6230. By Mr. REED of New York: Petition of citizens of Ceres, N. Y., urging passage of a Civil War pension bill (petition not attached); to the Committee on Pensions.

6231. By Mr. ROBINSON of Iowa: Petition from the Citizens of Earlville, Delaware County, Iowa, against interference by the United States in Mexico or Nicaragua; to the Committee on Foreign Affairs.

6232. By Mrs. ROGERS: Petition of William J. Brigando, John J. McDermott, and Gregory M. Powers, jr., against the reduction of compensation payments to veterans of the World War who are hospitalized in Veterans' Bureau hospitals subsequent to June 30, 1927; to the Committee on World War Veterans' Legislation.

6233. By Mr. ROMJUE: Petition of S. B. Shackleford, L. R. Jennings, and other residents of Lewis County, Mo., requesting legislation granting increased pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6234. By Mr. SCHNEIDER: Petition of voters of Appleton, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6235. Also, petition of voters of Seymour, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6236. Also, petition of voters of Marinette, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6237. By Mr. SHREVE: Petition for the passage of pension legislation for the relief of Civil War veterans and widows of veterans by daughters of Civil War veterans who are residents of Erie, Pa.; to the Committee on Invalid Pensions.

6238. Also, petition of about 40 citizens of Erie, Pa., asking for the immediate passage of the Elliott pension bill for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6239. By Mr. THURSTON: Petition by the Clinton (Iowa) Chamber of Commerce, requesting enactment of measure to increase tariff upon molasses, etc.; to the Committee on Ways and Means.

6240. Also, petition of citizens of Centerville, Iowa, and vicinity, in favor of Civil War pension legislation; to the Committee on Invalid Pensions.

6241. Also, petition of citizens of Lorimor, Iowa, and vicinity, in favor of Civil War pension legislation; to the Committee on Invalid Pensions.

6242. By Mr. TILLMAN: Petition of various citizens of Arkansas, asking for increase in pensions for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

6243. By Mr. VOIGT: Petition of Mrs. George Gould and 32 other residents of Sheboygan, Wis., urging increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *February 8, 1927*

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

Heavenly Father, lover of our souls and constantly interested in our welfare, we come this morning grateful for the goodness of the past but still hungering and thirsting after the best things in view of the future. Hear us, we beseech of Thee; accept our thanksgiving and enable us to walk in paths of righteousness, to the glory of Thy great name. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Saturday, February 5, 1927, 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 without amendment the following bills and joint resolution of the Senate:

S. 3634. An act providing for the preparation of a biennial index to State legislation;

S. 4942. An act to authorize an appropriation for the purchase of certain privately owned land within the Jicarilla Indian Reservation, N. Mex.;

S. 5499. An act authorizing a survey of the Caloosahatchee River drainage area in Florida, and of Lake Okeechobee and certain territory bordering its shores in Florida; and

S. J. Res. 141. Joint resolution to approve a sale of land by one Moshulatubba or Mushulatubbe on August 29, 1832.

The message also announced that the House had passed the bill (S. 4411) granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills severally with amendments, in which it requested the concurrence of the Senate:

S. 4663. An act authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings;

S. 4727. An act to provide for the widening of Nichols Avenue, between Good Hope Road and S Street SE., in the District of Columbia; and

S. 5197. An act to authorize an appropriation for reconnaissance work in conjunction with the Middle Rio Grande conservancy district to determine whether certain lands of the Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta Indians are susceptible of reclamation, drainage, and irrigation.

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

H. R. 6246. An act to establish a national military park at the battle field of Stones River, Tenn.;

H. R. 9640. An act to add certain lands to the Shoshone National Forest, Wyo.;

H. R. 10510. An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others, and to require them truly and correctly to account for all farm produce received by them;

H. R. 11278. An act to authorize the erection of a statue of Henry Clay;

H. R. 12851. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 13444. An act amending section 4031 of the Revised Statutes of the United States to enable postmasters to designate one or more employees to perform duties for them during their absence, including the signing of checks in the name of the postmaster;

H. R. 13503. An act authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States;

H. R. 14242. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works at Quantico, Va.;

H. R. 14842. An act granting the consent of Congress to the Pomeroy-Mason Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of Mason, Mason County, W. Va., to a point opposite thereto in the city of Pomeroy, Meigs County, Ohio;

H. R. 14920. An act to amend an act entitled "An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio," approved May 7, 1926;

H. R. 14930. An act granting the consent of Congress to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of St. Marys, Pleasants County, W. Va., to a point opposite thereto in Washington County, Ohio;

H. R. 15284. An act to authorize the Secretary of the Interior to negotiate with irrigation districts, drainage districts, and water users' associations for release from obligation to construct drainage works, and for corresponding reduction in contract obligations of such districts and associations;

H. R. 15541. An act to authorize the exchange of certain land between the United States and the District of Columbia;

H. R. 15602. An act to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States;

H. R. 15603. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 15652. An act to fix the age limit for training in the first year's course in citizens' military training camps;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. R. 15661. An act to regulate the operation of sales commissaries and other utilities of the War Department selling services or supplies;

H. R. 15662. An act to further provide for the execution of topographic surveys for military purposes;

H. R. 15826. An act to add certain lands to the Colville National Forest, Wash.;

H. R. 15906. An act to authorize the purchase of land for an addition to the United States Indian school farm near Phoenix, Ariz.;

H. R. 16212. An act to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak.;

H. R. 16222. An act to change the title of the United States Court of Customs Appeals, and for other purposes;

H. R. 16886. An act to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted service certificates; and

H. J. Res. 332. Joint resolution to correct an error in Public, No. 526, Sixty-ninth Congress.

DISPOSITION OF USELESS PAPERS

The VICE PRESIDENT laid before the Senate a communication from the secretary of the United States Civil Service Commission, transmitting a list of papers in the office of the commission at Washington which are not needed in the transaction of public business and have no permanent value or historic interest, and requesting that action be taken looking to their disposition, which were referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. DALE and Mr. McKELLAR members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the Legislature of the State of West Virginia, which was referred to the Committee on Finance:

SENATE OF WEST VIRGINIA,
Charleston, February 7, 1927.

To the SECRETARY OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: I am inclosing herewith a copy of Enrolled Senate Joint Resolution No. 1, adopted by the Legislature of West Virginia on the 24th day of January, 1927.

Yours truly,

JOHN T. HARRIS,
Clerk of the Senate.

Enrolled Senate Joint Resolution 1 (by Mr. Hallanan) memorializing the Congress of the United States to repeal the Federal estate tax provisions of the revenue law effective February 26, 1926

Resolved by the Senate of West Virginia (the House of Delegates concurring therein)—

Whereas the Federal estate tax law, as amended February 26, 1926, provides that any estate liable thereunder shall be credited with any inheritance tax paid by its beneficiaries to the State, or States, the credit not to exceed 80 per cent; and

Whereas this amendment is in derogation of the rights of the States because its object is to persuade them to abandon their State inheritance tax laws in favor of the statutes based on the Federal law, giving effect to a joint levy upon estates by the Nation and the State; and

Whereas the tax is not required for revenue and is useful only as a means of coercing the States; and

Whereas the policy of joint levies is contrary to the theory of this Government and an aggression upon the authority, jurisdiction, and independence of the legislatures of the sovereign States: Therefore be it

Resolved, That we hereby memorialize the present Congress to repeal immediately the Federal estate tax provisions of the revenue law effective February 26, 1926, and vacate this field of taxation in time of peace.

Adopted January 24, 1927.

JOHN T. HARRIS,
Clerk of the Senate.
M. S. HODGES,
Clerk of the House of Delegates.

The VICE PRESIDENT also laid before the Senate the following resolution of the Legislature of the State of Missouri, which was referred to the Committee on Military Affairs:

FIFTY-FOURTH GENERAL ASSEMBLY,
HOUSE OF REPRESENTATIVES,
Jefferson City, February 4, 1927.

SECRETARY UNITED STATES SENATE,
Washington, D. C.

DEAR SIR—

Be it resolved by the house of representatives (the senate concurring therein), That—

Whereas the Battle of Wilson Creek, fought August 10, 1861, was the most important battle west of the Mississippi River and one of the bloodiest engagements of the great Civil War; and

Whereas Gen. Nathaniel Lyon, one of the most capable and heroic figures of that great war, together with almost 2,000 soldiers, there gave his life for his country; and

Whereas the famous battle field is located near Springfield, Mo., and is one of the most picturesque places in the great Ozark region and easily accessible by railroad and State and national highways; and

Whereas the citizens of Springfield and southwest Missouri are endeavoring to have the Secretary of War and the National Congress dedicate this hallowed ground as a national park to fitly commemorate the heroism of those who there gave the last full measure of devotion for the flag of our common country: Now, therefore, the General Assembly of the State of Missouri hereby adopts this resolution and heartily indorses the action of the civic and military associations and organizations in their efforts to have said battle ground set apart and dedicated as a national park, and urges upon the Secretary of War and the National Congress the importance of such action, and, by this resolution, we especially urge the Missouri Members, both in House and Senate, to do everything in their power to bring about the matter asked; and be it further

Resolved, That the chief clerk of the house is hereby instructed to mail to the Secretary of War and to the Secretary of the United States Senate and to the Chief Clerk of the House of Representatives of the aforesaid a copy of these resolutions.

Respectfully,

TOM C. CHAMBERS,
Assistant Chief Clerk.

Mr. ROBINSON of Indiana. Mr. President, I present a concurrent resolution adopted by the Legislature of the State of Indiana requesting the Congress of the United States to appropriate funds for the establishment of a United States Veterans' Bureau general hospital within the State of Indiana for honorably discharged ex-service men of this area. This resolution was adopted by the Senate of Indiana on February 1, 1927, and by the House of Representatives of Indiana on February 4, 1927. I ask that it be printed in the RECORD and referred to the Committee on Finance.

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

A concurrent resolution requesting the Congress of the United States to appropriate funds for the establishment of a United States Veterans' Bureau general hospital within the State of Indiana for honorably discharged ex-service men of this area

Whereas the World War veterans' act of 1924 as amended provides that "the Director of the United States Veterans' Bureau is authorized to furnish hospitalization and necessary traveling expenses to veterans of any war, military occupation, or military expedition since 1897, not dishonorably discharged, without regard to the nature or origin of their disabilities: *Provided*, That preference to admission to any Government hospital for hospitalization under the provisions of this subdivision shall be given to those veterans who are financially unable to pay for hospitalization and their necessary traveling expenses"; and

Whereas as the result of the above enactment of Congress there has been a substantial increase of admissions to hospitals, and as this increase of admissions is expected to continue for years to come; and

Whereas in this area, comprising the States of Indiana, Kentucky, Ohio, Michigan, and Illinois, there is at this time an acute and increasing need for general hospital facilities, and as the State of Indiana has not been allowed a United States Veterans' Bureau hospital, while in each of the States bordering Indiana there has been United States Veterans' Bureau hospitals established; and

Whereas as Indiana is the center of population of the United States, a nucleus of the agricultural and industrial elements, the greatest railroad center of the world, and easily accessible by highways there is probably no area within the United States comprising States that potentially serve such a large number of ex-service men; and

Whereas a United States Veterans' Bureau general hospital located within the State of Indiana would economically serve approximately 1,000,000 ex-service men who are residents of this area; and

Whereas the savings alone in transportation would be of such stupendous amount, because of the central location and because of serving such a wide area, the institution should be of such proportions as to meet the present acute and increasing needs, so that the large necessary expenditure will be an economic one: Therefore

SECTION 1. *Be it resolved by the Senate of the State of Indiana (the House of Representatives concurring)*, That the United States Government is hereby respectfully urged and requested to provide the necessary funds for the establishment of a United States Veterans' Bureau general hospital at some convenient place within the State of Indiana of such capacity as to afford adequate hospital facilities for persons entitled to treatment in such hospitals in the area consisting of the States of Indiana, Kentucky, Ohio, Michigan, and Illinois. The

United States Senators and Members of Congress from this State are hereby urged to use all honorable means to secure the establishment of such a hospital in the State of Indiana.

SEC. 2. That the secretary of the senate is hereby directed to send certified copies of this resolution to each of the United States Senators and each Congressman from Indiana.

I hereby certify that senate concurrent resolution No. 5 was adopted by the senate on February 1, 1927.

FERN ALE, *Secretary of the Senate.*

I hereby certify that senate concurrent resolution No. 5 was adopted by the house of representatives on February 4, 1927.

W. T. LYTLE, *Clerk of the House.*

Mr. WALSH of Massachusetts presented resolutions recently adopted by the board of aldermen of the city of New York, N. Y., favoring the passage of the bill (S. 5093) to amend the World War adjusted compensation act, as amended (introduced by Mr. WALSH of Massachusetts), so as to authorize the Treasury Department to make loans on veterans' adjusted compensation certificates, etc., which were referred to the Committee on Finance. (See resolutions printed in full when presented by Mr. COPELAND on yesterday, pp. 3105 and 3106, CONGRESSIONAL RECORD.)

He also presented petitions numerously signed by sundry citizens of Boston, Somerville, Waltham, and other cities and towns in the State of Massachusetts, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, and for the removal of the limitation on the date of marriage of Civil War widows, which were referred to the Committee on Pensions.

He also presented memorials numerously signed by sundry citizens of Marlboro, Hudson, and Lancaster, all in the State of Massachusetts, 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. FERRIS presented petitions of sundry citizens of Detroit, Mich., 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. FESS presented a petition of sundry citizens of Cuyahoga County, 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.

Mr. GILLETT presented a petition of sundry citizens of Boston, Mass., 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 the State of Massachusetts, 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. DILL presented memorials of sundry citizens of Battle Ground, Colville, Addy, Aladdin, Spokane, Rice, Meyers Falls, and Walla Walla, all in the State of Washington, 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. ERNST presented memorials of 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.

He also presented a petition of sundry citizens of Lexington, Ky., praying for the passage of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury, which was ordered to lie on the table.

Mr. WILLIS presented petitions of a committee representing the United States Custodian Service Association and of sundry citizens of Defiance, Lorain, and Marietta, in the State of Ohio, praying for the passage of legislation granting increased compensation to employees of the Custodian Service, with a minimum wage of $1,200, which were referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of the State of Ohio praying for the 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 communication from the president of the Ohio Farm Bureau Federation, at Columbus, Ohio, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

THE OHIO FARM BUREAU FEDERATION,
Columbus, Ohio, February 3, 1927.

Hon. FRANK B. WILLIS,
Senate Office Building, Washington, D. C.

DEAR SENATOR WILLIS:

* * * * * * *

The meeting just closed yesterday and the following resolution was passed by our board of directors regarding Muscle Shoals:

"*Resolved,* That we go on record as opposed to Government operation of Muscle Shoals, and that we favor acceptance of the bid of the American Cyanamid Co. for the operation of Muscle Shoals as the best offer before Congress at this time, and urge that the Ohio Members of the National Congress be urged to support this proposition."

Two resolutions were offered for farm relief, one a general resolution and the other directly indorsing the McNary-Haugen bill. After considerable discussion by the voting delegate board of 132 members both resolutions were defeated. The latter resolution supporting the McNary-Haugen measure received more support than it has on any previous annual meeting. There were 16 delegates responded to the roll call who voted favorably, while 116 voted in the negative.

* * * * * * *

Yours very respectfully,

L. B. PALMER, *President.*

Mr. COPELAND presented a memorial of sundry citizens of Brooklyn, N. Y., 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.

He also presented a petition of sundry citizens of New York, N. Y., 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 resolution adopted by members of the New York City Federation of Women's Clubs, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution submitted by the Government Club (Inc.), Mrs. George E. Owens, president

Resolved, That we, the members of the New York City Federation of Women's Clubs in convention assembled, Hotel Astor, New York City, view with grave concern the failure of Congress to provide the funds to maintain the Navy in accord with the 5-5-3 ratio, and particularly deplore the refusal of the House of Representatives to provide funds to lay down at least the three cruisers authorized.

We earnestly urge the maintenance of the Army of the United States in accord with the provisions of the national defense act of 1920 and in accordance with the plans projected by the General Staff of the United States Army. Be it further

Resolved, That copies of this resolution be sent to the President, the Cabinet, Members of the Senate and the House of Representatives, and that it be disseminated in the public press.

NEW YORK CITY FEDERATION OF WOMEN'S CLUBS.
CONSTANCE A. SPORBORG, *President.*
CLARA EDWARDS, *Secretary.*

Dated February 4, 1927.

SHOOTING OF PEARL S. THOMAS

Mr. FLETCHER. Mr. President, a day or two ago there occurred a very great outrage near Fort Pierce, Fla. A good citizen, attending to his business in an orderly way, was killed by some Federal agents who were attempting to enforce, I suppose, the immigration law. They met him on the highway, and he was ordered to stop. Supposing that they were hold-up men or something of the kind, he refused to stop, whereupon they pursued him, shot into his car, and killed him. An account of the affair is given in a telegram to me from Gerald F. Beane, managing editor of the Fort Pierce News-Tribune, in a letter from E. H. Collins, jr., county engineer, and also in an article appearing in the Fort Pierce News-Tribune, with editorial comment thereon. I ask to have the telegram, the letter, the editorial, and the account in the News-Tribune printed in the CONGRESSIONAL RECORD. I think the public ought to know about these high-handed proceedings on the part of Federal officials.

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

The matter referred to is as follows:

FORT PIERCE, FLA., *February 7, 1927.*

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.:

Prominent Fort Pierce man murdered by Federal officers Friday night. He refused to stop car late at night, thinking them highwaymen. They chased him 12 miles and killed him. They said they were seeking smuggled Chinamen. Not since celebrated Leo Franks' case in Atlanta has lynch feeling run so high in South, even best citizens favoring it. Victim leaves wife and three children. Promiscuous stopping of motorists on highways and use of firearms by Federal officers must cease if lives of innocent citizens are to be spared. The President of the United States, or any other law-abiding citizen, would have been murdered in cold blood had be been driving along Indian River drive in place of Fort Pierce man Friday night. Respectfully urge you to use your good offices to end practice, which if allowed to continue would foment civil war in many sections of country by citizens arming for their own protection.

GERALD F. BEANE,
Managing Editor Fort Pierce News-Tribune.

FORT PIERCE, FLA., *February 5, 1927.*

Hon. DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SENATOR: I inclose herewith the first page of the issue of the Fort Pierce News-Tribune of this date, which contains an account of the killing in cold blood of one of my friends, who was respected here as an estimable citizen, being killed by four Federal agents and two civilians, all of whom were to-day removed to other points by the local authorities for the reasons given.

I will say that the newspaper account is as nearly correct a description of the crime as we are able to arrive at.

The two civilians are, as stated, now under indictment in the circuit court of Martin County, and it seems very peculiar that Federal authorities would impress into service men of this type.

I am writing Senator TRAMMELL and JOE SEARS along these same lines, also am sending a copy of the paper to the Hon. HENRY T. RAINEY, a relative of the deceased.

The people of Florida, in my opinion, will not much longer endure situations such as this. We are trying to build a great State and the taxpayers will some day rebel against tactics such as are practiced here under the cloak of Federal authority and the guise of law.

The citizens of Fort Pierce and St. Lucie County are now trusting to their representatives in Congress to use all their authority to insure the bringing to justice in a court of the State of Florida, and not in a Federal court, of the parties responsible for this outrage.

An answer would be sincerely appreciated.

Yours very truly,

E. H. COLLINS, Jr.,
County Engineer, St. Lucie County.

[From the Fort Pierce News-Tribune, Fort Pierce, Fla., Saturday, February 5, 1927]

P. S. THOMAS IS MURDERED—FOUR IMMIGRATION OFFICERS AND CIVILIANS LOCKED UP HERE CHARGED WITH ACT—FORT PIERCE MAN, RELATIVE OF PROMINENT LOCAL FAMILIES, IS VICTIM OF BULLETS

Pearl S. Thomas, a representative of the Loose-Wiles Biscuit Co., and a citizen of this city, was shot and killed about 11 o'clock last night on the Dixie Highway, 12 miles south of here, while driving his car north.

Six men, four of whom are United States immigration officers, were arrested by Deputy Sheriff Wiggins and locked up in the county jail charged with the crime. State's Attorney Sumner says it was "cold-blooded murder."

The men are Phil B. Farrell, G. C. Gourney, William A. Lea, Archie Brownlie, and Fred Brownlie, his son, and John Lockhart.

According to information given out by officials, Thomas was stopped on the Dixie by the men, said to have had orders to be on the watch for cars carrying smuggled Chinamen. Thomas is said to have come upon the men in the highway and ordered to stop. When Thomas did not stop his machine the officers and civilians gave chase, it is alleged, and fired shots.

The fleeing car, a Ford sedan, was loaded with biscuits. The auto shows marks where three bullets pierced. Thomas was shot in the left elbow and in the chin. The latter wound was fatal, according to W. I. Fee, undertaker.

The chase started near the house owned by Ed Dennison, of Sneed, Dennison & Sneed. The car halted south of here at what is known as Cards Hill. Thomas had driven about 8 miles before the last bullet stopped him. He was brought to the Indian River General Hospital by two of the men, but died before reaching there.

Archie Brownlie was indicted by the Martin County grand jury on a charge of accepting bribes while a deputy under former Sheriff Babcock. Lockhart was also indicted by the same jury, charged with running liquor. He is a former fire chief at Stuart and was ordered released by the city commission there, it is alleged.

Thomas is a first cousin of Congressman H. T. RAINEY, of Illinois. He is also a first cousin of Mrs. P. C. Eldred, wife of the county clerk, and Hal S. Thomas, father of Judge Elwyn Thomas, of the circuit court. He came to this city six years ago from Birden, Ill.

He is married and the father of three children, two sons—Otho, 22, and Vedder, 19—and a 5-year-old daughter.

Since the news was received here last night Angus Sumner, State's attorney of the twenty-first judicial district, has been investigating the slaying.

Attorney Sumner has been probing the matter in a thorough fashion and has left no stone unturned to get to the bottom of the shooting.

SIX MEN ARE REMOVED FROM COUNTY JAIL

The six men charged with the murder of Pearl S. Thomas were removed from the local jail at 11 o'clock this morning. They were taken in a high-powered automobile in a southern direction. Two deputy sheriffs were with them.

This move was taken on order of State's Attorney Angus Sumner, who feared an attempt would be made to lynch the men.

EDITORIAL

The murder of Pearl S. Thomas was committed by gunmen acting under the cloak of Federal authority. They are of a lower type than those who infest our large cities. The gangster kills his own class, ridding the world of undesirables. He runs the risk of being killed himself. The slayers of Thomas killed a defenseless man, a law-abiding and respected citizen.

Thomas, a salesman, was a family-loving man. No matter how hard the day's work or how far away his duties carried him, he always made it a rule to get home at night. This devotion to his loved ones cost him his life, for he was speeding to them last night when shot down in cold blood.

Four men who claim to be immigration officers and two civilians are charged with the crime. The only alibi they can possibly offer is that they shot because Thomas refused to stop for them.

They had been informed to watch for an automobile carrying smuggled Chinamen. Thomas was first to appear in sight and he was immediately branded as the smuggler. They had no legal right to demand that he stop his car.

Undoubtedly thinking they were highwaymen, Thomas speeded up. The men gave chase. Judging from the appearance of the automobile driven by Thomas, his pursuers succeeded in passing him and firing back. The bullet that probably caused his death went through the windshield.

Under the law an officer—city, county, State, or Federal—has the legal right to use a gun only when his own life is in danger. Assuming that Thomas had smuggled Chinamen in his automobile, the men under arrest would have had no justification in using their guns unless their lives were in peril.

Justice demands that these men be brought to trial speedily and that they pay the penalty for their crime.

Mr. TRAMMELL. Mr. President, I have a similar communication to the one which has just been sent to the desk by my colleague relative to the conduct of certain immigration officers in shooting at and killing an innocent citizen upon a highway in the State of Florida. I merely desire to say that while in the main I think the great majority of Federal officers, particularly those representing the immigration department in the Florida district, are painstaking and judicious in the performance of their duties, yet there are certain officers who are reckless and who have a total disregard for the proper performance of their duties, who molest, harass, and in some instances, as in this case, actually kill innocent people. I think the department having these matters in charge should be very careful to scrutinize the character of men whom they select and to direct them as to the proper discretion and care to be exercised in the performance of their duties.

MARVIN GATES SPERRY

Mr. TYSON. Mr. President, last evening the Senator from Pennsylvania [Mr. REED] had inserted in the RECORD certain matter from the Soldiers and Sailors' Legion. I wish to have inserted in the RECORD matter connected with the character of the man who made the statement in regard to the retirement bill.

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

The matter referred to is as follows:

UNITED STATES VETERANS' BUREAU,
Washington, December 9, 1926.

Hon. L. D. TYSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR TYSON: The director instructs me to acknowledge receipt of your letter of December 7, 1926, in which you request that

you be furnished with a copy of a letter from the regional manager at Los Angeles to the central office concerning certain acts and practices of Marvin Gates Sperry, national commander of the Private Soldiers and Sailors' Legion, and inform you that the information is being furnished you herewith for your confidential and personal use.

By direction.

GEORGE S. KILGOUR,
Chief Information and Cooperation Division.

[From the Los Angeles Examiner, November 4, 1926]

VETERAN FUND SWINDLER GETS THREE MONTHS IN JAIL—MARVIN GATES SPERRY SENTENCED BY JUDGE POPE DESPITE PLEA FOR MERCY BECAUSE OF WAR SERVICE

After being convicted of having solicited funds from the public for a defunct veterans' aid organization, Marvin Gates Sperry yesterday was sentenced by Judge James H. Pope to serve three months in the city jail.

The testimony also showed Sperry had issued several worthless checks.

He asked for clemency because of his war service, but the judge held that he should be penalized for taking unfair advantage of the public's gratitude to ex-soldiers and using the money for his own purposes.

COLLECTIONS SHOWN

W. H. Switzer, post-office inspector, said Sperry's activities in the name of the Private Soldiers and Sailors' Legion, of which he claimed to be president, were investigated by the Federal Government last year and that Sperry had promised to discontinue solicitation. He then had signed a statement, it was testified, showing he had collected $2,693 for a building fund, but that all of that sum was gone and none used for the purported purpose.

SMALL MEMBERSHIP

Thomas Cavett, contact officer, United States Veterans' Bureau, testified that the Private Soldiers and Sailors' Legion had no standing with the bureau, and that it has ceased to exist. It once had a small membership.

James Lorry said Sperry had attempted to form a branch at Sawtelle, but that Sperry disappeared, leaving unpaid bills and checks. He said money collected was deposited to Sperry's personal order. Twenty checks issued by Sperry were returned because of insufficient funds from the Sawtelle branch of the California bank, Mrs. Grace Brown, bookkeeper of the bank, testified.

C. J. Lick, manager, Western Mutual Life Building, where Sperry has an office, said Sperry had sold armistice-day cards in the name of the Private Soldiers and Sailors' Legion, making 7 cents on each card. He did not pay his office rent. Frank Sullivan, a disabled veteran, said Sperry had boarded two months in his home but did not pay his rent.

NO DEFENSE OFFERED

Police Officer Mitchell testified Sperry had told him that part of the funds collected had been used to buy liquor, and Harry Rosenthal said Sperry had been drunk.

Sperry offered no defense. He asked for clemency on the ground that he was a disabled veteran. Judge Pope found he never had asked for aid on that basis, but he modified the sentence so that after 30 days in jail Sperry can be examined, and if it is found the sentence is injuring his health, it can be reduced.

UNITED STATES VETERANS' BUREAU CERTIFIED COPY OF RECORD

This is to certify that the above is a true copy of the document on file in claims case No. (no number).

Date, December 8, 1926.

C. J. PAINTER,
Acting Chief, Veterans' Record Subdivision,
Chief Clerk's Division.

[From the American Legion Weekly Bulletin, Los Angeles, Calif., November 20, 1926]

LEADER OF FAKE VET ORGANIZATION IS JAILED HERE

What is termed the biggest score yet made against so-called "panhandlers" who go about southern California misrepresenting veterans organizations and obtaining money under the name of the Legion and other ex-service men's orders was made when Marvin Gates Sperry, alleged organizer and leader of what is known as the Private Soldiers and Sailors Legion, appeared before a Los Angeles judge and was sentenced during the past week on a vagrancy charge.

Sperry has been under surveillance for a long time, according to officials of the Legion who have been active in suppressing the work of men who have obtained money through the sale of armistice day cards and gotten donations of money from people under the name of veteran organizations.

At the trial it is reported that the postal officials were also after Sperry for some of his activities, and no less than 23 bad check charges were brought against him from various sources. Sperry was found guilty of only the vagrancy charge, but it is expected that more serious charges will be preferred against him later.

COMMISSION AIDS

Major Fitzmaurice, of the Social Service Commission, was largely instrumental in putting an end to Sperry's activities and bringing the charge against him. Working together with officials of the county council and members who are acquainted with this kind of practice in Legion circles, Major Fitzmaurice finally apprehended Sperry.

Sperry first came to notice in 1919 when he organized the Private Soldiers and Sailors Legion. From time to time, Legion officials state, he has come into the limelight owing to complaints having been made by donors of money whom he had solicited. Charges have not been preferred against him in the past only because those who had the evidence refused to appear against him, due to the publicity which it would cause, it is said.

Legion members have been working hard during the past few months to put a stop to solicitations on merchants to buy armistice day cards in the name of the Legion, and which, upon investigation, proved to be misrepresentations. Major Fitzmaurice, of the Social Service Commission, located on the fourth floor of the International Building, is a member of Hollywood Post and will aid posts in tracking down any operatives who are attempting to solicit funds under the name of veteran organizations without proper credentials.

UNITED STATES VETERANS' BUREAU CERTIFIED COPY OF RECORD

This is to certify that the above is a true copy of the document on file in Claims Case No. (no number).

December 8, 1926.

C. J. PAINTER,
Acting Chief, Veterans' Record Subdivision,
Chief Clerk's Division.

UNITED STATES VETERANS' BUREAU,
OFFICE OF REGIONAL MANAGER,
Los Angeles, Calif., November 19, 1926.

The DIRECTOR, UNITED STATES VETERANS' BUREAU,
Washington, D. C.

Attention—George S. Kilgour, chief, Information and Cooperation Division.

DEAR SIR: I am attaching herewith photostat copies of newspaper clippings from the Los Angeles Examiner and from the American Legion Bulletin, Los Angeles, Calif.

On October 9, 1926, I was called on the phone by W. J. Fitzmaurice, of the Social Service Commission of Los Angeles, regarding the activities of Marvin Gates Sperry. Mr. Fitzmaurice informed me that Sperry was at that time soliciting funds in Los Angeles and Hollywood for the purpose of allowing him to take up and adjudicate claims with the Veterans' Bureau. He stated that Sperry had several men working for him in southern California who were out soliciting the funds for this purpose.

His method of approach in Hollywood was to request from motion-picture actors and actresses the sum of $250 apiece, to be deposited in his name, for this relief work. It is my understanding that several donations of this size were given before Mr. Fitzmaurice became active in the case.

He also stated that Sperry was to have a hearing before the commission on October 11, at which time it would be determined whether or not a warrant would be sworn out for his arrest.

I suggested to Mr. Fitzmaurice that this office would be glad to furnish him with a letter outlining the activities of Mr. Sperry, and his relations to this office. This was very much appreciated and was of assistance to the commission in bringing this case before the court. A copy of my letter is attached.

In response to a further request from Mr. Fitzmaurice, I assigned Mr. Thomas L. Cavett, cooperator in this office, to appear in court with the attached copies of correspondence and to testify relative to Sperry's activities if so requested by the court. Mr. Cavett was personally acquainted with Mr. Sperry's activities and also the American Legion's attitude toward Sperry's collection of sums for relief work.

The hearing before the commission resulted in a warrant being issued and Sperry was lodged in jail and was finally sentenced to three months in the city prison. He confessed his guilt and asked for clemency on the grounds that he was a disabled veteran. However, his sentence was allowed to stand and he is now serving his three-months' period.

I do not believe that we will be troubled further with Mr. Sperry's activities in southern California although he may move to some other section of the country and try it again.

Very truly yours,

K. J. SCUDDER,
Regional Manager,
Los Angeles, Calif.

UNITED STATES VETERANS' BUREAU CERTIFIED COPY OF RECORD

This is to certify that the above is a true copy of the document on file in Claims Case No. (no number).

Date, December 8, 1926.

C. J. PAINTER,
Acting Chief, Veterans' Record Subdivision,
Chief Clerk's Division.

REPORTS OF COMMITTEES

Mr. GEORGE, from the Committee on Military Affairs, to which was referred the bill (S. 4729) for the relief of Peter S. Kelly, reported it without amendment and submitted a report (No. 1425) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (S. 5200) to authorize a per capita payment from tribal funds to the Kiowa, Comanche, and Apache Indians of Oklahoma, reported it with an amendment and submitted a report (No. 1426) thereon.

He also, from the Committee on the Judiciary, to which was referred the bill (S. 5144) to amend section 215 of the Criminal Code, reported it without amendment.

Mr. NORBECK, from the Committee on Pensions, to which was referred the bill (S. 5302) to pension soldiers who were in the military service of the United States during the Indian wars and disturbances, and the widows of such soldiers, and to increase the pensions of Indian-war survivors and widows who are now pensioned, reported it with amendments and submitted a report (No. 1427) thereon.

Mr. MEANS, from the Committee on Claims, to which was referred the bill (S. 5548) to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard, reported it with an amendment and submitted a report (No. 1428) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5034) to amend the act entitled "An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States and to conduct laboratory tests," approved June 25, 1926, reported it with an amendment and submitted a report (No. 1429) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. BORAH:

A bill (S. 5638) providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter; to the Committee on Foreign Relations.

By Mr. WALSH of Massachusetts:

A bill (S. 5639) to increase the pensions of certain veterans of the Civil War; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5640) enabling cooperative organizations to deal with wholesale sellers on equal terms with all others; to the Committee on Agriculture and Forestry.

By Mr. COPELAND:

A bill (S. 5641) to establish a separate classification of mail matter and more equitable postal rates for books; to the Committee on Post Offices and Post Roads.

By Mr. WADSWORTH:

A bill (S. 5642) making eligible for pension certain Indians who served with the Army in various Indian campaigns; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 5643) granting an increase of pension to Alice S. Munroe; and

A bill (S. 5644) granting an increase of pension to Frances M. Crowl; to the Committee on Pensions.

A bill (S. 5645) to authorize the appointment of Capt. M. M. Cloud, retired, to the grade of major, retired, in the United States Army; to the Committee on Military Affairs.

By Mr. HAWES:

A bill (S. 5646) to prohibit the acceptance by any person of certain contributions to be used for the purpose of promoting or opposing the passage, or of influencing the favorable or unfavorable consideration, by Congress of any proposed legislation or other matter; and

A bill (S. 5647) to amend the Federal corrupt practices act, 1925, approved February 28, 1925, by prohibiting the acceptance of certain contributions, and for other purposes; to the Committee on Privileges and Elections.

A bill (S. 5648) granting a pension to Leander L. Houston (with accompanying papers); to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 5649) to amend the act entitled "An act to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, and for other purposes," approved May 26, 1926; to the Committee on Irrigation and Reclamation.

By Mr. SMOOT:

A bill (S. 5650) to establish a committee for the preservation of the historic records of the United States, and for other purposes; to the Committee on Finance.

By Mr. CAPPER:

A bill (S. 5651) granting a pension to Harriett Anna Burns (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 159) amending the act of May 13, 1924, entitled "An act providing a study regarding the equitable use of the waters of the Rio Grande," etc.; to the Committee on Foreign Relations.

TAXES ON PASSAGE TICKETS, ADMISSIONS, AND DUES

Mr. KING submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 16775) to limit the application of the internal-revenue tax upon passage tickets, which was referred to the Committee on Finance and ordered to be printed.

WATER POWERS

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 5463) providing for the consolidation of the functions of the Department of Commerce relating to navigation, to establish load lines for American vessels, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. HARRELD 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 to insert:

"That the sum of $463,732.49 be, and hereby is, appropriated in accordance with the provisions of H. R. 5218, Sixty-ninth Congress, entitled 'An act to carry into effect the twelfth article of the treaty between the United States and the Shawnee Tribe of Indians proclaimed October 14, 1868.'"

THOMAS M. REED, UNITED STATES DISTRICT JUDGE, ALASKA

Mr. KING. I submit a resolution and ask that it may be read and referred to the Committee on the Judiciary.

The resolution (S. Res. 347) was read and referred to the Committee on the Judiciary, as follows:

Whereas Thomas M. Reed was nominated in 1921 by the President to be United States district judge, first district of Alaska, and was thereafter confirmed and entered upon the duties of his office; and

Whereas his term of office expired August 16, 1925, and on December 21, 1925, the President nominated him for the position of district judge, first district of Alaska, and his nomination was upon the same day referred to the Committee on the Judiciary; and

Whereas a subcommittee of the Committee on the Judiciary was appointed on said day to consider the nomination of said Thomas M. Reed, as well as the nominations of other persons named by the President at the same time to fill positions in Alaska; and

Whereas said subcommittee upon full hearings upon each of said nominations unanimously reported to the Committee on the Judiciary on the 17th day of March, 1926, recommending that neither said Thomas M. Reed or the other persons named be confirmed by the full committee; and

Whereas the said committee authorized the chairman of the committee to advise the President of the action of the subcommittee and also the full committee; and

Whereas upon being so advised the President withdrew the names of said persons, including the name of said Thomas M. Reed, and thereafter transmitted to the Senate the names of other persons than those adversely reported against, except Thomas M. Reed, to fill the positions theretofore held by such persons whose names had been withdrawn, other than Thomas M. Reed; and

Whereas no person has been nominated by the President to fill the position of United States district judge for the first district of Alaska, although the term of said Thomas M. Reed as judge expired August 16, 1925, and notwithstanding the expiration of his term of office he has continued and still continues to hold said office and assume the duties appertaining thereto: Now therefore be it

Resolved, That the Committee on the Judiciary be directed to take cognizance of the matters and things herein recited and the fact that

said Thomas M. Reed is holding the office of United States district judge in said district of Alaska and performing the duties thereof without any appointment by the President and without confirmation by the Senate of the United States, and that said committee be further directed to report to the Senate whether in its opinion said Thomas M. Reed is legally holding said office or whether he is an intruder and usurper and whether any proceedings are available by which to secure his ouster from said office and also whether any legislation is required by Congress to deal with said matter or with situations which may arise of a similar character.

THE WORLD COURT

Mr. TRAMMELL. Mr. President, on December 7 I introduced Senate Resolution 282, which is a resolution to rescind the resolution previously adopted by the Senate providing for ratification of the so-called World Court protocol. This resolution was, on December 9, referred to the Committee on Foreign Relations. Up to the present time no action has been taken by the committee on the resolution. On January 6 I addressed a communication to each member of the committee asking for consideration on the part of the committee, and I have also spoken to the chairman of the committee two or three times in regard to it. For some reason up to the present time, as I understand, a majority of the committee have not seen proper to act upon the resolution, either adversely or favorably.

Under the circumstances I feel justified in making a motion. I move that the Committee on Foreign Relations be discharged from the further consideration of the resolution, and that the resolution be returned to the Senate and placed upon the calendar.

Mr. BORAH rose.

Mr. WARREN. I ask that the motion go over under the rule.

Mr. BORAH. Did the Senator from Wyoming object?

Mr. WARREN. I did.

Mr. BORAH. Then it is not necessary for me to say anything at this time.

The VICE PRESIDENT. The motion will go over under the rule.

Mr. TRAMMELL. As I understand it, under the rule the motion goes over one day and can then be called up.

CLAIM OF THE GOVERNMENT OF CHINA (S. DOC. NO. 204)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State requesting the submission anew to the present Congress of two claims presented by the Government of China against the Government of the United States arising out of the negligent or unlawful acts in China of persons connected with the military and naval forces of the United States, and I recommend that as an act of grace and without reference to the question of the legal liability of the United States an appropriation in the amount of $1,100 be made to effect settlement of these two claims, in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 8, 1927.*

CLAIM OF THE GOVERNMENT OF CHINA—MR. SUN JUI-CHIN (S. DOC. NO. 205)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, respecting a claim against the United States, presented by the Chinese Government for compensation arising out of an assault in China on Mr. Sun Jui-Chin on June 11, 1923, by a private in the Marine Corps, a member of the legation guard, with a request that the recommendation of the Secretary of State, as indicated therein, be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the indemnity.

I recommend that, in order to effect a settlement of this claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in a sum equivalent to $500 Mexican.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 8, 1927.*

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill from the Senate (S. 5197) to authorize an appropriation for reconnaissance work in conjunction with the Middle Rio Grande Conservancy District, to determine whether certain lands of the Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta Indians are susceptible of reclamation, drainage, and irrigation, which were on page 2, line 6, to strike out all after "District," down to and including "ownership," in line 7; on page 2, lines 7 and 8, to strike out "to said district"; on page 2, line 9, after "ments" to insert: ", including the salary and expenses of the engineer hereinafter referred to,"; on page 2, line 9, after the word "expenditures" to insert "heretofore or hereafter"; on page 2, line 11, to strike out the word "and" and insert "such expenditures to be subject to the approval of the Secretary of the Interior and to be made"; on page 2, line 16, after "thereon," to insert "and whose salary and expenses shall be paid out of the funds herein authorized to be appropriated: *Provided further*, That"; and on page 2, to strike out all after the word "reimbursable" in line 18 down to and including the word "Interior" in line 22 and insert "by said Indian lands if and when the participation by the United States in construction of said project is approved by the United States, such reimbursement to be in accordance with the terms of the act of Congress approving such participation: *Provided further*, That the Secretary of the Interior shall report to Congress the results of said reconnaissance work and his recommendations thereon."

Mr. BRATTON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 10510. An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them; to the Committee on Interstate Commerce.

H. R. 11278. An act to authorize the erection of a statue of Henry Clay; to the Committee on the Library.

H. R. 13444. An act amending section 4031 of the Revised Statutes of the United States to enable postmasters to designate one or more employees to perform duties for them during their absence, including the signing of checks in the name of the postmaster; to the Committee on Post Offices and Post Roads.

H. R. 14242. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works at Quantico, Va.; to the Committee on Naval Affairs.

H. R. 15284. An act to authorize the Secretary of the Interior to negotiate with irrigation districts, drainage districts, and water users' associations for release from obligation to construct drainage works, and for corresponding reduction in contract obligations of such districts and associations; to the Committee on Irrigation and Reclamation.

H. R. 15541. An act to authorize the exchange of certain land between the United States and the District of Columbia; to the Committee on the District of Columbia.

H. R. 16886. An act to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted service certificates; to the Committee on Finance.

H. R. 14842. An act granting the consent of Congress to the Pomeroy-Mason Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of Mason, Mason County, W. Va., to a point opposite thereto in the city of Pomeroy, Meigs County, Ohio;

H. R. 14920. An act to amend an act entitled "An act granting the consent of Congress to the Weirton Bridge & Development Co. for the construction of a bridge across the Ohio River near Steubenville, Ohio," approved May 7, 1926; and

H. R. 14930. An act granting the consent of Congress to the H. A. Carpenter Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near the town of St. Marys, Pleasants County, W. Va., to a point opposite thereto in Washington County, Ohio; to the Committee on Commerce.

H. R. 6246. An act to establish a national military park at the battle field of Stones River, Tenn.;

H. R. 15652. An act to fix the age limit for training in the first year's course in citizens' military training camps;

H. R. 15661. An act to regulate the operation of sales commissaries and other utilities of the War Department selling services or supplies; and

H. R. 15662. An act to further provide for the execution of topographic surveys for military purposes; to the Committee on Military Affairs.

H. R. 9640. An act to add certain lands to the Shoshone National Forest, Wyo.;

H. R. 12851. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 15603. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes; and

H. R. 15826. An act to add certain lands to the Colville National Forest, Wash.; to the Committte on Public Lands and Surveys.

H. R. 13503. An act authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States;

H. R. 15602. An act to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States";

H. R. 15906. An act to authorize the purchase of land for an addition to the United States Indian school farm near Phoenix, Ariz.; and

H. R. 16212. An act to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak.; to the Committee on Indian Affairs.

H. R. 16222. An act to change the title of the United States Court of Customs Appeals, and for other purposes; and

H. J. Res. 332. Joint resolution to correct an error in Public, No. 526, Sixty-ninth Congress; to the Committee on the Judiciary.

BIENNIAL INDEX TO STATE LEGISLATION

Mr. WALSH of Montana. Mr. President, on yesterday I asked consideration by the Senate of the bill (H. R. 9174) providing for the preparation of the biennial index to State legislation, and at that time stated that it was identical with a bill passed by the Senate which was then before the House.

On yesterday the House passed the Senate bill. Accordingly, I move that the Senate reconsider its action on yesterday in passing House bill 9174.

Mr. MOSES. What is the bill?

Mr. WALSH of Montana. It relates to the biennial index to State legislation.

The VICE PRESIDENT. The Senator from Montana moves that the Senate reconsider the votes by which House bill 9174 was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. WALSH of Montana. I move that House bill 9174 be indefinitely postponed.

The motion was agreed to.

INDEPENDENT OFFICES APPROPRIATIONS

Mr. WARREN. Mr. President, in the conference report on the independent offices appropriation bill are two items undisposed of. I ask that the Senate agree to the amendments of the House to the amendments of the Senate in the two cases mentioned, taking up first amendment numbered 2, which is a small matter of a difference between $25 and $50. I first ask the Senate to agree to the amendment of the House to the amendment of the Senate numbered 2.

The VICE PRESIDENT. The question is on the motion of the Senator from Wyoming that the Senate agree to the amendment of the House to the amendment of the Senate numbered 2.

Mr. KING. Mr. President, I desire to be heard for a moment before the motion is agreed to.

Mr. WARREN. Let me bring the other matter up now before the Senator proceeds.

Mr. KING. Very well.

Mr. WARREN. I wish now to submit a motion as to the remaining amendment, which is No. 3 in the list. I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 3.

The VICE PRESIDENT. The question is on the motion of the Senator from Wyoming that the Senate agree to the amendments of the House to the amendments of the Senate numbered 2 and 3.

Mr. KING. Let the amendments be stated at the desk.

The VICE PRESIDENT. The clerk will read the amendments.

The Chief Clerk read as follows:

That the House recede from its disagreement to the amendment of the Senate No. 2 and concur therein with an amendment as follows: In line 6 of said amendment strike out the sum "$25" and insert "$50."

That the House recede from its disagreement to the amendment of the Senate No. 3 and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including personal services and stenographic reporting services to be obtained by renewal of existing contract, or otherwise."

Mr. WARREN. Mr. President, in order to make the matter as plain as I can, I desire to say that the House bill when it came to the Senate read, after the numerals "1926," at the top of page 10:

for renewal of existing contract, or otherwise, rent at the seat of government and elsewhere—

And so forth. It relates to the employment of stenographic services by the Board of Tax Appeals. The Senate amended the bill to read, commencing at the same place:

including personal services and stenographic reporting services, rent at the seat of government and elsewhere.

As the action of the House comes back here the same item reads:

including personal services and stenographic reporting services to be obtained by renewal of existing contract, or otherwise—

And so forth.

Mr. KING. Mr. President, the situation with respect to the partial conference report on this bill has been adverted to heretofore. I submit that the Senate has a just cause of complaint against the conferees who have been dealing with this subject matter.

When this bill was under consideration by the Senate two amendments were offered, the object of which was to require the Interstate Commerce Commission and the Board of Tax Appeals, in the employment of stenographic reporters and in obtaining stenographic reporting service, to let their contracts to the lowest competent bidder. That was the effect of the two amendments.

Evidence has been brought to the attention of Senators, if not to the committee both of the House and of the Senate, that some of these agencies—I think the Interstate Commerce Commission; at least, that was one of them—have employed stenographic reporters at times at a cost of 56 cents per page, some two or three times the cost to the Government where the contract for stenographic reporting service is let under the competitive bidding system. The amendments to which I have referred, which were adopted by the Senate, called for competition and did not leave the discretion to the two bodies that I have mentioned to employ stenographic reporters at any price that they saw fit. The Senate registered its approval of those two amendments, and, as I have stated, put into the bill the provision that the contracts for the stenographic reporting service should be let to the lowest responsible bidder.

After the bill had gone to conference—and, as I recall it, remained there for some time—a partial report was made. It was made by the chairman of the committee, the Senator from Wyoming [Mr. WARREN]. When the report was made I took the liberty—and it was my right—to inquire whether or not any change had been made in conference from the position taken by the Senate, and whether the provisions of the Senate bill with respect to competitive bidding had been modified, changed, or amended. The Senator from Wyoming then stated that one item, that dealing with the Board of Tax Appeals, was still in conference, and he said, in substance, "I feel sure that the final report will be such as will be agreeable to the Senator and to the action taken by the Senate." With respect to the other item, the Senator gave the Senate to understand—he certainly gave me to understand—that it had not been modified. Upon examination of the partial report, however, it was discovered, Mr. President, that the amendment of the Senate dealing with the Interstate Commerce Commission and its right to employ stenographic reporters had been stricken out, and that the Senate conferees had absolutely receded and put back into the bill the House provision or a similar provision.

When I learned of the action of the conference committee I called the attention of the Senate to the fact that I had been misled and I believed that the Senate had been misled. I think the Senator from Wyoming acted in good faith, but did not recall for the moment the fact that the Senate conferees had receded and that the action of the Senate had been stricken out. Of course, it was too late to have any relief, because the partial conference report had been agreed to. However, as soon as I discovered the fact to which I have referred, I immediately moved for a reconsideration and entered a motion to have the

House return the papers in order that the Senate might reject the report of the conferees in so far as it dealt with that item. The Senator from Wyoming a few minutes thereafter, before the motion had been disposed of, advised me that the House had taken action, and stated that therefore nothing could be done by the Senate. Obviously that was true. So, Mr. President, the partial conference was adopted, and when we learned of the mistake which had been made it was beyond our power to secure a rectification of what I conceive to be a wrong.

I can not make the same complaint, of course, with respect to the full report, because I have an opportunity now to move to reject the conference report in so far as it deals with that item; but, Mr. President, in view of the fact that this is an appropriation bill, and in view of the further fact that the principal cause of complaint related to the Interstate Commerce Commission, I do not feel like taking the responsibility of seeking to block the approval of this conference report. I do wish to say, though, to the conferees that I do not think that they treated the Senate right. We were misled by the statements made, and because of the full reliance upon the statements made by the chairman of the committee, no opportunity was permitted the Senate to send the matter back to conference, with a view to insisting upon the position the Senate had taken. I wish to give notice now, Mr. President, that if the bodies to which I have referred shall make contracts calling for such exorbitant prices for stenographic reporting service, I shall take the liberty, when another appropriation bill shall be before us, to call attention to that fact and insist that some steps be taken then to prevent a repetition of what I conceive to be a wrong and a violation of the duty which these officers owe to the Government to save the money of the Government and to let these contracts to the lowest responsible bidder, instead of letting them as they see fit for 56 cents a page, as they have done in the case of some of the contracts, when the work ought to be done at less than one-half or at least for 50 per cent of the amount for which the contracts were made.

The VICE PRESIDENT. The question is on concurring in the amendments of the House to the amendments of the Senate Nos. 2 and 3.

The amendments of the House to the amendments of the Senate were concurred in.

HENRY LANE WILSON

Mr. ROBINSON of Indiana. Mr. President, a few days ago the able Senator from Mississippi [Mr. HARRISON] made a statement on the floor of the Senate with reference to a former ambassador of the United States to Mexico which I can not let pass unchallenged.

I am certain in my mind that the Senator from Mississippi means always to be fair. Therefore I am anxious to bring to his attention and to the attention of the Senate two or three things with reference to the statement made then, which I feel sure will convince anyone who is unprejudiced that the then American ambassador did everything that he could have done in the premises.

On the 25th day of January, 1927, my good friend, the Senator from Mississippi, on the floor of the Senate made the following statement:

> What were the facts that confronted Wilson in those days? During the last two years of the administration of Mr. Taft there was a fight being waged between contending factions in Mexico. Madero, the leader of one faction, and by many declared to be the champion of the masses, had won the Presidency. General Huerta was the officer then in charge of his military forces. There were many circumstances pointing to a connivance upon the part of our ambassador in Mexico with the Huerta clique to oust Madero and advance Huerta to the Presidency. Indeed, in a remarkable series of articles written by a reputable correspondent, Robert H. Murray, and published in Harpers Weekly of that year, the statement was made that the murder of Madero was conceived in the American Embassy and was carried out with the ambassador's knowledge. No darker blot smears the pages of our diplomatic history than the incidents surrounding that period in Mexico. And while, at that time, our Government, through an imprudent and incompetent diplomat, projected itself too much into the internal affairs of Mexico, it must be said for Mr. Taft that he refused to recognize the Huerta régime.

Mr. President, Henry Lane Wilson, a distinguished citizen of Indiana and of the United States of America, was at that time the ambassador of the United States to Mexico, and it was, of course, to him that the Senator referred.

In that connection I desire to state that the fullest information of the relations between Henry Lane Wilson and the Huerta régime can be obtained from Foreign Relations of the United States for 1913, pages 691 to 693, and if anyone desires further information on the same subject it can be obtained from pages 2249 to 2316 of Senate Document No. 285, Sixty-sixth Congress, second session. Mr. Wilson's own testimony is given in the latter document and covers about 40 pages.

Mr. President, on April 30, 1913, in response to a plea from Mrs. Sara Perez de Madero, the State Department wrote to her, as follows:

> The records of this department show that this message was brought to the President's attention. Instructions in the matter had already been given the embassy, and the action it took on behalf of ex-President Madero and ex-Vice President Pino Suarez was taken with the knowledge and under the direction of the President. The ambassador states, in reporting to the department in connection with the death of the ex-President and the ex-Vice President of Mexico, that the action of the embassy on their behalf could not have been more energetic than it was.

Mr. President, the course of Henry Lane Wilson in Mexico was approved by President Taft and Secretary Knox, by public resolutions of all the American clergymen in Mexico City, by public resolutions of the American colony in Mexico, and by resolutions of the Young Men's Christian Association. There are approving affidavits by the staff of the embassy and the messenger of the embassy. There is also a letter approving the course of Mr. Wilson from Paul von Hintze, German ambassador, who was associated with him in every act during the revolution in Mexico. There is also the warm commendation of all of Ambassador Wilson's colleagues, all of whom, I understand, were promoted or decorated by their governments.

With reference to articles published in Harper's Weekly that were misleading and libelous, I may say that action was brought on behalf of Henry Lane Wilson against Norman Hapgood, the publisher. The case was ultimately decided in the Supreme Court of the District of Columbia. It is recorded as at law No. 59138, and as of May 9, 1917, from the docket entry I take the following:

> Stipulation of counsel. Judgment by confession against defendant for 6 cents and costs.
>
> May 14. Judgment entered satisfied.

So that Mr. Wilson was vindicated in a court of law, the Supreme Court of the District of Columbia, in connection with the charges that had been made against him as a result of the libel suit and its conclusion which I have just stated.

Mr. President, Henry Lane Wilson is an honorable gentleman. We believe in him in Indiana. He has had an enviable and distinguished career. He is now approaching the evening of life. So far as I know, his character never has been questioned during all the years of his life. He was an honored representative of the United States in Mexico, Belgium, and Chile; and I am certain the Senator from Mississippi would not knowingly do him an injustice.

Henry Lane Wilson is my friend. I have known him intimately throughout the years only to love him. He would never stoop to do a dishonorable act of any kind. His friends and fellow citizens in Indiana and throughout the length and breadth of the Republic believe in him, and thoroughly respect his ability, his integrity, and his devoted patriotism.

It is because of these facts that I challenge the statement made by the eminent Senator from Mississippi, and announce to the world that Indiana is proud of the record and achievements of her distinguished son, Henry Lane Wilson.

SEED-GRAIN LOANS

Mr. NORBECK obtained the floor.

Mr. DILL. Mr. President, will the Senator from South Dakota yield to me?

Mr. NORBECK. Just for a minute.

Mr. DILL. I desire to make a unanimous-consent request regarding the fixing of a time to vote on the conference report on the radio bill.

Mr. NORBECK. I wish the Senator would give me just a few minutes. I think we can dispose of this bill very quickly. I think we will reach an agreement all around. This is the seed grain loan bill.

Mr. DILL. I am only asking for an opportunity to see if I can get an agreement to vote.

Mr. NORBECK. All right; if it is just a brief time, go ahead.

Mr. DILL. I submit the unanimous-consent request which I send to the desk and ask to have read.

Mr. NORBECK. Is it as to fixing a time for voting?

Mr. DILL. It is.

Mr. NORBECK. That will call for a quorum, will it not?

Mr. DILL. It will.

Mr. NORBECK. I can not consent to yield for that purpose, Mr. President.

Mr. DILL. If the Senator's bill takes until 2 o'clock, he certainly will let me in before that time, will he not?

Mr. NORBECK. I promise the Senator from Washington that we will hurry this measure along quickly. I think we have reached a point where there will be no delay.

Mr. DILL. Very well.

Mr. NORBECK. I ask that the Senate resume the consideration of Senate bill 5082.

There being no objection, the Senate resumed the consideration of the bill (S. 5082) authorizing an appropriation of $6,000,000 as a loan to farmers in the crop-failure area of the United States for the purchase of feed and seed grain, said amount to be loaned under the rules and regulations prescribed by the Secretary of Agriculture.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. NORBECK. Mr. President, to meet certain objections that this measure is too general and should be localized, I move to amend by inserting in line 3, page 2, after the words "storm-stricken areas", the following:

comprising what are known as the Northwestern States and the cotton States.

Also, Mr. President, to meet the request of the Senator from Georgia, who feels that the sum provided for the cotton States is entirely inadequate, I have reached an agreement with him that we will cut half a million dollars off what would go to the grain areas and give it to the cotton areas; and I have also agreed, if it does not meet with objection—and I hope it will not—that the amount of the bill can be increased half a million dollars, so as to give them the million dollars that they feel they need in the cotton district.

With that thought in mind, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The junior Senator from Texas [Mr. MAYFIELD] has an amendment which is now pending, and will be stated.

The CHIEF CLERK. The junior Senator from Texas has proposed the following amendment:

On page 2, line 5, of the amendment made as in Committee of the Whole in the nature of a substitute, insert after the word "wheat" the word "cottonseed" and a comma.

On page 3, line 7, strike out "$8,000,000" and insert "$15,000,000."

On page 3, line 8, strike out "$1,500,000" and insert "$2,500,000."

On page 3, line 12, after the word "areas," insert the following:

Provided further, That of said amount $6,000,000 shall be used for loans and advances to farmers producing cotton.

Mr. BRUCE. Mr. President, my attention was distracted for a moment. May I hear the first amendment stated again?

The VICE PRESIDENT. The amendment to the amendment will be restated.

The CHIEF CLERK. On page 2, line 5, of the amendment made as in Committee of the Whole in the nature of a substitute, insert after the word "wheat" the word "cottonseed" and a comma.

The VICE PRESIDENT. The amendment of the Senator from Texas is not to the bill itself.

Mr. BRUCE. I caught that.

The VICE PRESIDENT. The question is on the amendment of the Senator from Texas to the amendment, in the nature of a substitute, made as in Committee of the Whole.

Mr. BRUCE. Is that all?

Mr. NORBECK. This is all one amendment. The entire amendment will be voted on at one time, will it not?

The VICE PRESIDENT. The Senator offers it as a single amendment to the amendment. The entire amendment will be stated.

The CHIEF CLERK. On page 2, line 5, after the word "wheat," insert "cottonseed."

On page 3, line 7, strike out "$8,000,000" and insert "$15,000,000."

On page 3, line 8, strike out "$1,500,000" and insert "$2,500,000."

On page 3, line 12, after the word "areas,' insert:

Provided further, That of said amount $6,000,000 shall be used for loans and advances to farmers producing cotton.

Mr. WALSH of Massachusetts. Mr. President, will the Senator in charge of the bill please state what amount will be authorized to be appropriated under the bill if this amendment to the amendment is adopted?

Mr. NORBECK. If this amendment to the amendment is adopted it will be $15,000,000.

Mr. WALSH of Massachusetts. And the recommendation of the committee was $6,000,000?

Mr. NORBECK. And the House committee made it $8,000,000. We have accepted that and also some other changes to increase it somewhat more.

Mr. WALSH of Massachusetts. I am in sympathy with the Senator's purpose to obtain relief for the depressed condition which he describes, but I must make a protest against appropriating at random on the floor of this Chamber sums of money for relief which has not been considered fully and adequately by a committee. I can see no objection to the $6,000,000 which the committee has recommended; but for Senators who have similar conditions in their own territory by amendment to keep raising the sum until the sum of $15,000,000 is reached seems to me to be a very bad practice.

Mr. NORBECK. I agree with the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Can not the Senator get the committee to recommend this $15,000,000, if it is necessary, or have hearings on the question?

Mr. NORBECK. This amendment never has been submitted to the committee.

Mr. WALSH of Massachusetts. I am sorry the passage of the Senator's bill seems to be jeopardized.

Mr. NORBECK. I do not think anyone here is urging the $15,000,000. If it can come to a vote, I am sure that amendment will be defeated right now.

The VICE PRESIDENT. The question is on the amendment of the Senator from Texas to the amendment made as in Committee of the Whole.

Mr. BRUCE. Mr. President, I want to know something more about this bill. I have indicated to the Senator from South Dakota that I have no disposition to object to its early consideration, provided that it is so amended as to do away with some of its objectionable features.

Of course, as the bill originally stood, it proposed to give relief to any and all regions in the United States that might prove to have been harried by drought or storm to such a degree as to make an appeal to the discretion reposed in the Secretary of Agriculture by the bill. In that form, the bill ought to be intolerable, it seems to me, to any reasonable man. As the poet says, "'Tis always morning somewhere in the world." There is always a drought or storm somewhere in the United States, and the result of the passage of a bill of that general nature would be to offer an invitation to every State, to every county, nay, to every locality, in the United States to set up a claim for special pecuniary relief on account of some drought or storm. We have droughts and storms in Maryland. It is a State very richly blessed, I am glad to say, with the gifts of Providence; but we, too, have storms and droughts, and I am not in favor even of the people of my own State being offered such vague and indiscriminate relief as the bill in its original form contemplates. Does the Senator propose to offer an amendment localizing that relief?

Mr. NORBECK. Yes. I have an amendment to offer, which I think will take care of the matter to which the Senator refers. I am perfectly willing to meet the Senator's wishes.

Mr. BRUCE. I am sure of that.

Mr. NORBECK. I have an amendment, which I intend to offer, providing that not less than $5,000,000 of this money shall be available in the States of North and South Dakota and Montana; that is, in the drought-stricken areas.

Mr. BRUCE. Why not have the bill explicitly specify the territorial limits within which such distress has been wrought by drought or storm as to justify the Government in coming to the pecuniary assistance of the people within those limits.

Once or twice Congress has granted extraordinary relief of this kind. It did so several years ago in the case of Montana and the Dakotas, if I do not forget, and in the recent past there was an appalling drought in the State of New Mexico, and Congress came to the aid of its people in consequence of that fact. But precedents of that kind should be very cautiously followed by Congress. When there has been a hurricane, such as raged in Florida and Georgia a few months ago, or when there has been a dreadful drought, such as is now claimed to have lately prevailed in parts of the Dakotas, and the conditions created by those natural catastrophes are of such a lamentable nature as to call for pecuniary assistance by the Government, it would be warranted in affording it.

Our Government has even gone to the aid of the impoverished farmers of Russia and other foreign communities, and certainly under similar conditions arising in the United States similar aid might be properly given by the Government to our own people. But surely this bill ought to single out the very

counties in the States of North and South Dakota, unless the drought was State wide, where there was such a terrible drought that nothing less than the compassion of Congress, so to speak, is adequate to meet the emergency. And if one of the objects of this bill is to give relief to the farmers of Florida, stricken by the hurricane to which I have referred, then let the bill specifically say so. In other words, let it be made expressly applicable by name, to South Dakota, North Dakota, or parts of those two States, and to the State of Florida, or to parts of the State of Florida, and to the State of Georgia or parts of the State of Georgia. As I understand it there have been no droughts or storms in other portions of the United States to call for the succor of the Federal Government.

A few days ago, without hesitation, I united with the other Members of this body in voting an appropriation of $10,000,000 to arrest the progress of the corn borer. That was a proper application of the Federal resources. Every State in the United States, especially every State in the West and Northwest, was interested in stopping the march of that frightful pest. If I had not joined in the vote providing for that appropriation, I should have been insensible to a just and reasonable claim upon my support.

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

Mr. BRUCE. But I for one do not propose year after year, simply because some Senator comes here from the Northwest—for he usually comes from that quarter—holding out his hat in mendicant fashion to the Federal Treasury.

Mr. CARAWAY. Will the Senator yield to me?

Mr. BRUCE. In just a moment. Not one solitary year since I have been a Member of this body has the Northwest failed to come to the Senate with some plea for pecuniary relief, either in the form of a loan, or, if not in the form of a loan, in the form of some ill-disguised gratuity. It reminds me of what our Lord said, "The poor always ye have with you." The States of North and South Dakota are always with us.

I am sure that the majority of the people of those States do not wish to be put in the position of being chronic beggars, of being deemed as regarding the Federal Government simply as the "great white father," as one of our Indian wards might say, or as a mere almoner, ever ready to dispense a charitable dole.

Among other reasons, I am opposed to that sort of thing because of its infectious nature. There was a time when the South was one of the most self-reliant portions of the Union, when you could not induce a southern Senator to come here any more than you could or now can induce a New England Senator to come here and ask for some Federal douceur or something that was just a tax on one part of the United States for the benefit of another part of the United States. But that day has passed, and now, sadly enough, we have southern Senators at times falling into the northwestern habit of looking to the Government as if the Government were some kind of socialistic organization charged with the duty of extending its paternalistic patronage over every part of the United States, and especially the Northwest.

I am not willing to see the self-reliance of our Maryland people, at any rate, destroyed. I wish them to cling to the old American principles of individual initiative, ambition, and enterprise, upon which the whole structure of our national greatness has been built up. But I am afraid that even the people of Maryland, sane, sensible, and conservative as they are, may sooner or later be demoralized by this ever-recurring dependence upon Federal generosity.

At the last session of Congress hardly a voice was raised in the State of Maryland to ask me to vote even for the McNary-Haugen bill, which, of course, is far from being such an objectionable measure as some of the measures that have been proposed here, because it at least seeks to create an equalization fee chargeable to the farmer himself. But, now, so contagious has the reliance upon the Government which obtains in certain portions of the United States become, that the people of Maryland are beginning to ask me to vote for the McNary-Haugen bill.

As I have said, ever since I have been here the Senator from South Dakota has had some bill of this kind pending in the Senate. Two years ago, I think it was, he introduced a bill proposing that the Federal Government should lend—that, of course, is the euphemistic term that is always used under the circumstances—a large sum of money to the farmers of the Northwest for the purpose not only of buying livestock, but of buying chickens, and, ludicrously enough, part of the security for repayment that the bill tendered to the Government was a lien on the chickens, one the most mobile and precarious subjects for hypothecation that could well be conceived.

In other words, no account was taken of the fact that chickens are of a roving disposition and likely to wander off and to be stolen or to get lost in the woods or the morasses, to say nothing of the likelihood of their becoming the victims of snakes, weazels, minks, and hawks, and other species of predatory creatures.

The security offered by the pending bill is hardly less illusory.

I have said enough, I am sure, to indicate in a general way, at any rate, how I, and I have no doubt thousands of other citizens of the United States, feel about proposals that tend to sap the manly self-confidence of the American people; but at the same time, if distressful conditions of a truly extraordinary nature exist at the present time in parts of South and North Dakota, conditions of such a character as to make a just and reasonable appeal to the sympathies of this body, I have no objection to make to the passage of a proper bill in the present case.

I know that the recent Florida hurricane was a direful thing. I know that it did sweep a wide tract of country with a mighty besom of destruction and ruin. I know that it left death and desolation to a tragic extent in its wake. If as the result of that hurricane the truck farmers or any considerable number of the truck farmers of the State of Florida are in severe straits, I am willing that they shall receive relief under this bill.

But why should the bill be so comprehensive? Why should it be so general in its terms? Why does not the Senator from South Dakota come here and say that the farmers in the Dakotas are in such an unfortunate state that they can not get along upon their own unaided resources and must have the help of the Government? That is the frank thing for him to do. That is the manly thing for him to do. The same sort of language should be used by the Senator from Georgia [Mr. GEORGE] if he is asking us for Federal assistance to relieve the distress brought upon the Georgia farmer by the recent hurricane, and by the Senators from Florida if they are asking us for the same kind of assistance. If the representatives of those States in this body will amend the pending bill so as to make out a special compelling case for relief, of such a nature as to justify us in bringing the Federal Treasury to the aid of their constituents, then I have nothing more to say. But I do protest in the strongest terms at my command against a bill that is in such a form as to hold out to every part of the people of the United States, including the people of my State, the idea that if they are the victims of an occasional drought or of an occasional storm or of some other kind of natural catastrophe all they have to do is to come here to Washington and request the Federal Government to deal with them exactly as if the Federal Government were an insurer, bound by contract to make good to them any losses of any kind that they may incur because of the graver vicissitudes of farming.

So far as I am concerned it is in the power of the Senator from South Dakota and the Senators from Georgia and Florida—because these are really the only States that we need take into consideration in connection with this bill—to shape up the measure in such a way as to remove the objection which I have been urging, and I trust that they will do it. I do not intend to filibuster against the bill. I have never, I believe, filibustered against any bill. I have nothing further to say in opposition to it if those Senators will only reduce it to a different form, such as I suggest.

What is the objection to my suggestion? Does the Senator from Georgia object to it? Does he object to the bill saying that an extraordinarily calamitous situation has been caused in his State by the recent hurricane? Does the Senator from Florida object to the bill saying the same thing with respect to his State? Does the Senator from South Dakota object to the bill saying the same thing with respect to the drought in the Dakotas? If not, then let them amend the bill and come here just as the people of New Mexico came to us several years ago, just as the people of Montana came to us several years ago, and just as the people of North Dakota came to us several years ago, and ask us for our help on the ground that they are facing emergencies too stern for their own unaided efforts.

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

Mr. BRUCE. Certainly.

Mr. NORBECK. I want to call the Senator's attention to the fact that while the drought did not cover much over half of the State, it was in a very spotted condition and there were some counties where 90 per cent of the territory was affected while other counties were affected only, perhaps, 10 per cent; but when we deal with the State of South Dakota, it being almost twice as large as Pennsylvania, the Senator can realize the difficulty of preparing amendments which would adjust the situation to the different counties affected. If there is any stigma about it, I am perfectly willing that the State should

carry it, and I am ready to write into the bill the name of my State.

Mr. BRUCE. That is all right, but could it not be left to the discretion of the Secretary of Agriculture, after the States are named, to say to what regions or localities in those States relief should be applied?

Mr. NORBECK. At the present time it is left entirely to the Secretary of Agriculture. However, I am perfectly willing to include the Secretary of the Treasury.

Mr. BRUCE. No; I do not ask that. I am perfectly willing that the matter should be left to the Secretary of Agriculture, but I do think that the bill should be so framed as to specify by name the communities which are to be aided by the provisions of the bill, so as to show hereafter that when we considered the appeal of the bill it was made to us in such a certain form as respects the extent of the misfortunes that it covered and the territory that was to receive succor as to authorize us as public representatives to give our assent to the appropriation of the millions of dollars mentioned in the bill.

Has the Senator any amendments along that line?

Mr. NORBECK. The only suggestion that I have so far is providing that not less than $5,000,000 of the money shall be apportioned to the States of North and South Dakota and Montana.

Mr. GEORGE. The drought-stricken areas in those States?

Mr. NORBECK. Yes. That will leave $500,000 that is not disposed of which can go into the adjoining areas which are small, because there are adjoining States affected.

Mr. BRUCE. First of all, why not limit the scope of the bill to the States of North and South Dakota, Georgia and Florida?

Mr. NORBECK. I have no objection. I simply have a desire to be fair with one corner of the State of Wyoming and a little edge of the State of Minnesota where there were some affected areas.

Mr. BRUCE. That is all right, but why not specify those localities?

Mr. NORBECK. I can not speak for those States.

Mr. FLETCHER. I think the item of $500,000 is pretty well identified now. That is the only item that affects the citrus growers in Florida.

Mr. BRUCE. There is nothing in the bill providing for relief to citrus growers that might not be extended to the citrus growers of California.

Mr. FLETCHER. I do not know of any hurricane that they had there. This specifies the drought-stricken areas to be relieved.

Mr. BRUCE. It is very easy for a western Senator to improvise a hurricane or a tornado.

Mr. FLETCHER. I should be very glad to have the Senator insert the name of Florida.

Mr. BRUCE. That is all right; that is the point I make.

Mr. GEORGE and Mr. NORBECK addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Maryland yield, and, if so, to whom?

Mr. BRUCE. I will yield first to the Senator from Georgia.

Mr. GEORGE. So far as I am advised the drought-stricken area in the southeast was confined to South Carolina and Georgia, only a portion of those States being affected. I think the Senator from Texas [Mr. MAYFIELD], however, did state that there was an area in his State which was similarly afflicted last year.

Mr. BRUCE. But is not some part of the United States afflicted every year by drought?

Mr. GEORGE. I presume so.

Mr. BRUCE. There is no doubt about it.

Mr. GEORGE. I should be very glad, so far as the cotton-growing States are concerned, to specify the States of South Carolina and Georgia—that is, the drought-stricken areas of those States.

Mr. BRUCE. And the States of North and South Dakota. I do not see why the Senator from South Dakota should feel bound to look after the people of Minnesota or the people of some other State than the Dakotas.

Mr. NORBECK. Except that there was an understanding in the committee that we would not draw the State lines into the bill and shut them out entirely, because there were some little places which they thought would be badly in need of relief.

Mr. BRUCE. Why not specify the little places?

Mr. NORBECK. I am unable to do that at this time.

Mr. FLETCHER. I thought that was cleared up in the view of the Senator from Maryland by specifying under the $500,000 appropriation that the citrus-fruit regions in Florida were to be included. Then the Senator from Louisiana [Mr. BROUSSARD] offered amendments with reference to sugar cane.

Mr. NORBECK. That has all been disposed of.

Mr. FLETCHER. Does the Senator mean to include Louisiana and Florida?

Mr. NORBECK. I shall be pleased to offer such an amendment as soon as the pending amendment is disposed of.

Mr. BRUCE. That is all I suggest. My main object is to avert general legislation which would tend, as I see it, to pauperize the spirit of the people of the United States.

Mr. NORBECK. There is an amendment pending on which we were about ready to vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. MAYFIELD] to the amendment made as in Committee of the Whole as amended in the Senate.

Mr. BRUCE. I would like to hear it read.

Mr. NORBECK. It provides for increasing the amount $7,000,000.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Texas to the amendment will be stated.

The Chief Clerk read as follows:

On page 2, line 5, of said amendment, as printed, insert, after the word "wheat," the word "cottonseed" and a comma.

On page 3, line 7, strike out "$8,000,000" and insert "$15,000,000."

On page 3, line 8, strike out "$1,500,000" and insert "$2,500,000."

On page 3, line 12, after the word "areas," insert the following: "*Provided further*, That of said amount $6,000,000 shall be used for loans and advances to farmers producing cotton."

Mr. BRUCE. Were all those amendments offered by the Senator from Texas?

The PRESIDENT pro tempore. It is an amendment offered by the Senator from Texas to the amendment.

Mr. BRUCE. But the amendment does not say a word about Texas. It might apply to any other Southern State whether it had been affected by drought or storm or any other natural catastrophe of any sort.

Mr. NORBECK. I am ready to vote on the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas to the amendment made in Committee of the Whole as amended in the Senate.

The amendment to the amendment was rejected.

Mr. NORBECK. May I ask whether the amendment which I offered was adopted? It was an amendment providing that in line 3, section 1, after the words "storm-stricken," there should be inserted the words "comprising what are known as the Northwestern States and the Cotton States."

The PRESIDENT pro tempore. The Chair is informed that the amendment has never been formally offered.

Mr. NORBECK. I desire to offer it at this time.

Mr. BRUCE. It says "Northwestern States." That language ranges over a tremendous section.

Mr. NORBECK. I assure the Senator I am going to offer another amendment to take care of that.

The PRESIDENT pro tempore. The amendment submitted by the Senator from South Dakota to the amendment will be stated.

The CHIEF CLERK. In line 3 of the substitute, after the words "storm-stricken," insert the words "comprising what are known as the Northwestern States and the Cotton States."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the amendment.

The amendment to the amendment was agreed to.

Mr. NORBECK. I offer the following amendment to the amendment:

Provided, That not less than $5,000,000 of this fund shall be available in the States of South Dakota, North Dakota, and Montana.

I desire that the proviso shall come in at the close of section 1.

The PRESIDENT pro tempore. The amendment proposed by the Senator from South Dakota to the amendment will be stated.

The CHIEF CLERK. In the proposed substitute, on page 3, in line 12, after the words "stricken areas," it is proposed to insert the following proviso:

Provided, That not less than $5,000,000 of this fund shall be available in the States of South Dakota, North Dakota, and Montana.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the amendment.

Mr. FLETCHER. Mr. President, I desire to suggest that preceding the amendment which the Senator from South Dakota offers he should insert, at the end of line 12, and before his proviso, the words "in Florida."

Mr. NORBECK. I accept the modification to insert before the colon the words suggested by the Senator from Florida and also the words "and Louisiana."

Mr. FLETCHER. Then the words "in Florida and Louisiana" would come in after the word "areas," in line 12, to be followed by the proviso offered by the Senator from South Dakota.

The PRESIDENT pro tempore. The amendment as perfected will be stated.

The CHIEF CLERK. After the words "in storm-stricken areas," in line 12, page 3, it is proposed to insert the words "in Florida and Louisiana" and the following proviso:

Provided, That not less than $5,000,000 of this fund shall be available in the States of South Dakota, North Dakota, and Montana.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified to the amendment.

Mr. KING. Mr. President, I shall detain the Senate but a short time. I know how futile opposition will be to the passage of this bill. Nothing that I can say, and nothing that any Senator can say, will prevent this measure from receiving the approval of a great majority of the Senate. Party lines are forgotten in the scramble for appropriations by the Federal Government. There is no aisle in this chamber separating the Republicans and Democrats when measures of this character and many others are presented for consideration.

Public buildings measures carrying tens of millions of dollars, rivers and harbors bills which take from the Treasury of the United States, directly and indirectly, hundreds of millions of dollars, and many other bills which call for Federal appropriations to be distributed throughout the United States, find hearty support on both sides of the Chamber, and any opposition is regarded with disfavor.

I regret that often I find myself with a small minority opposing measures which increase the power of the Federal Government, encroach upon the States, interfere with individual liberty, and open the vaults of the Treasury to unwarranted, improper, unconstitutional, and often times, as I believe, immoral demands.

Mr. President, while it is a most serious and unfortunate thing that appropriations should be made by the Federal Government for purposes not within its authority, as a result of which the burden of taxation must be increased, there are other consequences following this course of a more serious character and far-reaching consequences.

The greatest possessions of individuals and of nations are courage and self-reliance and supreme faith in the ability and competency of each to breast every danger and overcome every obstacle. The easiest way for an individual or a nation is often in the long run the most dangerous and deadly one. Those fine moral qualities have led men and women through fiery furnaces to triumphant victories and have ennobled them and enabled them to lay the foundations of strong, progressive, and enlightened States. The winters' blasts and the storms and tempests and assaults of savages and the thousand dangers which encompassed the brave and valiant men and women who came to the New World to build here a great democratic Nation brought no terror to their hearts; as the dangers multiplied, their fortitude and courage and strength were increased. If they had been nursed and coddled and taught to rely upon others, their mission would have failed, and their names would not be written gloriously and indelibly upon our country's history. They believed in their capacity for self-government and demonstrated that the highest virtues are developed and the greatest progress is made where responsibilities, political and social and otherwise, are placed upon individuals. They taught us the art of self-government and at the same time showed how individuals can be so integrated as to produce group and collective results without weakening individualism or destroying self-reliance.

Our Nation's progress has been extraordinary, and it has resulted from the rugged character, self-reliance, thrift, and energy possessed by the American people. They have developed a high standard of social efficiency, through energy and competency and individual independence. Our political institutions reached high standards of perfection because of the training which the American people enjoyed in the school of self-government.

The pioneers—and most of our fathers were pioneers in one part of the country or another—grew strong because of their vicissitudes, and the commonwealths which they established were the result of courage and independence, and the capacity of such pioneers for local self-government. As individuals grew in strength and in self-reliance, the community caught the same spirit and communicated it to the State, and a feeling of State pride was developed among the people of Massachusetts, and New York, and Virginia, and Kentucky, and the various States of the Union, in their respective States.

Their affection for, and loyalty to, their own States, did not diminish their regard for or duty to the National Government. They perceived that the strength of the Republic depended upon the strength and virility and independence of the States of the Union. They perceived that if the States were weakened and rendered mere provinces of a great consolidated government, then this Republic was doomed, and an oligarchy or some other highly centralized and autocratic form of government would succeed. And it was a corrollary to this proposition, that if the States maintained their sovereignty it would be because of the independence of the individuals within them.

In other words, it was perceived that the strength of the States of the Nation rested upon the strength of the individual. If individuals were devitalized and made anemic, then this Republic as such, would not endure.

The complacency of many of the American people, their utter abandon and unconcern as the powerful currents sweep the States into the maelstrom of a powerful federalism, is most amazing to serious students of our political and economic conditions. Unfortunately, there is a lack of interest in the teachings of history, in its philosophy, and in its warnings. Unfortunately, too few Americans study the philosophy of our own Government, the history of its origin, the nature and character of its States, the importance of local self-government, and the indestructible forces existing in all social and political organisms. Nature is full of antitheses, and the religious cults, if not the philosophies of antiquity, were replete with expositions of the contradictory forces of nature and in life. It was pointed out that there were light and darkness, joy and sorrow, good and evil, liberalizing and progressive forces operating for the advancement and happiness and freedom of man, and the dark and reactionary and cruel forces of absolutism which attempted to prevent humanity's advancement.

Political philosophers find parallels between modern and medieval and ancient states and peoles. Many writers of eminence see no fundamental changes in human nature and believe the same forces are operating in society and in governments to-day that controlled the people and states of past ages. Some earnest students of our Government insist that the Austinian theory finds exemplification in our history and that the future of this Republic is not democracy, not stronger units of local self-government, not sovereign States, and not the assertion of a more rugged individualism, but the reverse—a weakening of the States until they will become mere shadows of the puissant organizations contemplated by the fathers. They see a powerful Federal Government becoming more paternalistic and omnipotent in its relations to the States and to the individuals within the States until finally the conception of a dual form of government, and of indestructible States, will be lost, and individuals and States will be swallowed up and their identity lost in a consolidated government, unlimited in authority.

Mr. President, I believe that one of the fundamental problems that confronts us to-day is to prevent the absorption of the States and to make local life real, to revivify the States and awaken the deadened spirit so that it will lead to virile, intelligent, patriotic, and successful self-government. There must be an assertion of sovereignty by the States which will be more than anemic reflexes of the central power.

Mr. President, local group life is being sacrificed to the absorptiveness of the Federal Government, and that virile and aggressive democratic spirit which produced local creativeness is being stricken with impotence. Individuals and States must derive their strength as plants from the soil. Their nutrition that will give vitality—mental, intellectual, and political—must come from within the States and not from without. It will be the result of the insistence upon the assumption of responsibilities, the solving of domestic and local and governmental problems by the people themselves. I recall the words of John M. Harlan, who stated that what was needed was not a new nationalism but rather a new statehood, and that—

> The great need of to-day is that the States should awaken to their duty to exercise all their rightful powers and functions under the Constitution, and that they should do for themselves everything to the doing of which these powers, when intelligently exercised, are adequate.

He further states that what is needed is—

> The prompt performance by the States of their duties, the active and full use of the powers and functions of the States toward solving the questions that now crowd upon the American people for solution.

We often quote but quickly forget the immortal words of Thomas Jefferson:

What has destroyed the liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France or of the aristocrats of a Venetian senate.

