future of helium supply and is ingenious in that it makes an impossible situation for the entry of private capital into the business, and it is possible the Supreme Court would frown on its constitutionality. It apparently got by because of the general apathy and the negligence of the oil and gas industry to state the other side. Some comments are as follows:

1. Private producers will not enter into hopeless competition with the Government. No concern would buy helium from private producers when they can "lease" it at a favorable figure. Just how a gas, subject to leakage, loss, and usage, can be "leased" is a mystery.

2. If it were a matter of meeting competition, as will be the case if helium is extracted by private parties, producers would have no misgivings. But the Bureau of Mines, in order to get contracts and hold their monopoly, can offer their helium at any figure or invoice it at actual cost, regardless of commercial bids. Such competition can not possibly be met. The proposition would appear to be deliberately framed to make helium production an absolute Government monopoly at the expense of the Federal Government and to the futility of an adequate future supply.

3. No commercial airship company would be justified in establishing an airship line when they are compelled to depend upon an uncertain supply "leased" from the Government, because they may be cut off any moment A definite contract for supplies could not be given.

4. The theory that the Government should continue the extraction of helium, in order to maintain a supply, is as impractical as that the Government should produce its own coal, oil, and gasoline.

5. If private producers are scared out of the business by the uneconomic and pernicious meddling of the Bureau of Mines, there can never be a stable supply of helium sufficient for the increasing needs of the Army and Navy and at a reasonable price as engendered by commercial competition. Neither can commercial enterprises purchase or acquire a satisfactory supply under the terms in the aforesaid amendment.

6. Not only is this expenditure absolutely unwarranted but the Department of the Interior, through the Bureau of Mines, is being set up as a manufacturer in competition with private business and to the absolute exclusion thereof. A wisely amended bill might have corrected the unfortunate situation. It might have left the way open to all.

7. So apparently delicate was the proposition of getting the appropriation measure before Congress and in the right light that it was introduced through the President, avoiding reference to those promoting it.

8. The Government is now in convenient position to retire from the business of helium manufacture and without further loss or embarrassment.

9. In answer to any suggestion that private producers confine their activities to supplying the potential commercial market and let the Bureau of Mines proceed to build the plant at Amarillo, attention is called to the aforesaid amendment to the helium bill; also the fact that the present commercial market alone would scarcely warrant the investment.

10. The present acute shortage of helium will be relieved when commercial production can begin in July, which will make further expenditure by the Government unwarranted. The present facilities are at the end of their usefulness. The $1,063,000 asked for at this time is another beginning, and the end is not in sight. The previous expenditures of over $10,000,000 for helium production are not to be lost sight of, but they were not in vain because of the processes perfected to a satisfactory degree.

11. The proposed appropriation would be used for the purpose of building and equipping with entirely new machinery a brand new plant, showing that as far as present facilities are concerned the slate is wiped clean.

If any money is allotted at this time, it should be to the Bureau of Aeronautics for the following purposes: To purchase helium from producers, to provide new gold beater skin for the *Los Angeles*, to provide at least three helium tank cars, to build storage for helium at the places of use, to improve the impoverished Lakehurst station, and, lastly, to purchase two ships as planned.

1. Last year and previously 30 per cent of the helium from the Fort Worth plant was lost in transit in the utterly obsolete oxygen cylinders provided for the purpose.

2. Helium tank cars are quite perfected. The initial car cost about $90,000, but others can probably be made at a much lower cost. In any event, they will soon pay for themselves and are badly needed.

3. The only storage of consequence is for 600,000 cubic feet at the Lakehurst station. It should be much increased. A large modern ship requires 6,000,000 cubic feet of helium and should experience a yearly loss of perhaps 25 per cent.

4. The Lakehurst station is not in condition at this time to use any large supplies of helium. It deserves immediate attention to bring it into condition for more extensive business.

5. We have no ships to use a large supply of helium at this time. For that reason the proposition of building more helium plants at this time should be set over to the next Congress in order to test out the intentions of private producers in the matter of supply. In the meantime the small supply yet available from Fort Worth must and will suffice for the present limited requirements.

6. It will take several years to build the ships planned; meantime the principal requirement of the Navy for helium would be to fly the *Los Angeles*. A plentiful supply of cheap helium will further stimulate the construction of lighter-than-air craft.

The anxiety of the Bureau of Mines and others who back their proposal to rush madly into helium production at this time is like putting the cart before the horse—an economic mistake. The transportation facilities and storage accommodations for helium urgently need prior attention and will absorb all the money the situation deserves at this time; otherwise waste is inevitable and private producers can not have opportunity to prove their worth.

To grant the appropriation at this time will cause a false start to be made, so that vastly more funds may be required before the helium supply can be properly used and further developed. The danger is that Congress might become disgusted at the cost of the whole business in relation to the results obtained. It is a delicate situation, calling for careful thought and good judgment at this critical time. A mistake would be difficult to correct during the next five years. Some considerations are:

1. Congress will never know where it stands in the matter of appropriations if the Government is to be a producer of helium. The proposition of providing money for the purchase of helium and provision for its use can be estimated with exactitude.

2. Under commercial competition in helium production the supplies will not only be sufficient for all needs, but the price will be at the lowest possible figure commensurate with a business profit. It is a manufacturing problem in simple economics which has withstood the test of time.

3. Congress can at one stroke bring this about by absolutely denying the appropriation in the present session; otherwise the Government will be launched into helium production on a costly scale with its attendant disappointments. It means plants operated out of appropriations and not out of normal business profits. It means the usual inefficiencies, jealousies, jobs, probable waste, and continued shortage due to the awkwardness in meeting a condition which would regulate itself under commercial competition.

Helium production is actively in the minds of many oil and gas producers. Lack of general knowledge of the business has made them doubtful and apathetic. However, capital is eager and available for the purpose of production. In particular, John R. Leonard, of Washington, Pa., a wealthy oil producer, is much interested. The writer and his associates, including Mr. Leonard, have the means to begin plant construction the moment the appropriation is denied.

The rich helium-bearing gas at Amarillo, of recent discovery, is the first which has been attractive to commercial producers. The leaner gas heretofore available in other localities was not of sufficient richness to induce producers to make a very serious initial effort. Army and Navy officials became disgusted at the puttering, but now, the conditions are changed due to Amarillo.

Some amazing discoveries of vast natural-gas supplies, heretofore unexpected, are being made in the great area comprising parts of southwestern Kansas, northwestern Texas, and Oklahoma and eastern New Mexico. That these gases are more or less rich in helium is a proven fact, but none to date equal the Amarillo supply. The proposition now is to get under immediate production from that particular gas and let conservation measures apply to other areas which are certain to develop.

It is understood that should the Government build the plant proposed at Amarillo the rich gas supply there available would be condemned to the exclusive use of that plant. Commercial producers would not be permitted to manufacture helium at that point in any attempt to supply helium to the Government at a cost below the cost of Government manufacture.

It may be interesting to examine the actual volume of helium produced at the Fort Worth plant. Divide its total into the actual amount expended through former appropriations and the result should represent the approximate actual cost of our helium per 1,000 feet.

Fiscal year ending July 1:	Cubic feet
1921	260,000
1922	1,821,000
1923	4,070,000
1924	8,204,000
1925	9,419,000
1926	9,356,000
July 1, 1926, to Dec. 31, 1926	2,984,000
	36,114,000

Not taking into account the costs of transit and the losses incident thereto, together with the cost of repurification, and assuming that $10,000,000 has been spent (the amount is in excess of that figure), the cost per 1,000 cubic feet has been about $275. The junk value of the plant may be $2,000,000, which would pull down the cost per 1,000 cubic feet to about $250. Commercial producers would jump at the opportunity if they thought they could get even one-fifth of that amount.

THOS. M. GALEY,
Independence, Kans.

Mr. BINGHAM. Mr. President, in connection with the matter referred to by the Senator from Kansas [Mr. CURTIS], I ask unanimous consent that, following the statement just put in the RECORD by him, there be printed a letter from the Acting Director of the Bureau of Mines, Department of Commerce, together with a letter from Admiral Moffett regarding helium, and also a memorandum as to the provisions of the law which are not now generally understood.

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

The matter referred to is as follows:

UNITED STATES DEPARTMENT OF COMMERCE,
BUREAU OF MINES,
Washington, January 27, 1927.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in reply to your letter of January 21, 1927, inclosing a circular issued by Mr. Thomas M. Galey, of Independence, Kans., with reference to production of helium.

During the past two years Mr. Galey has written several letters to officials of the Navy Department proposing to supply them with helium, but he has never supported any of his proposals with evidence that he has an adequate supply of helium-bearing gas available, capital to erect a plant, or a proved process for extracting helium.

I am inclosing a copy of a letter written by Admiral Moffett, United States Navy, Chief of the Bureau of Aeronautics, in reply to Mr. Galey's circular, which expresses the Navy Department's attitude in this matter. In general, the Bureau of Mines concurs in the views expressed by Admiral Moffett.

Mr. Galey is mistaken with respect to the size of the appropriation requested, and his circular contains many inaccurate and misleading statements, so that a rather lengthy memorandum would be required to cover them. If you desire it, I shall be glad to send you a memorandum giving a picture of the Government's helium project, or, better, to have the chief of our helium division call at your office to answer any questions you may have with respect to it.

The copy of Mr. Galey's circular, which you sent with your letter of January 21, is returned herewith.

Cordially yours,

O. P. HOOD, *Acting Director.*
For SCOTT TURNER, *Director.*

NAVY DEPARTMENT, BUREAU OF AERONAUTICS,
Washington, January 25, 1927.

DEAR SIR: I am in receipt of a circular dated January 14, 1927, signed by you and addressed to Members of Congress, urging the defeat of an appropriation designed to increase the helium supply from Government-owned plants in order to permit airship operations, now stopped on account of insufficient quantity of helium, to continue.

In certain parts this circular is similar in tenor to letters received by the Navy Department from various concerns and individuals in the past four or five years. Some of them were couched in far more definite terms than is your circular. All have indicated that some private concern or individual was just on the verge of starting commercial production of helium. Nothing has ever materialized from any of them.

As a general principle I believe it is preferable to procure helium from commercial sources rather than to produce it in Government plants. The Government should not compete in industry. However, I believe the situation with reference to helium is for the moment a peculiar one. Justification for the Government continuing the production of helium is to be found not only in law but in the fact that no commercial source exists. There is no real evidence that a commercial source is about to be created. Further, the existing supply of helium from Government sources is already inadequate, and no commercial source started now could produce helium within the time helium is required for immediate Government needs.

It has seemed to me that the commercial field for production of helium is now, and always has been, open. There is in existing law the inference that when helium can be secured from private parties at a lower cost than from Government plants, the Government's activities toward the production of helium should be curtailed or cease. This would appear to follow as the working of a natural law, even if the inference were not provided in written law.

The inquiries, or so-called offers to produce helium, which have been received from various sources and which are referred to in a preceding paragraph, have nearly all involved the Government furnishing some form of a subsidy before operations would start. If no subsidy was wanted, a long-term contract, requiring the Government to agree to take a specified quantity of helium, at specified prices, over a period of years was wanted. There is no authority in law permitting the Government to make such a long-term contract.

In your circular you assert that the plant at Fort Worth represents an expenditure of over $10,000,000, "much of which was wasted or consumed in experimentation." Immediately thereafter you state that private enterprise "taking advantage of the research work done at Fort Worth" can quickly erect small and efficient transportable plants. Does not your second sentence show the advantage to commercial enterprise which has accrued through the pioneer work done by the Government in helium production?

In the latter part of your circular you state, "Assurance is hereby given that certain men" await the defeat of the Government's efforts to insure to itself an adequate supply of helium, and when this is accomplished private capital will cause plans to be made for producing a supply of helium "before the summer season is far advanced." These are rather vague and indefinite assertions and to establish their credibleness require more in the way of evidence than is shown in your circular.

I am informed that as recently as last fall the Bureau of Mines addressed letters to various concerns and individuals who might be interested, to determine if there was in the industry a potential source of helium supply. The negative results from this canvass led to the proposals for augmenting the supply of helium from Government plants as the only solution of the matter which would insure to the Government an adequate supply of helium when needed. The vague information contained in your circular does not appear to change the situation as determined by this canvass.

Respectfully,

W. A. MOFFETT,
Rear Admiral, United States Navy,
Chief of the Bureau of Aeronautics.

Mr. THOS. M. GALEY,
Independence, Kans.

[Title 30 U. S. Code, sec. 181, and Title 50, sec. 161–166, contain the provisions relating to the manufacture and export of helium]

There is nothing in the present law to prevent private enterprise from extracting helium from gas produced from privately owned land and selling it commercially within the United States. The legislation reserving to the United States the right to extract helium from gas produced upon the public domain is as follows:

"Public 146 (S. 2775). An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, Title 130, United States Code, section 181. (Act approved Feb. 25, 1920.)

"*Be it enacted, etc.,* That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the act known as the Appalachian Forest act, approved March 1, 1911 (36 Stats., p. 961), and those in national parks, and in lands withdrawn, or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas to municipalities: *Provided,* That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further,* That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further,* That citizens of another country, the laws, customs, or regulations of which deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this act."

[Title 50, sec. 161, and Title 50, sec. 165]

An act authorizing the conversion, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes.

* * * *Provided,* That any known helium gas-bearing lands on the public domain not covered at the time by leases or permits under the act of February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," may be reserved for the purposes of this act, the right to extract, under such rules and regulations as shall be prescribed by the Secretary of the Interior, helium from all gas produced from lands so permitted, leased, or otherwise granted for development.

* * * That hereafter no helium gas shall be exported from the United States, or from its possessions, until after application for such exportation has been made to the Secretary of the Interior and permission for said exportation has been obtained from the President of the United States, on the joint recommendation of the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 56, line 15, after the word "foregoing," to strike out "$395,000" and insert "$515,000," and at the beginning of line 16 to strike out "$19,000" and insert "$25,000," so as to read:

District and cooperative office service: For all expenses necessary to operate and maintain district and cooperative offices, including personal services in the District of Columbia and elsewhere, rent outside of the District of Columbia, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, purchase of maps, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, not exceeding $400 for newspapers, both foreign and domestic, for which payment may be made in advance, and all other publications necessary for the promotion of the commercial interests of the United States, and all other incidental expenses not included in the foregoing, $515,000, of which amount not to exceed $25,000 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 59, at the end of line 22, to strike out "$770,440" and insert "$825,440," so as to make the paragraph read:

Export industries: To enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to the production, distribution, and marketing, in so far as they relate to the important export industries of the United States, including personal services in the District of Columbia not to exceed $613,000, traveling and subsistence expenses of officers and employees, purchase of furniture and equipment, stationery and supplies, typewriting, adding, and computing machines, accessories and repairs, books of reference and periodicals, reports, documents, plans, specifications, manuscripts, and all other publications, rent outside District of Columbia, and all other incidental expenses connected therewith, $825,440.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Standards," on page 72, line 17, after the word "exceed," to strike out "$7,200" and insert "$9,200," so as to make the paragraph read:

Color standardization: To develop color standards and methods of manufacture and of color measurements with special reference to their industrial use in standardization and specification of colorants such as dyestuffs, inks, and pigments, and other products, paint, paper, and textiles, in which color is a pertinent property, including personal services in the District of Columbia and in the field, $10,000, of which amount not to exceed $9,200 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 91, after line 9, to insert:

The appropriation of $30,000 for the fiscal year 1927 for a fish-cultural station as an auxiliary to the station at Leadville, Colo., is continued available for such purposes during the fiscal year 1928.

The amendment was agreed to.

The next amendment was, on page 94, line 9, before the word "for," to strike out "$30,000" and insert "$40,000," and in line 21, after the word "therewith," to strike out "$322,000" and insert "$332,000," so as to read:

Alaska, general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands, of Alaska; not exceeding $40,000 for construction, improvement, repair, and alteration of buildings and roads, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, purchase of sea otters, and for all expenses necessary to carry out the provisions of the act entitled "An act to protect the seal fisheries of Alaska, and for other purposes," approved April 21, 1910, and for the protection of the fisheries of Alaska, including travel, subsistence (or per diem in lieu of subsistence) of employees while on duty in Alaska, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $332,000, of which $100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Patent Office," on page 95, line 12, after the figures "1923," to strike out "$2,489,060" and insert "$2,549,060," so as to read:

For the Commissioner of Patents and other personal services in the District of Columbia in accordance with the classification act of 1923, $2,549,060: *Provided*, That of the amount herein appropriated not to exceed $25,000 may be used for special and temporary services of typists certified by the Civil Service Commission, who may be employed in such numbers, at $4 per diem, as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing manuscript copies of records.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 106, line 5, after the word "foregoing" to strike out "$194,960" and insert "$225,000," so as to read:

Economics of mineral industries: For inquiries and investigations, and the dissemination of information concerning the economic problems of the mining, quarrying, metallurgical, and other mineral industries, with a view to assuring ample supplies and efficient distribution of the mineral products of the mines and quarries, including studies and reports relating to uses, reserves, production, distribution, stocks, consumption, prices, and marketing of mineral commodities and primary products thereof; preparation of the reports of the mineral resources of the United States, including special statistical inquiries; statistical studies and reports relating to mine accidents; and including personal services in the District of Columbia and elsewhere; purchase of furniture and equipment; stationery and supplies; typewriting, adding, and computing machines, accessories, and repairs; newspapers; traveling expenses; purchase, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles; and for all other necessary expenses not included in the foregoing, $225,000, of which amount not to exceed $155,000 may be expended for personal services in the District of Columbia.

Mr. KING. Mr. President, I would like to know the purpose of the appropriation thus proposed. Indeed I would like to know the purpose of appropriating anything under the head of economics of the mineral industry. The men who are engaged in the production of the precious and other metals know more about the economics and production of those metals than does the Department of Commerce. The great smelters of our country and the great copper plants have men of skill and ability and men of education in their employ. The smelters have metallurgists, probably the best in the world, men who have been trained in the leading universities of the United States, many of them trained in the best universities of Europe. I think this is a complete waste of money, as I think many of the appropriations in the bill are. I see that the committee not only has carried the appropriation found in the House bill, but it has been increased. I am a little curious to know just what information the Department of Commerce could possibly give on the economics of the mineral industry.

The Senator knows, being a practical man from the West, that in the Coeur d'Alene region, at Butte, Mont., the great copper companies, and in Utah the Utah Copper Co., and the other great mining companies, the mines and mining companies in New Mexico, of the late Senator Clark, and the Phelps-Dodge Co., have experts who know more than any man in the Department of Commerce upon the economics of minerals. I can not conceive of the wisdom or the justice of taxing the American people to help some of these companies and the big smelting trust when they have in their employ men of experience and knowledge and training—scientific men of the very highest character.

Mr. JONES of Washington. I suppose that the studies with reference to minerals are very much like the studies with reference to agriculture. The Senator might say, of course, that our people are educated in agriculture, and that there are a great many farmers in the country who know more than so-called experts in the Department of Agriculture. I think in the mining industry there are many problems of a general character which need special study, and that this can be done better by experts in the bureau than any other way. Of course, the different companies carry on their experiments and their investigations, but in many instances the information does not become the property of the whole industry.

I refer to one suggestion in the paragraph with reference to statistical studies and reports relating to mine accidents. We have mine accidents every short while, and the country is shocked often. Any study, it seems to me, that would lead to diminishing these accidents could well be provided for by the Government, and so it is with many of the propositions mentioned in the paragraph under consideration. The Government agents study these problems from a broad and comprehensive viewpoint and furnish the information, making it available to the entire industry, while the individual plants, of course, make their studies and investigations, as I said, and confine the results largely to themselves.

The committee increased the amount, I will say, for the reason that the $194,960 is made up largely of the amounts for the different activities which were performed by the different branches. The mining business has just been brought lately under the Department of Commerce, and the $194,960 simply comprises the different sums brought together in one. The Budget estimate was $225,000. The $194,960 simply enables the department to carry on the activities which were carried on by the different branches without any expansion. The committee thought it well to give the money that was estimated by the Budget and for the bureau to enlarge their activities somewhat and to carry on and perform new work; so the committee gave the Budget estimate in order to enable them to do some new work of a progressive character.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 107, line 17, to change the total appropriation for the Bureau of Mines from "$2,945,110" to "$2,975,150."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. That completes the committee amendments.

The reading of the bill was concluded.

Mr. JONES of Washington. On page 52, line 17, the increase made, as I said a while ago, was to permit the purchase of 10 planes instead of 5, and while we changed the amount, the com-

mittee overlooked, in line 17, changing the number of planes. I offer an amendment to strike out the word "five" and insert in lieu thereof the word "ten."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 52, line 17, strike out "five" and insert the word "ten."

The PRESIDING OFFICER. Without objection the amendment is agreed to.

Mr. JONES of Washington. In line 25, on page 52, by reason of that change we must increase the amount to be made immediately available. I offer the amendment, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 52, line 25, strike out "$111,500" and insert in lieu thereof "$168,000."

The PRESIDING OFFICER. Without objection the amendment is agreed to.

Mr. JONES of Washington. On page 6, line 6, I move to strike out "$365,000" and insert in lieu thereof "$375,000." That is made necessary by reason of the two new ministers for whom we have provided.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 6, line 6, strike out "$365,000" and insert in lieu thereof "$375,000."

The PRESIDING OFFICER. Without objection the amendment is agreed to.

Mr. JONES of Washington. On page 8, line 1, growing out of the same increase, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 8, line 1, strike out "$762,500" and insert in lieu thereof "$784,500."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES of Washington. On page 12, growing out of the same increase, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 12, line 18, strike out "$2,925,000" and insert in lieu thereof "$2,930,000."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES of Washington. On page 19, after line 11, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 19, after line 11, insert the following:

For the expenses of the United States in participating in the Sixth International Conference of American States, to be held at the city of Habana, Cuba, in 1928, including the compensation of employees, travel and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), printing and binding, and such miscellaneous and other expenses as the President shall deem proper, to be expended under the direction of the Secretary of State, $75,000.

Mr. KING. Mr. President, may I ask the Senator if he is offering an amendment for the appointment of representatives to some convention in Geneva or in Europe?

Mr. JONES of Washington. No; it is in Cuba. The estimate came down just yesterday. Here is the reason for it, as stated by the Director of the Budget:

At the Fifth International Conference of American States, held at Santiago, Chile, in 1923, a resolution was adopted naming the city of Habana, Cuba, as the place of holding the sixth international conference. The resolution further requested that the governing board of the Pan American Union, together with the Government of Cuba, should fix the date on which the sixth international conference should meet, and recommended that the next conference be convened as soon as possible, and in any case within the period of five years following the adjournment of the fifth international conference.

The date which has been selected for holding the Sixth International Conference of American States at Habana, Cuba, is January 16, 1928, and it is estimated that the period required for this conference, including the time consumed in travel to and from Habana, will be about 60 days.

It is simply a question of our Government participating. We have been participating in the conferences heretofore. We are a part of the international American conference and so the committee offers the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. JONES of Washington. An estimate came down, I think yesterday or the day before, to carry out the terms of the maternity act which we passed just a few days ago. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 114, after line 25, insert as a new paragraph the following:

For carrying out the provisions of the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921, as amended, $1,090,976: *Provided*, That the apportionments to the States, to the Territory of Hawaii, and to the Children's Bureau for administration shall be computed on the basis of not to exceed $1,252,079.96, as authorized by said act of November 23, 1921, as amended.

Mr. KING. Mr. President, may I inquire of the Senator if he thinks that is proper legislation?

Mr. JONES of Washington. It is not legislation at all. It is just carrying into effect legislation which we enacted a short time ago.

Mr. LENROOT. Under the two-year extension compromise.

Mr. BINGHAM. Mr. President, am I correct in understanding that this is an appropriation for the extension of the so-called Sheppard-Towner Maternity Act, as to which, under the compromise entered into here at a night session which the Senator will recollect, it was agreed that the act should be continued for two years more on the condition that at the end of that time the act should be repealed and terminated and that no further efforts were to be made to secure an extension?

Mr. JONES of Washington. I think the Senator has gone a little too far in the matter of the compromise to which he refers.

Mr. MOSES. Oh, no; the Senator is altogether too modest. He speaks of a compromise. It was a corrupt bargain.

Mr. JONES of Washington. The amendment is to carry out the purposes of that act.

Mr. KING. I want it to be understood that I was opposed to the bill. I voted against it, and I shall vote against this appropriation. I think it is the most—shall I say iniquitous? That is a rather strong term. It is a measure wholly unjustified, and I am very much opposed to the appropriation. If it is in order to do so, I shall at the proper time move to strike out the paragraph of the bill providing for the Women's Bureau and the items found on page 114 from line 3 down to line 25, inclusive, relating to the Children's Bureau.

Mr. JONES of Washington. I ask that the amendment may be voted on.

Mr. BINGHAM. While we are considering the amendment and in order that there may be no misunderstanding as to some remarks which I made a while ago which were questioned by certain Senators, I desire to say that that was the distinct understanding reached at the time between the proponents of the measure who were working for it and the opponents of the measure. They agreed that there should be no further activities in that direction at the end of two years.

Mr. JONES of Washington. Mr. President, I wish to say that, so far as I am concerned, I have made no bargain with anybody and do not expect to make any bargain with anybody. I understood, of course, that the provisions of the bill which we passed would be complied with and that the original act would be repealed, but I do not feel bound after that is done not to urge the reenactment of legislation along this line, so far as I am concerned.

Mr. MOSES. Mr. President, if the Senator from Connecticut would go on with the details of the agreement, it would probably be illuminating, because, if I understand correctly, they proposed to the Senator from Connecticut a gentleman's agreement, and he said, "yes, but you can not bind the women." [Laughter.]

Mr. FESS. Whatever agreement we might make we can not bind a subsequent Congress in any way.

Mr. JONES of Washington. Certainly not.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. JONES of Washington. I offer another amendment and ask that it may be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 37, at the end of line 8, after the figures "$198,000," to insert a colon and the following provisos:

Provided, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. KING. Mr. President, I should like to ask a question in regard to that amendment.

Mr. MOSES. I inquire if that is a committee amendment?

Mr. JONES of Washington. Mr. President, I was authorized by the committee to offer the amendment. It is a provision which has been carried in this appropriation bill for about 10 years.

Mr. MOSES. It is a little more class legislation.

Mr. JONES of Washington. As I have said, it has been carried for 10 years or more.

Mr. KING. I want to ask the Senator if the present law is not such as would make unnecessary this proposed legislation?

Mr. JONES of Washington. Personally, I will say I am inclined to think that so far as farmers' organizations are concerned there is a specific provision in the law that would exempt them. That provision, of course, has not been carried in this bill before. It was recommended by the House committee but went out on a point of order on the floor. It was desired to include farmers' organizations in the bill. The provision with reference to labor organizations has been in the bill for at least 10 years, if not more. I presume the provision in regard to the farmers was incorporated because they made an appeal and said that they did not desire to be discriminated against as compared with labor organizations. My recollection is that we have specifically by legislation exempted farmers' cooperative organizations from prosecution.

Mr. KING. The Clayton Act makes ample provision in that regard.

Mr. LENROOT. And the later cooperative marketing bill also does.

Mr. KING. Yes; and the cooperative marketing bill makes provision exempting agriculturists. So, Mr. President, to adopt this amendment is a work of supererogation. The existing law, the general statute, will prevent the prosecution of farmers engaged in the activities described in this amendment and will prevent the prosecution of labor organizations.

Mr. JONES of Washington. Mr. President, I will say frankly to the Senator that I think the effect of this amendment will be more psychological than anything else, but, as I have said, it has been carried for 10 years.

Mr. LENROOT. Even if it does not prevent such prosecutions as have been referred to, it is merely a limitation and provides that no part of the appropriation shall be so used if the law would permit.

Mr. KING. I think this proposed legislation is wholly unnecessary, very unwise, and quite foolish, because we have a general statute that is broader in its terms and prevents the prosecution of such organizations.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendments, the bill will be reported to the Senate.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

WAR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement, the Chair lays before the Senate House bill 16249, being the Army appropriation bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16249) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WADSWORTH. Mr. President, I make the usual request that the formal reading of the bill be dispensed with and that it be read for amendment, the amendments of the committee to be first considered.

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

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Military post exchanges," on page 8, at the end of line 14, to strike out "$64,140" and insert "$82,800," so as to make the paragraph read:

For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations, for the conduct of the post exchange, school, reading, lunch, and amusement rooms; for the conduct and maintenance of libraries, including periodicals and other publications, and subscriptions for newspapers for which payment may be made in advance, service clubs, chapels, and gymnasiums, including repairs to buildings erected at private cost, in the operation of the act approved May 31, 1902, and including salaries and travel for civilians employed in the hostess and library services, and for transportation of books and equipment for these services; for the rental of films, purchase of slides for and making repairs to moving-picture outfits and for similar and other recreational purposes at training and mobilization camps now established, or which may be hereafter established, $82,800.

The amendment was agreed to.

The next amendment was, under the subhead "Finance Department, pay, and so forth, of the Army," on page 9, at the end of line 23, to increase the appropriation for pay of officers of the line and staff, from $29,843,800 to $30,440,500.

The amendment was agreed to.

The next amendment was, on page 10, line 1, to increase the appropriation for pay of warrant officers, from $2,163,984 to $2,227,920.

The amendment was agreed to.

The next amendment was, on page 10, at the end of line 2, to increase the appropriation for aviation increase to commissioned and warrant officers of the Army, from $1,397,624 to $1,483,124.

The amendment was agreed to.

The next amendment was, on page 10, line 4, to increase the appropriation for additional pay to officers for length of service, from $6,303,398 to $6,924,971.

The amendment was agreed to.

The next amendment was, on page 10, at the end of line 5, to reduce the appropriation for pay of enlisted men of the line and staff, not including the Philippine Scouts, from $49,148,803 to $48,954,250.

The amendment was agreed to.

The next amendment was, on page 10, line 12, after the figures "$80,000," to insert "pay of the Army, 1925, $195,000; Army transportation, 1925, $500,000; Organized Reserves, 1925, $250,000."

The amendment was agreed to.

The next amendment was, on page 10, line 19, to change the total from $808,961 to $1,753,961.

The amendment was agreed to.

The next amendment was, on page 11, line 1, to increase the appropriation for pay of the officers on the retired list from $7,337,271 to $7,356,991.

The amendment was agreed to.

The next amendment was, on page 11, at the end of line 14, to increase the appropriation for rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, from $6,275,692 to $6,370,998.

The amendment was agreed to.

The next amendment was, on page 11, line 15, to increase the appropriation for subsistence allowances from $5,806,049 to $5,813,933.

The amendment was agreed to.

The next amendment was, on page 11, at the end of line 24, to increase the appropriation for additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, from $196,000 to $225,000.

The amendment was agreed to.

The next amendment was, on page 12, line 1, after the words "in all," to increase the total appropriation for pay of the Army from $123,449,138 to $124,774,204.

The amendment was agreed to.

The next amendment was, under the heading of "Expenses of courts-martial," on page 13, line 8, to strike out "$125,000" and insert "$100,000," so as to read:

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, and expenses of taking depositions and securing other evidence for use before the same, $100,000.

The amendment was agreed to.

The next amendment was, on page 19, at the beginning of line 20, to increase the appropriation for regular supplies of the Quartermaster Corps, etc., from $12,955,279, to $12,960,779.

The amendment was agreed to.

The next amendment was, on page 23, line 11, to increase the appropriation for transportation of the Army and its supplies, etc., from $14,681,153 to $14,688,153.

The amendment was agreed to.

The next amendment was, under the subhead "Horses for Cavalry, Artillery, Engineers, etc," on page 24, line 20, to strike out "$480,000" and insert "$562,500," so as to read:

For the purchase of horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as

may be required to be mounted, and for all expenses incident to such purchases (including $150,000 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), $562,500.

The amendment was agreed to.

The next amendment was, under the subhead "Military posts," on page 25, at the end of line 25, to strike out "expended" and insert "June 30, 1929"; so as to read:

For payment of obligations incurred under the contract authorization for construction at military posts of buildings, utilities, and appurtenances thereto as provided in the second deficiency act, fiscal year 1926, $3,520,000, to remain available until June 30, 1929.

The amendment was agreed to.

The next amendment was, at the top of page 26, to insert:

MILITARY POSTS, HAWAIIAN ISLANDS

For every expenditure requisite for filling and grading the marshlands of the United States Military Reservation at Fort De Russy, Hawaii, as authorized in the act entitled "An act to provide for the reclamation of the United States Military Reservation, Fort De Russy, Honolulu, Hawaii," approved March 4, 1923, $100,000.

The amendment was agreed to.

The next amendment was, under the subhead "Barracks and quarters," on page 26, line 21, after the word "tents," to strike out "$4,501,837" and insert "$4,528,837," so as to read:

For construction, repair, and rental of barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, garages, reclamation plants, and other buildings necessary for the shelter of the Army and its property, including retired officers and enlisted men when ordered to active duty; for rental of grounds for military purposes, of recruiting stations, and of lodgings for recruits and applicants for enlistment; for repair of such furniture for Government-owned officers' quarters and officers' messes as may be approved by the Secretary of War; for wall lockers, refrigerators, screen doors, window screens, storm doors and sash, window shades, and flooring and framing for tents, $4,528,837.

The amendment was agreed to.

The next amendment was, on page 26, line 23, after the words "military attachés," to insert the following additional proviso:

Provided further, That not exceeding $27,000 of this appropriation shall be available for the purchase of approximately 448 acres of land on which Camp Marfa, at Marfa, Tex., is located.

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the word "exceeding," to strike out "$130,820" and insert "$125,000," and in line 12, after the word "and," to insert "not exceeding $5,820," so as to make the paragraph read:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at military posts and stations; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage, and expenses incident thereto; for repairs to water and sewer systems and plumbing; and for hire of employees, $2,881,661, of which amount not exceeding $125,000 shall be available immediately for the procurement of fuel for the service of the fiscal year 1928 and not exceeding $5,820 for installing pipe line at Fort Frank, Philippine Islands: *Provided*, That not to exceed $50,000 of this appropriation shall be expended for new construction work.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses, insular possessions," on page 62, line 2, to strike out "$110,000" and insert "$118,500," so as to make the paragraph read:

For construction of fire-control stations and accessories, including purchase of lands and rights of way, purchase and installation of necessary lines and means of electrical communication, including telephones, dial and other telegraphs, wiring, and all special instruments, apparatus, and materials, coast-signal apparatus, subaqueous, sound, and flash ranging apparatus, including their development, and salaries of electrical experts, engineers, and other necessary employees connected with the use of coast artillery; purchase, manufacture, and test of range finders and other instruments for fire control at the fortifications, and the machinery necessary for their manufacture in the Hawaiian Islands, $118,500.

The amendment was agreed to.

The next amendment was, under the subhead "Military Bureau, National Guard, arming, equipping, and training the National Guard," on page 66, line 9, after the word "expenses," to insert "camps of instruction" and at the end of line 10, to strike out "$9,952,000" and insert "$10,302,000," so as to make the paragraph read:

For expenses, camps of instruction, field and supplemental training, $10,302,000.

The amendment was agreed to.

The next amendment was, on page 66, line 12, to increase the appropriation for expenses, selected officers and enlisted men, military service schools, from $350,000 to $375,000.

The amendment was agreed to.

The next amendment was, on page 66, at the beginning of line 19, to increase the appropriation for travel of officers and noncommissioned officers of the Regular Army in connection with the National Guard, from $341,000 to $350,000.

The amendment was agreed to.

The next amendment was, on page 66, line 26, to reduce the appropriation for expenses of enlisted men of the Regular Army on duty with the National Guard, including the hiring of quarters in kind, from $448,720 to $425,000.

The amendment was agreed to.

The next amendment was, on page 67, after line 1, to insert:

When approved by the Secretary of War 10 per cent of each of the foregoing amounts under the appropriation for "Arming, equipping, and training the National Guard" shall be available interchangeably for expenditure on the objects named, but no one item shall be increased by more than 10 per cent: *Provided*, That a report of amounts so transferred between appropriations shall be submitted to the Congress at the first regular session after the close of the fiscal year 1928.

The amendment was agreed to.

The next amendment was, under the subhead "Arms, uniforms, equipment, etc., for field service, National Guard," on page 67, line 21, before the word "as," to strike out "and a reserve supply of such equipment and stores," and on page 68, line 4, after the word "use," to strike out "$4,762,280" and insert "$4,512,280," so as to read:

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and a reserve supply thereof, including horses conforming to the Regular Army standards for use of the Cavalry, Field Artillery, and mounted organizations of the National Guard, as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, $4,512,280, of which not less than $787,500 shall be available only for the production and purchase of new airplanes and their equipment, spare parts, and accessories.

The amendment was agreed to.

The next amendment was, under the heading "Organized Reserves," on page 71, at the end of line 6, to strike out "$758,100" and insert "$981,729," so as to read:

Headquarters and camps: For establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army traveling on duty in connection with the Organized Reserves; for reimbursement for the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department, except that no part of this appropriation shall be expended for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for transportation of baggage, including packing and crating, of reserve officers on active duty for not less than six months; for medical and hospital treatment, continuation of pay and allowances not to exceed six months, and transportation when fit for travel to their homes of members of the Officers' Reserve Corps and Enlisted Reserve Corps of the Army injured in line of duty while on active duty under proper orders or while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, and for the preparation and transportation to their homes and burial expenses of the remains of members of the Organized Reserves who died while on active duty, as provided in section 4 of the act of June 3, 1924, $981,729.

The amendment was agreed to.

The next amendment was, under the heading "Military supplies and equipment for schools and colleges," on page 75, line 21, after the word "*Provided*," to strike out:

That not to exceed $500 of this appropriation may be used for the expense of preparing for shipment and shipment of such uniforms and uniform material, not required for the use of the Regular Army or its components, as in the judgment of the Secretary of War may be given to worthy military units at educational institutions: *Provided further*,

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps, national cemeteries," on page 83, line 4, after the word "cemeteries" to strike out "$210,000, of which amount $10,000 shall be expended by the Secretary of War in erecting a fitting marking of the burial place at Washington Crossing Park of 40 soldiers of the Revolutionary War" and insert "$235,000," so as to make the paragraph read:

For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines, and soldiers, sailors, and marines of all other wars in national, post, city, town, and village cemeteries, naval cemeteries at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906; continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906; and furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries, $235,000.

The amendment was agreed to.

The next amendment was, at the top of page 89, to strike out:

KINGS MOUNTAIN AND COWPENS BATTLE FIELDS

For commencing a study and surveys, or other field investigations, in accordance with the act entitled "An act to provide for the study and investigation of battle fields in the United States for commemorative purposes," approved June 11, 1926, of the battle fields of Kings Mountain and Cowpens, $1,500 each, $3,000.

Mr. OVERMAN. Mr. President, why did the Senate committee strike out those lines? This is a House amendment, and it is in pursuance of law. Congress has passed a bill requiring these surveys to be made, and in this paragraph the House is carrying out the provisions of the law and has provided for surveys at two places—one at Kings Mountain and the other at Cowpens. I see that the committee has stricken those out. Why did they strike them out, when they are in pursuance of the law?

Mr. WADSWORTH. I shall be very glad to give the reason as the committee saw it.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum. This thing will have to be voted on.

Mr. CURTIS. I hope the Senator will withhold that suggestion.

Mr. BLEASE. I am not going to hold it up a minute. If this item has to go out of the bill, the whole Senate will have to act on it. I stick to my suggestion of the absence of a quorum. If this item goes out, it will have to be by a vote of the Senate.

Mr. CURTIS. Wait until we see. It may not go out.

Mr. BLEASE. No; I demand a quorum.

Mr. PHIPPS. It is provided for elsewhere.

Mr. BLEASE. No; it is not. I insist on my demand. I know that it is not provided for.

Mr. OVERMAN. Wait until the Senator from New York makes his statement.

Mr. BLEASE. No; I demand a quorum now. I am going to stick to it. If this matter goes out, it will have to go out by a vote of the Senate.

Mr. PHIPPS. The Senator will not even let the matter be explained.

Mr. BLEASE. I do not want to have it explained. I know all about it. I know what you are trying to do.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

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

Ashurst	Fletcher	McNary	Sackett
Bingham	Goff	Metcalf	Sheppard
Blease	Hale	Moses	Smith
Bratton	Harris	Norbeck	Stewart
Broussard	Harrison	Nye	Trammell
Cameron	Heflin	Oddie	Wadsworth
Capper	Jones, Wash.	Overman	Warren
Curtis	Kendrick	Phipps	Watson
Deneen	Keyes	Pittman	Willis
Ferris	King	Reed, Pa.	
Fess	Lenroot	Robinson, Ark.	

The PRESIDING OFFICER. Forty-two Senators have answered to the roll call—not a quorum.

Mr. CURTIS. Mr. President, I understand that a quorum has not responded. I had no idea that there would be a fight on the bill. I announced to several Senators that there would be no yea-and-nay vote to-night, or at least that I did not think there would be; so I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 5, 1927, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 4, 1927

MEMBER MISSISSIPPI RIVER COMMISSION

Col. Edward H. Schulz, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes near its mouth to its headwaters," vice Col. George M. Hoffman, Corps of Engineers, to be relieved.

UNITED STATES ATTORNEY

George E. Q. Johnson, of Illinois, to be United States attorney, northern district of Illinois, vice Edwin A. Olson, term expired.

UNITED STATES MARSHAL

Edward Rustad, of Minnesota, to be United States marshal, district of Minnesota. A reappointment, his term having expired.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants

First Lieut. Don Longfellow, Medical Corps Reserve, with rank from February 1, 1927.

First Lieut. William Paul Holbrook, Medical Corps Reserve, with rank from February 1, 1927.

First Lieut. Harvey Cecil Maxwell, Medical Corps Reserve, with rank from February 1, 1927.

First Lieut. James Ogilvie Gillespie, Medical Corps Reserve, with rank from February 1, 1927.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO JUDGE ADVOCATE GENERAL'S DEPARTMENT

Maj. Fred Warde Llewellyn, Infantry, with rank from July 1, 1920.

TO CAVALRY

Capt. Marion Irwin Voorhes, Field Artillery, with rank from July 1, 1920.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Charles Bertody Stone, jr., Infantry, from February 1, 1927.

To be lieutenant colonel

Maj. Louis Cass Brinton, jr., Coast Artillery Corps, from February 1, 1927.

To be major

Capt. Lucien Samuel Spicer Berry, Cavalry, from February 1, 1927.

To be captains

First Lieut. Loyd Van Horne Durfee, Infantry, from January 26, 1927.

First Lieut. Desmond O'Keefe, Field Artillery, from January 30, 1927.

First. Lieut. Hal Marney Rose, Cavalry, from February 1, 1927.

To be first lieutenants

Second Lieut. Frank Charles McConnell, Coast Artillery Corps, from January 26, 1927.

Second Lieut. Dale Phillip Mason, Signal Corps, from January 29, 1927.

Second Lieut. Donald Fowler Fritch, Field Artillery, from January 30, 1927.

PROMOTION IN THE PHILIPPINE SCOUTS

To be first lieutenant

Second Lieut. Nemesio Catalan, Philippine Scouts, from February 1, 1927.

PROMOTIONS IN THE NAVY

Capt. Joel R. P. Pringle to be a rear admiral in the Navy from the 7th day of December, 1926.

Commander Charles C. Soule, jr., to be a captain in the Navy from the 1st day of September, 1926.

Lieut. Commander Robert E. Rogers to be a commander in the Navy from the 1st day of July, 1926.

Lieut. Commander Penn L. Carroll to be a commander in the Navy from the 6th day of October, 1926.

Lieut. John M. Field, jr., to be a lieutenant commander in the Navy from the 4th day of June, 1926.

Lieut. Clinton H. Havill to be a lieutenant commander in the Navy from the 6th day of October, 1926.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 4th day of June, 1926:

Herman B. R. Jorgensen.

Clarence L. Hayward.

Lieut. (Junior Grade) Raymond D. Tarbuck to be a lieutenant in the Navy from the 5th day of June, 1926.

Lieut. (Junior Grade) John W. Jamison to be a lieutenant in the Navy from the 1st day of September, 1926.

Lieut. (Junior Grade) Llewellyn J. Johns to be a lieutenant in the Navy from the 16th day of October, 1926.

Lieut. (Junior Grade) Roscoe L. Bowman to be a lieutenant in the Navy from the 15th day of December, 1926.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 8th day of June, 1926:

John M. McIsaac. John W. Price, jr.
Thomas E. Kelly. Ralph W. D. Woods.

Medical Inspector Perceval S. Rossiter to be a medical director in the Navy, with the rank of captain, from the 5th day of June, 1924.

Medical Inspector Frank E. Sellers to be a medical director in the Navy, with the rank of captain, from the 1st day of July, 1926.

Surg. George R. W. French to be a medical inspector in the Navy, with the rank of commander, from the 15th day of May, 1925.

Surg. Claude W. Carr to be a medical inspector in the Navy, with the rank of commander, from the 28th day of August, 1926.

Passed Asst. Surg. John F. Hart to be a surgeon in the Navy, with the rank of lieutenant commander, from the 4th day of December, 1925.

The following-named dental surgeons to be dental surgeons in the Navy, with the rank of commander, from the 28th day of August, 1926:

Joseph A. Mahoney.

Marion E. Harrison.

John W. Crandall.

Passed Asst. Paymaster Frederick C. Beck to be a paymaster in the Navy, with the rank of lieutenant commander, from the 4th day of June, 1925.

Assistant Civil Engineer Charles R. Johnson to be a civil engineer in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1926.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 5th day of August, 1926:

Thomas G. Powers.

Frederick W. Sievert.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 5th day of August, 1926:

Allison A. Brock. Floyd L. Chapman.
Raymond V. Christmas. Stanley A. Mann.

Pay Clerk Stanley C. King to be a chief pay clerk in the Navy, to rank with but after ensign, from the 4th day of November, 1926.

POSTMASTERS

ARIZONA

Ruth L. Streett to be postmaster at Warren, Ariz., in place of C. T. Dupen. Incumbent's commission expired August 10, 1926.

CALIFORNIA

Alice E. Tate to be postmaster at Lone Pine, Calif., in place of A. E. Tate. Incumbent's commission expires February 24, 1927.

Bertram C. McMurray to be postmaster at Lancaster, Calif., in place of B. C. McMurray. Incumbent's commission expired December 21, 1926.

Charles E. Van Der Oef to be postmaster at Hawthorne, Calif., in place of W. A. Garton. Incumbent's commission expired March 4, 1926.

Edwin F. Heisser to be postmaster at Glendale, Calif., in place of D. R. Jackson. Incumbent's commission expired July 12, 1926.

COLORADO

Merrill D. Harshman to be postmaster at Wiggins, Colo., in place of M. D. Harshman. Incumbent's commission expires February 24, 1927.

William A. Russom to be postmaster at Bristol, Colo., in place of W. A. Russom. Incumbent's commission expires February 24, 1927.

