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Congressional Record

PROCEEDINGS AND DEBATES OF THE SIXTY-NINTH CONGRESS
SECOND SESSION

SENATE

FRIDAY, *February 11, 1927*

(*Legislative day of Wednesday, February 9, 1927*)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. McMASTER. I desire to announce that my colleague, the senior Senator from South Dakota [Mr. NORBECK], is unavoidably absent from the Senate, being detained in a hospital on account of injuries received in an automobile accident.

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

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

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

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

INVESTIGATION OF BREAD PRICES

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission transmitting, in response to Senate Resolution 163, Sixty-eighth Congress, first session (agreed to February 16, 1924) a preliminary report of the commission relative to conditions in the bread-baking industry, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts. Mr. President, I request that a telegram from the National Association of Cotton Manufacturers, a letter from the president of the Boston Chamber of Commerce, and letters from Stephen Apps, of Brady & Apps, of Fall River, Mass., and Bernard J. Rothwell, of Boston, be printed in the RECORD and lie on the table. These papers are in the nature of memorials and make protest against the passage of the so-called McNary-Haugen farm relief bill.

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

BOSTON, MASS., *February 10, 1927.*

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.:

Proposed McNary-Haugen bill is unsound economically and discriminating in its purpose. Its passage can result only in higher cost of clothing, yarn, tires, and many other articles to the consumer, and will further increase the difference in cost of manufacturing in this country and our competitors abroad, necessitating further tariff changes or loss of cotton textile industry employing over half a million. Our association with over 1,000 representative cotton manufacturers as members urges you to do your utmost to defeat this bill.

NATIONAL ASSOCIATION OF COTTON MANUFACTURERS.

BOSTON CHAMBER OF COMMERCE,
PRESIDENT'S OFFICE,
February 10, 1927.

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

DEAR SIR: The officers and directors of the Boston Chamber of Commerce appreciate your stand in opposition to the McNary-Haugen bill. It is so clearly against the interests of the people of the country as a whole that it ought to fail to pass, and we hope you will continue to oppose it at all stages.

It aims to benefit people raising wheat, corn, rice, swine, and cotton by increasing the cost of living of every person not directly engaged in these enterprises.

It undertakes to establish and maintain artificially high prices of these products regardless of supply. This is contrary to sound economics and to common sense.

The effect will be to stimulate production to excess of demand, and, at the same time, it attempts to maintain artificially high prices.

One effect will be the selling of staple products in foreign countries at lower prices than they are sold to our own citizens. This is "abnormal and repugnant."

Our textile mills will have to pay higher prices for raw cotton than foreign competitors will pay. This will be an additional handicap to the domestic textile industry, which normally is the greatest market for American cotton.

It will tend to throw a greater share of the world's textile business to foreign competitors. This will reduce the purchasing power of the American public and thus go a long way toward defeating the purpose of the bill.

The Boston Chamber of Commerce realizes that conditions in the agricultural industry are out of adjustment with those in other industries. It also recognizes the importance to the Nation of having that great industry on a healthy basis; but it is convinced that unfavorable conditions can not be effectively remedied by such legislation as the McNary-Haugen bill. Any lasting and equitable solution must be in accordance with sound economic principles.

The McNary-Haugen bill attempts to control prices without controlling production and is therefore unworkable.

Yours very truly,

ANDREW J. PETERS, *President.*

BRADY & APPS,
Fall River, Mass., February 4, 1927.

Mr. WM. J. DOOLEY,
Boston, Mass.

MY DEAR MR. DOOLEY: You undoubtedly noticed the strength in the cotton market to-day. It is stated that the probable passage of the farm bill is the answer. Taking surplus crops off the market appears to many as though the gambler will be sitting in the saddle. This seems a natural inference in view of the fact that the economic law of supply and demand will be relegated to the rear. The manufacturer of textiles certainly has everything to lose; i. e., if there is anything left after five years of the worst business in its history. There is no use denying the fact that high cotton has been a contributory factor counting for the present conditions of the best-managed plants in this country. A return to high commodity values, especially at a time when the supplies of cotton are the greatest in history, would surely mean the death knell

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of many mills now operating throughout the country. Certainly it is a pleasure to read in the newspapers that our New England Senators are fighting this bill tooth and nail, evidently realizing what it means to the textile interests who are struggling in their endeavor to keep going.

With best regards, I am,

Sincerely yours,

STEPHEN APPS.

BAY STATE MILLING CO.,
Boston, 9, Mass., February 9, 1927.

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

DEAR SENATOR WALSH: Noting through our local press that you have had read into the CONGRESSIONAL RECORD an article by John Bantry, which appeared in the Boston Post of Saturday, February 5, may I call your attention to one serious misstatement which it contains, namely, "that this bill guarantees a profit to millers, all the big concerns who turn wheat, corn, and rice into flour meal and cereals."

As you are no doubt aware, this bill makes no such guaranty; on the contrary, so fraught with harm is it to the flour-milling industry that the Millers' National Federation actively opposes it, and individual millers all over the country are bringing every possible legitimate influence upon their Representatives in Congress to vote against it.

Far from being an advantage to the flour-milling industry, it is a distinct menace, liable to involve it in serious losses. By no possible construction could it add one cent to the profits of this highly competitive industry.

Am glad to note your opposition to its passage, and I sincerely hope that should it pass both Houses of Congress, consistent with his previous public expressions on this subject, the President will promptly veto it.

Yours very truly,

BERNARD J. ROTHWELL.

Mr. CURTIS presented the following concurrent resolutions of the Legislature of the State of Kansas, which was referred to the Committee on Appropriations:

Senate Concurrent Resolution 5 and memorial petitioning the Congress of the United States to appropriate not less than $8,000,000 for the conservation of flood waters in the State of Kansas during the years 1927 and 1928, making not less than $4,000,000 of the amount available not later than June 30, 1927, and $4,000,000 available June 30, 1928

Be it resolved by the Senate of the State of Kansas (the House of Representatives concurring therein)—

SECTION 1. That owing to the extreme dry weather in western Kansas and the damage done by floods in all parts of the State in rainy seasons during the summer months of each year, that the Congress of the United States be and is hereby requested to appropriate the sum of $4,000,000 to be available not later than June 30, 1927, to prevent the loss of waters in the streams of western Kansas, by impounding the same into large lakes, that said impounded water may be used for irrigation when available, and keeping the streams of the State within their channels. The said money to be expended for impounding such waters under the direction of the board of administration, and a like sum to be expended for the same purpose through the direction of the same board and be available not later than June 30, 1928.

SEC. 2. That the secretary of state be and is hereby directed to transmit copies of this resolution to the Senate and House of Representatives of the United States and to the several members of said bodies representing the State therein, and to the President of the United States.

I hereby certify that the above concurrent resolution originated in the senate, and passed that body January 26, 1927.

D. A. N. CHASE,
President of the Senate.
ARTHUR S. MCNAY,
Secretary of the Senate.

Passed the house February 4, 1927.

J. M. HAMILTON,
Speaker of the House.
W. S. MORGAN,
Assistant Chief Clerk of the House.

Mr. BRUCE presented petitions of sundry citizens of Baltimore, Md., 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. JONES of Washington presented petitions of sundry citizens of Seattle and Tacoma, all in the State of Washington, 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. WILLIS presented memorials of sundry citizens of Jackson and Newark, all in the State of Ohio, remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation religious in character, which were referred to the Committee on the District of Columbia.

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

Mr. DENEEN presented memorials of sundry citizens of the State of Illinois, 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 religious in character, which were referred to the Committee on the District of Columbia.

He also presented petitions numerously signed by sundry citizens of Chicago, Earlville, Rockford, and other cities and towns in the State of Illinois, 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.

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

ENVIRONS OF THE CAPITOL AND THE WHITE HOUSE

Mr. BLEASE. Mr. President, I have here a communication from the chairman of the committee on plan of Washington of the American Institute of Architects which I wish to have referred to the Committee on Public Buildings and Grounds and printed in the RECORD. I would like to ask that the committee pay some attention to the matter.

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

THE AMERICAN INSTITUTE OF ARCHITECTS,
COMMITTEE ON PLAN OF WASHINGTON AND ENVIRONS.

THE AMERICAN INSTITUTE OF ARCHITECTS ANSWERS QUESTIONS

The institute has proposed four lines of legislative action for the protection of the Capitol and the White House:

1. DEFINITE ESTABLISHMENT OF THE FUTURE CHARACTER OF CAPITOL AND WHITE HOUSE FRONTAGES

Q. Does this mean ultimate Government ownership?—A. Not necessarily. Subject only to requirements of Planning and Public Buildings Commissions.

Q. Would not this "throw a cloud" over property?—A. No. It would relieve present situation from uncertainty by giving commissions the right to consider the use of these sites, and by forcing them to decide whether or not they wanted the property.

Q. How would it affect property not required?—A. It would enforce conformity in architectural type: (1) For the Capitol, to a scheme harmonizing with the Senate and House Office Buildings; (2) for the White House, to a scheme harmonizing with the Treasury Annex.

Q. Why not specify "like" these types instead of "harmonizing"?—A. Because exact repetition is monotonous and unnecessary. More freedom can be given to meet special requirements, and better results will follow if plans are subject to approval of the Fine Arts Commission.

Q. Is it proposed to take entire blocks as shown on plan of 1901?—A. Not necessarily; e. g., the Treasury annex is designed as a T-shaped building with only a wing going through to Fifteenth Street.

Q. How would it affect St. Johns Church?—A. On every hand, especially with the architects, the preservation of this landmark is being insisted upon; but if St. Johns were eventually to rebuild, a new structure on this site should conform to the prevailing type. The early protests were that the plan of 1901 would destroy the historic houses of Lafayette Square; but the historic houses have fallen before private development, not governmental. To-day the Hay, Adams, Slidell, and Corcoran houses have gone; the Dolly Madison, the Cameron, the Decatur, and others, are to go.

Q. Why bother about the new buildings when the State, War, and Navy and the Veterans' Bureau already violate the scheme?—A. No one, except seeing-Washington guides, has any brief for the Mansard bulk of the State Department Building. Plans have long since been made to scrape off its architectural excrescences, to decapitate it and bring it into some form of architectural subordination. Eventually these plans will be carried out. The Veterans' Bureau is a scathing indictment of just the "individualistic" planning which it is now sought to prevent. Undoubtedly in due course this building will be remodeled.

Q. Incidentally, what is meant by the expression currently used or objected to, "monumental" architecture?—A. This is a phrase used in opposition to such terms as "commercial" or "industrial." It implies a larger, more substantial, more dignified treatment than merely meet-

ing the absolute essentials. However, commercial buildings are not infrequently monumental; banks usually are, office buildings occasionally. Monumental treatment does not imply waste, excess, or overelaboration. One of the most distinctive, imposing, unappreciated structures in Washington is the simple but extremely dignified old City Hall. It is believed that Government buildings, in their main elements, should rank no lower in dignity than the best of corresponding private structures.

Q. Isn't this all a new scheme not in the L'Enfant plan?—A. It is a definite, logical development of the spirit of a violated first plan. The L'Enfant plan called for the ample setting of a "President's Park," extending from Fifteenth to Seventeenth Streets and north to I or K Street. The first violation was putting the Treasury where it stands and moving the building lines forward; allowing tall structures is equivalent to moving them even closer to the White House.

Q. In brief, what is the minimum requirement to cover the situation?—A. Uniformly harmonious façades for the enframing buildings, regardless of use (public or private); regardless of depth—block entirely or single units with set back and added stories * * * a blanket clause: "All new buildings to be subordinate to the general scheme as expressed (for the Capitol) in the Senate and House Office Buildings (for the White House), in the Treasury Annex and the Chamber of Commerce; all to be approved by the Commission of Fine Arts."

2. THE REZONING OF THE AREAS INVOLVED TO PREVENT FURTHER COMMERCIAL DEVELOPMENT

Q. What is the idea of this suggestion?—A. The idea is to avert waste—to head off building development not permanent in character.

Q. What is the objection to regulated commercial development such as the Chamber of Commerce?—A. There is no objection from the standpoint of appearances. There is every reason to believe, however, that all the available frontages of the White House and the Capitol will be needed for Federal purposes.

Q. Would not such zoning be confiscatory?—A. Possibly the word "prevent" should be replaced by "retard" or "arrest." Certainly the height limit should be reduced. Actually the Government should proceed at once to acquire the property it will eventually need.

Q. Exactly what does this heading call for?—A. That depends on what the planning commission recommends; and on whether or not the Shipstead bill passes (supervision by Fine Arts Commission of buildings facing parks).

Q. Will not the passage of the Shipstead bill as it stands be sufficient to meet the situation?—A. No; retroactive legislation is confiscation. It can not touch a building for which a permit has been granted. The only equitable solution apparent is acquisition of the properties.

3. AUTHORIZATION FOR THE VARIOUS COMMISSIONS TO INCLUDE THESE AREAS IN THEIR PLANNING

Q. Why is authorization necessary?—A. Because, in so far as current appropriations are concerned, permission to consider the use of these sites has been specifically withheld, and because, from the very beginning, private interests have endeavored to block Government development around Lafayette Square.

Q. Since the Bruce restriction applies only to the present appropriation, why not leave matters until another appropriation bill?—A. Because this same policy, adopted last year over the protest of the architects, has brought about these complications of the new hotel and the new office building; and because further delay in establishing a policy will tie up the extension of the Treasury Annex.

Q. What would be the special advantage of this study?—A. It would definitely clarify a tangled situation by determining just what property the Government will want. By freeing other properties from the burden of uncertainty, development may proceed. It will point the way and establish the character of treatment desired, whether public or private.

Q. What are these properties worth?—A. The architects' committee has made no investigations nor discussed the subject with property interests. It is understood that officials have made investigations.

Q. If purchased, what would properties be used for?—A. To meet the needs of the Federal Government as determined by the Planning Commission and the Public Buildings Commission. It might be assumed that the Dolly Madison house would eventually be required to complete the Treasury Annex, and that property on the west side of the square will in due course go into a single building of the same general size and character as the completed Treasury Annex—possibly the State Department. The Hay-Adams site has been mentioned for a building for the Bureau of the Budget or for the Federal Reserve Board.

Q. Why can not this matter stand until next session?—A. Because the price of delay will add between three and four millions of dollars to the cost of the properties; and will delay the development of this section for a generation.

Q. Why was not this question raised before?—A. It has been constantly stressed since 1901. Every attempt to develop the square has met effective opposition. The danger was pointed out by the architects' committee in May, 1926, when the public buildings bill was under consideration and the rider eliminating Lafayette Square was being forced. Senator Fernald, chairman of the Senate committee, told the architects' committee that he appreciated the situation but was powerless in the face of a filibuster endangering the whole public buildings bill.

4. IMMEDIATE ACQUISITION OF PROPERTIES FOR WHICH IMPROVEMENTS ARE DEFINITELY PROJECTED

Q. Why?—A. Because improvements projected are not in harmony with general schemes for treatment, and because cost of subsequent acquisition with improvements will mean wholly unnecessary added burden with loss not only of improvements but of added earning values, of demolition, etc.

Q. What properties and improvements are involved?—A. The new Carlton Chambers on H Street between Sixteenth and the Chamber of Commerce, a building higher than the established type and different in treatment. Work to begin immediately. A new office building on the west side of the square—Jackson Place. Plans out for bids. Likewise a structure differing radically from acceptable type and not subsequently adaptable. The Dolly Madison house (Cosmos Club), the sale of which for commercial purposes is being discussed. This property is needed for the completion of the Treasury Annex, which is designed for the entire block in length and already is one-third completed.

Current reports indicate that the Stephen Decatur house, built with prize money, may likewise go on the market.

Developments for Capitol frontages are unknown, but two apartment houses have been only recently started.

Q. Why wait until the last moment, "locking the barn after the horse is stolen"?—A. For 25 years the American Institute of Architects has urged the purchase of the properties in jeopardy, at a fraction of their present value.

It has consistently supported the 1901 development of the L'Enfant plan.

In 1924, in its official publication, The Plan of the Federal City, it called special attention to the White House and Capitol frontages, with this warning:

"Both of these great projects are endangered and their future made possible only at prohibitive cost unless plans are immediately made to insure their future realization."

For three years it has maintained a committee with members throughout the whole country to watch over the development of the national committee.

In 1926, in the closing days of the last session, it endeavored to defeat the Bruce amendment, warning of the inevitable results. It could do no more.

The institute now points out that, although several horses have been stolen, the greater part of the stable is still intact, but is about to be taken in toto. It urges that the doors be locked now, before the last horse is taken.

Submitted by—

HORACE W. PEASLEE,
Chairman the Committee on Plan of Washington of the American Institute of Architects.

WASHINGTON, D. C., *February 10, 1927.*

REPORTS OF COMMITTEES

Mr. TYSON, from the Committee on Claims, to which was referred the bill (S. 4795) for the relief of B. F. Cowley, reported it without amendment and submitted a report (No. 1458) thereon.

He also, from the same committee, to which was referred the bill (S. 5017) for the relief of Ruth J. Walling, reported it with an amendment and submitted a report (No. 1459) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 5230) for the relief of Kate Mathews, reported it with an amendment and submitted a report (No. 1460) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 1283) for the relief of Margaret I. Varnum, reported it without amendment and submitted a report (No. 1461) thereon.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (H. R. 12797) to authorize the sale of the Buckeye Target Range, Ariz., reported it without amendment and submitted a report (No. 1462) thereon.

Mr. LENROOT, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 15414) to authorize the United States Veterans' Bureau to accept a title to lands required for a hospital site in Rapides Parish, La., reported it without amendment and submitted a report (No. 1463) thereon.

Mr. DENEEN, from the Committee on Claims, to which were referred the following bills, submitted adverse reports thereon:

A bill (S. 644) for the relief of Henry H. Hall (Rept. No. 1464); and

A bill (S. 2126) for the relief of George Andre and Alphonse Andre (Rept. No. 1465).

Mr. DENEEN also, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4631) for the relief of Claude T. Winslow (Rept. No. 1466); and

A bill (H. R. 12551) for the relief of the Fidelity & Deposit Co. of Maryland (Rept. No. 1467).

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on February 11, 1927, that committee presented to the President of the United States the enrolled bill (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.

BILLS INTRODUCED

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

By Mr. RANSDELL:

A bill (S. 5671) 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; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 5672) granting a pension to Mary E. King (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5673) granting a pension to Mary A. Miller; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 5674) for the transportation of foreign mails of the United States, the creation and maintenance of auxiliaries for the use of the Army and Navy, the defense of the United States, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. STANFIELD:

A bill (S. 5675) validating certain applications for and entries of public lands;

A bill (S. 5676) providing for the disposition of certain lands in Michigan and Wisconsin and the adjustment of claims arising from erroneous surveys;

A bill (S. 5677) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land;

A bill (S. 5678) to withhold timberlands from sale under the timber and stone act;

A bill (S. 5679) to repeal an act entitled "An act to provide for stock-raising homesteads, and for other purposes";

A bill (S. 5680) to repeal the desert land laws, and for other purposes; and

A bill (S. 5681) to authorize the issuance of patent for lands containing deposits of copper and associated minerals, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. JONES of Washington:

A bill (S. 5682) granting an increase of pension to William G. Simpson; to the Committee on Pensions.

By Mr. SCHALL:

A bill (S. 5683) granting a pension to Eliza G. Murray; and

A bill (S. 5684) granting an increase of pension to Cora F. Marlette; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 5685) granting an increase of pension to Phebe Jane Sparrow (with accompanying papers); to the Committee on Pensions.

LEGISLATIVE APPROPRIATIONS

Mr. HARRISON. Mr. President, I desire to enter a motion to reconsider the action by which House bill 16863, the legislative appropriation bill, was ordered to a third reading and passed on yesterday.

I have just been informed that the bill has been transmitted to the House. I also desire to enter a motion to request the House to return the bill to the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi that the House be requested to return to the Senate the legislative appropriation bill.

Mr. HARRISON. Let the motion be entered for the present. I ask unanimous consent that that may be done.

The VICE PRESIDENT. The motion will be entered.

Mr. HARRISON subsequently said: Mr. President, I desire to withdraw the motion which I entered asking the recall of the legislative appropriation bill from the House of Representatives and for a reconsideration of the vote whereby that bill was read the third time and passed on yesterday.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the motions are withdrawn.

RELATION OF THE PUBLIC-LAND STATES TO THE FEDERAL UNION

Mr. WARREN. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Hon. Philip E. Winter, attorney at law, before the Open Forum of the Casper Chamber of Commerce at Casper, Wyo., on Tuesday, January 25, 1927, being a discussion and brief upon the relation of the public land States to the Federal Union. It is a valuable contribution of statistics, argument, history, and citation of authorities.

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

Mr. Winter's address is as follows:

THE PROTEST OF THE WEST

For the purposes of this paper, the "West" includes the 11 so-called public-land States: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming—which labor under the mutual ban and handicap of being "unequally yoked together" with the United States Government in the occupancy and control of the lands, within their respective State lines, which they are seeking to develop into sovereign States of a sovereign Nation, while at the same time the Federal Government is asserting dominion over more than one-half of the lands in each of these 11 States.

It is an anomalous, illogical relation which does not exist anywhere else in this "indissoluble Union of 48 indestructible States"—and it can not permanently continue here. The voice of protest has been raised from West to East, even as once it smote upon the ears of that Pharoah, and cabinet, farther East: "Let my people go!" so now the slogan is "Let go of our lands!" The West must and shall come into its own—"with none to molest nor make us afraid."

In other words, we are demanding the reestablishment of self-government in these public-land States, and this demand is based upon, and involves, the fundamental principles of the representative republican form of government which has been the admiration of the world for 150 years:

[From the Declaration of Independence, July 4, 1776]

Governments are instituted among men, deriving their just powers from the consent of the governed.

[From the Federalist, XXII, December 14, 1786]

The fabric of the American Empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from the pure, original fountain of all legislative authority.—Hamilton.

[From the Federalist, XLV]

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiations, and foreign commerce; with which last, the power of taxation will, for the most part, be connected. The power reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.—Madison.

This is, or would be, self-government but what if that "original fountain of all legitimate authority" be stopped! And what if it be attempted to have those streams of national power rise higher than their source!

To bring this directly home to our protest, let me quote the following from the recent speech at Williamsburg, Va., of President Coolidge, the present head of that "National power":

"No method of procedure has ever been devised by which liberty could be divorced from self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. Of all forms of government, those administered by bureaus are about the least satisfactory to an enlightened and progressive people. Being irresponsible, they become autocratic, and being autocratic, they resist all development. Unless bureaucracy is constantly resisted, it breaks down representative government and overwhelms democracy. It is the one element in our institutions that sets up the pretense of having authority over everybody, and being responsible to nobody. * * *

"While we ought to glory in the Union and remember that it is the source from which the States derive their chief title to fame, we must also recognize that the national administration is not and can not be adjusted to the needs of local government. It is too far away

to be informed of local needs, too inaccessible to be responsive to local conditions.

"The States should not be induced by coercion or by favor to surrender the management of their own affairs.

"These principles of independence, of the integrity of the Union, and of local self-government have not diminished in their importance since they were so clearly recognized and faithfully declared in the Virginia convention of a hundred and fifty years ago * * *."

Now, what is Wyoming's case?

Within the limits of this paper we can only hit a few of the high places, but they will make plain the justice of our cause.

On September 30, 1889, the people of the Territory of Wyoming, as we find it recited in the enabling act, "asked the admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever." And in response the following action was taken by Congress:

"*Be it enacted, etc.*—That the State of Wyoming is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever." * * *

In the second section of this enabling act is found the only exception or limitation to this express compact assuring to the people of Wyoming full equality with the people of the original 13 States, namely:

"*Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Yellowstone National Park or the reservations of this park, as now defined or as may be hereafter defined or extended, or the power of the United States over it; and nothing contained in this act shall interfere with the right and ownership of the United States * * * which shall have exclusive control and jurisdiction over the same."

This act was approved July 10, 1890. Would the Federal Government thus anxiously and carefully expressly stipulate for the retention by it of the Yellowstone National Park area if it then had in contemplation the later asserted claim that in spite of the statehood granted to Wyoming, the National Government remained the owner of more than half of the lands within the limits of the new State? Unquestionably, up to that time, there had been asserted no claim or hold by the Federal Government upon any of Wyoming's lands other than the Yellowstone National Park, except such claim or hold as it had upon the original 13 States and all the other States subsequently admitted into the Union alike.

Now, did it have any such right, or had it ever made any such claim as against the original thirteen States, or any States of the Union other than the eleven States now known as the public-land States?

On the contrary, we find that at the close of the Revolutionary War the Federal Government found it necessary to, and did, ask and obtain the cession to it by Virginia of certain lands known as the Northwest Territory in order that it might by the sale of those lands raise money to pay the debts of the Federal Government incurred by the war. This was assented to by what is known as the ordinance of 1787, and prior to the adoption of the Constitution. We further find that in the treaty of peace and the cession by King George III of all the lands and rights which Great Britain ever had within the limits of the present United States the precise language of the cession grants the lands not to the United States Government but to "the people of the thirteen Colonies."

We further find that when, subsequently, the making of the Constitution was begun, all power and all property was in the States—that is to say, in the hands of the people—and it was the weakness and poverty of the Federal Government that made a Constitution necessary for the establishment of the Government. Hence the language of the introduction: "We, the people of the United States, in order to form a more perfect Union * * * do ordain and establish this Constitution for the United States of America * * *" was followed by the grant from the people to the Federal Government of certain well-defined powers. It is impossible to read the debates in the Constitutional Convention, the 85 papers written by Alexander Hamilton, James Madison, and John Jay, grouped under the collective title, "The Federalist or the New Constitution," written and circulated while the adoption of the Constitution was pending before the various State legislatures for ratification, and the early decisions of the United States Supreme Court under John Marshall, without reaching the conclusion that all sovereignty and power and dominion over the soil was solely in the citizenry of those thirteen original State governments with which Wyoming was by the enabling act placed upon the same footing, and the citizenry only parted with so much of that sovereignty and power as would enable their common Federal Government, their creature and their agent, to function with sufficient force to provide for the defense and for the general welfare of the Nation. All other powers were retained in the hands of the people. It is true that in section 3 of Article IV this language is found:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the property or territory belonging to the United States."

But that clearly refers to the lands in said Northwest Territory, which were ceded to the Federal Government for the express purpose that it might make "primary disposal of the soil" and give title to the purchasers. And the same section closes with this language:

"And nothing in this Constitution shall be so construed as to prejudice any claims of the United States or any particular State."

And if any doubt remained on this point, it was removed by the tenth amendment to the Constitution, adopted with the nine preceding amendments as the bill of rights of the people of the United States, which reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Let me repeat: The only power ever given to the United States in Congress assembled for the "primary disposal of the soil" is found in the Ordinance of 1787, and that was prior to the adoption of the Constitution. As to all other soil not purchased outright for its own purposes under Article I, section 8, No. 17, of the Constitution—that is to say, as to all the lands acquired by treaty or cession from Great Britain, Spain, France, and Mexico (all of which contributed to Wyoming's acreage of land)—our Federal Government has ever been, and can never be other than a mere trustee to receive the conveyances and hold the Territory until the inhabitants thereof gained its admission to statehood. It was then the plain duty of the Federal Government as trustee—even as a guardian when his minor ward becomes of age—to surrender the trust and turn over the property. In Wyoming's case this occurred in 1890, and it was then and there entitled to be placed, as expressly agreed in the enabling act, "on equal footing in all respects" with the original States. For as early as 1845 it had been decided, in the case of Pollard *v.* Hagen (3 How. 212, 220):

"We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes and to execute the trusts created by the acts of the Virginia and Georgia Legislatures and the deeds of cession executed by them to the United States and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana. * * *

"Whenever the United States shall have fully executed these trusts the municipal sovereignty of the new States will be complete throughout their respective boundaries, and they and the original States will be upon an equal footing in all respects whatever. We, therefore, think the United States hold the public lands within the new States by force of the deeds of cession and the statutes connected with them, and not by any municipal sovereignty which it may be supposed they possess or have reserved by compact with the new States for that particular purpose. The provision of the Constitution above referred to shows that no such power can be exercised by the United States within a State."

In 14 Peters 30, in the case of the United States *v.* Gratiot, the case was stated by Thomas Benton for the defendant, as follows:

"The position has been assumed by the Attorney General that the United States may enter into the broad business of leasing the public lands and, by consequence, that the President may have as many tenants on the public lands of the United States as he shall desire; that he may lease in perpetuity and have those tenants to the extent of time. Such a power is solemnly protested against. No authority in the cession of the public lands to the United States is given but to dispose of them and to make rules and regulations respecting the preparation of them for sale; for their preservation and their sale. As to the power to lease which is claimed for the United States, what would the States have said, when the cession of these lands was made and accepted, if it had been declared that the President could lease the lands, and that 60 years afterwards this court would be engaged in enforcing a lease given by the United States of part of the lands then to be ceded? Would the lands have been granted if Congress were to have the power to establish a tenantry to the United States upon them? The State-rights principles would have resisted this; no lands would have been ceded.

"The clause in the Constitution of the United States, relative to the public lands, will govern this question; and the deeds of cession go with the provisions of the Constitution. The lands are 'to be disposed of' by Congress, not 'held by the United States.' No question can be raised on the construction of the provision of the Constitution relative to the public lands. The Constitution gives the power of disposal, and disposal is not letting or leasing. The power to make rules and regulations applies to the power to dispose of the lands. The rules are to carry the disposal into effect, to protect them, to explore them, to survey them. Congress has always treated the public lands on these principles."

That case hinged only upon the power of the President to lease certain lead mines in Illinois prior to the organization and admission of Illinois as a State, and involved only the payment of the bond given for the faithful performance of the lease contract. But the principles laid down by Mr. Benton are entirely applicable to our case.

Henry Clay said in the Senate in 1832:

"The General Government is a mere trustee holding the domain in virtue of those deeds, according to the terms and conditions which

they expressly describe, and it is bound to execute the trust accordingly."

In 1825, Daniel Webster said:

"I could never think the national domain is to be regarded as any great source of revenue. The great object of the Government with respect to these lands is not so much the money derived from their sale as it is the getting them settled."

In 1830, Hayne stated:

"If in the deeds of cession it has been declared that the grants were intended for 'the common benefit of all the States,' it is clear from other provisions that they were not intended merely as so much property, for they expressly declared that the objects of the grant is the erection of new States; and the United States, in accepting this trust, bind themselves to facilitate the formation of these States to be admitted into the Union with all the rights and privileges of the original States. This, sir, was the great end to which all parties looked, and it is by the fulfillment of the high trust that the common benefit of all the States is to be best promoted.

"In short, our whole policy with relation to the public lands may be summed up in the declaration with which I set out—that they ought not to be kept and retained forever as a great treasure, but that they should be administered chiefly with a view to the creation within reasonable periods of great and flourishing communities, to be formed into free and independent States, to be invested in due season with the control of all the lands within their respective limits."

This for at least half a century had been and was the settled law and the established doctrine as to the public domain within the United States and Territories.

Then came the Government camel seeking shelter from a sand storm, and sought permission to intrude its nose only into the tent of the Arab, the unsuspecting "people of these United States," whom 50 years of peace and prosperity had already caused to forget that "eternal vigilance" is the price of safety.

In the case of Wilcox *v.* McConnell (13 Pet. 498), in which a settler sought to preempt, in 1836, the ground on which the United States military post of Fort Dearborn, Chicago, had stood since 1804, it was held that—

"Congress are invested by the Constitution with the power of disposing of the public land."

and this holding was based solely on section 3 of Article IV, which, as we have already seen, clearly and exclusively refers to that Northwest Territory which was ceded to the Government for the express purpose of enabling it to sell and give title to the land. And even here it is only declared that Congress is invested with the power of "disposing of the public land." There is no intimation that it is the owner of the land and may perpetually hold and lease the same; but this first decision, so often referred to, which was absolutely right in itself, because the occupancy of that land for military purposes for the protection of the people during a period of Indian warfare from 1804 to 1839 had clearly brought this case within the provision of that other clause of the Constitution already referred to in this paper, viz, Article I, section 8, clause 17, which provides:

"The Congress shall have power * * * to exercise exclusive legislation, in all cases whatever, over * * * all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, etc."—

has ever since been cited as the basis for further gradual Federal encroachment on the rights of the States in this regard. The next step was the case of United States against Gratiot, decided in 1840, from which we have already quoted the statement made by Thomas Benton. This case, like the previous one just mentioned, involved lands in the "Northwest Territory" and has no weight as authority in cases of lands not ceded to the Government with the express purpose to enable it to make sale thereof and give title thereto. This vital distinction must be observed in considering the subsequent acts of Congress and the court decisions thereon.

In the case of United States *v.* Hughes (11 How. 568), decided in 1850, the court said:

"In this country 'the lands of the United States' lying within the States are held and are subject to be sold (under the authority of Congress) as lands may be held and sold by individual owners or by ordinary corporations; * * *. By the Constitution, Congress is vested with power to dispose of the 'public lands' and to make all needful rules and regulations respecting them."

Thus, within the space of eight lines of the same decision, the language changes from "the lands of the United States" to "public lands." Again, it must be observed that the sole "lands of the United States" were and are the "Northwest Territory" and the lands acquired from time to time for "public purposes by purchase from the States."

Yet in the case of Irvine v. Marshall (20 How. 558), decided in 1857, the syllabus states:

"The United States, being the owner of the public lands within the States and Territories, have the right to signify to whom, in what mode, and by what title they shall be conveyed."

But the language of the court in the decision itself is this:

"It can not be denied that all the lands in the Territories, not appropriated by competent authority before they were acquired, are in the first instance the exclusive property of the United States, to be disposed of to such persons, at such times, and in such modes, and by such titles as the Government may deem most advantageous to the public" * * *

thus limiting this decision to lands in the Territories and not including lands in the States.

The next case in line is that of United States *v.* Schurz (102 U. S. 395), decided in 1880, in which the court said:

"The Constitution of the United States declares that Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory and other property belonging to the United States. Under this provision the sale of the public lands was placed by statute under the control of the Secretary of the Interior. To aid him in the performance of this duty, a bureau was created * * * with many subordinates. To them as a special tribunal Congress confided the execution of the laws which regulate the surveying, the selling, and the general care of this land."

Thus, not content with arrogating to themselves a power which was expressly withheld from them by the people by the express terms of the Constitution, Congress now undertook to delegate such unconstitutional authority to a created "bureau * * * with many subordinates." Permit me here, in passing, to cite, out of turn, a comparatively recent case which exemplifies the nature and the result of such work by a created "bureau * * * with many subordinates." It is the case of United States *v.* Midwest Oil Co. (35 Sup. Ct. Rep. 309), decided in October, 1914, and of considerable local interest to us, in which a dissenting opinion was rendered by Mr. Justice Day, with whom concurred Mr. Justice McKenna and Mr. Justice Van Devanter, formerly of Wyoming. In this dissenting opinion they say:

"In our opinion the action of the executive department in this case, originating in the expressed view of a subordinate official of the Interior Department, as to the desirability of a different system of public-land disposal than that contained in the lawful enactments of Congress, did not justify the President in withdrawing this large body of land (3,000,000 acres in Wyoming and California) from the operation of the law (placer mining law) and virtually suspending, as he necessarily did, the operation of that law * * *. This conclusion is reinforced in this particular instance by the refusal of Congress to ratify the action of the President and the enactment of a new statute authorizing the disposition of the public lands by a method essentially different from that approved by the Executive."

Returning from this digression, permit me to call your attention to a small portion of the testimony recently taken in the hearings before the Committee on Public Lands and Surveys, United States Senate, on S. 2584, entitled "A bill to promote the development, protection, and utilization of grazing facilities on public lands, to stabilize the range stock-raising industry, and for other purposes." I think it will effectually dispose of the often-heard claim that from 1830 on the Government ownership of these lands was the accepted and settled doctrine.

"Senator ODDIE. Now, * * * Mr. Chairman, may I be permitted to ask Mr. Chapman a question? Going back to the original theory of the relation between the Federal Government and the Western States as to the unappropriated public lands, do you understand that the original theory was that the Federal Government would hold these lands in trust for the various States until the Revolutionary War debts were extinguished?

"Mr. CHAPMAN. If that was the original theory, it certainly was changed in 1830, when the question came up and was settled. Whether they ever decided one way or the other before that I do not know, but from that time on the theory was that these public lands should be held in trust for the Nation.

"Senator ODDIE. Is it not a fact that about the time when the war debt was canceled that a surplus existed in the Treasury, and that the Government loaned that money out to a great number of the Eastern and Middle Western States without interest, and which loans have never been repaid? I think about $28,000,000 of money was loaned out in this way.

"Mr. CHAPMAN. I would not say as to that.

"The CHAIRMAN. Yes; I think approximately $30,000,000, and that was the proceeds from the sale of public lands.

"Senator ODDIE. Yes.