Mr. President, the Capital to-day is thronged with hundreds, if not thousands, of individuals from all States of the Union, who are here seeking largesses, and bounties, and gifts, and benefactions, and contributions from the Federal Government, and appropriations from the Treasury of the United States. This situation demonstrates the truth of what I have been saying; that the States are being regarded by the people as mere provinces of the Federal Government, and that the latter is the great orb around which individuals and States revolve.

This situation demonstrates the fact that the people are questioning their competency to govern themselves, and are therefore seeking to transfer what should be their inalienable rights, as well as the sovereign rights of the States, to the Federal Government, which, without restrictions and limitations, is to move in whatever orbit it may prescribe.

There is a bill under consideration, which will doubtless pass, which a few years ago would have shocked those of the most latitudinarian views as to the power of the Federal Government. Under the terms of the bill a great Federal agency is to be set up to take charge of agricultural products, to fix prices, and to dispose of surplus products in the markets of the world. Still another measure is before us which calls for an appropriation that will reach at least $250,000,000 for the construction of power plants and dams to furnish water for culinary and domestic purposes to various municipalities.

Demands are made that the Government shall engage in various manufacturing enterprises, drawing its capital by taxation from the people, and competing with private enterprises in the production, sale, and distribution of commodities which enter into the daily lives of the people.

The bill before us calls for an appropriation of $8,600,000, to be distributed; $5,000,000 in the States of North and South Dakota and Montana, and the residue in Florida, Alabama, South Carolina, Georgia, and Louisiana. This money is to be directly loaned to the farmers in the three States first mentioned with which they may purchase seed for their crops. The rest of the appropriation is to be used among the sugar-cane producers of Louisiana and those who grow nursery stock, trees, and cotton in Alabama, Georgia, and South Carolina.

This sum is to be divided among three States in the North and five States in the South. I shall not invite attention to this feature. It might lead to the conclusion that to secure the passage of the bill enough States or sections had to be united and placated by methods denominated by some as "log rolling."

The Federal Government under this bill is to become a banker; that is, it is to loan money to individuals, not through any bank, not through the Federal reserve system, but by direct loans out of the Treasury of the United States, not upon security, except such crop mortgages as the Secretary of Agriculture in his discretion may deem necessary.

Of course, no such power was given by the States to the Federal Government to tax the people in order to loan money directly to individuals of a class or group or to all of the inhabitants of the Nation. The exercise of the taxing power to raise money for the purposes contemplated in the pending measure is unauthorized, and to bestow bounties and gifts and to make contributions to individuals is unconstitutional.

Mr. NORBECK. Mr. President, will the Senator from Utah yield to me while I call his attention to facts which are involved in the pending proposition?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from South Dakota?

Mr. KING. I yield.

Mr. NORBECK. I merely wish to make this point. Of course, there is only a part of this area which was affected by drought, but it happens to be that area that was not permitted to sell its product at the market price during the war. The bill affects the wheat region of this country. The Government not only did not fix a proper price for wheat but fixed a price away below the market, and actually afterwards, when the Government set up a Government agency to handle the farmers' wheat, they took away from the farmers $54,000,000 and put it in the Public Treasury. What we are asking for is not a donation, but merely a loan; and it is a loan of our money, and we want to pay it back with interest.

Mr. KING. Mr. President, the Senator from South Dakota has made this statement upon a number of occasions. I shall not take the time to analyze it and to demonstrate its fallacies, and, as I believe, some of its inaccuracies. I shall only say, in passing, that the States referred to by the Senator were subjected to no different treatment after the war than other States, nor do I assent to the statement that the Government took away from the farmers $54,000,000 and put it into the Public Treasury.

Mr. President, this bill, I repeat, appropriates $8,600,000 out of the Treasury—money which has been collected from the people under the power of taxation. In collecting this amount, together with the aggregate sum collected from the people for taxes, for the current year, many have felt the oppressive hand of the Government. If we may appropriate money to help farmers buy seed, there is no reason why we should not loan money to the thousands who are out of employment and to business enterprises which are upon the eve of bankruptcy.

If Congress has the power to tax the people to loan money to farmers who have lost their crops, it has the power to tax in order to loan money to those who have lost their jobs, to manufacturing plants which have lost their markets, and to professional men who have been crowded out of the field of successful endeavor, and to the millions who may at various times come under the shadow of want and ruin.

The philosophy which supports the view that the Federal Government may tax in order to loan or to give, I repeat, is destructive of those qualities which have made our Nation great and which must be perpetuated if our Nation shall endure.

Mr. President, the cattle and sheep men, in my State and in the West, a few years ago, lost hundreds of millions of dollars. Most of them became bankrupt. Thousands of men were compelled to start life anew. They made no complaint. They have not appeared here asking Congress to make appropriations to enable them to start again or to meet the obligations which their failure placed upon them. With stout hearts and with fine courage, they went to work to rebuild their shattered fortunes and to do their share toward building up the economic life of their respective States, as well as of the Nation.

Mr. President, there is too much legislation calculated to make mendicants of the people and beggars of the States. Legislation of the character which is now before us, is calculated to sap the vigor and moral strength of the people. If the Federal Government is a great treasure vault to which all may repair when financial difficulties appear, or when the normal lives of the people are interrupted, or even when great disasters overwhelm them, then the form of our Nation will be changed, and we will soon pass under a socialistic or paternalistic government, the inhabitants of which will progressively lose their independence and courage, and mental and moral vigor and power which in the past have characterized them.

Mr. President, measures of the character before us will constitute precedents from which Congress may not escape in the future. If appeals for relief, for loans, and bounties are granted to individuals they will become more frequent and the propaganda in their behalf will become more vehement and vociferous as the causes for which appeals for relief are made become less worthy or meritorious. Under this precedent how can Congress refuse to loan millions of dollars to hundreds of thousands of persons out of employment?

Our economic and industrial system possesses many inherent weaknesses, and there is cause for anxiety as to the future. If there should be a diminution in production or a material reduction in the purchases of commodities by the people, our industrial life and our business institutions would be seriously affected. Factories would be shut down and thousands of men and women turned out of employment, and the reaction throughout the country would be such as to menace our prosperity.

Business men whose enterprises were threatened, and particularly those employed by them, who faced lack of employment and starvation for themselves and families, would insist that the Federal Government provide for their distress and loan them funds to prevent irretrievable ruin. Professional men, the millions of men and women employed in banks and stores and in various other occupations, when unemployment and disaster overtook them, would feel that the Government should aid them in their hour of distress.

Mr. President, I have a profound sympathy for those in distress and I appreciate the fact that many of the farmers of the United States have met with severe reverses and have greatly suffered during the past few years. But sympathizing as I do with their misfortunes, I do not think that this legislation is wise or that it will finally inure to the advantage of those whom it is designed to benefit. And I feel sure that its effect upon our economic and political policies will be disadvantageous, and that if legislation of this character is persisted in, the most serious consequences to our political and economic life will certainly follow.

If I should appeal to the Senate upon the ground of economy, I know the appeal would be in vain. We are not following the path of retrenchment and reform and economy in the

administration of the affairs of the Government. I make this statement with respect to the executive branch of the Government as well as the legislative part of the Government. Some Senators have called attention to the surplus in the Treasury. I can assure them there will be no surplus when this Congress adjourns on the 4th day of March. Indeed, Mr. President, only a miracle will prevent a deficit. It was supposed that there would be at the end of the fiscal year, a surplus of three or four hundred million dollars. Congress is proceeding recklessly and extravagantly in making appropriations. A day of reckoning will come and if there is not a halt called, instead of reducing taxes, Congress will be compelled to increase them.

In my opinion, we will appropriate for the next fiscal year between three hundred and five hundred million dollars more than the appropriations for the present fiscal year. Appropriations for the fiscal year 1926 were approximately $4,200,000,000. The appropriations for the fiscal year 1927, after the deficiency appropriations shall have been passed, will exceed the appropriations for the last fiscal year; and, as I have stated, the cost of running the Government for the next fiscal year will exceed by hundreds of millions of dollars the expenditures for the current fiscal year.

Mr. President, the people have been fooled by the cry of the Republicans and the apologists of the President about economy. There has been no economy in the Government. I charge that the Federal Government has been extravagant and wasteful. Notwithstanding the large appropriations made by Congress, they have been less than the amounts recommended by President Coolidge. I can not understand the success which has attended the false claims made about the economy of the administration. The estimates by the Budget Bureau exceed the appropriations made by Congress. The people have been made to believe that President Coolidge has worked miracles in effecting reductions of expenditures and reforms in the executive branch of the Government. I deny that there have been any material reforms or that there have been economies in the administration of the executive branch of the Government.

And, Mr. President, we are confronted with the ugly fact that the expenses of the Government under Mr. Coolidge are increasing. No one knows what they will be if the Republican Party shall remain in power for another four years succeeding Mr. Coolidge's present term. General Lord, the head of the Budget, I believe, has desired to reduce expenses. He has been met by opposition from heads of departments and executive agencies. The demands of many of these Federal executive officials have been unreasonable, and if acceded to the cost of the Government would have been increased more than $500,000,000.

Mr. President, there should be an end to this chatter about Republican economy. The Republicans have increased the number of officeholders and are multiplying the officeholders. It is true we are collecting less taxes now than during the war, when we were waging a mighty contest which called for the sacrifice of men and treasure. Heavy taxes were laid upon the people. When the war was ended there ought to have been prompt tax reduction. The Republican Party refused to reduce the taxes until they had secured control of Congress and elected the President. Then, instead of enacting a wise and proper revent measure, they gave to the country an imperfect, ill-shaped, illogical, and wholly unsatisfactory tax bill. It provided for the collection of hundreds of millions of dollars annually above the legitimate needs of the Government, and succeeding revenue measures have possessed infirmities and weaknesses and inconsistencies and have not met the situation or effected tax reforms which the country demanded.

With the mustering out of millions of men and the payment of billions of dollars of obligations incurred during the war, and which were paid under war-revenue legislation, there should have been a sweeping and prompt reduction of taxes in 1919, and certainly not later than 1920. But the Republican Party playing politics then as always, refused to meet the situation honestly and in a statesmanlike manner. The shrewd politicians who guide it, including President Coolidge, who is shrewder than them all, took advantage of the situation, and the psychology that would result from passing tax-reduction measures immediately prior to the election, and so adjusted the policy or program of reduction as to provide a number of tax measures, each one preceding a national election.

This policy fooled the people and led them to believe that the Republican Party was practicing such economy and effecting so many reforms that the burdens of taxation imposed by the Democrats during the war had been reduced. The fact is that the expenses of the Government had been reduced to the extent of several billions of dollars in 1920. President Wilson recommended in May, 1919, an immediate reduction of Federal taxes.

Mr. BRUCE. Mr. President.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland.

Mr. KING. I yield.

Mr. BRUCE. The Senator speaks in complimentary terms of the President. I would like to know whether he has been eating any buckwheat cakes and sausages recently. [Laughter.]

Mr. KING. Mr. President, I have not had an invitation to partake of the morning repast at the White House.

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

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from West Virginia?

Mr. KING. I yield.

Mr. NEELY. It appears from this morning's newspapers that Dr. Nicholas Murray Butler is willing to make the necessary sacrifice to become President. If he should happen to be elected, he might be able to offer the Senator from Utah something more stimulating and tempting than maple sirup and buckwheat cakes. [Laughter.]

Mr. KING. Of course, Mr. President, I know what the Senator has in mind; but in view of the fact that the Senate does not believe that there are any intoxicating beverages found or sold or distributed in the United States, I can not believe that the Senator, upon second thought, would conceive that with the advent of Doctor Butler to power there would be any difference in the situation. It would be then as it is now—as dry as the Desert of Sahara.

Mr. NEELY. Does the Senator mean that Mr. Coolidge may as well be reelected?

Mr. KING. No, Mr. President; I think we have had enough of New England statesmanship. It is time for a change; and, of course, when I say "New England statesmanship," I do not include the Senator from New Hampshire [Mr. MOSES], who for the moment occupies with so much ability the chair of the Vice President. But, seriously——

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. I merely want to know if the Senator means that he is for the Senator from New Hampshire for President?

Mr. KING. Mr. President, I do not hesitate to say that the Senator from New Hampshire is one of the few Senators in this body who believe in the Constitution of the United States, and in the rights of the States, and in local self-government; I believe that he would make a better President than many political leaders whom I have in mind in our political parties.

Mr. NEELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah further yield to the Senator from West Virginia?

Mr. KING. I do.

Mr. NEELY. In other words, if we must have another Republican President the Senator believes, as Uncle Joe Cannon once said in slightly different language, that the people could go much farther and do infinitely worse than to elect the Senator from New Hampshire [Mr. MOSES]?

Mr. KING. Mr. President, my friendship for the Senator from New Hampshire and the Senator from New York [Mr. WADSWORTH], and others that I might name, leads me to make the statement that either of them would discharge the duties of Chief Executive of this Nation with fidelity and ability.

Of course in paying them that tribute I do not mean to say that the country would be as well off as if a Democrat were in the White House; and I hope that in the next election there will be sent to the White House not Mr. Coolidge nor Doctor Butler nor the able Senator from New Hampshire [Mr. MOSES], but a sterling, rugged, States' rights Democrat who believes in local self-government and in that fine individualism which lies at the basis of our institutions, and which must persist if this Republic shall endure. If the Democratic Party adheres to the principles of Jefferson it will come to power, and if it does not remain true to these principles it is not entitled to victory.

But, Mr. President, I rose merely to express my dissent from this bill and to lament what I conceive to be these centralizing tendencies which are destroying the States, and the ability of the people to govern themselves. We are teaching the people to look to Washington as the people in the days of the Cæsars looked to Rome. The people of our country are looking to Washington for government instead of looking to themselves and to their own States. If the people of New Hampshire or of North Dakota or of South Dakota or of Utah or of any other

State have had some great calamity calling for aid beyond private capacity to meet, then the States, in the exercise of their undoubted power, should deal with the situation. They can negotiate loans, if loans are needed, and aid those within their respective borders who are in distress. But we are embarking upon a different policy. No one knows where it will end. This Austinian theory of government is finding expression in the legislation of Congress, and little by little we are being seduced from the paths of rectitude and constitutional morality.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President, I wonder if the Senator from Alabama will permit me to propound a parliamentary inquiry in regard to the executive session that has been arranged for this afternoon. I desire to do it so that Senators will have notice.

Mr. HEFLIN. Yes; I yield for that purpose.

Mr. NORRIS. Mr. President, a unanimous-consent agreement was entered into in executive session that we would go into executive session to-day at 3 o'clock. The object of the agreement was to pass on the nomination of Mr. Tilson as a judge. That nomination has been withdrawn. In order not to interfere with the work of the Senate this afternoon, I desire to ask the Chair whether a unanimous-consent request to set aside the unanimous-consent agreement would have to be preferred in executive session, or whether I can prefer it now.

The PRESIDENT pro tempore. The Chair is of the opinion that by unanimous consent, as in open executive session, the Senator from Nebraska may prefer his request to revoke the unanimous-consent agreement.

Mr. NORRIS. Then I ask unanimous consent that the unanimous-consent agreement by which it was agreed that we should go into executive session at 3 o'clock this afternoon be set aside and revoked.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent, as in open executive session, that a unanimous-consent agreement heretofore entered into in executive session that the Senate shall go into executive session at 3 o'clock this afternoon be revoked. Is there objection? The Chair hears none, and it is so ordered.

Mr. HEFLIN. Mr. President, I only want to speak about two minutes. I want to call this matter to the attention of the Senate and the country.

I am not in favor of raids upon the Treasury. The Senator from Tennessee [Mr. McKellar] invited the attention of the Senate the other day to one item in the tax refund of Mr. Mellon of $6,000,000 to Mr. du Pont, one of the richest men in the Nation. He also called to the attention of the Senate the fact that he was unable to get any testimony in that case or any reason from the Secretary of the Treasury, Mr. Mellon, as to why this $6,000,000 was going to be given back to this very rich Republican.

The amount that the Senator from South Dakota [Mr. Norbeck] is asking for these sorely distressed farmers is about $6,000,000 and will bless and benefit several thousand farmers and their families; and yet Senators stand here and consume time and arraign those who look with favor upon this measure, which carries an appropriation of about $6,000,000 to aid the people in a drought-stricken area, a people who have been pillaged by high-handed banking carried on by the sanction of the Republican administration until they have almost become agricultural slaves.

Mr. President, I am going to vote for this appropriation. I am not going to withhold this aid from the people out there, and I want the Senate to grant them the money that is asked for.

One thing more: In this country we appropriate thousands and hundreds of thousands of dollars each year to destroy the foot-and-mouth disease amongst cattle, horses, and mules. Why, out in the State of Texas fine-blooded animals that have this disease are being slaughtered, and the Government is paying the men who own them in order to keep that disease from spreading amongst other cattle, the dumb beasts of the field. Will these two able and scholarly Senators continue to stand here and oppose the appropriation of money to aid human beings in distress who have been stripped of their substance and who are now so poor that they can not buy seed corn and seed wheat? This money is to be loaned to them, and the facts in this case justify us in making the loan.

Mr. FLETCHER. Mr. President, in order to prevent any confusion and to straighten the Record with reference to the amendment on page 3, line 11, I will state that a few days ago, following the word "nursery," there were inserted the words "and sugar cane," so that it would read "material or nursery and sugar-cane stock."

That amendment was adopted. The amendment, of course, had reference to Louisiana and Florida, because there is where this sugar cane is grown. So, in addition to the amendment which I offered a few minutes ago, following the word "areas" in line 12, to insert the words "in Florida," there ought to be added "and Louisiana," because the sugar-cane area has to do with Louisiana, and the other storm-stricken areas have reference to Florida and sugar cane also in Florida.

I therefore move that there be added, after the word "areas" in line 12, the words "in Florida and Louisiana."

The PRESIDING OFFICER (Mr. Robinson of Arkansas in the chair). Without objection, the amendment to the amendment made as in Committee of the Whole will be agreed to. The Chair hears no objection.

Mr. NORBECK. Mr. President, I have two more amendments.

I started to explain that after considering the Georgia situation, and the feeling on their part that there would not be enough money for them, I agreed, as far as I was concerned, that I was willing to take half a million dollars off the sum that was intended for the Northwest and devote it to Georgia. They feel, however, that that is not enough. They feel that they must have another half million dollars; so I have agreed, subject to the approval of the Senate—and I hope the approval can be granted—to offer an amendment to that effect.

Mr. SMITH. Mr. President, did I understand the Senator to say "in Georgia"? He meant in Georgia and South Carolina, I presume?

Mr. NORBECK. In Georgia and South Carolina; yes. Therefore I move that the figures "$8,100,000" which are now in the bill be changed to "$8,600,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from South Dakota to the amendment made as in Committee of the Whole.

Mr. HEFLIN. Mr. President, while the Senator has mentioned South Carolina and Georgia, I understand that the language is broad enough to include the other States in the cotton-growing area if distress should be found of the character contemplated.

Mr. TRAMMELL. Mr. President, I do not believe that it would include the other States.

Mr. SMOOT. I do not, either.

Mr. TRAMMELL. The purpose is to restrict it to those particular States where they have had a drought.

Mr. SMOOT. It specifically says so.

Mr. TRAMMELL. It names the States in which the drought occurred.

Mr. HEFLIN. Mr. President, there is a section in west Alabama that I think would come under this provision, or should come under it and I should like to include that, and add the State of Alabama. It would not be very much; but Congressman Oliver tells me that there is a place there that should be included.

Mr. NORBECK. I will include that in my amendment. May we have a vote on this one

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk. In line 7, page 3, of the amendment made as in Committee of the Whole, it is proposed to strike out "$8,000,000" and insert "$8,600,000."

Mr. NORBECK. We struck out "$8,000,000" the other day, and made it "$8,100,000," to take care of Louisiana.

The PRESIDING OFFICER. The Secretary informs the Chair that that amendment was not agreed to.

Mr. FLETCHER. No; the $500,000, in line 10, was made $600,000 the other day.

Mr. NORBECK. I see; but the sum was not enlarged. This will correct it then—to add the $600,000 to it.

The PRESIDING OFFICER. Will the Senator indicate where he desires the amendment to be made?

Mr. NORBECK. Yes; on line 7, page 3, strike out "$8,000,000" and insert in lieu thereof "$8,600,000."

The amendment to the amendment made as in Committee of the Whole was agreed to.

Mr. NORBECK. Mr. President, to complete the provision, where the amendment provides $1,500,000 for the cotton States, I move to change that to $2,500,000.

The amendment to the amendment made as in Committee of the Whole was agreed to.

Mr. NORBECK. In line 10, after the word "areas," I move to add "of Georgia, South Carolina, and western Alabama."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment agreed to as in Committee of the Whole as amended in the Senate.

The amendment as amended was concurred in.

The PRESIDING OFFICER. The question is on the third reading of the bill.

Mr. BRUCE. Mr. President, this bill though improved by amendment still wears a form which, I fear, justifies the belief that hereafter Congress, instead of dealing with one "pork barrel" bill, the river and harbor bill, may be called upon to deal with two.

The tendency of such measures is plain. In the past, at every session of Congress, different localities of the United States have come forward and claimed to be justly entitled to appropriations for deepening their harbors or for making their rivers more navigable, or the like. We all know to what log-rolling practices those applications for river and harbor improvements have led. They have constituted one of the great scandals of our national life.

What can the tendency of such a bill as this be other than that of inciting the different communities of this country to come forward, first one and then another, and to say, "We have been visited by Providence with a great natural casualty, a terrible drought has befallen us, or a fearful cyclone, or a violent hurricane," and so on throughout the gamut of physical disturbances.

Does the Senator from South Dakota think that South Dakota is the only State in the Union from which God at times withholds his rain? Does the Senator from Georgia or the Senator from Florida or the Senator from Alabama believe that his region is the only one that the Almighty ever afflicts with cloudbursts or hurricanes?

Never does the earth make a revolution around the sun that there is not a destructive drought or a destructive storm or a destructive movement of the air of some sort or other in some portion of the United States.

I grew up in the southern part of Virginia. How well do I recollect how heavily at times the hand of Providence rested upon that agricultural region. Now it was a drought, dwarfing and withering the tobacco plants until they were too spindling and sickly to be worth cutting. Now it was the malign river god that issued from the Roanoke River and carried devastation far and wide over its alluvial plains. But there was no appeal to Washington in either case.

Since I have been a citizen of the State of Maryland, have we not again and again suffered from cruel droughts, windstorms, and downpours of flooding rain? And what is true of us is true, of course, of every other State in the Union over which the skies of heaven arch. Is there to be an application to Congress for a loan every time that such natural phenomena occur? What I fear is that hereafter the number of applications for agricultural relief from the Federal Treasury will become more and more swollen from year to year until finally even inconsiderable convulsions of nature, even comparatively trivial visitations of Providence, will bring State after State to Congress for largesses in one form or another from the Federal Treasury that should be granted only to such exceptional situations as those created in Florida and Georgia by the recent hurricane.

I confess that I do not know whether there is any real ground for an application for relief by the people of South Dakota and North Dakota, such as is asked for by this bill; I leave that question to be determined by the Secretary of Agriculture. I do know that terrible suffering was caused by the hurricane to which I have just referred as having swept over parts of the States of Florida and Georgia, and which may, for all I know, have given a swish of its tail to the State of South Carolina. In view of the extreme conditions of distress created by that hurricane and the discretion reposed in the Secretary of Agriculture generally as to the measure of relief that may be accorded under the pending bill to other parts of the country I have decided to vote in favor of the pending bill; but with the hope that it may not lead to the abuses to which such bills can, unless Congress is very watchful, be only too readily perverted.

The VICE PRESIDENT. The question is on the third reading of the bill.

The bill was read the third time.

The VICE PRESIDENT. The question now is, Shall the bill pass?

The bill was passed.

The title was amended so as to read: "A bill authorizing the appropriation of $8,600,000 for the purchase of seed grain, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States, and for other purposes."

The preamble was stricken out.

BUREAU OF CUSTOMS AND BUREAU OF PROHIBITION

Mr. SMOOT. Mr. President, we are within a few minutes of 2 o'clock, and I had hoped that during the morning hour to-day we could take up Order of Business No. 1235, House bill 10729, a bill to create a bureau of customs and a bureau of prohibition in the Department of the Treasury. I ask unanimous consent that the Senate meet at 8 o'clock this evening for the sole purpose of considering that bill.

Mr. BRUCE. It is not possible for me to give my consent to that. I am very much interested in the bill, but I am strongly opposed to one feature of it, and will not be able to be here to-night because of circumstances over which I have no control whatever. So I can not give my consent to the request.

Mr. SMOOT. As far as I am personally concerned, I would not object at all to agreeing to the amendment the Senator desires to offer. I will say further that if the amendment should not be agreed to this evening, I would not ask for a final vote on the bill.

Mr. BRUCE. I am opposed to the bill, and I want to have an opportunity to discuss it.

FARM RELIEF

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, 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. 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	McKellar	Sheppard
Bayard	George	McLean	Shortridge
Blease	Gerry	McMaster	Smith
Borah	Gillett	McNary	Smoot
Bratton	Glass	Metcalf	Steck
Bruce	Goff	Moses	Stephens
Cameron	Gooding	Neely	Stewart
Capper	Gould	Norbeck	Trammell
Caraway	Harris	Norris	Tyson
Copeland	Harrison	Oddie	Wadsworth
Couzens	Hawes	Overman	Walsh, Mass.
Curtis	Heflin	Pepper	Walsh, Mont.
Dale	Howell	Phipps	Warren
Deneen	Johnson	Pine	Watson
Dill	Jones, Wash.	Pittman	Weller
Edwards	Kendrick	Reed, Pa.	Wheeler
Ernst	Keyes	Robinson, Ark.	Willis
Ferris	King	Robinson, Ind.	
Fess	La Follette	Sackett	
Fletcher	Lenroot	Schall	

Mr. JONES of Washington. I desire to announce that the Senator from Connecticut [Mr. BINGHAM] is necessarily absent on account of illness. I ask that this announcement may stand for the day.

Mr. ROBINSON of Arkansas. I wish to announce that the Senator from Missouri [Mr. REED] is necessarily detained from the Senate. I ask that this announcement may stand for the day.

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

Mr. FESS obtained the floor.

Mr. McNARY. Mr. President, will the Senator from Ohio yield to me?

Mr. FESS. Certainly.

Mr. McNARY. Through the courtesy of the Senator from Ohio I desire to avail myself of the opportunity to present a unanimous-consent agreement, which I ask the clerk to read.

The VICE PRESIDENT. The clerk will read as requested.

The legislative clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Thursday, February 10, 1927, at not later than 4 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 4808, the so-called McNary-Haugen farm relief bill, through the regular parliamentary stages to its final disposition; and that after the hour of 3 o'clock p. m., on the calendar day of Wednesday, February 9, 1927, no Senator shall speak more than once or longer than 15 minutes upon the bill or upon any amendment offered thereto.

Mr. BRUCE. Mr. President, may I say to the Senator that I hope he will make it Friday for the final vote?

Mr. McNARY. Very well; if that will suit the convenience of the distinguished Senator from Maryland, I am very happy to do it.

Mr. LENROOT. Is there any time fixed for the final vote?

Mr. McNARY. On Friday, with a limitation of debate after 3 o'clock on Wednesday.

Mr. LENROOT. But no further limitation?

Mr. McNARY. No.

The VICE PRESIDENT. The clerk will read the proposed unanimous-consent agreement as modified.

The legislative clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Friday, February 11, 1927, at not later than 4 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 4808, the so-called McNary-Haugen farm relief bill, through the regular parliamentary stages to its final disposition; and that after the hour of 3 o'clock p. m., on the calendar day of Thursday, February 10, 1927, no Senator shall speak more than once or longer than 15 minutes upon the bill or upon any amendment offered thereto.

Mr. MOSES. Mr. President, I would prefer Thursday instead of Friday, because I shall not be here Friday and I should like to vote in person against the bill. But inasmuch as I want the matter disposed of I shall not object. I am making this statement so that people may know my attitude regarding the bill, the Senator from Oregon [Mr. McNary] having thought from my pleasantries that I favored the measure.

Mr. KING. Mr. President, may I ask the Senator from Oregon if he would not be willing to have the vote taken on Saturday?

Mr. McNARY. I proposed Thursday, believing perhaps that day would conform to the pleasure of most Members of the Senate. On the suggestion of the Senator from Maryland [Mr. Bruce] and others I expressed my willingness to extend it to Friday. The Senator of course wants to expedite the business of the session and he must bear in mind that only a few days are left for other legislation. I hope the Senator will agree that by Friday sufficient time will be had for the presentation of the bill and amendments and the substitute.

Mr. KING. I do not like to object. Of course the bill is very obnoxious to me, and I shall vote against it.

Mr. McNARY. I appreciate that.

Mr. KING. I did not speak upon the McNary-Haugen bill when it was here before, but it does seem to me that a bill of so much importance and so revolutionary in character ought to receive more consideration at the hands of the Senate. Therefore, I suggested Saturday as the proper time for the final vote. I had hoped that my suggestion might meet the approval of the Senator from Oregon.

Mr. MOSES. No amount of time would suffice to state the objections to the bill, its fundamental errors, and structural defects, and the disaster which it is going to bring upon the farmers of the country and its authors; but inasmuch as our time is limited anyway, I do not see much reason for using up a lot of it in dealing with the measure.

Mr. KING. I think the more time we consume in debating the bill the better it will be for the country, because there are some other measures on the calendar and others that will come to the calendar which are just as unwise, and the less legislation we enact the better it will be for the country. I include in this statement the McNary-Haugen bill. If that measure were not enacted into law it would be better for the people of the country. However, if all other Senators assent to the agreement to vote, I shall not be the lone Senator to object, but it does seem to me that there is not ample time to discuss this very unwise measure.

Mr. BRUCE. I hope the Senator will make it Friday for the final vote.

Mr. McNARY. In deference to the Senator from Maryland, I have made that change with pleasure.

Mr. BRUCE. I thank the Senator from Oregon.

Mr. JONES of Washington. Mr. President, I was out of the Chamber and heard only the latter part of the proposed agreement read. May we have it read again?

The VICE PRESIDENT. The clerk will read the proposed unanimous-consent agreement again.

The legislative clerk again read the proposed unanimous-consent agreement.

Mr. JONES of Washington. It is not entirely satisfactory to me; that is, I do not like to have a definite time fixed for a final vote on a bill and amendments which may be offered immediately before 4 o'clock, leaving no time to discuss them; yet considering the situation and the character of the bill and the fact that beginning on Thursday there is a time limit of 15 minutes for debate on amendments and on the bill, I shall not object, though ordinarily I would object.

Mr. MOSES. Possibly the Senator from Oregon will further modify the proposed unanimous-consent agreement by letting it go with the limitation of debate beginning on Thursday and then take the vote whenever it may be reached.

Mr. ROBINSON of Arkansas. Mr. President, may I suggest in this connection that I think the proposal ought to prevail and that it will be convenient for Senators to have a definite time fixed for the vote? A number of Senators are ill. Some of them might be able to arrange to be present at the time of the vote. I know some of them desire to do so, because they have told me that they wish to be here at that time. In this case I am in favor of fixing a definite time for the final vote if it can be arranged.

Mr. MOSES. That is the idea I had about it.

Mr. McNARY. Is there objection to the unanimous-consent agreement?

The VICE PRESIDENT. The roll call having disclosed the presence of a quorum, a further call will, without objection, be dispensed with. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is entered into.

The agreement is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That on the calendar day of Friday, February 11, 1927, at not later than 4 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 4808, the so-called McNary-Haugen farm relief bill, through the regular parliamentary stages to its final disposition; and that after the hour of 3 o'clock p. m., on the calendar day of Thursday, February 10, 1927, no Senator shall speak more than once or longer than 15 minutes upon the bill or upon any amendment offered thereto.

Mr. McKELLAR. Mr. President, perhaps overshadowing all issues in the Congress at this time is that pertaining to the agricultural situation, the crux of which is the contention of farm interests that the United States Government evolve a process by suitable legislation whereby stabilization of prices of farm staples be assured. I believe such legislation would be in no sense more paternalistic than the tariff is for the manufacturers, or the regulation of rates is for railroads and telegraph and telephone companies, or the Federal reserve system is for banks and commercial interests.

One of the conspicuous spokesmen for the American farmer is Hon. Frank O. Lowden, formerly a Member of Congress and Governor of Illinois. Mr. Lowden is both a farmer and a man of large business affairs, as well as a deep student of economic and social subjects.

Recently Governor Lowden has published his views on this important subject, and I ask that they may be printed in the Record.

The VICE PRESIDENT. Without objection, leave is granted.

Mr. Lowden's address is as follows:

The triumphs of this industrial age have been brilliant beyond anything known in history. The industrial structure becomes more imposing all the time. It rests in its entirety, however, upon the earth and what the earth conceals. Not only are the natural resources of a nation named first by economists in measuring the potential wealth of a nation, but the statesman finds that quarrels between nations over natural resources have been a fruitful cause of war.

Most important of all natural resources is the common brown dirt from which all vegetation springs. When, therefore, agriculture suffers, the problem presented is in no sense a class or sectional one, but the problem of all the people and all sections of the country. I know there has been a disposition in industrial and commercial centers to minimize it or altogether brush it aside. It is very hard when we see the proofs of prosperity about us to realize that this state of things does not exist everywhere. The fact is, however, that as to agriculture the situation is grave, indeed. As stated by the National Industrial Conference Board, which recently made a study of the agricultural problem:

"American agriculture appears to have fallen out of step with the general economic development of the country. While it has become inseparably involved in the network of interrelationships with a more and more highly organized system of industry, trade, finance, transportation, and governmental activities, it has so far not developed effective means for adjusting itself to this new situation. It appears to have made this adjustment in recent years largely through sacrifice of its capital assets and through sacrifice of the soil resources of the Nation."

In the evolution of agriculture since the early days when the farm was a self-sustaining home and little more commercialized farming has taken the place of pioneer farming. Only under a system of commercialized farming are the farmers of the country able to produce enough to feed and clothe the constantly increasing population of our cities and towns. We hear much these days of the inefficiency of the American farmer, but let the figures attest how far this is from the truth. The Yearbook of the United States Department of Agriculture is authority for the statement that in this country are found less than 4 per cent of the farmers and farm laborers of the world; and yet American farmers produce nearly 70 per cent of the world's corn, 60 per cent of the world's cotton, 50 per cent of the world's tobacco, 25 per cent of the world's oats and hay, 20 per cent of the world's wheat and

flaxseed, 13 per cent of the world's barley, 7 per cent of the world's potatoes.

In the simpler age of agriculture cost of production did not concern the farmer much and a balance sheet was unnecessary and unknown to him. To-day the farmer is a business man, bound by the laws which operate in other business fields. His cash expenditures are large. If he is to produce enough food and clothing for the teeming millions in the industrial centers, he too must employ industrial methods in production. Furthermore, the social needs of his community have required better drainage, roads, and schools, and all these have entailed a further burden upon him in the form of taxes. He is a producer no longer for himself mainly, but to supply the needs of this industrial age. The surplus which he produces is now the important thing.

Cost of production is becoming as vital a question with the farmer as with the manufacturer. Yet, when he complains that he is not receiving cost of production for the things he sells, he is told that the prices of farm products are controlled, not by the cost of production but only by the law of supply and demand. Does it not follow, if we are to insure future adequate supply of food and clothing, that some way must be found by which the producers of these prime necessities can secure at least the cost to them of producing them? Under present conditions we have this anomaly: The farmer is not nearly so likely to suffer from a short crop as from a bumper crop. As Professors Ely and Morehouse, in "Elements of land economics," recently published, say, "A general good season may bring a bumper crop, a fact that is heralded by the metropolitan press as a sign of the prosperity of the farmer and of the Nation. As a matter of fact, a bumper crop usually brings ruinously low prices."

The farmer is always confronted with this dilemma: If he produces too little, men and women and children in the cities will go hungry; if he produces too much, the surplus may break the price he receives for his product to a point where it would have been better for him if he had let his fields lie fallow throughout the year. Those who tire of the farmer's complaint say he must adjust his production to the probable demand, just as industry does.

While no doubt progress can be made through farm organization better to coordinate supply with demand, he can not avoid the occasional surplus. The fact is the farmer must always plan to raise more than just enough if the world is to be fed and clothed. That is why a reasonable carry over from season to season is regarded by the commercial world as necessary if we are to have a feeling of security for the coming year.

A surplus, therefore, of the stable products of the farm is inevitable and necessary. The nation that holds this surplus is the richer for having it. Industry can plan the better for the future if it knows in advance that we shall have enough of food and raw materials. The farmer asks why, if this occasional surplus is a good thing for everyone else, it should result in a loss to him?

It is clear that the great agricultural plant of America has been running down at a dangerous pace. While this affects the farmer deeply it also involves the very life of the Nation. People who live in the cities are inclined to interest themselves only in the immediate price they have to pay for food. They are not concerned as to whether or not the farmer receives enough to enable him to go on producing, though they should be vitally interested. For, if the farmer does not receive an adequate price, two things will surely happen which are of vast concern to the people of the United States. In the first place, no one can go on indefinitely producing, whether manufacturer or farmer, unless he receives at least the cost of production for the thing he sells. If it be the farmer, the result will be fewer farmers, and already this is happening. A report recently issued by the Department of Agriculture states that the farm population was reduced by over a half million during the last year. This trend can not go on long before there is a shortage of food, with abnormal and unnecessary high prices to the consumers of food.

The second result would be the gradual depletion of our soil and that is even more disastrous. When agriculture is depressed rapid depletion of the soil inevitably follows. The fixed charges of the farm do not materially change, whether he has his total acreage in cash crops or only a part with the remainder in clover or some other soil-building legume. He furnishes for the most part his own labor, his taxes remain the same, his interest charges are the same, his equipment does not greatly vary. Therefore, when the prices are low, he must increase his acreage of cash crops in order to meet his cash outlay, though he may know that his land needs nitrogen, phosphorus, or lime. These cost money and he defers employing them to a more prosperous year. As I said, the great agricultural plan of America has been running down for many years, but never so rapidly as during the last five years of relatively low prices for farm products.

The tendency in America for the last quarter of a century has been toward stabilized prices save in agriculture alone. This does not mean that the law of supply and demand does not still operate, but only that elsewhere an effort is being made to anticipate the operation of that law by determining upon prices which will need adjustment as seldom as possible. In agricultural products, however, the swing of prices in recent years has been more violent than before. To illustrate: According to the Department of Agriculture, during the years 1923, 1924, and 1925, the price of hogs fluctuated about 100 per cent, but the price of pork products fluctuated only one-third of this. During the same period the price of wheat fluctuated 100 per cent but the price of bread to the consumer fluctuated less than 5 per cent. Does any one believe for a moment that the consumer received any benefit from the low prices which the farmers received during a part of this time? Is it not entirely probable that if the price of hogs and wheat had been stabilized somewhere near the cost of production, the consumer would have paid lower prices for his bacon and his bread during all that time?

If there were not surpluses some years, as I have indicated, there would be a deficiency in others and the world would be lacking in sufficient food and clothing. If, however, the farmer alone must bear the crushing burden of a surplus under the slow operation of economic laws, the time will come when there will be no surpluses and the world will go hungry and but partly clothed. In the interest, therefore, of society as well as the farmer we must contrive some method by which the surpluses of the very essentials of life shall become a benefit to him who produces them and not a burden. The problem is how to attain this object.

It is clear that the individual farmer can not do this, but if the producers of any farm commodity were completely organized, it is conceivable they might accomplish it. Organization of farmers for the purpose of marketing their crops collectively is progressing. I believe that some day it will cover the entire field. Wherever cooperative marketing is farthest advanced either in the United States or abroad, there you find agriculture in its best state, violent fluctuations in the markets eliminated, better prices to the producers without an increase in cost, and sometimes with an actual decrease to the consumer, a more intelligent effort to adjust production to probable demand, and a finer and more satisfying community of life.

Other nations have had the problems of a surplus of natural products and have set about trying to solve it. At the close of the war Australia and New Zealand found themselves with a vast quantity of wool on hand. This threatened the demoralization of the wool markets of the world. The British Government interested itself and effected an organization of the powers for the purpose of taking charge of this huge carry over. As a result the disaster which came to other producers of farm commodities was averted and the price of wool reasonably stabilized. I will let Commerce and Finance, a New York publication, explain the lesson to be learned from this:

"In the first place," this publication says, "it demonstrates conclusively that there are situations in which it is not only possible but desirable to interfere with that sacred cow of business fundamentalists, the law of supply and demand. Not only was this control a boon to the wool growers, but it was also a distinct benefit to the whole world to have a stabilized wool market. The chief trouble with the law of supply and demand is that it is accepted by many not as the veriest economic truism, but as a sacred precept handed down from Mount Sinai. It is no more sensible to shake our heads sadly at attempts to oppose it than it is to talk of the folly of hospitals because they violate the law of the survival of the fittest. If violations of the law of supply and demand can give us stabilized markets to the benefit of all concerned, then the attitude of economic fatalism appears to be the height of absurdity."

A few years ago the coffee growers of Brazil were in dire distress. Unrestricted competition among them threatened to bring bankruptcy. The nation saw that only by centralized selling for exports could they hope to adjust the supply to the world's demand. To effect this they adopted a somewhat intricate plan called "valorization," and this has resulted in stabilizing the coffee markets of the world, with a living price to the producer. Later the rubber planters in the eastern colonies of Great Britain were well-nigh bankrupt because of the low prices they were receiving for their rubber. They succeeded in interesting the British Government in their troubles and a plan was worked out to adjust the supply of rubber in the markets of the world to the actual demands of commerce. The price of raw rubber has greatly increased and these far-off colonies are among the most prosperous portions of the British Empire.

The American farmer is a large consumer of coffee; he is interested in rubber, too, for he is obliged to use automobiles and trucks in his business. When he complains of the high price he pays for coffee and tires, he is told that it is due to the way in which the Brazilian Government and the British Government have interfered with the law of supply and demand. He begins to doubt if that law is either so potent or so universal in its application as he has been taught to believe.

I am not advocating any of these plans. I do think, however, that just as Australia found a way to take care of her huge wool surplus without bankrupting her farmers, and Brazil a way by which her coffee surplus is no longer a menace, and England a method by which her rubber surplus no longer paralyzes the rubber-growing industry, so we in America may, if we will, find a means of taking from the back of the American farmer the burden of his surplus.

It is doubtful, however, if the cooperatives of the staple farm products are ever sufficiently organized to take care of this ever-present problem of surplus unless a way be found by which the cost of handling

the surplus is borne equally by all producers of the particular commodity.

Some of us have thought we have seen an analogy between the occasional surplus of staple farm crops and the surplus credit resources of the banks before the adoption of the Federal reserve system.

The resources of the banks as a whole were adequate for the business of the country as a whole. But it frequently happened that an unusual demand at some particular place exceeded the resources of that community, while in other sections there were ample credit resources in excess of their need. The Federal reserve system was designed, among other things, to mobolize the credit resources of those banks which had a surplus, and employ them where the credit resources were deficient. It sought to do in reference to space with surplus credit resources what should be accomplished in reference to time with the occasional surpluses of the farmer.

We have, therefore, suggested a Federal farm board. We have proposed that such board be vested with power to inquire into certain facts. Those facts are: Is there a surplus of some basic farm product? Does this surplus depress the price below cost of production with a reasonable profit? Are the growers of that product sufficiently organized, cooperatively, as to be fairly representative of all the producers of that product? If the board finds that all of these questions must be answered, "Yes," it is then empowered to authorize the cooperative to take control of the surplus. The only aid from the Government which the cooperative would require would be that the Government should distribute (in the form of an advance) among all the producers of the particular commodity the cost to the cooperative of handling the surplus.

Neither the Government nor the Government board would determine the price. Nor would even the cooperative itself fix the price in any other sense than industry generally determines prices. It, like every other industry, would study all the conditions affecting the particular commodity and from time to time decide upon a price which conditions would seem to warrant. It would merely enjoy the advantages which come from organized selling.

I outlined such a program more than a year ago. Suppose it had been adopted then and now in operation, what would have been the result?

I will take cotton as an illustration, because the cotton situation has lately been uppermost in the public mind. The cotton cooperatives of the South in 1925 handled something like 8 per cent of the cotton produced, and yet they exercised a marked influence upon the price of cotton for the year. The trouble was that though they exercised this influence by withholding from the market, thus improving the price levels, the nonmembers received the full benefit of this policy without bearing any of the cost.

If, however, the growers had been persuaded that the cooperatives could reasonably stabilize the price of cotton through the possession of power to distribute the cost of carrying this surplus upon all the producers, the majority of them, I believe, would have joined. The cotton cooperatives then would have been in control of the situation, and last summer (in 1926), when it was apparent that the crop would be somewhat larger than needed for the year's consumption, they would have invited representatives of the spinners into a conference. They probably would have agreed upon a fair price, for the spinners are not so much interested in a low price as in a stable price. The cooperatives could easily maintain that price for they could take the surplus out of the market, knowing that the cost of carrying it would be distributed equally among all the producers.

The mere power of the cooperatives to do this, without buying a bale of cotton, would in itself, in the opinion of experts, virtually accomplish the result. The money needed for this would be largely raised through regular banking channels upon warehouse certificates. If necessary, the Government could safely lend the remainder. Its security would be perfect, for any loss sustained for the cooperatives would be exactly covered by the levy made upon the entire production of cotton for the year. The producers, when fully informed, would be glad indeed to pay this charge, which would be negligible in comparison with the increase in price they would receive.

Experience in other industries has shown that the producer and the consumer are both best served as prices tend to become stabilized. Progress in an industry is measured by its approach to stabilization of price. Wide fluctuations in the price of any commodity always result in a loss to the producer and consumer alike.

Every civilization is conditioned upon its food supply. In all ages famine has been the most destructive enemy of mankind. We in America with our broad acres of virgin lands, feeding our own people easily, are likely to overlook the vital significance of agriculture in the life of a nation. These virgin lands, however, already have largely come under the plow. Our population is steadily increasing and will continue to increase until the limit of our ability to feet it is reached. As the National Industrial Conference Board says in the report already referred to:

"The area of land abundance has gone. The Nation as a whole must in the future take thought regarding the conservation and wise utilization of its irreplaceable land resources, which are the basis of our economic life."

It is clear that in a short time, as history counts time, we shall be pressing upon our own means of subsistence. When that time comes, where shall we secure our food? Some one may say in Canada or Australasia or South America or South Africa or Russia, where virgin lands are being opened up. If the best authorities on the subject are right, the population in everyone of these newer countries will, in 75 or 100 years, be consuming all the food it can produce.

So at last it is the soil and its fertility which set a limit to national growth. The products of industry may multiply indefinitely. To-day the workingman enjoys luxuries denied a king a hundred years ago. Science and invention are busily engaged in suggesting new wants to man and then supplying them. We are spending uncounted millions upon luxuries of which our grandfathers never dreamed. If it were not for one limiting factor, no one can say to what heights this industrial era in which we live might go. That limiting factor is the raw materials that come from out the earth. Most important of all these is food. Nature sets a boundary to the vaulting ambitions of man in the limit of her food supply.

As I have pointed out, the time is approaching when no nation can maintain a population beyond its ability to feed it from its own soil. The problem of to-day and to-morrow is to balance agriculture with industrial progress. It was thought formerly that a nation was secure only in time of war if it were able to feed its own people unless it, too, was mistress of the seas. It now becomes more and more apparent that a nation is only secure in time of peace as well when it is able to feed itself. Agriculture, therefore, henceforth must be the chief concern of any nation which would nourish and endure.

Mr. HARRISON. Mr. President, Hon. A. H. Stone, a very prominent planter in my State, and a man of exceptional ability, has been in Washington for some days studying the McNary-Haugen bill in connection with an insurance feature which will be offered as an amendment to the bill. He has analyzed the bill in that connection, and I desire to have the analysis made by him printed in the RECORD. I ask unanimous consent that it may be printed at this point.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

[S. 4808]

The McNary-Haugen surplus control bill as reported from the Senate Committee on Agriculture and Forestry January 24, 1927, and amended to include the Bledsoe plan of stabilization by price insurance; analyzed as to its general provisions but with particular reference to its application to cotton.

PURPOSES

To promote the orderly marketing of basic agricultural commodities, to make possible the control and disposition of surpluses, to enable producers to stabilize markets against undue and excessive fluctuations, to reduce speculation and waste and to encourage the organization of cooperative marketing associations.

This declaration of policy in section 1 begins and ends with a recognition of the necessity of promoting orderly marketing by cooperative associations as a means of accomplishing the purposes contemplated in the bill.

SET-UP

The bill creates a Federal farm board to act as a central agency in Washington for promoting the purposes of the bill in the manner indicated later in this analysis. This board shall consist of the Secretary of Agriculture and of one member from each of the 12 Federal land bank districts who shall be appointed by the President subject to Senate confirmation, as follows:

The bill provides for a nominating committee in each of the 12 land bank districts to consist of five members; one member of each committee to be named by the Secretary of Agriculture and four members to be named by the bona fide farm organizations and cooperative marketing associations in each district at a convention called for such purpose. The committee is to continue as a permanent feature of the general set-up. Each nominating committee shall submit to the President the names of three individuals from which the President may select a member of the Federal farm board for such district. The terms of office for members shall be six years, the first appointments to be so designated as to allow the expiration of the terms of one-third of the members every two years. Members of the board shall be American citizens, shall engage actively in no other business, and shall receive salaries of $10,000 per annum. The board shall keep advised as to agricultural conditions at home and abroad, with special reference to actual or potential crop surpluses and shall advise with cooperative associations and other farm organizations with a view to assisting them to receive the maximum benefits of this act.

ADVISORY COUNCIL

Section 7 of the bill directs the board to create for each designated basic commodity an advisory council. Each council shall consist of

seven members selected by the board annually from lists submitted to it by such cooperative associations and other farm organizations as may be determined by the board to be representative of the producers of such commodities. Members of such advisory councils shall receive a per diem and expense but no salaries, and shall meet at least twice a year. Each commodity council shall have power to confer with the farm board on all matters related to its commodity. Special reference is made to the time and manner of operations in any commodity and to the amount and manner of collection of equalization fees.

MARKETING ASSOCIATIONS AND OTHER FARM ORGANIZATIONS

Throughout all of its recitals of powers and duties the bill recognizes in specifically repeated terms the essential part to be played by marketing associations and other farm organizations in any and every effort of the board to give effect to the remedial provisions of the act. The activities of the board are so closely hedged about and safeguarded and made so definitely dependent upon local, regional, and commodity sanction and initiative as to remove any reasonable ground whatever for apprehension of a centralization in Washington of undue power or control over any branch of American agriculture. Beyond the scope of its advisory functions, the board may be said to have no active authority other than that which it acquires by specific delegation from the producers themselves. Such powers as are granted to it under the bill are purely potential in character and remain dormant until called into activity by specific warrant from those who would invoke their aid.

OPERATIONS

The foregoing statement is amply justified by a consideration of the manner in which the board may operate as indicated generally in the bill and specifically set out in section 6. Before any action can be taken by the board other than that of studying conditions and advising with farm organizations the following things must definitely occur:

1. The board must find that there is or may be during the ensuing year either a surplus above the domestic requirements for wheat, corn, rice, or swine, or a surplus above the requirements for the orderly marketing of cotton. The term "surplus" as used throughout the bill clearly contemplates operations for the control and disposition of surpluses in any basic commodity, whether arising through rapidity of delivery during the harvest season or arising from an annual or accumulated overproduction in any such commodity.

2. The commodity advisory council of seven members described above must "favor the full cooperation of the board in the stabilization of the commodity" in question.

3. "A substantial number of cooperative associations or other organizations representing the producers of the commodity" must also favor the full cooperation of the board.

4. The board must publicly declare its findings and must fix and publish with such declaration the date upon which it proposes to begin the operations authorized by the act. This guarantees full publicity to any action of the board before it is undertaken.

5. Any decision by the board relating to the commencement or termination of the operations authorized in the manner above detailed shall also require the affirmative vote of a majority of the appointed members in office. This excludes the Secretary of Agriculture, a member ex officio, from any voice in such decision and requires the majority action of the members selected by and for the producers themselves.

6. But even the total of all the above requirements is not yet sufficient to authorize the board to act. The majority vote just indicated must also include such members of the board as represent Federal land-bank districts which in the aggregate produced during the preceding crop year, according to the estimates of the Department of Agriculture, more than 50 per cent of the commodity under consideration at the time.

After all these provisions have been specifically complied with and the board has been thus formally empowered to proceed with its operations, what may it really do as contemplated under the terms of the bill? Of itself, it can do absolutely nothing. The extent of all the power conferred upon it by the bill and brought into existence by compliance with the procedure here set out is a mere grant of authority to the board to enter into agreements with others for the purpose of carrying out the policy declared in section 1 of the bill; that is, to promote orderly marketing, to stabilize markets against undue and excessive fluctuations, to control and dispose of surpluses, to reduce speculation and waste, and encourage the organization of cooperative marketing associations. And with what agencies may the board make such agreements? The bill limits this also and confines such agreements to cooperative marketing associations or to corporations created by such association or to the processes of the commodity in question. There is but one exception to this limitation. Where the board is of the opinion that there is no such association or corporation capable of carrying out such agreements, in such case only it may agree with other agencies. This exception would not apply in the case of any basic commodity enumerated in the bill. In other words, the bill limits the operations of the board to agreements with the producers of the commodity to assist such producers in such effort as may be agreed upon to promote the purposes of the act. The English of the proposition is that the bill allows the board to cooperate only with the producers and only after the producers themselves have specifically set in motion the machinery of such cooperation.

FINANCING OPERATIONS

FEES AND FUNDS

The operations which may be agreed upon between the board and the associations or other farm organizations are to be financed in two ways. There is a fee to be collected on each commodity, out of which there is to be established a so-called stabilization fund for such commodity. There is also a direct appropriation from the Federal Treasury of $250,000,000 to be used and administered by the board as a revolving fund, as directed in the bill. The board may make loans from this fund to cooperative associations engaged in such stabilizing operations as may be mutually agreed upon. Such loans shall be repaid to the revolving fund from the stabilization fund of the commodity concerned in the particular operation.

Every operation authorized by the bill and provided for by specific agreement of the board is made in furtherance of the general interest of a particular commodity, and may be put into effect only at the instance of the producers of such commodity. There are a few broad general purposes common to all agriculture which may justify the grant of a general appropriation, as in the case of the revolving fund in the present bill. But specific operations and transactions, necessarily at the outset of a more or less experimental nature, should be financed by the commodity for the special benefit of which such operations are undertaken. It would be manifestly unfair to call on wheat to finance an operation in cotton, and vice versa. In other words, each commodity should bear its own burden and pay its own way though all of them may use the Federal farm board as a common medium, a sort of agricultural clearing house, by means of which the results of the experiences and operations of each commodity may be made available to all the others. Therefore, it is logical and sound that each commodity should have its own stabilization fund built up, maintained, and replenished from the equalization fees contributed by such commodity.

The board is authorized to determine the amount of each commodity equalization fee and to prescribe the manner of its collection. But no fee shall be fixed until the board in the manner described above has commenced operations in the commodity. The fee may be collected either on the transportation, processing, or sale of the commodity. An exception is made in the case of cotton in order that there may be no collection of the fee at the gin. It must be collected on cotton, either at the time of sale or in transportation after sale.

OPERATING AGREEMENTS

The agreements which may be made between the board and the associations or other farm organizations may provide for—

1. Removing or disposing of a surplus in any basic commodity.

2. Withholding or carrying such surplus.

3. Insuring such commodity against undue and excessive fluctuations in market conditions.

4. Financing the purchase, storage, sale, or other disposition of the commodity.

These agreements may be entered into only after the board has begun operations in the particular commodity covered by the agreement. There is, however, one contract which may be made by the board at any time, without all the preliminaries antecedent to commencing its other operations. By amendment to section 12 the board is authorized to contract with any cooperative marketing association, to insure such association for one year against decline in the market price of its particular commodity between the time of its delivery and its sale. For such insurance contract the association shall pay to the board such premium as may be agreed upon as being sufficient to cover the risk of the transaction. This is one of the Bledsoe amendments and was worked out by Mr. O. F. Bledsoe, president of the Staple Cotton Cooperative Association, of Mississippi. The proposal is based upon actual statistics of spot-cotton sales in New Orleans. The figures show that the proposition is sound beyond question for cotton. It is based upon the showing that the average price of middling cotton in New Orleans during the four months which constitute the delivery period, September to December, inclusive, is less than the average price of the same cotton during an annual selling period from September to August, inclusive. This was found to be true for 16 years out of the 20 covered by the investigation, 1905 to 1925. The four years showing a departure from the rule were years for the course of which there was an entirely reasonable explanation. This means that there is very little risk attached to such form of insurance in the case of cotton. In fact, this commodity has been declared by insurance experts to present a legitimate risk from the standpoint of commercial insurance. The only trouble commercially is presented by the insurance laws of the various States. This form of operation could be undertaken by the board in such commodities as presented proper statistical data as a basis of premium agreement. Experience would have to be relied on for the safe extension of the operation to the various commodities.

It should be kept clearly in mind that this is not in any sense or form an insurance of profit nor an insurance against loss. The only thing which may be insured is the price at delivery. This price may or may not mean a profit to the producer who makes the delivery. That is a matter entirely outside the terms of the insurance agreement.

Using cotton for purposes of illustration, as we already have the experience tables for this commodity, we may briefly consider the matter from the standpoint of the benefit of such price insurance to cooperative marketing, to promote which is declared to be one of the chief aims of the bill. The primary problem of market stabilization is that of securing control of a sufficient portion of the crop concerned. The cotton cooperatives could exert a very great influence on the situation as to cotton if they could control the commodity. They handle only about 10 per cent of the crop. And the reason is well known. It is primarily a matter of prompt liquidation. The grower needs his money immediately upon the delivery of his crop. As the matter now stands, he can get his money only by sacrificing his cotton at such price as he may be able to obtain at the moment.

Thousands of cotton growers do this, and the disastrous results constitute one of the agricultural situations sought to be remedied by this bill. With the price-insurance contract from the Federal farm board the cooperative association could negotiate a loan from commercial banks up to 85 or 90 per cent of the value of its commodity. Couple this with the assurance that any advance in price would accrue to the benefit of the cooperative member and these associations would be in position to render such a service as is now wholly beyond their power to offer. The inevitable effect would be the promotion of those results which the bill seeks to accomplish. A more direct and definite means to an end can scarcely be conceived. It may be again stated that this form of contract may be made by the board at any time, because it involves the payment by the cooperative association of an insurance premium and is therefore not dependent upon an equalization fee or a stabilization fund.

The other amendment covers another Bledsoe proposition. This is insurance against price decline, coupled with reimbursement for fire insurance, storage, and interest. Under this agreement with the board the cooperatives could offer their members price insurance and also the cost of carrying the commodity from delivery to sale. The acceptance of this feature of the bill is justified upon the broad principle that the cost of removing the weight of a surplus from the market and of carrying it through the period of its orderly distribution should be borne by the entire commodity concerned rather than be imposed only upon that portion of it which is thus carried and distributed. This, of course, is grounded still further back upon the admitted fact that the portion of the commodity which is individually sold, instead of being marketed through an association, gets the benefit of a market from which has been lifted the weight of that portion of the commodity carried by the association. Any profit which might accrue through an advance in price between delivery and sale would accrue to the marketing association and be by it distributed to its members. No charge of discrimination in favor of the cooperatively sold portion of a commodity as against that portion sold by the individual can be fairly made under this plan. The individual seller operates in a market from which the cooperative cotton has been removed and competition thereby reduced; and the individual seller makes his own choice of methods and markets. He makes his own decision between selling individually and selling cooperatively.

This feature of the bill is of itself amply sufficient justification for the equalization fee for creating a stabilization fund from which to meet the cost of the stabilizing operation, which, in this instance, is carrying the commodity through the period of its orderly distribution for the benefit of the entire commodity concerned. For it should be borne in mind that this agreement—price insurance plus carrying-cost reimbursement—can be had only when the board is operating in the commodity and collecting an equalization fee.

The foregoing analysis covers the outstanding features of the bill and discloses the voluntary nature of its operations as well as making clear the safeguards with which such operations are surrounded.

A. H. STONE.

Mr. WALSH of Massachusetts. Mr. President, I ask permission to have printed in the RECORD an editorial from the Boston Post protesting against the enactment of the McNary-Haugen bill.

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

HAUGEN BILL WILL TAX ALL IN UNITED STATES—PUBLIC LEVY OF $250,000,000 TO BE USED TO INCREASE PRICES OF FARM PRODUCTS THEY CONSUME

By John Bantry

The McNary-Haugen farm relief bill is expected to pass both the House and Senate within a few days.

Political logrolling on a scale rarely before attempted in Congress will give this bill a majority. Many Senators and Representatives who thoroughly disbelieve in the principles of the bill will, nevertheless, be compelled to vote for it. The South has been won by the inclusion in the bill of cotton and tobacco.

How many people realize that this bill, supposed to be in the interest of the farmers, actually guarantees to the big packers, Armour, Swift, and the others, a profit on every pound of pork, ham, and other pork products handled by them?

How many know that this bill guarantees a profit to millers—all the big concerns who turn wheat, corn, and rice into flour, meal, and cereals?

How many housewives realize that this bill will raise the price of flour at least a dollar a barrel and possibly as much as $2 a barrel? Bakers say it means an increase in the price of bread of at least 2 cents a loaf and possibly as much as 5 cents.

PUBLIC TAXED TO RAISE PRICES

How many men realize that the inclusion of tobacco in the bill will automatically raise the price of cigars, cigarettes, and tobacco?

And, most important of all, the consuming, tax-paying public will be compelled to contribute $250,000,000 for the purpose of raising food prices. The taxpayer pays not alone the increased cost of living, but actually pays the expense of raising it.

This preposterous bill will put a dent in the pocketbook of every consumer in the country.

Briefly, the McNary-Haugen bill designates wheat, corn, rice, swine, cotton, and tobacco (if tobacco is finally included in the bill) as "basic agricultural products" entitled to the protection of the bill.

Under the provisions of the bill, whenever a surplus exists in any or all of the above products which will tend to depress prices below a figure which would not yield a "satisfactory market to producers," the Federal farm board shall buy up the surplus and either store it for later sale or sell it abroad for what it will bring in a foreign market.

PRODUCERS TO CONTROL BOARD

The complete control of the Federal farm board which administers the bill is in the hands of the producers. The President is compelled to appoint the 12 members of the Federal farm board from a list of names of 36 men, all nominated by farmers and cooperative associations of farmers. Consumers are entitled to, and will get, no representation at all.

The decisions of this board of producers are subject to no review. Neither Congress nor the President has any control over their findings.

The bill carries an appropriation of $250,000,000 to enable the board to start buying up surplus crops at once as soon as organized.

CAN ADD OTHER FARM PRODUCTS

While the bill is at present restricted to wheat, corn, rice, swine, cotton, and tobacco, it contains provisions which make it possible to include every food product grown in the United States.

As soon as the bill goes into effect every raiser of wheat, corn, rice, cotton, swine, and tobacco can proceed with the certainty that no matter what the size of his crop is he will be certain of a reasonable profit. The same guaranty applies to the packers, as far as swine are concerned, and to the millers.

After the first year for which the $250,000,000 is appropriated the cost of buying up the surplus will be met by an "equalization fee," which, according to the promoters of the bill, will be paid by the producers. But the bill (except for cotton) makes no provision for putting the cost on the producers. It states definitely that the "equalization fee" shall be collected, not from the producer, but either from the transporting agent (the railroads), the reprocesser (the packer or miller), or the seller (the wholesaler).

So it is plain that it will be the consumer who pays the equalization fee. The railroad, the packer, the wholesaler won't pass it back to the producer; they will pass it on to the consumer. So the final buyer will pay the fee, just as the taxpayer will pay it the first year.

It will be like the gasoline tax. Theoretically, it is paid by the producer or the wholesaler, not collected from each individual buyer of gasoline. But does anyone doubt that if a gasoline tax of 2 cents a gallon is put into effect here that the buyer will pay it? The wholesaler won't pass it back to the producer; he will pass it on to the buyer.

Not a cent will ever be collected from the agricultural producers for the "equalization fee."

SAY THERE MAY BE NO SURPLUS

But, say the promoters, of the bill, maybe there will be no surplus at all in these basic products.

There is always a surplus of wheat and a surplus of swine. Every year we raise far more than enough of these things for domestic consumption. There is a great surplus of cotton to-day. So these three products will come in at once for price stabilization.

Rice was put into the bill only as a vote catcher to get votes in Louisiana, Mississippi, and some other States. The rice crop is small; less than the peanut crop.

In recent years there have been surplus tobacco crops in spite of the increased demand. It is the same with corn.

The point to be remembered is that the Federal farm board, all of them representatives of the farmers, can set the price of these various commodities at what they choose. The only test is "satisfactory market conditions." The board can raise the price by buying up the surplus until enough is purchased so as to assure the producers a "satisfactory" market for their products.

TO BE SOLD CHEAPER ABROAD

Undoubtedly much, if not all, of this surplus will be sold abroad. That means that consumers in foreign countries will be able to buy foodstuffs at a cheap price. This should certainly lower the cost of living in England, France, or whatever country imported the surplus.

It is possible that protests from the food-raising Dominions might cause England to prohibit the dumping of American food. France might bar it as unfair to her own food raisers. The same with Germany or other countries.

It may seem a far-fetched assumption, but it is certainly possible that we may be forced to destroy millions of dollars in food products to keep the prices up.

WOULD HURT NEW ENGLAND INDUSTRIES

Then again, where will cotton industries, both in New England and in the South, come out if the Federal farm board dumps its surplus cotton in England at a low price? That would be a godsend for the English manufacturers. It would clinch the trade of the world, outside America, for them. American mills, forced to pay high prices for cotton, could not sell their goods in foreign markets in competition with the English mills.

The possibilities of trouble in this bill are endless.

The promoters claim that it will not encourage production.

CONTROL OF RADIO COMMUNICATIONS

Mr. DILL. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Washington?

Mr. FESS. I yield.

Mr. DILL. I wish to ask unanimous consent that when the Senate concludes its business this afternoon it take a recess until 8 o'clock, at which time it will proceed to consider the conference report on the radio bill; that the consideration of the conference report may be continued and, if possible, disposed of to-night.

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

Mr. DILL. I yield.

Mr. KING. A good many of the Senators were here last evening. If the Senator will make his request for to-morrow night, I shall have no objection.

Mr. DILL. We can not meet to-morrow night, because certain Senators can not be here, and it has been agreed that there will be no night session to-morrow night.

Mr. MOSES. Mr. President, what is the request—that the Senate meet this evening?

Mr. DILL. That the Senate hold a session this evening to consider the conference report on the radio bill.

Mr. KING. Mr. President, I will say to the Senator that I have an engagement this evening that compels me to be absent. To-morrow night or any other night after that will be agreeable to me.

Mr. DILL. Of course, if I can not get an agreement, I will have to withdraw the request.

Mr. ROBINSON of Arkansas. Mr. President, unless the Senator from Utah has some serious objection to the consideration of this measure to-night, I should like to see it taken up at that time.

Mr. KING. The Senator is most appealing, but I will not be able to be here to-night.

Mr. ROBINSON of Arkansas. I do not want to impose upon my relationship with the Senator from Utah.

Mr. KING. There is an insuperable objection on my part applying to to-night. For to-morrow night or the next night I would make no objection.

Mr. ROBINSON of Arkansas. My difficulty is that an insuperable objection will arise to-morrow night and the next night.

Mr. MOSES. Mr. President, will it be possible to consider the conference report between 5 o'clock and 7 o'clock this afternoon?

Mr. ROBINSON of Arkansas. That would suit me.

Mr. DILL. We could take up the report at 5 o'clock.

Mr. CURTIS. I suggest that the Senator ask that the bill be taken up at 5 o'clock.

Mr. DILL. Mr. President, I will modify my request, and now ask unanimous consent to take up the radio bill at 5 o'clock this afternoon.

The VICE PRESIDENT. Is there objection?

Mr. DILL. I will say not "later than 5 o'clock."

Mr. KING. And to continue not later than 7 o'clock.

Mr. DILL. I dislike to make a dead line.

Mr. KING. The Senator knows that that would be as long as some of us could remain here.

Mr. DILL. The Senate can adjourn at any time it pleases.

Mr. BRUCE. Mr. President, I suggest that the order also provide expressly that no other business shall be taken up during that time.

Mr. DILL. That will be satisfactory to me.

Mr. BRUCE. I will give my consent on that condition, but on no other. I have reason to believe that some bills are going to be slipped in at about this time.

Mr. DILL. I shall not consent to that being done while the conference report is before the Senate.

The VICE PRESIDENT. The request is that the conference report on the radio bill be taken up not later than 5 o'clock, the consideration of the report to continue until 7 o'clock.

Mr. BRUCE. The Senator from Washington agreed to my suggestion that no other matter should be taken up during that time.

The VICE PRESIDENT. The Chair will include that suggestion as a part of the request for unanimous consent.

Mr. HOWELL. Mr. President, I am not willing to take up the radio bill and conclude it until after the agricultural relief bill is out of the way, and therefore I shall have to object.

Mr. DILL. I wish to say to the Senator from Nebraska that I have tried to be very lenient in the handling of the conference report. I am anxious and willing to give Senators an opportunity to discuss it, and I think I have done so. I have given more than 10 days for the consideration of the conference report since it was brought here. The pressure for radio legislation in this country is tremendous, and I think the Senator from Nebraska ought to let us consider the conference report.

We do not have to complete its consideration by 7 o'clock, but, at least, we can dispose of some of the debate. I wish to say that an agreement to take up the bill and consider it from 5 o'clock until 7 o'clock this afternoon will not require that a vote be taken at 7, but simply that the conference report shall be considered.

Mr. HOWELL. I agreed yesterday to vote upon the point of order which was made, and it was my understanding then that the conference report would be put over. Now, it is proposed to bring it up again.

Mr. WATSON. Put over for how long?

Mr. HOWELL. I hoped it would be put over until the agricultural relief bill was out of the way. I want to have an opportunity to do some work on the agricultural bill.

Mr. DILL. We will not vote on the agriculture bill until Friday at 4 o'clock. There is no necessity for postponing the consideration of the conference report on the radio bill. The report was submitted by the conferees nearly two weeks ago, and I submit that the Senator from Nebraska ought to have consideration for the needs of the country. I want the Senator to have full opportunity to discuss the conference report, but I want him to come in and discuss it and let us come to a vote on this important legislation. We can take up the conference report at 5 o'clock and dispose of the question the Senator from Nebraska wishes to present.

Mr. FESS. Mr. President, I will proceed unless Senators can come to some agreement.

Mr. HOWELL. I would suggest to the Senator from Washington that he limit the session to 6 o'clock to-night.

Mr. DILL. Why not let the debate run until 7 o'clock? If we do not finish by that time, we can adjourn.

Mr. MOSES. Mr. President, may I inquire the conditions under which one may enter the conference going on over there? [Laughter.]

Mr. FESS. Mr. President, I am very anxious to proceed.

Mr. WALSH of Massachusetts. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Massachusetts. Will the Chair state what the situation is in regard to the request for unanimous consent?

The VICE PRESIDENT. The request for unanimous consent is pending. That request is that the conference report on the radio bill be taken up at 5 o'clock this afternoon and proceeded with exclusively and continuously until 7 o'clock.

Mr. DILL. Mr. President, the Senator from Nebraska informs me that if I will modify the request so as to make the limit 6.30 o'clock this evening he will not object. So I ask unanimous consent to modify the request to provide that the Senate shall continue in session for the consideration of the conference report on the radio bill until 6.30 o'clock this evening.

Mr. SMITH. That does not contemplate a vote to-night?

Mr. DILL. No; but if we should conclude the discussion we could vote, and if we should not conclude the discussion, of course, we would not vote.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the agreement is entered into.

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.

Mr. FESS. Mr. President, on page 8 of the bill, beginning with line 21, we find the provision authorizing the putting into operation of the plan of handling the surplus. The provision is as follows:

> Any decision by the board relating to the commencement or termination of such operations shall require the affirmative vote of a majority of the appointed members in office, and the board shall not commence or terminate operations in any basic agricultural commodity unless members of the board representing Federal land-bank districts which in the aggregate produced during the preceding crop year, according to the estimates of the Department of Agriculture, more than 50 per cent of such commodity, vote in favor thereof.

That means that in order to put into operation this mechanism, which will affect all the people of the United States, there must be a majority vote of the board, which means a majority of 12. However, in order to terminate operations those members of the board who represent the districts which produce 50 per cent or more of a given commodity must vote in the affirmative; in fact, even should a majority vote to commence operations, if those members of the board representing districts that produce 50 per cent or more of the commodity do not vote for such commencement, operations will not begin. But that is not the dangerous feature. When the mechanism is once in operation it can not be discontinued, unless those members representing districts which produce 50 per cent or more agree to the discontinuance.

Now, let me illustrate what that will do for the State of Ohio, for example, and I have not gone farther than that State. Ohio belongs to the fourth Federal land-bank district. In addition to Ohio that district includes Tennessee, Kentucky, and Indiana. Ohio produces 4.6 of all the swine produced in the United States, based on the figures of the Agricultural Department of January 1, 1927, which have come in only this morning. Ohio produces 34.3 per cent of all the swine produced in the fourth district, and the fourth district produces 13.5 per cent of all the swine in the United States. Therefore, if the mechanism of this bill should be put into operation, and Ohio, Indiana, Kentucky, and Tennessee would like to have it discontinued, our voice would not be heard, because it takes the votes of the members representing districts which produce 50 per cent or more to bring about a discontinuance, and we only produce 13½ per cent; in other words, the system might be put into operation without Ohio being consulted at all; it could be done without Ohio's vote and against the opposition of the fourth, third, second, and first districts; but when once in operation the members of the board representing the few States that produce 50 per cent of the swine in the United States could make it perpetual, despite the opposition of the State which I in part represent or the district in which I live, or all the districts up to and including the fifth. I would not say the sixth district, because with the sixth district the vote would be a tie. When once in operation, however, the States that might never have wanted it would be helpless and impotent to relieve themselves. So much for swine.

The district made up of the four States I have mentioned produces corn. Ohio alone produces 5½ per cent of the corn produced in the United States. It produces 28.9 per cent of the corn produced in the fourth district; but the fourth district produces only 19 per cent of the corn produced in the United States. Therefore, without consulting the fourth district, the mechanism can be put in operation, and when once in operation the members of the board from the corn States which produce 50 per cent and more of the commodity can make the operation perpetual, and there is no relief on the part of the sections of the country which do not produce 50 per cent of the corn.

The same thing, in a degree, is true of wheat. Ohio produces 4.9 per cent of the total wheat produced in the United States. It produces 46.8 per cent of the wheat produced in the fourth district, and yet the fourth district produces only 10.4 per cent of the total wheat produced in the United States.

This bill makes swine, corn, and wheat basic articles, and, in addition, rice and cotton. We do not produce rice in this district, and we do not produce cotton in this district. Only the States in certain sections produce rice and cotton, while all the States consume rice, and all the States consume cotton. While we produce only a small percentage of the wheat, all the States consume wheat; all the States consume corn; all the States consume swine. The only things in the five in which we as producers are concerned will be swine and wheat and corn, and in the case of all of them we produce less than 50 per cent. Therefore, without our vote this legislation becomes operative upon our section, and with all the power that we may marshal in connection with all the rest of the United States we can not discontinue it when once it is started unless the States which produce 50 per cent or more vote to discontinue it through their representative on the board.

That is a feature of the measure that is not only uneconomic and unfair; but, while I have never appealed to this body on this line before, I want to say that it has a political aspect as well as an economic effect, because when the losses are to be made up they are to be made up out of an equalization fee. That equalization fee is to be collected as transportation, or in processing, or in sale. It is not an indirect tax; it is a direct tax. When I go to a ticket office to buy a ticket, if it is to an amusement I pay for the ticket, and, in addition, I pay what is called a tax. I know what it is, and a great many people are demanding that that tax be removed. When a farmer delivers his shipment to the depot and gets a bill of lading for it he knows what he has to pay in freight. Under this bill, however, when he delivers that shipment of wheat he is not only required to pay the freight but he is required to pay whatever this board guesses at as a necessary equalization fee to take care of the losses that are going to be suffered in this performance.

Suppose the commodity is wheat. Noboly can tell what the loss will be. The board simply estimates it; but people are saying here that they want to make up the difference in the tariff. Suppose that was the basis—42 cents of tariff. Suppose there should be a loss of 42 cents in the shipment into the foreign market—there would not be, but suppose there should be—I use that yardstick because it has been used in legislation before. That would be 42 cents a bushel; that would be $4.20 on 10 bushels; that would be $42 on 100 bushels; that would be $420 on 1,000 bushels. When the shipper presents for shipment his consignment of wheat, and he is told that in order to have it sold he must pay so much for the equalization fee, there is going to be a revulsion, and woe be to the people who are insisting that that sort of a thing is going to be welcomed by the producers of these staple articles.

As to what it will be, I can not say; but when anyone suggests that people are going tamely to submit to the assessment of a tax specified by a Government board to take care of a loss when nobody knows what it will be, there will be "another guess coming" to the parties who are back of this legislation.

So much for that phase of this inequitable procedure and what I think is a most unfair law. Now, as to the equalization fee, and how it is carried on:

> The board shall estimate the probable advances, losses, costs, and charges to be paid in respect of the operations in such commodity.

What is that? That is an estimate. Nobody knows how much it will cost; but when the board believes that there exists or is likely to exist a surplus, the board begins operations and assesses a fee in the form of an equalization fee to take care of these losses, which are merely estimated.

Suppose the estimate is wrong. Suppose the equalization fee will not cover it. Then who will take care of the losses? If the equalization fee covers the losses, then the producer selling his goods pays it—to whom? To the people who are guaranteed against losses by a contract. Who are they, if the product is wheat? They are the millers. Who are they if it is swine? They are the packers. Who are they if it is cotton? They are the ginners. Here is a contract in which the packer and the miller run no risk, because if the price which the miller must charge is fixed by the Government, then he himself does not run any risk, and if there is no price fixed, then the miller fixes it, and fixes it at whatever he decides to do, knowing that the losses will be made up out of the equalization fee paid by the producer. I do not believe that will hold water.

In Ohio we will be paying an equalization fee every time a farmer ships wheat, every time he ships hogs or corn. How much does he have to say about what he pays? Not one word. How much is he consulted? He is not consulted at all. It may be and in this case would be against his will, because every voice that I have heard from Ohio is against this bill; and yet, in spite of that, this incubus in the form of an additional tax is put upon him without consulting him, and he is compelled to pay it to make up the losses of people and of corporations who are employed through agreements to do the work.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Ohio yield to his colleague?

Mr. FESS. I yield to my colleague.

Mr. WILLIS. Does my colleague intend, in the course of his remarks, to discuss the constitutionality of the very matter to which he is now referring? I shall be interested in his opinion about that.

Mr. FESS. I was going to mention what I regard as the unconstitutional feature of the bill; but I prefer, really, to leave it to others who I know are going to discuss it.

Mr. WILLIS. Does the Senator think it would be constitutional to provide by law for taking money out of the pocket of the farmer in Ohio who is engaged in diversified farming and giving it to the one-crop farmer somewhere else?

Mr. FESS. It certainly is not; and the matter will reach the courts as certainly as this bill becomes law, for on page 14, paragraph (c), beginning with line 23, the bill provides:

> Every person who, in violation of the regulations prescribed by the board, fails to collect or account for any equalization fee shall be liable for its amount and to a penalty equal to one-half its amount.

In other words, there is a way open for those who believe that the law will not hold under the Constitution to get to the courts; and without doubt the matter will reach the courts very soon.

I hold that it is not constitutional, first because it is a tax that is levied by a board; and no one in this body will hold that Congress can delegate to an independent board the power to lay a tax. The only answer to that which the committee has made is in its report, where it says that it is not imposed under the taxing power, but under the power to regulate commerce.

The majority committee report is quite voluminous on the question of constitutionality, and most of the argument is to set out that it is constitutional on the ground that it is not a tax but that it is a price for service; and it is also said to be imposed not under the taxing power but under the provisions of the Constitution empowering Congress to regulate commerce.

My friends, this bill is not to regulate commerce; it is to regulate price. The purpose of this bill is to get a higher price for the surplus, which otherwise would sell at a low price. The power here proposed to be exercised is not the regulatory power conferred in the commerce clause, but it is the decree of this body to change the price, to lift it from lower to higher by decree, not by the logic of price regulation, which would be the demand for it. The facts are that the only economic way in which we can regulate production is by the price. If we produce away beyond our power of consumption, the price is going down. If we produce within the limits of consumption, the price will go up. If the production is away below the demand, then the price is abnormally high. If the production is away beyond the demand, then the price is abnormally low.

Why is it that at times you can not afford to dig your potatoes? Because you can not get as much as it costs you in labor to take them out of the ground. That is because there is no limit to production; and the only logical way of limiting production is by the price of the article. If the price ranges low, the production will be less. If the price ranges high, the production will be larger. Here, however, is an effort by law to regulate the price, to insure a higher price than would be received if it were not for the law; and how anybody can say that that is the power of regulating commerce I do not understand. That is the power of regulating price; and that, I am quite certain, is one of the features upon the constitutionality of which the Supreme Court will give an adverse opinion.

Another unconstitutional feature is taking from a producer who has never been consulted what belongs to him rightly, without due process of law under the Constitution, which says that there must be recompense if the property is taken. Some people say, "No; the producer does not need to take advantage of this if he does not want to."

That argument is on a par with the argument of one who says, "I will not pay the tax that is levied on a railroad ticket unless I ride on a railroad. If I do not want to pay the tax, the way to avoid it is not to ride. If I do not want to pay the tax collected on an amusement place, the way to avoid it is not to go." That is that argument. But we are considering the case of the producer of wheat. It is said that if he does not want to pay the equalization fee, then let him not sell the wheat. If that advice were followed, what would become of the producer of wheat who had a surplus beyond his need? I am sure the courts will not hold such a thing constitutional.

There is another phase to which I call attention. On page 13 the bill provides:

> The board shall estimate the probable advances, losses, costs, and charges to be paid in respect of the operations in such commodity.

Then, beginning with line 26 is the provision for the equalization fee, which I have mentioned.

Then in lines 5, 6, and 7, on page 14, the Government authority is provided:

> (b) The board may by regulation require any person engaged in the transportation, processing, or acquisition by sale of a basic agricultural commodity,
>
> To do the following:
>
> (1) To file returns under oath—
>
> And so forth.

There is another feature. There will be thousands upon thousands of transactions entailed by this bill. Suppose those transactions are all with a transportation company, to say nothing about the processing. Every single transaction has to be evidenced by a specific receipt, and section 1 provides that the transporter must file returns under oath, "In respect of his transportation, processing, or acquisition of such commodity, the amount of equalization fees payable thereon," and so forth.

How much of an additional clerical force will be required to handle this particular feature, and how will the compensation of the clerical force be cared for except by freight rates, and what sort of a promise to the farmer will there be of a reduction in freight rates when there is put upon him something of this kind, which will mean an increase in the outlay of the transportation companies in order to take care in an additional way of the tremendous traffic provided for under this bill?

In lines 13 and 14, on page 14, it is provided that these agencies must collect the equalization fee as directed by the board, and account for the same. In other words, the Government is back of this thing. It really is a Government function. I also ask Senators to note lines 7, 8, 9, and 10, on page 15, where the stabilization funds are provided. The bill reads:

> In accordance with regulations prescribed by the board, there shall be established a stabilization fund for each basic agricultural commodity. Such funds shall be administered by and exclusively under the control of the board, and the board shall have the exclusive power of expending the moneys in any such fund.

What is the board? It is a governmental board, and the Government, through this board, is thus operating the stabilization fund. I know that the proponents of the bill are very frank in saying that that is necessary, that there is no other way to do anything unless they do put the Government into it; and for that reason they make no apology. But that is one of the things I want to avoid if it is at all possible.