FLORIDA

Thomas E. Farrell to be postmaster at Ojus, Fla. Office became presidential July 1, 1926.

Bessie S. May to be postmaster at Holly Hill, Fla. Office became presidential July 1, 1926.

GEORGIA

E. Stella Barrett to be postmaster at Union City, Ga., in place of E. S. Barrett. Incumbent's commission expires February 24, 1927.

David M. McKee to be postmaster at Moultrie, Ga., in place of D. M. McKee. Incumbent's commission expires February 14, 1927.

James P. Rose to be postmaster at Lyerly, Ga., in place of J. P. Rose. Incumbent's commission expired April 4, 1926.

Martha C. Aultman to be postmaster at Byron, Ga., in place of M. C. Aultman. Incumbent's commission expired April 24, 1926.

H. Ralph Smith to be postmaster at Brunswick, Ga., in place of L. J. Leavy, jr. Incumbent's commission expired June 4, 1924.

James A. Grant to be postmaster at Alto, Ga., in place of W. H. Bowman. Incumbent's commission expired March 8, 1926.

ILLINOIS

Gerald B. Weiss to be postmaster at Shipman, Ill., in place of G. B. Weiss. Incumbent's commission expired November 8, 1925.

Ray W. Birch to be postmaster at Neoga, Ill., in place of R. W. Birch. Incumbent's commission expires February 24, 1927.

Harry E. Flesher to be postmaster at Lexington, Ill., in place of H. E. Flesher. Incumbent's commission expires March 3, 1927.

George H. Bargh to be postmaster at Kinmundy, Ill., in place of G. H. Bargh. Incumbent's commission expires February 24, 1927.

Ross O. Bell to be postmaster at Heyworth, Ill., in place of R. O. Bell. Incumbent's commission expires February 24, 1927.

Seymour Van Deusen to be postmaster at Greenville, Ill., in place of Seymour Van Deusen. Incumbent's commission expires February 24, 1927.

Thomas E. Richardson to be postmaster at Flanagan, Ill., in place of T. E. Richardson. Incumbent's commission expires February 24, 1927.

Arthur G. Arnin to be postmaster at Columbia, Ill., in place of A. G. Arnin. Incumbent's commission expires February 24, 1927.

Sheldon J. Porterfield to be postmaster at Chatsworth, Ill., in place of S. J. Porterfield. Incumbent's commission expires February 24, 1927.

Percy Gaston to be postmaster at Centralia, Ill., in place of Harry Langewisch. Incumbent's commission expired December 22, 1925.

Edwin E. Jones to be postmaster at Bloomington, Ill., in place of E. E. Jones. Incumbent's commission expires March 3, 1927.

Marion F. Watt to be postmaster at Atlanta, Ill., in place of M. F. Watt. Incumbent's commission expires February 24, 1927.

INDIANA

Stella D. Evans to be postmaster at Russellville, Ind., in place of S. D. Evans. Incumbent's commission expired December 11, 1926.

Vernon D. Macy to be postmaster at Mooresville, Ind., in place of V. D. Macy. Incumbent's commission expired January 30, 1927.

Ilah M. Dausman to be postmaster at Goshen, Ind., in place of I. M. Dausman. Incumbent's commission expired January 30, 1927.

Allen J. Wilson to be postmaster at Danville, Ind., in place of A. J. Wilson. Incumbent's commission expires February 24, 1927.

IOWA

Jennie M. Thomsen to be postmaster at Royal, Iowa, in place of J. M. Thomsen. Incumbent's commission expires February 24, 1927.

Susana F. O'Bryan to be postmaster at Lovilia, Iowa, in place of S. F. O'Bryan. Incumbent's commission expires February 24, 1927.

KANSAS

Margaret M. Marks to be postmaster at Oberlin, Kans., in place of M. M. Marks. Incumbent's commission expires February 24, 1927.

Adna E. Palmer to be postmaster at Kingman, Kans., in place of A. E. Palmer. Incumbent's commission expires February 24, 1927.

KENTUCKY

Burton Roberts to be postmaster at Richmond, Ky., in place of R. R. Burnam, jr., resigned.

Lottie P. Thompson to be postmaster at Sadieville, Ky., in place of L. P. Thompson. Incumbent's commission expired November 23, 1925.

Fountain S. Aynes to be postmaster at Pleasureville, Ky., in place of F. S. Aynes. Incumbent's commission expired August 4, 1926.

Lewis A. McCoy to be postmaster at Owingsville, Ky., in place of L. A. McCoy. Incumbent's commission expired December 30, 1926.

H. Greene Hicks to be postmaster at Olive Hill, Ky., in place of H. G. Hicks. Incumbent's commission expired March 13, 1926.

Tom H. Brown to be postmaster at Millersburg, Ky., in place of T. H. Brown. Incumbent's commission expired June 8, 1926.

Newell R. Downing to be postmaster at Mays Lick, Ky., in place of N. R. Downing. Incumbent's commission expired August 14, 1926.

John B. Searcy to be postmaster at Lawrenceburg, Ky., in place of J. B. Searcy. Incumbent's commission expired December 4, 1926.

Sue C. Beardsley to be postmaster at Harrodsburg, Ky., in place of S. C. Beardsley. Incumbent's commission expired April 7, 1926.

William M. Maffett to be postmaster at Cynthiana, Ky., in place of W. M. Maffett. Incumbent's commission expired August 4, 1926.

James W. Burns to be postmaster at Catlettsburg, Ky., in place of J. W. Burns. Incumbent's commission expires February 5, 1927.

Ward H. Metcalfe to be postmaster at Brooksville, Ky., in place of W. H. Metcalfe. Incumbent's commission expired June 8, 1926.

LOUISIANA

James L. Love to be postmaster at Olla, La. Office became presidential July 1, 1926.

Adrian I. Wilcombe to be postmaster at Hammond, La., in place of J. A. Richard, resigned.

Dudley V. Wigner to be postmaster at Vidalia, La., in place of D. V. Wigner. Incumbent's commission expires February 24, 1927.

Theophile P. Talbot to be postmaster at Napoleonville, La., in place of T. P. Talbot. Incumbent's commission expires February 24, 1927.

MARYLAND

John S. Dean to be postmaster at North East, Md., in place of J. H. Dean, deceased.

MASSACHUSETTS

Frederick H. Buckley to be postmaster at Natick, Mass., in place of J. H. Pratt, resigned.

Harry T. Downes to be postmaster at Hanover, Mass., in place of H. T. Downes. Incumbent's commission expires February 24, 1927.

Berton Williams to be postmaster at Ayer, Mass., in place of Berton Williams. Incumbent's commission expires February 24, 1927.

MICHIGAN

Chauncey A. Harris to be postmaster at Pontiac, Mich., in place of F. B. Babcock. Incumbent's commission expired December 4, 1926.

MINNESOTA

Samuel A. Nystrom to be postmaster at Watertown, Minn., in place of S. A. Nystrom. Incumbent's commission expires February 9, 1927.

George W. Kiefer to be postmaster at Lewiston, Minn., in place of G. W. Kiefer. Incumbent's commission expired March 18, 1926.

Frank A. Lindbergh to be postmaster at Crosby, Minn., in place of F. A. Lindbergh. Incumbent's commission expires February 24, 1927.

Nellie M. Watkins to be postmaster at Clinton, Minn., in place of N. M. Watkins. Incumbent's commission expired January 4, 1927.

Frank L. Lane to be postmaster at Bigelow, Minn., in place of F. L. Lane. Incumbent's commission expires February 24, 1927.

MISSISSIPPI

Walter L. Collins to be postmaster at Union, Miss., in place of W. L. Collins. Incumbent's commission expires February 24, 1927.

Prentice O'Rear to be postmaster at Columbus, Miss., in place of Prentice O'Rear. Incumbent's commission expires February 24, 1927.

MISSOURI

Edwin H. Laubert to be postmaster at Mayview, Mo., in place of L. M. Bertsch. Incumbent's commission expired August 24, 1925.

John R. Edwards to be postmaster at Dawn, Mo., in place of J. R. Edwards. Incumbent's commission expires February 23, 1927.

George L. Pemberton to be postmaster at Charleston, Mo., in place of G. L. Pemberton. Incumbent's commission expires February 23, 1927.

Everett Drysdale to be postmaster at Butler, Mo., in place of Everett Drysdale. Incumbent's commission expires February 23, 1927.

MONTANA

Joseph Brooks to be postmaster at Livingston, Mont., in place of Joseph Brooks. Incumbent's commission expires February 23, 1927.

Estella K. Smith to be postmaster at Lima, Mont., in place of E. K. Smith. Incumbent's commission expired January 30, 1927.

Roy W. Broman to be postmaster at Ismay, Mont., in place of R. W. Broman. Incumbent's commission expires February 23, 1927.

Duncan Gillespie to be postmaster at Windham, Mont. Office became presidential July 1, 1926.

NEBRASKA

Harvey A. Loerch to be postmaster at Tekamah, Nebr., in place of H. A. Loerch. Incumbent's commission expires February 24, 1927.

Harry S. Prouty to be postmaster at Spencer, Nebr., in place of H. S. Prouty. Incumbent's commission expires February 24, 1927.

Charles T. Gammon to be postmaster at Rushville, Nebr., in place of C. T. Gammon. Incumbent's commission expires February 24, 1927.

James W. Holmes to be postmaster at Plattsmouth, Nebr., in place of J. W. Holmes. Incumbent's commission expires February 24, 1927.

Frederick H. Davis to be postmaster at Madison, Nebr., in place of F. H. Davis. Incumbent's commission expires February 24, 1927.

Frederick Nielsen to be postmaster at Lexington, Nebr., in place of Frederick Nielsen. Incumbent's commission expires February 24, 1927.

Verne W. Langford to be postmaster at Laurel, Nebr., in place of V. W. Langford. Incumbent's commission expired June 17, 1926.

Harry C. Haverly to be postmaster at Hastings, Nebr., in place of H. C. Haverly. Incumbent's commission expires February 24, 1927.

Vernon D. Hill to be postmaster at Diller, Nebr., in place of V. D. Hill. Incumbent's commission expires February 24, 1927.

Lottie B. Trumble to be postmaster at Hazard, Nebr. Office became presidential July 1, 1926.

NEVADA

Annie J. Christensen to be postmaster at Fernley, Nev., in place of A. J. Christensen. Incumbent's commission expires February 19, 1927.

NEW HAMPSHIRE

Joseph H. Geisel to be postmaster at Manchester, N. H., in place of J. H. Geisel. Incumbent's commission expires February 24, 1927.

Charles H. Bean to be postmaster at Franklin, N. H., in place of C. H. Bean. Incumbent's commission expires February 24, 1927.

NEW JERSEY

Frederick C. Docker to be postmaster at Oxford, N. J., in place of F. C. Docker. Incumbent's commission expires February 10, 1927.

Richard Watt to be postmaster at Garwood, N. J., in place of Richard Watt. Incumbent's commission expires February 10, 1927.

Alfred J. Perkins to be postmaster at Atlantic City, N. J., in place of A. J. Perkins. Incumbent's commission expires February 24, 1927.

Harry Simmons to be postmaster at Rahway, N. J., in place of Peter Tillman, deceased.

NEW MEXICO

Chester G. Parsons to be postmaster at Wagon Mound, N. Mex., in place of C. G. Parsons. Incumbent's commission expires February 24, 1927.

Charles B. Thacker to be postmaster at Raton, N. Mex., in place of C. B. Thacker. Incumbent's commission expires February 24, 1927.

Emma A. Coleman to be postmaster at Lovington, N. Mex., in place of Charlie McDonald. Incumbent's commission expired March 16, 1926.

NEW YORK

Earl J. Conger to be postmaster at Waterville, N. Y., in place of E. J. Conger. Incumbent's commission expires February 24, 1927.

Carroll F. Simpson to be postmaster at Phoenicia, N. Y., in place of C. F. Simpson. Incumbent's commission expires February 24, 1927.

William A. Baldwin to be postmaster at Norwich, N. Y., in place of W. A. Baldwin. Incumbent's commission expires February 24, 1927.

Harry T. Nowlan to be postmaster at Newark Valley, N. Y., in place of H. T. Nowlan. Incumbent's commission expired January 11, 1927.

Sumter L. Happy to be postmaster at Mount Vernon, N. Y., in place of S. L. Happy. Incumbent's commission expires February 9, 1927.

Walter L. Bibbey to be postmaster at Fort Edward, N. Y., in place of W. L. Bibbey. Incumbent's commission expires February 24, 1927.

Harrison D. Todd to be postmaster at Arkville, N. Y., in place of H. D. Todd. Incumbent's commission expires February 24, 1927.

NORTH CAROLINA

Elinor C. Cleaveland to be postmaster at Highlands, N. C., in place of E. C. Cleaveland. Incumbent's commission expires February 6, 1927.

Eugene L. Schuyler to be postmaster at Lowgap, N. C. Office became presidential July 1, 1926.

NORTH DAKOTA

Ira L. Walla to be postmaster at Arnegard, N. Dak., in place of I. L. Walla. Incumbent's commission expired March 8, 1926.

Lottie E. Dettman to be postmaster at Judson, N. Dak. Office became presidential July 1, 1926.

OHIO

Wilbur C. Ledman to be postmaster at Zanesville, Ohio, in place of W. C. Ledman. Incumbent's commission expires February 24, 1927.

Charles F. Decker to be postmaster at Vermilion, Ohio, in place of C. F. Decker. Incumbent's commission expires February 23, 1927.

OKLAHOMA

Edith B. Foster to be postmaster at Wagoner, Okla., in place of E. B. Foster. Incumbent's commission expires February 24, 1927.

Elmer D. Rook to be postmaster at Sayre, Okla., in place of E. D. Rook. Incumbent's commission expires February 23, 1927.

PENNSYLVANIA

Edgar Matthews, sr., to be postmaster at Royersford, Pa., in place of Edgar Matthews, sr. Incumbent's commission expired February 1, 1927.

Robert H. Stickler to be postmaster at Lansford, Pa., in place of R. H. Stickler. Incumbent's commission expired February 1, 1927.

George R. Fleming to be postmaster at Haverford, Pa., in place of G. R. Fleming. Incumbent's commission expired February 1, 1927.

Earl H. Hilgert to be postmaster at Cresco, Pa., in place of E. H. Hilgert. Incumbent's commission expires February 14, 1927.

James D. Scott to be postmaster at Coatesville, Pa., in place of J. D. Scott. Incumbent's commission expired February 24, 1926.

James C. Whitby to be postmaster at Bryn Mawr, Pa., in place of J. C. Whitby. Incumbent's commission expired February 1, 1927.

SOUTH CAROLINA

Benjamin F. Foreman to be postmaster at Allendale, S. C., in place of B. F. Foreman. Incumbent's commission expires February 23, 1927.

SOUTH DAKOTA

Albert P. Monell to be postmaster at Stickney, S. Dak., in place of A. P. Monell. Incumbent's commission expired December 4, 1926.

TEXAS

Nena M. Iiams to be postmaster at Sugar Land, Tex., in place of A. S. Watson, resigned.

Peter W. Henry to be postmaster at Henrietta, Tex., in place of J. M. Van Houten, resigned.

Walter K. Weber to be postmaster at Coupland, Tex., in place of H. L. Copeland, resigned.

Hiram H. McGuffey to be postmaster at Three Rivers, Tex., in place of H. H. McGuffey. Incumbent's commission expired December 23, 1926.

Thomas M. Welch to be postmaster at Palestine, Tex., in place of T. M. Welch. Incumbent's commission expires February 24, 1927.

James E. Moore to be postmaster at Lometa, Tex., in place of J. E. Moore. Incumbent's commission expired December 4, 1926.

Edwin C. Hill to be postmaster at El Campo, Tex., in place of E. C. Hill. Incumbent's commission expired August 26, 1926.

VERMONT

Ralph Gaul to be postmaster at North Bennington, Vt., in place of Ralph Gaul. Incumbent's commission expired December 9, 1926.

VIRGINIA

Percy Bradshaw to be postmaster at Zuni, Va., in place of S. L. Lewis, resigned.

Tivy E. Jenkins to be postmaster at Wilder, Va., in place of T. E. Jenkins. Incumbent's commission expires February 24, 1927.

Robert A. Anderson to be postmaster at Marion, Va., in place of G. H. Wheeler. Incumbent's commission expired December 19, 1926.

Willie A. Roach to be postmaster at Durmid, Va., in place of W. A. Roach. Incumbent's commission expired September 22, 1926.

Blanche M. E. Harris to be postmaster at Crozet, Va., in place of B. M. E. Harris. Incumbent's commission expires February 24, 1927.

WASHINGTON

Robert L. Wright to be postmaster at Omak, Wash., in place of L. S. Overholt, resigned.

Ira S. Fields to be postmaster at Woodland, Wash., in place of I. S. Fields. Incumbent's commission expires February 24, 1927.

Edward Hinkley to be postmaster at Snohomish, Wash., in place of Edward Hinkley. Incumbent's commission expires February 24, 1927.

Frank Givens to be postmaster at Port Orchard, Wash., in place of Frank Givens. Incumbent's commission expires February 24, 1927.

Maud E. Hays to be postmaster at Starbuck, Wash., in place of M. E. Hays. Incumbent's commission expires February 24, 1927.

Tolaver T. Richardson to be postmaster at Northport, Wash., in place of T. T. Richardson. Incumbent's commission expires February 24, 1927.

WISCONSIN

Frederick N. Lochemes to be postmaster at St. Francis, Wis., in place of F. N. Lochemes. Incumbent's commission expires February 23, 1927.

George C. Dobbs to be postmaster at Conover, Wis., in place of G. C. Dobbs. Incumbent's commission expires February 23, 1927.

James H. Wagner to be postmaster at Chilton, Wis., in place of Herman Rau. Incumbent's commission expired September 12, 1926.

Henry J. S. Hanson to be postmaster at Bayfield, Wis., in place of H. J. S. Hanson. Incumbent's commission expires February 23, 1927.

Charlotte G. Johnson to be postmaster at Amherst, Wis., in place of M. R. Brandt. Incumbent's commission expired January 21, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 4, 1927

COMMISSIONERS OF THE DISTRICT OF COLUMBIA

Proctor L. Dougherty.
Sidney F. Taliaferro.

CLERK OF UNITED STATES COURT FOR CHINA

J. Marvin Howes.

UNITED STATES MARSHAL

Harry S. Hubbard to be United States marshal, district of Porto Rico.

POSTMASTERS

GEORGIA

James A. Brackett, Blairsville.
Corine E. Dickerson, Homerville.

IDAHO

Osmond Buchanan, Blackfoot.
John L. Rooke, Cottonwood.

ILLINOIS

Evan Harris, Gillespie.
Warren E. Wright, Murrayville.
John F. Mains, Stronghurst.
David G. Birkett, Washington.

IOWA

Charlie M. Willard, Persia.
Samuel C. Laverty, Promise City.

KENTUCKY

Walter Creech, Cumberland.

MAINE

James Mahaney, Cherryfield.

MARYLAND

Howard E. Dixon, Brunswick.
Harry R. Kinnaman, Myersville.
Philip E. Huntt, Waldorf.

MICHIGAN

Grace Tillie, Honor.
Perry Anderson, Stanwood.
Gertrude S. Scott, Sterling.

MISSISSIPPI

James S. Niles, Kosciusko.
Mary E. Cain, Vaiden.

MONTANA

Prince A. Mowbray, Brady.
Fred N. Weed, Terry.

NEW JERSEY

Walter W. Whitman, Pleasantville.
Edward J. Tidaback, Short Hills.
Wilbur Fuller, Sussex.

NEW MEXICO

Timothy B. Baca, Belen.
Pearl Hare, Bloomfield.
Augustin F. Sisneros, Espanola.

NEW YORK

Christopher Martin, Altamont.
Hilbert W. Becker, Brightwaters.
Michael Gleason, Carthage.
Maurice M. Parker, Deferiet.
Emil M. Pabst, Huntington Station.
Charles G. Mackey, jr., Milton.
Henry A. Holley, Otisville.
Henry E. Johnston, Spencer.
Frank L. Millen, Watkins Glen.
Albert A. Patterson, Willsboro.

NORTH DAKOTA

Carl Indergard, Belfield.
Inez Grams, Bowbells.
John W. Vogel, Coleharbor.
Milo C. Merrill, Flaxton.
Ruth Ellickson, Regent.
Josephine M. Lierboe, Turtle Lake.

OHIO

Leonard T. Cool, Canton.
Jesse L. Bales, Jackson.
Rossiter S. Williams, Oak Hill.
Eugene G. Dick, Oberlin.
Edward J. Cranmer, Ostrander.
Claude E. Gardner, Powell.
Minnie A. Jackson, Rockford.
William E. Thomas, Wellston.

OKLAHOMA

Eugene F. Harreld, Ardmore.
Roscoe E. Robertson, Eufaula.
Charles C. Sellers, Quapaw.

PENNSYLVANIA

Harry M. Bowman, Annville.
Harry H. Wilson, Blairsville.
Floyd A. Hellyer, Cranesville.
Anna M. Black, Flora Dale.
Ralph B. Kunkle, Homer City.
Otto R. Baer, Irwin.
Wilbur C. Johnson, Lopez.
William H. Young, McDonald.
John S. Steinmetz, Richland.
James S. Fennell, Salina.
George W. Kreidler, Yoe.

TENNESSEE

Anderson W. Warren, Waverly.

VIRGINIA

Agnes L. Ivey, Catlett.
William B. Dew, Sweet Briar.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 4, 1927*

The House met at 12 o'clock noon.

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

O love divine, accept our tribute of praise and thanksgiving. We would say, Holy, holy, holy, Lord God Almighty. Lead us to strive to be worthy of all, and may evil lose its power over us. Imbue us thoroughly with a spirit of love for our country and devotion to its lasting welfare. When the way is steep and straight, long and lonely, come from behind the clouds and be the beacon light on the upward journey. Through stress and strain and storm may we know that God is God and blessed forevermore. May our directive purpose for this day be for God and our dear homeland. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, 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. 16462, entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes."

The message also announced that the Senate had passed with amendments House bill of the following title, in which the concurrence of the House is requested:

H. R. 11601. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, etc.

The message also announced that the Vice President had appointed Mr. HALE and Mr. SWANSON members of the joint committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Navy Department.

ENROLLED BILLS SIGNED

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

H. R. 2190. An act for the relief of Agnes W. Wilcox;

H. R. 2994. An act for the relief of Harry J. Dabel;

H. R. 3664. An act to correct the military record of Daniel C. Darroch;

H. R. 5085. An act to remove the charge of desertion from and correct the naval record of Louis Nemec, otherwise known as Louis Nemeck;

H. R. 5243. An act to promote the mining of potash on the public domain;

H. R. 5486. An act for the relief of Levi Wright;

H. R. 6384. An act to amend the acts of June 7, 1924, and March 3, 1925, granting certain public lands to the city of Phoenix, Ariz.;

H. R. 7563. An act to amend section 4900 of the United States Revised Statutes;

H. R. 7849. An act for the relief of Ella Miller;

H. R. 8784. An act for the relief of Bertha M. Leville;

H. R. 8923. An act for the relief of Sheffield Co., a corporation of Americus, Ga.;

H. R. 9061. An act to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a "Knight of the Order of Dannebrog";

H. R. 9268. An act to amend the agricultural credits act of 1923;

H. R. 9433. An act for the relief of Alexander Edward Metz;

H. R. 9919. An act for the relief of Stanton & Jones;

H. R. 10082. An act to permit construction, maintenance, and use of certain pipe lines for petroleum and its products;

H. R. 10424. An act to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of La Grange, Ga.;

H. R. 10901. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska;

H. R. 11139. An act for the relief of Celestina Mateos;

H. R. 11174. An act to amend section 8 of the act of September 1, 1916 (39 Stat. L. p. 716), and for other purposes;

H. R. 11259. An act to reimburse or compensate James E. Parker for money, clothing, and other property misplaced or appropriated by United States authorities during the World War;

H. R. 11586. An act for the relief of Fannie B. Armstrong;

H. R. 12109. An act to amend section 115b of subchapter 3 of chapter 1 of the District of Columbia Code;

H. R. 12110. An act to amend section 1135, chapter 31, of the District of Columbia Code;

H. R. 12952. An act to authorize the village of Decatur, in the State of Nebraska, to construct a bridge across the Missouri River between the States of Nebraska and Iowa;

H. R. 13451. An act to increase the pensions of certain maimed veterans who have lost limbs or have been totally disabled in the same, in line of duty, in the military or naval service of the United States; and to amend section 4788 of the Revised Statutes of the United States by increasing the rates therein for artificial limbs;

H. R. 13453. An act to amend the act providing additional aid for the American Printing House for the Blind;

H. R. 13778. An act for the relief of certain citizens of Eagle Pass, Tex.;

H. R. 14250. An act to authorize reimposition and extension of the trust period on lands held for the use and benefit of the Capitan Grande Band of Indians in California;

H. R. 15127. An act for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925;

H. R. 16023. An act relating to the transfusion of blood by members of the Military Establishment;

H. J. Res. 53. House joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved December 23, 1924; and

H. J. Res. 100. House joint resolution to authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska.

LEAVE OF ABSENCE

Mr. FREAR. Mr. Speaker, I ask unanimous consent for the indefinite leave of absence for my colleague [Mr. LAMPERT] on account of sickness in his family.

The SPEAKER. Without objection, the leave is granted.

There was no objection.

URGENT DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

Mr. WOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes.

Mr. GARNER of Texas. Mr. Speaker, I think we ought to have a quorum on this very important matter. I want the House to understand the issues involved.

Mr. TILSON. Let me say to the gentleman from Texas that Members are coming in rapidly, and it may be as we go along there will be no need for a roll call.

The SPEAKER. The Clerk will report the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, and 6, and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "$1,500,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 4, 7, 8, 9, and 10.

WILLIAM R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

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

Mr. BLACK of Texas. Will the gentleman yield for a question before he makes that motion?

Mr. WOOD. I will.

Mr. BLACK of Texas. As I understand the conference agreement, it provides for $1,500,000 for the purchase of a site for a Supreme Court building?

Mr. WOOD. Yes.

Mr. BLACK of Texas. The site which I understand it is proposed to purchase includes the Congressional Apartments and other buildings, and it means that all those buildings, some of them splendid structures, will have to be torn down and scrapped to construct this new building on that site. Does the gentleman think that ought to be done? Does he not think a site could have been procured without that necessity and without that enormous cost?

It looks to me like an act of criminal waste to tear down these perfectly good buildings where other sites are available without that necessity.

Mr. WOOD. It might be possible to acquire another site at less cost if we go out in the suburbs, but for the improvement of the city in accordance with the program, the gentlemen whose business it was to select a site for the Supreme Court thought that this was the proper place upon which to locate it.

Mr. BLACK of Texas. Who did select the site?

Mr. WOOD. The committee that has been established with reference to the building program.

Mr. BLACK of Texas. Does the amendment provide that condemnation proceedings shall be resorted to, or is it to be purchased at that price?

Mr. WOOD. Here is the situation: The committee was informed that the assessed value of that property is practically $900,000; that the sale value was in the neighborhood of $1,500,000. They asked for $1,700,000, but we thought that we might aid them some by restricting the amount of the appropriation, and we made the amount what seemed to be by investigation of the Supervising Architect a fair sale value of that property.

I wish to state that the Supreme Court, while it does not have the right to decide where to locate this building, has indicated approval of this location.

Mr. BLACK of Texas. The assessed value of the property is $900,000, and this amendment proposes to pay $600,000 more for the site than the assessed value. I protest against it, and will certainly do what I can to defeat the conference report.

Mr. WOOD. No; it is not proposed to pay $600,000 more than the assessed value. They asked for an appropriation of $1,700,000. If we have to resort to condemnation proceedings, the value will be fixed by the court upon the evidence. If they can agree to purchase without condemnation, they want an appropriation sufficiently large, so that there will be no hitch in the commencement of the construction.

COTTON

Mr. ASWELL. Will the gentleman yield me two minutes?

Mr. WOOD. I will yield to the gentleman from Louisiana two minutes.

Mr. ASWELL. Mr. Speaker, the world loves a champion and rejoices in victory. In the gallery of this House to-day are the 10 cotton-growing champions of America. By the use of brain as well as brawn, the mind as well as the hand, they have produced startling results in the production of cotton. I would like to give a few examples of their accomplishment in view of the present strained situation with reference to agriculture in America. The cost per pound by these champions was reduced from 18 cents to 6 and 9 cents a pound.

Mr. Cox, State champion of Georgia, made a profit last year, while the price of cotton was so low, of $71.25 per acre. [Applause.] Mr. Connella, State champion of Louisiana, made a profit of $65.59. [Applause.] Mr. G. Mont Adams, of Texas, a profit of $43.41 per acre. [Applause.] Miss Elga Daniels, of Texas [applause], a profit of $45.75 per acre. And the most amazing achievement was that of Mr. Harrell, State champion of Tennessee, who made a profit of $132.05. [Loud applause.] Then, also, there are Mr. Elstner Beall, of Arkansas, with a profit of $31.50; and Mr. Pierce Adams, of Arkansas, with $76.40 profit per acre.

Mr. Speaker, these farmers deserve the plaudits of the Congress and of the American people for showing that, through the use of intellectual activities as well as physical, cotton and other agricultural products can be raised at a profit. I take great pleasure in acknowledging the honor that I have in presenting to this House these 10 cotton champions who now sit in the gallery of the House. [Applause, the Members rising.]

URGENCY DEFICIENCY APPROPRIATION BILL—CONFERENCE REPORT

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

The question was taken.

Mr. BLACK of Texas. Mr. Speaker, I object to the vote, and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty Members present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and there were—yeas 295, nays 49, answered "present" 2, not voting 87, as follows:

[Roll No. 24]

YEAS—295

Abernethy	Bulwinkle	Douglass	Glynn
Ackerman	Burdick	Dowell	Goodwin
Adkins	Burton	Drane	Green, Fla.
Aldrich	Butler	Drewry	Green, Iowa
Allen	Byrns	Driver	Greenwood
Allgood	Campbell	Dyer	Griest
Andresen	Canfield	Eaton	Griffin
Andrew	Carter, Calif.	Elliott	Hadley
Appleby	Carter, Okla.	Ellis	Hale
Arentz	Celler	Englebright	Hall, Ind.
Arnold	Chalmers	Esterly	Hall, N. Dak.
Aswell	Chindblom	Evans	Hardy
Ayres	Christopherson	Fairchild	Harrison
Bacharach	Clague	Faust	Hawley
Bacon	Cochran	Fenn	Hayden
Bailey	Cole	Fish	Hersey
Bankhead	Collier	Fisher	Hickey
Barbour	Collins	Fitzgerald, Roy G.	Hill, Md.
Beck	Colton	Fitzgerald, W. T.	Hogg
Beedy	Connery	Fletcher	Holaday
Beers	Connolly, Pa.	Fort	Hooper
Begg	Cooper, Wis.	Frear	Houston
Bixler	Corning	Fredericks	Hudson
Black, N. Y.	Cramton	Free	Hudspeth
Bland	Crowther	Freeman	Hull, Tenn.
Bloom	Crumpacker	French	Hull, Morton D.
Boies	Dallinger	Frothingham	Hull, William E.
Bowman	Darrow	Funk	Irwin
Boylan	Davenport	Furlow	Jacobstein
Brand, Ohio	Davey	Gallivan	Jenkins
Briggs	Davis	Gambrill	Johnson, Ind.
Brigham	Denison	Gardner, Ind.	Johnson, S. Dak.
Browne	Dickinson, Iowa	Garner, Tex.	Johnson, Wash.
Browning	Dickinson, Mo.	Garrett, Tenn.	Kahn
Brumm	Dominick	Garrett, Tex.	Kearns
Buchanan	Doughton	Gibson	Keller
Kerr	Montague	Schafer	Tydings
Ketcham	Mooney	Schneider	Underhill
Kiefner	Moore, Ky.	Scott	Underwood
Kiess	Moore, Ohio	Sears, Fla.	Updike
Knutson	Moore, Va.	Seger	Vaile
Kopp	Morgan	Shreve	Vare
Kunz	Morrow	Simmons	Vestal
Kurtz	Nelson, Mo.	Sinclair	Vincent, Mich.
Lanham	Newton, Minn.	Sinnott	Vinson, Ga.
Leatherwood	Norton	Smith	Vinson, Ky.
Leavitt	O'Connell, N. Y.	Smithwick	Voigt
Lehlbach	O'Connell, R. I.	Somers, N. Y.	Wainwright
Lindsay	Oldfield	Speaks	Walters
Lineberger	Patterson	Spearing	Warren
Linthicum	Peavey	Sproul, Ill.	Wason
Luce	Peery	Sproul, Kans.	Watres
Lyon	Perkins	Stalker	Watson
McDuffie	Porter	Stedman	Weaver
McKeown	Pou	Stobbs	Weller
McLaughlin, Nebr.	Pratt	Strong, Kans.	Welch, Calif.
McLeod	Purnell	Strong, Pa.	Wheeler
McMillan	Quayle	Summers, Wash.	White, Kans.
McReynolds	Quin	Sumners, Tex.	White, Me.
McSweeney	Ragon	Swank	Whitehead
MacGregor	Ramseyer	Sweet	Whittington
Magee, N. Y.	Ransley	Swing	Williams, Ill.
Magee, Pa.	Rathbone	Taylor, Colo.	Williams, Tex.
Magrady	Reece	Temple	Williamson
Major	Reed, Ark.	Thatcher	Wilson, La.
Manlove	Reed, N. Y.	Thomas	Winter
Mapes	Reid, Ill.	Thompson	Wolverton
Martin, La.	Robsion, Ky.	Thurston	Wood
Martin, Mass.	Rogers	Tillman	Woodruff
Menges	Romjue	Tilson	Wright
Michaelson	Rowbottom	Timberlake	Wurzbach
Michener	Sabath	Tincher	Yates
Miller	Sanders, N. Y.	Tolley	Zihlman
Mills	Sandlin	Treadway	

NAYS—49

Almon	Fulmer	Kincheloe	Rouse
Black, Tex.	Garber	Kirk	Rubey
Blanton	Gasque	Kvale	Rutherford
Box	Gilbert	Lankford	Sanders, Tex.
Brand, Ga.	Hammer	Larsen	Steagall
Busby	Hastings	Lowrey	Stevenson
Cannon	Hill, Ala.	Lozier	Taylor, W. Va.
Carss	Hill, Wash.	McClintic	Tucker
Chapman	Howard	McSwain	Wefald
Connally, Tex.	Jeffers	Morehead	Woodrum
Crisp	Johnson, Ky.	Oliver, Ala.	
Edwards	Johnson, Tex.	Rainey	
Eslick	Jones	Rankin	

ANSWERED "PRESENT"—2

Deal Sears, Nebr.

NOT VOTING—87

Anthony	Foss	Letts	Prall
Auf der Heide	Gifford	Little	Rayburn
Bachmann	Golder	McFadden	Robinson, Iowa
Barkley	Goldsborough	McLaughlin, Mich.	Shallenberger
Bell	Gorman	Madden	Snell
Berger	Graham	Mansfield	Sosnowski
Bowles	Hare	Mead	Stephens
Bowling	Haugen	Merritt	Strother
Britten	Hoch	Milligan	Sullivan
Burtness	Huddleston	Montgomery	Swartz
Carew	James	Morin	Swoope
Carpenter	Johnson, Ill.	Murphy	Taber
Cleary	Kelly	Nelson, Me.	Taylor, N. J.
Cooper, Ohio	Kemp	Nelson, Wis.	Taylor, Tenn.
Cox	Kendall	Newton, Mo.	Tinkham
Coyle	Kindred	O'Connor, La.	Upshaw
Crosser	King	O'Connor, N. Y.	Welsh, Pa.
Cullen	LaGuardia	Oliver, N. Y.	Wilson, Miss.
Curry	Lampert	Parker	Wingo
Dempsey	Lazaro	Parks	Woodyard
Dickstein	Lea, Calif.	Perlman	Wyant
Doyle	Lee, Ga.	Phillips	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Madden with Mr. Whitehead.
Mr. Anthony with Mr. Cullen.
Mr. Stephens with Mr. Goldsborough.
Mr. King with Mr. Lee of Georgia.
Mr. Newton of Missouri with Mr. Cleary.
Mr. Swoope with Mr. Bell.
Mr. Hoch with Mr. Sullivan.
Mr. Curry with Mr. Prall.
Mr. Dempsey with Mr. Rayburn.
Mr. Gifford with Mr. Doyle.
Mr. Johnson of Illinois with Mr. Kindred.
Mr. Graham with Mr. Mansfield.
Mr. McFadden with Mr. Mead.
Mr. Snell with Mr. Wingo.
Mr. Morin with Mr. Bowling.
Mr. Kendall with Mr. Parks.
Mr. McLaughlin of Michigan with Mr. Auf der Heide.
Mr. Welsh of Pennsylvania with Mr. Kemp.
Mr. Britten with Mr. Shallenberger.
Mr. Merritt with Mr. Wilson of Mississippi.
Mr. Strother with Mr. Cox.
Mr. Taylor of Tennessee with Mr. Little.
Mr. LaGuardia with Mr. O'Connor of Louisiana.
Mr. Kelly with Mr. Milligan.
Mr. Coyle with Mr. Lazaro.
Mr. Murphy with Mr. Upshaw.
Mr. Lampert with Mr. Oliver of New York.
Mr. James with Mr. Barkley.
Mr. Haugen with Mr. Carew.
Mr. Golder with Mr. Huddleston.

Mr. Parker with Mr. O'Connor of New York.
Mr. Taber with Mr. Hare.
Mr. Wyant with Mr. Lea of California.
Mr. Taylor of New Jersey with Mr. Dickstein.
Mr. Sosnowski with Mr. Berger.
Mr. Bachmann with Mr. Nelson of Wisconsin.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

RESIGNATION OF HON. OGDEN L. MILLS

The SPEAKER. The Chair lays before the House a communication and asks the attention of the Members to its reading, in view of the discussion which occurred yesterday.

The Clerk read as follows:

FEBRUARY 4, 1927.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Under date of February 2, 1927, I inclosed a copy of a letter from me to the Governor of the State of New York, tendering my resignation as a Representative in Congress, to take effect at noon on Thursday, February 3, 1927.

In the afternoon of February 2, having found that there was no occasion for the immediate assumption by me of my official duties as Undersecretary of the Treasury, I telephoned the secretary to the governor recalling my letter. You were notified of this action on February 2, but only after you had read to the House a copy of my letter to the governor.

I am sending herewith a copy of a letter just received from Hon. George B. Graves, secretary to the governor, confirming the fact that my resignation was withdrawn before the time on which it was to take effect, that it was never accepted, therefore, by the governor, and returning to me my letter of resignation.

I am writing you this letter in order to set the records straight, and trust that it may be published in the CONGRESSIONAL RECORD.

Very sincerely yours,

OGDEN L. MILLS.

STATE OF NEW YORK, EXECUTIVE CHAMBER,
Albany, February 3, 1927.

Hon. OGDEN L. MILLS,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: As you, of course, know, the governor was only too glad to comply with your request, and your letter dated February 2 is herewith returned.

Yours very truly,

GEO. B. GRAVES.

DISABLED EMERGENCY OFFICERS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein brief resolutions passed by the American Legion of South Carolina respecting the disabled reserve officers' retirement bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, under leave to print, I submit the following resolution passed by American Legion, Department of South Carolina, at its eighth annual convention, held at Chester, S. C., on August 6, 1926:

Whereas the American Legion, through its national legislative committee, has been trying for some seven years to have passed legislation providing for the retirement of disabled emergency officers; and

Whereas of the nine classes of officers who served the United States of America during the World War, eight classes enjoy the retirement privilege and only one class, the disabled emergency officers of the Army, do not, this being distinctly a discrimination against them; and

"Whereas a bill to wipe out this discrimination has been pending in some form in the National Congress for some eight years, has twice passed the United States Senate, has been approved and favorably reported by the World War Veterans' Committee of the House, and is now on the calendar of both Houses; and

"Whereas a majority of the Members of the Congress have expressed themselves as being in favor of the legislation; and

"Whereas it appears that the steering committee or some other committee of the House has consistently prevented the pending bill coming up for a vote; and

"Whereas the American Legion at each of its national conventions has overwhelmingly voted to have the proposed legislation passed and become a law: Now therefore be it

"*Resolved by the American Legion, Department of South Carolina, in convention assembled at Chester, S. C., on the 6th of August, 1926,* That we favor the passage of the bill now pending before Congress known as the Tyson-Fitzgerald bill for the retirement of disabled emergency officers, which provides that emergency officers who were disabled in the service of their country during the World War and who are permanently disabled to an extent of 30 per cent or more, be retired on the same basis as now provided for officers of the Regular Army and other classes of officers who were disabled in the service. Be it

"*Resolved further,* That copies of this resolution be sent our representatives in Congress, to the national adjutant of the American Legion, to the national legislative committee of the Legion, and that they be requested to use every possible effort to have the pending bill enacted into law at the next session of the present Congress."

I hereby certify that the above is a true copy of the resolution passed by the American Legion, Department of South Carolina, at its eighth annual convention held at Chester, S. C., on August 6, 1926.

[SEAL.] M. C. FOSTER,
Adjutant, the American Legion, Department of South Carolina.

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

The SPEAKER. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, Members of the House, I herewith present for consideration House Resolution No. 7 of the State of Oklahoma, requesting the Senate of the United States to pass Senate bill No. 3027 and the House of Representatives of the United States to pass bill No. 4548 in their present form, which said bills are designed to give much needed relief to the disabled emergency officers of the Army.

House Resolution 7, by Mr. Brown, requesting favorable action by the Congress of the United States on Senate bill No. 3027 and House bill No. 4548, now pending, pertaining to the retirement for disabled emergency officers of the World War on equal terms and conditions with officers of the Regular Army, the Navy, and Marine Corps

Whereas there is now pending in the Senate of the United States a bill known as the Tyson bill (Senate bill No. 3027) and a similar bill is pending in the House of Representatives of the United States known as the Fitzgerald bill (H. R. No. 4548); and

Whereas both of said bills provide for retirement of disabled emergency officers of the World War on equal terms and on the same conditions provided for other disabled officers of the Army, Navy, and Marine Corps; and

Whereas there were nine classes of officers in the World War, namely, (1) Regular Army officers, (2) regular naval officers, (3) regular Marine Corps officers, (4) provisional Army officers, (5) provisional naval officers, (6) provisional Marine Corps officers, (7) emergency Army officers, (8) emergency naval officers, (9) emergency Marine Corps officers; and

Whereas all officers disabled in line of duty in the service of the United States during the World War are granted retirement privileges, except the emergency Army officers disabled in line of duty, and

Whereas it is simple justice to the emergency Army officers who served in the World War and who were disabled to receive the same benefits accorded the other eight classes of officers: Therefore be it

Resolved by the House of Representatives of the State of Oklahoma, That we request the Senate of the United States to pass Senate bill No. 3027 and request the House of Representatives of the United States to pass House bill No. 4548 in their present form, which said bills are designed to give relief to said disabled emergency officers of the Army as provided in said bills; and be it further

Resolved, That the chief clerk of the house of representatives be instructed to furnish each Senator and Member of Congress from the State of Oklahoma, the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the chairman of the Rules Committee of the House of Representatives of the United States, the chairman of the steering committee of the House of Representatives of the United States, Congressman ROY FITZGERALD, and Senator LAWRENCE D. TYSON with a copy of this resolution.

EVOLUTION OF MEXICO

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the conditions, revolutions, and evolution of the Republic of Mexico.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Speaker, our relations with the Republic of Mexico are being subjected to a severe strain. All good Americans and I trust all good Mexicans are hoping for a wise, just, and permanent solution of our Mexican problem. In its consideration it is worth while to understand not only the present complicated conditions in Mexico, but we should familiarize ourselves with the history of our neighbor south of the Rio Grande.

While Mexico has many forward-looking, progressive, educated, and cultured people, a very large proportion of her population is illiterate and less enlightened than the people of the United States. Probably the masses in no modern nation have been exploited more by the classes than the people of Mexico. While Mexico is a Republic with a constitution and system of government patterned after and very similar to that of the

United States, still the great majority of the Mexican people have as yet but sparingly participated in governmental affairs. The natural resources of Mexico have been shamelessly exploited by the governing classes and financial overlords. Too often the Mexican people have had only the shadow and not the substance of free institutions.

Compared with the United States, Mexico is weak and defenseless, although she has a population of approximately 15,000,000. Because of our superior attainments in the science of government, our unparalleled national wealth and resources, our potential and actual military and naval power, and our exalted position among the nations of the earth, we should at all times deal with our weak and revolution-ridden sister republics with justice, generosity, and magnanimity.

Unfortunately, we are not very familiar with her history, her struggles, her unrest, her internal convulsions, and her many other perplexing problems. There is much in her history that shocks the conscience of mankind and much that appeals mightily to the hearts and better judgment of men. Her many unspeakable crimes I do not palliate. Many of her blunders I can not excuse. Many of her administrative policies I condemn unsparingly. But with all her faults, follies, mistakes, blunders, and at times vicious policies, there is much left in the history of the Mexican Republic and Mexican people to admire.

I wish ill to no man or nation. There is room enough in this old world to permit every existing and organized state to live, to prosper, and to work out its own national destiny. I would gladly see Mexico discard her nonprogressive policies, abandon her national habit of exploiting her people and natural resources, restrain tumult and disorder, restore internal tranquility and establish and maintain a just government, not for the favored classes and special-privilege groups alone, but for the masses without regard to their station in life or economic environment.

In short, I express the hope that Mexico may soon emerge from her travail, purged of her weaknesses, and rehabilitated in every branch of her government, so she may have a tighter grip on destiny and a clearer vision, comprehension, and appreciation of the functions of a just and stable government. Otherwise, she can not hope to enjoy the fruits of our Christian civilization and be a factor in the progress of the world.

In order that we may better understand the Mexican problem, with your permission I am going to enumerate some of the important events in the history of this next-door neighbor of ours and trace the "Evolution of Mexico" from an oppressed province of a decadent European power to a position of influence in the sisterhood of republics.

The history of Mexico in the last century is a record of almost countless revolutions. Spain ruled Mexico for 300 years, from 1521 to 1821. During the Spanish régime all offices were in possession of European Spaniards; and natives, though of Spanish blood, were denied participation in public affairs.

There were five revolutions against Spanish authority before Mexico gained her independence. The standard of revolt against Spain was first raised in Dolores, in 1810, by Don Miguel Hidalgo, a native priest, who probably contributed more to the cause of Mexican independence than any other one man. He was ably assisted by Ignacio Allende, a captain in the Spanish Army, who deserted to the insurgents. As all Mexico was dissatisfied with Spanish misrule, the eloquence of Hidalgo awakened the smoldering fires of Mexican patriotism, but after some temporary success this revolution collapsed.