"The CHAIRMAN. And that money has never been returned to the Treasurer * * * and no interest has been paid, although the subsidy was granted to the States, with the provision that it was returnable to the Treasury, and, I think, with interest. * * *

"And President Buchanan vetoed the bill providing for the ceding of the public lands to the several States, * * * and in vetoing it said that while he was in sympathy with the measure that he doubted the advisability of * * * ceding them to the several States entirely beyond the control of the Federal Government, but that it was con-

templated that the Federal Government should administer these lands for the benefit of the several States; and, just as stated by Abraham Lincoln at the time of the passing of the * * * homestead law, that the Federal Government was the trustee and should administer the public lands for the benefit of the several States wherein they lay. And that policy has been pursued until we come to the time of the withdrawal and the creation of the forest areas or withdrawn areas in the public-land States.

"Senator ODDIE. Now, Mr. Chairman, right at this point I think it would be interesting for me to read from a report made by the United States Senate Public Lands Committee in 1832:

"'Our pledge would not be redeemed by merely dividing the surface into States and giving them names.

"'The public debt being now paid, the public lands are entirely released from the pledge they were under to that object and are free to receive a new and liberal destination for the relief of the States in which they lie.

"'Nearly 100,000,000 acres of the land now in the market are the refuse of sales and donations through a long series of years, and are of little actual value and only fit to be given to settlers or abandoned in the States in which they lie.

"'The speedy extinction of the Federal title within their limits is necessary to the independence of the new States, to their equality with the elder States, to the development of their resources, to the subjection of their soil to taxation, cultivation, and settlement, and to the proper enjoyment of their jurisdiction and sovereignty.

"'The ramified machinery of the Land Office Department * * * extends the patronage and authority of the General Government into the heart and corners of the new States and subjects their policy to the danger of a foreign and powerful influence.'

"Mr. CHAPMAN. * * * Regarding the specific question of establishing grazing as one of the purposes of the national forests, we are against any legislation that would further that conception, because we do not believe grazing is one of the fundamental purposes of the national forests. It is thereby tolerance as a secondary use, and we want to keep it where it belongs.

"Senator MEANS. You are entitled to your view, but do not add 'where it belongs,' because, as to the theory of where it belongs, the people of the West, through the administration bureaus, are dissatisfied with governmental activities, and they would rather trust to Congress than to trust to regulation by bureau or administration by an officer who does not understand the conditions and the development of these States; and the development of those States is more important than anything else, because as the States develop the prosperity is reflected to the rest of the Nation. That is more important than anything else."

(NOTE.—It should perhaps be mentioned here that Wyoming, as well as Washington, is omitted from the said Stanfield bill, S. 2584, for the reasons stated by Mr. Bowden, counsel for the subcommittee holding the hearing, as follows: "The State of Wyoming also was left out of this bill. There are in the State of Wyoming large tracts of unreserved and unappropriated public lands. The subcommittee had hearings in Wyoming, and I can not recall a single witness who testified in favor of establishing control of grazing on those unreserved and unappropriated public lands. There was a unanimous expression of opposition to any form of control, and, as this bill was based on the principle of local-option lines, it was thought advisable to leave Wyoming out. Furthermore, this bill provides for the repeal of the 640-acre stock raising homestead act as to lands placed in grazing districts provided for in this bill. Witnesses appearing before the subcommittee in Wyoming testified that in their judgment a great deal more leased land in the State of Wyoming would be appropriated under the 640-acre stock raising homestead act. The land situated in Wyoming was not such that you could stabilize it on a grazing basis. Accordingly, the State of Wyoming was left out of the bill." But the omission is only from Title II, which deals with unappropriated, unreserved public lands. In Title III, relating to national forests, Wyoming and Washington are included with the other nine Western States.)

That the foregoing testimony and comments in the committee hearing reflect the actual facts of history, and the true established relations between the Federal Government and the States, is the essence of the protest of the West. If further confirmation were needed, it is found in abundance in the case of Scott *v.* Sandford (60 U. S. Sup. Ct. Rep. 393), decided in December, 1856—a quarter of a century after the time—1830—when, as Mr. Chapman asserted above in his testimony: "From that time on the theory was that these public lands should be held in trust for the Nation."

In the opinion of the court in that case Chief Justice Taney said of the "peculiar character of the Government of the United States," then 60 years under way:

"Certain specified powers, enumerated in the Constitution, have been conferred upon it; and neither the legislative, executive, nor judicial departments of the Government can lawfully exercise any authority beyond the limits marked out by the Constitution.

"It will be remembered that, from the commencement of the Revolutionary War, serious difficulties existed between the States in relation to the disposition of large and unsettled territories which were included in the chartered limits of some of the States.

"It was the disturbing element for the time, and fears were entertained that it might dissolve the confederation by which the States were then united. These fears and dangers were, however, at once removed, when the State of Virginia, in 1784, voluntarily ceded to the United States the immense tract of country lying northwest of the river Ohio, and which was within the acknowledged limits of that State. The only object of the State in making the cession was to put an end to the threatening and exciting controversy, and to enable the Congress of that time to dispose of the lands, and appropriate the proceeds as a common fund for the common benefit of the States * * *. The example of Virginia was soon afterwards followed by other States * * *. The main object for which these cessions were desired and made, was on account of their money value, and to put an end to a dangerous controversy, as to who was justly entitled to the proceeds when the lands should be sold. It is necessary to bring this part of the history of these cessions thus distinctly into view, because it will enable us the better to comprehend the phraseology of the article in the Constitution (Art. IV, sec. 3) so often referred to in the argument.

"At that time there was no Government of the United States in existence with enumerated and limited powers; what was then called the United States were 13 separate, sovereign, independent States * * * and the Congress of the United States was composed of the representatives of these separate sovereignties. * * * The territory belonged to sovereignties. * * * It was by a Congress representing the authority of these several and separate sovereignties * * * that the instrument usually called the ordinance of 1787 was adopted.

"This was the state of things when the present Constitution of the United States was formed. * * * It was obvious that some provision was necessary to give the new Government sufficient power to enable it to carry into effect the objects for which the territory was ceded. * * * It was necessary that the lands should be sold to pay the war debt. * * * And, moreover, there were many articles of value besides the property in land, such as arms, military stores, ships, etc., which were the common property of the States; and it was to place these things under the guardianship and protection of the new Government, and to clothe it with the necessary powers, that the clause was inserted in the Constitution which gives Congress the power 'to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' * * * It applied only to the property which the States held in common at that time and has no reference whatever to any territory or other property which the new sovereignty might afterwards itself acquire. * * * The concluding words of this clause appear to render this construction irresistible, for, after the provisions we have mentioned, it proceeds to say 'that nothing in the Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.'

"This view of the subject is confirmed by the manner in which the present Government of the United States dealt with the subject as soon as it came into existence. * * * The new Government took the territory as it found it and in the condition in which it was transferred, and did not attempt to undo anything that had been done * * * which no doubt the States anticipated when they surrendered their power to the new Government. * * * They have no connection with the general powers and rights of sovereignty delegated to the new Government, and can neither enlarge nor diminish them * * * and can not by any just rule of interpretation be extended to territory which the new Government might afterwards obtain from a foreign nation.

"This brings us to examine by what provision of the Constitution the present Federal Government under its delegated and restricted powers, is authorized to acquire territory outside of the original limits of the United States, and what powers it may exercise therein over the person or property of a citizen of the United States, while it remains a Territory and until it shall be admitted as one of the States of the Union * * * and if a new State is admitted, it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State, and the citizens of the State, and the Federal Government. * * * Whatever it acquires it acquires for the benefit of the people of the several States who created it. It is their trustee acting for them * * * and when the Territory becomes a part of the United States, the Federal Government enters into possession in the character impressed upon it by those who created it."

Mr. Justice Campbell in his filed concurring opinion said:

"These sovereign and independent States, being united as a confederation, by various public acts of cession, became jointly interested in territory, and concerned to dispose of and make all needful rules and regulations respecting it. It is a conclusion not open to discussion in this court 'that there was no Territory within the original United States, that was claimed by them in any other right than that of some of the Confederate States.' (Harcourt *v.* Gaillord, 12 Wh. 523.) 'The question whether the vacant lands within the United States,' says Chief Justice Marshall, 'became joint property, or belonged to the separate

States, was a momentous question which threatened to shake the American Confederacy to its foundations. This important and dangerous question has been compromised, and the compromise is not now to be contested.' Neither in the deeds of cession of the States, nor in this compact, was a sovereign power for Congress to govern the Territories asserted. Congress retained power by this act, 'to dispose of and to make rules and regulations respecting the public domain.' * * *

"I look in vain among the discussions of the time, for the assertion of a supreme sovereignty for Congress for the Territory then belonging to the United States, or that they might thereafter acquire. I seek in vain for an annunciation that a consolidated power had been inaugurated, whose subject comprehended an empire, and which had no restriction but the discretion of Congress. This disturbing element of the Union entirely escaped the apprehensive previsions of Samuel Adams, George Clinton, Luther Martin, and Patrick Henry; and, in respect to dangers from power vested in a central government over distant settlements, colonies, or Provinces, their instincts were always alive.

"Not a word escaped them to warn their countrymen that here was a power to threaten the landmarks of this federative Union and with them the safeguards of popular and constitutional liberty; or that under this article there might be introduced on our soil a single government over a vast extent of country—a government foreign to the persons over whom it might be exercised and capable of binding those not represented by statutes in all cases whatever. I find nothing to authorize these enormous pretensions, nothing in the expositions of the friends of the Constitution, nothing in the expressions of alarm by its opponents—expressions which have since been developed as prophecies. Every portion of the United States was then provided with a municipal government, which this Constitution was not designed to supersede, but merely to modify as to its conditions.

"The compacts of cession by North Carolina and Georgia are subsequent to the Constitution. They adopt the ordinance of 1787. * * *

"The refusal of a power to Congress to legislate in one place seems to justify the seizure of the same power when another place for its exercise is found. This proceeds from a radical error, which lies at the foundation of much of this discussion. It is that the Federal Government may lawfully do whatever is not directly prohibited by the Constitution. This would have been a fundamental error, even if no amendments to the Constitution had been made. But the final expression of the will of the people of the States in the tenth amendment is that the powers of the Federal Government are limited to the grants of the Constitution. * * *

"These constitutions (of the territory within the original limits of the United States) were framed by the concurrence of the States making the cessions and Congress and were tendered to immigrants who might be attracted to the vacant territory. The legislative powers of the officers of this Government were limited to the selection of laws from the States, and provision was made for the introduction of popular institutions and their emancipation from Federal control whenever a suitable opportunity occurred (statehood being the outside limit of time for this to be done).

"The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the Territory or other property belonging to the United States. * * * Could it have been the purpose of Washington and his illustrious associates, by the use of ambiguous, equivocal, and expansive words, such as 'rules,' 'regulations,' 'territory,' to reestablish in the Constitution of their country that fort which had been prostrated amid the toils and with the sufferings and sacrifices of seven years of war?

"Are these words to be understood * * * as George III would have understood them, or are we to look for the interpretation to Patrick Henry or Samuel Adams, to Jefferson, and Jay, and Dickinson; to the sage Franklin, or to Hamilton, who from his early manhood was engaged in combating British constructions of such words? We know that the resolution of Congress of 1780 contemplated that the new States to be formed under their recommendation were to have the same rights of sovereignty, freedom, and independence as the old. That every resolution, cession, compact, and ordinance of the States, observed the same liberal principle. That the Union of the Constitution is a Union formed of equal States; and that new States, when admitted, were to enter 'this Union' * * * Had another union been proposed in 'any pointed manner' it would have encountered not only 'strong' but successful opposition. The disunion between Great Britain and her colonies originated in the antipathy of the latter to 'rules and regulations' made by a remote power respecting their internal policy. In forming the Constitution this fact was ever present in the minds of its authors. The people were assured by their most trusted statesmen 'that the jurisdiction of the Federal Government is limited to certain enumerated objects, which concern all members of the Republic,' and 'that the local or municipal authorities form distinct portions of supremacy, no more subject within their respective spheres to the general authority than the general authority is subject to them within its own sphere.' Still this did not content them. Under the lead of Hancock and Samuel Adams, of Patrick Henry and George Mason, they demanded an explicit declaration that no more power was to be exercised than they had delegated. And the ninth and tenth amendments to the Constitution were designed to include the reserved rights of the States and the people, with all the sanctions of that instrument, and to bind the authorities, State and Federal, by the judicial oath it prescribes, to their recognition and observance. Is it probable, therefore, that the supreme and irresponsible power, which is now claimed for Congress over boundless territories, the use of which can not fail to react upon the political system of the States, to its subversion, was ever within the contemplation of the statesmen who conducted the counsels of the people in the formation of this Constitution?

"The courts have said 'that Congress can not exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, beyond what has been delegated!' * * * but a constitutional prohibition is not requisite to ascertain a limitation upon the authority of the several departments of the Federal Government. * * * We have seen, Congress does not dispose of or make rules and regulations respecting domain belonging to themselves but belonging to the United States. These conferred on their mandatory, Congress, authority to dispose of the territory which belong to them in common; and to accomplish that object beneficially and effectually they gave an authority to make suitable rules and regulations respecting it. When the power of disposition (of it) is fulfilled, the authority to make rules and regulations terminates, for it attaches only upon territory 'belonging to the United States.'

"And this principle follows from the structure of the respective governments, State and Federal, and their reciprocal relations. They are definite agents and trustees of the people of the several States * * * they are, respectively, the depositories of such powers of legislation as the people are willing to surrender, and their duty is to cooperate with the several jurisdictions to maintain the rights of the same citizens under both governments unimpaired. * * * The distinguishing features of their system consist of the exclusion of the Federal Government from the local and internal concerns of and in the establishment of an independent internal government within the States."

These decisions bring us up to the time of Wyoming's admission as a State, and to the final question—

WHAT HAPPENED IN THE CASE OF WYOMING

This: On March 3, 1891, after eight months of statehood "on an equal footing with the original States in all respects whatever," and not having within its borders any part of the lands included in said Northwest Territory, or any part of any other lands "belonging to the United States," save and excepting only the Yellowstone National Park, Wyoming found itself confronted with an act of Congress for the "creation of national forests," section 24 of which act reads as follows:

"That the President of the United States may from time to time set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof."

This was followed by the act of June 4, 1897, in which it is provided:

"* * * To remove any doubt which may exist pertaining to the authority of the President thereunto (in regard to the national forests), the President of the United States is hereby authorized and empowered to revoke, modify, or suspend any and all such Executive orders and proclamations, or any part thereof, from time to time, as he shall deem best for the public interests. * * *

"The President is hereby authorized at any time to modify any Executive order that has been made or may hereafter be made establishing any forest reserve and by any such modification reduce the area or change the boundary lines of such reserve, or may vacate altogether any order creating such reserve."

This was followed, on March 4, 1907, by an act of Congress, in which it was provided:

"Hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress."

Thus, having unconstitutionally voted to the President an unconstitutional power, Congress now takes from the President that power and unconstitutionally arrogates it unto itself.

Well, indeed, might Lord Bryce point out, as he did in his 2 American Commonwealth, 711:

"Congress has been the branch of government with the largest facilities for usurping the powers of the other branches, and probably with the most disposition to do so. Congress has constantly tried to encroach both on the Executive and on the States, sometimes like a wild bull, driven into a corral, dashing itself against the imprisoning walls of the Constitution."

If the stately minister from the Court of St. James finds the foregoing language essential to a proper criticism, certainly we of Wyoming may well be pardoned if we yield to the temptation to indulge, to the extent of our ability, "in thoughts that breathe and words that burn."

But we speak in sorrow, rather than in anger, not so much inveighing against wrongs we have suffered, as urging the undoing of the wrongs.

All the evils of which we complain and against which we protest had their inception in the foregoing enactments. Instead of fulfilling the object of those trusts created by the treaties, Constitution, cessions, and compacts, by transferring all remaining public lands to the respective States, it has since been voted by the agents of the people, in Congress assembled, to permanently reserve and forever bar from settlement lands aggregating 250,000,000 acres, 97 per cent of which are in Wyoming and the other 10 public-land States; and the Secretary of the Interior is now recommending, and there is now pending a bill for the permanent withholding and placing under a rental and fee system 200,000,000 acres more, abolishing the free range, and to repeal or make inapplicable the 640-acre stock-raising homestead law, which puts before the 11 public-land States the question "whether, not only the areas heretofore reserved, but a total of 450,000,000 acres of the present area of these 11 public-land States, is never to be settled, never to pass to private ownership or to be made taxable, but is to forever remain under the Federal Government as a perpetual landlord."

And what is Wyoming's peculiar share in this monstrous proposition? By the kindness of your Secretary I am able to here state, according to estimates on file in the Department of Commerce, Bureau of the Census, Washington, "the total value of exempt property (real) and improvements in Wyoming for 1922, distributed as follows:

State property	$2,271,500
County and municipal property	7,685,328
Federal property	299,830,670
School property	5,321,122
Churches and parsonages	2,786,642
Private charitable institutions	310,000
Cemeteries	429,628
All other private (Young Men's Christian Association, Salvation Army, etc.)	223,562
Indian reservations	3,275,188
Irrigation projects, other than Federal; irrigation districts	1,441,312
Carey Act (irrigation)	2,434,791
Total	326,529,743

"Estimates of wealth are compiled by this bureau every 10 years as part of the decennial census of wealth, private debt, and taxation, and the next estimates will relate to the year 1932."

This means that our sovereign State of Wyoming is limited to the taxation of real property and improvements aggregating $263,216,000, as against property forever untaxable amounting to $326,530,000, the ratio of exempt to taxed property being 124.5 per cent, twice that of the next highest State.

And the last issue of the Inland Oil Index, on January 14, 1927, contains the following:

"MORE WITHDRAWALS FROM WASHINGTON

"Associated Press dispatches under date of January 10 state that the Department of the Interior, in Washington, during the last year has withdrawn from private enterprise 56,993,778 acres of the public domain. These withdrawals include reserves for helium, potash, phosphate, coal, and petroleum. The largest withdrawals in New Mexico were 13,354,000 acres, including 7,418,437 acres of potash. In Wyoming approximately 6,000,000 acres were withdrawn. If these withdrawals continue by the Federal Government at the rate they have been for the last several years, it will not be long until such States as Wyoming, Colorado, and other Commonwealths in the Rocky Mountain regions will not have any public domain left."

This will add 6,000,000 acres of Wyoming's land to the tax-exempt Federal landlord domain within our borders to be withheld forever out of that which Wyoming's admission to statehood made absolutely our own. More than half of our acreage will be irrevocably gone.

Is it possible that 37 sister States of the 11 public-land States will permit this condition to continue? To them we address this, our protest.

Since this paper was written the CONGRESSIONAL RECORD of January 11, 1927, has brought us the text of your lone Congressman's address on that date to the other 434 Members of the House of Representatives on this subject.

Permit me to append, as a fitting conclusion to this paper, the closing paragraph of that address:

"Let us complete the American system of local government over local things, stop centralization in Washington, eliminate bureau government, relieve the people generally of costly national machinery, perfect the sovereignty of the public-land States, so that in deed and in truth we will be on equal terms with the original and all the other States. We ask no more than they have had. We ask the status of the States of a Union, not provinces of a central power. We ask equality and full sovereignty. We plead that the plan of the American Union be completed; that the process of building 'independent, sovereign republican States' be perfected; and that thereby our citizens have equal rights, immunities, and advantages with the citizens of the other States."

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. HOWELL. Mr. President, on yesterday certain distinguished Senators from several of the Eastern States charged in connection with the pending agricultural relief bill that its effect is merely to afford special consideration to the farmers of the West and South at the expense of the remaining population of the country. If our urban population were not also to become beneficiaries of this proposed legislation—which they ultimately will—is there not ample precedent for special legislative favors to be found in connection with the manufacturing industry? The plight of the farmer is due to the development of cooperation of and within the industries and occupations employing the populations in our urban centers. Such cooperation, which has been not infrequently aided by legislation, has been for the purpose of the elimination of competition to the end of assuring profits and satisfactory wages. Unfortunately the farmer has generally developed in his behalf no corresponding offensive. He is the victim of unrestricted competition, not only at home but also abroad, wherever similar crops are produced.

The United States Steel Corporation is among the outstanding examples of the result of urbanite cooperation aided by legislation for the elimination of competition and the insurance of profit. It is so overtowering in its proportions that every other steel enterprise in the country is compelled, because of certain ruinous discrimination to which it would be subjected otherwise, to assume the rôle of a 100 per cent cooperator with this giant. As a consequence, the United States Steel Corporation is the arbiter of prices of steel in this country and is the beneficiary of such legislation as to enable it to thwart any outside competition, even though the Steel Corporation's prices should be so high that outside steel interests might ship in their products, pay the tariff thereon fixed by Congress, and yet make a profit. In short, through its own prowess it controls its competitors in the domestic market, while, by grace of Congress, it may invoke the power of the United States—through the President—for protection from foreign competition, real or threatened. Thus, under the tariff law as now existing, after formal complaint has been filed with the United States Tariff Commission, the President may, in his discretion, under a favorable report, increase the already excessive tariff rates upon the products of the Steel Corporation by 50 per cent, based upon the valuation of the products in the importing country. If this is not high enough, the rates may be increased 50 per cent above the price of such products in this country. And if that is not sufficient, then the President may terminate such threatened competition by excluding such products from the right of importation; and such decision is final, not being subject to review.

Mr. President, I ask unanimous consent to insert in the RECORD section 315 (a) and (b) and section 316 (a), (b), (c), (d), and (e) of the tariff act of 1922.

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

The sections are as follows:

SEC. 315 (a) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production of articles wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties fixed in this act do not equalize the said differences in costs of production in the United States and the principal competing country he shall, by such investigation, ascertain said differences and determine and proclaim the changes in classifications or increases or decreases in any rate of duty provided in this act shown by said ascertained differences in such costs of production necessary to equalize the same. Thirty days after the date of such proclamation or proclamations such changes in classification shall take effect, and such increased or decreased duties shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila): *Provided*, That the total increase or decrease of such rates of duty shall not exceed 50 per cent of the rates specified in Title I of this act, or in any amendatory act.

(b) That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production of articles provided for in Title I of

this act, wholly or in part the growth or product of the United States and of like or similar articles wholly or in part the growth or product of competing foreign countries, shall find it thereby shown that the duties prescribed in this act do not equalize said differences, and shall further find it thereby shown that the said differences in costs of production in the United States and the principal competing country can not be equalized by proceeding under the provisions of subdivision (a) of this section, he shall make such findings public, together with a description of the articles to which they apply, in such detail as may be necessary for the guidance of appraising officers. In such cases and upon the proclamation by the President becoming effective the ad valorem duty or duty based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price, as defined in subdivision (f) of section 402 of this act, of any similar competitive article manufactured or produced in the United States embraced within the class or kind of imported articles upon which the President has made a proclamation under subdivision (b) of this section.

The ad valorem rate or rates of duty based upon such American selling price shall be the rate found, upon said investigation by the President, to be shown by the said differences in costs of production necessary to equalize such differences, but no such rate shall be decreased more than 50 per cent of the rate specified in Title I of this act upon such articles, nor shall any such rate be increased. Such rate or rates of duty shall become effective 15 days after the date of the said proclamation of the President, whereupon the duties so estimated and provided shall be levied, collected, and paid on such articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, and the islands of Guam and Tutuila). If there is any imported article within the class or kind of articles, upon which the President has made public a finding, for which there is no similar competitive article manufactured or produced in the United States, the value of such imported article shall be determined under the provisions of paragraphs (1), (2), and (3) of subdivision (a) of section 402 of this act.

SEC. 316. (a) That unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

(b) That to assist the President in making any decisions under this section the United States Tariff Commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative.

(c) That the commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by the commission such rehearing with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation; that the testimony in every such investigation shall be reduced to writing, and a transcript thereof with the findings and recommendation of the commission shall be the official record of the proceedings and findings in the case, and in any case where the findings in such investigation show a violation of this section, a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such articles; that such findings, if supported by evidence, shall be conclusive, except that a rehearing may be granted by the commission, and except that, within such time after said findings are made and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a question or questions of law only to the United States Court of Customs Appeals by the importer or consignee of such articles; that if it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, said court may order such additional evidence to be taken before the commission in such manner and upon such terms and conditions as to the court may seem proper; that the commission may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by the evidence, shall be conclusive as to the facts except that within such time and in such manner an appeal may be taken as aforesaid upon a question or questions or law only; that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs Appeals.

(d) That the final findings of the commission shall be transmitted with the record to the President.

(e) That whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall determine the rate of additional duty, not exceeding 50 nor less than 10 per cent of the value of such articles as defined in section 402 of Title IV of this act, which will offset such method or act, and which is hereby imposed upon articles imported in violation of this act, or, in what he shall be satisfied and find are extreme cases of unfair methods or acts as aforesaid, he shall direct that such articles as he shall deem the interests of the United States shall require, imported by any person violating the provisions of this act, shall be excluded from entry into the United States, and upon information of such action by the President, the Secretary of the Treasury shall, through the proper officers, assess such additional duties or refuse such entry; and that the decision of the President shall be conclusive.

Mr. HOWELL. Mr. President, these extraordinary advantages and powers are granted to the United States Steel Corporation and other pig-iron producers for use, as is demonstrated by the facts set forth in a telegram which I received last evening from one of my constituents. It runs, in part, as follows:

> The antidumping law on steel products now involving the shipment of 20 shiploads of German steel through the New York harbor involves more special legislation and special favors to the steel industry than is contemplated in the entire McNary-Haugen bill.

It is a peculiar coincidence indeed, as the vote on the pending agricultural bill is approaching, and Senators from manufacturing centers are protesting against the special advantages which it is claimed the bill proposes for those engaged in agriculture, that the steel corporation and other iron producers of the country are invoking the protection of the so-called antidumping section of the tariff law, as evidenced in the February 10th issue of the Daily Metal Trade (New York City) which carries the information that 20 ships from Germany, containing some 100,000 tons of pig iron, are being prevented from discharging their cargoes at the port of New York, pending an investigation by the Government—undoubtedly, due to the filing of complaints with the United States Tariff Commission.

Moreover, it has been learned from the office of the Tariff Commission that a report and recommendation, undoubtedly as a result of such complaints, has been made to the President, which, under the circumstances, can not be made public at this time.

Mr. President, what interests in this particular case are the beneficiaries of the possible exercise of these extraordinary powers? Is it an industry that has been traversing, as in the case of agriculture, the valley of the shadow of bitter financial depression? No, Mr. President, it is the great United States Steel Corporation and its 27 subsidiaries, together with the smaller steel and iron producers that are allowed by its grace to also exist and prosper, constituting one of the most prosperous, if not the most prosperous, industry in the country.

Thus, consider the following facts concerning the Steel Corporation taken from the Standard Corporation records of January 27, 1927:

> As the leading producer of iron and steel in the world this corporation has the distinction of being the largest industrial organization in existence in point of capitalization and total capital employed. Its growth in the last 25 years, measured in terms of production, has been remarkable. * * *
>
> Its annual capacity of pig iron production is now 18,940,000 tons. In the same period its yearly output of steel ingots and castings has increased from 9,430,000 to 22,750,000 tons, and that of finished products has increased from 7,923,000 to 16,252,000 tons. Production of cement has gone up from 500,000 to 16,500,000 tons.
>
> Through some 27 principal subsidiaries and 165 underlying companies, the corporation, in addition to iron and steel, produces coal, coke, ore, oil, and timber; in fact, nearly every essential raw material. Its railroad operations embrace over 3,800 miles of tracks and it has a large fleet of steamships and barges engaged in transportation on the Great Lakes, inland waterways, and in the overseas trade.
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> * * * * * * *
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> On December 31, 1925, the common stock, which had practically no assets back of it at the formation of the corporation, had a book value of about $280 for each of the 5,083,025 shares outstanding. The profit and loss surplus alone on that date amounted to $521,863,109, while current assets exceeded current liabilities by $436,087,042. * * *
>
> Earnings for the 10-year period ended 1926 averaged $15.21 a share on the common stock. For the same period, common dividends actually declared, including extras, averaged $7.85½ per share.
>
> For the year ended December 31, 1926, earnings were equal to $17.98 on the common stock, compared with $12.86 in 1925 and $11.77 in 1924. On the stock as it will be increased by the 40 per cent stock dividend earnings in 1926 were equal to $12.84 a share.
>
> On April 27, 1926, the common stock was placed on a "regular" 7 per cent basis. This did not alter the annual sum being received by the stockholders, as the corporation had regularly paid $7 a share on its common stock since the last quarter of 1923, although $2 of that amount was designated as an "extra" dividend.

By action of the directors December 16, 1926, subject to the formality of stockholders' approval at the April, 1927, annual meeting, the corporation for the first time will distribute to stockholders, through additional shares, some of the accumulated earnings reinvested in the property. By a 40 per cent stock dividend the common stock outstanding will be increased from $508,302,500, at which it has stood ever since organization, to $711,623,500. Thus, the junior issue will be brought to approximately double the amount of the preferred, of which $360,281,000 has been outstanding since 1903.

Some three years after the United States Steel Corporation was organized, that is, in 1904, the common stock was quoted as low as $8.38 per share. On February 8, 1927, it was quoted at $157.38. According to Moody's "Industrials" for 1926, the total dividends on the common stock of the Steel Corporation from April 1, 1901, to December 31, 1925, were 124½ per cent, or an average of about 5 per cent for that period. The present rate of dividend is 7 per cent, while the preferred has always paid 7 per cent. In addition, last December, just before Christmas, the directors of the corporation announced the cutting of a melon, that is, a 40 per cent stock dividend to the holders of common stock, which by no means exhausted the surplus, as that will amount to some $300,000,000 after this dividend. In 1925 the net income of the Steel Corporation was $90,602,653. Its net income for 1926 was $116,584,000, or some $26,000,000 more than in the previous year. In short, the 1926 net earnings amounted to nearly $18 per share of common stock, as against $12.86 for 1925.

In spite of this prosperity there is evidently an intent to compel the public to keep on paying high prices for iron and steel. They even begrudge the importation of a few hundred thousand tons of pig iron lest it may affect their dividends, which would seem to be an unjustified fear. Even so conservative a paper as the New York Journal of Commerce, under date of January 31, 1927, observes:

In an industry so large as the iron and steel industry in this country it is very difficult to show that German importations have hurt the domestic market.

Naturally, if the German importations have not hurt the iron and steel industry, the only object of this protest on the part of the Steel Corporation is to keep up prices so as to maintain dividends. On the other hand, if German importations do seriously affect the iron and steel industry of the country, then this is merely another step on the part of the iron and steel interests for further eliminating competition to the detriment of farmers whose bankruptcies have increased from 22,462 in 1922 to 44,236 in 1925.

Why, Mr. President, the net earnings of the Steel Corporation for two years would nearly equal the amount of the rotating fund which the pending bill authorizes in aid of agriculture.

In 1919 and 1920, 52 railroads, practically without credit, were loaned by the Government $301,000,000, and still they are here with a bill now asking for ultimate cancellation of that debit.

Mr. President, it is because of what Congress has done for the other industries of this country that agriculture has no hesitation in demanding consideration at this time—in its extremity. The farmer has no apologies to make for his appeal to Congress, and in view of what our tariff is doing for such industries as the Steel Corporation, it is indeed with poor grace that Senators from the eastern manufacturing States complain of what is now proposed for agriculture.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The time of the Senator from Nebraska has expired.

Mr. HOWELL. I have 15 minutes on the amendment, have I not, Mr. President?

Mr. REED of Pennsylvania. Mr. President——

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

Mr. HOWELL. I understand that my time has expired.

The PRESIDING OFFICER. The present occupant of the chair is advised that the Senator has 15 minutes on the Moses amendment.

Mr. HOWELL. That is what I understood.

Mr. McNARY. Mr. President, I should like to see the Senator from Nebraska have ample time, but I inquire if that is the construction the present occupant of the chair places upon the unanimous agreement?

The PRESIDING OFFICER. That is the construction which the Chair is informed has been placed upon such agreements heretofore.

Mr. McNARY. I think it is quite important that we should have a construction of the terms of the agreement. It was the intention of the author, at least, inasmuch as a number of Senators wished to address the Senate, that the limitation of debate should be 15 minutes on the bill and all amendments offered thereto, including the substitute. If the agreement is going to be construed to the effect that 15 minutes may be allowed on the bill and 15 minutes on all amendments, one Senator may occupy all the time between now and 3 o'clock.

Mr. LENROOT. He could only occupy 30 minutes.

Mr. REED of Pennsylvania. He could occupy another 30 minutes on the next amendment which might be offered.

Mr. McNARY. That is it exactly.

The PRESIDING OFFICER. The Chair was informed that the 15 minutes which the Senator has used should be charged to the Moses amendment and that the Senator still has 15 minutes on the bill itself. The Chair is not ruling on the question, but that is the information which the Chair received.

Mr. McNARY. Mr. President, the construction to be placed on the agreement is quite important. That construction of the unanimous-consent agreement by the present occupant of the chair would nullify the purpose the author of the agreement had in mind. The idea was to give opportunity for free expression here by all Senators, each one to be limited to 15 minutes on the measure now the unfinished business and on all amendments, including the substitute.

The PRESIDING OFFICER. Does the Senator request the present occupant of the chair to rule?

Mr. McNARY. I think it is a highly important matter, and I should be glad to have a ruling.

The PRESIDING OFFICER. Then the present occupant of the chair holds that under the unanimous-consent agreement each Senator is limited to 15 minutes of debate.

Mr. BRUCE. Mr. President, may I say a word with the permission of the Senator having the floor?

Mr. REED of Pennsylvania. I yield to the Senator if he wishes me to do so.

Mr. BRUCE. I merely wish to make a suggestion to the Senator from Oregon; that is all, and then I will have nothing more to say. It seems to me that he ought to have the unanimous-consent agreement extended until 4 o'clock to-morrow afternoon, because a number of us who are opposed to this bill have had no opportunity to express ourselves at all.

Mr. McNARY. Of course, I can not speak for the unanimous-consent agreement, which by its nature comprises the thought, judgment, and action of the Members of this body.

Mr. HOWELL. Mr. President, I desire to call attention to the fact that yesterday I was on the floor from 1 o'clock until 5 and every Senator was allowed 15 minutes upon the bill and 15 minutes upon the amendment.

The PRESIDING OFFICER. The Chair noticed yesterday afternoon that some Senators asked for an extension of time, which was granted. Does the Senator from Nebraska ask for that?

Mr. HOWELL. If I am not entitled to the floor, I will not ask for an extension of the time.

Mr. REED of Pennsylvania. Mr. President, the Senator from Nebraska has read a telegram from some person in Iowa stating that there are now 20 ships tied up in New York Harbor because their cargo consists of German steel, which is not permitted to be landed.

I have just made inquiry of the customs division as to the facts about that matter. I am advised by the chief of the customs division, Mr. Camp, that so far as he knows there is not a single ship tied up in New York Harbor on that account and that he believes he would be instantly advised if there were a single ship held there under those circumstances.

I am further advised that under the antidumping provisions of the law there is no authority to impose an embargo at any time and that no embargo has been attempted; that the effect of the antidumping clause is to create an additional duty equal to the amount by which the foreign manufacturer who dumps his product here is underselling the foreign market; that it is optional with any importer to sell here at any time at any price, subject to the payment of that duty.

I am further advised that the statement which I understood the Senator to make regarding a report on steel products by the Tariff Commission is not correct, because the Tariff Commission, I am told by its chairman, has never since its organization made any report on any product of steel.

Mr. HOWELL. Has it not done so on pig iron?

Mr. REED of Pennsylvania. I am advised that it has made a report on pig iron, and the only product to which the antidumping provisions have been applied is pig iron. The Senator's statements as to the profits of the Steel Corporation from the application of these clauses can not be correct, because the Steel Corporation is not a seller of pig iron, but, on the contrary, has been ever since its organization a purchaser of pig iron; and the cheaper it can get its pig iron the better it is for the Steel Corporation. So that the application of these clauses can have

no effect on that or any other steel manufacturer that has to buy its pig iron.

Mr. WALSH of Montana obtained the floor.

Mr. HOWELL. Mr. President, I ask the consent of the Senator from Montana to make a short statement. It will take just a moment.

Mr. WALSH of Montana. I yield to the Senator from Nebraska.

Mr. HOWELL. Mr. President, yesterday, February 10, the Metal Trade, New York, contained an item to the effect that 20 ships from Germany, carrying 100,000 tons of pig iron, are being detained in New York Harbor pending an investigation by the Government in connection with the antidumping provisions of the tariff act. We called up the Tariff Commission this morning and asked if a complaint had been made, and it is our understanding that it has, and that they have made a finding, and the finding is in the hands of the President.

Mr. REED of Pennsylvania. Nobody in the Tariff Commission or any other department of the Government has any authority to detain any ship on that account.

Mr. HOWELL. But they can refuse to unload them.

Mr. REED of Pennsylvania. The Government does not unload them.