Then, in paragraph (b), on page 15—and I want Senators to note this—it is provided:

> The board, in anticipation of the collection of the equalization fees—
>
> They have not yet been collected but are anticipated—
>
> and in order promptly to make the advances agreed to be made and to provide for the prompt payment of the losses agreed to be paid and the salaries and expenses of experts, may in their discretion—
>
> That is, the board—
>
> advance to the stabilization fund for any basic agricultural commodity, out of the revolving fund hereinafter established, such amounts as may be necessary.

The stabilization fund is thereby created by a loan from the revolving fund, and out of this stabilization fund is to be paid the guess as to how much loss there will be, which nobody on earth can tell until it is completed, and it will be done one way when the world price scales one thing, and in a month when the world price changes it will be done in a different way, for nobody can tell the vacillation in the world level of prices, which is the factor by which to determine the losses for which the surplus is to be sold.

Paragraph (C) provides:

> The deposits to the credit of the stabilization fund shall be made in a public depositary of the United States.

In other words, this fund goes to some local branch of the United States Treasury. I think it should; but that shows again why this provision is purely a governmental one. The money that it is anticipated will go into the stabilization fund, the money coming to the stabilization fund from the revolving fund, is to be made up of these fees and the collections to be deposited in a Government depositary, a branch of the Treasury.

Mr. GLASS. Mr. President——

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

Mr. FESS. I yield.

Mr. GLASS. May I ask the Senator if there is any provision, explicit or implicit, requiring the return of the $250,000,000 to the Treasury?

Mr. FESS. No; there is not. More than that, I want to say to the Senator from Virginia that the estimates of losses to be made up by an equalization fee to be later fixed are only esti-

mates. They are guesses. Suppose the guess is wrong. Suppose the losses are larger than the equalization fee will make up. Then what is to become of the difference between the amount collected by the equalization fee and the amount that is loaned and lost?

Mr. GLASS. We will be asked to appropriate $250,000,000 more to make it up.

Mr. FESS. That is precisely what will be done, and in view of this suggestion, which nobody can deny, that it is merely an estimate, and no one can tell aforehand what the loss will be, that becomes to me a very serious thing. There is absolutely no provision for the Government being safeguarded against loss, and at the same time there is an effort in the bill to require that losses shall be paid by the producers. If it were by their consent, that would be different, but it is against their consent, it is without counseling them, and it compels States to do it which would vote against it. Yet they have no say.

The State of New York, without being consulted in the slightest degree, can be put into this thing, and when once in it, other States, producing certain articles that New York produces, but of which New York produces less than 50 per cent, can fasten it on New York indefinitely, and the State of New York has simply to bide its time and pay it.

Mr. WADSWORTH. The Senator means, I assume, the farmers of the State of New York?

Mr. FESS. Yes; the farmers who produce corn and wheat and hogs.

The farmers there would not be affected by the production of rice and cotton, except as concerns their consumption of those articles. All the country is affected in so far as the consumption of these things is concerned, but when it comes to the production and the payment of an equalization fee, it is only the producer who is affected. My contention is that a producer who does not want to enter into this activity, who does not believe in it, and who votes against it, should not be compelled against his will, without being consulted, to join in it; and the Supreme Court never will tolerate it. That is my feeling about the matter.

On page 16 it is provided:

> There shall be disbursed from the stabilization fund for any basic agricultural commodity only (1) the amounts agreed to be paid by the board for losses, costs, and charges.

If the amount is enough, all well and good, but suppose it is not enough; then how is it made up?

> (2) The salaries and expenses of such experts as the board determines should be payable from such fund.

I am not going to find fault on account of the establishment of the bureau provided for, and the employment of a large clerical force, and the necessary experts. It is going to cost something, because in this bill we are authorizing the appropriation of $500,000 for management, to say nothing about the appropriation of $250,000,000 as a revolving fund to make the act effective.

I do not know what was said in the Senate, but I recall what was said in the House when we passed the "packers act." We were told that that act would be administered by the Agricultural Department; that it would not make necessary the establishment of a bureau, and would cost very little. The first year we were asked to vote $400,000 for it. While I am not going to attack the bill on that ground—because if it is a good thing, of course, we must make it operative—it is only another instance where a new bureau is inevitable. If we could avoid the necessity of handling this matter in a Government bureau, I should think it ought to be avoided.

Mr. President, there is another feature of this bill that has not been discussed very much during this debate, though I discussed it at the last session. I am not going into it in extenso now, but I want to call attention to its danger.

The problem of handling surpluses contemplates disposing in a foreign market of what we can not dispose of here without injury to our home market. Therefore we give authority to an agency to sell, we will say corn, in a foreign market and suffer whatever loss there is to be suffered, the loss to be made up by the producer of corn. While there is not very much corn exported, I can see that this will invite exportation.

Suppose we are exporting corn to Canada. If Canada saw that she could get corn at a lower price than that at which we produce it, she would be attracted into the pork business, and she would feed to her hogs corn bought at a price lower than that at which the American farmer can get it to feed to his hogs. Both the American and the Canadian farmers being in a competing market, what would become of the American producer or grower as contrasted with the Canadian producer or grower? If the Canadian hog raiser can secure from the United States corn at a lower price than that at which the American hog raiser can procure it, he can not only sell his pork at a cheaper price and get a greater profit but he can sell his lard with the same advantage; and last year we shipped over 2,000,000,000 pounds of lard.

That phase of this bill has not been gone into, and it has not been gone into because the proponents of the bill say that we export very little corn, that we consume nearly all the corn that we produce. We do not export it because there has been no demand for it, but we will create a demand across the border if we say to the Canadian hog raiser, "We will secure you corn at a lower price than we pay here."

Mr. OVERMAN. We ship about 48,000,000 bales of cotton. Is it possible under the provisions of the bill, which proposes to stabilize prices, to sell cotton abroad more cheaply than in the domestic market?

Mr. FESS. It could be done without doubt. Cotton is on a little different basis from the other articles, but the same thing could happen. Of course, cotton is such an exportable article, there is such a demand across the sea for cotton in contrast with other things, that it will not be likely to suffer as much. What I am concerned about is that the bill requires a payment upon every bale of cotton. If that is not a tax, I would like to know what is a tax. For example, if, when I raise cotton, I had to pay two cents per pound occupation tax, that would be a tax and nobody would question it. But when I raise cotton and sell it and am required to pay an equalization fee on every pound of it, it is said that is not a tax. I would like to know why it is not a tax just as much as the other. For that reason I think that question must go to the courts, and surely it will be held to be unconstitutional.

May I say in passing that I appreciate the respect of Members who do not agree with me in what I am saying in keeping their seats and not, as on yesterday, interrupting me. That is in the interest of the consumption of time, for everyone knows that if one is allowed to proceed he finishes, but if he is interrupted there is no end to it, not even to the style of one's utterances, to say nothing about the length thereof.

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

Mr. FESS. I yield.

Mr. STEWART. The Senator will admit, then, that there is advantage in the orderly marketing even of talking? [Laughter.]

Mr. FESS. Where we have not anything to sell except our notions, that probably would be all right. [Laughter.]

Mr. President, for fear I might be misunderstood, I want now to say that there is a method by which, in my judgment, the proposition can be handled or at least the agricultural situation can be relieved. It is that method for which I tried to get some recognition and failed. I do not think anybody is holding seriously that the consumer does not pay enough for what is raised on the farm. The only complaint is that the producer on the farm does not get an equitable share of what the consumer has to pay. I think that states the problem.

If we do anything to push higher the cost of living, we are going to increase the unrest in the country, and the time will come when that unrest will speak in a militant tone. Everybody must know that. The country produces, and while it also consumes a part of what it produces, yet the great consumers are in the cities. Whenever we set in opposition the producer against the consumer on the basis that the consumer is not having his interests respected, we are going to create a militant demand that prices be lowered. There is not a Senator here who does not recall when we had a campaign on the slogan of the high cost of living. As certainly as we are in this chamber to-day, everyone of us, if we live, will hear the same slogan again, and when it becomes militant it will be easily and frequently heard and it will be respected.

There is no complaint that ultimately the product of the farm does not bring enough, but there is a complaint that the man who produces that article for consumption does not get his proper share of what the consumer has to pay. Where is the solution? It is between the producer and the consumer. It is a matter of getting what the farmer produces on the farm away to the consumer, where it is paid for and where it is consumed. That is marketing. For years we in Congress tried to relieve that situation. Some of us now in the Senate were in the other body when the matter was up for consideration. I recall when cooperative marketing in the form of collective bargaining was proposed, that it was seriously opposed as discriminative legislation. It was said that it was class legislation. I recall very distinctly various appropriation bills which would propose to appropriate for the enforcement of the antitrust law, and in the item for enforcement we would find an exemption providing that no part of the appropriation should be applied to the

prosecution of labor organizations or farm organizations. For years that was written into appropriation bills, and, although it was always subject to a point of order and would have gone out in that way, it ultimately got into the law.

That expresses the desire to give the farmers a chance to organize without violation of the antitrust law, which in a way had forbidden collective bargaining. Then, later in 1922, we brought out the cooperative marketing law in order to make it legal, so that when such a provision was introduced in an appropriation bill it would not be subject to a point of order. That law is now on the statute books. Some thought there was a question as to its wisdom. Why, said they, should we give to farmers in a collective manner certain authority which is forbidden to industry? Why should it be done? It was decided that it should be done because of the seriousness of the problem and the difficulty of marketing. Therefore, that law is now on the statute books and when offered in the Congress was eloquently supported by voice and vote. Yet, to-day we are told it is without force; that it is inadequate. No one is proposing to repeal it. Under its operation, collective bargaining is recognized, and cooperative associations are organized all over the country.

My suggestion has been that if the problem is such that the remedy lies in getting a product from the farmer to the consumer, then it is a question of marketing. If it is not a question of marketing and we are going to add to the consumers' prices the cost of carrying out the provisions of this bill, woe be unto the people who vote for it, for the cost of living is about as high now as the public will stand.

My thought is that we should create by law a fund to be loaned to the existing cooperative associations. These associations can not out of their capital do this for the farmer, because if they do it it would be for profit and the farmers would suffer the payment of the profits which their own agents would make, and, of course, the farmers would not stand for that. But let it go on as a business to be self-sustaining, the funds with which to finance it to be loaned by the Government, and then through cooperative marketing the money could be refunded when the sales were made by the cooperatives. In other words, if the cooperatives would buy the wheat crop at a certain time, they would pay 70 or 75 per cent of what they would agree could be eventually obtained for it. They would get the delivery. They would hold it in storage, and when the market would absorb the production then they could feed it out, and in that way they would not throw all the wheat at one time on the market and break the price.

That would be a performance by the farmers themselves. The Government would not be in it. There would be no loss except as in business, if there would be any unexpected accident, as sometimes happens, where profits could not be made or where they could not dispose of the product for what they had paid for it, then, of course, some loss would be suffered. But I have thought that if, out of the funds of the Government, we could finance these corporations so that they could increase their capacity and at the same time increase the amount of commerce they did, we could take off of the market a sufficient amount of cotton or wheat or rice or what not to avoid breaking the market and in that way stabilize the market.

That is the proposal which was made in the last session. That, in a degree, is the proposal which is made by the substitute of the Senator from Kansas [Mr. CURTIS]. There are some features in the substitute which I would prefer not to have, but it does not put the Government in business as does the pending bill. It does not undertake to collect the losses from persons without their consent. It does not raise the question of constitutionality. It avoids that offensive feature of allowing the propagandists and the organizations to fix the board. That is one of the most offensive features I can think of in the proposed legislation. I am ready, I say to Senators, to join any group to relieve the situation of agriculture on an economic basis, and I hesitate to think that the Senate would be brought to the point where Senators would vote for this bill as it is written.

Mr. President, I would be justified in offering an amendment to the bill to add to it potatoes, for that product represents a greater crop than any of the items mentioned in the bill. The State of Maine alone produces $55,000,000 worth of potatoes, to say nothing about the States of Idaho, Montana, the Dakotas, Michigan, Ohio, and others. I would be justified in loading down the bill with amendments by adding hay, by adding livestock, by adding butter, by adding eggs and poultry. If we do it for one, in God's name why not do it for all? If it is right, we will be required to do it for all in time.

In the first place, we are handling all the agricultural products of the country by Government aid. I think it is very serious. I repeat, I have no authority to say this; I have not talked with anyone; I know not the mind of anyone, but I can not see how this bill can ever become a law.

Mr. McMASTER. Mr. President, I have listened with a great deal of interest to the discussion of the farm bill by the distinguished Senator from Ohio. I realize that there is much truth in the statement he made a few moments ago that there is a $15,000,000,000 spread between the producer and the consumer. Last year the producers received $9,000,000,000 for their total produce while the consumers paid $24,000,000,000 for the same produce when it reached their tables. However, when the distinguished Senator says that the whole problem lies between the producer and the consumer, I think he errs in the statement. It is true that there are certain evils existing in the distribution from producer to the consumer, but I should like to make this statement: When the farmer sells his wheat and has disposed of that product, supposing there were $3,000,000,000 of excess profits made by the miller, the baker, and the retailer, and supposing that those $3,000,000,000 of excess profits were actually squeezed out, the consumer would receive the benefit of that operation, but the producer of wheat could not receive one penny more for his product.

However, Mr. President, it was not my desire at this moment to take any time of the Senate, nor was it my desire to discuss that portion of the speech of the Senator from Ohio. My object in rising to my feet for just a few moments was to correct a statement made by the distinguished Senator from Ohio yesterday when he was on the floor of the Senate opposing the farm relief bill which is now receiving our consideration. In his argument on yesterday the Senator from Ohio severely rebuked and criticized the proponents of the bill because there is a certain section in the measure which proposes to give to the farmers of the country the right to propose nominations of members of the farm board and provides that from that list of nominations the President must make his selections.

The distinguished Senator from Ohio characterized that provision in the proposed law as pernicious; he stated that he felt that it was absolutely contrary to public policy to permit the farmers of the Nation to have a voice in the management of their own affairs or to be the determining factor in the marketing of their products. During the course of the Senator's remarks upon that subject the junior Senator from South Dakota [Mr. McMASTER] asked to interrupt him, and the Senator from South Dakota then said:

> In regard to the Federal reserve system, is it not true that in each regional district the national bankers send in their recommendations and their nominations for the local board in the district?
>
> Mr. FESS. If they do, it is simply voluntary, because there is no provision in the law to that effect.

Neither one of us having the document at hand on yesterday, we could not well establish our case on either side, but I wish now to say that I have in my hands the Federal reserve act. At this point I am going to ask to have inserted in the RECORD certain portions of that law which pertain to the nomination and the election of the directors of the various Federal reserve banks.

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

The matter referred to is as follows:

> The Federal Reserve Board shall classify the member banks of the district into three general groups or divisions, designating each group by number. Each group shall consist as nearly as may be of banks of similar capitalization. Each member bank shall be permitted to nominate to the chairman of the board of directors of the Federal reserve bank of the district one candidate for director of class A and one candidate for director of class B. The candidates so nominated shall be listed by the chairman, indicating by whom nominated, and a copy of said list shall, within 15 days after its completion, be furnished by the chairman to each member bank. Each member bank by a resolution of the board or by an amendment to its by-laws shall authorize its president, cashier, or some other officer to cast the vote of the member bank in the elections of class A and class B directors.
>
> Within 15 days after receipt of the list of candidates, the duly authorized officer of a member bank shall certify to the chairman his first, second, and other choices for director of class A and class B, respectively, upon a preferential ballot upon a form furnished by the chairman of the board of directors of the Federal reserve bank of the district. Each such officer shall make a cross opposite the name of the first, second, and other choices for a director of class A and for a director of class B, but shall not vote more than one choice for any one candidate. No officer or director of a member bank shall be eligible to serve as a class A director unless nominated and elected by banks which are members of the same group as the member bank of which he is an officer or director.

Any person who is an officer or director of more than one member bank shall not be eligible for nomination as a class A director except by banks in the same group as the bank having the largest aggregate resources of any of those of which such person is an officer or director.

Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column and the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and second choices, he shall be declared elected. If no candidate have a majority of electors voting when the first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared.

Class C directors shall be appointed by the Federal Reserve Board.

Mr. McMASTER. Mr. President, what does the law provide? It provides that the directors of the Federal reserve banks shall be composed of three classes, class A, class B, and class C, and that each class shall comprise three directors. The law further provides that the member banks which own the stock of the Federal reserve banks shall transmit to the Federal reserve banks their nominations for class A and class B directors, and after the Federal reserve banks have received those nominations they shall transmit back to the banks a list of all the nominations made; that then the member banks shall elect the members of the board; and then the Federal board in Washington shall appoint the other three; in other words, Mr. President, the member banks of the Federal reserve system not only nominate but they elect six out of the nine directors.

What are the powers conferred upon the directors of those Federal reserve banks? They have the right to formulate their by-laws, to elect their officers, to fix the salaries that shall be paid to their employees. Not only that, but they have a right to extend credit; and they have a right to withhold credit. In the extension or the withholding of credit they have it within their power to discriminate between borrowers of the same class. They also have the power to discriminate between borrowers of different classes. Not only that, Mr. President, but under the power that resides in the board of directors they can go so far as to curtail production of the industries by withholding credit or they may stimulate production in those industries by extending credit. As a matter of fact, Mr. President, if the directors of these Federal reserve banks were unscrupulous, if they desired to use their power in the way of tyranny and oppression, they could exert a despotic power that would be equalled only by the despotic power that was exercised by the Czar of Russia in days gone by.

Mr. GLASS. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from South Dakota yield to the Senator from Virginia?

Mr. McMASTER. In just a moment. There is no Member of this body who can deny that the directors of the Federal reserve banks hold within the palm of their hands the general welfare of the financial, the commercial, the industrial, and the agricultural interests of the districts in which they operate. Now I yield to the Senator from Virginia.

Mr. GLASS. Mr. President, the Senator has a totally erroneous conception of the functions of the Federal reserve banks, and his attempt to draw an analogy between the proposed farm board and the directors of the Federal reserve banks is not at all tenable or reasonable in any sense. As a matter of fact the Government has not any proprietary interest in the Federal reserve banks.

Mr. McMASTER. Mr. President, just a moment. The Senator says the Government has no proprietary interest in the Federal reserve banks——

Mr. GLASS. I will ask the Senator to let me conclude.

Mr. McMASTER. I do not want the Senator from Virginia to make a misstatement.

Mr. GLASS. No; I am not. Is what I have said a misstatement?

Mr. McMASTER. Yes; indeed, it is.

Mr. GLASS. Very well, let us see if it is.

Mr. McMASTER. It is a misstatement for this reason: If the local subscribers or the people of the community in the region where a Federal reserve bank is established for any reason can not subscribe the full amount of the stock of a Federal reserve bank, it is mandatory on the Treasury of the United States to subscribe the balance of that stock.

Mr. GLASS. Mr. President, the stock was subscribed within 48 hours after the system was put in operation.

Mr. McMASTER. That is not the question.

Mr. GLASS. The question comes back to what I have said and that is that the Government owns not one single dollar of proprietary interest in any one of the Federal reserve banks.

Mr. McMASTER. But the law gives them the power to do it, and makes it mandatory that the Treasury shall subscribe to the stock in case there is a lack of subscription on the part of the member banks.

Mr. GLASS. Mandatory to do what? To do what has already been done? The capital stock of every one of the Federal reserve banks was subscribed within 48 hours after the place of the subscription was designated.

Mr. McMASTER. I am stating what the law says; that is all.

Mr. GLASS. Let me conclude, if the Senator please. There can be no denial of the fact that the Government does not own one dollar of proprietary interest in one of the Federal reserve banks.

Mr. McMASTER. And there can be no denial that the law permits the Government to own an interest and commands it to do so.

Mr. GLASS. The law does not permit the Government to own an interest and it can not own it.

Mr. McMASTER. There is no use of the Senator going that far. I have the law before me.

Mr. GLASS. Will the Senator let me finish?

Mr. McMASTER. There is no use in making a misstatement when I have the law before me.

Mr. GLASS. I have not made any misstatement.

Mr. McMASTER. The law specifically says that if all of the capital stock is not subscribed, it is mandatory upon the part of the Government to subscribe to it.

Mr. GLASS. But all of it is subscribed and has been subscribed ever since 48 hours after the system went into effect.

Mr. McMASTER. I am talking about what the law says.

Mr. GLASS. And I am talking about what the situation now is. I say that the Government does not own one dollar of proprietary interest in one of the Federal reserve banks, and that every dollar of the capital stock of each of the Federal reserve banks is owned by the member banks. Now, let us see what happens. The Federal reserve banks are the property of the member banks. Under the law the member banks are permitted to select three directors of the nine.

Mr. McMASTER. Just a moment. Will the Senator make that statement once more, please. He says the member banks are permitted to do what?

Mr. GLASS. They are permitted to select three directors of the nine.

Mr. McMASTER. They are permitted to select six directors of the nine.

Mr. GLASS. Oh, will the Senator let me conclude?

Mr. McMASTER. Yes.

Mr. GLASS. The law permits the member banks which own the Federal reserve banks to select three members of the board of directors who may be bank officials. It also permits them to select from the business community three directors of the Federal reserve bank, which they own, who may not be bank officials. Then what happens? Under the law the Federal Reserve Board, representing the general public, is permitted to select three directors of the Federal reserve banks who may have no banking connection whatever. Hence, six of the nine members of each of the Federal reserve banks are men who in the purview of the law are disinterested, so far as acquisitiveness is concerned in the operation of the banks. I will venture to say that there never before was an institution established on earth owned by one set of people that is managed in that fashion for the general public good.

There is no analogy whatever between the board of directors of a regional bank and the proposition contained in this bill. If the Senator wants to draw an analogy or if he wants to make a contrast he should direct his remarks to the composition of the Federal Reserve Board proper, the court of last resort, the controlling influence of the system, and inquire if any member of that board may have any acquisitive connection or any connection whatsoever with a bank. If I have made any misstatement the Senator may correct me.

Mr. McMASTER. Mr. President, the Senator has not contradicted a single statement I have made on the floor of the Senate. I still hold in my hand the law, which, as far as the individual Federal reserve banks are concerned, provides that the stockholders in those banks, the member banks, elect six out of the nine directors, and have absolute control of the affairs of the banks. The Senator has not contradicted nor can he contradict a single statement I have made in regard to the power of those boards of directors that have been managing the affairs of those banks in the control that they have of the

affairs of the community. They exert just as great power and influence in those various regional sections as will any farm board exert at any time.

Mr. GLASS. If the Senator thinks he has presented any analogy, he might carry his argument much further, and call attention to the fact that member national and State banks are permitted under the law to elect the directors of their own banks. Why not do that here?

Mr. McMASTER. I still repeat the statement I made before in regard to the control of these member banks over the directors, that they nominate them, that they elect them. If the Senator from Virginia thinks that a Federal reserve bank has no power, no influence in the community, that it does not hold all almost within the hollow of its hand the prosperity and the welfare of the community, certainly he contradicts all experience.

Mr. FESS. Mr. President——

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

Mr. FESS. Before the Senator enters upon that phase of the matter, may I ask him a question about what he has been talking about?

Mr. McMASTER. Yes.

Mr. FESS. The Senator does not mean that the Federal Reserve Board is selected as the farm board here is proposed to be selected, does he?

Mr. McMASTER. Six out of the nine members of the board of directors of the Federal reserve banks are nominated and elected by the member banks themselves.

Mr. GLASS. Why should they not be? They own the banks.

Mr. FESS. There is no question about that.

Mr. McMASTER. Yes; with vast powers conferred. They are given governmental powers that the farmers are not given. The farmers are not allowed to issue currency upon their own notes.

Mr. LENROOT. Mr. President——

Mr. GLASS. Would the Senator like to give them that power?

Mr. McMASTER. No; and no one is asking it.

Mr. LENROOT. Mr. President, the Senator does not contend that these members of the board of directors are officers of the United States, does he?

Mr. McMASTER. Not unless a bank director or a bank officer is in some indirect way an employee of the United States. That question I would not pretend to answer.

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

Mr. McMASTER. Yes.

Mr. CARAWAY. We know that bankers run banks, and they tell us that they are the only ones who are capable of doing it; do they not? People are presumed to know more about their own business than anybody else, although I have sometimes thought that folks did not think the farmers did. I think the farmer has had more advice from people who did not know anything about his business than any other class of people, and he has been nearly ruined by trying to believe that they were disinterested; but what is there vicious about letting a class manage its own business?

Mr. McMASTER. The reason why I made the statement——

Mr. CARAWAY. I see the Senator's position; but, I say, what is there vicious about it?

Mr. McMASTER. Nothing at all.

Mr. CARAWAY. The Senator from Ohio seems to think that the farmers want to destroy the whole country. They have not done anything that would warrant any such conclusion. They have never interested themselves in trying to run other peoples' business one-half as much as other people have meddled with theirs, have they? If the farmer could cash the advice he has been given, he would be the richest man in the world. As it is, he is the poorest, I think, because he has taken advice.

I do not see anything vicious about it. It strikes me that this intimation that the farmers, 40,000,000 of the American people, have not sense enough to know what they want, nor sense enough to manage their own business, nor patriotism enough to treat with some degree of decency the rest of the American people has no ground upon which to support it. It would seem as if these gentlemen who sit in town and run the farms with their advice could see what they have brought the farms to and realize that their advice has not been very valuable. Does it not seem that way to the Senator?

Mr. McMASTER. Yes, indeed.

Mr. CARAWAY. If one may be judged by the result of his advice, I dare say the industrial and banking advisers of the farmer have proven the least valuable of any of the so-called advisory committees in this country that have set themselves up to run other people's business.

Mr. McMASTER. Is the Senator through?

Mr. CARAWAY. No; I am not through, because it would require a whole session of the Senate to point out the inconsistencies of these people who so loudly proclaim that the Government must not meddle with their business, but they will meddle with everybody else's. I will let the Senator proceed, however.

Mr. McMASTER. I quite agree with everything the distinguished Senator from Arkansas has said.

In conclusion, I wish simply to call attention to the fact that the bankers of the country to a large extent have been privileged to operate their business under their own management and under their own control; and it does not seem to me that it should astonish or astound anyone, or that it should be considered unfair, when the farmers come here asking not only to have a voice in the management of their affairs but to be the determining factor as to how their products shall be sold upon the markets.

Mr. LENROOT. Mr. President, I shall occupy very little of the time of the Senate in discussing this bill. Its main features have been discussed fully heretofore in this body.

Mr. President, there was a time when, if proposed legislation was questioned on this floor as being beyond the power of Congress to enact, the proponents of such legislation would vigorously defend their position upon this floor. That is not true with regard to this legislation. No one has heard, from the proponents of this legislation, any defense of its constitutionality.

This bill may be constitutional; but, for some reason, those who believe that it is constitutional do not seem to care to debate that phase of the matter upon this floor.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. LENROOT. I yield.

Mr. STEWART. Has the Senator read the report of the committee?

Mr. LENROOT. Yes.

Mr. STEWART. I think probably all the Senators who have read that report find that the constitutional question is so exhaustively and so masterly handled in that report that it does not need to be debated further on the floor.

Mr. LENROOT. May I ask the Senator if he has read all of the cases that are cited in that report?

Mr. STEWART. I have read sufficient of them to satisfy myself that the brief set forth is correct, and that the bill is constitutional.

Mr. LENROOT. With all due deference to the distinguished Senator from Iowa, I think that if he had read those cases and attempted to substantiate the text of the report by those cases, he would find himself in exceedingly great difficulty in debate upon this floor.

The fact is that this report does correctly state the principles of law; at least, I agree with the principles of law stated in the report, whether that counts for anything or not. I have carefully read all of the cases cited, but I have not found one case cited in the majority report that is applicable to this bill, except that some of them condemn the theory upon which this bill is based. I say that with the greatest respect for the Senator from Iowa.

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

Mr. LENROOT. Yes.

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

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

Ashurst	Frazier	Lenroot	Robinson, Ark.
Bayard	George	McKellar	Robinson, Ind.
Blease	Gerry	McLean	Sackett
Borah	Gillett	McMaster	Schall
Bratton	Glass	McNary	Sheppard
Broussard	Goff	Means	Smith
Bruce	Gooding	Metcalf	Smoot
Cameron	Hale	Moses	Steck
Capper	Harris	Neely	Stewart
Caraway	Harrison	Norbeck	Trammell
Copeland	Heflin	Nye	Tyson
Couzens	Howell	Oddie	Wadsworth
Curtis	Johnson	Overman	Walsh, Mass.
Dale	Jones, Wash.	Pepper	Walsh, Mont.
Dill	Kendrick	Phipps	Warren
Ernst	Keyes	Pine	Watson
Ferris	King	Pittman	Willis
Fess	La Follette	Ransdell	

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, there is a quorum present.

Mr. LENROOT. Mr. President, I sincerely hope that before Friday afternoon, when this bill is voted upon, some supporter of it will defend upon this floor the power of Congress to enact

this proposed legislation. The Senator from Iowa [Mr. STEWART] has referred us to the report of the committee, and a number of cases are cited in that report, but I am sure the Senator from Iowa will agree with me that not one of those cases even approaches sustaining the power of Congress to take money out of the pocket of one private individual and put it into the pocket of another private individual to pay losses of that private individual engaged in private business. I yield to the Senator from Iowa.

Mr. STEWART. Does the Senator mean to say that that is not done under the transportation act?

Mr. LENROOT. I absolutely do. The court expressly so held. The court held in the Dayton-Goose Creek case that in the general scheme of transportation, where uniform rates were necessary, if a given rate afforded a given railroad a higher return than was reasonable—and in the very nature of things that higher return was inevitable, without bankrupting weaker roads—that that excess did not belong to either the railroad or the shipper, but the railroad was a trustee for the public, and therefore the courts sustained the right of the public to recapture a part or all of that excess.

Mr. STEWART. Under that act they do recapture excess profits, do they not?

Mr. LENROOT. They certainly do.

Mr. STEWART. And under that act they are empowered to lend that money to weaker roads at less than the current rates of interest, are they not?

Mr. LENROOT. Yes.

Mr. STEWART. And is not that taking money from one railroad, and the shippers on one railroad, who pay the freight, and putting it into the treasury of a weaker railroad at less than the current rate of interest?

Mr. LENROOT. The court expressly held, as the Senator well knows, that it was not taking money from the shipper, because he was required to pay only a reasonable rate. It expressly held that it was not taking the money from the railroads, because they held the excess of the income as trustee for the public. Does the Senator question that statement?

Mr. STEWART. No; but I think there is no conflict between that and the operation of the stabilization fund or the equalization fee.

Mr. LENROOT. I will get to that a little later.

Then there are the head money cases. Does the Senator say that the decision of the Supreme Court in the head money cases sustains a principle of this character?

Again, the decision of the court with regard to the right to exact a postal fee for carrying on the postal business is cited. Will any Senator say that that is any way parallel to what is proposed in this bill?

The Senator can not find any decision anywhere, I repeat, that sustains the power of Congress to take money out of the pocket of one individual engaged in private business not affected with a public interest and to put it into the pocket of another individual engaged in private business not affected with a public interest.

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

Mr. LENROOT. Yes.

Mr. STEWART. What was the money used for that was collected from the head tax?

Mr. LENROOT. As the Senator well knows, the court held that the care of immigrants after they had landed was a duty of the sovereignty which had control over immigration, and therefore that it was entirely proper for the United States Government, in the performance of that duty, as a regulation of foreign commerce, to impose a head tax, which went into the Treasury, and was used by the Government in the furtherance of its duty and a public purpose.

Mr. STEWART. And the shipping interests which brought the immigrants over here had to pay that in.

Mr. LENROOT. Certainly.

Mr. STEWART. And that cost was spread over all the immigrants who came across.

Mr. LENROOT. It went into a fund to enable the United States to exercise and perform a duty that devolved upon the United States in the regulation of foreign commerce. Again, to make a parallel, if some private immigration interests in New York City engaged in looking after immigrants had proposed that these steamship companies should pay into a private treasury a fee because of the fact that that private agency was engaged in looking after the welfare of immigrants, I am sure the Senator will agree with me that the act would not have been sustained by the Supreme Court.

Mr. President, if it be true that the Congress can constitutionally do what this bill proposes shall be done, I repeat, take the money, to cite a concrete case, out of the pockets of the farmers of Michigan, or of any other State, and use it to pay the losses of the beef packers in Chicago, then there is nothing that Congress could propose that would be unconstitutional, in my judgment.

It seems so clear that it is difficult indeed to argue, and I am not going to try to argue that question any further. The simple statement of it, it seems to me, ought to be sufficient, and it does seem to me that if it is not sufficient, we are pretty near to the point of saying, to paraphrase an old saying, "What is the Constitution between Senators?"

Mr. STEWART. Mr. President, will the Senator yield again?

Mr. LENROOT. I yield.

Mr. STEWART. The Senator would not deny that this Government, out of taxes collected from all the people, has spent millions of dollars in putting forward reclamation projects for the benefit of the residents of particular communities, and that losses have occurred to the Government in those operations.

Mr. LENROOT. Of course the Senator knows very well under what provision in the Constitution that was done.

Mr. STEWART. Under what provision?

Mr. LENROOT. Reclamation projects are established on public lands of the United States, and we have full power over them and over their disposal, and it is under that power that we entered upon the reclamation projects.

Mr. STEWART. And also under the power to promote the public welfare.

Mr. LENROOT. I admit that there is a very broad distinction between spending money out of the Treasury of the United States to promote the public welfare, and restricting the rights of a citizen or exacting a tax or a fee from him for the promotion of the public welfare. Very wide discretion exists in the former case, but in the latter case we must always find some provision of the Constitution that enables us to exercise that power, and the public welfare clause can not, as the Senator knows, be invoked.

Mr. STEWART. The Senator then would say that there was no doubt but that Congress constitutionally could make a subsidy out of it.

Mr. LENROOT. Yes; for the very reason I have given.

Mr. STEWART. But he does not think that the Government could operate a proposition where Government funds are not used for the benefit of a particular class, but how about the case where the members of that class themselves raise the money with which to operate the instrumentality?

Mr. LENROOT. I would agree with the Senator if this bill proposed to take money only from those citizens who had voluntarily entered into a scheme, and consented, by contract, to their being assessed. But when the Senator says the farmers themselves do this, I call his attention to the fact that it is proposed that this be imposed on the farmers, and the unwilling farmer is just as much compelled to bear the burdens which would arise under this bill as would the farmer who is willing, and I am sure the Senator agrees with me in that.

There is another phase of this to which I want to call attention. I had supposed that it was well settled that Congress had no right to delegate its legislative powers to anybody, and that principle is conceded in the majority report. A number of cases are cited in the majority report, presumably in an effort to sustain this bill. But when we read the cases, it is found that every one of them condemns the bill.

Let me read from the latest case cited in the majority report upon this question, the case of Mahler *v.* Eby (264 U. S. 32), where the court cites with approval its language in a previous case, in Wichita Railroad & Light Co. against Public Utilities Commission, decided in 200 United States, page 48. The court said, speaking of a public utility commission:

> In creating such an administrative agency the legislature, to prevent its being a pure delegation of legislative power, must enjoin upon it a certain course of procedure and certain rules of decision in the performance of its function. It is a wholesome and necessary principle that such an agency must pursue the procedure and rules enjoined and show a substantial compliance therewith to give validity to its action.

Mr. STEWART. Does the Senator deny that the duties of the board under the bill are so specifically set out that it would not come within the case he has just read?

Mr. LENROOT. I certainly do; and I expect the Senator from Iowa, able lawyer as he is, will agree with me when I point out how far it falls short of the rule laid down by the Supreme Court. It is found in section 9 in the first place, where the language is:

> Prior to the commencement of operations in respect of any basic agricultural commodity, and thereafter from time to time, the board shall estimate the probable advances, losses, costs, and charges to be paid in respect of the operations in such commodity.

Now, assuming for the time being that it would be possible for the board to make an estimate which would be somewhat within the realm of accuracy, not forgetting, however, that in wheat, for instance, it is an absolute impossibility for the board to make any such estimate, let us see what the situation would be. Winter wheat begins to be harvested in Oklahoma and Texas in June before the spring wheat in the North is hardly out of the ground. How can the board make an estimate of the crop of wheat for that year in the United States? They will not be able to make an estimate. Our friends tell us we can not tell anything by acreage, and that is the only thing they would have by which to estimate it. What kind of an estimate could they make of the crop of wheat in May of a given year?

But assuming that that would be done, the only way that the bill could come within the rule laid down by the Supreme Court would be, as one element, to require the board to fix the equalization fee upon such estimate. But does the bill do it? What is the language?

Having due regard to such estimates—

What does that mean, may I ask the Senator from Iowa, or the Senator from Oregon, the chairman of the committee?

Having due regard to such estimates—

What does it mean? I pause for a reply and I find none, and I am not surprised that there is none because there is no answer. No one on earth could tell what those words mean in this particular connection.

Having due regard to such estimates.

If they had said "Based upon such estimates the board shall," and so forth, then, so far as that element is concerned, they might come within the rule laid down by the Supreme Court. But for some reason the authors of the bill did not desire to tie the board down to the estimates they make, and so there is no rule to guide them with regard to the amount of the equalization fee. So much for the amount of the fee; but let us go on a little further.

At the time of determining and publishing an equalization fee the board shall specify the period during which it shall remain in effect.

What rule is laid down for the board to fix the period in which it shall remain in effect? So far as this language is concerned the period might be for two years or for two crop years. There is absolutely nothing with regard to time laid down by the legislative body, and so the board must legislate upon the matter of time, which under the Constitution it can not do. But let us go a little further.

Under such regulations as the board may prescribe, there shall be paid, during operations in a basic agricultural commodity and in respect of each unit of such commodity, an equalization fee upon one of the following: The transportation, processing, or sale of such unit.

Is there any rule laid down in the bill upon which the commission shall determine which one of those three shall be employed? It is absolutely within the discretion of the board. There is nothing in the bill to guide them. Congress might say it should be upon transportation, assuming the constitutionality of the fee; it might say it was upon processing or it might say it was upon sale, but the board is given the liberty to decide for itself without finding any fact or any rule laid down as to which of the three shall be employed. Does that comply with the rule laid down by the Supreme Court?

Next, if an equalization fee be constitutional, the party upon whom it is laid must be determined by the Congress of the United States, or some rule laid down by which the commission shall determine upon whom it shall be laid and who shall pay the fee. The bill is entirely silent upon that subject. Not only may it be laid at the will of the board without a rule being laid upon transportation or sale or processing, but the fee can be required from any one of the three. There is no provision in the bill such as we find in our taxation law, such as was the transportation tax, such as was the telephone and telegraph tax—that the fee shall be paid by the person who employs or uses the service. There is nothing of that kind here. In those cases the company was made the collector of the tax which was imposed upon the person who used the service. The tax was an excise tax for the privilege of using the service. But here, so far as the bill is concerned, the entire fee may be laid upon the railroad. There is no requirement in the bill that it shall be paid by the producer of the commodity. Yet the whole theory of the bill is that the surplus is to be regulated because the producer is going to pay the equalization fee.

I would like to have some Senator, before the debate is concluded, tell the Senate under what rule he believes we can compel a railroad company to pay the equalization fee. There certainly is no benefit to the railroad company. Could anything be clearer than that to attempt to compel the railroad company to pay the fee is taking the property of the railroad company without due process of law? The same is true of the processors. It is true that there is a phrase here which reads as follows:

The board may by regulation require any person engaged in the transportation, processing, or acquisition by sale of a basic agricultural commodity * * * (2) to collect the equalization fee as directed by the board, and to account therefor.

Collect from whom?

Mr. STEWART rose.

Mr. LENROOT. I yield to the Senator from Iowa.

Mr. STEWART. From the producer who ships.

Mr. LENROOT. But the producer may not ship.

Mr. STEWART. Then it will be collected out of the commodity that is shipped and be reflected in the price which the consumer pays.

Mr. LENROOT. Then, does the Senator think we can lawfully impose either a tax or a fee upon a person on the theory that he is going to pass it on to the consumer or take it out of the price paid the producer? Does the Senator think we have any constitutional right to do any such thing as that?

Mr. STEWART. We did do it in the head-tax cases.

Mr. LENROOT. No, I beg the Senator's pardon, we did nothing of the kind.

Mr. STEWART. Who collected the head taxes?

Mr. LENROOT. We collected the head taxes as a public fund, as I have already stated.

Mr. STEWART. From whom?

Mr. LENROOT. From the steamship companies.

Mr. STEWART. From whom did they collect it? From the people who paid for passage on the boats?

Mr. LENROOT. It is true that they did collect it from the people who paid passage, but we had the right to impose it on the steamship company as a regulation of interstate commerce. Does the Senator say we have a right to impose the equalization fee upon a railroad company, to be paid out of its treasury and out of its income, as a regulation of interstate commerce?

Mr. STEWART. But the Senator just a moment ago read the provision which provides that it shall not pay it out of its treasury, but that it shall be authorized to collect it.

Mr. LENROOT. From whom?

Mr. STEWART. As I said, from the producer of the commodity, and it all comes back to the producer.

Mr. LENROOT. Let us see then how the bill would work out. Here is an elevator which has purchased from 100 farmers 10,000 bushels of wheat. It offers that wheat for shipment to a railroad. The Senator says now that the railroad would pay the equalization fee and collect it from the producer. Will the Senator say how it would be humanly possible with 10,000 bushels of wheat mixed together? How could we compel a railroad company to go to the producer and collect any fee of any kind whatever? Again, it falls within the condemnation of the rule. The bill is silent as to whom the fee shall be collected from.

Mr. President, these are some of the questions which fairly bristle all through the bill. I respectfully contend that the report of the committee does not in any way sustain the claim which is made by the committee that the bill is justified under the provisions of the Constitution or can be upheld under the Constitution. For just a moment I want to refer to one or two other matters not having to do with its legal features.

We are told that this is not a price fixing bill. I would like to have some supporter of the bill explain to the Senate how the bill can be put into effect without fixing prices. Suppose a cooperative association is made the agent of the board to deal with the producer. Do Senators contend that the board, using $250,000,000 out of the Treasury of the United States and the equalization fee, if it should ever be collected, will say to any cooperative association, "Buy wheat at whatever price you choose and then sell it at whatever price you choose, and we will pay your losses"? Mr. President, it is unthinkable that anything of the kind would be done. What will be done, as a matter of fact, if the bill should ever go into operation and its provisions with reference to any basic commodity be put into effect, will be that the board will go to a cooperative association, if there be one capable of handling the product, and say to them, "Buy wheat at such a price, then sell the surplus at the world market price, and we will stand the loss." Of course, otherwise the bill can not work at all; and yet it is said by its proponents that it is not a price fixing bill.

The report of the committee, although it endeavors to avoid the charge that it is a price fixing bill, in giving illustrations of the kinds of agreements that could be made, gives as one of

three the sale of the commodity at a specified price if a buyer can be found. Oh, Mr. President, the fact that the term "price fixing" is not found in the bill does not prove that it is not a price fixing bill, for it is; otherwise it could not work at all.

Then there are some other rather remarkable provisions in the measure. One of them is with relation to cotton. It is provided that the board may require the purchaser or processor of cotton, which is ginning—

To issue to the producer a serial receipt for the commodity which shall be evidence of the participating interest of the producer in the equalization fund for the commodity.

Let us see how that would work. A farmer raises 10 bales of cotton; he sells them; the cotton may go through the hands of a dozen owners; and finally it gets to the ginner. Suppose the equalization fee is laid upon the ginner. This bill requires the ginner of cotton to find the grower of each particular bale of cotton and to issue to him a serial receipt. Does it require anything more than a mere statement of the proposition to see how absurd it is?

Mr. President, I wish I could support this bill. I sometimes wish the bill might become a law, because I am not at all certain but the constant propaganda for what seems to me to be clearly unconstitutional legislation can best be permanently ended by having the court settle it; and yet no Senator who believes that the bill is unconstitutional could work a greater injury to the farmer than to vote for it. For those Senators who believe that this is a valid exercise of the constitutional power I have not, of course, a single word of criticism; but, Mr. President, permit me to say in closing that if the bill should be found to be constitutional—which to me is unthinkable—and if it should be put into operation, while I will concede that the immediate result would be a higher price for the farmer's products affected by the bill, in the long run those most greatly injured by the bill would be the very farmers whom this bill is designed to benefit.

We all agree upon what the problem is. It is the existence of a surplus. The surplus beats down the domestic price; and speaking only from an economic standpoint, one would think that the effort should be made to equalize domestic production and consumption, so that there should not be any surplus; and yet, Mr. President, the whole design and purpose of this bill is to create constantly increasing surpluses. If the bill will do what its proponents say they believe it will do, it can have no other effect. The surpluses will increase year by year. The farmer should remember that there are more consumers of agricultural products in the United States than there are producers of such products; and if the tendency is to create a constantly increasing surplus, to be paid for out of the Treasury of the United States as a permanent proposition—for I can not see any other way it could possibly be maintained—then the time may come when the assistance will be withdrawn and the last state of the farmer will be infinately worse than the first.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The bill is before the Senate as in Committee of the Whole and is open to amendment.

POSTMASTER AT BRIDGEVILLE, DEL.

Mr. BAYARD. Mr. President, about four years ago a person by the name of William P. Short was appointed postmaster at a little town known as Bridgeville, in Sussex County, in the State of Delaware. His term will expire some time in March of the present year. At the time of his appointment little if anything was known against his character and the appointment at that time seemed to have been warranted. Since his incumbency in office, however, he has developed certain traits, failings, and so forth, which have brought him to the notice of his fellow citizens in that town, and, more than that, they have brought him to the notice of the Post Office Department. His conduct became such that, regardless of party politics in his town, a cry was raised against him because of his behavior; and finally, at the instance of the good citizens of his town, regardless of party, the Post Office Department sent a post-office inspector there to inquire into his conduct.

The post-office inspector inquired into the following charges: In the first place, he was charged with having opened registered mail and extracting from the mail package certain articles, not money, but certain letters. The particular instance was that four rural carriers had sent their resignations, I believe, under request of the Post Office Department. The four got together, and in the presence of each other and in the presence of Short, their several resignations were all put in the same registered envelope. It was sealed and delivered to Short for the purpose of transmission as a registered parcel to the Post Office Department here in Washington. However, when it arrived in Washington, but three of the papers were found within it. The missing paper must manifestly have remained in the possession of Short.

After the four men had signed their resignations and put them into the envelope no one is able to explain, except Short, how that one particular paper came to be missing, and he denies all responsibility for the loss. The records in the department here in Washington show that only three of the four resignations arrived here.

On top of that, the post-office inspector found that Short had embezzled the public money. While the inspector was making an examination of Short's accounts and had been to the bank, Short slipped around in the course of the afternoon and deposited a sufficient balance to make good his shortage.

More than that, it was found out that he was selling postage stamps on credit, which is distinctly forbidden by the postal regulations.

And, far more than that, and over and above that, it was established beyond a doubt that this man Short was making improper proposals to the women who were employed in the post office and to the patrons of the post office, both within and without the post-office building.

An examination was made, as I have said, by the post-office inspector, and as a result of that examination the inspector reported against Short on all these charges and recommended that Short be dismissed from office.

A summation of these charges was thereafter put into the hands of the United States district attorney for the district of Delaware, who upon examination thereof at once, before any further proceedings were had, so far as an indictment before the grand jury was concerned, recommended that Short be dismissed from office.

I intend later on in the course of my remarks to submit quite a little in the way of correspondence. However, as will be shown in a moment when I read the correspondence, the United States district attorney came to the conclusion that he had one very definite case. Of course, he could not proceed upon the charge of this fellow making improper proposals to women. That is not an offense against the postal laws as such or the Federal law as such. That would be an offense coming under the State laws. So the district attorney simply had to pass that by; but, as I will show from correspondence, it was on that ground largely that he recommended Short's dismissal.

The report of the post-office inspector was made in August, 1926; the papers were handed to the district attorney in Delaware in the latter part of that month, and an indictment under the procedure of the district attorney's office was found against Short for selling stamps on credit. There was a question in the district attorney's mind as to whether or not he could really prove the case of embezzlement. There was also a grave question as to whether he could prove the abstraction from the mails of the letters to which I have referred under the registered-mail system.

Those briefly are the charges. To-day Short is still in office; to-day Short is kept in office, and he is kept in office by the Postmaster General of the United States. In spite of the protest lodged at the Post Office Department by the good people of the town and in spite of the protest which I myself have recently lodged there I find myself powerless, Mr. President, to do anything more than exclaim against this situation.

I have exclaimed to the Postmaster General; I have exclaimed to the First Assistant Postmaster General, in whose office primarily this whole matter would be placed. When I went to General Bartlett, the First Assistant Postmaster General, he told me the case was out of his hands and had been taken over by Mr. New, the Postmaster General. When I took the matter up with the Postmaster General—and I will take up that phase of the case first—I wrote him a letter, under date of January 19, in which I reviewed briefly the facts as I understood them.

I ask that a copy of my letter to the Postmaster General under date of January 19, 1927, may be placed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

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

JANUARY 19, 1927.

Hon. HARRY S. NEW,

Postmaster General, Post Office Department, City.

MY DEAR MR. POSTMASTER GENERAL: Some time prior to the month of August, 1926, charges were preferred against William P. Short, the present postmaster at Bridgeville, Del., and as a result thereof, and under date of August 11, 1926, Post Office Inspector William J. Satterfield, having examined the said charges, submitted a report to Hon. David J. Reinhardt, United States district attorney for the district of Delaware. The charges, in substance, were that Short had embezzled moneys owing to the Federal Government; had sold postage stamps on

credit, and had made improper proposals not only to one of the woman clerks in the post office, but also to another woman, a patron of the office.

As a result of placing this report, made by the inspector, in the hands of Mr. Reinhardt, an indictment was found in the United States District Court of Delaware some time last fall, charging Short with having sold postage stamps on credit. Mr. Reinhardt informs me that the other charges are being held up because of the uncertainty of being able to definitely prove them if an indictment were found and the case brought to trial. However, the report of the post-office inspector, certainly in regard to the embezzlement charge, can not leave any doubt in the mind of a reasonable person that Short is really guilty of this charge.

I called upon General Bartlett on the 14th instant to talk over the matter with him, and asked if he would let me know at an early date whether or no under the gravity of the charges your office would take any immediate action looking toward Short's removal. Under date of January 15 General Bartlett wrote me that you, as Postmaster General, had this case presented to you personally some time ago, and that you entertained sufficient doubts in the matter to decline to remove him until the court determined the question of his guilt or innocence.

If it were merely a matter of politics, I would have little or nothing to say, but I am being approached, and my offices sought, looking toward the removal of Short by Republicans, and outstanding Republicans in Bridgeville, asking for the immediate removal of Short because of his manifest unfitness to longer continue to perform the duties of his office.

I venture a suggestion that had this been an abstract case and the record thereon as shown by the post-office inspector's report, plus the fact of Short's indictment for the sale of the stamps on credit, been submitted to you, you would have had no doubt that his removal from office was necessary if the Government was to be properly protected. I feel, therefore, justified in presuming that "political pressure" is being brought to bear to retain Short in office, and against this I respectfully and earnestly protest. I, therefore, ask that you again examine the records as disclosed by the inspector's report and take into consideration the indictment now pending, and in the near future issue an order for the removal of Short from office.

May I state in addition that Mr. Reinhardt, the Federal district attorney for Delaware, immediately after the indictment against Short was found charging him with the sale of postage stamps on credit, wrote to you as Postmaster General under date of September 28, 1926, notifying you of the indictment, and recommending that Short be immediately removed in order to avoid jeopardizing the Government's interests. May I further add that in your answer to this letter under date of October 2, 1926, you wrote Mr. Reinhardt that you would advise him as soon as the Post Office Department had taken any definite action in the matter. As a matter of fact, you have not since the last-named date, October 2, 1926, either directly or indirectly notified Mr. Reinhardt as to what action the Post Office Department has taken.

Very truly yours,

THOMAS F. BAYARD.

Mr. BAYARD. To that letter I received a reply from the Postmaster General under date of January 26, 1927, and I desire to read it in full and comment on it.

Hon. THOMAS F. BAYARD,
United States Senate.

MY DEAR SENATOR BAYARD: I have received your letter of the 19th relative to the case of Postmaster Short at Bridgeville, Del.

Replying thereto I would say that it is a fact that removal of this postmaster was recommended some time ago by a post-office inspector.

I pause there to say, Mr. President, that Postmaster General New very conveniently forgets the fact that there was another recommendation for dismissal, and that was from the United States district attorney for the district of Delaware.

However, it has been represented to this department by the postmaster's friends who insist the postmaster is innocent, that he is soon to be tried under an indictment charging him with a criminal offense, and they have made the plea to the department that he be not formally removed for the reason that if removed that fact would be used to his disadvantage in the trial; that if acquitted in the courts he would be entitled to retain his office so far as the criminal charge is concerned, and if removed and afterwards acquitted he would be out without recourse. Under the circumstances and with the understanding that he was to have an early trial the Postmaster General felt that the point made was not unreasonable.

The matter of fixing the date for the trial is wholly within the province of the district attorney and I have assumed that the postmaster would have an early trial.

Sincerely yours,

HARRY S. NEW, *Postmaster General.*

Mr. President, that is a very interesting letter. As I said a moment ago, he entirely forgets the request of the district attorney that this man be removed, and, at the instance of the friends of the postmaster, he asks that he be kept in office until this trial be determined. He snaps his fingers at the charges made by these good women in this town of these improper proposals; and I want to say here that these particular charges were backed up by affidavits in regard to this man's conduct; and yet Mr. Postmaster General New says he is a fit man to be kept in office until he is tried upon this comparatively trivial charge of selling postage stamps on credit! The question of embezzlement, the question of subtracting mail, the recommendation of the post-office inspector who was especially delegated for the purpose of reporting on this man, the recommendation of the United States district attorney for the district are waved to one side at the instance of friends.

In reply to that letter I wrote to the Postmaster General under date of January 28, 1927, and I desire to read a copy of that letter:

Hon. HARRY S. NEW,
Postmaster General, Post Office Department, City.

MY DEAR MR. POSTMASTER: I am writing to thank you for your letter of the 26th instant relative to the case of Postmaster Short, at Bridgeville, Del., and note that the sole reason you give for the continued retention of Short as postmaster is upon the insistence of his friends that he is innocent, and because of this allegation, the result of his pending trial under indictment should be determined before definite action in the matter is taken.

This insistence of friends is the trouble with the whole situation. Upon the alleged ground of friendship a man is being kept in public office against whom charges have been filed, and upon those charges recommendations by the post-office inspector have been made that he be removed from office. Again, the charges are serious ones, not only going to his faithful conduct as an official, but also as to his personal character and the treatment of the patrons of his office.

The post-office inspector's report was filed some time last August; the pending indictment was found against Short some time last September; and it is now six months since that indictment was found, and I am informed by the United States district attorney that trial will not be had until some time in March of the present year.

I might pause there to say that Short's term will expire in March of the present year, and, of course, under the circumstances he will not be reappointed; and I doubt not, under the circumstances, the Postmaster General will recommend to the Department of Justice that a nolle prosequi be entered on indictment.

It seems to me perfectly apparent that the move on behalf of Short's friends is not to wait until he be tried, but it is to wait until his term expires; so that it may be said of him that it was not that he was dismissed from office because he was found guilty by a court of misdemeanors or crimes during his incumbency of office. That is, at best, a specious plea, and is not founded in good morals or sound administration of government.

No one questions, and this includes yourself, but that a fair and careful examination was had by the post-office inspector, and that his report was voluminous and exhaustive.

I might state that I examined that report myself, and it is a very bulky document.

Further, as you yourself state, the post-office inspector recommended Short's removal. And again the indictment followed the result of this examination on one of the charges, and I might add that the charge upon which this indictment was based is merely one of the minor charges of which the post-office inspector took cognizance.

As I stated to you in my letter of the 19th instant, I have been asked to approach you in this matter by Republicans as well as Democrats who have a pride in their community, and it does not seem to me that the intercession of so-called friends of Short should be paramount when public service and public decency in the community have been so grossly affronted as is well established by the post-office inspector's report.

Apparently, from your letter, you have taken and will maintain the stand that Short will be retained in office until his trial be had upon the pending indictment. This, of course, is wholly unsatisfactory, as I view the situation, and I shall, therefore, feel compelled, unless Short is immediately removed, to criticize the situation on the floor of the Senate. Please understand me; I am making no threat in this matter, but I do believe that I have a right, on behalf of my constituency, to make public a situation of this kind, and in the manner indicated, because my constituents have no other remedy as the case now stands.

With kind regards, I am,

Very sincerely,

THOMAS F. BAYARD.

To that I received a reply, upon February 1, from the Postmaster General, which I shall read:

MY DEAR SENATOR BAYARD: Receipt of your letter of January 28 is acknowledged. In this letter you say "upon the alleged ground of

friendship a man is being kept in public office against whom charges have been filed, and upon those charges, recommendations by the post-office inspector have been made that he be removed from office."

That does not accurately or correctly state the case.

Why, Mr. President, I was quoting from the former letter of the Postmaster General himself, who gives as a reason the alleged friendship of this man's friends, or so-called friends, or political henchman, as a matter of fact, or favorites, or bosses, as the case may be. That is the sole reason why he is kept in office.

That does not accurately or correctly state the case. The man is not being retained upon the "alleged ground of friendship" or anything of the kind. May I say to you, my dear Senator, that I have made personal inquiry into this case and am perfectly satisfied that whatever the present situation may be, the trouble in which Mr. Postmaster Short—

Is not that a nice term?

The trouble in which Mr. Postmaster Short finds himself had its origin in the political hostility of certain of his enemies whose story you have heard and which you no doubt believe.

Do you think for a moment, Mr. President, that these good women of the town would make these allegations and make affidavit to these allegations if Short had not made indecent proposals to them? Is it possible in any sense to believe that? Postmaster General New himself has copies of that accusation, as shown in the inspector's report; and yet he undertakes to whistle that accusation down the wind and treat that community in my State with such manifest injustice!

I do not in the slightest degree criticize your position, but I respectfully ask that, notwithstanding the report of the post-office inspector, I am sincerely and genuinely doubtful of the guilt of this man. I do believe that under all the circumstances he is entitled to his day in court and to an opportunity to there prove his innocence of any wrongdoing before he is summarily removed from office.

I venture the statement, Mr. President, that if Short should not be tried before his term expires, the Postmaster General of these United States will not dare to recommend Short for reappointment to that office. He will come before this body, if he does, with that filthy, dirty record, that record for incompetence, that record for maladministration, that record for embezzlement, and the various things I have noticed; and I say frankly that I do not believe Mr. New would dare to send Mr. Short's name here for reappointment to that office, and yet he undertakes to write such nonsense as this—

The community at Bridgeville has pretty sharply divided on this question and Mr. Short's opponents, some of whom are in the Democratic and some of whom are in his own party, have urged with great zeal that he should be peremptorily dismissed.

May I say there of my own knowledge that I know that community. I know it well. It is a strong Republican community. It is overwhelmingly Republican as far as its political complexion is concerned; but the Republicans of the better class—the decent, thinking Republicans in that community—are all up in arms against Short, and he is being kept there merely because of his relationship to two or three Republican political hacks there who control the situation from a political point of view. That is the sole reason why he is being kept there.

I can only say to you that a very thorough inquiry into every fact and circumstance attendant upon this case leaves me, to say the least, very seriously in doubt that there ever was in this man's mind the slightest intention of doing anything wrong. There were irregularities of which he should not have been guilty and this I do not for a moment question.

Then why in the name of all possessed does he keep this man in office? He "does not question irregularities." If the man is irregular in the conduct of his office, and Mr. New undertakes to set himself up personally as a man at the head of the Post Office Department who is going to give us efficient and decent service, why, in view of what he says there, does he continue this man in office, if for no other reason?

I would call your attention to the fact that the Post Office Department has placed every fact in the possession of the legal authorities, and it was upon the information the department furnished that the man was indicted.

Please do not forget that the United States district attorney for the district of Delaware, as soon as he had these facts in his hands, sat down and of his own motion wrote to the Post Office Department and asked for Short's removal upon his record.

If the authorities feel that they can make a case against this man, he will undoubtedly be brought to trial; and when he is, the department will place in the proper hands every fact and circumstance attending this case without the slightest deference to political affiliations, prejudices, or attachments.

I have not the slightest objection to your putting the facts in this case into the CONGRESSIONAL RECORD; but if you do, I hope you will insert this letter as a part of your remarks.

Very respectfully yours,

HARRY S. NEW,
Postmaster General.

Why, of course I intend to put it in the RECORD. I want to be fair to Mr. New, and there it is.

There is the record in the case; and what is my remedy? I went, in the first place, to the First Assistant Postmaster General, Colonel Bartlett, in whose jurisdiction this case should properly come for original and final determination. I found that the case, at the instance of somebody, had been taken out of his hands and put in the hands of the Postmaster General himself. That is rather a peculiar proceeding when you realize the fact that this little town of Bridgeville has less than 2,000 inhabitants, and the keen interest and the keen zeal of the Postmaster General of the United States for the efficiency of the service of the Post Office Department was suddenly awakened in this small corner in my little State. It is altogether a very peculiar thing.

Now I want to read from a letter written to me by the United States district attorney, David J. Reinhardt, whom I have known very intimately and in a very friendly way. We are near neighbors at home and have been friends for more years than I care to admit; certainly upward of 40 years.

I wrote to Mr. Reinhardt on January 15 of the current year, and, among other things, I said:

Will you kindly let me know at your earliest convenience whether the indictment on the charge of embezzlement has been withheld at the request of either the Post Office Department or the Department of Justice or by anybody else, and the reasons therefor? Will you also let me know whether trial for the sale of postage stamps on credit will be held at an early date, and approximately what that date will be?

Mr. Reinhardt replied to me under date of the 18th instant, and among other things, he said:

The facts in the Short case are as follows:

This is a letter dated January 18, 1927, from Mr. David J. Reinhardt, United States district attorney for Delaware, addressed to me.

The facts in the Short case are as follows:

Post Office Inspector William J. Satterfield, under date of August 11, 1926, submitted to me a report in regard to the alleged embezzlement of the postmaster at Bridgeville, and in regard to his selling stamps on credit. I went through this report very carefully and also interviewed Satterfield and some of the witnesses. I came to the conclusion that it was unlikely that we would be able to convict the postmaster upon the charge of embezzlement for the reason that he made the shortage good almost as soon as it was called to his attention. He also attempted to blame the shortage on certain employees in his office, and I had no evidence which satisfied me as to exactly who was the guilty party.

When I came to examine the sale of stamps on credit charge I had no doubt about the matter, and therefore I prepared an indictment charging Short with the sale of stamps on credit. Nobody suggested my withholding the indictment on the charge of embezzlement, and I made up my mind not to press that indictment solely as the result of the report of the inspector and my examination of him and some of the witnesses. On the last page of the inspector's report he speaks as follows:

"While there was no evidence of the appropriation of postal funds to his personal use, refusal of the postmaster to permit an examination of the books in which charge accounts with patrons are kept, in the face of his denial that such is the case, prevented my ascertaining whether the shortage occurred by reason of the failure of some patrons to settle for stamps advanced to them on credit. The shortage in the postal account was immediately made good from the postmaster's personal funds, and I caused him to remit to the central accounting postmaster at Wilmington, Del., the amount due the Government for the month ending July 31, 1926."

It is not possible at present to name the exact date for the trial of Short. Our next criminal trials begin February 14, 1927. We have a number of persons confined in jail unable to give bail, and it is probable that their trials will take up the better part of the week beginning February 14. The next trial term will probably be about the 20th of March, and I expect then to take up the Short case. I will be glad to give you the exact date as soon as it is set.

The point I make is that Short's term expires some time in March, so Senators may readily see the undue paternal interest which the Postmaster General takes in this particular case. Mr. Reinhardt continues:

Immediately after the indictment was found against Short I wrote to the Postmaster General under date of September 28, 1926, calling his attention to the fact that the postmaster at Bridgeville, Del., had been indicted for a violation of section 208 of the Penal Code. In this letter I suggested that the postmaster be immediately removed from office in order to avoid jeopardizing the Government's interests.

Mr. Reinhardt, as I have said, I have known since he was a boy. He is a thoroughgoing Republican. He has run for office. He has run for State Senator in my district. He has been the attorney general of the State. He has been a very keen party politician all his life, and I know him to be a thoroughgoing Republican. How could it be, under all these circumstances, that Mr. Reinhardt, who has a high sense of public duty, could do other than he did in this case, and write, not to the Post Office Department, but to the Postmaster General himself, and under the circumstances disclosed to him (Mr. Reinhardt), in the Post Office Inspector's report, recommend the immediate removal of Short from office because he was jeopardizing the Government's interests?

As I said a little while ago, the Postmaster General makes no observation and no reference to any communication or correspondence with Mr. Reinhardt.

It might appear, Mr. President, that possibly I had not exhausted all my means of approach in this matter, and that I should have taken further steps. It may be said of me that I did not go to my colleague, Senator DU PONT, in this matter. After it was brought to my attention, Senator DU PONT had gone south, because he had been in bad health on account of a severe illness he had last year, and he is now in the South, so I could not approach him.

I had one other door, possibly, open to me, and that would be to go to my Congressman. As we all know, the ordinary rule obtaining in the Post Office Department is that the Representative from the district shall be the dispenser of patronage, and take care of the matter of handing out the post offices, and recommending people for appointment or dismissal, as the case may be. It may well be asked why I did not go to my Congressman, Mr. HOUSTON, and I want to state why I found that door barred to me.

Some time in December of last year I wrote to Mr. HOUSTON in regard to another post-office matter, and sent to him a series of charges filed by the postmaster in another town against a young woman there, a married woman, who had been a clerk in his office for upwards of 10 years. The papers which I sent Mr. HOUSTON were copies of the charges, and copies of this young lady's answer to the charges, and those answers seemed to me to dispose of the charges, not by reason of the fact that she made the answer herself, but for the additional reason that she fortified her answers by many letters and affidavits from people who were present and people who testified on her side in regard to the charges filed against her by that postmaster.

I sent a letter to Mr. HOUSTON, asking his good offices, and requested him to ask this particular postmaster to let up, so to speak, upon this young woman. The reply I got from Mr. HOUSTON is rather interesting. It discloses what I might call—and I do it with all courtesy to Mr. HOUSTON, as I would show courtesy to any Member of the other House—a peculiar state of mind, a peculiar viewpoint, and one of the phases of this state of mind I think will be interesting to the Senate, as showing the viewpoint of the House in regard to Senators who undertake to examine into the machinations of the Post Office Department under the present Republican régime.

Under date of December 22, 1926, Mr. HOUSTON wrote me as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 22, 1926.

Hon. THOMAS F. BAYARD,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Your letter of December 16 inclosing correspondence with Mrs. Martha B. Davis, clerk in the post office at Newark, Del., and copies of complaints, etc., received. This is the first knowledge I have received that Postmaster Evans had filed complaints against Mrs. Davis. I have read the correspondence with interest but until the matter is called to my attention by Mr. Evans or the Post Office Department I do not feel that I should take any action in the matter.

Very truly yours,

ROBERT G. HOUSTON.

Mr. President, what does that mean? In other words, a United States Senator, in taking care of the interest of his constituents—and everybody in the State of Delaware is one of my constituents—is not an official in the view of Mr. HOUSTON, and I am going to assume that Mr. HOUSTON fairly represents the Republican congressional view in the House of Representatives to-day.

The point I am particularly trying to make is that I did not take up this matter of the Short postmastership at Bridgeville because Mr. HOUSTON had shut the door in my face, because I am unable, from his point of view, officially to bring to his notice any derelictions on Short's part, or any condition touching the post office there at Bridgeville, until, forsooth, the Post Office Department, or Mr. Short himself, happens, by mere accident, to go to Mr. HOUSTON and make complaint to him.

I know, as a matter of fact, that Mr. HOUSTON, the Congressman, lives in Sussex County, within 25 miles of Bridgeville. He knows Mr. Short well and personally, he is a member of the dominant political faction of the Republican Party with which Mr. Short is affiliated, and while I am unable to prove it by actual fact, I feel that I know in my heart that it was at Mr. HOUSTON's instigation and suggestion that Postmaster General New took this matter out of the hands of the First Assistant Postmaster General, and assumed charge of the matter himself, and that HOUSTON represents the so-called friends who are interceding on behalf of Mr. Short.

That is why I can not go to Mr. HOUSTON. That is the reason this door is closed to me, and that is the reason why the people in my State, the decent people, who want decent government and decent administration of the post office at Bridgeville, have no other remedy than for me to explain the matter upon the floor of the Senate, and to protest against what I term to be an outrage upon decent government.

DEBT SETTLEMENT WITH SERBS, CROATS, AND SLOVENES

Mr. SMOOT. Mr. President, I do not think it will take long to consider and dispose of Senate bill 4190, to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes. It is the last of the debt settlements and is the poorest of the countries with which we have made settlements. I ask that the Senate proceed to the consideration of the bill at this time.

Mr. CARAWAY. How much on the dollar are these people to pay?

Mr. SMOOT. I can tell the Senator in just a few words. The amount of the indebtedness is $62,850,000, of which $51,037,886.39 represents principal and $11,812,113.61 the amount of accrued interest to the date of settlement.

Mr. CARAWAY. Is that figured just as the Senate figured the French debt? In the first place, it was stated that we were to get every dollar of the debt, and then, when the French made a face at this country, the Secretary of the Treasury showed that we had given them everything they got before the end of the war.

Mr. SMOOT. I want to say to the Senator that at the end of the term we will get more than the original amount due.

Mr. CARAWAY. That is 62 years from now.

Mr. SMOOT. If the Government, adding the $11,812,000, were compelled to sell the debt in the market to-day on the basis of 3 per cent interest, it would be worth only 59 per cent of the total amount we advanced to them.

Mr. CARAWAY. Let me ask the Senator another question. He says these are the poorest of all the countries with which we made a debt settlement?

Mr. SMOOT. They are.

Mr. CARAWAY. Then, why should we make them pay twice as much as we ask of France?

Mr. SMOOT. I am speaking now of settlement on a 3 per cent basis. I was going on to tell the Senator what would happen in the case of a 4¼ per cent basis. In that case, it would be 32 per cent.

Mr. CARAWAY. There is a difference between the 3 per cent and the 4¼ per cent basis?

Mr. SMOOT. Yes. The Senator interrupted me when I was about to continue and state what it would be under a 4¼ per cent basis. On a 4¼ per cent basis the interest we have paid upon our bonds would represent what we are to receive under all the other settlements spoken of. The amount would be 32 per cent.

Mr. CARAWAY. The Senator says these are the poorest of the countries.

Mr. SMOOT. They were overrun three or four times.

Mr. CARAWAY. Then, why did you make them pay more than you made other countries, which were richer, pay?

Mr. SMOOT. There was only one other country—Italy—and Italy had nearly seventy times as much indebtedness.

Mr. CARAWAY. They had more wealth, too, did they not?

Mr. SMOOT. They have a greater country.

Mr. CARAWAY. They got more money from us, too, did they not?

Mr. SMOOT. Oh, yes.

Mr. CARAWAY. The recommendation for the settlement with France was very much lower than this, was it not?

Mr. SMOOT. No; it was 52 per cent. We did not make a settlement.

Mr. CARAWAY. I remember reading the statement of the Secretary of the Treasury with some interest, showing that we were giving them everything they borrowed before the end of the war, making them pay back the postwar debt only.

Mr. SMOOT. That is true, because the pre-war debt was greater than the post-war debt in the case of France. France's settlement was on the basis of 52 per cent.

There are only a few moments left before the unanimous-consent agreement will take effect, and, of course, if there is any objection, we can not pass the bill to-night. It is the only debt settlement left.

Mr. CARAWAY. No; the French debt is left.

Mr. SMOOT. We have made no settlement that France has agreed to.

REGULATION OF RADIO COMMUNICATIONS

The PRESIDING OFFICER. The hour of 5 o'clock having arrived, under the unanimous-consent agreement previously entered into, the Chair lays before the Senate the conference report on the radio bill.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (H. R. 9971) for the regulation of radio communications, and for other purposes.

Mr. WALSH of Massachusetts. Mr. President, I shall address the Senate very briefly upon the subject of radio legislation, which now is before the Senate under the unanimous-consent agreement.

I had hoped that the Senate, in view of the great importance of radio legislation which deals with an absolutely new legislative subject of far-reaching proportions, would direct the conferees on the part of the House and Senate to limit the operation of the law to one year, so that a new bill could be enacted in the next session of Congress remedying the imperfections and shortcomings of the bill now pending for final action. This course the Senate has refused to take.

Therefore I shall vote for the approval of the conferees' report, not because I regard it as a perfect measure, which it is not, but because it is the only remedial legislation now possible. Its rejection would be a much greater public disaster than its failure to accomplish what might have been accomplished by a more perfect bill. It is a compromise measure, a necessary choice of evils, and I disclaim all responsibility for the faults and omissions, some of which I am about to enumerate, and which no effort of mine could correct, because my only choice now is this bill or no legislation at all at this time.

The bill deals with an unknown and undefined problem and should have fully defined the rights of the public for the guidance of the commission in the discharge of its duties.

It fails to clearly and definitely safeguard the rights of free speech, to prevent the control of broadcasting in the interest of the dominant party or powerful special interests, and to secure to the exponents of all shades of opinion a reasonable access, upon equal terms, to its facilities for influencing public opinion, aiding or opposing the election of candidates, and controlling legislation.

It fails to make satisfactory provisions for the supervision and regulation of charges or rates, either such as are now exacted for the use of broadcasting facilities or those that may hereafter be imposed upon receiving sets as is done abroad. There should be a supervisory body with at least the powers that are lodged in the Interstate Commerce Commission in regard to railroad rates.

The licensing is far from satisfactory, especially in that the commission provided for is to continue as such for a year only, its duties then to pass to the Department of Commerce; in other words, to subordinate employees of a greatly overladen department, subject to what can at best be but a perfunctory review by its head. The retention of the commissioners as a sort of board of appeal, on a per diem basis of compensation, is a plan which, in my experience of public affairs, I have often seen tried but have never known to work satisfactorily. The commission should be permanent and on salaries that would command the continual service of efficient experts.

Mr. President, I do not believe the bill creates or promotes monopoly. If I thought it did, I would vote against it. Monopoly does exist, partly based on our patent laws and partly due to buying out or drowning out of competitors, and every month's delay in legislating tends to facilitate the growth of monopoly. The pending bill checks its growth, so far as any restraint is now possible.

My vote for the bill is given in the hope and expectation that certain defects will gradually, under the compelling force of public opinion, be removed by subsequent legislation, and in the conviction that the damage resulting while they are permitted to continue will be much less than would be suffered by the public if the bill were now refused enactment.

Prompt action is most essential. With every succeeding month the confusion increases and the difficulty and expense of remedying it increase also. This legislation, if enacted two years ago, would have produced results much more satisfactory than can now be hoped for, and at a fraction of the cost to the Government and to the public. In such circumstances it is far better to enact imperfect legislation, to be perfected in the light of experience as its practical workings disclose defects, than to wait for the drafting of a perfect measure, if that were possible.

Mr. President, for these reasons, and for the reason that there is a very pressing demand from all interests for some governmental regulatory power to control this very important, useful, and beneficial agency of entertainment and information, I feel that it is my public duty to vote for the conference report. I see nothing else, in the case of failure of enactment of the legislation, except chaos. I do not propose to be a party for another year to the chaotic conditions which now exist in the country. Therefore, I shall vote to support the conferees' report and I hope we will act without further delay, for the public is properly clamoring for relief from the present confusion and unsatisfactory condition.

Mr. DILL. Mr. President, the Senator from Massachusetts has made a very excellent statement of the situation with one exception, I think. I can not allow to pass unnoticed his statement that after one year the commission becomes merely an appellate body. I do not believe that the terms of the bill justify that view.

In the first place, the commission retains at all times the power of revocation of licenses. That is never transferred to the Secretary of Commerce. In many ways that is the most important power aside from the power of granting the licenses. The Secretary of Commerce has no power under the legislation, even after the first year, except as there is no objection on the part of anyone. By that I mean that if no one objects to the Secretary acting on an application for a license or an application for a modification or renewal of a license, he may do so.

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

Mr. DILL. I yield.

Mr. KING. Perhaps I have interrupted the Senator in the midst of a sentence, but I would like to ask him if the statement which he has just made is quite accurate? Would it not be more accurate to say that the Secretary does have full power subject to the right of appeal to the board?

Mr. DILL. No; that is not accurate. The bill specifically provides that on the filing of an application anyone may protest within 10 days, whereupon the matter goes automatically to the commission without the Secretary's action at all. It provides further that any applicant on his request may have his application considered by the commission without reference to the Secretary, and it provides, of course, that the Secretary himself may refer. Those are not matters of appeal; they are matters of which the commission takes jurisdiction on the filing of a protest or on the request of the applicant.

Mr. KING. Still the fact is that the Secretary of Commerce has plenary power to deal with the subject in all its ramifications if a protest is lodged. If an appeal is taken to the board, then automatically the appeal is carried forward.

Mr. DILL. If anyone objects, why should he not act?

Mr. KING. There are many reasons.

Mr. DILL. I am speaking now from the standpoint of the bill. Of course, I believe the commission ought to be permanent, but we were faced with the situation to which the Senator from Massachusetts [Mr. WALSH] has referred. We either had to take a compromise to get the legislation or we would have had no legislation, and the conferees did not feel that they could take the responsibility of allowing the chaos in the air to continue and to have no legislation on the subject.

Mr. KING. The Senator said it was this bill or nothing. Has the Senator thought of the situation the House conferees would have been in if they had taken the position which the Senator now says we have taken? Why did not the conferees on the part of the Senate insist and let the House act?

Mr. DILL. Let me remind the Senator from Utah that the House conferees yielded a great deal in the matter. There seems to be an assumption on the part of Senators that the

House conferees did not yield anything. The House conferees yielded the right of the commission to settle all the problems of radio which would confront it on the passage of the legislation. That is a tremendous power, a power which they did not want to give up.

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

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. DILL. I yield.

Mr. PITTMAN. The Senator said that the House yielded on all powers to the commission to decide. As a matter of fact, the Senator has already admitted, because I have read it in the RECORD twice, that if a protest is made on the ground of discrimination it can not reach the commission until after the Interstate Commerce Commission has passed on it.

Mr. DILL. That is a matter, of course, of a licensee who already has a license.

Mr. PITTMAN. And if it is made on the ground of overcharge it can not go to the commission until after the Interstate Commerce Commission has found as a fact that they were overcharged.

Mr. DILL. I recognize that. I said that the other day.

Mr. PITTMAN. In other words, I could not make a protest to the commission until I had practically proven every case that would come up to the Interstate Commerce Commission.

Mr. DILL. May I remind the Senator from Nevada that up to this time there has never been any charge of overcharging by radio, and there has been no charge of discrimination so far as I know. That is a problem which no doubt will arise, and the Senate conferees felt that it was far better to take that as it was presented and have legislation than to have no legislation at all.

Mr. PITTMAN. I appreciate all the work the Senator has done. I am not criticizing him, as he knows. He has made a good fight, and I wish he could have had his own bill retained. If he could have kept that bill, he would have had the commission he desires.

Mr. DILL. I recognize the full strength of that proposition as much as the Senator from Nevada.

I want to go back to the statement of the Senator from Massachusetts [Mr. WALSH]. There is no probability, in my judgment, that the commission will ever by any possibility finish its work of the allocation of wave lengths and decide these problems by the end of the first year. They may continue to sit at such times and for as long a period of time as they see fit. The Secretary of Commerce has nothing to say about how long they shall sit nor what they shall do.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. DILL. Certainly.

Mr. WALSH of Massachusetts. Of course the Senator is aware of the fact that all progressive governmental changes have done away with per diem commissions?

Mr. DILL. I recognize that.

Mr. WALSH of Massachusetts. The Senator knows that they have been found useless, and that the work has been done largely by someone in charge of the office in the absence of the commissioners. It seems to me that the arrangement was made as a compromise in view of the insistence of the Senate conferees that the commission should be retained. Of course, having a per diem commission is perhaps better than having none at all.

Mr. DILL. I may add that the House conferees maintained that there would be so little work to do after the first year that we would not be justified in keeping the commission as a permanent one.

Before I yield the floor I want to call attention to some of the incorrect statements in a letter which was printed in the RECORD yesterday at the request of the Senator from Nevada [Mr. PITTMAN]. I was otherwise engaged at the time and did not give much attention to the letter written by Mr. C. Wood Arthur, secretary of the Radio League of America. It is so full of inaccurate statements that I shall not take the time to correct them all, but the very fact that he states that the only people who have been heard regarding legislation were the representatives of the Radio Corporation shows how absolutely inaccurate he is. Everybody was heard who wanted to be heard, and, as I recall, there was only one representative of the Radio Corporation heard. As a matter of fact, the Radio Corporation do not want this legislation. Their president said they do not believe legislation is necessary.

This gentleman's position is clearly stated in the last paragraph, in which he recommends to us the passage of legislation by which he wants to prohibit direct advertising by radio. I think it may be interesting to know that he is the gentleman who does not want any legislation at all. He wants the radio organizations to divide up wave lengths themselves and acquire the very vested rights against which the Senators are contending.

In addition to that, he proposes to charge a fee to the listener, in which his organization will distribute and pay for programs according to his direction, and the members of his paper league—for that is all it is—are to get from forty to fifty thousand dollars a year salary under this system. In the light of those facts I think that his statements do not carry very much weight.

Mr. HOWELL. Mr. President, I rise to a point of order in connection with this bill. I call attention to Rule XXVII, and the second section thereof, which is found on page 32 of the Senate Manual. It reads as follows:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

I call particular attention to the last paragraph of this quotation—

> nor shall they strike from the bill matter agreed to by both Houses.

Mr. President, referring to House bill 9971, being "An act for the regulation of radio communications and for other purposes," and particularly to page 3, beginning with the parenthesis in line 6. The words in parenthesis are as follows:

> (with due consideration of the right of each State to have allocated to it, or to some person, firm, company, or corporation within it, the use of a wave length for at least one broadcasting station located or to be located in such State, whenever application may be made therefor).

I also call attention to page 35 of House bill 9971, as amended by the Senate. Beginning with the parenthesis in line 19, we find that identical language has been used. In short, the language in this parenthesis, which is of great importance to the various States, was inserted in the House bill. It was inserted and passed in the Senate bill, and therefore when stricken out by the conferees it constituted identical matter stricken from each bill as passed by both the House and the Senate, respectively. Therefore, under the rule I have quoted, the conference report should be recommitted.

The VICE PRESIDENT. The Chair is not so familiar with the provisions of the bill as is the Senator from Washington and would like to hear from that Senator before ruling on the point of order.

Mr. DILL. Mr. President, the statement of the Senator from Nebraska [Mr. HOWELL] as to identical language being used in both bills is correct; but in the amendment of the Senate the entire House bill was stricken out, and I think in such a case it is the general rule that the conferees are permitted to insert any new language that is germane.

I wish to say to the Chair that the same substance is covered in the conference report bill in section 9, which provides:

> In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency or wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

As the language read in the provision to which the Senator from Nebraska has called attention it was misleading and would be in conflict with the provision I have just quoted, because it reads "the use of a wave length." That might readily mean the exclusive use of a wave length; that no other station should be permitted to operate on that wave length. Under such a provision there would be 48 States taking 48 wave lengths. That would seem to be in conflict with the provision in the conference report that distribution shall be made so as to give fair, efficient, and equitable radio service to each State and community. For that reason the conferees felt that the language in the original bill was surplusage and was in conflict with the provision of the conference report. They believed that striking it out was in order under the general rule which I have mentioned.

Mr. PITTMAN. Mr. President, the Senator from Washington has said that the conferees disapproved of the provision to which attention has been directed by the Senator from Nebraska and felt that it would possibly give the 48 States too much. In other words, they did not approve of the legislation adopted by the House or the legislation that was adopted by the Senate; they did not think that the House understood how to legislate or that the Senate understood how to legislate on this subject, and therefore the conferees legislated by striking out this objectionable matter.

It is agreed, Mr. President, that section d is identical in the House bill which was first passed and in the Senate bill which was subsequently passed. This provision had a particular purpose that no other provision in either bill had, and that was to attempt to assure to each one of the 48 States that there should be allocated to each of such States a wave length which could be used in the State for broadcasting from that State.