In the latter part of 1810 Hidalgo promoted a second revolution, which ended in failure and the capture and execution of Hidalgo and Allende in July, 1811. The patriotism and glory of Hidalgo were tarnished by his atrocities, as thousands of Spaniards were put to death by his orders. But in taking the measure of this Mexican patriot, history must consider the time in which and the conditions under which he struggled. In attempting to hold Mexico in subjection Spain had committed innumerable acts of wanton cruelty, and it is not strange that the Mexicans, struggling for freedom, adopted a policy of retaliation and reprisals.

The third revolution, inaugurated in 1812, was led by Jose Maria Morelos, a curate of a village in Valladolid, who was both generous and brave. Born of obscure parentage, he was for a time a muleteer, but, being ambitious, he saved his earnings and acquired an education, being a pupil of Hidalgo when the latter was rector of the College of San Nicolas, at Valladolid. As a follower of Hidalgo in the first two uprisings, Morelos had attained the position of captain general of the southwestern provinces. With a few hundred troops, mostly negroes, he captured Acapulco, defeating a large party of troops. He organized a regular government and a congress was convened at Chilpanzingo that declared Mexico an independent government. After numerous victories and defeats, culminating in guerilla warfare, Morelos was captured and put to death in December, 1815.

A fourth revolution began in 1817. Gen. Francisco Xavier Mina, a Spanish soldier and adventurer, was its leader. In April, 1817, with 500 soldiers, he landed at Sota la Marina and marched into the interior. After capturing the rich city of Leon and winning several victories he was defeated and, with 25 of his followers, shot in November, 1817. Other vagrant bands were defeated, but Guadalupe Victoria held out for two years.

The fifth and final revolution against Spanish authority was begun by Don Augustin Iturbide, who had previously fought on the side of Spain. He was ably assisted by Vincente Guerrero and Guadalupe Victoria, insurgent leaders, who contributed much to the success of the revolutionary movement. On February 24, 1821, Iturbide proclaimed the celebrated "plan of Iguala," which declared Mexico a constitutional monarchy, independent of Spain, and guaranteed citizenship to all Mexicans who supported the revolution. This revolt was widespread. Creole troops and insurgent bands flocked to the standard of Iturbide, and after a feeble resistance Spanish authority was overthrown. On September 24, 1821, just seven months after the beginning of the revolution, Iturbide entered the capital of Mexico in triumph and the last vestige of Spanish authority over Mexico disappeared.

After acting as President and regent, the Mexican Congress, overawed to some extent by a mob demonstration in the capital, proclaimed Iturbide Emperor of Mexico, and on July 21, 1822, he was solemnly crowned amid pompous ceremonies under the name of Augustin I.

A sixth revolution was caused by Iturbide's abuse of power. In November a rebellion broke out in the northern provinces, but it was quickly subdued. On December 6, 1822, General Santa Anna, in the city of Vera Cruz, proclaimed a republic and headed a rebellion against Iturbide. Echavarri, one of Iturbide's generals, had been ordered to attack Santa Anna. Instead of doing this, he joined forces with Santa Anna, with whom Vincinte Guerrero, Guadalupe Victoria, and other insurgent leaders were cooperating. Encompassed by the hostile forces of these revolutionary generals, and surrounded by a people who were dissatisfied with his exercise of autocratic power, Iturbide, in despair, abdicated in March, 1823. Congress ignored his abdication, treated his election as void from the beginning, and after keeping him in custody for a season, deported him to Europe in May, 1823.

After the overthrow of Iturbide a provincial government was set up with Generals Victoria, Bravo, and Negrete as temporary executives until a federal republic was established, with a constitution modeled, to some extent, after that of the United States. This constitution was adopted in October, 1824, and General Guadalupe Victoria was chosen as the first constitutional President, General Nicolas Bravo was the first Vice President of the Republic.

Ambitious to reestablish himself, Iturbide went first to Italy, then to London, and in July, 1824, returned to Mexico in disguise, but was promptly arrested and executed by order of the Provincial Congress of Tamaulipas on July 24, five days after he landed at Soto la Marina.

The administration of Victoria was marked by a great degree of prosperity. Slavery was largely abolished in September, 1825. However, the people were divided into two political parties, between which the rivalry for supremacy was violent and bitter. The Escoces, like the Federalists of the United States, desired a strong centralized form of government and were accused of desiring to reestablish the monarchy. The Yorkinos, or Democratic Party, advocated the maintenance of the Federal Republic and were charged by their enemies with being anarchists and opposed to public order. The contest between these two parties was largely a struggle between two factions or groups of the Masonic fraternity for the control of Mexico. The Escoces Party was made up very largely of the adherents of Scottish Rite Masonry, while the Yorkinos Party included the Masons in Mexico who adhered to the ceremonies observed by the York Rite Masons. While each of these parties was controlled by one faction of the Masonic fraternity, the rank and file of each of the parties was made up of those not identified with Masonry. In the 1826 election both of these rival parties resorted to bribery and corruption, and in many districts the elections were declared illegal. The country was badly divided by these contending factions, and in 1826 and 1827 the Escoces, under the leadership of Vice President Bravo, brought about an insurrection. On January 7, 1828, the Escoces were defeated at Tulansingo by General Guerrero, the leader of the Yorkinos, and Government forces. This reverse broke forever the power of the Escoces as a factor in Mexican politics.

In the presidential election in 1828 Gen. Gomez Pedraza was the candidate of the Conservative Party, and Gen. Vincinte Guerrero was nominated by the Yorkinos. Pedraza was elected by only two electoral votes. The Yorkinos, declaring the result to have been accomplished by coercion, corruption, and bribery, resorted to arms. Santa Anna, the stormy petrel of Mexican history who had aided in the overthrow of Iturbide, at the head of 500 men took possession of the castle of Perote and proclaimed Guerrero President. After a brief, but sanguinary contest, President Pedraza waived his right to office and left the country in January, 1829, advising his partisans to submit to an unconstitutional President rather than again precipitate his distressed country in civil war.

Guerrero, who was a mulatto and once a slave, succeeded Victoria as President, April 1, 1829.

Taking advantage of the distracted condition of Mexico, Spain sought to reestablish her sovereignty. In July, 1829, a Spanish army under General Barradas landed at Cabo Rojo, near Tampico. Without waiting for orders, Santa Anna, who was governor and commander at Vera Cruz, marched against the Spaniards and defeated them in two engagements, and on September 11, 1829, the invading army surrendered, was disarmed, and sent to Habana. On September 15 of that year the total abolition of slavery was decreed, though the law was not fully enforced for years.

During the Spanish invasion, when the life of the nation was trembling in the balance, the Mexican Congress conferred on Guerrero dictatorial powers. After the defeat of the Spanish invasion, Guerrero refused to give up this autocratic power. This precipitated another revolution, led by Vice President Anastasio Bustamante, who commanded the army in Jalapa, and who proclaimed the restoration of the constitution. Guerrero was deserted by his army and deposed, and Bustamante elected President in his stead on January 11, 1830.

Guerrero fled to southern Mexico, where he made a war on his successor until January, 1831, when he was inveigled on board an Italian ship and delivered to his enemies. Condemned by a court-martial, he was shot in February, 1831.

Like Guerrero, Bustamante was not content to merely exercise his constitutional rights. In 1832 his assumption of dictatorial powers precipitated another revolution led by Santa Anna, who defeated the forces of Bustamante at Casas Blancas on November 12, 1832. Bustamante was overthrown and banished to Europe in 1833. The exiled Pedraza (who had been elected President in 1828, but denied the office) was recalled to serve the remaining three months of Bustamante's term, which expired April 1, 1833, on which date Gen. Antonio Lopez de Santa Anna became President and Valentin Gomez Farias Vice President. Within two weeks after Santa Anna began his administration an insurrection broke out within a few miles of the capital, the insurgents proclaiming their intention to make Santa Anna dictator. It was charged that the movement was inspired by Santa Anna, but realizing that the times were not propitious he gathered a large force and suppressed the uprising.

Santa Anna left the executive power in the hands of Vice President Farias and retired to his estate. Cockfighting, gambling, horse racing, intriguing, incubating rebellions, fostering revolutions, and plotting for imperial power were his chief occupations. He was dreaming of empire and impatiently awaited the time when he could proclaim himself master of Mexico in defiance of her constitutional form of government. Vice President Farias insisted on maintaining the constitution, which put him into almost constant collision with the resourceful Santa Anna, who was tirelessly plotting to establish himself as the autocrat of all Mexico. Some small insurrections against the Government were suppressed by Santa Anna. He was a favorite with the army, but unpopular with the people, who distrusted him.

Early in 1834 Santa Anna gathered around him the army and military chiefs and began a war against Farias, who was no mean antagonist. However, the revolutionary forces under Santa Anna prevailed, and early in January, 1835, Farias was overthrown and exiled. Santa Anna dissolved Congress that was hostile to his ambitions, and supported by the army and Centralist Party, in disregard of the constitution, he assumed dictatorial powers. A new Congress was convened and the Federal constitution of 1824 was abrogated. The Mexican States were abolished, or rather converted into departments under the absolute charge of military commanders appointed by the central government, which was republican in name only.

In harmony with his crafty purposes, Santa Anna, while still retaining the office of President, caused Gen. Miguel Barragan to be made provisional President. Santa Anna preferred for a time to leave the nominal administration of executive affairs to an official whose actions he could easily control but for whose maladministration he would nominally not be responsible. On the death of Barragan, March 1, 1835, the authority of Santa Anna became absolute. He was nominally President, but in reality dictator of Mexico. In 1835 Francisco Garcia, Governor of Zacatecas, revolted against Santa Anna, but was soon defeated, deprived of his office, and exiled to Texas.

At that time Texas was a part of Mexico. The Texans who were largely American colonists refused to submit to the dictatorship and asserted their independence. Santa Anna marched to subdue the Texans. The heroic defense of the Alamo by 150 Texans against a two weeks' siege by 4,000 Mexicans, is known to every American student. On March 6, 1836, the Alamo fell, but all of its gallant defenders, except about half a dozen, died fighting bravely. The survivors, except three women, were shot by order of Santa Anna. On April 21, 1836, at San Jacinto, 1,600 Mexicans under Santa Anna were decisively defeated by 783 Texans under the command of Gen. Samuel Houston. Santa Anna was captured on the following day. When brought before General Houston he arrogantly said:

> You were born to no ordinary destiny; you conquered the Napoleon of the West.

Santa Anna signed a treaty with the provisional President of Texas, David G. Burnett, in which the independence of Texas was recognized and the Mexican Army retired beyond the Rio Grande.

After being held in custody for several months, Santa Anna was sent to the United States, and in February, 1837, President Jackson returned him to Mexico on an American man-of-war. He was coldly received, and conscious of his loss of popularity he retired to his estate to await another turn of the wheel of fortune.

The treaty made by Santa Anna with the Texans was repudiated by the Mexican Congress and disavowed by Santa Anna himself on his return to Mexico. Nevertheless Mexico did not thereafter make any vigorous efforts to recover the lost Province of Texas.

The absence and captivity of Santa Anna unsettled conditions in Mexico. Bustamante was recalled from exile in 1836 and afterwards elected President of the Republic, beginning his administration April 19, 1837. Soon thereafter General Urrea, of Tampico, revolted, and while Bustamante was engaged in suppressing this rebellion Santa Anna became President ad interim. In 1838 Generals Urrea and Mejia headed another uprising. President Bustamante, having confidence in the military ability of Santa Anna, placed him at the head of the army that marched against the insurgents. The rebels were quickly defeated and General Mejia shot.

In November, 1838, a French fleet blockaded the harbor of Vera Cruz and French troops were landed in that city. This expedition had for its object the collection from Mexico of certain demands alleged to be due French subjects on account of losses sustained by them during the domestic convulsions through which Mexico had been passing. Santa Anna offered his services to the Government and was appointed commander in chief. By a spirited attack Santa Anna forced the French to reimbark. In this attack a French cannon ball took off one of Santa Anna's legs. By suppressing the Mejia rebellion and driving the French out of Vera Cruz, Santa Anna regained his popularity.

In 1839, when President Bustamante left the capital to subdue an uprising in Tamaulipas, Congress appointed Santa Anna his substitute. While yet suffering from the loss of his limb, he took charge of the executive office on February 17, 1839, and administered affairs until July 11 of that year, when he retired to his estate, but continued to plot against the administration. A new uprising, led by General Farias and General Urrea, broke out in the City of Mexico in July, 1840. A sanguinary contest for 12 days was without decisive results, and by agreement between the opposing factions universal amnesty was declared. On August 8, 1841, General Paredes headed a new revolt and issued a final manifesto against Bustamante. This was followed on September 9 by another uprising in Mexico City, led by General Valencia, and by a third in Vera Cruz, fostered by Santa Anna. Bustamante was overthrown in September, 1841, by Santa Anna, Bravo, Valencia, and Paredes. Santa Anna became provisional President October 10, 1841, from which date until December 6, 1844, he exercised a dictatorship, either as provisional or constitutional President, acting sometimes personally and sometimes through his substitutes. In 1842–43 the supreme power was held for a few months by General Bravo, who acted as a substitute for Santa Anna during the absence of the latter.

In October, 1844, Santa Anna retired to his estate on private business. The Mexican Congress appointed Minister of War

Canalizo provisional President during the absence of Santa Anna. In November, 1844, General Paredes, with his army at Guadalajara, pronounced against Santa Anna. The national Congress, which was favorable to Paredes, was dissolved by Canalizo, the acting President, and was shut up in prison, soon to be released by the insurgents, who deposed and imprisoned Canalizo. As an evidence of the unpopularity of Santa Anna, his amputated leg, which he had lost in fighting the French at Vera Cruz and which had been buried with military honors, was dug up, carried through the streets of Mexico, and kicked about with every mark of hatred and contempt. Santa Anna was impeached, deposed, his portrait burned by the mob, and his statue demolished. In January, 1845, he was captured and imprisoned until the following May, when he was deported to Habana.

On the overthrow of Santa Anna and Canalizo, December 6, 1844, Gen. Jose Joaquin de Herrera was appointed provisional President. In August of that year he was elected President, entering upon his duties September 16 following. During his administration the war with the United States broke out. Conscious of the inability of Mexico to win this struggle, Herrera expressed a desire to obtain a peaceable settlement of the dispute between the two nations. This policy made him unpopular, and an abortive revolution followed in June, 1845. Later Paredes, who was in command of the Mexican Army at San Luis Potosi, took advantage of the attitude of Herrera to arouse the patriotism of his countrymen, and on December 14 pronounced against the administration of Herrera. The army under Paredes declared in favor of the revolution, entered the capital, joined the forces of General Valencia, and on December 30, 1845, drove Herrera from power, and Paredes was elevated to the Presidency on January 2, 1846. In May, 1846, General Yanez began a revolt against President Paredes at Guadalajara. From July 29 to August 4, General Bravo was temporary President. On August 4, 1846, General Moriano Salas headed a revolt in favor of Santa Anna while President Paredes was absent from the capital attempting to suppress an uprising in the State of Jalisco.

Salas acted as provisional President until December, 1846, when Santa Anna was elected. As Santa Anna was at the head of the Mexican Army, attempting to resist the invasion of the United States troops, Salas turned over the Government to Vice President Gomez Farias on December 24, 1846. In February, 1847, a revolt in opposition to the anticlergy faction was inaugurated in the City of Mexico, led by General Salas and Manuel Pena y Pena. For some time daily battles took place in the streets of the capital, resulting in the overthrow of Farias and Pena became provisional President. After Santa Anna was defeated on February 23, 1847, by the American Army at Buena Vista, hearing that Vice President Farias had been overthrown, Santa Anna hastened to the City of Mexico, displaced Pena, and assumed the Presidency, March 21. During the absence of Santa Anna from the capital, Pedro Maria Anaya was President, ad interim, from April 2 to May 20.

On occupation of the City of Mexico by the American Army, on September 14, 1847, Santa Anna resigned the Presidency and retired from the capital. After a few unsuccessful efforts to retrieve his lost fortunes he went into exile in Jamaica.

After the resignation of Santa Anna, Manuel Pena y Pena, who was president of the supreme court of justice, automatically became President and entered upon his duties September 26, 1847, at Queretaro, the temporary seat of government, and held office until November 12, on which date Congress elected Pedro Maria Anaya provisional President, who served until January 8, 1848, but as Congress had failed to elect a constitutional President, on that date Pena again took charge of the executive and continued to act as President until June 3 following, when he was succeeded by General Herrera.

On February 2, 1848, the United States and Mexico concluded the treaty of Guadalupe Hidalgo which ended the war. By this treaty Mexico gave up its claims to Texas and ceded practically all the territory now included in New Mexico, Arizona, Nevada, Utah, upper California, and a part of Colorado, to the United States, aggregating about 850,000 square miles, an area about seventeen times as large as New York State. Five thousand miles of seacoast were added to our possessions, and the agricultural and mineral resources of this vast domain defy computation.

On May 30, 1848, Congress reelected Herrera President, and in June, after the evacuation of the capital by the United States Army, he resumed charge of the Government. Immediately thereafter Cenobio Jarauta began a revolution in the city of Aguas Calientes to overthrow the Republic and establish a monarchy. The turbulent General Paredes joined in this movement. After the capture of Guanajuato by the rebels, Jarauta was taken by the Government forces under General Bustamante and shot.

On January 8, 1851, Congress elected General Mariano Arista President, and on the 15th of that month Herrera turned over the Government to his successor. This was the first time in the history of Mexico in which a change of government had taken place in a constitutional manner and without a revolution.

Shortly after the elevation of Arista to the Presidency there was an uprising in the City of Mexico against his authority, and Carbajal began another revolt in northern Mexico. In July, 1852, a new revolution broke out at Guadalajara, led by Colonel Blancarte. This movement was at first local in its character, being directed against the Governor of the State of Jalisco, but it ultimately resulted in a declaration in favor of the return of Santa Anna to power. General Uraga, who was sent by President Arista to suppress this Jalisco revolt, deserted Arista and joined forces with Blancarte. The combined armies overthrew Arista, compelled his resignation on January 5, 1853, and his ultimate banishment from Mexico. From the fall of Arista the executive power was exercised by Ceballos, president of the supreme court, until February 8, when Gen. Manuel Maria Lombardini was chosen provisional President by the revolutionary troops. Santa Anna was recalled from exile and elevated to the Presidency for the fifth time, assuming office on April 20, 1853. Adversity had not curbed the ambitions of Santa Anna. Soon after his return to power he was accused of a design to assume imperial power. On December 21, 1853, in pursuance of his ambitious plans, a servile Congress appointed him President for life, bestowed upon him the title of "Most Serene Highness," and the power of nominating his successor.

The iron rule of Santa Anna provoked the violent opposition of the Liberal Party, ending in numerous uprisings, the principal one being that led by Gen. Juan Alvarez, governor of the State of Guerrero, who is known in history as "the Panther of the Pacific." These insurrections, incubated locally in 1853, assumed national proportions in March of the following year, when General Alvarez promulgated what is known as the "plan of Ayutla," which pronounced against Santa Anna and for the restoration of constitutional government. In the Battle of Santa Saltillo, July 22, 1855, Santa Anna was decisively defeated by the forces of Alvarez and Santos Degollado, who with Epitacio Huerta and Pueblita had raised a revolt in the State of Michoacan. On August 9 following Santa Anna abandoned the capital. A week later he sailed for Habana, and afterwards retired to his estate at Turbaco, New Granada.

Confusion and disorders in the capital followed the flight of Santa Anna. The revolutionary junta immediately designated Gen. Romulo Diaz de la Vega as Acting President, who adopted energetic measures to maintain order. On August 15 a representative assembly named Gen. Martin Carrera as Acting President, who resigned on September 11 following, and was succeeded by Vega, who for a second time within 30 days was chosen President of the Republic. In September Alvarez became provisional President. The Mexican Congress convoked at Cuernavaca on October 4, 1855, invested him with the Presidency. On November 15 he made his entrance into the capital, escorted by a bodyguard of Indians, Alvarez being of Indian blood. His abolition of the privileges of the clergy and the army generated intense hostility, and on December 11 Alvarez resigned, substituting his minister, Ignacio Comonfort, as provisional President.

When Alvarez resigned the Presidency and retired to southern Mexico he carried with him a liberal supply of arms and munitions from the national arsenals and $200,000 from the public treasury to console him in his retirement.

The army, clergy, and conservatives united against Comonfort, and after considerable fighting in the streets of the capital the revolt was subdued. On December 19 the junta of Zacapoastla declared against him. On March 20, 1856, Comonfort defeated the conservatives at Puebla and forced them to surrender.

In October a rebellion broke out in Puebla led by Col. Miguel Miradon; another at San Luis Potosi, and a third in Queretaro under the leadership of Gen. Tomas Mejia. All were soon suppressed by the resourceful Comonfort. The decrees confiscating church property and forbidding the clergy to hold landed estate produced several uprisings which were subdued, but the condition of the nation was far from tranquil. On March 11, 1857, Congress promulgated a new constitution, vesting in itself all control over religious and military affairs. In 1857 Comonfort was elected constitutional President by a large majority, but his position was precarious because of the opposition of the clergy and army. On December 17, 1857,

shortly after his reinauguration, following an uprising by the church party, Comonfort dissolved congress, declared himself dictator, and set aside the constitution he had recently promulgated and sworn to support. He imprisoned Benito Juarez, president of the supreme court of justice and a supporter of the new constitution. He was abandoned by his own party, and on January 11, 1858, Zuloaga's brigade, the last to remain faithful, declared against Comonfort. After a sanguinary struggle lasting 10 days the rebels gained possession of the capital. Zuloaga deposed Comonfort and declared himself President, in utter disregard of the constitutional rights of Benito Juarez, who, as president of the supreme court, was the legitimate successor of Comonfort. Juarez, the de jure President, who was forced to leave the capital, retired to Guanajuato, where he issued a manifesto on January 19, 1858, assuming the office of President and organized a government to oppose the reactionary forces, which government was recognized by many of the States. Comonfort, unable to weather the storm, in February, 1858, fled to the United States and then to France.

Beset by the conservative forces Juarez for a time maintained "a government on wheels," moving first to Guadalajara, then to Colima, and, finally, by way of Panama and New Orleans, to Vera Cruz, where he arrived on May 4, 1858, installed his government and as the leader of the Liberal forces continued to make war on the de facto government, asserting his right to the Presidency.

Zuloaga gathered around him the reactionary chiefs and opposed aggressively the "war of reform" waged by Juarez and the Liberal Party. This was one of the bloodiest of the many Mexican revolutions. After the "plan de Navidad" was promulgated by Gen. Manuel Robles Pezuela and General Echeagaray, the army renounced Zuloaga and on December 23, 1858, he was deposed, taking refuge in the British Legation. General Robles Pezuela became President; but, not receiving the support of the other revolutionary chiefs, he resigned after serving less than one month.

Early in January, 1859, the "Junta de Notables" named Gen. Miguel Miramon as provisional President, but when he entered the capital on January 21 he declared the deposition of Zuloaga illegal and reinstated him. On February 2 following Zuloaga resigned, appointed Miramon as his substitute, and installed him in office. Miramon compelled Zuloaga to accompany him on his military expeditions, nominally as chief of engineers but in reality as a prisoner. In July, 1860, on the march to Jalisco, Zuloaga escaped, immediately issued a manifesto revoking his resignation of February 2, 1859, and declared himself constitutional President. Whereupon Miramon returned in haste to the capital, resigned as substitute President, and caused himself to be appointed provisional President by the junta.

But the Liberal government maintained at Vera Cruz by Juarez was gaining ground rapidly, and on December 22, 1860, Miramon was decisively defeated at Calpulalpam. Returning to the capital, Miramon and Zuloaga, with whom he had made peace, divided the government funds between them, Miramon fleeing to France and Zuloaga going to the mountains to recruit a new army.

General Juarez, at the head of the Liberal armies, entered the Mexican capital January 11, 1861. In March of that year he was elected constitutional President, defeating Sebastian Miguel Laredo de Tejada. Juarez, a full-blood Indian of the Zapoteca Tribe, was the most remarkable man that Mexico ever produced. In April, 1859, the United States recognized the Juarez government while it was being maintained at Vera Cruz and struggling for supremacy.

In the latter part of 1861 the clerical and reactionary parties incubated insurrections which produced unsettled conditions throughout the nation.

In July, 1861, Congress enacted a law suspending for two years the payment of debts due citizens of foreign nations. England, France, and Spain united to enforce payment of obligations due their subjects, and on December 8 of that year the allied fleet of these nations invested and took possession of Vera Cruz, the most important seaport in Mexico. By adroit diplomatic maneuvers and promises of settlement, Juarez and his plenipotentiary, Manuel Doblado, managed to satisfy England and Spain, and the forces of these two nations withdrew. But France, under the pretext of protecting her subjects who were residents of Mexico, declared war on Juarez on April 16, 1862. After the capture of Puebla the republican government dissolved Congress and evacuated the capital on May 31, and on June 10 Juarez established his government in San Luis Potosi. The invading French forces inflicted numerous defeats, and Juarez with his army and government, moved from place to place, until finally in August, 1865, with only 22 followers left, he established his headquarters on the United States frontier. In 1864 Maximilian was crowned Emperor of Mexico, but Juarez never gave up the struggle to overturn the Empire and reestablish the Republic.

Juarez's term of office expired November 30, 1865. Gen. Gonzalez Ortega, as nominal president of the supreme court, claimed the executive power; but Juarez, actuated by a patriotic impulse, arbitrarily extended his term of office until a constitutional election could be held. He continued to resist the imperial army and the wheel of fortune soon turned in his favor. He and his generals inflicted a succession of defeats on the imperial forces. Maximilian, besieged in Queretaro, was captured on May 15, 1867, by the Mexican Army under General Escobedo. On June 19 following, Maximilian and two of his generals, Miramon and Mejia, were shot. After the fall of Maximilian and the capture of the City of Mexico, Juarez entered the capital on July 5, 1867. Soon thereafter Santa Anna headed an abortive movement to regain power. He was arrested, imprisoned in San Juan de Ulua, and sentenced by a court-martial to death, but was pardoned by Juarez on condition that he leave Mexico forever. On December 25 of that year, Juarez was elected constitutional President over Porfirio Diaz. Following his election Diaz, Garcia de la Negrete, Santa Anna, and others stirred up insurrections, but they accomplished nothing except to keep the nation in a state of unrest.

Unmindful of the conditions under which he had been pardoned, Santa Anna, while living in New York, in 1870 fostered another uprising in Jalapa of which his son was the nominal leader. This movement accomplished nothing. Juarez was reelected President in 1871, defeating Sebastian Lerdo de Tajada and Porfirio Diaz. As neither candidate secured a majority in the election, under the constitution the matter was referred to the national Congress, which elected Juarez, who was installed October 11, 1871. Numerous revolutionary attempts followed the declaration of this election. After General Rocha had put down one of the uprisings in the capital, 250 insurgents were shot after their capture. Diaz proclaimed the "plan de Noria"; Trevino revolted in Monterey, Garcia de la Cadena in Aguas Calientes, Donato Guerra in Zacatecas, and Martinez in Coahuila. Confronted on every hand by able and resourceful enemies, Juarez displayed remarkable energy and military ability in combating these insurrections until death ended his career on July 18, 1872. Apoplexy was assigned the immediate cause of his death, but many of his contemporaries entertained the suspicion that he had been poisoned.

On the death of Juarez, Sebastian Lerdo de Tajada, president of the supreme court of justice, became President by virtue of his office and the constitution. With the promulgation by Tajada of the decree of amnesty, the insurrections subsided, and in a few months tranquillity was restored. Taking advantage of this decree of amnesty, Santa Anna returned to Mexico and in a few years died in obscurity.

In the autumn of 1872, Tajada, by a practically unanimous vote, was elected President, and on December 16 following he entered upon his regular term. In January, 1873, Gen. Porfirio Diaz fostered another uprising in the northern and central Mexican States. Soon General Herrera and a host of other ambitious warriors pronounced against Tajada and for the revolution. For a time the insurgents were successful, but soon they met with decisive reverses which for a time put an end to the anti-Tajada opposition.

In the election in 1876, five candidates contested for the presidency; President Tejada, Chief Justice Jose Maria Iglesias, General Mejia, General Diaz, and Gomez Palacio. The returns showed the election of Tejada by a very large majority. The defeated candidates and their partisans declared the election illegal on account of unlawfulness, fraud, and coercion, but the supreme court held it valid. Two of the defeated candidates, Iglesias and Diaz, resorted to arms to overthrow Tejada. Iglesias declared himself provisional President and established headquarters at Leon in the State of Guanajuato. Diaz defeated the army of Tejada in the battle of Tecoac, on November 16, 1876. Five days later Tejada fled to the United States, and Diaz entered the capital in triumph, amid the greatest demonstrations. On November 30 he proclaimed himself provisional President. Unable to reconcile Iglesias, Diaz defeated him in battle and Iglesias fled to the United States.

On one occasion Mexico had four presidents, all claiming the office at the same time—Tejada, Iglesias, Diaz, and Mendez; the latter being intrusted with the executive power during the temporary absence of Diaz on one of his military expeditions. In February, 1877, Diaz was elected President, and on May 5 took the oath of office for a term expiring November 30, 1880. In 1878–79, rival leaders promoted revolts, but all were suppressed by Diaz with but little difficulty.

In the election held in July, 1880, General Manuel Gonzalez was elected President. Revolutionary outbreaks followed, but they were easily suppressed and the national Congress con-

firmed the election of Gonzalez who was inaugurated December 1. He was the first President who peacefully succeeded to the Presidency since the adoption of the constitution of 1857. All of his predecessors since that date, except Diaz, were violently deposed.

In 1884, Diaz was reelected President and inaugurated December 1 of that year. By successive elections he occupied the Presidency until May 25, 1911, when he was forced to resign as a result of the success of the Madero revolution, which had been in progress about two years. During his long lease of power, Diaz ruled with an iron hand, suppressed many uprisings and by swift and ruthless exercise of autocratic power, brought about a state of tranquillity, which continued until a short time before his overthrow.

On the abdication of Diaz, Francisco I. Madero, jr., was declared provisional President and was afterwards elected and inaugurated constitutional President November 6, 1911. He was a patriot, but lacked executive ability and was unable to cope with the discordant elements that dominated the nation. He struggled hard to bring order out of chaos, but the reactionary forces gradually undermined his power and brought about his downfall and death.

Following the collapse of the Diaz government, relations between the United States and Mexico became exceedingly acute because of conditions incident to the Maderista revolution, not only in Mexico but along the international boundary between the two Republics. Numerous acts of lawlessness by Mexicans toward American citizens and their property interests were a source of much concern to the United States, and while President Taft mobilized the American troops on the frontier, he declined to intervene, although military intervention was vigorously urged by a strong public sentiment resulting from propaganda industriously circulated by those holding oil, land, and mineral concessions.

After numerous outbreaks against Madero's government had been suppressed, on October 16, 1912, Gen. Felix Diaz—a nephew of Porfirio Diaz—raised the standard of revolt and took possession of Vera Cruz. He was defeated and captured a week later. On October 27 he was condemned to death by a court martial, but by direction of Madero the sentence was not enforced. Diaz, unappreciative of the leniency shown by Madero, on February 9, 1913, brought about another revolution. For several days a pitched battle was fought in the streets of Mexico City between the Madero troops under the command of Gen. Victoriano Huerta and the insurgents led by Felix Diaz and Gen. Bernardo Reyes, in which struggle the latter was slain. On February 18, in furtherance of a conspiracy between Huerta and the insurgents, Huerta deserted and imprisoned President Madero and Vice President Jose Maria Pino Suarez, whose resignations he compelled.

Huerta was proclaimed provisional President. Five days later Madero and Suarez were assassinated, doubtless by the order of Huerta. Huerta abrogated the constitution and republican form of government, ignored all restraining laws, and established a military dictatorship, followed by a reign of terror. Numerous revolts against his authority sprang up in various parts of the country, the most formidable of which were the ones in northern Mexico led by Francisco Villa, a resourceful bandit of no mean military ability, and Venustiano Carranza, governor of the State of Coahuila. Both had followed the fortunes of Madero and aided materially in the overthrow of Diaz. They had the cooperation of Zapata, a bandit, who controlled large forces in districts south of the capital, and who has been in a chronic state of rebellion for years.

President Wilson adopted the policy of refusing to recognize a government that had been established by usurpation, force, and violence. He refused to recognize the Huerta provisional government, unsuccessfully urged an immediate free and fair election in Mexico which would reflect the choice of the Mexican people for President, and warned Americans of their danger of remaining in Mexico during these protracted periods of disorder. He demanded of both the de facto government of Huerta and the insurrectionists that they respect the lives and property of Americans.

After a series of irritations and insults the Washington Government sought reparation by naval and military forces, which occupied Vera Cruz. This was a punitive expedition to bring the Mexican people to a realization that they could not continue with impunity to ruthlessly destroy American lives and property. But President Wilson was unwilling to precipitate war between the United States and the distracted and impotent Mexican Republic, and when the A, B, C powers of South American (Argentina, Brazil, and Chile) tendered their friendly offices to compose the differences between the United States and Mexico, President Wilson promptly accepted the proposal. The willingness of the United States to submit its cause to the arbitrament of three Latin-American nations had a wholesome effect throughout Latin America and immensely increased the prestige and influence of the United States not only in the Western Hemisphere but among all nations.

The A, B, C powers in conference at Washington considered plans for the settlement of the internal and external differences in Mexico and issued an appeal to the rival Mexican factions to compose their differences, which was not heeded by either of the Mexican warring groups.

The activities of Villa, Carranza, and Zapata culminated in the overthrow of Huerta on July 15, 1914.

After the fall of Huerta, Villa and Carranza, each greedy for supreme power, began to war against each other, and as a result the country was distracted by these warring factions. Following the flight of Huerta, General Carbajal exercised dictatorial power in the city of Mexico from July 15 to August 15, 1914. Then General Carranza took up the task, but soon removed his headquarters to Vera Cruz, where he felt more at ease. Then came General Blanco, Zapata, and Villa, in the order named, to administer the affairs of the sedition-rent capital. Gutierrez and others were designated by revolutionary chiefs to serve as provisional President, but they were figureheads and exercised no actual authority. In time the Villa forces were scattered by successive decisive defeats administered by the constitutional forces under the command of General Carranza.

The strained relations between the United States and Mexico were further accentuated in March, 1916, by an attack of Villistas on the American town of Columbus, N. Mex. In retaliation the United States sent a punitive American force under General Pershing into Mexico in pursuit of Villa, who, at the head of a mobile force, fled over deserts and mountains, with every part of which he was familiar, thus easily evading capture by or contact with General Pershing and his forces. A new raid into Texas was made by Mexican bandits. Before our punitive force was recalled an encounter with Mexican troops resulted in casualties on both sides and the capture of 17 Americans, who were subsequently released.

I believe we had a treaty with Mexico which provided that in the event bandits or armed forces from Mexico crossed the international boundary line and committed depredations in the territory of the United States, then our military forces were authorized to follow these lawless bands into Mexico in an effort to capture and bring them to justice. So the Pershing expedition into Mexico was not only justified as a punitive or retaliatory measure, but was authorized by a treaty between Mexico and the United States. However, Carranza protested the invasion of Mexican territory by General Pershing, demanded the withdrawal of the United States troops, and called 150,000 Mexican militia to the border.

The relations between the United States and Mexico were improved when an agreement was reached between the two Republics for the appointment of a joint commission of six members, which, it was hoped, might reach an agreement acceptable to both Republics. This commission failed to agree upon an acceptable plan of action. The United States had been gradually withdrawing our troops from Mexico, and in 1917, in the hope of reestablishing cordial relations, the Washington Government sent an ambassador to Mexico, accredited to the Carranza government. In that year Mexico adopted a new constitution, and it was fondly hoped that the pacification of Mexico might be achieved in a few months or years.

Unfortunately the administration of President Carranza did not materially improve the troublous conditions in Mexico. Revolt followed revolt, until May 8, 1920, when he was driven from the Mexican capital, and two weeks later was killed, it is generally believed, by his own troops.

On May 21, 1920, the Mexican Congress was convened for the election of a provisional President, and Adolfo de la Huerta was designated to fill the unexpired term of Carranza, which automatically ended November 30, 1920. By a diplomatic and magnanimous policy the warring leaders were for the time being reconciled and the long-existing internal troubles materially composed. The outstanding policy of provisional President Huerta was to break up the large-landed estates as a means of solving the agrarian trouble which has always been an acute problem in the internal affairs of Mexico.

Gen. Alvaro Obregon was elected President and assumed office December 1, 1920. President Obregon industriously labored to restore normal conditions throughout the country, as rapidly as possible liquidate the public debt, regulate oil legislation, and guarantee alien property owners a square deal. Aggressively opposing the extreme red element, he expelled many foreigners who were engaged in Bolshevik propaganda in Mexico. He construed the Mexican constitution as not being retroactive in so far as it relates to the property interests of foreigners. The United States offered to recognize the Obregon administration

on condition that he would, in advance of such recognition, make certain guaranties in relation to American property interests in Mexico. This Obregon refused to do, insisting that it was beneath the dignity of a sovereign nation to submit supinely to humiliating conditions imposed by another nation as the price of recognition.

The constitution of Queretaro, adopted in 1917, declared the nationalization of petroleum. In 1922 the Mexican Government became involved in an acute controversy with the oil companies, many of which were of foreign ownership. The Mexican Government asserted that the provisions of the new constitution were not retroactive, while the oil companies insisted that in practical application constitutional provisions were retroactive and confiscatory. The contention of the Mexican Government was sustained by the Mexican Supreme Court. The oil companies refused to abide by the decision of the Mexican Supreme Court and the United States Government championed the cause of the oil companies and continued its refusal to recognize the Obregon government. A suspension of diplomatic relations between the United States and Mexico continued throughout the Harding administration.

On April 23, 1923, Secretary Hughes announced the appointment of two Americans and two Mexicans to meet at Mexico City with a view of reaching an agreement in reference to damages claimed by American citizens and in relation to the holding of oil and agricultural lands, the two American members of this commission being John Barton Payne and C. B. Warren. To this commission was committed the delicate task of harmonizing adequate guarantees of American rights with Mexican laws and sovereignty. On August 15, 1923, the commission signed a compact and on August 21 of that year the United States recognized the Obregon government.

On September 8 following, a general claims convention between Mexico and the United States was signed at Washington. In the latter part of 1923 the United States Government sold large quantities of surplus war equipment and material to Mexico.

Numerous revolts, most of them local, characterized the administration of President Obregon. These he quickly and vigorously suppressed and established throughout that Republic a degree of tranquillity similar to that which characterized the régime of Porfirio Diaz.

In the national election July 6, 1924, Gen. Plutarco Elias Calles was elected President by an overwhelming majority. He announced that he would endeavor to restore friendly relations with the United States Government and people. He professed his admiration for our people and institutions and stated that his chief aim would be to obtain for Mexicans economical and social conditions such as the people of the United States enjoyed. With respect to immigration to Mexico he said: "Anyone can enter Mexico for business or to work, provided he intends to act honestly and conform to the laws of the country." In October, 1924, he visited Washington and was received with enthusiasm as a national guest. He was inaugurated President December 1, 1924.

The economic policy of President Calles seems to be directed toward an equitable distribution of the national resources among all, and not a few, of the Mexican people, and the enactment of legislation that will restore to the public and to the ownership of the people vast regions of the public domain, the title to much of which had been acquired without the payment of any consideration, and sometimes by bribery, fraud, and corruption.

On March 20, 1925, President Calles, in discussing his future policies as President, said:

"We are trying to make the peasants economically independent, so that these poor men who have been in the condition of slaves until now may become free and enjoy a little more of the happiness which rightfully belongs to them."

Already under his administration approximately 5,000,000 acres of land have been distributed to 500,000 persons in pursuance of his agrarian policy.

I believe both his friends and enemies will admit that his administration of the financial affairs of Mexico has been economic and prudent, but his attitude toward religious organizations has involved him in controversy that has produced nation-wide discord and which seriously threatens his administration.

Moreover, the Mexican Government, under the direction of President Calles, is involved in an embarrassing controversy with the United States, growing out of the application of the Mexican constitution to oil rights and land titles of American and other foreign capitalists. It is not my purpose at this time to discuss the history or merits of these controversies.

Between 1821 and 1868 Mexico had a tumultuous history; scores of rebellions; the form of government was changed no less than ten times; two emperors, many Presidents and leaders of insurrections were shot; over 50 persons succeeded each other as President or dictator; and more than 300 pronunciamentos were issued against those exercising or claiming to exercise executive power.

These were not rose-water revolutions, but occasions of great tumult, disorder, and bloody butcheries. These revolts were not made or suddenly incubated, but they were the logical sequence of long continued and intolerable conditions. They came out of the grave abuses, economic wrongs, and social injustices of the past. Like all similar movements, if we would find their cause, we must not only consider contemporaneous conditions, but we must look back generations, sometimes centuries. In all ages, men in their struggle for freedom, for social justice, for equality of opportunity, and for greater participation in governmental affairs, have always been actuated by the same impulses, inspired by the same ideals, and dominated by the same passions.

Embezzlement of power, administrative abuses, corruption in high places, and social and economic injustice, if long continued, are inevitably followed by "the iron harrow of revolution which crushes men like the clods of the field, but in the bloodstained furrows germinates a new generation." If revolutions are the "larva of civilization" then, in view of the almost constant revolutionary conditions that have prevailed in Mexico during the last century, it would seem that that Republic is incubating an exceedingly unique type of civilization.

While many of these revolutions were led by honest, well-meaning, and patriotic men, whose consuming passions were to correct intolerable abuses and ameliorate the condition of the people, still on other occasions evil men, actuated by greed and unholy ambition, grasped power and in the name of liberty struggled to establish a despotism.

In this discussion I have not attempted to analyze the causes underlying the perpetual disorders that have so grievously afflicted Mexico since she became an independent nation after three centuries of Spanish misrule and despotism. I have only sought to record the outstanding events in the history of Mexico since Don Miguel Hidalgo, in 1810, raised the flag of revolt against Spanish rule, which movement, though unsuccessful, inspired subsequent activities that emancipated Mexico from the blight of Spanish exploitation and misrule. I have treated none of the historical incidents in detail. I have merely presented in chronological order the outstanding events in the history of the Mexican Republic, so that my colleagues, in studying the Mexican problem, may have before them my short story of "The Evolution of Mexico" and the struggle of that revolution-rent Republic toward stable self-government.

BILLS TO AMEND SECTION 83 OF THE JUDICIAL CODE, AS AMENDED

Mr. KIRK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the bills H. R. 16471 and H. R. 16347, to amend section 83 of the Judicial Code, as amended, which bills have reference to the new district court of Kentucky.

The SPEAKER. Is there objection?

There was no objection.

Mr. KIRK. Mr. Speaker, the proposal for a new Federal court district is the result of a demand by all the people of the proposed district in Kentucky, regardless of politics or religion, a united effort to relieve a situation which is only understood by the people who live within the territory embraced in the proposed southern district and those living in close proximity to it. The territory included in the proposed district is wholly within what is known as the "mountains of Kentucky," covering a vast territory which is rapidly developing its coal, oil, gas, mineral, and timber resources, accompanied by a rapidly increasing population which in recent years has gone far beyond the imagination and prophecies of the pioneer capitalist, who, within the last 20 years, has opened up one of the greatest fields of industry in the United States.

Populous and prosperous towns and cities have sprung into existence within the last 20 years and schools and churches have been erected throughout this region, and the land of inactivity and desolation has become one of civilization, activity, and progress until the hum of industry is heard on every hand and the citizenship of that section is as refined, law-abiding, and patriotic as any place on the face of the earth.

The eastern district of Kentucky was created 25 years ago, before this section began to develop, and at a time when practically no business came from this section to the court then established. Oil and gas fields have since been developed, the coal fields explored and coal mines operated and coal marketed

to an extent not excelled by any other section in the United States; and it is certain that this section will continue to develop as time goes on, and new enterprises and markets will be opened in various ways in the near future; so that in order to give to this mountainous section of the State equal rights in the courts with the more favored section of Kentucky in the flatlands of the State it is necessary and of vital importance and is a pressing necessity that this district be created. The average distance that the witnesses and litigants are compelled to travel to reach a Federal court as now located is more than 100 miles. In more favored sections it is easier to travel 500 miles than 100 in the mountains of Kentucky, owing to bad roads and slow trains. It is near 60 miles from the county seat to the farthest edge of some of the counties in this territory.

The Big Sandy River with its branches, the Licking with its branches, the Kentucky with its branches, and the Cumberland with its branches, all head and rise within this territory separated by mountain ranges that can only be crossed on foot or mule back and can not be used even by a wagon, much less an automobile. To get out of one of these streams and on to another, the citizen must go down the river on a slow train to the forks or junction and likewise up the other stream—thus it is a hardship, as well as expensive to the Government and the citizens of this section to attend Federal court, as it is now arranged. Only one court is located nearer than the foothills and no courts within this, the real mountain section, where towns of from 600 to 8,000 in population suddenly sprung up and now dot every stream. The needs of the mountains 25 years ago are not to be compared with its needs to-day.

WHY ARE COURTS ESTABLISHED

Courts should be established to accommodate the citizens, including litigants, both civil and criminal, as well as the business needs of the country, so that the laws can be better enforced with the least expense. Courts are not intended to accommodate the judge and court officials alone, who are well paid for their services; their wishes should be secondary to the rights of the great masses of people comprising the public. If we carry this thought in mind, the wishes of the great common people should prevail and this district should be created.

Federal judges, as a rule, are opposed to letting loose and want to hold onto the districts where they have served. I am reminded that the then presiding judge, when the whole State of Kentucky was a single district, opposed the creation of the eastern district of Kentucky. The district over which that splendid old man, Judge Cochran, now in his seventies, now presides and is opposed, for sentimental reasons, to the creation of the proposed district, as was Judge Evans to the creation of Judge Cochran's district; but in the creation of Judge Cochran's district the people's rights were rightfully recognized, and the district created, notwithstanding the objection of the presiding judge.

DOES THE BUSINESS JUSTIFY CREATING THE DISTRICT

If the Members of Congress could only attend the opening of one court at the mouth of Big Sandy, or at the court seat on the Kentucky or Cumberland section, they would be greatly amazed to see the actual conditions that exist, with court room, corridors, and hallways jammed to the last inch of space and usually three or more bailiffs working shifts to relay calls for witnesses to all parts of the building and outside. If that could be experienced once by the Members of Congress there would not be any hesitancy about the passage of this bill. The litigation materially increases when courts are brought close to the people, and naturally increases with the development of the various industries such as are now taking place in the mountains of Kentucky.

POPULATION OF THE PROPOSED DISTRICT AND BUSINESS AS COMPARED WITH OTHER STATES

The following figures showing the population of Kentucky, the proposed southern Federal court district, and the States compared were taken from the 1920 census and the Congressional Directory of January, 1927:

The population of Kentucky was 2,416,630.

The population of the proposed Federal court district was 623,021.