Mr. HOWELL. They can refuse to allow them to be unloaded.

Mr. WALSH of Montana. Mr. President, the Senator from Tennessee [Mr. McKELLAR] has sent to the desk and asked to have printed an amendment, and has suggested that it would be offered, as follows:

On page 13, line 18, insert the following proviso:

Provided, That no equalization fee on cotton shall be levied for a period of two years from the date of the passage of this act.

On page 13, line 23, after the word "commodity," insert the following:

Except that no such fee shall be paid in respect of cotton prior to two years from the date of the passage of this act.

If that amendment shall be offered, Mr. President, I shall move to amend it by striking out, in line 2 thereof, the words "on cotton," and in line 6 thereof the words "in respect of cotton," so that it will read:

That no equalization fee shall be levied for a period of two years from the date of the passage of this act.

And—

Except that no such fee shall be paid prior to two years from the date of the passage of this act.

The purport of the amendment of the Senator from Tennessee is that the equalization fee shall not be exacted with respect to cotton for a period of two years; and the effect of my proposed amendment would be that no equalization fee whatever should be exacted for a period of two years.

Mr. MAYFIELD. On any commodity?

Mr. WALSH of Montana. On any commodity.

I have indicated to the chairman of the Committee on Agriculture and Forestry, in charge of the bill, that if it should be amended by postponing for a period of two years the payment of the equalization fee, not on cotton alone, as has been proposed, but on all products subject to the operation of the bill, I should vote for it.

The changes in the bill by reason of which it differs from the earlier draft voted on at the last session do not obviate the constitutional objections urged by me at that time, nor would they disappear if an amendment such as that suggested should be adopted. I am unable to distinguish, however, in character between the expenditure of money from the Public Treasury for the purposes of this bill and the expenditure annually authorized for the general activities of the Department of Agriculture and possibly other departments of the Government. Upon the precedent thus established, and the course of Congress so long observed, I should feel quite justified in voting for the bill if, like bills making appropriations for the Department of Agriculture, it were impossible to assail it in the courts.

I found myself unable to sanction a bill which, if it became a law and were put into execution, would require the payment of equalization fees by the farmers of Montana to an amount that might aggregate as much as $5,000,000, every dollar of which would probably be lost to them if the act should be held to be unconstitutional, as I was constrained, after careful study, to believe it must be. If, however, the payment of the fee should be deferred as is proposed in the case of cotton, the validity of the law would meantime have been determined by the courts.

I am unwilling that the farmers of my State, sorely, desperately tried during the past six years, should be forced to wager the very great sum that would be exacted of them that the act is constitutional when I am convinced, quite contrary to my hope, that it is not. The regret with which I voted against a measure substantially like that now before the Senate at the last session will be intensified if I am forced now to act likewise, from the fact that the disparity between the prices of farm products and those of other commodities, instead of disappearing, as it was represented in some quarters would be the case, has, during the past year, increased alarmingly.

Mr. McKELLAR. Mr. President, I desire to ask the Senator from Montana a question, if I may, or make a statement in reference to the amendment suggested.

I prepared and had printed the amendment of which the Senator from Montana speaks, and at the time I intended to offer it; but since that time, upon mature deliberation and careful consideration and discussion of the matter, I have concluded to offer a different amendment, as follows:

On page 9, line 4, insert the following in reference to the putting on or stopping of the equalization fee, namely:

and until the board shall become satisfied that a majority of the producers of such commodity favor such action.

If the Senator will permit me to say it in his time, I am inclined to think that we should give the commission the authority to put the equalization fee upon all products alike, but provide that the fee should not be put upon any product until the commission had found that a majority were in favor of putting on the fee.

Mr. McNARY. Mr. President, may I have the opportunity of asking the Senator from Tennessee where his amendment is proposed to be inserted?

Mr. McKELLAR. On page 9, line 4. I am speaking in the time of the Senator from Montana, by his consent. I do not want to take my time at this moment.

Mr. STEWART. Mr. President, my remarks on the McNary-Haugen bill are going to be very brief. As the distinguished chairman of the Committee on Agriculture and Forestry said the other day, this bill has been so thoroughly discussed that there is not much left to say about it.

Mr. CARAWAY. Mr. President, will the Senator yield to me for just a moment?

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

Mr. STEWART. If it is not taken out of my time.

Mr. CARAWAY. It will be taken out of the Senator's time.

Mr. STEWART. The economic phases of the bill, Mr. President, have been exhaustively and thoroughly and intelligently discussed. The constitutional phases of the bill, also, have been discussed in a very masterly way. One of the greatest speeches ever made in this Chamber on a constitutional question was made by that distinguished statesman, Albert B. Cummins, late Senator from Iowa, last June on the constitutionality of this bill. That speech is to be found on pages 11624 to 11631 of the CONGRESSIONAL RECORD for the first session of the Sixty-ninth Congress.

Mr. President, no one has even attempted to answer the arguments set forth there by that distinguished statesman. I have the greatest respect for the keenness of mind and sincerity of purpose of the great statesmen here who can not find themselves convinced of the constitutionality of this bill; but, Mr. President, even on the Supreme Court we have divided opinions, and so in this I am sure that the majority of the Senators disagree with those to whom I have referred and believe that the bill is constitutional.

In addition to the speech of the late distinguished Senator from Iowa I wish to refer to the report of the Committee on Agriculture and Forestry on the McNary-Haugen bill. I think that report is a masterpiece; and while we are talking about constitutional questions, Mr. President, it might be well to remember that the distinguished statesman who is the chairman of the Committee on Agriculture and Forestry—I refer to the Senator from Oregon [Mr. McNARY]—was once a member of the Supreme Court of Oregon, and was dean of a law school; and I think most of us are willing to concede that when it comes to speaking on constitutional matters the brief that he has set forth in this report speaks for itself, and should be convincing.

Mr. President, the people of Iowa have studied this bill for a number of years. They are convinced not only that it is economically sound but that it is constitutional. Not only the farmers of the State of Iowa are whole-heartedly behind the McNary-Haugen bill but the chambers of commerce, the business organizations, the bankers, and the Iowa State Legislature have all unanimously indorsed the McNary-Haugen bill.

Some criticism has been voiced on the floor to the effect that western bankers are in favor of this bill, but I say to that,

thank God that the bankers of the Middle West still conceive it to be their duty to use the funds intrusted to their care for the upbuilding of their communities.

There has been some criticism expressed on this floor to the effect that this demand for the McNary-Haugen bill comes only from the Middle West, and that the distinguished statesman from Maryland [Senator BRUCE], whom I personally admire, has used some cruel language in this Hall toward the mid-west farmers. He has accused them of being beggars. He has said that they have come to Congress asking for the McNary-Haugen bill, and he has said that it is a crack-brained scheme. In reply to that I wish to call the attention of the Senator from Maryland to the fact that after he had made these cruel remarks, these insulting remarks, I got in touch with the farm bureau of Maryland to find out how the farmers of Maryland felt about this matter, and I wish to read their reply.

DEAR SENATOR STEWART: We have received a communication from one of our members, Mr. Edward H. Sharpe, who is connected with our Frederick County Farm Bureau. He advises of the correspondence he has had with you with reference to surplus marketing measure known as the McNary-Haugen bill. * * *

We are inclosing herewith a copy of our letters to Senators BRUCE and WELLER.

I now read the copy of the letter of the Maryland Farm Bureau to Senator BRUCE:

DEAR SENATOR BRUCE: Inclosed herewith we are transmitting a set of the resolutions adopted by the Maryland Agricultural Society, the American Farm Bureau Federation, and the various organizations affiliated with this federation. These affiliated organizations are:

Agricultural Corporation of Maryland.
Maryland State Horticultural Society.
Maryland State Dairymens Association.
Maryland Tobacco Growers Association.
Maryland Sheep Growers Association.
Maryland Crop Improvement Association.
Maryland Vegetable Growers Association.
Maryland Bee Keepers Association.
Maryland Swine Growers Association.
Atlantic Coast Poultry Producers Association.
And the various county farm bureaus.

You will note very particularly the farmers' organizations of Maryland have gone on record in supporting a surplus marketing bill, and that the bill that meets their viewpoint is now before Congress, known as the McNary-Haugen bill.

Mr. President, I am tired of hearing the criticism in this Hall that the demand for the McNary-Haugen bill comes only from the farmers of the Middle West. I have just read the plea of farmers who live right under the very shadow of this Capitol, pleading with Congress to pass the McNary-Haugen bill in order that the farmers of this Nation may have a square deal.

Yesterday we heard some comment from the New Hampshire and Connecticut and other New England Senators regarding the McNary-Haugen bill. We heard it said that this bill would be a terrible thing for the farmers and a terrible thing for the laborers. The farmers and the laborers of this country are articulate, they are able to speak for themselves. They know their own minds, and I wish to say that the American Federation of Labor has unanimously indorsed the McNary-Haugen bill. Every farm organization that has appeared before the committees of this Congress has indorsed the McNary-Haugen bill.

If there are any farmers, or any great number of them, who are opposed to the bill, why have they not appeared before any of these committees and expressed their disapproval? When New England weeps for the laborers and the farmers the rest of the Nation must get a good laugh.

When I listened to the cruel words of the able Senator from Maryland and to the hard-hearted remarks of the Senator from New Hampshire I was reminded of the story of the banker who had a glass eye. A farmer went in to see his banker, who had a glass eye, and asked him for a loan. The banker said, "Now, I'll tell you, John, if you can tell me which one of my eyes is glass I will make you this loan." John looked at him intently for a moment and then said, "It's your right eye." The banker said, "That's right; but, John, how could you tell?" John replied, "Why, I thought I detected a gleam of human sympathy in that eye." [Laughter.]

Mr. President, the farmers of this Nation have never been sectional in their feelings. They always have been loyal in their support of everything that was for the good of this Nation. But as years have gone by they have seen a selfish spirit develop among certain classes of this Nation. They have seen the selfish interests come to Congress and get legislative relief. They inquired why, and they found that these selfish interests got legislative relief because they organized and expressed their wishes and made their demands upon Congress. So the farmers, benefiting from what they had learned of the procedure of these other bodies, determined to organize in order to get their demands. But as soon as the farmers started to organize and make demands, then we saw the hypocritical eyebrows raised in horror, and hands raised, and remarks made as to what a terrible thing it would be if we should develop blocs in this country.

After the experience of the farmer they get a good laugh out of criticism of that kind. The farmers know their rights, and they will no longer be frowned out of those rights.

In this great family of ours which we call the Nation the farmer has always played the part of the homely sister, who did all the drudgery around the house and wore the second-hand clothes, while the good-looking sisters had good clothes and went out to parties. But recently it has appeared that the family is much disturbed because a fine-looking fellow has been courting the homely sister, and it seems that he has not only offered to take her for a buggy ride but to take her for a ride in the Pullman cars.

There is more involved in the passage or defeat of the McNary-Haugen bill than simply the question of a square deal for the farmers. This country has grown and prospered because of its political and economic unity. The question involved here is whether or not we are going to permit certain selfish interests to break down the things that have brought prosperity and happiness to this Nation by refusing to give a square deal to all elements.

Mr. NEELY. Mr. President, I offer an amendment, which I ask to have read from the clerk's desk.

The PRESIDING OFFICER. The clerk will read.

The LEGISLATIVE CLERK. Beginning on page 17, strike out all of paragraph (b) of section 12 and insert in lieu thereof the following:

(b) For the purpose of developing continuity of cooperative services, including unified terminal marketing facilities and equipment, the board is authorized, upon such terms and conditions and in accordance with such regulations as it may prescribe, to make loans out of the revolving fund to any cooperative association engaged in the purchase, storage, sale, or other disposition, or processing of any agricultural commodity, (1) for the purpose of assisting any such association in the acquisition, by purchase, construction, or otherwise, of facilities to be used in the storage, processing, or sale of such agricultural commodity, or (2) for the purpose of furnishing funds to such associations for necessary expenditures in federating, consolidating, or merging cooperative associations, or (3) for the purpose of furnishing to any such association funds to be used by it as capital for any agricultural credit corporation eligible for receiving rediscounts from an intermediate credit bank. In making any such loan the board may provide for the payment of such charge, to be determined by the board from time to time, upon each unit of the commodity handled by the association, as will within a period of not more than 20 years repay the amount of such loan, together with interest thereon. The aggregate amounts loaned under this subdivision and remaining unpaid shall not exceed at any one time the sum of $25,000,000.

Mr. NEELY. Mr. President, the twofold purpose of this amendment is, first, by rearrangement to improve the language of the bill, and, second, to render its proposed benefits more available and more generally useful to certain cooperative concerns.

It is generally admitted that the following are essentials of successful cooperative marketing associations:

First. Sufficient facilities primarily to process and warehouse the commodities handled.

Second. The capacity and right to associate together in order to avoid competition between or among the associations.

Third. Such credit facilities as will enable the cooperatives to accommodate their membership by utilizing the facilities of the intermediate credit system, thus avoiding the necessity of inopportunely dumping commodities upon the market.

My amendment is designed to provide all of the foregoing essentials to cooperative marketing associations.

If adopted, it will be the only portion of the bill designed to aid associations which handle products other than those defined in the bill as basic agricultural commodities. To be more specific, the adoption of this amendment will enable the producers of nonbasic agricultural commodities, such as the fruit, the vegetable, and the buckwheat growers and the dairy farmers of West Virginia and every other State in the Union, to share the benefits of the pending measure.

It may be both surprising and interesting to some of the Senators to know that the aggregate annual value of the agricultural commodities defined as basic in the bill is between four and five billion dollars, while the aggregate annual value of the

agricultural commodities not defined as basic is between nine and ten billion dollars.

That the advantages of this legislation ought to be shared by the producers of this greater portion of our annual agricultural wealth should be so obvious to every Member of the Senate as to make superfluous either argument or proof.

For the information of the Senate I read the following self-explanatory indorsements. The first is a telegram from Martinsburg, W. Va., dated February 10, addressed to me, and is as follows:

We, the West Virginia State Horticultural Society, in convention assembled, hereby desire to express to you our appreciation and gratitude for your effort in our behalf which is reflected in your proposed amendment to the McNary-Haugen bill. This amendment, if adopted and becomes law, will be most helpful in our endeavor to organize on a cooperative basis. In fact, there is no other provision so helpful to our industry in many of the proposed bills. We earnestly urge upon Congress the approval of this amendment and the passage of the bill.

WEST VIRGINIA HORTICULTURAL SOCIETY,
FRANK ROBINSON, *President.*
HURLEY CRANE, *Secretary.*

The following is from Hon. G. M. Putnam, president of the New Hampshire Farm Bureau Federation:

CONCORD, N. H., *February 9, 1927.*

Senator NEELY:

Urge adoption of your proposal to amend McNary bill with reference to loans to cooperative under amortization plan. Such amendment would be most helpful in the development of cooperative marketing and should be adopted.

G. M. PUTNAM,
President New Hampshire Farm Bureau Federation.

The following is an excerpt from a letter which I received on the 8th day of February from Mr. Chester H. Gray, the Washington representative of the American Farm Bureau Federation:

The substance of this proposed amendment was approved in the resolution of the board of directors of the American Farm Bureau Federation early last year, and I believe the amendment, if enacted into law, would be very helpful in assisting cooperative enterprises financing their work.

AMERICAN FARM BUREAU FEDERATION,
CHESTER H. GRAY, *Washington Representative.*

Mr. President, I demand a vote on my amendment.

Mr. BRUCE. Mr. President, when this bill came up at the last session of Congress I voted against it, and since that time nothing has transpired to make me change the convictions by which I was then influenced.

I am opposed to the bill, first, because, in my judgment, it is unconstitutional; and, secondly, because, in my judgment, it is economically unsound.

The constitutionality of the equalization fee provided for in it is founded upon the claim that the fee is an incident of interstate commerce regulation. I deny that.

There is no distinction taken anywhere in the bill between interstate commerce and intrastate commerce, but if the validity of the equalization fee is to be referred to the interstate commerce clause of the Federal Constitution it falls directly within the scope of the decisions of the Supreme Court of the United States in the cases of Hammer against Dagenhart in Two hundred and forty-seventh United States, and the Child Labor case in Two hundred and fifty-ninth United States. In the former case Congress attempted to prohibit the transportation of commodities produced, in part, by child labor, and the attempt was made to uphold its enactment upon the ground that the measure was a regulation of interstate commerce. The Supreme Court of the United States said, "Not so":

The thing intended to be accomplished by this statute—

It declared—

is the denial of the facilities of interstate commerce to those manufacturers in the States who employ children within the prohibited ages. The act in its effect does not regulate transportation among the States, but aims to standardize the ages at which children may be employed in mining and manufacturing within the States.

That decision was followed by the Supreme Court of the United States in the Child Labor Tax case in Two hundred and fifty-ninth United States. There Congress undertook to impose a tax on the net profits received from certain commodities produced, in part, by child labor, and the court said:

The case before us can not be distinguished from that of Hammer *v.* Dagenhart (247 U. S. 251). Congress there enacted a law to prohibit transportation in interstate commerce of goods made at a factory in which there was employment of children within the same ages and for the same hours a day and days in the week as are penalized by the act in this case. This court held the law in that case to be void.

Then the court recalled a part of what it had said in the case of Hammer against Dagenhart, and continued:

In the case at bar Congress, in the name of a tax which on the face of the act is a penalty, seeks to do the same thing, and the effort must be equally futile.

The pending bill, I repeat, is controlled by those two decisions. It is contended that it is a regulation of interstate commerce, but, of course, the real fact is that its leading object, I may say its sole, exclusive object, is to artificially enhance agricultural prices. The equalization fee created by it can not be upheld as a quantum meruit for service incident to the movements of interstate commerce. Neither can it be upheld as a tax.

Need I argue that Congress has no power to levy a tax except for public purposes; that it has no authority to empower any public agency to impose a tax for the purpose of promoting the special interests of a particular class of individuals; and that was exactly what the Supreme Court said in the case of Parkersburg against Brown. There a statute authorized the city of Parkersburg, W. Va., to issue bonds of the city to an amount not exceeding $200,000 for the purpose of lending the same to manufacturers carrying on business in or near the said city. The Supreme Court of the United States said:

Taxation to pay the bonds in question is not taxation for a public object. It is taxation which taxes the private property of one person for the private use of another person.

So here I say that if we call the equalization fee prescribed by the pending bill a tax, then the bill endeavors to impose something that is in no true sense a tax at all, but simply an unwarrantable invasion of the principles of personal liberty and personal freedom of contract. How can a legislative provision that every farmer shall pay such an equalization fee, whether he is willing to do so or not, be otherwise than a gross violation of the fifth amendment to the Federal Constitution, which declares that no person shall be deprived of life, liberty, or property without due process of law?

Mr. REED of Pennsylvania. Mr. President, will the Senator from Maryland yield in that connection?

Mr. BRUCE. I am very sorry, but I have such a short time. I would gladly yield, but the minutes are really precious to me at this time, whether they are to anyone else or not.

Then again, as the Senator from Montana [Mr. WALSH] has so well pointed out, the bill is unconstitutional, because it does not prescribe any proper administrative standards for the exercise of the powers bestowed upon the farm labor board by it. So I say that the pending bill is in several vital respects absolutely unconstitutional, nugatory, and void.

Moreover, so far as it attempts to fetter the power of appointment vested by the Constitution of the United States in the President it is also unconstitutional and void. The Federal Constitution says the President shall, by and with the advice and consent of the Senate, have the power to nominate and appoint; and yet here we have a bill which seeks to empower nominating committees, named by the farmers, to restrict the power of appointment of the President to one of the three names handed in from each of the 12 land-bank districts of the country. It can not be done. As I said when the bill was last before the Senate, if we are going to pass a bill, do not let us pass one which, in the memorable language of John Randolph of Roanoke, "has the sardonic grin of death upon its very countenance."

I say, likewise, that the bill is economically unsound, but I have no time to stop to ask how far it is practically workable. Let us suppose that it is workable; what then? How would it operate, if it operated at all? It would operate, so far as the American people generally are concerned, by producing one of the things that have always been considered most undesirable by the human race; that is, scarcity of the necessaries of life. The object of the bill is to produce artificially by law the conditions which are usually produced only by drought, by storm, or by some other cruel natural catastrophe. In other words, in order to bestow a benefit upon the farmer, it is proposed to make the cost of living higher to every man and woman of the United States, including the farmer himself. If all the necessaries of life, which are called basic commodities in the pending bill, are enhanced in price, of course, that enhancement will run through the whole structure of human society in the United States. Every man, no matter what his calling, his occupation, his pursuit, his business, will have to pay a part of that enhanced price, including the farmer himself, when he comes to buy foodstuffs and dairy stuffs and the like. And especially

will that be true of the southern farmer, who buys every year some $1,500,000,000 worth of feed and foodstuffs from other portions of the United States. The bill ought not to be called a bill to promote orderly marketing. It ought to be called a bill to promote scarcity, to inflate prices for the necessaries of life, and to make the present cost of living, which is high enough, still higher.

Mr. KING. And to disrupt our industrial and economic structure.

Mr. BRUCE. Yes; the whole economic structure of the country, as I could readily establish, if I had a little more time.

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

Mr. BRUCE. I have not the time; otherwise I would be glad to yield. I really think the Senator should agree to extend my time about 15 minutes longer. If he will do so, I shall be very glad to yield.

Mr. MAYFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Maryland be given an additional 15 minutes.

Mr. McNARY. That is so contradictory of the intent of the unanimous-consent agreement and so unfair to other Senators that I feel impelled to object.

Mr. BRUCE. The other effect would be that while our own people would be paying all these high prices for wheat, for corn, for rice, for cotton, and what not, the people of other lands would be enjoying the low prices created by the surpluses which the farm board created by the pending bill would be dumping on those lands. Of course, one result of the dumping would be that the owners and employees of industrial establishments in foreign countries would profit at the expense of our industries because of the low prices at which they could obtain the commodities that would enter into such surpluses.

As soon as inflated prices were produced by the pending bill, of course there would be a demand on the part of labor for higher wages on account of those prices, and then we should have the same old vicious circle with which we have been so familiar in recent years. There would be a demand for increased wages, and it would have to be honored, and as a result of that course manufactured commodities of every sort will be higher and freight rates would be higher. Indeed, almost everything that enters into the economy of human life in the United States would be higher.

Another effect of the bill would be to give a tremendous stimulus to agricultural production that would roll up larger and larger surpluses and make the operation of the bill more and more difficult. With great respect to the Northwest, the pending bill is but a hollow cask. It is but another one of those deceitful fallacies which have from time to time been swept to view by brainstorms bred in that region and been borne eastward to fill with anxiety and alarm the breasts of the conservative inhabitants of the East. All through my life we have had to face in the East first one economic delusion and then another engendered in what I call the Bryan and Brookhart West. First, we had the greenback craze, when it was proposed to flood the country with rag money.

Then we had the Patron of Industry movement, the Farmers' Alliance movement, and the Populist movement, all involving proposals that legal-tender paper money should be issued directly from the Treasury without the intervention of any banking agencies at all.

That was the time when Peffer, of Kansas, nursed the long beard which became almost as famous as the beard of Frederick Barbarossa, and when Jerry Simpson, known as "Sockless Simpson," was supposed to be going about in sockless feet to show on what a very sad footing the agriculture of the country was.

Then came along the free-silver agitation, which furnishes an exact analogy to this bill. There the attempt was by law to create a parity, an unnatural, fictitious parity, between silver and gold in defiance of Gresham's law and other despotic economic laws. That madness, too, passed after the whole country had fairly rocked with excitement and fear as the result of it. And to-day we can as readily find in the United States a man willing to worship a cow or a snake as a man who has the slightest faith in the shallow, dishonest shibboleth of the free and unlimited coinage of silver without the aid or consent of any other nation.

The PRESIDING OFFICER (Mr. BLEASE in the chair). The time of the Senator from Maryland has expired.

Mr. BRUCE. I am sorry, because I should like to hit the pending bill some still harder blows. Many of my farmer constituents favor its passage, and I deeply regret that I can not concur with their views; but I am sure that they will be generous enough to realize that I am merely unwilling to be false to my honest convictions.

Mr. REED of Missouri obtained the floor.

Mr. KING. Mr. President——

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

Mr. REED of Missouri. I yield.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. WALSH of Montana. I desire to state that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Michigan [Mr. FERRIS] are necessarily detained from the Chamber on business of the Senate.

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

Mr. REED of Missouri. Mr. President, I am in this position. Confinement to my home has made it impossible for me to take a part in this debate, and now that the time limit is fixed it is impossible within the time allowed to do more than merely to state a few propositions. If I may have the indulgence of the Senate I shall try to state my views touching this proposed legislation in the briefest possible way.

Mr. President, I have the utmost respect for the opinions of those Senators who differ from me with regard to the merits of this bill. I think I am safe in saying that not one of them would be found a proponent for the measure if it were not that the farmers of the country generally are not in a prosperous condition. There is a natural desire in the heart of every man to see all the great elements of society prosper, and so, out of the hard condition affecting agriculture, comes an effort to secure some kind of relief; but some of our friends are very much in the attitude of a sick man who in his desperation will take any kind of medicine that is suggested, and that wholly regardless of the learning that has been accumulated through the ages which may clearly prove that the medicine is dangerous and perhaps deadly.

There is trouble in the farm situation. We have what we call prosperity, but it is a very "spotted" prosperity. Great manufacturing and financial institutions are making more money in a year's time, indeed, are making more money by a single transaction, than ever before in the history of the world. That makes an apparent prosperity. Wages are high, largely through the efforts of organized labor, and prices on manufactured products are high, very largely because of legislation which has been enacted by Congress.

The farmer, however, finds himself in a bad situation. I want for a moment to get at the causes of the disease and see, if we ascertain what the cause is, whether we can not find two things: First, the right remedy; and, second, the evils attaching to this proposed bill.

Mr. President, it is with a feeling akin to disgust that I see the proponents of a high protective tariff upon manufactured articles stand upon the floor and complain about the hardships of the farmer. They created those hardships very largely by positive statutory enactment. Years ago they took away from the American citizen the right to buy his goods in the free and open markets of the world by imposing an excessively high tariff for the express purpose of enabling the manufacturers of the country to charge higher prices for their products in order that the manufacturers might receive large profits. Thus they skimmed the cream of the country's industry and wealth and turned it into the hands of a few favored industries. That was the initial step in the depression of the farmer's condition.

No man is entitled to call himself a man of good judgment who will deny that when we pass a law artificially raising the price of that which the farmer consumes and do not at the same time raise the price of that which he produces we have

created a condition which is bound to result in the impoverishment of the farmer. Thus we fix the initial point from which we can proceed.

Second, when the World War came on there was an effort made to regulate the price of farm products. A law never was passed authorizing the regulation of those prices, but a power was vested in Mr. Hoover to license those organizations engaged in the business of buying grain, meats, and so forth. He exercised that power in this wise: He licensed these various organizations and said to them, "You will pay a certain price for wheat, for corn, for cattle, etc.; if you pay more or less I will revoke your license from you and destroy your business." Accordingly, there was a price fixed by the arbitrary action of this man upon the principal products of the farm.

At what point was that price fixed? We are no longer left to the realm of speculation or of fancy. We know that no wheat could be shipped out of this country except through the Export Grain Corporation, which was created by law and dominated and controlled by Mr. Hoover and his advisers. We know that that concern turned back to the Federal Government as profits made upon the farmers' grain $70,000,000. We know, therefore, that the price the corporation received for the grain shipped abroad was $70,000,000 in excess of the price received at home. That $70,000,000 of profits was realized upon the grain that went abroad, and, as only about two-ninths of the grain raised in this country went abroad, the total taken from the farmer, as shown by the figures, amounted to over $3,500,000,000 upon wheat alone.

But that is not all of the story. The Export Grain Corporation did not itself receive full war prices, for wheat was during the war frequently sold in Europe at $4 and $5 a bushel. American wheat that had been sold through this very board and purchased for $2 and $2.10 a bushel was sold in Europe—plenty of it—at $4 and $5 a bushel. The result was, therefore, that the farmer was compelled to sell upon a low and artificially fixed valuation. In the meantime he was forced to buy everything he purchased at full war prices. The result was that when the war was over he did not have a surplus in his bank. He found himself practically without any surplus whatever.

Let us take the next step, and be it observed these steps follow each other in logical sequence and tell their story as we go along.

When the war was over and it was expected that war prices would come down, the great manufacturing industries came to the Congress and demanded a higher tariff than had ever been levied in all the history of the world. I saw these men come before the Finance Committee and heard them declare in good, set terms: "We won this election. We elected Mr. Harding. We are entitled to the fruits of that election." So Congress passed a law to keep the price of everything the farmer bought and everybody else bought on the high level of the war by enacting a tariff law so outrageous as to accomplish that result.

What followed? The farmer then found himself obliged to sell upon the broken market of Europe at European prices as fixed by those bankrupt conditions. At the same time he was forced to buy in a market that you gentlemen on the other side of the Chamber voluntarily, intentionally, willfully, and wickedly raised. There the prices remain to-day.

What, then, would be the natural thing to do? It would be to lower that tariff, and give the farmer a decent opportunity to buy in a market at prices somewhat akin to those of the market in which he is compelled to sell; but you do not propose that. You come here with this bill.

In the few minutes that remain to me I want to give my attention to the bill itself.

First, you propose artificially to raise prices in a product where we have a great surplus going abroad every year. It is admitted that in order to accomplish that result you must in some way control the production, or monopolize the production, so that you can sell in this country at a high level, dump the surplus in Europe at a lower level. You then propose to find out what the loss is, divide that up among the farmers, and make them pay that loss proportionately. That is this bill, and that is all there is to this bill. You propose, however, to do this not by the voluntary action of the farmers of the United States but by force of law.

I frankly admit that the farmers of the United States would have the right, if they wanted to do so, to get together in some great assembly and sign a contract by which they would all agree not to sell their grain for less than a certain price, or to deliver it all to one seller, and authorize that man to fix the price in this country. It might not be sound from the economical standpoint, but such a scheme would permit the farmers of the country to exercise their natural right. But, Mr. President, the farmers of the United States have not done any such thing, and this bill does not propose to require them to do any such thing. This bill says to the farmers of the United States: "By law we propose to set up a board to control the prices of your products, we intend to regulate their sale, and we will attempt to find out how much money that board is going to lose, and we will, by law, make every one of you 60,000,000 farmers willy-nilly take part of your produce and turn it over to this board to do with as it sees fit; such is the intent and purpose of this bill when it is reduced to its final analysis.

Mr. President, I ask the Senate to consider what that means. It means, sir, that a free-born American citizen can buy a farm, can plow his field, can sow his grain, can harvest his crop, can thresh it, and then of what use is it to him? Absolutely none, unless he can sell it. At that point you propose to say to him: "You can not take this grain and sell it as a free man. You can take it to town, it is true; you can turn it over to a merchant, it is true; but when you turn it over to that merchant he must take out of your grain which you raised a certain proportion and turn it over to a board without your consent, without your agreement, and against your will." [At this point the gavel fell.] My time is not up. I have three or four minutes left. The Chair is mistaken.

Mr. BRUCE. I ask unanimous consent——

The PRESIDING OFFICER. The Senator started at 21 minutes past 1, and it is now 1.37. The Senator has spoken 1 minute over the 15 minutes; but if the Senator from Maryland requests unanimous consent that the Senator's time be extended——

Mr. BRUCE. I do.

Mr. McNARY. Mr. President, it is useless to do that. The Senator knows from his own experience that I can not discriminate between Senators.

Mr. BRUCE. I am perfectly willing to be discriminated against. The Senator refused to discriminate, as far as I am concerned, and if I was entitled to 15 minutes more, I should think the Senator from Missouri was abundantly entitled to it.

Mr. McNARY. I am not going to discriminate against the Senator from Maryland; hence, we must enforce the rule.

Mr. BRUCE. You are going to discriminate against all other classes of society in this bill, so why should you not discriminate against me?

Mr. LENROOT. Mr. President, a parliamentary inquiry: Was there not a quorum call, and has that been taken out?

The PRESIDING OFFICER. The quorum call was taken out, the Chair is informed; yes.

Mr. REED of Missouri. Mr. President, I want to make this appeal to the Senate: I have been ill. I have been unable to be here. I should like just about three minutes.

The PRESIDING OFFICER. If there is no objection, the Senator's time will be extended three minutes. The Chair hears none, and it is so ordered.

Mr. REED of Missouri. I merely want to conclude what I was saying.

Whenever the Government of the United States says to a citizen, "Against your will we will take some of your property and turn it over to a board or bureau to be expended," the Government is taking property without process of law; and if it can take 10 per cent of what a farmer has produced, it can take 20 per cent or 50 per cent. Whenever the Government can take away a portion of that which a man has justly acquired, not by general taxation for the general purposes of government but for the special advantage of certain other citizens, it has reduced the free man to the condition of a serf; for if the Government can take away the citizen's right to earn a livelihood, to enjoy the fruits of his toil, the Government can reduce him to a condition of dependence which, carried to the extreme, would establish absolute slavery.

Men may smile at that, but that is a power that was once asserted by tyrannical governments. It never heretofore has been asserted by this Government. The power to take a part of what the farmer raises can be applied to every citizen, and we can have boards and bureaus regulating the wages, profits, and property of people in every department of life.

One word in conclusion.

Men have stood here and said they represent the farmers; that they speak for all the farmers of the United States. I deny it. The farmers are not all members of these organizations. Nay, there are not, in fact, in my judgment, 20 per cent of the farmers of the United States in all of these organizations. The men outside are to be considered. This bill means the establishment of agricultural peonage if it is carried to its legitimate conclusion. It deprives the farmer of his right to till the soil and reap the result of his labor. It means for the Government to say: "I am strong enough, I am great enough

to reach into your pockets and take your money and use it for any purpose a few legislative sharps think is going to benefit you."

That is not freedom. That is not liberty. That is not Americanism. That is not democracy. That is tyranny. That is brutality. That is infamy. That is a blot upon our entire civilization.

Some day, when I have time, I will tell you what I think about this bill. [Laughter.]

Mr. SHIPSTEAD obtained the floor.

Mr. CARAWAY. Mr. President, will the Senator from Minnesota yield to me for just one minute? The Senator from Missouri [Mr. REED] said that some day he is going to tell us what he thinks about the bill. I hope he reads it before he does so, because evidently he has not read it. There is not a thing in the bill that the Senator said was there.

Mr. REED of Missouri. Mr. President, the Senator and I just differ.

Mr. CARAWAY. Oh, no; we do not differ. I have read the bill, and the Senator has not.

Mr. REED of Missouri. The Senator is mistaken.

Mr. CARAWAY. Oh, no; I am not.

Mr. REED of Missouri. We just have two different minds. Sometimes the Senator is going along with me, and he is all right; and sometimes he gets off on the other side.

Mr. CARAWAY. When the Senator reads the bill he is usually right, but when he makes a speech without having read it he is usually wrong.

Mr. REED of Missouri. Mr. President, I am not going to have a quarrel with my friend from Arkansas——

Mr. CARAWAY. I am not quarreling.

Mr. REED of Missouri. But when the Senator says I have not read this bill, or makes any assertion of that kind, he does not mean to say it.

Mr. CARAWAY. If the Senator has read it, when he says that 60 per cent of the farmers could be deprived of their rights he ignores the fact that an equalization fee can not be imposed until more than 50 per cent of them are for it.

Mr. REED of Missouri. I said that 60 per cent of the farmers do not belong to these organizations.

Mr. CARAWAY. Oh, no; that was not what the Senator said.

Mr. REED of Missouri. Well, we will not quarrel about an immaterial thing of that kind. It is too small to quarrel about.

Mr. SHIPSTEAD. Mr. President, I ask the attention of the Senator from Maryland [Mr. BRUCE] for just a moment.

The Senator from Maryland—who is a man of very notable character, has a very charming personality, and is recognized as having one of the keenest and ablest minds in the Senate at the present time—has taken it upon himself on various occasions to express, in language of considerable fluency, from a vision that is wide in latitude, his personal opinion of Senators, Member of this body from the Northwest, who are defending this piece of legislation. He has not confined his indictment to Senators only, but he has indicted the entire Northwest. He has accused us and the people of the Northwest of supporting hare-brained ideas. My vocabulary is not sufficient to repeat the anathemas he has hurled upon us.

I am sorry the Senator from Maryland did that, because I am sure I express the opinion of very many of his friends when I say that it is unworthy of the great Senator from Maryland. He has not only directed his criticism to the people of the Northwest, but I want to call attention to a letter that was addressed to the Senator from Maryland on January 28. This letter was written by Mr. Melvin Stewart, secretary-treasurer of the Maryland Agricultural Society. I want to read a paragraph or two from the letter, to show that it is not only the agricultural interests of the Northwest who favor this piece of legislation, but the farm organizations of the great State of Maryland have also indorsed it. The letter reads as follows:

Hon. WM. CABELL BRUCE,

United States Senate, Washington, D. C.