Now, here is the rule:

Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report; and if the point of order is sustained, the report shall be recommitted to the committee of conference.

That was not always the rule of this body. Nearly all the precedents which are found were made before that amendment to the rules was adopted. Let me call your attention, Mr. President, to the amendment.

Mr. DILL. Mr. President, before the Senator takes that up will he let me ask him a question?

Mr. PITTMAN. Yes.

Mr. DILL. When the conferees in the agreement they were making united upon a provision as to the distribution of licenses which would be in conflict with the language of the original bill, does the Senator think that it would be a wise proceeding to retain in the bill two clauses in conflict with one another?

Mr. PITTMAN. That was not in the discretion, I may say, of the conferees.

Mr. DILL. The conferees have the privilege of writing in provisions that are germane to the bill, and in writing the provision for the distribution of licenses so that there would be equality of service they found that it came in conflict with the language in the original bill.

Mr. PITTMAN. Mr. President, the conferees have very broad latitude when one bill is stricken out and another is substituted. The duties of conferees are well understood. We have had conferences since the beginning of Congress. The purpose of a conference is to harmonize the differences between the two bodies; it is not to legislate for the two bodies. If one body appropriates for a certain purpose $100,000 and the other body cuts it down to $50,000, the conferees can not change the amount to a million dollars merely because they can rewrite the whole bill. A million dollars would be germane to the appropriation, but the object of the conference is to harmonize the difference between $100,000 and $50,000. The conferees are not appointed for the purpose of determining how much of an appropriation is really needed.

Where the language of the two bills differs, but both are attempting to accomplish the same thing, or approximately the same thing, if the managers on behalf of neither side will adopt the exact language of the other, then it is evident that they have got to adopt a compromise. No one denies that at all.

The Chair recently held here that that could be done, and, of course, it can be done; but there is one definite restriction that this body in 1918 saw fit to place on its conferees, and that was that they could not change language which had been agreed on by both Houses. What would be the necessity of changing language which had been agreed on by both Houses?

The Senator from Washington says that the conferees had to eliminate the provision which has been quoted because it might be in conflict with some other provision as they would write it. If there had to be something left out, it was what they were going to write and not what both Houses had agreed on; and if they could not come to an agreement on a consistent bill, then it was their duty, as conferees have done in the past and as the precedents show, to report back to both Houses that by reason of certain circumstances they could not agree and leave the matter to the two Houses to determine whether or not there should be a change in the bill.

Can there possibly be any plainer language than I have read?—

Nor shall they strike from the bill matter agreed to by both Houses.

How can both Houses agree to matter before it goes to conference? There is only one way in which they can agree, and that is by having the same text. If the House of Representatives have agreed on the text of a bill, and it comes over to this body, and we pass it, then we have agreed on the text of a bill. If they have certain paragraphs in their bill, and we agree to those paragraphs, there is no disagreement as between the two Houses as to those paragraphs. This rule is mandatory and it was intended to be mandatory. It originated in 1918 as a result of the gross violation of the authority of the conferees of both bodies.

I call your attention to the time when this took place, Mr. Gallinger presented it:

Mr. GALLINGER. Mr. President, I am directed by the Committee on Rules to submit a report (S. Rept. 308) on Senate Resolution 162, which I ask may first be read, and I call the attention of the Senator from North Carolina [Mr. OVERMAN] to the report after it has been read.

The PRESIDENT pro tempore. The Secretary will read the report.

The Secretary read as follows:

"The Committee on Rules, to whom was referred Senate Resolution 162, providing for an amendment to Rule XXVII by adding the following paragraph:

"'2. Conferees may not include in their report matters not committed to them by either House, and in case new matter is included, the same shall be subject to a point of order, and, upon such point of order being made by any Senator, if sustained by the Presiding Officer of the Senate, such new matter shall be ruled out and eliminated from the report:

"'*Provided*, That the elimination of such new matter upon a point of order shall in no way affect the remainder of the conference report'—having considered the same, beg leave to report a substitute, as follows: and recommend its adoption:

"'2. Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.'"

Mr. OVERMAN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution reported by the committee as a substitute for Senate Resolution 162. I think it appeals to every Senator, inasmuch as now we are beginning with the appropriation bills. If the Senate desires a rule of this kind, it ought to be adopted at once. I think the rule explains itself. It gives any Member of the Senate the right to rise to a question of order when new matter not considered by either House is put in a bill or matter has been stricken out.

* * * * * * *

Mr. CURTIS. Mr. President, I will say to the Senator from New Hampshire that Cleaves's Manual on Conferences and Conference Reports was adopted as the result of the passage of a resolution by the Senate. This amendment to the rules is one which was offered by me, and the amendment reported by the committee is satisfactory. I hope there will be no objection to it, for, if adopted, it will stop legislation by conferees.

I thank the Senator from Kansas for that statement. I know that up until 1918 there was a constant fight in this body to stop legislation by conferees. If there ever was a piece of audacious legislation by conferees, it is this thing. Here is a provision deliberately placed in this bill after debate in both Houses of Congress, exactly the same provision, guaranteeing to every State of the Union protection for at least one broadcasting station within that State.

Mr. DILL. That is not what the bill says: The bill says "wave length."

Mr. PITTMAN. Whether the bill calls it "wave length" or not——

Mr. DILL. If it means what the Senator says, it does not amount to anything anyway.

Mr. PITTMAN. I thank the Senator. I suppose if the Senator had thought it meant anything he would have left it in.

Mr. DILL. I thought it was in conflict with the agreed language for distribution of licenses, and therefore that it ought to come out.

Mr. PITTMAN. There is not any doubt that it is practically the only time the States were mentioned. There is not any doubt whatever that the Senate had considered this matter, and I was here considering it as one who voted for it, and others considered it, and I heard it discussed in the debate. There was a deliberate intention that there should not be a monopoly of this proposition; that there should not be one concern in New York City, through chain branches, serving the whole United States; that every State should be entitled to at least one broadcasting station, one wave length which it could use for broadcasting in that State. That was the intention, and that was adopted by both Houses; and in violation of an absolute, positive rule in this body the conferees have stricken out the paragraph that was agreed on by both Houses.

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

Mr. PITTMAN. Certainly.

Mr. FESS. The Senator has stated the proper procedure, that conferees can deal only with matters that are in difference between the two Houses. The question that comes to me, and the only one that raises some doubt about the Senator's posi-

tion, is, when the Senate strikes out all the House bill and puts in the Senate bill, does not that put the whole bill in difference between the two Houses?

Mr. PITTMAN. Mr. President, the Senator from Ohio is dealing with words instead of with thoughts. There is not any doubt but that when a Senate bill is substituted for a House bill the whole Senate bill, as far as the House is concerned, is treated as one amendment; and there is not any doubt that, treating it as one amendment, the whole two bills are in conference, and the conferees can do anything that they are not prohibited from doing.

What are they prohibited from doing? If they are in conference with regard to battleships, they are prohibited from changing the bill to a road bill. Therefore, if they are dealing with a difference in appropriation between $100,000 and $50,000, they can not go above $100,000. The whole two bills are in conference, but those things are forbidden.

What else is forbidden? We will give the conferees all the inherent power they want; we will give them all the necessary power they want, all the reasonable power they want to deal with the subject; but the Senate in 1918 saw fit to restrict their power, and what did they do? They simply said this:

> Conferees shall not insert in their report matter not committed to them by either House—

We are not dealing with that question now. That would be a question of judgment, as to whether it was a matter not committed to them. There is a very wide variance in that kind of a matter. Here is language of the House bill that is entirely different from language of the Senate bill. We assume that both of them are trying in some way to provide a regulation; but the language is entirely different. The words are entirely different. There, there must be a great variation. There, it is probably essential to write a new paragraph; but here the Senate, in 1918, did not attempt to interfere with that great power. Here is what they said:

> Nor shall they strike from the bill matter agreed to by both Houses.

What does that mean? How could both Houses agree to a provision when they never meet except in a conference? Yet this was an agreement that was supposed to take place before the conferees reported, or before they even met. Undoubtedly, what it means is that the minds of the Senate and the minds of the House have agreed on certain legislation. That is what it means.

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

Mr. PITTMAN. Yes.

Mr. DILL. The Senator recognizes that the Senate bill is an entirely different bill from the House bill. It just happens that the same language appeared at a certain point in the bills; but the Senate bill was a bill that committed the entire control of radio to a commission of five members. The House bill was a bill that committed the entire control of radio to the Secretary of Commerce, with an appellate commission to act when called upon; so that we had two entirely different bills. I do not think the Senator's position can be sustained.

Mr. PITTMAN. Mr. President, we had two entirely different bills with regard to certain subjects, but we had exactly the same bill on the subject that they struck out. That is what I am getting at; and, whether they thought it was better not to have that in the bill or not, whether they thought the Senate and the House had made a mistake or not, they were faced with a limitation upon their authority, and that limitation said that they should not strike from the bill matter agreed to by both Houses.

I contend that when the exact language in the House bill was put into the Senate bill in that paragraph with regard to the protection of States, it was an agreement between the two Houses to that extent, and they could not change it.

Mr. DILL. Mr. President, will the Senator yield.

Mr. PITTMAN. I yield.

Mr. DILL. The Senator recognizes, however, that in the new bill neither the commission nor the Secretary of Commerce has full control, but there is a divided control; that this is a compromise bill. That is why all parts of the bill are in conference, and that is why any rewritten language is in order if it is within the limits of the bill.

Mr. PITTMAN. Mr. President, the two bills are in conference, and the conferees can do anything with the two bills except that which they are prohibited from doing. It is said that in one bill the matter is regulated by a commission and in the other bill it is regulated by the Secretary of Commerce. What difference does it make as far as paragraph (d) is concerned?

Mr. DILL. The new bill divides the control. That is the difference.

Mr. PITTMAN. What difference does it make who controls, when paragraph (d) says that in the allocation of these wave lengths a State shall be entitled to at least one? Paragraph (d), which is the same in both bills, does not deal with who shall allocate them. It is simply a plain guaranty that no matter who allocates them, no matter who regulates them, each one of the 48 States shall be entitled to at least one wave length that it can use for broadcasting in that State.

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

Mr. PITTMAN. Certainly.

Mr. FESS. We have two pagaraphs, we will say, on the same subject, differently stated, and a similar clause is found in each of the paragraphs. Could we not strike out of both bills that similar clause which might change the meaning of the remaining paragraphs?

Mr. PITTMAN. Undoubtedly; and I have said time and again that if there are similar paragraphs, both intending to accomplish the same thing, undoubtedly the conferees can agree on language that will try to express the meaning of both of them.

Mr. FESS. Even by eliminating the same language from both of them?

Mr. PITTMAN. That would have to be done, of course. I am not dealing with that question. I am dealing with the question where they have agreed on language.

Mr. FESS. That is the question I have here. Here are two bills, one a substitute for the other. That means that the whole bill is in conference, and the conferees can deal with the whole bill. Why could they not strike out a paragraph in both of them that is similar and still be within their rights?

Mr. PITTMAN. For the simple reason that the rule of the Senate, adopted in 1918, says they shall not.

This is nothing new at all. If you will take Hinds' Precedents and turn to them you will see, at section 6417, that the matter is stated as follows:

> The managers of a conference must confine themselves to the differences committed to them.
>
> Managers of a conference may not change the text to which both Houses have agreed.

Mr. FESS. There is no doubt about that rule. I think everybody would admit that. The only question whether submitting one entire bill for another does not put all the language in conference. That is the only point.

Mr. PITTMAN. Mr. President, there is no question but that when one bill is stricken out and another substituted, both are in conference; but whether both be in conference or not in conference, the Senate has a right to say to its managers, and it has said, "You shall not strike out from the bill matter agreed to by both Houses"; and that must certainly govern its own action and govern its managers. Certainly the conferees on the part of the Senate have no greater power than the Senate sees fit to give them, and the Senate has expressly stated to its conferees and managers that they shall have no authority to strike out matter upon which both Houses have agreed.

The fact that the Senate strikes out all after the enacting clause and substitutes another bill, and treats the whole bill as an amendment, has nothing to do with this mandate of the Senate to its conferees. It has nothing whatever to do with their conference. It has to do with their report. It has to do with their action. It says, "You have no right to strike out of this bill matter agreed to by both Houses, and if you do, your report shall be subject to a point of order." That is the end of that.

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

Mr. PITTMAN. I yield.

Mr. DILL. A few days ago a point of order was made to this conference report on the ground that new matter had been inserted because the repeal of existing legislation was included. The ruling was that the general rule as to a conference report embodying a new bill obtained; an appeal was taken, and the Senate laid the appeal on the table.

Mr. PITTMAN. The Chair was right on that occasion. New matter can not be inserted in a bill under any consideration, but new language may be inserted. That is what the Senator meant.

Mr. DILL. The Senate laid the appeal on the table.

Mr. PITTMAN. And the Chair was entirely right in his ruling in that case, because there was no language agreed upon by both Houses that was identical, and it became necessary for the conferees to harmonize different language, and to do that they had to write new language.

Mr. DILL. That is not accurate, because the Senate bill did not contain anything about the resolution which was passed in July, and the conference report was said to have been new

matter. The same argument was made then that is now being made by the Senator.

Mr. PITTMAN. Possibly I did not understand it. Possibly the Chair was wrong. But if conferees are dealing with conflicting language in two bills, we admit that they have to use new language, and bring the ideas of the two Houses together, if they can not agree on either language. That has nothing to do with this question at all. I am not dealing with that rule. I am dealing with the simple rule of this body that prohibits our managers from doing a certain thing; that is, striking out matter that has been agreed upon by both Houses. The conferees have only such authority as the Senate gives them. They can not bring back any report except such as the Senate allows them to bring back, and the Senate has prohibited them from striking out matter agreed to by both houses. It has not only prohibited them from doing that but in 1918 it adopted a rule to the effect that if they did it, their report should be subject to a point of order. It was not even to be put to a vote. Whenever the Chair found that the conferees had stricken out provisions that had been agreed upon by both Houses, he should entertain a point of order.

Has that been done or not? In the first place, the two paragraphs we are complaining of were in identical language. If they were in identical language, having been adopted by the House and Senate, were they not agreed on by the House and Senate? Could the language "agreed on" mean anything else except that? It could not mean anything else, of course, except that, because it meant agreed on at the time the bill was sent to conference. This paragraph was agreed on between the two Houses, and it was stricken out of the bill in violation of the rule of the Senate that I have read, to govern its conferees and managers. It seems simple in this matter.

Mr. JONES of Washington. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. JONES of Washington. I remember that two or three years ago—I do not know just how long—the House passed a judicial bill of some kind, and there was one provision in it for a district judge in Tennessee. The bill came to the Senate, and the Senate struck out all after the enacting clause and put in a new bill, with a provision in it word for word like the provision in the House bill, providing for a district judge in the State of Tennessee. The bill went to conference. The conferees eliminated that provision, and a point of order was made on the conference report, and the point of order was sustained.

Mr. PITTMAN. I can not remember that, and I can not argue anything about which I have not the exact facts.

Mr. JONES of Washington. The point of order was sustained.

Mr. PITTMAN. I was just stating to the Senator that I have not that case in mind.

Mr. JONES of Washington. I was calling the Senator's attention to it.

Mr. PITTMAN. I may say to the Senator from Washington that I have numerous precedents here, but I do not want to take the time to read them.

Mr. McKELLAR. The Senator from Washington is entirely right in what he has said, because I recall the case, having been very much interested in it. The point of order was sustained.

Mr. PITTMAN. I do not recall it, but there are numerous precedents here to that effect. I recall that the Senator from Washington took part in the debate at the time we adopted this rule in 1918, and in fact there was no opposition to it. Every Senator in this body had become so disgusted and annoyed with legislation by conferees that we determined that they should not interfere at least with the text that was agreed on by both Houses. How on earth there can ever be any excuse for conferees interfering with the text that has been agreed on by both Houses is beyond conception.

If, for instance, the texts of both bills agreed as to an appropriation provision and the only difference in them was between $100,000 and $50,000, if the language and the text of the two bills were the same, would it be possible for the conferees to write a different kind of a bill entirely, when the only difference was as to the amount? We had a purpose in this language, and our purpose was to make sure that when texts of bills were agreed to by the two Houses, those texts should be let alone; and that is all there is to this whole thing.

Mr. HOWELL. Mr. President, in the development of legislation it is the endeavor of both the House and the Senate to reach an agreement, not merely as to particular words, but as to intentions. This effort is constant, and finally, when they have agreed, so far as possible, the differences are submitted to conferees for composition.

In this case the Senate determined that each State should have a wave length, one channel. The House came to the same conclusion. This is a tremendously important right. Unless a State is afforded one channel, one wave length, exclusively, it may not be possible to reach all of the territory of the United States at all times. Some States are not exclusively accorded one wave length to-day; others are accorded several such wave lengths. However, each State is as much entitled to the right as any other State.

The excluded language to which I have called attention was inserted in both the House and Senate bills in order to assure such right to each State. Therefore, it is not merely identical language that has been excluded from this bill, but identical intentions on the part of both House and Senate.

Very properly the rule adopted in 1918 was to the effect that after the House and Senate had arrived at a conclusion and had expressed it, and especially if they had expressed it in identical language, then, and under such circumstances conferees should not set aside the joint determination of each body and substitute their wishes in lieu thereof.

If conferees are to be allowed to do this—and I care not what the form of the bill might have been when passed by either House—then the House and the Senate may arrive at identical conclusions, their minds may meet, and yet conferees defeat the consummation of their wishes.

Mr. WATSON. Mr. President, this very question arose in the House of Representatives. I do not know whether the President of the Senate has seen the ruling of the Speaker of the House or not.

Mr. LA FOLLETTE. Mr. President, the rules of the Senate and of the House are very different.

Mr. WATSON. Not as to this point. Having served a long time in both branches, I am somewhat familiar with the rules. This question was raised, and Speaker Longworth ruled as I shall read. The ruling will be found on page 2557 of the CONGRESSIONAL RECORD for January 29, 1927:

The SPEAKER. The Chair thinks he can simplify this situation by ruling with reference to the points of order that inasmuch as the Senate struck out the entire House bill and inserted a bill of its own, any amendment which was germane is in order. The Chair will quote the precedent from Hinds' Precedents, Volume V, section 6421, as follows:

"The Chair understands that the Senate adopted a substitute for the House bill. If the two Houses had agreed upon any particular language, or any part of a section, the committee of conference could not change that; but the Senate having stricken out the bill of the House and inserted another one, the committee of conference have the right to strike out that and report a substitute in its stead. Two separate bills have been referred to the committee, and they can take either one of them, or a new bill entirely, or a bill embracing parts of either. They have a right to report any bill that is germane to the bills referred to them."

The Chair thinks that is the better practice, and it has been universally followed in the House, that where the Senate strikes out the entire House bill and substitutes one of its own, it is in order for the conferees to recommend the adoption of any provision that is germane. That ruling will cover all amendments.

Mr. PITTMAN. Mr. President, there is no doubt whatever that both bills are in conference, and there is no doubt that where it is necessary to bring them to an agreement by virtue of different language in the two bills not being agreed upon, they have to write different language. But let me call the attention of the Chair to Hinds' Precedents in the House, section 6417, to which this matter refers, as follows:

[From Hinds' Precedents of the House of Representatives, Vol. V, pp. 724–725]

6417. The managers of a conference must confine themselves to the differences committed to them.

Managers of a conference may not change the text to which both Houses have agreed.

On March 7, 1904, Mr. Henry H. Bingham of Pennsylvania, called up the conference report on the legislative appropriation bill.

Thereupon, Mr. James R. Mann, of Illinois, made the point of order that the managers of the conference had exceeded their authority in relation to a certain paragraph of the bill, which, with the Senate amendments (which are italicized) appeared as follows in the printed copy:

"No part of any money appropriated by this *or any other* act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided (herein) *by this or any other act* other than the President of the United States, the heads of executive departments, and the Secretary to the President."

The managers had inserted between the words "personal" and "use" the words "or official." Mr. Mann insisted that this amend-

ment of the text to which both Houses had agreed was beyond the power of either House, and consequently beyond the power of the conferees, citing the precedent of April 23, 1902.

After debate, the Speaker withheld his decision.

On March 8, the Speaker ruled:

On yesterday, upon the conference report on the legislative, executive, and judicial appropriation bill, the gentleman from Illinois, Mr. Mann, made the point of order that the conferees had exceeded their jurisdiction in substance as follows: That Senate amendment numbered 235 inserted these words: "or any other;" and again to the amendment numbered 236 the Senate inserted these words: "by this or any other act." The House provision which the Senate amended is as follows:

"No part of any money appropriated by this act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for herein other than the President of the United States, the heads of executive departments, and the Secretary to the President."

The conference report takes the matter in difference to which the Chair has referred, accepts the Senate amendments, and inserts "or official," so as to make it read "for the personal or official use of any officer provided for by this or any other act other than the President of the United States, etc." It is objected that the insertion of the words "or official" is aliunde to the matter that was in difference between the two Houses, and prevents, if enacted, the use of appropriations in this or any other appropriation bill for paying the expenses of horses and carriages, or drivers therefor, for the personal or official use of any officer, etc. It is evident from the reading of the amendments that the insertion of the words "or official" inserts that within the conference report that was not proposed by the House or by the Senate.

It is true that if the whole paragraph in the bill as it passed the House had been stricken out and a substitute therefor proposed by the Senate, or if the Senate had stricken out the paragraph without proposing a substitute, and the House had disagreed to the amendments of the Senate, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane. But that is not this case. This provision in the conference report inserts legislation that never was before the House or before the Senate, and it was quite competent for the conferees, if they could do this, to have stricken out the whole paragraph and inserted anything that was germane. They could have stricken out these words, "other than the President of the United States, the heads of executive departments, and the Secretary to the President," and while there were but two words inserted, the provision, if enacted into law, would be far-reaching and would run along the line of the whole public service.

As to the wisdom of such a provision, the Chair is not called upon to intimate any opinion. It is for the House and the Senate to determine upon the wisdom of it, and, as the House and the Senate never have considered that proposition, the Chair is of opinion that the conferees exceeded their power, and therefore sustains the point of order.

Even before we had adopted our rule it was a fundamental principle of parliamentary law that matter agreed on by the two Houses could not be disturbed by conferees under any circumstances. It was well, sir. There was a disagreement in language, and it became necessary for the conferees to adopt new language. While the whole bill was in conference the conferees could not do anything beyond their jurisdiction, and when we faced an amendment such as we had in 1918, we reenacted this general policy, but made no exceptions to it and applied it generally, that they could not strike out any matter that had been agreed to by both Houses. We went further in 1918, and amended the rule so as to make such a report subject to a point of order.

The VICE PRESIDENT. The Chair would remark that when the amendment of the Senate is a new bill in the nature of a substitute instead of various amendments to different parts of the bill, the whole status of conference is changed under the precedents. Under the line of argument which the Chair followed the other day in holding that new matter when germane could be put in as an amendment under those circumstances, he would seem to be justified now in overruling the point of order. The status of conference being changed where the Senate substitutes a bill as an amendment, the precedents in effect hold that the restrictions of Rule XVII, paragraph 2, do not apply, and he so rules. The point of order is not well taken.

Mr. PITTMAN. Mr. President, I respectfully appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HOWELL. 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:

Bratton	Gerry	Moses	Steck
Broussard	Goff	Neely	Stephens
Cameron	Hawes	Norris	Stewart
Copeland	Heflin	Nye	Wadsworth
Couzens	Howell	Overman	Walsh, Mass.
Curtis	Jones, Wash.	Pittman	Watson
Dill	Kendrick	Robinson, Ark.	Willis
Ferris	La Follette	Robinson, Ind.	
Fess	McKellar	Schall	
George	McNary	Sheppard	

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. Thirty-seven Senators having answered to their names, there is not a quorum present.

ADJOURNMENT

Mr. CURTIS. It is perfectly apparent that a quorum will not appear to-night. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 9, 1927, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 8, 1927*

The House met at 11 o'clock a. m.

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

Our Father who art in heaven, be our Father on earth, for it is difficult for us to be always wise and prudent. Breathe Thy benediction upon us, bear with our infirmities, and qualify us for excellency of service. O Thou who givest all and from whom we derive our spirit of life and love and power, help us to say, Thy will be done. Enlarge and intensify our thought of service to all the people. May the highest standards always incite our motives. Grant that Thy Spirit may go forth, carrying with it stability to the weak, wisdom to the erring, and strength to the faltering. Arise, O God, for our country waits for Thee and needs the touch of Thy power. In Thy holy name. Amen.

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

THE DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND THE DEPARTMENTS OF COMMERCE AND LABOR APPROPRIATION BILL

The SPEAKER. The Chair desires to make an announcement. In addition to the conferees heretofore appointed by the Chair on the bill making appropriations for the Departments of State and Justice, the judiciary, and the Departments of Commerce and Labor, the Chair, at the request of the chairman of the subcommittee appoints Mr. TINKHAM and Mr. GRIFFIN.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent to speak out of order for 15 minutes to-morrow morning after the reading of the Journal and the disposition of matters on the Speaker's table.

The SPEAKER. The gentleman from New York asks unanimous consent, to-morrow, after the reading of the Journal and the disposition of matters on the Speaker's table, to address the House for 15 minutes. Is there objection?

There was no objection.

PROHIBITION

Mr. FISH. Mr. Speaker, I ask unanimous consent to include in the RECORD a brief statement by Major Mills, the prohibition administrator in New York, in answer to certain charges made against him on the floor of the House.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, is the gentleman from New York who made the charges here?

Mr. FISH. No; but this is simply in answer to the charges and I am sure the gentleman from New York would be the last man to object to the request.

Mr. O'CONNOR of New York. I object until the gentleman gets here.

HOSPITAL FACILITIES FOR VETERANS

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a concurrent resolution adopted by the Legislature of the State of Minnesota regarding hospital facilities for veterans.

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

There was no objection.

Mr. KVALE. Mr. Speaker, under the leave to extend my remarks I include a concurrent resolution passed by the Legislature of the State of Minnesota, approved February 3, 1927, giving statistical and incontrovertible evidence of the urgent need in Minnesota for veterans' hospital facilities, and petitioning the President of the United States and the Director of the United States Veterans' Bureau to provide for additional beds in Minnesota hospitals:

Resolution

Whereas we learned from the daily press and from Veterans' Bureau information that it is the intention of Frank T. Hines, Director of the United States Veterans' Bureau, to close both hospital No. 65 (Aberdeen) and hospital No. 68 (Asbury) as well as to remove service men from contract hospitals and State institutions as soon as the new hospital No. 102 at Fort Snelling is opened, or immediately thereafter; and

Whereas there are at present 966 men hospitalized in Veterans' Bureau hospitals, 102 men in contract hospitals and State institutions, with an additional 208 men on the waiting list, making a total of 1,276 men either hospitalized or asking for hospitalization; and

Whereas the combined capacity of hospital No. 101 at St. Cloud and hospital No. 102 at Fort Snelling is at present 794 beds, it is apparent that the program outlined by the director will result in an actual shortage of 274 beds exclusive of the 208 requests for hospitalization by men on the waiting list; and

Whereas we understand that one of the buildings at the new Fort Snelling hospital under the present program of the director is to be used as a regional office; and

Whereas this building is constructed for use as a hospital unit of about 83 beds; and

Whereas medical statistics prove that the service men hospital load in this State has remained constant for the past four years and will not diminish for some years to come; and

Whereas Veterans' Bureau records show that there are 1,814 service men with tuberculosis in addition to those at present hospitalized, 50 per cent of whom will need further hospitalization of an emergency or permanent nature; and

Whereas Veterans Bureau records show that there are 1,710 service men in the State of Minnesota rated incompetent for various causes in addition to the men at present hospitalized, and 20 per cent of these will need additional hospitalization: Therefore be it

Resolved, by the Senate of Minnesota and the House of Representatives concurring, That we respectfully petition the President of the United States, Calvin Coolidge, and the Director of the United States Veterans' Bureau, Frank T. Hines, to make use of every bit of available space at Fort Snelling for beds; that they do not at the present time transfer to the hospital the regional office and personnel; and that they maintain, until such time as additional necessary beds have been constructed at Hospital No. 101 and Hospital No. 102, either Hospital No. 65 or Hospital No. 68, in order that the disabled service men of this State may be adequately cared for; and be it further

Resolved, That copies of this resolution be sent to President Coolidge, Director Hines, members of the Minnesota delegation in Congress, and Watson B. Miller, chairman of the American Legion national rehabilitation committee.

W. I. NOLAN,
President of the Senate.
JOHN A. JOHNSON,
Speaker of the House of Representatives.

Passed the Senate the 2d day of February, 1927.

GEO. W. PEACHEY,
Secretary of the Senate.

Passed the House of Representatives the 2d day of February, 1927.

JOHN I. LEVIN,
Chief Clerk House of Representatives.

Approved February 3, 1927.

THEODORE CHRISTIANSON,
Governor of the State of Minnesota.

Filed February 3, 1927.

MIKE HOLM,
Secretary of State.

I, Mike Holm, secretary of state of the State of Minnesota and keeper of the great seal, do hereby certify that the above is a true and correct copy of S. F. No. 336, as shown by the records in my office.

[SEAL.] MIKE HOLM,
Secretary of State.

PENSIONS FOR WIDOWS OF CIVIL WAR VETERANS

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to speak out of order for three minutes now.

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

There was no objection.

Mr. HOWARD. Mr. Speaker, the other morning I offered a little resolution and asked for its immediate consideration, and one of the brothers objected to it, and so I did not have an opportunity to have it heard. I now want to read the resolution:

Whereas more than a million American citizens have petitioned the Congress in behalf of better pensions for the widows of veterans of the Civil War; and

Whereas Hon. RICHARD ELLIOTT has introduced a bill (H. R. 13450) granting the prayer of such petitioners: Therefore be it

Resolved, That the officers of the House be, and are hereby, requested to pave the way for early consideration of the Elliott bill, which will provide a pension of $50 per month for all widows of Civil War veterans.

Mr. Speaker and gentlemen, the resolution is before you, and I am quite sure you will all second the motion, which I now make to have it adopted.

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 agree upon time to close general debate. It is very important that this bill be concluded to-night, and I would like to suggest we continue the general debate until not later than 3.30, the total time to be equally divided. It is my understanding I am about one hour ahead of the gentleman from Colorado in the yielding of time. The gentleman from Colorado would have credit for that amount of time and the balance of the time would be equally divided between the gentleman from Colorado and myself.

Mr. TAYLOR of Colorado. Mr. Speaker, this is the last general appropriation bill. During the last session of Congress and at many other times this bill has been used as a kind of dragnet, we might say, for speeches by the Members of the House, and it does seem to me that in view of the fact the House is really ahead of the Senate a long way, we ought to be a little more liberal with the Members of the House in allowing them to deliver addresses on this bill. I have some 10 or 15 applications for time, totaling four hours, and they are real, genuine talks that ought to be made to the House. It does seem to me we are unduly cutting the Members off. I think we ought to have more time. Last year we took an entire week on this bill and I yielded time to 48 Members on this side of the House. While there are not half that many at this time, yet I do feel we ought to have more time, and I do not think we ought to be cut off and start reading the bill at 3.30 o'clock this afternoon.

Mr. DICKINSON of Iowa. What hour would the gentleman suggest?

Mr. TAYLOR of Colorado. Well, if I have an extra hour, as I assume I will have——

Mr. DICKINSON of Iowa. Yes.

Mr. TAYLOR of Colorado. And we run to 4.30 o'clock this afternoon, I will try to eliminate some of the requests and reduce the time with respect to the others, and after 4.30 we can run on with the bill for such time as the House will stay here.

Mr. DICKINSON of Iowa. Mr. Speaker, this bill contains 39 pages. I think we can read the bill in an hour. If we consent to close the debate at 4.30 o'clock, I wonder if we could not have a rather mutual undestanding that we would stay here until the bill is concluded.

Mr. TAYLOR of Colorado. Yes; so far as I am concerned.

Mr. DICKINSON of Iowa. So far as I know there is no controversial matter in the bill. Mr. Speaker, I revise my request and make the time 4.30 o'clock this afternoon.

The SPEAKER. The Chair is not quite certain of the request of the gentleman as to the division of time.

Mr. DICKINSON of Iowa. That the total time be equally divided.

The SPEAKER. The gentleman from Iowa has consumed 3 hours and 22 minutes and the gentleman from Colorado 2 hours and 26 minutes.

Mr. TAYLOR of Colorado. The understanding is that I take the balance of the time that is coming to me now and then we divide the time equally.

Mr. DICKINSON of Iowa. The gentleman from Colorado is going to yield time until the time is equal between us, and then the balance of the time is to be equally divided.

The SPEAKER. The Chair thinks probably it would be better to put the request that general debate be concluded at 4.30 o'clock this afternoon and then the arrangement as to a division of the time may be taken care of by the gentlemen.

Mr. DICKINSON of Iowa. Very well, Mr. Speaker.

Mr. DOWELL. Mr. Speaker, may I inquire, would it not be well to pass the bill and then let the gentlemen talk?

The SPEAKER. Is there objection to the request of the gentleman from Iowa [Mr. DICKINSON]?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. DICKINSON].

The motion was agree 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. TAYLOR of Colorado. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. WILSON].

Mr. WILSON of Mississippi. Mr. Chairman, there are many dangers confronting our country at the present time. There seems to be a state of unrest and apprehension throughout the world. There are those in this country who would alarm our citizens by emphasizing the "yellow peril." There are others who are apprehensive about our relations with some of our neighbors to the south of us. I, as a citizen of the United States, resent the part that my country has recently taken in reference to the internal affairs of the little countries south of our Nation. It is a dangerous policy to pursue. I want my country to cease trying to be the wet nurse to the nations of the earth. [Applause.] It is indeed a dangerous policy, and I daresay that Congress will never sanction the sending of a single American soldier upon the soil of another country to there spend his precious blood in order that one political faction of that country might triumph over another.

And taking advantage of the situation there are many people in this country advocating a great Army and a great Navy in order to safeguard the Republic. Dire, indeed, must be the distress of a citizen when he or she must turn for preservation to a great Army and a great Navy. These are poor refuges for those who love their country and are interested in its preservation. You will find, gentlemen, that nations and empires are not preserved with great military and naval forces. Some historians tell us that Germany's temporary doom was sealed when in 1914 she took into her imperialistic hand the bloody sword. But that is not true. In my judgment, Germany's destiny was written some 40 years before 1914, when Lord von Bismarck, speaking for his people, declared to mankind: "The hour has struck in the history of the German Empire when we must choose between the sentimentalism of Jesus Christ and the materialism of Napoleon Bonaparte." The 40 subsequent years of Germany's life showed to the world that Germany chose for her people the philosophy of Napoleon and turned her back on the philosophy of the Man of Galilee. And Germany's decline started, as starts the decline of all nations, when she turned away from the teachings of the greatest moral teacher the world ever saw.

The greatest danger confronting our country to-day is not from without but from within. If our Nation ever perishes it will not be because some foreign foe with sword in hand cuts us down. The most dangerous enemy to the Republic is not the enemy from without but the enemy from within, who wraps himself in the cloak of respectability and who sows the seed of moral decay in the hearts of your children. [Applause.]

If a person assaults your child in this country with a deadly weapon and attempts to take the physical life of the child, that person has committed a crime, the penalty for which is imprisonment in the penitentiary. And yet in this Christian land of ours, whose very Constitution has written upon almost every page of it the God ideal, a person can assault the character of your children with the deadly weapon of vulgar and indecent literature and pictures and stifle and put to death the moral life of your child. Yet we do nothing with that thief and assassin of human character. We even negatively sanction the shipping of this poison through agencies engaged in interstate business.

I introduced a bill last week, which is now before the Interstate and Foreign Commerce Committee, having for its purpose the shutting off at the source of this stream of indecent literature which threatens the moral life of our people.

Gentlemen, I do not wish to make a grave charge and then fail to submit the evidence to prove its truth. I have therefore gotten together, all within the past few months, some of the current magazines which would, under the bill that I ask you to enact into a law, be cleansed of their filth and indecency or barred by the proposed national board of magazine censorship. I shall name the magazines, the dates, and the pages, but common decency demands that I refrain from reproducing in the CONGRESSIONAL RECORD the extracts to which I refer.

To begin with, there is a comparatively new magazine on the American market called "Two Worlds Monthly," published in New York City and edited by Samuel Roth. In the December, 1926, issue, on page 2, there is an anonymous verse that is without question one of the filthiest pieces of lascivious writing that has ever been printed, privately or publicly. It bears the suggestive title "Women's Delight." On page 24 of the same issue is a similar lewd sonnet, the nature of which is absolutely unprintable. Yet this sonnet appears in big type, boldly enough, in this magazine, which may be purchased on the news stands by the youth of this country. In this same issue are other things equally lewd and unprintable. The tenor of this magazine runs in an abnormal, immoral vein, the editor seemingly being inclined to print only those things which common decency abhors.

Under the guise of "art," the term abused by the cheaper, vulgar magazines as a defense for printing lewd pictures, Scribner's Magazine, in the January, 1927, issue, on pages 106, 108, and 110 reproduced pictures of three paintings of nude women that had a magazine of lesser standing printed probably would have brought upon its head the condemnation of the public.

I do not propose that any magazine shall escape the surveillance of the national board of magazine censorship. So long as a magazine conducts itself upon a high moral plane it need have nothing to fear; but when it wallows in the mire of moral depravity, whether under the name of high art or literature or not, it should be censored and, if the offense warranted, suppressed. [Applause.]

In a new magazine that has just made its appearance in the monthly field, entitled "Beau," there is an article in the December number called "Confessions of a homo-sexualist." For printing such an article I recommend prosecution of the publishers under the existing laws that prevent the sending of obscene matter through the United States mails. But here they may have evaded this law, as many magazines do, by depending upon express shipments for their distribution. In the measure that I have introduced I propose that the express companies, or any common carriers such as bus lines or boats or even individuals, shall be subject to a fine or imprisonment, or both, for transporting for subsequent sale or for delivery under previously paid subscriptions any matter that is obscene, lewd, or lascivious. [Applause.] There are entirely too many magazines evading the present law by using express companies or private means to effect their distributions.

I come now to a magazine that has been devoted to one persistent effort to break down the moral fiber of the Nation, and which printed in its April, 1926, issue a story so vile and filthy that the Post Office Department was forced to throw it out of the mails. I refer to the American Mercury Magazine, published in New York City by a man named Knopf, but edited by a man in Baltimore whose whole life seems to be dedicated to destroying character and villifying American ideals and institutions—Henry L. Mencken. The issue to which I referred and which was barred from the mails contained an article called "Hatrack," written by Herbert Asbury, a prodigal descendant of the famous Methodist Bishop Asbury. It was a lewd story of a woman of the streets, and the details were not spared in the American Mercury version of it. Now comes this same magazine in its February, 1927, issue with a vicious attack upon the ministry. Sad enough is the attack, but sadder still is the fact that the article was written by Branville Hicks, a man who is teacher of Biblical literature at Smith College. It is offensive enough for the magazines of this country to print the articles that are aimed at destruction of the moral life of the Nation, but when men who teach a sacred subject in a college where the youth of to-day is being instructed turns traitor to it in the magazines it is high time to call a halt.

Even Life and Judge, the two weekly humorous magazines, seem unable to publish a single issue without suggestive drawings. College Humor has the same evil complex.

The moving-picture magazines, especially Film Fun, Screenland, and Classic, are flooded with photographs that should be stopped by law and in the name of decency. [Applause.] The films themselves are doing enough harm to the youth of the country without being aided and abetted by the moving-picture

magazines that persist, month after month, in publishing suggestive and obscene poses of the so-called moving-picture stars. In many States films showing scenes such as are reproduced in the moving-picture magazines would be barred; but unless local vigilance is exercised, the magazines themselves run the gamut of indecency in lewd and obscene matter.

It is almost impossible to keep check of the so-called "art" magazines that are flooding the country to-day with their filth. They spring up overnight, spread their obscenity, and then disappear, only to come back again a little later under another suggestive name. Some of them are so lewd that the publishers dare not print their own names anywhere within the covers. I have in mind one called "American Art Magazine," February issue, containing 38 photographs, 37 of which are obscene. Nowhere is the name of the publisher to be found. But whoever he is, he evidently has another magazine of the same type to promote, for he advertises one called "Pep," saying that it is "the snappiest, spiciest magazine on the news stands to-day, chock full of peppy, jazzy stories and alluring photos of gorgeous girls." It was on the news stands, just as advertised, ready to poison the mind and morals of any youth who stepped up and paid 25 cents for it.

Another of this type of magazine that has been on the news stands regularly for a long time is called "Artists and Models." It is devoted principally to models, and most of them in the nude. A defense of its filth appears in the January issue, called the "Woman Number," in this editorial comment:

> This publication has never descended to a mental level below that appreciated by lovers of the arts, artists, sculptors, writers, poets, and those who understand the theater, and connoiseurs who appreciate pictures visualizing beauty that may be enjoyed unshackled and revive or suggest memories to treasure.

Yet in this very issue the descent into obscenity is so low that practically every photograph and article is lewd, filthy, and lascivious. Month after month this so-called "art" magazine has been permitted to occupy a place on the front rows of the news stands where high-school or grammar-school boys and girls may buy it at will.

Worse than all of those I have already mentioned is one whose contents are not only obscene, but whose title is "Sex." It is published by the Dawn Publishing Co., New York, and its name has been trade-marked right here in Washington. It will not sell to a news dealer unless he agrees to buy 20 or more copies; and, to avoid the existing laws on the sending of obscene matters through the mail, it is shipped by express. In a statement called "Our platform," this magazine says that "the nude in art may be beautifully and spiritually presented." It then proceeds, in 64 filthy pages, to present the nude in art in its most obscene and lustful form. In the same editorial statement the publishers of "Sex" say:

> Our program does not condone the salacious, suggestive, morbid sensationalism so current in certain contemporary magazines and daily papers.

Yet it immediately plunges into a vile exhibition of salacious and suggestive articles and pictures.

Too many people in this country are inclined to think that France is the happy publishing ground of all the salacious and lewd material that finds its way into pictures and print. But at Floral Park, Long Island, N. Y., there is the Bohemian Magazine Co. (Inc.) that publishes a magazine called "Burten's Follies." This magazine is a cancer upon the public morals. Not satisfied to print the most obscene and lewd pictures that it can find, it publishes advertisements showing where suggestive art objects and poses may be bought. Some of the advertisements carry the notation: "Sold to artists and art collectors only." But in so far as they are concerned, anybody who has $1 to send for 10 poses is an art collector.

A dangerous trend in the magazine field is toward the so-called "confessional" type of magazines. Its illustrations are not so lurid, perhaps, as the "art" magazines, but the printed material should be subjected to censorship of the kind that I propose in the bill creating the national board of magazine censorship. It is common knowledge among writers that these so-called "confessions" and "true stories" are nothing but sensual lies, written in a pudgy office by a group of $50-a-week vulgar newspaper men, whose job is turning out at least one "confession" a week. But regardless of their source, their harm is undeniable. If the publishing interests of the country are willing to fill their coffers at the sacrifice of the moral life of the younger generation, and if the youth is too weak to protect himself from these destroying influences, then legislation is necessary to protect the youth against himself and to stop the poison at its source. [Applause.]

For a long time the publisher Bernarr MacFadden has persisted in printing indecent pictures in his magazine, Physical Culture, under the plea that they represented the body in its highest form of development. Later he started a small newspaper in New York called the Graphic, which seems unable to come from the press without an obscene picture upon the front pages and other filthy ones spread throughout the entire issue. This tabloid newspaper, together with two others in New York—the Mirror and the News—seem to join hands with the lewd magazines in an effort to portray only the pornographic in their columns.

This MacFadden is the man who was arrested by the Post Office Department in 1905 and in 1907 was sentenced by the United States district court, Trenton, N. J., to $2,000 fine and two years imprisonment. President Taft remitted the imprisonment. MacFadden, flushed with his recent successes in striking a low and immoral vein in publications, is back of a group that includes such magazines as Dance Lovers, Dream World, Fiction Lovers, Midnight, Modern Marriage, True Experience, True Romances, and True Story. I suggest that every sentence he writes in the future and every article and picture he accepts for publication be subjected to the closest scrutiny of the national board of magazine censorship that my bill would create.

I have mentioned in some detail certain of the glaring obscenities in current magazines. I desire now to submit a list of publications that should be subjected closely to censorship under the bill H. R. 16691 I ask you to enact into a law. The list which follows gives the names of the protested periodicals, the place of publication, and reasons why they should be barred from mail or express or distribution in any manner whatsoever until they have been approved by the proposed national board of magazine censorship:

All Arts and Photos, published in Wilmington, Del., containing chiefly nude photographs, featuring obscene pictures of stage revues.

American Art Magazine, place of publication and name of publishers not revealed, nude photographs.

American Art Students, 21 Park Row, New York, nude photographs.

American Beauties, 483 Drexel Building, Philadelphia, nudes and obscene pictures of revue women.

American Mercury, 730 Fifth Avenue, New York, obscene manuscripts.

Art and Life, Kalamazoo, Mich., erotic pictures.

Art and Beauty, 104 West Forty-second Street, New York, nudes and filthy advertisements.

Art Lovers, 15 Park Row, New York, nudes.

Art Studio Life, New York, nudes.

Artists and Models, 104 West Forty-second Street, New York, nudes and obscene photos of stage women.

Arts, Fads, Modes, Wilmington, Del., nudes.

Arts Monthly Pictorial, Los Angeles, nudes.

Arts, Spice from Life, New York, nudes and obscene cartoons.

Breezy Stories, New York, sex stories of obscene nature.

Burten's Follies, New York, erotic text, nudes.

Cartoons and Movie Magazine, 13 Park Row, New York, nudes and obscene jokes and cartoons.

College Comics, 152 West Forty-second Street, New York, coarse and erotic text and cartoons.

College Humor, Chicago, frequent coarse text and obscene cartoons.

Cupid's Diary, New York, love scenes.

Dance Lovers, 1926 Broadway, New York, erotic pictures.

Dance Magazine, 1926 Broadway, New York, erotic pictures.

Dream World, 1926 Broadway, New York, sex tales, with illustrations.

Droll Stories, New York, sex tales.

Eye Opener, Minneapolis, coarse jokes.

Fig Leaf, Monroe, Wis., bad text and sketches.

Film Fun, New York, indecent pictures.

Flappers' Experiences, Chicago, erotic tales.

Folly-ology, St. Paul, Minn., risque cuts.

High Jinks, St. Paul, coarse.

Hollywood Confessions, Los Angeles, sex tales.

Hot Dog, Cleveland, lewd and profane.

I Confess, New York, sex tales.

Jim Jam Jems, St. Paul, coarse and risque.

Judge, New York. Was once excluded from mails.

La Souriers, Paris, France, obscene.

La Vie Parisiene, Paris, France, risque.

Live Stories, New York, erotic sketches and text.

Love Romances, New York, sex tales.

Love Story Magazine, New York, erotic sketches and text.

Stage and Screen, New York, nudes and obscene poses of revue women.

Strength, Philadelphia, nudity.

Tales of the arts, New York, nudes.

True Confessions, Chicago. Two issues excluded from mails last year. Must be watched.

True Experiences, Jamaica, "life and love" stories of erotic nature.
True Marriage Stories, New York, sex tales.
True Romances, 1926 Broadway, New York, sex tales with illustrations.
True Story Magazine, 1926 Broadway, New York, sex thrillers.
True Tales of the Arts, New York, saturnalia of nudity.
Vanity Fair, New York, nudes, erotic text.
Whiz Bang, Robbinsdale, Minn., sex tales, coarse and suggestive jokes and poems, obscene art.
Young's Magazine, New York, risque tales.
Ziff's Magazine, Maywood, Ill., vulgar.
Low Down, New York, lewd text and sketches.
Moving Picture Stories, New York, nudity.
Movie Monthly, Jamacia, erotic material.
My Story, New York, sex confessions.
French Models, place of publication concealed, obscene material.
Paris Nights, Philadelphia, nasty text.
Police Gazette, New York, obscene advertising. Conviction in 1922. Obscene pictures.
New Eve, New York, nudity and erotic text.
New Masses, New York, excluded from mails May, 1926. Must be watched carefully.
Paris and Hollywood, Minneapolis, night life, erotic tales, and questionable advertising.
Red Pepper, Newark, erotic sketches and prints.
Saucy Stories, New York, sex tales.
Secrets, Cleveland. Conviction; must be watched.
Sensations, New York, erotic text and nude photos.
Snappy Stories, New York, nudity and sex stories.
Snicker Snack, Oak Park, Ill., coarse wit and obscene cartoons.
So This is Paris, Robbinsdale, Minn., erotic.

If a sane, vigorous censorship is exercised over the magazines, much will be done to cleanse the stage of the filth that prevails upon it to-day. Stage plays are usually the outgrowth of material that first appears in magazine or in book form. For example, take The Green Hat, by Michael Arlen, a book that swept this country like wildfire. Young girls devoured this story that dealt with a heroine whose excessive sexual promiscuity was defended by the writer. A little later the author came to this country and was feted as though he was a conquering hero rather than a lewd writer. A little later the story appeared on the stage. Several months ago a little article appeared in Harper's Bazaar under the title, "Gentlemen Prefer Blondes." It was written by Anita Loos. The blonde that the gentlemen preferred was a professional harlot and the article was her diary. From that article grew the book by the same title, and from the book grew the play that immediately became a Broadway success.

The sad hour has come to the American stage when it seems that filth is a prerequisite to plot and obscenity a necessity for success. [Applause.]

The passage of my bill proposing a National Board of Magazine Censorship will keep from the stage some of the filth that comes to it now through the magazines. If conditions are not changed, sooner or later this country is going to be forced into Federal action to cleanse the public stage.

I do not mean this as a general condemnation of the stage. There are many actors and plays now upon the stage, in the United States, which are very valuable contributions to the high ideals of a great people. One of my very closest friends, who is justly honored and appreciated by the people of this country, Pat Rooney, has dignified and elevated the great profession to which he belongs. He, and his charming wife, Marion Bent, and their wonderful son, Pat Rooney III, have entertained the citizens of our country with that kind of wholesome entertainment which recommends itself to the decent amusement-loving public. And I know there are many other actors like these, and hence I do not mean this as a general condemnation of the stage and actors.

An amazing statement appeared on February 3 in the Washington Star by Donald Clive Stuart, professor at Princeton, under whom 90 students are studying the drama. He said:

Moreover, an immoral play never hurt anybody. It doesn't matter whether a play is immoral or moral. If it is immoral, a person is shocked but not harmed.

This statement is unworthy of so dignified a source.

Notwithstanding this statement of this professor from Princeton University, there appeared in New York recently a statement from Theodore Dreiser, novelist, who has always been uncompromisingly opposed to any kind of censorship, as follows:

Some form of legal censorship is inevitable as a result of the present orgy of sex in American theaters, courts, magazines, and newspapers.

I am indebted to George Jean Nathan, the dramatic critic, for an article appearing in Vanity Fair showing that 67 of the dramatic spectacles presented in New York City in recent months were, in his words, "the dirtiest lot of shows that have ever been put on view in the New York legitimate theaters—which cater to young boys and girls as well as to adults." Many of these plays had their origin in magazine stories or books. I give the list, with their names and a brief statement of their vile natures:

1. A play in which an act of adultery was implied to be in exciting progress in a room adjoining the one before the audience's eyes. (It All Depends.)
2. A play in which an apparently willing and eager young married woman went to a hotel with a man not her husband for purposes of adultery. (Oh! Mama!)
3. A play in which a man openly tried to seduce a young girl. (The Mud Turtle.)
4. A play in which a married man brought his mistress into his home that he might have her handy. (The Kiss in a Taxi.)
5. A play in which a young girl realistically showed symptoms of being with illegitimate child. (The Fall of Eve.)
6. A play in which a flapper was seduced by her own father. (Outside Looking In.)
7. A play in which three married women took on three young boys as gigolos. (Cradle Snatchers.)
8. A play in which a rape was realistically attempted before the audience. (All Dressed Up.)
9. A play in which a male went after a female breathing like an incalescent bull. (Love's Call.)
10. A play in which a young woman who defended her excessive sexual promiscuity was offered as a sympathetic heroine. (The Green Hat.)
11. A play in which a boy's lascivious and degenerate mother carried on under his and her husband's nose with her young paramour. (The Vortex.)
12. A play in which a married woman with a son enjoyed an affair with a man younger than her husband. (The Pelican.)
13. A play in which a young woman, longing for a sexual experience, took on a tramp who casually happened by her house. (The New Gallantry.)
14. A play in which a young girl married to an old man deliberately had a child by a younger man. (Human Nature.)
15. A play in which a white woman had an affair with a Chinaman. (The Bridge of Distances.)
16. A play in which a respected lawyer entered into a liaison with his most personable client. (Accused.)
17. A play in which a man invaded a house and immediately seduced one of the willing lady guests. (The Buccaneer.)
18. A play in which the heroine very agreeably had an illegitimate baby. (Stolen Fruit.)
19. A play in which the hero defended himself as a maquereau and lived openly in sin with his woman. (The Crooked Friday.)
20. A play in which a sex-starved young woman deliberately went out and had an affair. (The Call of Life.)
21. A play in which a young wife committed adultery in order to get a job in the movies. (A Man's Man.)
22. A play in which a man carried on sexually with the madam of a bordello, to the delight of the half dozen fancy-women residents. (Weak Sisters.)
23. A play in which a middle-aged woman tried to seduce a young boy. (Lovely Lady.)
24. A play in which a girl child urged a man of 45 to deflower her. (The Glass Slipper.)
25. A play in which a scene of seduction was elaborately acted out in full view of the customers. (Arabesque.)
26. A play in which an old woman had a protracted affair with a young man. (Lucky Sam McCarver.)
27. A play in which a young woman had an affair with her old suitor's young valet. (The Man with a Load of Mischief.)
28. A play in which young boys openly discussed their affairs with women. (Young Woodley.)
29. A play in which a woman and man were in a locked room apparently for purposes of illicit intercourse. (Naughty Cinderella.)
30. A play in which a married woman deliberately went to a bachelor's apartment for sex purposes. (A Lady's Virtue.)
31. A play in which a man attempted the virtue of a woman. (Twelve Miles Out.)
32. A play in which a man repeated the above. (Me.)
33. A play in which a boy seduced the housemaid. (Young Blood.)
34. A play in which several old men carried on with girls in a fast house. (Morals.)
35. A play in which a young boy and girl indulged in sexual intercourse and in which the girl became with child and was defended by her parents. (The Devil to Pay.)

36. A play in which a woman championed illicit love. (Easy Virtue.)

37. A play in which a woman lasciviously teased a man and drove him crazy with passion in order to subjugate him. (Lysistrata.)

38. A play in which illicit amour was handled sympathetically. (Stronger Than Love.)

39. A play in which the heroine had innumerable affairs and was openly coveted by an octogenarian lecher. (The Makropoulos Secret.)

40. A play in which a man pawed a young woman with animal intent. (Down Stream.)

41. A play in which a young woman had sexual intercourse with a monstrosity. (Goat Song.)

42. A play in which a young Englishman coveted the mistress of a Chinaman. (The Love City.)

43. A play in which a woman smilingly surrendered her person to a loose bachelor. (A Weak Woman.)

44. A play in which a young woman ran away from home, had an affair that ended with child, and came back home and boasted about it. (Magda.)

45. A play in which a nymphomaniac went to a bordello and took on a Japanese. (The Shanghai Gesture.)

46. A play in which a married man seduced his chauffeur's wife. (The Great Gatsby.)

47. A play in which a lustful man tortured a sentimental man with accounts of his amours with the woman the latter loved. (The Jest.)

48. A play in which a young woman proposed to a man that he seduce her in her own home. (The Jay Walker.)

49. A play in which a white man stole a colored mistress from her black lover. (Lulu Belle.)

50. A play in which a young girl married to a cripple, and, needing sexual relief, ran off with a lusty sailor. (Port o' London.)

51. A play in which a married woman entered a man's bedroom in a night-dress ostensibly with a view to sacrificing her virtue. (The Night Duel.)

52. A play in which a married man defended his mistress against his wife. (The Unchastened Woman.)

53. A play in which a lumberjack tore the chemise off a young girl and tried forcibly to deflower her. (The Virgin.)

54. A play in which an old woman, a guest in the house of a man and his mistress, prayed that a young man would ravish her. (The Masque of Venice.)

55. A play in which a young man enjoyed illicit intercourse with a married woman and in which a Lesbian made a play for young girls. (Nirvana.)

56. A play in which a young girl was debauched by a young man and had a baby by him. (Juno and the Paycock.)

57. A play in which a man exhibited violent symptoms of his lust for a young woman. (Devils.)

58. A play in which an old woman betrayed her evil thoughts by leading on an old man. (The Chief Thing.)

59. A play in which a woman entered into illegal relations with a man she fancied. (Ashes of Love.)

60. A play in which a half-naked yellow girl employed all her sex resources to get a white man into her grip. (The Half-Caste.)

61. A play in which a young white girl had numerous sex affairs among South Africans. (Kongo.)

62. A play in which a young married woman went sex crazy and seduced a clergyman. (Bride of the Lamb.)

63. A play in which a young woman told the man who coveted her that she would willingly surrender to his importunities. (Glory Hallelujah.)

64. A play with a passage of sex double entente that made Jurgen seem stuff for babes. (Pomeroy's Past.)

65. A play whose leading scene was laid in the bedroom of a couple of unmarried lovers. (At Mrs. Beam's.)

66. A play that eloquently championed a woman who lived openly in sin with a man. (Beau-Strings.)

67. A play that dealt realistically with the pastimes of a harlot. (Sex.)

Let us, gentlemen, as the representatives of our people, set up every possible governmental agency to suppress these vile publications.

Let the dirty dog in human form who would dare publish them feel the lash of outraged authority. He has no proper place in decent society. His place should be in the penitentiary, clothed in the stripes of a felon, and branded with disgrace.

Preachers have preached against this great evil, and have preached well; the good people have prayed against it, and have prayed with fervor; writers have written against the curse, and there has been logic is their sentences; and some have even wept before the altar, and their tears have been sincere. But, gentlemen, the day has come when we should do something more than preach or weep. The tears and the arguments and the agitations should be crystallized into effective legislative action, and the iron hand of the law should take hold of this great evil and throttle it and hurl it back into hell whence it came. This deadly incubus has been hovering over our country for a long time. Like the upas tree, it has been breathing forth the breath of moral death and carrying in concentration the soul-destroying essence of hell itself.

Let us start this movement to preserve and to protect the highest and best interests of our people by setting up this national board of magazine censorship, and then let those in authority on the board drive from our Christian land every salacious, indecent magazine, even as Jesus drove from His Father's house those who sought to defile it. [Applause.]

SUNDRY MESSAGES FROM THE PRESIDENT

The committee informally rose; and the Speaker having resumed the chair, sundry messages, in writing, from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also announced that the President had, on dates as indicated below, approved and signed House bills of the following titles:

On February 5, 1927:

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

On February 7, 1927:

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; and

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

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

H. R. 15011. An act granting the consent of Congress to the Paragould-Hopkins Bridge road improvement district of Greene County, Ark., to construct a bridge across the St. Francis River.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment House bills and House joint resolutions of the following titles:

H. R. 585. An act for the relief of Frederick Marshall;

H. R. 1105. An act for the relief of the Kelly Springfield Motor Co. of California;

H. R. 1330. An act for the relief of Helene M. Hubrich;

H. R. 1464. An act for the relief of Charles C. Hughes;

H. R. 2184. An act for the relief of James Gaynor;

H. R. 2491. An act for the relief of Gordan A. Dennis;

H. R. 4376. An act to allow and credit the accounts of Joseph R. Hebblethwaite, formerly captain, Quartermaster Corps, United States Army, the sum of $237.90 disallowed by the Comptroller General of the United States;

H. R. 4719. An act for the relief of the New Braunfels Brewing Co.;

H. R. 5866. An act for the relief of the Lehigh Coal & Navigation Co.;

H. R. 5991. An act authorizing the adjustment of the boundaries of the Black Hills and Harney Forests, and for other purposes;

H. R. 6586. An act for the relief of Russell W. Simpson;

H. R. 6806. An act authorizing the payment of a claim to Alexander J. Thompson;

H. R. 7156. An act for the relief of Maurice E. Kinsey;

H. R. 7617. An act to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922;

H. R. 7921. An act to authorize the Commissioner of the General Land Office to dispose by sale of certain public land in the State of Arkansas;

H. R. 8345. An act for the relief of Crane Co.;

H. R. 8685. An act for the relief of Henry S. Royce;

H. R. 9045. An act to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the Battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Va.;

H. R. 9287. An act for the relief of Albert G. Tuxhorn;

H. R. 9667. An act for the relief of Columbus P. Pierce;

H. R. 9912. An act approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor;

H. R. 10076. An act for the relief of the estate of William C. Perry, late of Cross Creek Township, Washington County, Pa.;

H. R. 10130. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club, of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now, or may be, in his custody;

H. R. 10725. An act for the relief of Capt. C. R. Insley;

H. R. 11325. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

H. R. 11762. An act to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States;

H. R. 12064. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 12212. An act authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities;

H. R. 12309. An act for the relief of the Bell Telephone Co., of Philadelphia, Pa., and the Illinois Bell Telephone Co.;

H. R. 12852. An act authorizing the Secretary of the Navy to accept on behalf of the United States title in fee simple to a certain strip of land and the construction of a bridge across Archers Creek in South Carolina;

H. R. 12889. An act to relinquish the title of the United States to the land in the claim of Moses Steadham, situate in the county of Baldwin, State of Alabama;

H. R. 12931. An act to provide for maintaining, promoting, and advertising the International Trade Exhibition;

H. R. 13481. An act authorizing the Secretary of the Treasury to accept title for post-office site at Olyphant, Pa., with mineral reservations;

H. R. 14248. An act to amend the provision contained in the act approved March 3, 1915, providing that the Chief of Naval Operations, during the temporary absence of the Secretary and Assistant Secretary of the Navy, shall be next in succession to act as Secretary of the Navy;

H. R. 15537. An act to amend section 476 and section 4934 of the Revised Statutes;

H. R. 15604. An act for the promotion of rifle practice throughout the United States;

H. R. 15651. An act to encourage breeding of riding horses for Army purposes;

H. R. 15653. An act to furnish public quarters, fuel, and light to certain civilian instructors in the United States Military Academy;

H. R. 15821. An act to revise the boundary of the Hawaii National Park on the island of Maui in the Territory of Hawaii; and

H. J. Res. 233. Joint resolution authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes.

The message also announced that the Senate had passed with amendments House bills of the following titles, in which the concurrence of the House is requested:

H. R. 3436. An act for the relief of certain officers and former officers of the Army of the United States, and for other purposes;

H. R. 4553. An act authorizing the President to restore Commander George M. Baum, United States Navy, to a place on the list of commanders of the Navy to rank next after Commander David W. Bagley, United States Navy;

H. R. 10485. An act for the relief of William C. Harllee;

H. R. 11421. An act to provide for conveyance of certain lands in the State of Alabama for State park and game preserve purposes; and

H. R. 11803. An act to authorize the incorporated town of Juneau, Alaska, to issue bonds for the construction and equipment of schools therein, and for other purposes.

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

S. 118. An act for the relief of all owners of cargo aboard the steamship *Gaelic Prince* at the time of her collision with the U. S. S. *Antigone;*

S. 670. An act for the relief of Joseph F. Thorpe;

S. 1266. An act authorizing the establishment of a fisheries experiment station on the coast of Washington, and fish-hatching and cultural stations in New Mexico and Idaho, and for other purposes;

S. 1453. An act for the relief of Frank Topping and others;

S. 1787. An act for the return of $5,000 to the New Amsterdam Casualty Co.;

S. 1959. An act granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War;

S. 2618. An act for the relief of the National Surety Co.;

S. 3739. An act for the relief of Josephine Doxey;

S. 3896. An act to amend section 11 of the merchant marine act, 1920, and to complete the construction loan fund authorized by that section;

S. 4069. An act to authorize the Secretary of the Interior to exchange for lands in private ownership in Gunnison County, Colo., certain public lands in Delta County, Colo.;

S. 4268. An act for the relief of H. W. Krueger and H. J. Selmer, bondsmen for the Green Bay Dry Dock Co., in their contract for the construction of certain steel barges and a dredge for the Government of the United States;

S. 4474. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended;

S. 4491. An act for the relief of G. W. Rogers;

S. 4611. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims;

S. 4669. An act for the relief of the Kentucky-Wyoming Oil Co. (Inc.);

S. 4682. An act granting permission to Lieut. Col. Harry N. Cootes, United States Army, to accept certain decorations tendered him;

S. 4683. An act granting permission to Commander Jules James, United States Navy, to accept the decoration of the Legion of Honor tendered him by the Republic of France;

S. 4719. An act for the relief of Thomas Johnsen;

S. 4756. An act for the relief of Capt. Ellis E. Haring and Edward F. Batchelor;

S. 4841. An act for the relief of Samuel J. Leaphart;

S. 4851. An act authorizing the Secretary of War to convey to the city of Springfield, Mass., certain parcels of land within the Springfield Armory Military Reservation, Mass., and for other purposes;

S. 4858. An act for the relief of Martha Ellen Raper;

S. 4964. An act transferring a portion of the lands of the military reservation of the Presidio of San Francisco to the Department of the Treasury;

S. 5083. An act to supplement the act entitled "An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city," approved April 2, 1926;

S. 5213. An act for the relief of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries;

S. 5332. An act to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.;

S. 5339. An act to authorize the Secretary of the Treasury to enter into a lease of a suitable building for customs purposes in the city of New York;

S. 5349. An act to amend section 7 (a) of the act of March 3, 1925, known as the "District of Columbia traffic act, 1925," as amended by section 2 of the act of July 3, 1926;

S. 5435. An act to provide for the widening of C Street NE., in the District of Columbia, and for other purposes;

S. 5466. An act for the relief of the Citizens' National Bank, of Petty, Tex.;

S. 5523. An act authorizing the Shoshone Tribe of Indians of the Wind River Reservation in Wyoming to submit claims to the Court of Claims;

S. 5539. An act to authorize and direct the Comptroller General to settle and allow the claims of E. A. Goldenweiser, Edith M. Furbush, and Horatio M. Pollock for services rendered to the Department of Commerce; and

S. J. Res. 120. Joint resolution authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State established in accordance with the act of Congress of August 10, 1912 (37 Stat. L., p. 293).

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 2 and 3 to the bill (H. R. 15959) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1928, and for other purposes."

The message also announced that, pursuant to the provisions of section 5581 of the Revised Statutes of the United States, the Vice President appointed Mr. SMOOT and Mr. ROBINSON of Arkansas members of the Board of Regents of the Smithsonian Institution to fill vacancies that will occur on March 4, 1927.

LEGISLATIVE APPROPRIATION BILL

The committee resumed its session.

Mr. McMILLAN. Mr. Chairman and gentlemen of the committee, I have recently received a number of telegrams and other communications from constituents of the city of Charleston, and employees of the Charleston Navy Yard. These communications I think are of vital interest to you, because in them there is presented a question to Congress and to the country which, in my opinion, deserves your earnest and favorable consideration. I will read these communications for your information, as well as excerpts from letters which I have received:

[Telegrams]

SUMMERVILLE, S. C., *February 2, 1927.*

The Hon. THOMAS S. McMILLAN,
Congressman South Carolina, Washington, D. C.

SIR: There is shortage of four thousand in steam engineering appropriations for month February. This will mean the laying off of 12 men unless something is done by you to assist us. Kindly give this your immediate attention.

WM. E. TAYLOR,
Chairman Shop Committee,
No. 38, Building 9, Navy Yard, Charleston, S. C.

CHARLESTON, S. C., *January 31, 1927.*

Congressman McMILLAN,
Washington, D. C.:

Machinery division, $2,300 less for February. Lay off of 20 men inevitable if you do not assist us. Please do all you can to keep these men with families employed. Thanks.

A. O. STROHMEYER,
Chairman Inside Machinists,
Navy Yard, Charleston, S. C.

CHARLESTON, S. C., *February 2, 1927.*

Congressman McMILLAN,
Washington, D. C.

HONORABLE SIR: We the boiler makers and helpers of the navy yard, Charleston, are wishing you to do all in your power to have Navy Department increase the allotment for the machinery division which has been cut very low for this month.

Respectfully,

W. M. ROURK, *Chairman.*
R. J. McNIELL.
WM. MERRITT.

[Letter]

CHARLESTON, S. C., *January 31, 1927.*

Hon. THOMAS S. McMILLAN,
First District of South Carolina, Washington, D. C.

DEAR TOM: I was informed late this afternoon by our master mechanic that we were $2,300 short for the month of February in the machinery division, and what applies to them, also applies to us. As a whole this will be equal to about 18 men, so it will seem that about 18 men will be laid off. I was also informed that the Norfolk yard is calling in all the men they can get, and we think there should be no discrimination between us, therefore we ask you to do what you can for us in this matter.

Yours sincerely,

W. M. TILSON,
For Committee.

Within the last few days the yard has received instructions from the Bureau of Engineering cutting down our allotment for the coming month to such an extent that, unless a reconsideration therefor is allowed, it will mean ultimately the discharge of many employees mainly in the inside and outside machinists' groups. What this means to us is unnecessary to point out to you.

If the bureaus keep cutting down their allotments and the number of our employees continuously reduced, there will come a time when we can no longer cut off from the bottom, but, in order to preserve a semblance of a balanced force, will be obliged to consider cutting as well from the top. We fully realize the consternation that such a situation would create, but it is a matter over which, as you are perfectly aware, we employees have no control. Unless we can get more money from the department we will have to keep on cutting down. The only answer is to get more work for the yard, and I sincerely hope that not only you, but also Senator SMITH and Senator BLEASE, and other friends you could get to interest themselves, in this matter and use all possible influence to keep the yard from being starved to death.

Now, the laying off of many of our valuable and high-class workmen, some having been here steadily for many years, due to withholding work from this yard, and their having to leave their home town to go to the navy yard at Norfolk, Washington, Philadelphia, and New York, to my personal knowledge, many of whom are still in those yards at work, but most eager to return here to their homes and return their families to their homes, too, is a tragedy; just because some official saw fit to withhold work from this yard and to send it to some of the bigger yards—why? Perhaps for political reasons. But its not a square deal, and we ought to be able to hammer away so heavy and hard and fast that the Nation will demand an about-face in the matter and giving this yard, even more so than ever, a fair deal in the way of work, both construction and repair work, where we can not only find labor plenty, but high-class labor, even cheaper than at any other yard, and in a climate where work can be conducted without molestation from rains or cold. Let's hope that a new day is about to dawn upon the Charleston yard for fairness and a square deal.

Your profound and abiding interest in this navy yard and its efficiency, and in its employees as well, is well known and most genuinely appreciated, I assure you. We, the employees, in so far as we may, stand ready to lend you every cooperation possible, and trust you will keep up the fight, with the cooperation at all times of all of our South Carolina delegation in Congress, until the evil has been fully remedied.

I suggested a few minutes ago that this matter is of prime importance to the people of the country and I shall undertake to show you why I believe it should receive the attention of the Congress. Let me review a little history to you. Do you know that on the east coast of this country we have seven navy yards, and that six of those seven navy yards are north of Cape Hatteras, which is the dividing line, geographically, between the north and south Atlantic Ocean. To the north of Cape Hatteras is a coast line of 700 miles. In those 700 miles there are six navy yards. To the south of Cape Hatteras, to Mexico, a distance of 3,500 miles, we have but one navy yard, and that navy yard is at Charleston, S. C. In the six navy yards north of Cape Hatteras there are employed on an average per year per yard, more than 3,100 men. There is an expenditure for labor in those six yards north of Cape Hatteras to the extent of $4,600,000 on an average per yard per year. To the south of Cape Hatteras in a shore line of 3,500 miles, we have only one navy yard, and there are employed in that navy yard only 515 men, with a labor expenditure of $782,000 per year.

I shall insert in the RECORD for your attention a statement from the Paymaster General of the Navy showing navy yard expenditures for the fiscal year ending June 30, 1926, and average number of employees and the average number of men employed in the various yards. This statement I am satisfied will convince you beyond a question of doubt of the rank injustice and inequality against our only southern yard and the South in general.

Labor expenditures by yards for fiscal year 1926

Yard	Labor	Average number of employees
Portsmouth	$4,772,124.00	2,635
Boston	4,691,319.00	2,574
New York	6,290,574.00	3,408
Philadelphia	5,368,017.00	3,203
Norfolk	4,959,541.00	3,013
Charleston	782,068.00	515
Mare Island	5,266,721.00	2,874
Puget Sound	5,983,618.00	3,289
Washington, D. C	4,936,640.59	3,094

This record shows on its face the unadulterated bald-faced discrimination shown against the South, and as a Representative from that section of the country, which I have the honor to represent, I do not propose for such discrimination and inequality to exist without raising my solemn protest. Think of it! A shore line of 3,500 miles facing the Gulf of Mexico, the Carribean Sea, the Panama Canal, Cuba, and other foreign countries, and the nearest section of our country to those countries in Central and South America, with whom we are at this very moment having very strained diplomatic relations.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. McMILLAN. Yes; gladly.

Mr. JOHNSON of Texas. I am very much interested in the gentleman's statement. Can he inform us whose fault it is that these navy yards are congested within a certain area, and not scattered throughout the coast equitably?

Mr. McMILLAN. I shall be glad to try and answer the question of my friend from Texas. In those six navy yards north of Cape Hatteras there are 16 dry docks. If those dry docks were put along at different points equally so far as the number of miles are concerned, in those 700 miles there would be a dry dock for every 44½ miles of coast line, while south of Cape Hatteras there is only one dry dock for 3,500 miles of coast line. The gentleman from Texas wants to know what is the reason for such condition. I believe I can tell him the cause in a nutshell. It is due entirely to the game of politics

and without the slightest regard for the safety and defense of our common country.

Let it be understood at the outset. I am a friend of the Navy. I believe in an adequate navy. A few weeks ago, as we all know, we had under consideration on this floor the naval appropriation bill and the question of the new cruiser program. I voted for those items and supported them, because I believe this country should have an adequate navy, but, at the same time, I believe, as a Representative on this floor I have the right to indulge in what I believe to be constructive criticism, for the benefit of the country as a whole as I see it. It is not by any means a pleasant duty for me to criticise any department of the Government. It is not and never has been a part of my nature to criticise anyone unless I am sure of my ground. I am convinced in this case that I know what I am talking about and it is therefore my duty, as a member of this body, to bring the matter to the attention of Congress and the country.

The Charleston Navy Yard has for many years reminded me of the proverbial red-headed stepchild, and that this red-headed stepchild, as is represented by the Charleston Navy Yard, has received, and still is receiving, about the same sort of support, or rather to be more exact, the same kind of abuse whether the administration in power be Democratic or Republican. When the Democrats are in control they immediately say: "Why bless your soul, what is the use of worrying about the navy yard at Charleston, S. C., and the South generally? They vote for us and always will." When the Republicans are in control they immediately say: "What is the use of us worrying about South Carolina or the South either? They have never voted for us and never will." [Applause.] So there you are. We get it in the neck going or coming, purely because of politics and without the slightest regard to the merits involved.

Let me at this time remind you of certain recommendations that have heretofore been made in connection with the strategic importance of the navy yard at Charleston by a number of distinguished officers of the Navy. I read an excerpt of a letter from Admiral Helm, former commandant of the Charleston Navy Yard, a letter to the Charleston Chamber of Commerce, in which, among other things, he stated:

* * * The incomparable superiority of the Charleston Navy Yard lies in the fact that not only is it the nearest yard of first-class equipment to the Panama Canal, but it is the only yard south of Norfolk which is impregnable against attack by sea. Charleston, although under seige throughout two great wars, has never been captured from the water. Its defenses to-day guarantee it against such a fate in the future and make the Charleston Navy Yard, sheltered from storm and protected against any hostile fleet, the great strategic base from which any possible naval warfare of the future is most likely to be conducted.

Likewise a statement of Admiral Benson, Chief of Naval Operations in 1916, as follows:

We ought to have a good yard somewhere south of Hatteras where ships could go in case of injury in battle without having to come to our northern yards.

He also stated the requisites for a good navy yard, all of which Charleston possesses.

And then, a letter from Rear Admiral Anderson, former commandant of the Charleston Navy Yard, to a subcommittee of the Senate a few years ago. His letter in part reads as follows:

Regarding the question of a dry dock, there are three reasons why in my opinion such a dock should be located south of Hatteras. My study of strategy makes me firmly of the opinion that in any naval war in which this country may become involved in the Atlantic the battle would probably be fought south of Cape Hatteras, in which case a harbor with a deep channel and dry dock capable of receiving disabled ships would be absolutely indispensable. This phase of the question, however, has undoubtedly been presented to the committee over and over again, and I will not waste your time by discussing it further.

Second. I was in command of the American Patrol Detachment during the war, and my mission was to safeguard American and allied interests in the Caribbean and Gulf of Mexico. In preparing my "Estimate of the situation" I found that about 1,500,000 tons of shipping passed through the straits of Florida each way monthly and, after the submarines appeared off our coasts, was routed by Charleston. Had the commanding officers of the German submarines been of the same caliber as those during the first year of the war, and had they handled their vessels with nerve, they would have attacked this shipping proceeding along our coast and done immense damage to it. In addition to sinking there would have been many vessels injured both by mines and torpedoes which would have been able to limp into the port of Charleston; and if we had a deep waterway and a dry dock capable of taking these damaged vessels, the dock would have more than paid for itself.

Without this dock and under such conditions we would have been absolutely swamped. As the submarine is essentially the weapon of a weak naval power and it is by no means impossible that unscrupulous use of this weapon against merchant shipping might be repeated in the future, it seems to me to be the part of wisdom to provide against it as far as possible.

Third. The discriminating railroad rates against Southern cities has recently been abolished and there is little doubt but what the commerce of Charleston will largely increase, in which case a dry dock capable of accommodating large merchant vessels at this port might be a paying proposition.

Let me add here in the fulfillment of the prophecy of Admiral Anderson that since the discrimination of railroad rates has been removed that the port of Charleston since 1921 has increased its foreign trade from $12,000,000 to $48,500,000. This remarkable increase is also shown in the port receipts of Savannah, Jacksonville, New Orleans, and other South Atlantic and Gulf port cities.

Mr. GASQUE. I am greatly interested in the gentleman's statement that he is in favor of a strong navy and has always voted for one and for every appropriation that has come up to strengthen the Navy. Is not the gentleman also in favor of economy in the handling of the funds that we appropriate for the Navy?

Mr. McMILLAN. Absolutely.

Mr. GASQUE. Is there any economy in bringing ships for repair from Cuba or even farther south, from Nicaragua and Colon, right by the Charleston Navy Yard and take them north to have them repaired when they go right by that navy yard?

Mr. McMILLAN. There is no economy in such program, as I see it. On this very point may I call attention of the House that to-day we have a fleet of gunboats and cruisers under command of Admiral Latimer in the Carribean Sea and the Gulf of Mexico, guarding America's interests in Central and South America countries. These ships, under the present policy of the department, in the event they are to be repaired, must return to what is known as their home yard to which they have been assigned for such purposes, although their base is in southern waters. It is not in the interest of economy, as I see it, for them to be required to steam hundreds, or perhaps thousands, of miles burning additional fuel and taking additional time, and while doing so immediately passes the navy yard at Charleston, which is amply provided from every standpoint for handling their needs and providing for their requirements.

I desire at this time, also, to call attention to one or two other outstanding events within the past few months, which should not go unnoticed and unheralded, in relation to the strategic importance of the Charleston yard, bearing out again and again the recommendations made by these distinguished officers of the Navy, to which I have referred. Last fall, in the month of October, a few destroyers of the Atlantic destroyer force were ordered to Miami, Fla., as a result of the Miami storm, with a view of aiding and assisting the citizens of that stricken area in every way possible. The destroyer *Shaw* while on its way south went out of commission and limped into the port of Charleston, where it was immediately taken in tow by the forces of the Charleston Navy Yard, and the necessary repairs made to it with the least possible delay.

The report of its commanding officer to the commander of the Atlantic destroyer force is very illuminating and highly satisfactory in every detail as to the work which was done on his ship and the speed in which it was accomplished. For the illumination of the Members of this House I am going to read for your information a part of this report, which reveals in glowing terms the splendid work done by the officers and employees of the Charleston yard:

3. The work done by the Charleston Navy Yard was in every case most satisfactory. The workmen employed are real mechanics, and there is no lost motion whatever from the time a repair is authorized until its completion. There was no loafing and no trial and error work to contend with. A plan was made by the leading man and this plan was worked out without the least friction and in the minimum time, and there was no occasion to try and try again. The work was done properly and efficiently the first time. The men are in most cases old employees and take a real pride in the quality of their work. The courtesy and cooperation of the officer personnel of the yard can not be praised too highly. While it was still possible for the *Shaw* to complete her assigned mission every effort was made by the yard officers to supply her with necessary stores, tug service, and oil barges. When it became apparent that she would not be able to continue on toward Florida a tug was sent to tow the *Shaw* to the navy yard and berth her safely there instead of leaving her in the stream. When the necessary repairs were authorized plans were ready and there was not

a moment's delay in starting the work. The motto of this yard might well be "Courtesy, cooperation, and competency."

4. So little work is being done at this yard that Coast Guard vessels can secure priority. This means that they get the best workmen, instead of having to take what is left over after other ships are provided for. The commander, destroyer force, is in a position to realize this benefit more than anyone else in the service.

5. Should it become necessary to operate in southern waters, the following logistic data are given: At the Charleston yard there is berthing space for four or more ships, oil and fresh water are obtainable, and excellent repair facilities are at hand. The harbor is easy of access, either by day or by night. The percentage of thick weather is small and tugboat assistance is available for landings or getting away from wharf at unfavorable stages of the tide (current).

Hardly had this job of the destroyer *Shaw* been completed before the battleship *Arkansas* appeared on the scene. This battleship, as you will recall, was one which was included in the modernization act, and her reconstruction had just been completed at Philadelphia. She was on a "shake-down" cruise to Guantanamo. It appeared from the very beginning that she had lost one of her main bearings and put into Hampton Roads for repairs before coming to Charleston. After leaving Hampton Roads during the latter part of November of last year she anchored off the Charleston Lightship with one of her engines disabled. She limped into Charleston the following day, at which time the officers and mechanics of the Charleston yard were called upon for help. The work involved rebabbitting of two large main bearings, a job ordinarily lasting a week or so, but the yard force got busy immediately and within two or three days the job was completed, much to the surprise and delight of her commander. She again put to sea, with everybody loud in their praise for the promptness and efficiency in which the yard employees had done the work.

These incidents, in my opinion, again forcibly demonstrate my argument and position, as well as revealing to you and the country the indisputable fact that the navy yard at Charleston occupies a unique and important place in the naval strategy of our country. It is the only yard, I repeat, south of Cape Hatteras capable of effecting major repairs. In the case of the *Arkansas;* here was a ship, one of the major units of the Atlantic Scouting Fleet, finding itself disabled in the vicinity of Charleston and being required to have its repairs promptly and efficiently carried out. Upon inquiry I have ascertained from a reliable source that unless the yard would have been available to her it would have cost the Government approximately $12,000 to have her towed to the next nearest yard. I mention these incidents merely to bring to your attention again the prime importance of this yard and the concrete examples why same is an absolute necessity in our naval picture.

I want to call your attention to another glaring inequality and discrimination against the Charleston yard. As you perhaps know, many articles that are used in the Navy, both on shore and afloat, are manufactured within the navy yards of this country. Upon examination I have found according to the records of the department a total of 141 articles manufactured. These articles are too numerous to mention, but let me remind you that not a single one of the 141 articles are manufactured in the yard at Charleston, although many of such articles are manufactured directly from cotton goods which is grown and raised within a stone's throw of the navy yard at Charleston. For instance, let me mention a few of them that come within this particular category: Clothes, table covers, hammocks, chair covers, kites, lines, mattress ticks, and towels, and probably others I have overlooked. Prior to and during the war we did have a clothing factory in our yard, but, like many other surgical operations that have been performed on us, this factory has been closed and the products herein enumerated manufactured at other yards.

Where does economy enter into such a program when we have both the facilities and the products available for the manufacture of such articles, and instead of this line of work being an actual accomplishment at the Charleston Navy Yard it is removed to other stations with the additional cost of transportation and handling?

Is it not strange that we hear so much about economy in all of our Federal activities for the past few years? Time and again I have heard this song sung. Activity after activity of the navy yard at Charleston has been either closed or removed, and on every occasion "holy economy" has been advanced as the cause. Let us see if it is. The Charleston Navy Yard, as I have already shown you, is now and has been operating for several years on a skeleton basis with a minimum number of employees that may at the most be termed as a balanced and workable force. Now, here comes an order further reducing the employees at this yard when at the same time perhaps there is a call going out in the North Atlantic yards for additional men. By reference to the average number of men employed for the last few years, say since the war, you will find that the northern yards have maintained an average employment per yard of more than 3,000 employees each, while the Charleston yard, as I have shown already, has a measly pittance of barely over 500 men. Why, before the war, when there was appropriated, say in 1914, only $144,000,000 for Navy purposes, there was employed at Charleston an average of 866 men, which at that time showed some semblance of a parity with other east-coast yards; but now, mind you, in the fiscal year 1926, when there was appropriated over $310,000,000 for naval purposes, an average of 3,100 men were employed in each of the yards north of Cape Hatteras, while at Charleston there has been an actual reduction of over 300 below the 1914 average. This is amazing. It is startling. Yes; it is discrimination of the grossest kind and actuated by no other motive than for political purposes.

The employees at the Charleston yard who are still so fortunate to hold their positions are the cream of the mechanics of the entire naval establishment. Many of them have been in the service there for years and years, they are proficient, they are experts in their line, they take great pride in their work, and yet with such inequalities and gross sectional discrimination being carried out, their lives are one of daily fear and trembling in anticipation of being thrown out of a job with a wife and family to support. Many of them, I may say, have already seen the handwriting on the wall and as a result have been forced to leave their families at home and go elsewhere to secure employment by reason of this unfortunate situation.

Mr. LANKFORD. Can there be any other reason than the rankest kind of prejudice against the South and favoritism for the northern coast line?

Mr. McMILLAN. The gentleman has expressed it correctly.

Mr. LANKFORD. Have we not ideal climatic conditions along that coast?

Mr. McMILLAN. We have climatic conditions there that are ideal. Our men can work out in the yard all the year around, whereas in the yards in the north probably they are unable to go outside half of the time.

Mr. LANKFORD. It is a winter resort in the winter time and a summer resort in the summer time?

Mr. McMILLAN. Yes.

My friends, I desire at this point to call to your attention a part of an editorial appearing on February 7, 1927, in the Charleston News and Courier, one of the South's oldest and best-known daily papers, bearing on this subject and in direct accord with my views. It says:

Is this fair? Is it right? Is it in the public interest? These are questions which sooner or later will have to be answered. * * * But we do not believe that the conditions which have been shown to exist in this navy-yard matter can continue without an accounting being required in due course. This newspaper said four years ago and says again now, that if the military authorities, after all proper investigation, should decide on a change of navy-yard policy that involved the closing of the Charleston Navy Yard along with other navy yards it would be the proper thing to accept a program which was shown to be in the interest of the Navy and of the country. But it is under no such program that the existing policy of starving the one yard south of Hatteras while continuing to spend millions on six northern yards has been formulated. The existing policy has politics stamped all over it. He who runs can see that, President Coolidge having compelled drastic cuts in the money available for naval expenditures, the money has been allocated to the northern yards and the navy yard at Charleston has been given barely enough to save it from extinction.

And, on the same date there is found an editorial in the Charleston Evening Post, another one of our leading dailies, which goes to the meat of this situation. I read as follows:

THE NAVY YARD

Once more the question of the Navy Department's attitude toward the Charleston Navy Yard is up. The yard has been reduced to a mere shadow of its former proportions and is now barely maintained as a going concern. If the proposed further reduction of its force by approximately 15 per cent is put into effect, it will, in the opinion of those who have the fullest knowledge of the situation, result in such a crippling of the establishment as will make it almost useless.

Of the importance of the Charleston yard as a unit in the system of shore stations for the Navy there can be no doubt. The question has been argued on many occasions and has been decided always by experts in the affirmative. The Charleston yard is the only first-class naval station on the mainland of the United States south of Norfolk, and its place in the general scheme of naval defense is vital. That reductions of its activities have been necessitated by the general reduction of the

Naval Establishment is understood, but undoubtedly the Charleston yard has been made to bear a larger percentage of reduction than other and less important stations by reason of sectional considerations and political influence. Such things are not to be escaped, we suppose, but there is a point beyond which, in the interest of the national security, they ought not to be permitted to go. A course which might result in virtually destroying the Charleston Navy Yard would be a serious blow to the efficiency of the United States Naval Establishment, which is dependent for its efficiency so greatly upon well-equipped shore stations, to which the vessels of the fleet may resort for repair or conditioning, in order that they may be kept in such trim as is essential to the nature of their employment, the time for which nobody can guess for a certainty.

Gentlemen of the House, I ask you in all seriousness if this question can be longer ignored? I appeal to the Congress, I appeal to the country, I appeal to the administration in power to see to it that this condition is immediately remedied and the game of politics no longer played in Navy activities where the safety and protection of our citizens are involved and our common country, be it a section of the North, South, East, or West, subjected to a trade for a mess of political pottage. May I repeat in conclusion that I am a strong believer in an adequate and well-balanced navy to protect our shores at home and our commerce on the seas, and the thought I have tried to bring to you is for its interest, its welfare, as well as for the interest of my section of the country, which I in part have the honor to represent on this floor, and for our country as a whole. [Applause.]

Mr. LEA of California. Mr. Chairman, the gentleman from Colorado [Mr. TAYLOR] authorized me to yield 20 minutes to myself.

Mr. Chairman, I desire to discuss the reasons which have caused a demand for Boulder dam legislation. I desire to discuss the physical features, the proposed improvements, the financial plan, and objections urged against this legislation. The Colorado River is one of the most unique rivers in this world. A few years ago for the first time I visited the Grand Canyon of the Colorado. I stood on top of the rim and looked 6,000 feet below to the waters of the Colorado running like a yellow ribbon to the sea.

I was looking into the greatest gash in the surface of this earth. The waters of the Colorado rise in Wyoming and in the State of Colorado and drop 10,000 feet in a distance of 1,700 miles before they flow into the Gulf of California. That river has the greatest development possibilities of any river in the Nation. When economic conditions require it can irrigate four or five million acres of land. It can develop over six million horsepower of hydroelectric power.

THE NEED

The particular conditions that now urge this legislation upon Congress are due to the physical character of this river. In the centuries gone by the Gulf of California extended north over what is now the Imperial Valley. The Colorado River coming from the inter-mountain section deposited much silt while boring out this great gash in the earth's surface. It built a dam, or delta, across the gulf and cut off the north part of the Gulf of California. The river played back and forth over the delta for centuries and finally turned south to be discharged on the Mexican side of the delta. As the ages drifted on the northern part of the gulf evaporated. So we had the Imperial Valley, a bowl; a bowl below sea level with no outlet. The Imperial Valley may now be compared to the bowl of this House. The Colorado River could be pictured as flowing on the crest of the gallery and finally turning over the crest of the delta away from Imperial Valley to the Gulf of California.

The river carries a heavy amount of silt. It is now depositing that silt in a triangular depression at the top of this dam the river itself has built above Imperial Valley. Engineers agree it is only a matter of time when that river, if unobstructed, is going to turn into Imperial Valley. It may not be next year. Engineers do not estimate it will be longer than 20 years until the river goes into Imperial Valley.

This country is familiar with flood control. Flood control in the Imperial Valley is somewhat different from what it is in the Mississippi Valley. In the Mississippi Valley, the flood overflows and covers up large areas, bringing misery and destruction, but there is still drainage and it passes on; and the land at least, remains for productive purposes. In the Imperial Valley there is no drainage. If the river goes there, it leaves a lake. Sixty thousand people in the valley, with $100,000,000 worth of property are jeopardized by this peril.

The irrigating canal that runs through Mexico into Imperial Valley was the most available means of delivering a water supply and developing the valley. It proved unsatisfactory from the beginning. The people of the Imperial Valley went into Mexico and built the canal. Then they had to build 70 miles of embankment along the river to restrain its flood waters. They had to agree to give Mexico one-half the water carried in the canal. When they were forced to go into Mexico to carry on these improvements, which were of equal value to Mexico, many difficulties developed. To illustrate some of the difficulties: They took secondhand rails for the railroad track running along the top of the levee to transport construction materials. Mexico compelled Imperial Valley to pay a tariff of $25,000 on the secondhand rails. They took teams to pull scrapers and Mexico charged a tariff of $5 per head on the mules. They were going there to work for Mexico as well as for Imperial Valley. The sole source of title to the water upon which Imperial Valley is dependent is insecure, because of the Mexican location of the canal.

The water supply for the 400,000 acres in the Imperial Valley now irrigated is insufficient. That supply will be insufficient until some greater supply is provided. That is one of the purposes of this legislation.

There is a rim section in the valley of 300,000 acres, which can eventually be irrigated by the all-American canal proposed in this legislation. That rim section can not be reached by the present means of supplying Imperial Valley.

There is another important reason which has led to the demand for this legislation. That is the deficient water supply for southern California cities. In the main the section of country supplied water by the Colorado River is a section where the grass does not grow and where fruit will not mature without water. Water is just as important as the soil.

The development of southern California is limited by its water supply. There are 1,800,000 people in southern California who need this water supply for actual domestic uses—to drink and for household purposes. This is no fictitious demand. Those people recently voted $2,000,000, not for securing water, but for investigating their vast problem to determine the most available source and means for an adequate water supply. Under the terms of this bill those people, nearly 2,000,000, with an assessed valuation of their property of $1,000,000,000, will, under lawful authority, sign an agreement to pay to the United States the cost of this development, with interest from the very hour the first dollar is expended.

In addition, they will assume responsibility to the extent of $150,000,000 for the purpose of transporting the water from the river to southern California. They agree to pay for 250,000 horsepower to lift this water up over the crest of the coast range in order that it may flow to the cities of southern California.

Those people are in earnest. This is necessary for the future development of that section. There is no greater demand known in the history of the world for water than for domestic purposes. In nearly every country the demand for water for domestic use is the primary demand.

THE PHYSICAL PLAN

The Colorado River is unusual with respect to the variation of its flow. The annual variation is from 9,000,000 to 26,000,000 acre-feet. Sometimes the flow in the Colorado River is only 1,300 second-feet. At other times the flow is nearly one hundred and fifty times that amount. It is distinctly a flood stream.

Now, the proposition is to go up to Boulder Canyon, a place which, if it was designed by the Creator especially for this purpose, could not serve the purpose more effectively. Conditions there require a dam only about 300 feet wide at the bottom, only 1,300 feet across at the top and 550 feet high. That dam will provide a reservoir of 26,000,000 acre-feet, water enough to cover 40,000 square miles of land a foot deep; space enough to take the whole Colorado River flow for one and one-half years and not permit a drop to pass by the dam if so desired.

Now, what will that accomplish? Several things. In the first place, it will be a catch basin for the silt that is now filling up the depression and tending to make the Colorado River flow into the Imperial Valley.

In the second place, it will hold back the floods, so the water can be applied to irrigation when needed, so there will be a constant supply for the domestic demands of southern California, so that Arizona can have water, so that the flood waters instead of being wasted and a menace may be applied to productive purposes. At the same time the dam will furnish a dependable supply for the present project in Imperial Valley. In addition to that the dam provides for the development of 1,000,000 horsepower, a steady horsepower of 550,000 electric horsepower.

This bill also provides for an all-American canal. It relieves the United States from dependence upon Mexico. It takes the

canal out of that country and gives a supply to the Imperial Valley and to southern California entirely on American soil and places the new canal above the rim lands of the Imperial Valley.

THE FINANCIAL PLAN

Now, what is the financial plan? Storage in the Colorado River at Boulder Dam, it is estimated, can be secured for $1.62 per acre-foot. Ordinarily $8 or $10 per acre-foot would be regarded as a cheap price. Nowhere else in the United States has there been any storage secured that is comparable in its terms to the storage to be secured at Boulder Dam. Nowhere else on earth has the Creator built a surrounding territory that so yields to the construction of this dam. There are granite walls 1,300 feet high, with a narrow gorge, where a comparatively small dam will provide this storage. The total estimated cost is $125,000,000, including the payment of interest from the time the project starts until it is completed. Before one dollar is expended and before a rock is turned the Secretary of the Interior is required to make arrangements guaranteeing the payment of the entire investment to the United States within 50 years, including interest. That includes the cost of flood control.

Ordinarily the United States has out of the Treasury assumed at least part responsibility for flood control. Here the people of my State agree, with over $1,000,000,000 behind the agreement, to repay to the United States every dollar for flood control, with interest. There is no other project that is comparable to that in the history of this country. The Imperial Irrigation District, with a valuation of $100,000,000, also is to sign the agreement.

It is suggested there may be an underestimate of the cost of this project. It is estimated at $125,000,000. Suppose there is an underestimate and it will cost more? In that event you have this situation: The people of my State will pay the United States every dollar of the $125,000,000. After that amount is all paid, the United States will still retain this dam and the power plant that may be erected, with their earning capacity. If this project can pay $125,000,000, will it not also have the capacity to pay any overcharge that may remain after that payment has been made?

In any event the users of this project must pay for it, and after payment the dam and plant will belong to the United States. If private concerns built the dam, the users would pay for it just the same, but it would still belong to its private owners instead of the Government.

OBJECTIONS

Certain objections are made to the passage of this legislation. It is suggested, for instance, that we postpone legislation until Arizona has signed the compact. As I view it, the compact is not of primary importance to the success of this enterprise. What is the reason for the compact? The great principle of law for the development of arid areas has been different from that of the ownership of anything else in the world. The rule in the arid sections and of the western part of the United States has been that title to the use of water can be acquired only by the beneficial application of the water. A man may own anything else and he can destroy it if he pleases, but the rule of the arid sections of the West, as a matter of necessity, is that no man can have title to water unless he beneficially applies it. Water is too precious to waste. His neighbor may use it if he does not; he can not monopolize unused water and prevent his neighbor from using it.

Now, what does the compact do? The most important thing the compact does is simply to waive that rule of water rights in the West. Why is the compact proposed? Because Colorado, Utah, and Wyoming, and the other States have rights which they expect to exercise in the future. They are not able to beneficially apply the water now. The compact simply gives them the privilege of retaining their title to the water for future decades to come, so that when they have use for it they can still have the water. It is a privilege for the benefit of those States to enter the compact, but it is in no way essential to the success of this plan.

ARIZONA'S DEMAND

It was agreed the upper States should have 7,500,000 acre-feet annually of the water flowing through the Colorado, which was supposed to leave 7,500,000 acre-feet to the lower basin, measured a short distance below Utah. No agreement was reached as to the division of water between Arizona and California. Arizona has not signed the compact, but the real trouble between Arizona and California is not on the question of dividing the water. There is water enough for all the States involved if it is intelligently used. Some weeks ago the commissioners representing Arizona and California agreed on a tentative division of this water as between them. The representatives of Arizona said Arizona has 5,000,000 acre-feet of water in her own Colorado River watershed outside of the main river. The commissioners agreed Arizona should have her own watershed water and that she should have one-third of the main Colorado and California the other two-thirds. The final result would be that Arizona would have 7,433,000 acre-feet and California would have 4,866,000 acre-feet. That was the tentative agreement. But Arizona was not contented. I am not here to-day to impugn the motives of anybody or of any State of the United States or of the Rules Committee or anybody else. I consider the actions of all of us measured by our own unconscious influences. The real trouble is that Arizona demands California pay her a vast sum year per year as a charge against this improvement. She wants to tax the United States Government for this development.

She either wants to tax us an indefinite sum to be fixed by herself and thus create an indeterminate liability against the project, or she wants to tax us a definite, large amount. I am advised that one of the commissioners of Arizona said he thought Arizona ought to be entitled to $6 per horsepower per year for every horsepower developed on this great enterprise.

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

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman five minutes more.

Mr. LEA of California. The estimated cost of the dam and the power plant would amount to $73 per horsepower. Six dollars per year would be over 8 per cent on the investment. Under that charge, in less than 13 years the people of my State would be required to pay to the State of Arizona the total cost of the construction of the power plant and dam. It would be a return to Arizona, who pays nothing for this improvement, of an amount greater than the Federal Government would receive in twice that length of time.

We have never gone on the theory that a State has the right to tax Federal improvements. We are proposing now to build post offices all over the United States. We come here and beg for post offices. Are we then to come back and demand the right to tax the post offices located in our communities for their benefit? The Constitution of the United States prohibits the taxation of Federal property by the States without the consent of Congress.

Arizona is not obligated to pay one cent to establish this enterprise. If the enterprise succeeds, 95 per cent of it must be guaranteed by the people of California. The Federal Government has gone out west and has built great construction works, at a cost of over $25,000,000, in Arizona. She has been the most successful of all the States in the solicitation of improvements within her borders. After she has secured them, without one cent of interest to be paid to the United States, is it becoming of Arizona to come here and demand a tax on a similar project because it may be of benefit to her sister State? Will Arizona demand that projects of this kind be taxed as against her own people or will she attempt (as she is attempting) to tax the people of California, and not her own people?

"A WHITE ELEPHANT"

Some say Muscle Shoals is a "white elephant" and that the Colorado River may become another "white elephant." What makes a "white elephant"?

Long ago natives down in Africa owned elephants which they used for hunting, travel, and the transportation of their products to the white traders. All the elephants were brown except one, and he was white. The white elephant was just as strong and just as intelligent as the other elephants, but he had a master who was too improvident to train him to work like the other elephants and to provide him with harness and trappings for work. The white elephant was, therefore, a burden instead of a productive animal. He was a useless elephant, and they called him "the white elephant." The improvidence of the owner became a reproach to "the white elephant." "The white elephant" was blamed when the real trouble was he had an improvident master. [Laughter.]

Let the United States not be an improvident master to a great improvement like Muscle Shoals; not an improvident master to the great Colorado. One of the best developments that can ever occur on this earth is out there in connection with the Colorado River. At present the Committee on Rules is the master of this House. It is the master of our program. It withholds the power of Congress to act. I hope that committee will have the vision to meet this great practical problem of our country in a businesslike way. Do not lead the people of the West to believe that the Committee on Rules or the Congress is the white elephant of the United States, standing in the way of her advancement and the wise solution of one of her great problems. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. HOLADAY].

Mr. HOLADAY. Mr. Chairman and gentleman of the committee, consideration of immigration legislation is always a complicated, difficult, and trying proposition, because we are dealing with human beings and legislation on immigration matters directly affects foreign nations.

There are continual battling at the doors of the Committee on Immigration foreign-born individuals, organizations of foreign-born individuals, and foreign-born interests who are anxious to tear down our restrictive immigration law. In their objections to the present law it may be that from time to time there is some good basis for their objections. While I believe in a strict restrictive immigration policy, still I believe it is our duty, if we discover that an injustice has been done or is being done by our present laws, to remedy such injustice.

There has been a great amount of clamor and propaganda with reference to the reuniting of families. Under a bill reported by the Immigration Committee last week the real basis for that propaganda or that request will be met without doing any particular violence to our restrictive policy. So within the coming fiscal year these families will be reunited.

I do not have the time to go into the details of that measure, as I want to call your attention to one other proposition that I believe merits our consideration.

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

Mr. HOLADAY. Yes.

Mr. STOBBS. The gentleman does not mean to maintain that under this bill which has been reported out, all these families are going to be reunited in the coming fiscal year?

Mr. HOLADAY. The State Department informs the committee that within the fiscal year beginning July 1, 1927, practically all of the families will be reunited here in America.

Mr. STOBBS. All the families of citizens.

Mr. HOLADAY. Not of citizens alone, but all of them.

Mr. CELLER. Will the gentleman yield?

Mr. HOLADAY. I want to take up another matter. After I have discussed that, if I have any time, I will be pleased to yield.

Mr. CELLER. I do not want to interrupt the gentleman but I would like to clarify the situation.

Mr. HOLADAY. I can not yield now.

I come now to the other question involved, and that is relief for a certain number of foreign-born people who are now in this country.

Some of them have been here 5, some 10, some 15, and some 20 years or even longer. They are not able to meet the requirements of the present naturalization law in that they can not show lawful entry. We must remember that previous to 1921 our restrictive immigration laws were very lax. A great many people entered this country unlawfully from a technical standpoint in that they crossed the Canadian border without the formality of going to a port of entry. They no doubt could have entered in a legal way if they had gone down the border line a few miles and entered in the regular way.

Then we have a considerable number who entered legally but, through lack of Government records, they are not able to prove that legal entry. That grows out of the fact that for some 5 or 6 years, around 1905, the immigration authorities did not keep the proper records at some of our Canadian ports.

There are also some whose records perhaps were destroyed in the fire of Castle Garden, New York, in 1890, and then there are certain persons who entered illegally but have been here for a considerable length of time—10, 15, or 20 years—who have been successful in business, are rearing families, their children are being educated in the public schools. They are not undesirable residents of the community, but on account of illegal entry they are not able to comply with the present naturalization laws.

The committee has given much thought to some relief legislation for the people that I have just mentioned. At the present time any bill that the committee might bring to this House would immediately be met with the question: How many people will this measure admit; how many people will it affect? And we would be unable to give to Congress any definite information on that matter.

I want to call your attention to the bill H. R. 16648, which is a measure intended to relieve, through subsequent legislation, those classes that I have just mentioned. It provides that between the 1st of May of this year and the 31st of December next all aliens in this country who have been here for a period of five years may file their applications for citizenship with the Department of Labor and fill out a questionnaire which the Department of Labor will furnish to them. On that questionnaire the applicant will give such information as will be helpful in determining the advisability of granting citizenship to the applicant.

This bill of itself does not grant any relief. It is simply a measure providing that these people may come in and file their applications. Then when Congress convenes next December we will know how many of this class of foreign born there are in this country who want to become American citizens. We will know their nationalities, we will know how long they have been here, and we will have their history. We will know how many wives and how many minor children they have in their native land. So that when a bill is brought here for the consideration of this House we will be able to inform the Members of the House and the country as to the exact number of people that will be affected by the measure.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. HOLADAY. I will yield to the gentleman.

Mr. O'CONNOR of New York. Under the present situation they are being deported if their presence is called to the attention of the authorities. Now, between May and December would these people be immune from deportation?

Mr. HOLADAY. That provision is in the bill, but the provision in the bill does not change the law. At the present time no person can be deported for illegal entry if he has been in this country five years. So while the provision is in the bill, it does not change the law, and the person who files an application may be assured that he will not be deported.

Mr. CELLER. Would not they be afraid to file their application for fear of being deported?

Mr. HOLADAY. I do not see why they should fear deportation. If there is not anything in their record to prevent their becoming American citizens except the fact of illegal entry, and if that entry was five years previous to the time they file their application, they will not be liable to deportation. No one can be deported for illegal entry unless proceedings are brought within five years of the illegal entry. This is simply a measure intended as the ground work for the relief of a considerable body of foreign born in our country who are not organized in foreign-born groups but who are substantial men, scattered throughout our country, of all nationalities, who are desirable men to have in their community, but at the present time, through some technicality of the law, they are not able to become American citizens.

I believe we should be always willing to extend relief and help to those foreign born whom we have within our borders, who are honorable, industrious, and law abiding, and who have in fact an abiding love and desire for American citizenship.

Mr. GREEN of Florida. Does the gentleman think we should admit the families of these 35,000?

Mr. HOLADAY. To what 35,000 does the gentleman refer?

Mr. GREEN of Florida. There are some 35,000 who desire to bring in their families, I understand.

Mr. HOLADAY. I am not in favor of admitting any considerable number outside of the quota. The gentleman probably refers to what is known as the Wadsworth bill. That simply provided for the admission of 35,000 outside of the quota, but that would be the first 35,000 that would crowd through the gates or had already filed their applications. In my estimation we should avoid any proceeding that would give a preference to a few thousand, be it 10,000, or 25,000, or 35,000, by reason of advance notice or better organization, or their ability to crowd through the gates. If there are aliens here who are entitled to certain relief, then all aliens falling within that class, without reference to their number, are entitled to that relief, and there is no reason for granting relief to the number of 35,000 when those 35,000 are the first 35,000 that can jam through the opening. We should proceed in a regular manner, as the committee is proposing to do, and in the course of two years this matter will all be adjusted, people who desire to become American citizens will have had an opportunity, and the aliens here will have had an opportunity to reunite their families in the United States.

Mr. CELLER. But suppose some of those two years hence are still aliens, not having been in the country the required period of time. Would the gentleman then grant them the privilege of having the love and affection of their wives and children?

Mr. HOLADAY. On the 1st day of July, 1929, every alien who entered our country previous to the adoption of the present law will have had an opportunity, if he so desires, to become an American citizen, and those who entered after the 1st of July, 1924, came here knowing and with full notice of what the permanent and settled policy of the United States is with reference to immigration.

Mr. STOBBS. Suppose the man who entered prior to July 1, 1924, can not satisfy the requirements of American citizenship and suppose he came here in perfectly good faith, leaving his wife and children behind. How will such a case be taken care of?

Mr. HOLADAY. Under House bill 16648 that man will have a right to file his application. Then Congress will have before

it on the 1st day of January next definite information as to how many people there are in that class, and then we will be in a position to legislate for their relief.

Mr. CELLER. I take it you want to unite these families?

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

Mr. SABATH. There is nothing in the bill that would unite any families.

Mr. MURPHY. Mr. Chairman, I yield half a minute more.

Mr. CELLER. Will the gentleman state whether or not he is behind the principle of uniting the families? I take it the gentleman's bill will have that effect two years hence.

Mr. STOBBS. Not as to aliens, as I understand it.

Mr. CELLER. I want to get the information as to where the gentleman stands.

Mr. HOLADAY. I am in favor of reuniting families as far as that can be done without extending the provisions of the present quota law.

Mr. CELLER. If the gentleman is committed to that principle of uniting families, why can you not give relief at the present time instead of waiting for two years?

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

Mr. MURPHY. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. STOBBS].

Mr. STOBBS. Mr. Chairman and gentlemen of the committee, I did not intend this morning to speak on this immigration question, but I have been very much interested in what has been said by the gentleman from Illinois [Mr. HOLADAY]. I think, perhaps, there is a little misunderstanding as to the purport of the bill which has just been reported out by the Committee on Immigration. As was brought out by the question of the gentleman from New York, this bill reported out by the Committee on Immigration does not allow for the reunion of families of aliens.

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

Mr. STOBBS. Yes.

Mr. HOLADAY. I think the gentleman is mistaken in that. It expressly provides for that.

Mr. STOBBS. I understood from the question asked of the gentleman that provision was made for people who had been here prior to July 1, 1924, that they were to be allowed to become American citizens.

Mr. HOLADAY. Perhaps I misunderstood the question.

The bill reported out provides that 90 per cent of the present quota shall be allowed to the relatives first of American citizens and, secondly, to the relatives of aliens who are not citizens.

Mr. STOBBS. Who have not become citizens?

Mr. HOLADAY. Who have not become citizens, but who have filed their first papers.

Mr. STOBBS. Then in the figures submitted by the State Department, does the gentleman understand that the relatives of aliens will be taken care of in two years?

Mr. HOLADAY. The information that came to the committee was that they would be taken care of within the fiscal year beginning July 1, 1927.

Mr. STOBBS. All of them?

Mr. HOLADAY. All of them, I think, who had filed applications at the present time.

Mr. SABATH. I wish to state that the gentleman from Illinois, my colleague, is in error when he says that the bill which has been reported out of committee, one of several bills which have been reported out of the committee, provides for giving a preferential status to 90 per cent of all immigrants. Only 90 per cent in certain instances; namely, in countries that have a very small quota and not in countries that have a large quota. Is not that right?

Mr. HOLADAY. If the gentleman will permit, in those countries which have large quotas the relatives are taken care of. It provides any country where the quota of relatives exceeds 60 per cent of the quota then it tips from 60 to 90 per cent. It will not apply to a great many countries because the present law now takes care of the situation.

Mr. STOBBS. There is one aspect of this immigration law I want to touch upon that has interested me very, very much, and that is what ought to be done with the unusual number under the quota. And that has been brought to my attention by the remarks of the gentleman who has just preceded me. Probably all gentlemen here do not realize that in the year following the 1st of July, 1924, when this law went into effect, practically 4,000 people of those entitled to come in from different countries did not use their quota number, and the next year something like 2,800 people entitled to come in did not use their quota number. I think the law allowed something like 164,000 people to come in from different countries commencing the 1st of July, 1924. The first year 4,000 did not avail themselves of their privilege, and the second year 2,800 did not avail themselves of their privilege, and probably this fiscal year, June 30, 1927, there will be another 2,000 who will not avail themselves of their privilege.

Mr. JOHNSON of Washington. If the gentleman will permit me to state, there will be always about 2,000 failing to use the quota for the reason that 2,000 are allocated in lands where the people can not avail themselves of it; in other words, who are not entitled to citizenship.

Mr. STOBBS. That may be true; but, notwithstanding, the fact remains that of the 164,000 allowed to come in under the law——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STOBBS. May I have more time?

Mr. MURPHY. I am sorry, but the time is allotted.

Mr. SABATH. Mr. Chairman, I ask unanimous consent that the gentleman proceed for five minutes.

Mr. MURPHY. I yield the gentleman one minute.

Mr. STOBBS. I simply want to say to the gentlemen of the committee that I introduced a bill which is under consideration before the Immigration Committee which provided that these eight or nine thousand people who are entitled to come in, but did not avail themselves of that privilege, the Department of Labor can use these unused quota numbers to relieve such cases of undue hardship as they may determine ought to be taken care of. I submit that measure ought to be considered on the ground that it takes care immediately of the unused quota numbers for the purpose of uniting families and does not necessitate a wait of two years for their families to be taken care of.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. And as against one that did not come in more were smuggled across the border.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURPHY. I yield three minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I have listened with attention and interest to the remarks just made by the gentleman from Illinois [Mr. HOLADAY] on immigration problems. He is a member of the Committee on Immigration and Naturalization, of which I have the honor to be chairman; and I know his interest in the deportation bill, reported in his name from our committee and which at this very moment enjoys a peaceful sleep in the Committee on Immigration of another body. My friends, we shall revive that bill in the next Congress. [Applause.]

I believe the gentleman from Illinois [Mr. HOLADAY] is right in his belief that a rational form of voluntary alien registration can be effected. Such a form of registration would have been a great help from the coming July 1, 1927. It is necessary as the first step toward giving some recognition of legal domicile to the large number of well-meaning aliens who are unable to prove legal entry into the United States and who are not subject to deportation because of the time limitations of the law.

We could not deport these people if we would; and I have heard of nobody who wants to deport them; but as we deal with those who have entered surreptitiously since the restrictive immigration act of 1924, it will become more necessary to give some form of card to those others in the great alien mass here whom we hope to take into citizenship some day; but when we go into that process of giving citizenship to these I think we should extend the time which now exists between the holding of first papers and the right to final citizenship. There has been a great deal of fraud in the issuance of final citizenship papers in the last 15 or 20 years—really a very great lot of it.

Also, Mr. Chairman, when we go into the matter of reform in the naturalization laws we will do well to take up the entire matter of citizenship, with definitions of same, with laws to provide for the status of those in Porto Rico, the Canal Zone, and elsewhere who live under the flag of the United States, also for the revocation of these fraudulent citizenships.

We should provide a method by which naturalized citizens may be deprived of that great gift when the countries from which they came persist in maintaining laws which give dual nationality. They should be deprived of citizenship when, after swearing allegiance to the United States of America, they here proclaim themselves as pro-Italian, pro-German, or pro anything else.

Mr. Chairman, I think it is about time to clear the atmosphere a little in regard to the pressure to break down the immigration law and admit more immigrants. Your committee knows that a concerted movement is at work throughout the United States, more particularly in the large cities, headed by

certain churches of various denominations and working through an organization which professes its interest in the immigrant, to cause Members of Congress to be individually bombarded with requests for relief of relatives. Questionnaires have been sent out with instructions to get full details as to all distressing cases, all hard cases, all cases of husbands here and wives and children in Europe.

These questionnaires, when completed, are to be sent to the different Members from the districts in which aliens are numerous and are to be shot at the members of the House Committee on Immigration with machine-gunlike rapidity. Already 600 such cases have been made up in Pittsburgh, Pa. A still larger list is being prepared in Chicago, another list in San Francisco, and so on. But it seems impossible for the proponents to hold the cases down to the actual requests for wives and children, in spite of the instructions which I presume were given out from the head office.

The persons in the various interior cities who are making up the detailed papers concerning each case persist in sending in the hard cases of brothers-in-law, cousins, sisters-in-law, uncles, and aunts, and so on, who are in various parts of Europe and who are impoverished and miserable as a result of the war, and as a result of racial feeling that exists in so many of the countries of middle and southeastern Europe.

Mr. Chairman, I have been a member of the Committee on Immigration and Naturalization of the House now for about 14 years. I have had the honor to serve as chairman of that committee for eight years. I have read many thousands of appeals from naturalized citizens, all immigrants, in behalf of their relatives in various parts of Europe. I have heard the oral testimony before the committee of hundreds of such witnesses. I have been appealed to personally in my office, at the doors of this Chamber, at the doors of my residence in Washington, D. C., as well as at my home in the State of Washington. I have read about everything I could find on the subject of immigration, and I think I am able to determine about the date when too much immigration for the country's ultimate good began to flow into the United States.

In the late eighties and the early nineties the United States underwent quite a serious period of depression. You will remember the Homestead riots of 1892. You will remember a few years later, in 1895, the marches of Coxey's "armies." Some of these "armies" started from Puget Sound, Wash. At a number of presidential elections prior to this period the issue was protective tariff or free trade, but after the election of McKinley the Dingley bill was passed and thereafter free trade as a principle began to fade away. The protective tariff became a fundamental in the United States—almost a keystone in the arch, one might say. Subsequent presidential elections from time to time have had the tariff as an issue, but the issue has been as to the rates and the commodities rather than as to the old proposition of protection versus free trade.

After protection itself became an established principle in the United States the great factory cities began to grow—Pittsburgh, Cleveland, Detroit, Chicago, St. Louis, the industrial cities of New England, and elsewhere throughout the United States. As these factories grew they were able to give employment, so the invitation to the immigrants was to come to the United States, not as previous immigrants had come—to help build, make, and sustain the ideals of the new country; to take up Uncle Sam's free homesteads—but the appeal was to come directly to the factory, there to get pay the very next day; and come they did by the millions, with resultant small pay, long working hours, wretched living conditions, all perhaps better than they had experienced abroad, but deplorable and unsatisfactory nevertheless.

Mr. Chairman, as a result of my studies, observations, and interviews with foreign people I am convinced that the great bulk of these immigrants, with but few exceptions—by "exceptions," I mean the red socialists, anarchists, and communists—came with the best intentions toward the United States of America. In fact, they felt that the day they put foot on American soil they were Americans. They felt that they were the people—part and parcel of the new country, the new Government of the United States of America. But, Mr. Chairman, the traditions they brought here were those of the countries whence they came. They were not the traditions of this country that had come up from the time of the Colonies. The Revolutionary heroes of the United States were not, with the possible exception of George Washington, their heroes. Our songs were not their songs; our customs were not their customs; our language was not their language; and, as they came faster and faster, more than a million a year, mind you, for a long stretch of time, conditions in the United States began to change. Our traditions began to change; our customs began to change, hardly noticeable at first, until suddenly, Mr. Chairman, we awakened to find about everything changed. Our literature is changing. Who would have thought 25 years ago that in this year 1927 book publishers with strange sounding names would turn out books too filthy for even the most decadent European country?

I listened to-day to the remarks of the gentleman from Mississippi [Mr. WILSON] on this floor with regard to his bill introduced last week and which would shut off at its source the increasing stream of indecent and vulgar literature. He is right when he says that the moral life of the Nation is threatened through printing-press poison. I desire to discuss that phase of our situation a little later. I want also to discuss the foreign-language press influence.

Mr. Chairman, the drama in the United States has changed until a great part of it is nude, cheap, and vulgar. Methods in our public schools have changed. The grade schools and even the high schools have had to slow down so as not to get too far ahead of the children who have come out of the melting-pot mixture—not to say that there are not many bright and intelligent children among these, even geniuses—but the average is down. Even the stature of our people is changing in larger cities. The character of our newspapers is changed. Too few newspapers now attempt to lead where 25 years ago they did lead an intelligent, constructive public. The tabloid newspaper, with its trash, its vulgarity, and its obscenity, is making it harder and harder for the substantial, clean newspaper to reach the everyday mass of our population. I refer to the newspapers printed in English. In several of the large cities the circulation of the foreign-language newspapers exceeds that of the English newspapers. Cleveland, Ohio, finds itself with but one morning English daily. I have forgotten just how many foreign-language morning dailies there are in that city, but there are several.

Mr. Chairman, I attribute nearly all of these changes to the forces of the newly arrived people of the last quarter of a century, not charging it against any one kind of foreign people, mind you.

I am sure the thinking public senses all of this, and I am satisfied that the feeling in the House of Representatives to-day is for more and more restriction of immigration. I do not believe it is possible to stop or check the movement for greater restriction than we now have. Interested organizations may cry out for more and cheaper labor; farmers may cry for imported serflike farm hands; women may think that they need servants from abroad; but all intelligent citizens, when they analyze the situation, will see that so many such arrivals must bring down the standards.

I have been able to observe that a very large proportion of our people, perhaps not more than two generations away from the old countries, want restriction. They know why. They do not want this country to go the way the older countries have gone. They do not want us to break up and divide into peoples speaking varying languages and hating each other—a veritable Babel.

Mr. Chairman, it has been very hard—practically impossible—in this session of Congress to outline a program for the Committee on Immigration and Naturalization. One reason has been that the national-origins feature of the immigration act of 1924 has stood in the way. That feature is due to go into effect on July 1, 1927, unless postponed by act of Congress or unless the President of the United States fails to issue the requisite proclamation. However, Mr. Chairman, a program is forming. One can sense it from the great number of bills that have been introduced by Members and referred to the Committee on Immigration and Naturalization. Nobody expects much heavy, constructive legislation in a short session of Congress, but I think I can see that the complexion of the next House as well as the next Senate will be highly restrictionist; and I am safe in laying out a program that will likely include, among other things, quotas or restriction of the countries of this hemisphere; less immigration; more examinations overseas; less need for Ellis Island; more selection; and, above all, more care in the making of citizens. A form of registration by which every citizen and every alien and every alien seaman may have something to show his right to be in the United States of America.

Mr. Chairman and gentlemen of the committee, if you do not now appreciate the magnitude of the alien problem in the United States; if you do not know how far-reaching it is, I hope you will take notice of this chart, which I shall place in the RECORD. It is published in the monthly magazine, Kram-Full, house organ of a firm, Louis Kram (Inc.), of New York City. The editors of that publication very frankly describe it as follows:

This little publication is issued monthly for the purely mercenary motive of developing more business for the foreign-language press in America, which it serves as advertising representatives.

They undertake to compare the "unrecognized cities" of the United States with the English-speaking population of the city of Omaha, Nebr. The "unrecognized cities" are foreign-language-speaking communities within our metropolitan centers. Following is the explanatory statement and the chart to which I refer:

EVERYBODY KNOWS ABOUT OMAHA—ONE OF THE LEADING CITIES IN THE UNITED STATES, BUT SMALL COMPARED TO SOME UNKNOWN AMERICAN CITIES

Omaha, with its population of 192,000 people, stands out as a really great American city. It is a dominant factor in American business. It is a big consuming market. Everybody knows Omaha, either through having been there or through having read of it.

But suppose you take out of Buffalo the 218,000 Polish people, with their investments in banking, real estate, publishing, with their churches, real-estate holdings, and, most important of all, their tremendous ability to work and produce real dollars, which they spend.

As a part of Buffalo, so far as the name goes, but as distinctly a Polish city as Warsaw itself, the Polish city of, or rather in, Buffalo has its Polish population of 218,000.

This does not mean that it is Polish in sympathy. On the contrary, it is a strong American center in all that the name American implies, with the single exception that the language is Polish intead of English. But it is not possible to question the Americanism of 218,000 people because they happen to be from Polish territory originally or born of Polish parents. But because Polish is their language, they read, think, talk, and buy in Polish. So you have a city much larger than Omaha where there is a great market for development, if you talk and advertise in Polish.

Then, go into Chicago, and within its limits you find a Bohemian city of 325,000—far larger than Omaha. We use Omaha as a means of comparison. That Bohemian city inside of Chicago is Bohemian in language. You reach into it and tap its wonderful buying possibilities in the Bohemian language. That is natural and logical.

One of these days send one of your men to canvass the stores in the Bohemian section and get an idea of brand strength of your and competitive merchandise. You may find some interesting data. Or, better yet, just ask us to find out where you stand—what the possibilities are for your line in the Bohemian city in Chicago.

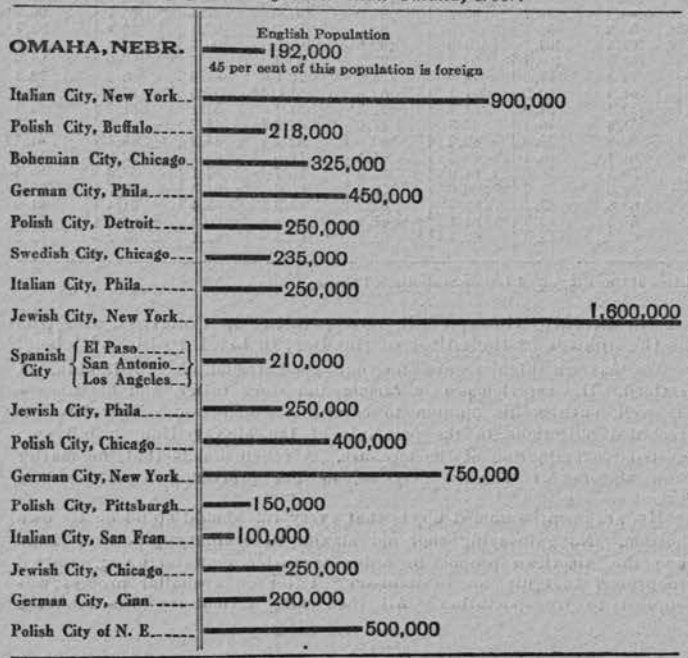
Then, there is the German city inside of Philadelphia with 425,000 people—Germans in language; Americans in sympathy and in buying power. A city two and a half times as large as Omaha, which you reach in German.

Do you know that there is a Polish city in Detroit, numbering 235,000 Polish people? It is a great market if you dominate it. And it is in position to welcome many a good brand.

We can go on with much more space, but it would be better to inspect the accompanying chart. Note that the Polish city in Chicago numbers 400,000 Polish people, the Jewish city in New York numbers 1,600,000—larger than Jerusalem ever was. And the Italian city in New York with 900,000 Italians—larger than Rome itself.

Look over the accompanying chart. It is vital for the man with something to sell.

Some of the unrecognized cities of the United States which have a population greater than Omaha, Nebr.



Mr. MURPHY. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. McLAUGHLIN]

The CHAIRMAN. The gentleman from Nebraska is recognized for 15 minutes.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman and gentlemen of the committee, during the few minutes allotted to me I wish to call your attention briefly to a few general facts as I see them with reference to the pending agricultural legislation. I hope later to have opportunity, when the farm relief bill is up for consideration, to discuss the subject more at length.

A few days ago I heard a gentleman remark in my presence that if the proposed agricultural legislation were defeated at this session of Congress the question would all be forgotten about in a few months and the country would forget that the subject was ever up for consideration. I do not share the opinion of that gentleman at all. There is something fundamental in this great problem that wil keep it before the people and the Congress until it is satisfactorily settled. Whether relief comes at this session of Congress or whether it drags on for a period of years, the question will still remain with us, and those who are back of the movement for a national policy for agriculture will not cease their efforts in this direction until something practical has been accomplished.

I recall that prior to the time the packers' act was passed—I believe in the Sixty-seventh Congress—for 20 years the stock growers and shippers of this country were contending against what they believed were the irregularities practiced by the great packers of the country, and that movement kept growing in volume and in interest and in demand until Congress finally acted. The same thing was true with reference to the contention of the grain growers and producers for the protection of the grain interests. It was for some 20 or 25 years that those arguments were presented to Congress before they were finally acted upon. The same thing was true before the enactment of the interstate commerce law. It was 25 or 30 years, during which the people of the country kept arguing and contending against rebates, passes, injustices, and favoritism in freight rates, until finally Congress acted.

We have before us now in this agricultural problem, as I said, something that is absolutely fundamental and something that will not down until it is considered, and considered favorably. The indorsement of the farm organizations of the country are stronger for legislation of this kind now than they have been at any preceding session of Congress. I dare say that fully nine-tenths of all the recognized farm organizations in the country are earnestly in favor of legislation of this kind, and it has reached a phase where not only the farmers and those who are leading in this movement recognize the importance of the situation, but where business men and chambers of commerce have come to recognize the seriousness of the problem and are passing unanimous resolutions throughout the agricultural States asking for the enactment of this legislation at this session of Congress.

On this subject I wish to read to you a paragraph or two from a speech made by former Secretary of Agriculture Meredith at a meeting of the chamber of commerce in New York City not long ago. He says:

I feel that it is not necessary that I should go over many of the facts that could be recited regarding agriculture being fundamental, about agriculture being important, about agriculture being underlying. I believe that to-day every business man in New York City and every business man in America worthy of being called a "business man" realizes that agriculture is fundamental and that when agriculture prospers, when the farmer has a larger purchasing power, better business conditions follow, and that when the farmer is deprived of his normal purchasing power or when his purchasing power for any year is less than the previous year, earnings fall off and dividends are reduced. This is a fact. It takes but very little difference in the income of the farmer to make a great difference to business. One dollar an acre, gentlemen, for the farms of America spells the difference as to whether or not your dividends will increase or your bankruptcies will increase. If it is a dollar an acre more the farmer receives than he received the previous year, your failures will decrease and your dividends will increase; but if that dollar an acre is taken away from the farmer—and it amounts to only an average of $80 a farm, $500,000,000 for the 500,000,000 acres—failures in the United States, as reported by Dun's and Bradstreet's, will increase anywhere from 20 to 33⅓ per cent, and do so every time, just as certainly as your life-insurance tables are worked out.

Then I want to read you this brief paragraph from that same speech:

That interest in agriculture, to my mind, should be of as great moment to the business man in New York City as to the farmer him-

self, and of as much moment to those interested with Mr. Green (president of the American Federation of Labor, who was present) and his friends in labor circles as to the business man. In other words, this is a matter of mutual interest on the part of agriculture, business, and labor. If agriculture is fundamental and business prospers due to agriculture being stabilized, then labor also profits by agriculture being stabilized. When the farmer is prosperous business is good and, of course, conditions of employment for labor are better and more satisfactory. What I want particularly to do to-night is to plead with you that you take an active interest in the welfare of agriculture. Whether you accept my suggestions or not is not so important, but it is important that you take an active, real, sympathetic interest in agriculture and assist in finding a solution that will bring stabilized conditions to agriculture.

Now, as to the difference between the purchasing power of industry and that of agriculture, I want to call your attention here to this fundamental fact underlying this question, which leads me to say that the people of this country will never cease in their efforts to secure a national policy for agriculture until something favorable has been done. In the report of the United States Department of Agriculture of June, 1925, I call your attention to two tables on pages 30 and 31 which, through the courtesy of the department, have been brought down for me through the year 1926.

Under my permission to revise and extend I want to insert these tables in the RECORD so you may make a study of them. I shall not take the time to go into them in detail, but I want to call your attention to the averages. This table takes the years 1910 to 1914 as 100 per cent. Beginning with the year 1910 and going through to the year 1926 these are the index wholesale prices of nonagricultural commodities. Now, get that! These are the nonagricultural commodities for the entire period of 16 years, based on the four years from 1910 to 1914 as 100 per cent. During that time, from 1910 to 1914, the prices ranged all the way from 1.02 to 241 as of the year 1919, and down to the year 1926 the wholesale price of nonagricultural commodities, based on the agricultural dollar value at the end of 1926, was 160.8. Now, for the same time the value of the agricultural dollar, taking 1910 to 1914 as a basis and as 100 per cent, was at no time above par, except for the two years 1911 and 1914. During the war, when we thought the farmer was receiving a splendid price for his products—and in a way he was—yet as compared with the wholesale value of nonagricultural products his dollar, even during the entire war period, was greatly below par. Even in 1917 it was only 54.9, and in 1919, when the crash came, it was 41.5, and at the present time it is 62.2, as compared with the wholesale value of nonagricultural commodities, 160.8.

I hope Members will carefully study the following tables:

TABLE 3.—*Index numbers of wholesale prices of nonagricultural commodities, 1910–1925*

[Supplement to The Agriculture Situation, United States Department of Agriculture, June, 1925]

(1910–1914=100)

Year	January	February	March	April	May	June	July	August	September	October	November	December	Average
1910	103.1	103.3	103.8	107.4	106.5	104.5	102.8	101.6	100.4	97.5	97.0	97.7	102.2
1911	96.7	96.8	99.4	97.2	95.5	93.9	94.3	94.8	95.2	94.5	93.7	93.9	95.5
1912	94.9	96.5	97.3	100.1	99.7	99.6	100.3	100.9	102.5	103.1	102.7	104.5	100.3
1913	107.3	107.2	106.5	105.5	104.7	104.3	103.6	103.6	104.2	104.0	103.0	100.6	104.5
1914	99.6	100.2	100.6	99.9	98.5	96.8	96.4	96.2	97.2	95.0	93.7	94.9	97.4
1915	95.6	95.8	95.7	95.7	97.0	98.5	99.9	100.8	102.8	105.2	109.3	115.0	101.1
1916	122.5	126.2	131.7	134.5	136.2	137.3	135.9	135.3	136.7	142.8	154.9	166.0	138.4
1917	169.7	172.7	175.5	178.6	185.4	194.7	199.2	195.6	189.4	175.4	172.8	174.1	182.1
1918	176.8	177.8	179.5	183.2	186.3	188.4	192.5	193.3	194.8	195.6	195.7	193.3	187.6
1919	187.7	184.1	180.9	179.0	183.3	193.7	203.8	211.2	212.6	214.7	219.0	223.9	199.0
1920	235.6	243.5	247.4	254.4	254.4	250.4	250.8	248.8	246.1	237.2	221.0	208.1	241.0
1921	196.3	185.3	176.7	170.9	168.2	163.8	158.6	155.5	156.1	158.9	161.0	160.8	167.4
1922	158.4	156.1	155.1	156.1	163.8	168.2	176.6	182.1	178.6	176.4	175.2	174.8	168.0
1923	176.6	177.7	179.4	180.4	176.1	172.4	168.8	166.7	166.9	165.0	163.2	162.0	171.3
1924	163.7	166.3	165.8	163.7	161.8	159.3	158.4	158.9	158.2	158.1	160.2	162.8	161.6
1925	164.7	167.3	165.4	162.3	161.3	163.2	164.3	163.7	163.3	164.5	165.9	165.0	165.3
1926	164.7	164.5	161.6	159.5	160.2	159.9	159.2	160.1	160.6	160.0	161.0	158.3	160.8

Bureau of Labor Statistics.

TABLE 4.—*Relative purchasing power of a dollar in exchange for nonagricultural commodities at wholesale prices*[1]

(1910–1914 = 100)

Year	January	February	March	April	May	June	July	August	September	October	November	December	Average
1910	97.0	96.8	96.3	93.1	93.9	95.7	97.3	98.4	99.6	102.6	103.1	102.4	97.8
1911	103.4	103.3	100.6	102.9	104.7	106.5	106.0	105.5	105.0	105.8	106.7	106.5	104.7
1912	105.4	103.6	102.8	99.9	100.3	100.4	99.7	99.1	97.6	97.0	97.4	95.7	99.7
1913	93.2	93.3	93.9	94.8	95.5	95.9	96.5	96.5	96.0	96.2	97.1	99.4	95.7
1914	100.4	99.8	99.4	100.1	101.5	103.3	103.7	104.0	102.9	105.3	106.7	105.4	102.7
1915	104.6	104.4	104.4	104.5	103.1	101.5	100.1	99.2	97.3	95.1	91.5	87.0	98.9
1916	81.6	79.2	75.9	74.3	73.4	72.8	73.6	73.9	73.2	70.0	64.6	60.2	72.3
1917	58.9	57.9	57.0	56.0	53.9	51.4	50.2	51.1	52.8	57.0	57.9	57.4	54.9
1918	56.6	56.2	55.7	54.6	53.7	53.1	51.9	51.7	51.3	51.1	51.1	51.7	53.3
1919	53.3	54.3	55.3	55.9	54.6	51.6	49.1	47.3	47.0	46.6	45.7	44.7	50.3
1920	42.4	41.1	40.4	39.3	39.3	39.9	39.9	40.2	40.6	42.2	45.2	48.1	41.5
1921	50.9	54.0	56.5	58.5	59.5	61.1	63.1	64.3	64.1	62.9	62.1	62.2	59.7
1922	63.1	64.1	64.5	64.1	61.1	59.5	56.6	54.9	56.0	56.7	57.1	57.2	59.5
1923	56.6	56.3	55.7	55.4	56.8	58.0	59.2	60.0	59.9	60.6	61.3	61.7	58.4
1924	61.1	60.1	60.3	61.1	61.8	62.8	63.1	62.9	63.2	63.3	62.4	61.4	61.9
1925	60.7	59.8	60.5	61.6	62.0	61.3	60.9	61.1	61.2	60.8	60.3	60.6	60.5
1926	60.7	60.8	61.9	62.7	62.4	62.5	62.8	62.5+	62.3	62.5	62.1	63.2	62.2

[1] Computed from the index numbers of wholesale prices of nonagricultural commodities of the Bureau of Labor Statistics (Table 3).

Now, gentlemen, a study of this situation reveals to us the fact that at very few times from the beginning of this country down to the present time has the value of the agricultural dollar been equal to the value of the nonagricultural dollar. It is not a question that has simply confronted us since the war; it has been aggravated since the war, but we have had this problem with us all the time, to a greater or lesser degree, since we have been a nation, and it is the effort of some of the legislation now pending—and it is an honest effort—to bring the value of the agricultural dollar somewhere near on a par with the value of the dollar of industry and labor.

I want to read to you an editorial I clipped this morning from one of the Nebraska papers—the Omaha Bee. A gentleman in the western part of my State had expressed criticism of the McNary-Haugen bill, now pending in Congress, and this is the answer of the editor of the Bee, in brief, to his criticism:

We have a high regard for our good friend, A. C. Rankin, of Oxford. His experience as a farmer and stock raiser, and his success as well, entitles his opinion to careful consideration. Therefore his recorded objections to the principle of the McNary-Haugen bill suggested reexamination of the measure. A conclusion is that, no matter how sincere Mr. Rankin may be, he has proceeded from a wrong premise.

His argument, summed up, is that every tub should stand on its own bottom. No gainsaying that old maxim in ordinary practice. Long ago the American people, in order to foster manufacturing, started to protect that division of industry. Later on a similar process was applied to transportation. All the while agriculture was standing

on its own bottom, substantial and secure. A change has come. Agriculture, still on its own, finds itself at a decided disadvantage in relation to manufacturing and trading. Consequently, in order to set up and maintain an equilibrium, the McNary-Haugen bill is proposed.

We have little fear of the accumulation of such a surplus as will prove a menace to the growers of any sort of grain. The various cooperating marketing organizations have not met with any such danger in their experience. The McNary-Haugen bill is intended to make cooperative marketing easier. Our manufacturers, whose surplus output is disposed of under the Webb-Pomerene Act, have not suffered any through its operation. Its principle is to be extended to farming.

Now, it must be apparent that the time is here when we should adopt a national policy for agriculture. We have been doing it along many other lines. No law is perfect in its inception and every basic law we have passed since we have been a nation has had to be amended and perfected after experience has taught us its weaknesses.

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

Mr. DICKINSON of Iowa. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. McLAUGHLIN of Nebraska. No one claims that any one of the bills which are pending would immediately solve all the ills of agriculture, but we do realize that if this action is taken and the initial law passed, as we learn by experience its imperfections, should there be such, Congress can perfect them from time to time as we have the interstate commerce act, the transportation act, the Federal reserve act, and many others.

Mr. PURNELL. Will the gentleman yield?

Mr. McLAUGHLIN of Nebraska. Yes.

Mr. PURNELL. I just want to take this opportunity in the gentleman's time to express my personal regret, because of the fact that he is leaving Congress and leaving the Agricultural Committee. I want to say as one member of the committee, and as the ranking majority member of that committee, that no man on it has worked harder in the interest of the farmers of the country than the gentleman from Nebraska, who is leaving. [Applause.] His constituents ought to feel very proud of the efforts he has made toward solving this great problem which, after all, is the greatest problem, in my judgment, that has confronted the American Congress since the beginning of this Government. I am sure I express the sentiment of the Committee on Agriculture as well as the membership of this House, when I express regret at his leaving, and express the hope that his future may be as pleasant and effective as his service here. [Applause.]

Mr. McLAUGHLIN of Nebraska. I thank the gentleman, and since my esteemed friend, Mr. PURNELL, Republican, ranking member of the House Committee on Agriculture, has seen fit to extend me this courtesy, permit me to say that I have greatly enjoyed my work and association with the members of the Agriculture Committee as well as with the membership of the House during the eight years I have served here. During all this period I have given all of my time in an earnest effort, not only to serve the people of the district faithfully, but to cooperate as far as possible in the framing and enactment of legislation for the public welfare. While the fourth Nebraska district is primarily agricultural, I have endeavored to render support to all meritorious legislation no matter what part of the country it may have primarily affected. In other words, it has been my aim to reach a satisfactory conclusion to myself on every measure presented considering the merits of that measure alone.

My association here has been pleasant and congenial. If I have a single enemy on either side of the aisle, I am not aware of it. During my early life I spent several years in the ministry, and have been engaged to a considerable extent in the field of education, and it is only fair that I say to my esteemed colleagues, one and all, that I have never in my life associated with a nobler, more sincere, or higher type of gentlemen than those with whom I have served in the Halls of Congress. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HILL]. [Applause.]

Mr. HILL of Washington. Mr. Chairman, the McNary-Haugen bill will provide an American standard of prices for agricultural products commensurate with the American standard of manufacturing prices and the American standard of wages for labor. No other remedy will lift the farmer out of his dilemma. If you are really desirous of doing something worth while for agriculture, you will pass the Haugen bill. If you do not intend to give the farmer relief, but intend simply to further delude him as to your purpose in dealing with his problem, then you may endeavor to defeat this bill and give active support to one of the other so-called farm relief measures. The farmers of the country want the Haugen bill enacted into law for their price protection in the domestic or home markets. The big commercial and manufacturing interests, already protected, are opposed to it.

The reason the farmers want this legislation is that they may participate in the benefits of our protective-tariff policy and thereby receive larger prices for their products. The reason the big commercial and manufacturing interests oppose this bill is that they are unwilling for the farmer to share in the benefits of protection. These two opposing attitudes are logical. Self-interest is the basis of all human action. The farmer is not sharing the great prosperity which the manufacturing industries and the large commercial interests are enjoying. He knows that this disparity is not due to a lack of demand for agricultural products. He was deluded for a long time into believing that all his ills were the result of natural causes and of conditions arising from uncontrollable natural laws. He was taught to believe, and did believe, that it was merely his inalienable misfortune that he should bring his products to market and accept prices over which he or any agency in his behalf had no control. On the other hand, he accepted without question that it was a right inherent in the producers and distributers of other than agricultural products to fix and control their own prices. The farmer knows now that he was victimized by false teaching; yet those whose interests are subserved thereby are still broadcasting the trite propaganda that the farmer is inescapably subject to the natural law of supply and demand. The purpose of this effort to keep him under such belief is obvious. It is to drive him away from the idea that the machinery and powers of government can be invoked to promote his financial advantage.

Agriculture is not asking any special favors; it is merely asking to be placed on a basis of equality with other industries. Legislative aid is the rule, not the exception, as to all industries other than agriculture. But opponents of farm relief seem to think it outrageously presumptuous in those engaged in farming for a livelihood to call upon the Government for assistance. The farmer is told that it would be a destructive perversion of governmental powers to lend him aid toward the elevation and stabilization of the prices for his products; that it would be paternalism to legislate for his protection and benefit; and that such assistance would be in contravention of the spirit of the fundamental principles of our Government. Furthermore, it is at least intimated that it is puerile and unsportsmanlike for the farmer to ask such aid from the Government.

And from what sources do all these teachings and discouragements come? They come principally from the industries and commercial interests that are the recipients of the very kind of governmental protection and benefits that the farmer is seeking. Why do they oppose the extension to the farmer of the same character of advantages that they themselves enjoy through governmental beneficence? The answer is that human action is based on selfishness. Those industries that are now receiving the financial benefits that flow from stabilized profitable prices through governmental protection and at the expense of the whole people are selfishly unwilling that like advantages be extended to the great agricultural industry. Based, as it is, on the principle of selfishness, this is a natural, though not altruistic, attitude for them to take.

If it were not for an effective protective tariff system that protects the American prices of our manufactured products against world competition, those prices would sink to the level of the world markets. If it were not for the protective-tariff system and restrictive immigration laws, the wages of American labor would drop to the level of that of the peons of South America and the peasants and serfs of the European and Asiatic countries. These American standards of prices and wages have resulted in raising correspondingly the American standards of living for those who are favored by such paternalistic legislation. They have been removed in large measure from the deranging influences that come through the fluctuations of world markets. They have been placed on an artificial platform above the ebb and flow of the sea of world commerce. Their prices and wages have been stabilized on a basis of profitable levels through legislation.

At no other period in American history have the great money interests and the large manufacturing industries been so prosperous as now, and at no other period in American history has the condition of agriculture been so desperately intolerable.

Mr. Mellon said in his latest annual report that—

for our manufacturers we have the protection of the tariff, and for those for whom the tariff does not give complete protection, particularly the farmers, we should encourage the purchasing power of other countries so that there will be a greater demand for American products.

And that is his only suggestion for the relief of agricultural distress. He does not say how an increased purchasing power of other countries is to be encouraged or effected, or to what extent, if any, such encouragement would benefit American agriculture. He merely makes a gesture of tossing out a frail line of hope, without any life-saver attached, to remind the farmer he has not entirely ignored the existence of his problem.

Why should anyone oppose this proposed legislation for the relief of agriculture? No informed person denies that such relief is needed. Yet the most vigorous opposition possible has for years been interposed against it by the forces whose interests are centered in the protected manufacturing industries. The Haugen bill is the only farm relief measure that offers any substantial aid to agriculture. It is the one the farmers want. It does not propose to interfere in any way with the tariff rates now enjoyed by the protected industries. Yet such protected interests are its most bitter foes. But in their arguments against the bill they do not present the real ground of their opposition. Ostensibly they base their opposition on the fear that the principal provisions of the bill are unconstitutional and that the plan is economically unsound and unworkable. If they were sure these defects inhered in the bill, it would not arouse such anxiety in their minds. Their real fear grows out of the belief that it is constitutional and workable and will accomplish its intended purpose.

The real ground of their opposition is that the bill will place agriculture under the protective system with the manufacturers. The outstanding feature that gives character to the Haugen bill and distinguishes it from the other so-called farm relief measures is its underlying principle which preserves the American market for the American farmer. It is in essence a protective principle.

The Haugen bill is also the most effective cooperative measure that has ever been designed for the American farmers. It would transform the present system of individual marketing of basic soil crops into a complete cooperative system of marketing. Under this bill all of the producers of a particular basic crop would be compelled to share proportionately the risks and losses attendant upon the segregation and disposition of surpluses in foreign markets. They would also share proportionately the benefits arising through the stabilization and enhancement of domestic prices. No other measure that has been proposed for the relief of agriculture embraces these two principles, namely: First, a complete cooperative marketing system wherein every producer participates on a basis of equality of risk and benefits, and, second, the establishment of an American market for American farmers uncontrolled by the world market. Two fundamental causes lie at the seat of agricultural distress in this country. The first cause is the lack of cooperative organization among the farmers and the second is that agriculture produces on a protective-tariff basis and markets on a free-trade basis. It follows, as a matter of course, that adequate relief for the farmer of this country can only be given on the basis of a recognition of these fundamental causes of his distress. The Haugen bill strikes at the very base of the evil and provides the means and agency for correcting it.

Why has it been impossible for the whole body of farmers voluntarily to organize into effective cooperative groups? The reason is largely psychological. The farmer has long nursed the pride and, I might say, the delusion that he was the master of his own affairs. This attitude is traditional with him and has developed largely from his detached life and operations on an isolated farm unit. In his capacity as a producer the farmer works alone. He plans his operations and executes them. He is his own boss, his own mentor. He controls his own time and movements. He comes and goes at will. He employs his own methods of farming and produces his crops independently of the authority of another. His farm is his domain and he is master of it. The exercise of this mastery inspires in him a spirit of independence which abides with him in his commercial contacts and activities. Accustomed to giving orders, not taking them, he can not readily subordinate his independence of individualism to the commercial agency of cooperative organization. He will readily cooperate with his neighbors in community movements for social betterment. He recognizes the necessity of cooperative organization for religious, fraternal, charitable, and educational advancement.

But the masses of the farmers will not voluntarily organize for the commercial purpose of cooperatively marketing their crops. It is true that many farmers have long recognized and labored for the advantages which would accrue from such organization, but their efforts along this line have resulted in failure or in only partial success. But granting that the farmers could cooperate on a 100 per cent basis, cooperation alone is not the solution of the farmer's problem. He must be placed on a protective basis as to marketing his product in the American markets, because he is compelled to pay protected prices for labor and supplies in producing his crops. The manufacturer is protected, labor is protected, and the railroads are protected. The farmer pays protected American prices for transportation, for labor, and for almost every manufactured commodity that he buys, and yet he must maintain his earning power on the basis of the competitive free-trade markets of the world. The farmer is in a vise. The screws of free trade on the one hand and of protection on the other are squeezing him to death. His financial life is ebbing. He must have relief.

I was born and reared on a farm and have always lived in farming communities where the business interests of the people depend directly upon agriculture. I know the problems of the farmer. I know the handicap under which he has struggled. He is compelled to make an unequal fight. The so-called panics always hit him first and leave him last, and panics are only periods of artificially created financial depressions. They are made to order and brought on at will by the powers that dominate commerce. Financial depressions are brought about to increase the purchasing power of money and to decrease the value or purchasing power of property and labor. It is a scheme periodically employed to deprive the producers of the profits of their labor and production. The history of this country is marked by a succession of "panics" that have left the scars of their desolation, suffering, and distress among the producing masses of the people. The farmers have always endured the brunt of them. Every panic has resulted in making the money lords richer and the farmers poorer. The last of these panics was deliberately created and handed to the farmers in 1920. It is still with them and has cost them more in the reduced prices for crops and the shrinkage of farm property values than the entire money cost to this Government of the World War. Agriculture was prostrated and it is still down. It can not get up without help. Every day I am receiving appeals from the farmers of my State for relief from the impossible handicaps under which they are staggering. They must have help now. Their situation is intolerable. The wheat farmers of my district have not made a dollar net in six years. They are bankrupt, mortgaged to the limit, credit exhausted, farms run down, machinery and equipment worn out, and their morale broken. Five banks have failed in my home county in the past five years. Every day farmers are filing petitions in bankruptcy; mortgage foreclosures are crowding the calendars of the courts and farms are being abandoned. The merchants and other business men in the cities and towns have shared the distress of the farmers. Many of them have also gone into bankruptcy; others have liquidated on the best terms possible; and still others are hanging on in the hope that relief may come.

I sound the warning to you, Members of Congress, and to this administration, that the farmers of this country are desperate. They are not praying for relief; they are demanding it. They are not going to stand for any sidestepping. They do not want any makeshifts or palliatives. They want the Haugen bill and they want it now. They have heard enough of the argument that the equalization fee principle is unconstitutional and economically unsound. They do not believe it and neither do I. They know and you know that if the big commercial interests were demanding legislation embodying this equalization fee principle that all this talk about its unconstitutionality and unsoundness would cease. No such argument would be permitted to stand in the way of their demands for legislation. It is only when the farmer calls upon his Government for aid that a tender solicitude for economic soundness and the integrity of the Constitution is professed. The big commercial powers can tunnel under and through the Constitution and honeycomb its very foundations to accomplish their purposes without the legality of their actions being questioned; but if the farmers ask Congress for a simple act of justice their motives are scrutinized with a microscope and every possible legal camouflage set up to circumvent it. When I first came here as a Member of this body in 1923 and began stressing the necessity for farm relief that would help the farmers secure a better price for their products I was surprised to find a majority sentiment against it. The idea was openly scoffed at in some instances and the advocate of such a scheme classed as a visionary and a dreamer, if not a demagogue or a Bolshevist. Apparently everybody recognized the sad plight of agriculture, but most of the membership of Congress solemnly shook their heads and offered the sympathetically hopeless remark that "It is too bad nothing can be done about it."

And nothing has been done about it up to this time. But, with others who have had an abiding faith in the efficacy of the principle of the Haugen bill to afford an adequate and just remedy for agriculture, I have worked continuously during my four years of service here for the success of that bill. I have

been gratified to note the development from year to year of an increasing sentiment in this House in favor of it, and that the "do-nothing" attitude toward farm relief is giving way. I am gratified to observe that many of you who said nothing could be done are now entertaining the opinion that not only can something be done but that it will be done, either with your help or that of your successors. You are hearing from home and there is no static to blur the message. There is no argument so persuasive to a Member of Congress as that presented by the people of his own district. I have always contended that the farmers can have such legislation as they want from the Government if they will only unite their forces solidly behind their demands. I rejoice that they are doing that now. They are showing a greater concert of effort in support of the Haugen bill than at any previous time. They are drawn together through a common affliction. They are cemented through a common cause. There is no power in the Government or out of it that can resist the demand for farm relief when the 30,000,000 farmers of this country unite their strength behind such demand.

I believe that the NcNary-Haugen bill will pass both the House and the Senate by substantial majorities, and when it does I shall say that Congress can still function for the people. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WARREN].

Mr. WARREN. Mr. Chairman, there is a bill now pending on the calendar which was introduced in the Senate by Senator HIRAM BINGHAM, of Connecticut, and in the House by me. It passed the Senate by a unanimous vote, and its passage by this body will mark another step on the part of Congress in recognizing and perpetuating the history and exploits of the Nation. I am very grateful to the distinguished Senator from Connecticut for his interest in this measure and for his insistence that the commemoration of the act should be where it occurred. Himself a noted aviator in the World War, it is fitting that his name should be associated with a measure to hail the birth of aviation.

The bill provides that there shall be erected on Kill Devil Hill, at Kitty Hawk, in the State of North Carolina, a monument in commemoration of the first successful attempt in all history at power-driven airplane flight, achieved by Orville Wright on December 17, 1903. It calls for a commission composed of the Secretaries of War, Navy, and Commerce to superintend the erection of the memorial and to make arrangements for its unveiling and dedication, and it provides that the design and plans shall be subject to the approval of the Commission of Fine Arts and the Joint Committee on the Library. After this commission has reported Senator BINGHAM and I will press for a sufficient appropriation to carry their recommendations into effect. I trust that the plans will call for something grand and artistic which will worthily mark the public recognition of what the achievement signified.

Many years ago Capt. Thomas Baldwin, of dirigible fame, said: "If it wasn't for the Wrights we wouldn't be flying to-day." Orville and Wilbur Wright have taken such an immortal place in the history of inventions and of civilization that everything about them will always have a historic importance. They were sons of a scholarly teacher, who was also a bishop of the United Brethren Church. Their mother died during their early boyhood. In their youth they were no different from the average boy of their native city of Dayton, Ohio. They fished and hunted and engaged in athletic contests and impressed their associates as clean, manly fellows. They did not go to college, but their home was supplied with the stimulating atmosphere of books, including numerous works on science. They best explained their interest in flying in a brief account of their invention which they wrote in the Century of September, 1908:

Late in the autumn of 1878—

Wilbur was then 11 and Orville 7 years of age—

our father came into the house one evening with some object concealed in his hands, and, before we could see what it was, tossed it into the air. Instead of falling to the floor, as we expected, it flew across the room and struck the ceiling, where it fluttered a while and finally sank to the floor. It was a little toy known to scientists as a helicopter, but which we, with sublime disregard for science, dubbed a "bat" * * * It lasted only a short time, but its memory was abiding.

From then on their interest in flying never waned, but it was not until 1896, when they read in the papers of the death of Otto Lilienthal, who was killed by a fall from one of his gliders, that they gave the subject of flying intensive study. "It made us wonder," said Wilbur Wright, "what the difficulties were that could not be overcome." Finally, in 1900 they decided to try glider experiments themselves, and they left Dayton for Kill Devil Hill at Kitty Hawk, Dare County, on the coast of North Carolina. They settled within a few miles of that spot where Sir Walter Raleigh planted his first colony and where Virginia Dare, the first child of English parentage to be born on the American Continent, first saw the light of day. It was by no mere accident that Kitty Hawk was selected as the scene for the experiment that later startled civilization. The Wrights had written the United States Weather Bureau to find where the winds were strongest and steadiest, and the reply had been Kitty Hawk, just north of Hatteras. Nor was it their desire for privacy that made the Wrights select a spot on the narrow banks of North Carolina, which hold back the Atlantic from its great inland sounds. They did not think that the public would manifest enough interest to disturb them. They found a little village of fishermen, whose life is a continuous combat with the sea—God-fearing, noble men and women who, together with the crew of the Coast Guard station there, composed the population of this outskirt on the eastern frontier of America.

In October, 1900, the brothers had made their first gliding experiment at Kitty Hawk. They were there again the next summer, and this time they were visited by Mr. Octave Chanute, of Chicago, whose book published in 1894—Progress in Flying Machines—had greatly interested the Wrights. In 1902, at Kitty Hawk, they had made over a thousand glider trips, and by 1903 they had succeeded in staying up over a minute in a glider.

Having secured accurate data for making calculations from their glider experiments and a system of balance effective in winds as well as in calms, the brothers were now in a position to build a successful power flyer. The first designs provided for a total weight of 600 pounds, including the operator and an 8-horsepower motor. The propellor had not been worked out, and this caused them intensive study. They have often said that their success in mastering this problem was the one feature of their work in which they themselves took special pride. After many mishaps and disheartening delays the frail craft with its delicately mounted motor was pronounced ready. They knew that the machine would fly as well as men can know anything in the future, for the formula had been verified and the machine had been so built. They achieved their results neither by luck or the process of elimination, but by scientific inquiry and study. Monday, December 14, 1903, was picked as the date for the first attempt. A coin was tossed to decide who would have the first trial and Wilbur Wright won, but the start was bad and parts of the machine were damaged which required two days to repair. The morning of December 17 arrived—but let Orville Wright tell it in his own words as he described it in the American Legion Monthly of September, 1926:

THE FIRST FLIGHT

By Orville Wright, first human being to fly with a heavier-than-air machine

There was a strong, cold wind from the North when my brother Wilbur and I went to bed at Kitty Hawk, N. C., on the night of December 16, 1903. We arose next morning to find that the puddles of water left by the recent rain were covered with ice, and that the wind was still blowing at a velocity of around 25 miles an hour.

Hoping that it would die down, we stayed indoors the early part of the morning. The wind, however, was as brisk as ever at 10 o'clock, and as it showed no likelihood of abating we decided to make our experiment anyway. Since we could face the machine into the strong wind, it should be a relatively simple business to launch it from level ground.

The necessary track was laid, though not without difficulty, since the biting cold compelled us frequently to retire to a shed where a wood fire was burning in an old carbide can.

Eventually all was ready. Seven of us were on hand—my brother and I, J. T. Daniels, A. D. Etheridge, and W. S. Dough, members of the Kill Devil Life-Saving Station; W. C. Brinkley, of Manteo; and a boy, Johnny Moore, of Nags Head.

A hand anemometer showed the velocity of the wind to be between 24 and 27 miles an hour, which is not far off from what Government Weather Bureau records indicated. I mention this because to-day, with a generation of aerial development and research to profit by, nobody, not myself at least, would dream of going up in a strange machine in a 27-mile wind, even if he knew that the machine had previously flown and was apparently sound.

My brother had made an unsuccessful attempt to fly on December 14. It was therefore my turn to try. I ran the motor a few minutes to heat it up, and then released the wire that held the machine to a wooden track. The machine started forward, Wilbur helping to balance

it by running alongside. With the wind against it, the machine got under way so slowly that Wilbur was able to stay alongside until it lifted from the track after a run of 40 feet.

One of the men from the life-saving station clicked a camera at that instant and caught a historic picture. The machine was at the time about 2 feet off the ground.

The flight lasted 12 seconds. Its course was rather erratic, owing in part to air conditions, in part to the pilot's inexperience. The front rudder was balanced too near the center, so that it had a tendency to turn by itself, with the result that at times the machine would rise to about 10 feet and then as suddenly aim toward the ground. One of these darts ended the flight 120 feet from the point where the machine had first risen from the wooden track.

It may be interesting to note that while the machine was making only 10 feet a second against a wind that was blowing 35 feet a second, the speed of the machine relative to the air was 45 feet a second, so that the length of the flight was equivalent to 540 feet in still air. This was the first time in history that a machine carrying a man raised itself by its own power into the air in full flight, went ahead without reduction of speed, and landed at a point as high as that from which it started.

There are many little interesting stories told of the Wrights during their many protracted stays on the sand dunes of North Carolina. Their closest friends were Capt. and Mrs. W. J. Tate. Mrs. Tate at that time was postmistress at Kitty Hawk, and on August 12, 1900, she received a letter from one Wilbur Wright, of Dayton, Ohio, who asked for a description of the topography of the beach in that immediate section. He stated that he and his brother were contemplating spending their summer vacation there to carry on some experiments in "scientific kite flying." Previous to that Captain Tate had read an account of Professor Lilienthal's experiments with gliders, and had become greatly interested in the subject. After the Wrights came down, Captain Tate was the one man in all that country who knew that they would not fail. Through all their *hectic* days his faith was sublime. About 10 days after this letter had been answered a stranger knocked at the door of the modest Tate home and introduced himself as Wilbur Wright. In those days there was no modern method of transportation to out-of-the-way places like Kitty Hawk. In Elizabeth City, N. C., Mr. Wright, in visiting the water front, had found one Israel Perry, who owned and lived in a miserable little flat-bottomed sloop, hardly safe to cross a creek in. Perry agreed to take him to Kitty Hawk, expecting to make the trip in a day, but adverse winds kept them out for 36 hours, and when Wilbur Wright arrived at the Tate home he had had nothing to eat in 24 hours, and was spent and exhausted. Four days later the freight boat brought his baggage and material, and Captain and Mrs. Tate and Wilbur Wright proceeded to construct the first glider, which was truly the embryo flying machine of the present day.

It required two weeks to construct the glider, and Captain Tate says that it was also spent in he and his wife "sizing up" the stranger. Orville Wright came on September 1. Both of the brothers boarded at the Tate home, but later moved into a tent between there and the life-saving station. Before the first motor-driven flight was made, the Wrights presented the first glider to the Tates, who carefully dissected it. The sateen fabric used on the wings was made into dresses for Irene and Pauline Tate, who were then 3 and 4 years old.

Captain Tate soon acquired the reputation among his neighbors of being "a darn sight crazier than the Wrights." It was the regret of his life that he did not see the first flight on December 17, 1903, after he had been a right bower to the Wrights during their stay there. He was engaged in other duties that morning, when a neighbor, nearly out of breath, ran up and yelled: "Well, they flew!"

The little Irene Tate, who wore a dress made from the glider, is now Mrs. Bennett D. Severn. She has flown over 50,000 miles with her husband, who is an aviator, and once was the only helper for her husband in bringing a plane from Miami, Fla., to Atlantic City, N. J., against brisk prevailing north winds. All of the members of the Tate family have been in airplanes.

Captain Tate is now keeper of the Coinjock Lighthouse Depot, at Coinjock, N. C. Fame has not kept Orville Wright from remembering his old friend, and they frequently correspond, while the Tate home has a wealth of mementos and historical data about the men who in those days were unknown. This is his tribute to the Wrights in a recent letter to me:

They were Christian gentlemen and moral to the core. During all my acquaintance and close contact with them, which lasted several years, I never heard one of them utter an oath, never saw either of them get angry, and never heard them tell a story which even bordered on the obscene. They were scientific men, skilled and even balanced, and nothing I can say can pay them too high a tribute.

With their names and their exploits ringing in the ears of the world the Wrights have remained the same modest, unassuming men, untouched by popular acclaim. Wilbur Wright has now gone to his reward, but before his death he saw his invention perfected to a high point. Orville Wright still lives in his native city of Dayton, Ohio. With that retiring manner that is characteristic of the man, he has shown no interest in this measure. While it signifies an event, is it not also proper that we honor the man who accomplished it? The Government has named a great aviation field in honor of the dead Wilbur Wright. Let us by the passage of this bill acclaim also the living.

Mr. Chairman, it would be interesting to trace the development and progress of aviation since this initial step on North Carolina soil, but I shall not do so. In peace and in the broadening of our commerce the airplane is already playing a dominant part, while in war it is destined to be the most contributing factor.

There is a nation-wide support for the passage of this bill. My files are filled with letters from every section of the country. Mr. Frank Stick, of Pine Cove, Interlaken, N. J., who, with his associates own the Kill Devil Hill property, has recently sent me the following wire:

ASBURY PARK, N. J.

Hon. LINDSAY WARREN,

House of Representatives, Washington, D. C.:

My associates and I are greatly interested in your bill for a memorial commemorating the first airplane flight. We own Kill Devil Hill tract and will gladly deed these hills and adjacent land required for memorial and reservation to the Government without cost.

FRANK STICK.

VISION AND PROPHECY

I have visions, Mr. Chairman, that after this memorial is erected the Government will create there a national park or a national monument. I hope that when it is dedicated that the nations of the earth will be invited to participate, and that the President of the United States will be present. With the Atlantic on the one side and the great inland waterway on the other, with early connection either by ferry or bridge with the mainland imminent, Kitty Hawk no longer enjoys its pristine isolation, and it is getting within easy access to the Nation. This memorial will stand there with its face to the Atlantic to commemorate the inventive genius of man. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I have some exhibits I desire to insert, and I therefore ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. Mr. Chairman, from the Philadelphia Inquirer of January 29, 1927, I read the following excerpts:

Judge Dickinson grants man last papers despite liquor conviction.

That is a heading. Let me read further:

A single violation of the Federal prohibition law is not so heinous as to deprive him of the privilege of citizenship, in the opinion of Judge Oliver B. Dickinson, of the United States district court here.

Over the protests of the naturalization department he granted final citizenship papers yesterday to Theodore Tsicos, 19 North Conestoga Street, notwithstanding his conviction for violating the liquor law in Chester in 1922, with a fine of $100.

When Tsicos appeared for his final papers an examiner from the naturalization department objected to their being granted him, claiming he was disqualified from becoming a citizen because the liquor offense prevented him from having the "good" moral character prescribed.

Now notice this heading:

Crank legislation.

And let me read further:

"Oh, there are a lot of things in the Constitution I think ought not to be there," the judge retorted, "and there are a number of high-caliber men who regard the prohibition law as crank legislation, but you wouldn't want to deport us because we have those opinions, would you"

CONSTITUTION—CRANK LEGISLATION

This was a judge of the Federal court of the United States speaking, saying that he did not believe in some of the Constitution which he was under oath to support and maintain. He

said this particular law is crank legislation, and that it does not affect a man's moral character because he was a bootlegger. If there is to be a Federal judge impeached—one because he enforces the strict letter of the law or one who denounces the Constitution and calls a law he is called upon to enforce crank legislation—I think it should be the latter judge instead of the former.

I want to read another excerpt from a newspaper. From the New York American of January 30, 1927, I read the following excerpts:

Drive against Judge Cooper in new light.

Huge patronage of "maverick Democrat" in G. O. P. stronghold said to cause trouble.

The above are headings. I read the following excerpts:

Schenectady is the home of Judge Cooper. Local residents recalled that he made his first entry into politics as a Christian Socialist and was the protégé of the Rev. George R. Lunn, first Socialist mayor of Schenectady.

Lunn made Cooper his corporation counsel, and as such Cooper served several terms. He became an enthusiastic supporter of Woodrow Wilson's League of Nations and followed Lunn, later lieutenant governor, into the Democratic fold.

How mistaken a newspaper can be! Why, Judge Frank Cooper was never a Socialist. From 1906 until 1910 he was a member of the Democratic State executive committee of the State of New York. In 1917 he was a candidate for mayor of his home city on the Democratic ticket with a Socialist opponent as well as a Republican opponent. When he accepted the position of corporation counsel under Mayor George R. Lunn, who was once a Member of this House and who was afterwards lieutenant governor of his State, Frank Cooper had it distinctly understood that he was a Democrat and would remain a Democrat during the tenure of such office.

Mr. PERLMAN. Will the gentleman yield?

Mr. BLANTON. In a moment, if I have any time left. I have some information which I desire to impart.

I read further from this New York American of January 30, 1927, the following:

It was declared here to-day that for political reasons the fight on Judge Cooper might assume important proportions. In the 29 counties which comprise the district he has the sole appointment of 35 referees in bankruptcy and all the bankruptcy receivers, whose fees amount to millions every year.

Besides that, he has the sole appointment of United States commissioners who hear all criminal cases in the first instance.

G. O. P. GETS RESTIVE

The counties comprising the district are a Republican stronghold, and since the death of Judge Ray Republicans have been restive at having the control of the court in the hands of a man described as "a maverick Democrat." Judge Cooper is 59, and under the judiciary law would sit until he was 70, 11 years longer.

Mr. PERLMAN. Will the gentleman yield now?

Mr. BLANTON. I have but little time and regret that I can not yield. Should I have any time left when I conclude, I will yield gladly.

I desire to deny that newspaper statement. I do not believe the Republican Party, because of a few appointments, would be instrumental in having a judge of a Federal court impeached or charged with impeachment matters such as would affect or might influence all the other jurists of the land in the enforcement of the law. I do not believe the Republican Party is so mercenary, however much I may believe that many political sins are properly laid at its door.

I want now to read another excerpt from a paper.

Mr. PERLMAN. Will the gentleman yield for a question with regard to Judge Cooper?

Mr. BLANTON. I have not the time. I wish the gentleman would get his own time, as I need all of my own.

Here is an editorial from a leading paper of the city where this judge formerly resided, and I want to read it to you. It is from the Schenectady Union-Star, a daily paper that was founded in 1855. This editorial is headed and reads as follows:

ENFORCING AN UNPOPULAR LAW

So far as impeaching a Federal judge for enforcing the Nation's most unpopular law, we shall have to confess lack of enthusiasm for Representative EMANUEL CELLER'S motion in the lower House in which he seeks the removal of Judge Frank Cooper. At a time when infraction of law is the crying ill of the Nation, when lack of respect for law is undermining government, it is refreshing to find a judge with courage enough to do his duty single-minded and regardless of personal unpopularity.

The objection is made that Federal Judge Cooper has approved of detective methods in securing evidence. Seldom, if ever, have we heard of objection being interposed to any judge's acquiescence to detective methods in running down crime and bringing criminals to the bar of justice for infraction of other laws than the Volstead Act. Detectives trail suspects for weeks. They assume disguises. They worm their way into the confidence of unsuspecting persons. They break open trunks and examine private letters and records. They become companions and even bedfellows of suspected men in order to lure them into making unguarded statements. Never have we heard of objection being raised in the House of Representatives to the methods used by postal detectives who conceal themselves in post offices, spy on postal clerks and letter carriers, and even send decoy letters to trap them.

Admittedly it is not a nice job. Persons of superrefined sensibilities would not like to do this sort of work; but so long as criminals use devious methods to do their work and cover their tracks, it will be necessary for somebody to do the detective work that is necessary to snare them. Even the highest departments in the Government employ secret service agents whose business it is to keep the Federal Government informed of what goes on in the innermost parts of other governments.

So far as can be discerned in the published statements, no innocent person has suffered by reason of the detective methods which Judge Cooper is alleged to have approved. On the other hand, a considerable number of the guilty have been punished. There is a statement to the effect that the agents of the Treasury Department "secured evidence against practically every big bootlegger in the north country," that some 40 arrests were made, that every defendant was convicted with the exception of two or three, and that prison sentences were imposed, together with fines averaging two to ten thousand dollars apiece. "After these convictions," the report reads, "seizures dropped to four or five a month."

Because Judge Cooper displayed unusual zeal in enforcing the Nation's most unpopular law shall he be removed? Are judges thus to be intimidated by the criminal interests with whose profits their decisions interfere? Do the people want their laws enforced impartially? This may be attempted intimidation of the court, but even Judge Cooper's closest friends will declare he is not swerved from his official duty by personal considerations.

The exact method of enforcement of law is of less consequence than that it be done. It is the business of judges to enforce law. They are not to wink at law violation. This judge expressed weariness at having none but small offenders brought before him. He wanted the big offenders. He got them. It was not his purpose to punish small rum runners and let the higher-ups go unpunished.

The impeachment action smacks of persecution. The hue and cry for law enforcement is hollow if the public acquiesces in the removal of a judge for no other offense than punishing lawbreakers.

WET PUNISHMENT

This judge has been enforcing the Constitution and the statute laws of the United States. He has been giving bootleggers sentences that mean more than mere fees that license wrongdoers to continue violating the law. He has been insisting that the big crooks be punished as well as the small ones. He has been imposing stiff fines and long jail terms. The highbrow bootleggers have not liked it. They have been suffering under his régime. They want his scalp. And they want steps to be taken so that other Federal judges will hesitate to enforce the law. And they have brought their influence to bear on Tammany and Mr. LAGUARDIA. It is an attempt on the part of the "wets" to harrass a dry judge who when he gets a bootlegger prince before him assesses a stiff fine and adds a term in prison for good measure.

I have gone to the trouble to obtain the official record of this New York judge. I never dreamed before that there could be such splendid enforcement of the prohibition laws in the State of New York.

PLATTSBURG PROHIBITION CASES

Concerning the Plattsburg prohibition cases, concerning which the new combination of Merrick & LAGUARDIA find so much to offend, the following is given by one of the reliable court officials as an authentic summary of the activities in the Plattsburg-Albany area, to wit:

Number of persons indicted	41
Number of indictments	17
Number not arrested and now fugitives	5
Number not yet tried	5
Number tried	8
Number of defendants dismissed	1
Number of acquittals or disagreements	1
Number of pleas of guilty	22
Number convicted	7
Number who appealed	5
Number of affirmances	4
Number of reversals (defective indictment)	1
Amount of fines paid	$43,200

Practically every one of all these defendants was arrested at the time of the simultaneous raids by prohibition officers, resulting in the seizure in every instance of large quantities of intoxicating liquors in the possession of the defendants arrested. Large quantities of liquors were seized also in the cases of the defendants who through foreknowledge or otherwise escaped and have never been arrested. These raids were made in connection with the execution of search warrants sworn out in practically every case and were made several weeks after the original purchases by the so-called undercover men.

In all the trials the defendants raised the question of enticement. Enticement was submitted to the jury as one of the questions for decision and instruction given to render a verdict of not guilty if they found there was enticement. The question of enticement was also raised in the appellate court (circuit court of appeals) second circuit; and the decision was against the defendants.

JUDGE COOPER'S TERMS AT ALBANY IN 1925

The following has been furnished me by a reliable official of said court as an authentic statement of cases tried at Albany:

REGULAR FEBRUARY TERM, 1925

The term was held on the following days: February 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27—March 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 27, and April 6.

SPECIAL TERMS, ALBANY, 1925

January 2 and 3, April 24 and 25, September 5, October 2, November 30, December 30.

FACTS IN RE INDICTMENTS FOR CONSPIRACY AND VIOLATION OF NATIONAL PROHIBITION ACT

SAM ISAACS, SR., AND JOSEPH ISAACS, CRIMINAL, NO. 7922

Indictment filed February 16, 1925.

Found guilty on counts 1, 3, 4, 5, 6, March 5. (Trial begun and defendants withdrew pleas and filed demurrer.)

Defendant Joseph Isaacs sentenced March 13 to Atlanta for two years and $10,000. (Changed March 23, to nine months in Essex County jail.)

Defendant Sam Isaacs, sr. sentenced March 11 to Atlanta for three years and six months and $2,002 fine. (Changed March 23 to one year and four months and $5,000 fine. Fine paid.)

EDWARD KELLY AND MARGARET KELLY, NO. 7923

Indictment filed February 16, 1925.

Defendant Edward Kelly plead guilty May 5. Dismissed as to Margaret Kelly.

Defendant Edward Kelly sentenced to Essex County jail for five months and fined $3,000. (Fine paid.)

URIAS MARTIN, CHARLES STEWART AND ROY ST. DENNIS NO. 7926

Indictment February 16, 1925.

Stewart plead guilty, May 14, 1925.

Fined $10,000 to run consecutively with No. 7932.

Dismissed as to St. Dennis, March 12, 1926.

Defendant Martin plead not guilty.

THOMAS TYNDALL, ROBERT GLENN, CHARLES STEWART, ROY ST. DENNIS, AND CEPHUS R. M'CREEDY, NO. 7932

Indictment February 16, 1925.

Defendant Charles Stewart plead guilty May 14, 1925.

Sentenced to Atlanta one year and one day.

Indictment dismissed against other defendants March 12, 1926.

ALBION LA FOUNTAIN, PETER O'NEILL, ALIAS SLIM, AND MARY LA FOUNTAIN, NO. 7964

Indictment March 6, 1925.

Defendant La Fountain tried March 6–10. Defendant Albion La Fountain found guilty on counts 1, 2, 3, 6. Not guilty on fourth and fifth.

Disagreed as to defendant Mary.

Sentenced to Atlanta March 11 for three years and nine months and fined $2,002.

JACK GARDNER, MAX GRIMM 2D, ALIAS CHARLES GRIMM, AND R. J. CREIGHTON, NO. 7966

Indictment March 10, 1925.

Grimm plead guilty March 18.

Sentenced to pay fine of $1,000 (paid).

General capias out for Gardner, bail $50,000.

ROBERT C. HAYES AND ROSARIO DE FRANZO, NO. 7967

Indictment March 10, 1925.

Defendants tried March 19–23, 1925.

Found guilty on counts 1, 3, 6. Not guilty on count 4. Count 5 previously dismissed.

Hayes sentenced March 27 to Atlanta for three years and six months and fined $2,000.

Same sentence as to De Franzo.

JAMES P. HOLLAND, OWEN J. HOLLAND, MAX GRIMM 2D, ALIAS CHARLES GRIMM, NO 7968

Indictment March 10, 1925.

Defendant Grimm plead guilty March 18. Sentenced to Rensselaer County jail six months.

Defendants Holland each plead guilty to counts 2, 3, 4, 5, and 6, October 27, 1925.

Owen Holland sentenced to Clinton County jail four months on second count. James P. Holland sentenced to pay fine of $2,000 (paid).

CHARLES J. KRANK, NO. 7970

Indictment March 10, 1925.

Plead guilty to counts 2, 4, 5, 6, and 7, March 24.

Fined $5,000 (paid).

MICHAEL LYONS, HARRY C. HARTSON, ALIAS KID KEENE, AND BARNEY DUKEN

Indictment March 10, 1925.

Hartson and Duken tried March 11–13; Duken found guilty on count 3. Hartson found guilty on counts 1, 3, 5, and 6. Not guilty on fourth.

Hartson sentenced to Atlanta March 17, four years, and fined $2,000.

Duken sentenced to Atlanta two years and fined $5,000.

Defendant Lyons not arraigned.

CEPHUS R. M'CREEDY AND CLARENCE WALKER, NO. 7972

Indictment March 10, 1925.

Each plead guilty March 16.

Walker sentenced March 17, Atlanta one year and one day and fined $10,000. McCreedy fined $5,000.

GEORGE F. MATTHEWS AND JOHN DOE, NO. 7973 (MELVIN WANDS)

Indictment March 10, 1925.

Each pleaded guilty March 16, counts 1 and 3 dismissed.

Matthews sentenced March 24 to pay $4,800 (paid).

Wands sentenced to pay $200 (paid).

MATTHEW J. O'NEIL AND JAMES MOTT AND GEORGE F. MAHAR, NO. 7974

Indictment March 10, 1925.

O'Neil and Mahar plead guilty to counts 2, 4, 5, 6, and 7, 1 and 3 nolle.

Mahar sentenced to pay $4,700 March 27 (paid).

O'Neil sentenced Albany County Jail four and one-half months and fined $1,000 (paid).

Defendant Mott not arraigned.

CHARLES STEWART AND ROY ST. DENNIS, NO. 7975

Indictment March 10, 1925.

St. Dennis plead guilty March 17.

Fined $10,000.

Stewart not arraigned.

JOHN SULLIVAN, ALIAS JUMBO, AND EDMUND SMITH, ALIAS EDDIE

Indictment March 10.

Each plead guilty March 18.

Sullivan sentenced Warren County Jail four months and fined $1,000 and later amended to $5,000 fine.

Smith fined $200.

T. J. TROMBLEY AND R. E. WALKER, NO. 7977

Indictment March 10, 1925.

Trombley plead guilty March 18.

Sentenced Clinton County Jail six months and to pay fine of $3,000 (paid).

Walker not arraigned.

THOMAS TYNDALL, ROBERT GLENN, CHARLES STEWART, ROY ST. DENNIS, CEPHUS R. M'CREEDY, NO. 7978

Indictment March 10, 1925.

McCreedy and St. Dennis each guilty March 17.

Defendant McCreedy sentenced Clinton County Jail thirty days.

St. Dennis sentenced Atlanta one year and one day.

Defendant Glenn plead guilty fourth count March 17.

Sentenced to pay fine of $250.

Other defendants not arraigned.

MICHAEL LYONS, NO. 7985

Indictments March 20, 1925.

Plead guilty to counts 2, 4, 5, 6, 7, 8, and 9, March 27, 1925.

Fined $6,500.

I have gone to the trouble of getting Judge Cooper's record, because I wanted the country to know about it. I want it known to the Federal judges over the United States that when they do their duty and strictly enforce the law against the high and low alike, they will be defended on the floor of this House.

Mr. CELLER. Will the gentleman yield?

Mr. BLANTON. I would gladly if I had the time, but my time is now up.

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

Mr. DICKINSON of Iowa. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. SIMMONS].

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to extend my remarks by publishing resolutions by the Chamber of Commerce of Omaha, Nebr., Valentine, Nebr., and Kearney, Nebr., on the McNary-Haugen bill.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The matter is as follows:

VALENTINE, NEBR.

Our local chamber of commerce has just passed a resolution unanimously indorsing the McNary-Haugen bill now pending, and the writer, as secretary, was instructed to communicate with our Representatives in Congress and in our State legislature as well, thanking them for what they have done in support of the bill and soliciting them to renew their efforts in its behalf.

So far as we can determine, this bill embodies the essence of the whole question of farm relief, and we believe you will find it to be the unanimous sentiment of this community that this bill meets with popular favor, and practically everyone is anxious that the bill be passed.

Yours very truly,

CHAMBER OF COMMERCE, VALENTINE, NEBR.,
By F. A. CUMBOW, *Secretary*.

CHAMBER OF COMMERCE, OMAHA, NEBR.

The following resolution was adopted at to-day's joint meeting of the board of directors and the executive committee:

"Whereas it is very evident that for several years past agriculture has not received a fair share of the prosperity of the Nation: Therefore be it

"*Resolved*, That we favor the enactment of the present McNary-Haugen bill, which, in our opinion, is a forward step for agricultural equality, upon which a very large majority of those interested in agricultural prosperity can unite at the present time; and be it further

"*Resolved*, That the Omaha Chamber of Commerce express to our Senators and Representatives from Nebraska now in Congress our commendation of their action in support of the above bill and urge them to continue their united support of the measure."

I was requested to advise you of the action of the chamber.

Very respectfully,

CLARKE G. POWELL, *Commissioner*.

KEARNEY CHAMBER OF COMMERCE

For your information and guidance we quote the following resolutions adopted by the board of directors of the Kearney Chamber of Commerce Monday, January 31, 1927:

"*Be it resolved by the Chamber of Commerce of the city of Kearney*, That we recommend and indorse the passage of the bill to control radio as passed by the House of Representatives and as recommended by the conference report; that copies of this resolution be telegraphed to the United States Senators from Nebraska.

"*Resolved by the Chamber of Commerce of the city of Kearney*, That in justice to the agricultural interests of the United States we indorse and favor the speedy passage of the McNary-Haugen bill now pending in Congress.

"*Be it resolved by the Chamber of Commerce of the city of Kearney*, That we indorse Senate bill No. 5031 providing for the creation of the Pan American peoples great highway commission."

Yours very truly,

KEARNEY CHAMBER OF COMMERCE,
WALLACE THORNTON, *Secretary*.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, in reference to the statement made by the gentleman from Texas [Mr. BLANTON], I want to say that that case has properly been referred to the Committee on the Judiciary, and the orderly procedure of the House is to let the committee proceed in a proper way and not make speeches on the floor until that committee reports.

Mr. BLANTON. I was answering the gentleman from New York.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. CHALMERS].

Mr. CHALMERS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include the President's proclamation and extracts from the report of the Hoover commission, and some Canadian officials, and others.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Chairman and members of the committee, I want to preface my remarks this afternoon on the present status of the St. Lawrence-Great Lakes deep waterway by a historical review of the procedure up to date.

I also shall quote freely from the President, Secretary of Commerce, Government officials, including engineers, and shall make free use of materials assembled in the Congressional Digest of January, 1927. The idea and necessity for the improvement of this waterway have persisted for over 250 years. History records the fact that La Salle, on July 6, 1669, started up the St. Lawrence River with his 4 canoes and 14 men to explore the Great Lakes and Mississippi region. They were compelled to carry their canoes around the falls and other hindrance to navigation. It would be interesting to trace step by step the progress made in the development of this waterway from that time to the present.

In 1836 Congress authorized an examination and survey of five canal routes. The House Committee on Roads and Canals in 1837 submitted a report showing the military and commercial needs of the work surveyed during the previous year. In 1842 it was agreed in the Webster-Ashburton treaty with Great Britain that the channels in the St. Lawrence River on both sides of the Long Saulte Islands and of Barnhart Island shall be equally free and open to the ships, vessels, and boats of both the United States and Canada.

In the reciprocity treaty of 1854, the United States secured the right to navigate both the St. Lawrence below the point where it ceases to be the boundary and the canals in Canada used as a part of a water communication between the Great Lakes and the Atlantic. In 1864 another survey was made similar to that of 1836. In 1868 a survey was made of six canal routes from Lake Erie to Lake Ontario.

By article 26 of the treaty of Washington, 1871, navigation of the River St. Lawrence ascending and descending from the forty-fifth parallel of north latitude where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purpose of commerce to citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada not inconsistent with such privilege of free navigation.

In 1892 the House Committee on Interstate and Foreign Commerce reported a joint resolution authorizing the survey for a waterway connecting the Great Lakes with the Atlantic. In 1895 the Congress established the United States Deep Waterways Commission. The President appointed on this commission Messrs. James B. Angel, John E. Russell, and Lyman E. Cooley.

Under the provision in the sundry civil act of June 4, 1897, the Board of Engineers, consisting of Maj. Charles W. Raymond, Alfred Noble, and George Y. Wisner, were appointed to make surveys and examinations, including estimate of cost of deep waterways and the routes thereof between the Great Lakes and the Atlantic tidewaters as recommended by the report of the Deep Waterways Commission. This was the first actual survey of the complete routes to the seaboard, and the report of the board was submitted in 1900. This report was very valuable and has been of great service in the subsequent study of this problem. It is the great source of information for any study of waterways between the Great Lakes and the Hudson River. It is the work of a board of three distinguished engineers, with a large corps of assistants. Their study of the question occupied three years and cost $485,000. They made very complete surveys of all the practicable routes, including borings and rock core drillings, and pursued many special investigations into important details, such as the speed of ships in canals, the design of low gates, and the hydrology of the rivers furnishing summit water supply. They made very complete detailed estimates of cost for these canals as well as for the improvement of the upper Hudson and the deepening of the connecting channels of the Great Lakes.

In 1905 the Dominion of Canada abandoned the system of canal tolls, since which time all Canadian canals have been free to all vessels with their cargoes and passengers, whether these were Canadian or American. In 1909 the treaty of Washington was adopted both by the United States and Great Britain which contains the following language: "The navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on

either side of the line. Either of the high contracting parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the high contracting parties and the ships, vessels, and boats of the high contracting parties, and they shall be placed on terms of equality in the use thereof. This was the treaty which established the International Joint Commission.

In 1918 a preliminary examination of a channel for ocean-going vessels on the St. Lawrence River above St. Regis was made.

The great advance was made by the Congress in 1919 by section 9 of an act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved March 2, 1919. The Congress expressed a desire that the International Joint Commission investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the river navigable for ocean-going vessels together with the estimated cost thereof. This commission was furnished with competent engineers representing the United States Government and the Dominion of Canada.

Public hearings on the economic features of the St. Lawrence project were held by the International Joint Commission from March 1, 1920, to March 31, 1921. One hundred and eighteen organizations and local commercial bodies, 14 States, and 2 Provinces presented testimony in favor of the improvement of the St. Lawrence, with 32 organizations and local commercial bodies opposing. Approximately 350 witnesses appeared in all and their testimony, as preserved by the commission, fills over 8,000 typewritten pages. On August 24, 1921, the International Board of Engineers made their final report to the International Joint Commission recommending the improvement of the St. Lawrence River.

On January 6, 1922, the final report of the commission presenting its findings, conclusions, and recommendation in regard to the proposed improvement of the St. Lawrence, was submitted to the Department of State which presented it to the President. The President transmitted the report to Congress on January 16, 1922. On January 20, 1922, I introduced a joint resolution, 262, providing for the establishment of an international board to have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway. This was the first general improvement bill for the St. Lawrence ever introduced into the Congress of the United States.

In his address to Congress on the American merchant marine, delivered on February 28, 1922, President Harding made the following references to the St. Lawrence River project:

> We have had a new manifestation of this broadened vision in the enthusiasm of the great Middle West for the proposed Great Lakes-St. Lawrence waterway, by which it is intended to connect the Great Lakes ports with the marts of the world. There is far-seeing vision in the proposal, and this great and commendable enterprise, deserving your favorable consideration, is inseparable from a great merchant marine.

On January 30, 1924, a note from the Canadian Government proposing that the United States appoint experts to work jointly with similar appointees to be designated by Canada, on the St. Lawrence-Great Lakes Waterway project was made by the State Department. On March 14, 1924, in pursuance of negotiations with the Canadian Government, President Coolidge appointed members to the United States-St. Lawrence Commission. The commission was to take under advisement a report to be made by a joint board of engineers appointed by the two Governments. In appointing the commission, under the chairmanship of Secretary Hoover, President Coolidge said:

> It is my desire that the commission should thoroughly consider the whole project in its economic and national aspects, should solicit the views of the various sections of the community, should be able to express an opinion as to whether or not the project should be undertaken at the present time. If this judgment should be in the affirmative, then I wish the commission to consider the formulation of such projects as might be submitted for international agreement on construction, finance, and administration—all of which, of course, must be of a preliminary nature as a basis for formal negotiations with the Canadian Government, and obviously subject to the views of Congress.
>
> The project of opening the Great Lakes to ocean-going ships, and development of the great power resources of the St. Lawrence River, on behalf of both the Canadian and American people, has been a hope long treasured by many millions of our people and it is the desire that this matter, if it is sound and practicable, should be brought one step nearer to consummation that I am asking you and your fellow commissioners to serve in this matter.

On December 21, 1926, Secretary Hoover submitted to the President the report and recommendation of the United States commission, together with a report of the Joint Board of Engineers of the United States and Canada.

President Coolidge's last annual message to Congress, delivered on December 6, 1926, is as follows:

> Engineering studies are being made for connecting the Great Lakes with the North Atlantic, either through an all-American canal or by way of the St. Lawrence River. It is unnecessary to dwell upon the great importance of such a waterway not only to our midcontinent basin but to the commerce and development of practically the whole Nation. Our river and harbor improvement should be continued in accordance with the present policy. Expenditure of this character is compatible with economy; it is in the nature of capital investment. Work should proceed on the basic trunk lines if this work is to be a success. If the country will be content to be moderate and patient and permit improvements to be made where they will do the greatest general good, rather than insisting on expenditures at this time on secondary projects, our internal waterways can be made a success. If proposed legislation results in a gross manifestation of local jealousies and selfishness, this program can not be carried out. Ultimately we can take care of extensions, but our first effort should be confined to the main arteries.
>
> Our inland commerce has been put to great inconvenience and expense by reason of the lowering of the water level of the Great Lakes. This is an international problem on which competent engineers are making reports. Out of their study it is expected that a feasible method will be developed for raising the level to provide relief for our commerce and supply water for drainage. Whenever a practical plan is presented it ought to be speedily adopted.

I quote the following extracts from the writings of our Secretary of Commerce, Mr. Hoover:

> The time has come when we must take an enlarged vision of our water resources. We have arrived at a new era in this development. We have need that we formulate a new and broad national program for the full utilization of our rivers and our lakes. Water is to-day our greatest undeveloped resource.
>
> True conservation is to get our water at work. There are imperative reasons for it. Before expiration of the years required for major construction we shall need more food supplies than our present lands will afford. To-day there are many economic distortions in agriculture and industry due to the necessary increases in freight rates from the war, which can be greatly cured by conversion of our inland waterways into real connected transportation systems. It is demonstrated by actual rates current to-day that we can carry 1,000 bushels of wheat 1,000 miles upon lake and ocean steamers for $20 to $30, on modern barges for $60 to $70 as against $150 to $200 by rail. There will be urgent demand for more and more hydroelectric power as the sure base of our great interconnected power systems. Our population will increase by forty millions in the next quarter of a century. If we are to preserve the standards of living and increase the comfort of this enlarged national family we must place in use every resource we possess.
>
> The Great Lakes to-day are the greatest inland transportation system in the world, but at the present time the outward traffic to the sea has to pass through bottlenecks of 11 and 12 foot canals. We know from an engineering point of view that it is entirely feasible to make every lake port an ocean port by deepening these canals to 25 or 30 foot shipways. We know that such an improvement will decrease the costs of the exports of grain from 7 to 8 cents a bushel. We know that this decreased charge will lower the cost to the farmer of reaching his foreign market and will be an addition to the farmer's profit. It will make possible the introduction of manufacturers' raw materials to the interior on a cheaper basis. This 3,000 miles of inland waterways will serve some 18 States. We know it will tend to upbuild industry in the heart of agriculture to the mutual benefit of both and to the better distribution of our population. Involved in this Lakes-to-the-sea improvement is the possibility of developing some four millions of horsepower for our eastern States and Canada.
>
> We have been blessed by Providence with resources in water greater than any nation in the world. Through the advance of engineering science their possibilities have become a reality, not a dream. These resources are so situated that their use will bring rich harvest in wealth and happiness to all of our people. The foundations of agriculture and industry can be strengthened and our population better distributed. We have recovered from the devastating losses of the war a period of economic strength which enables us to undertake them without national burden. We shall be negligent of our duty if we fail in their development.

The United States-St. Lawrence Commission appointed by President Coolidge submitted a report to the President on De-

cember 27, 1926, which contained the following conclusions as summarized by Mr. Hoover, chairman of the commission:

First. The construction of the shipway from the Great Lakes to the sea is imperative, both for the relief and for the future development of a vast area in the interior of the continent.

Second. The shipway should be constructed on the St. Lawrence route, provided suitable agreement can be made for its joint undertaking with the Dominion of Canada.

Third. That the development of the power resources of the St. Lawrence should be undertaken by appropriate agencies.

Fourth. That negotiations should be entered into with Canada in an endeavor to arrive at an agreement upon all these subjects. In such negotiations the United States should recognize the proper relations of New York to the power development in the internation section.

In the detailed report of this commission we find that a 30-foot channel for vessels drawing under 28 feet of water would accommodate 98 per cent of the entrances and clearances of all ocean boats. Some other deductions from this detailed report have been summarized by the editor of the Congressional Digest:

In the mid-west, the territory tributary to any of these projects, the economic situation is considerably distorted; there is much agricultural distress and incessant demands for remedial degislation. This situation to a large extent has been brought about by the transportation charges. Increases in railway rates since the war force the mid-west farmer to pay from 6 to 12 cents more per bushel to reach world markets than before the war. Foreign farmers close to ocean ports pay but little, if any more than pre-war costs, because shipping rates are substantially at pre-war levels. While it is true that these rate increases apply on the exports of grain, nevertheless the price which the farmer receives in foreign markets is the principal factor in determining his return upon the whole crop, not alone the export balance. It is this transportation differential that is, unquestionably, one of the most important causes for our present agricultural depression.

Coincident with these increased rail rates the mid-west has also been affected adversely by the operation of the Panama Canal. Cheapened water transportation has brought the coasts relatively closer together at the same time that increased rail rates, figuratively speaking, have moved the mid-west farther from seaboard. This situation has been expressed graphically by setting up a new measuring unit in the shape of the number of cents that it takes to move a ton of freight. By using this measuring rod, it can be stated, that for a certain manufacturer, these postwar influences have moved Chicago 336 cents away from the Pacific coast, while New York has been moved 224 cents closer to the Pacific coast.

These factors operate reciprocally and not only place a handicap on the outbound products of the mid-west, but also add to the costs of inbound supplies.

All of these influences have had a very far-reaching effect; certain classes of industry have migrated to the seaboard; agriculture has been greatly depressed, and, through the increasing separation of agriculture and manufacture, both have been affected adversely. The net result has been to accentuate one of our present-day evils—the concentration of industry and population in urban communities.

The waterway projects under consideration offer a measure of relief for these conditions. Transportation has brought about economic distortion; in the proposed waterways we have an instrument which will have a beneficial effect and tend largely to restore the former satisfactory economic situation. The Panama Canal can not be closed; the railroad rates can not be reduced without impairing disastrously the usefulness of our carriers, but a Great Lakes-to-the-ocean waterway offers the mid-west a substantial rate advantage which will enable it to compete successfully once more in the world markets.

House Joint Resolution 268, Sixty-ninth Congress, will probably furnish the basis for the St. Lawrence development treaty. It provides for the establishment of an international board to have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway. This resolution says that—

Whereas in the treaties now in force between the United States of America and Great Britain, namely, the Webster-Ashburton treaty of 1842, the reciprocity treaty of 1854, the treaty of Washington of 1871, and the treaty of Washington of 1909, it is provided that the St. Lawrence River shall forever remain free and open for the purpose of commerce to the citizens of the United States; and

Whereas the treaty of Washington of January 11, 1909, provides for the organization of an International Joint Commission; and

Whereas the river and harbor act approved March 2, 1919, provided that the International Joint Commission should investigate what further improvement of the St. Lawrence River between Montreal and Lake Ontario is necessary to make the same navigable for ocean-going vessels, together with the estimated cost thereof, with its recommendation for cooperation by the United States with the Dominion of Canada in the improvement of said river; and

Whereas on January 21, 1920, in what is known as the Reference, the Secretary of State requested the International Joint Commission to investigate what further improvement in the St. Lawrence River between Montreal and Lake Ontario is necessary to make the same navigable for deep-draft vessels of either the lake or ocean-going type and what draft of water is recommended and the estimated cost; and

Whereas on January 1, 1920, the Secretary of State in said Reference asked the Board of Engineers to take charge of the survey of the St. Lawrence River from Montreal to Lake Ontario for the purpose of preparing plans and estimates for its further improvement to make the same navigable for deep-draft vessels of either the lake or ocean-going type, and to obtain the greatest beneficial use of these waters; and

Whereas in July, 1921, the Board of Engineers unanimously recommended the improvement of said waterway for navigation and power purposes; and

Whereas the International Joint Commission on January 10, 1922, recommended to the Government of the United States and the Dominion of Canada the completion of the new Welland Canal, connecting Lake Erie and Lake Ontario, and the improvement of the St. Lawrence River from Lake Ontario to the sea for navigation and power purposes: Now therefore be it

Resolved, etc., That an international board be established, composed of six members, three on the part of the United States, one appointed by the President thereof, one by the President of the Senate, and one by the Speaker of the House of Representatives, and three on the part of Great Britain.

Resolved further, That the international board shall have jurisdiction of the construction and maintenance of ship channels of not less than 30 feet depth, low-water datum, through the Great Lakes and their connecting waters, including Lake Michigan, either by means of dredging and rock removal in the separate localities or by means of compensation or regulatory works or by both such methods.

Resolved further, That the international board shall have jurisdiction of the construction, operation, and control of the improvement of the Great Lakes-St. Lawrence waterway from Lake Erie to Lake Ontario and from Lake Ontario to the sea, and shall determine the final plans for the construction of the improvement for navigation and power purposes.

Resolved further, That one-half of the cost of the construction, maintenance, and operation of the navigation and power works shall be borne by the United States of America and one-half by the Dominion of Canada.

Resolved further, That one-half of the hydroelectric power generated by the construction of this work shall be credited to the United States of America and one-half to the Dominion of Canada, and that the international board shall supervise the control, use, and sale of the power thus made available.

Resolved further, That the expenditure of the sum of $1,000,000 is hereby authorized to be paid from funds not otherwise appropriated, to be under the control of the American section of the international board, to be transferred to the control of the international board when completed by the legal appointment of the Canadian section of said international board and the appropriation of an equal amount of money by the Dominion of Canada. This joint appropriation is to be used by the international board for organization purposes and to start the work until additional funds are made available.

Resolved further, That the international board is hereby authorized to issue bonds, guaranteed by the United States of America and the Dominion of Canada, in an amount necessary to pay for the construction of the navigation and power works and to provide for the interest on these bonds during the period of construction.

I quote the following from a speech delivered by the Hon. Frank H. Keefer, of Ontario, former parliamentary secretary of state for external affairs for Canada:

The Hon. Mr. Taschereau, as prime minister of Quebec, shows why he is in opposition to the St. Lawrence waterways development:

Premier Taschereau furnishes four reasons why, in his judgment, the St. Lawrence should not be developed as a seaway for the commerce of the world and why mid-western Canada and the United States should remain marooned:

"1. It would mean joint control by Canada and the United States of what is after all a Canadian waterway.

"2. It is not purely a navigation proposition. What the Americans have in mind is the development of the power, and I believe the Province of Ontario agrees with us in this respect.

"3. The information of our experts is that the St. Lawrence scheme would hurt very much the port of Montreal.

"4. Canada, with the heavy financing burden she is carrying already, can not enter into such an adventure which would mean a heavy outlay."

These reasons should be considered seriatim.

First, says the Premier, it would mean joint control by Canada and the United States of what is after all a Canadian waterway.

Mr. Taschereau is wrong in both of such premises.

The waterway is not Canadian—the right to its usage is now a joint right of the two nations. This joint right has been established as the result of a century of negotiation, and was finally determined by the treaty of 1871, wherein we exchanged with the United States certain valuable considerations whereby we secured from the United States an unlimited and perpetual right to navigate the Stikine, the Porcupine, and the Yukon in exchange for a similar right granted to the citizens of the United States to navigate the waters of the St. Lawrence from the international boundary to the open sea. There was thus established, not a right to the bed of the river nor its boundary shores, but simply and solely a right to pass through unhindered upon the same terms that apply to Canadians, thus completing and extending the free and reciprocal right to navigation already existing.

By granting such reciprocal rights neither nation has at any time surrendered any part of its sovereignty, but Canadian ships use the American locks at the "Soo" without let or hindrance, and the United States ships use the Welland Canal on exactly the same terms as apply to Canadian shipping, and the ships of both nations use the St. Lawrence River from its source to the ocean, including the canals and locks, on exactly equal terms.

Improving that channel could not conceivably be considered as changing in any degree the already established rights possessed by the two nations. Premier Taschereau should stick to the historical facts and not forget the commitments made by Canada and by the United States alike and adhered to through a century of friendliness.

Furthermore, if one should admit Mr. Taschereau's contention of the exclusive control of the mouth of the St. Lawrence, would we not open the dangerous door for the Chicago contention that if the British assert exclusive control of the water at the mouth of the boundary water (the St. Lawrence), it (Chicago) can do as it pleases with the water at the source?

Canada's diplomatic protests against the Chicago abstraction is that she has violated her treaty obligation as well as common-law rights. The bordering States of the United States of America are now suing in their Supreme Court against such wrongful abstraction. Any contention by Canada of exclusive control would be not only against treaty rights but be supporting Chicago's contention.

In the same sentence Mr. Taschereau asserts that the St. Lawrence ship channel would mean joint control by Canada and the United States. In view of the facts just recited, how such a conclusion can be reached is hard to determine. The United States does not have one word to say regarding the control and operation of the St. Lawrence canals and the St. Lawrence River. Neither does it have anything to say regarding the control of the Welland Canal. Nor, on the other hand, does Canada have any say whatsoever with regard to the Lake St. Clair Canal or to the American locks at the 'Soo' and the improvements in the reaches between Lakes Superior and Huron and between Huron and Lake Erie, which are carried out by both nations as the need arises. Certainly, in developing the remaining reaches of this great seaway now extending uninterrupted from Port Arthur to Port Colborne, and again from Montreal to the ocean, the rights and privileges of the two nations would exist exactly as they are to-day and which are already covered by the existing treaties.

It may be observed that nowhere in the report of the St. Lawrence Commission of the United States is such merger of interest even suggested. Sharing the costs of such development does not necessitate the surrender on the part of Canada one jot or tittle of her sovereignty. The investment of United States money in the further improvement of the St. Lawrence for our navigation would be no different than was from the digging of the Livingston Channel on the River Detroit within Canadian territory, which gave no territorial right there; neither did the improvements in the St. Clair River near Sarnia by the United States in order to provide for an up and down stream separated channel for better safety of navigation.

When further explaining his reason, the Premier suggests that: "The United States would not let us secure control of the Mississippi * * *" he is extremely unfortunate in the choice of his illustration. He should read again the treaty, signed in 1782, between Great Britain and the United States, wherein Article VIII reads:

"The navigation of the River Mississippi from its sources to the ocean shall forever remain free and open to the subjects of Great Britain and the citizens of the United States."

Why was Great Britain asking for this on the Mississippi? Answer: In order to reach the then British possessions in the interior of America—west of the Mississippi. That provision is in effect to-day and the right of such usage has never been questioned.

As his second reason the Premier says: "It is not purely a navigation proposition. What the Americans have in mind is the development of the power. I am opposed to the exportation of power and I believe the Province of Ontario agrees with us in this respect."

Again one is surprised to find the Premier unmindful of the fact that on the other side of the border 18 States, with a population of 40,000,000 people, all of them far removed from any possibility of direct benefit from the power developed, are insistently demanding transportation relief and looking to the joint action of the two nations in constructing the St. Lawrence ship channel as bringing about that end. Has the Premier lost sight of the fact that in 1919 the International Joint Commission visited five Provinces—Quebec, Ontario, Manitoba, Saskatchewan, and Alberta—and 16 States across the border extending from New York westward to the Pacific, and that at these hearings business men, manufacturers, railroad officials, farmers, all classes of interests, testified as to the need of such transportation relief, and because thereof that International Joint Commission made a unanimous report in favor. Is he quite sure of his statement when he says that the 'Americans have in mind the development of power.' Are not such States opposed to the development of power on the international section unless navigation through is provided? Do not the plans for the Quebec section of the river alternatively provide for by-passing the rapids and so leave power alone?

As his third reason, the Premier says: "The information of our expert is that the St. Lawrence scheme will hurt very much the port of Montreal." The effect upon the port of Montreal seems to worry the Premier. He refers to it again and again during the course of his interview. What possible injurious effect could the improvement of the St. Lawrence have upon the port of Montreal if such increases the general prosperity of Canada from coast to coast? What is Montreal without Canada? Canada could, however, carry on without Montreal.

When asked by his interviewer whether the construction of the Lake Ontario-Hudson route would not hurt Montreal still more, the Premier dodged the question. He merely said: "I am interested in the Canadian aspect of the case. The St. Lawrence is a Canadian waterway."

Might Canada not properly ask the Premier why he would prefer to allow the trade of western Canada to be wholly diverted from the St. Lawrence Valley and from Montreal and to pass through the expensive port of New York and at greater cost to the western producer?

The Premier says that the interests of Montreal must be supreme and makes a remark about charity beginning at home. He admits that he is not a traffic expert, and says that the effect upon the railways should be judged by experts. Very well, let Sir Henry Thornton, president of the National Railways of Canada, speak. Sir Henry is an expert, and the railway system of which he is the head would be vitally affected by any major change in our transportation system. Sir Henry has said at Cornwall, Ontario, October 28, 1924:

"We do not regard the development of any such great national waterway as a competitor; rather we look upon it as something which will build up traffic, assist in the industrial development of the Dominion; and in the last analysis we will find that we shall have gained very much more than some people may imagine we will have lost. * * * To my mind it is inconceivable that a barrier shall exist or be permitted to exist between the area of this great inland sea and the ocean. I believe that it is inevitable that the Great Lakes and the ocean must be connected by a waterway of sufficient draft to accommodate large ocean-going vessels."

The Premier is evidently greatly concerned about the port of Montreal. When asked whether, in view of the fact that the Dominion had spent $45,000,000 on the St. Lawrence from the sea to Montreal, it was not selfish to oppose the continuance of the channel westward from Montreal, he answers: "Montreal is the head of navigation. It is the natural head. This would make an artificial condition."

A peculiar situation indeed! Her "natural" navigation has to be improved by a $45,000,000 outlay to bring it up the river from Quebec city. And what of the rest of the Dominion? For it was Federal money that was used to improve the St. Lawrence channel from Quebec up the river and to develop the modern seaport of Montreal. How about Kingston, Toronto, Hamilton, Windsor, Collinswood, Sarnia, Fort William, and Port Arthur? What about the taxpayers of Winnipeg, Regina, Saskatoon, Moose Jaw, Calgary, and Edmonton? How about the city of Quebec and the other ports of the Province of Quebec outside of Montreal?

The Premier is not happy when he tries to set up the thesis that it is perfectly right and proper for the Dominion to expend money for the benefit of Montreal Harbor, but that it is improper for the Dominion to expend any further money to extend the navigation by the large Great Lakes carriers on to Montreal and Quebec instead of as now at Buffalo. Why should Montreal fear being placed on two seas? What was the cause of the wonderful growth of the commerce of Singapore? That place capitalized the fact of being a natural crossroad for the shipping of the world—why not Montreal?

The Premier in his interview talks much about and objects to the exportation of power.

To attempt to involve the doctrine of the exportation of power with the development of navigation need not be answered, because after making provision for navigation the power would belong to the Province, and the prohibition as to exportation of power would apply after as well as before the improvement of navigation.

In his fourth reason he says, "Canada would not enter into such an adventure, which would mean a heavy outlay."

Again he is wrong. Canada is to-day building the Welland Canal at a cost of $114,000,000. The International Joint Commission, a judicial tribunal of competent jurisdiction, speaking for the two nations, has recommended that the cost of the Welland Canal be credited as part of the whole scheme of the improvement of the St. Lawrence.

Now, the report of the United States-St. Lawrence Commission indicates that the cost of the entire improved channel, if built contemporaneously with the water-power development on the international section and in which the United States is interested as to power, will not exceed $123,000,000. One-half of this $123,000,000, or $61,500,000, would be Canada's share in the cost. If Canada gets credit for half the cost of the new Welland Canal, or $57,000,000, and this be deducted from the half of the $123,000,000, it would leave only the difference for Canada to provide, namely, $4,500,000. Suppose the figures of the engineers' estimates, certified by both countries, are doubled—suppose they are trebled—how can one argue that the adventure is a costly one to Canada?

In a more happy vein the Premier says: "We are in favor of anything that will help to develop Canada."

But just what does he mean by that? And yet he declares his opposition to a ship channel that would give relief to the farmers of the prairie Provinces and that would give the industrial section bordering the Great Lakes a cheap-rated ocean outlet. Very properly he says that the matter of negotiations for the development of power and navigation "is a Federal matter," and then he implies a threat of veto by the Province of Quebec. It might properly be asked whether Quebec has such a right to veto, or even would do so, assuming that the improvement both as to navigation and power is for the good of the Dominion.

To sum up, the nub of Premier Taschereau's objection is expressed in his statement: "Our experts say Montreal would be injured—the interests of Montreal must be supreme"; and again, "the chief objections come from the whole of the population of Montreal." Is Montreal the Province of Quebec? What does the city of Quebec have to say to that? What does the remainder of the Province say to that? Or what does the western Province say to that? Or, again, what should the maritime Province say to that, who, because of the high freight rate by rail and the obstruction to navigation by water, are unable to participate in the commerce surrounding the Great Lakes Basin?

It is much to be hoped that the whole subject will be studied on its merits, the whole benefit to Canada be carefully weighed, the economic results realized, and also our international duty to join in removing obstacles to navigation in waters in which both the Nations on each side have rights. Let us be good neighbors and improve our joint heritage.

A few hundred miles—yes, even a thousand miles—on an ocean haul will make no difference in the freight rate. Rochester is nearer Liverpool when the St. Lawrence is opened than New York; Duluth-Superior, the farthest port on the Great Lakes, is only 950 miles farther from Liverpool than is New York City. From New York to Bombay is 8,174 miles. From New York to Calcutta is 9,816 miles. It is 1,642 miles farther from New York to Calcutta than it is from New York to Bombay. When they go to the coast below Calcutta they have to go 90 miles through restricted navigation to reach the city of Calcutta. One thousand six hundred and forty-two miles additional haul and 90 miles of restricted navigation makes no difference to the freight rates. The rates from New York to Bombay and the rates from New York to Calcutta are exactly the same.

Before the opening of the Seventieth Congress I expect to visit both of these oriental seaports. I shall study well that of Calcutta and its 90 miles of restricted navigation.

The restricted navigation from the ocean to the farthermost port of the Great Lakes is only 950 miles, with only 54 miles of restricted navigation. I am therefore very sure that Rochester, Buffalo, Cleveland, Toledo, Detroit, Duluth-Superior, Milwaukee, Chicago, and all other Great Lakes ports will have the same Liverpool rate that New York and the Atlantic cities enjoy.

There are two premises I would like to establish. First, that the construction of first-class ship channels, such as the St. Lawrence improvement, from the Great Lakes to the ocean will make all Great Lakes ports preferred ports; that is, they will all have the same freight rates to Liverpool that New York and the Atlantic ports have now.

All the Atlantic seaports now have the same Liverpool rate, although some of them are 1,000 miles apart. Then if Duluth has the New York rate to Liverpool, the railroad-freight cost from Duluth to New York City would be saved. For export this would be 36½ cents per hundred for flour and 22 cents per bushel for wheat. This does not show the full saving, because it does not take into account the excessive transfer and port charges at the congested port of New York and the transfer from box cars to the ocean freighters. It permits the scientific freight-handling apparatus on the Great Lakes to cut the cost another 10 to 15 cents a bushel. I have mentioned Duluth; the same principle holds from Milwaukee, Chicago, Detroit, Toledo, Cleveland, Buffalo, and Rochester.

Let us look to the saving in exporting automobiles. The export rail rates from Toledo and Detroit to New York is 82½ cents per hundred. In addition to the New York transfer charges, that would result in a saving of $16.50 on every car shipped abroad if the car weighed 2,000 pounds. Add to that the New York port savings and you can see what it will do to the automobile industry. Those who make the cars and the consumers will be greatly benefited when we can load the ships at the Willys-Overland factory in Toledo, or at any of the great automobile factories in Detroit, and unload them in the markets of the world, in Europe, Asia, Africa, either coast of South America, the western coast of our own country, or in the Orient. What this seaway will do for wheat and automobiles it will do for every other line of commerce, agriculture, and industry.

I want to call your attention to the act of the President in 1924 in appointing a United States St. Lawrence Commission, a commission headed by Secretary of Commerce Herbert Hoover, a commission representing all of the opinions and elements entering into that great international improvement. New York City and the Atlantic Seaboard were represented on this commission. They were not picked out by the President as proponents of any system. They represented fairly the average sentiment of the country on this proposition. The President, in nominating them and giving them their charge, said it was advisable to close the problem and to review all the evidence.

They had an expert committee or a commission of engineers, appointed, three representing the Dominion of Canada and one of those a very prominent engineer of Quebec, who naturally would be opposed to the development of the St. Lawrence waterway. There were three Canadian engineers and three American engineers who were charged to go to the bottom of this proposition, check up every report that had been made by the International Joint Commission and International Board of Engineers in 1921, reestimate the cost and make a report to this Hoover Commission. These Canadian engineers and the American engineers after careful study, extending over a year, or a year and a half, reported to the Hoover commission of nine, representing the country at large, including one of the leading farmers of the West—the engineers and the commission reported unanimously in favor of the improvement of the St. Lawrence waterway and recommended that it should be built at once. I have it all in this record but I am not going to take the time to go over it in detail now. I shall print it in the RECORD.

Very briefly let me give you a résumé of the report written by Mr. Hoover of this commission. First, the construction of the shipway from the lakes to the sea is imperative. Second, the shipway should be constructed on the St. Lawrence route. Mind you, they were given all of the possible routes to study. They did study the so-called all American route; they did study the Hudson route, and they reported unanimously that the shipway should be constructed on the St. Lawrence route. I shall not take the time to discuss the third and fourth conclusion because it will all go into the RECORD.

I want to refer now briefly to a speech made by the Hon. Frank H. Keefer, of Ontario, formerly parliamentary secretary for the Dominion of Canada, in answer to Premier Taschereau, whose interview recently was published in one of the Washington dailies. Premier Taschereau said that the construction of the St. Lawrence waterways would mean the joint control by Canada and the United States of what is, after all, a Canadian waterway. Second, he said that it is not purely a navigation proposition and that what the Americans have in mind is the development of power. He said he believed that the Province of Ontario agreed with him in that respect. Third, he said that the information of their experts was that the St. Lawrence scheme would hurt very much the port of Montreal. That is where the shoe pinches, so far as Quebec is concerned. They think that our ships from the Great Lakes, loaded with grain and other commodities, will sail past Montreal without paying toll. Then he said that Canada is already very heavily burdened and did not think it was profitable to enter into such a venture at this time.

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

Mr. CHALMERS. Yes.

Mr. BACON. Is the consent of the Province of Quebec necessary for this project?

Mr. CHALMERS. I can not answer the question definitely. I would say this to the gentleman from New York: I think Canada has the right to go on and improve and develop the St. Lawrence waterway from Lake Ontario to the sea.

Mr. BACON. In other words, the United States could make this waterway alone through Canadian territory because of this treaty?

Mr. CHALMERS. I do not think it is going to be profitable for us to enter into that discussion.

Mr. BACON. Is not the consent of Canada necessary?

Mr. CHALMERS. I think it would be necessary.

Mr. BACON. Before you could get the consent of Canada you would have to get the consent of the Province of Quebec, would you not?

Mr. CHALMERS. Not necessarily.

Mr. BACON. That is the point I wanted to bring out.

Mr. CHALMERS. Quebec is a Province of the Dominion of Canada, and the Dominion of Canada under this constitution controls. There is no question at all, as to a matter of constitution and law, that the Dominion of Canada, through her Parliament, could grant the right to establish a treaty with the United States to improve the St. Lawrence waterway.

I want to touch on another proposition before I forget it, and that is the cost. Premier Taschereau says they can not afford it now. The outside cost—the highest estimate given by the Hoover commission—for the improvement of the St. Lawrence waterway for both navigation and power purposes, for a 27-foot depth, is $394,000,000. I add to that, on the advice of the engineers, $25,000,000 to make the waterways 30 feet deep. I add to that the cost of the Welland Canal, when it is completed to a 30-foot depth, $115,000,000. I add to that $66,000,000 to make the ship channels of the Great Lakes 30 feet deep. The international committee, under the advice of the engineers, has reported that it would take $44,000,000 to deepen the Great Lakes ship channels to 25 feet. When their dredge boats are set they can add another 5 feet for at least 50 per cent more. I have added $66,000,000 to make the ship channels of the Great Lakes 30 feet deep.

The outside estimate of the engineers for the regulatory works to hold the lake levels to the established levels at the head of the Niagara River and in Lake St. Clair, is $3,400,000. I have added that. Then I have added the interest. The commission says that this waterway can be built in seven or eight years. I have added interest during the period of construction to the amount of $72,000,000, making a grand total for the whole construction of the St. Lawrence waterway the day it is completed, $675,400,000.

But what does this do? It furnishes on the international boundary line, ready for the market, 2,730,300 hydroelectric horsepower, equipped, ready for the market—270 miles from Boston, within a hundred miles of the north bend of the great superpower circuit from New England to Washington. What is that power worth to-day? It is worth in Boston to-day $70 per year per horsepower. I made that statement before experts in Boston and no questions were asked about it. To be ultraconservative, let us cut the value of that horsepower to $35 per horsepower per year. Then the 2,730,300 horsepower would be worth $95,560,500 a year. Now what are the charges against this?

Mr. BACON. Who owns that power, Canada or the United States?

Mr. CHALMERS. A little later, if the gentleman pleases? Let us look at this—$95,560,500 worth of horsepower at half price—power that is going to waste, power given to humanity for all time and nobody making any use of it. I am coming to Mr. Taschereau's proposition. Let us charge off $2,500,000 for maintenance and operation of the canal. Let us charge off $15,000,000 interest on bonds during the time we are building a sinking fund to pay off these bonds. You have left out of the sale of that power, $78,060,520.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLINS. I yield the gentleman 15 minutes.

Mr. DICKINSON of Iowa. I yield the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman is recognized for 25 minutes.

Mr. CHALMERS. I thank the gentleman. Now let us look at this just a minute—$78,060,500 profit. How long will it take to pay off the bonds that are issued by this international board? Less than nine years. We will organize the sinking fund, and in nine years those bonds are redeemed, and we have left in the Treasury $27,144,500, and then from that time on Uncle Sam and the Dominion of Canada will divide this $95,000,000 equally between the two Nations.

Mr. BACON. Will the gentleman yield?

Mr. CHALMERS. We have here $26,530,250, divided between Uncle Sam and the Dominion of Canada. Let me say to the gentleman from New York when we are making that much money annually as profit upon this seaway, then we can afford to save up some money to build a canal across the State of New York, where a ship climbs a mountain 133⅓ feet high to get to the Mohawk Valley and finally gets to the crowded port of New York with cargoes from the West. We can afford to do it.

Mr. BACON. One question.

Mr. CHALMERS. Let us relieve the West of high freight rates and give those farmers some real relief. [Applause.]

Mr. BACON. These power plants, and so forth, would be on Canadian territory?

Mr. CHALMERS. No, sir.

Mr. BACON. Who will own them?

Mr. CHALMERS. The United States of America and the Dominion of Canada, on the international boundary line, under a treaty. I want to show simply that Mr. Taschereau need not fear. We do not want their power. We want our own power, our own rights. This 2,730,300 hydroelectric power is on the boundary line between Canada and the United States. The gentleman from New York [Mr. DEMPSEY] says that there would be, all told, between Lake Ontario and Montreal, if it were developed to its capacity, some 7,000,000 hydroelectric power. We are not trying to develop that now; we are trying to develop simply the common section of the St. Lawrence River on the international line.

Mr. PEAVEY. Will the gentleman yield?

Mr. CHALMERS. For a question.

Mr. PEAVEY. I would like to ask the gentleman if he construes Mr. Hoover's report on this subject as meaning this administration is behind the building of the St. Lawrence waterway?

Mr. CHALMERS. There is no other interpretation you can put on it.

Mr. PEAVEY. How does the gentleman reconcile that position and the position of Mr. Hoover in view of the message Mr. Hoover carried to the Mississippi Valley Association at the time they had their meeting?

Mr. CHALMERS. There is no conflict, I will say to the gentleman from Wisconsin, between the St. Lawrence proponents and the proponents of the improvement of the Great Lakes to the Gulf waterway. That question has already been settled, and I think permanently settled and amicably settled, and I will say I firmly believe the Mississippi Valley will back us up in this St. Lawrence waterway improvement. I want to make another point. You know I have discussed this proposition with the gentlemen from New York, and I do not think it will be necessary to differ with them any further.

As my colleagues know, I have argued the St. Lawrence waterway on this floor a good many times with my good friends from New York. I do not expect to be compelled to do so again. They know now that it will benefit New York as it will benefit every nook and corner of this great country. Within the last two weeks the following editorial was carried in one of the great newspapers of New York City, one of New York's great dailies. Let me read it to you. I read:

> Some idea of the economy in establishing waterways from the Great Lakes to the ocean is supplied in a report issued by the Department of Commerce. Wheat, for instance, which would probably be shipped through these waterways in immense quantities and is now carried from Duluth or Chicago to Liverpool for 17.6 cents a bushel, could be transferred for from 8 to 11.2 cents a bushel by way of the proposed St. Lawrence route, or a cent more through the Lakes-to-the-Hudson or the all-American route. Thus the farmer could cut his freight rate to Europe by a third or even a half. If this arrangement meant the injury of existing transportation systems, it would still be wise in the long run, but there is no likelihood of its having such an effect. No one needs a Department of Commerce report to tell him that ton-mileage is increasing by leaps and bounds in this country. Nevertheless, it is satisfactory to have an impression backed by figures. The department report states that if ton-mileage increases half as rapidly during the next 25 years as it has increased during the past 25, by 1950 the demand upon our carriers will exceed 800,000,000,000 ton-miles a year. Evidently we are going to need all the transportation facilities we can get.

This is from New York. They are converted. I am sure that the proverbial rejoicing among the angels is no more genuine than the welcome they receive from the proponents of the St. Lawrence waterway. However, this editor and others have made a mistake in reckoning the benefits.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. CHALMERS. Yes.

Mr. NEWTON of Minnesota. The gentleman was interrupted a moment ago by the gentleman from Wisconsin [Mr. PEAVEY], where, if I understood the gentleman from Wisconsin correctly, he intimated that the speech made by the Secretary of Commerce, Mr. Hoover, before the meeting of the Mississippi Valley Association at St. Louis could be construed as not being in favor of the great St. Lawrence River project. At the time that speech was made the Secretary of Commerce was engaged in the writing of a report which had not then been published, and it is my impression that the subject he was then speaking of

did not call for setting forth any opinion upon that particular project, and, so far as the people of the Mississippi Valley are concerned, they are in entire accord with the gentleman from Ohio in wanting the improvement of this great waterway.

Mr. CHALMERS. Yes. I thank the gentleman.

The editor of the New York paper has made a mistake in reckoning the ton mileage. The ton mileage in this country in 1890 was 79,000,000,000. The experts claim that it almost doubles every 10 years. In 1900 it was 141,000,000,000 ton miles. In 1921 it was 448,000,000,000 ton miles. In 1935, in my judgment, figuring on the problem from the light of past experience, it will be 1,000,000,000,000 ton miles. In 1950 it will be 2,000,000,000,000 ton miles. We must have relief from this freight congestion.

Again the editor and the experts are making a mistake as to what the saving will be when this waterway is completed. Let me show you that. Stick to this proposition, that when the St. Lawrence waterway is developed to 30 feet deep, all these Great Lake ports will have the same freight rates to Liverpool that New York City and the Atlantic ports have; exactly the same.

Do you know that Rochester, N. Y., is several hundred miles nearer to Liverpool by way of the St. Lawrence than New York City is by the Atlantic? Do you realize that even Buffalo is a few miles nearer by way of the St. Lawrence than New York City is? Cleveland is only 160 miles further. Duluth and Superior are only 950 miles further. Yet all the Atlantic seaboard cities to-day have the same freight rates to Liverpool. Some of them are a thousand miles apart.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield there for a question?

Mr. CHALMERS. Gladly.

Mr. O'CONNOR of Louisiana. May I state to the gentleman from Ohio that had the Great Lakes people been in accord years ago with the people of the Mississippi Valley, your Great Lakes people would have made greater progress in realizing this magnificent dream that the gentleman is engaged so eloquently in bringing to the minds of the Members present. But I will say to the gentlemen assembled here that the Great Lakes people, out of a mistaken sense of their own interest, opposed the development of the Mississippi tributaries and the Mississippi Valley, and in consequence, instead of having accord, they have had discord; instead of having the aid of the membership of the people of the valley earnestly and enthusiastically, you have the indifference of the valley Members here and the opposition of the trade organizations of the Mississippi Valley.

Mr. CHALMERS. I will not take the time to-day to answer the gentleman. Some other day I will do so, perhaps.

I want to tell you, gentlemen, the reason why I call this an international crime that this international waterway was not completed years ago. It is one of the simplest engineering feats in the country.

Here [indicating on map] we come up with a 35-foot depth from the Atlantic Ocean to Montreal. From Montreal to Lake Ontario, a distance of 182 miles, the engineers have recommended five development reaches or divisions on this waterway. The first reach is up the river from Montreal 25 miles. The elevation is 45 feet. The canal on the Canadian side is 13 miles long, including two lift locks and one gate lock. This brings us to Lake St. Louis, 25 miles from Montreal. The next reach, from Lake St. Louis to Lake St. Francis, is a distance of 16 miles. The elevation is 82 feet. They recommend there two lift locks again and a guard lock. There you have 13½ miles of canal and 12 miles of river sailing. The third reach is from Lake St. Francis to St. Regis Island, a distance of 28 miles. The elevation being only 3 feet, they make no canal, but keep in the lake and river for the full length. The fourth reach is 46 miles long, and that is from St. Regis Island to Chimney Point, a distance of 46 miles. The elevation is 92 feet, and they put in three lift locks in one flight.

The recent report of the engineers has shortened the canal length of that reach by 5 miles. Formerly they had 7½ miles of canal with these three locks, while now they have only 2½ miles of canal.

And, then, listen, my friends. From Chimney Point, 67 miles into Lake Ontario, you have unrestricted, wide-river sailing, and for 43½ miles below Chimney Point we have 67 and 43½ miles of wide-river sailing, or a total of 110½ miles with no canals, no obstructions, and unrestricted navigation right into Lake Ontario. It is a very simple engineering feat, and it is an international crime it was not completed long ago.

Mr. BACON. Will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. BACON. The gentleman complained that the elevation to be overcome in the all-American route was 113 feet.

Mr. CHALMERS. No.

Mr. BACON. That is what I understood the gentleman to say a little while ago.

Mr. CHALMERS. No.

Mr. BACON. I understood the gentleman to say that.

Mr. CHALMERS. The distance from Montreal to Lake Ontario is 182 miles.

Mr. BACON. I have added together the different elevations.

Mr. CHALMERS. The elevation is 224 feet from Montreal to Lake Ontario and the mileage is 182 miles.

Mr. BACON. What is the elevation to be overcome on the all-American route?

Mr. CHALMERS. On the all-American part of it?

Mr. BACON. I mean on the route across New York State, the all-American route.

Mr. CHALMERS. I have not figured that recently. I would say 500 or 600 feet, perhaps, up and down. You have to go up the mountain first and then down.

Mr. BACON. The gentleman said 113 feet as against 123 feet on the St. Lawrence route.

Mr. CHALMERS. Let me say to my friend from New York, I said that on the so-called all-American route we were asked to send our ships up a mountain 133⅓ feet with no water. On the St. Lawrence route we go from Lake Ontario down hill 224 feet with 241,000 second-feet of water pushing us out to the sea and with world markets and prosperity ahead of us.

Now, we are in Lake Ontario, and let me say this, that the improvement on the St. Lawrence River will hold the level of Lake Ontario at the established level, and then we are up to the Welland Canal. Under my bill, and I hope under the regulations of this treaty, the international board will take charge of the Welland Canal and then take charge of the ship channels in the Great Lakes to the mouths of the harbors, pay all the expenses of deepening the ship channels; and it will all be paid for in a short time by the sale of this hydroelectric power that will be developed on the international section of the St. Lawrence waterway, without taxing the people of this Government or taxing the people of Canada one cent.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. CHALMERS. I yield.

Mr. O'CONNOR of New York. Who is going to sell that hydroelectric power? Will the gentleman tell us?

Mr. CHALMERS. I am sorry I will not have the time, I will say to my friend from New York, but I will answer it in a word: The international board created in my bill, 268, and I hope set up by the treaty between the United States and Canada, will be given power to issue international bonds guaranteed by both the United States and Canada and put them on the market and will sell this power or control the sale of the power; and in nine years the improvement of the waterway both for navigation and power purposes will have been paid for, and for all time down through the ages this proposition will be a great source of wealth and income to the high contracting parties. As I said before, it is a great international crime it was not done long ago, and I want to say to my friend that now is the time to act. It is now up to the State Departments of the two countries, under the guidance of the President of the United States and McKenzie King, prime minister of Canada, to work out the agreements in this treaty for the control of this waterway. Then we shall not need an equalization fee for the farmers in the West. [Applause.] I thank the gentleman from New York. That will bring the blessings of prosperity to the farmers of the Midwest and to New York. New York must realize that these farmers will go down to New York and spend their money, so that New York will in the end benefit by the construction of this waterway. As I stated before, it is paid for out of the funds from the sale of hydroelectric power, and it is not going to cost either Government a cent.

As shown in the quotation from an address by the Hon. Frank H. Keefer, Canada has accepted a "quid pro quo" for the right to the use of the St. Lawrence River by American citizens. The Webster-Ashburton treaty of 1842, the reciprocity treaty of 1854, the treaty of Washington of 1871, and the treaty of Washington of 1909 settled that for all time. The St. Lawrence River shall forever remain free and open for the purpose of commerce to the citizens of the United States.

Then, since that is so, since we are now helping to make Montreal the greatest grain port on this continent, who can reasonably object to our improving the waterway and making it more efficient? Especially since power, the big product of navigation now running to waste, will pay all capital costs of construction inside of 10 years.

I have not time to-day to more than touch on benefits to coastwise trading. It will save Greater New York City more than $8,000,000 per year on her bread bill alone. It will save Massachusetts $4,000,000 on her bread bill.

What a story could be told about the exchange of produce and commodities between the developed Everglades of Florida and the Great Lakes territory! Do you realize that of the five largest cities of this country, three are on the Great Lakes? Think of the development of commerce between the United States, Central and South America, and the Orient.

Hon. S. L. A. Taschereau says we have no objection where there is joint ownership to discuss the terms of the agreement. But, so far as Quebec is concerned, we are opposed to any control but that of Canada, and Canada has too many debts just now to provide the capital herself.

Very well, Mr. Premier, we will take you at your word. We will enter into agreements as to that portion of the St. Lawrence River where this is joint ownership. We shall work out treaty agreements along that line. If these treaty agreements follow the provisions of House Joint Resolution 268, Sixty-ninth Congress, the navigation proposition for the St. Lawrence improvement would be completed without the Dominion of Canada, or the United States either, furnishing any capital. There would be no burden on the taxpayer. A 30-foot channel from the Great Lakes to the sea would be provided without any tax levy on either of the high contracting parties.

How can that be done? Please note. The maximum figure given by the Hoover Commission for the improvement of the St. Lawrence for both navigation and power is $394,000,000. This develops 2,730,300 hydroelectric horsepower in the international section. This is for a 27-foot depth. I add $25,000,000 more for a 30-foot depth and to sink the sills 10 feet deeper for future possibilities. Add to that 115 miles for the outside cost of the Welland Canal for a 30-foot depth. Add to that $66,000,000 to deepen to 30 feet the ship channels of the Great Lakes to the mouths of the harbors. Add to that $3,400,000 for compensating works in the St. Clair and Niagara Rivers to offset the Chicago diversion and to hold the levels of Lakes Michigan, Huron, and Erie at the established water plane. Add to that $72,000,000 for the interest charges during the eight years of construction, and you have a great total of $675,400,000.

We are now up to the day of opening the seaway with a bonded indebtedness of 675 million and 2,730,300 hydroelectric horsepower ready for the market, 270 miles distant from Boston. What is that power worth? It is worth to-day $70 per year per horsepower. Let us be ultra conservative. Let us place it at one-half that price. Remember it is only 270 miles from Boston. It is less than 100 miles from New England, the north bend of the superpower circuit from New England to Washington; 2,730,300 hydroelectric horsepower at $35 per unit per year is worth $95,560,500 a year. Take out $2,500,000 for maintenance and operation charges and $15,000,000 per year the average interest on the bonds, and you have left $78,060,500 per year to place in a sinking fund to retire the bonds. This will pay off the bonds in nine years and have a surplus in the Treasury of $27,144,500.

Then Premier Taschereau, the Dominion, and Uncle Sam will receive each year from the international board, as his share of the profits of this joint enterprise, $46,530,250. The Canadian and American farmers, manufacturers, shippers, and consumers would receive annual benefits many times that amount.

Then, Mr. Premier, never mind your Canadian power. We do not covet it. We do want a way to the sea for ourselves and for you. That we want. That we must have. That $100,000,000 worth of hydroelectric energy in the international section of our common waterway is not doing anyone any good now. It is going to waste. It is an international crime to permit this any longer. Let us build the seaway and do it now and before 20 years from to-day the greatest project of the century will have been completed and paid for, and your work and mine—and of all of us, will bring the blessings of prosperity to all of our peoples, and will be heralded in the years to come as the greatest bit of constructive statesmanship of our time.

I feel, Mr. Chairman, I have occupied all of my time. I have been allowed to extend my remarks, and I will close at this point. [Applause.]

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

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 15 minutes to the gentleman from Wyoming [Mr. WINTER]. [Applause.]

Mr. WINTER. Mr. Chairman and gentlemen of the committee, you have been recently enlightened to a very large degree upon the Colorado River compact and the Boulder Dam bill through discussions by the gentleman from California [Mr. SWING] and by the chairman of the Irrigation and Reclamation Committee [Mr. SMITH]; also from another point of view by the gentleman from Utah [Mr. LEATHERWOOD].

It is impossible in 15 minutes or 50 minutes to begin an attempt to cover this subject. I am therefore going to try to cover but a few outstanding features of the situation.

It has been said that this bill presents to the Congress and to the country two new radical propositions, the first one being that it involves the country in Government ownership and operation of a public utility, more particularly referring to the power element; and the other proposition is that it is an attempt to extend Federal authority over rights and realms that have been recognized up to this point as State rights, involving, of course, the interstate-commerce clause of the Constitution and the relative rights of the States and of the Federal Government to a navigable river and the uses of its water.

Two amendments have been proposed by those who are not satisfied with the bill in its present form. They have appeared before the Committee on Rules in an effort to have the bill held there and not reported out to this House or not given a preferred status upon this floor for your consideration, so that the matter of the amendments can be threshed out upon their merits.

The first amendment proposes to subject the Federal Power Commission to this bill and the compact among the States involved and incorporated in the bill so that the issuance of power licenses would not appropriate water rights against or at the cost of the rights of the upper States, which, under the compact, are now insured a specified equitable division of the water.

Now, this particular amendment is not opposed by anyone, as I understand it. The author of the bill has stated here upon the floor of the House that it is acceptable to him and would be incorporated in the bill. So we may pass this proposition as not involving any further controversy.

The other amendment of the gentleman from Utah—and I might state that the first amendment to which I have just referred was also suggested by a Representative from Utah [Mr. COLTON]—and the second amendment, by the gentleman from Utah [Mr. LEATHERWOOD], proposes to make the whole matter of power, both as to creation, by a plant, and sale and distribution subject to the provisions of the Federal water power act.

In other words, in this amendment he proposes to eliminate what he considers as a new departure or a radical proposition for the Government to go into the generation of power and reserves it for private enterprise.

Let us now consider this last amendment for just a moment, analyze it, and see to what extent this position is well taken in fact.

In the first place, the power amendment, or the whole matter of power in this bill, must be considered in the light of and with the other elements involved. In other words, this is not a pure proposition for the Government to go out on a stream, whether it be navigable or nonnavigable, and simply build a power plant and go into the business of selling power. This is not the proposition, and in this respect it has no analogy, and there is no analogy in this situation and that of Muscle Shoals.

The order or precedence of the different causes or purposes in the use of waters involved in this bill are legally as follows:

Flood control; in other words, the preservation of property and of life is given first consideration in the States and by the Federal Government. It requires no argument to show that that is a point upon which there is no disagreement. We all consider that the salvation and protection of life first and of property second is a first essential and a proper function in the business of the Government and of the State.

The second use recognized by the statutes of the States is domestic use; where there are different applications for the use of a given amount of water the statutes of the States place the necessity of that use and preference in granting the use, first, to domestic purposes, second to irrigation or reclamation, and lastly to power.

So we have these four elements in this order—flood control, domestic use, reclamation, and power.

Regardless of the amount of power involved in this bill, this order and precedence are present in the bill. If you will look into the history of the Colorado River compact, which is incorporated in this bill, you will find that it originated in and was caused by the appeals years ago by the inhabitants of California and of Arizona for protection from the floods of the Colorado River. This is the origin and the genesis of the matter.

Mr. HUDSON. Will the gentleman yield there?

Mr. WINTER. Yes.

Mr. HUDSON. And in order to do that, you would necessarily develop power which is incidental; that is, the primary

need is flood control, and you can not help the fact that in doing so it is also incidentally made a power proposition.

Mr. WINTER. It all grows out of the situation just as naturally as can be. As I have stated, the history of the compact shows it originated and was joined in by the upper States, meaning Wyoming, Colorado, Utah, and New Mexico, because of these very appeals from California and Arizona. We recognized the danger then and we were willing that not only flood protection should proceed in the lower reaches of the river, but also development for other purposes, because we recognized that they were immediately involved; that we were face to face at once with the further needs of reclamation, domestic use, and of power, along with flood control.

The dam proposed in this bill is necessary, not for one, but for all of these objects. When all these necessities, opportunities and demands are presented in one project, good sense and good business requires their combination and a dam sufficient for all of these purposes. It would be folly to build a dam for any one of these purposes without considering and including the others. Altogether they present a case of overwhelming necessity, opportunity, development, and creation of wealth.

The power is last in the order of necessity and legal precedence and therefore and in that sense, it is incidental. Because of its volume, importance, and as a source of revenue to repay the cost of the structure, the power feature is apt to be looked upon as dominant. It would be improvident and unreasonable with the erection of a dam necessary to flood control and reclamation and to provide water for domestic use, to stop at that point when under the same operation and the same machinery, the same system and organization, the dam can be built 100 or 200 feet higher, particularly when the canyon structure and dimensions make it easily possible and beneficial and should be taken advantage of.

Much is said of the Nation going into the realm of Government ownership and operation of the public utilities because in the bill it is proposed, while constructing the rest of the project, to build at the one available site a power plant through which discharged water will create electrical energy. The fact is that the bill does not require construction of the power plant, but it does give the Secretary of the Interior discretion to do so if deemed advisable. Such discretion should be given the Secretary as a matter of protection to the United States and the public interest.

What is the difference essentially between the Government erecting a dam and selling the water therefrom to municipalities and private corporations to create power for retail distribution and selling them the power at the switchboard? There is a provision in the bill—I believe the word transmission occurs in the bill. I am satisfied that should be in the bill if for no other purpose than to give the Government the means of protection of that feature in case it should be found necessary to use it in the public interest. The object, if the right is exercised, is the sale of power at the switchboard wholesale, and not retail distribution.

Starting from the basis that there is no disagreement as to the necessity of the dam for flood control, the only question presented by the Leatherwood amendment is whether the Government shall stop at the completion of the dam, which necessarily includes a tunnel for the discharge of the waters, or finish the job by putting up the power plant and wholesaling the power at the switchboard.

I can conceive of several reasons why the Government should construct the plant. In the first place, I am convinced that the Government can build the power plant in connection with the other features and will build it more cheaply than any private corporation can build it.

There has been some criticism of the estimates of the cost of the project made by the engineers of the Reclamation Service. This was in connection with the estimate as to how much the dam was going to cost. You are all aware that the total estimated cost is $125,000,000, roughly divided as one-third for the dam, one-third for the power plant, one-third for the all-American canal to conduct the water on American soil to the Imperial Valley.

It has been said that there is much doubt about the estimate. It has been said that the estimates we had were made by the reclamation engineers who, forsooth, were said to be interested in the project for some ulterior and illogical purpose of self-laudation and self-aggrandizement in building so great a structure. I do not think that any Member will take that seriously. Certain arguments were advanced to show that the estimates of the reclamation engineers on other projects have been unreliable because later on the construction of the projects cost two or three times the original estimates.

Without any explanation that is rather impressive, but it is easily met. I want to say, first, that the record of these hearings on the bill are filled with statements and evidence, figures and statistics of many engineers not connected with the Reclamation Service. An Engineer Corps comprising men as great as General Goethals and his assistants have not only given their testimony as to the building of the dam of this height but also engineers from Los Angeles proposed that if they were given leave to build the dam they would build it a thousand feet high.

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

Mr. DICKINSON of Iowa. I yield to the gentleman 10 minutes more.

Mr. WINTER. The evidence of many engineers, who support these propositions as to cost, are in the record of the hearings on this bill which constitute many volumes. So it is not a fact that all we have to go upon is the roughly ill-considered estimate by reclamation engineers.

Now, I want to do the engineers of the Reclamation Service justice. In the first place, those estimates were made on reclamation projects by Government engineers years before the construction was taken up and many years more before the completion of the construction. It may have been 5 years or 10 years. It requires but the statement to recall to your minds that in that time, within the last 10 or 15 years, the prices of labor and material have more than doubled and in many cases trebled.

Again, in the original cost estimate of the engineers on the projects, it was not known that drainage would be necessary on these projects. In other words, the projects were built, they were completed and the land was irrigated, and then, by reason of some subsurface formation in the form of a great saucer, the waters collected and it was found after years had elapsed that great drainage ditches were necessary. In some cases those drainage ditches cost very nearly as much as the original reclamation canals. These items alone would account for immense increase without any fault being attached to the original estimates of the reclamation engineers.

In former years we were dealing more or less experimentally with this whole reclamation proposition, and it is true that underestimates were made in the very beginning of the construction of these projects, but experience through these years has given the engineers many more facts and data to be taken into consideration, and now instead of underestimating these projects it is rather the habit of the engineers to overestimate the cost.

This estimate for the Boulder Dam is not a lump sum, somebody's guess, but separate estimates have been made on every portion of this project, as I understand it, even including a 20-mile railroad from the nearest railroad point to bring in the supplies and material. In the event that this project should cost ten, twenty, or even thirty million dollars more than the estimates, the only result is that it will take a few years longer under the contracts to pay out the entire sum. There is no possibility of loss to the Government because these estimates may be exceeded by a few million dollars. As now estimated, as I recall it, the demands for power upon which contracts would be entered into by the Secretary before beginning construction or expending one dollar are sufficient so that in the course of 25 or 30 years the entire cost of the project will be repaid, and the only effect of a possible excess over the $125,000,000 estimated would be a few years longer to complete the entire repayment.

The Government will later on want to use some of the power itself in the construction of the all-American and later other canals.

In the early period the Government did not build the canals and main laterals on reclamation works on this same theory of not wanting to put the Government into what is considered private business. It was found, however, the part of wisdom and necessity so to do, and no one now thinks of complaining because the Government has taken the place of private contractors who formerly built the canals to conduct the water from the dams and reservoirs to the land. Fundamentally I am opposed to Government ownership and operation. I favor private enterprise. But sometimes it is bound, in the public interest, to enter to certain protective extent.

The proposed amendment with regard to power ought not prevent the Committee on Rules from giving this bill preferred status on this floor. Let the amendment be considered by this House and adopted or rejected on its merits.

Are the upper States protected? My State, Wyoming, is one of the upper division States. We entered into the seven-State compact, and when Arizona refused to sign we were one of the six

States ratifying what is known now as the six-State compact, which simply means that six States agreed to be bound by the terms of the original seven-State compact. This bill, in my judgment, gives these upper States very substantial protection. I may say, as a starting point upon this subject, that these upper States, as matters are now, without the passage of this bill, without a compact, in view of the decisions of the United States Supreme Court with reference to prior appropriations of water, are absolutely without protection; that we need the protection of the compact, and that I for one am going to continue to stand for the preservation of the compacts as far as we have them now, with the hope always that all of the seven States will finally come in and we will have a complete seven-State compact.

The upper States are protected. This bill gives them substantial, if not complete, protection. If the bill fails, an opportunity to secure the rights of the upper States to that extent will have been lost. If the bill passes, we receive a great measure of protection, even though but six States are bound and one, Arizona, is not. I am discussing this matter now from the standpoint as it was before the withdrawal of Utah, one of the upper States, from the compact a few days before this bill was presented to the Committee on Rules.

The passage of the bill completes and fulfills the condition which California attached, and she becomes bound absolutely with six States; or else not a dollar will be expended, not a foot of construction go forward. That would accomplish the purpose of the six States which agreed that the terms of the seven-State compact should be binding upon six States so agreeing.

Utah is a sovereign State and, of course, can do as she pleases. Utah withdrew unexpectedly and without intimation or warning and so far as I know or can learn, at the very time, after four years of effort, when California, in which State our real danger of prior appropriation exists, was being brought into the six-State compact by this bill. It was a time, as I view it, to proceed, not to withdraw; a time when the object of long years of work could have been accomplished.

Regardless of the theories of State rights as to the bed of the stream and control of the use of the water of this stream by the States, it being navigable, with which I agree, the Government controls the public lands above high-water mark, where the dam will be built and the land flooded by a storage of the water, and the public lands over which the canals must run to divert the water around the dam for power, or to distant areas for reclamation in California and Arizona. Hence, the Government can require Arizona, before she perfects any water rights, even though she is out of and not bound by the compact, to conform therewith, which means that the rights of the upper States to their equitable division of the water will be protected. Utah, when it ratified the six-State compact, without Arizona, accepted then the theory that protective provisions could be and would be as they are incorporated in this bill, and it seems to be inconsistent for it now to oppose the bill and withdraw from the compact for the reason that Arizona has not signed. As for California, she must ratify, or the project does not proceed. Moreover, an amendment to this bill, which will make the Federal Power Commission subject to its provisions and to the compact, thereby protecting the upper-division States, is proposed and accepted. This insures against appropriation by Arizona. The upper-division States, with the exception of Utah, have remained in the compact and are supporting this bill for the reason that they believe that the rights of the upper-division States are protected therein and that the six-State compact would be perfected by the passage of this bill, which would fulfill the condition of California's entrance.

Now, the compact would have to be ratified by five States as a five-State compact. But I still hope that Arizona and Utah will yet ratify and complete the seven or six State compact.

The rights of the upper-division States are protected in the bill, as follows:

Sections 1 and 6 of the bill require that the Secretary of the Interior in building the power plant shall build it "within a State which has approved the Colorado River compact," and that where a lessee of the water privileges builds the plant it likewise shall be built within a State "which has approved said Colorado River compact." These provisions mean that the plant must be built in Nevada, if Arizona does not ratify.

Section 4 (a) of the bill provides that no construction work shall be commenced or water rights initiated until the other States, other than Arizona, shall have approved the compact without condition. Under this section California must ratify again and this time unconditionally as one of the six States.

Section 8 provides that the United States, its permittees, licensees, and contractees, and all users and appropriators of water connected with the project shall be subject to the Colorado River compact in the management of the project and in the use of water therefrom. This protects the upper States against any uses of project water for any purpose in Arizona.

Section 12 (b) subjects the right of the United States in the waters of the Colorado River system and the rights of all persons claiming under the United States to the terms of the Colorado River compact. So that, from and after the passage of the bill, any and all persons making appropriations of water within Arizona or any other Colorado River State shall take them limited by the terms of the compact.

Sections 12 (c) and (d). These sections of the bill apply to Arizona as much as to any other of the river States and are to the effect that all patents, contracts, leases, permits, rights of way, privileges, and so forth, from the United States, and convenient in the use of the waters anywhere from the river system for the generation or transmission of power generated by such water shall be upon the condition that the rights of the holders of such patents, contracts, leases, permits, rights of way, privileges, and so forth, to the water shall be subject to the terms of the compact and that the conditions and covenants shall run with the land and the water rights. Under this, whether the Government has a proprietary interest in the water or not, it is enabled to control the way and the extent to and in which the Government land in Arizona may be used for the purpose of storing water thereon or transporting it thereover.

I do not want it upon my conscience that I opposed this bill in the event some appalling catastrophe happens to the Imperial Valley, and this is a possibility; that such a tragedy is imminent is conceded by even the opponents of the bill.

We had a lesson a day or two ago in the loss of lives here in Quantico by a fire. Are we going to wait again until the loss has occurred and lives have been destroyed? Especially do I consider it my duty to support this bill for that reason when at the same time I am thereby protecting the water rights of my State and the other States of the upper division. We of the upper States must bear in mind that without the compact and without his bill, which insures a six-State compact or a five-State compact, we are in constant and certain danger of the exercise of the appropriation rights by all the lower States under the present laws and decisions of the United States Supreme Court. Therefore, I feel in duty bound, as a Representative of my State as a State ratifying the seven and the six State compact, in view of the tremendous benefits of this bill to all the States of the Colorado River Basin and to the United States, to support this bill. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, the march of events in China, which have an extremely threatening aspect to the peace of the world, has to a very considerable extent attracted the attention of our people away from our Latin-American relations. I speak now because I fear that our attention is being too much distracted.

Threatening as the situation in China is, I feel that our welfare is more immediately imperiled by the situation in Mexico and Nicaragua than by the situation in China. I feel that public opinion is about to go to sleep on the Mexican and Nicaraguan disputes.

Public opinion asserted itself a few weeks ago with great impact. The White House even, little amenable to public opinion as it is, showed the effect, and for a few days it appeared that the situation was much brighter and that prospects for the peaceful and honorable settlement of our disputes were good. The people can not afford to go to sleep on this subject. They should be made to know, and I wish I could carry the message home to every citizen of our country, that there has been no real improvement in our relations with Nicaragua or Mexico, and that our disputes are no nearer settlement to-day than they were 30 days ago.

So far as I can see, the purpose of the administration is inflexible, public opinion to the contrary notwithstanding, and that, regardless of the peaceful sentiments of from 75 to 90 per cent of the people of the United States, the purposes of the administration remain unchanged. Our State Department, with the backing of the White House, appears to be proceeding toward the ends which it pointed out for itself several weeks ago. I want to quote this sentence with regard to our Mexican dispute:

> The issue is whether America shall conform to the common dictates of courtesy, good manners, and good will, such as are commonly observed by a civilized nation in dealing with a neighbor. America can not afford to be judged by the world as interested only in the selfish machinations of her millionaires.

And now I want to ask, Whose property interests is it that we are so deeply concerned for in Mexico? I have some facts

on this point gathered from an article which recently appeared in the New York Evening Post and another which appeared in the New York World. Those articles have gone around the press of the country. Similar statements have been found in the Scripps newspapers and various others, and, so far as I know, they are undisputed. The substance of what is said is that the oil lands in Mexico to which rights were acquired before May 1, 1917, total 28,500,000 acres, and those are the only oil lands about which there is any dispute. These lands are held by 666 foreign oil companies, and of that number all but 22 have obeyed the Mexican law by applying for confirmatory concessions. That is to say, that 22 companies own, of the total 28,500,000 acres, a total of only 1,600,000 acres—less than 6 per cent of the whole—and of that 1,600,000 acres 750,000, almost half, are owned by a company in which Edward L. Doheny has a large interest.

The New York World contributes to that information the statement that—

the H. L. Sinclair oil interests have joined with the Doheny interests in opposition to the Mexican laws.

And these are the worthies for whom the honor of our Nation has been jeopardized! We have heard of Doheny and Sinclair before. Doheny of the black bag and $100,000 in currency, "the bluff old prospector" who conferred this great favor of cash on the late and unlamented Secretary of the Interior, Fall, not unknown to the criminal courts of the country. And Sinclair is also not unknown to fame. Sinclair of Teapot fame, and so on and on. But why should I hash up these old stories of crime, corruption, and debauchery? These are those whom our boys are to fight for, and we must not put them down too low. Let us rather exalt them and point to them as altogether worthy.

It is also to be remembered that another of the great ones, eager for sharp action against Mexico, is that celebrated American patriot, whose worthy, true, faithful heart beats responsive to the traditions which have honored our country from the beginning—and it is unnecessary to say after that description that I refer to Mr. William Randolph Hearst. [Laughter.] The other day when I was speaking on our Latin American relations a Member interrupted me when I referred to Mr. Hearst to say that Hearst had a selfish, personal interest in aggressions against Mexico. With my regard for facts, I replied that I did not know whether he did or not. I know now. I have found out. Mr. Hearst is a very large landowner in Mexico. I am informed that he owns over a million acres of Mexican land, bought for about 50 cents an acre. It would mean millions in profits to him to have that land brought into the United States by the annexation of Mexican territory.

Mr. Hearst's activity against Mexico is not new. He has been sustained in his desire for the conquest of Mexico as such men are usually sustained in their selfish purposes.

Hearst has not forgotten his selfish interest for a single moment for the past 15 years, but always, and on every opportunity, he has been the fell influence that has sought to embroil the United States with her southern sister. It has been Hearst who has clamored for war; Hearst the great landowner; Hearst who had a selfish interest; Hearst who, when it comes to fighting, is always absent, but always inciting others to fight.

I would like to marshal the owners of these 22 oil companies along with Mr. Hearst; I would like to put them in line. I would like to put arms in their hands and lead them down to the border and say to them, "Now, gentlemen, go to it; fight for your own property." But I do not think there would be much fighting. I have the idea that there would follow an intense competition among them as to who should be in the lead in a rapid "advance to the rear," and that the valiant array would stay not on the order of its going so long as speed was attained. [Laughter.]

Of course, I can only surmise how the administration will work out their purpose in Mexico. What that purpose is must be pretty obvious to every student of the situation. The administration have taken their stand. The administration have not the slightest intention to accept Mexico's offer to arbitrate. They can arbitrate about some things; but, oh, no, not about the right of American oil barons and Hearsts to receive returns from their speculations!

The administration have not the least intention to arbitrate this dispute. Possibly they may not frankly ask for a declaration of war. Their aggression may not take that form. The indications are that the activities of the administration will take the form at what is conceived to be the opportune moment of lifting the embargo on arms to Mexico, and we will find that those oil landowners and Hearsts, not through themselves, of course, but through their mercenaries will go into Mexico and stir up a revolution in that unhappy country. Many revolutions have been started there and many conflicts have arisen; it will not be hard to start another if plenty of money is used. In that situation we will find ample money and war supplies entering Mexico to back up military movements and the endeavor to overthrow the Calles government.

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

Mr. TAYLOR of Colorado. I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for five additional minutes.

Mr. HUDDLESTON. It will be easy enough when a revolution starts in Mexico to cry that the oil wells are jeopardized. Probably some of the oil men may have some of their most worthless wells blown up by their own hired bandits and then, of course, backed up by the servile majority of our Committee on Foreign Affairs, we will find the President sending in marines and perhaps soldiers also "to protect American property." The revolution will be an oil men's revolution, but to protect their property we may find American armed forces in Mexico. And so, passing from one means to another, we will find another government established in Mexico, a docile and obedient government, a servile tool of the great interests that own this property; such a tool as we have in Diaz in Nicaragua to-day, whom our Government is proud to have established as ruler of a people a large majority of which resent his authority.

In the situation with respect to Nicaragua there has been no change, no halt in the administration's purpose to support Diaz. Diaz will do what they want him to do. He will so manage and conduct affairs in Nicaragua as to insure that the interest on the debts held by American bondholders will be paid. So he will be supported. We have bought Nicaragua with a price. We have abandoned the shallow and hypocritical pretense that we went there to protect American lives and property. We no longer claim such a specious thing. We admit now that we are there to support and defend the Diaz government, and to that end our marines are marching up and down, censorships are established, and neutral zones are set apart. So we go from one step to another. The real purpose is to throttle the revolution. In the name of the United States, which had its birth in revolution, we propose to throttle the will of a liberty-loving people; we, the United States, the hitherto champion of liberty for all the world; and no voice of influence in the President's party is lifted to say him nay.

We have invaded a country at peace with ourselves. We are, so far as practical purposes are concerned, at war with the only constitutional element in that country, the element which represents the great majority of the Nicaraguan people; and that war has no higher motive than to do the will of American capitalists.

Guilty of that crime, and duly convicted before the bar of the public opinion of the world, how ashamed must we feel—we who love our Nation's honor! There is not a country where the newspapers are not pointing the finger of scorn at the United States and calling us deceivers and hypocrites and frauds. We have destroyed our influence in South America, and have compromised our moral position before spiritual and high-thinking men throughout the world. [Applause.]

Under leave to extend my remarks, I include the following statement, which gives in detail the ownership of the Mexican oil industry and shows who the recalcitrants are:

PRESENT CONDITION OF THE PETROLEUM INDUSTRY IN MEXICO AS SHOWN BY THE OFFICIAL REPORTS OF THE DEPARTMENT OF INDUSTRY AND COMMERCE FOR JANUARY, 1927

First. Amount of capital invested and percentages by nationalities.

Second. Names of companies that have complied with the new laws by applying for confirmatory concessions.

Third. Names of persons and partnerships who have applied for confirmatory concessions.

Fourth. Names of companies which have applied for preferential concessions under the new laws.

Fifth. Names of persons and partnerships who have applied for preferential concessions under the new laws.

Sixth. Names of companies that are withholding applications for confirmatory concessions as required by law—comparison of acreage complying and not complying—less than 6 per cent remains outside.

AMOUNT OF CAPITAL INVESTED IN THE PETROLEUM INDUSTRY IN MEXICO

The department of industry and commerce, which has charge of the petroleum industry in Mexico, has recently (1926) issued a statement showing the total investment therein, placing it at $583,159,562 gold, of which $193,194,000 represents the land cost and $389,965,562 the expenditure for drilling wells, constructing pipe lines, tanks, refineries, and all other improvements.

Exclusive of the land cost, the percentages of investment by nationalities are as follows:

United States	57.46
Great Britain	26.16
Dutch	11.37
Mexican	3.02
Spanish	.91
Cuban	.52
Italian	.17
French	.14
German	.09
Venezuelan	.06
Belgian	.03
Swiss	.03
Norwegian	.02
Swedish	.02

The total investment of American capital in improvements is, therefore, $224,074,211.92; and if the same percentage obtains with regard to land holdings, the amount of that feature would be $111,009,272.40, or a total of $335,083,484.32.

The total acreage of petroleum lands under exploitation is 28,493,914 acres. The area for which concessions have been asked is 26,833,335 acres, while the area for which concessions have not been asked as required by law is only 1,660,579 acres.

There are 126 companies in this list, of which three-fourths are American capitalists organized under the Mexican laws, as required. There are 147 companies all told which are authorized under the former laws to do business in Mexico. The recalcitrant companies number 20, as is shown herewith.

NAMES OF COMPANIES THAT HAVE APPLIED FOR CONFIRMATORY CONCESSIONS UNDER THE NEW PETROLEUM LAWS OF MEXICO

Translated from the official reports of the department of petroleum for January, 1927

El Aguila Mexican Petroleum Co.
Texas Oil Co. of Mexico.
Manjak Petroleum Co.
Intermex Petroleum Co.
Gulf Coast Corporation.
English Oil Co.
Globe Petroleum Co.
Continental Mexican Petroleum Co.
International Pipeline Co.
Chapacao Oil Co.
Chilean-Mexican Petroleum Co.
Guaranty Oil Mining Association.
City of London Stores Co.
Monterrey Iron & Steel Co.
Kansas & Gulf Petroleum Co. of Mexico.
New England Fuel Oil Co.
Ag'l Cicil Part. (Ltd.), Baja Cal.
Minerals & Metals Co.
Panuco-Tuxpan Petroleum Co.
Land & Cattle Co. of San Graciano.
Cerro Azul Oil Co.
Huasteca Oil Fields Corporation.
Federal Oil Co.
Five Friends Oil Co.
Escondido River Coal Co.
Pecero Petroleum Co.
Tamante-Panuco Petroleum Co.
Veta-Port Lobos Co.
El Zancillo Ag'l & Cattle Co.
Franco-Italian Petroleum Co. of Mexico.
Ixtle Petroleum Co.
Tampico-Panuco Petroleum Co.
Mexican Atlas Petroleum Co.
National Petroleum Co. of Mexico.
Itmmax Oil Co.
Richmex Petroleum Co.
Imperial Land Petroleum Co.
Penn.-Mexican Fuel Co.
Sabino-Gordo Petroleum Corporation.
Broder Oil Co.
Financial Petroleum Co.
French-Mexican Oil Co.
Company for Exploring Minerals.
Mexican Land & Livestock Co.
Valles Petroleum Co.
French-Spanish Petroleum Co.
Lorenzo Potrero, Nuevo Petroleum Co.
Tabasco Exploration Co.
Guaranty Oil Co.
Petroleum Union of Spanish America.
Tuxpan Oil Co.
Graciano Society, Castano Bros.
Consolidated Coal Co. of Coahuila.
Oil Co. of Lower California.
Magdalena Oil Co.
Chihuahua Cattle Co.
Oaxacan Petroleum Co. of Panuco.
National Oil Co.
New Sabinas Co. (Ltd.).
Aztlan Investment Co.
National Railways of Mexico Co.
International Loan Bank of Mexico.
Tierra Amarilla Petroleum Co.
Pecos-Mexicao Petroleum Co.

COMPANIES THAT HAVE APPLIED FOR CONFIRMATORY CONCESSIONS

Transcontinental Petroleum Co.
United Petroleum Co.
International Purification Oil Co.
International Petroleum Co.
Azurcarera Co. of Panuco.
Canoas Petroleum Co.
Petroleum Alliance Co.
Mexico-Texas Petroleum & Asphalt Co.
Kern-Mexico Oil Fields Co.
Quebrache Oil Co.
India Oil Co.
New England Fuel Oil Co.
La Imperial Exploration Co.
Guaranteed Oil & Mineral Association.
National Effort Petroleum Co.
Conduenazgo Co. of Metlaltoyuca.
United States & Mexican Banana Co.
Panuco River Oil Co.
La Meridional Petroleum Co.
Drillers' Percentage Association.
La Sautena Petroleum Co.
Mercantile Petroleum Co.
Mexican Land & Oil Syndicate.
Cosmos Petroleum Co. of Mexico.
Pennsylvania-Mexico Fuel Co.
National Coal Co.
Bravo Drilling Co.
San Cristobal Petroleum Co.
Oxaca State Petroleum Co. (Ltd.).
Colombia Land & Oil Co.
San Gregorio Petroleum Co.
Topila Petroleum Co.
Mexican Territorial Petroleum Co.
Vera Cruz-Mexico Petroleum Co.
Espuela Oil Co.
Land Exploration Petroleum Co.
Tampico-Amatlan Petroleum Co.
Mexico Eastern Oil Co.
Riberas Tuxpan Petroleum Co.
French-Spanish Petroleum Co.
Combustible Petroleum Co. of Mexico.
New Mexico Oil Co.
Tancasnequi Petroleum Co.
Standard Drilling Co.
Old Mexico Oil Corporation.
Consolidated Oil Co. of Mexico.
La Potosina Petroleum Co.
La Giralda Petroleum Co.
Conduenazgo of La Aguada.
Spanish-American Union Petroleum Co.
Mexico-Spanish Petroleum Co.
San Vicente National Petroleum Co.
San Francisco Petroleum Co.
Globe Petroleum Co.
Shower of Gold Petroleum Co.
Cosmos Petroleum Co.
El Centenairio Oil Co.
Diversified Land Co.
Filisola Agricultural Co.
Agricultural & Colonization Co. of Tabasco.
Agricultural & Cattle Co. of San Diego.

NAMES OF PERSONS AND PARTNERSHIPS THAT HAVE APPLIED FOR CONFIRMATORY CONCESSIONS UNDER THE NEW PETROLEUM LAWS OF MEXICO

James F. Hill.
P. M. Williams.
Brings & Luft.
R. B. Cochran.
B. C. Mar.
F. W. Wiegard.
A. M. Miller.
Paulina Williams
Nolan S. Von Phul.
Lesher & Martinez.
J. L. Gillian & Co.
John R. Norris.
R. M. Bragdon & Co.
Carpenter & Caley.
J. McLearnon.
Craig, Barbour & Morrison.
D. A. Williamson.
J. E. Wiechers.
H. de Von Thaden.
Charles A. Fohrman.
E. Kirby Smith.
Edmundo Baruch Sucs.
R. H. Ludlow & R. de la Cerna.
L. V. Milmo & Associates.
Guadalupe Lajaus.
L. G. Trevino.
J. M. Del Rio.
Rafael de la Pena.
Elisa Zuniga.
Lic. M. G. Gonzales.
Flora S. de Juarez.
Wm. Purcell & Co. Sucs.
Antonio G. Cizneros.
Soledad Gonzales.
Josefa Cosio.
Miguel Cardenas.
Luisa R. Rubio & Associates.
F. G. Trevino.
J. L. de Larrea.
Raquel Bandala & Sons.
F. C. Marquina.
Raoul Mille.
Juan Zubaran.
Manuel M. Arce Sucs.
N. P. Fernandez & Canela (Test).
Jose M. de la Garza.
I. N. Boicourt.
Amor B. Whitehead.
Astis, Acha & Co.
Jones & Co.
R. G. Piper.
G. A. Wiegand & H. A. Foster.
G. M. Smith & Co.
Carl V. Schlaet.
Mulchaey & Co.
Alberto F. Lesher.
J. D. Woolet.
Wm. V. Backus.
Thos. N. Wold & Chas. Greglow.
F. C. Swanson.
Wm. C. Martin.
Craig, Morrison & Barbour.
Otto G. Braune.
Martin F. Head.
Clay T. Yerbey.
John A. Murphy, E. Kirby Smith.
H. H. Hallett.
Wm. M. Abbey.
Rodolfo Garcia.
Fernando Karbe.
J. L. Blanco.
Ramon Cardenas.
Vincente Ferrera.
Daniel D. Alvarado.
D. N. Morris & Associates.
A. R. Juarez (Test).
M. A. Barragan Sucs.
Jesus R. Gutierrez.
Berberto Alcazar.
Rita Ordozgoit.
E. R. Ronda.
Rodolfo Flores.
A. C. Payne.
Alfonso Herrera.
Geronimo Trevino (Test).
Alvra & Rutila, Sucs.
E. P. Escobar & Associates.
Jose Morena.
Concepcion Gonzales.
S. & B. Madero.
Frank Lilliendahl.
Antonio T. Espindola.
C. V. de Gallegos.
Federico Deschamps.
R. A. Frias & Ignacio (Amor.).
Josefa Flores de Vivanci (Sucs.).
Ismael Billar Esperanza S. de Trevino.
Leopoldo Llorente.
Clementina Llorente.
Leonardo Revilla & S.
S. de Adrian Sandoval.
Lic. Demetrio Salazar.
Eliceno Gomez.
Pablo Bressan.
Rodrigo Loyo.
Teodoro M. Moreno.
Josefa Nunez
Alfonzo Passi & Associates.
Aniceto Torres Sucs.
Arturo V. Nunez.
Pilar Nunez.
Maria B. Andrade.
Serafina Sanchez de Rocha.
R. B. Barranechea.
Wenceslao Gomes & Son.
C. B. Peralta.
Rodolgo Sanchez.
Serafina Sanchez & Jacinto Rocha.
Pedro Basanez.
Isabel R. Guzman.
Tomasa Salas.
Muguel E. Isa.
Josefa Nunez.
Narciso Armando & Celina Herrera.
E. M. San Pedro.
Cleofas L. Guzman.
Rodolgo Sanchez.

Juan Felipe—Conduenazgo de.
Guillermo L. Rivera.
Jacinto Rocha.
Jose Luis Herrera.
Eugenio Mondez.
Andres H. Herrera.
M. M. Arriaga.
Baltazar Marquez.
Jose Gomez & Gomez.
Julian Guitron.
Manuel Amaya.
Solomon Assado.
Jesus P. Osorio.
Dolores Gonzales (Intest.).
Anatolio Llanos.
H. Millan, jr.
Francisco Cayon & Cos.
Andres Garza Galan.
Rafael Lopez & Co.
Manuel Mayne.
M. G. Gonzales.
Jorge A. Martinez.
Abel R. Perez.
Avelino Rodriguez.
Ernesto Gresser.
G. Andrade & Nunez.
Bertha Andrade Nunez.
Pedro H. Gomez.
Erenoldo Basanez.
Manuel Nunez.
Teodosio Gonzales.
Gabriel Flores.
Rafael Cabrera.
Domono Moreno & Felipa Moreno.
G. T. di Fiorentini & others.
Rodrigo Loyo, jr.
Manuel Nunez.
Jacinto Rocha.
Aurea H. Guzman.
Juana Dominguez.
Jose Domingo Lavin.
Pilar Nunez.
Manuel Nunez.
Teodoro A. Dehesa.
Angel Gutierrez.
Juan Ygnacio de Alva.
Joaquin F. Cicero.
Ramon R. Brranachea.
Raymundo G. Mora.
Sofia Lopez.
Jorge M. Hernandez.
Erasmo Dominguez.
Ignacio Juarez.
Rodolfo Sanchez.
Teodosio Gonzales.
Lesher & Martinez.
A. F. Lesher S. & C.
Laura Betancourt.
Fermina del Valle.
Carmen de Ipina.
Ricardo Arguelles.
Juan Quintanal.
Rodolfo R. Vasquez.
Tereso C. de Montemayor.
Alberto M. Cabezut.
Manuel E. Guzman.
Ernestina L. Ponce.
R. L. Bullman.
Ignacio S. Guerrero.
Rodolfo Marcolini.
Emilio S. Servi.
F. Gavito & Bustillo.
Conduenazgo de La Aguada.
Jose Lopez de Rivera and others.
Reyes Martinez & J. M. Uribe.
Jacinta B. Verges.
Antonio Bolado.
Rafael Ortega.
Daniel B. Delgado.
Maria Luis Lavin.
R. G. Veramendi.
Lepnardo Castellanos and associate.
Rafael Garmendia.
Ruperto Salet.
Ignacio Guijosa.
Ramon Doubille.
Leopoldo M. Nunez.
Fernando A. Ramirez.
Samuel Melo and others.
Ciro Beota.
Pablo Gonzales Garza.
Isabel de Leon and associate.
R. Thomas & Co.
Demetric Salazar.
Luis & Valentin Aleman.
Zozaya Helguera & Co.
Ramon F. Munoz.
Felipe Beltran.
Emilio Monsonyi.
Juan Portilla.

And a large number of others, mostly small landholders.

NAMES OF COMPANIES THAT HAVE APPLIED FOR PREFERENTIAL CONCESSIONS UNDER THE NEW PETROLEUM REGULATIONS

Llafail Development Syndicate.
Vera Cruz-Mexico Petroleum Co.
Texas Co. of Mexico.
Imperial Petroleum Lands Co.
El Aguila Mexican Petroleum Co.
Temexco Petroleum Co.
United Petroleum Co.
Mexican Atlas Petroleum Co.
Itamex Petroleum Co.
India Oil Co.
Huasteca Oil Fields Corporation.
Investment & Industrial Co.
Kern-Mexican Oil Fields Corporation.
Central Petroleum Co.
Petroleum Investment Co.
East Coast Oil Co.
Consolidated Oil Co. of Mexico.
Espuela Oil Co.
Financial Petroleum Co.
Chilian-Mexican Petroleum Co.
Black Gold Petroleum Co.
Aldama & Bravo Oil Co.
Placers Mexico Petroleum Co.
Capuchines Petroleum Co.
Metlaltoyuca Coffee Growers' Co.
National Oil Co.
Consolidated Oil Cos. of Mexico.
Petroleum & Mining Lands Co.
Cocuite Petroleum Co.
San Francisco Petroleum Co.
Champoton - Campeche Petroleum Co.
Coahuila Petroleum Exploration Co.
Anglo-Mexican Petroleum Co.
Emmex Petroleum & Gas Co.
Los Aldemas Petroleum Co.
Transcontinental Petroleum Co.
La Concordia Petroleum Co.
La Corona Mexican-Holland Petroleum Co.
Agwi Petroleum Co.
Tamaulipas Petroleum Co.
French Bank of Mexico.
Drillers' Percentage Association.
Richmex Petroleum Co.
Fronteriza Petroleum Co.
Guaranty Oil & Mineral Association.
Combustible Co. of Mexico.
C. Mier Coal Co.
French-Mexican Petroleum Co.
La Chancaca Petroleum Co.
San Jose Petroleum Co.
Tamasopo Oil Co.
Mexican Gulf Oil Corporation.
North Royalty Co.
French-Mexican Petroleum Co.
Papantla Oil Co.
Ohontla Petroleum Co.
Atlantica Producers and Refiners Association.
San Vicente National Petroleum Co.
Bravo Drilling Co.
Tabasco-Chiapas National Petroleum Co.
Richmond Petroleum Co.

NAMES OF PERSONS AND PARTNERSHIPS WHO HAVE APPLIED FOR PREFERENTIAL CONCESSIONS UNDER THE NEW LAWS

Stanford & Co.
Kelly, Picaso & Co.
Lee Rutland and Robert Burnes.
Brings & Luft.
R. B. Cochran & Co.
Robert Harris and associates.
H. G. Venable.
J. D. Raines.
Carl V. Schlaet.
J. A. Braun.
George G. Hunt.
Paul & Rosa Schulze.
Hamilton & Devine.
Martin F. Head.
Ransford L. Garnett.
A. W. Buckley and associates.
J. L. Gilliam & Co.
Roland M. Wood.
Enrique Founken.
Doheny, Bridge & Co.[1]
R. A. Basso & Co.
M. Anderson.
W. E. Boner.
S. W. Schneider.
F. M. Cardenas & Bros.
Juana O'Sullivan de Scrope.
Carlos Perez Fernandez.
Raoul Mille.
Jesus E. Valdes.
Noreña & Co.
Jose Gonzales Treviño (intest.).
Felix Avalos Silva.
E. F. Floether.
Fidel C. Martinez.
Rafael Ortega.
Orvañanos & Co.
Benito Guerra.
Gonzales & Diaz.
Juan B. Fissore.
Eduardo de la Garza.
Stanford & Co.
Moran & Co.
Isabel Perez.
Saturnino Clemente.
G. C. Wood.
William Purcell & Co.
Duncan B. McMillan.
Alex Smith & Co.
Mordelo L. Vincent.
J. A. Mobley.
P. J. Jonker.
N. S. Von Phul.
Jose Salim Sucs.
Antonio F. Ponce.
Benito Zorrilla.
Delfina de Zuazua.
Raymundo de la Fuente.
Alfonso Maldonado.
Manuel Sanchez Rebollado.
Manuel A. Casados.
Nicasio Gonzales.
Rafael San Miguel & Son.
Luis G. Acuñna.
Jacinto B. Verges.
Manuel V. Miravete and others.
Ferrel, Urbina & Co.
Francisca Soledad Prieto.
Genera L. Fernandez.
Florencia F. Rosales.
Eduardo Baz.
Ismael and Maria Pavon.
Reyes Goncales Sucs.
Rafael Zenita and others.
Vigil & Luna.
Craig, Morrison & Barbour.
B. K. Bateman.
Herbert Himes and H. A. Spedd.
Clarence A. Miller.
Wilcox, Rone & Co.
Mulcahy & Co.
Snyder & Swanson.
A. F. Millan.
A. W. Wood.
Green & Co.[1]
Carpenter & Caley.
R. A. Stout.
Jones & Co.
Turner & Co.
Harriet M. Towner.
Marcelino Garza & Sons.
Guadalupe Garza de Vasquez.
The Wiechers family.
Fabian Casauban.
Jose Noreña.
Julio F. Colina.
Pedro Cortina.
Manuel Rojas Morano.
Vicente Laddaga.
E. A. Armour.
Jesus Flores Magon.
Antonio Z. Mena.
Teodosio Gonzales.
Teodoro Mesa Moreno.
M. M. Hernandez.
M. R. Samperio.
Joaquin F. Cicero.
Rodrigo Loyo.
Francisco Hernandez.
Luis A. Cussac.
Domingo, Moreno & Co.
Rosa Castillo.
Luis Gutierrez and associates.
Nicolas E. Caballero Sucs.
Teodosio Gonzales.
Juana Flores.
Serafin Saenz.
Cruz & Amorevieta Sucs.
G L. Gonzales.
Antonio Castro Sandoval.
Pedro S. Etienne.
Lachica & Flores Sucs.
Canuyo Gomez.
Almazan, Ferral & Co.
Amalia M. Prieto.
Tiburcio Peña and associates.
Niceforo Avelino.
Felipe Palenque Sucs.
Joel Cubillos de Diaz and others.
Salomon D. Avelino and others.

Oil companies which are withholding applications for confirmatory concessions required by the new laws

	Acreage
Huasteca Petroleum Co	809, 649
Mexican Petroleum Co. of California	432, 030
Mexican Sinclair Petroleum Corporation	95, 425
Cortez Aguada Petroleum Corporation	86, 515
Mexican Gulf Oil Co	59, 623
American International Fuel & Petroleum Co	58, 639
Doheny, Bridge & Co	30, 766

[1] The names so marked are of the men who are the chief promoters of the Huasteca Petroleum Co. and its associates and who are responsible for the present campaign of misrepresentation.

	Acreage
Tuxpan Petroleum Co	24,520
Otontepee Petroleum Co	21,671
Mexican Oil Co	10,386
Tamiahua Petroleum Co	8,851
La Atlantica, Cia. Mex. Productora & Ref. de Pet. S. A	6,761
Utah Tropical Fruit Co	6,118
Capuchinas Oil Co., S. A	4,626
Compania Petrolera del Agwi, S. A	2,224
Hispano Cubana de Petroleo, S. A	870
Compania Petrolera Los Chijoles, S. A	1,070
Panuco Boston Oil Co., S. A	561
Mexican Crude Oil Co	141
Pedro S., Sucession de	133
Total acreage not applied for	1,660,579
Total acreage for which concessions have been asked	26,833,335
Total acreage under development	28,493,914

The following four companies own 1,367,870 acres, or more than 82 per cent of the total area of productive oil lands which have not applied for confirmatory concessions under the new Mexican petroleum regulations.

These four companies, which control 82 per cent of the oil land about which the present dispute with Mexico revolves, are owned or controlled by Edward Doheny, Harry F. Sinclair, and Andrew Mellon.

The Huasteca Petroleum Co. and the Doheny Bridge y Compania are Doheny companies; Harry F. Sinclair holds the controling stock in the Mexican Sinclair Petroleum Corporation, and Andrew Mellon is interested in the Mexican Petroleum Co. of California.

	Hectares	Acres
Huasteca Petroleum Co	327,661	809,649
Mexican Petroleum Co. of California	174,840	432,030
Mexican Sinclair Petroleum Corporation	38,618	95,425
Doheny, Bridge & Co.: S. en C	12,451	30,766
Total	553,570	1,367,870
Other companies	118,457	292,709
Total general	672,027	1,660,579
Per cent		82.37

With reference to the amount of oil produced by the companies which have not applied for confirmatory concessions, examination of the statistics of production shows that 41 per cent of the total is so produced. But further examination also discloses the fact that a considerable quantity of the oil produced by nonconcession companies is derived from wells on lands for which preferential concessions are held, as also from lands held in leasehold and for which the actual owners have applied for confirmatory concessions. When these facts are taken into consideration, it is found that the amount of oil produced from nonconcession lands by nonconcession companies is little, if any, in excess of 25 per cent of the total production, and may be even less when exact data are obtained.

Production during the year 1926 of the oil companies who failed to comply with the Mexican oil law

	Cubic meters	Per cent of total
Huasteca Petroleum Co	3,369,999	18.3
Mexican Petroleum Co	2,461,742	13.4
Mexican Gulf Oil Co	964,490	5.2
Mexican Sinclair Petroleum Corporation	531,469	2.9
Panuco Boston Oil Co	117,362	.6
Awgi Petroleum Co	102,824	.5
Capuchinas Oil Co	74,948	.4
Atlantic Oil Co	60,040	.3
Cortez Oil Corporation	7,627	.0
Otontepec Petroleum Corporation	8,938	0
Mexican Oil Co	8,918	0
Spanish-Cuban Petroleum Co	5,534	0
Doheny, Bridge & Co., American International Fuel & Petroleum Co., Utah Tropical Fruit Co., Los Chijoles Petroleum Co., Mexican Crude Oil Co. and Sucesión de S. Pedro	0	0
Total	7,713,891	41.6
TOTAL PRODUCTION IN 1925, CLASSIFIED		
Companies which failed to comply with the petroleum law	7,713,891	41.6
Companies which complied with the law	10,662,651	58.4
Total production in 1925	18,376,542	100.0

Production in barrels (1 cubic meter=6.28 barrels)

	Barrels	Per cent
Companies which did not comply with the law	48,520,374	41.6
Companies which complied with the law	67,068,075	58.4
Total	115,588,449	100.0

Mr. SUMMERS of Washington. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CROWTHER].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. CROWTHER. Mr. Chairman and gentlemen of the committee, in view of the tremendous amount of gratuitous advice that has been given to the President and the Secretary of State in the last week or two on the floor of the House, I think it very opportune that an article from a New York magazine entitled "Back-seat driving on the international highway" be made a part of the RECORD.

Mr. CROWTHER. Mr. Speaker, under leave to extend my remarks I insert the following magazine article:

Our men whom we have chosen to drive our car of State must envy the gentleman of San Francisco who the other day was granted a divorce because his wife was a chronic "back-seat driver." The granting of a divorce for such a reason furnishes food for reflection. The back-seat driver is under the law a person, an individual, a legal entity with the constitutional rights of the rest of us. Such a person is beyond the power of Congress to regulate, because the first amendment of our Constitution forbids Congress to make any law abridging the freedom of speech. If, riding in the back seat of an automobile, he—there is a possibility that it may be a woman—goes on to say, "Not so fast"; "Look out"; "Is your emergency brake on?" "Don't turn so abruptly; "How is the oil?" "There is a cop"; Don't you know the traffic rules?" or the like, Congress might investigate such a case; it could not "abridge" such talk. And yet California has a driver who got a divorce because of it. Here, surely, is something for President Coolidge and Mr. Kellogg to take notice of and, perhaps, to comfort themselves with; for these gentlemen, it must be confessed, have had their share of "back-seat drivers."

It matters not how crowded the international traffic may be, there is always the back-seat driver who knows very well that whatever way the chauffeur turns, shifts the gears, uses the brake, manipulates the horn, or adjusts the lights, he is wrong. The back-seat driver must everlastingly talk, advise, find fault, and admonish. Most of his outbursts are spontaneous reactions of his reflexes only. The less he knows about a car, the worse he is. He functions only with his spinal cord. He may be a nice person with a through ticket to heaven, but to the responsible driver he is a nuisance, usually doing more damage than good.

Thus we are confronted with the question of how in a democracy people should behave when their Government is confronted with a delicate international situation.

On theoretical grounds every man jack of us, every jack out of doors has the right in America to shout his head off when the executive branch of our Government is trying to compose an international dispute, however ticklish it may be. During the delicate controversy between our Government and Nicaragua nearly every man jack of us has done exactly that thing. This office has been choked with letters, petitions, newspaper clippings, arguments in various forms, urging this old society to "stop our going to war with Nicaragua or Mexico."

On practical grounds these persons may become and often are nuisances. They don't help; they harm. When representatives of the French Government had come to an agreement with representatives of our Government on the terms of the French debt; when the terms were known to be acceptable to our own Congress, and it was only a matter of winning the votes of the French Chamber; and when all other negotiations between this country and France depended upon a settlement—when, in short, our political car of State was going along pretty well, it was a fine time for the rest of us in the back seat to keep quiet. It remains to be seen whether or not some of the back-seat drivers have ditched our program of accord with France.

Mr. Coolidge and Mr. Kellogg have never had the remotest idea of leading the United States into a war with any other nation, much less Mexico or Nicaragua. It is true that they are confronted with a most delicate situation in each of those countries. The more delicate it becomes, the more careful the rest of us should be. It is proper to advise the President or the Secretary of State, particularly if it be privately done; but when the crisis is on it is usually poor sense to hold mass meetings, write articles in the paper, and behave otherwise as if we wish to serve notice to foreign peoples with whom we are in controversy that we of this country are not behind our Government. The old days of trying to promote international peace by throwing stones at our Government, especially when our Government is trying as best it can to handle a delicate international situation, should remain among our memories of the past. If we are to achieve international peace, it must at the last be done with advice and consent of our Government. Much more than charity, peace begins at home.

If the day is fair, the road clear, and everybody good-natured, the back-seat driver can say almost anything he wishes; but if a storm is on, darkness descending, the traffic crowded, it is a good plan to leave the driver alone. He may get us into trouble; but, speaking generally, he is less liable to do so in a time of crisis if, after we have put him at the wheel, we let him do the driving.

Of course, we know that metaphors walk best on one leg, that drivers have to be regulated, that a mad driver may have to be throttled. This is no plea that we should make our chauffeurs judges, juries, and sole high executioners along every highway and in their own right. They have got to be trained and watched, if need be, on occasion fired or shut up. But at the moment when our very lives are in their hands, cars are traveling fast in every direction, the pavements slippery, and guns going off, then usually is a very good time for all in the back seat to speak very, very softly, if at all.

There is another thing about this trying to drive a car through fire and flood by a general debate. If we are ever going to establish peace between nations, it will have to be provided for with the cooperation of all in time of peace. The problem of the peace workers is to set up, when men can think calmly and justly, adequate means of adjustment, and to develop the intelligence and the desire to make use of them, so that blow-outs and head-on collisions here and there will be less frequent. Constructive peace work is prophylactic. This is how any rational democratic control of foreign policies gets in its work.

If, for example, in our controversies with Mexico or Nicaragua there were a body of clearly defined rules, duly established and agreed to in time of peace, by which we could measure our differences, and if in case of controversy over the meaning of one or more of the rules there were an authority to tell us what the rules really are, then there would be nothing for us peace workers to do except to stand by the rules. Since our chauffeur would be familiar with the rules, about all we would have to do in congested traffic would be to keep fairly quiet.

We are not trying here to pass upon the equity in our disputes with Mexico and Nicaragua. We confess we do not know enough to do that. We believe in the high-minded intentions of both Mr. Coolidge and Mr. Kellogg. We believe, further, that they are possessed of the facts. In times of peace we shall try to lead them and others to bend every effort to organize a law-governed world, so that our future disputes with the Mexicos and the Nicaraguas of some later day may find wide-open ways for adjustment without any foolish talk of war.

We are for special schools to teach back-seat drivers how and where to make use of their rights under our free institutions.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield one-half minute to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a plan for agricultural relief presented by the Commissioner of Agriculture of Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ANDREW. Mr. Speaker, the old adage that "an ounce of prevention is worth a pound of cure" applies to the malady which afflicts American agriculture as much as it does to every other situation that requires remedy. Prophylaxis is always preferable to medicine. It is simpler, less expensive, more enduring, and vastly more far-reaching in its effects.

The commissioner of agriculture in Massachusetts, Dr. Arthur W. Gilbert, an authority upon agricultural problems of high repute, has presented what might be described as a preventive formula for the treatment of the farm problems which we have under discussion. It is doubtless not a panacea for all of the ills that farms are heir to, but it is at least worth considering. It attempts to eliminate the causes rather than to remedy the effects, and it ought not to be overlooked merely because it would not cost hundreds of millions to taxpayers and consumers.

I ask consent to insert in the RECORD a summary of this plan for agricultural relief proposed by the Massachusetts commissioner of agriculture. Doctor Gilbert's plan, reduced to its simplest terms, would create a board, representative of every phase of agriculture, whose function it would be to take the mass of statistical information now gathered by State and Federal bureaus and translate it into practical, understandable advice for the farmers as to what and how much to plant.

The account of this proposal which I submit to the House was printed in the Christian Science Monitor for February 2, 1927:

DOCTOR GILBERT'S PLAN

The plan is designed to utilize existing agencies both for the source of its information and the means of disseminating it, rounding out the present governmental services for agriculture and coordinating a host of potential crop-control agencies.

Its central figure—and the only new governmental unit—is a proposed national farm board, whose function it would be to study national and international farm-produce markets, forecast the world's demand for principal commodities, and from that give reliable counsel as to what crops will be most profitable to plant and how to measure production to the actual market requirements.

DATA ON PRACTICAL BASIS

Although the Department of Agriculture now collects most, if not all, of the needed data in its crop and market reports, the department can not well undertake in its position as an integral part of the administration to formulate farm advice along these lines. At the same time the present statistical reports mean little to the average farmer or even the trained agriculturist.

The Massachusetts commissioner believes that this data, already available, if reliably and practically interpreted, would furnish the farmer the means of adjusting production to the actual world demand, and so enable him to solve for himself, in so far as he might be willing to cooperate, the problem of farm relief.

The farm board's advice, according to Doctor Gilbert's plan, would be disseminated through the channels of the Department of Agriculture, the present system of county agricultural agents, cooperative marketing organizations, and the State commissioners of agriculture. These agencies at present can work only on their own judgment and limited information. The county agents, Doctor Gilbert explained, now advise the farmer how to raise the biggest quantity of what he plants, but they have no centralized information from which to advise him what or how much to plant.

WOULD COORDINATE ENERGIES

The situation might be compared to that in a community through which an electric company has built a high-voltage power line and in which many of the houses are wired for local or individual lighting systems, but the high-tension line and the home are yet unconnected. A transformer is needed to link the supply to the distributing system and turn the current into a form consumers can use.

In terms of the simile, statistical bureaus now are a power house whose output is at least partly going to waste, and local agricultural agencies are a distribution system not yet fully coordinated and utilized. An intermediary board to transform the data of statistical bureaus into a type of advice capable of distribution by county agents and cooperatives would get much greater usefulness out of both sides of the system, Doctor Gilbert thinks.

He believes this arrangement would require but little new economic machinery, and would not put the Government into business, particularly a business of such hazards as buying corn, cotton, and wheat. In his opinion, it has advantages over the McNary-Haugen plan in that it utilizes agencies which already are in existence. It would relieve the conditions of surplus production in individual commodities, and would eventually accomplish the purposes of the McNary-Haugen bill, now before Congress.

PERSONNEL OF BOARD

As to the personnel and set-up of the farm board, Doctor Gilbert proposes that it should have 25 members, though the number could be changed. He would have the board large enough to be representative of all phases of agriculture and all parts of the country. The members would be appointed by the President without nominations, and the positions would be, so far as possible, nonpolitical and nonsectional. The members would be, with few exceptions, actual farmers or farm leaders. The only salaries would be paid to a chairman, at perhaps $12,000 a year, a secretary, $10,000 a year, and a small staff. Members would be paid for each meeting day attended and for traveling expenses.

COST OF PLAN

In this way the cost of the Gilbert plan would be extremely small in comparison with the outlay which it is proposed to invest and expend on the McNary-Haugen marketing corporation plan. Expenses of the farm board would not be more than $75,000 a year, Doctor Gilbert says, whereas the McNary-Haugen bill calls for a $250,000,000 appropriation.

Doctor Gilbert believes the proposal of a fixed price or assured profit for any commodity through a governmental agency would inevitably result in abuses. He says that agricultural production in the United States can be expanded almost indefinitely, and that the experience with fixed prices for wheat during the war illustrated this. It also illustrated, he says, that high-crop prices will be followed by inflation of land values which call for still higher prices, and so on with the circle.

WHAT MANUFACTURERS DO

In contrast, he pointed to the methods by which the manufacturers study the market and measure their production carefully to make the supply fit the demand. It is only as this is done that the fairest and steadiest profits can be made. Industries at present, he points out, are better able to follow a survey of the buying field because of their comparatively centralized control, while agricultural production is carried on by hundreds of thousands of farm "factories" which yet are uncorrelated. Doctor Gilbert believes that the best solution of the farm relief question will be to enable these many thousands of producers to coordinate their production to fit the actual demand.

In outlining his plan Doctor Gilbert stated that he feels it is incumbent upon one who criticizes the McNary-Haugen plan to submit something workable in its place, since farm relief undeniably is a

problem which ought to be solved and which deserves the attention of the eastern industrialist as well as the western agriculturist until it is solved.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. WHITE].

Mr. WHITE of Kansas. Mr. Chairman, gentlemen, and ladies of the committee, within the last 20 minutes the Member elect from a California district, Mr. Joe Crail, who was born and raised in the same town with myself, Fairfield, Iowa—which fact I ascertained only a day ago—handed me a resolution pending in the Assembly of the State of California favoring strongly the measure which I shall discuss this afternoon very briefly. I also had through the mail the same resolution which, under leave to extend my remarks, I shall have printed in the Record at the conclusion of my remarks.

Gentlemen, I have no doubt but that the numerous and, I might say, tremendous attendance this afternoon has been drawn to this spot to listen to the eloquence on the subject of immigration and naturalization and to the discussion of that ubiquitous measure, the McNary-Haugen bill.

Lest the time allotted me shall not suffice to discuss this subject as I should like to discuss it, and having prepared an analytical statement of the measure, I will say that I am here to-day introducing an old and particular acquaintance, if not a friend in every instance, House Joint Resolution 164, and the Senate joint resolution, an exact duplicate of it, which has stood upon the calendar of this House for three consecutive Congresses, which has passed the Senate of the United States three times and with only two votes recorded against it in the present Congress, a subject upon which I have not spoken in this House very often, not more than once a year or twice in a Congress, and fearing that I shall not be able to present to you the analysis of the resolution which I have previously presented at length, I shall transpose my statement and leave the front end of this address to the last of it.

I want to make one or two statements here which I fear I should not have time to give you if I allowed time to go on. I want to call this committee's attention to a statement by the gentleman from Massachusetts [Mr. LUCE], who is one of our very cheerful, pleasant, and able associates in this Congress. Mr. LUCE, of Massachusetts, said in the House on December 15, 1925:

> The calendar shows 61 committees that might have been reached; in the course of the two years 23 committees were reached; there were 35 days upon which committees might have had an opportunity to be heard; of these only 21 were used and they were used by only 15 committees of the House.

Without any suggestion on my part that the time might not have been used judiciously by the leadership of the House, it can not be denied that a great deal of general legislation fails to reach consideration, especially in the short session, on account of the pressure of appropriation bills which must be considered and passed upon in the brief three months of the session, and which, if not entirely consummated, would doubtless make necessary a special session at the beginning of the on-coming term.

The Republican leader, the gentleman from Connecticut [Mr. TILSON], made this very clear in a short statement which may be found on page 1023 of the RECORD of January 3 of this session, in answer to a question which I asked him in relation to this very subject of Calendar Wednesday. My question and Mr. TILSON's answers being as follows:

> Mr. WHITE of Kansas. Does the gentleman from Connecticut think there is any probability of reaching certain committees on Calendar Wednesday, committees that have not been reached for many years past?
>
> Mr. TILSON. I do not consider that a hard question at all. I believe that the business already accumulated on the calendar will take so much time that a number of committees can not possibly be reached at this session. I might as well be frank with the gentleman from Kansas, and I believe that to be the fact.
>
> Mr. WHITE of Kansas. I had almost anticipated the gentleman's answer, but it seems that Calendar Wednesday having been displaced, a good many of the chairmen of those smaller committees might reasonably be justified in indulging the hope that some legislation which has been carefully and seriously considered may be accorded enough prestige at least once in a while to get a day or an hour in court.
>
> Mr. TILSON. I am assured that any of these committees having legislation of sufficient importance to find sympathetic hearing before the Committee on Rules will be able to secure a special rule under which their bills may be considered.

Mr. Chairman, every soul knoweth its own bitterness. I do not carry my heart upon my sleeve. I hesitate to differ from our great leader at any time upon any question, but, Mr. Chairman and gentlemen, after four years' service as chairman of the Committee on the Election of President, Vice President, and Representatives in Congress, after repeatedly appearing before the Committee on Rules, and after trying your patience time and again in a discussion of this question, which seems to me of superlative significance and of great importance, I was reminded here on Saturday, when the gentleman from Idaho, Mr. ADDISON SMITH, was pleading with this House and with his colleagues upon the committee in what seemed to me serious and pathetic terms and with tears in his voice he implored the recalcitrant members of his committee to accede to the recommendations of that committee on the Boulder Dam proposition—I was reminded of my own experience. I, too, gentlemen of this House, have had my experience. This resolution has prestige in this House and it is entitled to it.

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

Mr. WHITE of Kansas. I ask the gentleman from Colorado to yield me 10 or 15 minutes.

Mr. TAYLOR of Colorado. I can not yield the gentleman that much time, but for the sake of old times I will yield the gentleman 10 minutes. In this connection I want to say I heartily agree with what the gentleman from Kansas is saying; and if there was ever a time when we ought to have this constitutional amendment enacted and have lame-duck sessions of Congress done away with it is now. The gentleman has rendered a public service to this country in endeavoring to do that.

Mr. WHITE of Kansas. I thank the gentleman from Colorado, my colleague and old boyhood friend. He was herding cattle in my district when I, with a span of old ring-tailed mules, was breaking prairie sod. [Laughter.]

Gentlemen, I have said, and I say again, this bill has three times passed the Senate of the United States; it has for four years been upon the House Calendar, second from the top of the list, but there is no hope that it shall be considered at this session; and when the gentleman from Idaho was declaiming about his experiences I could not help but feel, although this may be a crude way to express it, that I, too, have felt the June bugs of despondency buzzing in my ears and the cold lizards of despair crawling down my back. [Laughter.]

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

Mr. WHITE of Kansas. A very brief one.

Mr. COLE. Does the gentleman think any necessary business will remain unnegotiated when we adjourn on the 4th of March, and is there any reason why this Congress should continue in session longer than the 4th of March?

Mr. WHITE of Kansas. Practically all the business on the House Calendar will not be touched and great national issues and questions of general interest can not be considered; and the gentleman well knows that this Congress dissolves automatically on that day.

Mr. COLE. Will any interest in the country suffer by reason of such matters not being considered?

Mr. WHITE of Kansas. In answer to that question I will simply ask, Is the gentlemen so devoted to the Constitution of the United States, on account of the excellencies of that great document, that he would wish to preserve an admitted defect? [Applause.]

Does anyone seriously suggest that if we were to-day fixing a date for the beginning of the term of the Congress or the Executive we would fix those dates as at present? I have never in my life heard even the suggestion; it is well known that the date fixed for the beginning of the term was the result of accident rather than otherwise, and is not at all under constitutional direction. Certainly the present rule of representative succession does not furnish a prompt response in its working to our theory of popular government. The answer to a thousand individual inquiries as to when the people have a right to expect a response to their recorded declaration or statement of view on any public question would be at once or as quickly as practicable. That a government should carry on for six months after the policies it represents have been repudiated at the general elections, and that the country should be subjected to the effect of policies operating for a year and a month, and all the effects of those policies find no justification in reason or sane politics and contradict the whole theory of popular government. There is no justification whatever for the present practice unless it may be the deluded theory, spoken only in a low whisper, that the Representatives elect shall have time not to ascertain what the people really wanted, but rather to cast about them and ascertain whether the people meant what they said or whether they knew what was good for them, which is neither more nor less, in plain terms, than a direct insult to their intelligence and a denial of their competence for free government—a most unworthy argument indeed.

As for myself, I have faith, unqualified faith, in the wisdom and patriotism of the American people to discharge the duties and responsibilities with which they are invested under the Constitution. And whatever representative under the guise of superior wisdom or for political expedience seeks to avoid or escape the responsibilities with which he has been solemnly charged is unworthy of public confidence.

The purpose of this resolution is to insure a prompt response in Government and law to the peoples' declared command.

It should not be necessary to ask "why do we hold our elections biennially" if not to decide what shall be the public policy, whether economic, financial, or industrial for two ensuing years. What did I say—two years? Well do I speak advisedly when I say two years. I hear someone say "it would so seem" because we seriously discuss at length in every recurring campaign the great questions which exercise the public thought and upon the solution of which will vitally depend the public interest.

I ask, gentlemen, for what purpose do we have all this prolonged and laborious discussion relating to the policy of government; why do we do this if not to crystallize the public thought on those great questions. This is the very theory, spirit, and definition of popular government, and I say here should be its practice. [Applause.]

It is clear to every mind, nor is it denied by anyone that the public have a perfect right to expect a prompt response from their representatives. To deny this response is little different from saying to the people "We have your orders; we know exactly what you want; you have spoken in clear and unmistakable terms, but so far as any realization of your hopes are concerned those hopes are but an idle dream and your expectations are dust and ashes. This solemn election you have held is a mere burlesque. Would I carry out your orders I can not do so. We have a rule which effectually prevents it. It is 13 months before your representatives can begin to function in the carrying out of your orders."

I am told at once that the Chief Executive may convene the Congress in special session in order to realize, through legislation, the desires expressed by the electors; but I answer promptly that this is a city of refuge to which the voters may fly for protection, only upon condition that the Chief Executive will unbar the gate and admit them. The statement that we may do so, that the time fixed by the Constitution for the meeting of Congress is too long a time for the people to wait, and the fact of its being urged is no more than the excuse for a bad rule. If we admit its propriety we can say with equal justification that if the President may on his own motion shorten the period between the election and the meeting of the Congress, why should not the Constitution, which is the organic law of the Nation, the peoples' law, if you please, by the prompt change asked for in this resolution, shorten it for another four or five months and bring it down to a period within a month or two of the election.

In view of the practice prevailing in parliamentary bodies, at least so far as my own knowledge extends, I do not know a single instance where the membership of such bodies have the power to function officially for a single day after their successors have been elected. Certainly there is no justification, nor is there even a plausible excuse for the official existence of our House of Representatives after their successors have been elected and the policies upon which the sitting House were chosen may have been entirely repudiated in the election of their successors. As I have already said, the proposition is so unreasonable, so utterly illogical, that if we were adopting a rule of practice to-day the suggestion that we should adopt the present practice would not seriously be proposed by anyone. In the course of these remarks I have stated that the adoption of this rule is the result of accident, rather than otherwise. This is so generally known that it scarcely required confirmation of history. However, for the satisfaction of anyone who may at any time examine this statement, I will say that a resolution of the Continental Congress of September 13, 1788, fixed the date of the meeting of the first Congress under the Constitution for March 4, 1789. I here insert as a part of my remarks the text of the resolution:

Resolved, That the first Wednesday in January next be the day for appointing electors in the several States, which, before the said day, shall have ratified the said Constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States and vote for a President; and that the first Wednesday in March next be the time, and the present seat of Congress the place, for commencing proceedings under the said Constitution.

I do not pretend to state with any degree of certainty what may be the attitude of the House toward this measure. The subject, however, is none the less important. It has been discussed for more than one hundred years in the public press, in the Congress, and in literary works of high authority. In a former statement before this body I called attention to the very striking statement from the eminent Chancellor Kent. I reproduce it here. Referring to the presidential succession—

the mode of his appointment—

Says Chancellor Kent—

presented one of the most difficult and momentous questions that occupied the deliberations of the assembly which framed the Constitution; and if ever the tranquillity of this Nation is to be disturbed and its liberties endangered by a struggle for power it will be upon this very subject of the choice of a President. This is the question that is eventually to test the goodness and try the strength of the Constitution; and if we shall be able for half a century hereafter to continue to elect the Chief Magistrate of the Union with discretion, moderation, and integrity, we shall undoubtedly stamp the highest value on our national character, and recommend our republican institutions if not to the imitation yet certainly to the esteem and admiration of the more enlightened part of mankind.

It is doubtless a cause for some wonderment that this important measure has not had earlier consideration in the House. I think it is fair to the committees of the Congress to say that they give the most careful, conscientious and serious consideration to all important measures coming within the sphere of their authority; and I do not feel that I can address any criticism toward the Committee on Rules as having acted too hastily or immaturely in reporting out this very important measure.

I urge no personal prestige; in fact, gentlemen, I claim none; but the resolution itself has a standing in this House and upon its calendar. It stands to-day and has for many, many months stood second on the House Calendar. More than that, it has in three successive Congresses passed the Senate, and in the present Congress there were but two votes in opposition to the resolution. It is not a partisan measure and carries no tinge whatever of partisanship. If it shall be said that the session is nearing its close, that time is not available to consider this measure, I am then compelled to answer that the very statement itself is an argument for the adoption of this resolution. As I have stated, the operation of the rule proposed will abolish the short session. I am not able to say to this committee how many years it has been or how many terms since the committees of the House or if at any time they have been reached under the Calendar Wednesday rule. The House leader has told us in effect that on account of the stress of legislative business they will not be reached in this Congress. For the second session, under the proposed rule, to sit from January 4 until June 4, there will be allowed exactly two additional months in which to do legislative work; and while lodging no complaint whatever against the leadership, I desire to modestly insist that the 17 or 18 of the smaller committees of Congress may feel without presumption that their labor is entitled to at least a very short period of the time intended for them in the institution of Calendar Wednesday for the exclusive call of committees.

PURPOSES OF THE PROPOSED AMENDMENT

The constitutional amendment which this resolution purposes will accomplish the following:

First. The newly elected Congress will count the electoral votes, and in case a majority has not been received, the newly elected House of Representatives will choose the President and the Senate (including the newly elected Senators) will choose the Vice President.

Second. The newly elected President, Vice President, and Members of Congress will take office approximately two months after their election.

Third. The new Congress may assemble approximately two months after the election;

Fourth. The power of the House of Representatives to choose a President, whenever the right of choice devolves upon it, after the time fixed for the beginning of his term—in the event that it should not be able to choose a President before that time—is specifically affirmed;

Fifth. Congress will be given power to provide for the case where neither a President nor a Vice President has been chosen before the time fixed for the beginning of the term—a contingency not covered by any provision in the Constitution;

Sixth. The Vice President elect will become President in the event that the President elect should die before the time fixed for the beginning of his term—a contingency not covered by any provision in the Constitution;

Seventh. Congress is given power to provide for the case of the death of (a) both the President elect and the Vice President elect; (b) one of the three highest on the list of those

whom the electors voted for for President, if the election is thrown into the House; and (c) one of the two highest on the list of those whom the electors voted for for Vice President, if the election of the Vice President is thrown into the Senate—contingencies not covered by any provision in the Constitution;

Eighth. The "short session" of Congress will be abolished; and

Ninth. Congressional elections will be held after the second session of the Congress instead of between the first and second sessions.

It is obvious that the above results can be accomplished only by constitutional amendment.

COUNTING ELECTORAL VOTES BY NEWLY ELECTED CONGRESS

Under the present Constitution the old Congress counts the electoral votes, the retiring House of Representatives chooses the President whenever the right of choice devolves upon the House, and the Senate—including the retiring Senators—chooses the Vice President whenever the right of choice devolves upon the Senate.

In order that these duties may devolve upon the new Congress the first section of the proposed amendment provides that presidential terms shall begin on January 24 and the terms of Members of Congress on January 4. This permits the new Congress to assemble and affords it 20 days before the terms of the President and Vice President begin, in which to count the electoral votes and to make the choice if a majority has not been received. In order to provide ample notice and opportunity to attend and to prevent any possible retroactive interpretation it is provided, in section 5, that this section shall take effect on the 30th day of November of the year following the year in which the amendment is ratified.

These results can be obtained only by a constitutional amendment. The new Congress must meet and the term of the new Members must begin prior to the date on which the President's term begins. Consequently, terms which are fixed in the Constitution, and which now begin on March 4, must be shortened or lengthened.

CHANGING THE TERMS

Under our present system the old Congress expires on the 4th day of March of the odd years, and the first meeting of the new Congress is on the first Monday of the following December. The newly elected Members have no opportunity for 13 months even to begin to put into effect the policies on which they were elected, unless an extraordinary session of the Congress should be called by the President.

The first section of the proposed amendment provides that the terms of the newly elected President and Vice President shall begin on the 24th day of January, and that the terms of the newly elected Members of Congress shall begin on the 4th day of January. Under this provision the newly elected officers will take office and be prepared to carry out the policies on which they were elected approximately two months after their election.

A constitutional amendment is necessary to enable the newly elected officers to take office before March 4, for this necessitates a shortening or lengthening of the terms of the officers whom they succeed. Congress now has power to prescribe the day on which the Congress is to assemble. But under that power, obviously, Congress can not change the dates on which the terms begin.

SHORTENING THE TERMS

As indicated above, some terms must be changed in order to accomplish the results which your committee believes are heartily favored by public opinion.

Two possible alternatives have been suggested:

First. The terms of those in office at the time this amendment becomes effective may be shortened by approximately two months; or

Second. The terms of those in office at such time may not be affected, but the terms of their successors may be shortened by approximately two months.

In submitting the proposed amendment your committee, after careful consideration, has adopted the first of the above plans. The reforms sought by the amendment should have the earliest possible application after its adoption. The alternative merely postpones unnecessarily the effect of the amendment.

ASSEMBLING OF THE NEWLY ELECTED CONGRESS

Section 2 of the proposed amendment provides that the Congress shall assemble at least once in every year and that such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

This section is similar to the second paragraph of section 4 of Article I of our present Constitution. If section 1 is adopted and the terms of Members of Congress begin on January 4, Congress should meet on that day. Furthermore, after a presidential election it will be necessary that the new Congress meet immediately.

Under the second paragraph of section 4 of Article I of the Constitution Congress has the power to prescribe the day of meeting, but terms must be shortened or lengthened if the newly elected Congress is to meet before March 4. It is the belief of your committee that the newly elected Congress should assemble as soon as practicable after the election. By providing for the meeting in January it is submitted that substantially the same amount of work can be accomplished before the 1st of June as under our present system of meeting the first Monday in December. If we relied upon our statutory power and provided for a meeting immediately after the terms of office commenced—on March 5, for example—it is very likely that the new Congress would have to remain in session during a part of the summer months. Furthermore, constant confusion between the duties of the old and the new Congress in respect of the appropriation bills for the new fiscal year and other similar matters would exist.

This section fixes the 4th of January for the meetings of Congress unless another date is fixed by law, and will supersede the second paragraph of section 4 of Article I of the present Constitution, which provides (as stated above) that the Congress shall assemble at least once in every year, and that such meetings shall be on the first Monday in December unless they shall by law appoint a different day. This section, under section 5, becomes effective on the 30th day of November of the year following the year in which the amendment is ratified. Inasmuch as the second paragraph of section 4 of Article I of the present Constitution will be superseded by this section, there will be no constitutional requirement that Congress meet on the first Monday in December of that year. But Congress will meet on the 4th day of the following January, unless it otherwise provides.

POWER OF HOUSE TO CHOOSE A PRESIDENT AFTER THE TIME FIXED FOR THE BEGINNING OF HIS TERM

The twelfth amendment provides that if the House of Representatives has not chosen a President, whenever the right of choice devolves upon them—

> before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

In order to ascertain what happens "in the case of the death or other constitutional disability of the President," it is necessary to refer to the sixth paragraph of section 1 of Article II. This paragraph is as follows:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve upon the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

It will be noted that there is no indication as to whether the Vice President holds office during the disability only, so that upon the removal of the disability of the President would again assume the powers and duties, or whether the Vice President continues to exercise the powers and duties for the remainder of the term.

The last portion of the paragraph, relating to the case where both the President and the Vice President become disabled, states that the officer shall act as President "until the disability be removed." It does not state whether the disability refers to the President or the Vice President, but it would certainly seem that it means either, and that the provision contemplates the resumption of the office by the President if his disability is removed. Consequently, it would seem that the same situation was contemplated if the Vice President were holding the office.

Referring again to the twelfth amendment, if the sentence quoted had ended "as in the case of the death of the President," the answer, of course, would be that the Vice President would hold office for the remainder of the term. However, the phrase "or other constitutional disability" is included. In the situation under discussion the "constitutional disability of the President" is merely that the President has not been chosen by the House. This "disability" is immediately removed upon his election by the House.

The provisions are admittedly ambiguous. Section 3 of the amendment proposed by this resolution removes the ambiguity and provides specifically that the Vice President shall act as President only until the House of Representatives chooses a President.

This provision presented one of the chief differences between the Senate resolution (S. J. Res. 22) as it passed the Senate during the last Congress and the provisions of the House resolution (H. J. Res. 93) which was substituted for the Senate resolution. (See H. Rept. No. 513, 68th Cong., 1st sess.) The present Senate resolution has adopted the provisions of the House resolution in this respect.

FAILURE OF HOUSE TO CHOOSE A PRESIDENT AND OF SENATE TO CHOOSE A VICE PRESIDENT

Under our present Constitution there is no provision for the case where the House of Representatives fails to choose a President and the Senate fails to choose a Vice President. Section 3 of the proposed amendment authorizes Congress to provide for this situation. Power is given to Congress, however, only to declare what officer—in the constitutional sense—shall act as President, and provides that that officer shall act only until the House chooses a President or until the Senate chooses a Vice President. If the Senate chooses a Vice President before the House chooses a President, the Vice President, under the provisions of the first clause of this section, will act as President only until the House of Representatives chooses a President.

DEATH OF THE PRESIDENT ELECT, VICE PRESIDENT ELECT, OR BOTH

The Senate and House resolutions of the Sixty-seventh and Sixty-eighth Congresses proposing an amendment similar to the amendment proposed by the present resolution and the present resolution as adopted by the Senate have made no provision for the case of the death of the President elect, the Vice President elect, or both. After very careful consideration, however, your committee has decided to include a provision for the cases which must be provided for by constitutional amendment. Although the contingencies are remote, a serious emergency would exist in the event of the death of the President elect or of both the President elect and the Vice President elect, for the present Constitution contains no applicable provision.

Your committee, however, did not deem it desirable to attempt to provide for the case of a resignation or inability. The possibility of a "resignation" of a President elect seems entirely too remote to demand serious consideration, and any provision applicable to his inability would not remove the existing problems under the present Constitution in respect of inability of a President. What constitutes "inability," and who is to determine the question, under the present Constitution, will probably never be decided.

The following situations are possible:

First. A party nominee may die before the November elections.

Second. A party nominee may die after the November elections and before the electors vote.

Third. The President elect may die after the electors vote and before the votes are counted.

Fourth. If the election of the President is thrown into the House, one of the three highest may die before the House chooses.

Fifth. The President elect may die before the date fixed for the beginning of his term.

Sixth. The Vice President elect may die.

Seventh. If the election of the Vice President is thrown into the Senate, one of the two highest may die before the Senate chooses.

Eighth. Both the President elect and the Vice President elect may die.

In order that the application of existing constitutional provisions and of section 4 of the proposed amendment may be explained adequately, each of the above situations will be discussed briefly.

DEATH OF PARTY NOMINEE BEFORE NOVEMBER ELECTIONS

A constitutional amendment is not necessary to provide for the case of the death of a party nominee before the November elections. Presidential electors, and not the President, are chosen at the November election. (See 2d par., sec. 1, Art. II.) The electors, under the present Constitution, would be free to choose a President, notwithstanding the death of a party nominee.

DEATH OF PARTY NOMINEE AFTER THE NOVEMBER ELECTIONS AND BEFORE THE ELECTORS VOTE

Inasmuch as the electors would be free to choose a President, a constitutional amendment is not necessary to provide for the case of the death of a party nominee after the November elections and before the electors vote. The problem in such a case would be a political one, for if the political party did not in some manner designate a person, the electors representing that political party would probably so scatter their votes that the election would be thrown into the House.

The practical difficulties which would be encountered in either of the above cases—if, for example, only a short time remained before election day or before the meeting of the electors—could be alleviated somewhat, for Congress by general statute may provide for the postponement, in any such case, of the day of the election or the day of the meeting of the electors.

DEATH OF THE PRESIDENT ELECT AFTER THE ELECTORS VOTE AND BEFORE THE VOTES ARE COUNTED

Two serious problems are presented in the case of the death of the person who has received a majority of the electoral votes after the electors vote and before the votes are counted:

First. May the votes which were cast for a person, who was eligible at the time the votes were cast but who has died before the votes are counted by Congress, be counted?

Second. Would the Vice President elect become President?

It is the view of your committee that the votes, under the above circumstances, must be counted by Congress. An analysis of the functions of Congress indicates that no discretion is given and that Congress must declare the actual vote. The votes at the time they were cast were valid—so that the problem involved in the case of votes cast for a dead person is not presented. Consequently, Congress would declare that the deceased candidate had received a majority of the votes.

But would the Vice President elect become President? The sixth paragraph of section 1 of Article II of the Constitution provides for the case of the removal, death, resignation, or inability of the President. Does this provision cover the case of the death, and so forth, of a President elect?

Constitutional writers say, and the wording of the paragraph supports the conclusion, that it is applicable only to those actually in office. On the other hand, if the Supreme Court were confronted with the practical application of the paragraph, it is very probable that it would decide that the Vice President elect would become President.

In order to remove all probable doubt, to render unnecessary a judicial decision, and to avoid the consequent chaos during the interim, the first clause of section 4 of the amendment proposed by this resolution provides specifically that the Vice President elect, in such case, shall become President.

It will be noted that the term "President elect" is used in its generally accepted sense, as meaning the person who has received the majority of the electoral votes, or the person who has been chosen by the House of Representatives in the event that the election is thrown into the House. Congress, after counting the electoral votes, merely declares the result, and the person who received a majority of the votes became President elect upon the day on which the votes were cast, even though he has died before the votes are counted.

DEATH OF ONE OF THREE HIGHEST WHERE ELECTION IS THROWN INTO HOUSE

If the election of the President is thrown into the House, the House, under the twelfth amendment, must proceed immediately to choose a President "from the persons having the highest numbers not exceeding three on the list of those voted for as President." If one of these persons has died after the electors vote and before the election by the House, the political party which he represented would be practically disfranchised. It seems certain that, in the election by the House, votes cast for a dead man could not legally be counted. Under the present Constitution it would, then, be necessary for that party, through political strategy, to prevent an election by the House and risk securing favorable results in the Senate, assuming that the election of the Vice President is thrown into the Senate, as would undoubtedly happen.

Section 4 of the amendment proposed by this resolution specifically gives Congress power to provide for this case. No attempt has been made to indicate what Congress should provide, for your committee did not feel that it should assume the responsibility of selecting one of the many possible policies which might be applicable. Under some circumstances, for example, it might be advisable to provide for a substitution of a name for the name of the deceased candidate and to permit the election by the House to proceed as it otherwise would; under other circumstances it might be advisable to provide for a reconvening of the Electoral College; again, it might be necessary to provide that a designated officer shall act temporarily as President until a President can be chosen in the manner prescribed by the law; and other methods might be selected by the Congress.

DEATH OF PRESIDENT ELECT BEFORE THE BEGINNING OF HIS TERM

If the person who received the majority of the electoral votes dies after the votes are counted, or if the person who is chosen by the House in case the election of the President is thrown into the House, should die before the date fixed for the beginning of

his term, the same question arises as to whether the Vice President would become President.

The first clause of section 4 of the proposed amendment provides that the Vice President will become President.

DEATH OF VICE PRESIDENT ELECT

There is no immediate emergency presented if a candidate for Vice President, or if the Vice President elect should die, if the President elect is living upon the day fixed for the beginning of his term. Consequently, no provision is made in the amendment.

DEATH OF ONE OF TWO HIGHEST WHERE ELECTION IS THROWN INTO SENATE

If the election of the Vice President is thrown into the Senate, the Senate, under the twelfth amendment, must proceed to choose the Vice President "from the two highest numbers on the list." If one of those persons has died, a situation is presented similar to that discussed above in the case of the death of one of the three highest where the election is thrown into the House.

Section 4 of the amendment proposed by this resolution also gives Congress power to provide for this case.

DEATH OF BOTH PRESIDENT ELECT AND VICE PRESIDENT ELECT

There is no specific provision in the Constitution applicable to this case. Even assuming that the "necessary and proper" clause (the last paragraph of section 8 of Article I) would be interpreted as giving Congress power to act, a final decision of the Supreme Court would be necessary and several months or more required.

Section 4 of the amendment proposed by this resolution gives to Congress the power to provide for the case.

THE TWELFTH AMENDMENT

The twelfth amendment now provides that if the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, "before the 4th day of March next following," the Vice President shall act as President. The phrase quoted must be changed, in order to meet the proposed change in dates, and section 3 of the proposed amendment substitutes the phrase "before the time fixed for the beginning of his term."

There is also an ambiguity in the twelfth amendment, in that it does not state whether it is the retiring Vice President or the newly elected Vice President who is to act as President if the House of Representatives fails to choose a President before March 4. Section 3 of the proposed amendment specifically provides, in accordance with the generally accepted interpretation, that in such case the newly elected Vice President shall act.

The California resolution to which I have referred is as follows:

[Part in brackets stricken out.]

Assembly Joint Resolution No. 2 (introduced by Mr. Baum)—Relating to the time when Members elected to Congress shall take their seat

Whereas under the existing conditions newly elected Members of Congress do not take their seats in Congress, unless at a special session, until the elapse of more than a year after their election; and

Whereas Members of Congress who are not reelected continue to serve and vote for their constituents for [more than a year after their predecessors have been elected; and] the duration of the short session of Congress although their successors have been elected; and

Whereas such conditions are not productive of the best interests of the people of the United States: Therefore be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California earnestly petitions Congress to submit a constitutional amendment to the several States which would provide that Members of Congress should take their seats within a short time after their election; and be it further

Resolved, That the chief clerk of the assembly is hereby directed to send copies of this resolution to the President and Vice President of the United States, to each Member of the Senate and House of Representatives of the United States and to the governors of each of the several States.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, I have undertaken on several occasions to show that the farm problem is one that concerns all classes and all groups in this country. I have before me an editorial on farm relief by William Green, president of the American Federation of Labor, which editorial appears in the American Federationist for February. I want to bring it to your attention:

Labor sincerely hopes that a solution of the agricultural problem will be found and that a remedy for agricultural ills will be applied. Labor can sympathize with the farmers because it has many times faced the same depressing, discouraging situation. Labor has found the way to correct many of the economic difficulties which it has faced. Its members, through organization and through the mobilization of their economic strength, have protected themselves and their interests from the dangers which follow industrial and financial depression of this character.

There is one development growing out of this serious agricultural situation which greatly concerns labor. It is the movement of the farmers from their farms and from farming communities to industrial centers. Farms are being abandoned and the men who work on these farms are seeking employment in the industrial centers of the country.

This migration from the farms to the cities will eventually result in the displacement of many workers, and we fear it may bring about a lowering of the living and wage standards of the industrial workers. A surplus of labor in the industrial centers, caused by the infusion of farm workers, will react to the detriment of both groups. The whole social group will be seriously affected because of the transfer of farmers from agricultural pursuits to industrial service.

Labor is not prepared to suggest a remedy for the agricultural ills which exist. We believe that the farmers can help themselves through organization and cooperation. The farmers must know, from experience, what is necessary and what ought to be done for the advancement of the agricultural industry. Labor hopes that Congress will respond to the needs of the farmers and to their appeals for relief by the introduction and enactment of such legislation as may be necessary and fair and just to all classes of our citizenship.

The following telegrams, which I shall read, just received from my State, indicate the attitude of the farmers who, Mr. Green says, ought to be able to determine what can be done for their relief:

SPOKANE, WASH., *February 1, 1927.*

Hon. JOHN W. SUMMERS,
House Office Building, Washington, D. C.:

House and senate this State memorialized Congress in behalf McNary-Haugen bill. Spokane Agricultural Bureau, also executive committee, Spokane Chamber of Commerce, also young farmers' convention, representing all districts, indorsed McNary-Haugen bill last week. Every farmers' meeting throughout the Northwest has indorsed the bill. We have great hopes that it will pass this session and appreciate your support.

WASHINGTON WHEAT GROWERS ASSOCIATION,
WALTER J. ROBINSON, *Manager.*

EPHRATA, WASH., *February 5, 1927.*

Hon. J. W. SUMMERS,
Washington, D. C.:

We, the members of the Farmers' Union, of Grant County, appreciate your efforts relative to the McNary-Haugen bill. Put it over.

S. C. ANDREWS, *President.*
H. W. PADGITT, *Secretary.*

COLFAX, WASH., *February 4, 1927.*

Representative JOHN W. SUMMERS,
Capitol Building, Washington, D. C.:

Delegates at annual meeting Washington State Farm Bureau January 25 voted unanimous in favor of Haugen-McNary farm relief bill and against all substitute measures. We respectfully request you to do all in your power to put this bill through as it is. We want your active support.

LANEY, *Secretary.*

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

The CHAIRMAN. The gentleman from Washington yields back five minutes.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, after listening to the gentleman from New York [Mr. CROWTHER] read his newspaper article for several minutes, it finally dawned on me that perhaps he was aiming it at me.

I thank the gentleman from New York for reading the article instead of saying something of his own. Of course, the article is asinine, but we have the judgment of the gentleman from New York that it is better than anything he could produce of his own; otherwise he would not have read it. I concur in his judgment on that point.

Not all of the gentleman's effort was in print. The voice belonged to the gentleman from New York. The stentorian tones, the censorious and dictatorial gestures with which the gentleman performed were his own. To have listened to his voice and looked at his manner of delivery without hearing what he was saying, one would have imagined that it was something of very great wisdom. The gentleman has a wonderful voice, indeed. I admire it very much. Every time he speaks I think what a wonderful voice his is. I can not always keep from thinking that if the gentleman only had brains in keeping with his voice, what a wonder he would be. [Laughter.]

I thank the gentleman for his reading. He did have a certain wisdom. It is always better to use borrowed brains, unless we have some of our own. If we know nothing about the subject, the best thing to do is to quote somebody who does know something about it. The gentleman's selection of a quotation was poor, but, then, perhaps it was the best he had to choose from.

It just so happens that I am "a back-seat driver." The 110,000,000 people of the United States are riding in this vehicle—and it is our car. [Applause.] We are not satisfied with the way it is being run. It is not going our way, and whether it be from a natural ineptitude in the driver or whether it be from some deliberate design to have a collision, when we see the car being driven toward a precipice it is the duty of the owner of the car to get up and say, "I protest. I demand that you hold this car in the road and not drive it into this abyss." [Applause.]

The fat-headed ones, perhaps, will say, "Oh, trust him. He can do no wrong; he is king." If the car were the President's exclusive property, I should feel some sort of acquiescence in that. But it is not. It is the people's car. We have got a right to have this car run as we want it run. For my part I am going to try to get it run right. [Applause.]

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

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

Mr. SPROUL of Kansas. Mr. Chairman and gentlemen of the committee, the subject upon which I wish to make a few remarks is one of national importance. Many people think it is of paramount importance. Suffice it to say that a great many of us think it is of equal importance to any other national question. It is that of respect for the eighteenth amendment to the Constitution.

Members of this House, we are charged with the duty of helping to run this great and important Government. It is our duty to aid in the enactment of such legislation as will bring about a proper respect for that part of the Constitution to which there is not being given the respect that other parts of the Constitution receive. We can not in this great country of ours trample underfoot, so to speak, one part of the Constitution by showing all manner of disrespect to it. As Members of the Congress we can not ignore it and show it all manner of indifference and have the people of our country show this particular part of our Constitution any better respect than we ourselves show to it.

There are many of the States in which practically no respect is shown the eighteenth amendment or the national laws based thereon. We have a right to assume that if our people may break the eighteenth amendment, may ignore the prohibitory laws with impunity, that they may violate other parts of the Constitution and break other laws with equal impunity. Who is there among us who can say that real and proper respect may be shown one part of the Constitution and not shown another part of the Constitution and the Constitution long survive? We have adopted in this country methods of procuring evidence of the violation of the Constitution and laws, which are questionable in character. These methods have been indorsed even by courts of our country.

We now have the spectacle of one of our Federal judges being impeached for employing or indorsing a very common method of the Government in procuring evidence against violators of the Constitution and prohibitory laws. The methods employed by the agents of the Government involve the people in the breaking of the law that is to be broken. If ours is a Government by the people, and the people through Congress select and direct their agents to procure crimes to be committed, then we make ourselves particeps criminis in the commission of a crime for which we cause to be punished and placed in prison the fellow that is induced to break the law and the Constitution. Such is the method employed to secure evidence of violations of the Constitution and our national law. It is surely a poor and very questionable method of getting evidence.

Members of the Congress, these methods are abominable; they are wrong in principle. No one can justify them even though we may excuse. In order to get rid of the use of such methods as I have called attention to, to procure evidence of the violation of the laws of the Nation, I have introduced a bill known as the national bone dry bill, which proposes some fundamental changes in our national laws. It proposes the prohibition of the use of intoxicating liquors for medicinal purposes, for the maintenance, possession, and manufacture in domestic homes. It imposes a jail or imprisonment sentence with a fixed fine of a substantial amount. It provides a system of small courts, commissioner courts, in every county in each of the States of the Union, the courts to have jurisdiction of a justice of the peace.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. SPROUL of Kansas. Not now. It provides for a special assistant district attorney for each one of the counties and a special deputy marshal for each one, and provides a method for procuring evidence of violation of the prohibitory law, which have been used in the State of Kansas successfully and which makes it unnecessary to involve the officers of the Government in the commission of a crime to procure evidence. Under this system of enforcement there will be very little extra cost.

Mr. O'CONNOR of New York. Will the gentleman yield now?

Mr. SPROUL of Kansas. Yes.

Mr. O'CONNOR of New York. Do I understand that the gentleman's bill makes the use of liquor a crime?

Mr. SPROUL of Kansas. No.

Mr. O'CONNOR of New York. If it went that far it would be frank and candid.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SPROUL of Kansas. Yes.

Mr. BLACK of New York. Is it not a fact that a Senator's life was saved the other day by the easy procurement of whisky?

Mr. SPROUL of Kansas. I do not know anything about that. However, I call attention to an article in the January number of the Chicago Medical Recorder on the subject of the need and use of intoxicating liquors for medicines, which is as follows:

We congratulate the Supreme Court on its decision limiting the amount of whisky which a physician may prescribe, although we should have preferred a unanimous vote. The two great obstacles in upholding the Volstead Act are the bootleggers and the physicians. The former advertise their calling, the latter prostitute their profession by replacing the saloon keepers and bartenders under the guise of being honorable physicians. While 51 per cent of the members of the American Medical Society voted in favor of alcohol having medicinal value, 49 per cent voted contrary, but no one can deny that in ammonia, camphor, strychnia, etc., we have perfect substitutes for alcohol, and no one would suffer if all liquor suddenly disappeared.

The plain fact is that at least 90 per cent of all liquor prescribed by physicians is for beverage purposes only. The demand for more privileges in prescribing is based solely on the desire for more money from the sale of prescriptions. The writer is convinced that prohibition as such is impossible to carry out in this country, with its millions of grafters and its foreign population, and believes that some modification is necessary in manufacture of beer and sale of light wines under Government control. But he believes the greatest demoralization at present is the combination of physicians and druggists dishonoring their profession by the wholesale and degrading sale of prescriptions for drinking purposes only.

When liquor is so freely sold and innumerable druggists have prescriptions all ready for sale, it is the greatest joke of the century to say that a patient might suffer for lack of whisky under the present 10-day restriction, when as a matter of fact it could be furnished a pint per minute without the slightest trouble in every city and village in the United States having resident physicians and druggists, not to mention the gallons of whisky allowed for office use.

DRUG-STORE LIQUOR

The preceding editorial is indorsed by the following statement of a well-known druggist:

"I, as a pharmacist, have filled several thousands of liquor prescriptions, but I confidently believe that I am still waiting for the first really legitimate one. If it were not for the $3 or if the doctor were sent to jail for every illegal prescription he wrote, very few permits would be issued. Less than 30 per cent of the doctors of the United States have liquor permits. How does the other 70 per cent treat its patients?

"A little materia medica would not be amiss.

"W."

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

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. MOREHEAD].

Mr. MOREHEAD. Mr. Chairman and Members of the House, it is my desire to go on record respecting the legislation concerning the public building bill. Each Member, I have no doubt, prides himself upon the fact that he has good average intelligence among his constituents. In my endeavor to serve the section of Nebraska which I represent, I am proud that but few demands are made upon me respecting my position upon various public questions. In the district I represent are located the Nebraska State University, the Wesleyan University, one of our great State normal schools, and the Adventists have a college in that district also. As evidence of the intelligence of the people in my district, I noticed that at the last election in a voting ward where there were over 300 ballots, not to exceed a half-dozen were what we call straight votes. There was a long list of candidates, and yet those people found it very easy to vote

something else than a straight ticket. It is evident that they are sufficiently interested in public affairs to take sufficient time to select men whom they believe to be the best qualified and the most conscientious for the performance of public duties.

We have seen it stated many times in the public press that the old omnibus bill was a great graft bill, a pork barrel bill. So far as the State of Nebraska is concerned, and the buildings which have come to it through the omnibus bills, I emphatically deny that such has been the case. When I speak of the public buildings I have reference directly to the post offices in the various towns. In the district I represent there are seven counties, and some 250,000 to 260,000 people have their homes there. In four of the county seats we now have Federal post-office buildings, and three of the county seats are without them. In those places the post office is hocked around from one building to another, and the quarters in some instances are so crowded and poorly lighted and badly ventilated, with bad sanitary conditions, that it presents a deplorable condition.

I am exceedingly anxious to secure post-office buildings in Auburn, Tecumseh, and Pawnee City, the three county-seat towns in my district that have no suitable places to take care of the ever-increasing business, but I shall at least retain my self respect in methods adopted to secure them. If we are to judge from to-day's proceedings, the towns I mentioned will never have modern buildings, as no private parties would erect buildings, realizing the uncertainty of the office being kept in the building built for that purpose.

I was not aware that the rules of the House would be suspended and consideration of the public buildings bill would be considered until the House convened to-day.

The time to consider the bill was but a few minutes, depriving most Members of the opportunity to be heard on this very important bill, appropriating hundreds of millions of dollars.

I regret that Members of the House surrendered their constitutional rights on a measure of this kind, and that they gave the minority Members no chance to be heard. The organizers of our Republic no doubt had under consideration legislation of this kind when they provided in the Constitution that the States should be divided into congressional districts, so that the Representatives elected by the people would be close in touch with their constituents, needs, and to carry out legislation that they were interested in.

As long as organized government exists we are going to have need for post-office buildings. It seems to me that in a town of three or four or five thousand people, where nearly all the mail of the county over the rural routes passes, it is good, sane, conservative, business judgment to erect a building to house the post-office activities. It adds to the pride of the people in that community to have a post-office building. In my home town of 6,000 people we have a Federal building that we are very proud of. It makes us feel a little more a part of the Government; it makes us believe that we have had some recognition from the Government. I was very much disappointed that sufficient time was not allotted in which to discuss these matters. I am also disappointed because the power to name where the building shall be no longer remains in the hands of the Representatives, where our forefathers intended it should remain. Where men represent various sections of the States, the power to determine matters that directly concern the people of their districts should remain in the hands of the Representatives. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I have requests on this side for 15 minutes more. I have only 6 minutes remaining. Will the gentleman from Colorado yield me 10 minutes?

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, the discussion of the gentleman from Ohio [Mr. CHALMERS] and the recent report of the Secretary of Commerce have presented a new aspect of the construction of a deeper waterway connecting the Great Lakes with the sea. I refer to the aspect of cost. When you reach Oswego, in the State of New York, you are 338 miles from the sea, if you go down to New York City. On the other hand, you find that you are 1,180 miles from the sea if you go through Canada. It is nearly four times as far by the Canadian as by the American route. So the foreign, the Canadian, route has that tremendous disadvantage in distance, because you have constricted navigation, river navigation, for 1,180 miles.

The next question that comes up is the kind of territory which you traverse. That is discussed at length in a report made by the joint commission in 1922, in which they say that on the American side we have as rich and populous and progressive a country as there is anywhere in the world, while on the Canadian side they have a country, rich to be sure in natural resources, but with a paucity, a smallness of population ,which will continue for many years to come. You have not a single place of any size except Montreal and Quebec for the entire 1,200 miles.

Having discussed first the distance, next the kind of country which is traversed, we come to the next consideration. Will the United States be able to get to the sea at all by the Canadian route? On that question I shall call your attention to recent expressions of Canada on the subject. First, I call your attention to an article in the Washington Star on the 20th of January, in which the Premier of Quebec discusses the matter at considerable length, and in which he says that he is opposed to any development of the St. Lawrence route for four reasons:

QUEBEC OPPOSES WATERWAYS PLAN—PREMIER DECLARES PROVINCE, WITH MILLIONS AT STAKE, AGAINST POWER EXPORT

(Special dispatch to the Star by Tom Watling)

QUEBEC, January 20.—Quebec is opposed to the St. Lawrence waterway development plans which have been advanced by Secretary Hoover.

Unalterable opposition was to-day expressed by S. L. A. Taschereau, premier of Quebec, in a special interview in which he pointed out that the proposed waterway route to the sea from the Great Lakes unquestionably would work great hardship upon this Canadian Province and would be a deterrent to already swiftly progressing industrial enterprises.

"Why is so little progress made with the development of the St. Lawrence power and waterway scheme?" the Premier was asked.

FEARS LOSS OF MILLS

Premier Taschereau rose from his seat and walked over to the window. "There," he said, with a wide sweep of his arm, "there is one of the reasons why I do not approve of the St. Lawrence plan. Since my government prohibited the export of power, industries have come into our Province, and for every mill that is opened here a mill shuts down in the United States. The St. Lawrence plan would mean the export of power to the United States and those plants would flourish there instead of in Canada."

Mr. Taschereau paced the floor, now and then pausing at a window to look out to the spot where the Anglo-Canadian Paper Mill is raising its $20,000,000 investment. Plants at Arvida and Drummondville are also being built by another company.

"There is a new plant at Steanne de Beaupre," continued Mr. Taschereau, "a $7,000,000 plant, while above Quebec another $15,000,000 will be spent soon. The power is coming from Lake St. John, and if it were to be carried to the United States those plants would be south of the border, not here in Quebec, increasing our prosperity."

OPPOSED FOR FOUR REASONS

"I am opposed for four reasons," said the Premier.

"1. It would mean joint control by Canada and the United States of what is after all a Canadian waterway.

"2. It is not purely a navigation proposition. What the Americans have in mind is the development of the power. I am opposed to the exportation of power, and I believe the Province of Ontario agrees with us in this respect.

"3. The information of our experts is that the St. Lawrence scheme would hurt very much the port of Montreal.

"4. Canada, with the heavy financial burden she is carrying already, can not enter into such an adventure, which would mean a heavy outlay."

"By export of power you mean to the United States?"

"Most certainly. We have no objection whatever that the power go to our sister Province of Ontario."

INTERESTED IN ST. LAWRENCE

"You say it would hurt Montreal. Would not the construction of the Lake Ontario-Hudson route, the alternative suggested in the Hoover report, hurt Montreal still more?"

"I am interested in the Canadian aspect of the case. The St. Lawrence is a Canadian waterway."

"With the deepening of the St. Lawrence, would not the traffic from the Welland Canal increase the business at Montreal?"

"That I can not say. I am not an expert; our experts say Montreal would be injured. The interests of Montreal must be supreme, for Montreal is Canada's greatest port, and, after all, charity begins at home."

"But the Dominion has spent $45,000,000 on the St. Lawrence from the sea to Montreal. Is it not selfish to oppose the continuance of the channel westward from Montreal? It was Federal money that was spent."

"Montreal is the head of navigation; it is the natural head; you would make an artificial condition," said Mr. Taschereau. "When the first plans were made with reference to the St. Lawrence they had in mind Montreal as the head of navigation. It is not selfish to consider it so."

HESITATES OVER JOINT CONTROL

"Mr. Hoover suggests a joint financing of the scheme. Would Quebec be opposed to that?"

"That would mean joint control. Canada should look very deeply into the question as to whether she is prepared to see international or joint control over her great waterways. It would have a very far-reaching effect. The people of Toronto and Ontario must not look at our attitude as a hostile one, but, after all, charity begins at home, and after the immense amount spent on the port of Montreal, it would be a very bad thing to enter into any scheme that would defeat what our public men had in sight during the last 50 years in the development of Montreal. Montreal is not only an asset to this Province, but to all of Canada. During the past year Montreal has been the biggest grain-handling port in the world."

"But if the St. Lawrence were deepened, would not that bring more grain from the head of the lakes and divert it from Buffalo?"

EXPERT'S ADVICE NEEDED

"Yes, but there are certain trade conditions which must be taken into consideration by railway experts, and I am not an expert."

"Would you be willing for Canada to enter into negotiations with the United States as to the development of power and navigation?"

"That is a Federal matter and must be dealt with by Ottawa. I do not think they would do it without our consent, and in order to give that consent we would require to know what the plan is. We are in favor of anything that will help to develop Canada."

"Would you have any objection to the two countries arranging for the early construction of power dams across the international section of the St. Lawrence?"

"We have no objection where there is joint ownership to discuss the terms of the agreement. They can not develop it without us and we can not develop it without them."

"POWER PLANS QUESTIONED

"Would you object to such a power scheme making provision for a deep waterway at some future date?"

"I do not wish to express an opinion on that just now."

"It is said in Montreal that the chief opposition to the St. Lawrence waterways comes from the Montreal power group, who desire to handle it themselves at a later date?"

"I am not aware of that. The chief objection comes from the whole of the population of Montreal."

"Was not the Carillon project originally blocked by the same interests? It has been said that Gosselin and Miles, holders of the original Carillon lease, raised capital in the United States."

I insert that as a part of my speech. Here is the Province which owns the bed of the stream, which is in control of the situation, through its premier, expressing its position. Aside from the development for navigation he says that the Province of Quebec has definitely, finally, and conclusively taken the position that there shall be no export of power from Canada to the United States. There are perhaps 6,000,000 horsepower on the St. Lawrence altogether. Five million of that belongs to Canada and only about 1,000,000 to us. Hugh Cooper says only about three-fourths of a million belongs to the American side. All the rest belongs to Canada. So that is the first thing we find. Next, we find in Canada—I am quoting here from another issue of the Montreal Star dated February 2, 1927—that there was a great banquet given that day in honor of one of the Canadian senators, and I read an editorial in that newspaper on what transpired at the banquet, as follows:

THE ST. LAWRENCE WATERWAY

From the mass of optimistic visions presented at the banquet given in honor of Senator McDougald last night, one salient point emerges—the St. Lawrence waterway must be kept Canadian. That was evidently in the mind of every speaker, and it is to the administrators of the port of Montreal that they will look for the sturdy defense of Canada's interests in this matter. The Hon. Walter Mitchell summoned up the case succinctly and pungently when he said: "Never forget that this great waterway is the jugular vein of Canada, and must remain under the full, entire, and complete control of the Canadian people."

It would be an excellent thing if that statement could be driven home to the imagination of every Canadian. The Chicago drainage canal has shown us precisely how much regard some States bordering upon the Canadian line have for our rights in the waters of the Great Lakes.

The various power-development schemes submitted from time to time affecting the St. Lawrence between Lake Ontario and Montreal have indicated quite clearly what would be the ultimate destination of the power output. Canada can not afford, looking at the matter purely from a protective viewpoint and as an insurance for the future, to yield one iota of her waterway rights, or to imperil the ownership of one iota of those rights.

Sir Henry Thornton very properly dwelt upon the splendid fashion in which Canada is to-day equipped for transportation purposes. We have two of the finest transcontinental systems in the world. We have added to these a matchless river route. We must be careful to keep it in our hands. Sir Henry's fine optimism over our railways and industrial growth applies just as aptly to our prospects for the development of our water lines.

Mr. CARSS. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. CARSS. Have not we got a treaty with Canada?

Mr. DEMPSEY. No; we have not which entitles us to improve the St. Lawrence. That has been a general misapprehension, and I am glad to clear it up. Secretary Hoover concludes his recent report by saying:

First. The construction of the shipway from the Great Lakes to the sea is imperative * * *.

Second. The shipway should be constructed on the St. Lawrence route, provided suitable agreement can be made for its joint undertaking with the Dominion of Canada.

* * * * * * *

Fourth. That negotiations should be entered into with Canada in an endeavor to arrive at agreement upon all these subjects. * * *.

Let us come to the next question. Is Canada ready to improve her waterway? Does she want a waterway. I come first to this report of 1922 in which the general board says that the Canadians have had their attention directed to other routes, to the Hudson Bay and Georgian Bay routes, that the great Northwest favors the Hudson Bay route, and the eastern provinces favor the Georgian Bay route. Then I come to another article, an article in the Toronto Globe of the 26th of January of this year, which has this heading, and I make this a part of my speech:

HUDSON BAY LINE TO GET $5,000,000 FOR 1927 PROGRAM—LARGEST APPROPRIATION YET TO BE ASKED OF PARLIAMENT—GRADE TO BE IMPROVED

By William Marchington, staff correspondent of the Globe

OTTAWA, Jan. 25.—When Parliament reassembles it will be asked to approve an appropriation of $5,000,000 for the Hudson Bay Railway. This is the largest appropriation ever proposed for this route. Previous high-expenditure years were 1914 and 1915, but in neither did the outlay exceed $4,750,000.

The appropriation sought this year is also double the amount which the On-to-the-Bay Association estimated would be required to complete the railway to tidewater.

The report on the last year's work has been received from the National Railways. It is to the effect that the railway from The Pas to Mile 85 is now in first-class shape. From there on to the end of steel is not in such sound condition, and much work has still to be done by way of ballasting, providing of facilities for water, repairs, etc.

CONSTRUCTION OF BRIDGES

The program for 1927, it is stated, includes the construction of two bridges, one at Limestone River and the other at a river farther to the east. Both are 300-foot bridges and are major undertakings. The line up to the present end of steel will be put into first-class shape, and all facilities for heavy traffic will be provided.

It is expected that the Government will receive an interim report from Frederick Palmer, the British port engineer, in sufficient time to enable work to be pressed forward this year. Mr. Palmer will go north in June.

STEEL TO TIDEWATER

It is possible that steel will be laid to tidewater this year. The railway grade to Port Nelson, according to the reports received here, is not in good condition. It would be possible, however, to lay the rails, and ballast it in 1928. This would enable a certain amount of traffic to go out before the heavy snowfall of next winter.

Now, if you turn to the waterway report made in 1922 at page 155, you will see that Canada has already expended upon the Hudson Bay route about $20,000,000; that there is yet to be expended $17,000,000; and next year Canada is going to appropriate $5,000,000 of that $17,000,000. Now, let us turn to the present report, and we find that Secretary Hoover, enthusiastic for the St. Lawrence though he is, recommends it only if a "suitable agreement can be made for its joint undertaking with the Dominion of Canada." How are you going to conduct a joint undertaking unless you have the consent of both parties; and great volumes of evidence of to-day—not of time past but expressions of to-day—show that there is no possibility, much less likelihood, of Canada consenting to the improvement of the St. Lawrence. Why should she refuse to consent? For two reasons. First, Canada has more transportation facilities than she needs, and as a result she had to take over all of her transcontinental lines except the Canadian Pacific and has carried them at an annual loss of about $40,000,000 to $50,000,000. Why, then, should she spend more money increasing transportation facilities? I am speaking in

all kindliness. I am not speaking with a desire to create friction. I am saying to gentlemen from the great Northwest that the Mississippi Valley Association, the greatest waterway association in the United States, embracing 25 States in the Middle West, at its annual meeting last November indorsed the all-American route by unanimous vote, and I say to you gentlemen who are advocating the St. Lawrence route that you are advocating primarily a route to the sea, and I say to you from the evidence which you have before you to-day you have no prospect of a route to the sea by the St. Lawrence. I say to you who want a route to the sea that we have an all-American route to the sea which the last report of the engineers say is entirely feasible from an engineering aspect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEMPSEY. Can the gentleman yield me two or three minutes?

Mr. DICKINSON of Iowa. I yield the gentleman three minutes.

Mr. DEMPSEY. Let us come next to this question of cost. You can read the last report of the Secretary of Commerce in vain to find anywhere a place where he tells you what the cost of the foreign St. Lawrence route to the sea is. Why? Why does he not tell us? I will tell you why. It is because these alluring promises about the defraying of the cost in water power can not be realized.

If you will turn to page 173 of this report of 1922 you will see that Mr. Hugh Cooper says that the cost of the proposed St. Lawrence waterway is estimated to be $1,450,000,000, part of which, to be sure, he says, is to be charged to water power. Then if you turn to the report of the Secretary of Commerce you will find that he says nowhere is there evidence of what the proportion of each country will be in the cost of the St. Lawrence route. Now, if the Secretary of Commerce had taken the pains to read the report of 1922 he would have found on page 173 that the General Board, representing Canada and the United States, said it should be borne in proportion to the wealth, population, and commerce. In other words, that we should spend about $17 for every $1 from Canada.

The substance of the Hoover report, released the 3d of January, is that the cost of the St. Lawrence route will be so reduced by receipts from water power as to make it so much cheaper than the all-American route that the St. Lawrence rather than the all-American route should be improved.

To charge, as Secretary Hoover proposes, the cost of navigation to power projects is wholly contrary to the policy of this country as evidenced by the general water power act, which adopts the theory of making no charge except a nominal one to defray the expenses of the Water Power Commission. Our general water power act has proved most beneficial to the country in encouraging and promoting power development. In a century and a half of existence up to the passage of the water power act in 1920, about six or seven million horsepower had been developed in the United States, and in the short period since the enactment of that act sites developing about 3,000,000 horsepower have been constructed. So the Secretary surely does not advocate the making of a large charge against water-power development, either in a lump sum or annually. The charge eventually would come out of the consumer and would be a tax upon the public. Nothing would be saved by the process, and we would only deceive ourselves by pretending that the development of the St. Lawrence was costing us nothing, because we will tax the power consumers for the cost. Such reasoning is too fallacious to require more than the statement of it to answer it.

Moreover, the Federal Government should not, if it could, tax the water-power users of New England, New Jersey, Pennsylvania, and New York to improve a route to the sea which will benefit the whole country.

But the United States could not charge the cost of navigation to power, as suggested by the gentleman from Ohio, to-day, and as the report of Secretary Hoover indicates should be done, because the courts have decided, in the Long Sault development case, that the bed of the St. Lawrence on the American side belongs to the State of New York and is held by it in trust for the people of the State. (284 U. S. 272, 278, 280.)

Even if the improvement of the foreign St. Lawrence would cost less than the construction of the all-American route, it is a case of getting only what you pay for. The Secretary, in a statement before the Committee on Rivers and Harbors in January, 1926, emphasizes the fact that our transportation facilities in the United States are really inadequate at the peak to-day, and that we must provide additional facilities to insure the distribution of the necessities of life in the near future. The St. Lawrence would be of no value in relieving congestion or in distributing freight in this country any more than the excess of Canadian railway facilities helps now to carry our freight. Three products alone which will be carried by the all-American route—and none of which would take the foreign St. Lawrence route—will more than pay the cost of construction of the American waterway, viz, lumber and oil westward and automobiles eastward.

Secretary Hoover, in his report, quotes the Chief of Engineers as saying that the military advantages of the all-American route are not sufficient to greatly affect the determination of the matter. The Chief of Engineers, eminent as he is in engineering matters, is not the expert of the country in national defense. On the other hand, whenever the question has arisen those charged with the defense of the country have stated in no uncertain terms that the all-American route would be invaluable in war.

Because, then, the United States can not hope to defray its part of the cost of improving the foreign St. Lawrence out of the water power on that stream; because Canada has, again and again, recently, expressed its determination not to join with us in improving the St. Lawrence and not to export any of her power from the St. Lawrence to this country, but to retain the sole and absolute control of the St. Lawrence; because the St. Lawrence is 2,000 miles out of the way for all of our domestic commerce and that with the countries to the south of us and with the Orient; because the all-American route will serve the primary and great purpose of a deeper waterway connecting the Great Lakes with the sea in relieving congestion and in lowering the cost of lumber, oil, gasoline, and automobiles, besides numberless other commodities, to our people; and because for the export of grain, for which alone the St. Lawrence is advocated, the all-American route is at least equally advantageous and will afford transportation at as low a cost. To add to our transportation facilities in peace and to strengthen the arm of our country in time of war I very earnestly urge that we abandon all thought of the St. Lawrence, a foreign waterway, and turn our attention to the adoption and construction of the all-American route.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. DICKINSON of Iowa. Before yielding to the gentleman from Massachusetts [Mr. STOBBS], I want to state to the Members present that there seems to be some inquiry with reference to this bill as to whether or not there is anything in it about the House Office Building. I will state that that matter has been referred to the Committee on Public Buildings and Grounds and there is nothing in this bill with reference to that item.

I now yield five minutes to the gentleman from Massachusetts [Mr. STOBBS].

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

Mr. STOBBS. Mr. Chairman and members of the committee, I am not a patent lawyer nor am I a member of the Committee on Patents, but I come from a district which probably is one of the greatest manufacturing districts in the United States, and I am very much interested for that reason, as well as for other reasons, in the efficiency of our Patent Office.

Under the Constitution, of course, you all know Congress was given the power, under section 8 of Article I, to pass legislation to promote science and the useful arts; and it was under that clause of the Constitution that Congress established our patent system. Now, at the present time, if anyone will make inquiry, it will be made perfectly obvious that we are not giving the proper support to our patent system; and yet probably there is no other department of our Government that has contributed more to the industrial development of this country.

During the past year there have been something like 110,000 cases of patents, trade-marks, labels, and other miscellaneous things which came before our Patent Office; something over 9,000 a month; and yet we are running behind in the Patent Office in dealing with these cases to the extent of something like a thousand a month. The reason for this very largely is that we are short of an available force in the Patent Office to deal with these cases.

Two years ago Congress gave a special appropriation to help out this situation. That appropriation has now expired, and at the present time those extra men employed are not on the pay roll of the Patent Office; and the office is short in available men to handle the situation; and the reason why we are behind in these cases is because there is a great shortage of patent examiners in the Patent Office to deal with patent cases.

You can not make a patent examiner in a few weeks. It takes a long time. You have to have skilled examiners in the Patent Office if you want to have this work done efficiently.

The salaries paid to these examiners in the Patent Office are so unattractive that we are having a great number of resignations from year to year. Back four years ago something like 48 men resigned as patent examiners from the Patent Office in one year. Last year 113 resigned out of something like 485. You can not conduct an office like that efficiently where you are losing something like 25 per cent of your trained personnel yearly, and if you do not have a trained personnel you can not have an efficient administration.

I say that Congress can not afford to be niggardly or penurious in dealing with a situation which means so much not only to our patent system but to the development of industry in this country. I hope when the time arrives that Congress will see to it that the Patent Office is not neglected when it comes to appropriating for that important office. [Applause.]

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

The Clerk read as follows:

Salaries: Secretary to the Speaker, $4,200; clerk to the Speaker's table, $4,000, and for preparing Digest of the Rules, $1,000 per annum; clerk to the Speaker, $1,940; messenger to the Speaker's table, $1,520; messenger to the Speaker, $1,440; in all, $14,100.

Mr. DICKINSON of Iowa. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa: On page 10, lines 16 and 17, strike out the words "clerk to the Speaker's table" and insert in lieu thereof the word "parliamentarian," and after the word "annum," in line 18, insert: "*Provided*, That the designation of the position 'clerk to the Speaker's table' is hereby changed to 'parliamentarian' without affecting the status of the present incumbent or requiring a reappointment."

The amendment was agreed to.

Mr. DICKINSON of Iowa. Mr. Chairman, I offer another amendment.

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

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa: On page 10, before the word "clerk," in line 18, insert the following: "assistant parliamentarian, $2,500."

The amendment was agreed to.

The Clerk read as follows:

Salaries: Doorkeeper, $5,000; special employee, $2,500; superintendent of House press gallery, $3,300; assistant to the superintendent of the House press gallery, $2,240; janitor, $2,400; messengers—17 at $1,500 each, 14 on soldiers' roll at $1,520 each; laborers—17 at $1,010 each, 2 known as cloakroom men at $1,140 each, 8 known as cloakroom men, 1 at $1,010, and 7 at $890 each; 2 female attendants in ladies' retiring rooms, at $1,440 each; attendant for the ladies' reception room, $1,200; superintendent of folding room, $2,880; foreman of folding room, $2,340; chief clerk to superintendent of folding room, $2,150; 3 clerks, at $1,940 each; janitor, $1,010; laborer, $1,010; 31 folders, at $1,200 each; shipping clerk, $1,520; 2 drivers, at $1,140 each; 2 chief pages, at $1,740 each; 2 telephone pages, at $1,440 each; 2 floor managers of telephones (1 for the minority), at $2,880 each; 2 assistant floor managers in charge of telephones (1 for the minority), at $1,830 each; 41 pages, during the session, including 10 pages for duty at the entrances to the Hall of the House, at $3.30 per day each, $28,277.70; press-gallery page, $1,200; superintendent of document room, $3,500; assistant superintendent of document room, $2,460, and $420 additional while the position is held by the present incumbent; clerk, $2,040; assistant clerk, $1,940; 8 assistants, at $1,600 each; janitor, $1,220; messenger to pressroom, $1,310; maintenance and repair of folding-room motor truck, $500; in all, $220,647.70.

Mr. DICKINSON of Iowa. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa: On page 16, line 3, strike out the word "two" and insert in lieu thereof the word "three."

The amendment was agreed to.

The Clerk read as follows:

For salaries and expenses of maintenance of the office of Legislative Counsel, as authorized by section 1303 of the revenue act of 1918 as amended by section 1101 of the revenue act of 1924, $50,000, of which $25,000 shall be disbursed by the Secretary of the Senate and $25,000 by the Clerk of the House of Representatives. The unexpended balances of such appropriation for the fiscal year 1927 are reappropriated and made available for the fiscal year 1928.

Mr. GARNER of Texas. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. GARNER of Texas: On page 22, line 7, after the first comma, strike out the remainder of the line and through line 11, and insert the following in lieu thereof: "$75,000, of which $37,500 shall be disbursed by the Secretary of the Senate and $37,500 by the Clerk of the House of Representatives."

Mr. GARNER of Texas. Mr. Chairman, I want to say for the information of the committee that several different committees have made investigations of this particular work. I might mention the Committee on Ways and Means, the Committee on Interstate and Foreign Commerce, the Committee on Agriculture, and other committees of the House. I offer this amendment, Mr. Chairman and gentlemen of the committee, because I believe this is the most valuable appropriation for the House of Representatives contained in this bill, unless it be the appropriation for ourselves. The work of this Legislative Counsel has been absolutely indispensable to the Committee on Ways and Means for the last five years, and I do not know what we would do without it. The Committee on Appropriations, of course, has permanent clerks; the clerks will stay there for a lifetime, and they get good salaries. The result is they have that work in hand, but I venture the assertion that if you disposed of all those clerks at this time and put in new men—that committee being a political committee—you would have great difficulty in getting men with experience enough to properly make up the appropriation bills.

Mr. ASWELL. Will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. ASWELL. Is it not true that we are constantly losing these men?

Mr. GARNER of Texas. That is true, and I am glad the gentleman called my attention to that. We had a young man, Mr. Alvord, who was of real value to the Ways and Means Committee, but he left that committee because he could not receive a salary as large as he could get elsewhere, so he went to the Treasury Department. However, in the making up of two bills by the Ways and Means Committee we borrowed him from the Treasury Department and he helped us make up those bills.

Mr. ASWELL. The Committee on Agriculture did the same thing. It had to borrow him, too.

Mr. PARKER. Let me say the Committee on Interstate and Foreign Commerce had to borrow the gentleman.

Mr. GARNER of Texas. Mr. Chairman, I am giving the committee this information so it may understand that this money is not wasted. The gentleman who is at the head of this office receives a salary of $7,500; he is limited to that salary by statute, and his salary can not be increased. This amendment is merely offered in order to make up a sufficient force and a permanent force in that office, so that it may be in a position at all times to serve the various committees of Congress. The Committee on Ways and Means is a political committee and the Committee on Agriculture is a political committee in the sense that when we kick you fellows out we put in our own men. When I get to be chairman of the Committee on Ways and Means I am not going to keep Bill Green's men there. I am going to kick them out.

So I want to keep somebody here who can help us draft the legislation, and, in my opinion, it is absolutely essential to have this permanent force. I think this is the first time in 24 years that I have risen on the floor of the House to offer an amendment increasing salaries, but I think in this case it is certainly deserved.

Mr. TAYLOR of Colorado. Will the gentleman yield for a question?

Mr. GARNER of Texas. I yield.

Mr. TAYLOR of Colorado. I would like to ask the ranking member of the Ways and Means Committee how this increased amount will make the salaries of these gentlemen compare with the salaries of the clerks the gentlemen referred to in the Committee on Appropriations who really handle all the money the Government of the United States has? How will the salaries compare from now on if the amendment is adopted?

Mr. GARNER of Texas. I am not prepared to answer that question, because I do not know the salaries of the clerks of the Committee on Appropriations.

Mr. TAYLOR of Colorado. Mr. Sheild gets $6,000 a year, and he is the most valuable man, I think, in the Government service. The clerks under him are getting $3,000, and we propose to raise them to $3,300. I would like to know how the salaries would compare if this amendment were adopted.

Mr. GARNER of Texas. Let me say to my friend from Colorado that Mr. Sheild is not getting too much money. I think myself he is a very valuable man, but I notice an item in here carrying $4,000 for additional work in making up certain matters, and I imagine Mr. Sheild gets a part of that; at least he ought to, because it is a matter which is left with the chairman of the committee.

Mr. RAYBURN. Will the gentleman yield for a question on that very point?

Mr. GARNER of Texas. Yes, sir.

Mr. RAYBURN. One of the reasons for asking this increased appropriation is so they can take in more men and educate them, so that when they have a man like Mr. Alvord taken away from them they will have somebody who has been trained in the work and is able to take his place.

Mr. GARNER of Texas. Yes. Let me tell you what frequently happens in connection with this work. In the morning there will be five calls from the committees for these three men, and it is impossible for them to serve all the committees. If we could assure these young men that they are going to be able to stay in the work for practically a lifetime, it would be a great help. We have the promise of the present head of this service that he will remain there. He is a very valuable man, and I may say that this man could get a bigger salary than he gets now if he was willing to leave this work. However, he loves the work, and the result is he has promised to stay with us.

I hope the amendment will be adopted.

Mr. DOWELL. Mr. Chairman, I want to emphasize what has been stated by the gentleman from Texas. I believe every committee of this House ought to use the services of this bureau. It is the most valuable service, in my judgment, the Congress has, and I am hoping that before any bill comes to this floor it may have the approval of this service.

Mr. DICKINSON of Iowa. Mr. Chairman, the amount carried in this item is subject entirely to the will of the Congress. I think this is a most valuable service, but I did not want to initiate the movement to increase the amount to make this service more nearly permanent, and I am glad to see on the floor of the House here the gentleman from Iowa [Mr. GREEN], the chairman of the Ways and Means Committee; the gentleman from New York [Mr. PARKER], chairman of the Committee on Interstate and Foreign Commerce; the gentleman from Iowa [Mr. HAUGEN], chairman of the Committee on Agriculture; the gentleman from Massachusetts [Mr. LUCE], chairman of the Committee on the Library, and one or two others, all of whom, I believe, are emphatically in favor of increasing the appropriation and making the service permanent.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

I wish to express my approval of all that the gentleman from Texas [Mr. GARNER] has said and to add a few words as to matters which are fully within his knowledge, but concerning which he has not spoken.

The work of the Ways and Means Committee is the most highly technical work that can be imagined, especially with reference to the preparation of the revenue bills.

We are constantly confronted with some plans by gentlemen on the outside who are trying to circumvent the Government in its effort to collect its taxes. We need men who are able to cope with these high-salaried individuals in order that we may get up a law that is as nearly proof against all kinds of attack as is possible.

These men are not only called upon to work during the sessions, but they will be called upon to work during the interval between the two sessions of Congress. I intend to ask, as I have before in connection with the preparation of the 1921 bill, for a joint committee—I call it a committee for want of a better name—two from the Treasury and two others, one of whom will be the head of the legislative counsel on the part of the House and the other the head of the legislative counsel on the part of the Senate. They will work, together with their associates, on the technical features of the revenue bill during the entire intermission between the two Congresses and their work will be most valuable.

It is with great pleasure that I support the proposed amendment.

The pro forma amendment was withdrawn.

Mr. HOWARD. Mr. Chairman, I move to strike out the last three words. I am in hearty sympathy with the views expressed by the gentleman from Texas. I notice one particular expression which he used—that he proposed when the proper time came to do some kicking. I would like to ask the gentleman from Texas if he has any plan now, or if he knows, or is reasonably sure, about when the blessed kicking will begin? [Laughter.]

Mr. GARNER of Texas. At the earliest possible opportunity.

Mr. HOWARD. That is satisfactory. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GARNER].

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

The Clerk read as follows:

House Office Building: For maintenance, including miscellaneous items, and for all necessary services, $107,610.20.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last figure. I rise for the purpose of expressing a hope and a wish that before this session adjourns the House will take action on the building of an additional House Office Building. I do not know of any work in Washington that is more important than the work done by the Members of Congress. I do not know of anyone in official life, working in Washington, who has to do his work under more disadvantageous conditions than a Member of Congress trying to do his work in one room. The work is such that two rooms are imperative. We transact the most important business and now do so with one room in which one, two, or three typewriters are banging away. It does seem to me that after we have made provision from time to time to take care of the different executive branches of the Government it is high time that we were putting our own affairs in shape so that we can efficiently attend to the public business. [Applause.]

Mr. KINDRED. Will the gentleman yield?

Mr. NEWTON of Minnesota. I yield.

Mr. KINDRED. What the gentleman has said with reference to the difficulties that we work under is true particularly when we may have a large delegation of the Ku-Klux Klan and also one of the Knights of Columbus at the same time meeting in one room. [Laughter.]

Mr. TAYLOR of Colorado. Mr. Chairman, I want to say to the gentleman that this committee started out to do that very thing. I think we have the jurisdiction to do it. Personnally I was in favor of this committee doing it, because the predecessor of this committee was the one that built the House Office Building. I think it is a legislative matter that no other branch of the Government has anything to do with. But some Members thought that possibly it would give a wider general information through the House to let the Public Buildings and Grounds Committee take it up. So the chairman of the committee and I yielded for the sake of harmony to have it done that way. But this committee and the Appropriations Committee are in favor of going ahead now at this session of Congress and have the new House Office Building addition completed, and I hope when the matter comes up it can come up under suspension of the rules and promptly be passed.

Mr. NEWTON of Minnesota. I am glad that the committee feels that way.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the librarian, chief assistant librarian, and other personal services in accordance with the classification act of 1923, $559,765.

Mr. LUCE. At this late hour of the day I would not delay the House were it not for the fact that these paragraphs furnish almost the only natural opportunity in the course of the session to say a word in recognition of the services rendered to the Congress by the Library and its personnel.

Somebody has said, "Happy is the country without a history," meaning, of course, happy is the country without the turmoil, crime, misery, and wretchedness that make up so great a part of history. Happy is the public institution that moves along without friction, brings us no cause for anxiety in the performance of its work, gives us no especial occasion to debate its activities. Therefore I take this rare opportunity to recognize the value of the long and faithful service of the librarian, Mr. Putnam, and the helpfulness of his associates.

Also I would acquaint the Members with what has been the result of the recent action of Congress permitting the Library to have the benefit of trust funds put at its command by generous philanthropists. In addition to the gift of that gem, the music auditorium, Mrs. Frederic S. Coolidge has endowed the department of music to the extent of more than $400,000. [Applause.] Mr. James Benjamin Wilbur has put to the service of the Library more than a hundred thousand dollars in stocks, reserving for his own use through his lifetime some part of the income, and Mr. R. R. Bowker has in the same way established a fund of $10,000. The income from these generous bene-

factions will enable the Library to broaden its work most usefully. I should not pass by without a further reference to the music auditorium in order that I may inform Members who are not familiar with the situation as to the possibilities of delight, inspiration, and solace that are being furnished there so frequently by some of the finest musicians in the country. I would commend to you the taking of the time necessary to enjoy and to profit by these wonderfully beautiful concerts.

Also I would say a word about an item appearing further on, the Legislative Reference Service. Few things have more gratified me since I have been in the House than to find myself unable, by reason of the competition of speakers, to add my word to what was said about the legislative counsel, because in my first term of service, I think it was, we were engaged in combating the theory that the very existence of such a counsel was unnecessary. Eight years have passed and now we find gentlemen vying with each other to commend this service. We do not yet spend anywhere near so much money as is spent by the Parliament of England for similar service, and should our appropriation be increased still further in the years to come to match what the Parliament does, we would profit still more.

The same is to be said about the Legislative Reference Service. This was but a short time ago strongly opposed by gentlemen who sincerely thought it was a waste of money. It is unfortunate, in my judgment, that Members of the House do not more generally know of the existence of this service, do not realize that simply by taking up the telephone they may have at their command earnest, interested men working in this wonderful storehouse of knowledge, who are glad to get for them anything that they may want. Remember it, my colleagues, and use this Legislative Reference Service more frequently.

There is one drawback to such a great library as we possess. It is not so easy of use as a small library might be, but the men and women there are gladly, cheerfully putting at our command all the effort and time that may be desired to help us out.

In connection with the reference to a new House Office Building, I would acquaint gentlemen—and I think there are those here who may not know it—with the fact that there exists a legislative library. It now occupies quarters in the House Office Building not easily reached and altogether inappropriate, depriving it of nearly all opportunity to be of use. I much hope that if we do have a new House Office Building, it will be possible to provide there a suitable House library and reading room, such as are to be found in the other great capitols of the world, where those who take pleasure in the solace of tobacco may combine that delight with reading, where all may have access to the current periodicals and enjoy the same comforts that you may find in such capitols as the one, for example, at Ottawa.

Gain would come if it were possible to acquaint all the Members, and especially the new Members, with all of the facilities of the Library. They have at their command the largest library in the western hemisphere, the third largest library in the world, a library with more than 3,500,000 books, 500,000 maps, 400,000 prints, and a million musical compositions. They have there an institution receiving from us about a million dollars a year. All this is done primarily to carry out the idea of John Randolph of Roanoke, that "a good library is the statesman's workshop." [Applause.]

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I move the Clerk be authorized to correct the totals.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TINCHER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having had under consideration the bill H. R. 16863, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. DICKINSON of Iowa. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

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

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

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

The SPEAKER. On February 2 the Senate passed Senate Joint Resolution 112 for the relief of Katherine Imbrie. The chairman of the Committee on Claims advises the Chair that in view of the fact that the Committee on Foreign Affairs has had extended hearings on this matter he prefers that the joint resolution be referred to the Committee on Foreign Affairs. The chairman of the latter committee also agrees to this reference. Therefore without objection the resolution will be referred to the Committee on Foreign Affairs.

There was no objection.

TO REGULATE, CONTROL, AND SAFEGUARD THE DISBURSEMENT OF FEDERAL FUNDS

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed the provisions of H. R. 8902, as amended by the Judiciary Committee.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Is that what is known as the contractor's bill?

Mr. CAMPBELL. Yes.

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

Mr. CAMPBELL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following bill:

[H. R. 8902]

A bill to regulate, control, and safeguard the disbursement of Federal funds expended for the creation, construction, extension, repair, or ornamentation of any public building, highway, dam, excavation, dredging, drainage, or other construction project, and for other purposes

Be it enacted, etc., That every department, bureau, commission, or other agency of the Federal Government before expending any funds for any construction project estimated to cost more than $25,000, and not constituting maintenance or repair, shall prepare complete plans and specifications for such project, together with a detailed estimate of the entire cost, as hereinafter prescribed.

SEC. 2. That before expending Federal funds on any construction project estimated to cost more than $25,000, and not constituting maintenance or repair, said departments, bureaus, commissions, or other agencies shall publicly advertise, through the usual mediums, for competitive bids to perform such project, and after receiving bids shall conduct said construction project by contract or otherwise: *Provided, however*, That if such bids be reasonable in the opinion of said departments, bureaus, commissions, or other agencies, then said departments, bureaus, commissions, or other agencies shall award the contract to the lowest responsible bidder or bidders accompanied by such securities as the department, commission, or other agency shall require, conditioned for the faithful prosecution and completion of the work according to such contract: *Provided, further*, That if such bids be not reasonable in the opinion of said departments, bureaus, commissions, or other agencies, the said departments, bureaus, commissions, or other agencies may do said construction project by day labor or any other method.

SEC. 3. That in case of public emergency in the work under any executive department, so declared by the head of said department of the Federal Government, the provisions of this act as affecting the preparation of plans, specifications, estimates, and awarding by competitive bids for any operation or class of operations involved in such an emergency shall become inactive upon the order of the head of such executive department.

SEC. 4. That maintenance and repair operations under the provisions of this act shall mean any work necessary to preserve an existing structure or means and facilities suitable for the intended purpose.

SEC. 5. That where the words "construction projects" are used in this act they shall be construed to mean the construction of any building, highway, dam, levee, or bridge; also the doing of any excavation, dredging, drainage, river and harbor, or similar work, the characteristics of which are such as to make reasonable competitive bids obtainable: *Provided, however*, That the head of an executive department may establish regulations to be operative for flood control during high water or flood periods, which regulations shall not be subject to the limitations imposed by this act.

SEC. 6. That said estimate of cost shall include all fair and reasonable charges for use of construction equipment and all other costs involved by the said construction project, whether paid directly from the specific appropriation therefor or from other funds and whether paid under direction of the specific department, bureau, commission, or other agency having charge of said project or under some other agency; and further, that said estimate of cost shall be read and shall become public record at the time of the opening of bids. Also within 60 days after the completion or acceptance of any construction project there

shall be compiled a statement of the total expense, together with a detailed statement of any change made in the plans and specifications as well as the time of completion on which the original estimate was based, all filed and made available for public examination in the office of the department in Washington.

SEC. 7. This act shall not apply to any construction projects or work incident to the construction, operation, or maintenance of the Panama or other interoceanic canal.

SEC. 8. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

ABRAHAM LINCOLN

Mr. JACOBSTEIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed some remarks on President Lincoln and to incorporate in those remarks a hitherto unpublished letter of President Lincoln.

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

Mr. JACOBSTEIN. Mr. Speaker, an ever-growing interest is being displayed in the human qualities revealed in the lives of our great Americans. We are constantly trying to reconstruct the personal characters of the men who have become outstanding figures in our national history. In a few days all America will be paying homage to one of the greatest of our citizens when we commemorate the birth of Abraham Lincoln on February 12.

As part of that tribute, the Members of the House of Representatives will welcome, I am sure, the publication in the CONGRESSIONAL RECORD of a new group of Lincoln letters. These have only recently been made public in the pages of the New York Times and the Boston Herald through the courtesy of the possessor and collector, Mr. Emanuel Hertz, of 149 Broadway, New York City.

Mr. Hertz has devoted a great deal of time to collecting material on Lincoln and has published several pamphlets dealing with the life of this great American.

There are 10 of these letters and accompanying notes, 8 of which are in Lincoln's own handwriting. One was dictated, but bears his signature. The letters deal with the personal and official activities of Lincoln just prior to and during the Civil War, and are historically interesting and valuable as throwing additional light on this incomparable character. None of them are found in the standard books on Lincoln.

The letters are herewith reproduced in full.

ILLUSTRATING HIS METHODS AS AN ATTORNEY

The first of these letters was written while Lincoln was a practicing lawyer in Illinois and illustrates the methods he used as an attorney. In it Lincoln confesses to his client that his case will probably be lost:

SPRINGFIELD, *January 22, 1852.*

H. M. WEED, Esq.

DEAR SIR: Your letter inquiring for your case was duly received. We finished arguing and submitted the case yesterday afternoon, and it is not yet decided. We had a two days' trial of it, and they are pressing on very hard on one or two points. I should not wonder if the case is decided against us. One of the hard points is that our deed of January, 1820, is under the act of 1819 fraudulent and void as against their deed of August, 1820, because it was not proved or acknowledged according to that act and because their deed was not defeated by a subsequent recording, the only mode of defeasance known to that law, and because it was incompetent to the legislature to defeat it on any other mode, as they apparently do by the act of December, 1822. This is the only dangerous point, as I think, on their old deed. As to tax deed, they do not rely on it as a perfect title nor as a basis for the limitation act of 1839, but only as a basis for the limitation act of 1835. To our objection that the law was repealed under which the sale was made, they insist that as the new law only repeals all laws coming within the purview and meaning of it, and as the uncollected taxes of 1838 were not within the purview of the new law so far, the old law itself was not within the purview of the new and so far was not repealed. This position of theirs seems absurd to me, and I found several authorities against it; but they find one for it, and, worse than all, the judge intimates that he is with them. If they get this deed on, their next step is to show "actual residence." On this they introduced but one authority, which clearly is not a point, and the judge has given no intimation on this point.

Thus stands the case. I will write you so soon as it shall be decided.

Yours truly, A. LINCOLN.

INDICATING HIS KNOWLEDGE OF SURVEYING

Lincoln's knowledge of surveying is touched on in the second letter, which he wrote to a topographer who drew a postal map:

SPRINGFIELD, ILL., *November 10, 1858.*

Having hastily examined "Larrence's post-office chart" and considered the principle upon which it is arranged, I think it will prove a great convenience to postmasters and others whose business leads them to search out particular localities upon maps.

A. LINCOLN.

Note accompanying this letter:

"This Lincoln relic was given to our father, Isaac Larrance (properly spelled Lawrence) as a testimonial to his chart, or map with a diagram, by which one can locate a given place instantly.

"Executed by Lincoln in his office in Springfield, Ill., when father made a personal call on him November 10, 1858.

"During this call the late congressional election in which Stephen A. Douglas defeated him was referred to, when he remarked, 'I did not expect to be elected, I was killing bigger game.'

"ELLIS LAWRENCE.
"PHEBE LAWRENCE WARDAN."

TO GIDEON WELLES

There are two interesting letters written to Gideon Welles, Secretary of the Navy in Lincoln's Cabinet. If President Lincoln had one man in his Cabinet on whose friendship he could count, it was Welles. The Secretary of the Navy had no ambitions hostile to Lincoln. He was Lincoln's Boswell.

One of the letters is badly charred. It was rescued by Welles from the fireplace in his home where it had fallen.

EXECUTIVE MANSION, *March 22, 1861.*

Hon. SECRETARY OF NAVY.

SIR: I understand there is a vacancy in the office of engineer in chief of the Navy that I shall have to fill by appointment.

Will you please avail yourself of all the means in your power for determining and present me the name of the best man for the service * * * of other circumstances.

Yours truly, A. LINCOLN.

EXECUTIVE MANSION, *April 17, 1861.*

Hon. GIDEON WELLES.

MY DEAR SIR: I have no reason to doubt that Mr. James S. Chalker, the bearer of this, is, as he says, the author of the "Wide Awake" order. As he is your townsman, you will know, and if it is all straight, please add your recommendation to mine, that he may have some suitable appointment in the Army, which he desires. When you shall add your word send the whole to the War Department.

Yours truly,

A. LINCOLN.

REQUESTING THE RAISING OF A REGIMENT OF CAVALRY IN THE EARLY DAYS OF THE WAR

WASHINGTON, *August 7, 1861.*

Hon. JAMES S. JACKSON.

MY DEAR SIR: If you will, with the concurrence of the Union Members of Congress of Kentucky, raise a regiment of cavalry in that State, it shall be received unto the United States service, yourself to be colonel and, if you please, Capt. R. Johnson to be lieutenant colonel.

Yours truly,

A. LINCOLN.

COMMENDING A VALUED WHITE HOUSE EMPLOYEE

EXECUTIVE MANSION,
Washington, March 4, 1862.

Whom it may concern:

Edward Burke, the bearer of this, was at service in this mansion for several months now last past; and during all this time he appeared to me to be a competent, faithful, and very genteel man. I take no charge of the servants about the house; but I do not understand that Burke leaves because of any fault or misconduct.

A. LINCOLN.

If Mr. Newton can do anything for Edward Burke, the bearer of this, I will be obliged to him. I think him worthy.

O. H. BROWNING.

CONFERENCE WITH THE TEXAS DELEGATION

The following is an unusually important communication, in which the President directs the Secretary of War to confer with the Texas delegation on the proposed war operations along the Rio Grande in that State:

EXECUTIVE MANSION,
Washington, August 4, 1862.

Honorable SECRETARY OF WAR.

SIR: Please see these Texas gentlemen and talk with them. They think if we could send 2,500 or 3,000 arms, in a vessel, to the vicinity

of the Rio Grande that they can find the men there who will reinaugurate the national authority on the Rio Grande front, and probably on the Nuesces also. Perhaps General Halleck's opinion should be asked.

Yours truly,

A. LINCOLN.

REGARDING APPOINTMENTS

The following note is one of many written to Army and Navy officers asking their opinion regarding appointments. Lincoln relied a great deal on the opinion of his military commanders.

WASHINGTON, *March 9, 1863.*

To Gen. JOSEPH HOLT,
Judge Advocate General of the Army.

MY DEAR SIR: I understand there is one vacancy of a judge advocate, under the sixth section of the same act under which you hold your appointment. If so, please indorse on this sheet your opinion as to whether, with reference to the service, the vacancy should now be filled; and also what army the appointee shall be assigned to.

Yours truly,

A. LINCOLN.

TO GEN. ROBERT ANDERSON

The most important of these letters was written on August 15, 1863, to Gen. Robert Anderson, who three years before had surrendered Fort Sumter. After surrendering, Anderson was broken in body and mind and was assigned by the President, at his request, to Louisville, Ky., for the purpose of restraining the State from joining the Confederacy.

The task was beyond Anderson's physical strength. He resigned.

Reproduction of letter sent by President Lincoln to General Anderson offering to him the command of Fort Adams

EXECUTIVE MANSION,
Washington, August 15, 1863.

MY DEAR GENERAL ANDERSON: I have been through the War Department this morning looking up your case. Section 20 of "An act providing for the better organization of the Military Establishment," approved August 3, 1861, seems to leave no discretion to President, Secretary of War, general in chief, or anyone else. The general in chief, however, says that, if agreeable to you, he will give you command of Fort Adams (I think) at Newport, R. I., by which your pay will be the same as if this law did not exist. I advise you to try it at all events. General Halleck says it will require substantially no labor or thought whatever. Please telegraph whether you conclude to try it.

And now, my dear General, allow me to assure you that we here are all your sincere friends.

Very truly,

A. LINCOLN.

A. Lincoln.

General Anderson
Bridge Port
Connecticut.

Per. Mrs. Gen. Anderson.

The last paragraph must have been comforting indeed to General Anderson. It was almost two years later that President Lincoln again having in mind the mental anguish that was Anderson's following his surrender of Fort Sumter, directed Edwin M. Stanton, his Secretary of War, to write and ask him if he would not raise the flag on the ruins of the garrison he had given up.

WAR DEPARTMENT,
Washington City, March 28, 1865.

GENERAL: I have the pleasure of communicating to you the inclosed order of the President, directing the flag of the United States to be raised and planted upon the ruins of Fort Sumter by your hands on the 14th of April next, the fourth anniversary of the evacuation of that post by the United States forces under your command.

I am happy to be the medium of transmitting this high and just tribute to the fortitude, gallantry, and patriotism displayed by you in occupying and holding Fort Sumter—qualities that distinguished you as a brave and patriotic soldier, as well as a Christian officer and gentleman.

Your friend and obedient servant,

EDWIN M. STANTON,
Secretary of War.

Bvt. Maj. Gen. ROBERT ANDERSON.

IN BEHALF OF PRISONERS OF WAR

A letter written by Simon Cameron to President Lincoln, asking intercession in behalf of a prisoner of war, bears the President's indorsement. The letter and indorsement are as follows:

HARRISBURG, *April 27, 1864.*

MY DEAR SIR: W. Wilson, who will hand this note, is a very respectable citizen of the northwestern part of this State.

He goes to Washington to have his son, now a rebel prisoner at Rock Mound, pardoned, who promises to return to his allegiance.

I am assured that the young man got into the army by no wish of his own, while in pursuit of his business at the South, and that he is now desirous of acting with the friends of the Government.

I hope you will be able to gratify W. Wilson in this natural wish toward his son.

Very respectfully,

SIMON CAMERON.

The Hon. A. LINCOLN.

Note on reverse side of letter:

I sent the petition and other papers same day since to your Excellency in the case of Chr. A. Wilson, the person referred to in this letter, and requested action in the matter. I again do so, joining General Cameron in the matter.

Your obedient servant,

A. MYERS,
Member of Congress, Twentieth District, Pennsylvania.

To President LINCOLN,
April 30, 1864.

Additional notation by the President:

Let this boy take the oath of December 8, 1864, and be discharged.

A. LINCOLN.

APRIL 30, 1864.

Although in the midst of war, the President was never too busy to give heed to an appeal for help, as this note indicates:

EXECUTIVE MANSION, *December 2, 1864.*

To Maj. Gen. E. A. HITCHCOCK.

General HITCHCOCK: If you can oblige Mrs. Waller by effecting a special exchange of Lieut. or Capt. Richard Dinsman, now in the poorhouse prison at Charleston, I will be greatly obliged.

Yours truly,

A. LINCOLN.

DICTATED LETTER TO GARRISON

President Lincoln was careful in his communications to the abolitionists. His dictated letter to Nicolay, which was sent to Garrison, shows this. The letter, on Executive Mansion paper, is as follows:

WASHINGTON, *February 7, 1865.*

MY DEAR MR. GARRISON: I have your kind letter of the 21st of January, and can only beg that you will pardon the seeming neglect occasioned by my constant engagements. When I received the spirited and admirable painting, Waiting for the Hour, I directed by secretary not to acknowledge its arrival at once, preferring to make my personal acknowledgment of the thoughtful kindness of the donors; and waiting for some leisure hour, I have committed the discourtesy of not replying at all.

I hope you will believe that my thanks, though late, are most cordial, and I request that you will convey them to those associated with you in this flattering and generous gift.

I am very truly,

Your friend and servant,

A. LINCOLN.

WM. LLOYD GARRISON, Esq.

A TOAST TO BURNS

President Lincoln was at the annual meeting of the Burns Club of Washington one evening. He was asked by one of the members—in a note on a card—for a toast to be presented when the dinner was over. The President penciled a reply on the reverse side of the card. It is in two forms, the first draft evidently being unsatisfactory to Lincoln. The first note reads:

I can not frame a toast to Burns; I can say nothing worthy of his generous heart and transcendent genius. A. LINCOLN.

Beneath was written the following:

I can not frame a toast to Burns; I can say nothing worthy of his generous heart and transcending genius; thinking of what he has said I can not say anything which seems worth saying. A. LINCOLN.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to the appropriate committees as indicated below:

S. 118. An act for the relief of all owners of cargo aboard the steamship *Gaelic Prince* at the time of her collision with the U. S. S. *Antigone;* to the Committee on Claims.

S. 670. An act for the relief of Joseph F. Thorpe; to the Committee on Claims.

S. 1266. An act authorizing the establishment of a fisheries experiment station on the coast of Washington, and fish-hatching and cultural stations in New Mexico and Idaho, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 1453. An act for the relief of Frank Topping and others; to the Committee on Claims.

S. 1959. An act granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War; to the Committee on Military Affairs.

S. 3739. An act for the relief of Josephine Doxey, to the Committee on Claims.

S. 3896. An act to amend section 11 of the merchant marine act, 1920, and to complete the construction loan fund authorized by that section; to the Committee on the Merchant Marine and Fisheries.

S. 4474. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended; to the Committee on the District of Columbia.

S. 4491. An act for the relief of G. W. Rogers; to the Committee on War Claims.

S. 4669. An act for the relief of the Kentucky-Wyoming Oil Co. (Inc.); to the Committee on the Public Lands.

S. 4719. An act for the relief of Thomas Johnsen; to the Committee on Military Affairs.

S. 4841. An act for the relief of Samuel J. Leaphart; to the Committee on Claims.

S. 4851. An act authorizing the Secretary of War to convey to the city of Springfield, Mass., certain parcels of land within the Springfield Armory Military Reservation, Mass., and for other purposes; to the Committee on Military Affairs.

S. 4858. An act for the relief of Martha Ellen Raper; to the Committee on Claims.

S. 4964. An act transferring a portion of the lands of the military reservation of the Presidio of San Francisco to the Department of the Treasury; to the Committee on Military Affairs.

S. 5083. An act to supplement the act entitled "An act granting the consent of Congress to the city of Louisville, Ky., to construct a bridge across the Ohio River at or near said city," approved April 2, 1926; to the Committee on Interstate and Foreign Commerce.

S. 5213. An act for the relief of the Lucy Webb Hayes National Training School for Deaconesses and Missionaries; to the Committee on the District of Columbia.

S. 5332. An act to authorize the removal of the Aqueduct Bridge crossing the Potomac River from Georgetown, D. C., to Rosslyn, Va.; to the Committee on Military Affairs.

S. 5339. An act to authorize the Secretary of the Treasury to enter into a lease of a suitable building for customs purposes in the city of New York; to the Committee on Ways and Means.

S. 5349. An act to amend section 7 (a) of the act of March 3, 1925, known as the "District of Columbia traffic act, 1925," as amended by section 2 of the act of July 3, 1926; to the Committee on the District of Columbia.

S. 5435. An act to provide for the widening of C Street NE., in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 5539. An act to authorize and direct the Comptroller General to settle and allow the claims of E. A. Goldenweiser, Edith M. Furbush, and Horatio M. Pollock for services rendered to the Department of Commerce; to the Committee on Claims.

S. J. Res. 120. Joint resolution authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State established in accordance with the act of Congress of August 10, 1912 (37 Stat. L. p. 293); to the Committee on Public Lands.

ENROLLED BILLS SIGNED

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

H. R. 585. An act for the relief of Frederick Marshall;

H. R. 1105. An act for the relief of the Kelly Springfield Motor Truck Co. of California;

H. R. 1330. An act for the relief of Helene M. Hubrich;

H. R. 1464. An act for the relief of Charles C. Hughes;

H. R. 2184. An act for the relief of James Gaynor;

H. R. 2491. An act for the relief of Gordan A. Dennis;

H. R. 4376. An act to allow and credit the accounts of Joseph R. Hebblethwaite, formerly captain, Quartermaster Corps, United States Army, the sum of $237.90 disallowed by the Comptroller General of the United States;

H. R. 4719. An act for the relief of the New Braunfels Brewing Co.;

H. R. 5866. An act for the relief of the Lehigh Coal & Navigation Co.;

H. R. 5991. An act authorizing the adjustment of the boundaries of the Black Hills and Harney Forests, and for other purposes;

H. R. 6586. An act for the relief of Russell W. Simpson;

H. R. 6806. An act authorizing the payment of a claim to Alexander J. Thompson;

H. R. 7156. An act for the relief of Maurice E. Kinsey;

H. R. 7617. An act to authorize payment to the Pennsylvania Railroad Co., a corporation, for damage to its rolling stock at Raritan Arsenal, Metuchen, N. J., on August 16, 1922;

H. R. 7921. An act to authorize the Commissioner of the General Land Office to dispose by sale of certain public land in the State of Arkansas;

H. R. 8345. An act for the relief of Crane Co.;

H. R. 8685. An act for the relief of Henry S. Royce;

H. R. 9045. An act to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Va.;

H. R. 9287. An act for the relief of Albert G. Tuxhorn;

H. R. 9667. An act for the relief of Columbus P. Pierce;

H. R. 9912. An act approving the transaction of the adjutant general of the State of Oregon in issuing property to sufferers from a fire in Astoria, Oreg., and relieving the United States property and disbursing officer of the State of Oregon and the State of Oregon from accountability therefor;

H. R. 10076. An act for the relief of the estate of William C. Perry, late of Cross Creek Township, Washington County, Pa.;

H. R. 10130. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the president of the Rotary Club of Crawfordsville, Montgomery County, Ind., a bell of a battleship that is now or may be in his custody;

H. R. 10725. An act for the relief of Capt. C. R. Insley;

H. R. 11325. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and acts in amendment thereof;

H. R. 11762. An act to provide for the sale of uniforms to individuals separated from the military or naval forces of the United States;

H. R. 12064. An act providing for a grant of land to the county of San Juan, in the State of Washington, for recreational and public-park purposes;

H. R. 12212. An act authorizing the Secretary of the Navy to dispose of obsolete aeronautical equipment to accredited schools, colleges, and universities;

H. R. 12309. An act for the relief of the Bell Telephone Co. of Philadelphia, Pa., and the Illinois Bell Telephone Co.;

H. R. 12852. An act authorizing the Secretary of the Navy to accept on behalf of the United States title in fee simple to a certain strip of land and the construction of a bridge across Archers Creek in South Carolina;

H. R. 12889. An act to relinquish the title of the United States to the land in the claim of Moses Steadham, situate in the county of Baldwin, State of Alabama;

H. R. 12931. An act to provide for maintaining, promoting, and advertising the International Trade Exhibition;

H. R. 13481. An act authorizing the Secretary of the Treasury to accept title for post-office site at Olyphant, Pa., with mineral reservations;

H. R. 14248. An act to amend the provision contained in the act approved March 3, 1915, providing that the Chief of Naval Operations, during the temporary absence of the Secretary and Assistant Secretary of the Navy, shall be next in succession to act as Secretary of the Navy;

H. R. 15537. An act to amend section 476 and section 4934 of the Revised Statutes;

H. R. 15604. An act for the promotion of rifle practice throughout the United States;

H. R. 15651. An act to encourage breeding of riding horses for Army purposes;

H. R. 15653. An act to furnish public quarters, fuel, and light to certain civilian instructors in the United States Military Academy;

H. R. 15821. An act to revise the boundary of the Hawaii National Park on the island of Maui in the Territory of Hawaii;

H. J. Res. 233. Joint resolution authorizing the Secretary of War to loan certain French guns which belong to the United States and are now in the city park at Walla Walla, Wash., to the city of Walla Walla, and for other purposes;

S. 3634. An act providing for the preparation of a biennial index to State legislation;

S. 4942. An act to authorize an appropriation for the purchase of certain privately owned land within the Jicarilla Indian Reservation, N. Mex.;

S. 5499. An act authorizing a survey of the Caloosahatchee River drainage area in Florida and of Lake Okeechobee and certain territory bordering its shores in Florida; and

S. J. Res. 141. Joint resolution to approve a sale of land by one Moshulatubba or Mushulatubbe on August 29, 1832.

MESSAGE FROM THE PRESIDENT—CHINESE CLAIMS

The SPEAKER laid before the House the following message from the President.

The Clerk read as follows (S. Doc. No. 204):

To the Congress of the United States:

I transmit herewith a report by the Secretary of State requesting the submission anew to the present Congress of two claims presented by the Government of China against the Government of the United States arising out of the negligent or unlawful acts in China of persons connected with the military and naval forces of the United States, and I recommend that as an act of grace and without reference to the question of the legal liability of the United States no appropriation in the amount of $1,100 be made to effect settlement of these two claims, in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 8, 1927.*

The SPEAKER. Referred to the Committee on Foreign Affairs and ordered printed with accompanying documents.

The SPEAKER also laid before the House the following message from the President.

The Clerk read as follows (S. Doc. No. 205):

To the Congress of the United States:

I transmit herewith a report by the Secretary of State, respecting a claim against the United States, presented by the Chinese Government for compensation arising out of an assault in China on Mr. Sun Jui-chin on June 11, 1923, by a private in the Marine Corps, a member of the legation guard, with a request that the recommendation of the Secretary of State, as indicated therein, be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the indemnity.

I recommend that, in order to effect a settlement of this claim in accordance with the recommendation of the Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in a sum equivalent to $500 Mexican.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 8, 1927.*

The SPEAKER. Referred to the Committee on Foreign Affairs and ordered printed with accompanying documents.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 9, 1927, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 9, 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 THE CENSUS

(10.30 a. m.)

For the apportionment of Representatives in Congress (H. R. 13471).

COMMITTEE ON THE JUDICIARY

(10.30 a. m.)

Impeachment charges against Judge Frank L. Cooper, of the northern district of New York.

EXECUTIVE COMMUNICATIONS, ETC.

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

951. A communication from the President of the United States, transmitting draft of proposed legislation to extend the availability of the unexpended balance of the appropriation, "Military and naval compensation, Veterans' Bureau, 1926 and prior years," and in addition thereto to reappropriate, under "Military and naval compensation, Veterans' Bureau, 1927 and prior years," unexpended balances from the appropriations "Medical and hospital services, Veterans' Bureau, 1925," and "Vocational rehabilitation, Veterans' Bureau, 1925." (H. Doc. No. 695); to the Committee on Appropriations and ordered to be printed.

952. A letter from the United States Civil Service Commission, transmitting, in duplicate, a list of useless papers in the office of the United States Civil Service Commission in Washington which are not needed in the transaction of public business, having no permanent value and no historical interest; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 4474. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, as amended; without amendment (Rept. No. 2011). Referred to the Committee of the Whole House on the state of the Union.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 16734. A bill to amend paragraph (c) of section 4 of the act entitled "An act to create the inland waterways corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924; without amendment (Rept. No. 2013). Referred to the Committee of the Whole House on the state of the Union.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16116. A bill granting the consent of Congress to the Henderson Bridge Co., its successors and assigns, to construct, purchase or lease, maintain, and operate a bridge across the Kanawha River, at or near the town of Henderson, W. Va., to a point opposite thereto in or near the city of Point Pleasant, W. Va.; with amendment (Rept. No. 2014). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 16652. A bill granting the consent of Congress to the Lawrenceburg (Ind.) Bridge Co., its successors and assigns, to construct, operate, and maintain a bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; with amendment (Rept. No. 2015). Referred to the House Calendar.

Mr. BARKLEY: Committee on Interstate and Foreign Commerce. H. R. 16685. A bill granting the consent of Congress to the Carrollton Bridge Co., its successors and assigns, to construct, operate, and maintain a bridge across the Ohio River between Carrollton, Carroll County, Ky., and a point directly across the river in Switzerland County, Ind.; with amendment (Rept. No. 2016). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 16889. A bill 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; with amendment (Rept. No. 2017). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINCENT of Michigan: Committee on Claims. S. 1818. An act for the relief of Lillie F. Evans; with amendment (Rept. No. 2008). Referred to the Committee of the Whole House.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 15855. A bill for the relief of Clifford J. Sanghove; without amendment (Rept. No. 2009). Referred to the Committee of the Whole House.

Mr. COLTON: Committee on the Public Lands. H. R. 16706. An act for the relief of Wilford W. Caldwell; without amendment (Rept. No. 2010). Referred to the Committee of the Whole House.

Mr. SWING: Committee on the Public Lands. S. 1661. An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin; with amendment (Rept. No. 2012). 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. TINCHER: A bill (H. R. 17024) authorizing the appropriation of $2,500 for the erection of a monument or other form of memorial at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council, at which treaties were made with the Plains Indians in October, 1867; to the Committee on the Library.

By Mr. JONES: A bill (H. R. 17025) to place agricultural products and provisions upon a price equality with other commodities; to the Committee on Agriculture.

By Mr. McLEOD: A bill (H. R. 17026) to amend and supplement the naturalization laws, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. WOOD: Concurrent resolution (H. Con. Res. 51) providing that Congress encourage the use of American materials in American-made goods; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of West Virginia, to repeal the Federal estate tax of the revenue law effective February 26, 1926; to the Committee on Ways and Means.

By Mr. CARSS: Memorial of the Legislature of the State of Minnesota, relative to the St. Lawrence seaway; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Minnesota, to enact legislation to restore and maintain equality to agriculture; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Minnesota, asking that available space at Fort Snelling be used for beds in order that the disabled service men of Minnesota may be adequately cared for; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Minnesota, requesting the passage of such legislation, and the proper arrangements with Canada, for the relief of certain territory in Roseau and Kittson Counties, Minn. from flood damages incident to the discharge of waters into said territory from Canada; to the Committee on Flood Control.

By Mr. PARKS: Memorial of the Legislature of the State of Arkansas, requesting that Muscle Shoals be used for public purposes and not leased to private ownership; to the Committee on Military Affairs.

By Mr. ROWBOTTOM: Memorial of the Legislature of the State of Indiana, requesting Congress to appropriate funds for a United States veterans' bureau, etc.; to the Committee on Appropriations.

By Mr. WOOD: Memorial of the Legislature of the State of Indiana, requesting Congress to appropriate funds for a United States veterans' general hospital, etc.; to the Committee on the World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 17027) granting an increase of pension to Harriet C. Bruce; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 17028) granting an increase of pension to Anna Fetsch; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 17029) granting an increase of pension to Ellen Kolb; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 17030) for the relief of John A. Woods; to the Committee on World War Veterans' Legislation.

By Mr. HOGG: A bill (H. R. 17031) granting a pension to Anna M. Hyde; to the Committee on Pensions.

By Mr. MURPHY: A bill (H. R. 17032) granting an increase of pension to Emma J. Isenhood; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 17033) granting a pension to Nancy M. Cowan; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 17034) granting a pension to Matilda Larimer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6244. By Mr. ARNOLD: Petition from citizens of Mason, Ill., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

6245. By Mr. BLOOM: Petition of United States Patriotic Society (Inc.), requesting the publication and distribution of the Constitution of the United States in simplified or primer form, in English and in the various languages of our alien inhabitants, arranging for the distribution of same and punishment of organizations, persons, or agencies obtaining money or anything from any person to whom such publication or instruction is given; to the Committee on Printing.

6246. By Mr. BOIES: Petition of the 1,000 delegates of the various trade, territorial, and fraternal divisions of the country, assembled in joint session in the city of New York, favoring the repeal of the war-time Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6247. Also, petition of the Greater Des Moines committee, favoring the passage of the McNary-Haugen agricultural bill; to the Committee on Agriculture.

6248. By Mr. BOYLAN: Petition of chamber of commerce of the State of New York, that a bill be passed by Congress making a suitable appropriation to provide an adequate military post on Governors Island and the improvement of housing facilities there; to the Committee on Military Affairs.

6249. Also, petition of Department of New York of the American Legion, indorsing the principles of retirement for disabled emergency Army officers, which principles are embodied in pending measures now before Congress (S. 3027 and H. R. 4548); to the Committee on World War Veterans' Legislation.

6250. Also, petition of Government Club (Inc.) of New York City, demanding the maintenance of the Army of the United States in accord with the provisions of the national defense act of 1920 and in accordance with the plans projected by the General Staff of the United States Army, and particularly implore Congress to maintain the Navy in accord with the 5-5-3 ratio; to the Committee on Naval Affairs.

6251. Also, Petition of Lieut. H. L. McCorckle Camp No. 2, United Spanish War Veterans, Department of Tennessee, that all National Soldiers' Homes should not be taken over by the Veterans' Bureau, because the present management functions satisfactorily; to the Committee on World War Veterans' Legislation.

6252. By Mr. BULWINKLE: Petition of Mrs. M. E. Fisher and other citizens of Madison County, N. C., for increased pensions for widows of the Civil War; to the Committee on Invalid Pensions.

6253. By Mr. CANFIELD: Petition of W. S. Lemon and 39 other residents of Friendship, Ind., urging the passage of legislation for increasing the pensions of Civil War soldiers and widows of soldiers; to the Committee on Invalid Pensions.

6254. By Mr. CARSS: Petition of International Falls Trades and Labor Assembly, opposing legislation providing for registration of aliens, and for fingerprinting and photographing the foreign born for purposes of identification; to the Committee on Immigration and Naturalization.

6255. By Mr. CARTER of California: Petition of the patients of the United States Veterans' Hospital No. 102, Livermore, Calif., petitioning for the amendment of paragraph 7, section 202, of the amendment of July 2, 1926, to the World War veterans' act; to the Committee on World War Veterans' Legislation.

6256. Also, petition of Mrs. Kate Daly and 85 other voters of Oakland and Berkeley, Calif., urging the passage of a bill increasing the pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6257. Also, petition of J. W. Little, Mrs. Maude Little, and Mrs. Sarah A. Davis, of Oakland, Calif., urging the passage of legislation increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6258. By Mr. CELLER: Petition of New York Board of Aldermen, favoring loans on soldiers' bonus certificates; to the Committee on World War Veterans' Legislation.

6259. By Mr. CHALMERS: Petition signed by constituents of Toledo, urging the passage of legislation increasing the pensions of all Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6260. By Mr. CHINDBLOM: Petition of Clarence E. Baker and 64 other citizens of North Chicago, Ill., and 4 citizens of Rockford, Ill., urging passage of a bill granting increases of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6261. By Mr. DALLINGER: Petition of citizens of Medford, Mass., urging increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6262. By Mr. DENISON: Petition of various citizens of West Frankfort, Ill., urging that immediate steps be taken to bring to a vote a 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.

6263. Also, petition of various citizens of Cairo, Ill., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6264. By Mr. DYER: Petition of citizens of St. Louis, Mo., protesting against passage of House bill 10311, known as the Sunday observance bill; to the Committee on the District of Columbia.

6265. By Mr. ESLICK: Petition of Mrs. W. I. Sims and others, favoring increase of pension to soldiers and sailors of the Civil War and widows of soldiers and sailors; to the Committee on Invalid Pensions.

6266. By Mr. GALLIVAN: Petition of Bernard J. Rothwell, president Bay State Milling Co., 608 Grain and Flour Exchange, India and Milk Streets, Boston, Mass., vigorously opposing the McNary-Haugen farm bill as illogical and uneconomic; to the Committee on Agriculture.

6267. By Mr. GARBER: Petition of the Department of Oklahoma, American Legion, indorsing Senate bill 3027 and House bill 4548, providing for the retirement of disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

6268. Also, petition of the Disabled American Veterans of the World War, Chapter No. 6, Liberty, N. Y., protesting against the removal of patients from Liberty, N. Y., to Government institutions located in different climates and different States; to the Committee on World War Veterans' Legislation.

6269. Also, petition of certain citizens of Weatherford, Okla., urging extension of time to the railroad companies in which to pay off their indebtedness to the Government and a reduction in the interest from 6 per cent, which it now bears, to a rate not less than 4½ per cent; to the Committee on Ways and Means.

6270. Also, petition of the Abraham Lincoln Post, No. 4, Grand Army of the Republic; the Denver Circle, No. 1, Ladies of the Grand Army of the Republic; Kensington Circle, No. 26, Ladies of the Grand Army of the Republic; Ida McKinley Tent, No. 3, Daughters of Union Veterans; and Jane C. Denver Tent, No. 9, Daughters of Union Veterans, urging enactment of pension legislation to grant $72 per month to veterans of the Civil War, $125 per month to every survivor who requires aid and assistance, $50 per month for every Civil War widow, and the removal of all limitations on the date of marriage of Civil War widows; to the Committee on Invalid Pensions.

6271. Also, petition urging enactment of legislation for relief of Civil War veterans and widows of veterans, by the citizens of Major County, Okla.; to the Committee on Invalid Pensions.

6272. By Mr. GREENWOOD: Petition of Mr. Karl Sutherland, Mrs. Lizzie Smallwood, and 76 other citizens of Monroe County, Ind., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the proposed rates of the National Tribune in order that relief may be accorded to the needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6273. Also, petition of James E. Combs, Eliza Fields, and 74 other citizens of Greene County, Ind., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6274. By Mr. HADLEY: Petition of Department of Washington, Disabled American Veterans of the World War, relative to section 202, paragraph 7, World War veterans act; to the Committee on World War Veterans' Legislation.

6275. By Mr. HALL of Indiana: Petition of Edgar Zimmerman and 20 others, of Cass County, Ind., asking for action on pension for Civil War veterans; to the Committee on Invalid Pensions.

6276. Also, petition of Bert L. Wilson and 43 citizens of Logansport, Ind., protesting against House bill 10311, the Sunday bill, or any other bill enforcing observance of the Sabbath; to the Committee on the District of Columbia.

6277. By Mr. HARE: Resolution of Ellenton Agricultural Club, Ellenton, S. C., urging Senators and Representatives in Congress to look into the wisdom of supporting a tariff on jute and other products coming in competition with cotton; to the Committee on Ways and Means.

6278. By Mr. HAYDEN: Petitions signed by 496 citizens of Arizona, urging the passage of House bill 11, the Capper-Kelly resale price bill; to the Committee on Interstate and Foreign Commerce.

6279. By Mr. HICKEY: Petition of Mrs. Sarah T. Curtis and other citizens, of South Bend, Ind., urging the passage of a bill increasing the pension of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6280. Also, petition of Mrs. Rhoda E. Lawrence and citizens, of La Porte, Ind., urging the passage of a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6281. By Mr. HOGG: Petition of Mr. and Mrs. Mark Carter and 50 other veterans and widows of the Civil War, asking early liberalization of the pension laws; to the Committee on Invalid Pensions.

6282. By Mr. HOOPER: Petition of Mrs. Amelia M. Frohm and 49 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.

6283. Also, petition of Elizabeth E. Henry and 16 other residents of Battle Creek, Mich., in favor of pending legislation to increase the pension rates of pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6284. By Mr. HOWARD: Petition favoring the passage of legislation for increase of pensions for Civil War veterans and widows of veterans, submitted by Mrs. Elizabeth C. Banghart, North Bend, Dodge County, Nebr.; to the Committee on Invalid Pensions.

6285. By Mr. JOHNSON of Washington: Petition of residents of Chehalis, Wash., in behalf of increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6286. By Mr. KELLY: Petition of Homewood Presbyterian Church, of Pittsburgh, Pa., urging passage of Sunday rest law; to the Committee on the District of Columbia.

6287. Also, petition of citizens of McKeesport, Pa., favoring Civil War pension legislation; to the Committee on Invalid Pensions.

6288. By Mr. KINDRED: Resolution and petition of the National Council of Traveling Salesmen's Associations, asking the repeal of the Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6289. By Mr. LAMPERT: Petition of Mrs. Crown and 37 other residents of Markesan, Wis., urging increased pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6290. By Mr. LEAVITT: Petition of numerous citizens of Daniels County, Mont., urging increased pension rates for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6291. By Mr. McCLINTIC: Petition of 10 voters of Custer County, praying for the passage of a bill to increase the pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6292. By Mr. McFADDEN: Petitions of residents of Ulster and vicinity, New Albany, Gibson Township, Orwell Township, Sayre, Athens Township, and Laceyville, Pa., to bring to a vote the Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

6293. By Mr. McKEOWN: Petition signed by Ben Durant, George Scott, Matilda Brown, Joe Bruner, John Bruner H. Barnes, and Mr. C. H. Vaughn, all of Bristow, Okla., urging that immediate steps be taken to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

6294. Also, petition by the Traveling Salesmen's Associations, urging the repeal of the war-time Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6295. Also, petition of Mrs. Henry Cole, Mr. and Mrs. J. L. Ray, Mrs. Cassie Sims, and many others, from Mannsville, Okla., urging that immediate steps be taken to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

6296. By Mr. McSWEENEY: Petitions of citizens of Killbuch, Holmes County, and New Philadelphia, Ohio, requesting speedy action on proposed pension legislation relieving veterans of Civil War, and widows of veterans; to the Committee on Invalid Pensions.

6297. By Mr. MURPHY: Petition by Traveling Salesmen of America, for the repeal of the war-time Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6298. Also, petition by voters of Salem, Ohio, urging that immediate steps be taken to bring to a vote a 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.

6299. By Mr. O'CONNELL of New York: Petition of the Chamber of Commerce of the State of New York, strongly urges that the headquarters of the American Republic Line remain in New York; to the Committee on the Merchant Marine and Fisheries.

6300. By Mr. OLDFIELD: Petition of citizens of Fulton County, Ark., urging the passage of House bill 13450; to the Committee on Invalid Pensions.

6301. Also, petition of citizens of Randolph County, Ark., urging the passage of House bill 13450; to the Committee on Invalid Pensions.

6302. By Mr. PATTERSON: Memorial of Cactus Chapter No. 2 and Tuscon Chapter No. 4, Disabled American Veterans of the World War, recommending repeal of the last provision of paragraph 7, section 202, disabled American veterans relief act, of June 6, 1924, and urging enactment into law of House bill 16019; to the Committee on World War Veterans' Legislation.

6303. Also, memorial of Commercial Travelers' Association, praying for immediate action on the bill S. 1143 so as to discontinue the war-time Pullman surcharge by amending section 1 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

6304. By Mr. REED of New York: Petition of citizens of Olean, Limestone, and Rushford, N. Y., urging action on a Civil War pension bill (petition not attached); to the Committee on Invalid Pensions.

6305. By Mr. REID of Illinois: Petition signed by inmates of the Soldiers Widows' Home at Wilmington, Ill., urging passage of legislaton for the benefit of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6306. By Mrs. ROGERS: Resolution and petition of the National Council of Traveling Salesmen's Associations, for the repeal of the war-time Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6307. By Mr. ROWBOTTOM: Petition of Mrs. Cordelia Corder and others, of Gibson County, Ind., that the bill increasing the pension of Civil War widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

6308. By Mr. SANDERS of New York: Petition of 105 residents of the thirty-ninth congressional district, opposing the passage of compulsory Sunday observance bills; to the Committee on the District of Columbia.

6309. Also, petition of the congregation of the United Presbyterian Church of Pavilion, N. Y., unanimously urging the passage of House bill 10311, the Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

6310. Also, petition of 59 residents of the thirty-ninth congressional district of New York, urging the passage of House bill 10311, the Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

6311. By Mr. SCHNEIDER: Petition of voters of Green Bay, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6312. Also, petition of voters of Crandon, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6313. Also, petition of voters of Gillett, Wis., urging legislative relief for veterans and widows of the Civil War; to the Committee on Invalid Pensions.

6314. By Mr. SINCLAIR: Petition of representatives of 900,000 traveling salesmen, for the repeal of the war-time Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

6315. By Mr. STRONG of Kansas: Petition of voters of Concordia, Kans., urging passage of Civil War pension bill for widows and veterans; to the Committee on Invalid Pensions.

6316. By Mr. TEMPLE: Petition of members and adherents of the Chartiers Cross Roads United Presbyterian Church, Washington County, Pa., in support of the Lankford Sunday rest bill (H. R. 10311); to the Committee on the District of Columbia.

6317. By Mr. THATCHER: Petition of numerous residents of Louisville, Ky., urging passage of a bill granting increases of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6318. Also, petition of certain residents of Louisville, Ky., urging passage of a bill granting increases of pension to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6319. By Mr. THOMPSON: Petition of 140 citizens of Putnam County, Ohio, urging passage of legislation granting more liberal pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6320. By Mr. THURSTON: Petition of citizens of Adams County, Iowa, requesting the Congress to pass legislation to increase pensions of veterans of the Civil War; to the Committee on Invalid Pensions.

6321. Also, petition of Greater Des Moines Committee, indorsing the McNary-Haugen bill; to the Committee on Agriculture.

6322. Also, petition of citizens of Afton, Union County, Iowa, requesting the Congress to pass legislation to increase pensions now allowed to veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6323. By Mr. UNDERWOOD: Petition of Mrs. Clyde Humphreys et al., Mrs. Emma Hockman et al., Chas. C. Wolfe et al., D. P. Camp et al., and David C. Throckmorton et al., favoring Civil War pension legislation; to the Committee on Invalid Pensions.

6324. By Mr. VINCENT of Michigan: Petition of residents of the eighth district, urging further relief for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6325. By Mr. WATSON: Petitions from residents of Bucks County, Pa., urging further relief for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *February 9, 1927*

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

Our heavenly Father, we love to call Thee by that name, for such is the endearment because we know that Thou art looking after our interests and ever seeking our welfare. Thou hast permitted us to see the morning light and opened to us opportunities of service in Thy name and for Thy glory. Be pleased to be with us this day. Guide our thoughts, influence our purposes, and lead us onward. For Thy name's sake we ask it. 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 Mr. TINKHAM and Mr. GRIFFIN were appointed as additional managers on the part of the House at the conference on 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.

The message also announced that the House had passed a 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, in which it requested the concurrence of the Senate.

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:

S. 3634. An act providing for the preparation of a biennial index to State legislation;

S. 4942. An act to authorize an appropriation for the purchase of certain privately owned land within the Jicarilla Indian Reservation, N. Mex.:

S. 5499. An act authorizing a survey of the Caloosahatchee River drainage area in Florida, and of Lake Okeechobee and certain territory bordering its shores in Florida;

H. R. 585. An act for the relief of Frederick Marshall;

H. R. 1105. An act for the relief of the Kelly Springfield Motor Truck Co. of California;

H. R. 1330. An act for the relief of Helene M. Hubrich;

H. R. 1464. An act or the relief of Charles C. Hughes;

H. R. 2184. An act for the relief of James Gaynor;

H. R. 2491. An act for the relief of Gordan A. Dennis;

H. R. 4376. An act to allow and credit the accounts of Joseph R. Hebblethwaite, formerly captain, Quartermaster Corps, United States Army, the sum of $237.90 disallowed by the Comptroller General of the United States;