With these figures we have the following comparisons:

The proposed southern Federal court district of Kentucky is more than eight times as large as Nevada with a population of 77,407.

It is three times as large as Wyoming with a population of 194,402.

It is two times as large as Delaware with 223,003 population.

It contains more people than either of the following States: Arizona, 333,903 population; Idaho, 431,866 population; New Mexico, 360,350 population; Montana, 548,889 population; Rhode Island, 604,397 population; New Hampshire, 443,083 population; Utah, 604,397 population; and Vermont, 352,528 population.

It is almost as large as Maine with a population of 768,014 and Oregon with a population of 783,389.

It is two-thirds as large as Florida with a population of 968,570, and Florida has two Federal court districts.

The eastern Federal court district of Kentucky has more civil and criminal cases on its docket and pays more fines to the Government than 37 States, and many of these States have two Federal court districts.

For the past several years more business has been transacted in the eastern district of Kentucky, criminal and civil, than in any other district in the United States having but one judge, and recently the criminal work in the eastern district of Kentucky has exceeded that of any other district in the United States, and many of them have several judges—the northern district of Ohio with three judges, the southern district of Ohio with two judges, Indiana with two judges, Tennessee with three districts and three judges, New Jersey with five judges, and the southern district of New York with six judges.

In the number of convictions in criminal cases for the fiscal year ending June 30, 1926, the eastern district of Kentucky led all the districts with 2,259 convictions. The cases, civil and criminal, to which the United States was a party are shown by the following figures, taken from the published reports of the Attorney General for the years 1909 to 1925, inclusive, and the figures for the fiscal year ending June 30, 1926, for the eastern district of Kentucky are included and will be in the published report of the Attorney General. Similar figures are shown for the western district of Kentucky.

For the purpose of showing a comparison between the work in the eastern district of Kentucky and other districts there is also submitted herewith data showing the number of civil and criminal cases to which the United States was a party in the various districts for the years 1923, 1924, and 1925:

Eastern district of Kentucky

Year	Civil		Criminal		
	Number of cases disposed of to which United States was a party	Amount of judgments entered for United States	Number of cases disposed of	Convictions	Amount of fines imposed
1909	12	$3,153.23	397	71	$33,045.00
1910	11	188.60	375	268	49,745.00
1911	33	841.00	565	324	47,807.19
1912	15	4,789.60	657	423	37,157.88
1913	49	2,850.00	651	443	39,839.24
1914	43	5,951.85	537	343	33,763.73
1915	54	3,900.00	545	369	29,613.82
1916	39	1,580.00	204	74	113,863.00
1917	57	5,850.00	516	371	36,610.00
1918	69	4,923.62	420	259	33,036.30
1919	38	7,538.86	377	244	75,985.56
1920	72	5,313.11	637	433	79,156.53
1921	100	9,782.21	744	588	65,560.07
1922	114	9,023.94	1,122	900	87,602.65
1923	147	10,690.05	1,904	1,675	246,656.63
1924	222	19,333.13	1,742	1,300	144,272.46
1925	257	26,292.85	2,304	1,972	213,757.95
1926	322	23,267.62	3,045	2,259	249,289.33

Western district of Kentucky

1909	10		148	30	$8,110.00
1910	6	$385.58	147	90	19,980.00
1911	9	1,175.00	166	100	18,860.33
1912	32	1,975.00	150	73	7,961.64
1913	13	100.00	163	110	9,176.00
1914	49	8,850.00	204	141	10,549.21
1915	13	2,661.15	230	171	16,566.00
1916	30	2,754.19	177	117	13,605.78
1917	15	3,080.10	116	81	12,101.28
1918	6	1,276.95	203	149	13,733.68
1919	20	6,967.48	233	169	49,832.98
1920	78	3,095.17	262	185	24,368.74
1921	109	2,872.75	381	279	198,959.58
1922	65	4,589.66	481	419	71,507.52
1923	133	3,460.85	1,034	892	159,939.56
1924	33	1,522.68	1,028	799	185,818.25
1925	88	1,966.03	1,643	1,050	163,425.31

Above totals are taken with respect to fiscal year, viz: From July 1 to and including June 30 of succeeding year.

District	Year	Civil		Criminal		
		Number of cases disposed of to which United States was a party	Amount of judgments entered for United States	Number of cases disposed of	Convictions	Amount of fines imposed
Alabama, northern district	1923	46	$8,644.63	651	392	$36,752.15
	1924	30	1,079.00	697	503	37,340.6
	1925	53	15,895.04	902	437	25,514.06
Alabama, southern district	1923	32	2,045.39	392	229	23,769.98
	1924	45	1,508.74	272	200	22,770.61
	1925	35	5,407.00	368	257	22,215.28
Alabama, middle district	1923	7	468.35	80	57	4,245.95
	1924	50	2,875.00	97	70	2,470.00
	1925	11	1,479.78	183	93	4,175.00
Arizona	1923	18	3,353.00	736	557	74,232.76
	1924	17	11,336.87	816	606	118,377.45
	1925	44	100.00	1,148	765	152,642.76
Arkansas, eastern district	1923	58	11,853.15	999	779	60,156.73
	1924	53	11,267.52	960	737	64,102.02
	1925	44	5,806.44	931	728	39,340.00
Arkansas, western district	1923	23	1,109.41	326	242	15,128.52
	1924	52	3,234.51	450	324	34,011.39
	1925	18	1,934.10	449	300	63,031.00
California, northern district	1923	304	11,234.59	2,794	2,400	493,450.00
	1924	487	23,683.79	2,381	1,799	508,165.55
	1925	447	23,151.61	1,707	1,283	360,188.00
California, southern district	1923	55	3,859.50	1,221	1,083	331,778.13
	1924	320	84,161.87	1,241	907	250,899.81
	1925	200	94,522.64	961	689	105,735.04
Colorado	1923	120	4,360.49	510	394	57,712.79
	1924	50	1,587.92	396	300	57,525.22
	1925	115	15,050.34	604	420	97,183.41
Connecticut	1923	62	8,323.85	618	331	39,198.16
	1924	60	2,885.25	159	141	16,873.19
	1925	119	27,885.53	184	167	35,781.55
Delaware	1923	73	1,714.97	81	73	7,276.00
	1924	36	774.71	70	68	10,610.00
	1925	29	4,105.70	79	79	56,373.83
Florida, northern district	1923	17	4,850.00	182	109	8,031.52
	1924	22	160.00	252	173	11,020.00
	1925	9	2,650.00	268	197	14,028.63
Florida, southern district	1923	66	716.00	523	218	19,829.68
	1924	136	28,618.00	528	190	25,833.50
	1925	86	39,629.26	354	234	23,431.00
Georgia, northern district	1923	490	16,068.00	1,291	746	50,190.00
	1924	239	17,628.00	1,665	708	46,011.00
	1925	368	14,551.80	1,189	899	38,508.00
Georgia, southern district	1923	82	2,903,010.72	982	766	97,823.68
	1924	162	1,150,742.44	1,914	1,326	305,192.71
	1925	178	29,767.67	1,294	792	77,826.16
Idaho	1923	30	8,718.20	368	273	76,481.85
	1924	24	3,280.82	486	351	122,051.90
	1925	27	----------	434	376	105,085.00
Illinois, northern district	1923	414	30,388.37	2,442	1,851	297,747.90
	1924	1,006	95,584.43	1,537	1,285	519,764.04
	1925	673	17,328.25	1,307	1,020	498,240.49
Illinois, eastern district	1923	34	8,142.07	648	437	147,695.80
	1924	108	11,784.17	857	651	237,523.22
	1925	374	14,257.27	1,161	788	210,964.02
Illinois, southern district	1923	167	8,287.30	722	231	46,349.98
	1924	171	13,230.43	498	263	82,426.43
	1925	244	6,432.00	658	472	166,035.60
Indiana	1923	97	4,560.52	203	137	41,786.90
	1924	73	10,432.51	283	246	104,602.97
	1925	53	10,037.34	264	240	73,193.81
Iowa, northern district	1923	15	16,315.02	309	297	79,212.05
	1924	13	6,177.52	354	312	66,947.09
	1925	27	5,865.17	288	266	56,087.18
Iowa, southern district	1923	15	2,487.50	514	374	165,855.00
	1924	32	6,684.61	338	273	103,881.00
	1925	25	1,407.84	421	350	183,515.34
Kansas	1923	88	3,715.31	181	126	21,145.84
	1924	81	15,505.42	163	108	10,183.82
	1925	131	60,955.96	153	132	12,493.75
Kentucky, eastern district	1923	147	10,690.05	1,904	1,675	246,656.63
	1924	222	19,333.13	1,742	1,300	144,272.46
	1925	257	26,292.85	2,304	1,972	213,757.95
Kentucky, western district	1923	133	3,460.85	1,034	892	159,939.56
	1924	33	1,522.68	1,028	799	185,818.25
	1925	88	1,966.03	1,643	1,050	163,425.31
Louisiana, eastern district	1923	87	20,192.00	1,085	918	81,805.00
	1924	136	22,464.81	1,291	1,083	96,314.00
	1925	121	14,662.91	613	427	43,170.06
Louisiana, western district	1923	53	2,080.97	230	108	12,301.80
	1924	14	1,073.92	213	170	10,173.45
	1925	37	5,343.00	226	183	20,560.04
Maine	1923	45	1,762.49	453	205	59,710.99
	1924	73	20,623.84	317	241	58,557.75
	1925	74	7,347.44	429	300	63,662.06
Maryland	1923	178	190,674.33	967	895	99,239.94
	1924	202	105,305.91	1,289	1,203	114,160.98
	1925	355	232,698.97	1,316	1,231	121,698.52
Massachusetts	1923	254	24,892.51	928	549	80,433.74
	1924	296	71,213.01	804	463	71,690.00
	1925	543	176,343.17	6,512	902	133,708.38
Michigan, eastern district	1923	83	14,974.35	540	473	170,285.00
	1924	218	15,175.35	979	700	306,625.00
	1925	529	16,669.48	1,688	1,458	314,075.02
Michigan, western district	1923	6	1,691.61	343	259	35,241.28
	1924	3	----------	379	327	34,500.00
	1925	15	546.25	475	386	35,468.00
Minnesota	1923	521	$33,062.23	837	683	$147,650.99
	1924	151	9,123.14	1,624	1,299	516,807.15
	1925	276	7,941.81	1,290	1,074	255,204.00
Mississippi, northern district	1923	62	4,546.23	516	194	14,373.26
	1924	32	800.00	188	97	7,749.12
	1925	55	2,831.11	257	168	14,643.39
Mississippi, southern district	1923	22	1,150.00	379	147	19,752.19
	1924	9	385.00	367	264	21,547.89
	1925	35	----------	379	224	15,316.73
Missouri, eastern district	1923	101	6,140.25	937	807	165,940.23
	1924	116	43,198.13	892	783	230,173.35
	1925	119	86,454.72	1,043	943	382,831.06
Missouri, western district	1923	50	1,400.00	1,225	920	101,381.16
	1924	114	3,384.90	923	635	122,653.22
	1925	51	14,837.51	751	629	53,831.89
Montana	1923	117	16,435.53	359	191	23,089.87
	1924	184	13,470.92	339	211	48,838.84
	1925	194	7,144.97	301	239	42,607.32
Nebraska	1923	189	26,757.08	779	641	135,033.00
	1924	88	3,879.49	835	612	76,359.91
	1925	174	70,819.45	661	576	178,501.68
Nevada	1923	48	2,584.26	320	240	42,348.66
	1924	90	4,328.89	347	304	76,425.01
	1925	177	8,523.87	379	324	89,011.76
New Hampshire	1923	58	676.94	266	247	43,574.89
	1924	74	2,585.47	291	260	72,415.30
	1925	88	1,700.07	365	345	114,271.45
New Jersey	1923	195	401,081.51	1,185	815	130,883.00
	1924	298	17,950.80	1,438	1,100	226,979.00
	1925	899	115,222.07	12,138	1,137	301,446.00
New Mexico	1923	28	10,057.32	521	365	141,650.51
	1924	30	6,587.75	355	254	38,502.43
	1925	25	37,259.67	457	303	40,710.55
New York, northern district	1923	456	51,699.16	861	755	353,800.00
	1924	309	94,947.58	1,235	1,190	843,411.47
	1925	361	17,809.64	1,948	1,872	1,468,617.00
New York, eastern district	1923	232	56,326.75	1,032	926	104,000.00
	1924	384	41,049.57	2,429	2,239	299,419.00
	1925	628	48,941.71	2,022	1,809	318,479.00
New York, southern district	1923	793	87,940.62	2,559	1,318	346,506.00
	1924	611	1,170,752.89	6,616	3,327	488,972.02
	1925	829	529,028.88	4,895	2,926	369,650.01
New York, western district	1923	116	67,490.79	710	499	87,538.96
	1924	98	8,868.18	884	729	221,721.00
	1925	193	18,189.46	1,102	889	189,834.00
North Carolina, eastern district	1923	100	17,726.08	801	469	36,531.72
	1924	66	24,031.04	609	472	38,191.20
	1925	71	39,516.78	572	431	25,688.11
North Carolina, western district	1923	155	3,981.42	1,181	774	85,786.43
	1924	174	24,975.56	1,037	797	69,723.05
	1925	211	16,063.10	1,250	955	97,075.90
North Dakota	1923	66	12,399.93	247	93	24,304.90
	1924	40	5,853.18	120	59	5,045.97
	1925	40	12,914.37	317	139	4,745.23
Ohio, northern district	1923	202	75,667.20	813	673	121,262.75
	1924	249	15,672.89	965	867	265,127.49
	1925	390	18,834.64	1,752	1,101	261,771.15
Ohio, southern district	1923	68	37,906.02	319	280	66,312.41
	1924	89	38,856.69	362	326	67,153.79
	1925	108	7,591.17	454	408	67,426.73
Oklahoma, eastern district	1923	73	17,688.08	1,216	955	95,168.03
	1924	76	152,480.29	1,110	955	114,864.53
	1925	108	8,353.97	1,156	821	134,822.88
Oklahoma, western district	1923	122	11,964.73	634	468	38,157.00
	1924	171	37,084.71	558	409	51,524.77
	1925	149	18,712.96	683	544	69,885.50
Oklahoma, northern district	1923	----------	----------	----------	----------	----------
	1924	----------	----------	----------	----------	----------
	1925	1	----------	149	129	16,875.00
Oregon	1923	79	3,527.05	454	386	59,958.00
	1924	64	6,229.49	384	333	61,633.03
	1925	73	12,916.21	354	312	60,203.70
Pennsylvania, eastern district	1923	566	605,804.00	859	601	61,870.00
	1924	662	134,874.00	720	501	65,262.00
	1925	422	189,545.00	474	324	52,564.00
Pennsylvania, middle district	1923	42	1,703.06	375	333	74,176.00
	1924	51	7,600.00	234	188	38,073.00
	1925	41	1,361.23	215	181	32,834.13
Pennsylvania, western district	1923	230	80,199.80	458	322	85,290.02
	1924	114	29,141.45	529	362	129,671.12
	1925	120	28,368.60	538	441	123,228.77

District	Year	Civil		Criminal		
		Number of cases disposed of to which United States was a party	Amount of judgments entered for United States	Number of cases disposed of	Convictions	Amount of fines imposed
Rhode Island	1923	80	$64.85	261	182	$26,027.00
	1924	59	6,512.44	319	216	48,770.50
	1925	100	22,558.75	665	460	122,965.00
South Carolina, eastern district	1923	44	871.89	471	393	106,166.43
	1924	47	118,243.74	484	348	162,981.87
	1925	60	4,280.12	454	369	40,858.53
South Carolina, western district	1923	74	11,610.00	547	402	176,661.01
	1924	41	11,210.00	501	349	158,752.89
	1925	44	4,977.40	556	412	206,993.85
South Dakota	1923	27		174	143	53,418.74
	1924	22	6,088.81	163	129	16,819.30
	1925	46		251	168	22,700.00
Tennessee, eastern district	1923	65	5,116.82	549	408	61,857.45
	1924	237	21,720.93	725	577	83,150.87
	1925	306	46,116.34	1,392	1,158	158,186.44
Tennessee, middle district	1923	40	28,152.61	582	404	57,636.99
	1924	90	659,739.92	1,134	859	80,149.32
	1925	183	10,699.66	1,295	979	72,133.30
Tennessee, western district	1923	66	19,764.88	607	458	102,169.76
	1924	94	28,371.19	471	332	97,748.91
	1925	94	26,832.06	590	374	90,156.90
Texas, northern district	1923	55	2,600.00	1,224	662	177,899.21
	1924	102	54,718.59	820	549	281,887.05
	1925	111	8,589.30	852	530	70,497.16
Texas, eastern district	1923	75	15,949.40	658	569	49,402.11
	1924	140	11,775.94	671	503	61,272.12
	1925	75	9,718.12	452	341	45,238.79
Texas, southern district	1923	153	534,558.37	833	694	122,172.84
	1924	139	70,555.97	533	425	193,218.44
	1925	117	36,095.42	635	495	117,818.61
Texas, western district	1923	237	83,222.00	1,873	1,573	189,794.00
	1924	194	53,258.39	1,512	1,314	176,333.00
	1925	177	32,693.59	1,810	1,500	143,921.00
Utah	1923	17	152.00	446	186	21,645.51
	1924	44	309.79	213	144	11,715.01
	1925	43	5,717.64	320	117	8,070.00
Vermont	1923	6	309.00	99	82	11,021.00
	1924	11	20,600.00	217	155	29,161.13
	1925	46	34.30	342	238	45,176.10
Virginia, eastern district	1923	273	408,001.00	666	448	18,792.00
	1924	221	59,768.00	537	363	62,(69.00
	1925	153	135,240.00	543	439	15,126.00
Virginia, western district	1923	238	12,393.04	310	195	30,817.62
	1924	159	16,327.75	271	182	34,695.61
	1925	166	6,138.53	217	146	25,391.23
Washington, eastern district	1923	40	8,851.42	180	141	31,171.40
	1924	27	1,437.31	292	231	42,825.00
	1925	44	10,099.76	223	180	23,426.00
Washington, western district	1923	159	23,677.33	704	520	103,207.01
	1924	234	64,370.93	762	607	127,816.88
	1925	286	547,585.58	735	565	178,923.57
West Virginia, northern district	1923	21	3,049.59	511	417	109,786.26
	1924	24	1,632.00	551	373	99,135.01
	1925	43	3,319.17	570	489	76,797.55
West Virginia, southern district	1923	96	58,249.61	1,253	960	110,838.24
	1924	134	35,724.67	1,443	1,059	164,657.76
	1925	181	52,873.57	1,611	1,277	56,228.84
Wisconsin, eastern district	1923	36	58,998.80	92	66	18,950.00
	1924	33	256.74	163	118	39,360.00
	1925	44	1,947.95	245	150	80,545.00
Wisconsin, western district	1923	44	217.70	226	86	19,698.91
	1924	28	700.00	197	149	28,111.00
	1925	14		148	103	21,963.00
Wyoming	1923	11	6,458.95	309	253	40,171.85
	1924	28	7,003.70	237	152	26,280.00
	1925	29	10,389.67	375	203	40,370.00

The increase in the work is shown by the above figures. In 1909 12 civil cases to which the United States was a party were disposed of, and this character of cases increased to 322 in 1926. In 1909 the sum of $3,153.23 was adjudged to the United States in civil suits to which the United States was a party, and in 1926 the sum of $23,267.62 was adjudged to the United States in such cases. In 1909, 397 criminal cases to which the United States was a party were disposed of, and in 1926, 3,045 such cases were disposed of. In 1909 there were 71 convictions in criminal cases and in 1926 there were 2,259 convictions in such cases. In 1909 the amount of fines in criminal cases was $33,045, and 1926 these fines amounted to $249,289.33.

The number of civil cases disposed of in the eastern district of Kentucky to which the United States was not a party, common-law, equity, and bankruptcy, and the increase in such business are shown by the figures taken from the published reports of the Attorney General for the years 1909 to 1925, inclusive. These figures are as follows:

Eastern district of Kentucky

CIVIL LEASES [1]

	Number of cases commenced to which United States was not a party	Number of cases terminated to which United States was not a party	Number of cases pending to which United States was not a party
1909	290	276	372
1910	305	251	384
1911	471	275	575
1912	181	169	[1] 252
1913	307	251	520
1914	300	340	406
1915	440	378	541
1916	364	319	586
1917	331	357	560
1918	128	124	[1] 230
1919	199	189	571
1920	251	258	564
1921	348	256	656
1922	452	352	617
1923	521	387	751
1924	521	463	709
1925	641	570	771

[1] No bankruptcy cases are shown in the Attorney General's report for 1912 and 1918

The United States cases and the litigants in civil suits to which the United States is not a party are at great expense in bringing witnesses, jurors, and parties interested from the Pikeville territory to Catlettsburg court, and the same thing applies to Somerset, Pineville, Paintsville, and Hazard, and the counties in the vicinity of these cities.

The railroad connections are such that it takes one day for such witnesses to get to Catlettsburg, and should the case be tried on the succeeding day, and the witness returns the next day, such witness has been away three days. Witnesses are paid for the time necessary in traveling to and from court. This is placing it at the minimum time. Because of the crowded condition of this docket, witnesses are usually required to stay at court two or three days or longer in criminal cases. The witness fees are 10 cents per mile—5 cents each way—and when the witness stays overnight $5 per day, and if such witness is not required to stay overnight $2 per day. There is an average of four witnesses to each criminal case in the eastern district of Kentucky. Each witness from Pikeville and in that immediate territory now costs the United States $10.50 mileage and (three days, $2 per diem and $3 subsistence) $15 per diem and subsistence, making a total cost of $25.50. Four witnesses to the case would make the cost $102 in each case for witnesses. Approximately 200 cases from this territory each year will make this item cost the United States $20,400 per year, and a like sum in other territories, amounting to over $100,000. This mileage will be saved to the United States if a court is established at the places designated in this bill, and the per diem and subsistence, except the $2 on each witness, will be saved in nearly every instance, because the witness can return to his home without using an extra day to get to court and an additional day to get back home.

A similar cash saving can be shown in civil cases where the United States is not a party and where the expenses must be borne by the parties to the litigation.

In equity and bankruptcy matters, and in common-law and criminal cases where litigants wish to appear before the court, and the court is not in session at Catlettsburg, they must go to the official headquarters of the court and the court officials at Covington, Ky. When they so appear they are required to travel about 255 miles, according to the mileage tables used by the United States. This is a great expense and inconvenience to the parties.

Without going into details relative to each court, we quote the mileage required for such travel from each place. It is as follows:

	Miles
Paintsville to Catlettsburg, approximately	55
Paintsville to Covington, approximately	200
Pikeville to Catlettsburg	105
Pikeville to Covington	255
Harlan to London	85

	Miles
Harlan to Covington	254
Pineville to London	45
Pineville to Covington	215
Whitesburg to Jackson	88
Whitesburg to Covington	253
Hazard to Jackson	45
Hazard to Covington	210
Somerset to Lexington	80
Somerset to Covington	164

The above data has been compiled and is submitted with the view of showing the tremendous amount of business transacted in the United States courts in Kentucky and the necessity of the proposed legislation. The location of the counties involved, the distances of travel, and expenses incident thereto, show that the only practical solution of this question is the creation of an additional district.

The division of the State of Kentucky into three districts as proposed in this bill will be a fair division of the State, considering the business, number of counties, and population of each.

Creating the district will be a saving to the Government.

It is fair to assume that there will continue to be as many as 3,000 cases per year; that four witnesses will attend for the Government. The cost of each witness is estimated at $25 in each case; the cost to the Government for four witnesses is $100 for each case. For 3,000 cases it would be one hundred times that, or $300,000. A saving to the Government by creating the new district and reducing mileage would not be less than one-third this sum, or $100,000. On account of the long delay between courts, prisoners are confined in jail awaiting trial. Of the 3,000 defendants, we assume 1,000 of them go to jail to await trial. With courts at six-month intervals, the present stay in jail is about four months. With the new district created, the stay in jail will be reduced to approximately two months, and the Government would be saved two months' dieting of 1,000 prisoners—the Government pays 75 cents per day per man for subsistence of these prisoners, or $750 per day, or a total of $45,000 per year saving to the Government.

Another item is traveling of prisoners to courts for trial. It is noted above that the territory in question is an average of about 100 miles from present courts, and most of these 1,000 prisoners, with accompanying officers, must cover; that average distance from various jails, to be brought into court, averaged at the railroad rate of 3½ cents per mile, makes $3.50 per man one way, or $3,500 per year, and most of them must be returned to jail. So that a total estimated saving from this source of $5,000 per year seems entirely safe. Plainly this saving on travel expenses of witnesses alone will much more than balance off the total extra costs of the new district and courts in any and every fiscal year. Yet there will be some further saving on travel of officers, by shortening long distances of travel, of about $8,000 per year.

In addition, the fines and forfeitures, by reason of bringing the courts to the immediate localities, will be increased by many thousands of dollars, at a conservative estimate $50,000 per year or more. Because of the locations of the present United States commissioners and United States deputy marshals, there should not be any additional costs on account of these offices, for the present at least.

The creation of the new district and courts is a paying proposition financially to the Government, assuring a net saving to the Government in operating costs of from $50,000 to $75,000 per year, and no extra appropriation necessary to put it into effect immediately. Provision has already been made in the Budget for the present district on the present basis of long distances to travel, insufficient courts, and so forth, and the net result of establishing the new district and courts, so far as the Government is concerned, will be to turn a substantial part of the present appropriation back into the Treasury.

It is also true that civil litigation in the eastern district of Kentucky has increased both in volume and importance with as great speed as has the criminal side. The point is reached that the court strains every effort and every bit of his great experience and ability to try to cope with it, but this is also done at heavy extra expense, trouble, and time to litigants in various ways. It is a very important matter to both court and litigants to lighten this heavy burden upon them. Particulars of this will not be discussed now, but this situation, with others which will be referred to immediately, explains the tremendous universal interest in this proposal all over the territory comprised in the new district.

Another factor is to be noted in the criminal trials. From 500 to 700 of these defendants are shown to be acquitted per year. To get their acquittals they must take their witnesses and attorney to court. The long distances involved throws an extra heavy burden on them, and they are usually poor men. Their cases are the result of mistakes; those men are entitled to real consideration at the hands of the Government, and this is a strong reason why this bill should pass. Whether the guilty defendants deserve sympathy or not, the extra heavy expense on many of them is a factor to their families where they are poor, and most of them are in this section. There are no gilded bootleg kings in the mountains of Kentucky, where most travel is difficult enough, at best.

AVERAGES IN NATION

The records show that, in the fiscal year 1925, there was a total of about 38,000 convictions in the United States, of which the eastern district of Kentucky, with one judge, contributed 1,970 or about one-twentieth of the total, as there are about 100 districts in the United States, and about 150 judges. So, the average number of convictions per district is less than 400, and the eastern district of Kentucky contributed more than five times the average per district in the United States. The amount of fines in the United States for the year 1925 was $7,680,000 and the eastern district of Kentucky contributed $213,750 of that, while the approximate average per district in the entire United States was $75,000. During all this time the increase and volume of civil litigation has kept well up with this tremendous growth of criminal business in the eastern district of Kentucky.

LOCATIONS OF NEW COURTS

Placing the new courts at Somerset, Pineville, Hazard, Paintsville, and Pikeville is the unanimous conclusion of all who study that matter carefully and from a purely practical viewpoint to assure the greatest efficiency and convenience of the courts and economy to the Government, and citizens.

All these towns have concrete paved streets and water, sewage systems, and fire departments excelled by none in the State; hotel facilities of the best, and adequate for every need, all of which are important incidentals. The county court room and facilities are tendered by the fiscal court of these counties for holding Federal courts, without charge.

CAN THERE BE ANY HESITANCY OR RIGHTFUL OPPOSITION TO A MEASURE THAT SO EFFECTIVELY FURTHERS THE PRESIDENT'S GREAT POLICY OF ECONOMY, BOTH TO THE GOVERNMENT AND LITIGANTS, IN EVERY MATERIAL WAY?

An additional judge would not meet the requirements because the courts when located at the points mentioned in the bill, could not be accommodated by the marshals, clerks, and district attorney, because the district attorney and his assistants occupy all their time with work as laid out at present and could not attend to the business of the courts at the new courts located by this bill. Besides, it would be absolutely impossible for the presiding judge to hold 10 additional terms of court per year in excess of the 14 terms he now holds.

The docket is congested in the eastern district of Kentucky. If all the criminal cases were tried by a jury that were docketed for 1926, numbering 3,045, the jury could try on an average of 3 cases per day and 1,015 days would be necessary to dispose of one year's business. If the 322 civil cases on the civil docket for 1926, in said district, were tried by a jury, at least one day would be consumed in the trial of each case, it would require 322 days to try them, making a total number of days actually required to try both criminal and civil cases in the eastern district of Kentucky for one year, 1,337 days, assuming one could hold court 300 days per year, it would require over four years to try the cases actually docketed for 1926, which would be an impossibility. And it is fair to assume more business will accumulate and longer time will be required to dispose of the cases as development continues in that section of Kentucky.

HOW IS THIS CONGESTED CONDITION TAKEN CARE OF NOW?

With the crowded docket the only hope to keep abreast with the work is to compromise cases and enter agreed judgments and thus prevent a trial, and this is the course necessary to follow in order to prevent a congested docket. This method is objectionable because it denies both sides a trial by jury, and many a plea of guilty is entered under duress, and the defendants, on account of poverty and inability to keep their witnesses at court, enters a plea of guilty as a matter of expedience, as the cheapest way out, by agreement with the district attorney. By this method the Government is forced to compromise cases and take fines for less than it should, because this is the only method of reaching the cases.

I submit that this Government should provide for the trial of cases in an orderly, legal way, so that a full hearing may be had and the rights of all protected without concession or oppression, and the Government, after paying the salaries for the new officers, will have something like $30,000 per year to its credit if this district is created.

The tremendous amount of business done, the unusually large expense incident thereto, the convenience of litigants, witnesses, jurors, attorneys, and parties interested require the establishment of the proposed additional district.

Responding to the resolutions opposing the district, I desire to say:

Boyd County opposes this measure for a selfish reason. All Big Sandy counties come out to Boyd County to Federal court at Catlettsburg. They spend their money and do their shopping while there, and, in fact, Boyd County has subsisted off of the Big Sandy people for 50 years, and yet, for fear they will lose a few dollars in hotel bills and trade, they oppose this bill, which is the dream of the mountain people, regardless of politics, and by defeating this measure they will continue to force these mountain people to come out to the Ohio River, suffer great expense, ill convenience, hardships, and oppressions for the sake of a few paltry dollars.

I insert a clipping from the Pike County News, dated January 27, 1927, which states the position of the mountain people.

The Louisville bar, who are opposing this measure as an ally of the Courier Journal, which has always oppressed and despised the people of the mountains of Kentucky on account of the political complexion of that section of the State, who have filed a brief in opposition, in which they admit the relief is needed, but oppose the district and want to substitute for a district an additional judge, with one of the Louisville lawyers the judge, I presume. This would not give relief. The places of holding court as fixed in these bills bringing them closer to the people with judges and court officers who are familiar with the situation can and will bring the needed relief, and it can be had in no other way except to create the new district.

The clipping is as follows:

PIKEVILLE ATTORNEYS ARE MISREPRESENTED—STRENUOUSLY OBJECT TO STATEMENT MADE BY LOUISVILLE COURIER-JOURNAL REPRESENTATIVE—MOUNTAIN PEOPLE UP IN ARMS OVER TREATMENT ACCORDED THEM BY PAPER

There is one community in the great State of Kentucky which stands as a unit in an antagonistic feeling toward the Louisville Courier-Journal in the fight that that newspaper is making and has made against the eastern part of the State and which seems to have culminated in the stand which that journal is taking against the establishment of a new Federal court district in Kentucky. That community is Pikeville. The people on the street, in the business houses, and in the offices are loud in their condemnation of that paper's attitude in this matter, and are not backward in advancing the opinion and belief that the Courier-Journal is against anything which will improve conditions or affairs in the mountain district.

Pike County lawyers have expressed themselves in no uncertain manner, as shown by the following communication addressed to the Courier-Journal. Messrs. A. F. Childers, W. W. Barrett, and W. A. Daugherty, in a letter to the Louisville Herald-Post, make out a strong case against the Courier-Journal. A copy of this letter is also herewith produced. Never have people been so aroused, and it appears that this establishment of a Federal court and the animosity shown by the Courier-Journal is the straw which broke the camel's back, and that the people of eastern Kentucky are ready to make a vigorous fight to see whether or not they have any rights on the face of the earth; whether the western part of the State is to exclusively enjoy all modern conveniences at the expense of the eastern part, while this part must be satisfied to travel on muddy trails hardly passable on horseback and have any move for betterment in conditions here strenuously fought by the Courier-Journal and its friends.

PIKEVILLE, KY., *January 24, 1927.*

The COURIER-JOURNAL,
Louisville, Ky.

GENTLEMEN: On the 22d instant your paper carried an article stating in substance that the attorneys of the Pike County bar were opposed to the establishment of a new Federal district in Kentucky on the grounds that it would deprive this section of the services of Judge Cochran, the present judge in the eastern district of the State.

The undersigned members of our bar in answer to this statement would make it known:

That the people of the mountains of this State are not dissatisfied with the services of Judge Cochran; he has been a faithful and able judge, but no doubt there are many others who can serve us equally as well.

Judge Cochran's ability as a judge has nothing to do with the expense and inconvenience of the people in getting before him.

The people of this section are unanimous for this measure, and their claim is founded upon simple justice. Nothing will suffice but the establishment of a new district, and any rumor to the contrary is against the sentiments of our people.

W. K. Steele, president Bar Association; W. A. Daugherty, attorney; W. W. Barrett, attorney; A. F. Chiders, attorney; W. W. Reynolds, attorney; W. K. Elliott, attorney, Pikeville, Ky.; Frank P. Damron, attorney, Pikeville, Ky.; W. E. Stratton, attorney, Pikeville, Ky.; Roscoe Vanover & Sons, attorneys, Pikeville, Ky.; Alex L. Ratliff, attorney, Pikeville, Ky.; P. B. Stratton, attorney, Pikeville, Ky.; Zach Justice, attorney, Pikeville, Ky.; J. P. Hobson, jr., attorney, Pikeville, Ky.; J. F. Hudson, attorney, Pikeville, Ky.; E. B. Stephens, attorney, Pikeville, Ky.; J. A. Runyon, attorney, Pikeville, Ky.; J. M. Bolling, attorney, Pikeville, Ky.; S. M. Cecil, attorney, Pikeville, Ky.; E. E. Trivette, attorney, Pikeville, Ky.; E. J. Picklesimer, attorney, Pikeville, Ky.; H. Pauley, attorney, Pikeville, Ky.; O. T. Hinton, attorney, Pikeville, Ky.; J. R. Johnson, attorney, Pikeville, Ky.; J. J. Moore, attorney, Pikeville, Ky.; L. J. May, attorney, Pikeville, Ky.

PIKEVILLE, KY., *January 24, 1927.*

To the LOUISVILLE HERALD-POST,
Louisville, Ky.

We want to know if you can tell us what the Courier-Journal has against the people of the mountains of Kentucky. A few years ago a bond issue was proposed and presented to the people for approval, to the end that the State, and especially the mountain counties, might have a system of public highways. That proposition was fought and defeated by the Courier-Journal. Consequently, the development of the State, and more particularly the eastern portion thereof, was given a setback it will not overcome in the next generation.

Now, then, we have a bill pending in Congress, establishing a new Federal district in eastern Kentucky. Again the Courier-Journal goes for miles out of its way to oppose the establishment of this district. If it was of any advantage whatever to the Courier-Journal or the city of Louisville to defeat this measure, we would accept its opposition as a worthy foe and go ahead. But so far as we can see, it is moved by no other influence than to see that eastern Kentucky gets nothing. It is not a question of whether it will help Louisville, but it will hurt the mountains of Kentucky. That is the question of prime importance. Why this spirit of vengeance, animosity, and hatred that flames up every time the people of the mountains seek to make one step forward. But Courier-Journal or no Courier-Journal, the people of these hills are coming to the front. The purest Anglo-Saxon blood in the New World is here, and the puny arm of the Courier-Journal can no longer bar the march of progress. Congress can no doubt see through smoke screen of misrepresentation and deception played by a hostile paper, not for its own convenience but laid as a snare at the feet of those upon whom it would wreak vengeance.

We can not believe that the attitude taken by this paper toward this section of the State is representative of the city at large. Undoubtedly there are a great many good people in so large a city that are willing that righteousness should prevail; that in all parts of the State her citizens should have an equal chance before the law.

On the 22d instant the Courier-Journal carried a statement in reference to this proposed bill, which in effect said that we lawyers of the Pike County bar were opposed to any change that would deprive us of the service of Judge Cochran. We have no fault to find with Judge Cochran. We are not looking for a better judge, but what we want is a chance to get before the court. It matters not how able the court may be, if one can not get before him there might as well be no court. Down in the Blue Grass there is not a place in the State in which a litigant can not reach a Federal court in an hour or two. From Pikeville it takes two days to appear at the nearest Federal court and return. And that at an expense of not less than $25. This bill proposes a court for Pikeville, Paintsville, Hazard, Pineville, and Summerset. It would not be necessary, as the Courier-Journal would infer, to cross high mountains, through the wilderness, traversing sheep paths, to reach the courthouse. But the court would be in easy reach of all.

We address this to you, hoping that you will see the justice of our cause and be moved by your passion for a square deal to see that we are not imposed upon by a hostile paper.

A. F. CHILDERS.
W. W. BARRETT.
W. A. DAUGHERTY.

URGENT DEFICIENCY APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I ask that the Clerk report the first amendment in disagreement.

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

The Clerk read as follows:

Page 4, after line 23, insert:

"OFFICE OF THE SECRETARY

"The action taken by the Secretary of Agriculture in using not exceeding $253,000 of the unexpended balance of the appropriation of $3,500,000 contained in the second deficiency appropriation act, fiscal year 1924, approved December 5, 1924 (43 Stats. p. 682), for the eradication of foot-and-mouth and other contagious diseases of animals, for the purpose of making loans, under rules and regulations of the Secretary, to owners of crops and livestock damaged or destroyed by hurricanes in the State of Florida during September, 1926, and for traveling and other expenses incurred incidental thereto, is hereby approved and credit for funds so disbursed shall be allowed in the settlement of the accounts of the disbursing officers of the Department of Agriculture: *Provided*, That a further sum of $12,000 from the same appropriation is hereby made available until June 30, 1928, for necessary expenses in handling such loans and making collections thereon."

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

Mr. BYRNS. Mr. Speaker, will the gentleman yield me five minutes?

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Tennessee.

Mr. BYRNS. Mr. Speaker, I have no doubt that this amendment will be adopted, but I rise to enter my very earnest protest against the action which prompted request for ratification upon the part of Congress. Congress has several times made very liberal appropriations for the eradication of the foot-and-mouth disease. As we all know, last summer or fall a great hurricane occurred along the coast of Florida. It resulted in the loss of much property and the loss of life, and considerable suffering. I recall that the Governor of Florida on that occasion made a statement, which was broadcast throughout the country, that he did not even propose to call on the Red Cross for relief. He said that Florida would take care of herself. However, it seems that, acting under the authority of the President of the United States, the Secretary of Agriculture, without the slightest authority of law, took from the appropriations for the foot-and-mouth disease $253,000 and loaned it to farmers in Florida for the purpose of buying seed. There was not the slightest authority of law for doing that. The money was appropriated by Congress for a specific purpose. Merely because there was a million or more dollars in that fund did not authorize the President of the United States or the Secretary of Agriculture to use that fund for purposes other than those provided by Congress. If that sort of practice is to be pursued, then Congress may just as well cease its function in undertaking to designate where money shall be spent and resort to the practice of appropriating a great lump sum of $4,000,000,000 or more and leaving it to the executive departments to say how it shall be expended.

This is a Government of law, and all officials, high or low, no matter who they may be, should observe the law. [Applause.] I care not who made the order. It was illegal and improper, and yet now after the money has been loaned, after this improper and illegal use has been made of the money, Congress is asked to ratify and approve it. It is because of that action that I rise to enter my very earnest protest.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. GREEN of Florida. Does not the gentleman realize this was an emergency and required action at that time and that they could not wait for Congress?

Mr. BYRNS. Well, I do not know. This unlawful diversion of public funds was made two weeks or more after the hurricane; I can not see that there was an emergency. I know the governor of the gentleman's State, according to the newspapers, said he was not even going to ask the Red Cross——

Mr. GREEN of Florida. The gentleman got that from the newspapers.

Mr. BYRNS. I have not heard that it was contradicted.

Mr. GREEN of Florida. Other people stated that——

Mr. GARNER of Texas. Suppose it was an emergency. Is the President of the United States authorized to take out of the Treasury money without the consent of Congress and appropriate it for any purpose he sees fit?

Mr. BYRNS. By no means; and it is because of his action in taking money appropriated for one purpose and utilizing it for another that I am making this protest.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNS. May I have five additional minutes?

Mr. WOOD. I yield the gentleman five additional minutes.

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS. I will.

Mr. BLANTON. And when we approve that we become simply rubber stamps?

Mr. BYRNS. Absolutely. If we permit the Executive of this country to determine that funds appropriated for one purpose shall be utilized for another, then we had just as well appropriate the money in a lump sum and permit the Executive to use it as he pleases. Now, my friends, I sympathize with the people of Florida. I never have objected to an emergency matter where people were actually suffering, where tents and supplies had been granted by the War Department and other departments of this Government for the relief of the starving and suffering. This money was used to loan money to the farmers for the purpose of buying seed. I know there have been several precedents, but those precedents were established by Congress, the only department in this Government which has a right to appropriate funds. I opposed that at the time because I have always questioned very seriously the constitutional right of Congress to appropriate money for such purpose——

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. BLANTON. And is not the wrongdoing emphasized by sticking this kind of a ratification in a deficiency bill in conference by some other body without coming to the proper committee for approval?

Mr. BYRNS. Well, it was sent up by the Budget and, of course, the Budget acts for the President primarily; and, of course, it was necessary to stick it in some bill because the Comptroller General of the United States will not pass the account, and they can not get credit for the money taken from that appropriation unless Congress by formal act approves and ratifies it.

So far as I am concerned I do not believe Congress ought to permit this sort of practice. I do not believe Congress should be a party to that sort of action. I think we ought to express our protest against it and let the officials of this Government, high or low, understand our opposition to the Executive authority unlawfully diverting funds for any purpose. I wonder what the gentleman from Indiana, who makes this motion, would have to say if this was done by anybody else except the President of the United States? Suppose some official down here in the department had done this. I imagine there is no gentleman upon the floor who would have protested more strongly than the gentleman from Indiana. The President of the United States had absolutely no more authority to do this than the Secretary of Agriculture, and the Secretary of Agriculture no more authority to do this than the head of some bureau. It is for that reason I am protesting. [Applause.]

Mr. WEFALD. Was there any other way by which those farmers could have been helped?

Mr. BYRNS. I presume so. Florida could have done just as they did in my town, where there was much suffering and people driven from their homes on account of the flood, and the people of Nashivlle went down in their pockets and raised $85,000 or more to relieve the suffering and did not call upon Congress or the Government to do it. But I would not object if it had been necessary to relieve suffering or save life. But this was not the case. It was a loan for the future, not to relieve a present emergency—a business proposition, not an act of relief in time of an emergency.

They may tell you that they are going to get the money back. But look at the record of the loans made in the Northwest. We are carrying an appropriation for $12,000 to provide for an office to be established in Florida to collect the money—and good jobs for somebody. I predict that when the final records are shown it will appear that the Government will not have gotten back 50 per cent of it. [Applause.]

Mr. WOOD. Mr. Speaker, I desire to state to the House the facts that led up to the making of this loan of $250,000 to the flood sufferers in Florida. It is admitted that there was no warrant of law for this loan, except the warrant of necessity.

Mr. GARNER of Texas. I understand the gentleman to admit that there was no authority of law for taking this money and loaning it to these people?

Mr. WOOD. Only the law of necessity and the law of humanity.

I hold in my hand a list of more than 200 precedents, some of them very similar to this. To some of them I will call your attention in order that you may know that there is nothing exceptional in this transaction. You will all recall that they had a terrible devastating flood in Florida in the month of September last. It absolutely destroyed thousands

of homes and thousands of farms and left destitute thousands of men who were engaged in agriculture and the gardening business in that State. An appeal was made to the Department of Agriculture to see if some temporary relief might not be had, because they were in immediate need of seed with which to plant their crops in a seasonal time, whereby they might have a chance to mature new crops and help themselves out of their dilemma. The Department of Agriculture, realizing the fact that it had no authority upon which it might base its action in making this loan, appealed to the Budget. General Lord, representing the Budget, called up the chairman of this committee [Mr. MADDEN] over the long-distance phone and stated the facts and the necessity existing, as those facts had come to him through the Department of Agriculture. The chairman of the committee, in sympathy with the people of Florida, in sympathy with the desire of the Department of Agriculture and the recommendation of the Chief of the Budget, gave his assent that it might be done, and stated that he would ask for a ratification of the act.

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

Mr. WOOD. I yield.

Mr. BLANTON. Why did not my friend from Illinois [Mr. MADDEN], the distinguished chairman of the committee, put this in his bill when he reported it out of committee?

Mr. WOOD. I will state the reason why it was not put in. It was under consideration at that time, and would have been put in but for the fact that two members of the committee raised an objection at that time.

Mr. BLANTON. Because it was subject to a point of order?

Mr. WOOD. No. That was not the reason. I think the gentlemen who served on the committee, Mr. BYRNS and Mr. BUCHANAN, will substantiate what I say. It was cut out for the reason that the chairman of the committee was confined by illness to his room, and it was at the suggestion of Mr. BYRNS and Mr. BUCHANAN that it was cut out at that time.

Mr. BLANTON. Because it would have been subject to a point of order?

Mr. WOOD. No doubt it would have been subject to a point of order.

After these communications between the Chief of the Budget and the Secretary of Agriculture and the chairman of the committee this loan was made out of appropriations for the eradication of the foot-and-mouth disease. Those destitute farmers and gardeners down there, 900 of them in number, were the beneficiaries of this loan. All of them have given their notes for repayment and such security as they were able to give, and we are informed that the security in most cases is ample.

Now, as I say, this is not the first time this thing has happened. It has been happening ever since this Government commenced. It will continue to happen as long as the law of humanity dictates to the consciences of men.

I want to call your attention to some of the late cases. The Secretary of War made a loan of this character directing expenditures for the repair of damages caused by floods in Arkansas, and in providing sanitary measures in Pueblo, Colo., approved in the second deficiency act of March 20, 1922; also the action of the President in directing the use of Army supplies for the relief of sufferers from storms and floods at Corpus Christi, Tex., also in the second deficiency act approved March 20, 1922; the action of the United States in directing the issuance of farming supplies for the relief of sufferers from the the Japanese earthquake in 1923, which was approved by Congress in 1925.