DEAR SENATOR BRUCE: Inclosed herewith we are transmitting a set of the resolutions adopted by the Maryland Agricultural Society, the Maryland Farm Bureau Federation, and the various organizations affiliated with this federation. These affiliated organizations are:

Agricultural Corporation of Maryland.
Maryland State Horticultural Society.
Maryland State Dairymens Association.
Maryland Tobacco Growers Association.
Maryland Sheep Growers Association.
Maryland Crop Improvement Association.
Maryland Vegetable Growers Association.
Maryland Beekeepers Association.
Maryland Swine Growers Association.
Atlantic Coast Poultry Producers Association, and the various county farm bureaus.

You will note very particularly the farmers' organizations of Maryland have gone on record in supporting a surplus marketing bill and that the bill that meets their viewpoint is now before Congress, known as the McNary-Haugen bill.

His indictment therefore stands against the farmers of Maryland, his own people, as well as against the people of the Northwest.

Mr. President, in the course of the debate upon this measure a great deal has been said about the power to tax. It is known and recognized by any economist that the power to tax is the power to destroy, and I submit that the power to fix prices on commodities is also the power to tax, and therefore inherently contains the power to destroy. In the price-fixing legislation that has been passed by the Congress in the past 25 or 30 years we have had a practical demonstration that the power to fix prices contains the power to destroy, and that power has been so used.

Of course, the purpose of this measure is to enhance the prices of farm products. Of course, it establishes a bureau. It is adding to the old system of bureaucracy that has been foisted upon this country by Congresses in the past, and by men who now stand before us and object to another bureau that is sponsored by the agricultural interests as a backfire for protection and defense against this prairie fire of bureaucracy that is sweeping down upon us and destroying agriculture.

What is the transportation act but a price-fixing measure? What has been the result since that law was passed upon the freight rates, hitting the producers of commodities? Passenger rates and freight rates have been enhanced 50 per cent.

What is tariff legislation and the tariff commission but a price-fixing measure and bureau? Through the power to tax, through a high tariff, there is the power to fix prices, and therefore the power to destroy.

What is the Federal reserve banking act but a price-fixing measure, establishing a price-fixing bureau, to fix the rediscount rates and the interest rates?

What is the result of the neglect to enforce the Sherman Antitrust Act against the monopolies of the country, fixing prices, and through the power to fix prices using the power to tax the pockets of the American people?

Of course, these are price-fixing, tax-collecting bureaucracies which have been foisted upon the American people by Congresses in the past. It is a doctrine and it is a program that those who are opposed to this piece of legislation have forced upon us. We are now only putting back in their own teeth the very words they have been using here for 25 or 30 years, and because we have permitted it we have had to pay the price, and in the few minutes I have I want to call attention to the terrific price the agricultural interests have paid for this bureaucratic price-fixing legislation.

The condition is reflected in the statistics of bank failures throughout agricultural sections, and I want to read the statistics of the bank failures in the industrial East for the years from 1920 to 1925 and compare them with those in the other sections of the country.

In the great States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, in the five years from 1920 to 1925, a total of 36 banks failed.

In the great States of New York, New Jersey, Delaware, Pennsylvania, and Maryland a total of 147 banks failed in the period from 1920 to 1925.

Note, when we come into the agricultural sections, the increase in bank failures. In the States of Michigan, Wisconsin, Illinois, Indiana, and Ohio 204 banks failed, with total resources of $99,333,000.

Then we go into the border States between the North and the South, the agricultural States. In West Virginia, Virginia, Kentucky, and Tennessee a total of 132 banks failed, with total resources of $32,000,000. In the old South, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi, a total of 502 banks failed, with total resources of $156,000,000.

In Louisiana, Texas, Arkansas, and Oklahoma 547 banks failed, with total resources of $181,000,000.

In Minnesota, North Dakota, South Dakota, Nebraska, Missouri, and Kansas 1,299 banks failed, with total resources of $430,000,000.

In Montana, Idaho, Wyoming, Colorado, New Mexico, and Arizona 519 banks failed.

The total bank failures for the United States amounted to 3,546, with resources of $1,617,000,000, and 95 per cent of those bank failures were in agricultural areas.

Here is a demonstration of the power to destroy agriculture through the power to fix prices below cost of production. The

following statistics are from pages 70 and 71 hearings before subcommittee of the Banking and Currency Committee of the United State Senate, Sixty-ninth Congress, first session, on S. 1782 and H. R. 2.

TABLE 8.—*State and National bank failures, by geographic divisions and States, 1900 to 1925, divided into periods preceding and following January 1, 1920*

NOTE.—The small figures indicate the number of failures for which no figures of resources are available. They should be deducted from the number given to obtain the number whose resources are given]

Geographic division and State *	State and National bank failures 1900, to Jan. 1, 1920		State and National bank failures Jan. 1, 1920, to August, 1925		Totals, 1920-1925	
	Number	Resources	Number	Resources	Number	Resources
A. New England States						
1. Maine	3	$1,859,000	1	$600,000	4	$2,459,000
2. New Hampshire	1	272,000	1	1,735,000	2	2,007,000
3. Vermont	4	2,946,000			4	2,946,000
4. Massachusetts	10	13,799,000	6	59,876,000	16	73,675,000
5. Rhode Island	5	30,378,000	2	1,299,000	7	31,677,000
6. Connecticut *	2	1,406,000	1	2,269,000	3	3,675,000
Total	25	50,660,000	11	65,779,000	36	116,439,000
B. Middle Atlantic States						
1. New York	47 [3]	182,402,000	2	4,203,000	49 [3]	186,605,000
2. New Jersey	9	7,157,000			9	7,157,000
3. Delaware						
4. Pennsylvania	66 [4]	97,506,000	16	21,920,000	82 [4]	119,426,000
5. Maryland	4	1,288,000	3	1,394,000	7	2,682,000
Total	126 [6]	288,353,000	21	27,517,000	147 [6]	315,870,000
C. North Central States						
1. Michigan	13	7,619,000	2	1,070,000	15	8,689,000
2. Wisconsin	20 [1]	11,489,000	31	7,601,000	51 [1]	19,090,000
3. Illinois	19	16,582,000	39 [1]	21,110,000	58 [1]	37,692,000
4. Indiana	20 [1]	6,324,000	14	5,153,000	34 [1]	11,477,000
5. Ohio	38 [1]	16,483,000	8	5,902,000	46 [1]	22,385,000
Total	110 [3]	58,497,000	94 [1]	40,836,000	204 [4]	99,333,000
D. Southern Mountain States						
1. West Virginia	25 [2]	5,165,000	8	3,180,000	33 [2]	8,345,000
2. Virginia	7	2,343,000	21	5,097,000	28	7,440,000
3. Kentucky	26 [16]	1,891,000	17	3,239,000	43 [16]	5,130,000
4. Tennessee	13 [3]	3,503,000	15	8,035,000	28 [3]	11,538,000
Total	71 [22]	12,902,000	61	19,551,000	132 [22]	32,453,000
E. Southeastern States						
1. North Carolina	25	3,817,000	66	17,931,000	91	21,748,000
2. South Carolina	11 [1]	1,114,000	87 [1]	32,624,000	98 [2]	33,738,000
3. Georgia	53 [13]	13,341,000	153	43,031,000	206 [13]	56,372,000
4. Florida	15 [2]	15,035,000	22	9,326,000	37 [2]	24,361,000
5. Alabama	26	8,445,000	18	3,755,000	44	12,200,000
6. Mississippi	5	887,000	21	6,913,000	26	7,800,000
Total	135 [16]	42,639,000	367 [1]	113,580,000	502 [17]	156,219,000
F. Southwestern States						
1. Louisiana	25 [2]	7,285,000	27	7,050,000	52 [2]	14,335,000
2. Texas	41 [3]	11,111,000	154 [5]	67,793,000	195 [8]	78,904,000
3. Arkansas	26 [2]	4,477,000	31	8,971,000	57 [2]	13,448,000
4. Oklahoma	61 [1]	14,757,000	182 [1]	60,034,000	243 [2]	74,791,000
Total	153 [8]	37,630,000	394 [6]	143,848,000	547 [14]	181,478,000
G. Western grain States						
1. Minnesota	35 [6]	4,632,000	162 [1]	62,506,000	197 [7]	67,138,000
2. North Dakota	27	2,988,000	269 [1]	61,260,000	296 [1]	64,238,000
3. South Dakota	41 [1]	3,832,000	196	81,373,000	237 [1]	85,205,000
4. Iowa	10 [1]	4,643,000	142 [1]	74,032,000	152 [2]	78,675,000
5. Nebraska	14	1,665,000	135	47,984,000	149	49,649,000
6. Missouri	32 [7]	6,963,000	102 [2]	41,209,000	134 [9]	48,172,000
7. Kansas	32 [1]	6,888,000	102 [3]	30,171,000	134 [4]	37,059,000
Total	191 [16]	31,611,000	1,108 [12]	398,525,000	1,299 [28]	430,136,000
H. Rocky Mountain States						
1. Montana	8	6,349,000	176 [1]	58,291,000	184 [1]	64,640,000
2. Idaho	13	4,419,000	57 [1]	26,252,000	70 [1]	30,671,000
3. Wyoming			74 [1]	22,907,000	74 [1]	22,907,000
4. Colorado	22	6,557,000	55	14,707,000	77	21,264,000
5. New Mexico	9	896,000	68 [2]	29,984,000	77 [2]	30,880,000
6. Arizona	7 [1]	2,455,000	30 [1]	14,620,000	37 [6]	17,075,000
Total	59 [4]	20,676,000	460 [6]	166,761,000	519 [11]	187,437,000

* No data are available on failures of State banks in Connecticut.

TABLE 8.—*State and National bank failures, by geographic divisions and States, 1900 to 1925, divided into periods preceding and following January 1, 1920*—Continued.

Geographic division and State	State and National bank failures 1900, to Jan. 1, 1920		State and National bank failures Jan. 1, 1920, to August, 1925		Totals, 1920-1925	
	Number	Resources	Number	Resources	Number	Resources
I. Great Basin States						
1. Utah	2	$4,445,000	12	$6,963,000	14	$11,408,000
2. Nevada	14	916,000			14 [8]	916,000
Total	16 [8]	5,361,000	12	6,963,000	28 [8]	12,324,000
J. Pacific Coast States						
1. Washington	25 [3]	8,829,000	30	28,526,000	55 [3]	37,355,000
2. Oregon	10 [6]	731,000	24	13,853,000	34 [6]	14,584,000
3. California	34 [1]	27,380,000	9	6,149,000	43 [1]	33,529,000
Total	69 [10]	36,940,000	63	48,528,000	132 [10]	85,468,000
Grand total	955 [94]	585,269,000	2,591 [26]	1,031,888,000	3,546 [120]	1,617,157,000

Is this what you call "prosperity"?

Mr. President, I want to call attention to the fact that when we had the greatest financial panic in the history of the United States in the agricultural area we were exporting to Europe three times the amount of agricultural products that we ever had exported before the war.

I ask to have printed in the RECORD statistics compiled from the records of the Department of Commerce, and also copied from the Manufacturers' Record of August 30, 1923, showing what the exports of farm products were before the war and after the war, until the year 1923, during that period of deflation, when the farmers of the country were going bankrupt because we were told we could not export farm products. These records will show that we averaged three times the amount of exports of agricultural products during that time that we ever averaged before the war. The record shows that the exports of agricultural products have since the war been about three times greater than they ever were before the war. I quote the figures on these exports, which I took from the Manufacturers' Record of August 30, 1923. These figures were originally obtained from the Department of Commerce. I have checked them with the report of the Department of Commerce and I find them to be identical.

I ask unanimous consent that these statistics may be printed in the RECORD.

The VICE PRESIDENT. Is there objection?

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

Agricultural products

[From the Manufacturers' Record, Aug. 30, 1923]

		Pre-war average	Fiscal year 1923
Wheat	bushels	56,913,228	154,950,971
Corn	do	39,809,690	94,060,000
Rye	do	854,765	51,410,000
Barley	do	7,895,521	18,190,000
Potatoes (white)	do	1,511,000	2,980,000
Oats	do	8,304,203	18,573,000
Wheat flour	barrels	10,678,635	14,882,714
Oat meal and rolled oats	pounds	24,297,000	123,115,317
Rice	do	16,215,000	318,940,870
Sugar	do	79,368,000	749,855,325
Lard	do	482,159,000	952,641,705
Bacon	do	188,750,000	408,282,000
Ham and shoulders	do	172,859,000	318,186,689
Butter	do	3,110,777	9,409,837
Cheese	do	2,654,315	8,446,321
Milk, condensed and evaporated		16,473,782	157,000,000
Wheat, including flour	bushels	104,967,085	221,923,184

Mr. SHIPSTEAD. The Department of Agriculture has asserted that, as a result of deflation of agriculture by Federal reserve banks, agriculture values have been reduced $18,000,000,000. This is only a part of the price we have paid for having prices fixed against us.

Mr. President, if this piece of legislation that has been proposed here for the relief of agriculture is economically unsound, who has the effrontery to defend the economic soundness of these various pieces of legislation, price fixing, if you please, carrying with them the power to tax, that have resulted in the present condition of agriculture in the United

States, and this long series of bank failures, running into the billions?

Is there anyone here who will assume responsibility for the economic soundness of the legislation that has been passed here for the last 25 or 30 years as a result of which we have this condition in the United States to-day, with exports of agricultural products larger than they have ever been before?

I do not believe in bureaucracy, neither do I believe in prairie fire, but when the bureaucracy of price fixing, for transportation, for banking, for industry, is sweeping down upon us to destroy us, I am willing to start a back fire by creating another bureau in order to save agriculture from complete annihilation. Like any other bureaucratic law, this law depends for success or failure upon its executors who may be chosen to administer it.

The newspapers have been carrying in headlines for the last four or five years announcements of the tremendous prosperity of the industrial sections of the country. Of course they have been prosperous. Why should they not be prosperous? We have been feeding them for less than the cost of production, and when we take a leaf out of their book and come to Congress and ask for a piece of legislation of the same kind and character that Congress has granted to transportation, to banking, and to the industries, we are met with the old cry that we are proposing something that is economically unsound.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The Senator's time has expired.

Mr. SHIPSTEAD. Let me say, in conclusion, that all we ask is that the industrial East shall pay the agricultural West for what they eat, and pay at least the cost of production.

Mr. FESS. Mr. President, I wish to state in as brief manner as possible my objections to the bill. In other words, I wish to summarize what I have stated before, both in the last session and at the present time, upon this character of legislation.

I know of no measure yet presented to deal with an important problem which contains so many unsound features and involves such general bad results as the present unfinished business which is now before us. It proposes to handle the surplus by increasing its volume instead of reducing production or increasing consumption, a remedy which is worse than the disease, for any guaranty of the handling of a surplus which will maintain a higher price than economic conditions will warrant will be a stimulation of production instead of a retardation of production. The proposal to handle the surplus which is due to overproduction will stimulate overproduction instead of retarding it.

The bill totally ignores the consuming public by denying to the public, through the President of the United States, the power to appoint the board, but, on the other hand, leaves to the industry interested the power to appoint that board, the most far-reaching step toward the sovietizing of industry that has yet ever been undertaken, and I am quite certain that it will be one of the determinants as to whether or not the bill will ever become a law.

The bill proposes that the Government shall handle the surplus, which in the past has reached the enormous amount of $1,500,000,000, and while the bill suggests that this shall not be in operation except as the board may put it in operation, it does give the power to operate it whenever there is a surplus. Anyone who can think two thoughts in a row knows that there is always a surplus, which means that this is to be a continuing operation.

The bill proposes to deal with this enormous surplus by the Government entering into agreements by contract with the millers and the packers and the ginners, guaranteeing these agencies against any loss. It is written in the bill, and thus we have the Government itself undertaking to handle, through a board, the surplus that amounts to $1,500,000,000 worth of property through agencies like the packers, with the packers suffering no losses, but with the losses to be made up by the producer under Government direction. If there is any such approach of guaranty to special agencies by the Government in any legislation that has ever been proposed, I know nothing about it. Oh, it is said, on the one hand, this is not a price-fixing agency, and yet the Senator who has just taken his seat [Mr. SHIPSTEAD] has insisted that it is a price-fixing agency and excuses it by urging that it is not different from the Interstate Commerce Commission or other agencies like the Federal Reserve Board, and so forth.

That is a concession to our contention which can not be here contradicted, because it can not be successfully controverted, that it is either a Government fixing of the price or else it is the creating of a Government agent with which it contracts to fix the price itself without any control by the Government, for the contracts that are entered into cite the Government of the United States as the party of the first part and the packers and millers as the parties of the second part, and if the Government does not fix the price at which the packers shall sell, then it leaves the packers the freedom to fix it in accordance with their own wish, guaranteed against any loss in the transaction, and that guaranty made by the Government. Take your choice of either horn of the dilemma. If it is Government price fixing, then it is pernicious. If it is not Government price fixing, then it is pernicious that these irresponsible agencies, guaranteed against losses by the Government itself, can fix the prices without regard to the public welfare.

I claim, Mr. President, that if this is an entrance upon price fixing by the Government in any exchange of goods by private interests, there is no limit to what it will ultimately mean to the public welfare. I do not think anyone has any serious thought about what the Senator from Minnesota has just stated, that we are fixing prices through a Government commission of transportation. Le me say to him and to all others that the only reason why the Government regulates railroad rates is to keep them down in the interest of the public who use the roads. The railroad is a public function. Only in the degree that it is public does the Government interfere. The Government only interferes in the interest of the public to keep down the price which otherwise the railroads would or, at least, might put upon the shipping public, and not to increase the price upon the public as this bill proposes to do.

Here is a proposal to induce the Government under contract to lift the price, and it is a price of private industry which has no public function, with which the Government has nothing to do. If the raising of wheat were a public function like the transportation of wheat by the railroads, in which the public were the third party interested and upon whose interests transportation exists, then we could introduce the Government—for what purpose? To keep down the price so that it would not be exorbitantly charged on the public. That is the purpose of limiting the amount which the railroads may charge and the only basis upon which the Government can act.

I apologize for taking as much time upon such an insignificant utterance as that the Government is regulating railroad rates, and that gives us the right as a government to regulate the price of wheat or the price of corn or the price of swine. It is too ridiculous for anyone to consider for a second.

Mr. President, these losses are to be assessed in the form of an equalization fee to be assessed as a tax upon the producer without his consent and without counseling him. I hold that that can not be done under the constitutional privileges of the people of the country. I have no doubt that when it reaches the courts there will be a speedy decision upon the matter.

The proposal will injuriously affect the livestock industry in any State of the Union which is in competition with the livestock raiser of an adjoining country, because the purpose of the bill is to keep up the price at home of the corn that is fed to the American hogs and to permit the corn sold as surplus to be sold at less than the American consumer pays. That enables the Canadian hog raiser to feed corn costing him less than the American hog raiser must pay, because the very purpose of the bill is to make a difference between the cost of the article at home and the cost of the article that is shipped abroad. When the American hog raiser enters into competition with the Canadian hog raiser, if the American hog raiser has to feed corn costing a higher price than the Canadian hog raiser will have to pay, and if the Canadian hog raiser buys that cheaper corn from the American producer in order to keep up the price of corn here at home, it gives the Canadian hog raiser a distinctive advantage in the markets of the world, to our disadvantage. I am quite sure that when we estimate the 2,000,000,000 pounds of pork which is sold in a year in the export markets in competition with whatever is sold by a competitor north or south of us, the American farmer will begin to note the effect of the legislation upon animal industry.

Mr. President, the bill in a way is sectional, as everyone must admit. I think it is inequitable. I believe it is unjust in its operations upon the public. It includes all the consumers, and a greater portion of the producers are concerned without their consent and even without consulting them. Here is a plan where two or three members of a self-selected board can perpetually fasten upon the entire population of the United States, against their will, a perpetual burden in the interest of but a mere fraction of the people. What do I mean by that statement? The few States which produce 50 per cent and more of the corn—and there are only a few of them—when the bill becomes operative upon corn, will have two or three representatives on the board in the districts representing 50 per cent of the production of corn who, against the will of 9 or 10 other men representing all the people of all the other States and, in spite of their opposition to it, can cause it to go on perpetually, be-

cause the bill provides that when once put in operation it can not be discontinued until those members of the board representing 50 per cent of the production of the article in question vote to discontinue it. I can not imagine anything that will produce more prolific opposition.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The time of the Senator from Ohio has expired.

Mr. FESS. Mr. President, a parliamentary inquiry. I have spoken 15 minutes on the bill. Have I not 15 minutes on the amendment?

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. That point was raised this morning, and I presented the view, which the Chair sustained, that a Senator has only 15 minutes on all amendments and the bill and the substitute.

Mr. FESS. Oh, that can not be correct. Mr. President——

Mr. McNARY. That question has been ruled upon this morning.

The PRESIDING OFFICER. The present occupant of the chair was not in the chair at that time, so he is somewhat at a loss as to the ruling to make on this question.

Mr. FESS. I ask the Presiding Officer to read the unanimous-consent agreement. It is perfectly clear.

Mr. CARAWAY. The agreement has been construed and that construction has been enforced.

Mr. FESS. In the interest of saving time, I shall not insist upon it if I may put into the RECORD three other objections which I have to the bill.

Mr. McNARY. I have no objection at all to the Senator doing that.

Mr. FESS. I shall not insist if that will be acceptable.

The PRESIDING OFFICER. Without objection, the Senator has permission to do so.

The matter referred to is as follows:

(8) This state of socialistic control, where a small minority becomes the dictator, will throw the Nation into a campaign between those producers and all the consumers who, in the end, will fix the producer where the last stage will be many times worse than the first.

(9) This coalition of block interests in which open bids are made for votes has reduced legislation to its worst stage and has displayed Congress in its worst light.

If, for any reason, this bill becomes a law, the courts will certainly pronounce it void; and in case it does not reach the courts in due time it will not be long until a revulsion of the better judgment of our people will break into a storm unlike anything we have yet seen.

The popular judgment against greenbackism and 16 to 1 fallacies will be but gentle zephyrs to a cyclone when compared with what will greet this conglomeration of economic and political nonsense.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. I inquire of the Chair and also of the Senator from Oregon [Mr. McNARY] whether the interpretation of the unanimous-consent agreement is that upon the amendments and upon the bill itself or substitutes but 15 minutes of debate are permitted to each Senator?

Mr. McNARY. The Chair, after considering the inquiry this morning, determined that the spirit and letter of the agreement were that one period of 15 minutes was all the time that any Senator had on the bill and the amendments.

Mr. KING. I am sure, Mr. President, that there would have been dissent from the unanimous-consent agreement if that construction had been insisted upon at the time it was asked for.

Mr. McNARY. That was the evident intention and is the interpretation that has been given to the unanimous-consent agreement.

The PRESIDING OFFICER. Let the Chair make this statement. If the present occupant of the chair had been called on to decide the matter, he would have decided it in view of this language, to wit:

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.

Had the present occupant of the chair been called upon to decide the matter, he would have held that there would be 15 minutes allowed to each Senator on the amendments and 15 minutes on the bill itself; but that question is not now raised.

Mr. McNARY. Mr. President, I ask unanimous consent that the Secretary may read the telegram which I send to the desk.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The legislative clerk read as follows:

COLUMBUS, OHIO, *February 11, 1927.*

HON. CHARLES L. McNARY,
United States Senate, Washington, D. C.:

Sentiment of Ohio farmers very strong for McNary-Haugen bill. Conditions worse here than one year ago. Land values in Ohio depreciated $1,250,000,000 since 1920. Farms now selling at 35 per cent below pre-war valuations. One farm of nearly 5,000 acres was bid in by creditors recently for $75 per acre. Five years ago it sold for $231 per acre. Another farm in Marion County of 435 acres was bought for less than $65 per acre by mortgagee, the Kentucky Land Bank Co. Ten years ago this farm sold for $100 per acre. Banks are full of frozen farm paper, consisting of mortgage notes, many of which have not even interest paid. Insurance companies having heavy loans on farms, now doubly scared because of corn-borer menace, are threatening to withdraw all loans from Ohio.

CHAS. V. TRUAX,
Director of Agriculture.

Mr. WILLIS. Mr. President, in view of the telegram which has just been read at the desk I think, as one of the representatives from Ohio in this body, I should make some comment upon it. I do not at all object to the gentleman who signed the telegram giving his expression of opinion, but, merely that there may be no misunderstanding about it, I should like to say that while, of course, in this body political considerations have no influence—that is understood by everybody [laughter]—the gentleman who signs this telegram is of the opposite political faith, and this question has become a very active political issue in the State of Ohio. Mr. Truax, director of agriculture, has a right to his opinion; but he has no right to speak, as he assumes to speak, for the attitude of the farmers of Ohio, unless my information is entirely wrong——

Mr. GOODING rose.

Mr. WILLIS. Just let me finish this statement; because within a week the Ohio Farm Bureau Federation, which, I think, is truly representative of the farmers of Ohio, held a meeting in the city of Columbus, not a meeting of a few directors but a meeting of the actual representatives of the Farm Bureau Federation, and the subject was fully discussed. After it had been fully discussed, by a vote of 116 to 16 they voted against the bill which this gentleman states in the telegram is favored by the farmers of Ohio. I submit, Mr. President and Senators, that the actual farmers themselves know as well what the sentiment of the Ohio farmer is as does this gentleman who is holding a political office and seeking to make a political issue out of this question in Ohio. Now I yield to the Senator from Idaho.

Mr. GOODING. I wish to ask the Senator from Ohio if he thinks the telegram states the truth in regard to the condition of the farmers of Ohio?

Mr. WILLIS. No; I do not.

Mr. GOODING. Then, the Senator thinks the author of the telegram does not know what he is taking about when he makes the statements which are contained in the telegram?

Mr. WILLIS. Of course, I do not undertake to analyze his motives or anything of that kind, but I do not believe that the conditions which he says exist really do exist in Ohio. I have the means which every other Senator has of keeping somewhat in touch with his constituents, and no such condition as that which this gentleman describes has been brought to my attention. I wish to say also that, according to the correspondence which I have had with the farmers of Ohio, four-fifths of those with whom I have communicated are opposed to this bill, because they understand perfectly well that this bill is so drawn as to penalize the Ohio farmer who carries on diversified farming in order to pay a premium to the one-crop farmer of the West. In my opinion, the farmers of Ohio are not for this bill.

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

Mr. WILLIS. Yes.

Mr. NEELY. What is the political faith of the farmers whose convention adopted the resolution opposing the measure?

Mr. WILLIS. I do not know, but I do know that it was representative of the farmers of Ohio. I can not tell the Senator the political opinion of a single member of that organization.

As I was saying, Mr. President, the farmers of Ohio understand this situation perfectly well, particularly in view of the fact that the sponsors of this bill will refuse to have placed within its provisions numerous important farm products that are raised in Ohio.

The amendment which has been offered by the Senator from West Virginia [Mr. NEELY] may be adopted; I do not know as to that, but the amendment which was offered by the Senator

from New Hampshire [Mr. MOSES], I dare say, will not be adopted. There is no opportunity to glean votes for this bill by putting in the items covered by the amendment of the Senator from New Hampshire; but when other items are added they have been added with the idea that such action would produce so many votes here or there.

Mr. GOODING. Mr. President, would the Senator vote for the bill if those items were included?

Mr. WILLIS. I would not.

Mr. GOODING. I thought so.

Mr. WILLIS. I will not vote for a proposition that is unsound economically and which will come back to plague the Senator and the farmers in his State of Idaho. He will have a job of explaining to do when one of the farmers of his State hauls a load of wheat to the market and is called upon to turn over a certain percentage of the value of his product——

Mr. GOODING. No; I shall have no difficulty about that.

Mr. WILLIS. The Senator can not interrupt me until I complete the sentence—to turn over a certain proportion of what he has received for the benefit of somebody, some airy, mythical board somewhere. Now, I yield to the Senator.

Mr. GOODING. I am going to say to the Senator that I have already explained to the farmers of Idaho; and the farm organizations, including the grange of Idaho, have all gone on record in favor of this bill.

Mr. WILLIS. That is fine. [Laughter.]

Mr. GOODING. So the Senator need not worry about my position.

Mr. WILLIS. But the Senator will have another job of explaining, for, while the Senator in his very happy way may have explained the theory of this measure to them——

Mr. GOODING. Oh, no; not that alone.

Mr. WILLIS. I am talking about what he will have to explain when the farmer is actually called upon to turn over a portion of his money for the benefit of somebody else, a transaction which, in my judgment, is absolutely unconstitutional. Has it come to pass in this country that Congress can enact a law to take money from A and put it into B's pocket?

Mr. GOODING. Oh, no; Mr. President, that is not what the bill does.

Mr. WILLIS. That is exactly what this bill does, and that is why I am opposed to the bill.

Mr. NEELY and Mr. GOODING addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. WILLIS. I yield to the Senator from West Virginia.

Mr. NEELY. May I not assure the Senator from Ohio that if the amendment which I have proposed is adopted the benefits of the bill will be extended not only to the farmers who produce basic agricultural commodities but also to the grape growers of California, the melon growers of Colorado, Arizona, and the Ohio Valley, where the Senator lives, and to the apple producers, the buckwheat growers, and the potato raisers of West Virginia—and, by the way, West Virginia raises the very best buckwheat, potatoes, and apples the world has ever seen, just as she produces in unlimited quantities the finest coal the earth has ever yielded to man.

Mr. WILLIS. With the exception of the last parts of the statement of the Senator from West Virginia I might be willing to accede to it; but does the Senator think his amendment will be adopted?

Mr. NEELY. I feel quite sure that it will be, and it will also probably include the producers of the buckwheat which is served at the White House, and which is probably grown somewhere in New England.

Mr. WILLIS. It is very unfortunate that the Senator who now occupies the floor has not had the opportunity of tasting that delightful viand of which the Senator from West Virginia is speaking now with such authority.

Mr. NEELY. No; I have never tasted a crumb from the President's table nor a drop from his cup.

Mr. WILLIS. Is that so? [Laughter.]

Mr. NEELY. I assure the Senator from Ohio that it is.

Mr. WILLIS. If the Senator should vote for the pending bill and it should become a law and be put into operation, he will have to eat somewhere outside the State of West Virginia, because I am sure the farmers will not permit him to eat there. [Laughter].

Mr. NEELY. Mr. President, the Senator is either facetious or mistaken, or both, they will not only permit me to eat there, but they will be generous enough to invite the Senator from Ohio to West Virginia and provide him a feast or at least a square meal. [Laughter.]

Mr. CARAWAY. And they will have something to eat.

Mr. NEELY. Provided my amendment is adopted and the bill becomes a law.

Mr. WILLIS. Mr. President, how much time have I left?

The PRESIDING OFFICER. The Senator from Ohio has four minutes left.

Mr. WILLIS. Mr. President, the remark which has been made by the Senator from West Virginia and also the remarks made by my friend from Idaho remind me that not only is the Farm Bureau Federation of the State of Ohio opposed to this bill but the grange of the State of Ohio is opposed to the bill. However, I should not like to have it understood, so far as I am concerned, that my attitude upon this bill or any other measure is controlled by what is said by any particular organization. I am opposed to this bill, Mr. President, because it is wrong in principle, because it is unsound economically, because it is contrary to the Constitution of the United States, and because it is absolutely unworkable.

I was about to say that if this bill shall become a law—which in my judgment it never will—it will come back to plague the men who vote for it. We have not yet reached that condition in this Government where, as I suggested a little while ago, we can pass a law to take money from one man and give it to another. It will be found that if this bill should pass both Houses and receive the approval of the President, which in my judgment it will not, then it will not stand the test in the courts, and it ought not to stand in the courts, because it is absolutely out of harmony with the principles of American legislation and the American Constitution.

I wish to say further, regarding the suggestion made by the Senator from West Virginia, that I compliment him if he has received assurance that his amendment is to be adopted. I do not complain about its merits. I have been told, also, that an amendment is to be offered, or has been offered, to include tobacco, and, if such an amendment shall be adopted, probably it will be productive of some votes. If the Senator from West Virginia has been able to secure an agreement to the effect that his amendment will be adopted, I think he has accomplished something, because, as I said on this floor yesterday, if this is a wise measure there can be no reason given—and there has been no reason given—why its provisions should not apply to agricultural products other than those which are named in the bill.

Mr. NEELY. Mr. President——

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

Mr. WILLIS. I yield for a brief question.

Mr. NEELY. I have no assurances regarding my amendment, excepting those implied in the numerous favorable comments that have been made by my colleagues. Furthermore, the Republican side of the aisle has recently been quoting Thomas Jefferson so liberally that——

Mr. WILLIS. O Mr. President, it is quite useless for the Senator from West Virginia to undertake to quote Thomas Jefferson in this matter, for everything that Jefferson ever said or did in a political way is opposed to this type of paternalistic legislation. So the Senator might quote Jefferson from now until sundown, but he would not find anything in his quotation in favor of this type of legislation.

Mr. NEELY. Will the Senator permit me to complete my statement?

Mr. WILLIS. I will if it will not take too long.

Mr. NEELY. I was going to say that those on the Republican side have recently become so Democratic that they now ought to practice what they preach and do justice to all—not excepting those who are engaged in the oldest and the most essential industry in the world—namely, agriculture.

Mr. WILLIS. I am following distinguished leadership. I hold in my hand a copy of the RECORD that contains the speech that was made by the Democratic leader, the distinguished Senator from Arkansas, when this bill was under consideration a year ago. Here is what he said, in part——

Mr. NEELY. Has he not since seen the light?

Mr. WILLIS. The Senator from Arkansas—and he is a man of ability and character—said then:

> I do not believe that the power exists in the Federal Government to levy such a fee—

That is, an equalization fee—

> whether it be called a tax or a mere charge for service. If that power exists, I do not believe that it ought to be exercised against the consent or without the consent of the persons to be charged.

That was good Democratic doctrine a year ago. It is good Democratic doctrine now. It is good American doctrine; and I call upon Senators upon the other side of the aisle to rally to

the support of their leader and stand by the proposition that he announced a year ago; and if in the meantime he has been seduced from his position, I regret it.

Mr. NEELY. Mr. President, does the Senator not know that the Senator from Arkansas [Mr. ROBINSON] became a convert to the McNary bill?

Mr. WILLIS. I am sorry that he has.

Mr. NEELY. Of course, I do not assume to speak for the able Senator from Arkansas [Mr. ROBINSON], but I have been informed that he purposes to vote for the bill.

Mr. WILLIS. If that be the case, I am exceedingly sorry.

Mr. WALSH of Massachusetts. Mr. President, in approaching the subject matter of this bill, which has been so exhaustively discussed on this floor by various Senators, I am deeply sensible of the very great importance of its deliberation and final determination to the general welfare and economic prosperity of our people.

I do not believe personally that any thinking man who has listened to the arguments in debate made by the proponents of this bill in this body could fail to be impressed by the extraordinary sincerity that actuates their utterances. I am equally sure that no thinking man who has had the opportunity of surveying and speculating upon general conditions that exist in the great farming communities of our country, where the heart of the agricultural industry is centered, and who has seen and instinctively felt the distress, the impoverishment, the deprivation, and the miserable state in which those of the farming class find themselves can fail to be sorrowed by their plight. And if at this the time when a series of events, sometimes unconnected, have laid them low financially, foreclosed the mortgages on many of their homes, and caused them to suffer unmentionable economic burdens, we are unable to agree upon the remedies that would erase their troubles and restore their good fortune, we are at least unanimously agreed that they are deserving of the greatest consideration that this Government can possibly bestow upon them without sacrificing the interests of the great body of American laboring men and American middle-class workers who have to depend for the continuance of American standards of living upon the reasonable price of agricultural products.

While I stand ready and willing to support any sound movement that may be instituted in this body that is designed to revitalize the bloodless condition of the farmer's financial corpus, I have reached the conclusion that the present bill will not function to cure the defects in the agricultural situation and redound to the economic betterment of the farmer, but, to the contrary, will produce a very serious misadjustment in our economic order that is likely to have very dangerous, overpowering, and—if I may be permitted to draw on the views of some distinguished colleagues in this body—quite disastrous results to industry and to agriculture itself.

Mr. President, this bill clearly falls within the class of private legislation. It is special, it is privileged, it is a benefit conferred upon a single group within the Government. It is the sort of a benefit that has never been sought before by any group. It is more than a tariff, because a tariff on these products already exists. It is a device, which one class asks the Government to set up, that will stifle and choke competition and establish an agricultural monopoly to supplement our other trusts. It will block off the normal channels of trade and will in the end put the United States Government into the rather dubious business of constructing an artificial buttress to support high prices in the interest of a special and private class.

The bill is an abuse of public and governmental function. Far from operating to enhance the well-being of the whole Nation, it invokes the use of governmental machinery for and in behalf of a single unit in our population. We propose to establish the precedent of putting our hands into the Treasury vaults and taking away a bounty to use for the benefit of a private class in a private business.

Where will the process end? Will we not be swamped by applications for similar treatment from every possible class or group that is languishing economically, either through lack of foresight and business judgment or on account of the ordinary movements of economic law operating on world trade and finance?

That the effect of this bill extends a marked advantage to foreign labor and foreign consumers is manifest. We are dumping the surplus of what we produce here in this country, which would ordinarily remain in this country and help determine general price levels upon foreign markets at diminished prices. If, on the other hand, the policy provided in the operation of the bill of storing the surplus to await more favorable marketing conditions were adopted, we should be conferring a benefit upon Canadian, South American, and other national producers by allowing them to gain as a result of the diminished supply of farm products going into the world market.

The argument has also been advanced that this bill will extend to the farmer the same privileges of protection that other industries enjoy under the protective tariff laws. From a logical standpoint it would therefore appear that anyone who believes in the principle of high protective tariff ought to believe in the application of that principle to the farmer.

I have never been a believer in the system of grossly high-protective tariffs—perhaps, to be more accurate, I ought to call them prohibitive tariffs—because under the present laws we not only protect American industry but in many cases we have practically created a monopoly in certain products for American industrialists.

There is a necessity which no sane person can doubt for placing a check of a reasonable sort upon the promiscuous and voluminous importation of cheap foreign goods. That is an axiomatic fact, incidental to and required by the higher standards of wages, working conditions, living, and education prevalent here over those in Europe and other parts of the world.

Let us analyze the argument of analogy of this bill to the protective tariff, and see what the arguments disclose.

The tariff keeps goods out and deals with imports. This bill sends goods out and deals with exports. The tariff collects a charge upon the admission of goods; this bill not only collects a charge upon the export of goods but artificially raises the domestic prices, and, in addition, creates a fund to export goods, which is in reality nothing more than a subsidy, and then authorizes and permits American goods to be sold in world markets at lower cost than in the market at home. Ultimately, when the goods have been so sold in foreign markets, there is, to be sure, some returns; but there is also an advantage conferred upon foreign purchasers and consumers, in that they are enabled to buy the exportable surplus of food products and cotton at a price that is actually lower than the same commodities are sold for at home. We are thus not only granting a protective tariff and subsidizing American agriculture but we are subsidizing foreign industries and foreign populations and extending them a gratuity which in the long run, in my opinion, will enable them to outcompete and undersell us in the world markets in practically every line of trade and commerce where we enter into world competition.

It may be, as has been said by some, that the superior productivity of American capital will offset to a degree these disadvantages; but I can see no sound reason for putting such an onerous burden upon the backs of our industry, and yielding up such a patent advantage to the industries abroad.

As I look over the list of commodities that have been included in this bill to receive the several benefits of it, I wonder that the proponents of this legislation have stopped so short. They have not only included the ordinary agricultural products, but they have included cotton, which is an indispensable and vital raw material in the textile manufacture. In this connection, let me say that the textile industry located in the Eastern Atlantic States has suffered a severe depression during late years; that thousands of people in the States where this industry is located have been out of employment and on the border line of impoverishment; that investors have met with heavy losses. But this textile industry has not asked the Government to go into the business of exporting cotton goods; this textile industry has not come to Washington with its arms stretched out to the Members of Congress pleading that the Treasury of the United States subsidize its operations in the competitive field. The textile industry and every other industry of whose recent history I am aware, of whose trade practices I have information, have taken their losses, and have weathered the period of depression, and have gone through the so-called "thin years" by trying to handle their own problems, by trying to pull themselves back on to their feet, by revising their output to conform to demand, by letting the price levels keep pace with those demands that economic law dictates; and I have an abiding faith that when the upward swing toward a period of prosperity is begun again the textile industry will be the first to welcome it if the necessities of the case mean anything. But, as I said, to lay down a precedent of this sort that uses Treasury funds and the machinery of the Government to carry on the business of a private group that has only private interests and that has no direct connection with the public weal, would open the door to every form of political logrolling of which, the Lord knows, we have already too much.

I suggest to the proponents of this bill that they might insert a provision that would benefit the cranberry growers of Cape Cod, the apple growers of New England, the grape growers throughout the country, and the producers of any other

diversified products that might enjoy the subsidies granted in this bill.

In conclusion, my objections to this bill may be summarized as follows:

First. Its aim and its effect, so far as it accomplishes the purpose of its framers, is to raise the cost of the farm products affected and thereby increase the cost of living of industrial wage earners generally. In the case of cotton, especially, there is the double effect of increasing the cost of clothing and lessening the demand for factory goods, tending thereby to lower wages and increase unemployment.

Second. It diverts the attention of the farmer from pursuing real remedies and gives him a false hope. His difficulties, in part, lie in eliminating the wastes and reducing the costs of production and distribution, and also in reducing unprofitable production.

Third. In the long run, the plan is far more likely to injure the average farmer, directly as well as indirectly, than to yield him the expected benefits. The immediate effect of its enactment must be to cause farmers generally to believe that its operation will insure them a fair profit, whether the season shall prove favorable or adverse. Reason and experience combine to make it certain that overproduction will at once be increased, and increased at a higher average cost. With the surplus increases that must result, the operation of the act must break down, probably after obtaining from Congress large additional appropriations, and must therefore finally entail a heavy cost upon the taxpayer generally.

Fourth. While the scheme continues to operate it will benefit foreign consumers and producers at the expense of consumers in the United States. If wheat, for instance, is held in storage here to keep it out of the market, Canadian wheat raisers will obtain higher prices for their wheat both at home and in the export trade, because of the withdrawal of our stored surplus from the world market. If "dumping" instead of storage is resorted to, the beneficiaries will be the foreign consumers.

Fifth. The proposed replenishing of the "revolving fund" by assessing a sales tax, called an "equalization fee," upon transfers of the "stabilized" products from producer to middleman or manufacturer, is of very doubtful constitutionality and would be unworkable in practice, because of the vast number of dealers and transfers involved. If the courts permit its collection to be attempted at all, the tax that is collected will be ultimately borne by the consumer rather than by the producer. What is most probable is that no "equalization fee" will ever be collected, that the "stabilization fund" (with subsequent additions) will be exhausted, and that the cost of the futile experiment will be borne by the general taxpayer.

Sixth. The passage of this bill will bring upon the next Congress a flood of demands for special legislation in the interest of other classes of producers, agricultural and industrial, also. The apple growers of northern New England, the cranberry raisers of Cape Cod and New Jersey, the citrus growers of California and Florida, and many other agricultural groups produce surpluses which could hardly be refused similar "stabilization" without laying Congress and the Federal farm board open to just charges of class discrimination, and already some of the smaller manufacturing corporations are demanding Government loans at low rates, such as this bill contemplates, on the ground that their big competitors are forcing them out of business or into monopolistic combines by controlling and curtailing their bank credits.

For these reasons, Mr. President, I shall vote against this bill.

Mr. FRAZIER. Mr. President, the agricultural situation has not improved materially since this question was discussed in the Senate last June. In fact, in many places in the South and Mid West conditions are, if anything, worse than they were last year, worse than they have been in many years. More banks have failed, mortgages have been foreclosed on more farms, more farmers have been forced to leave their homes. There is undoubtedly more real hardship, more discontent, more dissatisfaction in general among the farmers than there has been before in this generation, to say the least.

There is more demand for constructive farm legislation, to give the farmer honest marketing conditions, than ever before from the farmers themselves, from business men, bankers, wholesalers, and manufacturers.

The purchasing power of the farmer has been continually going down since 1920, and manufacturers of all kinds are beginning to feel it.

Mr. President, a great deal has been said pro and con on this farm-relief question. I want to comment briefly on just a few of the statements that have been made recently.

Yesterday the Senator from New Hampshire [Mr. MOSES], comparing the State of New Hampshire with that of North Dakota, made the statement that the per capita income tax of New Hampshire was $7, as compared with the per capita income tax paid in North Dakota of $2. He goes on to say in the very next paragraph the purpose of this proposed farm-relief measure is to take money out of the Federal Treasury and give it to a favored class of people.

I can not quite understand what the Senator meant by that. I tried to ask him yesterday, but he refused to yield to me. He says this bill will favor the farmers of North Dakota to the detriment of the farmers of his State. Yet he admits that the average income tax in New Hampshire is $7, as compared with $2 in North Dakota. Yet he talked about a favored class. Are the favored class those who have an income tax to pay or those who are so poor they have no income tax whatever?

The farmers of North Dakota do not pay income taxes, nor do the farmers of New Hampshire. It is the manufacturers in New Hampshire who pay the income taxes, and newspaper men, and other business and professional men.

The Senator from Connecticut [Mr. MCLEAN] made a statement yesterday that rather amused me. He said:

> The greatest danger that overhangs the western farmer to-day is his ballot.

Apparently the Senator from the Nutmeg State means to infer that the farmers of the great Middle West are not intelligent enough to use the ballot wisely. That may be so, and yet statistics show that the voters of the Middle Western States vote in higher percentage than in any other section of the Nation; and magazine writers of great note have complimented the Middle West States upon that fact, drawing the conclusion that the people in that section know more about how they are voting than the voters in any other section of the Nation do, and I think that is correct.

The Senator from Connecticut made the statement that this was a price raising bill. That is what we intend that the measure shall do—raise prices for the farmers on certain farm products—and if it will raise them on the important products, it will raise them on all farm products undoubtedly.

Last spring in an argument on the tax measure the senior Senator from Connecticut [Mr. MCLEAN] made the statement that one-fourth of 1 per cent of the people paid 90 per cent of the income taxes. Yet Senators from the New England States talk about the favored farmers who are going to get the benefit of this law. One-fourth of 1 per cent of the people pay 90 per cent of the income taxes, showing that if there is any favored class it is those people who are able to pay income taxes.

Both of the Senators from Ohio—and Ohio is an agricultural State beyond any question—have made some rather remarkable statements, and especially about the condition of the farmers in that State. Some 10 years ago I made my first trip through the State of Ohio, and I was very much interested, in looking out of the car windows, to see on the farms those old-fashioned, zigzag rail fences. Coming through there last year again, I saw the same rail fences, and some of the farm buildings tumbling down, not having seen a repairman or a paint brush in the last 10 years, in the great old State of Ohio. That does not indicate that the farmers are very prosperous. They are not prosperous in Ohio or any other State in this Union. It is true that some of the old rail fences had been repaired a little by the farmer laying a barbed wire across the top to keep the old cow from jumping over, but that was about the only kind of repair I could see in the old State of Ohio on the farms.

Just a few moments ago I heard a statement by a distinguished Senator from one of the Southern States who said: "The farmers down in my country do not need to worry about this bill. If it will not do them any good, it can not do them any harm. They are now as poor as they can be." That is about the situation all over the Nation.

The opponents of this measure say that it is unconstitutional. Of course, anyone who says this measure is unconstitutional is only making a guess, and the Supreme Court will have the last guess. I would be willing to wager that if this measure shall be passed, and shall go before the Supreme Court, there will not be a unanimous opinion on it one way or the other by that court. The term "unconstitutional" is very familiar to me, because it is always the last argument of the financial interest crowd who are opposed to any progressive legislation for the benefit of farmers, the last resort, to take such measures to court and block them there, if they can not block them in any other way.

Mr. President, one of our Democratic friends said he was opposed to this measure because it would tend to put the farmers on an equality with the manufacturers, who are now protected by the tariff law. Talk about taking money out

of people's pockets; what does the tariff law do? Every man who buys a suit of clothes pays a portion of the tariff that is imposed to protect the manufacturers of New England and the other Eastern States. We have the tariff law whether we like it or not, and every one of us who buys a single article of clothing pays his proportionate share of the tariff protection. Are we to deny the farmers the right to have a little protection, and a measure to benefit them, because we have a tariff law which some may think is unjust? That is a rather poor argument, it seems to me.

Another argument that has been made against this bill is that there are only about 30 per cent of the people who produce food products in this country. I think that is about correct. It is argued by the opponents of the measure that because 70 per cent of the people may have their cost of living raised because of this bill, in order to give honest market conditions to the 30 per cent who produce the food products, the 70 per cent are not going to stand idly by and see the 30 per cent benefited by this measure, or any other measure. It seems to me that is a mighty slim argument. Because 30 per cent of the people produce the food products consumed here, the 70 per cent who consume most of them are going to stand by and say, "You can be thankful, Mr. Producer, that we let you live at all, because we are in the majority here, and we are going to say what you shall be paid for your products. We are not going to allow you to receive a price equal to the cost of production for your products." It seems to me that argument is very weak.

I have two or three issues of a little paper published over in New York City called "Patches." I want to quote just briefly from Mr. William Moore Patch, president of this publishing organization. The title of his article is "No wonder the farmer complains! Wherein we submit a few unpoetic Government statistics to show that his grievance is a real one, and that his dollar is worth less than ever before."

I think he is absolutely correct in his statement. I ask unanimous consent that this brief statement, which is only a part of the article, be printed in the RECORD at this point as a part of my remarks.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

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

[From Patches, November 13, 1926]

THE EAST MUST YIELD—UNLESS THE INDUSTRIALIST, BANKER, AND BUSINESS MAN GIVES THE FARMER HIS RIGHTS, REVOLUTIONARY LEGISLATION IS INEVITABLE

PRICE FIXING

(This is the fourth and final of a series of articles dealing with the farmers' relief problem. The articles were written by Mr. William Moore Patch, president of Patches Publishing Co., after a personal investigation of the various phases of the question, conducted in the West and Middle West.)

The most used objection to the McNary-Haugen plan is that it launches the Federal Government upon a policy of price fixing, which is contrary not only to sound economics but fraught with great menace to our institutions, because it is in reality State socialism. Such argument is claptrap. Nobody believes it except the 95 per cent dumb Pollyannas who pay annual dues to the United States Chamber of Commerce and their representatives.

The Federal Government has been engaged for years in the business of price fixing and still is engaged in it. Moreover, it is thus engaged openly and frankly for the purpose of insuring a profit to those interests in whose behalf it is fixing and regulating the prices.

What is the Interstate Commerce Commission? It is a Federal agency created by Congress and clothed with extraordinary powers and authority for the sole and express purpose of fixing the price of the commodity which transportation companies sell, and fixing that price so high that it will insure the transportation companies a reasonable return upon their investment and the value of their property.

What is the Federal reserve bank system? It is a Federal financial organization created by an act of Congress and clothed with extraordinary power for the express purpose of fixing the price at which banks may sell the use of their commodity, namely, money and credits. It has fixed this price arbitrarily, without regard in many cases to the best interests and welfare of great classes of our citizens and great sections of our country. It is a financial trust which controls the destinies of our business, industrial, and agricultural activities by being able to extend or withdraw credit. The Federal reserve system has taken care, under the price-fixing power given it, to fix the price at which it sells its money—otherwise known as interest charges—high enough to enable it to make from 20 per cent to 30 per cent a year and pile up great surplus, pay enormous salaries to officers, and invest tens of millions of dollars in tremendous buildings housing their operations. Yet the bankers now lead in the hue and cry that a plan to fix the price of agricultural products high enough to insure the farmer a profit is socialism. Railroad executives and directors have the nerve to sing the same tune notwithstanding the fact that in the price fixing for them by Federal agencies great transportation lines in the agricultural sections of the country are making a clear profit, over and above all expenses, of from 15 per cent to 28 per cent a year on their capital valuation.

Federal price fixing for the farmer is socialism, is it? Then, in heaven's name, what can be said of the United States Board of Concillation in the Department of Labor, a Federal agency which fixes the price at which organized labor in the various industries in the United States shall sell its commodities? What shall be said of the United States Board of Mediation, which, under the Watson-Parker bill, supersedes the old United States Railway Labor Board? This board exists solely for the purpose of fixing the price at which railway labor shall sell its commodity. Since when has price fixing become a novel and dangerous experiment for the Federal Government? The cardinal principle of the Republican Party—the principle of a protective tariff—is nothing more or less than a price-fixing policy for the industrial interests of the United States. It makes no other pretensions. That it does so is its only defense.

The whole theory of a protective tariff is that it ascertains the cost of production abroad in competitive commodities and then fixes a tariff on imports of those commodities high enough for the American producer of like commodities to have a monopoly of his home market at a price which will guarantee him a profit and enable him to employ labor at a wage consistent with the American standard of living.

If the protective tariff is not a price-fixing policy for the benefit of American industries and the wage earners in American industries, then it is the greatest piece of fiction that has been written since the days of Jules Verne, and it has succeeded in buncoing more people than any other human agency outside of P. T. Barnum's freak sideshows.

All of these agencies are of the Federal Government, created by acts of Congress, sustained by Federal appropriations, and officered by Federal appointees. Nor does the Government's backing and responsibility end merely with the legislative creation and the Federal financing of these agencies. Price fixing is a part of the law of the land. There is not a court anywhere, from the local circuit up through all the legal machinery to the United States Supreme Court, that does not lay down the basic principle that a business has a right to enjoy a price for its goods or its service that will yield a fair profit on the capital over and above all costs, taxes, interests, rentals, and overhead. Anything less has been repeatedly characterized by all courts as confiscation of property without due process of law and in violation of constitutional rights.

There is no principle more firmly established in the courts of the land, and wherever a city council, State legislature, or the United States Congress, or any administrative official of local or Federal Government attempts to compel any public-service corporation, or bank, or industrial corporation to do business at a loss, the first thing such a corporation does is to go to the courts and obtain relief upon the ground that the Government guarantees it a right to fix a price that will give it a fair return upon its investment and the value of its property.

But now come the bankers, the United States Chamber of Commerce, the eastern industrial interests, the bigwigs of the railroads, and all the sundry gentility who fill the open spaces of the overstuffed furniture in the various Union League and University Clubs from Pittsburgh on the east with the astounding outcry that while the Federal Government may legitimately and safely fix prices for business and banks, for transportation and industry, for organized labor and organized corporate capital that power may not be used in behalf of the farmer, because to do so would push the American Government over the brink of anarchy.

During the World War prices were fixed by the Government. Prices for everybody and everything were fixed up—way up—with the exception of prices for agricultural products. One of the first acts of the Federal Government after the United States entered the war was to exercise the limitless war powers vested in the President to abrogate all rules compelling contracts to be let only upon the basis of competitive bidding and to substitute therefore the crooked, profiteering rule of letting all contracts upon "cost plus 10 per cent" basis, which enabled every concern furnishing any supplies to the Government or doing any work for the Government to increase its profits in exactly direct proportion to its increase in waste, expense, and graft.

During the war organized labor in munition plants, shipyards, railroads, steamship lines, and in industries which were making commodities that were essential to the production of munitions called strike after strike demanding that higher wages be fixed as the price of labor doing its part toward winning the war, and the Government quickly and meekly acquiesced.

But there was created the Grain Corporation under Herbert Hoover, the Federal food administrator, and under the personal administration of Julius Barnes, a personal friend of Mr. Hoover and a grain dealer of Duluth, Minn. The Grain Corporation fixed the price of wheat which should be paid the farmer, and it fixed it "down" upon the plea that the farmer should not attempt to make profits in time of war. But the same corporation fixed the prices of the great flour-milling companies. It is a matter of record by the Federal Trade Commission that the 37 great flour-milling corporations at the very time the Grain Corporation

was limiting the price at which the farmer should sell his wheat were permitted to charge prices which in 1916 and 1917 enabled them to make 44.7 per cent profit and in 1917 and 1918 to make 32.7 per cent profit.

Another charge is that the present distress in agriculture is attributable to the farmers having bought high-priced land during the war. In the majority of cases these purchases were made on borrowed capital at a relatively high rate of interest. It is claimed the farmer's trouble is due to his effort to pay off his notes and maintain the interest, which requires an income greater than can legitimately be expected from land, and in order to do this he is asking the rest of the country to fix for him an artificially high price for his products.

No less a distinguished citizen than former Gov. Henry J. Allen made this charge in the Nation's Business, the official organ of the United States Chamber of Commerce. And, in the same breath, no less distinguished citizen than the present Governor of Iowa, John S. Hamill, proceeded to expose Mr. Allen's ignorance with official data showing that less than 7 per cent of the Iowa farmers are operating land that changed hands during the war or following the war and that, furthermore, the value of land, whether it be too low or too high, has nothing at all to do with the fact that the farmer is not getting the price for his products which he should get to be on a parity with other producers. In other words, there is nothing to the charge that the present distress of agriculture is due to the farmer having speculated in high-priced land.

But even if it were the case, who are eastern industrialists that they should cast the first stone? Are they without sin? They had a section placed in the tax law which provides that in the case of buildings, machinery, equipment, or other facilities, constructed, erected, installed, or acquired on or after April 6, 1917, for the production of articles which contributed to the prosecution of the war, there should be allowed a deduction for the amortization of such part of the cost of such facilities as has been borne by the taxpayer. And these same interests have succeeded in getting from the Bureau of Internal Revenue a ruling that in order to come within the scope of the phrase of the law "articles which contributed to the prosecution of the war," it is not necessary that the articles be "absolutely essential." If they contributed in an appreciable degree, they come within the meaning and the intent of the amortization section.

The Internal Revenue Bureau has made the further ruling that the termination of the war destroyed the value of all such property, and those who had built factories and installed equipment and machinery, etc., are entitled to make deductions from their income-tax returns covering a period of three consecutive years equal to in the aggregate the entire value of their investment. Because of this law and these rulings, those interests have been handed hundreds of millions of dollars in tax refunds and tax deductions, representing the cost of buildings and machinery and equipment which they erected or purchased at war-time prices. Most of the gentlemen who put their hands in the public till and have charged against the Government the entire cost of their war-time expenses are now assembling in public places and lifting their voices the loudest in denunciation of the proposition to subsidize agriculture!

Another charge can be best stated in the language of a resolution unanimously adopted by the New York Board of Trade which reads, in part, as follows:

"Perhaps one of the most objectionable features (of the McNary-Haugen plan) is the suggestion that the Government shall sell the products of our own country to foreign consumers at prices below those which domestic consumers may pay."

This same protest was registered in a formal statement by the United States Chamber of Commerce and by a number of other like organizations, as well as by individuals in sympathy with these organizations.

Yet only within the last 30 days we read of a combination of the copper-producing corporations in the United States, numbering 18, which has for its sole purpose the fixing of prices not only in the United States but throughout the world, with the avowed intention of selling copper abroad for less money than it is sold in the United States. In other words, the 18 large copper-producing corporations have combined for the purpose of dumping their goods abroad in the world market at whatever price they can obtain in order to secure that market and, at the same time, to maintain an absolute monopoly of the American market and fix the American price high enough to enable the combine to show a profit on the whole, despite its losses abroad. This has been done under the laws of the United States and, furthermore, it has received the blessings of the Federal Trade Commission. Less than two months ago we read of a proposed plan of like character in the steel industry. The last tariff law provided for an absolute embargo against importations of any dye or dyestuffs which would break the price fixing in this country by the Du Pont and American Analine companies which, on the whole, dictate the price of all dyes in the United States.

But none of these acts are known as price fixing. God save the mark! They are known by the euphonious and more refined and delicate appellation of "price stabilization." Moreover, when this point was raised against the McNary-Haugen plan the agricultural associations and their leaders were rude enough to ask the Department of Commerce to please make public what products made in this country were being sold abroad for less money than the price asked for the same products in this country. Up to date no answer has been forthcoming!

It will require a congressional resolution, which will undoubtedly be introduced at the coming session of Congress, to jimmy that piece of information out of the Department of Commerce. But when it is produced, it will knock to smithereens the arguments of such organizations as the New York Board of Trade!

The most powerful opposition to the McNary-Haugen plan of aiding agriculture comes from industrial interests and is based upon the very frank argument that the plan would be effective. Being effective, it would raise the price of agricultural products, which in turn would raise the cost of food to industrial employees; this in turn would necessitate an increase in wages and cost of production. It is also set forth that under the plan surplus food would be dumped in Europe at a very low price. Wage earners of Europe would be enabled to buy American-produced food for much less than the wage earners of the United States. The eastern industrialists argue from this that they would be severely handicapped in their competition with European manufacturers.

In other words, the McNary-Haugen plan would work. It would do exactly what the farmers say it would do—increase the price of their products to a parity with the price of the products of industries—make their dollar equal in buying power to the dollar of the manufacturer, the merchant, and the banker, and these three classes are opposing the plan for the very reason that it would work.

Nor is the farmer indulging in any illusions as to the character of the opposition to his program, nor the extreme measures he may have to take in order to win. As an individual, and collectively through his great organizations and associations, the American agriculturalist of the Mississippi Valley is preparing to obtain legislative enactment of the principle of the McNary-Haugen plan which will increase the price of his products, or he is going to tear down the prices of industrial products and wages of industrial employees by repealing legislation such as the protective tariff, immigration, etc., which has resulted in artificially and arbitrarily increasing prices and wages in other industries.

The attitude of the western agriculturalist is brutally frank. He insists that he be given his share, with the alternative that if he is not, he will then see to it that nobody has prosperity. He offers the eastern industrialist the alternative of bringing the price of farm products up to the level of prices of manufactured goods or submitting to a reduction in prices of manufactured goods to a level with the price of farm products.

If the eastern industrialist, the banker, and the business man value their prosperity enough to grant the farmer his request for a square deal, there will be no danger of the repeal of the tariff or any serious amendment of the immigration laws or the Federal reserve bank act or other laws which subsidize this or that activity.

But if the eastern industrialist, banker, and business man does not think it is worth while conceding the farmer what he wants, there is not the least doubt that within the next four years the Nation will witness revolutionary legislation in the Halls of Congress that will equalize conditions in the United States by the rather drastic process of leveling everything down!

Mr. FRAZIER. Mr. President, I think it is conceded by everyone that the farmers are in bad condition. Even the Senators from New England who have talked against this measure say that up in Massachusetts and other places in New England many of the sidehill farms have been abandoned, and the houses are tumbling down, and they blame the western farmers for putting New England farmers out of business. They are entirely mistaken in that. It is the manufacturing interests of New England that have put the farmers of that part of the country out of business.

I drove through New England a year ago last spring. I have a lot of relatives up in Massachusetts, and in Maine, especially, and I talked with a lot of them. Most of them have been on the farm at some time, but very few of them are on the farm now. They told me without exception that the reason they could not keep up the farms was because the boys and girls could get better wages, have shorter hours, more enjoyment, more pleasure, working in the factories, and living in town, than they could on the farms. They had to abandon the farms because they had no one to work them, because their people went into the factories, making more money than they could on the farms. I am satisfied that is the situation.

Mr. President, because the farmers produce the food products to feed the Nation, because they are not organized, is no reason why they should be penalized and not given prices equal to the cost of production for their products.

No business on earth can succeed in any other way than by getting prices equal to the cost of production, equal to the overhead expenses, and a fair profit on the business. The farmer is no exception to the rule. In order to put agriculture on a

paying basis, we must give the farmer a chance to get prices that will give him cost of production, plus a fair and reasonable profit for his work.

I believe that the McNary-Haugen bill will be a step in the right direction. It may not solve the problem, and yet I believe if the bill is passed and an honest attempt is made to administer it, it will, at least, give the board, whose duty it will be to put it into operation, a chance to test it out by actual experiments, there will be a chance to work out amendments, and to come before the next session of Congress asking for amendments to make the act more workable, and give the farmers what they need, honest marketing conditions.

Mr. RANSDELL obtained the floor.

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

Mr. RANSDELL. For what purpose?

Mr. HARRISON. I desire to offer two amendments, so that they may be printed.

Mr. MAYFIELD. Let us have the amendments read.

Mr. HARRISON. I offer two amendments, and ask that they be read.

The PRESIDING OFFICER. The amendments will be read for the information of the Senate, but the time will not be taken out of the time of the Senator from Louisiana.

The CHIEF CLERK. On page 10, after line 20, insert the following:

(i) No operations under this section shall be commenced by the board in respect of any basic agricultural commodity prior to the determination and imposition by the board of the equalization fee in respect of such commodity.

Mr. RANSDELL. Mr. President, when the McNary-Haugen bill was before the Senate last year I opposed it and made a brief speech against it. The present measure has been so greatly changed and improved that I shall vote for it. The bill of last year, as I construed it, was a price-fixing measure and objectionable to me on that ground, while the present bill does not attempt directly to fix prices, though in effect it is expected to increase the cost of commodities much the same way as the tariff increases the cost to the consumer of a great many articles of manufacture and of several agricultural products.

The old bill provided for an equalization fee on some commodities, but said there shall be no equalization fee on corn and cotton for three years, and not until Congress shall have passed a law providing for it. This seemed to be unfair discrimination in favor of these two products. If wheat were subjected to an equalization fee, then cotton, corn, rice, and other farm products should also pay a similar fee. In other words, all products of the farm should be placed on terms of parity as nearly as possible. The present bill provides an equalization fee for all five of the basic commodities included therein, to wit:

1. Wheat.
2. Corn.
3. Cotton.
4. Rice.
5. Hogs.

No discrimination is made for or against either of them. Moreover, the bill authorizes loans to the extent of $25,000,000 on other agricultural commodities not specifically named.

Paragraphs especially pleasing to me are:

A. That operations in a basic agricultural commodity shall not be commenced or terminated unless members of the Federal farm board appointed to administer the act, representing Federal land-bank districts, which in the aggregate produced during the preceding crop year more than 50 per cent of such commodity, vote in favor thereof.

B. That a commodity advisory council for each basic commodity is provided.

The old bill had no such provisions.

These two clauses place it in the power of the friends of the basic commodity to say whether or not the act shall apply to it and when its provisions shall cease to operate thereon.

I have always been opposed to the general idea of price fixing by law, and yet, many of the acts of Congress result more or less in enhancing prices. The first tariff acts, composed largely under the inspiration of Thomas Jefferson, imposed duties on articles of foreign manufacture with the avowed purpose of encouraging American manufacture and to enable our people to compete successfully with foreigners. From that date to this the duties on imports have caused the consumer of all products on which these duties rest to pay an increased price for them over and above what would be charged if there were no tariff. Our manufacturers of innumerable commodities have received very great benefit from these tariff laws, which, in many instances, have been applied also to products of the farm—like sugar, butter, milk, and so forth—and yet, at the present time few think that tariff legislation is uneconomic or price fixing in an improper sense.

The eight hour law for labor is another measure of recent enactment which resulted in higher prices for work performed by man, and a result was that labor unions throughout the land have induced general observance of this law. Moreover, during our recent Railroad Administration wages of labor were very greatly increased, and since then labor throughout the Nation has been receiving largely increased wages. The laboring people are prosperous, and I am glad of it, for the laborer is worthy of his hire. I have no quarrel with the eight hour law and other Federal provisions which enable a man or woman to receive better prices for their manual efforts. On the contrary, I approve them.

The transportation act of 1920 enables railroads to charge a sufficient sum for their services to earn 5½ per cent on their investments, which seems to be a reasonable rate. I believe the railroads are entitled to this reward, and hope nothing will be done to change the law, and yet, the effect of this law is certainly price fixing on the money invested in railroad properties.

Our Federal laws relating to banking are extremely favorable, and every inducement is held out to capital engaged in financing the business of our great Republic, which is as it should be.

Other illustrations might be given, but these four are sufficient. They demonstrate that Federal statutes have been passed and enforced to increase the price of innumerable articles of manufacture, to increase the price of labor, to increase the earnings of money invested in railroad properties, and to increase the value of bank investments. I fail to find any statute giving direct, immediate increase to the value of farm products. The most that can be said is that the Federal Government has been generous in the construction of good roads, which are used more by farmers than by others, but are available to every citizen, and through the farm land banks, which make loans at low rates, provided gilt-edge security is given therefor.

In connection with these farm loans, which have been so highly praised and which undoubtedly are very helpful to agriculture, I am reminded of the old distich about Madam Blaise, that good old soul who freely lent to all the poor who left a pledge behind. Our Federal Government lends freely to the farmers if they pay 5½ per cent and secure the loan by a first mortgage on real estate worth twice the amount thereof. It can not be said that these loans to agriculture on such security are in any way comparable to the vast benefits given to manufacture, to labor, to railroads, and to capital by the statutes in their interests.

It is contended by some that the equalization fee is unsound and will cause a production of a great surplus of the commodities to which it is applied. The exact reverse is true; when this equalization fee is collected on wheat, corn, hogs, cotton, or rice the farmer who produces same and pays the fee has it brought home to him in a forceful way that the purpose of this fee is to stabilize prices of his commodity and that the one sure way of keeping the prices stabilized is to hold down production in a reasonable way, so there will be no great surplus to struggle with during the coming year. To illustrate, if an equalization fee of $2 per bale on cotton be required to assist in withholding temporarily from the market and storing in warehouses a surplus of 4,000,000 bales of cotton, it is a simple matter of calculation which any farmer can understand that to withdraw from the market and hold 8,000,000 bales it would require double the equalization fee, or $4 per bale. Unless the surplus can be kept within bounds the equalization fee will continue to increase and get out of bounds. Hence, each and every farmer who pays this fee and has the facts brought to him in a personal manner will strive hard to so regulate production as to stabilize the price. This equalization fee requires the farmer to stand the loss resulting from the operations of the pending bill. The Government can lose nothing if the bill be carried out in the spirit of its conception, except the $250,000,000 revolving fund—a bagatelle, when compared to the total annual value of all the wheat, corn, hogs, rice, and cotton of this country. Any losses, if they accrue, must be met by the equalization fee, and this fee, let it be distinctly understood, attaches rigidly to and is collected from every unit of the commodity and no one can escape it. The wealthy producer, with his hundreds of thousands of bushels of wheat or corn, or thousands of bales of cotton, who feels independent and willing to take chances on marketing his individual crops in his own way, must cooperate with all the smaller producers and join in the common effort for the benefit of all.

In strong contrast with this wise equalization fee, making the farmers partners in a great cooperative effort, pulling together

as one man for the general benefit of all, we have the Curtis, Crisp, and Aswell bills, which each provide $250,000,000 for farm relief and promise big things, but offer no real incentive, as I understand them, to stabilize prices or prevent surpluses. If loss occurs in the operation of these bills, it must be met by all the citizens of the Republic and the farmers themselves will have no responsibility other than that attached to the general taxpayers. They can readily say, "Uncle Sam is footing the bill; what care I how the chips fall?"

There are so many farmers engaged in the production of each of the basic commodities named in the McNary-Haugen bill that heretofore it has been impossible for them to combine and unite their efforts toward a common purpose. Manufacturers and railroads being composed, comparatively speaking, of such small numbers have joined forces and met with great success from united efforts; labor has succeeded marvelously through its great voluntary unions, aided by Federal legislation, and there is a strong community of interests among the limited numbers in the banking world. Fully 43 per cent of our citizens are farmers and millions of men are engaged in producing each of the basic farm products. It is so hard for such vast numbers to organize and pool their interests. This bill drives a big entering wedge. Even if it does not work perfectly, it is a long step in the right direction. It may have serious defects and be difficult of enforcement, but it promises relief and a great many farmers believe in it. Their sufferings and losses have been so great for years and there is such a distressed condition throughout immense agricultural areas in every portion of the Republic that it is imperative for the Government to attempt something to relieve them.

Earnest, sincere studies have been made on this and similar measures for the past three years and it is my candid conviction that great benefits will result from its enactment. Beyond question, it is the best bill before us.

Mr. SMITH. Mr. President, I do not care so much to discuss the merits of the pending bill as to call the attention of the Senate to a point which, it seems to me, has not been emphasized as it should have been, and that is the fundamental difference between natural production and artificial production—in other words, manufactured production. Before I begin to discuss some of the differences, and what grows out of those differences, I wish to put into the RECORD some statistics, and I think these statistics will help the Senate to understand the comments I wish to make concerning the present effort to relieve the condition of agriculture.

I sent to the Department of Commerce and asked for tables showing the number of plants engaged in preparing for market the principal staple products included in the pending bill. Those statistics show that the number of meat-packing plants in America in 1923 was 1,397; the number of people employed therein was 166,000. The number of farms raising cattle—and I wish these statistics to be placed side by side for comparison purposes—the number of farms reported as raising cattle was 5,358,000. The number of farms reported as raising sheep was 538,000. The number reported as raising hogs was 4,850,000.

The number of flour mills in the United States in 1923, which were known as merchant mills, with a production of $5,000 or over, was 5,232.

The number of farms growing wheat was 2,225,134.

The number of cotton factories in the United States in 1925 was 1,375. The number of acres in cotton in 1926 was 48,000,000; the number of people employed in the production of cotton—I want that distinction kept in mind—was 6,600,000.

Mr. President, the point to which I wish to direct attention is that of all the hog production in the country it only requires 1,397 plants to cure, pack, and put on the market the production of 4,850,000 farms, with all the forces engaged in that production.

The number of flour mills is only 5,232, as against the number of farms growing wheat, 2,225,134. There are only 1,375 cotton factories to consume 7,000,000 bales of American cotton. Adding up the number of plants to process our meat, to process our bread, and to process our clothing does not make as many as one-fourth of 1 per cent of those engaged in cotton production alone.