Back in 1913, under the Wilson administration, an act was passed extending aid through various appropriations, and funds appropriated for the improvement of rivers and harbors were diverted from that appropriation for the purpose of relieving sufferers from floods in Mississippi.

Mr. CHINDBLOM. Were those all ratifications after expenditure?

Mr. WOOD. Every one of them was a ratification after the expenditure. There are many such precedents going back to the very beginning of our Government.

Mr. BYRNS. The gentleman has cited cases where money was appropriated or used for the relief of suffering. I stated expressly that that had been done. But has the gentleman any precedent for the loaning of money to any class of citizens for the purpose of supplying seeds and things of that sort, and not for the relief of suffering?

Mr. CHINDBLOM. This is for the relief of agriculture it should be remembered.

Mr. WOOD. It strikes me that there is more justification, or as much justification in this case as in those I have mentioned and the other precedents I have here. If it had not been that this relief was furnished as it was furnished, those men down there would have been without seed, without means to have recouped their losses, possibly resulting not only in physical suffering but also in financial suffering.

I can not for the life of me see any difference in principle between the cases. This was not done without the utmost consideration and cooperation by the Department of Agriculture and by the Budget and by the chairman of this committee. So I say that if we are going to reverse the practice of this Congress, which has been pursued ever since this Congress began, by refusing or objecting to appropriations of this character, the time may come when, by reason of some dire disaster, another call will be made upon the Government of the United States, which has ever lent a willing ear to cries of distress and suffering; and if the relief is not granted, perhaps those of us who might be instrumental in causing a new policy to be adopted would regret the hour when we ever did such a thing.

Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, the naked question here is that of the exercise arbitrarily of an authority not given by law. There have been innumerable cases, as the gentleman from Indiana has stated, in which the departments have strained the timbers of the law in order to relieve human suffering and protect human life, and when the Congress has been called upon either to initiate such an act or to ratify acts performed when they had been confined to that particular purpose the Congress has waived constitutional scruples and legal niceties and has proceeded to ratify or to initiate when it was in session and called upon so to do. But, Mr. Speaker, this proposition was not one to relieve suffering. What Congress would have done had it been in session toward creating a fund to be loaned to the farmers of this section for the purchase of seed I do not know. Certainly Congress would, in fixing the matter, have fixed the terms upon which it should be done, but that is not the important thing here. The important thing here is that the Congress is called upon to ratify an illegal act [applause] done in the name of an emergency, with the doer of it himself declaring what was the emergency. Now, what sort of a precedent are we fixing here? I sympathize with the suffering of this community. I have never at any time during my service tried to throw anything in the way of measures presented here for the protection of life in times of catastrophes of nature, but this goes far beyond any proposition of relief or of the protection of human life. This is a proposition which profoundly touches the elemental functions of government, the matter of keeping separate the legislative and the executive branches of government. I have often thought we ought to have a general law which in times of flood or other periods of public distress as a result of some convulsion of nature, would enable the use by the War Department of the facilities at its disposal for the protection of life so that Congress might not be called upon every time to act. That I would accede to. In the discharge of the duty of handling military stocks we can well afford to place that authority in the hands of the department.

Deep as is my sympathy, and profoundly as I feel in regard to the suffering wrought by nature in our sister State of Florida, I can see infinitely more distress for the future in acquiescing in an act whose legality no man can defend and which no man now undertakes to defend as legal.

Ah, if human life had been at stake there and numbers of people had been threatened with destruction we might strain the point, but when it comes to a purely business transaction in the loaning of money for the purpose of purchasing seed I can not acquiesce. I do not know whether they could have borrowed money anywhere else or not. Whether any of the governmental agencies, the intermediate credit banks or the Federal land banks, were open to them, and whether they approached those avenues I do not know. At any rate all that is presented here is that this was a simple business transaction. It does not have in it a single element of the protection of human life, and I am unwilling to set the precedent of ratifying that act. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. DRANE].

Mr. DRANE. Mr. Speaker and gentlemen of the House, the relief was given in very large part to a community in my own congressional district. That community is close to the border line between the first congressional district of Florida and the fourth congressional district represented by my colleague [Mr. SEARS]. That money was used to save human life from starvation. [Applause.] Diverted from cattle and given to men. That is what it was used for. It was not a business transaction. I thank God the President of the United States,

who is said to be cold hearted, had a warm enough heart to see the situation as it then was. [Applause.] And to give the relief which would necessarily come into the mind of any man knowing the conditions and having a spark of humanity in his breast.

The town of Moore Haven, which is involved here, was a town of about 1,500 people, happy, prosperous, orderly, and cosmopolitan; from every section of the United States. They only have one means of livelihood and that is to put green vegetables on the tables of the United States at times when they can not be produced elsewhere. There was a dike around a lake there. That lake is approximately 40 miles wide and 50 miles long. That water had been impounded before that dike until it was said to be 19.4 feet above the level of the sea. The dike was there for the protection of the farm lands and the village behind the dike. The farm lands and the village were at a level of about 15 feet above the level of the sea, therefore, more than 4 feet below the lake level. There came a gale of unprecedented violence and without notice. The gale was 100 miles per hour. In a few hours, notwithstanding the fact that every man, woman, and some of the children of that community were trying to build up that dike in order to hold it, the dike broke and within 30 minutes there was not a house standing where one stood before; the churches, the schools, and even the banks of the community were washed away. All of the animals, sheep, pigs, chickens, horses, and mules, were drowned. Hundreds and hundreds of people were drowned there.

I saw men, women, and children come out of that community with cloths around their loins to hide their nakedness; they stood naked before you, but that is all they had. Everything was destroyed. Hope was destroyed. I have seen women crying and looking for their children, and often they were told their children were dead. They would ask where the body of a child was, and they were told it was down in the saw grass and the muck. Under those conditions the people of Florida opened not only their doors but they opened their pocketbooks and they opened their hearts in order to give relief to those who suffered and a Christian burial to those who died. I do not know "what the Governor of Florida said," as quoted by a distinguished gentleman who preceded me in his remarks, and I do not care what he said. I am telling you the God's truth as to conditions as I saw them, and I was there.

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

Mr. WOOD. Mr. Speaker, I yield the gentleman five additional minutes.

Mr. DRANE. They had to have a way to live. We sent them to their homes, paid their railroad fares to all parts of the United States, those who wanted to get back to the hearthstones from which they came. We did that. We clothed them; we fed them; we gave them all the relief we could, and we did it out of our own pockets and freely and willingly. The Red Cross was not yet ready to function, and it could not. This is no reflection upon the Red Cross, but this was an emergency which had to be met and had to be met at once, and it had to be met without regard to law or anything else except the law of humanity, and I thank God that the President of the United States and that great Cabinet officer under him, the Secretary of Agriculture, did what they did; and if it is with the last breath in my body, Democrat as I am and partisan Democrat as I am, if you please, I will vote to ratify what they have done. I thank you. [Applause.]

Mr. THATCHER. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. SEARS].

Mr. SEARS of Florida. Mr. Speaker, I hesitate to speak on this question because I believe the House is going to ratify the action of the chairman of the subcommittee in reporting out this agreement.

I dislike to go into a discussion of the recent hurricane because I fear I can not add to what my colleague and friend, the gentleman from Florida [Mr. DRANE] has said. About three weeks before this hurricane struck Florida it was my pleasure and privilege to attend a convention having for its purpose the prevention of floods. At this convention there were men and women from nearly every State in the Union, and as we sat around the festive banquet table and chatted we were full of life and full of hope. I shall not forget the night, at about 1 o'clock, when out of my own home town a carload of provisions and men was sent down to help relieve the suffering and to recover as many as possible of the dead. I shall never forget the happy, bright, spirited minister who sat next to me at that banquet and whose life was lost in that disastrous hurricane. For the dead we can do no good, but for the living we can appeal.

Mr. Speaker, since being a Member of this House during the last 12 years I have voted for millions of dollars for seed for foreign countries and no voice was raised in protest. I have voted for relief in North Dakota and in other sections of the country. My good friend and colleague from Tennessee may say, "Oh, yes; but Congress ratified that." That is true, Mr. Speaker, but Congress was in session. At this time Congress was not in session.

Regardless of what the Governor of Florida may have said or may not have said, I believe I owe it to my colleagues and to the country to say that after looking over the situation and after being flooded with requests I wired President Coolidge and Secretary Jardine, appealing to them on behalf of humanity to make an appropriation out of some fund to give these people the relief they were entitled to, and knowing my colleagues as I did, I believed I could speak for them and say that they would ratify whatever action they took. [Applause.]

The following telegrams and letters are self-explanatory:

SEPTEMBER 24, 1926.

Hon. CALVIN COOLIDGE,

The President, Washington, D. C.:

The truck growers in storm area must have prompt assistance in way of seed and fertilizer. Federal Farm bank advises loans. Will be made in usual way. This will do no good. Thought possibly Agricultural Department or some other fund could take care of situation until Congress convenes. J. S. Rainey is county agent at Miami. Do not know name of agent in Moore Haven district. I have voted for many relief funds out West and other sections and am satisfied my colleagues will do likewise in approving whatever action you take. The citizens of Florida in and out of path of destruction are grateful for way Nation has and is responding, and the Red Cross and other agencies are doing wonderful work. If relief as suggested can be granted, wire me. Official business.

W. J. SEARS, *Member of Congress.*

KISSIMMEE, FLA.

Hon. CALVIN COOLIDGE,

The President, Washington, D. C.:

You recall I wired you a few days ago requesting relief for farmers and truckers in storm sections in way of seed, etc. I desire to thank you for prompt acknowledgment. In yesterday's papers I note your request that Secretary of Agriculture render said aid to the extent of $300,000 and your statement that you are satisfied Congress will indorse your action. As stated in my other telegram, I am satisfied my colleagues will promptly indorse your action as soon as Congress convenes. The people of all Florida are deeply grateful for your prompt action and the asistance rendered by the Nation and for the wonderful work the Red Cross, Salvation Army, and civic bodies are doing.

W. J. SEARS, *Member of Congress.*

As a Democrat I want to thank the President and Secretary of Agriculture for finding some way to give to those people this relief. Oh, Mr. Speaker, it is unfortunate that the money had to come out of the foot-and-mouth disease appropriation. Let us hope that the foot disease has been eradicated, and that perhaps the little money that is left may help the mouth disease in order that in the future no voice may be raised against suffering humanity. [Applause.]

Oh, Mr. Speaker, I have not forgotten the statement sent out by the distinguished and able Governor of Tennessee when he said that the hurricane was sent to Florida as a punishment of the sins of the people of Florida.

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

Mr. WOOD. Mr. Speaker, I yield the gentleman two more minutes.

Mr. BYRNS. Does the gentleman know that the Governor of Tennessee made that statement?

Mr. SEARS of Florida. Oh, no more than the gentleman from Tennessee knows that the Governor of Florida made the statement he referred to. It was in the press. [Laughter and applause.] I think after the recent flood in Tennessee the Governor of Tennessee has backed off and denied the statement. I do not believe the recent flood in Tennessee was sent by the hand of God to punish those people. It was just one of those unfortunate things that happen.

Mr. Speaker, we are not here begging, but we are asking for that to which we are entitled. I understand why my friends technically can argue as they do, but they do not understand conditions in this great State. Living up in the mountains of Tennessee where some of the people are cold and where they can only plant during a few weeks of the year, they can not understand that in Florida you plant your seed in the spring or fall, and almost overnight or within a week or two we have our fresh vegetables ready to send up here so that

my good friend from Tennessee may enjoy them on his table when he goes to his meals.

We took this matter up, as I recall, with the Federal farm-loan banks, but they could not give us any assistance in time to be of any relief. We then went to the President; and, as my colleague and friend from Florida says, I want to thank the President for responding to the telegrams of the Florida delegation and giving this relief to us. Let us hope that the time may never come when we must let people suffer simply because Congress is not in session.

I resent the implication that the people of Florida have not done their part, and I call upon my friends and colleagues from California, my friends and colleagues from Oregon, my friends and colleagues from other States who went down there recently, to vouch for the statement that no State could have come out of such a hurricane and such a loss as quickly as did the State of Florida. [Applause.]

The SPEAKER. The time of the gentleman from Florida has again expired.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. GREEN].

Mr. GREEN of Florida. Mr. Speaker and Members of the House, of course it is impossible for me to make a thorough discussion of the Florida storm relief loan in the few minutes obtainable on this conference report; but I may say that I, indeed, hope that my colleagues will be thoughtful enough to adopt the report. It is with extreme regret that I see some of the most distinguished Members on my own side of the House opposing the ratification of the President's emergency loans to the farmers of the hurricane-stricken area of my great State. The whole situation and the entire argument against this conference report is that there was no necessity; but, Mr. Speaker, if the distinguished gentlemen from Tennessee [Mr. GARRETT and Mr. BYRNS] could have been in the lower district of Florida and could have seen those beautiful villages laid waste in only a few hours, could have seen human and animal life devastated, could have seen residences, dwelling houses, crops, fields, trees, shrubbery destroyed and floating away on dashing waves, and could have heard the cry thereafter which went all over the State; in fact, which went through the United States; and could have heard the appeal for help which was so nobly responded to throughout the United States, and if they could have seen those who were so weak financially throughout the State of Florida and other States contributing almost to their last penny for the relief of suffering humanity, I am sure these distinguished gentlemen and the others who so loudly applauded their roaring speeches would not say that the President of the United States erred when he affirmatively answered a request of the Florida people for a small loan to the farmers of this district in order that they may purchase seeds and other necessities to start their crops with.

This storm came at about the time of planting for fall crops and there was no time for delay. I presume these distinguished gentlemen opposing the conference report would say "they should have waited until the Congress met in December, then obtain an appropriation for a loan to purchase seed with"; but I am glad that this was not the case, and I am glad also to inform you that the farmers of this section bravely and courageously turned themselves to their task of rebuilding their portion of the devastated section and fruits are awarding their task. I read only recently where the farmers were receiving $3,600 per car, or $8 per hamper, for snap beans. Had not these loans been made, numbers of these farmers could not possibly have financed the planting of a fall crop, and I appreciate the fact that the United States had a President and Secretary of Agriculture who were "big enough" to come to the relief of stricken and suffering humanity in the manner above indicated. [Applause.]

Mr. BYRNS. Will the gentleman yield?

Mr. GREEN of Florida. I will.

Mr. BYRNS. The gentleman and his colleagues seem to place this matter on a different plane. My colleague and I did not question the suffering of the people of Florida, nor did we make any criticism if it was something done for the relief of human suffering; but here weeks afterwards money is diverted from one source, not for the relief of suffering, but to make a loan.

Mr. GREEN of Florida. In the eye of many it seems all right and proper to appropriate money for the foot-and-mouth disease of animals, for the protection of various plants from pests and disease; it also seems all right to send money to Japan and other grief-stricken areas, then why not ratify this loan which was made for the relief of suffering humanity here in the midst of our own people? I fear that some are attempting to here try to make a boost in their stock or anti-Florida propaganda; but, Mr. Speaker, this is no time for them to voice their opinion in order to satisfy and please anti-Florida knockers, at a time when we should be courageous and vote to support that which was given for the relief of humanity. I am proud of the fact that the citizens of the United States, through the Red Cross and other agencies, responded so nobly to Florida's appeal; and I am also proud of the fact that our Government was able to make this little loan. [Applause.] Mr. Speaker, I love to help the farmer and I appeal to my colleagues who really favor farm relief to ratify this conference report. This was not a gift, as some have insinuated, but was only a loan; and, in my opinion, the money will be repaid to the Federal Treasury. My colleague from the first district [Mr. DRANE] and my colleague from the fourth district [Mr. SEARS], in whose districts the storm area lies, have already ably discussed the subject, therefore I do not feel that it is necessary for me to further discuss the matter; however, I admonish you that "ours" is a strong Government financially and we should not set a precedent which would hobble our officials in the future relief of suffering humanity. It is the policy of our Government to give relief where relief is needed, and to know no section of the country in preference to another section of the country, and to know no one State in preference to another State, but to recognize "humanity as humanity" and "justice as justice."

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

Mr. WOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recede and concur in the Senate amendment.

The motion was agreed to.

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

The Clerk read as follows:

Senate amendment No. 7: Page 7, after line 23, insert the following: "For support and civilization of Indians under the Klamath Agency in Oregon, $6,342.53; the Colville Agency in Washington, $44,946.35; and the Yakima Agency in Washington, $4,000; in all, $55,288.88, to be paid from the funds held by the United States in trust for the respective tribes, the same being in addition to the tribal funds allowed for expenditure at the agencies named by the Interior Department appropriation act for the fiscal year ending June 30, 1927 (44 Stats., p. 475); and credit shall be allowed in the settlement of accounts of disbursing officers of the Department of the Interior for emergency expenditures already made from tribal funds for suppression of forest fires on the Klamath, Colville, and the Yakima Reservations."

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

The SPEAKER. The question is on the motion of the gentleman from Indiana.

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

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

The Clerk read as follows:

Senate amendment No. 8: Page 10, after line 10, insert the following:

"*Provided*, That no part of this appropriation shall be used to pay any claim in excess of $50,000 until such claim shall be approved by the Comptroller General of the United States in accordance with existing law: *Provided*,"

Mr. WOOD. Mr. Speaker, I ask unanimous consent that amendment No. 9 be considered together with No. 8.

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

There was no objection.

The Clerk read amendment No. 9, as follows:

Page 10, after the word "*Provided*," insert the word "*further*."

Mr. WOOD. Mr. Speaker, I move that the House further insist on its disagreements to amendments 8 and 9.

The SPEAKER. The question is on the motion of the gentleman from Indiana to further insist on disagreements 8 and 9.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 10: Page 10, line 18, after the word "each," strike out the balance of the page, and all of page 11 down to and including the word "Commissioner" on line 19.

Mr. WOOD. Mr. Speaker, I move that the House insist on its further disagreement to this amendment.

Mr. McLEOD. Mr. Speaker, I have a preferential motion. I move that the House recede and concur in the Senate amendment.

Mr. WOOD. Mr. Speaker and gentlemen of the House, if you will look at the bill and the Senate amendment you will see that it strikes out the provision put in by the House whereby we endeavored when a refund was made upon an erroneous tax laid on automobile accessories to see that the proper person will get the refund. The Supreme Court has decided that various articles thought to be automobile accessories were not subject to a tax. In consequence of that decision there is a large amount of money now in the Treasury of the United States which belongs to somebody who paid this tax. The manufacturers are the only ones that are insisting on this provision being stricken out of the bill, and I will tell you why they are insisting on it. If it is stricken out they will get almost the entire refund. And if the man who paid the tax, who was the ultimate consumer, the man who bought the automobile and the accessories, ever gets a dollar of it, he will be the exception. For illustration, suppose you were going from here to San Francisco or to Texas and you broke down. You would go to an automobile establishment and buy certain repairs, certain auxiliaries, that the retailer handles. When the manufacturer sold those parts to the retailer he charged him with the tax. The retailer, when he sold those things to you or to me, charged us with the tax. Under this law, as proposed by the Senate, the manufacturer will collect the tax, but how will you or I ever get the money that is coming to us? We would never get a dollar of it and they know absolutely that that is true. In order that the person who paid the tax may be reimbursed, we provided in the bill that the manufacturer should give a bond to the United States whereby he undertakes to pay to the man who is the ultimate consumer the amount that is coming to him.

Failing to do that within six months, he will return that money to the Treasury of the United States. There never was a fairer proposition in the world. [Applause.]

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

Mr. WOOD. Yes.

Mr. McLEOD. Is it not a fact that the contents of what is now being discussed is what is known as the Green amendment, and is it not a fact that it is covered in the revenue act of 1926, section 1120, which reads as follows:

SEC. 1120. In the case of any overpayment or overcollection of any tax imposed by Title V or VI, the person making such overpayment or overcollection may take credit therefor against taxes due upon any monthly return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto.

Mr. WOOD. Yes; but how will you apply that to this proposition? It is absolutely impossible. The only way that the person who really paid the tax would get it would be to protect him as we seek to do in this bill. If any injustice is likely to be done to any of these manufacturers who have paid this tax, the Ways and Means Committee has proposed, after this becomes a law, that they will hear these gentlemen and will find a way to protect them. No one will be hurt. Let me call attention to a fact which is one of the best arguments in the world why this should be a law. One of the gentlemen in submitting his objection to this provision which the House put into the bill said that the manufacturer should have some of this money or a portion of it in order to defray his expenses in hunting up the man ultimately entitled to it. [Laughter.] There is absolutely no defense that can be given to this proposed action on the part of the Senate in striking this out. Nothing can be said in favor of it except that it will help the manufacturer, who will be the only beneficiary, if we do not insist upon the language of the bill as it passed the House.

Mr. WEFALD. How much money is involved in this refund?

Mr. WOOD. About $29,000,000.

Mr. McLEOD. The gentleman will admit that it was in the 1926 revenue act?

Mr. WOOD. Yes; but as I said a few minutes ago, that provision would not afford protection to the ultimate consumer in the matter we are now considering.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield five minutes to me?

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. GARNER].

Mr. GARNER of Texas. Mr. Speaker, I want the House to thoroughly understand this matter so that if the final test comes between the House and the Senate the Senate will understand exactly the viewpoint of the House. I hope this provision in the House bill will be sustained by as near a unanimous vote of the House as possible. Let me give you a little bit of the history of this provision. When the court decided that the automobile parts that were used for other purposes did not come within the provision levying a tax upon automobile accessories, then these manufacturers made application for a refund. If the law stays as it is the automobile manufacturer will get the refund—$29,000,000—according to the gentleman from Indiana [Mr. WOOD]. I did not know that the amount was so large. They will make application and get the refund for the taxes they paid on these parts of automobiles that they sold. In doing that they will collect money out of the Treasury that the people who purchased the accessories from them paid. No one ever saw an invoice going out of a manufacturer's establishment while this tax was in force that did not include the tax as a separate item. The attention of the Ways and Means Committee was called to that and we thought it our duty to consider it. A subcommittee was appointed, of which I happen to be a member, to consider how we might avoid giving the manufacturer back something to which he was not entitled. We called the Treasury officials down here and we called in the drafting bureau and prepared this amendment. What does it do? It says, for instance, to Governor Morehead, "You are the only man who paid this tax and you are the only man who ought to get the money back out of the Treasury." Therefore, we provided that in order to get the money back from the Treasury which had been paid and which we thought ought to be paid in and what Congress intended should be paid in at the time we passed the law, though the court has decided otherwise, the manufacturers would have to give a bond, first, that they would give the money back to Governor Morehead and get Governor Morehead's affidavit that he had paid the tax. Of course, we knew—I knew—when we inserted that provision that the manufacturer was not going to take any further interest in the transaction. As soon as the manufacturer knew that he was not going to get it, I knew that he would take no further interest in the transaction. That would leave the money in the Treasury, where I wanted it to stay. That was the effect of this House provision. That is the truth about it. One of my friends whom I greatly admire who makes laws in another body and of whom I am intensely fond, who is intensely interested in this amendment, taking the opposite view to mine, said: "The trouble about it is that it is not honest for the Government to withhold from the taxpayer something that it collected illegally."

"Well," I said, "that is true, but it is a great deal more dishonest for Congress to permit him to collect out of the Treasury a thing that he did not put in there. [Applause.] And between the two honest propositions I will take the latter." I want to do what is right by the American taxpayer, and when we collect from him illegally I want to give it back, but I do not want to give him an opportunity to get money out of the Treasury which he did not pay in. That is exactly what the proposition is here. Gentlemen, we no more than got this amendment in here than the automobile manufacturers rushed down here with their counsel. They invaded me by wholesale, and I told them just as I have stated here, and finally I said to the General Motors man and his lawyer just what I have told you here. He said, "You have accomplished just what you started out to do." I said, "Exactly what we wanted to do. We do not propose to permit you to take the money and return it to Governor Morehead; we do not trust you to do it." I do hope that the House will stand by the House provisions we have put in here by unanimous vote of the Ways and Means Committee.

Mr. WOOD. I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, the amendment stricken out by the Senate had the unanimous support of the Committee on Ways and Means and, as I understand, the unanimous support of the Appropriations Committee. It ought not to be stricken out under any circumstances whatever. These people who have come in here and asked for this money do not come with clean hands. They know they are not morally entitled to this money, whether any of them are legally entitled to it or not. I understand there is some claim made that this amendment as it is written in some few particular instances may work a little hardship, but if that is so a remedy for these people is going to be left for them. The Ways and Means Committee will open wide the doors of their committee room and hear these gentlemen on any fair proposition that they have got to submit, and we will take care of it at the next session. If they will come before the Committee on Ways and Means and ask for a hearing, if their claim is found to be just, we will afford at the next session ample remedy for it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. CHINDBLOM. That is because, as a matter of fact, this present provision is only a limitation upon this single appropriation——

Mr. GREEN of Iowa. That is all.

Mr. CHINDBLOM. And the entire subject will still remain for consideration by the legislative committee?

Mr. GREEN of Iowa. That is the situation as the gentleman from Illinois has stated. It is a simple limitation upon this particular appropriation, and if these gentlemen have anything to justify their claim we will be glad to give them a hearing.

Mr. BLANTON. Then, to support the Ways and Means Committee we ought to vote down the motion of the gentleman from Michigan and vote for the motion of the gentleman from Indiana?

Mr. GREEN of Iowa. That is correct; the gentleman states the proposition correctly. We ought to vote down the motion to recede and concur and vote in favor of the motion of the gentleman from Indiana to insist on the disagreement, and it ought to be insisted upon to the very last. One word further in reference to the situation. This claim is founded on the decision of the Court of Claims made about a year ago. I think that decision is totally wrong from one end to the other, and an appeal ought to be taken from it if one has not been taken. I think the reason these gentlemen are here crowding this matter was to get the money out of the very first appropriation bill for fear that decision may be in some way reversed and they will never have a chance to get this money. Now, the Ways and Means Committee considered this matter as best we could. The Treasury Department says this money ought not to be paid, and that these cases have been worked up by some employees formerly down in the Treasury Department who took advantage of some information they got there to work them up. The Treasury Department further says a great body of the automobile manufacturers, realizing they have not any honest claim, any real moral claim to this money, do not make any and are not asking to have this money refunded. These few concerns are trying to get this money. Mr. Speaker, I insist the House should stand upon the provision in the original bill and not recede and concur.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur in the Senate amendment.

The question was taken, and the Speaker announced the noes appeared to have it.

Mr. WOOD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 1, noes 187.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

Mr. WOOD. Mr. Speaker, I ask for a further conference with the Senate.

The SPEAKER. The gentleman from Indiana asks for a further conference with the Senate. The Chair appoints the following conferees on the part of the House: Mr. WOOD, Mr. CRAMTON, and Mr. BYRNS.

PISTOLS, REVOLVERS, AND OTHER FIREARMS NONMAILABLE

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 4502, with a Senate amendment, and concur in the Senate amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 4502, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 4502) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable, and providing penalty.

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

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

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

The Senate amendment was agreed to.

EMMA E. L. PULLIAM

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speakers' table the bill H. R. 7776 and concur in the Senate amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill 7776, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7776) for the reimbursement of Emma E. L. Pulliam.

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

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The qeustion is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. FUNK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16800, the District of Columbia appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Illinois [Mr. CHINDBLOM] will please take the chair.

Accordingly the House resolvd itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16800, the District of Columbia appropriation bill, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16800, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 16800) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes.

The CHAIRMAN. The Clerk has read to page 64, line 5.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that we return to the item on page 41, line 12 and part of line 13, reading "eight-room addition and assembly hall to the Morgan School, $8,531." It is my purpose, if I receive unanimous consent to return to that item, to move that it be stricken out.

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

Mr. GRIFFIN. Reserving the right to object, will the gentleman please state the ground on which he asks a return to this provision?

Mr. FUNK. If unanimous consent is granted, I would point out that we are providing only for the land and nothing for the construction. Obviously there is no occasion at this time to provide for furniture for such addition. Therefore I expect to move to strike out those lines.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FUNK. Mr. Chairman, I move to strike out line 12 and part of line 13 on page 41 reading, "eight-room addition and assembly hall to the Morgan School, $8,531."

The CHAIRMAN. The Clerk will report the motion of the gentleman from Illinois.

The Clerk read as follows:

Mr. FUNK moves to strike out on line 12, after the semicolon, the words, "eight-room addition and assembly hall to the Morgan School, $8,531."

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

Mr. FUNK. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to make corrections in the totals.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the Clerk be given authority to make corrections in the totals anywhere in the bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Public welfare.

Mr. BLANTON. Mr. Chairman, I move to strike out that heading. That is a paragraph by itself. I move to strike out line 6.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Texas.

Mr. BLANTON. I ask for recognition.

The CHAIRMAN. If the gentleman from Texas insists on recognition for debate, the Chair doubts that such procedure would be in accordance with the custom. The Chair does not believe that debate can be had upon a heading.

Mr. BLANTON. I am just following the custom that has been in vogue for 10 years since I have been here. When a

Member desires to speak on that which is embraced in the heading he moves to strike out the heading.

The CHAIRMAN. The Chair does not desire to set a precedent for action on a heading unless it is shown that the heading is a paragraph within the meaning of the rule.

Mr. BLANTON. It has been done frequently. The Chair will note that line 6 is complete, and also line 7 and lines 8 and 9 form a paragraph within themselves.

The CHAIRMAN. It would be the disposition of the Chair to hold that lines 6, 7, 8, and 9 are one paragraph.

Mr. BLANTON. I shall not contend about that. Then let the Clerk read the other lines.

The CHAIRMAN. The Clerk will read lines 7, 8, and 9.

The Clerk read as follows:

BOARD OF PUBLIC WELFARE

For personal services in accordance with the classification act of 1923, $90,460.

Mr. BLANTON. Mr. Chairman, I move to strike out line 6, and on the subject of public welfare I want to call the committee's attention to a practice which has been brought to your attention before, both by the gentleman from Massachusetts [Mr. TREADWAY] and myself, on several occasions. I have had taken, in order to show the facts as they actually exist, the photographs which I submit to you, and I would like to have you look at them.

Mr. TREADWAY. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. TREADWAY. What does the gentleman suggest as a means of curing what is admitted to be an unwarranted monopoly of the taxicab situation at the Union Station?

Mr. BLANTON. Make it unlawful for the Terminal Co. to sell privileges there.

Mr. TILSON. Mr. Chairman, I am perfectly willing for the gentleman to make his speech out of order, but I wish to make objection to and a point of order against the construction of the rules which the gentleman from Texas would contribute toward establishing if permitted to discuss taxicabs under this amendment to strike out the words "public welfare."

Mr. BLANTON. Mr. Chairman, if the gentleman from Connecticut makes that point of order, I ask unanimous consent to proceed for five minutes out of order.

Mr. TILSON. I have no objection to that.

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

There was no objection.

Mr. BLANTON. It is awfully hard sometimes to satisfy the powers that be. Here are the facts as they exist. I have shown you photographs where the Willard Hotel sells space all down the block line for money to one particular taxicab monopoly, and no other taxicab company can use the space for a block. Look at the pictures I submit to you.

Mr. SIMMONS. How much do they get for that space?

Mr. BLANTON. If the gentleman will read the hearings before the Senate committee he will see that one man claimed they got several thousand dollars for it. However, they do sell taxi space in public streets for money, and it ought to be stopped. Take the Hotel Washington. Look at the picture where it sells to a certain monopolistic taxicab company all street space along its curb. Look at the Raleigh Hotel. It is the same thing. They sell for money the street space there that belongs to the people, and no other taxicab company can come there. Look at the pictures of the Union Station. Why, they are blocked up there five and six deep and eight and nine long, and you can not drive into that station in the first or second driveways at all, because they are occupied by the Black & White Taxicab Co. Look at the photographs I submit to you.

The directors of the Second National Bank down here in Washington form the Big Five here in Washington, and they control several of the big hotels here, and they are making money out of this monopolistic taxicab business. They are selling street space for big money.

Now, I want to submit this to you: The streets up to the very curb and sidewalk in front of every hotel in this city belong to the people, and the approaches down here to the Union Station are charged with a public interest and they belong to the people; yet when a Congressman or a Senator or a humble employee of the Government in his little Ford takes his family down to that depot he has got to drive in the third driveway because the others are taken up by the Black & White monopolistic taxicab company.

Mr. SIMMONS. What is the gentleman's remedy for the situation?

Mr. BLANTON. My remedy is for you to do just like I proposed here in this bill last year—put in an amendment asserting that the approaches to that depot and the street curbs here belong to the people and are charged with a public interest, and provide that no hotel company and that no terminal company shall sell any of same.

There is the remedy for it. I put that in a bill here once, and it went to the Senate and was promptly stricken out there because the taxicab companies and their attorneys and the representatives of this Big Five appeared there and had it stricken out.

Mr. TREADWAY. May I remind the gentleman that he has not made the picture bad enough as to the situation at the depot because there is an officer, not a member of the regular police force but an employee of the Union Station, placed there to see that you do not get anywhere near the station.

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

Mr. BLANTON. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Without objection the gentleman from Texas may proceed for two additional minutes.

There was no objection.

Mr. BLANTON. I want to submit this to you, my colleagues, that the taxicab companies of Washington charge more than in any comparable city in the United States. Go to Detroit, and you can ride the first half mile there for 20 cents, and here, if you get in taxicabs of either the Black & White Co. or the Yellow Taxicab Co. and drive out to 2400 Sixteenth Street, they will charge you about $1 for it.

They charge here about three times as much as they do in any other city in the United States comparable with Washington.

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

Mr. BLANTON. I yield.

Mr. DOWELL. Is there any authority of law for the hotel companies to sell this space?

Mr. BLANTON. None in the world; and why on earth the commissioners permit it I do not understand. There is certainly no law for it.

Mr. DENISON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. DENISON. The commissioners have no right under the law to permit this?

Mr. BLANTON. They have no right in the world, but still they permit it and they are going to continue to permit it until you direct them otherwise by affirmative law.

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

Mr. BLANTON. I simply put it up to this committee. If you want to let this monopoly exist here in the Nation's Capital, all right.

The Clerk read as follows:

DISTRICT TRAINING SCHOOL

For personal services in accordance with the classification act of 1923, $35,000.

Mr. DENISON. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed out of order.

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

There was no objection.

Mr. DENISON. Mr. Chairman, I do this to call to the attention of the House and particularly to the attention of the District Committee, a situation which I think ought to be corrected.

A young man from my district is here in the District of Columbia and has been here for some time. He has been here, I think, since the war. He was a marine. He served in France, made a splendid record there, and has now made application for a position on the police force here in this city. He passed all the tests as to qualifications. He is a man of physical strength and has all the qualifications except they found he lacked a little bit in height.

I called up Major Hesse, of the Metropolitan police force, and asked him if he could not reconsider this young man's application with a view to letting him go on the police force, telling him that he had a splendid record as a marine and that he had fought well for his country in France. The young man went down there and was reexamined physically and this morning I received a letter from Major Hesse which I wish to have the Clerk read in my time.

The CHAIRMAN. Without objection the Clerk will read.

There was no objection.

The Clerk read as follows:

METROPOLITAN POLICE DEPARTMENT,
Washington, D. C., February 3, 1927.

Hon. E. E. DENISON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Mr. W. B. Lipe called at these headquarters and presented your letter of the 27th of January, and I had him meas-

ured by the officer in charge of our identification bureau and ascertained that he is 5 feet 7⅝ inches in height in his stocking feet.

Under the regulations, the minimum height requirement is 5 feet 8 inches, and we are not permitted under the civil service law to waive any qualifications in individual cases.

I regret that it is impossible to give him favorable consideration at this time.

Very truly yours, EDWIN B. HESSE,
Major and Superintendent.

Mr. DENISON. I assume Major Hesse was following out literally the civil service law, but it seems to me something ought to be done to allow the police department here enough discretion so they could make an exception now and then in a case of this kind, where an ex-soldier only lacks a small fraction of an inch in height. If I were in his place I would make such an exception if it could be done within the purpose of the law. Here is a man who has served his country in time of war. He was tall enough and he was good enough to go to France and fight for the country. He made a splendid record, but now he is not tall enough by three-eighths of an inch to go on the police force here. He is 5 feet 7⅝ inches high, only lacking three-eighths of an inch of being the required height after they take off his clothes and stand him up in his bare feet. If they could include the thickness of the soles of his shoes or of the hair on his head he would qualify. I think that is too small a matter to deprive a former soldier, who has served his country well, of the right to serve on the police force of the city of Washington. If the civil service law specifies in detail how such measurements are to be made, and if the superintendent has no discretion at all in administering the law, then I think the law ought to be changed.

Mr. BLANTON. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BLANTON. We give our former soldiers preference in many other matters, and I quite agree with the gentleman that there ought to be this exception in favor of ex-soldiers.

Mr. DENISON. I was going to mention the fact that we have made exceptions with respect to various other requirements in favor of the boys who served the country in the late war.

Mr. BLANTON. And they ought to have it, and I think the gentleman is right in demanding this for them.

Mr. MICHENER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. MICHENER. Does the gentleman mean to say he would accept this man regardless of the law and regardless of the regulations, or does the gentleman mean to say he favors a law making such an exception?

Mr. DENISON. I think if I were in Major Hesse's position in the police department, if a soldier who had made a good record for his country in the war and who possessed all the other requirements should apply to me for a position on the police force, I would accept him if he had the required height with a pair of shoes on.

Mr. MICHENER. Regardless of what the law required?

Mr. DENISON. I think I would, unless some positive requirement of the law and not a mere departmental regulation require that the measurements be taken with the shoes off. I might have to act otherwise. If I did I would then come to the proper committee and ask that the law be changed so as to allow the police department some discretion in such cases.

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

The Clerk read as follows:

ST. ELIZABETHS HOSPITAL

For support of indigent insane of the District of Columbia in St. Elizabeths Hospital, as provided by law, $1,200,000.

Mr. ALDRICH. Mr. Chairman, I move to strike out the last word.

Last year the Secretary of the Interior appointed a committee of trained experts to investigate the St. Elizabeths Hospital. On December 10 the gentleman from Michigan [Mr. CRAMTON] asked unanimous consent of the House that the report of this committee be printed. At that time the gentleman from Texas [Mr. BLANTON] objected, stating—

I have read the report, and before the report was made I predicted to our Gibson committee just what this report would be. It is nothing in the world but a purposed, premeditated whitewashing, gotten up, in my judgment, at the instance of Doctor White himself, and it is a ridiculous proposition to let him have a bunch of men who are in the same situation he is come into his department and whitewash him.

Subsequently Mr. CRAMTON introduced a resolution providing for the printing of this report, which was referred to the Committee on Printing, and up until the present time the committee has not reported the resolution, although I understand numerous Members of the House have requested them to do so.

Mr. BLANTON. Will the gentleman yield?

Mr. ALDRICH. I will.

Mr. BLANTON. If the gentleman will go to that committee he will find that they agreed unanimously not to report it.

Mr. ALDRICH. Then my argument is all the more pertinent.

Mr. BLANTON. The reason why they have refused was because the appointing of said committee was done without the authority of law.

Mr. ALDRICH. I know it was done without the authority of law, but as long as we have the information I think the Members of the House are entitled to have it printed. We have had that committee of very distinguished experts who have gone into the matter thoroughly, and I think the Members of the House could get a great deal of information out of the report.

Mr. BLANTON. The Gibson committee was making an investigation of the subject, and in addition to that Congress passed a joint resolution directing the Comptroller General of the United States to go out there during the summer and make an exhaustive examination with all the machinery he has and make a report back to Congress in December. That was done. Right in the face of all that we find the distinguished Secretary of the Interior, who used to run an asylum very much like that at St. Elizabeths, in Colorado, who was friendly with every one of the so-called experts and whom some of us believe were appointed for special purposes. Does the gentleman think we ought to back up such a violation of law as that?

Mr. ALDRICH. I think we ought to have the information that the committee of experts can furnish; whether it be published in a separate report or included in the Gibson report, I do not care. My purpose in rising at this time was to show, in brief, the qualifications of the various members of this committee who were appointed by the Secretary of the Interior.

Mr. BLANTON. Has the gentleman ever been out at St. Elizabeths and checked up the foreign names of doctors there with whom Doctor White has surrounded himself as his general staff?

Mr. ALDRICH. I have not, but I am familiar with the names of those who made the investigation, and I know one personally. I do not want to take up the time of the House now, but I am going to ask unanimous consent to extend my remarks on their qualifications.

Mr. BLANTON. But not to put in the RECORD the report.

Mr. ALDRICH. No. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Rhode Island asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. With the understanding that there will be no attempt to put in the report, I shall not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALDRICH. The investigating committee was composed of five of the most eminent psychiatrists in the country, namely, Dr. George M. Kline, commissioner of mental diseases in Massachusetts and president of the American Psychiatric Association; Dr. H. W. Mitchell, superintendent of Warren State Hospital, at Warren, Pa., and former president of the American Psychiatric Association; Dr. Owen Copp, consultant for the development of the Pennsylvania Hospital and former president of the American Psychiatric Association; Dr. W. S. Smith, provost at Indiana University, at Indianapolis, Ind., and former president of the American Psychiatric Association; and Dr. Arthur H. Ruggles, superintendent of Butler Hospital, Providence, R. I. I might state that the presidency of the American Psychiatric Association is the highest honor that can be bestowed upon a member of their profession. All of these men are of the highest character and integrity and are known throughout the world as leaders in their profession. They served on the commission without pay and their traveling expenses were disallowed by the Comptroller General on the ground that the Secretary of the Interior did not have authority to make the appointments. As a result of this ruling the Secretary of the Interior paid the traveling expenses out of his own pocket.

It seems to me very unfortunate that a Member of the House should question the integrity of men of this character, who were performing a patriotic service without compensation and who have no opportunity of answering the insinuations as to their motives or professional ability. I am personally acquainted with Dr. Arthur H. Ruggles and know of the other members of the commission by reputation. I know Doctor Ruggles to be a man of the very highest standing, both personally and professionally. During the war he was division psychiatrist of the Second Division of the American Expedi-

tionary Forces and received a decoration from the French Government for operating under heavy shellfire.

His experience with the Army gave him a thorough understanding of the nervous and mental disorders which so many of our veterans suffered as a result of the war. Since the war he has been connected with the Butler Hospital in Providence, one of the leading private hospitals for the cure of mental diseases in the country, and is now superintendent of that institution. Last year he was given a leave of absence from the Butler Hospital and became professor of psychiatry at Yale University and is still rated as clinical professor of psychiatry and mental hygiene at Yale. He is also chairman of the executive committee of the National Committee for Mental Hygiene and acting medical director of the Connecticut Society for Mental Hygiene. Last year he received an honorary degree from Dartmouth College for his work in mental hygiene. The care and treatment of those suffering from mental diseases is a highly technical science. Therefore it seems to me that it is extremely important that the investigation of an institution of the character of St. Elizabeths Hospital should be conducted by the very best men we can find who have had practical experience in the care of these cases, the gentleman from Texas, Mr. BLANTON, to the contrary notwithstanding, and I consider that the Members of the House and the country as a whole are entitled to have this report printed in order that they may know whether or not the hospital under supervision of our Federal Government is being properly conducted, and, if it is not being conducted properly, where the responsibility for its mismanagement rests. I know that Doctor Ruggles and the other members of the committee are far above signing their names to any "whitewashing" report, and their sole motive in serving on the committee was for the purpose of aiding those unfortunates for whose welfare they have devoted their lives. I earnestly hope that the Committee on Printing will report Mr. CRAMTON'S resolution with a favorable recommendation and that it will be speedily acted upon by the House.

Mr. GIBSON. Mr. Chairman, one word in regard to the situation at St. Elizabeths. The gentleman from Texas referred to a resolution which passed the House in July calling on the Comptroller General for a survey and report on St. Elizabeths Hospital. That survey and report have been printed. It was a very exhaustive investigation. So far as our inquiry is concerned, we welcome the information contained in report of the experts appointed by the Secretary of the Interior and all other information that bears upon the situation at St. Elizabeths.

Mr. ALDRICH. Will the gentleman yield?

Mr. GIBSON. Certainly.

Mr. ALDRICH. Does not the gentleman think it would be for the benefit of the House if it had that information?

Mr. GIBSON. Yes; to our committee and to all the Members of the House. We ought to have all the information available if this matter is to come up for consideration in any form.

Mr. BLANTON. Will the gentleman yield?

Mr. GIBSON. Yes.

Mr. BLANTON. I think the best work that the gentleman from Vermont could do now, following the splendid work he has performed, would be to take some definite, logical, active step to remove Doctor White from St. Elizabeths. I think he has concluded, as some of the rest of us have, that Doctor White is not the proper man to be in charge of that institution, with 4,400 men and women incarcerated there and 2,200 of whom have never been adjudged insane by any order of court. I think the best thing he could do would be to take some step to get Doctor White out of there.

Mr. STEVENSON. Mr. Chairman, I rise in opposition to the amendment. The question was raised a minute ago about printing a certain report. That report was made by a committee of experts appointed by somebody to look into the St. Elizabeths situation. The resolution went to the Committee on Printing. It asked for the printing of the report, which is a very lengthy document, and, if my memory serves me, to make it a House document—in any event, to have it printed at the expense of the people. The only statement made to us as a reason for that is that there was not any law for the commission and there was no way to pay for the printing of their report. The Committee on Printing have assumed that if Cabinet officers start out appointing investigating committees without authority of law and then have expensive reports made, it will be a good thing to have them pay for the printing of it themselves. We do not propose to load up this House with the expense of printing things that were incurred without authority of law and without any warrant whatsoever. That is the reason that has not been done.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For pay of troops other than Government employees, to be disbursed under the authority and direction of the commanding general, $9,000.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling to the attention of the committee the appropriation for the National Guard of the District of Columbia for $35,550. I talked with the chairman of the subcommittee and I had in mind offering an amendment increasing the amount appropriated for the National Guard by $10,000, but in view of the fact that the chairman of the subcommittee having this bill in charge is somewhat opposed to inserting items offered on the floor, I have refrained from doing so. Just why the distinguished gentleman from Illinois should feel this way I do not know, because I think he is meeting with remarkable success in guiding the bill through the House. It is a great appropriation bill carrying $35,000,000. There have only been inserted on the floor of the House amendments totaling $35,000, with the exception of the amendment offered by the gentleman from Mississippi [Mr. COLLINS] which was accepted by the committee. I congratulate the chairman of the subcommittee and the other members upon it for the diplomacy, the tact, and the skill with which they are getting this measure through the House. As one Member of the House I am sincerely sorry that the distinguished gentleman from Illinois [Mr. FUNK] is not going to be with us next session. I feel that he has rendered a splendid service to the country and to the District of Columbia during his membership of the House and I know that I voice the opinion of other Members of the House that we are sincerely sorry he is going to leave us with the conclusion of the present session. [Applause.]