When we consider that the amount invested in the 1,375 cotton factories is $2,000,000,000, that the amount invested in the processing of wheat is $1,000,000,000, and the amount invested in the processing of meats is $1,180,000,000, we can appreciate the reserve capital in the hands of these very few who are in charge of preparing for ultimate consumption the vast resources of our cattle ranches, our cotton farms, and our wheat farms. Therefore, Mr. President, we can all readily see that it is a very easy matter for these comparatively few, with their wonderful capitalistic resources, to organize themselves and to control their output.

Now I come, for only a few minutes, to what I consider should be the fundamental difference in the eyes of Congress to meet which the responsibility rests upon us.

The natural producer, the farmer, can not determine quantity or quality; neither can he determine nor control the hour and the day of the final finished product out of the factory of nature; in other words, the farmer has to depend upon forces outside of himself for both quantity and quality. When nature, through her processes, has finished a cotton crop or finished a wheat crop we have a 365 days' supply on the hands of the producer at once. Therefore, on account of the obligations he has incurred in production, he must find a market within 30 or 90 days for the sale of the 365 days' supply. His numbers are so great, his capital resources are so meager, the debts he has incurred in the long months that it takes nature to finish the products are so large, that he is forced by the very nature of his occupation to put on the market, within the time that he can pick it from the fields or reap it from the fields and have it put in the proper form, the product which it has taken nine months to perfect. I ask this body of legislators, how long could the Flour Trust, the Steel Trust, or any of our great combinations last if they were forced by the nature of their business to dispose of their entire 12 months' product within 30 or 90 days?

In sharp contrast to the method of marketing that is forced on the farmer let us consider that of the artificial producer, the manufacturer. Every day that his factory is running he produces an asset to meet the liabilities of the preceding 24 hours. He has his hand on the pulse of the markets of the world and the means in his control to increase or decrease production as he sees fit or as the market may justify. His numbers are so small, his capital per unit so great, that he can organize and partition off the world. By virtue of the similarity of the machinery he employs—for all cotton machinery is alike; all meat-packing machinery is alike; the processes are man made and are identical—he is in a position so to regulate his production as to meet the requirements of his market. He can make a contract to the yard, to the inch, to the pound, and fill that contract with certainty, whereas the producers of livestock, of wheat, of cotton, and other agricultural commodities have got to wait on the ultimate effect of nature before they know either quantity or quality.

Because manufacturers were so few in number and their capital was necessarily so great all that was needed in order to give the American market to them was to enact a tariff law and shut out the world; and the measure of the tariff was the measure of the profits or the bonus which the American Government granted them by legislative enactment.

Of course, constitutional complications were avoided by basing the imposition of protective rates on the right to raise revenue, and that has been distorted to the right of the manufacturers to raise revenue out of the remainder of the American people.

Now, I come to the last word which I care to say on this subject. Have we more concern in this body for a total number, together with their aids, of 751,000 engaged in meat packing and in manufacturing, especially in view of the fact that manufacturing is so advantageously situated as compared to natural production, than we have for 34,000,000, or one-third of the whole American population?

Mr. President, of course, we can not apply the same policy to agriculture which we apply to manufacturing, but we are in duty bound to apply the same principle wherever we may, and the time has come when agriculture must receive from the Government the same support that is given to manufacturing, or agriculture must cease to be in this country. You will have to do one of two things: You will have to raise by legislative enactment the market of the farmer to a parity with the market of the manufacturer, or you will have to lower the market of the manufacturer to the level of the natural condition of the farmer. It is your duty and my duty to see that this equity is done and preserved.

I do not know what will be the ultimate effect of this bill. The farmer has gotten to the point where, no matter what you do here, it can not hurt him. He has to look up now to see the bottom. That is his condition; and, no matter what we do, we can not hurt him. Eighty-seven per cent of the farms are under mortgage; and every day, even under the land bank that we established, the farmer is being dispossessed because he was foolish enough to produce more than some folks think he should have produced.

Mr. President, as I take it, the object of this bill is to enable the farmers not only to dispose of their surplus but to market their product 365 days in the year rather than to be forced to market it in 90 days. Nature has provided that the manufacturer may. Let us provide that the farmer shall.

Mr. CARAWAY. Mr. President, there are several groups in the Senate that are opposing the passage of this bill. They offer reasons that are inconsistent.

Two lawyers—who, I understand, were never in a courtroom except the day they went in to waive their examinations and be sworn in as members of the bar—who assure us with much vehemence that the bill is unconstitutional. There is another lawyer—whose name, I understand, has been attached to no case that has reached an appellate court—who likewise tells us that the bill is so unconstitutional that he has not words in which to say how unconstitutional it is.

There are other Senators who declare that they know the President's mind—and I concede that that is more than he himself knows—and they know that he is to veto the bill.

Then there is the frank group who say, "If you pass this bill you are going to raise the price of farm products so that the farmer will get not only what it costs him to produce them but a reasonable profit, and therefore make more costly our raw materials."

There is another group, whose motives everybody understands, who say, "We are for the bill, if you will defer for two years the equalization fee upon one product." Their position is more untenable than the positions of these others.

Here are the Senator from Connecticut [Mr. McLEAN] and the Senator from New Hampshire [Mr. MOSES] and the Senator from Massachusetts [Mr. GILLETT], who declare that the effect of this proposed legislation will be to make the cost of living higher, and they want cheap food and cheap clothing. In other words, they want to continue to have the farmers of this country feed and clothe them at 50 cents on the dollar of the cost of production. It is economically dishonest, but it is entirely within the comprehension of the people who stand for that system. And here is my friend, the distinguished Senator from Maryland [Mr. BRUCE], who gives utterance to the same sentiment. Why, they are perfectly understandable. They believe it seems that it is wise in this country to keep 34,000,000 people producing food and clothes for the city people at less than the cost of production. They are frank about it, though. Nobody needs misunderstand them.

But here is a proposition, now, to defer the equalization fee on cotton for two years.

Mr. BRUCE. Mr. President, will the Senator yield to me for just a moment?

Mr. CARAWAY. Yes; I yield.

Mr. BRUCE. I simply desire to register the statement that I think the Senator is pursuing a very offensive line of comment.

Mr. CARAWAY. Oh, it is doubtless so. Anybody who believes that the farmers ought not to be heard will always be offended when somebody says they have as much right as others. That is perfectly understandable in this body, and I am not trying to be offensive.

I started to speak about the deferment of the equalization fee. I want to discuss that for a minute.

If this bill be just and economically sound, if an equalization fee ought to be imposed and it is economically wise so to do, then under what theory do you say that in the case of one particular product it shall be deferred for two years? I could understand taking the position that some of us took a year ago when we said that we would vote for this bill if no equalization fee was imposed on cotton until further action of Congress. I do not think we were very wise, but we were, at least, consistent. We said that cotton had not the advantage of a tariff; and, therefore, ought to have this advantage in legislation. These very Senators who now seek to defer the equalization fee on cotton for two years voted against that bill with no equalization fee at all on cotton.

I say we were consistent then; but what do they say? They say to the wheat grower, to the tobacco grower, to the corn grower, to the producer of meat, "This is a good measure, and we are going to vote for it if you will let us defer the equalization fee on cotton for two years; and then, without further action of Congress, without any change in the economic structure, without any revision of the tariff, we are willing to let the equalization fee rest upon cotton."

Mr. President, that is open to but one construction. There is an election between this time and that, and it is expected that the cotton farmer is not to find out what you have done to him until you get his vote away from him. If the bill is bad, if I thought it never would be good for the cotton farmer, then I would not vote for the bill with a deferred equalization fee for two years, because the cotton farmer ought not to be hurt two years from now any more than he ought to be ruined now. If it is good, he ought to have the benefit of it now; and if you are doubtful about it you ought to vote "yes" or "no" on the bill, and you ought not to try to get his vote from him before he finds out what the effect of the legislation is to be; and that is all it is.

Suppose a man grows tobacco in this field and another cotton in that. You put the equalization fee on tobacco and defer it for two years on cotton. When the tobacco farmer asked you why you did that, what answer could you make to him except to say, "I am a little uncertain about how the cotton farmers are going to feel about it, and I want his vote before he finds out what the effect of the legislation may be."

That is the only answer you could make to him and be consistent and be honest, because you could not say there is to be a changed economic condition two years from now; you could not say, "Two years from now we are going to change the tariff," or "We are going to enact another law." You would have to say to him, "I am afraid if I put it on cotton now he will hold it against me two years from now, and therefore I will wait and get his vote and then let the thing fall on him after he has no power to punish me for putting it on."

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

Mr. CARAWAY. Yes; I yield.

Mr. GEORGE. I agree with the observations the Senator is now making on this feature of the bill; but let me ask the Senator, Why the effort here to levy the equalization fee as far away from the farmer as possible?

Mr. CARAWAY. Well, let us say it is dishonest; that ought to get some votes in the Senate.

Mr. GEORGE. But is that the purpose of it?

Mr. CARAWAY. No; that was not the purpose; but if anybody can get some consolation out of that, let us assume that it is. The purpose was to put it on something when it was in interstate commerce. Some thought it might change the constitutional question of the equalization fee. Now, any farmer knows—and the farmer has a little sense, although formerly some did not think so—any farmer who knows anything knows that freight, storage, insurance, and an equalization fee, if it must be levied, must follow the product. Anybody who would tell the farmer that it would not follow the product would not be honest with him, and anybody who would tell him that it would not follow the product would not get credit in many communities for being candid, because the farmer knows it.

Mr. GEORGE. Mr. President, the Senator is honest not only in his thought but in his statement. The effort here is to levy an equalization fee so far removed from the farmer as to leave him under the impression that the consumer is paying it.

Mr. CARAWAY. Oh, no. If that got into the Senator's head, he at least ought to read the bill.

Mr. GEORGE. I have read the bill.

Mr. CARAWAY. There is not anything of that kind in the bill.

Mr. GEORGE. I ask the Senator again: Why is the effort made to put the equalization fee as far away from the farmer as possible?

Mr. CARAWAY. In the first place, there is not any such effort. The effort is to put it on the product after it goes into commerce, because of the belief that under the commerce clause we have such a right.

Mr. GEORGE. I ask the Senator to read the amendments that are pending. He asked me to read the bill.

Mr. CARAWAY. If the Senator will let me have my time, I will do that.

I do not know a single farmer who objects to the equalization fee. The only people here who shed tears for the poor farmer who is about to be compelled to pay an equalization fee are the people who want farm products cheaper than they are. If we could have passed this bill at the last Congress instead of this, and had had an equalization fee, $20 a bale would have taken care of the surplus of cotton. Read the cotton market as it slumped as the surplus increased and you will find that we could have taken 2,500,000 bales of our cotton, piled them up in the streets of the towns of the South and burned them, and been $300,000,000 richer than we are to-day; and in addition to that we would not have had that surplus to hang over us and ruin us next year. We lost $670,000,000 because this Congress in its wisdom denied us the machinery to take care of our surplus in one crop—and that was cotton—last year.

I say, sir, that if we had had this bill on the statute books last year instead of this we could have taken our surplus off the market, we could have had 2,500,000 bales of cotton that would belong to the farmers of America in their warehouses, and we could have had $300,000,000 more in the pockets of

the producers of cotton than we have; and if that 2,500,000 bales of cotton could be sold at what cotton was worth a year ago, we would have had a product worth $370,000,000 in addition thereto. Now, if you think the farmer ought not to have it, why, God bless your soul, vote against this bill; but do it, and do it knowing that the farmer knows that you are doing it because you prefer that he shall feed and clothe you at half the cost of producing the things that you eat and wear. Let us be candid about it.

Going back to the question of the Senator from Georgia about an effort to remove the equalization fee farther from the farmer, I say that I do not find it in the bill; but let us say that it is there; then there is some chance, I judge, that the burden might be shifted to the other end of these two conflicting classes and the producer not have to pay it; I presume these objectors want to crowd it back so that the farmer must be charged with it. One inference is as fair as the other—that the Senators who are opposed to that want to be certain that the fee does land on the farmer.

But it is said that this is a price fixing bill. Well, let us concede that it is. There is always a price fixing somewhere, and heretofore the speculator has fixed the price for the farmer. The farmer has carried his products to the market and the other man has fixed the price. Let us change that and let the man who produces fix the price. Are you opposed to it? Are you?

My friend from Michigan [Mr. COUZENS] nods his head. He says he is. He is frank. He wants the consumer and not the farmer to fix the price. But at one time, when he was a partner in making "flivvers," he fixed the price. [Laughter.] Most people will confess that inasmuch as he piled up millions and millions of dollars on a shoestring investment that he fixed the price high enough.

Oh, it is a lofty sentiment to desire the power to fix the price on a Ford car, but to deny that right to the farmer, whose very existence depends upon fixing the price of the things he grows.

Mr. HEFLIN. Mr. President——

Mr. CARAWAY. I yield to the Senator.

Mr. HEFLIN. I thought the Senator had finished.

Mr. CARAWAY. Mr. President, I think I have said nearly as much as I should say. I am not like my distinguished friend on my left; I do not need an additional three minutes to tell what I do not know about the bill.

Mr. HEFLIN and Mr. GEORGE addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I shall consume only about six minutes, because I have promised to yield part of my time to the Senator from Oregon [Mr. MCNARY].

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. Just for a question. I am a member of the Committee on Agriculture, and I have not yet spoken on the bill. I promised to yield some time to the Senator from Oregon, the chairman of the committee.

Mr. GEORGE. I have not spoken on the bill either. I do not know that I wish to speak, but I wish to make a statement about the matter in regard to which I interrogated the Senator from Arkansas, that is all; and I have been on my feet for some minutes trying to get recognition.

Mr. HEFLIN. How long will it take the Senator?

Mr. GEORGE. Not over three or four minutes.

Mr. HEFLIN. I could not yield under those conditions. It will take five or six minutes for me to say what I want to say.

Mr. GEORGE. Very well.

Mr. HEFLIN. Mr. President, as already stated, I have promised to yield some of my time to the Senator from Oregon, and I am not going to use the 15 minutes which would be allowed me under the agreement. I have not discussed this measure at this session. In the outset I want to make an observation about the threat of one of the New England Senators. The Senator from New Hampshire [Mr. MOSES], I understand, has threatened the corn growers of the West that if conditions were made very attractive for corn producers the farmers of New England would go to producing corn on a large scale. They can not grow enough corn in New England to feed the squirrels on the Capitol Grounds for one winter. [Laughter.]

The Senator from Ohio [Mr. FESS], the Senator from Wisconsin [Mr. LENROOT], the Senator from Connecticut [Mr. MCLEAN], the Senator from New Hampshire [Mr. MOSES], and the Senator from Massachusetts [Mr. GILLETT] are all together in opposition to farm relief legislation. That ought to secure support for most of the provisions of the bill.

I read in the Washington newspapers about a banquet supposed to be given here in Washington this week by Mr. Work, of Pennsylvania, Secretary of the Interior, one of Mr. Mellon's very warm friends and ardent supporters. It was a kind of Belshazzar's feast, in a marble mansion to the money lords of the Nation, and the newspapers tell us that the few select men who sat about that festive board represented $5,000,000,000.

Mr. President, that is indeed interesting, in view of the fact that the circulating medium of the United States to-day, the entire money supply in circulation to meet the financial needs of more than 100,000,000 people amounts to only $4,712,945,000. So a half dozen of those who sat at the feast of the money kings at the Capital are worth more than the entire money supply permitted to circulate in the body of the business of the whole United States. That gives an idea as to just what this Nation is coming to under Republican rule; the legislative machinery is operated in the interests of a favored few, while it robs and impoverishes millions amongst the masses of the American people.

Congress ought to be fair and just to all interests. It should never help the strong to oppress the weak.

The senior Senator from Washington [Mr. JONES], able and clever Senator that he is, made a speech here yesterday favorable to a ship subsidy measure, the Government to spend millions and millions more of money to build up another fleet of merchant ships. I wondered in my mind why he would suggest that. We spent during the World War, to build a fleet of merchant ships, three thousand million dollars, and I saw passed through the Republican House of Representatives, and killed in the Senate—and I helped to kill it—a bill providing for the sale of that entire fleet of ships to the Ship Trust for $200,000,000, representing a loss to the Government of $2,800,000,000.

I never heard the Senator from Connecticut, the Senator from Massachusetts, the Senator from New Hampshire, any of those Senators, lifting their voices in opposition to that indefensible measure. None of them say anything when these big measures are going through in favor of the big interests of the country.

Not one of them has lifted his voice against the high-handed work of Mr. Mellon, Republican Secretary of the Treasury, in refunding to the favorites of the Republican Party nearly a billion dollars in taxes since he has been Secretary of the Treasury. Right now a bill is pending in Congress to refund $175,000,000 more to the big rich taxpayers of the country. I opposed it in this body, under the leadership of the Senator from Tennessee [Mr. MCKELLAR], and we held up that appropriation of $175,000,000, which Mr. Mellon is now refunding in the main to the big rich men in the Republican Party, $6,000,000 of it going to Mr. du Pont, Republican, of Delaware; $21,000,000 of it going to five immensely rich men in the United States. None of these Senators rose in opposition to that strange and ugly performance. One hundred and seventy-five million dollars handed out in special-favor packages to the favorites of the Republican Party is all right with you, but when we come to ask that the farmers who feed and clothe the people of the Nation, and who, under the grinding processes of the Republican Party, have been so stripped of their substance and so impoverished that they are reduced to a state of agricultural slavery, should be considered and aided you cry paternalism and otherwise enter your vigorous protest against any and all remedial legislation.

The only thing the grain farmers of the West can do now is to have their friends here resort to the passage of a desperate measure, in a very desperate agricultural situation, asking Congress to permit them to lay a fee upon their own produce, to gather a fund and set it aside, to enable them to fight the grain gamblers, whom the Republican Party has enabled to rob and plunder under laws which Republicans have passed through Congress.

Mr. President, I supported this McNary-Haugen farm relief bill as I helped to amend it at the last session of Congress. I voted for it with the equalization tax or fee on cotton stricken out, and I will vote for it again to-day under the same condition.

Cotton has no tariff upon it. We export half of the cotton crop. So cotton, in an import sense, is not in the same class with grain. In view of this fact it is not asking too much to have this equalization tax or fee on cotton left off until the cotton producers can have time to decide for themselves whether or not they want to have imposed upon them the proposed equalization tax or fee on cotton. I am willing for the grain-growing west to have the aid provided for in this bill. The farmers out there ask for it. They approve it. They have indorsed the equalization tax or fee on grain and I am willing to let them try out the plan now that they have so unanimously indorsed if the equalization tax or fee on cotton is postponed as I have suggested until the cotton farmers pass upon the matter. The bill provides that they may borrow on their cotton from the revolving fund. The Republican leaders can

not cite a single big deal that you have tried to put over where you have not granted just what the big Republican favorites wanted. But you are not willing to grant to the farmers of the country substantial relief from the Republican agencies that have pillaged and plundered them. Mr. President, I supported this measure before amended as I have suggested, with regard to cotton, and I shall support it again with that provision in it.

Mr. McNARY obtained the floor.

Mr. HARRISON. Mr. President, I ask unanimous consent that the Senator from Oregon may have 15 minutes. He is the chairman of the committee.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. I object myself, because I made objection to others having an extension of time.

I have a parliamentary inquiry to propound. Is it necessary to propose amendments prior to 4 o'clock?

The VICE PRESIDENT. Amendments can be received after 4 o'clock, but will not be subject to debate after 4 o'clock.

Mr. McNARY. I have two amendments which I desire to have the clerk read, and I want to discuss them just for a moment.

Mr. WALSH of Montana. Mr. President, I did not hear the response of the Presiding Officer to the inquiry of the Senator from Oregon.

The VICE PRESIDENT. Amendments can be presented after 4 o'clock, but without debate.

Mr. McNARY. Mr. President, the amendments I offer are not contained in the bill now before the Senate for its consideration. They simply grant to the board new powers by permitting the board, under certain rules and plans, to be by them fashioned to grant insurance policies to the producers of basic agricultural commodities, to insure them against loss from the time of the harvest to the time of marketing, to prevent violent fluctuations during that period, the amount of the premiums to be decided upon by the board. The premiums in all cases are to cover any losses, so that before the time the farmer delivers his product or his commodity to the markets, or to the warehousemen, or to any other place for storage, he may hold the product for a period of time, and be assured against loss during the period that it is withheld.

Mr. President, with this very brief explanation, I desire to have the two amendments read. They are amendments to separate parts of the bill, and consequently they are embodied in two different amendments. But they reach the question of insurance against price fluctuations during the period between the harvesting and marketing, and I ask that the clerk may read them.

The VICE PRESIDENT. The clerk will read the amendments.

The CHIEF CLERK. On page 9, line 5, strike out down through line 5 on page 10, and insert in lieu thereof the following:

(d) During the continuance of such operations in any basic agricultural commodity, the board is authorized to enter into agreements, for the purpose of carrying out the policy declared in section 1, with any cooperative association engaged in handling the basic agricultural commodity, or with a corporation created by one or more of such cooperative associations, or with processors of the basic agricultural commodity.

(e) Such agreements may provide for (1) removing or disposing of any surplus of the basic agricultural commodity, (2) withholding such surplus, (3) insuring such commodity against undue and excessive fluctuations in market conditions, and (4) financing the purchase, storage, or sale or other disposition of the commodity. The moneys in the stabilization fund of the basic agricultural commodity shall be available for carrying out such agreements. In the case of any agreement in respect of the removal or disposal of the surplus of a basic agricultural commodity, the agreement shall provide both for the payment from the stabilization fund for the commodity of the amount of losses, costs, and charges, arising out of the purchase, storage, or sale or other disposition of the commodity or out of contracts therefor, and for the payment into the stabilization fund for the commodity of profits (after deducting all costs and charges provided for in the agreement) arising out of such purchase, storage, or sale or other disposition, or contracts therefor. In the case of agreements insuring such commodity against undue and excessive fluctuations in market conditions, the board may insure any cooperative marketing association against decline in the market price for the commodity at the time of sale by the association from the market price for such commodity at the time of delivery to the association.

On page 10, line 7, after "associations," insert ", or corporation created by one or more cooperative associations."

Mr. McNARY. I do not think it is necessary to read the other proposal, because it follows along the same line, and the same suggestion is contained in it that is found in the one just read.

I ask for the adoption of those amendments.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from New Hampshire [Mr. MOSES].

Mr. McNARY. Before the clerk states that amendment, the Senator from Tennessee [Mr. MCKELLAR] has one or two amendments to offer, and the Senator from West Virginia [Mr. NEELY] has an amendment to offer, I should rather have those amendments before the Senate prior to the vote upon any one of the amendments. I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I offer an amendment in regard to tobacco which I send to the desk.

The VICE PRESIDENT. Is there objection to the temporary laying aside of the amendment of the Senator from New Hampshire?

Mr. McNARY. It is not necessary to disturb the situation, so far as the amendment of the Senator from New Hampshire is concerned. I only desire the presentation of other amendments at this time and to have them read, but not to be acted upon.

The VICE PRESIDENT. Without objection, the clerk will read the amendment submitted by the Senator from Tennessee.

The Chief Clerk read as follows:

On page 7, line 25, after "rice," insert a comma and "tobacco"; and in line 26, strike out the period and insert a comma and the following: "except that the board may, in its discretion, treat one or more varieties or types of tobacco as a separate basic agricultural commodity."

On page 8, line 9, after "rice," insert a comma and "tobacco."

On page 8, line 11, after "rice," insert a comma and "tobacco."

On page 21, after line 9, insert the following:

"(4) In the case of tobacco, the term 'sale' means a sale or other disposition to any dealer in leaf tobacco or to any registered manufacturer of the products of tobacco."

On page 21, line 10, strike out "(4)" and insert in lieu thereof "(5)."

On page 21, line 12, strike out "(5)" and insert in lieu thereof "(6)."

On page 22, after line 13, insert the following:

"(4) The term 'tobacco' means leaf tobacco, stemmed or unstemmed."

On page 10, line 17, after "cotton," insert a comma and "or tobacco."

Mr. GLASS. Mr. President, may I ask if this is the amendment to which one of the Washington newspapers this morning referred as expected to get me to change my vote on the bill? [Laughter.]

Mr. McKELLAR. I offer another amendment and ask that it may be read.

The VICE PRESIDENT. The clerk will read the amendment sent to the desk by the Senator from Tennessee.

The CHIEF CLERK. On page 9, line 4, add the following:

and until the board shall become satisfied that a majority of the producers of such commodity favor such action.

Mr. McKELLAR. Immediately following that amendment I offer another amendment on behalf of the senior Senator from North Carolina [Mr. SIMMONS], who, though present, is not feeling well this afternoon.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 8, line 16, after the word "commodity," insert the following proviso:

Provided, That in any State where not as many as 50 per cent of the producers of the commodity are members of such cooperative associations or other organizations, an expression from the producers of the commodity shall be obtained through a State convention of such producers, to be called by the head of the department of agriculture of such State, under rules and regulations prescribed by him.

Mr. REED of Missouri. Mr. President, will the rules permit an inquiry of the Senator from Tennessee at this point? Does the last amendment read fix it so that if less than a majority are in favor of the scheme it may be adopted? Is it planned to call a State convention, a minority of which may be able to accomplish the result desired?

Mr. McKELLAR. No.

Mr. REED of Missouri. Then what does it mean?

Mr. McKELLAR. It means exactly what it says, that such a convention shall pass on it before it is put into operation.

Mr. GEORGE. Oh no, Mr. President.

The VICE PRESIDENT. Debate is not in order.

Mr. McKELLAR. On behalf of the senior Senator from North Carolina [Mr. SIMMONS], I present an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 11, line 2, after the words "submitted by," insert the following:

The heads of the agricultural departments of the several States within the Federal land-bank district and from lists submitted by.

Mr. McKELLAR. Also on behalf of the senior Senator from North Carolina, I submit the amendment which I send to the desk.

Mr. BRUCE. Mr. President, has not the hour of 4 o'clock arrived?

The VICE PRESIDENT. The hour of 4 o'clock has arrived and debate is closed. The clerk will state the amendment submitted by the Senator from Tennessee on behalf of the Senator from North Carolina.

The CHIEF CLERK. Also, on page 2, line 16, after the words "consist of," strike out the word "five" and insert the word "seven," and on page 2, line 23, after the word "adjourn," insert the following:

Two of the members of the nominating committee in each district shall be elected by a majority vote of the heads of the agricultural departments of the several States of each Federal land-bank district at a meeting to be held in the same city and at the same time of the meeting of the convention of the bona fide farm organizations and cooperative associations in each district.

Mr. McKELLAR. I now offer another amendment in my own behalf.

Mr. McNARY. Mr. President, I have no objection to the amendments, because they attempt to give the producer a larger voice——

Mr. REED of Missouri. Oh, no, Mr. President, no debate is permissible.

Mr. KING. Regular order! We object because these amendments are intended to bludgeon men into farm organizations against their will.

The VICE PRESIDENT. The clerk will state the amendment submitted by the Senator from Tennessee.

The CHIEF CLERK. On page 20, line 22, strike out through line 2, on page 21, and insert in lieu thereof the following:

(2) In the case of cotton, the term "processing" means spinning, milling, or any manufacturing of cotton other than ginning; the term "sale" means a sale or other disposition in the United States of cotton for spinning, milling, or any manufacturing other than ginning, or for delivery outside the United States; and the term "transportation" means the acceptance of cotton by a common carrier for delivery to any person for spinning, milling, or any manufacturing of cotton other than ginning, or for delivery outside the United States; occurring after the beginning of operations by the board in respect of cotton.

On page 21, line 10, strike out the word "The" and insert in lieu thereof the following: "In the case of basic agricultural commodities other than cotton, the."

Mr. NEELY rose.

The VICE PRESIDENT. Senators will understand that these amendments will have to be offered formally from the floor. They will have to be offered again because there is an amendment now pending.

Mr. NEELY. In view of the statement of the Chair I shall withhold the amendment which I was about to offer and which has been accepted by the chairman of the committee.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Hampshire [Mr. MOSES].

Mr. HEFLIN May the amendment be reported?

The VICE PRESIDENT. The pending amendment will be read.

The CHIEF CLERK. On page 7, line 25, after the word "rice," insert the words "hay, apples, potatoes, all dairy products."

On page 8, line 9, after the word rice," insert the words "hay, apples, potatoes, all dairy products."

On page 8, line 9, after the word "rice," insert the words "hay, apples, potatoes, all dairy products."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. REED of Pennsylvania. Let us have the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. HARRISON. Mr. President, I think the next amendment to be considered is one which I offered, but I withhold that until the insurance proposition is disposed of.

Mr. McNARY. I now make formal offer of the amendments which I explained a moment ago.

The VICE PRESIDENT. The clerk will read the first amendment offered by the Senator from Oregon.

The Chief Clerk read as follows:

On page 9, line 5, strike out down through line 5 on page 10, and insert in lieu thereof the following:

"(d) During the continuance of such operations in any basic agricultural commodity, the board is authorized to enter into agreements, for the purpose of carrying out the policy declared in section 1, with any cooperative association engaged in handling the basic agricultural commodity, or with a corporation created by one or more of such cooperative associations, or with processors of the basic agricultural commodity.

"(e) Such agreements may provide for (1) removing or disposing of any surplus of the basic agricultural commodity, (2) withholding such surplus, (3) insuring such commodity against undue and excessive fluctuations in market conditions, and (4) financing the purchase, storage, or sale or other disposition of the commodity. The moneys in the stabilization fund of the basic agricultural commodity shall be available for carrying out such agreements. In the case of any agreement in respect of the removal or disposal of the surplus of a basic agricultural commodity, the agreement shall provide both for the payment from the stabilization fund for the commodity of the amount of losses, costs, and charges, arising out of the purchase, storage, or sale or other disposition of the commodity or out of contracts therefor, and for the payment into the stabilization fund for the commodity of profits (after deducting all costs and charges provided for in the agreement) arising out of such purchase, storage, or sale or other disposition, or contracts therefor. In the case of agreements insuring such commodity against undue and excessive fluctuations in market conditions, the board may insure any cooperative marketing association against decline in the market price for the commodity at the time of sale by the association, from the market price for such commodity at the time of delivery to the association."

On page 10, line 7, after "association," insert: ", or corporation created by one or more cooperative associations."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon.

Mr. REED of Missouri. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who is unavoidably absent. I had an understanding with him, however, that I could vote on this amendment. I vote "yea."

Mr. BRATTON (when the name of Mr. JONES of New Mexico was called). The senior Senator from New Mexico [Mr. JONES] is absent on account of illness. He is paired with the senior Senator from New York [Mr. WADSWORTH]. If the senior Senator from New Mexico were present he would vote "yea."

Mr. McMASTER (when Mr. NORBECK's name was called). The senior Senator from New Jersey [Mr. EDGE] has a general pair with the senior Senator from South Dakota [Mr. NORBECK]. Both Senators are unavoidably absent from the Senate. The Senator from South Dakota, having been in a serious automobile accident, is now confined to the hospital. I am authorized to state that if the senior Senator from New Jersey [Mr. EDGE] were present he would vote "nay," and if the senior Senator from South Dakota [Mr. NORBECK] were present he would vote "yea."

Mr. GLASS (when Mr. SWANSON's name was called). My colleague [Mr. SWANSON] is unavoidably absent. He is paired with the Senator from Delaware [Mr. DU PONT]. I do not now know how either Senator would vote on this question.

The roll call having been concluded the result was announced—yeas 54, nays 33, as follows:

YEAS—54

Ashurst	Harreld	Means	Simmons
Bratton	Harris	Neely	Smith
Broussard	Harrison	Norris	Stanfield
Cameron	Hawes	Nye	Steck
Capper	Heflin	Oddie	Stephens
Caraway	Howell	Overman	Stewart
Copeland	Johnson	Pine	Trammell
Deneen	Jones, Wash.	Pittman	Tyson
Dill	Kendrick	Ransdell	Underwood
Ferris	La Follette	Robinson, Ark.	Walsh, Mont.
Fletcher	McKellar	Robinson, Ind.	Watson
Frazier	McMaster	Schall	Wheeler
Gooding	McNary	Sheppard	
Gould	Mayfield	Shipstead	

NAYS—33

Bayard	Ernst	Keyes	Sackett
Bingham	Fess	King	Shortridge
Blease	George	Lenroot	Walsh, Mass.
Borah	Gerry	McLean	Warren
Bruce	Gillett	Metcalf	Weller
Couzens	Glass	Pepper	Willis
Curtis	Goff	Phipps	
Dale	Greene	Reed, Mo.	
Edwards	Hale	Reed, Pa.	

NOT VOTING—8

du Pont	Jones, N. Mex.	Norbeck	Swanson
Edge	Moses	Smoot	Wadsworth

So Mr. McNARY's amendment was agreed to.

Mr. McKELLAR. I offer the amendment which I send to the desk.

Mr. HARRISON. Will not the Senator permit to be first read the other amendment of the Senator from Oregon, which is right in line with the last one and carries out the insurance feature?

The VICE PRESIDENT. The clerk will read the second amendment offered by the Senator from Oregon.

Mr. McNARY. I offered two amendments.

The VICE PRESIDENT. The clerk will read the second amendment offered by the Senator from Oregon.

The CHIEF CLERK. On page 18 it is proposed to strike out lines 11 and 12, and to insert in lieu thereof the following:

(c) Any loan under subdivision (a) or (b) shall bear interest at the rate of 4 per cent per annum.

(d) The board may at any time enter into a contract with any cooperative marketing association engaged in marketing any basic agricultural commodity, insuring such association for periods of 12 months against decline in the market price for such commodity at the time of sale by the association from the market price for such commodity at the time of delivery to the association. For such insurance the association shall pay such premium, to be determined by the board, upon each unit of the basic agricultural commodity reported by the association for coverage under the insurance contract, as will cover the risks of the insurance.

On page 17, line 11, after "loans," insert "and insurance."

On page 15, line 13, after the comma, insert "premiums paid for insurance under section 12,".

On page 15, strike out line 16 through the comma in line 20 and insert "(b) the board, in anticipation of the collection of the equalization fees and the payment of premiums for insurance under section 12, and in order promptly to make the payments required by any agreement under section 6 or by the insurance contracts under section 12 and to pay salaries and expenses of experts,".

On page 16, line 11, strike out all after the word "only," down through the comma in line 14, and insert in lieu thereof the following: "(1) the payments required to be made by any agreement under section 6 or by an insurance contract under section 12,".

On page 19, line 1, after the parenthesis, strike out through the word "act" in line 3 and insert in lieu thereof the following: "including the payments required by any agreement under section 6 or by the insurance contracts under section 12."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. McKELLAR obtained the floor.

Mr. HARRISON. I have offered an amendment, which, I think, should come first.

Mr. McKELLAR. The amendment I have offered is to correct the text, and I hope we may first have a vote on it.

The VICE PRESIDENT. The amendment offered by the Senator from Tennessee will be read.

The CHIEF CLERK. On page 7, line 25, after the word "rice," it is proposed to insert a comma and the word "tobacco"; and in line 26, to strike out the period and to insert a comma and the following:

except that the board may, in its discretion, treat as a separate basic agricultural commodity one or more of such classes or types of tobacco as are designated in the classification of the Department of Agriculture.

On page 8, line 9, after the word "rice," insert a comma and the word "tobacco."

On page 8, line 11, after the word "rice," insert a comma and the word "tobacco."

On page 21, after line 9, insert the following:

(4) In the case of tobacco, the term "sale" means a sale or other disposition to any dealer in leaf tobacco or to any registered manufacturer of the products of tobacco.

On page 21, line 10, strike out "(4)" and insert in lieu thereof "(5)."

On page 21, line 12, strike out "(5)" and insert in lieu thereof "(6)."

On page 22, after line 13, insert the following:

(4) The term "tobacco" means leaf tobacco, stemmed or unstemmed.

On page 10, line 17, after "cotton," insert a comma and the words "or tobacco."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Tennessee.

The amendment was agreed to.

Mr. McKELLAR. I offer another amendment, which I ask that the clerk may read.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 9, line 4, it is proposed to insert the following:

and until the board shall become satisfied that a majority of the producers of such commodity favor such action.

Mr. HARRISON. Mr. President, I thought the Senator from Tennessee was going to offer a different amendment. I offered first my amendment in reference to the two years' deference of the payment of the equalization fee and think it should be first considered.

Mr. McKELLAR. My amendment is merely to correct the text.

Mr. HARRISON. No; that is not merely to correct the text.

Mr. McKELLAR. My amendment naturally comes first.

The VICE PRESIDENT. The Chair thinks that the amendment of the Senator from Mississippi was first offered and is entitled to be first voted on. The clerk will state the amendment offered by the Senator from Mississippi.

The CHIEF CLERK. On page 10, after line 20, it is proposed to insert the following:

(i) No operations under this section shall be commenced by the board in respect of any basic agricultural commodity prior to the determination and imposition by the board of the equalization fee in respect of such commodity.