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

Mr. ZIHLMAN. Yes.

Mr. BLANTON. I voice the same sentiment myself and I think that is the feeling on both sides of the aisle. That is shown I think in this, that while the bill is teeming with legislation no gentleman has yet made a single point of order against any provision. That is because of the fine feeling that the membership have for our friend, Mr. FUNK. [Applause.]

Mr. ZIHLMAN. Mr. Chairman, in reference to the National Guard of the District of Columbia, this splendid military organization which offered its service to the Government at the time of the Spanish-American War as a body, and again at the opening of the World War offered its services to the Government en masse, is to-day without a home. The only meeting place and drilling quarters or hall they now have is one of these abandoned Government hotels on the Union Station Plaza. The members of the National Guard of the District of Columbia are forced in all kinds of weather to conduct their drills in the open. The officers of the National Guard have time and again made an effort to secure an appropriation for an armory, but without success. Not only that, but this splendid body of troops have been declared by the Attorney General of the United States to be a branch of the Federal Military Establishment. The commanding general, Gen. Anton Stephan, is appointed by the President of the United States and confirmed by the Senate. They are in a measure at least a part of the Federal troops. Yet the several units of the National Guard have no armory, and if this dilapidated building is torn down, these civilian troops will be absolutely without a place to meet and drill. They receive in the bill only a total appropriation of $35,550. I am told by the officers of this splendid military regiment that $10,000 for rent for the various companies, white and colored, is insufficient. They submitted to the District Commissioners a proposal of $20,000 for rent and heat and an authorization to enter into contracts for a rental of $20,000 a year for a period of five years. That proposal was transmitted to the Bureau of the Budget, but was refused by that bureau. They appeared before this committee and again asked that their allowance for rent be increased and that they be given authority in the bill to enter into a contract for a period of five years. The committee saw fit to disallow that item. I have refrained from offering it on the floor in deference to the wishes of the chairman of the subcommittee in the hope that the Senate Committee on Appropriations for the District of Columbia will give consideration to this matter and provide more adequate quarters, rented, if necessary, until an armory is provided for the National Guard of the District of Columbia.

Mr. FUNK. Mr. Chairman, I rise in opposition to the pro forma amendment. In order that there may be no misunderstanding, your subcommittee has recommended to the House every dollar submitted by the Bureau of the Budget. If there is a need for an armory for the Militia of the District of Columbia, meeting that need does not lie within the province of your subcommittee. That would necessitate an authorization, and

I take it that authorization would have to come from the legislative committee on the District of Columbia.

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

Mr. FUNK. Yes.

Mr. ZIHLMAN. The authorization for a public building does not come from the committee of which I am the chairman.

Mr. FUNK. It certainly does not come from the committee of which I am the chairman.

Mr. ZIHLMAN. I personally introduced a bill to provide an armory for the District of Columbia. I appeared in behalf of that bill with the officers of the National Guard before the Committee on Public Buildings and Grounds. Inasmuch as no favorable action has been taken, I am suggesting that there should be a sufficient allowance for rental that will enable these troops to have a home in the District until such time as a public building can be supplied them.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

ANACOSTIA RIVER AND FLATS

For continuing the reclamation and development of Anacostia Park, in accordance with the revised plan as set forth in Senate Document No. 37, Sixty-eighth Congress, first session, $217,500, of which amount $125,000 shall be available for expenditure below Benning Bridge, and not more than $92,500 shall be available immediately for the purchase of necessary land above Benning Bridge, no part of which shall be expended until options have been secured on the entire area of such necessary land above Benning Bridge at prices which do not exceed in the aggregate $92,500 plus the unobligated balance of funds now available for the purchase of such land: *Provided*, That the purchase price of any site or sites acquired hereunder shall not exceed the full value assessment last made before purchase thereof plus 25 per cent of such assessed value.

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

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 77, line 17, strike out the comma following the word "bridge" and all matter following down to the colon in line 22.

Mr. FUNK. Mr. Chairman, since the committee wrote and marked up the bill we have given further consideration to this matter, and we are of the opinion that in the acquirement of the necessary land above Bennings Bridge it may be necessary to enter into condemnation proceedings; and if the language that appears here in the printed bill be enacted into law it might hamper the Army officers who are acquiring that land. I will say we are recommending an appropriation here, together with the money on hand, that we think will be sufficient to acquire all the land that was contemplated to be purchased for this improvement above Bennings Bridge, and I ask that the amendment of the committee be adopted.

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

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

The Clerk read as follows:

NATIONAL CAPITAL PARK AND PLANNING COMMISSION

For each and every purpose requisite for and incident to the work of the National Capital Park and Planning Commission as authorized by the act entitled "An act providing for a comprehensive development of the park and playground system of the National Capital," approved June 6, 1924, as amended, including not to exceed $33,000 for personal services in the District of Columbia in accordance with the classification act of 1923, and not to exceed $200 for printing and binding, $600,000, to remain available until expended: *Provided*, That not more than $150,000 of this appropriation shall be available for the purchase of sites without limitation as to price based on assessed value and that the purchase price to be paid for any site out of the remainder of the appropriation shall not exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value.

Mr. ZIHLMAN. I rise, Mr. Chairman, to make a point of order against this paragraph, that it is legislation on an appropriation bill and a repeal of existing law; namely, the National Capital Park and Planning Commission act, which I send to the Chair for his information for ruling upon the point of order which I make. I call attention to the language at the bottom of the paragraph, in line 22, where the National Park Planning Commission is authorized to employ technical experts without regard to the classification act. This bill in repealing that law provides they must be employed in accordance with the classification act, and I make the point of order that the language in line 14, "in accordance with the classification act of 1923," is legislation repealing existing law.

Mr. GIBSON. If the gentleman will yield for a suggestion. The act to which the gentleman from Maryland refers in connection with the National Capitol Park Planning Commission provides that the commission is authorized to employ the necessary personal services, including personal services of the director for planning and other expert planners, and so forth. Now, the commission is employing about four experts at the present time under the provisions of the original bill. I took up this matter, I will say to the gentleman, with the attorney for the Capital Park Planning Commission prior to this session and he made the suggestion that we could take care of the situation by adding the precise words which the Bureau of the Budget suggested in its report; namely, to use the words which the committee used. Those words are "in accordance with the classification act of 1923," and then add these words, "and the act approved April 30, 1926 (54 Stat. L. p. 374)," and I have prepared an amendment in accordance with the suggestion and I ask the gentleman if that will not take care of the situation?

Mr. ZIHLMAN. Well, I will say to the gentleman from Vermont that will probably take care of the situation, but the gentleman must realize, after the tumult of yesterday it is not a very easy matter to amend an appropriation bill upon the floor; if it is stricken from the bill, if the Chair should hold the point to be well taken, the gentleman can offer his amendment then. I am trying to protect my rights as a member and chairman of the Legislative Committee in raising the point of order that this is legislation on an appropriation bill, repeals existing law, and does not show upon its face an actual retrenchment of expenditures.

The CHAIRMAN. The Chair will ask the gentleman from Maryland whether he has in mind the following provision in the act of April 30, 1926, which is an amendment to section 1 of the act approved June 6, 1924, reading as follows:

The said commission is hereby authorized to employ the necessary personal services, including the personal services of a director of planning and other expert city planners, such as engineers, architects, and landscape architects. Such technical experts may be employed at per diem rates not in excess of those paid for similar services elsewhere, and as may be fixed by the said commission, without regard to the provisions of the act of Congress entitled "An act for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and amendments thereto, or any rule or regulation made in pursuance thereof.

Mr. ZIHLMAN. Yes, sir; that is the legislation that I have in mind, Mr. Chairman. The further legislation, cited by the gentleman from Vermont [Mr. GIBSON], which the act of April 30, 1926, amends, I do not have before me.

The CHAIRMAN. The act of June 6, 1924?

Mr. ZIHLMAN. Yes.

The CHAIRMAN. The Chair would like to have a copy of that act. In the meantime the Chair would direct the attention of the gentleman from Maryland to this question: The language in the text of the pending bill appropriates not to exceed $33,000 for personal services in the District of Columbia in accordance with the classification act of 1923. The portion of the act of April 30, 1926, read by the Chair, does provide that certain technical experts may be employed without regard to the provisions of the act of Congress known as the classification act. The question is whether Congress may not appropriate for personal services other than of those who are designated here as technical experts, and whether such employees must not be employed in accordance with the classification act.

Mr. ZIHLMAN. I quite agree with the Chair, but I call his attention to the fact that $33,000 has been appropriated for personal services in the District of Columbia in accordance with the classification act, which, it seems to me, clearly brings these technical experts now employed on a per diem basis within the provisions of the classification act.

The CHAIRMAN. It might prevent the employment of any such technical experts at all.

Mr. ZIHLMAN. Which is permitted by the act of April 30, 1926. That is the point I make.

The CHAIRMAN. The Chair would like to have the opinion of some member of the Committee on Appropriations.

Mr. SIMMONS. Mr. Chairman, I think the position of the committee could be briefly stated as this: We are appropriating for men employed under the classification act. The law does not make it mandatory that we employ these other per diem men. We are not appropriating for that purpose. If they can be employed under this act, well and good. But the law does not compel us to employ other employees outside of the classification act, and we are not doing it.

Mr. ZIHLMAN. The employees of this commission that are employed in accordance with the provisions of the classification

act are, I think, two in number, and this sum total of $33,000 was not intended to cover their salaries only but was intended to give this commission the privilege of employing recognized city planners and landscape engineers upon a per diem basis; and under the appropriation made during the current fiscal year a celebrated firm of engineers has been employed by the commission to give per diem services to the commission in an advisory and planning capacity, and it is admitted by the member of the committee from Nebraska [Mr. SIMMONS] that this is intended to deprive the commission of those per diem services that are permitted under the act of April 30, 1926.

Mr. SIMMONS. That is not what I said. The language of the bill is plain. It says, "For employment of men under the classification act." We are not employing for the purposes set out in the bill that the gentleman referred to. The language is plain. If they can bring these men under the language of the bill, well and good. If they can not, they can not be paid out of this appropriation.

Mr. ZIHLMAN. Then the limitation will nullify the existing law.

The CHAIRMAN. The Chair will ask the gentleman from Maryland [Mr. ZIHLMAN] if it is not within the power and province of the committee and of the Congress to refuse appropriations for a particular purpose and under a particular provision of a law?

Mr. ZIHLMAN. I recognize the right of the committee and of the House to withhold appropriations for any purpose under the rules of the House. But I have called the attention of the Chairman to the fact that this $33,000, which they make available, is not for employees now employed under the provisions of the classification act but is a limitation for the purpose of nullifying and defeating the act of April 30, 1926.

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

Mr. ZIHLMAN. Yes.

Mr. TILSON. The gentleman will concede that if this appropriation is made as provided in the bill this money will be expended under the classification act, and hence according to law. This paragraph specifically says that not to exceed $33,000 shall be expended for personal services in the District of Columbia in accordance with the classification act.

Mr. ZIHLMAN. No; I will say to the gentleman from Connecticut, the distinguished majority leader, that the money will not be expended for the services required by the Park Commission, the purpose of the act which provides that four city planners should be appointed without pay by the President of the United States, who have been working on this matter and who have been in consultation with the President as to the development of future plans for the city of Washington. They can not be employed under the provisions of the classification act. Men of their standing in their profession could not and would not accept a position under the provisions of the classification act.

Mr. SIMMONS. The gentleman's complaint is that we have not appropriated money to hire certain men that the general law says might be appropriated for?

Mr. ZIHLMAN. No. My complaint is that by the language you have inserted in the bill you destroy the provisions of the act of April 30, 1926, creating a national park and planning commission and giving them the option and power to employ expert engineers and landscape artists on a per diem basis.

Mr. SIMMONS. And thereby reduce the number of men on the pay roll.

Mr. ZIHLMAN. You have reduced the number of men but you have carried the same total of appropriation. However, by the limitation you have made it impossible to employ per diem experts, as provided in the act which you seek to nullify by this language.

The CHAIRMAN. The Chair is ready to rule. The Chair again calls attention to the language of the act approved April 30, 1926, reading as follows:

> The said commission is hereby authorized to employ the necessary personal services, including the personal services of a director of planning and other expert city planners, such as engineers, architects, and landscape architects. Such technical experts may be employed at per diem rates not in excess of those paid for similar services elsewhere and as may be fixed by the said commission without regard to the provisions of the act of Congress entitled "An act for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and amendments thereto, or any rule or regulation made in pursuance thereof.

It seems clear to the Chair that this commission is authorized to have two classes of employees, certain employees rendering personal services under the general law, subject to the classification act, and certain other employees designated here as technical experts, who may be employed without regard to the classification act.

Mr. ZIHLMAN. May I call the attention of the Chair to the first sentence of the paragraph, "for each and every purpose," so that it is impossible under the language of this paragraph to employ per diem experts as provided by the Park and Planning Commission act, and this limitation does not only apply to the employees who are under the classification act of 1923 but to each and every employee, and it repeals and nullifies the park commission act.

The CHAIRMAN. The Chair would think that the effect of the language is that the commission will be limited to $33,000 for such personal services as may be employed in the District of Columbia in accordance with the classification act of 1923, and that there is no specific provision as to the employment of experts who are authorized under the act of April 30, 1926.

Mr. TILSON. Mr. Chairman, it would undoubtedly be in order under the act of April 30, 1926, to appropriate for these extraordinary employees, but the House is not compelled to appropriate for them simply because they are authorized by law.

Mr. ZIHLMAN. I concede that point, Mr. Chairman. I concede the House is not required to appropriate; that this committee can withhold its recommendation and the House can then take such action as it sees fit.

Mr. TILSON. It will be in order for the gentleman to offer an amendment, the appropriation being authorized under the act of April 30, 1926, but as the language of this bill now stands it undertakes to appropriate for a certain purpose which the gentleman concedes is authorized by law.

The CHAIRMAN. The Chair is of the opinion that the limitation of the expenditure of $33,000 relates only to personal services in the District of Columbia in accordance with the classification act of 1923, and that the committee and the House are within their rights in thus limiting the appropriation. If the effect is to withhold an appropriation for any other purpose, that is also within the power of the committee and of the House. The Chair therefore overrules the point of order.

Mr. ZIHLMAN. Mr. Chairman, I offer an amendment: Page 80, line 14, after the word "Columbia," strike out the words "in accordance with the classification act of 1923." And on that I wish to be heard.

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

The Clerk read as follows:

> Amendment offered by Mr. ZIHLMAN: Page 80, line 14, after the word "Columbia," strike out the words "in accordance with the classification act of 1923."

Mr. ZIHLMAN. Mr. Chairman, I really think this is a matter of some importance, not only to the members of this committee but to the future development of the Capital City of the Nation. I believe that the act of 1926, amending the National Capital Park and Planning Commission act passed several years previously, is one of the great forward steps in the development of the Capital of this Nation. Under its provisions the President of the United States has appointed four eminent engineers and city planners, one of whom is Frederick Law Olmstead, of Brookline, Mass., who worked on the National Capital park plan of 1901, known as the McMillan park plan, and who has for years been giving his services and talents to the proper development of this city without cost to the Federal Government, and who was appointed without salary as a member of this commission, who has been aided in supplementing his efforts by Mr. J. C. Nichols, one of the large real-estate developers of Kansas City and an outstanding man in his chosen profession, that of landscape and planning engineer and technical expert; Mr. Milton B. Medary, jr., of Philadelphia, one of the most prominent architects of the United States, a member of the Fine Arts Commission of the District of Columbia; and Mr. Frederic A. Delano, who has had a great deal to do with the wonderful park plan and metropolitan area of the city of Chicago, and who was at one time the president of the Wabash Railroad Co. These four eminent citizens are serving on this commission without pay. Aiding them and counseling with them are the Chief of Engineers of the United States Army, the Superintendent of Public Parks and Grounds in the District of Columbia, Col. U. S. Grant, 3d; the engineer commissioner of the District of Columbia, Col. J. Franklin Bell; the head of the Forestry Service of the United States, Col. W. B. Greeley; the head of the National Park Service of the United States, Mr. Stephen A. Mather; and the chairmen of the two legislative committees of the House and Senate. In accordance with the provisions of the act of 1926 there has been employed on a part-

time basis a noted firm of engineers and landscape engineers of the city of St. Louis, the members of which firm have come here and have acted in an advisory capacity to the commission and its personnel, and have laid out a comprehensive plan for the future park, parkway, and street development of Washington.

They have been following the original plans of Major l'Enfant and the plan approved by the McMillan Park Commission of 1901. I feel that a great deal of the substantial progress of the past few years has been due, in part, at least, to their wise counsel.

These experts are being paid, as I have said, upon a part-time basis. Mr. Harlan Bartholamew, the head of this firm, is the man who drafted the present zoning law of the District of Columbia, and is an outstanding man in his line. Their employment was made upon the recommendation of the members of the commission who receive no salary. Under his supervision there is being developed a plan of parkway and park development that is going to make this city within a few years one of the most beautiful cities in the world.

With the limitation, which has been held in order, providing that they must be employed under the provisions of the classification act of 1923, the committee destroys the usefulness of the provisions of existing law. We are asking that we should not be compelled to employ only men who can come within the provisions of the classification act simply because they can give full time to this work. We would then secure the services of men who are mere beginners in their line and who know nothing about the splendid plans that have been developed after years of consideration and effort on the part of those who want to see Washington a really beautiful city.

Not a cent will be saved, because the commission is authorized to expend just as much under this paragraph of the bill as they are authorized to expend under the provisions of the current law, and all that is done is to lower the quality of men we secure without saving a single cent to the Federal Government.

I feel that the committee in putting in this limitation is endeavoring to destroy the purposes of the act of 1926 providing for the Park and Planning Commission, and is putting a restriction upon the kind of men the commission can employ, without saving a single cent, but lowering the quality of work that will be done for the Federal Government. I certainly hope this language in the bill will be stricken out.

Mr. FUNK. Mr. Chairman, I rise in opposition to the amendment to briefly point out that the only purpose the committee had was to safeguard the finances and the treasury of the District. There is nothing unusual in putting in the words objected to, "in accordance with the classification act of 1923."

Under that classification act, grade 7 is a special, professional grade, the salary of which is fixed at a maximum of $7,500. We thought we were following the lines of good business judgment to safeguard the appropriation, as other appropriations are safeguarded, by applying to it the provisions of the classification act. Without some such limitation this commission could, although they probably would not, spend the entire amount for one firm.

The committee is in sympathy with the objects of the Capital Planning Commission, and when a properly presented application for appropriation comes to us for special services we no doubt will be willing to recommend the appropriation of the money.

Mr. TINCHER. Will the gentleman yield?

Mr. FUNK. I yield to the gentleman from Kansas.

Mr. TINCHER. Was the committee familiar with the facts as explained by the gentleman from Maryland [Mr. ZIHLMAN]?

Mr. FUNK. It was not.

Mr. TINCHER. In view of that explanation and in view of the fact that every fair-thinking man interested in the Capital must appreciate the fairness of the situation, why does not the gentleman agree to the amendment? [Applause.] What is the object in not agreeing to the amendment?

Mr. FUNK. This language was in the bill last year.

Mr. TINCHER. I understand that, but the gentleman from Maryland has made a fair explanation and has explained the reason for the law as it now exists. These men the gentleman referred to are not going to come in here under the classification act and become Government employees.

Mr. TILSON. Will the gentleman yield?

Mr. FUNK. Yes.

Mr. TILSON. Why could not the gentleman add to the language already in the bill, the language which was in the bill last year, "and personal services of temporary per diem employees at rates to be fixed by the commission not in excess of current rates for similar employment in the vicinity." This would not increase the amount of the appropriation at all.

Mr. ZIHLMAN. I would accept that modification if the gentleman would offer that as an amendment to my motion, because that is all I am trying to accomplish.

Mr. TILSON. I am reading from the Budget, and as I understand it, this is the language that was in the bill last year.

Mr. FUNK. We will accept that.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to modify my amendment as suggested by the gentleman from Connecticut [Mr. TILSON], which is the language of the current law.

The CHAIRMAN. Without objection the amendment offered by the gentleman from Maryland may be modified in the manner indicated and the Clerk will report the modified amendment.

There was no objection.

The Clerk read as follows:

Modified amendment offered by Mr. ZIHLMAN: Page 80, line 13, after the word "amended" strike out "including not to exceed $33,000 for personal services in the District of Columbia in accordance with the classification act of 1923," and insert in lieu thereof the following: "And personal services of temporary per diem employees at rates to be fixed by the commission, not in excess of current rates for similar employment in the vicinity, not to exceed $33,000."

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

The amendment was agreed to.

The Clerk read as follows:

The rates of assessment for laying or constructing water mains and service sewers in the District of Columbia under the provisions of the act entitled "An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes," approved April 22, 1904, are hereby increased from $1.25 to $2 and $1 to $3, respectively, per linear front foot for any water mains and service sewers constructed or laid during the fiscal year 1928.

Mr. GRIFFIN. Mr. Chairman, I make the point of order that no quorum is present. The reason that I make that is that there is an item in the bill for the restoration of two items of water mains in Anacostia; and if there is going to be any discussion, I want Members of the House here.

The CHAIRMAN. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] One hundred and ten Members present, a quorum.

Mr. ZIHLMAN. Mr. Chairman, I rise to make a point of order against the paragraph on the bottom of page 83, that it is legislation on an appropriation bill and repeals existing law.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. FUNK. I concede the point of order. We were attempting to protect the taxpayers of the District; but if the gentleman insists on the point of order, I concede that it is good.

Mr. ZIHLMAN. I have made an investigation of this matter. This paragraph authorizes an assessment of $6 per running foot on sewers, which is 100 per cent more than the cost. It is a revenue-producing item and has no place in the bill.

The CHAIRMAN. It is clearly subject to a point of order. The Chair sustains the point of order to the paragraph.

The Clerk read as follows:

For installing water meters on services to private residences and business places as may not be required to install meters under existing regulations, as may be directed by the commissioners; said meters at all times to remain the property of the District of Columbia, $30,000.

Mr. ZIHLMAN. Mr. Chairman, I rise to ask unanimous consent that with the concurrence of the chairman of the committee to offer a perfecting amendment to the amendment adopted on page 80 a few moments ago. I am offering the amendment in lieu thereof drafted by the clerk of the committee.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to return to page 80, under the heading of "National Park Planning Commission," for the purpose of offering an amendment. Is there objection?

Mr. TILSON. Let us hear the amendment.

The CHAIRMAN. The Clerk will read the amendment for information.

The Clerk read as follows:

Page 80, line 15, after the figures "1923," insert "and the act approved April 30, 1926, Forty-fourth Statutes at Large, page 374."

The CHAIRMAN. The Chair will state that at the present state of the record these words are not in the bill.

Mr. BLANTON. The gentleman's motion should be to vacate the action of the committee and insert the language he wishes to put in.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the action taken amending the paragraph be vacated.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 80, line 15, after the figures "1923," insert "and the act approved April 30, 1926, Forty-fourth Statutes at Large, page 374."

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

The amendment was agreed to.

The Clerk read as follows:

For replacement of old mains in various locations, on account of inadequate size and bad condition of pipe on account of age, and laying mains in advance of pavement, $50,000.

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

The Clerk read as follows:

Page 84, after line 10, insert the following: "For the laying of 9,000 feet of 12-inch water main in Alabama Avenue SE., from Branch Avenue to the District line, $42,800."

Mr. GRIFFIN. Mr. Chairman and colleagues, in legislating for the District of Columbia Congress occupies a position of peculiar responsibility. It might be said that we occupy a fiduciary relationship to the people of this District. They have no direct representation; they look to us for protection of their interests—even to a greater extent than if they were a constituency to whom we were directly accountable.

I want it to be distinctly understood that I have no complant to make against the genial chairman of the committee or my colleagues who have devoted such unremitting and persistent attention to the items in the bill. Where I have differed with them it has been wholly on matters of judgment, and I do not object to their holding a different point of view.

They have given conscientious and careful study to the items of the bill, and at this time I cheerfully extend my compliments to the chairman of the committee, who is responsible for the cordiality and splendid relationship of all of the members of the committee. We may have our little differences, but when we have fought our battles we shake hands and forget them. The chairman of this committee is a good sport, and I am glad to pay him this tribute.

With regard to this amendment, all I want to do is to restore an item which was submitted by the commissioners and approved by the Budget—the need of which, in my opinion, is imperative.

THIS ITEM DOES NOT TAKE A SINGLE DOLLAR OUT OF THE FEDERAL OR DISTRICT TREASURY

Why do I take it upon my shoulders, single-handed, to talk for the people of this section, to have this water main built? In the first place, it was passed upon by the commissioners and approved by the Budget. It does not take a single dollar out of the Federal revenues, it does not take a single dollar out of the District revenues. It comes out of the water fund of the District. We have been liberal in the matter of water mains in other sections of Washington. Why do we ignore this particular section where there are people who have humble homes?

NINETEEN POLLUTED WELLS

This is the situation. I shall not argue it. You have it in the hearings in front of you the same as I have, and they must be your guide. On page 701 of the hearings the following colloquy occurred:

Mr. GRIFFIN. I want to ask Colonel Bell a question as to the matter of the condemnation of wells in this vicinity. Has the health department issued any orders in that regard?

Colonel BELL. Many of them.

Mr. GRIFFIN. What is the purport of those orders?

Colonel BELL. That they are condemned, that their wells have been inspected and examined, and notice served on them that the water must not be used.

Mr. GRIFFIN. What do the residents of that section do?

Colonel BELL. Sometimes they go to other wells and sometimes they go over into Maryland and establish a tap some place and carry water from that area.

Mr. GRIFFIN. How many water mains are there on the east side of the Anacostia River; that is, in the entire section east of the Anacostia River?

Mr. GARLAND. There are several water mains in this whole area through here [indicating on map]; from Congress Heights up to here [indicating].

Mr. GRIFFIN. Congress Heights and Bennings have their own mains?

Mr. GARLAND. Oh, yes.

Mr. FUNK. Where the density of population is very much greater.

Mr. GARLAND. In a great many places it is, especially through Anacostia.

Mr. FUNK. What is the average depth of wells that the householders have in this section?

Mr. GARLAND. I can not answer that question.

Mr. FUNK. That is a very important question. On the land I operate I will sink a 4-inch well 175 feet deep and provide water for the man who operates the land and for his stock, at a cost of three or four hundred dollars per well. I think that is a very important factor in this matter. If they have only 10-foot shallow wells, of course their water is probably contaminated.

DIG ARTESIAN WELLS OR BUY APPOLINARIS

In other words, the people of this section, who would not be living there if they were overblest with money, are asked to lay out from three to four hundred dollars to dig artesian wells. In the meantime I suppose my colleague will advise them to drink Appolinaris. On page 699 of the hearings this is what Colonel Bell, the Commissioner of the District, said:

Mr. COLLINS. If this was a private corporation, owned by you, and you were engaged in operating it for profit, and these people filed a petition with you asking for an extension of the mains out there, would you put them down?

Mr. GARLAND. That is a hard question to answer. I can not say that immediately I would; if I had the funds, however, I would think it would be my duty to extend that main.

Colonel BELL. I doubt whether we would. But we have an obligation to the people of the District, when we condemn their wells which give them their water supply, to provide a proper water supply if we can. It is in the the interest of health and fire protection.

I was interested, and I got this report on polluting the wells. This is a letter from W. C. Fowler, the health officer, to Commissioner Bell:

In compliance with your instructions I have to report that the records of the health department show 24 wells located on premises on Alabama Avenue SE. between Fifteenth Street and Twenty-fifth Street and between Branch Avenue and Southern Avenue SE., such territory being included in the proposed lines of extension of water mains. Analysis of the samples taken from those wells since May, 1922, show in 5 instances, on the first analysis, water to be potable and 19 polluted. Secondly, after superficial conditions were corrected, two of the wells from which the water was found polluted on first examination were then found to be potable. A great majority of the wells referred to, however, even after cleaning and doing everything possible to correct the surface contamination, were still found to be polluted. Unfortunately the records of the health department do not show the depths of the respective wells.

Mr. Chairman, that is all I have to say on this proposition. The city condemns the wells and then denies the people of this section the opportunity to get water by extending an existing water main. Remember, the expense of this comes out of the water funds of the District. It does not come out of the Federal Government. The people pay for it themselves. It may be said that they are not able to pay for it now, and we will not get it all at once. Only 125 houses are affected in this section. Perhaps we will not get all of the money back, but if we lay these mains, we lay the foundation for the development of the section. It will grow up. It means increased revenue, it means increased assessments and increased tax revenue.

Mr. WEFALD. Have all of the rest of the water mains in the District been extended in the same manner?

Mr. GRIFFIN. Yes. I asked the water commissioner on that point about the other water mains. The District is full of water mains. Bennings has them; Anacostia has them; Congress Heights has, but this section over here is absolutely neglected. I would not insist upon it except that this terrible condition confronts them.

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

Mr. GRIFFIN. Yes.

Mr. ZIHLMAN. Is this the same section of the city where the committee by reducing the quality of the paving over the recommendations of the Budget Bureau saved some $75,000 or $80,000?

Mr. GRIFFIN. Exactly.

Mr. ZIHLMAN. The southeast section.

THE DISTRICT SHOULD HAVE NO STEPCHILDREN

Mr. GRIFFIN. We ought not to have any stepchildren in the District of Columbia.

Mr. ZIHLMAN. And the gentleman contends that sewers and water ought to be extended and made available to all sections of the city?

Mr. GRIFFIN. They are prime essentials.

Mr. O'CONNELL of New York. The principal thing provided in the gentleman's proposition is the conservation of the health of the families in these 125 houses.

Mr. GRIFFIN. That is the idea, and, furthermore, fire protection.

Mr. FUNK. Mr. Chairman, I have no personal interest in this matter. The action of your committee was based upon the following reasons: Here is an item of $42,000 for the purpose of running a 12-inch water main 2 miles to accommodate five or six hundred people. The real purpose of this expenditure, as I view it, is to carry the water mains to the District line, beyond which is a considerable group of people, and after the water main has been constructed and put in, then it will follow that our good friends from Maryland will ask the privilege of attaching to the 12-inch main so as to have practically free water without any investment in a pumping plant or anything else. I have no interest in it except as a business man, but I do not think we should spend $42,000 on such a proposition, I do not care whose money it is, whether the water fund or the taxpayers' money, which will merely accommodate about five or six hundred people. There is a mile or a mile and a half of undeveloped territory or farm land before you reach this little fringe of houses right on the District line. How many Members of this House have a community, a district of 500 people who would bond themselves for $42,000 for water works. I have fifty or a hundred such communities in my district, and I do not know of one which would voluntarily vote to bond themselves in the amount of $42,000 where the population is only four, five, or six hundred. Those are the facts and reasons which control your committee. The cost is $5 a foot, and when the District revenues are finally reimbursed there will be about 80 cents a running foot.

Mr. COLLINS. Colonel Bell says that is undivided property and that no assessment would be made against the property owner.

Mr. FUNK. I realize we have taken much longer than I anticipated, and I do not care to prolong the discussion.

Mr. ZIHLMAN. Will the gentleman yield for one question?

Mr. FUNK. Yes, sir.

Mr. ZIHLMAN. Will the gentleman cite any instance where the citizens of Maryland are using District water by connecting up; I have not heard of it.

Mr. FUNK. I know there was a proposition from Virginia to get water across Chain Bridge which was turned down.

Mr. ZIHLMAN. I will say that Congress authorized that at the present session of Congress.

Mr. FUNK. They did not do it by my vote.

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

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. GRIFFIN) there were—ayes 7, noes 36.

So the amendment was rejected.

Mr. GRIFFIN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 84, preceding the matter in line 11, insert the following: "For the laying of 4,300 feet of a 12-inch water main in Alabama Avenue SE. from Fifteenth Street to a point opposite Garfield School, $20,700."

Mr. GRIFFIN. Mr. Chairman and colleagues, notwithstanding the fact that the amendment for the building of this other water main has been ignominiously defeated I will say that I am not downhearted. I am going to go through with this work because I believe I am right. I am sorry I can not stir my colleagues of this House, which is the legislative body, and ought to be the protectors of this District, to see the importance of safeguarding the health of its inhabitants. They may be very humble, but they are human beings. Put on your thinking caps, think of yourselves; stir up your hearts, animate your souls and be a little bit liberal.

This amendment I offer to you is for only 4,300 feet of water main from Fifteenth Street to Twenty-fifth Street, between water mains already in existence. Will you gentlemen look at that map and see what it is for? It is the necessary connecting link to connect up two existing water mains. That is all it does, and at the expense of only a few thousand dollars. Then as my friend from Maryland said, we saved $75,000 out of this District by cutting down their item for paving. Now let us warm up a little and give these people at least this much needed relief.

The people in this stretch of territory—4,300 feet—are in a bad way. It is rather ungenerous to ask them to walk 2,000 feet—over a third of a mile—to the nearest hydrant.

Mr. FUNK. Mr. Chairman, I rise in opposition to say one word. This proposition is on all fours with the other, except these people do have water and both schools referred to have water in the school buildings. I am opposed to the amendment.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield at that point?

Mr. FUNK. Yes.

Mr. GRIFFIN. Where do they get their water from? From the end; and they have got to walk up to the end, 2,000 feet, in each case.

Mr. FUNK. There is a hydrant right there.

Mr. GRIFFIN. The people there have to walk 2,000 feet.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. GRIFFIN].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. GRIFFIN. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from New York calls for a division.

The committee divided; and there were—ayes 4, noes 47.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the laying of approximately 21,000 feet of 48-inch water main from the intersection of Nebraska and Wisconsin Avenues to Georgia Avenue and Military Road, and for an addition to Reno Reservoir, $700,000, to be available immediately, of which amount $363,500 shall be paid from the revenues of the water department and $336,500 from the revenues of the District of Columbia.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. TREADWAY. And ask unanimous consent to proceed for five minutes out of order.

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

There was no objection.

Mr. TREADWAY. Mr. Chairman, in this morning's mail I received a letter from a publication called the National Tribune, printed in Washington, finding fault that Members of Congress are not printing in the RECORD their letters advertising themselves in connection with pension matters. I have been looking into this matter a little, because I have received letters from some elderly pensioners saying that every little while they receive a communication from the National Tribune asking them for a subscription.

I sent a post-office inspector a short time ago to one of these widow ladies, an elderly woman unable to write very distinctly and probably with a mind not as keen as those possessed by Members of Congress. She thought that every time a letter like that came, in order to do anything toward future pensions, she should pay money to this organization—a grossly erroneous impression, or a representation that carried a wrong impression to this lady. By the way, the lady writes me that she has $30 in bank, of which she sent $8 to this publication down town.

The post-office inspector found that on the last wrapper of the National Tribune it appeared that her subscription had been paid to 1933! The chances are that this elderly lady will be dead and buried before that time expires and that the National Tribune will be that much the gainer.

I find further that our former highly respected Member from Illinois, Mr. Fuller, now deceased, in the last speech he made in this House referred to this abuse on the part of the National Tribune on the susceptibility of widows and soldiers of the Civil War. He called the National Tribune and its editors pretty plain names in his speech of April 6, 1926.

I know of no better way to convince these poor women that they are being deceived by this publication than to bring it to the attention of the Members of the House in this manner. There is no use in writing to the National Tribune to stop this method of solicitation, which has been going on for a number of years. The only thing we can do is to make it known that these widows and soldiers of the Civil War should not consider the National Tribune as their Bible. They ought, as this widow did when she appealed to me, to find out why these sums of money are being demanded almost monthly by a publication which does them no good, and which does the cause for which this publication pretends to be striving undue harm.

I hope my colleagues will answer letters similar to the one I have received in the way they ought to be answered. I am going to do it, and I ask the rest of you to help me. We ought to call attention to this publication in such a way that it can

not continue to draw the few dollars of the widows out of their purses for private gain. [Applause.]

Mr. BLANTON. Is there any indication of a purpose to use the mails to defraud?

Mr. TREADWAY. Yes. That is why I wrote to the Post Office Department. I am afraid that they are just smart enough not to come within the provisions of the law. But I certainly shall refer such letters to the department. I hope the Members will do all they can to inform their constituents of the method of the National Tribune, and that they neither need to send subscriptions or pay dues to this publication to secure their pensions from the Government.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That any person employed under any of the provisions of this act who has been employed for 10 consecutive months or more shall not be denied the leave of absence with pay for which the law provides.

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate insists upon its amendments to the bill (H. R. 15547) entitled "An act to authorize appropriations for construction at military posts, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate, Mr. WADSWORTH, Mr. REED of Pennsylvania, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 10728) entitled "An act authorizing the Secretary of War to convey to the Association Siervas de Maria, San Juan, Porto Rico, certain property in the city of San Juan, Porto Rico, disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed as conferees on the part of the Senate, Mr. WADSWORTH, Mr. REED of Pennsylvania, Mr. BINGHAM, Mr. FLETCHER, and Mr. SHEPPARD.

The message also announced that the Senate insists upon its amendment to the bill (H. R. 11615) entitled "An act providing for the cession to the State of Virginia of sovereignty over a tract of land located at Battery Cove, near Alexandria, Va.," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate, Mr. WADSWORTH, Mr. REED of Pennsylvania, and Mr. FLETCHER.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3928), "An act authorizing the designation of an ex-officio commissioner for Alaska for each of the executive departments of the United States, and for other purposes."

DISTRICT OF COLUMBIA APPROPRIATION BILL

The committee resumed its session.

Mr. COLLINS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. COLLINS. Mr. Chairman, many of the Members of this House have been good enough to commend the bill brought in by our subcommittee of the Appropriations Committee both for this and last year, and I want to suggest right here that much of the completeness and thoroughness of these measures are due to the splendid chairman of this subcommittee, FRANK H. FUNK. He has worked with a conscientious zeal at all times to achieve the best results from the tasks of our subcommittee. He has striven to give the District adequate appropriations consistent with its needs and the public welfare. He has remained painstaking and fair under all conditions and, above all, uniformly courteous to all in the progress of our work. His fellow members do not wonder why he has been of such signal help to corn growers throughout the land in whose behalf he has labored by means of untiring experiments that have brought into being better grades of corn.

We have glimpsed his intelligent insight into vexatious problems and learned his efficient manner of meeting worry and grappling with it. Certain it is that he completes his work with our subcommittee adorned with the affection and unstinted admiration of every member of it—Republican or Democrat—and I wish for him, whether he enter the private pursuits of life or again the arena of public office, the unmeasured success that a friend wishes for one he feels to be right-thinking, honest, warm-hearted, patriotic, and sincere. [Applause, the Members rising.]

Mr. SIMMONS. Mr. Chairman, it is a privilege, on behalf of other members of the Appropriations Committee, to add just a few words to those that have been spoken with reference to our beloved colleague, FRANK FUNK. We men who have served with him on this subcommittee have learned to love him as one man learns to love another in whom he finds by personal acquaintanceship those true characteristics that go to make up sterling American manhood.

Mr. FUNK has brought to the Congress, to the Appropriations Committee, and to the service of the District of Columbia a great wealth of practical business experience and judgment. We have found him in the committee always open-minded, always courteous, and always fair. He goes out from the service of this committee and of the Congress with the best and most sincere wishes of his colleagues on the subcommittee, the main Committee on Appropriations, and I am certain, also, with the best wishes of the Congress, no matter what task he may take upon himself in the years that are to come. Fortunate, indeed, are we who have been privileged to serve with him, fortunate, too, those whom he has served while here, and fortunate, also, will be those who may hereafter secure his services. [Applause.]

The pro forma amendment was withdrawn.

The Clerk concluded the reading of the bill.

Mr. KETCHAM. Mr. Chairman, I want to reserve a point of order against the language found in lines 1 and 2 at the top of page 89, the lines in question being, "in accordance with the regulations of the General Supply Committee or." I think that is clearly legislation but I do not want to press the point of order if there is any good reason for the inclusion of that language in this section.

Mr. FUNK. Mr. Chairman, I think I can satisfy the gentleman. Your subcommittee went into that matter very thoroughly in connection with Mr. Brown, of the Bureau of Efficiency, and we investigated what the General Supply Committee is doing for the Federal Government.

When the General Supply Committee was first organized and established each department, bureau, and division of the Government wanted to be exempted and excepted from the provisions of the General Supply Committee act, claiming they had special reasons and conditions whereby they could not function properly; but as a business man I can not see any reason why purchases made on behalf of the District of Columbia government should not come under the operations of the General Supply Committee. Here is a great committee, that is familiar with markets and prices, and it establishes schedules whereby the various departments of the Government may make their purchases at agreed contract prices. Now, it is just a matter of good business for the District of Columbia to make its purchases in that way.

Mr. KETCHAM. I agree that as an argument that is very splendid, but it occurs to me also that in cases where the District Commissioners might purchase at a less price, as the hearings show they are able to do in connection with at least 20 items, they ought to be given that privilege, so that this language ought to provide that they be given their choice. Will the gentleman please cover that point?

Mr. FUNK. The General Supply Committee, of course, makes purchases for the Federal Government amounting to millions and tens of millions of dollars. It is fair to assume that in buying in great quantities they get the very bedrock and bottom price that comes through quantity purchases, and furthermore, this bill has been drawn and written on the theory that this language would not be seriously objected to and that the purchases on behalf of the District government would be made through the General Supply Committee. It is possible that there might be occasional items that the District could run around and buy slightly cheaper; but this is good business; it coordinates the activities of the District government with the Federal Government, and I think it ought to be given a trial for at least one year.

Mr. KETCHAM. The gentleman thinks the language is subject to a point of order if it were pressed?

Mr. FUNK. I concede that.

Mr. KETCHAM. I shall not press it.

Mr. FUNK. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the 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. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that

that committee having had under consideration the bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of such District for the fiscal year ending June 30, 1928, 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. FUNK. Mr. Speaker, I move the previous question on the bill and amendments 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 grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

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

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

LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 16863) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1928, and for other purposes; and pending that motion, I would like to ask unanimous consent that for the present the time be equally divided and controlled by the gentleman from Colorado [Mr. TAYLOR] and myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate on the bill be controlled one-half by himself and one-half by the gentleman from Colorado. Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16863, the legislative appropriation bill, with Mr. TINCHER in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from Minnesota [Mr. NEWTON]. [Applause.]

Mr. NEWTON of Minnesota. Mr. Chairman, this coming week the House will consider the 1927, or third Haugen bill. The first one was considered in 1924. By the fixing of a ratio price it fixed a domestic price comparable with the all commodities index price. In the 1926 bill the ratio-price scheme was abandoned for one which would fix and maintain a domestic price on certain basic commodities of which we have more or less of an exportable surplus. This domestic price was to equal the world price plus the tariff. The 1926 bill was clothed in different and to some, what appeared to be, more attractive garments. The 1927 bill was drafted with the same basic idea as the 1926 bill. It has been changed in some details. For example, the tariff yard stick has been eliminated. There is no provision for an embargo on importations of basic commodities while the control is in operation. In some of its details this latest bill is more unsound and unworkable than its predecessors. In other words, in spite of changes in detail, this bill has all of the essential principles of the 1926 Haugen bill and is open to the same and probably more objections.

The 1924 bill had substantial farmer support, but little support elsewhere. It was decisively beaten in the House and failed even of consideration in the Senate. In 1926, in my judgment, there was in my part of the country less of a cry from the farmers for this character of legislation than there was in 1924. But the ranks of those who did want this legislation were swelled by others whose business was being adversely and directly affected by the condition of the farmer. I refer to farm-land investments, mortgages, and so forth. This bill failed of passage in both Houses.

In 1927, when a good many farmers have ceased to expect relief of this kind and are spending little time in asking for it, we find the ranks of those who are demanding this sort of legislation further increased. Among them are those who are interested in commencing a major political engagement in the Nation, which will be staged possibly in about one year from now. With this help the proponents of this legislation hope to make better progress in 1927 than they made in 1924 and 1926.

Mr. Chairman, I opposed this bill in 1924, again in 1926, and I am opposed to it to-day. I am opposed to it for I am convinced that if passed and put into effect that the farmer whom it is designed to benefit will not only not profit from it but will suffer substantial loss if it is enacted. It is possible that farm values might be temporarily stimulated. The ultimate effect, however, would be to further depress farm values. In the long run all would be detrimentally affected by this legislation.

Just what does the 1927 Haugen bill do? Its purpose as to certain commodities of which it is claimed we have an exportable surplus is to raise the domestic price so that it will equal the world price plus the tariff. Further details I shall discuss later.

The occasion for this control and admitted interference with the laws of supply and demand is the shrinkage in the purchasing power of the farmer's dollar as compared with this purchasing power prior to the war. In other words, it is claimed that a dollar's worth of farmer products will not purchase as much—compared with a dollar's worth of other commodities—as the farmer's dollar in pre-war times. I want to see a restoration of a normal balance between the price of farm and other commodities. I feel, however, that this can not be done by the provisions of the Haugen bill. We have been making progress in that line. In 1921 the farmer's dollar, as compared with the dollar of nonagricultural commodities, was 51 cents below. To date it has been raised so that it is now about 18 or 20 cents below that figure. This shows a coming together of this disparity in prices. This has been due in part to sound and helpful legislation. There can be no question but that the emergency tariff law of 1921 assisted the farmer materially. He was further assisted by the more highly protective provision of the Fordney tariff law of 1922. As to wheat and butter, he has been even more highly protected by increase in the duties on those products through the efforts of the Tariff Commission under the flexible conditions of the Fordney law.

It is claimed by some that the farmer buys in a protected market and sells in an unprotected market. I deny this. As a matter of fact, the farmer enjoys substantial protection upon practically everything that he produces. Ninety per cent of the products of the farmer are consumed in this country. This is his big market. He is protected in the enjoyment of that market to the very fullest extent. He has practically no competition coming in from abroad. It is infinitesimal when compared with the total consumption of his products here. The late Senator Knute Nelson said in my presence just prior to the final passage of the Fordney bill that the farmers of the country had been given practically every duty that they had asked for. Those of us who were here during the hearings and debate on the Fordney bill know that that statement is absolutely true. The farmer never had a better friend than Senator Knute Nelson. Later on I shall demonstrate how, as to wheat, the farmer gets substantial benefit from the protective tariff on this commodity. Included among a large number of items on the free list are farm machinery, manufactured leather goods, oil, lumber, and so forth.

Mr. Chairman, this Haugen bill, like its predecessors, is unsound in theory, violates all economic laws, would be found unworkable in practice, and do the farmer incalculable harm if put into effect.

As to its economic unsoundness, let me elaborate: This bill will stimulate overproduction. That is one of the causes of the farmer's present trouble. All recognize this and the difficulties in controlling production in an industry so individualistic as that of the farmer. Why will this bill stimulate production? The obvious purpose is to increase the domestic price. That is in itself an inducement for the farmer to plant more. There is always an increased acreage put to wheat following a year of high prices. Prior to 1914 the wheat acreage in this country remained fairly stable. At that time the average farm price per bushel was under $1. In the following five years the wheat acreage in this country increased until in 1919 it reached 76,500,000 acres. When the slump in prices came, acreage was decreased, but, following the high prices of 1924, the acreage was increased 5,000,000 acres, or 10 per cent. There has been an increase in the winter-wheat acreage for this coming crop year of 5 per cent, notwithstanding all of the talk that we have heard about low prices.

To-day, while we are producing about as much wheat per capita as we did 25 years ago, we are consuming, per capita, more than 1 bushel less per annum. The per capita consumption 25 years ago was 5.47 bushels; in 1925 it had dropped to 4.26 bushels. This amounts to over 20 per cent and represents

a decline in consumption equivalent to 125,000,000 bushels annually. It would seem, therefore, that the wheat farmers' problem is more one of declining consumption than the handling of exportable surpluses. The same thing is true of cotton. For a period of 40 consecutive months the average farm price of cotton never fell below 20 cents a pound. Much of the time it was higher. Under this stimulus the cotton farmer increased his acreage from 30,000,000 in 1921 to 47,653,000 in 1926. Gentlemen, it is a losing game to chase prices with acreage. That is exactly what this bill will do. Surely the proponents of this legislation should make provision in the law so that if acreage or production is increased following the first year of control, that the control shall then cease to operate.

The bill is also unsound in that it will project the Government into the business of buying, processing, selling, or otherwise handling and disposing of these basic commodities. They are necessities of life. The aggregate value of their products annually amounts to several billions of dollars. I do not want to turn this great business involving the necessities of life to be controlled by any governmental agency. The powers given to the Federal board under this act are far greater than were held by the Food Administration during the World War. Let us examine this bill in detail.

There is created a Federal farm board of 12 members, one from each of our Federal land-bank districts. They are appointed by the President—one from each district. He must select them from a list of three eligibles whose names are submitted by a nominating committee of five. Four of the five members of this nominating committee are elected by farm organizations and cooperatives in the land-bank districts. The other is appointed by the Secretary of Agriculture. Members of the Federal farm board must be citizens of the United States. No other qualification is prescribed in the law. They draw $10,000 annually. It is this board which is given control of these basic agricultural commodities.

The board is authorized to put the control into effect whenever it finds that there is or may be a surplus of a given commodity during the ensuing year (1) above the domestic requirements or (2) a surplus above the orderly marketing. This latter term is so flexible as to permit the putting into operation of the control whenever the board wants to do so. The only restrictions upon the board are that it shall not commence or terminate control unless members of the board representing districts producing more than 50 per cent of the commodity acquiesce therein. There is a further provision that the control must be desired by the advisory council for the commodity and a substantial number of cooperatives engaged in that commodity.

The surplus is to be removed, withheld, or otherwise disposed of by the board contracting with cooperatives handling the commodity controlled or with associations created by them or with persons engaged in processing the commodity. By processing is meant the milling of wheat, the ginning of cotton, the creation of 1,000 or more of pork products, and so forth.

Provision is made for the payment by the board of the "losses, costs, and charges" of the concern disposing of the commodity. The words "remove" and "dispose" may very well mean "destroy." Whether destruction of these basic commodities is contemplated I do not know. It would appear that the board will have power under the terms and provisions of this act to make agreements permitting of this and can assume the burden of paying for its being done.

Public money is to be advanced for the doing of all of this. A revolving fund of $250,000,000 is authorized to be paid out of the Treasury in order to commence the financing of operations of this governmental control. This sum will not last long in operating in any basic commodities. It is to be reimbursed from a fund to be created by the payment of an equalization fee. This fee is to be fixed by the board. There is no appeal from its decision to anyone. Neither is there an appeal from its decision in putting the control into effect. The exercize of their discretion under the terms of the bill is final. The equalization fee is to be collected upon every unit of the commodity placed under control. The collection is to be made upon either the "sale, processing, or transportation" of such unit. For example, upon each bushel of wheat and pound of swine, and so forth, the fee will be levied.

It must be evident that this scheme will project the Government through its agents into the business of buying and selling these commodities. It means price fixing by the board, because the board must obviously direct the exporter, miller, packer, or other processor as to quantities and prices at which they must buy and sell. Otherwise the scheme would give the packers, millers, and so forth, carte blanche to deal in these commodities without restriction as to either price or volume. Bear in mind that "losses, costs, and charges" are to be borne by the board out of its funds.

It must be obvious that to undertake to pay the losses to any commercial concern of any portion of its products means that this portion will embrace all of the residues upon which no profit can be earned in the domestic market. This constitutes a practical guarantee of unlimited profits in the domestic market. Surely neither farmer nor consumer wants this. It must follow unless the board regulates purchases and sales, in both price and volume, that this will happen. The moment the board does do this it is direct price fixing and nothing else.

Furthermore, if a price is not fixed by the board, there will certainly follow in the operation of this control a discrimination against those farmers who, through lack of storage facilities or shortage of funds, can not hold their wheat for the maximum price. He will pay the same equalization fee as his more fortunate neighbor. To illustrate. The board estimates a probable surplus and puts the control into effect. This probable surplus is estimated at 200,000,000 bushels. The total crop is 800,000,000 bushels. The control goes into effect July 1. That is the beginning of the crop year. Let us assume that at that time the world price is $1 per bushel. The domestic price is $1.15. By putting the control into effect, the board seeks to advance the domestic price where it will eventually equal the world price plus the tariff and freight. If the tariff is 42 cents and the freight say 12 cents, the price sought to be attained will be $1.54. Through the agencies appointed the wheat is bought at the then domestic price of $1.15. The buying is continued from time to time until the entire surplus of 200,000,000 bushels is purchased. The domestic price will then reach the world price plus tariff and freight, or $1.54. The first farmer who sold would sell at the then domestic-market price of $1.15. The others selling somewhat later would receive amounts in excess of that figure.

The last purchases would be made at close to $1.54. It will be observed that the first farmer and the last farmer, and all in between, will be required to pay the same equalization fee. It will also be observed that the first farmer to sell would get practically no benefit from the control. He would be selling at the then domestic price before continued buying had shoved the price up. Notwithstanding this, he would have to pay the same equalization fee as his more fortunate neighbor who did not sell until the price had practically reached the top figure. Is the first farmer going to be satisfied to have a Government agency treat him in this discriminating fashion? Of course not. He will not stand for it. Those equally or slightly less unfortunate will not stand for it. Complaints will come in. Out of it all will come a fixing by the board, in the first instance, of a price equal to the then world price plus tariff and freight and the payment of that prices to each and every farmer. This, of course, would be price fixing, pure and simple.

Mr. Chairman, this bill is not only economically unsound, but it is wholly impractical in operation. There are five basic commodities: Cotton, wheat, corn, rice, and swine. The keystone of this legislative arch is the so-called equalization fee. This is the one feature that the advocates of this bill have insisted upon. They have refused to consider any kind of legislation which did not embody this idea. The equalization fee can not be applied to cotton. We export 60 per cent of the cotton produced in this country. No tariff duty is laid on cotton imports. Take corn. We produce two and one-half billion bushels of corn annually. The greater percentage of this is consumed on the farm. An infinitesimal portion goes into export trade. It is practically nil. It is at least doubtful if the equalization fee could be successful applied to corn. If put into effect and it works, the farmer with a short corn crop and hogs to feed should understand that he would pay the bill. Application to swine is equally doubtful. Our pork exports of all kinds are less than 10 per cent of our gross production. As to rice, we import substantially more than we export, and my impression is that we import more than we produce. If these facts are true, the equalization plan can not operate as to rice.

But if the Haugen bill will work at all, it will work on wheat. The agitation for this legislation commenced three or four years ago. We now know just what the market was on wheat during that period. We know what the production was during those years. The average yearly production of wheat in the period July 1, 1923, to July 1, 1926, was just under 800,000,000 bushels. Of this amount during that period the spring wheat farmer produced on an average of 153,000,000 bushels annually. His principal market, which is the city of Minneapolis, is the greatest primary wheat market in the world. His greatest competitor is his neighbor, the Canadian wheat farmer. Our best grade of spring wheat is No. 1 dark northern. Its comparable grade in Canada is No. 3 Manitoba northern. Its primary market is Winnipeg. Canada has produced in recent years a crop fluctuating in its total annual yield from 250,000,000 bushels to 470,000,000 bushels. In the

main the fluctuations have been due to differences in climatic conditions. Prices as to these markets during this three-year period are available. I have had tables prepared showing a comparison of the prices of these two comparable grades during this three-year period of 157 weeks. They show the average weekly high price of No. 1 dark northern at Minneapolis and the average weekly high price of No. 3 Manitoba northern at Winnipeg. It is possible thereby to make a comparison. The basis for my figures is the "Wheat Studies" gotten out by the Food Research Institute of Leland Stanford University. Their reliability can not be questioned. I shall illustrate the tables with two charts. You will note from Chart I that the Minneapolis price is always substantially higher than the Winnipeg price. In some instances it is higher by from 50 to 60 cents. The average over the Winnipeg price the first year is 34.2 cents. In the second year—Canada had a crop failure that year—it is 26.15 cents. In the last year it is 36.42 cents. In 72 weeks out of 157 the differential in favor of Minneapolis is over 35 cents. In 99 weeks it exceeds 30 cents. In 121 weeks it is over 20 cents. In 135 weeks it is over 20 cents, and in 152 weeks it is over 10 cents.

Let us glance at the last crop year, July 1, 1925, to June 30, 1926. The Minneapolis price for No. 1 dark northern exceeded the No. 3 Manitoba northern price by 40 cents in 20 weeks, by 35 cents in 29 weeks, by 30 cents in 34 weeks, by 25 cents in 43 weeks, by 20 cents in 51 weeks, and by 10 cents in 52 weeks.

Why was this? On account of the tariff of 42 cents per bushel which was effective to some extent during the entire period and which was completely in effect during a substantial portion of that period.

It should be borne in mind that while the mills throughout a given year pay a price which is far above the Canadian price, and almost equal to the Canadian price plus the tariff, that they will be unable to pay this figure if they are required to pay an equalization fee upon every bushel of wheat processed. If the equalization fee is 10 cents, they will pay 10 cents less than they otherwise would pay. In the major portion of the weeks during this three-year period the farmer in our part of the country would certainly get less for his wheat than he would if there were no equalization fee levied.

This fact also should be borne in mind: The board, in fixing the price, could never fix the price at exactly the world price plus the tariff. For example, assume that the world price is $1. The tariff is 42 cents. The very moment that the price in this country reached that figure the American purchaser could afford to pay the tariff duty. Canadian wheat would come in. But the importation into this country of wheat from Canada would add to our troubles, for it would increase the available surplus. It would add to the quantity of wheat which we would have to sell abroad at whatever the market there would bring. It is expected that this surplus will be sold at a loss and the purpose of the collection of the equalization fee is to pay that loss.

The former Haugen bill contained an embargo provision which would have made it possible to prohibit the importation of wheat into this country. There is no embargo provision in this bill. This wheat can and will come over whenever the price in this country is above the Canadian price plus the tariff. Therefore the board in establishing the price to be paid will have to keep well within the price of $1.42 in order to provide against fluctuations and advances to bring the price up to the Canadian price plus the tariff. They will probably have to maintain this price about 10 cents below the figure of $1.42. This would make a differential of 32 cents. The chart shows that the farmer enjoyed a differential of this character for two-thirds of this three-year period without at the same time being obligated to pay an equalization fee. Under the Haugen bill he would get no more than this figure, and in addition he would have to pay an equalization fee of from at least 10 to 15 cents per bushel. This would bring the differential down to 22 cents or 17 cents, depending upon the equalization fee.

It will be observed from these tables and this chart that in 121 weeks out of the 157 weeks during the past three years that the Minneapolis market was over the Winnipeg market by over 25 cents. Frankly, gentlemen, I do not see how anyone can be for this Haugen bill if he will only analyze it and then compare it with actual market conditions.

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

Mr. DICKINSON of Iowa. Mr. Chairman, I yield to the gentleman 15 minutes more.

The CHAIRMAN. The gentleman from Minnesota is recognized for 15 minutes more.

Mr. NEWTON of Minnesota. We start here in the beginning of the year 1923, in July, with the Winnipeg price, which is below $1.10; the Minneapolis price on No. 1 northern is just about $1.32. You will note that at times the differential was as high as 40 cents and averaged over 34 cents throughout the year.

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

Mr. NEWTON of Minnesota. Yes.

Mr. CLAGUE. Would you state right there the freight rate?

Mr. NEWTON of Minnesota. I tried to get that, but I could not find my last year's notes on it.

Mr. MORGAN. It is a little less than 12 cents.

Mr. NEWTON of Minnesota. It is something between 8 and 12 cents.

Mr. FORT. Where from?

Mr. NEWTON of Minnesota. We are referring to Winnipeg and Minneapolis markets.

Mr. FORT. It is about 12 cents.

Mr. NEWTON of Minnesota. So you see we had a very substantial protection there from 1923 to 1924. There was less of fluctuation than during the years 1924 and 1925. In 1924 they had a short crop in Canada. That is responsible for the Winnipeg price going up. But at the same time you will note that the Minneapolis price went up. The situation was again different in the year 1925 to 1926. But with all of these fluctuations, it is apparent that the tariff was effective and that at times the differential in favor of the Minneapolis market was as high as 50 cents.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. SUMMERS of Washington. The tables there, I notice, refer to dark northern spring wheat. Can the gentleman tell us how much of that is produced in the United States?

Mr. NEWTON of Minnesota. I can give it to the gentleman exactly. I think on the average of five years the hard spring crop was about 153,000,000 bushels.

Mr. SUMMERS of Washington. Something like 20 per cent of the entire wheat production in the United States. Can the gentleman show from the table the spread and the result of the tariff and so on, on the other 80 per cent?

Mr. NEWTON of Minnesota. Yes. In a moment. I have been referring to spring wheat. I also have some like interesting figures in reference to the No. 2 hard winter at the Kansas City market, and No. 2 red winter at the St. Louis market. The combined production of hard winter and red winter for 1925–26 totaled 550,000,000 bushels. These No. 2 grades compare in price and for milling with No. 1 dark northern and No. 3 Manitoba northern. I have the tables showing the prices paid for these respective grades at their primary markets based on the average weekly cash price. Weighted averages are given. Chart No. 2 will more graphically set forth a comparison of the market prices of these representative and comparable grades of milling wheat. In the time that I had at my disposal, I was unable to get the figures together for the last three years. Generally speaking, the market on these winter wheats during the other two years was fairly comparable with the market on the spring wheat during that period.

Looking at the chart, it will be observed that No. 2 hard winter wheat at Kansas City ranged substantially above the price of No. 3 Manitoba northern at Winnipeg. This wheat was above the Canadian wheat in all but two of the 47 weeks indicated. It was more than $0.10 above in 42 weeks; it was more than $0.20 above in 25 weeks; in 22 weeks it was more than $0.25 higher. In 15 weeks it was above by over $0.32; in 7 weeks it exceeded Winnipeg prices by more than $0.35; and in 1 week, it topped the Winnipeg price by more than $0.42. The average above Winnipeg during the year was $0.22.

Note the No. 2 red winter wheat at St. Louis and how it compared with this Canadian wheat of comparable grade. In 17 weeks it was more than $0.40 higher; in 24 weeks in excess of $0.35; in 27 weeks in excess of $0.30; in 32 weeks it was more than $0.25 higher; in 38 weeks out of 47 it was more than $0.20 higher; and in 42 weeks it was more than $0.10 higher. The average throughout the year shows No. 2 red winter to have been $0.31 higher than the Canadian wheat.

This shows that not only is the tariff of 42 cents per bushel effective in whole or in part upon spring wheat, which naturally comes into direct competition with Canadian wheat, but that the tariff is also affected in the case of hard winter wheat, and especially is it effective in reference to the red winter wheat at St. Louis. The average of the weekly cash price of No. 2 red winter at St. Louis throughout that year was $1.73. Now, then, let us make this comparison: This price would have been higher than the price of No. 3 Manitoba northern at Winnipeg, plus the tariff during 8 out of the 47 weeks. The figures show not only no occasion for the putting of the control into effect,

but that the control would have invited importation into this country of the Canadian surplus of this competitive milling wheat.

Mr. MORGAN. Mr. Chairman, will the gentleman yield there for a question?

Mr. NEWTON of Minnesota. Gladly.

Mr. MORGAN. Particularly does the protective tariff apply when the surplus-crop movement is on in the wide extreme shown there on the map?

Mr. NEWTON of Minnesota. Yes; and during the heavy crop movement, where a man who has to sell, who does not have the storage facilities to store grain, is forced to unload.

Mr. MORGAN. When it moves from the farmer in September and October he gets the full protection of it, because of the fact that the spread between the Canadian price and the United States price is due to the tariff?

Mr. NEWTON of Minnesota. Yes.

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

Mr. NEWTON of Minnesota. Yes.

Mr. ACKERMAN. Does the low line indicate the price of Canadian wheat in Canada?

Mr. NEWTON of Minnesota. Yes; the Winnipeg price.

Mr. ACKERMAN. It has nothing to do with the duty?

Mr. NEWTON of Minnesota. Oh, no. The other prices are the Minneapolis market price and the Kansas City market price and the St. Louis market price. All on comparable grades.

Mr. MORGAN. The farmers receive the benefit of the tariff because they are selling at that period, and later in the season there is not the same corresponding benefit, as is shown by the gentleman's chart?

Mr. NEWTON of Minnesota. It is apparent that the wheat farmer gets substantial benefit from the tariff, and he does not now have to pay an equalization fee.

Now, answering the question of the gentleman from Washington [Mr. SUMMERS]. The first chart gives the spring wheat. The second chart gives not only the spring but the hard winter wheat, at Kansas City and the red winter at St. Louis. It likewise gives the price on No. 3 Manitoba northern so that a comparison of the price on these different grades of milling wheat can be made.

Mr. SUMMERS of Washington. That covers how much?

Mr. NEWTON of Minnesota. These kinds cover a very substantial portion of the total wheat crop. I would say that covers from 500,000,000 to 600,000,000 bushels of the total wheat crop. I am only approximating; it might be a little less than that; possibly I might be 50,000,000 bushels off.

Mr. SUMMERS of Washington. The gentleman does not contend that we get the full benefit of the tariff on the average grade of wheat to the extent that we get it on this particular quality.

Mr. NEWTON of Minnesota. These are average-milling grades.

Mr. SUMMERS of Washington. Not the chart before us?

Mr. NEWTON of Minnesota. I will say this: The gentleman noticed that in Chart II covering 1925–26 the prices of No. 1 northern and of the winter wheats at Kansas City and St. Louis followed one another and that their prices were substantially the same. They constitute a large percentage of the total wheat produced. It seems to me that they are average-milling grades.

Of course, the gentleman comes from the north Pacific coast. A substantial part of the wheat produced there finds its way into export channels. But while this constitutes a substantial percentage of our wheat exports it is but a minor percentage of the total amount of wheat produced in this country.

Mr. SUMMERS of Washington. Some 75,000,000 bushels is produced and about 30,000,000 bushels are exported.

Mr. NEWTON of Minnesota. I do not remember the exact figures.

Mr. SUMMERS of Washington. And, unfortunately, the same favorable conditions do not apply out there.

Mr. NEWTON of Minnesota. No. The wheat produced in the gentleman's territory, or, at least, most of it or a substantial portion of it, gets into the export trade, so that there is not a domestic demand for it for milling such as exists as to these other grades, and, of course, it is reflected in the price. And, again, the Canadian wheat is so much better for milling purposes that it must compete in the markets abroad under adverse conditions.

Mr. FORT. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. FORT. Following the logic of the questions of the gentleman from Washington does it not come down to this position—that from the charts of the gentleman from Minnesota it appears that wheat is now securing practically the full benefit of the tariff on all grades for which there is a genuine domestic market; that the only grades as to which that does not apply are those grades of wheat which are raised peculiarly for the export trade and that consequently the equalization fee on the grades that are used domestically would be used to pay the losses on the grades for which there is no domestic demand?

Mr. NEWTON of Minnesota. The gentleman is correct. If the provisions of this bill are put into effect, the northwestern wheat farmer will indeed be penalized. He will have to pay an equalization fee on all of his wheat that is sold or milled, this in order to take care of the loss of all of the wheat growers that will be sustained in selling the surplus abroad. The average total production of all wheat in this country for the years 1920–1924, inclusive, was 834,900,000 bushels. The average of hard spring wheat was 153,800,000 bushels. It was 18½ per cent of the total production. The average annual wheat exports of all kinds during the same period was 186,200,000 bushels, or about 22½ per cent of the gross production. It will be observed that while the hard spring wheats were about 18½ per cent of the production that they constitute only about 6 per cent of our wheat exports. Notwithstanding this, the spring-wheat farmer would pay an equalization fee based upon his production of 153,000,000 bushels. He would stand to benefit only on the exporting of 11,300,000 bushels. On the other hand, the farmer in certain other regions producing largely for export would pay an equalization fee on a smaller production and would at the same time reap a benefit from a much larger surplus. Suppose the equalization fee was $0.10 per bushel. That is conservative. The spring production is 153,000,000 bushels. Most of that would be sold and not consumed on the farm. Let us assume that 125,000,000 bushels is sold. The percentage would be greater than that, but we will assume that figure. On a $0.10 per bushel equalization fee there would be collected from the spring-wheat farmer $12,500,000 during that year. He exports 11,300,000 bushels—that was the average export for this five-year period. His payment into the equalization-fee fund would amount to over $1 per bushel on his exports. To almost the same extent this is likewise true of the farmer raising soft red winter wheat. With an average yield of 245,000,000 bushels during this period, he exported less than 10 per cent thereof. This was slightly over 5 per cent of the total exports of all grades. As the gentleman from New Jersey [Mr. FORT] suggests, why devise a plan which penalizes the northwestern spring-wheat farmer in this fashion? The farmer who produces the best milling wheat for our own market enjoys protection as these figures and charts show. Why should he be called upon to pay losses of the farmer who produces a quality of wheat that is largely for export?

Mr. WHITTINGTON. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. WHITTINGTON. If the tariff is intended to protect the growers of wheat and results in not protecting the grower who grows wheat for export, is it not fair that the grower who does receive that protection ought to cooperate with his less fortunate brother so that he will receive a better price for his wheat?

Mr. NEWTON of Minnesota. Before I am led off into this, let me say that I have not the figures on this exportable wheat from the Pacific coast, and I do not know just what they charge. It may very well be that they get substantial protection from the tariff. My answer for purposes of argument assumed that he did not.

Mr. WHITTINGTON. And my question was based on the gentleman's answer, admitting the truth of the assertion made by the gentleman from Washington, that his wheat did not get protection from the tariff.

Mr. SUMMERS of Washington. Let me make this clear. Our wheat does not get full protective benefits from the tariff. I think the answer, if the gentleman will permit, to the situation suggested by the gentleman who is speaking is that the producers of wheat throughout all of the great producing sections are for the bill. There must be something wrong, there must be a discrepancy somewhere, which perhaps the gentleman from the city district of Minneapolis and the gentleman from the exporting district of the Pacific Northwest are not quite able to understand; but there must be a reason, or they would not be asking for the bill by the millions.

Mr. NEWTON of Minnesota. I fancy the real reason is they do not know. This situation has probably never been presented to them. I know that until I looked up the figures that I did not realize that the farmer producing high milling qualities of wheat was receiving such a substantial benefit from the 42 cents a bushel duty. Neither did I realize how the spring wheat farmer would be discriminated against if this bill becomes a law.

Mr. SUMMERS of Washington. In other words, the farmer is getting about all he is entitled to but he does not know it. Is that the contention of the gentleman?

Mr. NEWTON of Minnesota. The point is you can not go over these figures with the Haugen bill as it is and show that the Haugen bill, if put into effect July 1, last year, would have brought the wheat farmer any benefit, and by the wheat farmer I mean the farmer producing the bulk of our milling wheat.

Mr. SUMMERS of Washington. You mean 1925 or 1926?

Mr. NEWTON of Minnesota. The last year that was available, 1925 to 1926.

Mr. SUMMERS of Washington. There was practically no surplus produced in this country then. I am talking about the crop year of 1925.

Mr. NEWTON of Minnesota. We had a very substantial export in 1925.

Mr. SUMMERS of Washington. But nothing like the amount that year that there was in other years. The 1925 crop year we only exported 106,000,000 bushels.

Mr. NEWTON of Minnesota. All right that is one-sixth of the total crop for that year.

If we are going to place in the Federal Farm Board power of this kind, we should require them to grade the equalization fee so that the wheat primarily grown for export pays the tax that it should pay.

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

Mr. NEWTON of Minnesota. May I have just five minutes more?

Mr. SUMMERS of Washington. I yield the gentleman five minutes more.

Mr. NEWTON of Minnesota. I have been very liberal in yielding for interruptions, because I think that aids in a better understanding of the question.

Mr. SUMMERS of Washington. Will the gentleman yield for a suggestion there?

Mr. NEWTON of Minnesota. Yes.

Mr. SUMMERS of Washington. When the wheat goes into trade it will have an equalization fee collected, say, by the transportation company. I presume that would apply to all wheat that was transported by a transportation company.

Mr. NEWTON of Minnesota. I think it would have to be that way.

Mr. SUMMERS of Washington. Then when this wheat from a foreign country gets over to this country on our railroads, it will be subject to the same equalization fee as the American wheat.

Mr. NEWTON of Minnesota. I have been wondering why the word "transportation" was put in this bill. It was not in the previous bills. It ought not to have been included, and the collection by the railroad of the equalization fee is wholly impractical. In addition, the inclusion of this word raises a very serious constitutional question. The business of a railroad is to carry freight and passengers. Under this bill the board can require the payment of an equalization fee upon either the "sale," "transportation," or "processing" of a bushel of wheat. If the fee is 10 cents per bushel, the miller will deduct that amount from the price he pays the farmer for his wheat. The railroad company, which is a public carrier, does not buy wheat. It merely transports it. It does so at a charge which is published in its tariff. This charge can not be raised or lowered except it publishes the same, and it can not do this excepting by advance notice to all the public and subject to the approval of the Interstate Commerce Commission. The railroad company can not pay less for the wheat, because it does not buy it. It can not add the fee to its tariffs, for tariffs must apply to all alike. It would seem wholly impractical to collect this fee on the transportation of this commodity. If it is attempted it will raise a very serious constitutional question which I shall not discuss now.

Mr. SUMMERS of Washington. If the fee is collected at the mill then the miller will have to pay the fee on all the wheat, and so he would pay on wheat that came in from Canada as well as American wheat.

Mr. NEWTON of Minnesota. But suppose it was not milled.

Mr. SUMMERS of Washington. Can you conceive of buying wheat and not milling it and not selling it? The fee may also be collected "on sale."

Mr. NEWTON of Minnesota. I am saying that you can not collect it on transportation.

Mr. SUMMERS of Washington. It can be done at the mill. I am asking what will be done when it is collected at the mill instead of the transportation company. That was the gentleman's own suggestion. The gentleman said it could be collected there because the miller could deduct it.

Mr. NEWTON of Minnesota. Assume that Canadian wheat comes in over the tariff wall and that it is subject to the payment of an equalization fee when it reaches the miller, who can, as a practical proposition, collect the fee—this is my offhand impression. In such event, he would, of course, not buy until the domestic price reached figures where he could afford to pay both the tariff and fee. However, that raises an interesting question as to the authority of this board to levy what is in effect if not in law, an additional "duty" or "tax" on importations.

A further objection to this type of legislation is that experience elsewhere on similar schemes have demonstrated that the inevitable effect is detrimental to the producers of the commodity sold. It is true that the commencement of control has been accompanied by price advances. This has been true in rubber, coffee, and so forth, where the country of control produces such a substantial portion of the total production as to enjoy a partial or practical monopoly providing at the same time one or two countries require most of the available supply.

The artificially stimulated high prices have ultimately forced the use of substitutes, encouraged production in noncontrol areas, encouraged economics, and so forth. To illustrate, the Chilean nitrate producer now finds his markets going to his synthetic competitors not only in Germany, but in America. Brazil continues to produce a surplus and is accumulating thereby a surplus which will soon pile up a two-year supply of coffee.

The British control of rubber has so reacted as to materially stimulate production elsewhere, necessitate reclamation of used rubber, improve compounding processes, and so forth. Rubber is still under control. Now, the spot rubber market is $0.35 as against a top price of $1.21, a little over one year ago, and an average price one year ago over a period of several months of over twice the present figure.

The countries producing the commodity which I have mentioned enjoy practical monopoly. Our own country consumed substantial portions of the world supply. The controls were put into effect under advantageous circumstances and conditions. They have resulted as I have indicated. The control of wheat would be much more difficult. Wheat is produced in practically every country on the face of the globe. It can be grown in a year. It takes seven years to grow and develop a rubber tree to a point of profit production.

Mr. Chairman, I come from a city district. It is the gateway to a great agricultural country. That country will remain agricultural in character for many years to come. The people of the city of Minneapolis, whom I have the honor and the privilege to represent, can not enjoy prosperity if the farming country tributary to it is not prosperous. That is obvious. I do not know just how much legislation can aid in the economic recovery of agriculture. Far too much emphasis has been placed upon the enactment of legislation to cure economic ills, but wherever legislation can really help, I want to assist in its passage. This is my own attitude and I believe it to be the attitude of the people in the great city which I have the honor and privilege to represent in this body.

Gentlemen, we have not had the most prosperous times in our part of the country since 1921.

In the period of readjustment following the war certain industries have made slower recovery than others. Agriculture is one of them. This has borne heavily not only upon the farmer in the country, but upon the business men, professional men, and working men in the city. Wherever legislation can benefit the farmer, I welcome it and shall support it, but I refuse to be a party to having my people pay for something to benefit the farmer which will not only be detrimental to him but to every one of them.

You have heard much during the past few years as to conditions in my part of the country. They have been bad. I am glad to say they are now much better. I quote from a recent address by Roy A. Young, governor of the Federal reserve bank at Minneapolis, in speaking on conditions in the ninth Federal reserve district. After depicting conditions for the past five or six years, he says:

> I am going to picture some of the encouraging things in our territory. There must be an earning and debt paying power in the ninth Federal reserve district that has caused the following results to occur:
>
> 1. There has been a reduction of indebtedness of member banks to the Federal reserve bank from $115,000,000 to $3,500,000.
>
> 2. There has been a reduction in the Federal Reserve Bank of Minneapolis of paper acquired from closed banks from $14,000,000 to $1,800,000.
>
> 3. Borrowing banks have reduced their loans from the War Finance Corporation from $60,000,000 to less than $2,000,000.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. DICKINSON of Iowa. That argument is used to show the prosperity of the farmer. Let me suggest to the gentleman,

for I know he wants to be fair, that the increase in farm-mortgage indebtedness and the decrease of personal property of the farmer shows that they have made that reduction in their indebtedness by putting mortgages on their farms and selling livestock in order to do it. It is not paid by profits out of the farm.

Mr. NEWTON of Minnesota. The gentleman wants to see the debts liquidated, and this is one evidence of the return of prosperity.

Mr. DICKINSON of Iowa. It is not a liquidation, it is a transfer from one form of indebtedness into another, which is just as serious against the farmer.

Mr. NEWTON of Minnesota. I must continue:

4. The total deposits of all banks now operating are approximately the same as in 1920.

5. The acreage under cultivation is within 5.2 per cent of that of 1920, and the number of farms has increased slightly.

6. The value of farm production is as great as six years ago in spite of short crops and depressed prices for grain.

In my opinion the accomplishments are the results of diversification and much more can be expected. Diversification is not entirely new in our territory. It has been followed by some of our people for many years. When the crash came in 1920, it was evidence that those farmers who had diversified were much better able to take care of themselves than those who had not. In 1920 diversification became our rehabilitation program, and some of the results since 1920 are extremely interesting. In the trade territory served by Minneapolis the number of dairy cows has increased 750,000 head while the increase in the United States only amounts to 900,000 head.

In Minnesota the increase has been but 13 per cent, but the butter production in pounds has increased 63 per cent, showing that grade animals are being substituted for scrubs. That is why Minnesota had a dairy production last year of $200,000,000. Minnesota's hogs have increased 30 per cent, while the rest of the United States has had a reduction of 5 per cent. Egg production has doubled. The little red hen in Minnesota alone produces $60,000,000 annually, or twice the value of our wheat crop which is now only $30,000,000. In 1926 the value of North Dakota's dairy products, hogs, poultry, mutton, wool, and honey covered their losses in wheat, something that was not possible six years ago. What is true of Minnesota and North Dakota is proportionately true of the other States in our district.

I mention this to show something of the progress that has been made by the farmers in our part of the country, and which can be continued if they are permitted to conduct their business along sound economic lines. Further progress is needed. We are not yet all together out of the woods. Not all of our trouble has been due to abnormally low prices, nor to a disparity in the purchasing power of the dollar of the farmer. It is not necessary to go into those factors at this time. The figures I have given show the results of the efforts that have been made toward diversification and other sound and economic efforts that is responsible for the paying off of the debts referred to in the forepart of my quotation from the remarks of the governor of the Federal reserve bank. Of course it is not the only factor, but it certainly is a prominent one in that process.

Mr. CLAGUE. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. CLAGUE. A few moments ago the gentleman told us that he thought the only people that were in favor of this bill, in favor of the McNary-Haugen bill, were largely speculators and owners of land. I think the gentleman represents a city district.

Mr. NEWTON of Minnesota. I said that I represent a city district.

Mr. CLAGUE. Is it not true that every farm organization in the State of Minnesota favors the McNary-Haugen bill?

Mr. NEWTON of Minnesota. No.

Mr. CLAGUE. Name one.

Mr. NEWTON of Minnesota. There is the Twin City Milk Producers' Association, with a membership of about 6,500. Their capital is close to $1,000,000. My impression is that Mr. Schilling is a member. They did not favor the McNary-Haugen bill in 1926. I was so advised by some one who knew that they did not want the McNary-Haugen bill. Certainly the Land O' Lakes Cooperative Creamery Co. were not for the McNary-Haugen bill. I was so advised one year ago.

Mr. CLAGUE. Oh, yes; a large part of the Land O' Lakes Association is in my district, and every one of them favors the McNary-Haugen bill. I represent wholly a farm district, and every farm organization of every kind favors the McNary-Haugen bill. Now, speaking of farmers, I want to say that the farmers of my district, I dare say 90 per cent of them, favor this bill. Is it not true that every Member of Congress from the State of Minnesota, except the gentleman himself, representing a city district, favors the McNary-Haugen bill?

Mr. NEWTON of Minnesota. They voted for the bill a year ago. I have no knowledge as to what they may do on this bill. I assume they may do likewise.

Mr. CLAGUE. Does the gentleman mean to say that there is less indebtedness on farm lands in Minnesota to-day than there was four or six years ago?

Mr. NEWTON of Minnesota. I have said nothing about farm-land indebtedness. I have given you certain figures obtained from the governor of the Federal reserve bank. Does the gentleman dispute them?

Mr. CLAGUE. I got the gentleman on that, but when they paid the Federal reserve bank which demanded its money the farmers had to make loans from other people, and there is a greater indebtedness on the farming lands of Minnesota to-day than ever before.

Mr. NEWTON of Minnesota. I hesitate to accept that statement.

Mr. CLAGUE. It is correct.

Mr. NEWTON of Minnesota. I do not so understand it.

Mr. SUMMERS of Washington rose.

Mr. NEWTON of Minnesota. I must proceed. I do not want to be discourteous. I have been liberal but I can not yield for any prolonged interruptions. I would be very glad to yield for questions.

Mr. SUMMERS of Washington. Mr. Chairman, will the gentleman yield for a question?

Mr. NEWTON of Minnesota. Yes.

Mr. SUMMERS of Washington. The gentleman has referred to the poultry and dairy industries. I am strong for both of them, but does the gentleman believe that the problem of the farmers all over the country can be solved by putting them all into such industries?

Mr. NEWTON of Minnesota. I believe that we can materially increase the production of butter and dairy products without hurting a single dairy farmer.

Mr. SUMMERS of Washington. The question is suggested to me as to whether we did not have to increase the tariff on butter recently.

Mr. NEWTON of Minnesota. Oh, yes. The gentleman now jumps from the McNary-Haugen bill over to the tariff. Surely, he and I ought not to differ on that question,

Mr. SUMMERS of Washington. I hope we do not. We want the tariff effective in both cases.

Mr. NEWTON of Minnesota. Yes. Now, then, we were getting substantial competition from abroad in the importation of high-grade butter. We increased the duty so that to-day it is 12 cents as against 4 cents in the Democratic Underwood bill and 8 cents in the Republican Fordney bill.

Mr. CARSS. And what was the effect of the increase of that tariff on butter prices in Minnesota? Is it not a fact that they went down 4 cents a pound?

Mr. NEWTON of Minnesota. The increase in the butter tariff was made something like a year or so ago, and it was made by the Tariff Commission following the request which was made in the first instance by the Republican congressional delegation from Minnesota. While I am not familiar with the exact figures, I do know and I now reiterate that this additional duty of 4 cents a pound placed there by the Tariff Commission under the flexible provisions of the Fordney law has been of tremendous benefit to the dairy interests of my State. Does the gentleman deny that?

Mr. CARSS. The facts are——

Mr. NEWTON of Minnesota. Does the gentleman deny that?

Mr. CARSS. Certainly I do, because the price of butter went down 4 cents a pound. There is a limit beyond which you can go in butter prices, and any time you get over 50 cents a pound wholesale the people resort to the use of substitutes just as they did a year ago.

Mr. NEWTON of Minnesota. Mr. Chairman, I am glad that the gentleman has taken occasion to state his position. He denies that this 50 per cent increase in the then existing duty on butter has been of benefit to the dairy interests. I have in my files letters from the cooperative creameries of the State testifying to the tremendous benefits and asking that further consideration be given by the Tariff Commission to increasing the duty on cream in the same proportion. And again the Republican delegation from Minnesota has initiated proceedings to bring that about.

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

Mr. NEWTON of Minnesota. Yes.

Mr. MORGAN. Is it not a fact that the tariff increase brought about by the Tariff Commission and the President's order was through the solicitation of the dairy interests of the United States?

Mr. NEWTON of Minnesota. I know that they were a very prominent factor in this, and they were aided by the efforts of the Republican delegates from Minnesota from the start.

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

Mr. NEWTON of Minnesota. For a question.

Mr. KVALE. The gentleman has stated several times that it is due to the good offices and work of the Republican delegation from Minnesota.

Mr. NEWTON of Minnesota. Yes.

Mr. KVALE. Why exclude the rest of us who went down to see the Tariff Commission long before the Republican delegation from Minnesota ever thought of it?

Mr. NEWTON of Minnesota. I was not aware that the gentleman did, and when he speaks of "the rest of us," apparently he does not include all, because one of our colleagues [Mr. CARSS] apparently did not favor the increase.

Mr. KVALE. Let me inform the gentleman that I happened to be one of those who went down there two years before the Republican delegation went to see the Tariff Commission about it. The report of the Tariff Commission on the butter tariff will bear out this statement.

Mr. NEWTON of Minnesota. I am glad to know that the gentleman stands for the good, true, Republican principle of protection.

Mr. KVALE. Yes, but——

Mr. NEWTON of Minnesota. We welcome him to our ranks.

Mr. KVALE. Yes; but I would like to have it apply to the farmer.

Mr. NEWTON of Minnesota. I rather figured that did apply to the farmer.

Mr. KVALE. I mean on the McNary-Haugen bill.

Mr. NEWTON of Minnesota. The gentleman feels then that this duty has been of substantial benefit to the dairy interests and to the farmer?

Mr. KVALE. I hope it has.

Mr. NEWTON of Minnesota. The gentleman merely says that he "hopes so."

Gentlemen, this measure is claimed to be an emergency one. If so, the effort to pass it would appear a futile one for two reasons:

First, the President of the United States has on several different occasions, in addressing this Congress and elsewhere, reiterated the position that he took when the agitation for this sort of legislation started, and that was that he was against the Government directly or indirectly fixing prices. This bill clearly comes within that term. If the purpose is to help the farmer in an emergency, why pass a bill which will invite a presidential veto. I shall undoubtedly refer to this in the discussion of the bill this coming week.

Secondly, a year ago I discussed the constitutionality of the then Haugen bill. From a careful consideration I was firmly convinced that the bill was unconstitutional. Whether the equalization fee was treated as a tax, which it is, or as a regulatory fee under the power of Congress to regulate commerce among the several States and in foreign commerce, Congress can not delegate the taxing power. It can not delegate the right to regulate interstate or foreign commerce as it has been provided for in this particular measure. Nor can it under the guise of regulating interstate or foreign commerce regulate intrastate commerce as is provided for in this measure. In my judgment, this bill is more unconstitutional than its predecessor.

Mr. Chairman, believing the bill to be economically unsound and detrimental to both producer and consumer like its predecessors, I can not support it and shall oppose its passage.

TABLE No. I.—*Average weekly high, No. 1 dark northern spring wheat at Minneapolis; average weekly high, No. 3 Manitoba northern wheat at Winnipeg*

[Cents per bushel]

	Minneapolis	Winnipeg	Difference
Crop year 1923–24:			
Week ending—			
July 7	133.2	107.1	26.1
July 14	132.9	103.7	29.2
July 21	127.8	100.7	27.1
July 28	132.2	101.5	30.7
Aug. 4	133.5	101.0	32.5
Aug. 11	128.9	101.6	27.3
Aug. 18	131.6	105.2	26.4
Aug. 25	127.5	111.2	16.3
Sept. 1	130.0	109.0	21.0
Sept. 8	132.3	109.0	23.3
Sept. 15	130.3	102.2	26.1
Sept. 22	127.0	98.3	28.7
Sept. 29	127.7	93.5	34.2
Oct. 6	126.2	94.6	33.6
Oct. 13	130.6	94.6	36.0
Oct. 20	128.6	90.3	38.2
Oct. 27	128.7	89.8	38.9

TABLE No. I.—*Average weekly high, No. 1 dark northern spring wheat at Minneapolis; average weekly high, No. 3 Manitoba northern wheat at Winnipeg*—Continued

[Cents per bushel]

	Minneapolis	Winnipeg	Difference
Crop year, 1923–24—Continued.			
Week ending—			
Nov. 3	127.3	90.7	36.6
Nov. 10	123.3	90.6	32.7
Nov. 17	120.7	90.3	30.4
Nov. 24	121.7	90.8	30.9
Dec. 1	122.8	88.7	34.1
Dec. 8	124.9	88.3	36.6
Dec. 15	123.6	86.1	37.5
Dec. 22	121.3	85.3	36.0
Dec. 29	119.7	84.9	34.9
Jan. 5	124.3	87.0	37.3
Jan. 12	126.8	89.7	37.1
Jan. 19	127.8	90.8	37.0
Jan. 26	127.5	90.1	37.4
Feb. 2	129.7	92.0	37.7
Feb. 9	131.2	94.4	36.8
Feb. 16	130.3	94.0	36.3
Feb. 23	131.8	93.9	37.9
Mar. 1	130.1	93.5	36.6
Mar. 8	132.9	92.9	40.0
Mar. 15	130.7	92.0	38.7
Mar. 22	130.3	91.9	38.4
Mar. 29	128.0	90.0	38.0
Apr. 5	127.8	90.0	37.8
Apr. 12	126.9	91.0	35.9
Apr. 19	129.4	92.7	36.7
Apr. 26	131.1	93.6	37.5
May 3	130.2	94.9	35.3
May 10	133.5	97.4	36.1
May 17	133.3	97.0	36.3
May 24	134.1	100.2	33.9
May 31	135.2	101.7	33.5
June 7	132.9	101.3	31.6
June 14	138.6	104.5	34.1
June 21	147.5	111.7	35.8
June 28	149.6	112.1	37.5
Crop year, 1924–25:			
Week ending—			
July 5	151.4	116.4	35.0
July 12	149.2	116.8	32.4
July 19	155.7	128.7	27.0
July 26	157.1	137.1	20.0
Aug. 2	155.8	144.0	11.8
Aug. 9	156.0	141.1	14.9
Aug. 16	150.2	138.0	12.2
Aug. 23	151.0	135.3	15.7
Aug. 30	144.1	129.8	14.3
Sept. 6	140.3	129.6	10.7
Sept. 13	141.5	132.6	8.9
Sept. 20	147.0	138.6	8.4
Sept. 27	151.5	142.2	9.3
Oct. 4	162.1	150.6	11.5
Oct. 11	168.0	159.3	8.7
Oct. 18	169.4	155.3	14.1
Oct. 25	168.9	150.0	18.9
Nov. 1	163.9	145.4	18.5
Nov. 8	169.2	148.3	20.9
Nov. 15	177.2	158.7	18.5
Nov. 22	174.3	157.2	17.1
Nov. 29	177.1	157.7	19.4
Dec. 6	178.2	152.9	15.3
Dec. 13	189.1	159.2	29.9
Dec. 20	202.8	165.6	37.2
Dec. 27	203.5	173.3	30.2
Jan. 3	213.9	174.8	39.1
Jan. 10	212.0	176.4	35.6
Jan. 17	223.0	182.2	40.8
Jan. 24	227.7	186.9	40.8
Jan. 31	240.6	201.6	39.0
Feb. 7	229.9	191.8	38.1
Feb. 14	221.3	185.2	36.1
Feb. 21	219.8	186.6	33.2
Feb. 28	224.3	191.5	32.8
Mar. 7	228.6	192.6	36.0
Mar. 14	217.6	175.5	42.1
Mar. 21	196.2	158.4	36.6
Mar. 28	191.7	159.7	32.0
Apr. 4	176.1	139.3	36.8
Apr. 11	192.6	147.1	45.5
Apr. 18	187.1	152.8	34.3
Apr. 25	188.5	151.2	37.3
May 2	188.3	154.2	34.1
May 9	195.0	171.0	24.0
May 16	194.0	170.3	23.7
May 23	194.7	181.6	13.1
May 30	195.3	187.9	7.4
June 6	198.9	171.6	27.3
June 13	195.7	169.1	26.6
June 20	190.2	158.3	31.9
June 27	187.5	158.2	29.3
Crop year, 1925–26:			
Week ending—			
July 3	177.1	150.0	27.1
July 11	179.0	152.2	26.8
July 18	196.5	159.7	36.8
July 25	185.7	155.4	30.3
Aug. 1	187.6	154.0	33.6
Aug. 8	189.7	165.1	24.6
Aug. 15	182.5	163.5	19.0
Aug. 22	184.6	163.6	21.0
Aug. 29	182.8	157.4	25.4
Sept. 5	179.8	149.0	30.8
Sept. 12	176.0	140.5	35.5
Sept. 19	177.2	131.5	45.7
Sept. 26	174.0	125.3	48.7

TABLE NO. I.—*Average weekly high, No. 1 dark northern spring wheat at Minneapolis; average weekly high, No. 3 Manitoba northern wheat at Winnipeg*—Continued

[Cents per bushel]

	Minneapolis	Winnipeg	Difference
Crop year, 1925–26—Continued.			
Week ending—			
Oct. 3	170.7	118.0	52.7
Oct. 10	173.9	119.7	54.2
Oct. 17	179.1	120.3	58.8
Oct. 24	178.4	121.2	57.2
Oct. 31	181.5	126.9	54.6
Nov. 7	181.9	130.4	51.5
Nov. 14	182.7	131.2	51.5
Nov. 21	183.3	135.7	47.6
Nov. 28	186.2	146.9	39.3
Dec. 5	193.2	157.0	36.2
Dec. 12	195.0	155.5	39.5
Dec. 19	189.4	145.4	44.0
Dec. 26	188.8	142.8	46.0
Jan. 2	199.1	153.1	46.0
Jan. 9	194.9	150.0	44.9
Jan. 16	189.5	145.2	44.3
Jan. 23	187.2	145.2	42.0
Jan. 30	187.1	146.2	40.9
Feb. 6	189.2	149.8	39.4
Feb. 13	182.3	145.0	37.3
Feb. 20	181.3	143.5	37.8
Feb. 27	183.9	142.2	41.7
Mar. 6	176.8	135.5	41.3
Mar. 13	178.8	137.6	41.2
Mar. 20	176.2	140.2	36.0
Mar. 27	169.6	136.0	33.6
Apr. 3	167.9	139.9	28.0
Apr. 10	167.8	141.7	26.1
Apr. 17	173.8	146.7	27.1
Apr. 24	173.7	151.6	22.1
May 1	172.7	148.6	24.1
May 8	169.2	145.1	24.1
May 15	167.9	145.6	22.3
May 22	167.3	144.1	23.2
May 29	168.4	146.0	22.4
June 5	168.8	142.7	26.1
June 12	174.4	146.6	27.8
June 19	176.4	146.2	30.2
June 26	170.2	143.7	27.5
June 30	167.2	142.6	25.4

Source: "Wheat Studies," Food, Research Institute, Stanford University, California

TABLE II.—*Weekly cash prices of representative wheats, United States and Canada, 1925–26*

[Cents per bushel]

Week ending Friday	1 No. 2 Red Winter, St. Louis	2 No. 2 Hard Winter, Kansas City	3 No. 1 Dark Northern, Minneapolis	4 No. 3 Manitoba Northern, Winnipeg	Differences 1 and 4	Differences 2 and 4	Differences 3 and 4
August	1.70	1.63	1.75	1.67	0.03	−0.04	0.07
	1.72	1.67	1.70				
	1.74	1.63	1.68	1.65	.09	−.02	.03
	1.75	1.64	1.67	1.54	.21	.10	.13
September	1.74	1.60	1.63	1.49	.25	.11	.14
	1.73	1.58	1.60	1.34	.39	.24	.26
	1.71	1.58	1.59	1.29	.42	.29	.30
	1.71	1.59	1.57	1.21	.50	.37	.36
October	1.60	1.51	1.52	1.15	.45	.36	.37
	1.66	1.55	1.53	1.19	.47	.36	.34
	1.73	1.60	1.59	1.18	.55	.42	.41
	1.69	1.59	1.60	1.20	.49	.39	.40
	1.70	1.60	1.63	1.23	.47	.37	.40
November	1.70	1.60	1.63	1.28	.42	.32	.35
	1.68	1.61	1.63	1.31	.37	.30	.32
	1.73	1.63	1.67	1.36	.37	.27	.31
	1.75	1.63	1.71	1.48	.27	.15	.23
December	1.81	1.71	1.76	1.59	.22	.12	.17
	1.86	1.73	1.79	1.42	.44	.31	.37
	1.80	1.69	1.73	1.44	.36	.25	.29
	1.79	1.66	1.73	1.47	.32	.19	.26
January	1.92	1.81	1.85	1.48	.44	.33	.37
	1.94	1.80	1.84	1.49	.45	.31	.35
	1.93	1.76	1.78	1.45	.48	.31	.35
	1.93	1.78	1.76	1.42	.51	.36	.34
	1.93	1.78	1.76	1.46	.47	.32	.30
February	1.91	1.77	1.81	1.49	.42	.28	.32
	1.87	1.71	1.72	1.44	.43	.27	.28
	1.79	1.67	1.70	1.43	.36	.24	.27
	1.81	1.70	1.74	1.39	.42	.31	.35
March	1.71	1.63	1.68	1.35	.36	.27	.33
	1.72	1.63	1.69	1.41	.31	.22	.28
	1.75	1.64	1.71	1.39	.36	.25	.32
	1.64	1.56	1.62	1.41	.23	.15	.21
April	1.69	1.56	1.64	1.38	.31	.18	.26
	1.67	1.56	1.62	1.41	.26	.15	.21
	1.72	1.62	1.68	1.47	.25	.15	.21
	1.73	1.62	1.71	1.49	.24	.13	.22
	1.69	1.58	1.67	1.48	.21	.10	.19
May	1.69	1.57	1.66	1.45	.24	.13	.21
	1.68	1.59	1.65	1.43	.25	.14	.22
	1.62	1.55	1.64	1.44	.18	.11	.20
	1.55	1.52	1.64	1.44	.11	.08	.20
June	1.49	1.47	1.62	1.43	.06	.04	.19
	1.56	1.64	1.73	1.46	.10	.18	.27
	1.48	1.59	1.72	1.47	.01	.11	.25
	1.46	1.57	1.63	1.42	.04	.15	.21

Source: "Wheat Studies," Food, Research Institute, Stanford University, California.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. WEFALD].

Mr. WEFALD. Mr. Chairman, it gives me a great deal of pleasure to be able to follow my distinguished colleague from Minnesota [Mr. NEWTON]. I was not able to hear all of his remarks, but I did hear a part of them. I was fortunate in hearing a part of the colloquy between him and my other distinguished colleague from Minnesota [Mr. CLAGUE]. While I absolutely agree with Mr. CLAGUE, I say for Mr. NEWTON that the stand that he has taken upon the agricultural question has been a very consistent one. The viewpoint of his constituents is not the viewpoint of the farmer. I know that some of the newspapers in our State that have been indiscriminately handing out both praise and censure have not dealt quite fairly with Mr. NEWTON. In the stand that he has taken I can not remember any time when he has not been consistent. He has been more consistent in this matter than his party. For that reason I have no quarrel to make with him because of his stand on the McNary-Haugen bill. The Republican Party in our State has supported this legislation in one community and opposed it in another.

I was very much interested in hearing him discuss the agricultural situation in our State and in the West generally; and especially did I take notice of what he said about the banking situation in the State of Minnesota. Hundreds of banks have closed their doors in our State during the Harding-Coolidge administration, and how any gentleman can consider the banking situation good there I do not understand. In my district, in one county three banks closed the day after election day. They were purposely held back until the election was out of the way so as not to sound a discordant note in the prosperity chorus, and then they "busted." I want to tell a little story that illustrates just how the farmers in my State and in my district feel on the banking situation at the present time. Last fall, on Thanksgiving Day, in a Norwegian community, the pastor of the congregation was preaching his usual Thanksgiving sermon. For his text at that time he took the Bible story of Job—and I think that was a good and fitting story for that community just at that time. In that town, where the little church was located, where he was preaching, there had been two banks, and both of them were closed up.

Those of you who know anything about the Norwegian people know that they are a very serious-minded people and they are very churchly. What they lack in humor they make up in seriousness. I was told that after the pastor had read the text and was preaching a fine sermon on the text, he called attention to how differently the people felt at this time from the way Job felt in his afflictions. He told them how Job had lost his children and all of his property and how even his wife had tempted him to curse God, but that he remained true to God, and the pastor praised him. Then he said:

> How different it is with us! If we do not get as good a crop as we think we ought to have, we grumble; if we do not get as many bushels of wheat to the acre as we think we ought to have, we grumble; if the price of potatoes is not what we think it ought to be, we grumble. If we happen to lose a couple of hundred of dollars in a bank that fails we act as though the world were coming to an end.

And right there and then, in that congregation something happened that has never before happened in a Norwegian church congregation either in the United States or in Norway. It was too much for one elderly lady. Her family had lost their savings in one of the banks, she got right up, interrupted the pastor, and said:

> Pastor, I call your attention to this fact. It was God who inflicted punishment on Job, but it was thieves and rascals who took our money away from us.

[Laughter.]

The bulk of the farmers so classify the Federal Reserve Board that in 1920 put on the deflation that started banks busting and resulted in the deflation of the farmers.

That is all I need to say about the banking situation. And I think it is a complete answer to the gentleman from Minnesota [Mr. NEWTON].

But, Mr. Chairman, I understand now that the McNary-Haugen bill is going to be passed in both Houses of Congress and signed by the President and will become a law and that the farmers' ills are going to be solved for a time at least. I understand that President Coolidge has changed his mind. I have sat here and watched the President, as you gentlemen have, and I know from observations there is no man who can make a more lightning-like change of position than he.

I understand that all of the time he is now on the lookout, day and night, for a messenger to come down from Congress bringing him the McNary-Haugen bill, so that he can affix his signature and by so doing cinch the nomination for the Presi-

dency. Out where I live they have been doing good work. The Lowden forces are at work day and night out there. The Lowden campaign that has been so splendidly handled here on the floor of the House by the gentleman from Iowa [Mr. DICKINSON] has served a fine purpose. I am here to tell you that it is my opinion that Mr. Lowden can not be nominated for the Presidency, but the Lowden money spent out there has had the effect of stirring up the Republicans and making President Coolidge change his position. I hope that he will sign the McNary-Haugen bill and thereby cinch the next nomination. The West cares not who is nominated or elected President if they will be assured that they will not be treated as stepchildren always.

Mr. Chairman, I feel that before the McNary-Haugen bill passes this House, and especially after the speech I heard my colleague make here, that I should have read from the Clerk's desk a resolution that was passed by the Minnesota Farm Bureau Federation, January 20, 1927. That resolution is a complete answer to anything that the gentleman from Minnesota said in his speech here this afternoon about the satisfactory condition of the farmers, and when you hear this resolution read you will wonder if the Farmer Labor Party really had captured Minnesota. You will think at least that the Farmer Labor spirit is marching triumphantly to victory. You would not believe this is the same Farm Bureau Federation that used to be so conservative as to be reckoned reactionary. I send this resolution to the Clerk's desk and ask the Clerk to read it in my time. I desire to have read the portions I have marked, bearing upon national issues, beginning with part 1 on the first page and the whole second page, and I wish every one to listen because it is good reading.

The CHAIRMAN. Without objection the Clerk will read.

There was no objection.

The Clerk read as follows:

1. National legislation: The depression in agriculture which first visited the wheat and corn belts now covers the entire Nation. The accumulative effect of the reduction of the purchasing power of farm products over a period of more than six years makes the situation in agriculture generally, as well as industries dependent upon it, even more acute to-day than any time heretofore. No business has presented itself to Congress for solution during the past 50 years of greater importance nor of greater need for immediate correction than the pending agricultural crisis. The Minnesota Farm Bureau Federation was the first organization to tackle this problem, to study its underlying causes, and present a constructive program for its solution. At the annual meeting of this organization four years ago principles were enunciated and a definite policy and program for the solution adopted. This plan of relief has been embodied in the well-known McNary-Haugen bill for agricultural relief, and after four years of continued suffering and patient waiting we still find the McNary-Haugen bill the center of thought throughout the land, with unified demand for its adoption by Congress. We regret and deplore this long delay and the failure of Congress to act in giving our people the only solution which will solve their problems. We demand of Congress speedy action.

The McNary-Haugen bill now pending in Congress embodies the principles vital and necessary to restore and maintain equality to agriculture. We heartily and unanimously rededicate ourselves and our efforts to this method and plan of solving our greatest national problem.

The principles which we hold as fundamental are: First, a Federal agricultural board, nominated and selected by the farm organizations, and the creation of an export corporation thereunder; second, the segregation of the exportable surplus of all farm commodities and the collection of an equalization fee on each commodity affected. These fundamental principles are now accepted as indispensable to any farm relief worthy of the name.

With equal unanimity and solemnity we oppose the Curtis-Crisp bill, also pending in Congress, and which we feel has been introduced largely, if not solely, for the purpose of dividing our people on true agricultural relief and is a substitution of gesture for principles, of words for policies, and promises for realities. After careful consideration and study we find the Curtis-Crisp bill simply creates a political instead of a real Federal farm board and is not designed to take care of the exportable surplus, nor intended to make the tariff effective or even to influence the domestic price upward of farm commodities consumed in the highly protected, stabilized American market where the farmer purchases all of his necessities. This bill makes no provision for maintaining a domestic price above the world price and will be wholly ineffective and afford no remedy or relief whatever to the producers of corn, wheat, cattle, hogs, cotton, and other major crops of this country. This bill also gives to the United States Department of Agriculture further control over the farmers and will hinder and prevent the operation instead of fostering and promoting the cooperative movement and the benefits thereunder. We therefore call upon all our people, not only in this State, the midwest section of the country, but throughout our whole land, to oppose this or any other substitute for the McNary-Haugen bill, and we ask leaders in all activities in agriculture or otherwise to champion this cause for the common welfare to the end that the same be speedily rejected and by the same token and united effort the McNary-Haugen bill be enacted into law without further delay.

We extend our thanks and appreciation to our Congressmen and Senators who in the past have supported the McNary-Haugen bill, but especially to those of Minnesota who have been and are fighting for our cause and supporting this measure, and deplore that any representative in a lawmaking body, for flimsy excuses or local contentions, refuses to join in this support.

We congratulate and extend our thanks to the members of the present legislature and to his excellency, the governor of our State, for the adoption of the concurrent resolution memorializing Congress to enact legislation to restore and maintain equality to agriculture and their approval of the underlying principles and provisions of the present McNary-Haugen bill, and in return to our friends for the support of these fundamental principles both in our State and National Capitals and elsewhere we here highly resolve to rededicate our individual and organized efforts for the furtherance of this cause and the forever establishment and maintenance of equality to agriculture.

2. Jardine's policy a national scandal: We regret that Dr. William M. Jardine, Secretary of Agriculture, has seen fit to oppose and obstruct all farm legislation demanded by farmers for surplus control and that his idea of the solution of this problem is to force more credit upon any industry which needs the ability to repay its present obligations instead of additional means of getting into debt. We are bitterly disappointed that he has taken the viewpoint of the industrial East instead of the viewpoint of the agricultural West and South in dealing with the agricultural situation in the United States. Under his administration the United States Department of Agriculture has ceased to be a coordinate branch of our Federal Government. It is dominated by and is subordinated to the Department of Commerce, and the Secretary of Agriculture is head of his department in name only. The historic policy of our Government has been to foster agriculture, the basic industry of all, even in prosperous periods, and the Jardine policy is a double indignity because of the calamitous economic conditions now surrounding agriculture which call for constructive leadership. Ths is a national scandal of the first order, calling for a searching congressional investigation as contemplated in the Wheeler resolution now pending in the United States Senate. Doctor Jardine's unfitness for Secretary of Agriculture is further demonstrated by his action in sending a Federal employee to Europe to "study peasantry in order to apply in this country the methods used there"; by his reference before a New York audience to farmers as a "pack of wolves"; by his numerous broken promises to support farm legislation of a kind determined by farmers; and by his support of the notorious Fess-Tincher bill, which was a flimsy political excuse offered for the solution of an important problem.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. How much time does the gentleman desire?

Mr. WEFALD. Five minutes will finish it up.

Mr. TAYLOR of Colorado. I yield the gentleman five additional minutes.

Mr. WEFALD. Mr. Chairman, while the Farm Bureau Federation of Minnesota does not speak for all the farmers of that State, it speaks with the voice of the organized intelligence of thousands and thousands of real farmers, and when you consider that the Farm Bureau is a sort of a connecting link between the farmer and the business man you can get the full import of this resolution. The leaders in this organization used to warn against radicalism. I ask you, did any gentleman here ever hear a Farmer-Labor man speak in as strong language as the words contained in this resolution?

I rejoice over the stand taken by the Farm Bureau although I am astonished over the strong language used. I hope that every Member who has heard this resolution read now will read it over again when it is printed in the RECORD, on a second reading you will get the full import of it.

Mr. Chairman, I had this resolution read by the Clerk because, if it had been extended in the RECORD, nobody would have read it. I happened to have it in my pocket, when I heard my distinguished colleague from Minnesota make his address; I thought it contained a complete answer to what he said. I hope that the reading of the resolution at this time will have at least the result that the Minnesota delegation might be unanimously behind the McNary-Haugen bill when it comes to a vote. I commend it especially to the consideration of my friend from the fifth district of Minnesota. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TINCHER, Chairman of the Committee of

the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 16863, had come to no resolution thereon.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Saturday, February 12, at the conclusion of business on the Speaker's table, following the reading of the Journal, the gentleman from Georgia [Mr. UPSHAW] may have permission to address the House for one hour. I understand it is his purpose to speak on National Lessons from Lincoln's Creed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on Saturday, February 12, immediately after the reading of the Journal and disposition of matters on the Speaker's table, that the gentleman from Georgia [Mr. UPSHAW] may be granted leave to address the House for one hour on the subject of Abraham Lincoln. Is there objection? [After a pause.] The Chair hears none.

EQUALIZATION FEES

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of equalization fees.

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

Mr. LANKFORD. Mr. Speaker, I have to-day introduced a farm-relief measure identical in terms with the McNary-Haugen bill, except as to equalization fees on cotton. My bill would only authorize equalization fees to be levied upon the spinning, milling, or manufacture of cotton into thread or cloth and upon the sale of cotton for such manufacturing purposes and for export purposes.

Realizing that cotton may be sold by original producers to manufacturers, or for export purposes, I put a provision in the bill that no equalization fees shall be collected from original producers of cotton, except when good middling cotton is selling above 17 cents per pound, and then only out of the excess cotton brings above that price.

I had hoped for the passage of a farm relief bill without any equalization fee, but many differ with me and it seems that a bill will probably pass with such a fee. It is my purpose, therefore, to perfect any bill that may pass so as not to put this burden on the ginning or sale of cotton by the farmer. Of course, as is usually the case, the fee may be eventually passed on to the farmer. I am hoping, however, to help secure the passage of a bill which will prove more beneficial than harmful to the farmer. I am of the opinion that the McNary-Haugen bill, if so amended as to contain the provisions now presented by me, will be helpful to the farmers as a general proposition, even though it does not measure up to my ideal of a farm relief measure.

Let me say just here that if the McNary-Haugen bill is amended as suggested by me, the provisions of the bill will be very much improved as to equalization fees on cotton. The present bill as now drawn is much better than the bill of last year as to the equalization fees on meat products, and so forth. I very much feared that the bill of last year would be construed to authorize the collection of equalization fees from every farmer who carried pork to market. The present bill does not authorize any such collection.

In order to show fully how I felt about equalization fees on the producer last year and what I did to prevent such fees, I quote from the CONGRESSIONAL RECORD of May 18, 1926, page 9661, the following:

Mr. LANKFORD. Mr. Chairman, a parliamentary inquiry. The amendment I have would really come at the conclusion of the amendment of the gentleman from South Carolina [Mr. FULMER]. I doubt if my amendment be now in order until the amendment of Mr. FULMER is disposed of. My purpose was to offer it after the disposition of that amendment. I ask that my amendment be reported for information, and I will discuss it now.

The CHAIRMAN. The amendment will be reported for information.

The Clerk read as follows:

"At the end of the Fulmer amendment add the following: '*And provided further,* That no equalization fee or charge shall ever be collected upon any basic agricultural commodity while owned by the original producer, nor upon the sale thereof by the original producer direct to consumers or to any person, firm, or corporation which buys basic agricultural commodities for the purpose of and sells same directly to consumers, regardless of whether such sale is made before or after processing.'"

Mr. LANKFORD. Mr. Chairman, the purpose of my proposal is made clear by the reading of the amendment. But I want to put in the bill a provision that so long as the producer retains his product there can be no equalization fee on that product. In other words, there should be no equalization fee charged at the gin on cotton, provided the farmer keeps it and stores it and retains the ownership of it.

Mr. FULMER. Will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. FULMER. This bill takes care of the cotton equalization fee until he sells it.

Mr. LANKFORD. Yes; but my amendment goes further and provides that where the farmer sells his pork or his beef to his neighbor in the little town where he lives there shall be no equalization fee charged for the selling of that to the consumer. It also provides that if the farmer brings into market his hog or beef and sells the product to the butcher shop or market, no equalization fee can be charged on that sale. In other words, if my amendment is adopted, there can be no equalization fee charged except where the product is sold in wholesale or in interstate commerce. I shall ask for a vote on my amendment at the proper time.

Thereafter upon a vote being taken my amendment was lost. This amendment was voted down last year, and yet, those of us who are anxious to prevent any equalization fee being levied upon the producer will very probably this year be able to go much further than we could possibly hope to go last year. We are gaining by keeping up the fight.

Personally I believe that farm relief legislation can be worked out without any equalization fee whatever. I feel that if any is levied it should be only on the excessive acreage that a man plants, and that even then it should be done only as a part and parcel of a program to help the farmer get a good price for his products. If we succeed in getting worth-while legislation for the farmers and provide for the raising of a fund to stabilize the prices of the farmers' products at a reasonable profit above the cost of production without a direct charge upon the farmer, then all will be well and good. If we can not get what we want, then we can afford to compromise if the compromise is in the interest of the farmer; otherwise it would be better that no bill be passed.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bills and House joint resolutions:

H. R. 2190. An act for the relief of Agnes W. Wilcox;

H. R. 3664. An act to correct the military record of Daniel C. Darroch;

H. R. 6384. An act to amend the acts of June 7, 1924, and March 3, 1925, granting certain public lands to the city of Phoenix, Ariz.;

H. R. 7563. An act to amend section 4900 of the United States Revised Statutes;

H. R. 8784. An act for the relief of Bertha M. Leville;

H. R. 9061. An act to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a "Knight of the Order of Dannebrog";

H. R. 9268. An act to amend the agricultural credits act of 1923;

H. R. 9433. An act for the relief of Alexander Edward Metz;

H. R. 10424. An act to ratify the action of a local board of sales control in respect of a contract between the United States and Max Hagedorn, of La Grange, Ga.;

H. R. 11174. An act to amend section 8 of the act of September 1, 1916 (39th Stat. L. p. 716), and for other purposes;

H. R. 13778. An act for the relief of certain citizens of Eagle Pass, Tex.;

H. R. 15127. An act for the relief of sufferers from floods in the vicinity of Fabens and El Paso, Tex., in September, 1925;

H. R. 16023. An act relating to the transfusion of blood by members of the Military Establishment;

H. R. 2994. An act for the relief of Harry J. Dabel;

H. R. 5085. An act to remove the charge of desertion from and correct the naval record of Louis Nemec, otherwise known as Louis Nemeck;

H. R. 5243. An act to promote the mining of potash on the public domain;

H. R. 5486. An act for the relief of Levi Wright;

H. R. 7849. An act for the relief of Ella Miller;

H. R. 8923. An act for the relief of Sheffield Co., a corporation of Americus, Ga.;

H. R. 9919. An act for the relief of Stanton & Jones;

H. R. 10082. An act to permit construction, maintenance, and use of certain pipe lines for petroleum and its products;

H. R. 10901. An act to authorize the incorporated town of Wrangell, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Wrangell, Alaska;

H. R. 11259. An act to reimburse or compensate James E. Parker for money, clothing, and other property misplaced or appropriated by United States authorities during the World War;

H. R. 11139. An act for the relief of Celestina Mateos;

H. R. 11586. An act for the relief of Fannie B. Armstrong;

H. R. 12109. An act to amend section 115b of subchapter 3 of chapter 1 of the District of Columbia Code;

H. R. 12110. An act to amend section 1135, chapter 31, of the District of Columbia Code;

H. R. 13451. An act to increase the pensions of certain maimed veterans who have lost limbs or have been totally disabled in the same, in line of duty, in the military or naval service of the United States, and to amend section 4788 of the Revised Statutes of the United States by increasing the rates therein for artificial limbs;

H. R. 13453. An act to amend the act providing additional aid for the American Printing House for the Blind;

H. R. 14250. An act to authorize reimposition and extension of the trust period on lands held for the use and benefit of the Capitan Grande Band of Indians in California;

H. J. Res. 53. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved December 23, 1924; and

H. J. Res. 100. Joint resolution to authorize the Secretary of War to expend not to exceed $125,000 for the protection of Government property adjacent to Lowell Creek, Alaska.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until tomorrow, Saturday, February 5, 1927, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 5, 1927, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON INSULAR AFFAIRS

(10.30 a. m.)

To clarify and amend existing laws relating to the powers and duties of the auditor for the Philippine Islands, and for other purposes (H. R. 16868).

COMMITTEE ON MINES AND MINING

(10.30 a. m.)

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

EXECUTIVE COMMUNICATIONS, ETC

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

941. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Bear Creek, Ky. (H. Doc. No. 685); to the Committee on Rivers and Harbors and ordered to be printed.

942. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Quinnipiac River, Conn., from the new Tomlinson Bridge up to Lewis Bridge (H. Doc. No. 686); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 16771. A bill to authorize the appraisal of certain Government property, and for other purposes; without amendment (Rept. No. 1976). Referred to the Committee of the Whole House on the state of the Union.

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 15208. A bill to provide for the detention of fugitives apprehended in the District of Columbia; without amendment (Rept. No. 1977). Referred to the House Calendar.

Mr. ZIHLMAN: Committee on the District of Columbia. S. 5266. An act to prohibit the sale of black bass in the District of Columbia; without amendment (Rept. No. 1978). Referred to the House Calendar.

Mr. ARENTZ: Committee on the Public Lands. H. R. 12414. A bill for the relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota; with an amendment (Rept. No. 1982). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMSON: Committee on Indian Affairs. H. R. 16838. A bill authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims; without amendment (Rept. No. 1983). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 6235. A bill to provide for the erection of a monument to Gen. Anthony Wayne at Defiance, Ohio; with an amendment (Rept. No. 1984). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 16656. A bill to establish a national war memorial museum and veterans' headquarters in the building known as Ford's Theater; with an amendment (Rept. No. 1985). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 16746. A bill to erect a monument to the memory of the Federal soldiers who were killed at the Battle of Perryville, and for other purposes; with an amendment (Rept. No. 1986). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 16886. A bill to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted service certificates; without amendment (Rept. No. 1987). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 42. A joint resolution authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman; with an amendment (Rept. No. 1988). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. S. 4876. An act providing for the erection of a monument on Kill Devil Hill, at Kitty Hawk, N. C., commemorative of the first successful attempt in history at power-driven airplane flight; without amendment (Rept. No. 1989). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LINEBERGER: Committee on Naval Affairs. S. 2085. An act to correct the naval record of John Cronin; without amendment (Rept. No. 1979). Referred to the Committee of the Whole House.

Mr. LINEBERGER: Committee on Naval Affairs. H. R. 10290. A bill for the relief of Kenneth M. Orr; without amendment (Rept. No. 1980). Referred to the Committee of the Whole House.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 15439. A bill providing for sundry matters affecting the naval service; without amendment (Rept. No. 1981). 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. LANKFORD: A bill (H. R. 16945) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; to the Committee on Agriculture.

By Mr. VINSON of Georgia: A bill (H. R. 16946) to provide additional pay for enlisted men of the United States Navy assigned to duty on submarine vessels of the Navy; to the Committee on Naval Affairs.

By Mr. ZIHLMAN: A bill (H. R. 16947) for the relief of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries; to the Committee on the District of Columbia.

Also, a bill (H. R. 16948) to increase the salaries of the Commissioners of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 16949) to amend the District of Columbia traffic act, 1925, and for other purposes; to the Committee on the District of Columbia.

By Mr. REECE: A bill (H. R. 16950) granting the consent of Congress to the department of highways and public works of the State of Tennessee to construct, maintain, and operate

a bridge across the Clinch River in Hancock County, Tenn.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER: A bill (H. R. 16951) to authorize intermediate credit banks to assist agricultural cooperative associations in acquiring storage facilities; to the Committee on Banking and Currency.

By Mr. KIESS: A bill (H. R. 16952) to ratify and confirm act No. 3243 of the Philippine Legislature approved November 27, 1925; to the Committee on Insular Affairs.

By Mr. GIBSON: A bill (H. R. 16953) to provide a five-year building and extension program for the free public library system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. SEARS of Nebraska: A bill (H. R. 16954) granting the consent of Congress to the city of Blair, Nebr., or its assignees, to construct a bridge and approaches thereto across the Missouri River between the States of Nebraska and Iowa; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER: Joint resolution (H. J. Res. 348) amending paragraph 3, section 2, Public Act 96, Sixty-seventh Congress, known as the Willis-Campbell Act, which is an act supplemental to the national prohibition act; to the Committee on the Judiciary.

By Mr. BLACK of New York: Resolution (H. Res. 408) to obtain information from the State Department concerning our relations with China; to the Committee on Foreign Affairs.

By Mr. CRISP: Resolution (H. Res. 409) providing for the appointment of a committee of five members of the House to investigate and report to the House at the earliest practicable date during the present session what adjustments, if any, should be made in the compensation of the officers and employees of the House of Representatives; to the Committee on Rules.

By Mr. JOHNSON of Washington: Resolution (H. Res. 410) for the immediate consideration of bills reported to the House of Representatives from the Committee on Immigration and Naturalization; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Oklahoma, pertaining to the retirement of emergency officers of the World War on equal terms and conditions with officers of the Regular Army, the Navy, and the Marine Corps; to the Committee on Military Affairs.

Memorial of the Legislature of the State of Iowa, to amend the tariff schedule as affecting the duty on molasses imported for the manufacture of industrial alcohol to such an extent that it will be more economical to use corn in its manufacture than to use imported molasses; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota: Memorial of the Legislature of the State of South Dakota, requesting the establishing of a Federal farm board with authority to direct the handling of surplus agricultural commodities as embodied in the McNary-Haugen bill; to the Committee on Agriculture.

By Mr. SWANK: Memorial of the Legislature of the State of Oklahoma, requesting favorable action on S. 3027 and H. R. 4548, pertaining to the retirement for disabled emergency officers of the World War on equal terms and conditions with officers of the Regular Army, the Navy, and Marine Corps; to the Committee on World War Veterans' Legislation.

Also, memorial of the Legislature of the State of Oklahoma, requesting that the Secretary of the Interior make collection of balance of purchase price of lands sold belonging to the Choctaw and Chickasaw Tribes of Indians; to the Committee on Indian Affairs.

By Mr. McSWAIN: Memorial of the Legislature of the State of South Carolina, requesting favorable passage of S. 33 and H. R. 4548; to the Committee on Military Affairs.

By Mr. DOMINICK: Memorial of the Legislature of the State of South Carolina, requesting favorable passage of S. 33 and H. R. 4548; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOYLAN: A bill (H. R. 16955) granting an increase of pension to Margaret Palmer; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 16956) granting an increase of pension to Geaean J. Bennett; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 16957) granting patent to O. E. Moore; to the Committee on the Public Lands.

By Mr. HOGG: A bill (H. R. 16958) granting an increase of pension to Amanda Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16959) granting an increase of pension to Nellie Misner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16960) granting an increase of pension to Annie L. Staffstall; to the Committee on Invalid Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 16961) granting an increase of pension to Alberta V. Coughnet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16962) granting a pension to Catherine M. Atkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16963) granting an increase of pension to Theoda I. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16964) granting an increase of pension to Mary E. Young; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 16965) granting a pension to Elzia W. Robar; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 16966) granting an increase of pension to Mildred Hamlin; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 16967) granting an increase of pension to Martha E. Roelf; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 16968) for the relief of John H. Morse; to the Committee on Claims.

By Mr. WILLIAMSON: A bill (H. R. 16969) for the relief of H. C. Lafferty; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6043. Petition of Clinton Chamber of Commerce, Clinton, Iowa, supporting legislation in raising the tariff on imported molasses used for the manufacture of industrial alcohol; to the Committee on Ways and Means.

6044. Petition to confer jurisdiction upon the Court of Claims to hear, examine, and adjudicate and enter judgment in any claims which the Miami Indians of Indiana have against the United States, and for other purposes; to the Committee on Indian Affairs.

6045. By Mr. ADKINS: Petition of citizens of Decatur, State of Illinois, urging that immediate steps be taken to pass the Civil War pension bill; to the Committee on Invalid Pensions.

6046. By Mr. ALMON: Petition of citizens of the eighth congressional district of Alabama, urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6047. Also, petition of citizens of the eighth congressional district of Alabama, urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6048. Also, petition of citizens of the eighth congressional district of Alabama, urging the immediate passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6049. By Mr. BARBOUR: Petition of residents of Delano, Modesto, and Sanger, Calif., urging passage of a bill to increase pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6050. By Mr. BLOOM: Petition of Abraham Lincoln Post No. 4, Grand Army of the Republic, Denver, Colo., requesting certain pension legislation with reference to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6051. By Mr. BRIGHAM: Petition in form of a resolution of the convention of the American Legion, Department of Vermont, favoring the passage of pending legislation provided in the Tyson-Fitzgerald bill for relief of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

6052. By Mr. CAMPBELL: Petition by the Buffalo Branch No. 27, National Association of Postal Employees, favoring the passage of House bill 16435; to the Committee on the Post Office and Post Roads.

6053. By Mr. CARTER of California: Petition of the Stanton Woman's Relief Corps, No. 16, Auxiliary to Stanton Post, No. 55, Grand Army of the Republic, Department of California, urging the passage of the bill increasing pensions of widows of Civil War veterans; to the Committee on Invalid Pensions.

6054. By Mr. CELLER: Petition of the American Society of Certified Public Accountants; to the Committee on Appropriations.

6055. By Mr. CULLEN: Resolution presented by Mr. P. J. Lydecker, of Paterson, N. J., and signed by members of the com-

mittee from Connecticut, New York, New Jersey, and Maryland, indorsing increase in salaries of Federal employees; to the Committee on the Civil Service.

6056. By Mr. CURRY: Petition of residents of the third California district, for increase in Civil War pensions; to the Committee on Invalid Pensions.

6057. By Mr. DRANE: Petition signed by R. V. Goodwin and others, of Tarpon Springs, Fla., urging the passage of pension legislation for the relief of veterans of the Civil War and widows of veterans at the present session of Congress; to the Committee on Invalid Pensions.

6058. By Mr. DRIVER: Petition signed by citizens of Mississippi County, Ark., indorsing legislation for the relief of the Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6059. By Mr. DOWELL: Petition of citizens of Polk County, Iowa, urging enactment of legislation increasing pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6060. Also, petition of citizens of Des Moines, Iowa, urging enactment of legislation increasing the pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6061. By Mr. EATON: Petition of Washington Camp, No. 54, Patriotic Order Sons of America, of Baptistown, N. J., opposing repeal or modification of present immigration acts; to the Committee on Immigration.

6062. By Mr. GALLIVAN: Petition of Block-Jones Photo Co. (Inc.), Albert E. Block, president, 27 Von Hillern Street, Dorchester, Mass., recommending early and favorable consideration of the Swing-Johnson bill providing for the protection of Imperial Valley in California; to the Committee on Irrigation and Reclamation.

6063. By Mr. GARBER: Petition of the American Association for Labor Legislation, urging enactment of Senate bill 3170, the longshoremen's compensation legislation; to the Committee on the Judiciary.

6064. By Mr. GREENWOOD: Petition of Mr. C. H. Bicknell and 32 other citizens of Sullivan County, Ind., urging immediate vote on a Civil War pension bill carrying the rates proposed by the National Tribune, in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6065. By Mr. HAWLEY: Petitions of residents of Merlin, Gates Creek, Port Orford, Yoncalla, Arago, Corvallis, Gold Hill, Newberg, Clackamas County, Ashland, Wilsonville, Salem, Linn County, Sandlake, Jackson County, Gervais, Dallas, and Douglas County, Oreg., to bring to a vote the Civil War pension bill granting relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

6066. By Mr. HOOPER: Petition of Daniel Pikkaart, jr., and 32 other residents of Kalamazoo, Mich., in favor of pending legislation to increase the present rates of pension of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6067. Also, petition of Frances J. Miller and 68 other residents of Battle Creek, Mich., in favor of pending legislation to increase the present rates of pension of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6068. By Mr. HOWARD: Petition favoring the passage of an increase of pensions for Civil War veterans and their widows, submitted by Mrs. A. E. Masterson and some 20 others of Fremont, Dodge County, Nebr.; to the Committee on Invalid Pensions.

6069. Also, petition favoring the passage of increase of pensions for Civil War veterans and widows of veterans, submitted by Mr. L. A. Leigh and some sixty-odd names of petitioners residing at Santee, Knox County, Nebr.; to the Committee on Invalid Pensions.

6070. By Mr. JOHNSON of Texas: Petition of citizens of Mount Calm, Tex., in behalf of legislation increasing pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6071. By Mr. KINDRED: Petition of the Women's Committee of the George Washington-Sulgrave Institution, protesting against reduction of appropriations and forces of the United States Army and Navy as nullifying the 1920 national defense act and the 5-5-3 naval ratio; to the Committee on Military Affairs.

6072. Also, resolution of the New York Commandery of the Naval Order of the United States, that the representatives of this order view with grave concern the failure of Congress to provide the funds to maintain the Navy in accordance with the 5-5-3 ratio, and particularly deploring the refusal of the House of Representatives to provide funds to at least lay down the three cruisers authorized; to the Committee on Naval Affairs.

6073. By Mr. KVALE: Petition of Mr. J. H. Wilger and 28 residents of Willmar, Minn., remonstrating against legislation repealing the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6074. By Mr. LETTS: Petition of Amanda Frack and 19 other citizens of Muscatine, Iowa, urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6075. By Mr. McCLINTIC: Petition of 248 voters of Roger Mills, Custer, and Kiowa Counties, praying for the passage of a bill to increase the pensions of Civil War veterans and widows and dependents of veterans; to the Committee on Invalid Pensions.

6076. By Mr. McFADDEN: Petition of voters of Monroeton, Pa., requesting Civil War pension legislation; to the Committee on Invalid Pensions.

6077. By Mr. McLAUGHLIN of Michigan: Petition of 25 citizens of Traverse City, Mich., for a liberalization of the Civil War pension laws; to the Committee on Invalid Pensions.

6078. By Mr. McREYNOLDS: Petition from the voters of Soddy, Hamilton County, Tenn., requesting immediate consideration of the bill for the relief of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6079. By Mr. MAJOR: Petition of citizens of Springfield, Mo., urging the passage of the Civil War pension bill, for the relief of needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6080. Also, petition of the citizens of Slater, Mo., urging the passage of Civil War pension bill for the relief of needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6081. By Mr. MANLOVE: Petition of Mrs. Maggie L. Adams, Dr. S. H. Miller, and 11 other citizens of Joplin, Mo., urging the passage of legislation favorable to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6082. Also, petition of Mr. R. H. Kenagy, Mr. E. K. Thornberry, and 46 other citizens of Neosho, Mo., urging the passage of legislation for increase of pensions of veterans of the Civil War and for widows of veterans; to the Committee on Invalid Pensions.

6083. By Mr. MURPHY: Petition by the voters of Harrison County, Ohio, urging that immediate steps be taken to bring to a vote Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6084. By Mr. NELSON of Maine: Petition from the citizens of Augusta, Waterville, Madison, Athens, and Bar Harbor, urging the passage by Congress of the Civil War pension bill for the relief of needy veterans and widows of veterans; to the Committee on Invalid Pensions.

6085. By Mr. O'CONNELL of New York: Petition of the Nonintervention Citizens Committee of New York, favoring the passage of Senate resolution 309, for the recall from Nicaragua the American marines and warships now stationed there; to the Committee on Foreign Affairs.

6086. Also, petition of the George Washington-Sulgrave Institution, protesting against reduction of appropriations and forces of our Army and Navy as nullifying the 1920 national defense act and the 5-5-3 naval ratio; to the Committee on Military Affairs.

6087. By Mr. O'CONNOR of New York: Petition of various citizens, urging higher pension rates for Civil War survivors and Civil War widows; to the Committee on Invalid Pensions.

6088. Also, resolutions of the New York Commandery of the Naval Order of the United States, urging appropriations to build three additional cruisers; to the Committee on Naval Affairs.

6089. Also, resolutions of the women's committee of the George Washington-Sulgrave Institution, protesting against reductions of appropriations and forces of the Army and Navy as nullifying the 1920 national defense act and the 5-5-3 naval ratio; to the Committee on Naval Affairs.

6090. Also, resolutions passed at a mass meeting of the Nonintervention Citizens' Committee, held at the Lyric Theater, New York City, urging President Coolidge to submit dispute with Mexico to arbitration; urging passage of Senate Resolution 309, Senate Resolution 319, and House Concurrent Resolution 45; to the Committee on Foreign Affairs.

6091. By Mr. O'CONNELL of New York: Petition of the Philadelphia Board of Trade, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6092. Also, petition of the Millers' National Federation, opposing the McNary-Haugen bill; to the Committee on Agriculture.

6093. Also, petition of the New York Commandery of the Naval Order of the United States, that the Congress provide funds to maintain the Navy in accordance with the 5-5-3 ratio and the building of the three cruisers authorized; to the Committee on Naval Affairs.

6094. By Mr. PRATT: Petition of citizens of Malden-on-Hudson, Ulster County, N. Y., urging enactment of legislation to increase the pensions of Civil War veterans and widows of veterans; also, petition of citizens of Chatham, Columbia County, N. Y., urging enactment of legislation to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6095. By Mr. ROBINSON of Iowa: Petition for the enactment of Civil War pension legislation, sent in by the citizens of Dubuque, Dubuque County, Iowa; to the Committee on Invalid Pensions.

6096. By Mrs. ROGERS: Petition of Dr. Arthur W. Gilbert, commissioner, department of agriculture, Commonwealth of Massachusetts, in favor of House bill 16172, listed on House Calendar No. 364; to the Committee on Agriculture.

6097. By Mr. SIMMONS: Petitions of citizens of Loup and Box Butte Counties and other citizens of Nebraska, asking for an increase of pensions to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6098. By Mr. SINCLAIR: Petition of about 100 residents of Kenmare, N. Dak., and vicinity, urging the early enactment of the Civil War pension bill; to the Committee on Invalid Pensions.

6099. By Mr. STALKER: Petition of citizens of Jacksonville, Tompkins County, N. Y., urging the enactment of Civil War pension legislation for further increase in pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6100. By Mr. STRONG of Kansas: Petition of voters of Agenda, Kans., urging passage of Civil War pension bill for widows and veterans; to the Committee on Invalid Pensions.

6101. By Mr. THURSTON: Petition of citizens of Decatur County, Iowa, requesting Civil War pension legislation; to the Committee on Invalid Pensions.

6102. Also, petition of city council of Sioux City, Iowa, requesting farm legislation; to the Committee on Agriculture.

6103. Also, petition of Greater Sioux City Committee, Sioux City, Iowa, requesting farm legislation; to the Committee on Agriculture.

6104. Also, petition of Muscatine Civic Federation, Muscatine, Iowa, indorsing the McNary-Haugen bill; to the Committee on Agriculture.

6105. By Mr. VINSON of Kentucky: Petition signed by numerous residents of Owingsville, in the ninth congressional district of Kentucky, urging the passage, before adjournment of Congress, of a bill for the relief of needy and suffering veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6106. Also, petition signed by numerous residents of the county of Carter, in the ninth congressional district of Kentucky, and urging the passage, before adjournment of Congress, of a bill for the relief of needy and suffering veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6107. Also, petition signed by numerous residents of the county of Montgomery, in the ninth congressional district of Kentucky, and urging the passage, before adjournment of Congress, of a bill for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6108. Also, petition signed by numerous residents of the city of Louisa, in the ninth congressional district of Kentucky, urging the passage, before adjournment of Congress, of a bill for the relief of needy and suffering veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6109. By Mr. VOIGT: Petition of W. H. Henry and 52 other residents of Jefferson, Wis., urging increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

6110. By Mr. WATSON: Petition of residents of Pottstown, Montgomery County, Pa., urging the enactment of Civil War pension legislation; to the Committee on Invalid Pensions.

6111. By Mr. WILLIAMSON: Petition of State Legislature of South Dakota, asking Congress to enact legislation creating a Federal farm board with authority to direct the handling of surplus agricultural commodities, as embodied in the McNary-Haugen bill, with a view to placing agriculture on the same footing with other industries; to the Committee on Agriculture.

6112. By Mr. WOODYARD: Petition of citizens of Advent, W. Va., favoring additional pension legislation; to the Committee on Invalid Pensions.

SENATE

SATURDAY, *February 5, 1927*

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

Almighty and everlasting God, though the heaven of heavens can not contain Thee Thou art ever willing to dwell with the humble and contrite heart and to manifest Thy mercies to all who come reverently into Thy presence and seek Thy grace. Be pleased to look upon us this morning and grant unto us such guidance by Thy Holy Spirit that we may do the things which shall be acceptable in Thy sight, and that we shall acquit ourselves honorably in the presence of the Nation. We ask in Jesus' name. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of such District for the fiscal year ending June 30, 1928, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

H. R. 4502. An act declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty; and

H. R. 7776. An act for the reimbursement of Emma E. L. Pulliam.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fletcher	King	Robinson, Ark.
Bayard	Frazier	La Follette	Robinson, Ind.
Blease	George	Lenroot	Sackett
Borah	Gerry	McKellar	Schall
Bratton	Gillett	McLean	Sheppard
Broussard	Glass	McMaster	Shortridge
Bruce	Goff	McNary	Smith
Cameron	Gooding	Mayfield	Smoot
Capper	Greene	Means	Steck
Caraway	Hale	Metcalf	Stephens
Copeland	Harris	Neely	Stewart
Couzens	Harrison	Norbeck	Trammell
Curtis	Hawes	Norris	Tyson
Dale	Heflin	Nye	Wadsworth
Deneen	Howell	Oddie	Walsh, Mass.
Dill	Johnson	Overman	Walsh, Mont.
Edge	Jones, N. Mex.	Phipps	Warren
Ernst	Jones, Wash.	Pine	Watson
Ferris	Kendrick	Pittman	Wheeler
Fess	Keyes	Reed, Pa.	Willis

Mr. JONES of Washington. I desire to announce that the Senator from Connecticut [Mr. BINGHAM] is necessarily absent on account of illness.

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

RELEASE OF GERMAN PROPERTY IN FRANCE

Mr. BORAH. Mr. President, I ask permission to have read at the desk a special dispatch with respect to the release of German property in France, which I have had translated.

The VICE PRESIDENT. Without objection, the clerk will read the dispatch.

The Chief Clerk read as follows:

DECREE WITH RESPECT TO THE RELEASE OF GERMAN PROPERTY IN FRANCE

PARIS, January 18.—In furtherance of the definitive agreement of October 3, 1926, with the French administration, which has been ratified on December 22, the President of the French Republic now issues a decree of January 8, 1927, as follows:

The French administration renounces its existing right, accorded to it under article 297 of the treaty of Versailles, for the liquidation of