On page 14, at the end of line 4, insert the following:

No equalization fee shall be imposed, collected, or paid in respect of cotton prior to the expiration of two years from the date of the approval of this act.

Mr. WALSH of Montana. I move to amend the amendment offered by the Senator from Mississippi by striking from the second paragraph thereof the words "in respect of cotton." I ask the Secretary to read the amendment as it would read with the amendment which I have offered.

The VICE PRESIDENT. The clerk will read as requested.

The CHIEF CLERK. With the words stricken out by the proposed amendment to the amendment it reads:

No equalization fee shall be imposed, collected, or paid prior to the expiration of two years from the date of the approval of this act.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana to the amendment of the Senator from Mississippi [Mr. HARRISON].

Mr. BORAH. Let us have the yeas and nays.

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). Making the same announcement as before, I vote "yea."

Mr. McMASTER (when Mr. NORBECK's name was called). I make the same announcement with reference to the general pair announced previously between my colleague the senior Senator from South Dakota [Mr. NORBECK] and the senior Senator from New Jersey [Mr. EDGE]. I am not advised as to how the senior Senator from New Jersey would vote, if present; but the senior Senator from South Dakota, if present, would vote "nay."

The roll call was concluded.

Mr. BRATTON. I desire to announce that my colleague the senior Senator from New Mexico [Mr. JONES] is absent on account of illness. He has a general pair with the senior Senator from New York [Mr. WADSWORTH]. If the Senator from New Mexico were present, on this question he would vote "nay."

Mr. GLASS. I desire to repeat the announcement with respect to the pair of my colleague [Mr. SWANSON] which I made on the previous vote.

The result was announced—yeas 35, nays 52, as follows:

YEAS—35

Ashurst	George	Lenroot	Shortridge
Bingham	Gerry	McLean	Stephens
Blease	Glass	Metcalf	Underwood
Borah	Goff	Overman	Walsh, Mass.
Broussard	Hale	Pepper	Walsh, Mont.
Dill	Harris	Phipps	Warren
Ernst	Harrison	Pittman	Weller
Fess	Jones, Wash.	Reed, Mo.	Willis
Fletcher	King	Reed, Pa.	

NAYS—52

Bayard	Frazier	McKellar	Sackett
Bratton	Gillett	McMaster	Schall
Bruce	Gooding	McNary	Sheppard
Cameron	Gould	Mayfield	Shipstead
Capper	Greene	Means	Simmons
Caraway	Harreld	Neely	Smith
Copeland	Hawes	Norris	Stanfield
Couzens	Heflin	Nye	Steck
Curtis	Howell	Oddie	Stewart
Dale	Johnson	Pine	Trammell
Deneen	Kendrick	Ransdell	Tyson
Edwards	Keyes	Robinson, Ark.	Watson
Ferris	La Follette	Robinson, Ind.	Wheeler

NOT VOTING—8

du Pont	Jones, N. Mex.	Norbeck	Swanson
Edge	Moses	Smoot	Wadsworth

So the amendment of Mr. WALSH of Montana to Mr. HARRISON's amendment was rejected.

Mr. REED of Missouri. Mr. President, I move to amend the amendment by striking out the words "in respect of cotton" and striking out the words "two years" and inserting in lieu thereof "one year."

The VICE PRESIDENT. The Secretary will state the amendment as proposed to be amended.

The Chief Clerk read as follows:

No equalization fee shall be imposed, collected, or paid prior to the expiration of one year from the date of the approval of this act.

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

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll; and Mr. ASHURST voted in the affirmative.

Mr. NEELY. Mr. President, a point of order. I make the point of order that the demand for the yeas and nays has not been sustained by one-fifth of the Senators present.

Mr. REED of Missouri. I make the point of order that the roll call has been ordered and started, and a response has been made.

The VICE PRESIDENT. The point of order is well taken. The Secretary will continue the calling of the roll.

The Chief Clerk resumed the calling of the roll.

Mr. BROUSSARD (when his name was called). I make the same announcement as before as to my pair and its transfer, and vote "yea."

Mr. BRATTON (when the name of Mr. JONES of New Mexico was called). I make the same announcement that I made on the preceding vote with respect to the pair between my colleague [Mr. JONES of New Mexico] and the Senator from New York [Mr. WADSWORTH]. If the Senator from New Mexico were present he would vote "nay."

The roll call was concluded.

Mr. GLASS. I repeat the announcement heretofore made that my colleague [Mr. SWANSON] is unavoidably absent. He is paired with the Senator from Delaware [Mr. DU PONT].

The result was announced—yeas 36, nays 51, as follows:

YEAS—36

Ashurst	Fess	King	Shortridge
Bingham	Fletcher	Lenroot	Simmons
Blease	George	McLean	Stephens
Borah	Gerry	Metcalf	Trammell
Broussard	Glass	Overman	Underwood
Bruce	Goff	Phipps	Walsh, Mass.
Dill	Hale	Pittman	Warren
Edwards	Harris	Reed, Mo.	Weller
Ernst	Harrison	Reed, Pa.	Willis

NAYS—51

Bayard	Gooding	McMaster	Sackett
Bratton	Gould	McNary	Schall
Cameron	Greene	Mayfield	Sheppard
Capper	Harreld	Means	Shipstead
Caraway	Hawes	Neely	Smith
Copeland	Heflin	Norris	Stanfield
Couzens	Howell	Nye	Steck
Curtis	Johnson	Oddie	Stewart
Dale	Jones, Wash.	Pepper	Tyson
Deneen	Kendrick	Pine	Walsh, Mont.
Ferris	Keyes	Ransdell	Watson
Frazier	La Follette	Robinson, Ark.	Wheeler
Gillett	McKellar	Robinson, Ind.	

NOT VOTING—8

du Pont	Jones, N. Mex.	Norbeck	Swanson
Edge	Moses	Smoot	Wadsworth

So the amendment of Mr. REED of Missouri to Mr. HARRISON's amendment was rejected.

The VICE PRESIDENT. The question is upon agreeing to the amendment of the Senator from Mississippi [Mr. HARRISON].

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

Mr. HEFLIN. Mr. President, a parliamentary inquiry. The amendment now pending simply defers the equalization fee on cotton?

The VICE PRESIDENT. The Secretary will state the amendment of the Senator from Mississippi.

The CHIEF CLERK. On page 10, after line 20, it is proposed to insert the following:

(i) No operations under this section shall be commenced by the board in respect of any basic agricultural commodity prior to the determination and imposition by the board of the equalization fee in respect of such commodity.

On page 14, line 4, at the end of the line, insert the following:

No equalization fee shall be imposed, collected, or paid in respect of cotton prior to the expiration of two years from the date of the approval of this act.

Mr. HARRISON and Mr. HEFLIN called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). Making the same announcement as heretofore made, I vote "yea."

Mr. BRATTON (when the name of Mr. JONES of New Mexico was called). I desire to make the same announcement that I made on the previous vote respecting the pair between my colleague [Mr. JONES of New Mexico] and the Senator from New York [Mr. WADSWORTH]. If my colleague were present, he would vote "nay" on this question.

The roll call was concluded.

Mr. McMASTER. In reference to the general pair between my colleague [Mr. NORBECK] and the senior Senator from New Jersey [Mr. EDGE], I am informed that if both Senators were present, they would vote "nay."

Mr. GLASS. My colleague [Mr. SWANSON] is unavoidably absent and is paired with the junior Senator from Delaware [Mr. DU PONT]. If my colleague were present, on this question he would vote "nay."

The result was announced—yeas 17, nays 69, as follows:

YEAS—17

Ashurst	Harris	Overman	Trammell
Blease	Harrison	Pine	Underwood
Broussard	Heflin	Simmons	
Fletcher	King	Smith	
George	McKellar	Stephens	

NAYS—69

Bayard	Frazier	McLean	Schall
Bingham	Gerry	McMaster	Sheppard
Borah	Gillett	McNary	Shipstead
Bratton	Glass	Mayfield	Shortridge
Bruce	Goff	Means	Stanfield
Cameron	Gooding	Metcalf	Steck
Capper	Gould	Neely	Stewart
Caraway	Greene	Norris	Tyson
Copeland	Hale	Nye	Walsh, Mass.
Couzens	Harreld	Oddie	Walsh, Mont.
Curtis	Hawes	Pepper	Warren
Dale	Howell	Phipps	Watson
Deneen	Johnson	Ransdell	Weller
Dill	Jones, Wash.	Reed, Mo.	Wheeler
Edwards	Kendrick	Reed, Pa.	Willis
Ernst	Keyes	Robinson, Ark.	
Ferris	La Follette	Robinson, Ind.	
Fess	Lenroot	Sackett	

NOT VOTING—9

du Pont	Moses	Pittman	Swanson
Edge	Norbeck	Smoot	Wadsworth
Jones, N. Mex.			

So Mr. HARRISON's amendment was rejected.

Mr. McKELLAR. I now offer the amendment which I sent to the desk a moment ago.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. On page 9, line 4, insert:

And until the board shall become satisfied that a majority of the producers of such commodity favor such action.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Tennessee.

Mr. GEORGE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. GEORGE. I wish to have the amendment read again, as there was so much noise I could not understand it. I do not know whether the word "shall" or "may" was used.

The VICE PRESIDENT. The clerk will read the amendment again.

The Chief Clerk again read the amendment.

Mr. REED of Missouri. I would like to have the amendment read in connection with the text, so that we may understand it.

Mr. McKELLAR. I ask unanimous consent that that be done.

Mr. REED of Missouri. It ought to be done without unanimous consent.

The VICE PRESIDENT. The clerk will read the text as it would read if amended as proposed by the Senator from Tennessee.

The CHIEF CLERK. Starting to read on page 8, line 21, the bill as amended would read:

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, and until the

board shall become satisfied that a majority of the producers of such commodity favor such action.

Mr. REED of Missouri. How would they satisfy themselves? Is there any provision about that?

Mr. McKELLAR. Nothing but what is contained in the amendment.

Mr. REED of Missouri. They have just to guess at it.

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

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

Mr. McKELLAR. I offer an amendment on behalf of the senior Senator from North Carolina [Mr. SIMMONS].

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 8, line 16, after the word "commodity," insert:

Provided, That in any State where not as many as 50 per cent of the producers of the commodity are members of such cooperative associations, or other organizations, an expression from the producers of the commodity shall be obtained through a State convention of such producers, to be called by the head of the department of agriculture of such State under rules and regulations prescribed by him.

Mr. REED of Missouri. Mr. President, I do not desire to delay the Senate, but I ask for a record vote on these important amendments. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). Making the same announcement as before, I vote "yea."

Mr. BRATTON (when the name of Mr. JONES of New Mexico was called). I repeat the announcement I made on the last vote respecting the pair between my colleague [Mr. JONES of New Mexico] and the senior Senator from New York [Mr. WADSWORTH]. If my colleague were present and voting, he would vote "yea" on this question.

The roll call was concluded.

Mr. McMASTER. I desire to announce that my colleague [Mr. NORBECK] would vote "yea" if he were present and voting, and the senior Senator from New Jersey [Mr. EDGE], with whom he is paired, would vote "nay."

Mr. BORAH (after having voted in the affirmative). Having had an opportunity to read the amendment, I vote "nay."

The result was announced—yeas 58, nays 29, as follows:

YEAS—58

Ashurst	Glass	Mayfield	Shipstead
Blease	Gooding	Means	Simmons
Bratton	Gould	Neely	Smith
Broussard	Harreld	Nye	Stanfield
Cameron	Harris	Oddie	Steck
Capper	Harrison	Overman	Stephens
Caraway	Hawes	Phipps	Stewart
Copeland	Heflin	Pine	Trammell
Curtis	Howell	Pittman	Tyson
Dill	Johnson	Ransdell	Walsh, Mont.
Ernst	Kendrick	Robinson, Ark.	Warren
Ferris	La Follette	Robinson, Ind.	Watson
Fletcher	McKellar	Sackett	Wheeler
Frazier	McMaster	Schall	
George	McNary	Sheppard	

NAYS—29

Bayard	Fess	King	Shortridge
Bingham	Gerry	Lenroot	Underwood
Borah	Gillett	McLean	Walsh, Mass.
Bruce	Goff	Metcalf	Weller
Couzens	Greene	Norris	Willis
Dale	Hale	Pepper	
Deneen	Jones, Wash.	Reed, Mo.	
Edwards	Keyes	Reed, Pa.	

NOT VOTING—8

du Pont	Jones, N. Mex.	Norbeck	Swanson
Edge	Moses	Smoot	Wadsworth

So Mr. McKELLAR's amendment was agreed to.

Mr. McKELLAR. I now formally offer another amendment on behalf of the senior Senator from North Carolina [Mr. SIMMONS].

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. On page 11, line 2, after the words "submitted by," insert the following:

The heads of the agricultural departments of the several States within the Federal land-bank districts and from lists submitted by.

Mr. REED of Missouri. I ask that the amendment may be read in connection with the text.

The VICE PRESIDENT. The clerk will read the text in connection with the amendment.

The CHIEF CLERK. Beginning to read on page 10, line 25:

Members of each commodity advisory council shall be elected annually by the board from lists submitted by the heads of the agricultural departments of the several States within the Federal land-bank districts and from lists submitted by cooperative marketing associations and farm organizations determined by the board to be representative of the producers of such commodity.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Tennessee in behalf of the Senator from North Carolina.

The amendment was agreed to.

Mr. McKELLAR. I now offer another amendment on behalf of the Senator from North Carolina [Mr. SIMMONS].

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2, line 16, after the words "consist of," strike out the word "five" and insert the word "seven," and on page 2, line 23, after the word "adjourn," insert:

Two of the members of the nominating committee in each district shall be elected by a majority vote of the heads of the agricultural departments of the several States of each Federal land-bank district at a meeting to be held in the same city and at the same time of the meeting of the convention of the bona fide farm organizations and cooperative associations in each district.

Mr. REED of Missouri. Mr. President, I make the point of order that there are two amendments embraced in one. The undertaking is to amend the bill in two particulars in one amendment.

The VICE PRESIDENT. The Senator from Missouri has a right to have them separated and to have them voted on separately. The clerk will state the first amendment.

The CHIEF CLERK. On page 2, line 16, after the words "consist of," strike out the word "five" and insert the word "seven," so as to make the sentence read:

There is hereby established a nominating committee in each of the 12 Federal land-bank districts, to consist of 7 members.

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

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the other part of the amendment submitted by the Senator from Tennessee on behalf of the Senator from North Carolina.

The CHIEF CLERK. On page 2, line 23, after the word "adjourn," insert:

Two of the members of the nominating committee in each district shall be elected by a majority vote of the heads of the agricultural departments of the several States of each Federal land-bank district at a meeting to be held in the same city and at the same time of the meeting of the convention of the bona fide farm organizations and cooperative organizations in each district.

Mr. REED of Missouri. I ask to have read the text which the amendment proposes to strike out, in order that the Senate may be informed.

The VICE PRESIDENT. The clerk will read the text in connection with the amendment.

The legislative clerk read as follows:

(b) There is hereby established a nominating committee in each of the 12 Federal land-bank districts, to consist of seven members. Four of the members of the nominating committee in each district shall be elected by the bona fide farm organizations and cooperative associations in such district at a convention of such organizations and associations, to be held at the office of the Federal land bank in such district, or at such other place in the city where such Federal land bank is located, to which the convention may adjourn.

Mr. REED of Missouri. Now, will the clerk please read the text that is to be changed?

The VICE PRESIDENT. It is merely an addition of language, not a change. The clerk will read the language to be added.

The legislative clerk read as follows:

On page 2, line 23, after the word "adjourn," insert:

"Two of the members of the nominating committee in each district shall be elected by a majority vote of the heads of the agricultural departments of the several States of each Federal land-bank district at a meeting to be held in the same city and at the same time of the meeting of the convention of the bona fide farm organizations and cooperative associations in each district."

Mr. REED of Missouri. Mr. President, a parliamentary inquiry. Does the amendment strike out the language in lines 23, 24, and 25, on page 2?

The VICE PRESIDENT. It strikes out nothing. The amendment is in addition to the language now in the bill.

Mr. REED of Missouri. It does not strike out the last sentence on page 2: "One of the members of the nominating committee in each district shall be appointed by the Secretary of Agriculture"?

The VICE PRESIDENT. It does not strike that out. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. I offer a further amendment, which I ask may be read.

The VICE PRESIDENT. The clerk will read the amendment.

The CHIEF CLERK. On page 20 of the bill strike out lines 22 to 25, both inclusive, and on page 21 of the bill strike out lines 1 and 2, in the following language:

(2) In the case of cotton, the term "processing" means ginning, and the term "sale" means a sale or other disposition in the United States of cotton for milling or ginning for market, for resale, or for delivery by a common carrier—occurring after the beginning of operations by the board in respect of cotton.

And insert in lieu thereof the following:

(2) In the case of cotton, the term "processing" means spinning, milling, or any manufacturing of cotton other than ginning; the term "sale" means a sale or other disposition in the United States of cotton for spinning, milling, or any manufacturing other than ginning, or for delivery outside the United States; and the term "transportation" means the acceptance of cotton by a common carrier for delivery to any person for spinning, milling, or any manufacturing of cotton other than ginning, or for delivery outside the United States; occurring after the beginning of operations by the board in respect of cotton.

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

On a division the amendment was agreed to.

Mr. McKELLAR. I offer the further amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 21, line 10, strike out the first word in the line, "The," and insert in lieu thereof the words "In the case of basic agricultural commodities other than cotton the," so as to make the paragraph read:

In the case of basic agricultural commodities other than cotton the term "transportation" means the acceptance of a commodity by a common carrier for delivery.

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

Mr. REED of Missouri. Since we can not debate the amendment or ask anyone what it means, I ask for the yeas and nays on it.

The yeas and nays were not ordered.

The amendment was rejected.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment.

Mr. NEELY. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. Beginning on page 17, strike out all of paragraph (b) of section 12, and insert in lieu thereof the following:

(b) For the purpose of developing continuity of cooperative services, including unified terminal marketing facilities and equipment, the board is authorized, upon such terms and conditions and in accordance with such regulations as it may prescribe, to make loans out of the revolving fund to any cooperative association engaged in the purchase, storage, sale, or other disposition, or processing of any agricultural commodity, (1) for the purpose of assisting any such association in the acquisition, by purchase, construction, or otherwise, of facilities to be used in the storage, processing, or sale of such agricultural commodity, or (2) for the purpose of furnishing funds to such associations for necessary expenditures in federating, consolidating, or merging cooperative associations, or (3) for the purpose of furnishing to any such association funds to be used by it as capital for any agricultural credit corporation eligible for receiving rediscounts from an intermediate credit bank. In making any such loan the board may provide for the payment of such charge, to be determined by the board from time to time, upon each unit of the commodity handled by the association, as will within a period of not more than 20 years repay the amount of such loan, together with interest thereon. The aggregate amounts loaned under this subdivision and remaining unpaid shall not exceed at any one time the sum of $25,000,000.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from West Virginia.

On a division the amendment was agreed to.

Mr. FESS. Mr. President, I move to amend by striking out, on page 2, beginning in line 11, after the word "Senate," the balance of page 2, all of page 3, and all of page 4 down to and including line 20, being the nominating feature of the bill.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio.

The amendment was rejected.

Mr. CURTIS. Mr. President, I propose the amendment which was printed a few days ago as a substitute for the bill.

The VICE PRESIDENT. The proposed substitute will be stated.

The CHIEF CLERK. The Senator from Kansas moves to strike out all after the enacting clause and insert a substitute.

Mr. CURTIS. Mr. President, unless some Senator desires to have the amendment read, I think the reading may be dispensed with at this time. The amendment was printed in the RECORD several days ago and has been fully explained. I do not care whether or not it is read again, unless some Senator desires to have it read.

The VICE PRESIDENT. In the absence of objection, the reading of the amendment will be dispensed with.

[For the substitute proposed by Mr. CURTIS see Senate proceedings of February 7, 1927, page 3125.]

Mr. CURTIS. I ask for the yeas and nays on the amendment.

Mr. FESS. Let us have the yeas and nays.

The VICE PRESIDENT. The question is on the amendment, in the nature of a substitute, proposed by the Senator from Kansas, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I do not know how he would vote on this question; and therefore, I withhold my vote.

Mr. BRATTON (when the name of Mr. JONES of New Mexico was called). I repeat the announcement made on previous votes of the pair between my colleague, the senior Senator from New Mexico [Mr. JONES] and the Senator from New York [Mr. WADSWORTH]. If my colleague were present and at liberty to vote he would vote "nay" on this question.

Mr. McMASTER (when Mr. NORBECK's name was called). My colleague, the senior Senator from South Dakota [Mr. NORBECK], is paired with the senior Senator from New Jersey [Mr. EDGE]. If my colleague were present, he would vote "nay" and the senior Senator from New Jersey would vote "yea."

Mr. GLASS (when Mr. SWANSON's name was called). I repeat the announcement heretofore made that my colleague [Mr. SWANSON] is paired with the Senator from Delaware [Mr. DU PONT]. Were my colleague present, on this question he would vote "yea."

The roll call having been concluded, the result was announced—yeas 32, nays 54, as follows:

YEAS—32

Bingham	Gerry	King	Reed, Pa.
Blease	Gillett	Lenroot	Sackett
Curtis	Glass	McLean	Shortridge
Edwards	Goff	Metcalf	Underwood
Ernst	Gould	Overman	Walsh, Mass.
Fess	Hale	Pepper	Warren
Fletcher	Harris	Phipps	Weller
George	Keyes	Reed, Mo.	Willis

NAYS—54

Ashurst	Frazier	McNary	Shipstead
Bayard	Gooding	Mayfield	Simmons
Borah	Greene	Means	Smith
Bratton	Harreld	Neely	Stanfield
Bruce	Harrison	Norris	Steck
Cameron	Hawes	Nye	Stephens
Capper	Heflin	Oddie	Stewart
Caraway	Howell	Pine	Trammell
Copeland	Johnson	Pittman	Tyson
Couzens	Jones, Wash.	Ransdell	Walsh, Mont.
Dale	Kendrick	Robinson, Ark.	Watson
Deneen	La Follette	Robinson, Ind.	Wheeler
Dill	McKellar	Schall	
Ferris	McMaster	Sheppard	

NOT VOTING—9

Broussard	Jones, N. Mex.	Norbeck	Swanson
du Pont	Moses	Smoot	Wadsworth
Edge			

So the amendment of Mr. CURTIS in the nature of a substitute was rejected.

The VICE PRESIDENT. If there be no further amendments to be offered, the bill will be reported to the Senate.

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

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

The VICE PRESIDENT. Having been read the third time, the question is, Shall the bill pass?

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

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). The Senator from New Hampshire [Mr. MOSES], with whom I have a general pair, was called away to-day. He is opposed to this bill; I favor it. Being unable to secure a transfer, I withhold my vote.

Mr. BRATTON (when the name of Mr. JONES of New Mexico was called). My colleague, the senior Senator from New Mexico [Mr. JONES], is paired on this question with the Senator from New York [Mr. WADSWORTH]. If my colleague were present, he would vote "yea," and I am informed that if the Senator from New York were present, he would vote "nay."

Mr. KEYES (when the name of Mr. MOSES was called). My colleague, the senior Senator from New Hampshire [Mr. MOSES], is unavoidably absent. If present, he would vote "nay."

Mr. McMASTER (when Mr. NORBECK's name was called). As heretofore stated, my colleague, the senior Senator from South Dakota [Mr. NORBECK], is paired with the senior Senator from New Jersey [Mr. EDGE]. If present, my colleague would vote "yea," and the senior Senator from New Jersey, if present, would vote "nay."

Mr. GLASS (when Mr. SWANSON's name was called). My colleague [Mr. SWANSON] has a pair with the Senator from Delaware [Mr. DU PONT]. If my colleague were present on this question he would vote "nay," and I am told that the Senator from Delaware would vote "yea."

The roll call having been concluded, the result was announced—yeas 47, nays 39, as follows:

YEAS—47

Ashurst	Gooding	Mayfield	Sheppard
Bratton	Gould	Means	Shipstead
Cameron	Harreld	Neely	Simmons
Capper	Hawes	Norris	Smith
Caraway	Howell	Nye	Stanfield
Copeland	Johnson	Oddie	Steck
Curtis	Jones, Wash.	Pine	Stewart
Deneen	Kendrick	Pittman	Trammell
Dill	La Follette	Rapsdell	Tyson
Ferris	McKellar	Robinson, Ark.	Watson
Fletcher	McMaster	Robinson, Ind.	Wheeler
Frazier	McNary	Schall	

NAYS—39

Bayard	George	Keyes	Sackett
Bingham	Gerry	King	Shortridge
Blease	Gillett	Lenroot	Stephens
Borah	Glass	McLean	Underwood
Bruce	Goff	Metcalf	Walsh, Mass.
Couzens	Greene	Overman	Walsh, Mont.
Dale	Hale	Pepper	Warren.
Edwards	Harris	Phipps	Weller
Ernst	Harrison	Reed, Mo.	Willis
Fess	Heflin	Reed, Pa.	

NOT VOTING—9

Broussard	Jones, N. Mex.	Norbeck	Swanson
du Pont	Moses	Smoot	Wadsworth
Edge			

So the bill was passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 11768) to regulate the importation of milk and cream into the United States for the purpose of promoting the dairy industry of the United States and protecting the public health.

NATIONAL BANK BRANCHES

Mr. PEPPER. Mr. President, there is lying on the Vice President's table a motion that the Senate recede from certain amendments made by the Senate to House bill 2, the banking bill, and that the Senate concur in certain House amendments to certain Senate amendments to that bill. I move that the Senate proceed to the consideration of the motion in question so that it may be made the undisposed of business before the Senate.

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

Mr. WHEELER. Mr. President, I will state that I desire to discuss the motion, but on account of the lateness of the hour I dislike to start in with the discussion to-night. If the Senator from Pennsylvania has no objection, I should like to have the matter go over so that I may be able to discuss it to-morrow.

Mr. PEPPER. I shall defer to the views of the Senator from Kansas.

Mr. CURTIS. It was my intention to move a short executive session, and then to move to adjourn.

BELLE FOURCHE AND CHEYENNE RIVERS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to 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, which was, on page 2, line 6, after the word "into," to insert:

Provided, That there is hereby authorized to be appropriated out of the reclamation fund $1,000, or so much thereof as may be necessary, to pay the expenses of such Federal participation.

Mr. KENDRICK. I ask unanimous consent that the Senate concur in the amendment of the House.

The VICE PRESIDENT. The Senator from Wyoming asks unanimous consent that the Senate concur in the amendment of the House.

Mr. JONES of Washington. I ask the Senator why this expense should come out of the reclamation fund. I understand that the amendment of the House is that it must come out of the reclamation fund.

Mr. KENDRICK. Yes; that is the House amendment.

Mr. JONES of Washington. But, I ask, why should that be done?

Mr. KENDRICK. I have no idea why the appropriation was to be taken from the reclamation fund. While it does not have to do directly with reclamation, it is at least incidentally related to that purpose. The amendment was made by the House, and I should like to have it concurred in by the Senate.

Mr. JONES of Washington. I do not like to see Congress invading the reclamation fund for anything except reclamation purposes. I have no objection to the amount coming out of the Treasury and having it carried out, but I do not want to see it come out of the reclamation fund.

Mr. KENDRICK. If the Senator prefers, I withdraw the request for the present.

Mr. JONES of Washington. I am glad the Senator has taken that course. That will give us an opportunity to look into it.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 5 o'clock and 36 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 12, 1927, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 11 (legislative day of February 9), 1927

FOREIGN SERVICE

MINISTER RESIDENT AND CONSUL GENERAL

James G. Carter, of Georgia, now a Foreign Service officer of class 7, assigned as consul at Tananarive, Madagascar, to be minister resident and consul general of the United States of America to Liberia.

SECRETARY IN THE DIPLOMATIC SERVICE

Allan Dawson, of Iowa, now a Foreign Service officer, unclassified, and a consular officer with the rank of vice consul of career, to be also a secretary in the Diplomatic Service of the United States of America.

UNITED STATES ATTORNEY

Lafayette French, jr., of Minnesota, to be United States attorney, district of Minnesota. A reappointment, his term having expired.

APPOINTMENTS IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICERS

To be brigadier generals, reserve

Brig. Gen. Mortimer Drake Bryant, New York National Guard.

Brig. Gen. Harold Montfort Bush, Ohio National Guard.

Brig. Gen. George Rathbone Dyer, New York National Guard.

Brig. Gen. Charles Irving Martin, Kansas National Guard.

Brig. Gen. Edward Caswell Shannon, Pennsylvania National Guard.

Brig. Gen. Burke Haddan Sinclair, Wyoming National Guard.

Brig. Gen. Samuel Gardner Waller, Virginia National Guard.

POSTMASTERS

ALABAMA

Joseph S. Chambers to be postmaster at Talladega, Ala., in place of J. S. Chambers. Incumbent's commission expires March 3, 1927.

ARIZONA

Harry G. White to be postmaster at Glendale, Ariz., in place of H. G. White. Incumbent's commission expires March 3, 1927.

ARKANSAS

Lee W. McKenney to be postmaster at Black Rock, Ark., in place of L. W. McKenney. Incumbent's commission expires March 3, 1927.

James C. Russell to be postmaster at Camden, Ark., in place of J. C. Russell. Incumbent's commission expires March 3, 1927.

Arthur V. Cashion to be postmaster at Eudora, Ark., in place of A. V. Cashion. Incumbent's commission expires March 3, 1927.

John A. Borgman to be postmaster at Jonesboro, Ark., in place of J. A. Borgman. Incumbent's commission expires February 14, 1927.

Samuel G. Helm to be postmaster at Marianna, Ark., in place of S. G. Helm. Incumbent's commission expires March 3, 1927.

Arch B. Smith to be postmaster at Osceola, Ark., in place of A. B. Smith. Incumbent's commission expires March 3, 1927.

CALIFORNIA

James C. Tyrrell to be postmaster at Grass Valley, Calif., in place of J. C. Tyrrell. Incumbent's commission expires March 3, 1927.

Charles G. Brainerd to be postmaster at Loomis, Calif., in place of C. G. Brainerd. Incumbent's commission expires March 3, 1927.

Charles S. Graham to be postmaster at Pleasanton, Calif., in place of C. S. Graham. Incumbent's commission expires March 3, 1927.

William Junkans to be postmaster at Redding, Calif., in place of William Junkans. Incumbent's commission expires March 3, 1927.

Anna R. Armstrong to be postmaster at Woodland, Calif., in place of A. R. Armstrong. Incumbent's commission expires March 3, 1927.

COLORADO

Harry A. Cobbett to be postmaster at Cedaredge, Colo., in place of H. A. Cobbett. Incumbent's commission expires March 3, 1927.

CONNECTICUT

Edwin H. Keach to be postmaster at Danielson, Conn., in place of E. H. Keach. Incumbent's commission expires March 3, 1927.

GEORGIA

Ralph A. Waters to be postmaster at Alpharetta, Ga., in place of R. A. Waters. Incumbent's commission expires March 3, 1927.

John L. Callaway to be postmaster at Covington, Ga., in place of J. L. Callaway. Incumbent's commission expires March 2, 1927.

Huram R. Hancock to be postmaster at Maysville, Ga., in place of H. R. Hancock. Incumbent's commission expires March 3, 1927.

George H. Ray to be postmaster at Norwood, Ga., in place of G. H. Ray. Incumbent's commission expires March 3, 1927.

Marie E. Harrell to be postmaster at Pearson, Ga., in place of Loduskie Sutton. Incumbent's commission expired March 10, 1926.

William B. Smith to be postmaster at Tennille, Ga., in place of C. W. Gunnels. Incumbent's commission expired September 7, 1926.

Will C. Woodall to be postmaster at Woodland, Ga., in place of W. C. Woodall. Incumbent's commission expires March 3, 1927.

Samuel J. Padgett to be postmaster at Coffee, Ga. Office became presidential July 1, 1926.

HAWAII

William I. Wells to be postmaster at Haiku, Hawaii, in place of W. I. Wells. Incumbent's commission expired November 2, 1925.

Kenichi Masunaga to be postmaster at Kealia, Hawaii, in place of Kenichi Masunaga. Incumbent's commission expires February 24, 1927.

Carl H. F. Spillner to be postmaster at Makaweli, Hawaii, in place of C. H. F. Spillner. Incumbent's commission expired June 3, 1926.

Lee Loon to be postmaster at Pahala, Hawaii, in place of Lee Loon. Incumbent's commission expired July 1, 1926.

Douglas E. Baldwin to be postmaster at Kahuku, Hawaii. Office became presidential July 1, 1926.

Paul Kaelemakule, jr., to be postmaster at Kohala, Hawaii, in place of E. D. Quinn, removed.

Alexander Moir to be postmaster at Papaikou, Hawaii, in place of A. O. Henderson, resigned.

IDAHO

Burton D. Fox to be postmaster at Challis, Idaho, in place of B. D. Fox. Incumbent's commission expires March 4, 1927.

ILLINOIS

John R. Funkhouser to be postmaster at Albion, Ill., in place of H. J. Glover. Incumbent's commission expired December 28, 1926.

Robert B. Marshall to be postmaster at Capron, Ill., in place of R. B. Marshall. Incumbent's commission expires March 3, 1927.

William S. Brownlow to be postmaster at Chapin, Ill., in place of W. S. Brownlow. Incumbent's commission expires March 3, 1927.

Levi H. Perryman to be postmaster at Cowden, Ill., in place of L. H. Perryman. Incumbent's commission expires March 3, 1927.

Samuel H. Lawton to be postmaster at Delavan, Ill., in place of S. H. Lawton. Incumbent's commission expires March 3, 1927.

William M. Karr to be postmaster at Flora, Ill., in place of W. M. Karr. Incumbent's commission expires March 3, 1927.

Edward S. Breithaupt to be postmaster at Gifford, Ill., in place of E. S. Breithaupt. Incumbent's commission expires March 3, 1927.

John E. Nelson to be postmaster at Hamburg, Ill., in place of J. E. Nelson. Incumbent's commission expires March 3, 1927.

Fannie Hicks to be postmaster at Ivesdale, Ill., in place of Fannie Hicks. Incumbent's commission expires March 3, 1927.

Edward F. Davis to be postmaster at New Berlin, Ill., in place of E. F. Davis. Incumbent's commission expires March 3, 1927.

Herman Meyer to be postmaster at Niles Center, Ill., in place of Herman Meyer. Incumbent's commission expires March 3, 1927.

Davis S. Cossairt to be postmaster at Potomac, Ill., in place of D. S. Cossairt. Incumbent's commission expires March 3, 1927.

Mary A. Barkmeier to be postmaster at San Jose, Ill., in place of M. A. Barkmeier. Incumbent's commission expires March 3, 1927.

William A. Bussert to be postmaster at Sheldon, Ill., in place of W. A. Bussert. Incumbent's commission expires March 3, 1927.

George A. Roberts to be postmaster at Staunton, Ill., in place of G. A. Roberts. Incumbent's commission expires March 3, 1927.

George J. Duncan to be postmaster at Villa Grove, Ill., in place of G. J. Duncan. Incumbent's commission expires March 3, 1927.

Emery S. Waid to be postmaster at Winchester, Ill., in place of E. S. Waid. Incumbent's commission expires March 3, 1927.

Sylvester H. DePew to be postmaster a Zion, Ill., in place of S. H. DePew. Incumbent's commission expires March 3, 1927.

Bahne E. Cornilsen to be postmaster at Chicago Heights, Ill., in place of John Mackler, resigned.

Walter C. Yunker to be postmaster at Forest Park, Ill., in place of H. F. Maiwurm, deceased.

Fred L. McCraken to be postmaster at Lake Forest, Ill., in place of F. G. Berger, resigned.

INDIANA

Andrew G. Kauffman to be postmaster at Atlanta, Ind., in place of A. G. Kauffman. Incumbent's commission expires March 3, 1927.

Lewis A. Graham to be postmaster at Decatur, Ind., in place of Harry Fritzinger. Incumbent's commission expired September 22, 1926.

John M. Sweeney to be postmaster at Dugger, Ind., in place of J. M. Sweeney. Incumbent's commission expires March 3, 1927.

John Stahl to be postmaster at Lawrenceburg, Ind., in place of John Stahl. Incumbent's commission expires March 2, 1927.

William G. Hays to be postmaster at Terre Haute, Ind., in place of J. A. Austermiller. Incumbent's commission expired January 9, 1927.

Addison N. Worstell to be postmaster at Valparaiso, Ind., in place of A. N. Worstell. Incumbent's commission expires March 3, 1927.

Dehn P. Keller to be postmaster at Warren, Ind., in place of D. P. Keller. Incumbent's commission expires March 2, 1927.

IOWA

Lloyd M. Poe to be postmaster at Blockton, Iowa, in place of W. A. Holland. Incumbent's commission expired March 24, 1926.

Judson P. Holden to be postmaster at Delhi, Iowa, in place of J. P. Holden. Incumbent's commission expires March 3, 1927.

Wesley L. Damerow to be postmaster at Dows, Iowa, in place of W. L. Damerow. Incumbent's commission expires March 3, 1927.

Russell E. Metcalf to be postmaster at Hawarden, Iowa, in place of R. E. Metcalf. Incumbent's commission expires March 3, 1927.

Isaac J. Phillips to be postmaster at Hiteman, Iowa, in place of I. J. Phillips. Incumbent's commission expires March 3, 1927.

Benjamin H. Todd to be postmaster at Ida Grove, Iowa, in place of B. H. Todd. Incumbent's commission expires March 3, 1927.

Charles B. Abbott to be postmaster at Imogene, Iowa, in place of C. B. Abbott. Incumbent's commission expires March 3, 1927.

Albert L. Clark to be postmaster at Lanesboro, Iowa, in place of A. L. Clark. Incumbent's commission expires March 3, 1927.

Karl J. Baessler to be postmaster at Livermore, Iowa, in place of K. J. Baessler. Incumbent's commission expires March 2, 1927.

Arthur C. Schnurr to be postmaster at New Hampton, Iowa, in place of A. C. Schnurr. Incumbent's commission expires March 3, 1927.

Edgar A. Greenway to be postmaster at Pleasantville, Iowa, in place of E. A. Greenway. Incumbent's commission expires March 2, 1927.

Silas L. McIntire to be postmaster at Pocahontas, Iowa, in place of S. L. McIntire. Incumbent's commission expires March 2, 1927.

Calvin L. Sipe to be postmaster at Sioux Rapids, Iowa, in place of C. L. Sipe. Incumbent's commission expires March 3, 1927.

Hiram E. Morrison to be postmaster at Seymour, Iowa, in place of H. E. Morrison. Incumbent's commission expires March 3, 1927.

Paul F. Wilharm to be postmaster at Sumner, Iowa, in place of P. F. Wilharm. Incumbent's commission expires March 3, 1927.

Kate R. Weston to be postmaster at Webster City, Iowa, in place of K. R. Weston. Incumbent's commission expires March 3, 1927.

KANSAS

Isaac A. Robertson to be postmaster at Alma, Kans., in place of F. C. Stuewe. Incumbent's commission expired December 8, 1926.

Robert T. Smith to be postmaster at Caldwell, Kans., in place of R. T. Smith. Incumbent's commission expires March 3, 1927.

Jesse M. Foster to be postmaster at Clifton, Kans., in place of J. M. Foster. Incumbent's commission expires March 3, 1927.

Edward R. Dannefer to be postmaster at Cuba, Kans., in place of E. R. Dannefer. Incumbent's commission expires March 3, 1927.

Albert J. Deane to be postmaster at Fowler, Kans., in place of Grant Taylor. Incumbent's commission expired January 23, 1924.

Melvin F. Gardner to be postmaster at Greenleaf, Kans., in place of M. F. Gardner. Incumbent's commission expires March 3, 1927.

John Irving to be postmaster at Jetmore, Kans., in place of John Irving. Incumbent's commission expires March 2, 1927.

Abe K. Stoufer to be postmaster at Liberal, Kans., in place of A. K. Stoufer. Incumbent's commission expires March 3, 1927.

Walter S. Wright to be postmaster at Mineola, Kans., in place of W. S. Wright. Incumbent's commission expires March 3, 1927.

Louis T. Miller to be postmaster at Ness City, Kans., in place of L. T. Miller. Incumbent's commission expires March 2, 1927.

Charles N. Wooddell to be postmaster at Nickerson, Kans., in place of C. N. Wooddell. Incumbent's commission expires March 3, 1927.

George S. Robb to be postmaster at Salina, Kans., in place of G. S. Robb. Incumbent's commission expires March 3, 1927.

William H. Dittemore to be postmaster at Severance, Kans., in place of W. H. Dittemore. Incumbent's commission expires March 3, 1927.

Herbert M. Bentley to be postmaster at Sterling, Kans., in place of H. M. Bentley. Incumbent's commission expires March 3, 1927.

Alta A. McCutcheon to be postmaster at Little River, Kans., in place of N. F. Troy, deceased.

Minnie E. Brown to be postmaster at Wilsey, Kans., in place of W. T. Brown, resigned.

KENTUCKY

Jewell S. Webb to be postmaster at Earlington, Ky., in place of J. S. Webb. Incumbent's commission expires March 3, 1927.

Samuel W. Crump to be postmaster at Glasgow Junction, Ky., in place of S. W. Crump. Incumbent's commission expires March 3, 1927.

Carl B. Marshall to be postmaster at Lewisburg, Ky., in place of C. B. Marshall. Incumbent's commission expires March 3, 1927.

Walter W. Crick to be postmaster at Madisonville, Ky., in place of W. W. Crick. Incumbent's commission expires March 3, 1927.

LOUISIANA

Charles E. Burch to be postmaster at Roseland, La., in place of C. E. Burch. Incumbent's commission expires March 3, 1927.

MAINE

John A. Babb to be postmaster at Dixfield, Me., in place of J. A. Babb. Incumbent's commission expired December 4, 1926.

MARYLAND

Irving S. Biser to be postmaster at Frederick, Md., in place of I. S. Biser. Incumbent's commission expires March 3, 1927.

MASSACHUSETTS

Joseph V. Curran to be postmaster at Attleboro, Mass., in place of J. V. Curran. Incumbent's commission expires March 3, 1927.

Nathaniel P. Coleman to be postmaster at Hyannis, Mass., in place of N. P. Coleman. Incumbent's commission expired February 10, 1927.

Henry T. Maxwell to be postmaster at Millbury, Mass., in place of H. T. Maxwell. Incumbent's commission expires March 3, 1927.

Elizabeth B. Flint to be postmaster at North Attleboro, Mass., in place of E. B. Flint. Incumbent's commission expires March 3, 1927.

Howard M. Douglas to be postmaster at Plymouth, Mass., in place of H. M. Douglas. Incumbent's commission expires March 2, 1927.

Josephine E. Dempsey to be postmaster at South Ashburnham, Mass., in place of J. E. Dempsey. Incumbent's commission expires March 3, 1927.

MICHIGAN

Elmer R. Fate to be postmaster at Bellaire, Mich., in place of E. R. Fate. Incumbent's commission expires March 3, 1927.

Orin T. Mallory to be postmaster at Blissfield, Mich., in place of O. T. Mallory. Incumbent's commission expires March 3, 1927.

Charles S. Wilcox to be postmaster at East Lansing, Mich., in place of C. S. Wilcox. Incumbent's commission expires March 3, 1927.

Frank A. Miller to be postmaster at Gladstone, Mich., in place of F. A. Miller. Incumbent's commission expires March 3, 1927.

Lottie E. Bultman to be postmaster at Hermansville, Mich., in place of L. E. Bultman. Incumbent's commission expires March 3, 1927.

Charles B. Curtis to be postmaster at Houghton Lake, Mich., in place of C. B. Curtis. Incumbent's commission expires March 3, 1927.

Frank E. Darby to be postmaster at Kalkaska, Mich., in place of F. E. Darby. Incumbent's commission expires March 3, 1927.

Olive F. Gowans to be postmaster at Mackinaw, Mich., in place of O. F. Gowans. Incumbent's commission expires March 3, 1927.

Albert Sanders, jr., to be postmaster at Stephenson, Mich., in place of Albert Sanders, jr. Incumbent's commission expires March 3, 1927.

Webb W. Walter to be postmaster at Three Rivers, Mich., in place of W. W. Walter. Incumbent's commission expires March 3, 1927.

Charles S. Sisson to be postmaster at White Pigeon, Mich., in place of C. S. Sisson. Incumbent's commission expires March 3, 1927.

MINNESOTA

Mary E. Stark to be postmaster at Buffalo, Minn., in place of M. E. Stark. Incumbent's commission expires March 3, 1927.

Claus H. Lepler to be postmaster at Clara City, Minn., in place of C. H. Lepler. Incumbent's commission expires March 3, 1927.

Lottie A. Samuelson to be postmaster at Grasston, Minn., in place of L. A. Samuelson. Incumbent's commission expires March 3, 1927.

Edwin H. Anderson to be postmaster at Monticello, Minn., in place of E. H. Anderson. Incumbent's commission expires March 3, 1927.

MISSISSIPPI

Robert B. Cox to be postmaster at Batesville, Miss., in place of R. B. Cox. Incumbent's commission expires March 3, 1927.

Ida E. Roberts to be postmaster at Cleveland, Miss., in place of I. E. Roberts. Incumbent's commission expires March 1, 1927.

Henry B. Edwards to be postmaster at Shuqualak, Miss., in place of H. B. Edwards. Incumbent's commission expires March 3, 1927.

MISSOURI

J. Orville Gochnauer to be postmaster at Belton, Mo., in place of J. O. Gochnauer. Incumbent's commission expires March 2, 1927.

I. Scott Jones to be postmaster at Bonne Terre, Mo., in place of I. S. Jones. Incumbent's commission expires March 3, 1927.

Abraham B. Peters to be postmaster at Bonnots Mill, Mo., in place of A. B. Peters. Incumbent's commission expires March 3, 1927.

Willis M. Wallingford to be postmaster at Carthage, Mo., in place of L. L. Ashcraft. Incumbent's commission expired September 22, 1926.

William R. Lytle to be postmaster at Fredericktown, Mo., in place of W. R. Lytle. Incumbent's commission expires March 3, 1927.

Owen S. Randolph to be postmaster at Gideon, Mo., in place of O. S. Randolph. Incumbent's commission expires March 2, 1927.

Thomas J. Richardson to be postmaster at Koshkonong, Mo., in place of T. J. Richardson. Incumbent's commission expires March 2, 1927.

Albert R. Lebold to be postmaster at Lawson, Mo., in place of A. R. Lebold. Incumbent's commission expires March 3, 1927.

Melvin Lutes to be postmaster at Lutesville, Mo., in place of Melvin Lutes. Incumbent's commission expires March 2, 1927.

Lewis M. Gamble to be postmaster at Mexico, Mo., in place of L. M. Gamble. Incumbent's commission expires March 3, 1927.

Fred A. Grebe to be postmaster at New Florence, Mo., in place of F. A. Grebe. Incumbent's commission expires March 3, 1927.

Charles Litsch to be postmaster at Perryville, Mo., in place of Charles Litsch. Incumbent's commission expires March 3, 1927.

Joseph V. Forst to be postmaster at Silex, Mo., in place of J. V. Forst. Incumbent's commission expires March 3, 1927.

Alpha De Berry to be postmaster at Stoutland, Mo., in place of Alpha De Berry. Incumbent's commission expires March 2, 1927.

William F. Meier to be postmaster at Wentzville, Mo., in place of W. F. Meier. Incumbent's commission expires March 3, 1927.

MONTANA

George R. Moshier to be postmaster at Baker, Mont., in place of G. R. Moshier. Incumbent's commission expires March 3, 1927.

Jennie W. Chowning to be postmaster at Ennis, Mont., in place of J. W. Chowning. Incumbent's commission expires March 3, 1927.

Andrew Kolnitchar to be postmaster at Geraldine, Mont., in place of Andrew Kolnitchar. Incumbent's commission expires March 2, 1927.

Harvey St. J. Cannon to be postmaster at Kalispell, Mont., in place of H. St. J. Cannon. Incumbent's commission expires March 3, 1927.

Wilfred J. Hazelton to be postmaster at Townsend, Mont., in place of W. J. Hazelton. Incumbent's commission expires March 3, 1927.

Samuel P. Eagle to be postmaster at West Yellowstone, Mont., in place of S. P. Eagle. Incumbent's commission expires March 2, 1927.

John W. Calfee to be postmaster at Frazer, Mont. Office became presidential July 1, 1926.

NEBRASKA

Edwin D. Gideon, jr., to be postmaster at Ainsworth, Nebr., in place of E. D. Gideon, jr. Incumbent's commission expires March 3, 1927.

Robert W. Finley to be postmaster at Bradshaw, Nebr., in place of R. W. Finley. Incumbent's commission expires March 3, 1927.

Edward H. Springer to be postmaster at Brady, Nebr., in place of E. H. Springer. Incumbent's commission expires March 3, 1927.

George Beardsley to be postmaster at Clarks, Nebr., in place of George Beardsley. Incumbent's commission expires March 3, 1927.

James M. Fox to be postmaster at Gretna, Nebr., in place of J. M. Fox. Incumbent's commission expires March 3, 1927.

Arthur H. Babcock to be postmaster at North Loup, Nebr., in place of A. H. Babcock. Incumbent's commission expires March 2, 1927.

Claude A. Barker to be postmaster at Pawnee City, Nebr., in place of C. A. Barker. Incumbent's commission expires March 3, 1927.

Frederick H. Crook to be postmaster at Paxton, Nebr., in place of F. H. Crook. Incumbent's commission expires March 3, 1927.

William E. Brogan to be postmaster at Tilden, Nebr., in place of W. E. Brogan. Incumbent's commission expires March 3, 1927.

George F. McMullen to be postmaster at Walthill, Nebr., in place of G. F. McMullen. Incumbent's commission expires March 3, 1927.

George W. Howe to be postmaster at Wisner, Nebr., in place of G. W. Howe. Incumbent's commission expires March 3, 1927.

NEW JERSEY

William G. Z. Critchley to be postmaster at Allendale, N. J., in place of W. G. Z. Critchley. Incumbent's commission expired December 12, 1926.

Marcus Cramer to be postmaster at Gloucester City, N. J., in place of Marcus Cramer. Incumbent's commission expires March 3, 1927.

Isaac E. Bowers to be postmaster at Groveville, N. J., in place of I. E. Bowers. Incumbent's commission expires March 2, 1927.

Robert E. Bromley to be postmaster at Haddon Heights, N. J., in place of R. E. Bromley. Incumbent's commission expires March 3, 1927.

Wilbert F. Branin to be postmaster at Medford, N. J., in place of W. F. Branin. Incumbent's commission expired February 10, 1927.

Mina A. Crowell to be postmaster at Minotola, N. J., in place of M. A. Crowell. Incumbent's commission expires March 3, 1927.

Herman H. Wille to be postmaster at Orange, N. J., in place of H. H. Wille. Incumbent's commission expires March 3, 1927.

Arthur Knowles to be postmaster at Phillipsburg, N. J., in place of Arthur Knowles. Incumbent's commission expires February 24, 1927.

NEW MEXICO

Claud E. Herndon to be postmaster at Cloudcroft, N. Mex., in place of C. E. Herndon. Incumbent's commission expired March 29, 1926.

John H. Doyle, jr., to be postmaster at Mountainair, N. Mex., in place of J. H. Doyle, jr. Incumbent's commission expired June 28, 1926.

NEW YORK

William J. Leighton to be postmaster at Avon, N. Y., in place of W. J. Leighton. Incumbent's commission expires March 3, 1927.

Earl J. Franklin to be postmaster at Belfast, N. Y., in place of E. J. Franklin. Incumbent's commission expires March 1, 1927.

Roy W. Munson to be postmaster at Brasher Falls, N. Y., in place of R. W. Munson. Incumbent's commission expires March 3, 1927.

Nicholas Reilly to be postmaster at Brentwood, N. Y., in place of Nicholas Reilly. Incumbent's commission expires March 3, 1927.

Charles H. Brown to be postmaster at Corfu, N. Y., in place of C. H. Brown. Incumbent's commission expires March 3, 1927.

Beulah H. Kelly to be postmaster at Lisbon, N. Y., in place of B. H. Kelly. Incumbent's commission expires March 3, 1927.

Alexander Hickey to be postmaster at St. Bonaventure, N. Y., in place of Alexander Hickey. Incumbent's commission expired August 12, 1926.

Edwin P. Bouton to be postmaster at Trumansburg, N. Y., in place of E. P. Bouton. Incumbent's commission expires March 3, 1927.

Guy R. Dodson to be postmaster at Wyoming, N. Y., in place of G. R. Dodson. Incumbent's commission expires March 3, 1927.

William T. Williamson to be postmaster at Troy, N. Y., in place of C. V. Collins, deceased.

NORTH CAROLINA

Theophilus H. McLeod to be postmaster at Buies Creek, N. C., in place of T. H. McLeod. Incumbent's commission expires March 3, 1927.

Robert D. Herndon to be postmaster at Chapel Hill, N. C., in place of R. D. Herndon. Incumbent's commission expires March 2, 1927.

Walter G. Gay to be postmaster at Farmville, N. C., in place of W. G. Gay. Incumbent's commission expired December 13, 1926.

Eli D. Byrd to be postmaster at Ronda, N. C., in place of E. D. Byrd. Incumbent's commission expired January 5, 1926.

Samuel W. Watts to be postmaster at Southport, N. C., in place of S. W. Watts. Incumbent's commission expires March 3, 1927.

Lunda V. Owen to be postmaster at Winton, N. C., in place of L. V. Owen. Incumbent's commission expired December 13, 1926.

David E. Penland to be postmaster at Weaverville, N. C., in place of L. H. Michael, resigned.

NORTH DAKOTA

Mina H. Aasved to be postmaster at Carson, N. Dak., in place of M. H. Aasved. Incumbent's commission expires March 2, 1927.

Hugh C. Corrigan to be postmaster at Fargo, N. Dak., in place of H. C. Corrigan. Incumbent's commission expires March 3, 1927.

Martin E. Larson to be postmaster at Marion, N. Dak., in place of M. E. Larson. Incumbent's commission expires March 2, 1927.

Alexander R. Wright to be postmaster at Oakes, N. Dak., in place of A. R. Wright. Incumbent's commission expires March 4, 1927.

William F. Legler to be postmaster at Robinson, N. Dak., in place of W. F. Legler. Incumbent's commission expires March 3, 1927.

OHIO

T. Howard Sapp to be postmaster at Bainbridge, Ohio, in place of T. H. Sapp. Incumbent's commission expires March 3, 1927.

Herbert O. Tinlin to be postmaster at Carrollton, Ohio, in place of H. R. Kemerer. Incumbent's commission expired December 21, 1926.

Alexander M. Renick to be postmaster at Chillicothe, Ohio, in place of A. M. Renick. Incumbent's commission expires March 3, 1927.

Harry A. McConnell to be postmaster at Dorset, Ohio, in place of H. A. McConnell. Incumbent's commission expires March 3, 1927.

James W. McHenry to be postmaster at Elyria, Ohio, in place of J. W. McHenry. Incumbent's commission expires March 3, 1927.

John P. Cramer to be postmaster at Fredericksburg, Ohio, in place of J. P. Cramer. Incumbent's commission expires March 3, 1927.

Henry W. Gruver to be postmaster at Miamisburg, Ohio, in place of H. W. Gruver. Incumbent's commission expires March 3, 1927.

Hylas L. Vesey to be postmaster at Perry, Ohio, in place of H. L. Vesey. Incumbent's commission expires March 2, 1927.

John M. Washington to be postmaster at Sabina, Ohio, in place of J. M. Washington. Incumbent's commission expired August 11, 1925.

Pearl H. Cheney to be postmaster at South Charleston, Ohio, in place of P. H. Cheney. Incumbent's commission expires March 3, 1927.

Clyde S. Perfect to be postmaster at Sunbury, Ohio, in place of C. S. Perfect. Incumbent's commission expires March 3, 1927.

William S. Kindle to be postmaster at Thornville, Ohio, in place of W. S. Kindle. Incumbent's commission expires March 8, 1927.

OKLAHOMA

John W. Comer to be postmaster at Chickasha, Okla., in place of J. W. Comer. Incumbent's commission expires March 3, 1927.

James G. Sprouse to be postmaster at McCurtain, Okla., in place of J. G. Sprouse. Incumbent's commission expires March 3, 1927.

Dixon L. Lindsey to be postmaster at Marlow, Okla., in place of D. L. Lindsey. Incumbent's commission expires March 2, 1927.

George D. Graves to be postmaster at Norman, Okla., in place of G. D. Graves. Incumbent's commission expires March 3, 1927.

J. Ward McCague to be postmaster at Ralston, Okla., in place of J. W. McCague. Incumbent's commission expires March 3, 1927.

George F. Benge to be postmaster at Tahlequah, Okla., in place of G. F. Benge. Incumbent's commission expires March 3, 1927.

William C. Wallin to be postmaster at Watts, Okla., in place of W. C. Wallin. Incumbent's commission expires March 3, 1927.

Orland H. Park to be postmaster at Wright City, Okla., in place of O. H. Park. Incumbent's commission expires March 3, 1927.

OREGON

Robert N. Torbet to be postmaster at Albany, Oreg., in place of R. N. Torbet. Incumbent's commission expires March 3, 1927.

Claude E. Ingalls to be postmaster at Corvallis, Oreg., in place of C. E. Ingalls. Incumbent's commission expires March 3, 1927.

Darwin E. Yoran to be postmaster at Eugene, Oreg., in place of D. E. Yoran. Incumbent's commission expires March 3, 1927.

PENNSYLVANIA

George R. Steiger to be postmaster at Albion, Pa., in place of G. R. Steiger. Incumbent's commission expires March 2, 1927.

George C. Noblit to be postmaster at Brockway, Pa., in place of G. C. Noblit. Incumbent's commission expires March 3, 1927.

William Z. Mahon to be postmaster at Carlisle, Pa., in place of W. Z. Mahon. Incumbent's commission expires March 3, 1927.

Charles E. Taylor to be postmaster at Columbia, Pa., in place of C. E. Taylor. Incumbent's commission expired January 22, 1927.

William D. First to be postmaster at Conneaut Lake, Pa., in place of W. D. First. Incumbent's commission expires March 3, 1927.

William E. Mutthersbough to be postmaster at Driftwood, Pa., in place of W. E. Mutthersbough. Incumbent's commission expires March 2, 1927.

Joseph A. Hanley to be postmaster at Erie, Pa., in place of J. A. Hanley. Incumbent's commission expires March 3, 1927.

Edwin W. Dye to be postmaster at Lawrenceville, Pa., in place of E. W. Dye. Incumbent's commission expires March 3, 1927.

George B. Stevenson to be postmaster at Lock Haven, Pa., in place of G. B. Stevenson. Incumbent's commission expires March 2, 1927.

Ira A. Dinger to be postmaster at Mayport, Pa., in place of I. A. Dinger. Incumbent's commission expires March 3, 1927.

Walter V. Dingman to be postmaster at Milford, Pa., in place of W. V. Dingman. Incumbent's commission expires March 3, 1927.

George D. Claassen to be postmaster at Natrona, Pa., in place of G. D. Claassen. Incumbent's commission expires March 3, 1927.

John D. Williams to be postmaster at Shoemakersville, Pa., in place of J. D. Williams. Incumbent's commission expires March 3, 1927.

Wallace C. Dobson to be postmaster at Southampton, Pa., in place of W. C. Dobson. Incumbent's commission expires March 3, 1927.

Hugh T. Williams to be postmaster at Union Dale, Pa., in place of H. T. Williams. Incumbent's commission expires March 3, 1927.

Russell C. Parry to be postmaster at Walnutport, Pa., in place of R. C. Parry. Incumbent's commission expires March 3, 1927.

SOUTH CAROLINA

Fred Mishoe to be postmaster at Greelyville, S. C., in place of Fred Mishoe. Incumbent's commission expires March 3, 1927.

Julia E. D. Tolbert to be postmaster at Ninety Six, S. C., in place of J. E. D. Tolbert. Incumbent's commission expires March 3, 1927.

Carl G. Schoenberg to be postmaster at North, S. C., in place of C. G. Schoenberg. Incumbent's commission expires March 3, 1927.

Jacob M. Bedenbaugh to be postmaster at Prosperity, S. C., in place of J. M. Bedenbaugh. Incumbent's commission expires March 3, 1927.

SOUTH DAKOTA

Claud I. Force to be postmaster at Clear Lake, S. Dak., in place of C. I. Force. Incumbent's commission expires March 3, 1927.

Leo D. Houk to be postmaster at Colome, S. Dak., in place of L. D. Houk. Incumbent's commission expires March 3, 1927.

Ernest F. Roth to be postmaster at Columbia, S. Dak., in place of E. F. Roth. Incumbent's commission expires March 3, 1927.

James E. McLaughlin to be postmaster at Onida, S. Dak., in place of J. E. McLaughlin. Incumbent's commission expires March 3, 1927.

Israel R. Krause to be postmaster at Java, S. Dak., in place of I. R. Krause. Incumbent's commission expires March 3, 1927.

Charles E. Smith to be postmaster at Lemmon, S. Dak., in place of C. E. Smith. Incumbent's commission expires March 3, 1927.

Joseph Matt to be postmaster at Vivian, S. Dak., in place of Joseph Matt. Incumbent's commission expires March 3, 1927.

TENNESSEE

Ella M. Hill to be postmaster at Adams, Tenn., in place of E. M. Hill. Incumbent's commission expires March 3, 1927.

Joel F. Ruffin to be postmaster at Cedar Hill, Tenn., in place of J. F. Ruffin. Incumbent's commission expires March 3, 1927.

Daniel L. Hyder to be postmaster at Elizabethton, Tenn., in place of D. L. Hyder. Incumbent's commission expires March 4, 1927.

William T. Starbuck to be postmaster at Hohenwald, Tenn., in place of W. T. Starbuck. Incumbent's commission expires March 3, 1927.

Rufus C. Thompson to be postmaster at Milan, Tenn., in place of R. C. Thompson. Incumbent's commission expires March 3, 1927.

TEXAS

Lucy D. Campbell to be postmaster at Brazoria, Tex., in place of L. D. Campbell. Incumbent's commission expires March 3, 1927.

Harry B. Strong to be postmaster at Iredell, Tex., in place of H. B. Strong. Incumbent's commission expires March 3, 1927.

William H. Mallory to be postmaster at Port Lavaca, Tex., in place of W. H. Mallory. Incumbent's commission expires March 3, 1927.

Harry Reast to be postmaster at Whitesboro, Tex., in place of Harry Reast. Incumbent's commission expires March 3, 1927.

Charles A. Andrews to be postmaster at Wolfe City, Tex., in place of C. A. Andrews. Incumbent's commission expires March 3, 1927.

Andrew J. Nelson to be postmaster at Meadow, Tex. Office became presidential July 1, 1926.

UTAH

Annie Palmer to be postmaster at Farmington, Utah, in place of Annie Palmer. Incumbent's commission expires March 2, 1927.

VERMONT

William B. Needham to be postmaster at Bridgewater, Vt., in place of W. B. Needham. Incumbent's commission expires March 3, 1927.

Margaret I. Southgate to be postmaster at Concord, Vt., in place of M. I. Southgate. Incumbent's commission expires March 3, 1927.

Ruth S. Sheldon to be postmaster at Pawlet, Vt., in place of R. S. Sheldon. Incumbent's commission expires March 3, 1927.

VIRGINIA

Francis A. Haynes to be postmaster at Barboursville, Va., in place of F. A. Haynes. Incumbent's commission expires March 3, 1927.

Blodwyn R. Jones to be postmaster at Cambria, Va., in place of B. R. Jones. Incumbent's commission expires March 2, 1927.

Henry P. Holbrook to be postmaster at Castlewood, Va., in place of H. P. Holbrook. Incumbent's commission expires March 2, 1927.

Mary I. Wight to be postmaster at Charlotte Court House, Va., in place of M. I. Wight. Incumbent's commission expires March 3, 1927.

John W. Delaplane to be postmaster at Delaplane, Va., in place of J. W. Delaplane. Incumbent's commission expires March 2, 1927.

John D. Williamson to be postmaster at Fries, Va., in place of J. D. Williamson. Incumbent's commission expires March 2, 1927.

Margaret I. Lacy to be postmaster at Halifax, Va., in place of M. I. Lacy. Incumbent's commission expires March 2, 1927.

Lawrence L. Jacobs to be postmaster at Hanover, Va., in place of L. L. Jacobs. Incumbent's commission expires March 2, 1927.

Charles F. Flanary to be postmaster at Jonesville, Va., in place of C. F. Flanary. Incumbent's commission expires March 2, 1927.

Benjamin B. Parker to be postmaster at Middletown, Va., in place of B. B. Parker. Incumbent's commission expires March 3, 1927.

George H. McFarland to be postmaster at Reedville, Va., in place of G. H. McFarland. Incumbent's commission expires March 2, 1927.

John J. Kivlighan to be postmaster at Staunton, Va., in place of J. J. Kivlighan. Incumbent's commission expires March 3, 1927.

Dandridge W. Marston to be postmaster at Toano, Va., in place of D. W. Marston. Incumbent's commission expires March 2, 1927.

WASHINGTON

Mary G. Wilkinson to be postmaster at Auburn, Wash., in place of M. G. Wilkinson. Incumbent's commission expires March 3, 1927.

Alonzo E. Emerson to be postmaster at Ellensburg, Wash., in place of A. E. Emerson. Incumbent's commission expires March 3, 1927.

Egbert K. Field to be postmaster at Ferndale, Wash., in place of E. K. Field. Incumbent's commission expires March 3, 1927.

Cecil E. Haasze to be postmaster at Grandview, Wash., in place of P. W. Thiele. Incumbent's commission expired April 25, 1926.

Charles R. Bockmier to be postmaster at Granite Falls, Wash., in place of C. R. Bockmier. Incumbent's commission expires March 3, 1927.

John H. Gibson to be postmaster at Issaquah, Wash., in place of J. H. Gibson. Incumbent's commission expires March 3, 1927.

Arthur Bailey to be postmaster at Monroe, Wash., in place of Arthur Bailey. Incumbent's commission expires March 3, 1927.

Jessie A. Knight to be postmaster at Shelton, Wash., in place of J. A. Knight. Incumbent's commission expires March 3, 1927.

Clyde J. Backus to be postmaster at Tacoma, Wash., in place of C. J. Backus. Incumbent's commission expires March 3, 1927.

Augustus B. Eastham to be postmaster at Vancouver, Wash., in place of A. B. Eastham. Incumbent's commission expires March 3, 1927.

WEST VIRGINIA

Paul C. Freeman to be postmaster at Adrian, W. Va., in place of O. G. Casto. Incumbent's commission expired December 4, 1926.

John B. Hilleary to be postmaster at Buckhannon, W. Va., in place of J. L. Heavner. Incumbent's commission expired January 10, 1927.

Ruth Lewis to be postmaster at Buffalo, W. Va., in place of Ruth Lewis. Incumbent's commission expires March 3, 1927.

William M. Kidd to be postmaster at Burnsville, W. Va., in place of W. M. Kidd. Incumbent's commission expires March 3, 1927.

Carl A. Dehner to be postmaster at Chester, W. Va., in place of C. A. Dehner. Incumbent's commission expires March 3, 1927.

Cecil B. Dodd to be postmaster at Follansbee, W. Va., in place of C. B. Dodd. Incumbent's commission expires March 3, 1927.

Ruth L. McClung to be postmaster at Cedar Grove, W. Va., in place of W. C. Whaley, removed.

Walter O. Deacon to be postmaster at Hurricane, W. Va., in place of D. L. Martin, resigned.

WISCONSIN

Harry T. Ketcham to be postmaster at Abbotsford, Wis., in place of H. T. Ketcham. Incumbent's commission expires March 2, 1927.

Elizabeth Croake to be postmaster at Albany, Wis., in place of Elizabeth Croake. Incumbent's commission expired April 11, 1926.

Darryl V. Lampman to be postmaster at Augusta, Wis., in place of B. E. Fredrick. Incumbent's commission expired April 7, 1926.

Nicholas Hubing to be postmaster at Belgium, Wis., in place of Nicholas Hubing. Incumbent's commission expires March 2, 1927.

Leon F. Pallister to be postmaster at Brandon, Wis., in place of L. F. Pallister. Incumbent's commission expires March 3, 1927.

Ambrose M. Steinwand to be postmaster at Colby, Wis., in place of A. M. Steinwand. Incumbent's commission expires March 3, 1927.

Anton J. Hertz to be postmaster at Edgar, Wis., in place of A. C. Wagner. Incumbent's commission expired November 19, 1925.

Albert L. Marsh to be postmaster at Elroy, Wis., in place of A. L. Marsh. Incumbent's commission expires March 2, 1927.

Dean J. Hotchkiss to be postmaster at Foxlake, Wis., in place of D. J. Hotchkiss. Incumbent's commission expires March 2, 1927.

Edward Schroeder to be postmaster at Granton, Wis., in place of Edward Schroeder. Incumbent's commission expires March 2, 1927.

Stephen S. Summers to be postmaster at Milton, Wis., in place of S. S. Summers. Incumbent's commission expires March 2, 1927.

George B. Keith to be postmaster at Milton Junction, Wis., in place of G. B. Keith. Incumbent's commission expires March 2, 1927.

Carl V. Dahlstedt to be postmaster at Port Wing, Wis., in place of C. V. Dahlstedt. Incumbent's commission expires March 2, 1927.

Wilbur H. Bridgman to be postmaster at Stanley, Wis., in place of W. H. Bridgman. Incumbent's commission expires March 3, 1927.

Joseph E. Kuzenski to be postmaster at Stetsonville, Wis., in place of J. E. Kuzenski. Incumbent's commission expires March 3, 1927.

Adolph C. Sveen to be postmaster at Westby, Wis., in place of A. C. Sveen. Incumbent's commission expires March 3, 1927.

George T. Classon to be postmaster at Weyauwega, Wis., in place of T. R. Peterson. Incumbent's commission expired April 13, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11 (legislative day of February 9), 1927

COLLECTOR OF CUSTOMS

Harry C. Whitehill to be collector of customs, collection district No. 2, St. Albans, Vt.

POSTMASTERS

IDAHO

George F. McMartin, Coeur d'Alene.

KANSAS

James G. Frazer, Halstead.
Raymond R. Norris, Marquette.
Walter S. Bradford, McLouth.
Jessie I. Dickson, Neosho Falls.
Luella Tapley, Quenemo.

KENTUCKY

James A. Leach, Beaver Dam.
Ward H. Metcalfe, Brooksville.
James W. Burns, Catlettsburg.
William M. Maffett, Cynthiana.
Sue C. Beardsley, Harrodsburg.
John B. Searcy, Lawrenceburg.
Squire F. Nelson, Lynch.
Newell R. Downing, Mays Lick.
Tom H. Brown, Millersburg.
H. Greene Hicks, Olive Hill.
Lewis A. McCoy, Owingsville.
Fountain S. Aynes, Pleasureville.
Burton Roberts, Richmond.
Lottie P. Thompson, Sadieville.
Edward S. Crawford, Science Hill.

MINNESOTA

Frank L. Lane, Bigelow.
Nellie M. Watkins, Clinton.
Frank A. Lindbergh, Crosby.
George W. Kiefer, Lewiston.
Samuel A. Nystrom, Watertown.

NEBRASKA

William A. Gibson, Cedar Rapids.
Gustav A. Koza, Clarkson.
Hiram B. Cameron, Herman.
Frank E. Crawford, Wymore.

NEVADA

Annie J. Christensen, Fernley.

NEW YORK

Frank O. Persons, East Aurora.
Roof D. Miller, Fort Plain.
William D. Shepard, Geneseo.
Charles J. Lansing, New Woodstock.
Dennis Lamarche, Plattsburg.
Brainard W. Russell, Windsor.

NORTH DAKOTA

James E. Galehouse, Carrington.
James R. Meagher, Velva.

OREGON

Arlington B. Watt, Amity.
Chester G. Coad, Dallas.
Harry A. Cool, Drain.
Oscar C. Maxwell, Elgin.
Thomas W. Angus, Gardiner.
Nellie G. Reed, Gold Hill.

PENNSYLVANIA

William S. Behanna, Connellsville.

TENNESSEE

Ira L. Presson, Camden.

TEXAS

Carlton A. Dickson, Cleburne.
Mildred A. Wilder, George West.
Fred L. Brown, Plainview.
George Ireland, Victoria.

VIRGINIA

Blanche M. E. Harris, Crozet.
Willie A. Roach, Durmid.
Robert A. Anderson, Marion.
Tivy E. Jenkins, Wilder.
Percy Bradshaw, Zuni.

WEST VIRGINIA

Noah W. Russell, Lewisburg.
Oliver A. Locke, Milton.
Robert E. L. Holt, Princeton.

WISCONSIN

Henry J. S. Hanson, Bayfield.
George C. Dobbs, Conover.
Frederick N. Lochemes, St. Francis.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 11, 1927*

The House met at 12 o'clock noon.

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

Oh Lord, our Lord, we are drawn toward Thy throne, which is established for ever and ever. It is our defense and the rock of our redemption. How much we need a sense of Thy nearness, for we are humanly weak in the things that are divinely strong. Oh come, Thou, and guide us in all our ways. As for the difficulties and labors of life, let them chasten our hearts and broaden our minds. By the light of every morning Thou dost say, I am with thee. Oh, words are too poor for Thy praise. Do Thou give us the fearlessness of honesty and the patience of earnest industry. Let Thy love be our strength and Thy service our joy; be as real to us as the very earth itself. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments House bill of the following title, in which the concurrence of the House is requested: