6622. Also, petition of Chippewa County Council of Agriculture, urging passage of the McNary-Haugen bill; to the Committee on Agriculture.

6623. By Mr. McKEOWN: Petition of Mr. J. J. Simpson, Walter Richard, J. W. Lowther, W. H. Hilton, J. E. Henry, J. A. Perry, and many others, of Pottawatomie County, Okla., urging that immediate steps be taken to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

6624. Also, petition signed by N. M. Son, H. F. Gann, J. W. Hill, Tyrresa E. Conrad, and others, all of Milburn, Okla., urging that immediate steps be taken to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

6625. Also, petition of J. M. Thompson, Maggie Thompson, Lila Stafford, Alice Helsm, Jim Cox, Ruth P. Cotham, and others, all of Kellyville, Okla., urging that immediate steps be taken to bring the Civil War pension bill to a vote; to the Committee on Invalid Pensions.

6626. By Mr. McMILLAN: Petition of Charles C. Wilson, of Columbia, S. C., representing American Institute of Architects, South Carolina chapter, asking purchase by United States of land around Lafayette Square to preserve environments of the White House; to the Committee on Public Buildings and Grounds.

6627. By Mr. MANLOVE: Petition of Mr. J. T. Pinnell, Mrs. Viola Shoemaker, T. R. Marquardt, and 45 other citizens of Pineville and Seneca, Mo., protesting passage of House bill 10311, known as the Sunday bill; to the Committee on the District of Columbia.

6628. By Mr. MILLIGAN: Petition signed by citizens of Worth County, Mo., urging the consideration of the Civil War pension bill; to the Committee on Invalid Pensions.

6629. By Mr. MOORE of Kentucky: Petition signed by 88 voters of Barren County, Ky., urging immediate passage of the Elliott pension bill; to the Committee on Invalid Pensions.

6630. By Mr. MOORE of Virginia: Petition of citizens of Arlington, Va., requesting Civil War pension legislation; to the Committee on Invalid Pensions.

6631. By Mr. NELSON of Missouri: Petition signed by Guy Long and others, in behalf of the Civil War pension increase bill; to the Committee on Invalid Pensions.

6632. By Mr. NELSON of Wisconsin: Petition signed by M. J. Rawson and others, of Madison, Wis., praying the passage of remedial legislation for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

6633. Also, petition signed by William M. Woodman and others, of Cazenovia, Wis., praying the passage of remedial legislation for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

6634. Also, petition signed by Mr. Fred Turner and others, of Richland Center, Wis., praying the passage of remedial legislation for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

6635. By Mr. NEWTON of Minnesota: Resolution by the House of Representatives of the State of Minnesota, requesting Congress to pass Senate bill 3027 or its companion bill in the House, House bill 4548, or some other measure designed to give relief to disabled emergency officers as provided in said bill; to the Committee on Military Affairs.

6636. By Mr. O'CONNELL of New York: Petition of the Veterans' Association of Federal Employees, navy yard, Brooklyn, N. Y., that the navy yard should be supplied with work enough to maintain its pre-war force of skilled artisans; to the Committee on Naval Affairs.

6637. Also, petition of Chamber of Commerce of Amsterdam, N. Y., protesting against the United States Government entering into any arrangement for the construction of the St. Lawrence waterway; to the Committee on Rivers and Harbors.

6638. Also, petition of American Cotton Shippers Association, Memphis, Tenn., opposing the passage of the McNary-Haugen bill (H. R. 15474); to the Committee on Agriculture.

6639. Also, petition of the National Association of Cotton Manufacturers, opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6640. By Mr. ROBINSON of Iowa: Petition from the citizens of Waterloo, Black Hawk County, Iowa, for the enactment of Civil War pension legislation; to the Committee on Invalid Pensions.

6641. By Mr. ROWBOTTOM: Petition of Lou Eads and others, of Gibson County, Ind., that the bill increasing Civil War widows' pensions be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

6642. By Mr. RUBY: Petition of the citizens of the sixteenth congressional district of Missouri, urging additional legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6643. By Mr. SANDERS of Texas: Petition by sundry citizens of Smith County, Tex., in favor of the Civil War pension bill; to the Committee on Invalid Pensions.

6644. By Mr. SINNOTT: Petition of certain citizens of Baker, Oreg., in favor of further increase in pension for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6645. By Mr. SWANK: Petition of the executive committee of the Department of Oklahoma, American Legion, indorsing adequate military preparedness and the present system of Reserve Officers' Training Corps, training in colleges and schools, and the citizens' military training camps; to the Committee on World War Veterans' Legislation.

6646. By Mr. TAYLOR of Colorado: Petition from the citizens of Leadville, Colo., urging legislation for further relief of the soldiers and widows of soldiers of the Civil War; to the Committee on Invalid Pensions.

6647. Also, petition from the citizens of Montezuma County, Colo., urging legislation for further relief of soldiers and widows of soldiers of the Civil War; to the Committee on Invalid Pensions.

6648. By Mr. THOMPSON: Petition of 51 citizens of Leipsic, Ohio, urging more liberal pension legislation for the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6649. Also, petition of 110 citizens of Van Wert, Ohio, urging more liberal pension legislation for the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6650. By Mr. TILLMAN: Petition of Mrs. Ett Eads and many other residents in the third district of Arkansas, praying for more liberal pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6651. By Mr. TOLLEY: Petition of 10 citizens of Johnson City, N. Y., for liberalization of the Civil War pension laws; to the Committee on Invalid Pensions.

6652. Also, petition of 47 citizens of Broome County, N. Y., to liberalize the Civil War pension laws; to the Committee on Invalid Pensions.

6653. By Mr. WEFALD: Petition of Mr. R. A. Gletne and 42 residents of Moorhead, Minn., urging passage of a Civil War pension bill; to the Committee on Invalid Pensions.

6654. Also, petition of Mrs. Eliza C. Davis and 37 residents of Richville, Minn., urging passage of a Civil War pension bill; to the Committee on Invalid Pensions.

6655. By Mr. WHITE of Kansas: Petitions of John Maddy et al., of Stockton, Kans., and vicinity; S. G. Fish et al., of Wallace County, Kans.; Esther Schwietzer et al., of Osborne, Kans.; Mrs. Jennie Copeland et al., of Goodland, Kans.; and Joe P. Kinderkneets et al., of Ellis, Kans., for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6656. Also, petitions of J. D. Zumwalt et al., citizens of Downs, Kans.; Bernice Elkinton et al., of Prairie View, Kans.; Tom Chapman et al., of Ellis, Kans.; Mrs. Anna Williams et al., of Downs, Kans.; Mr. A. Beardsley et al., of Oberlin, Kans.; Mr. E. I. Randall et al., of Oberlin, Kans.; Mrs Rebecca Pierce et al., of Hill City, Kans.; D. Pershing et al., of Ogallah, Kans.; Anna Myers et al., of Beloit, Kans.; and J. A. Poppen et al., of Ionia, Kans., for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6657. By Mr. WILLIAMSON: Petition of A. D. Reader, Mrs. M. Barrett, and J. A. Kelly and sundry other persons of Perkins County, S. Dak., asking for an increase of pensions of Civil War veterans and widows of veterans without reference to time of marriage; to the Committee on Invalid Pensions.

6658. By Mr. ZIHLMAN: Petition of citizens of Hancock, Md., urging immediate action and support of Civil War pension bill granting relief to needy veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

MONDAY, *February 14, 1927*

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

Our heavenly Father, we rejoice in the privilege of calling Thee Father. We would understand Thy ways better and be guided by Thy principles in all the pathway of duty. Be very near unto us this day. Clear our vision in every prospect of responsibility, and so guide us that when the day is done we may be able to ask Thine acceptance. Through Jesus Christ our Lord. Amen.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The legislative clerk proceeded to read the Journal of the proceedings of Saturday last when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 16282) granting the consent of Congress to the Nebraska-Iowa Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16863) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1928, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DICKINSON of Iowa, Mr. SUMMERS of Washington, Mr. MURPHY, Mr. TAYLOR of Colorado, and Mr. COLLINS were appointed managers on the part of the House.

The message further communicated to the Senate intelligence of the death of Hon. AMBROSE E. B. STEPHENS, late a Representative from the State of Ohio, and transmitted the resolutions of the House thereon.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled 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.

PETITIONS AND MEMORIALS

Mr. SMOOT presented the following concurrent resolution of the Legislature of the State of Utah, which was referred to the Committee on Agriculture and Forestry:

STATE OF UTAH,
EXECUTIVE DEPARTMENT,
SECRETARY OF STATE'S OFFICE.

I, H. E. Crockett, secretary of state of the State of Utah, do hereby certify that the attached is a full, true, and correct copy of House Concurrent Resolution No. 3, by Mr. Dewey, entitled "A concurrent resolution memorializing Congress to pass at this session Senate bill No. 5454," as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 10th day of February, 1927.

[SEAL.] H. E. CROCKETT,
Secretary of State.

House Concurrent Resolution 3, by Mr. Dewey, memorializing Congress to pass at this session Senate bill No. 5454

Be it resolved by the Legislature of the State of Utah (the governor concurring therein)—

Whereas a scientific investigation by the Department of Agriculture and the State Game Commission of Utah, and others, has proven conclusively that the Bear River marshes furnish breeding and feeding grounds for migratory wild fowl, which is essential to the preservation of these birds in at least 11 Western States; and

Whereas there is a mortality of these birds each year on these marshes in numbers of from 200,000 up to approximately 2,000,000 birds, due to causes which experiments have demonstrated can be eliminated by the construction of dikes for impounding fresh water to prevent the birds from concentrating on small areas, thus polluting the water and breeding disease, and also to prevent them from being compelled to live in waters strongly charged with alkali and salt; and

Whereas the condition is now such as to cause great alarm for the future of these birds, all varieties of which are highly beneficial and many varieties valuable for food: Therefore be it

Resolved, That we hereby recommend the passage of Senate bill No. 5454 at this session of Congress, in order that the proposed reclamation work be undertaken at once, thus saving the tremendous loss of birds which is certain to occur each succeeding season.

The foregoing House Concurrent Resolution No. 3 was publicly read by title and immediately thereafter signed by the president of the senate, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 9th day of February, 1927.

J. W. PETERS,
President pro tempore of the Senate.

Attest:

H. L. CUMMINGS,
Secretary of the Senate.

The foregoing House Concurrent Resolution No. 3 was publicly read by title and immediately thereafter signed by the speaker of the house, in the presence of the house over which he presides, and the fact of such signing duly entered upon the journal this 9th day of February, 1927.

S. M. JORGENSEN,
Speaker of the House.

Attest:

E. L. CROPPER,
Chief Clerk of the House.

Received from the house of representatives this 9th day of February, 1927.

Approved February 10, 1927.

GEO. H. DERN, *Governor.*

Received from the governor and filed in the office of the secretary of state this 10th day of February, 1927.

H. E. CROCKETT,
Secretary of State.

Mr. DENEEN presented the following joint resolution of the Legislature of the State of Illinois, which was ordered to lie on the table:

STATE OF ILLINOIS,
OFFICE OF THE SECRETARY OF STATE.

To all to whom these presents shall come, greeting:

I, Louis L. Emmerson, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true photostatic copy of House Joint Resolution No. 8, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of the State of Illinois. Done at the city of Springfield this 12th day of February, A. D. 1927.

[SEAL.] LOUIS L. EMMERSON,
Secretary of State.

House Joint Resolution 8

Whereas it has come to our attention that the disabled emergency officers of the Army during the World War have not been accorded the privileges of retirement like disabled officers of the Regular Army and disabled emergency officers of the Navy and Marine Corps; and

Whereas all officers disabled in the line of duty in the service of the United States are allowed to be retired on 75 per cent of the pay given their rank at the time of disability, except the emergency Army officers disabled in the line of duty during the World War; and

Whereas there are approximately 1,200 of these disabled emergency Army officers now suffering from disabilities received on the field of battle whose honorable retirement has not been granted by Congress; and

Whereas it is simple justice to the officers who served during the emergency of the World War as emergency officers of the United States Army and who were disabled while in the line of duty to receive the same benefits accorded disabled officers of the Regular Army and emergency officers of the Navy and Marine Corps: Therefore be it

Resolved by the House of Representatives of the Fifty-fifth General Assembly of the State of Illinois (the Senate concurring herein), That Congress be urged to enact legislation for the purpose of speedily correcting this injustice to disabled emergency Army officers; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the chairman of the Committee on Military Affairs of the Senate and the chairman of the Committee on World War Veterans' Legislation in the House of Representatives, and to each Member of Congress.

Adopted by the house January 26, 1927.

ROBERT SCHOLY,
Speaker of the House of Representatives.
B. H. MCCAIM,
Clerk of the House of Representatives.

Concurred in by the senate February 2, 1927.

FRED E. STUTING,
President of the Senate.
JAMES H. RADDOCK,
Secretary of the Senate.

Mr. DENEEN also presented petitions numerously signed by sundry citizens of Chicago and other cities and towns, all in the State of Illinois, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and for the removal of the limitation of the date of marriage of Civil War widows, which were referred to the Committee on Pensions.

Mr. TYSON. Mr. President, I ask unanimous consent to have inserted in the RECORD and referred to the Committee on Military Affairs resolutions adopted by the Women's Patriotic Conference on National Defense, held in Washington, D. C., on February 9, 10, and 11.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Women's Patriotic Conference on National Defense, composed of 33 national patriotic organizations and societies, which met in three-day session in Memorial Continental Hall, February 9, 10, and 11, upon the call of Mrs. Adalin Wright Macauley, national president of the American Legion Auxiliary, and Mrs. Alfred J. Brosseau, president general of the Daughters of the American Revolution

We, the representatives of 33 national and local organizations comprising the Women's Patriotic Conference on National Defense, made up of the descendants, mothers, wives, sisters, and daughters of those who have fought to maintain the liberties guaranteed under the Constitution of the United States, together with all other patriotic women interested in the same high purpose, noting the constant attacks being made on the Constitution of the United States and more particularly the attacks made on national defense and all that pertains thereto, do hereby resolve that—

Whereas in all past wars our Nation has been unprepared, which unpreparedness did not keep us out of war but only increased the sacrifice of men and money, and believing further that adequate national defense and preparedness are the only and best insurance for America's future peace and welfare and the protection of our sons and grandsons, should it be necessary for them to fight in the defense of the country; and

Whereas the future of the Nation depends upon the training of the youth of to-day, which fact is realized to the full by all those pacifist, socialist, communist, and radical organizations seeking to overthrow the Government of the United States, and who, knowing it, are taking full advantage of that fact by endeavoring in every way to persuade boys in our colleges to resist military training and education, to teach disrespect for the flag and national ideals through speeches and writings deriding and belittling those who show respect for the flag and the Nation's ideals, and are endeavoring to persuade the youth of America to take the so-called "slacker's oath"; and

Whereas these organizations are seeking to place teachers in schools and colleges who will teach atheism, disrespect to the flag, and opposition to the Constitution of the United States, and at the same time persuade sincere but misguided preachers and church members to take oaths or pass traitorous resolutions to support no war in which the Nation may be engaged; and

Whereas the defense of the Nation under the Constitution and in accordance with all that is fair and just places the responsibility of defense upon every citizen: Therefore be it

Resolved by the Women's Patriotic Conference on National Defense assembled on this 11th day of February, 1927, That we urge upon every member of this conference interested in the welfare of the United States and the preservation of our form of government;

Resolved, First, that the national defense act passed June 4, 1920, when the Nation realized the danger of unpreparedness, immediately following the World War, be supported in all its terms, and that a sufficient Regular Army, National Guard and Reserve Corps, and citizen's military training camps, as from time to time determined by those in authority, be maintained at all times;

Resolved, Second, that the Navy, as an essential part of the national defense, be maintained fully in the ratio of 5–5–3, as set forth in the Limitation of Arms Conference, and that Congress immediately provide funds to commence construction of the three authorized cruisers and to enact the pending measure which would authorize 10 additional cruisers;

Resolved, Third, that the Army and Navy Air Services, as essential adjuncts of national defense, be expanded to their full power, and that Congress be urged to pass pending legislation appropriating sufficient funds for carrying out the Navy's five-year aircraft building program;

Resolved, Fourth, that we urge the continued full support of the Chemical Warfare Service and deplore all attempts to destroy this valuable part of our national defense, the necessity of which was recognized during the World War.

Whereas evidence that a nation-wide campaign of radicalism is being conducted throughout the United States, which is well organized and well financed, and which has for its purpose the disarming of the Nation by reducing our defenses; and

Whereas the instruction given in the Reserve Officers Training Corps and citizens' military training camps is of inestimable value to our young men in training them for citizenship, leadership, and to uphold the standards of our Nation; and

Whereas concerted attempts are being made toward the complete elimination of these two branches of service: Therefore be it

Resolved, That the members here assembled pledge themselves separately and collectively to devote their best efforts henceforth to a never-ceasing fight against the pacifist, the defeatist, and radical individuals and groups and to support the Constitution of the United States in all its provisions and principles in order that we may hand down to our children this priceless heritage which has been intrusted to us for posterity.

Whereas we, as a body of patriotic women, appreciate the importance of fostering reverence for the flag as a symbol of American ideals and institutions by every means in our power: Be it hereby

Resolved, That this conference go on record as indorsing the uniform flag code adopted by the flag conference on June 14, 1923, and ask Congress to adopt a resolution to this effect.

Whereas The Star-Spangled Banner has been declared the national anthem by the regulations of the Army and Navy and has occupied that exalted position for more than 100 years; and

Whereas The Star-Spangled Banner, that immortal poem written by Francis Scott Key, music by John Stafford Smith, is instilled into the hearts of all Americans and is recognized and known in every nation in the world and inspired our men when called to serve their country: Now therefore be it

Resolved, That we, a group of women here assembled, representing 33 national patriotic organizations, do petition the Congress of these great United States of America to declare and protect The Star-Spangled Banner as the national anthem for all time.

Wherefore by our meeting here in Memorial Continental Hall we are reminded afresh of the heritage handed down to us from the founders and preservers of our Republic—a heritage which summons us—

To reverence God;
To uphold the Constitution of the United States;
To honor the flag;
To defend the institutions of Government;
To venerate our national patriots;
To respect traditions of nationalism;
To perfect our citizenship;
To observe law and order.

Whereas evidence abounds that enemies are not only robbing us of domestic tranquillity by invading our schools, our forums, our market places, and even our homes and churches, but are seeking to overthrow the Government of the United States: Now therefore be it

Resolved, That the delegates and representatives of the 33 organizations participating in the Women's Patriotic Conference on National Defense undertake a specific program of action; and be it further

Resolved, That such a program of action embody intensive individual research, group study classes, lectures, and public meetings in the determination to refute false doctrines with truth and to bring about a clear-cut cleavage between un-American subversive forces and the constituents of our patriotic societies; and be it further

Resolved, That the proceedings of this conference be studied and their practical suggestions applied to local, State, and national conditions as far as practicable under the leadership of our State and national officials; and be it

Resolved, That each individual go from this conference charged with responsibility to execute to the best of her ability the tasks nearest at hand which will contribute the largest measure of service toward national defense and the perpetuation of home and Government.

Whereas attempts are being made to delete our school histories of the heroism of battles and the honor rolls of our valiant fighters; to substitute for our patriotic expressions radical pacifist slogans calculated to stress internationalism in place of nationalism; to ban recognition of our warrior patriots who have fought and died for the life of the Nation, and to exalt in their stead so-called "heroes of permanent service" and civilian and scientific heroes; and

Whereas we realize the great importance that accurate history should be taught in our schools to-day, together with a proper appreciation of the achievements of our patriots; and

Whereas we realize the vital importance that love of country and respect for its laws be instilled into the minds and hearts of our youth for the future safety and understanding of these great United States of America; and

Whereas a very large number of patriotic organizations of both men and women have sponsored and indorsed the seventh and eighth grade United States history known as "The Story of our American People," which is a true and accurate history of our Nation's life: Be it

Resolved, That we recommend that the members of this conference bring this history to the attention of the school boards in all communities and urge that it be adopted as a textbook on United States history; and be it further

Resolved, That we recommend that the members of this conference visit the schools and urge other parents to do likewise, to become acquainted with the sentiments of the teachers and their methods of instructing the children in the part the United States has taken in history; and that the great men and women who have carried the banner of patriotism and loyalty to country and the high ideals upon which this Nation was founded and has prospered be presented to the youth in their true characters; and be it further

Resolved, That this Women's Patriotic Conference on National Defense do request our members to urge a law in their respective States

that all teachers of public and private schools shall be required to take the oath of allegiance to the United States of America.

Whereas a proper care of the disabled veteran, his widow and his orphans is of paramount importance in maintaining patriotism and that willingness to serve, which is essential for national defense: Therefore be it

Resolved, That we urge Congress to pass the bill now known as the Tyson-Fitzgerald bill, granting to disabled emergency Army officers of the World War the same right of retirement as is granted to regular officers; be it further

Resolved, That each member of this conference acquaint her Senators and Representatives, both State and National, with the sentiments of this conference as embodied in its resolutions so that the lawmakers of our country will understand that this conference stands wholeheartedly and unequivocally for adequate national defense.

Mr. ROBINSON of Indiana presented a communication signed by the president and other officers of the United Mine Workers of America, which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

JANUARY 31, 1927.

To the Members of the Senate and House of Representatives, Washington, D. C.:

On behalf of the coal-mining industry and many of the citizens of the States of Indiana, Ohio, Pennsylvania, and Illinois, we have the honor to direct your attention to a condition, which in our opinion, menaces the welfare and prosperity not only of these but also of a number of other States. Apart from its economic aspects this situation involves a question of fundamental justice and equity that can not be ignored.

The coal industry of Indiana, Ohio, Pennsylvania, and Illinois is being destroyed by the existence of unjust, unreasonable, and arbitrary discrimination in freight rates. These rates were imposed, we contend, in violation of the letter and spirit of the interstate commerce act and in defiance of sound, economic principles.

It is not our purpose in this memorial to present in detail the evidence available to demonstrate that the freight rates on coal from the mines of these districts to the principal markets are unjust and discriminatory by every test and every standard. We desire merely to present certain outstanding facts which can not be disputed.

1. The coal fields of Pennsylvania, Ohio, Indiana, and Illinois are located nearest to the great coal-consuming markets and shipping points at tidewater, the lower lake ports, and Chicago, respectively. East of the Mississippi and north of the Ohio and Potomac Rivers this is true with reference to every important coal-consuming market. These coal fields are entitled therefore to the advantages of their superior natural location.

Nevertheless these coal fields have been virtually driven out of their natural markets and thrown into a condition of extreme depression by an unjust and unreasonable freight-rate policy.

2. This was accomplished originally by imposing excessive rates upon coals from the Indiana, Ohio, Pennsylvania, and Illinois fields, and at the same time maintaining exceptionally low rates to the coal fields of Kentucky, Virginia, West Virginia, and Tennessee on the ground that they were an infant industry that required special encouragement.

For many years, therefore, the railroads have favored these long-haul coals by granting to them relatively lower rates to those markets than to the coal mines of Pennsylvania, Ohio, Indiana, and Illinois, and in some cases absolutely lower rates for much longer hauls to the important markets.

We do not know that there is any warrant in law for thus stimulating alleged infant industries by the granting of preferential freight rates at the expense of other districts and other shippers. Nevertheless, even if we grant the original propriety of such preferential treatment, it is obvious that the justification for it has long ceased to exist. The coal fields of Kentucky, Virginia, West Virginia, and Tennessee are no longer infant industries, but, according to the United States Coal Commission, have been overdeveloped by this artificial stimulation.

3. This discrimination has been aggravated by the policy pursued since the war of maintaining the fixed differentials established during these earlier years and granting flat increases of so many cents per ton to the railroads. It is notorious that during this period the value of the dollar has been deflated until to-day it has only a fraction of its former purchasing power. This policy has resulted in imposing much higher percentage increases on the short hauls from Indiana, Ohio, Pennsylvania, and Illinois than on the longer hauls from other districts. Thus the average increase in the rates from Indiana, Ohio, Pennsylvania, and Illinois since 1917 will approximate 100 per cent, which is in many cases more than double the rate of increase that has been awarded the favored coal fields of Kentucky, Virginia, West Virginia, and Tennessee.

Even more unjustly this policy has proportionately lowered the value of the unreasonable differentials originally existing. It is obvious that with a 50-cent dollar a differential of 60 cents becomes worth only 30 cents.

We contend that this plan of freight-rate adjustment by the imposition of flat increases of so many cents per ton and the maintenance of the differentials fixed before the war, when the value of the dollar was much greater, is unsound, unscientific, and destructive of the welfare of any industry to which it is applied. It inevitably overstimulates some districts and depresses others.

Furthermore, it is not in accord with the policy pursued in the readjustment of freight rates generally where percentage increases have been applied.

4. This inequitable and unscientific method of readjusting freight rates has driven the coal producers of Pennsylvania, Ohio, Indiana, and Illinois out of their legitimate markets and brought them to a condition of depression and bankruptcy.

Widespread depression exists in every section. Mines are idle, production is diminishing. Values have decreased by enormous amounts and the losses thus far sustained can not be further endured without precipitating bankruptcy on a colossal scale.

On the other hand, the competing mines in Kentucky, Virginia, West Virginia, and Tennessee, as a result of these special favors, have increased their production, opened new mines, and thus added to the already demoralized condition of the industry.

5. This has not benefited the consumers of the United States. On the contrary, the records of the Interstate Commerce Commission show that industrial consumers and State commissions in the States west of Lake Michigan and Lake Superior have vigorously supported the coal producers of Indiana, Ohio, Pennsylvania, and Illinois in their demands for rate revisions.

6. Nor have these excessive charges for coal benefited the railroads serving the Indiana, Ohio, Pennsylvania, and Illinois mines. Because they are higher than the traffic can bear, they have enormously reduced the tonnage shipped and thus caused these carriers heavy losses.

Thus the president of the Chicago & Eastern Illinois Railroad, in his annual report for the year ending December 31, 1924, stated:

"Losses sustained by this company in 1924 from mines on its line were made up by increased tonnage of nonunion coal from connections.

"The effect of this, however, was a longer haul and a decrease in earnings per ton. The average haul on coal increased 7.17 per cent, while the rate per ton decreased 4.3 per cent, the result being a decrease in earning per ton-mile of 10.75 per cent, equivalent to a decrease of $308,433 in gross revenues. The amount collected from the Elgin, Joliet & Eastern Railway for trackage decreased $273,650, due to less coal tonnage handled by that company from Indiana and Illinois mines."

This report of the Chicago & Eastern Illinois Railroad shows that in the year 1924 that carrier's revenue from coal as compared with 1923 had decreased $582,083.

7. As a result of these excessive discriminatory rates it is extremely difficult for the Indiana, Ohio, Pennsylvania, and Illinois mines to compete in their natural markets.

8. The present unjust freight-rate relationship affects the public interests by promoting a waste of transportation. Coals are being hauled between 400 and 600 miles, while mines within 200 miles of Chicago and the Lake ports, the tidewater ports, and other destinations in this territory are shut down for lack of business. Public interest is affected not only by these unreasonably long hauls, but also by the improper use of special-purpose coals, the national supply of which is limited.

9. The low freight rate to the coal fields of Kentucky, Virginia, West Virginia, and Tennessee has resulted in the uneconomic opening of new mines in those regions in violation of the recommendations of the United States Coal Commission.

This commission in its report to the President and the Congress declared:

"Cost of the long haul to the consumer: There is little dispute of the fact that the differentials in rates, early established and but slightly modified since, by which these remote coals are able to enter the large consuming markets do not reflect the differences in cost of transportation. It is equally evident that the long haul brings about a dilution of coal-car equipment and other transportation facilities. Since in the aggregate the consumers must pay the total cost of all transportation, whatever actual loss or inadequate return is incurred as a result of these long hauls on coal is paid for in the rates on other coal or other commodities."

The commission definitely recommended:

"Gradually and without undue violence to established conditions, the rates should be readjusted to reestablish more natural relations between the elements of cost and service which will make for economic zoning. The result will be a reduction in the total cost of transportation to the Nation."

The extreme distress and depression produced in the northern coal districts by these freight-rate discriminations has never been more forcefully described than in the recent report of William A. Disque, an examiner for the Interstate Commerce Commission, denying the reduction in rates which had been requested by the Indiana operators. Examiner Disque declared:

"Complainants fear that the situation threatens the gradual extinction of their industry. Many of the mines, perhaps more than half of them, are idle. Most of them that are still operating are doing so intermittently and at little or no profit. A number are in receiverships. The social and business life of the mining communities is in deplorable condition. Thousands of miners and other people directly or indirectly depend upon the industry are out of work. Commercial activity in general in the affected districts is at low ebb."

In this report the examiner of the Interstate Commerce Commission admits the facts regarding the freight-rate discriminations as charged and the exceptionally favorable conditions for hauling Indiana coal at low cost. Nevertheless, in his decision he goes outside the record, manifests undue prejudice, and distorts the evidence actually presented in order to find cause for denying any reduction.

In the Lake Cargo case we have the exact reverse. There the examiner recommended a reduction in rates for the Ohio and Pennsylvania fields, but the commission, by a bare majority of one, after admitting the gross discriminations complained of, overruled the examiner and denied relief.

The motives underlying the maintenance of the unreasonable and abnormal freight rates were exposed by Commissioner Eastman in his dissenting opinion in the Lake Cargo case when he declared:

"The abnormal increases in the rates in question have been made not because of any proof or event claim of justifying differences in transportation conditions but solely in order that certain established differentials favoring coal-producing districts much more distant from any lake port might be preserved for the benefit of other districts."

Even more specifically Commissioner Eastman declared:

"I entertain no doubt whatever that nothing has been shown which warrants the imposition of relatively higher rates upon the northern districts in order that the southern districts may have the benefit of relatively low rates; and that is what has plainly occurred. There may be cases where a group adjustment warrants the imposition of such a penalty upon the shorter hauls, but there is no such situation here."

We can not find in the interstate commerce act or in any other legislation ever passed by Congress any warrant of law for such discrimination in favor of any industrial district or any group of corporations. Such discrimination is abhorrent to every American tradition and would be a gross violation of the Constitution of the United States.

If there is any legislation now on the statute books which is held to confer the power to establish and maintain such discrimination in favor of any geographical or industrial district of the United States, we hold that it is the duty of Congress to ascertain that fact and amend or repeal it.

We, therefore, earnestly petition the Senate and House of Representatives, through the appropriate committees, to investigate thoroughly the relation of freight-rate discrimination to the extreme depression of the coal industry of Indiana, Ohio, Pennsylvania, and Illinois and the adequacy of existing law to afford relief.

We further urge Congress, after due consideration, to take whatever action may be necessary to put an end to the unjust discrimination complained of and to protect the interests of the coal producers and consumers as well as the railroads which depend upon this traffic.

Respectfully submitted.

JOHN L. LEWIS, *President.*
PHILIP MURRAY, *Vice President.*
THOMAS KENNEDY, *Secretary-Treasurer.*

Approved by unanimous vote of the delegates to the Thirtieth Consecutive Constitutional Convention of the United Mine Workers of America, held in the city of Indianapolis, January 25 to February 2, 1927.

Mr. JONES of Washington presented a petition of sundry citizens of Port Angeles, Wash., praying for the passage of legislation providing for the optional retirement of classified civil-service employees without regard to age who have served for 30 years, which was referred to the Committee on Civil Service.

Mr. DILL presented a memorial of sundry citizens of Spokane, Wash., 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 was referred to the Committee on the District of Columbia.

Mr. WILLIS presented a memorial of sundry citizens of Dresden, 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 was referred to the Committee on the District of Columbia.

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

Mr. COPELAND presented a memorial of sundry citizens of New York City, N. Y., remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation religious in character, which was referred to the Committee on the District of Columbia.

He also presented letters in the nature of petitions from sundry citizens of New York City, Brooklyn, Ozone Park, Huntington, Richmond Hill, and Jamaica Park, all in the State of New York, praying for the passage of legislation for the creation of a commission to make a survey and study of the civil service retirement law, which were referred to the Committee on Civil Service.

He also presented numerous petitions of sundry citizens of the State of New York 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.

He also presented a resolution adopted by the New York Chapter of the American Institute of Architects, favoring the taking of prompt action by Congress to protect Lafayette Square in the city of Washington from commercial exploitation and to preserve it for the purposes designated in the original L'Enfant plan of Washington and its interpretation by McMillan in 1901, which was referred to the Committee on Public Buildings and Grounds.

He also presented resolutions adopted by the Chamber of Commerce of Amsterdam, N. Y., protesting against the United States Government entering into any arrangement for the construction of the St. Lawrence waterway almost wholly in foreign territory and favoring the all-American route, which were referred to the Committee on Commerce.

Mr. BINGHAM presented resolutions adopted by the annual convention of the American Legion, Department of Connecticut, at New Haven, Conn., favoring the passage of the so-called Tyson-Fitzgerald bill, providing for the retirement of disabled emergency Army officers, which were ordered to lie on the table.

Mr. BRUCE presented petitions of sundry citizens of Baltimore and sundry Baltimore & Ohio Railroad employees, all in the State of Maryland, praying for the passage of legislation regulating radio communications, which were ordered to lie on the table.

FARM RELIEF

Mr. TRAMMELL. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial from the Jacksonville Journal of the 9th instant, with reference to the farm relief bill which passed the Senate last Friday.

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

A GHOST WALKS

The resurrected McNary-Haugen farm relief bill, dead last year, walks again in congressional debate this week. The bill provides an elaborate Federal machinery and appropriation for maintenance of wheat, corn, hog, cotton, rice, and tobacco prices by withdrawal of surplus production from time to time. Opponents of the bill consider it class legislation, subsidizing the farmer and disregarding the principles of supply and demand and competitive-price determination to which the present economic policy of the Government is committed.

With these objections it is hard to agree. As has often been pointed out, the present high protective tariffs on imports into this country, in effect, a class legislation and a subsidy in favor of great manufacturing interests which make it ill becomes the proponents of these tariffs to object to similar Federal favor for the farmer. The Government has certainly as much right and obligation to maintain prices for the American farmer as for the American manufacturer. Nor does the objection apply which sees the proposal artificially to maintain farm prices as a denial of the general principle that the laws of supply and demand should be left to determine all prices. Ordinarily, where this law of supply and demand actually operates, the safest course is to leave prices to its dictates. But the law does not apply in farm production. Supply has no relation at all to demand, but is the mere result of crop or weather conditions as a rule. The size of the annual wheat or cotton crop is determined not by the demand for these products but by nature. This makes agriculture the great economic exception to the law of supply and demand.

The real objection to the McNary-Haugen bill is in the complexity and fallibility of the machinery it proposes to establish for maintenance of farm prices. Whether or not the Federal Government is scientific enough and impartial enough always to run this machinery in the best interests of those concerned is the more pertinent question for debate now.

REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Interstate Commerce, to which was referred the bill (S. 4390) to amend section

15a of the act to regulate commerce in respect to certain common-carrier railroads, and for other purposes, reported it with amendments and submitted a report (No. 1475) thereon.

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 10510) to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others, and to require them truly and correctly to account for all farm produce received by them, reported it without amendment and submitted a report (No. 1476) thereon.

Mr. GILLETT, from the Committee on the Library, to which was referred the bill (H. R. 3791) to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace," reported it without amendment and submitted a report (No. 1477) thereon.

Mr. HARRELD, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15602) to amend the last paragraph of an act entitled "An act to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States, reported it without amendment and submitted a report (No. 1479) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15906) to authorize the purchase of land for an addition to the United States Indian School farm near Phoenix, Ariz., reported it without amendment and submitted a report (No. 1480) thereon.

Mr. McMASTER, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 9787) to correct the military record of Samuel Wemmer (Rept. No. 1481); and

A bill (H. R. 10662) authorizing an appropriation for the construction of a roadway and walk leading to and around the Chalmette Monument, Chalmette, La. (Rept. No. 1482).

Mr. McMASTER also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 16212) to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak., reported it without amendment and submitted a report (No. 1483) thereon.

He also, from the same committee, to which was referred the bill (H. R. 13503) authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States, reported it with an amendment and submitted a report (No. 1484) thereon.

Mr. BRATTON, from the Committee on Indian Affairs, to which was referred the bill (S. 5353) to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex., reported it without amendment and submitted a report (No. 1485) thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. PHIPPS. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 16800) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes, and I submit a report (No. 1478) thereon. I desire to give notice that I shall call the bill up for consideration at the earliest opportunity.

The VICE PRESIDENT. The bill will be placed on the calendar.

IRENE FLETCHER

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 339) submitted by Mr. CURTIS on the 2d instant, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Irene Fletcher, daughter of Joseph Montgomery, late a laborer under supervision of the Sergeant at Arms, employed by the Senate for 58 years, a sum equal to one year's salary at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ROSWELL D. MORGAN

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 340) submitted by Mr. NORRIS on the 3d instant, which was read and considered by unanimous consent, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay to Roswell D. Morgan, son and sole heir of William E. Morgan, late an employee of the Senate under supervision of the Sergeant at Arms, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. JONES of Washington. Mr. President, I notice that one of the resolutions just reported by the Senator from New Hampshire provides for payment equal to compensation for a period of a year and the other for a period of six months.

Mr. KEYES. The reason for that is that it has been the custom of the Senate to pay the equivalent of a year's salary to the family of old employees of the Senate who have been connected with the Senate for more than 25 years. One was the case of an employee of more than 25 years' service and the other was less than that period.

Mr. JONES of Washington. Very well.

The resolution was agreed to.

ASSISTANT CLERK TO COMMITTEE ON INTERSTATE COMMERCE

Mr. KEYES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably without amendment the resolution (S. Res. 314) submitted by Mr. GOODING January 5, 1927, which was read, considered by unanimous consent, and agreed to, as follows:

Senate Resolution 314

Resolved, That Senate Resolution No. 124, agreed to April 15, 1926, authorizing the Senate Committee on Interstate Commerce to employ a special assistant clerk until the end of the Sixty-ninth Congress, to be paid out of the contingent fund of the Senate, hereby is further continued in full force and effect until June 30, 1927, inclusive.

ASSISTANT CLERK TO THE DISTRICT COMMITTEE

Mr. KEYES, from the same committee, reported back favorably without amendment the resolution (S. Res. 321) submitted by Mr. CAPPER January 7, 1927, which was read, considered by unanimous consent, and agreed to, as follows:

Senate Resolution 321

Resolved, That Senate Resolution No. 205, continuing the employment by the Committee on the District of Columbia of a resident assistant clerk to be paid from the contingent fund of the Senate until the end of the Sixty-ninth Congress hereby is further continued in full force and effect until June 30, 1927.

EMPLOYMENT OF FEDERAL PRISONERS

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the concurrent resolution (S. Con. Res. 27, submitted by Mr. OVERMAN January 26, 1927, and I call it to the attention of the Senator from North Carolina [Mr. OVERMAN].

Mr. OVERMAN. Mr. President, I ask unanimous consent for the present consideration of the resolution. The resolution was approved by the Committee on the Judiciary and was then referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which has just reported it favorably. It is a resolution providing for the appointment of a joint committee to see what can be done with convicts in solitary confinement in the Federal penitentiaries and to see if we can not do something in the way of giving them employment.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That a special joint committee of the Senate and the House of Representatives be created, composed of three members of the Committee on the Judiciary of the Senate and three members of the Committee on the Judiciary of the House of Representatives, to be designated by the President of the Senate and the Speaker of the House of Representatives, respectively, that shall investigate and report to Congress, not later than the first Monday in December, 1927, what further employment for Federal prisoners is desirable in the United States penitentiaries, the United States Industrial Home for Women, and the United States Industrial Reformatory, the cost of erecting buildings and the equipment of such buildings with the necessary machinery for the manufacture and production of any articles which said joint committee may consider feasible and practical, the probable cost of manufacture of any such articles, and the prices now paid under contract for such articles, and such other data as may be pertinent to the general inquiry. Such committee may employ clerical and stenographic assistance, and the expenses thereof and of the committee may be paid one-half out of the contingent fund of the Senate and one-half out of the contingent fund of the House of Representatives upon vouchers to be approved by the chairman of such joint committee, but such expenses shall not

exceed $5,000, which sum may be appropriated therefor, and said joint committee shall have power to sit either within or outside of the District of Columbia, and to sit during the sessions of the House and Senate until adjournment sine die of the Sixty-ninth Congress and thereafter until said inquiry is completed.

APPOINTMENT TO FEDERAL OFFICE

Mr. KEYES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment the resolution (S. Res. 338) reported by Mr. NORRIS from the Judiciary Committee on the 2d instant, and I ask that it may go to the calendar.

Mr. NORRIS. Mr. President, the Senator from New Hampshire has done just what he agreed with me to do. I desired to ask, when the matter came before the Senate, unanimous consent for the immediate consideration of the resolution, but I can not do it very well to-day because the Senator from Kentucky [Mr. ERNST], who submitted a minority report from the Judiciary Committee, is not present. I ask that the resolution may lie on the table without being referred to a committee, to be taken up to-morrow, or, if the Senator from New Hampshire prefers, I would ask him to withdraw it and report it to-morrow when, perhaps, the Senator from Kentucky will be here and then I can submit my request.

Mr. KEYES. I am willing to do whatever the Senator from Nebraska suggests.

Mr. NORRIS. I will ask the Senator if he will not make the report to-morrow instead of to-day?

Mr. KEYES. Very well.

Mr. EDGE. Mr. President, may we have the amendment to the resolution stated? I think it refers to the amount of money to be allowed the committee.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The committee proposes to amend by inserting:

Which shall not exceed the sum of $25,000.

Mr. EDGE. I understand the presentation of the report is withheld until the Senator from Kentucky is here.

Mr. NORRIS. Not necessarily until he is here, but until to-morrow. I do not want it to go over indefinitely, because I expect to get some action by the Senate on the resolution.

Mr. EDGE. It is withheld until to-morrow, at least?

Mr. NORRIS. It is withheld until to-morrow.

MARY MOORE

Mr. ROBINSON of Arkansas. Mr. President, from the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 1231) for the relief of Mary Moore, and I submit a report (No. 1474) thereon. I ask unanimous consent for its present consideration.

Mr. SMOOT. What is the import of the bill?

Mr. ROBINSON of Arkansas. It is a House bill for the relief of Mary Moore. Her husband, William M. Moore, enlisted May 25, 1898, and served for nearly a year in the United States Cavalry. He rendered active service to the date of his discharge. He was discharged February 24, 1899, with a notation "without honor." The War Department reports as follows:

I regret to inform you that a very careful search of all the records likely to afford any information on the subject has resulted in failure to disclose the cause for the issue of a discharge without honor in this case.

The services of the soldier were satisfactory. He is now dead. His widow and daughter are, of course, interested in the character of his military service. During his lifetime he indicated to them that he knew of no reason for his discharge without honor, and since the War Department knows of no reason and can find none, it is believed that his record should be corrected in that respect.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, William M. Moore (now deceased), who was a private in Troop L, Third United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 24th day of February, 1899: *Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

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

ORDER OF BUSINESS

Mr. WILLIS. Mr. President, I am about to submit a request for unanimous consent, perhaps unusual; but if the Senate will indulge me for a moment, this is the statement I desire to make.

Mr. JOHNSON. Mr. President, may I inquire what is the order of business under which we are operating?

The VICE PRESIDENT. Reports of committees are in order.

Mr. JOHNSON. I ask if the Senator will not defer his request until we finish the morning business, which will take, I assume, but a few moments. There is a joint resolution which was before us at our last meeting and which I desire to present to the Senate this morning. It will take but a moment.

The VICE PRESIDENT. Does the Senator from California ask for the regular order?

Mr. JOHNSON. I do.

The VICE PRESIDENT. Reports of committees are in order.

USE OF WATERS OF THE RIO GRANDE

Mr. JOHNSON. Mr. President, coming over from Saturday is the joint resolution (S. J. Res. 159) amending the act of May 13, 1924, entitled "An act providing a study regarding the equitable use of the waters of the Rio Grande," and so forth, which has been submitted to those interested in it upon the other side of the Chamber, and I think there is now no objection to it.

Mr. BRUCE. Mr. President, is it in order this morning, or is the calendar under Rule VIII in order?

The VICE PRESIDENT. Morning business has not yet been closed.

Mr. JOHNSON. May I state to the Senator from Maryland that the joint resolution is one coming over from a previous day, upon which I think there will be no debate and to which I think there is no opposition. If it should occupy any particular time, I assure the Senator I would not care to press it.

Mr. SMOOT. Is it a Senate resolution?

Mr. JOHNSON. It is Senate Joint Resolution 159.

Mr. SMOOT. The joint resolution was referred to a committee?

Mr. JOHNSON. It was referred to the Committee on Foreign Relations and was reported by that committee on Thursday last. I called it up on Saturday, and at the instance of the junior Senator from Utah [Mr. KING] it went over until to-day.

The VICE PRESIDENT. It occupies a place on the calendar as Order of Business 1471. The Senator from California asks unanimous consent for its present consideration.

Mr. SMOOT. I do not know what the joint resolution is. Let the clerk read it.

The Chief Clerk read the joint resolution.

Mr. JOHNSON. Mr. President, I may state, for the information of the Senator, that on the 2d day of February the President transmitted his message to the Senate and to the House of Representatives inclosing the report of the Secretary of State and the report of the Secretary of the Interior, both of whom asked that the life of the commission be extended in order that the data might be obtained to settle the boundary disputes on the Rio Grande; first, and in the course of the negotiations with Mexico the Mexican embassy suggested that the lower Colorado be included. The design of the joint resolution is merely to provide for the collection of the data by the commission appointed by the President, and to the authority granted is added the right to collect data upon the Tia Juana River, which forms the boundary between San Diego County and Mexico.

Mr. CAMERON. Mr. President, I shall have to object to the consideration of the joint resolution at this time.

Mr. BRUCE. I object. The Senator from California [Mr. JOHNSON] stated that he believed it would lead to no discussion or difference of opinion.

The VICE PRESIDENT. Objection is made.

BILLS INTRODUCED

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

By Mr. WADSWORTH:

A bill (S. 5698) authorizing the construction of a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; to the Committee on Commerce.

By Mr. OVERMAN:

A bill (S. 5699) relating to the admission of candidates to the Naval Academy; to the Committee on Naval Affairs.

By Mr. TYSON:

A bill (S. 5700) for the relief of Capt. George R. Armstrong, United States Army, retired; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 5701) making certain regulations as to vacancies in warrant officer grades (with accompanying papers); to the Committee on Military Affairs.

By Mr. SWANSON:

A bill (S. 5702) giving jurisdiction to the Court of Claims to hear and determine the claim of the Butler Lumber Co. (Inc.); to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 5703) for the relief of Lloyd Garretson Co.; to the Committee on Claims.

By Mr. MOSES:

A bill (S. 5704) granting an increase of pension to Annie Leavitt (with accompanying papers); to the Committee on Pensions.

By Mr. HAWES:

A bill (S. 5705) to extend the times for the construction of bridges across the Mississippi River at Alton, Ill., and across the Missouri River near Bellefontaine, in Missouri (with an accompanying paper); to the Committee on Commerce.

By Mr. SACKETT:

A bill (S. 5706) granting a pension to Nancy Kelley (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 5707) to amend section 10 of the act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900; to the Committee on Territories and Insular Possessions.

By Mr. CAPPER:

A bill (S. 5708) authorizing the use of land owned by the United States in the District of Columbia for highway purposes; and

A bill (S. 5709) to amend the act approved June 7, 1924, relating to the regulation of the practice of dentistry in the District of Columbia; to the Committee on the District of Columbia.

By Mr. COPELAND:

A bill (S. 5710) providing an appropriation for the reconditioning of the frigate *Constitution;* to the Committee on Appropriations.

By Mr. STEPHENS:

A bill (S. 5711) for the relief of William G. Beaty, deceased; to the Committee on Military Affairs.

AMENDMENT TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. PHIPPS submitted an amendment proposing to increase the compensation of the assistant clerk to the Committee on Irrigation and Reclamation from $1,940 to $2,150, intended to be proposed by him to the second deficiency appropriation bill for the fiscal year 1927, which was referred to the Committee on Appropriations and ordered to be printed.

CATHERINE HARDESTY

Mr. McNARY submitted the following resolution (S. Res. 348), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Catherine Hardesty, widow of Martin T. Hardesty, late a messenger in the employ of the Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

INVESTIGATION RELATIVE TO THE COLUMBIA BASIN PROJECT

Mr. DILL submitted the following resolution (S. Res. 349), which was referred to the Committee on Irrigation and Reclamation:

Resolved, That the Committee on Irrigation and Reclamation, or a duly authorized subcommittee thereof, is authorized to make a complete investigation with respect to proposed legislation relating to the building of the dams, canals, reservoirs, and other necessary works for the Columbia Basin project in the State of Washington. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings prior to the beginning of the first regular session of the Seventieth Congress, to sit and act at such times and places within the United States and to employ such clerical and stenographic assistants as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons and papers, to administer oaths, and to take testimony, and the expense attendant upon the work of the committee or subcommittee shall be paid from the contingent fund of the Senate.

REVISION OF THE RULES

Mr. BLEASE. I submit a resolution which I ask may be printed and lie on the table.

Mr. JONES of Washington. Let the resolution be read.

The Chief Clerk read the resolution (S. Res. 350), as follows:

Whereas there exists much difference of opinion as to the proper construction to be placed upon the various rules of the United States Senate; and

Whereas there are rules in the Senate which seemingly contradict others, causing much confusion in their construction; and

Whereas it is becoming too common a practice in the Senate to appeal from the decision of the Presiding Officer, thus leaving to a majority of the Senate the right, if they see fit, to impose their construction of the rules upon the minority: Now therefore be it

Resolved, That the President of the Senate be authorized and requested and do appoint five (5) Members of the Senate, who shall be instructed not to change, alter, or amend any present rule of the Senate, but to rewrite and present to the Senate a draft of the present rules, omitting any duplication of same or any seeming contradiction thereof, and that they submit such draft to the Senate during the first days of its next regular session for such action as the Senate deems advisable to take thereon; and be it further

Resolved, That said committee shall act without compensation, but shall have their actual expenses paid and shall be empowered to employ a secretary and an expert parliamentarian, should they deem it necessary, who shall be paid such compensation as shall be fixed by the committee; and be it further

Resolved; That the sum of ——— is hereby appropriated for such purposes, which shall be paid out of the contingent fund of the United States Senate on vouchers which shall be signed by the chairman and the secretary of the committee.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The resolution will go over under the rule.

BID OF THE FARMERS' FEDERATED FERTILIZER CORPORATION ON MUSCLE SHOALS (S. DOC. NO. 206)

Mr. McNARY. Mr. President, this morning I received from the Secretary of the Treasury a report and financial analysis of the proposal of the Farmers' Federated Fertilizer Corporation to lease Muscle Shoals. I desire to have it printed in the RECORD, and I also ask unanimous consent to have it printed as a Senate document.

There being no objection, the matter referred to was ordered to be printed as a Senate document and to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, February 12, 1927.

Hon. CHARLES L. McNARY,
Chairman Committee on Agriculture and Forestry,
United States Senate.

MY DEAR MR. CHAIRMAN: Further reference is made to your letter of January 7 requesting that the department make an analysis of the offer of the Farmers' Federated Fertilizer Corporation to lease the Muscle Shoals project in the same manner as has heretofore been done with the offers of the Air Nitrate Corporation, American Cyanamid Co., and the Muscle Shoals Fertilizer Co.

There is transmitted herewith an analysis of this bid which has been prepared by the engineering division of the Income Tax Unit as nearly as possible along the same lines as the other bids.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

ANALYSIS OF THE BID OF THE FARMERS FEDERATED FERTILIZER CORPORATION

For the purpose of comparison with the analysis of the other bids for the properties at Muscle Shoals payments into the fertilizer fund are considered on the same basis as payments that would be made by the other bidders directly into the Treasury of the United States. It is assumed that the payments into the fertilizer fund will be limited to the rentals provided for in section 11 of Senate bill No. 5319, Sixty-ninth Congress, second session, less deductions provided for notwithstanding the provisions of section 61; for it is believed that the exemption from Federal taxes on income derived from the corporation's business other than the sales of power will more than offset any payments to the fertilizer fund which the corporation would make in dividing its profits in excess of 8 per cent on its investment equally between the fertilizer fund and the corporation.

In the computations of gross rentals no deductions have been made for any primary power the corporation will use. Accordingly, these amounts are too high, depending upon the amount of primary power which will be used by the corporation and not sold. The gross rentals as used appear to be in part payment (about 10 per cent) for primary power derived from steam plants. It would appear from the definition of primary power as defined by the bill that the power developed by steam plants would not be paid for. Also the gross rentals as shown are based upon a 100 per cent load factor. Ordinarily the load factor is materially less, and it would appear that a load factor of 80 per cent would be a much closer estimate. It is therefore believed that the gross rentals as shown in the following tabulations are maximum amounts.

It is assumed that all debenture bonds are to be amortized over a period of 20 years where the amounts set aside each year (which are deductible from rentals) for the amortization funds are such that the sum of these amounts, together with interest at 3 per cent, compounded annually from the time of entrance to the fund, will amount to the full value of the bonds.

Section 75 provides for interest on construction debenture bonds as a deduction from rentals. The interest rate assumed is 6 per cent as representing a reasonable expectation as to the marketability of these bonds.

It will be noted by reference to the tabulations submitted herewith that the estimated rentals during a large number of consecutive years are less than the deductions provided for by the bill. It may be assumed that these deficits will be accounted for by a reduction of the renewal and replacement fund or by other funds or accrued with interest at 4 per cent.

Inasmuch as section 15 of the bill provides that the corporation shall be exempted from all taxes of any nature whatsoever, it is necessary to make some computation as to the direct loss to the Government of such Federal taxes as would otherwise have been paid. For the purpose of this computation a uniform rate of 8 per cent is assumed for Federal income taxes. Only the income from power facilities is considered in arriving at the present worths of such estimated exemptions. The net income of the corporation under conditions No. 1 is assumed to be $50,000,000. The net income of the corporation under condition No. 2, without headwater storage, and conditions No. 2 with headwater storage are assumed to be those shown in Senate Document No. 189, Sixty-ninth Congress, second session, page 64, column 9, and page 66, column 10, respectively. If exemption from State taxes is intended and can be granted, the amount of such exemption would probably be in excess of the exemption from Federal taxes on the income from power sales and the corporation's other business.

The costs of power facilities are not stated in this analysis, since they are available in the analysis of the other bids and reports by the War Department. No data are available as to the cost of construction required under section 41.

All present worths shown in the following tabulations are based on 4 per cent compound interest, the same interest rate used in the analysis of the other bids. This is not intended to express, or imply, that there is the same assurance of the Government's realizing the income, or benefits, as set forth in the analysis of each of the other bids, or the bids here under consideration.

DETAILS OF DETERMINATIONS

Condition No. 1, without headwater storage and no further construction to be done

Present worth of net rentals (see column 8, condition No. 1, tabulation), which the corporation will pay to fertilizer fund		$29,305,603
Less present worth of exempted Federal taxes		1,718,560
Present worth of total benefits to Government		27,587,043

Condition No. 2, without headwater storage and additional works as itemized in section 55.

Present worth of net rentals with no allowance for deficits (see column 10, tabulation headed "Condition 2, without headwater storage")		$19,452,880
Cost of additional power facilities (see footnote (IV), condition 2, tabulation without headwater storage)	$44,000,000	
Cost of additional fertilizer facilities (see column 14, page 65, Senate Document No. 189; Sixty-ninth Congress, second session; the sum of the amounts in this column plus interest earned by these amounts at 3 per cent being equal to $20,000,000)	20,000,000	
Total additional facilities	64,000,000	
Present worth at 4 per cent of above amounts invested in additional facilities which will be turned over to the Government at the end of 50 years		9,005,632
Total		28,458,512
Less present worth of exempted Federal taxes		3,042,868
Present worth of total benefits to Government		25,415,644
If the above is to be reduced by the present worth of the rental deficits (see column 11 of condition No. 2, without headwater-storage tabulation), or		25,431,300
There remains no value.		

Condition No. 2, with headwater storage and additional works as itemized in section 55 and Cove Creek headwater-storage project

Present worth of net rentals, with no allowance for deficits (see column 10, condition No. 2, tabulation with headwater storage)		$23,777,622
Cost of additional power as provided by section 55	$44,000,000	
Cost of additional fertilizer facilities	20,000,000	
Cost of additional power facilities, Cove Creek project	20,000,000	
Total additional facilities	84,000,000	
Present worth at 4 per cent of above amounts invested in additional facilities which will be turned over to the Government at the end of 50 years		11,819,892
Total		35,597,514
Less present worth of exempted Federal taxes		3,228,050
Present worth of total benefits to Government		32,369,464
If the above is to be reduced by the present worth of the rental deficits (see column 11, condition No. 2, with headwater-storage tabulation), or		32,819,387
There remains no value.		

CONDITION NO. 1.

WITHOUT HEADWATER STORAGE

Table calculated on assumption that the Muscle Shoals project will be operated as it now exists without construction of Dam No. 3 and without additions to Dam No. 2 or to steam plant

Year	Gross rental credited, secs. 11 and 12 [1]	Research fund, sec. 59	Emergency fund, sec. 60	Renewal and replacement fund, sec. 65 [2]	Salaries and office expenses, secs. 35, 38, and 39	Total columns 2–5	Net fertilizer fund, sec. 61	Present worth fertilizer fund
	1	2	3	4	5	6	7	8
1	$800,000	$300,000	$100,000		$100,000	$500,000	$300,000	$288,461
2	1,118,000	300,000	100,000		100,000	500,000	618,000	571,376
3	1,436,000	300,000	100,000		100,000	500,000	936,000	832,100
4	1,754,000	300,000	100,000		100,000	500,000	1,254,000	1,071,924
5	2,072,000	300,000	100,000		100,000	500,000	1,572,000	1,292,069
6	3,155,200	300,000	100,000		100,000	500,000	2,655,200	2,098,444
7	3,155,200	300,000	100,000		100,000	500,000	2,655,200	2,017,734
8	3,155,200	300,000	100,000	$1,290,000	100,000	1,790,000	1,365,200	997,540
9	3,155,200	300,000	100,000	1,290,000	100,000	1,790,000	1,365,200	959,172
10	3,155,200	300,000	100,000	1,290,000	100,000	1,790,000	1,365,200	922,280
11 to 50	126,208,000	12,000,000	4,000,000	51,600,000	4,000,000	71,600,000	54,608,000	18,254,503
	149,164,000	15,000,000	5,000,000	55,470,000	5,000,000	80,470,000	68,694,000	29,305,603

[1] Based on the assumption that there is now available hydropower for 8,000 hours yearly of 95,000 kilowatts and steam power of 60,000 kilowatts, or a total of 155,000 kilowatts, which for 8,000 hours gives 141,552 kilowatt years. 141,552 kilowatt years at $22.29=$3,155,200.

[2] Based on the following costs:

Dam No. 2 (8 units)	$47,000,000
Steam plant	6,000,000
	53,000,000
Less navigation facilities	10,000,000
	43,000,000

3 per cent of $43,000,000=$1,290,000.

CONDITION NO. 2

WITHOUT HEADWATER STORAGE

Assumes the completion of Dam No. 2 with its full power equipment of 18 generating units, the construction and full power equipment of Dam No. 3, and the enlargement of the steam plant to a total capacity of 120,000 kilowatts, together with other items specified in section 55 of the proposed bill

Year	Gross rental credited secs. 11, 12 [1]	Deductions from gross rentals credited						Net fertilizer fund sec. 61	Net fertilizer fund deficits	Present worth of amounts shown in column 8	Present worth of amounts shown in column 9
		Research fund, emergency fund, and salaries, and office expenses, secs. 59, 60, 35, 38, and 39	Renewals and replacements, sec. 65 [2]	Amortization fertilizer debenture bonds, sec. 67 [3]	Amortization of construction debenture bonds, sec. 55 and 67 [4]	Interest on construction debenture bonds, sec. 75, at 6 per cent	Total deductions, 2 to 6, inclusive				
	1	2	3	4	5	6	7	8	9	10	11
1	$739,000	$500,000					$500,000	$239,000		$229,808	
2	1,940,000	500,000					500,000	1,440,000		1,331,361	
3	2,675,000	500,000			$111,647	$180,000	791,647	1,883,353		1,676,177	
4	3,001,000	500,000			334,941	540,000	1,374,941	1,626,059		1,389,962	
5	3,662,000	500,000		$744,400	669,883	1,080,000	2,994,283	667,717		505,488	
6	3,751,000	500,000		744,400	1,228,119	1,980,000	4,452,519		$701,519		$554,421
7	3,776,000	500,000		744,400	1,414,197	2,280,000	4,938,597		1,162,597		883,478
8	4,650,000	500,000	$2,487,000	744,400	1,637,492	2,640,000	8,008,892		3,358,892		2,454,309
9	4,673,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		3,335,892		2,343,754
10	5,101,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,907,892		1,964,467
11	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,610,241
12	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,548,308
13	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,488,758
14	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,431,498
15	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,376,439
16	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,323,500
17	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,272,596
18	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,223,651
19	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,176,586
20	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,131,334
21	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,087,822
22	5,530,000	500,000	2,487,000	744,400	1,637,492	2,640,000	8,008,892		2,478,892		1,045,981
23	5,530,000	500,000	2,487,000	744,400	1,525,845	2,460,000	7,717,245		2,187,245		887,422
24	5,530,000	500,000	2,487,000	744,400	1,302,551	2,100,000	7,133,951		1,603,951		625,735
25	5,530,000	500,000	2,487,000		967,609	1,560,000	5,514,609	15,391		5,773	
26	5,530,000	500,000	2,487,000		409,373	660,000	4,056,373	1,473,627		531,521	
27	5,530,000	500,000	2,487,000		223,293	360,000	3,570,293	1,959,707		679,660	
28	5,530,000	500,000	2,487,000				2,987,000	2,543,000		848,032	
29	5,530,000	500,000	2,487,000				2,987,000	2,543,000		815,415	
30	5,530,000	500,000	2,487,000				2,987,000	2,543,000		784,055	
31 to 50, inclusive	110,600,000	10,000,000	49,740,000				59,740,000	50,860,000		10,655,628	
Total	255,168,000	25,000,000	106,941,000	14,888,000	32,749,838	52,800,000	232,378,838	67,793,854	45,004,692	19,452,880	25,431,300

[1] From figures given on page 64, column 10, of Senate Document No. 189, Sixty-ninth Congress, second session.

[2] Derived as follows:

Dam No. 2, cost to date		$47,000,000
Additional units, Dam No. 2		8,000,000
Dam No. 3, cost including tie line		32,500,000
Total		87,500,000
Less for navigation facilities:		
Dam No. 2	$10,000,000	
Dam No. 3	4,600,000	
		14,600,000
Total cost of Dams 2 and 3		72,900,000
Add steam plant		10,000,000
Total subject to renewals and replacements		82,900,000
3 per cent of above		2,487,000

[3] Taken from page 65, column 14, of Senate document above referred to.

[4] These figures are derived by amortizing at 3 per cent compound interest over a period of 20 years the following amounts, taken from page 64, columns 2, 3, and 4 of the same Senate document:

First year	None.
Second year	$3,000,000
Third year	6,000,000
Fourth year	9,000,000
Fifth year	15,000,000
Sixth year	5,000,000
Seventh year	6,000,000

WITH HEADWATER STORAGE

Assumes the completion of all work mentioned in condition No. 2 and in addition the construction of a headwater storage project at Cove Creek at an estimated cost of $20,000,000

Year	Gross rental credited secs. 11, 12 [1]	Deductions from gross rentals credited						Net fertilizer fund sec. 61	Net fertilizer fund deficits	Present worth of amounts shown in column 8	Present worth of amounts shown in column 9
		Research fund, emergency fund, and salaries and office expenses, secs. 59, 60, 35, 38, and 39	Renewals and replacements, sec. 65 [2]	Amortization fertilizer debenture bonds, sec. 67 [3]	Amortization of construction debenture bonds, secs. 55 and 67 [4]	Interest on construction debenture bonds, sec. 75, at 6 per cent	Total deductions, 2 to 6, inclusive				
	1	2	3	4	5	6	7	8	9	10	11
1	$739,000	$500,000					$500,000	$239,000		$229,806	
2	1,940,000	500,000					500,000	1,440,000		1,331,361	
3	2,675,000	500,000			$111,647	$180,000	791,647	1,883,353		1,674,293	
4	3,001,000	500,000			334,941	540,000	1,374,941	1,626,059		1,389,962	
5	3,662,000	500,000		$744,400	669,883	1,080,000	2,994,283	667,717		548,815	
6	3,751,000	500,000		744,400	1,228,119	1,980,000	4,452,519		$701,519		$554,421
7	3,776,000	500,000		744,400	1,414,197	2,400,000	5,058,597		1,282,597		974,667
8	4,650,000	500,000	$2,487,000	744,400	1,637,492	2,940,000	8,308,892		3,658,892		2,673,516
9	4,673,000	500,000	2,487,000	744,400	1,637,492	3,228,000	8,596,892		3,923,892		2,756,876
10	5,101,000	500,000	2,487,000	744,400	1,637,492	3,648,000	9,016,892		3,915,892		2,645,436
11	6,536,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,867,292		2,512,119
12	6,740,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,663,292		2,288,081
13	6,952,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,451,292		2,072,756
14	7,173,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,230,292		1,865,413
15	7,266,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,137,292		1,742,025
16	7,266,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,137,292		1,675,025
17	7,266,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,137,292		1,610,601

CONDITION No. 2—Continued

WITH HEADWATER STORAGE—continued

Assumes the completion of all work mentioned in condition No. 2 and in addition the construction of a headwater storage project at Cove Creek at an estimated cost of $20,000,000—Continued

Year	Gross rental credited secs. 11, 12 [1]	Deductions from gross rentals credited: Research fund, emergency fund, and salaries, and office expenses, secs. 59, 60, 35, 38, and 39	Renewals and replacements, sec. 65 [2]	Amortization fertilizer debenture bonds, sec. 67 [3]	Amortization of construction debenture bonds, sec. 55 and 67	Interest on construction debenture bonds, sec. 75, at 6 per cent	Total deductions, 2 to 6, inclusive	Net fertilizer fund sec. 61	Net fertilizer fund deficits	Present worth of amounts shown in column 8	Present worth of amounts shown in column 9
	1	2	3	4	5	6	7	8	9	10	11
18	$7,266,000	$500,000	$2,937,000	$744,400	$2,381,892	$3,840,000	$10,403,292		$3,137,292		$1,548,648
19	7,266,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,137,292		1,489,091
20	7,266,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,137,292		1,431,819
21	7,266,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,137,292		1,376,750
22	7,266,000	500,000	2,937,000	744,400	2,381,892	3,840,000	10,403,292		3,137,292		1,323,796
23	7,266,000	500,000	2,937,000	744,400	2,270,245	3,660,000	10,111,645		2,845,645		1,154,552
24	7,266,000	500,000	2,937,000	744,400	2,046,951	3,300,000	9,528,351		2,262,351		882,591
25	7,266,000	500,000	2,937,000		1,712,009	2,760,000	7,909,009		643,009		241,204
26	7,266,000	500,000	2,937,000		1,153,773	1,860,000	6,450,773	$815,227		$294,043	
27	7,266,000	500,000	2,937,000		967,693	1,560,000	5,964,693	1,301,307		451,315	
28	7,266,000	500,000	2,937,000		744,400	1,200,000	5,381,400	1,884,600		628,471	
29	7,266,000	500,000	2,937,000		744,400	1,200,000	5,381,400	1,884,600		604,299	
30	7,266,000	500,000	2,937,000		744,400	1,200,000	5,381,400	1,884,600		581,058	
31 to 50, inclusive	145,320,000	10,000,000	58,740,000				68,740,000	76,580,000		16,044,199	
Total	322,945,000	25,000,000	124,941,000	14,888,000	47,637,838	78,816,000	291,282,838	90,206,463	58,544,301	23,777,622	32,819,387

For (1), (2), (3) and (4), see tabulation No. 2, except that the cost used as the basis of amortization of construction debenture bonds are increased by $20,000,000 and the cost used as basis for renewals and replacements are increased by $15,000,000, assumed to be expended for the Cove Creek project by the end of the eleventh year.

PUBLIC CHARITABLE AND REFORMATORY INSTITUTIONS AND AGENCIES IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 207)

Mr. CAPPER. I present a compilation of the reports of the public charitable institutions of the District of Columbia made by Dr. George M. Kober, of the Board of Public Welfare, and ask that they be printed as a Senate document.

The VICE PRESIDENT. Without objection, it will be so ordered.

HOUSE BILL REFERRED

The bill (H. R. 16282) granting the consent of Congress to the Nebraska-Iowa Bridge Co., its successors and assigns, to contruct, maintain, and operate a bridge across the Missouri River was read twice by its title and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9319) to authorize certain officers of the United States Navy to accept from the Republic of Chile the order of merit, first class, and the order of merit, second class.

PRESIDENTIAL APPROVALS

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

On February 12, 1927:

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

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

On February 14, 1927:

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

CLAIMS OF CERTAIN ARMY OFFICERS

The PRESIDING OFFICER (Mr. LENROOT in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 3436) for the relief of certain officers and former officers of the Army of the United States, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MEANS. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MEANS, Mr. CAPPER, and Mr. TRAMMELL conferees on the part of the Senate.

LEGISLATIVE APPROPRIATIONS

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Morning business is closed.

Mr. WARREN. I ask that the action of the House of Representatives disagreeing to the amendments of the Senate to the legislative bill may be laid before the Senate.

Mr. BRUCE. Mr. President, is that in order?

The VICE PRESIDENT. It is in order for the Chair to lay before the Senate at any time a message from the House, or for a Senator to ask that such message be laid before the Senate. The Chair lays before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16863) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1928, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, accept the invitation of the House of Representatives for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed as conferees on the part of the Senate Mr. WARREN, Mr. SMOOT, Mr. CURTIS, Mr. HARRIS, and Mr. JONES of New Mexico.

URGENT DEFICIENCY APPROPRIATIONS

Mr. WARREN. I present a conference report on House bill 16462, the deficiency bill, and ask that it may be read.

The VICE PRESIDENT. The conference report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 8, 9, and 10 to the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes, having met, after full and free conference, have been unable to agree.

F. E. WARREN,
CHARLES CURTIS,
LEE S. OVERMAN,
Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
JOSEPH W. BYRNS,
Managers on the part of the House.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives further insisting on its disagreement to the amendments of the Senate Nos. 8, 9, and 10

to the bill (H. R. 16462) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes.

Mr. WARREN. Mr. President, the Senate is entitled to some explanation of this conference report.

Mr. HEFLIN. Mr. President, I desire to ask the Senator from Wyoming if this is the conference report on the deficiency bill?

Mr. WARREN. It is the conference report on the first deficiency bill.

Mr. President, I desire to state that the committee of conference have formally and informally had some eight or nine meetings, but they have been utterly unable to agree upon the two amendments remaining in dispute, after having come to a full agreement upon all other items contained in the bill.

The two amendments which are still in disagreement between the two Houses are, first, No. 8, the one which included an amendment offered by the Senator from Tennessee [Mr. McKELLAR]. That was an addition to the bill. The other amendment, No. 10, is a proposition to strike out, and was offered by the Senator from Utah [Mr. SMOOT].

The House conferees submitted a report of disagreement some four or five days ago. They have asked for no further conference. So it is left with this body whether they will proceed further or not. The conferees on the part of the House have twice reported to that body the conditions, and the House has unanimously, or nearly so on every occasion, by three different recorded votes, instructed their conferees to insist upon the position which they have taken.

On amendment No. 8, the so-called McKellar amendment, a record vote in the House was taken on February 10, and on a motion that the House further insist upon its disagreement to the amendment, the vote, on a division, was—yeas 128, nays 8.

On amendment No. 10, the so-called automobile accessory amendment, which struck out the House language, there were two record votes in the House, the first on February 4, where, on a motion to recede and concur in the Senate amendment, the vote, on a division, was—yeas 1, nays 187; and the second vote on February 10, where, on a motion that the House further insist upon its disagreement to the amendment, the vote by yeas and nays was—yeas 348, nays 1, answered "present," 3, not voting 81.

In cases of this kind it is quite customary to make a preferential motion that the Senate recede in order to reach a settlement, but I am not inclined to make such a motion unless requested to do so. The next step which might be taken would be to ask for a further conference and request the House to join us in that conference. My own judgment is that it is very doubtful whether we shall be able to convince the conferees on the part of the House of the wisdom and propriety of the course which we have taken in this body. The conferees on the part of the Senate have suggested, within our rights, various changes between the higher and the lower limits of these amendments. The suggested changes, including several which have been made to the conferees on the part of the Senate and which we have presented to the conferees on the part of the House, have been discussed and a good deal of time spent over them. So far, however, we have not been able to reach an agreement, and it seems likely that we shall not be able to do so and bring about a result which will be satisfactory to all; but I presume that my colleagues on the conference committee on the part of the Senate are entirely willing to try further, as am I. Therefore, I move that the Senate further insist upon its amendments still in disagreement, ask for a further conference with the House on the disagreeing votes of the two Houses on those amendments, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. ROBINSON of Arkansas. Mr. President, I support unqualifiedly the motion of the Senator from Wyoming. The two amendments in dispute are known in the Senate as the amendment of the Senator from Tennessee [Mr. McKELLAR] and the amendment of the Senator from Utah [Mr. SMOOT]. The latter amendment strikes out a provision of the bill which requires a certain class of claimants to execute a bond to distribute the amount of the claims recovered under the bill to consumers. The amendment of the Senator from Tennessee provides that claims for refund shall be audited by the Comptroller General.

Both of these amendments ought to be written into the law, the amendment of the Senator from Utah for the reason that the advocates of the House provision justify it on the ground that if it is retained refunds will not be made. I may say that when the Government illegally collects a tax and it is adjudicated by Government tribunals that the collection is illegal, refund ought to be made in order to comply with the rules of common honesty.

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

Mr. ROBINSON of Arkansas. I yield to the Senator from Michigan.

Mr. COUZENS. Does the Senator from Arkansas contend in the case of some 90 items which are involved where the manufacturer who paid the tax has collected it from the purchaser of his product that the manufacturer should be able to secure a refund and not pay any part of it to the purchaser, the ultimate taxpayer?

Mr. ROBINSON of Arkansas. The principle to which the Senator from Michigan refers applies to nearly all of these refunds. The enormous sums that are carried in this bill, aggregating $175,000,000, for the most part have been paid in the first instance by the direct taxpayer and charged to and collected from the consumer. If the principle of distribution is to apply, it ought to be made general, and Congress ought not to authorize a refund with the understanding that it is never to be made. It ought not to impose conditions which render impossible the payment by the Government of claims adjudicated by the Government's own tribunal.

I sympathize with the principle to which the Senator from Michigan has referred, but I am not willing to let $175,000,000 of refunds be made without any audit, on the theory that the Government is providing for the distribution of a few million dollars of this fund, applicable only in the case of manufacturers and importers, and the far more important amounts go without audit except by Treasury agents to the large taxpayers whose claims have been adjudicated in the same way in which the claims of the manufacturers and importers have been adjusted. This is the equivalent of appropriating $175,000,000 of public money from the Treasury of the United States upon the findings and conclusions of accountants in the Internal Revenue Bureau, and there is not a reason sounding in the public interest why all of these claims should not be audited by the Comptroller General. The only reason in actual fact is that in all probability a large part of the $175,000,000 may not be finally allowed.

Mr. WARREN. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from Wyoming.

Mr. WARREN. I hardly think the Senator is right in saying that we are appropriating from the Treasury $175,000,000 of the money of the United States. We are giving back sums which were illegally taken from citizens, companies, and corporations by the United States.

Mr. ROBINSON of Arkansas. Yes; but at the same time it is equivalent to making an appropriation of that amount, because the money has been paid by the taxpayers.

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

Mr. ROBINSON of Arkansas. Yes; I yield to the Senator from Michigan.

Mr. COUZENS. The Senator from Wyoming has said that this money has been illegally collected. That may be true in some cases; but the Congress has no information as to whether this money was illegally collected or otherwise; in other words, one bureau determines the legality and the justice of the claims, without any audit or control of any kind.

Mr. ROBINSON of Arkansas. Yes; that is the worst of it. The bureau that determined it to be legal and just in the first instance, and that collected it, has determined that it is illegal and unjust in the second instance. In other words, the bureau, according to its final findings, has imposed illegal taxes in the aggregate amount of $175,000,000; it has collected those taxes; and now it reverses its first findings, and proposes to return that $175,000,000 without adjudication in any form except by its own agents and accountants; and it is the equivalent of appropriating $175,000,000 out of the Treasury.

I say that if the claims are properly adjudicated, they ought to be paid. The United States ought not to collect taxes illegally and refuse to refund those taxes; but it is an astonishing fact that we are proposing to carry in one bill $175,000,000 of illegally collected taxes.

Mr. COUZENS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Michigan?

Mr. ROBINSON of Arkansas. I do.

Mr. COUZENS. To be perfectly fair to the Bureau of Internal Revenue, I should like to point out to the Senator from Arkansas that some of these moneys have been declared by the courts to have been illegally collected.

Mr. ROBINSON of Arkansas. What amount?

Mr. COUZENS. Nobody knows. That is the point I want to raise. Many of them have been declared by the courts to

have been illegally collected, and it is not the bureau's fault that they have to be refunded.

Mr. ROBINSON of Arkansas. Of course, as to those amounts, they ought to be refunded; and I understand that a large number of the claims to which the amendment of the Senator from Utah relates is in that class. They have been adjudicated by the courts, and judgments have been rendered declaring that they shall be refunded; and now it is proposed to write into the law a provision which will make it impossible to carry out the orders of the courts.

Mr. WARREN. I will say to the Senator that that is a small amount in comparison to the larger one.

Mr. ROBINSON of Arkansas. How much is it?

Mr. WARREN. I think about $20,000,000.

Mr. ROBINSON of Arkansas. Well, that is a small amount compared with $175,000,000.

Mr. WARREN. If the Senator will allow me to complete what I was about to say, it is, as the Senator says, small compared to the $175,000,000; but it is a considerable amount, nevertheless.

Mr. ROBINSON of Arkansas. Mr. President, I imagine that $20,000,000 is substantial enough in sum to justify the Senate in insisting upon applying the principles of justice as we understand them. When a court of the United States decides that the Government has illegally collected a tax, we ought to make the refund; but as to the remainder—approximately $155,000,000, if the statement is correct that the amount adjudicated by the courts is $20,000,000—there can be no objection to having them audited unless the objection arises out of the fact that the audit when made will disclose that the claim, or a portion of it, is not well founded.

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

Mr. ROBINSON of Arkansas. I have concluded what I had to say.

Mr. McKELLAR. May I say this to the Senator in reference to the matter of which he has just spoken: I wrote to the Secretary of the Treasury and asked him for information as to how much of the $175,000,000 would be used for paying court judgments and how much for paying Board of Tax Appeals judgments, if any there were; and he declined to give me any information at all about the matter.

Of course, we all know that all that anyone having a judgment of a court has to do is to send the judgment, or a certified copy of the judgment, down to the Appropriations Committee, and it is always allowed. There is no reason in the world for looking into that, and it will not be done. It is a mere subterfuge, however, to mix up these other matters with court judgments, because nobody objects to the payment of the court judgments. The Senator from Arkansas is exactly right in saying that the Internal Revenue Department has the power of collecting these moneys in the first place, and then it has the power to pay back for its mistakes. That power ought to be revised in some way, and it seems to me that the way arranged in the amendment is the best way.

Mr. LENROOT. Mr. President——

Mr. McKELLAR. I yield to the Senator from Wisconsin.

Mr. LENROOT. Referring to the item under consideration, $20,000,000, is it not true that while the court in a single case decided the principle of law which calls for the refund of a small amount there are many other cases involving the same principle of law which are equally entitled to refunds?

Mr. McKELLAR. As to that we have no knowledge whatsoever. The Secretary of the Treasury declined to furnish any information on the subject.

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

Mr. McKELLAR. I yield.

Mr. ROBINSON of Arkansas. That is just what we are trying to ascertain. We are denied information on the subject.

Mr. McKELLAR. We are denied information absolutely.

Mr. ROBINSON of Arkansas. My proposition is this, if the Senator will yield in order to enable me to state it——

Mr. McKELLAR. Yes; I yield.

Mr. ROBINSON of Arkansas. Whenever the tribunals established by the United States declare that a tax has been illegally collected, and therefore a refund should be made, it is the duty of the Congress as an act of common honesty to make the necessary appropriation and comply with the obligation of the Government. In so far as the courts have adjudicated these claims, we certainly ought to make the necessary appropriations. If we want to establish and adhere to the principle of distributing sums refunded to the persons who in the last analysis paid them, we ought to make the applications more general; and if that were done, we would have far fewer claims for refunds presented, and much less than $175,000,000 in refunds carried in these annual deficiency appropriation bills.

Mr. HEFLIN, Mr. CURTIS, and Mr. LENROOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Tennessee yield; and if so, to whom?

Mr. McKELLAR. I yield first to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I want to tell the Senator about some information I got on this subject. I called up the department a few days ago, and a Mr. McCullough answered, from the Internal Revenue Department. I said, "Is there any way to get a list of names of the people to whom you have decided to refund this money?" He said, "Senator, we have not determined that yet. We have not audited this proposition yet. We are asking to get this money and have it ready so that when we make the audit we will have the money on hand, and can settle the claims without having to pay interest." I said, "Do you mean to tell me that you have estimated this amount, that that is the way you got at it?" He said, "Yes, sir." I said, "How did you estimate it?" He said, "By the amount we used last year."

Think of that, Senators! Striking an average as to this matter of refunding taxes, and having the Government appropriate $175,000,000 to lie in the Treasury to be fed out in refunds as some clerk audits these accounts. I think Congress ought to require them to have a list, to go over it and put opposite each name the amount which the taxpayer is entitled to have refunded, and bring it up at the next session of Congress, and say, "That is the amount that we have adjudged should be returned to these people," and then let Congress pay it.

Think of the slipshod, haphazard, indefensible program we have had here of going ahead and letting them estimate how much they will give back to taxpayers who paid taxes in 1919, 1920, 1921, 1922, 1923, and 1924, and it is estimated this year that the amount is $5,000,000 more than it was last year.

Mr. LENROOT. Mr. President, I should like to ask the Senator from Tennessee a question.

Mr. McKELLAR. I shall be very glad to have the Senator do so.

Mr. LENROOT. The Senator said that no information had been furnished about this item. The Senator will remember that it was discussed in the committee, and that we were there informed that this item grew out of the fact that the Supreme Court had decided that certain parts that had been taxed were not taxable under the law, because they were used for articles other than automobiles.

Mr. McKELLAR. The Senator is speaking of automobile parts?

Mr. LENROOT. Yes.

Mr. McKELLAR. That is true.

I now yield the floor.

Mr. SMOOT. Mr. President, there seems to be a misunderstanding in the minds of some of the Senators as to this $175,000,000 appropriation.

This $175,000,000 is appropriated exactly in the same way that the amount for the preceding year was appropriated. The refunds to the persons whose names the Senator read have already been made.

Mr. McKELLAR. If they have, Mr. Nash is responsible for a mistake, because he says in the hearings they have not.

Mr. SMOOT. I am quite sure they have been paid.

Mr. McKELLAR. Maybe they were hurried a little bit.

Mr. SMOOT. I know they have been paid, Mr. President. I do not have to take the word of Mr. Nash or anyone else. I say to the Senator that they have been paid, and the amount of $175,000,000 now appropriated in the bill that is in conference is for a credit in the Treasury of that amount of money, in order that any judgment or final settlement of a claim is arrived at in favor of the taxpayer shall not wait a year. The Government of the United States, under the law, is compelled to pay 6 per cent interest on such amounts; and as soon as a judgment or claim is rendered the United States ought to pay that judgment. Again, the matter is not passed upon by one or two clerks, as so often stated by Senators.

Mr. FLETCHER. This is not confined to judgments.

Mr. SMOOT. I mean a judgment or settlement by the department and taxpayer.

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

Mr. SMOOT. Just a moment. These matters are not passed on by one or two clerks, as has been stated. They are passed on by four divisions of the Treasury Department, as I stated the other day. Not a cent of this money is paid until the matter passes through those four divisions of the department; and when it is finally decided there, if the taxpayer is not satisfied with the judgment he can appeal to the Board of Tax

Appeals; and if he does that, and the Board of Tax Appeals renders the same judgment, he then can appeal again to the United States court.

Mr. McKELLAR. Mr. President——

Mr. SMOOT. I yield.

Mr. McKELLAR. I just want to say to the Senator that in so far as judgments of courts are concerned, and judgments of the Board of Tax Appeals, if there are any, there will not be the slightest question raised about appropriating the money to pay those claims, because we know that they ought to be paid; but the great body of this $175,000,000 which is appropriated is there as a fund and an open invitation to these gentlemen to pay out refunds, and that is what I object to.

Mr. SMOOT. I simply want to state for the information of the Senator that many of these large refunds come about from the jeopardy assessments that were placed on the taxpayer by the Government. We all know that.

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

Mr. SMOOT. Yes.

Mr. COUZENS. Does the taxpayer have to pay a jeopardy assessment?

Mr. SMOOT. If determined that it is right, he does.

Mr. COUZENS. But he does not have to pay it because it was a jeopardy assessment.

Mr. McKELLAR. No; he does not have to pay it.

Mr. SMOOT. Not if found incorrect, but if a jeopardy assessment imposed by the Treasury Department is finally decided to be correct the tax payment must pay it.

Mr. COUZENS. That is not correct.

Mr. SMOOT. I say it is correct, and I say that the Treasury should not retain from the taxpayer the full amount of the jeopardy assessment where the tax was less than the assessment. The question was whether the jeopardy assessment was correct or not. The time limit was about to be reached, and they either had to put the jeopardy assessment on or they could not impose any additional tax upon the taxpayer, and in order that the Treasury Department should be perfectly secured and safe in cases I think they imposed more than they actually expected the assessment to be.

Mr ROBINSON of Arkansas. That makes the case worse.

Mr. SMOOT. That is the history of it.

Mr. ROBINSON of Arkansas. I have not made any attack on the Bureau of Internal Revenue——

Mr. SMOOT. I know the Senator has not.

Mr. ROBINSON of Arkansas. I have particularly refrained from doing that, but if it is the policy of the Government of the United States, in levying its taxes, to make assessment in amounts more than the Government officers believe the Government is entitled to collect, then that policy needs correction.

Mr. SMOOT. Mr. President, it has been corrected by law, and not only that, most of these jeopardy assessments came on the assessments for the years 1917, 1918, and 1919. I do not know a jeopardy assessment that has been imposed since returns of 1919.

Mr. ROBINSON of Arkansas. That does not make any difference in dealing with the principle.

Mr. SMOOT. It makes this difference: The laws were so complicated at that time that very few people could make a return which they knew to be absolutely correct. There were complicated questions as to capital-stock and excess-profits taxes, depletion, and so on. It seemed that there was every complication in connection with the taxes that could have been conceived of. The system was new to the taxpayers of the United States, and that was proven by the investigations made, in which it was found that there were many errors, both against the taxpayers and in favor of the taxpayers. The time limit was approaching and the jeopardy assessments were imposed; and many of these refunds come within that class. The Government of the United States imposed the jeopardy assessments to protect the Treasury of the United States.

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

Mr. SMOOT. I yield.

Mr. ROBINSON of Arkansas. What proportion of the $175,000,000 carried in the bill for refunds is included within what the Senator terms "jeopardy assessments"?

Mr. SMOOT. I could not give the exact proportion.

Mr. ROBINSON of Arkansas. Can the Senator say approximately?

Mr. SMOOT. I will say a large part of them were jeopardy assessments.

Mr. ROBINSON of Arkansas. That is so utterly indefinite, that it does not give me a very clear impression of what the Senator means.

Mr. SMOOT. I can not tell the exact amount.

Mr. ROBINSON of Arkansas. Then, why does the Senator say that a great part of them are jeopardy assessments?

Mr. SMOOT. Because I know that a great part of them are. I do not know the percentage, whether it is 90, or 95, or 85.

Mr. ROBINSON of Arkansas. The Senator thinks, then, it is from 85 to 95 per cent?

Mr. SMOOT. I would not say that that is the figure.

Mr. ROBINSON of Arkansas. The Senator does not know, but he has made a statement here, in seeking to justify the processes employed in connection with the adjudication of these claims, that they were based on jeopardy assessments. Why should the Government in any case—in any case—assess a tax in an amount more than the Government agents believe ought to be paid?

Mr. SMOOT. I will say to the Senator that away back in 1917, 1918, and 1919, the Government of the United States sent out, as fast as was possible, requests to the taxpayers to sign a waiver as to the time limit. There was no jeopardy assessment imposed on those who signed the waiver. There was a jeopardy assessment immediately assessed against those who did not sign the waiver.

Mr. ROBINSON of Arkansas. Does not the Senator know that the jeopardy assessments are not in fact paid, as a rule?

Mr. COUZENS. Certainly they are not.

Mr. SMOOT. Not unless they are found to be correct.

Mr. ROBINSON of Arkansas. Then, why should there be an appropriation to refund a tax that has never been paid?

Mr. SMOOT. I did not say there was never any tax collected through a jeopardy assessment, because there have been such taxes collected; and in large amount. They were a measure of protection which the Government took advantage of.

Mr. ROBINSON of Arkansas. It was no protection if the Government levied a tax which its agents did not believe should be collected. That is a species of oppression that is simply intolerable under any system of tax collection.

Mr. SMOOT. It grew out of the war.

Mr. ROBINSON of Arkansas. No matter what it grew out of.

Mr. REED of Pennsylvania. Will the Senator yield to me?

Mr. ROBINSON of Arkansas. No system ought to be fostered and encouraged which permits Government agents to impose or levy taxes which the agents do not believe can properly be collected.

Mr. SMOOT. The Secretary of the Treasury at that particular time thought otherwise. It was the policy of the administration to do it, and they did it, and now these cases are being settled; and it is nothing more than common honesty on the part of the Government of the United States to pay back to the taxpayer whatever tax was collected unjustly.

Mr. ROBINSON of Arkansas. I agree with that, provided the claim has been efficiently and fairly adjudicated.

Mr. SMOOT. I agree with the Senator in that statement. I have no reason whatever to doubt that they have been.

Mr. ROBINSON of Arkansas. Why should we not have some proof about the matter? Why should the Senate and the Congress of the United States be asked to take the findings of accountants and clerks upon subjects of this character without even an audit?

Mr. REED of Pennsylvania. Mr. President, if the Senator will yield to me——

Mr. ROBINSON of Arkansas. We will not pass through the Congress a private claim for $40 for the widow of a dead soldier without having an investigation by a committee of Congress and without a long discussion on the floor of the Senate of the United States, but here we are setting up a system by which $175,000,000 of public money collected, or alleged to have been collected, under the laws and by the processes provided for by the Congress is to be refunded without an audit.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Arkansas. I yield.

Mr. REED of Pennsylvania. Until we established the Court of Tax Appeals it was not possible for the taxpayer to get a judicial review of the assessment of taxes against him. The only way he could get a review was to pay the amount assessed by the Bureau of Internal Revenue and then bring suit to recover it back. A very large percentage of this $175,000,000 of refunds has been judicially determined in that way, and that is necessary, because it had been paid in.

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. REED of Pennsylvania. Yes.

Mr. ROBINSON of Arkansas. What amount of this $175,000,000 has been judicially determined in the way the Senator has stated?

Mr. REED of Pennsylvania. I do not know.

Mr. ROBINSON of Arkansas. In such amount the Congress is morally bound to make appropriations; but if it was neces-

sary to establish a Board of Tax Appeals in order to protect the taxpayer against oppression by the Government and in order to protect the Government against the inefficiency of the department, then why not limit these refunds to the amounts that have been adjudicated?

Mr. WARREN. Mr. President, since the Senator has alluded to the amount which may be payable now, I want to say that I think it is about $65,000,000, more or less; probably more.

Mr. ROBINSON of Arkansas. Then we are appropriating $110,000,000 to pay claims which the Senator from Pennsylvania——

Mr. WARREN. After the people have already waited four or five years to be paid.

Mr. ROBINSON of Arkansas. Which the Senator from Pennsylvania justifies in the amount of $65,000,000.

Mr. REED of Pennsylvania. No, Mr. President——

Mr. ROBINSON of Arkansas. I do not mean to misquote the Senator.

Mr. REED of Pennsylvania. The Senator does not misquote me, but he does not allow me to finish.

Mr. ROBINSON of Arkansas. I did not know the Senator had started——

Mr. REED of Pennsylvania. I seem to have started $65,000,000 worth.

Mr. ROBINSON of Arkansas. I yield.

Mr. REED of Pennsylvania. Just a moment, if the Senator will indulge me.

Mr. ROBINSON of Arkansas. Certainly.

Mr. REED of Pennsylvania. A very large number of assessments are made by the subordinate officials in the bureau because of a belief that the taxpayer has deducted too much for depreciation, or amortization, or depletion, items of that sort, which depend largely on judgment. When those claims come on for a review by the board of review which they have installed in the department, it is very often found that not enough has been assessed against a taxpayer, and then he is charged for more, and these daily reports from the Treasury Department show millions of dollars coming in every week under those additional assessments. The converse is often so. The board of review will find that in its zeal to protect the Government the bureau has assessed too much taxes. It is only common honesty that we pay that back, and pay it promptly. That is where the balance of this comes in.

Mr. ROBINSON of Arkansas. When we know what amount we have unlawfully collected, we ought to pay it back. That is what I have been insisting all morning. But I further insist that when the Senator justifies this appropriation on the ground that the Board of Tax Appeals had passed upon the items involved in the appropriation, when it later appeared that less than half of the amount had ever been passed upon by the Board of Tax Appeals, there arose in my mind a doubt as to the remainder of the appropriation.

I am not questioning the honesty of anybody who has participated in these decisions, but I do say that there is nothing unfair, oppressive, or unjust in adjudicating these claims against the Government before an impartial tribunal. The fact that the agents of the Internal Revenue Bureau levied an illegal assessment in the first instance, which is the basis of the claim, justifies me in believing that someone besides the agents of the bureau ought to have an opportunity to pass upon the matter.

Mr. REED of Pennsylvania. If the Senator were a taxpayer who had paid $50,000 more than he was lawfully required to pay——

Mr. ROBINSON of Arkansas. I do not want the Senator from Pennsylvania to misunderstand me. I say that in the first place the Government should never levy a tax against a taxpayer which it is believed is not collectible. That is the first reform that ought to be inaugurated.

Mr. REED of Pennsylvania. Who ever said they did?

Mr. ROBINSON of Arkansas. The Senator from Utah [Mr. SMOOT].

Mr. SMOOT. No——

Mr. ROBINSON of Arkansas. He said over and over, in his statements in the debate this morning——

Mr. SMOOT. I will say again——

Mr. ROBINSON of Arkansas. He said that in order to protect the Government against the possibility of loss it was the habit of the agents of the Internal Revenue Bureau in many instances to levy assessments in amounts which they did not believe were collectible.

Mr. SMOOT. No; I did not say that.

Mr. ROBINSON of Arkansas. I leave it to the RECORD.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. The Senator from Kansas.

Mr. CURTIS. I understand the motion is that we disagree and ask for a further conference.

The VICE PRESIDENT. The question is upon the acceptance of the conference report——

Mr. CURTIS. The conferees have been carrying out the instructions——

Mr. BRUCE. Mr. President, I want to ask a question. Will the Senator yield to me?

Mr. NORRIS. Mr. President, I can not hear the questions that are being propounded to the Chair.

Mr. CURTIS. I suggested that the conferees have been carrying out the instructions of the Senate, and the motion of the Senator is to disagree and send the bill back to conference, and I hope we can get action upon it.

The VICE PRESIDENT. The question is first upon agreeing to the conference report——

Mr. NORRIS. I want to be heard.

Mr. BRUCE. I want to ask a question of the Senator from Wyoming.

The VICE PRESIDENT. Senators will wait until the Chair states the pending question. The question is upon agreeing to the conference report, which is to the effect that the conferees disagree. That is the question before the Senate at present. Without objection, the report is agreed to.

Mr. BRUCE. Mr. President——

The VICE PRESIDENT. The Senator from Maryland.

Mr. BRUCE. I would like to ask the Senator from Wyoming a question.

Mr. WARREN. One moment, please.

Mr. BRUCE. Certainly.

Mr. WARREN. Mr. President, did I or did I not make a motion for the appointment of conferees?

The VICE PRESIDENT. The motion of the Senator from Wyoming is now in order.

Mr. WARREN. I move that the Senate further insist on its amendments and ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Wyoming whether he really entertains any serious, substantial expectation that the House conferees will recede from their position? The information I have is by no means authoritative, but I have pretty good grounds, I think, for believing that the House conferees will not recede, and that consequently the reference of this matter to the conferees again will be nothing more than just an empty form.

I wish to say a word more in this connection. A good deal has been said about jeopardy assessments. I submit that a jeopardy assessment, or what is equivalent to a jeopardy assessment, is a feature of almost every system of assessments in the United States. In the city of Baltimore, for instance, it is the commonest thing in the world for the board charged with the duty of assessing property in that city to notify the taxpayer that it has assessed his property at such a sum, and if he deems that sum excessive he will have the right of coming before the board and disproving the correctness of the assessment. It is a frequent thing, where the taxpayer attempts to evade a fair consideration of the question as to whether he should or should not be assessed, for a tentative assessment to be made. It may be called a jeopardy assessment, but I call it a tentative assessment, subject, of course, to rectification in case it should prove that the assessment is unjust or oppressive.

It seems to be supposed that all of these refunds are going to be made to manufacturers or other persons who have passed the taxes on to the consumer. That idea is not tenable. For instance, I am interested at this moment in a refund asked for by one of the great financial institutions of the city of Baltimore, amounting to about half a million dollars, and asked for in behalf of trust estate or trust estates held by it. Is such a refund to be held up? It is bearing no interest. It has long ago been audited and approved by the Treasury officials. Is it to be held up and finally, if paid, paid without interest after the lapse of months and months?

There was a time perhaps when the interests of the public were not properly protected in the matter of refunds, but as the Senator from Utah [Mr. SMOOT], with the fullness of knowledge that he possesses on every subject which relates to the finances of the Government, has demonstrated, that time has passed. If the conclusions reached by subordinate Treasury officials are unsatisfactory to the taxpayer then, as I understand it, the matter may be taken up by four different divisions of the Treasury Department. There can be a review by the Board of Tax Appeals and there can be an appeal to the courts. What more can be desired than that?

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

Mr. BRUCE. I know the Senator from Michigan is quite an expert on this subject and has passed through the mill himself. I yield to him.

Mr. COUZENS. I would like to ask if the Senator understands, when a taxpayer agrees with the subordinate officials, where the matter goes then? The Senator is referring only to the cases where there is a disagreement between the subordinate officials and the taxpayer.

Mr. BRUCE. Yes; I know. I suggested at the last session of Congress that in those cases there should not only be an appeal allowed to the taxpayer but an appeal allowed to the Government. I would have every solitary one of the refunds open to appeal by the Government. If I may refer to the city of Baltimore again, because a man likes to take his own home for illustration, when property is assessed by its appeal tax court, not only has the taxpayer the right to appeal from the assessment but the city of Baltimore, too, has the right to appeal from it.

Mr. COUZENS. The Senator must remember that that is done in the open; that it is done by public hearings. This is not done by public hearings in the Treasury Department. There it is done in secret.

Mr. BRUCE. What the Senator suspects then, I suppose, is corruption on the part of Government officials?

Mr. COUZENS. I not only suspect it, but I know it.

Mr. BRUCE. I should think that it is the duty of the Senator from Michigan then to follow his knowledge up and see that those miscreants are prosecuted and punished.

Mr. COUZENS. The Senator from Michigan has already submitted a report in volumes to this Congress which the Senator from Maryland has evidently never read, in which I proved conclusively that the statement I have made is correct. With respect to the jeopardy assessments it is perfectly obvious that the jeopardy assessments may be made and are made as the Senator from Utah said, and when the taxpayer submits the jeopardy may be removed, all behind closed doors. The taxpayer may even get a refund secretly after having submitted to the dictates of the Treasury Department.

Mr. BRUCE. Then why does not the Senator, instead of coming forward with this cloud of suspicion, introduce a bill giving the Government an opportunity to review such action on the part of its officials?

Mr. COUZENS. There is a bill before the Finance Committee now covering that very matter.

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

Mr. BRUCE. I yield to the Senator from Utah.

Mr. SMOOT. In every case of a refund it goes to four divisions of the department.

Mr. COUZENS. That is not true.

Mr. BRUCE. In spite of the claims of the Senator from Michigan——

Mr. SMOOT. Oh, yes, Mr. President.

Mr. BRUCE. I yield to the Senator from Utah.

Mr. SMOOT. All I can say is that my statement is correct. I am told by the Treasury Department that the matter is followed up, and why should it not be followed up? The taxpayer has a perfect right to take it to the Board of Tax Appeals, and even if they agree then it has to go immediately clear through the four divisions of the Treasury Department before it is finally paid.

Mr. BRUCE. It seems to me that the matter is abundantly safeguarded. I trust that the Senate will not insist on these amendments. It is perfectly clear that they have not met with favor at the hands of the House. It is fair to assume that the Senate conferees have done everything in their power to make the amendments palatable to the House conferees, but they have not been able to do it. Why should this everlasting circle of conferences be kept up? The bill is a deficiency bill and of the utmost importance. There is $175,000,000 of tax refunds hanging on the result of its passage and millions of this amount, I imagine, are sums that are to be refunded to financial institutions, trust companies, and what not.

Mr. WARREN. There are a great many items other than the automobile tax in the bill.

Mr. HEFLIN: Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HEFLIN. I understand that the motion to agree to the conference report has been carried.

The VICE PRESIDENT. The conference report has been accepted, it being a report of a disagreement. The motion of the Senator from Wyoming now is that the Senate further insist upon its amendments, ask for a further conference, and that the Chair appoint conferees on behalf of the Senate.

Mr. WARREN. Mr. President——

Mr. BRUCE. I yield to the Senator from Wyoming.

Mr. WARREN. The Senator from Maryland asked me a question. I wish to say to him that the life of a conferee is somewhat vexatious, but while there is life there is hope always. We got into this rather unusual situation. To show the condition we had to meet I will say that the House, through its two floor leaders, one from each side, the chairman of the Committee on Finance and, for that matter, his entire committee so far as I know, and the Speaker of the House have all agreed upon the amendment regarding the automobile-tax question, which our committee deemed impracticable and which we cut out accordingly. They have behind them the legislative action of the Committee on Ways and Means of the House. They took the matter to the House in the first place and reported. The House voted upon the automobile proposition almost solidly, as I have shown, the first time the conference managers reported. On the next vote there was one defender of the so-called McKellar amendment, but aside from that the vote was unanimous. Later, on another day, they reported to the House again, after further meeting with us, and they had two different votes. The first one, covering both disputed amendments, was 348 votes against and, I think, 5 in favor. On the other vote it was again unanimous, with the exception of the 1 vote. We have that condition to meet and to contend against.

Mr. BRUCE. It is perfectly obvious that the objections of the House are absolutely insurmountable. That is the point I was trying to make.

Mr. WARREN. I do not care to enter into the merits of the case, but we must remember that the law provides who shall arrange the payments of these taxes. For instance, the Comptroller General, with whom I have talked about this matter, feels that the law has placed in him the duty to prevent any fraud. So far as he knows, he sees to it that the amounts are correct; but the law itself, which was enacted in 1926, provides that the Commissioner of Internal Revenue shall finally settle these matters after they have been through the hands of the various officials of the Treasury Department; so that under the law the House has rather the best of us. I am not prepared to say that we can not win perhaps in the long run. The Senator himself can see the difficulties.

Mr. BRUCE. I know that the Senator from Wyoming is an old soldier and does not give up very quickly. But if I were in his position I think I would lay down my arms.

Mr. WARREN. I am ready to have a vote on the question.

The VICE PRESIDENT. The question is on the motion of the Senator from Wyoming that the Senate further insist upon its amendments, ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. BRUCE. Mr. President, I have not yet yielded the floor. I submit that I am entitled to consideration. I want to retain the floor simply for the purpose of making an apology to the Vice President for having broken in on him a few moments ago. I thought he was about to decide the question, and I was mistaken. He might well have taken exception to my manner.

Mr. WARREN. Mr. President, I remember one time in my boyhood—Civil War times—when it was undertaken to collect internal taxes and we thought it was nearly murder. I remember the near revolution that took place. The present internal revenue law of course applies more sharply than does the levying and collecting of taxes upon counties or towns. That is one of the matters for which we ourselves provided. We provided for it first by amending the Constitution. We provided for it, furthermore, by a law which leaves a man where he is bound to pay or go to jail.

Mr. COPELAND. Mr. President, I should like to ask the Senator from Wyoming a question. Is the Senator in favor of the amendment of the Senate?

Mr. WARREN. Whenever the Senate of the United States amends on this floor a bill of which I have charge and then puts me in charge of it as one of the conferees, I favor it as long as it has any life left.

Mr. COPELAND. I honor and respect the Senator for his devotion to duty. So far as I am concerned, however, it seems very unfair to me to discriminate between a taxpayer having a refund of over $50,000 and require him to go through a certain process, when the man who has only $40,000 or $25,000 refund does not have to go through such a process. As I view it, it is unfair discrimination.

I want to ask the Senator a further question. If the bill passes, what about claims which have been already adjusted and which have been adjudicated. Will it be necessary for those claims to be taken up?

Mr. WARREN. If the claimant has his money, he is all right.

Mr. COPELAND. But if it has gone through the Internal Revenue Department and has been agreed upon and the payment has not been made, will it be necessary for that claimant to take to the Comptroller General the matter of his claim?

Mr. WARREN. We shall have to wait until sometime in the future, when the Congress may provide otherwise by appropriation.

Mr. COPELAND. It means that many claims have been years and years before the Internal Revenue Bureau.

Mr. WARREN. That is true.

Mr. COPELAND. I know of one claim brought to my attention which has been before the bureau four years and has just now reached adjustment. They must go into the Comptroller General's Office and present the matter there.

Mr. WARREN. We have two courts which are very busily engaged in settling these tax questions. There is the Tax Appeals Board, so called. They have operated, I think, and passed upon some thirty-odd thousand claims, and they have as many more awaiting their action.

There are some four hundred and forty-odd cases before the Court of Claims. I have a list of the cases which are pending there. I asked why they should be there instead of before the Board of Tax Appeals. They said they could think of only one reason, and that was that appeals from the Court of Claims could go directly to the Supreme Court, while the appeals from the Tax Appeals Board would have to go into the district courts.

Mr. CARAWAY. Mr. President, will the Senator from New York yield to me, in order that I may ask the Senator from Wyoming a question?

Mr. COPELAND. I yield to the Senator from Arkansas.

Mr. CARAWAY. The Board of Tax Appeals was established because it was thought that the department was making mistakes, was it not?

Mr. WARREN. I do not entertain that idea, probably because I am not connected with any committee which has the handling of revenue measures.

Mr. CARAWAY. Under what theory did we set up the Board of Tax Appeals, unless it was thought that there were errors to be corrected?

Mr. WARREN. All questions of difference are subject to the review of a court, of course.

Mr. CARAWAY. Congress thought it wise to have some place where mistakes could be reviewed, did it not?

Mr. WARREN. Yes.

Mr. CARAWAY. If it were wise, does the Senator think that the Board of Tax Appeals has been helpful or hurtful? Would the Senator like to abolish that Board of Tax Appeals?

Mr. WARREN. If the Senator from Arkansas is asking me for my private opinion, I will say that I do not think we should do away with that board, because, as I have stated before, differences arise between the best of people and in the best-administered governments.

Mr. CARAWAY. This amendment seeks to set up some tribunal which can pass upon the mistakes that may be made by the department. Why should that not be done? What earthly objection can any honest man who is in the department and who is charged with the responsibility of paying out millions of dollars alleged to have been collected erroneously advance against having his action reviewed?

Mr. WARREN. Under the circumstances of the matter at issue, I suggest to my friend from Arkansas that he consult the gentleman with whom we are unable to agree.

Mr. CARAWAY. I thought, perhaps, they had given the Senator some information that he might impart to us.

Mr. COPELAND. Mr. President, I simply wish to say for myself that I think it is unfair to the taxpayers to impose a further burden upon them when they have already adjusted their differences with the department.

In the next place, I think it is unfair to discriminate between the man who has a claim for a refund of $50,000 and the man who has a lesser amount involved. It was for that purpose I rose to express my convictions.

Mr. NORRIS. Mr. President, I am not sure that I have been able to satisfy myself even yet as to just what this dispute is about. The Senator from Wyoming [Mr. WARREN], the chairman of the Committee on Appropriations, as I understand, stated there is complete agreement between the conferees of the House and the conferees of the Senate on everything except the two amendments which are still in dispute.

Mr. WARREN. There is one other amendment in dispute, but it really is unimportant. I refer to amendment No. 9. The amendments in dispute are 8, 9, and 10, but amendment No. 9 amounts to but little.

Mr. NORRIS. The Senator from Wyoming referred to these amendments as having been introduced, respectively, by the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Utah [Mr. SMOOT], but there is nothing in the bill or in the conference report to show who proposed those amendments. The Senator from Wyoming did not refer to them by number, but I have a copy of the bill before me as it passed the Senate, and I wish to ask for information now whether the two amendments which are in dispute are amendments numbered 8 and 10.

Mr. WARREN. Yes.

Mr. NORRIS. That is correct, is it?

Mr. WARREN. The Senator is correct in his statement.

Mr. NORRIS. Mr. President, as I understand the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Arkansas [Mr. ROBINSON] and the Senator from Utah [Mr. SMOOT] and the chairman of the Committee on Appropriations [Mr. WARREN] are all agreed as to what the Senate should do, and yet notwithstanding that agreement there has taken place here for the last hour and a quarter one of the liveliest and most exciting debates that I have witnessed for a good while. I can not understand how Senators can quarrel so when they all agreed as to what we should do.

Mr. WARREN. The Senator from Nebraska himself has refrained from participating in the debate.

Mr. NORRIS. I never wish to get into a controversy of that kind; it is too exciting. I should like to understand now, first, about amendment numbered 8. That was an amendment which was added by the Senate when the bill passed this body. It was an addition to the House text and reads as follows:

> *Provided*, That no part of this appropriation shall be used to pay any claim in excess of $50,000 until such claim shall be approved by the Comptroller General of the United States in accordance with existing law.

As I understand, all Senators who have so far addressed the Senate in this bitter controversy are in favor of that amendment. It is a Senate amendment. The Senate conferees are insisting on it, the Senator from Arkansas is also insisting on it, the Senator from Utah is insisting on it, and so is the Senator from Tennessee.

Mr. BRUCE. But not the Senator from Maryland.

Mr. NORRIS. Not the Senator from Maryland.

Mr. SMOOT. And not the Senator from Utah.

Mr. COPELAND. And not the Senator from New York.

Mr. NORRIS. Nor the Senator from New York. However, with due despect to the Senator from New York and the Senator from Maryland, the leaders on both sides of the Chamber have agreed, and yet they have quarreled terribly.

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

The PRESIDING OFFICER (Mr. LENROOT in the chair). Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. Yes.

Mr. WARREN. We may have agreed here or we may not have agreed, but at the time the amendment went in I had been making points of order against amendments embodying extraneous matters affecting taxes, and so forth. The amendment as it was offered, except for attaching the little tail "according to existing law," of course, was obnoxious to the rule as being legislation on an appropriation bill. I could have objected to it and made a point of order against it, but the inclusion of the words "according to existing law" required an inquiry into the matter. In my judgment, the addition of those words amounted to nothing whatever except as a medium to railroad in the amendment; otherwise it would have been objected to on a point of order.

Mr. NORRIS. Mr. President, except for the objection in theory which the Senator from New York has presented, I myself do not see anything wrong with the amendment. It is true that it makes a different rule for a claim of less than $50,000 from that which applies to a claim of more than $50,000. I suppose that the theory is that there are so many little claims that it would probably be a physical impossibility, without a large force of additional assistants, for the Comptroller General to pass on all of them.

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

Mr. NORRIS. In theory, of course, one claim is just the same as another, but it is a common practice in the enactment of law to fix the jurisdiction of courts and commissions according to the amount involved. That is very often done, and I think it is justified, not because there ought to be a different procedure in the case of one claim as against another but because from the very necessity of the case such a course must be followed. I now yield to the Senator from New York.

Mr. COPELAND. Mr. President, with due respect to all other Senators, I think the Senator from Nebraska is the fairest-minded man in this body. I appeal to him that it is not fair for a man who has a claim of $50,000 to have to go through two or three years—because that is what it would mean—of dispute with the Comptroller General, when a man who has a claim for $49,000 escapes that procedure.

Mr. NORRIS. That is probably true. Yet it might be to the interest of the taxpayer to have his claim go through the machinery of the Comptroller General.

Mr. COPELAND. Granting that, what does the Senator say of a man who has already spent four or five years in fighting out a claim having to undergo a still further delay?

Mr. NORRIS. It is not right. I do not think anybody can doubt that; but, for instance, suppose we should provide that justices of the peace should have final jurisdiction of a case tried before him where the amount involved was not more than $20. If there were $21.10 involved under that kind of a law, a man could go up to the higher courts and wear his opponent out, but if the amount involved was less than $20 and the justice of the peace should be unfair the man having the claim would get the worst of it, and there would not be any remedy for him, although his claim might be $19.75. Perhaps he could not get justice; but the law is thus arbitrary, and I think in every civilized country the jurisdiction of the courts and various commissions to a great extent is fixed by the amount of money involved.

Let me call the Senate's attention to another fact. Whether the provision is right or wrong, we can not amend it now in the present parliamentary stage. The conferees on the part of the Senate in meeting with the conferees on the part of the House could agree upon a substitute for amendment No. 8 fixing a different amount, either smaller or larger, and such an amendment would be in order, I think, when the report came back; but that is not really before us, because we can not change the provision if we want to.

Mr. COPELAND. But, Mr. President, if the Senator will yield, there is before us this opportunity to change it: The House refusing to accept the amendment, the Senate can recede.

Mr. NORRIS. Yes; we can surrender, we can recede, and the amendment would go out, and I think it would be proper now to move that the conferees on the part of the Senate be instructed to recede from this amendment.

Now, Mr. President, I wish to take up the other amendment in dispute, which is amendment numbered 10. That is a long amendment. It proposes to strike out a page of the House text of the bill. So we must remember we have two amendments here. One is to put additional matter in the bill and the other is to strike something out. The Senate conferees are contending of course for the Senate position. In the case of amendment numbered 10 it is to strike out; while in the other case the conferees are contending for the insertion of new matter.

The language of the House bill provides in general terms, as I understand, that when a taxpayer is allowed a refund—and the $175,000,000 appropriation will apply to all refunds—before he shall be entitled to obtain it he must put up a bond that he will turn the refund that he gets over to the people who have in reality paid the tax; in other words, to his customers. A manufacturer, for instance, is taxed too high; he makes a showing to that effect, and obtains a refund of $50,000, we will say, which is to be paid out of the $175,000,000 appropriation. It is probable that the manufacturer added his tax when he sold his product, whatever it might be; as a matter of fact, he has passed it on to his customers; he has collected it from them. He gets it back from the Government because it is held that the tax was illegally collected. The provision will require him to pay that money to the man from whom he collected the tax in the first instance.

I may be wrong but, as I understand it, it is contended by those taking the viewpoint of the Senate that such a provision of law is impracticable and can not be enforced. I confess I do not know as to that. If it can be enforced it is no more than just, it seems to me, but if it can not be enforced of course it can not operate. But certainly——

Mr. COPELAND. Mr. President, may I interrupt the Senator?

Mr. NORRIS. Certainly if I have paid on my business a tax that has been illegally assessed and I sell my product to the Senator from New York and add to the sale price the amount of the tax I have paid, then if I get the money back from the Government it is simply making me a present of that much money. The House bill would require me to pay it to the Senator from New York.

Mr. HEFLIN and Mr. COPELAND addressed the Chair.

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

Mr. NORRIS. I yield to the Senator from Alabama.

Mr. HEFLIN. In other words, if the Senator's tax was $100,000, and he made his customers pay that tax on the things he sold to them, then that $100,000 has been paid by them into the Treasury?

Mr. NORRIS. Yes.

Mr. HEFLIN. If the Government now pays back that $100,000 to the Senator, as he says, it makes him a gift of $100,000.

Mr. NORRIS. Yes.

Mr. GEORGE. Mr. President——

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

Mr. NORRIS. In just a moment. In my humble judgment, if there is any way—others will probably know much better than I do about this—to require the beneficiary in this kind of a proceeding to pay the money to the man who in reality has paid the tax, he ought to do it. It may be that in the case of the illustration I put, where I sold to the Senator from New York, he sold the same product to a hundred different men, and they paid the tax. I do not know whether it is practicable to follow it on.

Mr. GEORGE. Mr. President——

Mr. NORRIS. Now I yield to the Senator.

Mr. GEORGE. May I suggest this to the Senator: I do not doubt that in some instances—indeed, in many instances—the tax is passed on to some one below the actual payer of the tax; but what is passed on? I think the error in the whole argument on this point is in determining what is passed on.

What is passed on? Not the illegal tax. No manufacturer could ever figure out an illegal, excessive assessment and pass that on to his customer. He could only pass on the tax which under the law he should pay. Otherwise he would simply be guessing. There would not be any definite way of determining the amount.

Mr. NORRIS. No; but let me see if I understand the Senator. Let us try to make an illustration.

Mr. GEORGE. Bear in mind, the refund is not of the amount which is legally due from the taxpayer to the Government. He is entitled to no refund for that.

Mr. NORRIS. No; I understand that.

Mr. GEORGE. The refund is for an excessive levy, or a sum which in law he ought not to be called upon to pay.

Mr. NORRIS. Yes.

Mr. GEORGE. But he could not, in the nature of things, have prorated that to his customers. He might have as to all of the legal tax.

Mr. NORRIS. He has not distinguished between the legal and the illegal tax. He can not do so. It has not been adjudicated at the time he pays it and at the time he passes it on. He passes on all that he pays——

Mr. HEFLIN. To be sure.

Mr. NORRIS. Including the legal tax and the illegal tax. The House text undertakes to require him to refund to his customers the illegal tax, to refund to them what he gets from the Government.

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

Mr. NORRIS. In just a moment.

Mr. GEORGE. Then the Senator's suggestion would come to this—that in all cases, the legal as well as the illegal, where the tax is passed on to the manufacturer's customers, those customers should be subrogated to his claims against the Government for the excess payment or any improper payment.

Mr. NORRIS. Yes.

Mr. GEORGE. I do not see how that could possibly be worked out.

Mr. NORRIS. I do not, either.

Mr. COUZENS and Mr. BRUCE addressed the Chair.

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

Mr. NORRIS. I promised to yield to the Senator from Michigan.

Mr. COUZENS. May I illustrate to the Senator from Georgia? Let us assume that the Bureau of Internal Revenue interpreted the tax of 5 per cent on automobile accessories as being 5 per cent on batteries, for instance, and it was afterward determined that the Bureau of Internal Revenue were wrong in classing a battery as an automobile accessory, for the reason that batteries were used for several purposes other than automobiles. Assume that after it had gone on for several years, and the bureau had been collecting 5 per cent from those who sold batteries, the court determined that they were wrong. For example, if the Senator from Georgia had bought from me, a dealer, a battery for $100, and there had been a tax of 5 per cent on the battery, making $105, and I had passed it on to the Senator from Georgia and then the court declared that the bureau should not have collected that money, the contention of the House is that when the manufacturer or the seller gets the refund from the Government he should pass back the $5 that he collected on that particular item.

Mr. NORRIS. I think that is a fair explanation of the House text.

Mr. GEORGE. Mr. President, I ask the Senator, is that the meaning of the House provision?

Mr. COUZENS. That is the meaning of the House provision. If the Senator will yield a little further——

Mr. NORRIS. I yield.

Mr. COUZENS. I should like to say that I think perhaps the amendment is too drastically drawn, because there are cases where the manufacturer absorbs the tax. In other words, he sells to you for $100 this particular battery. He says, "I will take the $5 out of my own profit and pay it to the Government." Having done that, of course, he should not be required to return it to the buyer.

Mr. GEORGE. Manifestly, he should not.

Mr. COUZENS. No; and I think there is a clear distinction between those two kinds of cases. I believe the amendment can be properly drawn so that the man who actually paid it may get it back, but if the manufacturer paid it out of his own profit he may get it back.

Mr. BRUCE. Mr. President——

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

Mr. NORRIS. In just a moment.

Mr. BRUCE. I was going to say that that is the very point I wanted to make. That is to say, you can not assume that the tax can in every instance be passed on to the consumer. The business may not be able to bear it.

Mr. NORRIS. I presume that is true; but it would be an extremely difficult thing to enact a law that would do the right thing in one case and not do an injustice in another case.

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

Mr. NORRIS. Yes.

Mr. COUZENS. I do not think it is a difficult proposition, because all that the manufacturer or the sales agency or the importer has to do, if the amendment is drawn properly, is to satisfy the bureau that he absorbed the tax, and then he gets his refund. If he does not so satisfy the bureau, then he does not get his refund.

Mr. CURTIS and other Senators addressed the Chair.

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

Mr. NORRIS. I will yield to all the Senators presently, but let me say this before I get away from the remark of the Senator from Michigan: Suppose—and this is a really practical illustration, I think—that the person to whom a manufacturer sold the various articles, himself being a local dealer, let us say, had sold them to a hundred different people. He ought to be required, the same as the manufacturer, to refund that money to the man who bought of him if he has collected it. The same rule would apply, because if it was fair in one case it would be in the other. In other words, the final, ultimate consumer as a rule, where the tax is passed on at all, has paid the tax, and it ought to be repaid to him by somebody.

Where these transactions run into the thousands, as they often do, I should like to do it if we can, but I believe it is a difficult thing—sometimes, perhaps, impossible—to enact a law by which we will get the money back to the man who actually did make the payment.

Mr. COPELAND. Mr. President, will the Senator yield there?

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

Mr. NORRIS. Yes.

Mr. COPELAND. I think the original language covers the matter. It must be evidenced by affidavit in such form and containing such statements as the commissioner may prescribe, and we authorize refunds only where such evidence is submitted.

Mr. NORRIS. Yes; but the Senator from Arkansas [Mr. ROBINSON] argued, and I think with a great deal of force, that the result would be that there would not be any refund at all. Perhaps, if we can not get it to the man who ought to have it in common justice, it would be better not to make it; and yet that would mean that the Government is keeping something to which it is not entitled, and I do not want the Government to do that.

Mr. BRUCE. Mr. President——

Mr. NORRIS. I yield to the Senator from Maryland.

Mr. BRUCE. I just wish to say that my recollection is that it was the Senator from Michigan [Mr. COUZENS] who pointed out the other day, when this bill was under consideration in the Senate, the difficulty of following the tax to the consumer.

Mr. COUZENS. I think the Senator is correct——

Mr. BRUCE. Yes; I most assuredly am correct.

Mr. COUZENS. But I do not think I raised the particular point that it should be entirely eliminated. I disagreed with the Senator from Utah that there is no language that may be put in the bill to accomplish the end desired by Congress, but I did not favor taking it out altogether.

Mr. BRUCE. "Consistency, thou art a jewel."

Mr. SMOOT. Mr. President——

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

Mr. NORRIS. Let me say just a word further before I yield. Under the House provision, as I understand, unless it were shown by the person who paid the tax to the Government that he actually had returned or would return the money to the consumer, he would not get the refund. It seems to me that if we are going to trace the money as far as the sale that he made to the next step, we ought to trace it on to the ultimate consumer; and if the ultimate consumer can not get the benefit of it, he being the man who paid it, I do not see any reason in justice why any of these people should get the refund, when, as a matter of fact, somebody else made the payment.

Mr. COUZENS. What happened, if the Senator will yield, is that when the decision was reached to exclude some 90 articles, if I remember correctly, from the list of articles on which the Bureau of Internal Revenue was collecting the tax, many former employees and tax experts went around and circulated among the dealers and manufacturers and inspired claims to be presented to the bureau because of this decision. It may not have even occurred to the manufacturers or the dealer, but he was inspired to make these claims; and the Treasury Department very properly, I think, made a suggestion to the Ways and Means Committee that this proviso be put in. I ask the Senator from Utah if that is not correct?

Mr. SMOOT. I can not tell whether they really advised it or not. I have heard it stated that they did, and I have heard it denied.

Mr. COUZENS. The letter which was published stated that the Treasury Department asked that this proviso be put in the bill.

Mr. NORRIS. To get down to a practical proposition, if the Senate wants the House language to remain in the bill, we ought to direct our conferees to recede from the Senate amendment, because the Senate amendment strikes out the language of the House; and if the Senate amendment prevails there will be nothing in the law applying to these matters.

Mr. COUZENS and Mr. BRUCE addressed the Chair.

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

Mr. NORRIS. I yield to the Senator from Michigan.

Mr. COUZENS. I think the Senator from Utah intended—at least, I understood that to be his intention when he moved to have this amendment stricken out—to try to agree upon some language that would attain the desired end. Is that correct?

Mr. SMOOT. I knew that it would go into conference, and my idea was that we would see if we could work out something there, as I stated.

I want to say to the Senator from Nebraska that I know one of the large manufacturers in the United States who claims that in selling his batteries he had more customers using the batteries outside than those that went into automobiles, and therefore he said, "I shall not increase the price of my batteries." He sold the batteries at just exactly the same price from the time the tax was imposed until the decision was arrived at.

Mr. COUZENS. Of course, he should have his refund.

Mr. SMOOT. What are you going to do? Are you going to give that man $5 now on each of those batteries?

Mr. NORRIS. I should think that under that showing, if he convinced the officials of the Government that that was true, he is entitled to a refund of the tax now.

Mr. COUZENS. Why, certainly.

Mr. NORRIS. He paid it, and he has not passed it on.

Mr. COUZENS. And that was the hope of the Senator from Utah, as I understood, when he asked to have this House amendment wiped out.

Mr. SMOOT. Not only that, but take the manufacturers of pistons: Pistons are used in automobiles, and pistons are used in all sorts of engines and other articles in the United States. How can they divide it? That is the trouble.

Mr. COUZENS. If they did not add any specific tax to their invoices, I do not think they should be required to follow it through but should get a refund from the Government. When they can show, however, that they have added to each invoice the tax provided to be collected by the law as then interpreted, they should be required to make a refund to the purchaser, and not otherwise.

Mr. SMOOT. The only trouble with that is the difficulty of finding out how far that has passed on, and through how many

hands it has passed, and whether we can find the fellow who really paid the tax.

Mr. COUZENS. That would show on the claimant's invoice. If the claimant who is making the claim for the refund has not added anything to his invoice, then he should not be required to make a showing but should get a refund from the Government; but if his invoice shows he has collected it, he should be required to refund it to the purchaser.

Mr. FLETCHER. Mr. President, it seems that everybody is in favor of the motion, so why not put the question?

Mr. WARREN. I was about to ask that the question be put on the motion.

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

Mr. McMASTER. I desire to announce that my colleague [Mr. NORBECK] is still detained in the hospital as the result of an automobile accident.

Mr. REED of Pennsylvania. The senior Senator from Pennsylvania [Mr. PEPPER] is detained from the Senate on account of illness.

The PRESIDING OFFICER. Seventy-nine Senators having responded to their names, there is a quorum present. The question is upon the motion of the Senator from Wyoming that the Senate further insist upon its amendments, ask for a further conference with the House, and that the Chair appoint the conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN managers on the part of the Senate at the further conference.

JOEL C. CLORE

Mr. WILLIS. Mr. President, I desire to submit a request for unanimous consent, and before I submit it I want to make a statement.

The Senate has to-day received official information of the death of a prominent Member of the House of Representatives, Hon. A. E. B. STEPHENS, of the second Ohio district. Mr. STEPHENS was a useful legislator, an upright citizen, and a splendid American. In the closing days of his life he expressed regret that he had not been able to secure the passage of the one remaining bill which he had introduced. That bill is on the calendar and has been favorably reported. I therefore ask unanimous consent that the Senate proceed to the consideration of House bill 3432, for the relief of Joel C. Clore.

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

[H. R. 3432, 69th Cong., 2d sess.]

An act for the relief of Joel C. Clore

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Joel C. Clore, former postmaster at Cincinnati, Ohio, in the sum of $8,783.57, due to the United States on account of the loss of postal funds, postage stamps, thrift stamps, and war-revenue stamps, resulting from burglary of said post office on June 16, 1921.

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

SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES

Mr. FESS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Order of Business 1451, Senate bill 4332, to authorize the Secretary of the Navy to modify agreements heretofore made for the settlement of certain claims in favor of the United States.

Mr. GERRY. Let the bill be reported.

The bill was read.

Mr. KING. Reserving the right to object, I would like to have an explanation of the bill.

Mr. FESS. Mr. President, there are existing contracts where the Government entered into agreements with certain munitions makers and builders, and at the close of the war the adjustments were made in the form of notes payable by these contractors to the Government, running 20 years, perhaps, with no interest. There is one firm in Akron, Ohio, which would like to make the settlements now instead of paying $1,000 a year every year for 20 years, because the building stands on property that belongs to these parties, and they can not do anything at all with the property until the title is clear.

The bill was drawn by the Navy Department, submitted to the Committee on Naval Affairs of the Senate and reported favorably, and covers about six cases; but, so far as I know, there is only one where the parties interested want to make settlement.

Mr. KING. The bill is general in its character and would extend to all who desired to take advantage of it.

Mr. FESS. Yes.

Mr. SMOOT. Can the Senator state the present value of the claim to which he refers?

Mr. FESS. Yes; it is to be settled on the basis of the present worth of the claim, which would be paid at the rate of $1,000 a year for 20 years, and it represents a considerable reduction.

NATIONAL BANK BRANCHES

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the chair lays before the Senate the unfinished business, which is the motion of the Senator from Pennsylvania [Mr. PEPPER].

The Senate resumed the consideration of Mr. PEPPER's motion to recede from certain amendments of the Senate to House bill 2, and that the Senate concur in the House amendments to certain Senate amendments to that bill.

Mr. WHEELER. Mr. President, I appreciate that it is lese majesty for anyone to attempt to speak upon the banking bill who is not a member of the Committee on Banking and Currency. I confess that I have not had an opportunity to study the banking bill as carefully as I would like in many of its important phases, but I submit that I am not in any different position than the vast majority of the Members of the Senate as well as some of the members of the Committee on Banking and Currency. It must be apparent to anyone who has heard the discussions upon the floor of this body that some of the Members of the Senate at least are quite unfamiliar with some of the provisions of the bill itself. Only the other day in discussing the provisions of the bill with a banker who is a member of the committee he suggested to me that the bill extended loans to farmers upon farm lands, which was not permitted under the present law. Of course, a cursory reading of the bill indicates that that is not the case.

Again, on last Saturday, in discussing the bill, statements were made by the Senator from Pennsylvania [Mr. PEPPER], in answer to questions asked by the Senator from Idaho [Mr. BORAH], which are clearly not borne out by the facts concerning the bill. The Senator from Idaho said:

Mr. BORAH. In instances where the State has provided for branch banking, is there any limit to the number of banks which a parent bank may establish within a State?

Mr. PEPPER. Yes; there is. There is a very carefully worked out scale. There can not be any branch in a city with less than 25,000 population. There may be two, I think it is, branches up to 50,000, and possibly three up to 100,000—

That, of course, is not a correct statement, but it is a minor matter—

and beyond that at the discretion of the Comptroller of the Currency; but there is a carefully worked out scale of limitation.

The carefully worked out scale of limitation is that the Comptroller of the Currency may, in any State or in any city of over 100,000 population, establish as many branch banks as in his judgment may seem proper.

The Senator from Massachusetts [Mr. WALSH] said:

Mr. WALSH of Massachusetts. As I understand the law in Massachusetts, it limits the number of branch banks of State banks to two. Does this proposed legislation limit the number of branch banks of national banks to two?

Mr. PEPPER. This proposed law does not authorize a national bank to establish any more branches, even within the municipal area, than are permitted under the law of the State, and if there is a limitation in the local law, that is ipso facto applicable to the national situation.

I challenge the statement of the Senator from Pennsylvania. He can not point to a single, solitary statement in the bill bearing out that statement. The fact is, as I said a moment ago, that it is within the discretion of the Comptroller of the Cur-

rency to grant in the city of Boston just as many branch banks as he desires.

Mr. WALSH of Massachusetts. I am very glad to hear that. So that the limitation of two banks would be applicable to national banks?

Mr. PEPPER. That is clearly my judgment, and I think that is the design of the framers of the bill.

Again the statement was made:

Mr. BORAH. What would be the effect if a State which now gives authority for branch banking, under its law, should withdraw that authority?

Mr. PEPPER. Mr. President that subject has been a good deal considered. My own judgment is that since this measure is designed to promote equality of opportunity for national banking associations and State banking associations, if a State were to pass a law providing that thereafter no branches should be established, it is perfectly clear to me that under this proposed law no branch bank could thereafter be established by national banks. If the State were to undertake to close up existing branches in the State, giving rise to all sorts of questions of vested rights and confiscation, it would be for the Comptroller of the Currency to decide what was the fair thing to do in exercising his power to close down branches, which is very widely given to him under this measure.

Mr. BORAH. The Senator will pardon me for asking another question——

Mr. PEPPER. I hope the Senator will ask such questions as occur to him.

Paragraph (b) of section 5155 reads, as proposed to be amended:

(b) If a State bank is hereafter converted into or consolidated with a national banking association, or if two or more national banking associations are consolidated, such converted or consolidated association may, with respect to any of such banks, retain and operate any of their branches which may have been in lawful operation by any bank at the date of the approval of this act.

In other words, I submit that no other construction can be placed upon that language than that if the State of California, for instance, enacted a law to the effect that thenceforth they would allow no branch bank; that from that time on State banks could convert into national banks and could keep every single, solitary branch they had in the State of California under the national banking association act.

Mr. EDGE. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Montana yield to the Senator from New Jersey?

Mr. WHEELER. I yield.

Mr. EDGE. While I think the Senator is entirely correct, as I understood his statement, is not that the condition anyhow in those States where branches exist to-day, and would exist whether the bill was enacted into law or not and whether the Legislature of California enacted a law prohibiting such branches? They are there anyway.

Mr. WHEELER. But I am making the point, let me say to the Senator from New Jersey, that this provision ought not to permit such a thing to exist. I do not think it would exist if the Hull amendments were in the bill. I am frank to say there is another provision to which I want to call the attention of the Senate. I call attention to section 9, on page 21, as follows:

but no such State bank may retain or acquire stock in a Federal reserve bank except upon relinquishment of any branch or branches established after the date of the approval of this act beyond the limits of the city, town, or village in which the parent bank is situated.

Clearly, to my way of thinking, the two paragraphs are inconsistent. It leaves it, to my way of thinking, absolutely with permission to the State bank to keep the branches, we will say, of the Bank of Italy in California.

Mr. GLASS. Mr. President, will the Senator permit an interruption?

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

Mr. WHEELER. I yield.

Mr. GLASS. I would like to call attention to the fact that there is another important provision of the bill which the Senator from Montana seems to have overlooked, and I would like to get his reaction to that. The section which he has read and stressed does say precisely what he said it does:

If the State bank is hereafter converted into or consolidated with a national bank.

"If" it is converted. The question arises right there how such consolidation or conversion may take place. I refer the Senate to section 3, page 2, of the committee print of the bill, which says:

That any bank incorporated under the laws of any State or any bank incorporated in the District of Columbia may be consolidated with a national banking institution—

Where?

located in the same county, city, town, or village under the charter of such national banking association.

Mr. BORAH. In other words, the word "State" has been eliminated.

Mr. GLASS. Yes; it has been eliminated, so that the consolidation is confined to the incorporated city, or——

Mr. WHEELER. To the incorporated county.

Mr. GLASS. I was about to say the incorporated city, town, or county.

Mr. WHEELER. But it permits them to have branches under that provision in the county, for instance, in which they have other branches.

Mr. GLASS. Under the existing law they are permitted to have them all over the State.

Mr. BORAH. That raises a question which I would like to ask the Senator from Virginia. Am I to understand the construction which he places upon the section just read is to the effect that in the consolidating of State banks to convert them into a national bank, they are limited now to the county or city?

Mr. GLASS. That is my construction of that provision of the bill. We originally had the word "State" in there, but it was stricken out. The consolidation or conversion, I will say to the Senator from Idaho, is confined to the city, town, or county in which the two consolidated banks are located.

Mr. BORAH. Mr. President, will it interrupt the Senator if I submit another inquiry?

Mr. WHEELER. I yield to the Senator from Idaho.

Mr. BORAH. Let us take a practical proposition. Suppose a bank in a State which now permits State banking, has some 25 or 30 branches scattered all over the State, and it should undertake to consolidate and convert them into national banks, would it be confined in that action to the county or State in which the parent bank was located?

Mr. GLASS. That is my interpretation of section 3 of the bill.

Mr. WHEELER. I think that it is possibly true that it would be confined to the county, but the claim is that this bill limits the consolidation of banks or branch banking to the cities, while we find in the bill a provision under which, if a bank wishes to convert, branch banking may be extended to the various counties.

Mr. GLASS. Just on that point, Mr. President, I desire to say that this bill is very restrictive of the existing law. Under existing law banks may consolidate all over the State, but this bill confines them to the city, county, or township.

Mr. WHEELER. Yes; but let me call attention to the most objectionable feature about the bill, which is that although a State may desire to wipe out branch banking entirely, yet a State bank may enter the national banking system and maintain branches in the county and city. There is no question about that.

Mr. GLASS. Mr. President, the answer to that is that the provision to which the Senator is objecting is not in controversy at all as between the two Houses.

Mr. WHEELER. I am not saying that that is in controversy between the two Houses; but I am not at this particular time arguing only such questions as are in controversy between the two Houses. I am saying that, in my judgment, this bill provides for an extension of branch banking in this country, although many of the proponents of the bill—not all of them—have been claiming all the time that it does not provide for an extension of branch banking. They are also claiming that the Hull amendments would be an invasion of the rights of the States. I submit that that is not true, because this bill will invade the rights of the States just as much as would the Hull amendments invade the provisions of State law.

Here we have, for instance, a provision in the bill which would permit this situation to arise: If the State of California or the State of South Carolina or any other State should prohibit branch banking, this measure would permit them to become a part of the national banking system and carry on branch banking in violation of the laws against branch banking in a State, in counties, and in cities where the people do not want branch banking. There is no question about that. As I said a moment ago, the statement which was made by the Senator from Pennsylvania [Mr. PEPPER] to the effect that this

proposed legislation limits the number of branch banks to two or permits the same number only of branch banks in the city of Boston that the State law permits, is absolutely not in accordance with either the fact or the law.

Mr. GLASS. Mr. President, under the provisions of the bill, if as described by the Senator, a bank in a State should convert itself into a national bank it could only have one branch in a town of 25,000 population.

Mr. WHEELER. But that has nothing to do with the argument at all. Whether the bill would permit one branch bank in a city of 25,000 or 50 branch banks in the city of Chicago, it would still permit branch banking in a State where the State legislature and the people of the State had said that they did not want it; and yet we hear much about State's rights, and the statement is made: "We do not want the Hull amendments because we shall thereby be invading the principles of State's rights."

Mr. President, I wish to say that in my judgment this bill should be defeated for many reasons, but principally, I think, it should be defeated because of the fact that it is objectionable, first, on the ground that it permits branch banking. It is the entering wedge, if you please, of the little group in this country who have been seeking by every means known to extend their grasp upon the people of the country through the medium of branch banks.

Second, it extends the provisions of section 5200 so that it permits the national banks to go into the investment banking business, into the speculative banking business, and it extends no security whatsoever to the savings depositors of the country.

Third, it extends an indefinite charter to the Federal reserve system eight years before the law under which the banks of that system are operating ceases to function. That provision is put in as a rider to this bill.

Some Senator has said that the provision with respect to section 5200, extending, if you please, the provisions of the national banking act so that national banks may make loans upon city real estate, so that they may make loans upon farm securities, upon wheat, for instance, and may go into the investment banking business, is desired by the farmers of the country. If it is desired by the farmers of the country, I have as yet to hear from one single, solitary farmer or one single, solitary farm organization in the country advocating the passage of the bill. Permit me to say that if they were advocating the passage of the bill upon that ground, I would contend that this is a bad provision, because it permits bad banking. The provisions of section 5200 should not be broken down to enable national banks which accept savings deposits to invest large amounts of their funds in real-estate loans.

The farmers of this country, let me say, are not asking to borrow more money. The very thing that broke the farmers of the Northwest was the fact that during the war they were encouraged by the bankers to raise more wheat and to borrow more money? Then, my friends, after the farmers were thus encouraged and the little bankers were encouraged to loan to the farmers up to the hilt upon inflated real estate, the time came when the Federal Reserve Board in 1920 held a secret conference in the city of Washington, at which they stated in substance, "We must start in on a period of deflation." It was that period of deflation, brought about by the Federal Reserve Board, which caused the farmers and the little banks of the Northwest and the Middle West to go broke.

We have just passed a bill attempting to aid the farmer. One of the things, I repeat, which brought them into the condition in which they are at the present time was the fact that the Federal reserve system, to which we now seek to give new life indefinitely, produced this period of deflation.

Let me ask what reason there is for the Federal Reserve Board to come here, eight years before the charters of the Federal reserve banks expire, and ask that they should be extended? Is there any reason in the world why they should be here eight years before those charters expire asking for this legislation?

The Washington Post the other day said something about our having a strong President in the White House, and that the President of the United States would undoubtedly veto the farm relief bill. It declared it to be the fact that the Congress of the United States had submitted to the pressure of the farmers of this country, but it did not say anything about the Congress of the United States submitting to the pressure of the bankers of this country to pass the bank relief bill. It is in reality nothing more than that. There is no need at this session of Congress to pass this bill. I venture to say that not over 20 per cent of the Members of this body have ever read the bank bill; there are not over 20 per cent, if there are that number who are familiar with the provisions in the banking bill; and yet we seek to pass a bill in the closing days of this session of Congress which is not understood by the people of this country, not understood by the Members of the Senate, and not understood by some of the members of the committee itself. That becomes apparent when statements which are made upon the floor of the Senate in explanation of the provisions of the bill are found upon examination of its provisions to be not at all in accord with them.

We have heard, Mr. President, at this session of Congress and in past sessions of Congress a great deal about the farm bloc; we read in the great daily newspapers of the country articles denouncing blocs in this body; but where is there a great daily newspaper that denounces or, in fact, says anything about the banking bloc in the Senate that seeks at this time to cram this bill down the throats of the American people and to fasten upon them the Federal reserve system under an indefinite charter? I wish to say in this connection that I am not at this time prepared to say that the Federal reserve system is all bad, because I think the Federal reserve system has in many instances done much good. The thing which I deplore is that the advocates of the Federal reserve system have found it necessary to place as a rider on this branch banking bill a provision extending the charters of the Federal reserve banks eight years before those charters will expire, and without the members of this body knowing what is in the bill or having read the bill. It is not fair to the people of this country; it is not fair to the Federal reserve system itself.

There have grown up under the Federal reserve system in this country practices which ought to be investigated before we extend the charters of the Federal reserve banks. Yet Senators sit here meekly and permit the provision extending their charters to go through as a rider on the pending bill, and if anyone dares to speak in opposition to a bank bill, of course, Mr. President, he is committing lese majesty, according to the idea of the banking bloc of the Senate.

Let me remind Senators that Nicholas Murray Butler the other day stated that one of the issues in the next campaign would be farm legislation and another would be prohibition. I wish to point out to the Members of the Senate that if they jam this bill through in the closing hours of the session the banking bill will also be an issue in the next campaign. The reason why it is desired to attach the provision extending the charters of the Federal reserve banks as a rider on the pending bill at this time is because of the fact that they do not want it discussed in the open upon the floor of the Senate at the next session of Congress or in the sessions that are to follow.

Mr. President, I wish to read briefly concerning the secret conference of the Federal Reserve Board which was held in 1920. I want to read it because of the fact that I desire to impress upon the Members of the Senate the great power that is in the hands of this body of 12 men. In that secret conference they sat around the table and decided the future destiny of this country so far as concerns the determination whether or not they should make the farmers of this country disgorge what they were holding for higher prices. They discussed the question whether or not they should permit the little merchant to have more money; they discussed the question whether or not, behind closed doors, secretly, they should extend any credit to anybody excepting to those who they said were the favored class. At the same time in that secret conference, when they were proposing to deflate the farmers of this country, they passed resolutions asking that the railroads of the country should have increased freight rates!

I point out those things because I say that the Federal reserve bank to-day has the power absolutely and positively to crush the very life out of the ordinary citizen of this country.

In this secret conference, among other things that were said, was this:

> Thus the directors of Federal reserve banks are clearly within their rights when they say to any member bank, "You have gone far enough; we are familiar with your condition; you have got more than your share, and we want you to reduce; we can not let you have any more." They must exercise their discretion as to the proper course to pursue, but they have the power, and there are many cases where the rule ought to be laid down and a member bank ought to be made to understand that it can not use the resources of the Federal reserve banks for its own private advantage for profit; that it must not abuse the rediscount privilege of the Federal reserve system.

Again, Mr. President, they said:

> The fundamental trouble with the situation to-day is that there is a large volume of essential goods and commodities held back from the markets and kept out of the channels of distribution, either for speculative purposes, being held with the idea of getting higher prices later on, or where they are held back of necessity on account of lack of facilities to transport them to market.

Whom did they have in mind? They, no doubt, were talking about the farmers of the West and the Northwest, who at that time were holding their crop for a higher price; and they met here for the very purpose of discussing that matter and making the farmers of the country disgorge the wheat which they claimed they were holding for speculative purposes. I cite that as an instance of the power which we give to this banking group in the Federal reserve act.

Again, I find, on page 17:

In other words, I think the purpose to be served—

He is speaking of deflation——

Mr. NORRIS. Who is speaking?

Mr. WHEELER. This is a Mr. Alexander, of New York.

Mr. NORRIS. Where was he speaking?

Mr. WHEELER. He was speaking at this secret conference that was held here in Washington on May 18, 1920.

Mr. NORRIS. Of what?

Mr. WHEELER. Of this advisory council.

He says:

Now, there is the objection, as stated by you, of charging 7 per cent to the member banks when they can only collect 6 per cent. I think that is a feature of the situation that must be met. In other words, I think the purpose to be served—

He is speaking of deflation—

is so great and of such prime importance that these other matters must be considered of smaller importance.

Again, he said:

We could say that they couldn't have the money, and we should see to it that the profiteer is cut out and that the essential industry is carried even at the expense of the bank.

They were then talking in regard to the farmers of the Northwest. If you will remember the newspapers at that time were full of statements to the effect that the farmers of the Northwest were profiteers.

Again, it was stated in this conference—

We have been endeavoring in our own bank—

This is Mr. Wayne, of Philadelphia, speaking—

We have been endeavoring in our own bank in the last month to force Liberty bonds on the market but they do not go on very comfortably. People who have to part with them and lose 13 points do not part with their money very gracefully. But as to the district, I think we are in a very comfortable position, because if anything should turn up and we would have to sell our Liberty bonds we have a margin to go on.

In other words, they were seeking to force those who purchased Liberty bonds during the war to sell them at something like $13 on the hundred below what they paid for them.

I read next from the statement of Mr. McDowell, of North Dakota. He said, by way of protest against raising the discount rate to 7 per cent and bringing on this deflation that they sought to bring on:

It seems to me that now is a poor time to penalize the little fellow, and I am afraid we are just going to create a little more unrest out in the Northwest, where socialism has got such a strong foothold now, if we do not look at this thing not from any other standpoint except that of safety. The Federal Reserve Bank of Minneapolis is making $10,000 a day. Is that profiteering when they have been using our money without any interest ever since it started? Is the Federal Reserve Board going to be put in the same class as the sugar profiteerer and the manufacturer who has been making big money?

Nothing was said with reference to that kind of profiteering.

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

Mr. WHEELER. I yield.

Mr. FRAZIER. I want to say, for the benefit of those Senators who are interested, that the bank of which Mr. Wesley McDowell was the head at the time this statement was made closed some months ago, and he has gone out of the banking business.

Mr. WHEELER. Again, they finally passed a resolution as follows:

Resolved, That the bankers here assembled in their capacity as members of the Federal advisory council, in their capacity as directors of the Federal reserve banks of the country, in their capacity as members of the orderly deflation committee of the American Bankers' Association, and in their capacity as officers and directors of banks doing business in the various cities of the country, approve the sentiments expressed in the very able address of Governor Harding as representing the views of the Federal Reserve Board; and

Resolved, further—

And so forth.

Again, the following report was brought in:

The unanimous report of your committee is as follows:

This was brought in by a Mr. Watts:

The whole country—

He says—

is suffering from inflation of prices with the consequent inflation of credit. From reports made by the members of this conference representing every section of the country it is obvious that great sums are tied up in products which, if marketed, would relieve necessity, tend to reduce price level, and relieve the strain in our credit system.

The congestion of freight is found in practically all of the large railroad centers and shipping ports. It arises chiefly from inadequate transportation facilities available at this time and is seriously crippling business. We are informed that the per-ton mile of freight increased in three years—1916, 1917, and 1918—47 per cent, while the freight cars in service during the same period increased 1.9 per cent.

A striking necessity exists which can only be relieved through the upbuilding of the credit of the railroads. This must come through adequate and prompt increase in freight rates. Any delay means the paying of greater cost directly and indirectly and places a burden on the credit system which in the approaching time for seasonal expansion may cause abnormal strain. * * *

Be it resolved, That this conference urge as the most important remedies that the Interstate Commerce Commission and the United States Shipping Board give increased rates and adequate facilities such immediate effect as may be warranted under their authority, and that a committee of five be appointed by the chair to present this resolution to the Interstate Commerce Commission and the United States Shipping Board with such verbal presentation as may seem appropriate to the committee.

As I said a moment ago, the Federal Reserve Board, sitting there as a board with the power to deflate the farmers of this country, with the power to raise the interest rates so that they could simply wipe out the little banker or the little merchant and keep him at their mercy, were at the same time asking that the farmer be deflated and that the railroads have increased rates.

Finally, we find this:

Governor HARDING. I would suggest, gentlemen, that you be careful not to give out anything about any discussion of discount rates. That is one thing there ought not to be any previous discussion about, because it disturbs everybody; and if people think rates are going to be advanced, there will be an immediate rush to get into the banks before the rates are put up, and the policy of the Reserve Board is that that is one thing we never discuss with the newspaper man. If he comes in and wants to know if the board has considered any rates, or is likely to do anything about any rates, some remark is made about the weather or something else, and we tell him we can not discuss rates at all; and I think we are all agreed it would be very ill advised to give out any impression that any general overruling of rates was discussed at this conference.

Everybody in this country knows what followed that secret meeting. From one end of this country to the other, particularly in the farming communities of the Northwest and the West, pressure was put on the little bankers, and they were not permitted to loan any money, and they were notified that they must call in the loans that they had. The final result of it was that it left in its wake a lot of bankrupt farmers from the Pacific clear to the Mississippi River, and likewise left in its wake bankrupt banks from the Pacific to the Mississippi River, and it likewise left in its wake bankrupt merchants from the Pacific to the Atlantic.

Now they come in here saying that this Federal reserve bank, with all of the power that it has to throttle business, the farmer, and everybody else, shall be given an indefinite, indeterminate charter; and they know that if this bank ever gets an indeterminate charter it will be a long time before the Congress of the United States and the Senate of the United States will dare to stand up and repeal it, because of the propaganda and the influence of the American Bankers' Association and their allies, once it is fastened upon the people of this country.

"Oh," they say, "we have a strong man in the White House now. He will veto the farm bill"; but I would ask if he is strong enough to veto this bill which should be termed the bankers' relief bill, and which puts the death grip of the bankers, if they see fit to use it, upon the business of this country.

What excuse is there for the bankers of the country coming in here and asking an indefinite extension of the Federal reserve charter eight years before it expires? None whatever. What excuse is there for them to come in here and break down the provisions of section 5200, which is going to leave unprotected

the little depositor, the washerwoman, the workingman, the farmer who have deposits in national banks?

"Oh," but they say, "the farmers want it." I challenge them to show one letter from one farm organization or from one farmer saying that he wants that kind of legislation in this session of Congress or in any other. They do not want more loans. That has been the curse of the farmer during the war—that he was encouraged to make loans up to the hilt, to produce more and more wheat, and then, after he had tried to produce it and had borrowed up to the hilt, they came along with their deflation and just put him out of business as a penalty for his patriotic efforts during the World War to feed the boys across the water.

The fight that has been going on for branch banking has not just arisen during this session of Congress. We have at the present time chain stores, spreading from one end of this country to the other, that are gradually driving the little merchant out of business; chain grocery stores, owned by the great monopolies and combines, gradually putting the little grocery men out of business. We have the chain shoe stores, putting the individual shoe dealer out of business. We have chain clothing stores, putting the little clothing merchants out of business. Now it is said that we are to give to the bankers of this country the entering wedge to establish branch banks. Where do they want them? Do they want to limit them just to the cities? Oh, no; that is just the camouflage. They want branch banking first in the city, then in the county, because the proponents of this bill actually put in this bill a provision, which was stricken out in the House, for branch banking in the county outside of the city. They want branches not only in the city but in the county, and they want them in the State, and they want them in the Nation; and they will have authority to establish such branches unless this Congress and future Congresses have the intestinal stamina to stand up here and fight against the great banking interests which seek, from the cities of New York and Chicago, to engulf this whole Nation in branch banking from one end to the other.

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

Mr. WHEELER. I yield.

Mr. COPELAND. I think the Senator is just a little bit unfair to some of the New York bankers, if he will permit me to say so. He will recall that when these banks started, they were all down in the financial district.

Mr. WHEELER. They can move, can they not?

Mr. COPELAND. Yes; they can move their one bank, but it is not fair that the State banks in the city of New York should have innumerable branches, as they have—I can speak, for instance, of the Manufacturers' Trust——

Mr. WHEELER. Let me say to the Senator from New York very frankly that I am not objecting to branch banking for the city of New York, I am not objecting to it for the city of Chicago, and I am not objecting to it for the city of Boston; but I say that this bill ought to have in it the Hull provisions, which would prevent the extension of this any further than the city limits of these great cities, which possibly need them, providing the bill contains the Hull amendments.

Mr. COPELAND. I agree fully with the Senator in that matter, and I feel that the bill does make that very provision.

Mr. WHEELER. That is where the Senator is entirely mistaken, as I have pointed out and shall further point out in a few moments. That is where the Senator is entirely mistaken, in my judgment.

Now I refer to section 5200. I confess that my experience in banking has been limited to signing notes and paying them through the teller's window, and I was extremely timid about even attempting to argue this bill until I talked with some of the bankers who are upon the committee; and when I found out how little they knew about the provisions of the banking bill I thought that possibly I knew as much about it as many of the members of that committee, however limited my knowledge might be, particularly when I heard the statements made upon the floor of the Senate last Saturday by the distinguished and learned banker and statesman from Pennsylvania.

I am not going to quote to the Senate from something that has been said by some farmer or some lawyer who knows nothing about banking. I am not going to quote, if you please, some lawyer who has not had any experience in banking; but I am going to give the opinion of a man who had as much to do with the drafting of the Federal reserve law, in my judgment, as did Colonel House, or those Senators who vie with Colonel House in claiming the authorship of the Federal reserve law.

I shall quote now from Mr. H. Parker Willis, who wrote a letter to the junior Senator from Utah [Mr. KING], in which he said:

When I called upon you at the Capitol on Tuesday last at (as I understood it) your suggestion, you asked me to tell you what I thought of the McFadden bill now before the Senate for final action. I undertook to do so, but as you will recall the time was too short, as I was then on my way to the train, to say more than a few words; and so I agreed to write you about it. This I am now doing.

I think I ought to tell you first of all that, although last winter at the time when I testified before the Senate committee, I gave the results of a lengthy inquiry which I had made at the request of and on behalf of California bankers, I have done no further work since then and do not in any way represent the views of those or of any other bankers. Exactly what their opinions are at the present time as to the present form of the McFadden bill, I have not inquired, and what I say to you in this letter is my own opinion merely and has no force as being representative of the views of any man or group. It is my own opinion merely.

As an American citizen for years interested in the banking problem I have my own opinions about the McFadden bill, and they have been adverse to the measure from its inception down to the present time. A survey of the McFadden bill as it stands leads me to feel that the objections which I have all along entertained with regard to it still hold good in the main and I am therefore as regretful as ever that it should be seriously considered by Congress. To go into the detail of the objections to the McFadden bill would require very extended treatment. Generally speaking, I may say that my testimony of last February before the Senate Banking and Currency Committee impresses me as being in all essential respects as pertinent now as it was then. I have reviewed my testimony with care. It contains nothing that I wish to change—beyond stenographic errors—and I, therefore, reassert what I then said.

I understand you to wish, however, for a specific statement of objections to the McFadden bill and I therefore note the following points which strike me as the major questions involved:

1. The McFadden bill seems to me, although greatly improved in its present form as compared with the original measure, to be still an unjust and undesirable way of dealing with branch banking. To grant the right of establishing branches within the city limits but not in the suburban districts surrounding cities seems to me to take away much of the public convenience and advantage which this phase of the bill might otherwise promote, while the situation in which branch bankers organized under State laws (in branch-banking States) are left in their relations to the Federal reserve system, seems to me an unfair and unsatisfactory one. The question whether the Federal Reserve Board shall or shall not continue to control the establishment of the branches by member (nonnational) banks appears still to be open although the language of the act in the form in which (as I understand it) the conference committee has left it, restores language which ought to act as a restraint upon the unwarranted use of Federal reserve membership by the board. After all, the best that can be said about the branch-banking provisions of the measure is that they are a compromise in which neither side has received full justice and which must inevitably provoke a future discussion of the whole subject, probably at an early date, and almost certainly after conditions have arisen, in the course of competitive business life, which will render an equitable final adjustment more difficult than it would be had no such measure been adopted.

2. I regard the whole branch banking aspect of the McFadden bill as largely camouflage, the real and vital elements in the measure being the provisions it contains with respect to other subjects, which however, have had little or no real discussion at the hands of Congress. The first of these subjects is the revision of section 5200 Revised Statutes now found in section 10 of the bill. This section as you are unquestionably aware, has been thoroughly canvassed by the Federal Reserve Board which retained a professional advisor but so far as I know the work of that advisor and the recommendations of the board have had no attention. I believe that subsection (4) of section 5200 (p. 22) opened a wide door for the extensive discount of speculative paper and would permit much larger loans for stock exchange purchases than is intended under the present law. I believe further that subsection (6) (p. 23) relating to loans on staple commodities, would seem to open the door wide to loans made for the purpose of carrying cotton, wheat, and other similar speculative commodities and to allow borrowers to get increasing loans from the banks as the current quotation ("market value") of such staples was advanced by means of speculative tactics. I believe that subsection (7) (p. 25) permits hazardous loans with insufficient margin and should not be thought of. I believe that the great epidemic of bank failures of the past few years is in part due to the laxity in lending which has been made possible by the successive amendments of section 5200, and of the correspondent statutes in various States, and that what we want now is a tightening of the provision and not a further relaxation.

Is there any question in the mind of any Member of this body as to what happened with reference to the national banks and the other banks of the Northwest and the Middle West? They became loaded up. The best of the paper, if you please,

was taken by the Federal reserve banks. I see the Senator from Connecticut [Mr. McLEAN] shakes his head, but I think I know sufficient about that situation in the Northwest to say that I have it upon the authority of many reputable bankers that the Federal reserve banks did take——

Mr. McLEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Connecticut?

Mr. WHEELER. I yield.

Mr. McLEAN. I shook my head because I was a member of the committee when the Federal reserve bill was reported, and I will say to the Senator from Montana that the six months' agricultural paper provision was put into the bill at the insistence of the then Senator from Nebraska, Mr. Hitchcock, and it was done, as he said, because it would benefit the farmers of the West, and they must have it. It seems to me it is rather late in the day now to blame the Federal reserve system for something that the farmers secured when the bill was drawn, because they believed then that it would be for their benefit. If they abused the privilege, it might have been partly the fault of the banks, but the farmers demanded it. I was opposed to it.

Mr. WHEELER. I will say to the Senator that I am not condemning the Senator from Connecticut because of the fact that he voted for the provision, but I am simply referring to the effect it has had, and, in my judgment, the effect it is going to have, if these provisions are further extended, as they are being extended by this bill.

Mr. McLEAN. Then the Senator must change the views of the Senators here who represent, or pretend to represent, the agricultural interests, because they insist now, as they did then, and as they have insisted all through the 12 years since the bill was passed, that the six months' agricultural paper was a great benefit to the farmer.

Mr. WHEELER. Let me tell you what took place in actual practice. All through the Northwest the good paper was taken by the Federal reserve banks. When the little banks could not loan any more they had to close their doors. There was nothing left in those banks but worthless paper, which condition had been brought about by the deflation of the Federal reserve banks throughout the country. We are talking about protection of this class and that class, but somebody ought to talk about protection to the little depositor, who puts his savings in the bank. There is no provision in this bill to safeguard them.

Mr. Willis went on to say:

> 3. The McFadden bill in its present form provides in section 16 for an amendment of section 24 of the Federal reserve act which allows banks to loan one-half of their savings deposits upon real-estate securities. We have at the present time a great inflation in city real estate and an unduly large amount of real estate paper in banks.

Was that put in at the instance of the farm organizations of the country, I wonder?

Mr. WHEELER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. WHEELER. Certainly, I yield.

Mr. EDGE. The Senator is aware, is he not, that under the pending bill an amount can be loaned equal to one-half of the total capital and surplus, the loan to run for a period of 10 months, as against existing law, which permits only 25 per cent of the total capital and surplus to be loaned for a period of 6 months? Certainly that is an advantage to the farmer, so far as liberality is concerned, is it not?

Mr. WHEELER. You are allowing the loans upon city real estate, as I understand the provisions of this bill——

Mr. EDGE. I am now discussing agriculture.

Mr. WHEELER. I am talking about improved city real estate.

Mr. EDGE. Does the Senator approve of the increased credit allowed agriculture?

Mr. WHEELER. No, I do not. I am very frank to say that I do not agree to it, and do not subscribe to it. I think it is a bad thing for the banks of this country, and particularly for the national banks, to extend that further credit. I hope Senators will not misunderstand me or my position. I do not feel that the national banks ought to be permitted to take these long-time mortgages and loans upon real estate, whether it is farm or whether it is city property, because I think it is bad banking, and I think it is a bad thing for the depositors, and it has proved to be in the West and in the Middle West.

Mr. EDGE. The Senator is also perhaps aware that in the matter of livestock, under the pending bill, the amount provided to be loaned on livestock has been liberalized as compared with existing legislation.

Mr. WHEELER. I think it is bad. I think it is bad for the livestock men themselves and I think it is bad for the banks of the country, and particularly for the poor little fellow who puts his money into those banks and allows them to pass it out over their counters for such purposes.

Mr. EDGE. Then the Senator does not agree with some Senators on the other side of the aisle who have for years——

Mr. WHEELER. I do not know who those other Senators are. I am simply expressing my own views and not the view of any other Senator upon the subject.

Mr. EDGE. Senators who for years have complained that the Federal reserve system policy denied farmers an adequate opportunity for credit.

Mr. WHEELER. I am simply stating my own judgment about the matter. I still contend that it is bad banking and does not protect the depositors sufficiently.

Mr. HOWELL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WHEELER. I yield.

Mr. HOWELL. Is it not a fact that with no grace at all they could have extended the privileges with reference to other raw materials, and also stocks and bonds, without also granting it to livestock?

Mr. WHEELER. Yes, indeed, of course. But the bill goes ahead, as I shall point out, and permits them to go into the investment banking speculation. I assume Senators will claim that was put in the bill at the request of the farmers. I read further:

> We have at the present time a great inflation in city real estate and an unduly large amount of real estate paper in banks. To increase this amount and to permit savings deposits or the equivalent thereof to be invested practically as the bank may wish (subject to a 50 per cent of value limitation), is to invite disaster at a time when savings deposits, as I showed last winter, have assumed a very ill protected and dangerous position.

Mind you, Mr. President, this is not my statement, because as I said at the outset it is the statement of Mr. Willis, who, I assume, will be recognized by Members of this body as being as able an economist, particularly with reference to banking, as there is in the country.

> 4. As I read the present draft of the McFadden bill I understand it to provide in subsection 7 of section 5136 of the Revised Statutes as amended by section 2 (page 8), that national banks may go in the investment banking business. It is quite absurd to say that they are in that business now and that they have to carry it on for the sake of their customers. It is quite true that they have a service function of this kind, but (as I showed last February) they are not in the investment banking business and this bill will put them there. It allows them to go into what is called "the business of buying and selling investment securities" and it specifies that they can purchase practically any kind of "marketable obligation," provided that they do not at any "time" allow themselves to "hold" more than a limited amount of such securities made by any one obligor. And yet this great power is subject to none of the restrictions which surround it in State law so far as I can perceive. This is not a desirable kind of business for national banks to engage in, especially where we have banks of such widely varying ability and size as we do have in this country.

In other words, according to Mr. Willis, the bill permits the banks to go into the buying and selling of speculative securities, with none of the safeguards around the national banks which are required of State banks which do an investment banking business.

He continues:

> I might go on at great length to discuss the language and details of the McFadden bill, but I am sure that this is not what you desire for the bill, as I understand it, is now far past any possibility of improvement or amendment.
>
> Like yourself I should be the last to want to intrigue against any measure or to want to obstruct it for purely political reasons. This bill, however, is a measure of first-class importance to the financial public of the United States, and I should suppose that every Member of Congress would want and would feel it his duty to know exactly what he is voting for or against when he casts his vote. Personally I have done what I could in such writings as I have published throughout the whole history of the bill to try to make its provisions clear in order that there may be no mistake with regard to their bearing, and this letter, written at your request, has precisely the same purpose.
>
> I remain with respect, yours very truly.

This is a man who, as I understand it, was secretary to the Federal Reserve Board for a while. This is the man who

worked with the committees of Congress diligently, night and day, in drafting the Federal reserve plan. This is not any man who is trying to break down the banking system of the country. He is taking this interest for the purpose of building up and preserving the banking institutions of the country as they ought to be preserved, in a legitimate way, and to prevent them from going into speculative business.

The national banks of the country are looked upon by the rank and file of the American people, who want to deposit their money, as being safer places than the State banks of the country. The very fact that we give them the privilege of saying that they are national banks is evidence to the average man or woman of the country of the fact that the National Government is going to see to it that their money is protected. And yet because of the fact that divers interests here in the Senate at this time, some of them wanting branch banks and some wanting to go into speculative banking business, some of them wanting to put the Federal reserve charter on the bill as a rider, are going to put the bill through Congress without any discussion, without knowledge upon the part of Senators, because I aver that there are not more than half a dozen men in this body who know what the provisions of the bill are.

We hear a great deal about propaganda in the country. We hear that the Members of Congress are stampeded into voting against their own best judgment because of the propaganda of certain farm organizations. But what has happened with reference to this bill?

What has happened with reference to the branch banking bill in this body? Never a more determined effort has been made to put any bill through Congress than has been made to put this one through. Never in the history of this body since I have been a Member of it has the pressure been put on the Members by the bankers—not all the bankers, but by a little group of bankers who want to extend branch banking from one end of the country to the other—than has been put on in this session of Congress. It does not date just from the present time. The branch bankers of the country started as far back as 1913 to attempt to get branch banking established. In 1924 the American Bankers' Association when they met, I think in the city of New York, with the little country bankers collected from all over the country, went on record against the McFadden-Pepper bill without the Hull amendments. But constantly and continually was a little group, working inside of the American Bankers' Association, which was determined to thwart the will of the little bankers throughout the country. Finally the bankers met in the city of Los Angeles and there railroaded a resolution through the convention asking that the McFadden bill should be put through without the Hull amendments. I say they railroaded it through that convention. I was not there and I do not know, but I have it upon the authority of one of the ablest bankers of my State who was present and who wrote me saying that he had never attended a meeting of any kind in his life where such tactics were used as were used in that convention to get that resolution through. I have another letter from a banker in the State of Wisconsin who uses just as strong if not stronger language.

Now, we find what? Here we find the American Bankers' Association sending out a night letter or telegram. This night letter is addressed to the chairman of the Federal Legislative Council:

McFadden bill passed House last Monday with Hull amendment eliminated and containing recharter Federal reserve banks in accordance with Los Angeles resolution. Serious situation has, however, developed in the Senate as conference report has not privileged status and three attempts to have bill considered have been blocked by objection to unanimous consent. Letters and telegrams should go immediately to Senators asking for immediate action. Opponents are trying to build up a filibuster and Senators WHEELER, Montana; DILL, Washington; HOWELL, Nebraska, who oppose the bill, should be reached specifically.

What do they mean by "reaching Senator DILL and Senator HOWELL"? Do they mean that they want the bankers to resort to the customary practice to which they generally resort when they want to get members of legislative bodies to do their will? Do they want to find out whether these Senators have loans in banks and then pull the strings upon them to get the bill through? Is that the way they want to "reach Senator HOWELL and Senator DILL"? What do they mean when they say these Senators should be "reached specifically"? Then Senators talk about propaganda. "Reach DILL and HOWELL." "Reach" them! How do they mean to reach them?

Majority of Senate favors bill, but this can not be made effective unless bill is brought up. Senators should be urged to do everything in their power to help leaders pass the bill.

What leaders? Who are the leaders? Of course, I realize that it is not just a Republican bill, it is not just a Democratic bill. I realize that party lines have completely broken down under the pressure of the bankers of the country and that this is a bipartisan bill.

Explanatory circular quoting this telegram will be mailed from headquarters office to all members of your committee.

(Signed) Edmund S. Wolfe, chairman committee on Federal legislation.

"Reach" Senators! Yes; "reach" them, and I will point out before I get through that they must have reached some one—not Members of this body, because I want to say frankly that I do not think any Member of this body would be reached by the American Bankers' Association, but certainly little bankers have been reached who under the economic pressure of the bigger banks have had to change their minds and say now that they want the bill, when in their hearts and souls they do not want it, for fear it is going to put them out of business. Yes; I shall show before I get through that they did reach men who had opposed the bill, who had denounced it, and persuaded them to change their minds. I shall show that they have newspapers who had denounced it to change their minds. They reached them in some mysterious manner.

I want next to read a letter from the office of the general counsel of the American Bankers' Association.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

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

Ashurst	Fess	King	Schall
Bingham	Fletcher	La Follette	Sheppard
Blease	Frazier	McKellar	Shipstead
Borah	George	McLean	Smith
Bratton	Gillett	McMaster	Smoot
Broussard	Glass	McNary	Stephens
Bruce	Goff	Moses	Stewart
Cameron	Gooding	Neely	Trammell
Capper	Gould	Norris	Tyson
Caraway	Hale	Nye	Wadsworth
Copeland	Harris	Oddie	Walsh, Mont.
Couzens	Harrison	Overman	Warren
Curtis	Hawes	Pine	Watson
Deneen	Heflin	Ransdell	Wheeler
Dill	Howell	Reed, Pa.	Willis
Edge	Johnson	Robinson, Ark.	
Edwards	Jones, Wash.	Robinson, Ind.	
Ferris	Kendrick	Sackett	

The VICE PRESIDENT. Sixty-nine Senators having answered to their names, a quorum is present. The Senator from Montana will proceed.

Mr. WHEELER. Mr. President, as I was saying, here is a letter sent out by Edmund S. Wolfe, chairman of the committee on Federal legislation, asking that the bankers of the country get busy in the effort to reach Senators upon the floor of this body so that they could line them up. "Reach" them, he says, and particularly reach HOWELL and reach DILL. I am just wondering what he means when he says "reach them."

I next have a telegram here from a little banker down in Louisiana. I am not at liberty to give his name because of the fact that he feels it would put him out of business if I did so. He states:

Have wired as requested, but pressure from the powers will compel me to cease activities. Personally wish you success.

They have "reached" this poor little banker down in Louisiana, they have "reached" him because of the fact that they have put on the economic pressure and he is afraid to say his soul is his own.

Then, Mr. President, let me read you this amusing letter. I am wondering whether or not, as I read this letter, they were trying to "reach" Representative HULL. I do not see how it could be read in any other light, because they are writing and suggesting that they will give him legal business. It was either written in the plainest kind of common ignorance or else it was intended to "reach" him by throwing him business in his law practice:

OFFICE OF THOMAS B. PATON,
GENERAL COUNSEL AMERICAN BANKING ASSOCIATION,
New York, October 16, 1926.

DEAR MR. HULL: We frequently have requests from banks in different parts of the country for the name of a reliable attorney. Your name has been given to us, and we will be glad to recommend to you any business called to our attention.

In this connection we should like you to send this letter back to us with any notation correcting your name and address for our files, and also please state what banks you represent.

To attorneys who are properly recommended to us we are sending the American Bankers' Association new 1926 compilation of legal opinions—

And so forth.

Next week we are making shipment to attorneys in your section. * * *

Incidentally, as a subscriber we will be glad to send you complimentary copies of the legal service bulletins.

The letter is signed "Thomas B. Paton."

I am going to ask that the whole letter be inserted in the RECORD.

P. S.: Don't bother to write. If you will sign and return this letter to me in the stamped envelope inclosed for your convenience, it will come directly to my desk, and I shall personally see that this work goes forward to you for examination.

Mr. President, I ask that at this point I may insert the entire letter in my remarks.

The PRESIDENT pro tempore. In the absence of objection permission is granted.

The letter is as follows:

NEW YORK, *October 16, 1926.*

Mr. M. D. HULL,
1206 Borland Building, Chicago, Ill.

DEAR MR. HULL: We frequently have requests from banks in different parts of the country for the name of a reliable attorney. Your name has been given to us and we will be glad to recommend to you any business called to our attention.

In this connection we would like you to send this letter back to us with any notation, correcting your name and address for our files, and also please state what banks you represent.

To attorneys who are properly recommended to us we are sending the American Bankers' Association new 1926 compilation of legal opinions, banking law, decisions, and forms, etc., for free examination, with a view to its possible purchase. Prominent Illinois attorneys, who specialize in banking practice unite in saying this work is most complete and an invaluable aid in their work.

Next week we are making a shipment to attorneys in your section and I shall be happy to include your name in the list. We believe you will welcome this opportunity because of the practical usefulness of the work and I hope you will send your comments marked for my personal attention.

Incidentally, as a subscriber we will be glad to send you complimentary copies of the legal service bulletin issued from time to time, free of charge, which will keep you posted on the latest opinions covering banking law as they are handed down by the courts.

Very truly yours,

THOMAS B. PATON, Jr.,
Assistant General Counsel.

P. S.: Don't bother to write. If you will sign and return this letter to me in the stamped envelope inclosed for your convenience it will come directly to my desk, and I shall personally see that this work goes forward to you for examination.

Mr. WHEELER. Mr. President, I am curious to know what bankers recommended Representative HULL as an attorney for the Bankers' Association. Every banker in his district knows that Representative HULL has not been engaged in the business of practicing law. Was the letter written through ignorance, or on October 16, 1926, was the American Bankers' Association seeking to "reach" Representative HULL because at that time he was making the fight of his life for the Hull amendments? They say in this telegram "reach" Senators, and they were attempting to "reach" Senators and attempting to "reach" Representatives and attempting to "reach" little bankers throughout the country.

Then let me call attention to this: For convenience sake I am going to read a portion of what Representative HULL says about this matter. He stated:

Next it is said that the Secretary of the Treasury has advised against the Hull amendments. That is true. If Mr. Mellon were to advise me how to make money, I should be inclined to take his advice, but when he advises on branch banking I suspect that his own membership of the economic group that would profit by the practice unconsciously colors his judgment.

Again let me repeat, this is not a question on which we need expert testimony.

It is simply a question of public policy on which you and I are entitled to have an opinion quite as much as any expert. It is simply a question whether we wish to encourage the creation of monopolistic banking in America with all that means of power to control the destinies of communities and of men.

Now, as to the advice of the President. The advice of the President in his annual message is given in cautious and ambiguous phrases.

I am not surprised at that, because all of his advice is given in cautious and ambiguous phrases.

Assuming it to mean what it is claimed to mean, that by the branch-banking forces, I am not moved by it. I listen to the opinions of the President always with respect, usually with approval, and often with enthusiasm, but I hold to my own judgment when I think I am right, even when I have to disagree with my President. And when I reflect that in the multitude of his duties he can not have given more than a moment's attention to the subject and must have acted upon the representation of some one else, I am not disturbed that my judgment should disagree with his.

Lastly, I must refer to the opinions of the former comptroller, Mr. Henry M. Dawes, and of the present comptroller, Mr. McIntosh. I confess that with my recollections fairly clear in the matter, I was astonished at the introduction into the RECORD last June of a letter of Mr. Henry M. Dawes disavowing any responsibility for the Hull amendments. A paragraph of that letter of Mr. Dawes reads as follows:

"I would like, therefore, to make it clear to you, since my name has been used in the debate, that the comptroller's office under my administration was not responsible in any degree for the Hull amendment and never gave it its indorsement."

As against the statement of Mr. Dawes of last June, let me quote Mr. Dawes, speaking in his comptroller's report of December, 1924. Mr. Dawes is suggesting his recommendations for a banking bill. His suggestions are paragraphed under the capital letters A, B, C, etc. When he gets to paragraph E he says:

"Should any State which does not now permit branch banking by law or practice, after the passage of this bill, enact legislation which will permit the establishment of branches, the national banks shall not have their facilities extended by such legislation, and State banks shall not be permitted to avail themselves of such privileges and retain or become eligible for membership in the Federal reserve system."

What is that statement? Is not that a statement of just exactly what we want in the Hull amendments, nothing more nor less? And yet in the former paragraph Mr. Dawes said, in substance: "I hope nobody will think I am in any way responsible for the Hull amendments." Had this banking association reached Mr. Dawes, as it would have liked to reach Senators?

I quote further from Mr. Dawes:

The practical effect of this legislation can be summarized by the statement that so far as the operation of members of the Federal reserve system are concerned, further extension of branches beyond the limits of a single municipality is definitely prohibited, and both State and National members of the system will, in future extensions, be subject to the same limitation. No additional branch-banking privileges will be given to the national banks except such as are confined to the limits of single cities where State banks are already carrying on the practice.

Mr. Dawes versus Mr. Dawes. That paragraph is Mr. Dawes's recommendation for banking legislation and is about as concise and accurate a description of the Hull amendments as it would be possible to give. And yet Mr. Dawes's letter of last June says that the comptroller's office under his administration was not responsible in any degree for the Hull amendments and never gave them its indorsement.

Now, as to Mr. McIntosh, the present comptroller. In his letter to Mr. MCFADDEN of last June he makes the same claim—

"neither my predecessor in office, Mr. Dawes, nor I have heretofore made any recommendations to Congress with reference to the Hull amendments."

All right, Mr. McIntosh, let us see what you said in your report of December, 1925:

"In the last two annual reports of the Comptroller of the Currency my predecessor strongly recommended certain amendments to the national banking laws * * *. These recommendations formed the substance of the bill H. R. 8887, Sixty-eighth Congress, second session, which passed the House by a large majority but which failed to be reached in the Senate.

"The principal features of this bill and the reasons in detail why each proposed amendment is necessary are set forth in the reports of the Comptroller of the Currency for 1923 and 1924. I most urgently recommend the prompt reintroduction and enactment of this legislation."

What was that bill which passed the House? Why, it was the McFadden bill with the Hull amendments—nothing more or less.

This is Mr. McIntosh versus Mr. McIntosh. Thus you have the American Bankers' Association and two Comptrollers of the Currency flopping around.

Who reached them? Who reached them, and how and why were they reached? You have the American Bankers' Association in 1924 going on record in favor of the Hull amendments and the American Bankers' Association in 1926 going on record

against the Hull amendments. You have Mr. Dawes going on record in one breath in favor of the Hull amendments and Mr. Dawes, under pressure of the bankers—a little group of international bankers in this country who want to extend branch banking—flopping over again in favor of branch banking. You have Mr. McIntosh, the Comptroller of the Currency, going on record against anything excepting the Hull amendments, and then you have Mr. McIntosh going on record in favor of the bill without the Hull amendments.

Who reached them? Why, Mr. President, undoubtedly the same person reached them that reached the former Attorney General, Mr. Harry M. Daugherty, when he wrote the opinion for Mr. Dawes saying that the national banks of this country had a right to have tellers' windows. Oh, yes, Mr. President; this fight for branch banking has been going on for a long time. It has been resisted by Comptrollers of the Currency in the past; but when Mr. Crissinger was brought down here with the Ohio gang and put in as Comptroller of the Currency, what happened? Then, Mr. President, in order to get around the law which said that they could not extend branch banking, Mr. Crissinger allowed them to have tellers' windows, in violation, I say, not only of the spirit but of the letter of the banking law. Then, Mr. President, when Mr. Dawes became comptroller, there must have been a doubt in his mind as to the legality of teller windows. He wrote a letter to Mr. Daugherty, asking for his opinion as Attorney General on the question of the legality of these so-called teller windows, and Mr. Daugherty rendered an opinion to the effect that they were legal.

That is why I say, Mr. President, these people have been reached. Yes; they reached Daugherty. It was not difficult to do it. This is the kind of a bill, Mr. President, that they are trying to put through in the closing days of this session. Just as surely as you do it, just as surely as you put on cloture to force this bill down the throats of the American people, you are going to have to meet the issue in the next campaign, because, in my humble judgment, the American people will resent your action in this matter.

Let me read a telegram of protest:

CHICAGO, ILL., *May 11.*

The following associations, representing approximately 9,000 Middle West banking institutions, respectfully ask that you aid in the early enactment of McFadden bill as passed by House.

With the Hull amendments, of course.

In fairness to our national banking system and as protection for the American system of independent banking it is imperative that the Senate concur in the action taken by the House. The Hull amendments, which were approved by Banking and Currency Committee of the House and which are a part of the bill as passed by the House, virtually guarantee that branch banking, a monopolistic practice, shall not be permitted to destroy a banking system which has played such a leading rôle in the marvelous development of America. This is more than merely a banking question, for unless branch banking is effectively curbed the American people must resign themselves to the inadequacies of an European or Canadianized banking system. We shall deeply appreciate your assistance.

IOWA BANKERS' ASSOCIATION.
INDIANA BANKERS' ASSOCIATION.
MISSOURI BANKERS' ASSOCIATION.
WISCONSIN BANKERS' ASSOCIATION.
NEBRASKA BANKERS' ASSOCIATION.
ILLINOIS BANKERS' ASSOCIATION.
CHICAGO AND COOK COUNTY BANKERS' ASSOCIATION.

I might add to that list that the Montana Bankers' Association went on record in favor of the Hull amendments; and every thoughtful banker in this country who has not had the pressure of the great banks of the country brought to bear upon him, who has not been reached by the American Bankers' Association since the passage of the resolutions at Los Angeles, has gone on record against it, because he conceives the idea that this is the entering wedge of the branch-banking system in this country, which, I repeat, is going to engulf this country and is going to destroy every little independent enterprise in the country. It means that in the future the man who goes to the bank for money, instead of borrowing money upon the character which he has built up in the community, is going to have to have it loaned to him simply upon whatever collateral he may present, and character will count for nothing. It means absolute absentee landlordism in this country. It means that the people of this country are absolutely going to be shackled by the great bankers in the large cities of this country.

Now, Mr. President, I desire to read a letter from the State Bank of Platteville, Wis., with a capital and surplus of $175,000.

JANUARY 20, 1927.

Hon. JOHN M. NELSON,
House of Representatives, Washington, D. C.

DEAR MR. NELSON—

Before I leave this man Crissinger, who is at the present time at the head of the Federal reserve banking system, who was brought down here, as I say, from a little town in Ohio and has been part and parcel of the Ohio gang, let me ask—for the benefit of the Members who reverence a man because he is placed in a position of power, as he is, at the head of the Federal reserve system of this country—who is he, and who were his associates?

Why, one of his chief "buddies" and closest associates was no other than George B. Hayes, of New York City—George B. Hayes, whom Daugherty and Burns and that crowd brought out to Montana and had him go upon the stand and make up as deliberate and premeditated a piece of perjured testimony as was ever given in a court of justice in this country. Why is not he prosecuted? Because he is the "buddy" and the pal, if you please, of Crissinger, of the Federal reserve bank, and this Attorney General of yours does not dare to prosecute him. I have asked him to, and I challenge him to prosecute him for perjury in the courts in Montana, where he committed the perjury, but he does not dare do it because of the fact that Hayes knows too much; he has been used too long. And then you want to put on the people of this country a rider here extending the system which has at its head Crissinger—Crissinger, whose pal is George B. Hayes!

STATE BANK OF PLATTEVILLE,
Platteville, Wis., January 20, 1927.

Hon. JOHN M. NELSON,
House of Representatives, Washington, D. C.

DEAR MR. NELSON: I understand that on Monday next an attempt will be made in the House to drop the Hull amendments to the McFadden bill. I appreciate the upstanding position you have always maintained toward branch banking and the splendid service you have rendered in blocking attempts to extend branch banking over the country. I am writing you to-day not because I fear your stand in this matter, because I know you are as adamant on our side of the question. I am appealing to you to exert your influence in every possible way to prevent the elimination of the Hull amendments. I know the efforts that the city bankers, aided by the American Bankers' Association officials, are making to have Congress indorse the principle of branch banking; and with this enabling act making it possible for national banks in any State to engage in branch banking when the States where it is now prohibited remove the barriers against it.

It will readily be seen that such congressional action is desired at this time to serve as the enabling machinery for removing the restrictions and barriers that now exist in 27 States against branch banking.

The minute this congressional sanction is obtained the lobby that is now working in Congress to commit Congress to a branch-banking policy for national banks will shift its labors to these 27 States where branch banking is prohibited, and the Federal statute, if they are given what they want, will be used on these 27 State legislatures to have them give branch-banking privileges to their State-chartered institutions. They will say that, inasmuch as Congress has seen fit to permit national banks in any State to engage in branch banking, when State legislatures permit the privilege to State banks that there now exists no good reason why the privilege should be withheld, as both State and National banks will be placed on a basis of equality with respect to branch banking. You can understand how the powerful groups throughout the Nation, with the cooperation of influential National and State bankers in all the States, will be able to remove the barriers that now exist in these 27 States against branch banking by State statutes.

This is the carefully concocted scheme of the powerful city banks aided by the officials of the American Bankers' Association to eventually bring about nation-wide branch banking. It will not be long if they secure the congressional help they are now fighting for—the McFadden bill without the Hull amendments—to have branches of the National City Bank of New York, the Guaranty Trust Co., the Bank of Italy, or the big banks of the various States, scattered all over the country, absorbing the liquid funds of every community in every State of this Union to be used, not in reloaning to the small trades people and the farmers of the Nation but to be used in no small way in underwriting all sorts of investment banking schemes, industrial and utility, and international investments that offer big profits to those participating in the syndicate groups. We created the Federal reserve system to decentralize banking monopoly in Wall Street; to insure a steady and unfailing supply of credit not to a banking monopoly but to industry, trade, and commerce in every section of the country; and yet these proponents of branch banking are asking Congress to pass legislation that will again create this centralization of banking credit and banking power in the hands of a comparatively few. Can it be possible

that Congress will be hoodwinked into granting this camouflaged legislation. I have been president of the Wisconsin Bankers' Association.

Some of these distinguished gentlemen would have Senators believe that it is only a little group of Senators from the West who are protesting. It is the legitimate bankers and the smaller bankers of this country who fear for the results.

I am a country banker and a volunteer member of the Federal reserve system. I am a member of the executive council of the American Bankers Association. I am a member of the Federal legislative committee of the American Bankers' Association, and I want to say to you that I am as familiar with the aims and purposes of this crowd of branch bankers as any man in this State. I want to denounce and condemn the action of the officials of the American Bankers' Association in the part they are contributing toward the indorsement of this nefarious scheme to extend branch banking by the passage of the McFadden bill without the Hull amendments. I was a delegate to the Los Angeles convention, and I happen to know the methods used by the officers of the American Bankers' Association in passing a resolution that eliminated the Hull amendments from the McFadden bill. The American Bankers Convention was held at Los Angeles for the purpose of aiding the branch bankers of the country in securing what they wanted from Congress. The convention was taken so far away from the bankers of the country that the great majority could neither spend the time nor the money that the trip involved. It was not a convention representative of the bankers of the country, but representative of the big city institutions of the country, packed with branch-banking representatives from every part of the state-wide branch-banking State of California.

The resolution was passed at an evening session, where there was only a total vote of 681, and it carried by only 145 votes. When the vote of 206 branch-bank managers from the city of Los Angeles alone is subtracted from that majority, it will be seen that the bankers there were not in favor of the elimination of the Hull amendments, as these 206 branch-bank managers were not voting for principles but for the extension of the power of the powerful branch-banking groups that dominate California. I say without hesitation, openly and fearlessly as a member of the executive council of the American Bankers' Association, that the action of the American Bankers' Association in this branch-bank controversy merits the condemnation and criticism of every banker in this country. That organization stands discredited in this matter for its sins of omission as well as commission. It has openly and flagrantly violated the confidence of the rank and file of the membership that has contributed toward its maintenance. Its officers aided in every possible way, including high-pressure and steam-roller methods, in bringing about a repudiation of the indorsement given by the Chicago convention to the Hull amendments—the most representative convention of bankers from every section of the Union ever held. I trust that you will use these facts as you may see fit, publicly or privately, as I feel in duty bound to make known the actual facts. My duty is to the membership of the American Bankers' Association who were absent from the Los Angeles convention.

Thanking you for doing all in your power to retain the Hull amendments in any branch-banking legislation that is passed, I am, with many thanks,

Very truly yours,

W. H. DOYLE, *Cashier.*

Do Senators think that the small bankers of the country are for this bill? Do not Senators think the small bankers can see their annihilation? Here is a man who is connected with the American Bankers' Association. Here is a man who is not only connected with that organization but who has held important offices within it, denouncing the organization and their tactics and this legislation in the severest terms. Yet what is going to happen in the Senate? Ninety per cent of the Members of this body will vote for this bill because the big bankers of this country want it, and they are going to vote for it without ever having read the bill or knowing what the provisions of the bill are. Furthermore, they are going to vote for it without apparently giving two whoops what is in the bill, because of the fact that the lash is cracked upon them by the banking interests of the country.

Then you say that you want to put on cloture. I say to you, I dare you to put on cloture. Put it on and force it upon the American people if you want to. Put on cloture, put on the gag rule in the closing hours of the session if you want to. Oh, yes; I know what happened. But I say to you, put it on, and you will have to answer to the American people if you do.

You can have your bipartisan organization in this body and cram it down the throats of the American people if you want to, but you are not going to stop a few people by any threat of cloture, or by any insinuation, or by any snarling or anything of the kind, from voicing their feelings upon this matter.

There may be members of this body who want to stop us, who do not want to allow us even to get the views of the representative bankers of the country, who do not want to have any views expressed on the bill because a few men on the Banking and Currency Committee, composed of Democrats and Republicans alike, think that they know more about banking than anybody else, and because of the fact that they feel it is lese majeste that anyone should for one moment attempt to interrupt their plan.

I now desire to read into the Record a letter from a banker located in Granite County, Mont., as follows:

THE GRANITE COUNTY BANK,
Philipsburg, Mont., April 14, 1926.

Hon. B. K. WHEELER,
United States Senate, Washington, D. C.

DEAR MR. WHEELER: This is to advise you that we are opposed to the McFadden-Pepper bill as voted out by the Senate subcommittee but strongly indorse the McFadden bill with the Hull amendments as passed by the House.

Cordially yours,

B. E. BARNHILL, *Vice President.*

The following is a letter from the president of the Superior State Bank, who writes:

THE SUPERIOR STATE BANK,
Superior, Mont., April 12, 1926.

Hon. B. K. WHEELER,
Senate Chamber, Washington, D. C.

DEAR SIR: I notice that what is known as the McFadden-Pepper bill, voted out by the Senate subcommittee, will come up for action in the Senate in the very near future. I find that all of the bankers in group three of Montana, of which I am president, are much opposed to this bill as it is being reported, and at a recent meeting of our board of directors this matter was discussed and I was instructed by our board to write each of the Montana delegation in Congress protesting against its passage, and asking that instead, you support the McFadden bill as passed by the House, and I hope that you can see your way clear to do so.

It is the independent banking system, owned locally and responsive to local requirements, which has made possible the development of the West. If the branch bank bill goes through, then we can look for some of the larger banks to be putting in a branch in any small place that looks favorable. They will take the deposits to the central office, but there will be no accommodations to the small borrower, who can now go to his local bank, which knows him personally and his requirements and secure the needed assistance. But, if the branch bank comes in the local banks will be forced to the wall.

Very respectfully,

B. E. VAILL, *Cashier.*

Now, I desire to read from a report from London, which appeared in the Tribune of September 22, 1925, as follows:

LONDON, September 21.—The British bankers are worried by a campaign started against them by the Laborites. * * *

* * * It is being represented that the bank policy is directly responsible for bad trade and lack of employment in Great Britain.

RESENTED BY SMALL MERCHANTS

The attacks are dangerous, because already throughout the country among the small business men and farmers there is resentment over the policy of the five big banks which in recent years have absorbed nearly all the old-fashioned local banks.

In the old days a local man got credit from his local bank on his reputation; now the manager of a branch bank refers the application to London, which generally refuses it unless gilt-edged security is provided. The big five prefer wholesale dealings with the large industrialists. A campaign for the nationalization of the banks might therefore appeal to many voters, who will do anything to help the Socialists.

* * * * * * *

There is a labor group over there protesting against it, and saying that it is bringing about the unemployment in England, bitterly assailing the branch-banking system.

I also desire to read into the RECORD a telegram from one of the leaders of the farm movement in my State, a newspaper man, who was afraid that I, with some other Members of the farm group, had entered into a deal with the bankers to put over this farm legislation. He says in this telegram:

BELGRADE, MONT., *February 4, 1927.*

Senator B. K. WHEELER,
Washington, D. C.:

Farmers here say a vote for branch-banking measure in trade for support of McNary-Haugen bill will be a vote to give farmers relief and then take the benefits away from them. That is what they believe the branch-banking measure will do.

UNCLE SAM HAMPTON.

I am inclined to agree with him, that that is largely what it will do.

The Senator from South Carolina [Mr. BLEASE] asks me if there was such a deal made, and I answer "Yes." In my humble judgment it is unfortunate that any such understanding should have been arrived at. I think that those who are anxious to see the farm bill pass were unduly exercised, and were cajoled by their fear that there would be a filibuster against the farm bill to sign up cloture on this bill; and as far as I am concerned I submit that it was not necessary that anything of the kind be done, and the farm organizations and their representatives here will regret their action.

I next desire to read a letter from Mr. A. L. Stone, one of the ablest bankers of my State, one of the oldest and most conservative bankers of my State, one of the leading Democrats of the State. He said:

STATE BANK OF DILLON,
Dillon, Mont., April 24, 1926.

Senator B. K. WHEELER,
Senate Chamber, Washington, D. C.

DEAR SENATOR: My attention has been called to the McFadden bill and the amendments which were added to it by the Senate committee. The bill which passed the House was in accordance with a resolution passed by the American Bankers' Association, and in my opinion is just as liberal to those who are extending branch banking as we ought to make it. Personally, I have always believed that the policy of independent banks in our country is the one which we should continue. As you know, the tendency of all business as we grow in wealth and population is to become centralized. Whether we like it or not, the drift is going to be in that direction. For this reason I believe we should retard the movement as much as we can.

The rights and privileges which were originally reserved to the States and to individuals under our Constitution and business practice are being continuously encroached upon and turned over to central government and monopolistic business.

Would be glad to have your idea with regard to the matter, and unless there is some reason which I do not think of for indorsing the Senate amendments, to have them stricken from the measure when it passes the Senate.

With personal regards, I remain,
Yours truly,

A. L. STONE.

Just let me digress for a moment to say a word to those who stand in this body or go out on the platform and say to their constituents, "We want no more bureaus in Washington." I think we are building up a bureaucracy here which is going to be very dangerous to our institutions. But I say, with Mr. Stone, that just so long as we permit the concentration of wealth of the country into fewer and fewer hands, just as long as we continue to permit branch banking and the consolidation of this and consolidation of that in every line of industry, just so sure we have got to build up here in Washington more and more of a bureaucracy, because there is no other way to curb it. Even if we enact the proper laws, some President comes along who is entirely out of sympathy with the law, and he fills up the boards with men who, instead of being in sympathy with the purpose and aim of the laws, are the creatures of the very monopolies against which the Congress itself is seeking to protect the people.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER (Mr. NEELY in the chair). Does the Senator from Montana yield to the Senator from Connecticut?

Mr. WHEELER. I yield.

Mr. McLEAN. The Senator realizes, of course, that we have 20,000 State banks and less than 10,000 national banks. The State banks started the branch-bank movement. There are two State banks to each national bank. How does the Senator expect we can prevent the expansion of the branch-banking system when we have no control whatever over the State banks?

Mr. WHEELER. I do not think we can prevent it, of course, and nobody on this floor for one second contends that we can prevent it in State banks. But we can prevent it in national banks.

Mr. McLEAN. If we do, then the national banks will withdraw from the Federal reserve system and become State banks.

Mr. WHEELER. Oh, yes; I have had that statement before, but I do not think the statistics will bear out the Senator's statement.

Mr. BLEASE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WHEELER. I yield.

Mr. BLEASE. In that connection I would like to ask the Senator if my State of South Carolina, for instance, were to enact a law prohibiting branch banks, and a bank incorporated under the laws of my State, which now has branch banks, were to surrender its charter as a State bank and reorganize as a national bank, under the terms of this bill would that bank as a national bank have the right to nullify my State law and come into South Carolina and establish State branches?

Mr. WHEELER. There would not be any doubt in the world that it could do it in so far as the counties and cities were concerned, because the bill permits that to be done. In other words, I will repeat what I said a moment ago——

Mr. GEORGE. Mr. President, does the bill permit that to be done in a State where branch banking is outlawed? If so, I do not understand the bill.

Mr. WHEELER. Let me explain it. The bill permits this to be done, if, for instance, the State of Georgia or the State of South Carolina allows branch banking at the present time. Assuming that the legislatures of those States should provide that from and after a certain date banks must do away with their branches and would not permit them to have any more branch banks in those States, saying, "We think it is unhealthy for the people of our State and we do not want any more branch banking," then a State bank could convert itself into a national bank and maintain branches within the city and county where the main bank was located.

Mr. GEORGE. Thereafter?

Mr. WHEELER. Yes.

Mr. GEORGE. And nullify the State law?

Mr. WHEELER. And in that respect nullify the State law of the State of Georgia.

Mr. GEORGE. I did not have that impression.

Mr. WHEELER. There is no question about it at all.

Mr. GEORGE. Then I am not advised as to that feature of the bill.

Mr. BLEASE. Since the Senator from Georgia has asked the question I will say that there is a bank operating in South Carolina called the Western Carolina Bank. From what I understand about it I think that most of its capital comes from the State of Georgia. It is a State bank. It has branch banks in the State of South Carolina. My question to the Senator was, if the State of South Carolina were to enact a law prohibiting State branch banks, then, as I understand the provisions of the bill, the Western Carolina Bank could surrender its charter as a State institution, recharter as a national institution, and nullify the laws of the State of South Carolina by maintaining branch banks in my State. I want to know if I am correct in that interpretation of the Senator's statement.

Mr. WHEELER. There is no question about it at all, in my judgment. Paragraph (B) of the bill——

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

Mr. WHEELER. I would like to answer one question at a time. After I have answered the Senator from South Carolina and the Senator from Georgia I shall be glad to yield to the Senator from New Jersey.

Paragraph (B) of section 5155 reads:

If a State bank is hereafter converted into or consolidated with a national banking association, or if two or more national banking associations are consolidated, such converted or consolidated association may, with respect to any of such banks, retain and operate any of their branches which may have been in lawful operation by any bank at the date of the approval of this act.

Is there anything ambiguous about that language? Is there any reason in the world why any lawyer in this body should be confused about it? Yet the trouble with the bill is that it has just been printed and placed upon the desks of Senators on Saturday. No one in the Senate is familiar with its provisions and we get many confused ideas from members of the committee with reference to the meaning and interpretation to be placed upon this section, and that is one reason why the bill should not be passed.

Mr. HEFLIN and Mr. BLEASE addressed the Chair.

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

Mr. WHEELER. Let me finish one further statement to the Senator from Georgia and then I shall be glad to yield

That provision in itself would permit a State bank to be converted into a national bank and permit it to carry on the whole state-wide branch banking. The bill as orignially drawn intended to do that very thing, but in the House they struck out the word "State" so that it now provides:

That any bank incorporated under the laws of any State, or any bank incorporated in the District of Columbia, may be consolidated with a national banking association located in the same county, city, town, or village under the charter of such national banking association.

In other words, they struck out the word "State" so that they could keep the branch banks which they had in the city of Atlanta, Ga., for instance, or in any other city of Georgia.

I now yield to the Senator from Alabama.

Mr. HEFLIN. This question was raised on last Saturday. I asked the Senator from Pennsylvania [Mr. PEPPER] a question, and I now read my question and his answer:

Mr. HEFLIN. Suppose a bank in lawful operation under the State law should, with its branches, apply for a charter and come into the Federal reserve system: If it had a hundred branch banks, what would be the status of it after it got into the system?

Mr. PEPPER. If a State institution operating in a State which authorizes by law state-wide branching has as of the date of the passage of the pending measure any number of branches whatsoever, it may, upon converting itself into a national banking association or consolidating with a national bank association, become a national banking association and retain the branches to which I have referred.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. WHEELER. I yield.

Mr. EDGE. A few moments ago the Senator, in a colloquy with the Senator from Connecticut, made the statement that the statistics would not bear out the claim that national banks would go or had gone out of the Federal reserve system because of the denial of branch-bank privileges.

Mr. WHEELER. Yes.

Mr. EDGE. In the report of the Comptroller of the Currency for 1926 it is demonstrated that 256 national banks, since October, 1923, have surrendered charters, carrying an aggregate total of resources considerably over a billion dollars, and the reason assigned, as I understand it and as stated in the report, is a failure of the national system to provide the same opportunity for branch banking and other banking privileges as State institutions are now given under their State charters.

Beyond that, the information received from the comptroller's department is that there are a great many other banks which are awaiting the action of Congress on the pending bill as to whether they will go out of the Federal reserve system and take State charters in order to be given equal rights with State institutions.

Mr. WHEELER. Yes; I know that kind of propaganda has been put out by the comptroller's office, who have been lobbying for this kind of legislation. But I submit that those statements, as the Senator has read them, are not correct in that the banks are not going out because of the fact that they wanted to have branch banks. Some of them have been consolidated with other banks. Some of them have gone out of the national banking system, but others have come in, and the Senator's statement does not cover the whole situation.

Mr. EDGE. I would like to complete my statement if I may. The 256 national banks have gone out, and 29 State banks have come in with aggregate resources of $235,000,000. In other words, 29 came in and over 250 went out.

Mr. WHEELER. How many of those national banks were consolidated with other national banks?

Mr. EDGE. I have not that information.

Mr. WHEELER. Then, of course, the Senator's statement is not worth anything upon that proposition until he has that information.

Mr. EDGE. The statement is worth a great deal when it demonstrates resources of over a billion dollars of those banks which have gone out of the Federal reserve system, thereby having that amount of resources taken out of the national banking system and put into the State bank system. If the Senator does not believe in a Federal national banking system, then his argument can not be disputed, but if we are going to maintain the Federal system we certainly must make it as attractive as the State system.

Mr. WHEELER. The Senator asks if I do not believe in a national banking system. Let me say that I believe in a national banking system. I want to see it preserved as it has been so that it will have the respect of the people of the country. The Senator from New Jersey and those who are advocating this bill are saying what? They are saying that because a State permits burglars and burglary and bootlegging, then the National Government ought to permit burglars and burglary and bootlegging. They are saying that if a State lets a State bank go into the stock-jobbing business, into the swindling business, or any other kind of business, then we must call upon the Congress of the United States, under the whip and lash of the great bankers' association, to let the national bank steal because the State banks do. What logic that is!

Mr. EDGE. What we say is contained in clear language in the bill before the Senate. We permit certain new lines of procedure and credit.

Mr. WHEELER. Certainly.

Mr. EDGE. We permit a broadening of the process within what has been considered common-sense banking policies. We do not permit any generalities such as the Senator has stated.

Mr. WHEELER. The bill does exactly what I have said. I am not making that statement upon my own authority but I am making it upon the authority of an expert in banking, who, I think, will be recognized as such by the distinguished Senator from Virginia [Mr. GLASS] and by the Senator from Ohio [Mr. FESS] as being one of the ablest experts on banking in this country. He deplores the fact that this kind of a proposition is being incorporated in the bill. I doubt very much whether the Senator from Virginia will say on the floor of the Senate that he approves some of the provisions of the bill with reference to that subject.

Mr. GLASS. Mr. President——

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

Mr. WHEELER. I yield.

Mr. GLASS. Since I have been appealed to, while I have not desired to interrupt the Senator from Montana in the course of his speech, I want it distinctly understood that every contention which he has so far made will be answered before we are called upon to vote upon the conference report, and I think will be completely confuted in most instances.

Mr. WHEELER. I have no doubt the Senator from Virginia thinks my contentions will be confuted, in his opinion, because, of course——

Mr. GLASS. I can only give the Senator my opinion; I can not give the opinion of anybody else, of course.

Mr. WHEELER. I say I have not any doubt that in the opinion of the Senator from Virginia my contentions will be confuted; and I should be surprised if I made any statement upon the floor of the Senate at any time that the Senator from Virginia did not think would be entirely confuted.

Mr. NORRIS. Mr. President——

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

Mr. WHEELER. I yield.

Mr. NORRIS. I should like to recur to the original statement made by the Senator from New Jersey [Mr. EDGE], not, however, to prolong this controversy. I think the Senator from New Jersey stated that the report showed that there were 289 national banks since 1923 which had surrendered their charters and withdrawn from the Federal reserve system.

Mr. EDGE. To be exact, I stated the number as being 256.

Mr. NORRIS. Very well. I should like to suggest to the Senator from Montana and also to the Senator from New Jersey that in order to be fair if that argument is good, then, the Senator from New Jersey ought to show that those banks withdrew from the system because they were denied branch-banking privileges. If that can not be shown, then the figures have no particular weight, any further, at least, than respecting the number of banks which did withdraw for that reason.

Mr. EDGE. If I may interrupt the Senator, I desire to say that it is rather difficult, as he well knows, to assign the reason which in every case actuated a bank in giving up its national charter and taking out a State charter.

Mr. NORRIS. I understand that.

Mr. EDGE. But it must be admitted by the Senator from Nebraska that if those figures are correct—and I am sure they can not be disputed—256 national banks left the Federal reserve system for various reasons, some perhaps because of the lack of branch-banking privileges, some perhaps because of lack of banking advantages which were allowed the State banks, but, notwithstanding, they withdrew, and they represent aggregate resources of over a billion dollars.

Mr. NORRIS. The Senator from New Jersey having suggested that those banks withdrew when the Senator from Montana was discussing the branch-banking system, I simply want to call attention to the fact that they withdrew for all kinds of reasons, and their withdrawal is not an argument against or in favor of branch banking unless the Senator from New Jersey can show that the denial of the privilege of branch banking is the reason they withdrew. I happen to know of some banks which withdrew in my own State, where we do not have branch banking, and which therefore could not have been influenced by that reason. It would have been impossible.

Mr. EDGE. Does not the Senator agree that it is just as important if those banks withdrew for some other reason——

Mr. NORRIS. Exactly.

Mr. EDGE. Perhaps because of defects in the law that we are endeavoring to correct in the measure before us?

Mr. NORRIS. But the branch-banking provisions of the bill will remedy that situation and keep such banks in the system.

Mr. GLASS. Mr. President, the Senator from Montana has not confined himself to the branch-banking features of the bill. He has traversed the bill from beginning to end, and the most savage part of his assault has been upon the features of the bill that do not relate to branch banking.

Mr. NORRIS. I understand all that; but the Senator from New Jersey gave that evidence when the Senator from Montana was arguing the branch-banking system, and the impression left at least was to the effect that State banks wanted branch banking, because so many of them had withdrawn from the system. There may have been some of them which withdrew for that reason; I do not know as to that; but we do know that a large number, running over a series of years—some of them, at least, of which I have personal knowledge—did not withdraw and could not have withdrawn on account of the lack of branch banking in the Federal system.

Mr. HOWELL. Mr. President——

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

Mr. WHEELER. I yield.

Mr. HOWELL. As evidence that those banks did not withdraw from the system because they were denied the privilege of branch banks, I will state that, beginning in the latter part of 1922, 298 national banks were allowed to establish branch banks by the Comptroller of the Currency against the law.

Mr. WHEELER. I was just going to call the Senate's attention to the fact that during the last five years in the principal cities of the United States branch banks have been allowed—they are called "teller windows," but they are nothing more than branch banks—and they have been allowed upon the authority and under an opinion of Harry M. Daugherty. So there would not have been any reason for them to withdraw from the system because of the fact that they were not allowed branches, when the truth is that banks all over the country have been allowed to establish "teller windows," and they have been allowed to do so in some instances where the State provided against branch banking. For instance, if I am not mistaken, branch banks have been permitted in at least one instance in the city of Omaha, Nebr., and if I am not mistaken one has been permitted in the State of Minnesota, where the State law has not provided for branch banking.

Mr. HOWELL. Mr. President——

Mr. WHEELER. I yield to the Senator from Nebraska.

Mr. HOWELL. The opinion handed down by Attorney General Wickersham in 1911 was against the establishment of branch banks by national banks. Attorney General Daugherty in 1922 or 1923—I think it was in 1922—rendered an opinion in which he modified the opinion handed down by Attorney General Wickersham, but the Supreme Court of the United States subsequently sustained Attorney General Wickersham.

So far as establishing branch banks is concerned in my city, two have been established, although branch banking is not allowed in Nebraska, and in the city of Minneapolis six have been established, although branch banking is not permitted in the State of Minnesota.

Mr. WHEELER. I am glad the Senator from Nebraska brought that to the attention of the Senate. I know his statement is correct, but I had overlooked it.

In answer to the statement made by the Senator from Virginia [Mr. GLASS] that I have denounced many other provisions of the bill more severely than I have the branch-banking features, I merely wish to say that my chief objection to the bill is on account of its branch-banking provisions. I think, however, many of the amendments to section 5200 of the Federal reserve act are unjustifiable and will result disastrously to the national banks and to the people of the country.

Coming down to the Federal reserve act, I wish to say very frankly that I have not had the time to go as deeply into the workings of the Federal reserve system as I should like, but I deplore the fact that a provision extending the charter of the Federal reserve banks is being put on as a rider to this bill at this time without giving the Members of the Senate an opportunity to study the provisions of the bill and the workings of the Federal reserve banks more in detail. I think that feature of the bill ought to be presented as a separate measure, and it ought to be discussed thoroughly upon the floor of the Senate. It is one of the greatest subjects that can confront this Nation. When the Federal reserve act was first passed it was denounced by the American Bankers' Association, I think in their convention in the city of Boston, as being socialistic. I have felt that the Federal reserve banking system has done a great deal of good in a great many ways, and I still think so, but I say that any organization that has the power the Federal reserve banks have should not be dealt with as this bill proposes to deal with them under the conditions surrounding this measure, when there are not 10 per cent of the Members of this body who know anything about how the system is working at the present time; and, if my information is correct—and I do not say that it is, but I have been reliably informed to that effect by an economist of the highest character—practices have grown up in the Federal reserve system which were never contemplated by the Federal reserve act itself.

I am told that the Federal Reserve Board does not in reality run the system, but that in reality it is being run by a board of governors for which the act does not provide at all, and that under Mr. Mellon's administration they are more or less subjected to Mr. Mellon's influence. I may be entirely in error about that; I do not know positively what the facts are, and I am speaking only from the information which I have been given and which has come to me from a reliable source. I do say, however, that it is not fair that a provision extending the charters of the Federal reserve system should be attached as a rider to a branch banking bill.

Mr. President, there are many other features of the measure now under consideration which ought to be discussed before the bill is disposed of and which ought to be thoroughly understood by every Member of the Senate. That is why I have objected to proposed unanimous-consent agreements to fix a time to vote on the conference report, and I shall continue to object to unanimous consent being given, because there is no more important subject concerning the people of this Nation at this time than the banking bill which we have now under consideration. For that reason I can not understand why those who are in favor of it are so insistent that it be passed at this session of Congress.

What is there about the branch-banking provisions of this bill that makes it imperative that it be passed in the closing days of this session? What is there to-day that makes it imperative that this measure should be placed upon the statute books at this late hour in the session without time for Members to get the facts, without time to study and debate? What is there about the proposed amendments to section 5200 of the Federal reserve act that makes it imperative that they should be jammed down the throats of the Senate and of the American people? What is there about the Federal reserve act that makes it so imperative to jam through at this session of Congress a measure amending the provision of the present law when their charters will not expire for eight years? These are matters that will have to be explained to his constituents when he goes back home by every Senator in this body if he votes for this bill.

Mr. President, in closing I submit that there are numerous other Senators who wish to discuss this bill.

I should have liked to have more time to give to the various provisions of this bill which amend section 5200. I should have liked to hear them discussed upon the floor of the Senate at length. I should have liked to see the Members of this body pass upon the bill after they had given their mature judgment to it. Instead of that, however, we are going to pass it here under the lash of the whip of the American Bankers' Association, without any knowledge or consideration of the bill, and you are going to put on cloture! A little bipartisan group of Democrats and Republicans are going to force it through this body.

You may force it through this body. You may intimidate Senators upon this floor into voting for it. They may be frightened because somebody stands up on the floor and says, "If you do not consent, we will put on cloture." Well, who cares whether you put on cloture or not? Whom do you think you are intimidating by threats of that kind?

Talk about the President being a strong man! Yes; he will be strong enough, probably, to veto the farm bill, but he will not be a strong enough man to stand up under the pressure of the bankers of this country. He will veto a farm relief bill for the poor, little, unfortunate fellow out on the farm 30 miles, 40 miles—yes, 70 miles—from a railroad; but he will not have the courage of Andrew Jackson to stand up in the White House and veto a relief bill for the bankers of this country.

The unfortunate thing from my standpoint, and the thing I am sorry for, is to see Democrats who claim to be followers of Andrew Jackson and Thomas Jefferson standing up and fighting for a bill of such a character that Jackson would turn over in his grave if he knew that Democrats who claimed to be followers of his were advocating it. What we need in this country to-day is more Thomas Jeffersons and more Andrew Jacksons. What the South needs to develop is more Jeffersons and more Jacksons and fewer men of the type of the reactionary Bourbons of New England.

POSTAL RATES

Mr. GEORGE. Mr. President, I desire to detain the Senate but a very short time, and not on the banking bill.

Since the postal bill is by unanimous consent to be taken up at an evening session this evening, and since I shall be unable to be present at that time, I wish to say just a few words on that measure.

According to a custom which I have pursued, I have asked many of the various users of the mails in my State about the pending measure, and I have had replies from users of first-class and second-class mail generally agreeing with the provisions of the bill now before the Senate. I have received one letter from a large user of third and fourth class mail, pointing out certain objections to the bill, and it is this particular letter that I wish to have inserted in the RECORD.

The writer of this letter gives his express approval to the reduction in the rate on private mailing cards from 2 cents to 1 cent, and says that that reduction is in line with common sense. He also suggests as to the reduction on second-class matter that it is common knowledge that the current rate on transient mailing of second-class matter is all out of line. He points out merely that certain of the rates on third-class matter and on parcel post, which comes under the fourth class, will work a hardship upon particular users of the mail.

Without further comment and because of my inability to be present in the Senate during the night session, when this matter is to be considered, I ask that this letter be inserted in the RECORD as being the only letter in response to mine pointing out objections to the bill.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter referred to is as follows:

ATLANTA, GA., *January 18, 1927.*

Hon. WALTER F. GEORGE,

United States Senate, Washington, D. C.

DEAR SENATOR GEORGE: In line with your request, my views as to postage rate bill reported out by Senate committee are as follows:

The reduction on rate on private mailing cards of 2 cents to 1 cent is in line with common sense and to be commended.

I am not sufficiently informed on second-class matter to pass judgment, although it is common knowledge that the current rate on transient mailing of second-class matter is all out of line.

Fourth-class matter, or parcel post, the removal of the 2-cent service charge, is entirely in line with the present contention of the entire seed trade. We were always against the service charge, because it meant, with the narrow net margin the seed business is operated on, the necessity of increased prices on our goods to the consumers, who are largely farmers. The elimination of the service charge would save in our postage bill approximately $6,000 per year on parcel-post mailing.

The trouble in the present bill is the rate on third-class matter, including catalogues. There is a distinct stepping up in net cost under the proposed rates. Incidental to the above, would say that the catalogues of the seed houses all over the country are geared to the present rates and weight limitations, and a change would throw the whole thing out of gear.

On the basis of our catalogue mailings all last summer and this present winter and spring, the increase in postage cost to us under these proposed new rates would approximate $13,750, leaving a net increase in postage cost of $7,750, after deducting the saving due to the cutting out of the service charge.

Naturally, under all the circumstances we would much prefer to let the present service charge stand, as well as the present rates on catalogues, for it would mean a net saving of $7,750, as against the proposed change in rates covering both third and fourth class matter.

A group of mail-order seedsmen representing about five-sixths of the catalogue seedsmen of the country met in Chicago last October, and this postage question was discussed. In every instance a raise in prices had been necessary to take care of the increased cost due to the service charge. If the present proposal goes through, it will necessitate another step-up in the postpaid price of seeds to take care of this further increase in catalogue postage above what would be saved by reduction due to the cutting out of the service charge.

It is the idea of the mail-order seedsmen to put their goods in the farmers' and gardeners' hands at the lowest possible cost consistent with good goods, the cost of doing business and relatively small profit. There has been no such advance in the price of seeds since 1914 as there has been in other commodities or articles of merchandise. We have fought against the idea of raising prices in spite of the steadily increased cost of doing business in that period.

The universal complaint in the seed trade to-day, both retail and wholesale, is that there is little or no profit being made out of the business. Every possible endeavor has been made to cut costs of doing business. The service charge was an increased load that had to be met by increased prices on seeds sent postpaid, and if that portion of this proposal relating to third-class matter goes through it means another step-up in prices, for the margins that the seed trade is now getting are so small that increased costs can not be absorbed without further price raises.

There is another angle to this third-class proposal in its relation to the printing business, and that is that it will undoubtedly tend to curtail very largely the number of catalogues printed, and this means throwing out of work many in the printing industry.

I believe the above states the case in brief, at least, so far as the seed-trade attitude is concerned.

It is my understanding that in so far as second-class matter is concerned, these proposed rates go back to the basis of 1920. The same would be true as to first class and fourth class, and I see no reason why the mailing of catalogues and other printed matter should be made the goat of this postal situation.

Would suggest that you use your good offices in securing a delay in any action on this bill until hearings on third-class changes can be had. This proposal of the Postal Committee has been entirely unexpected and is like a bolt out of the blue.

* * * * * * *

Yours truly,

H. G. HASTINGS CO.,
H. G. HASTINGS, *President.*

EXECUTIVE SESSION

Mr. CURTIS. Mr. President, if there is no other business to be transacted, as we have to recess at 5 o'clock, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move, under the agreement previously made, that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 4 o'clock and 42 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

POSTAL RATES

The PRESIDING OFFICER (Mr. LENROOT in the chair). Under the unanimous-consent agreement the Chair lays before the Senate Calendar No. 1291, House bill 13446.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards, which had been reported from the Committee on Post Offices and Post Roads with amendments.

The PRESIDING OFFICER. The Clerk will read the bill for action on the amendments of the committee.

The legislative clerk proceeded to read the bill.

The first amendment of the Committee on Post Offices and Post Roads was, on page 1, in line 7, to strike out the word "regulating" and insert in lieu thereof the words "relating to," so as to read:

That section 201, Title II, of the act of February 28, 1925, is amended to read as follows:

"SEC. 201. The rate of postage on private mailing cards described in the act entitled 'An act to amend the postal laws relating to the use of postal cards,' approved May 19, 1898, shall be 1 cent each.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The clerk will call the roll.

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

Ashurst	Ferris	McKellar	Sheppard
Bayard	Fess	McMaster	Shortridge
Blease	Frazier	Mayfield	Smith
Bratton	Gooding	Moses	Smoot
Broussard	Gould	Neely	Stanfield
Bruce	Hale	Norris	Steck
Cameron	Harris	Nye	Stephens
Capper	Harrison	Oddie	Stewart
Caraway	Hawes	Phipps	Trammell
Copeland	Heflin	Pine	Tyson
Couzens	Howell	Pittman	Walsh, Mass.
Curtis	Johnson	Ransdell	Walsh, Mont.
Dale	Jones, Wash.	Reed, Pa.	Warren
Deneen	Kendrick	Robinson, Ark.	Watson
Dill	Keyes	Robinson, Ind.	Willis
Edge	La Follette	Sackett	
Edwards	Lenroot	Schall	

Mr. McKELLAR. The senior Senator from North Carolina [Mr. SIMMONS] is unavoidably detained from the Senate. He

asked me to make the announcement that he is unavoidably detained and that if present he would support the bill.

I wish to make a like statement in behalf of the Senator from Georgia [Mr. GEORGE].

The VICE PRESIDENT. Sixty-six Senators having answered to their names, a quorum is present. The clerk will continue the reading of the bill.

The next amendment of the Committee on Post Offices and Post Roads was, on page 2, in line 1, to insert a new subtitle and the following new section, from lines 2 to 16, inclusive:

PRIVATE REPLY CARDS

Under such regulations as the Postmaster General may prescribe it shall be lawful to accept for transmission in the mails business reply cards, when presented in the quantity and under the conditions he may establish, postage thereon at the regular rate, together with an additional postage charge of not more than 2 cents on each card, to be collected on delivery: *Provided*, That for the purpose of fixing the compensation and allowances at first, second, and third class offices credit shall be allowed only for the postage collected in addition to the regular rate on business cards delivered at such offices: *Provided further*, That postmasters at offices of the fourth class shall be entitled to include in the amounts upon which their commissions on cancellations are based the amount of postage chargeable at the regular rate on business reply cards mailed at their offices.

The amendment was agreed to.

Mr. BRUCE. I ask that the bill may be read in full.

The VICE PRESIDENT. The Clerk is reading the bill.

Mr. BRUCE. Is he reading the entire bill?

The VICE PRESIDENT. He is reading the bill in full.

The next amendment of the Committee on Post Offices and Post Roads was, on page 2, after line 16, to insert:

DEFICIENT POSTAGE

All mail matter of the first class upon which one full rate of postage has been prepaid shall be forwarded to its destination, charged with the unpaid rate, to be collected on delivery. If the postage is short paid one rate, the additional charge shall be 2 cents, or the deficient postage. If it is short more than one rate, the deficient postage and an additional charge of 1 cent for each ounce or fraction thereof shall be collected.

The amendment was agreed to.

Mr. FESS. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. Is this the formal reading of the bill or is the bill being read for amendment?

The VICE PRESIDENT. The text of the bill was read in stating the first committee amendment. The clerk is stating the committee amendments. The next committee amendment will be read.

The next amendment was, on page 3, beginning at the top of the page, to insert:

SECOND-CLASS MATTER

SEC. 2. Section 202 of said act of February 28, 1925, is hereby amended to read as follows:

"SEC. 202. (a) In the case of publications entered as second-class matter (including sample copies to the extent of 10 per cent of the weight of copies mailed to subscribers during the calendar year) when sent by the publisher thereof from the post office of publication, or other post office, or when sent by news agents to actual subscribers thereto, or to other news agents for the purpose of sale—

"(1) The rate of postage on that portion of any such publication devoted to matter other than advertisements shall be 1½ cents per pound or fraction thereof.

"(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows: For the first and second zones, 1½ cents; for the third zone, 2 cents; for the fourth zone, 3 cents; for the fifth zone, 3½ cents; for the sixth zone, 4 cents; for the seventh zone, 5 cents; for the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 5½ cents.

"(3) The rate of postage on newspapers or periodicals maintained by and in the interest of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1½ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General at such times and under such conditions as the Postmaster General may prescribe satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

"(b) Where the space devoted to advertisements does not exceed 5 per cent of the total space the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements.

"(c) The rate of postage on daily newspapers and on the periodicals and newspapers provided for in this section when deposited in a letter-carrier office for delivery by its carriers shall be the same as now provided by law, and nothing in this act shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication. The Postmaster General may hereafter require publishers to separate or make up to zones, in such manner as he may direct, all mail matter of the second class when offered for mailing.

"(d) With the first mailing of each issue of each such publication the publisher shall file with the postmaster a copy of such issue, together with a statement containing such information as the Postmaster General may prescribe for determining the postage chargeable thereon."

Mr. ROBINSON of Arkansas. Mr. President, I desire to offer an amendment to the committee amendment. On page 4, line 4, in subsection 3, I move to strike out "1½" before "cents" and to insert "1¼."

Prior to 1925 newspapers and periodicals of the class designated in paragraph (3), the paragraph now under consideration, bore the rate of 1¼ cents per pound or fraction thereof, the same rate as is proposed in the amendment which I have offered. While the act of 1925 raising the postal rates was under consideration in the Senate there was submitted and agreed to by a well-nigh unanimous vote of this body an amendment identical in substance with the proposal which I now make. In conference, however, that amendment went out and the rate was advanced to 1½ cents per pound.

The periodicals and newspapers dealt with in paragraph (3) are not published for profit; they are published for religious and educational purposes. It had been the policy of the Government prior to the act of 1925 to treat them generously in the matter of postal rates. Since this is a bill the primary purpose of which is to reduce postal rates which were raised in 1925 and to restore the rates which existed prior to 1920, I believe, it occurs to me that it would be fair and just to adopt this amendment. I express the hope that the Senator in charge of the bill will let it go to conference.

Mr. MOSES. Mr. President, I can not accept the amendment and I can not accept the Senator's recital of the history of this rate. Although what he has said is wholly accurate, he omitted to say some things——

Mr. ROBINSON of Arkansas. I would not expect the Senator to accept what I say if it is accurate. [Laughter.]

Mr. MOSES. The Senator is accurate as far as he goes, but he wholly omitted to narrate that portion of the episode in the Senate in 1925 when a vigorous effort was made to strike from the postal rates altogether the flat rate accorded to periodicals of the kind enumerated in paragraph (3).

It should be borne in mind, Mr. President, that this rate of 1½ cents a pound is a flat rate all over the country and that it applies not only to the reading matter in the periodicals but also to the advertising matter; and it will be observed in the second paragraph of this section that the rates for the advertising matter in all other periodicals and publications is infinitely greater than the rate provided in paragraph (3), which is a flat rate and covers everything.

There are some 6,000 publications which enjoy this religious, scientific, agricultural, and so forth, rate, that being the phrase in which we commonly speak of it when hearings are being held on the postal rate structure. It can not be said of any large percentage of these 6,000 periodicals that they are not conducted for profit. It is true that they are not conducted for profit in the sense that dividends are being paid to stockholders, but they are being conducted for the profit of individuals or of organizations, and many of them are in every sense periodicals which are in competition with every other periodical of like nature published in the country.

A classic example, Mr. President, of a publication which enjoys the flat rate of 1½ cents a pound all over the country for its reading matter and its advertising as well is the National Geographic Magazine, with a circulation of something like a million copies, which is in competition with every magazine of this country for advertising, and anyone who examines that magazine will find that as large a proportion of its bulk is devoted to advertising, which advertising pays a high price, as in the case of any magazine in the country. There are numerous other magazines of a similar character, though not with so large a circulation, but I can immediately think of several the circulation of which is in excess of 100,000, and one with a circulation of 300,000. That is the type of magazine that enjoys this privilege.

Prior to the work of the Hughes Commission, which studied the question of second-class postal rates in 1911, there was a regulation in the Post Office Department whereby abuses of the character I have described were prevented; that is to say, there was a regulation providing that when more than a certain per cent of the space in any periodical was devoted to advertising which was not connected with the purpose of the organization publishing the periodical, the flat preferential rate should not be enjoyed. For a reason which I have never been able to ascertain, and following the report of the Hughes Commission—which commission, I may say, was wholly futile in its results—that regulation disappeared from the postal laws and regulations, and these magazines and periodicals have increased to such an extent that, as I have stated, they now number more than 6,000. They flood the mails with tons and tons of matter, and, having this preferential rate, they are enabled to carry on a much more intense competition. They are in every sense periodicals, just as much so as every other periodical published in the country. That is one reason why I can not accept the amendment proposed by the Senator from Arkansas.

I trust the Senator will permit me to repeat what I said in my opening statement when I presented this bill to the Senate some weeks ago, namely, that there are already so many controversial points on the rate structure which this bill proposes that the conferees will have no little difficulty in composing a bill upon which the two Houses can agree. They will have still more difficulty, as I believe, Mr. President, in composing a bill which the Post Office Department will approve, and, possibly, still more difficulty in producing a bill which the President will approve.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. MOSES. Yes, indeed.

Mr. ROBINSON of Arkansas. Does the Post Office Department approve this bill?

Mr. MOSES. The Post Office Department has sent a letter here, which I read to the Senate at the time I made my opening statement on a former occasion, in which the Post Office Department withholds its general approval of the bill, but approves certain of its features, and then gives reasons why it has not heretofore approved other sections of the bill. It is my opinion, Mr. President, that the attitude of the Post Office Department at the minute is hostile to the bill in its general form. I can draw no other deduction from the last paragraph of the Postmaster General's letter to me on the subject. It is for that reason that I want to get the bill into conference at the earliest possible moment, so that we may try to work out something which will afford relief to publishers who deserve it. May I say to the Senator from Arkansas it is my reasoned judgment that the publishers of the periodicals which he seeks to benefit by the amendment, in view of the preferential treatment they now receive and which they have received for so many years, can not possibly justly claim this further reduction.

Mr. ROBINSON of Arkansas. Mr. President, in reply to some statements made by the Senator from New Hampshire, the suggestion that it will be difficult to secure the approval of the Post Office Department of this bill if the amendment I have proposed is agreed to is not forceful for the reason, as admitted by the Senator from New Hampshire, that the Post Office Department is opposed to the bill in the form in which it is presented to the Senate.

A large majority of the publications of the class embraced in this section, and to which this amendment relates, are issued and published at a loss. It is true, as stated by the Senator from New Hampshire, that a few of these periodicals, including the National Geographic Magazine, are profitable and widely distributed. Hundreds of these publications are totally unprofitable, and many of them have been faced with a condition which will make their further publication difficult, if not impossible.

It is a wise policy to encourage the distribution through the mails of newspapers or periodicals maintained in the interest of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations. The rate in the paragraph as already written would not apply if any of the net income of such organization or association inures to the benefit of any private stockholder or individual.

It is true that the rate carried in the paragraph is a flat rate, and that other rates in the bill relate to zones; but a large number of these religious and educational publications have quite a limited geographical circulation, and the zone principle would have little or no practical application to them.

We are restoring in this bill generally the rate on second-class mail matter; and I think the Senate would do well to adhere to the precedent that it established when it adopted the Butler amendment in 1925, and provide for a flat rate of 1¼ cents per pound or fraction thereof on the class of publications referred to.

Mr. WILLIS. Mr. President, will the Senator yield for a question?

Mr. ROBINSON of Arkansas. I have concluded all I have to say.

Mr. WILLIS. I wondered whether the Senator had made any computation as to the effect his amendment would have on the revenues.

Mr. ROBINSON of Arkansas. It would be comparatively small. I have no figures or estimates that I would desire to publish as authentic.

Mr. WILLIS. Perhaps the Senator from New Hampshire could elucidate that matter.

Mr. MOSES. Mr. President, I will agree with the Senator from Arkansas that the amount of diminution in postal revenues caused by his amendment would be small as compared to the total revenues of the Postal Service, which will run to $750,000,000 a year; but I am quite sure that the diminution in postal receipts which would be produced by the adoption of the Senator's amendment would be a most impressive figure.

Mr. ROBINSON of Arkansas. If the Senator will do so, and is prepared to state the amount, I should like to have him say what the estimates show the difference would be.

Mr. MOSES. Mr. President, we have no estimate, because we did not change that rate, and the Post Office Department gave us no estimate on it; but I am satisfied that with 6,000 publications of this character, many of them running the bulk of edition that they do, the sum manifestly must be very large.

Mr. President, I want to make my own position clear about this amendment and about all other amendments which will be offered to the bill.

Inasmuch as the matter has to go to conference, it might be argued that it makes very little difference what the form of bill is which we send to the House. I can not agree to any such argument as that if it should be advanced, because I am satisfied that the more inflammatory bill we send to the House, the more inflammatory bill we exhibit to the Post Office Department, the greater will be our trouble in dealing with the subject in conference when the bill once gets there.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator pause to explain to the Senate what he means by an "inflammatory" bill?

Mr. MOSES. It might be explained by saying that it is that manner of expression and that form of words which the Senator from Arkansas and I sometimes use in private conversation with each other.

Mr. ROBINSON of Arkansas. Mr. President, I am sure that there is nothing in this bill or amendment that can be characterized with the language that the Senator from New Hampshire so frequently employs in private conversation and which, it appears, he can not use on the floor of the Senate.

Mr. MOSES. Mr. President, that amendment—the amendment just stated by the Senator from Arkansas—I will accept.

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

Mr. MOSES. I should like to conclude.

My idea is that we should get this bill to a point where we can deal with it. Manifestly we can not build a postal-rate structure on the floor of the Senate which will be in any sense satisfactory to any users of the mails. The special joint subcommittee, of which I have been chairman, spent many months taking testimony in all sections of the country, and we were unable to reach any substantial accord as to what should be done with postal rates. I am of the opinion, Mr. President, that there never will be a structure of postal rates satisfactory to the users of the mails until every pound of mail matter of all classes is carried through the mails free of charge. Then the people who use the mails will be content.

I now yield to the Senator from Wisconsin.

Mr. LENROOT. Will the Senator tell us what the estimate is of the deficit that will be created by the bill as reported from the committee?

Mr. MOSES. The Post Office Department estimates about $28,000,000. That ought not to be stated in just that form, Mr. President. There is now an operating deficit in the Postal Service of about $39,000,000. The cash deficit, however, when all the accounts are adjusted, is something under $20,000,000 a year. The postal receipts, it is estimated by the Post Office Department, will be diminished by something more than $28,000,000 if this bill passes in this form; and, wishing to be perfectly fair to all of my colleagues on the subcommittee who prophesy great increase in the postal business if we are able to bring about some of these reductions, I wish to say that the Post Office Department's estimates are by no means to be looked upon as infallible. They have been known to err in

the Post Office Department as well as we have been known to err in the Post Office Committee; but, as was once said to me by a very great authority on postal matters, to whom shall we turn for information of this character unless to the Post Office Department?

Mr. SMITH. Mr. President, I should like to ask the Senator to which class of the mail is the greater loss attributable?

Mr. MOSES. According to the cost-ascertainment report which was presented to Congress by the Post Office Department in December, 1924, based upon the operations of the Postal Service for the year 1923, by far the greatest deficit was estimated to have occurred in the transportation of second-class matter, which is the class of matter to which this further reduction in rates would apply.

Mr. WILLIS. Mr. President, I think the amendment offered by the Senator from Arkansas should be adopted, not only for the reasons which he so clearly stated but for the additional reason that any additional deficit certainly would be very small as compared with the deficit which this bill creates.

I am not disposed to find fault with the very able committee; but to me it is a singular situation that is presented in this bill, and perhaps the observation of the Senator from New Hampshire is correct that it will not be possible to reach any satisfactory bill until all the different classes of mail matter are carried free of charge. At all events, it seems to me that the present bill does not furnish an illustration of satisfactory rate making.

According to the reports of last year, the one class of matter that furnished a considerable gain was first-class matter. First-class matter was handled at a gain to the department of $73,768,000; and yet the class of matter that was handled not at a loss but at a gain is required under this bill to bear increased rates. If I am not mistaken in my computation, this bill will still further increase the rates upon first-class matter, which now produces a gain for the Government of $73,000,000 a year. It increases the rates about $2,800,000 per year. In other words, the rates that already show, by the fact that there is a surplus, that they must be sufficiently high, it is proposed to increase; and on second-class matter, which produces a deficit of $83,000,000 a year, it is proposed to decrease the rates and to increase the deficit.

Mr. McKELLAR. Mr. President——

Mr. WILLIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. I know of no increase on first-class matter.

Mr. MOSES. There is none, Mr. President—not a penny.

Mr. McKELLAR. On the contrary, the rate on first-class matter is decreased. For instance, post cards are carried as first-class matter and are part of first-class matter, and on them the rate is decreased from 2 cents to 1 cent; so the Senator is entirely wrong in saying that there is an increase in first-class rates.

Mr. WILLIS. What does the Senator say about second-class rates? That is what we are talking about now.

Mr. MOSES. But the Senator from Ohio said the first-class rates had been increased.

Mr. WILLIS. Under the terms of this bill the department estimates that there will be an income of some $2,800,000 more than is had under the present bill.

Mr. MOSES. Yes; but "a little knowledge is a dangerous thing," may I say to the Senator from Ohio.

Mr. WILLIS. I think the Senator's bill exemplifies that.

Mr. MOSES. No; it does not; because the increase in receipts from first-class matter will come from bringing back into the mail those post cards which were put out of the mail by the increase carried in the act of 1925; and it is on that basis that the Post Office Department estimates the increase in receipts from first-class matter.

Mr. WILLIS. Then go right on; what does the Senator say about the second-class rates?

Mr. MOSES. As to the second-class rates, I admit that if carried into effect as proposed in this bill, and still further, if carried into effect as proposed by the amendment of the Senator from Arkansas, the revenues will be reduced, the department estimates, by about $8,000,000 a year; and if the Senator had done me the honor to follow my original statement in connection with this measure, when I presented it, he would have found that I freely and frankly exposed all those facts to the Senate.

Mr. WILLIS. Mr. President, that illustrates exactly what I was seeking to bring out. The second-class matter, under the present law, is carried at a loss to the Government of about $83,000,000 a year. Therefore it is herein proposed to increase that deficit by about $8,000,000. I will put the exact figures in the RECORD directly. It seems to me, therefore, that the small increase in deficit that would be caused by the adoption of the amendment offered by the Senator from Arkansas would be amply justified when we take into consideration the character of the publications.

Mr. FESS. Mr. President, will my colleague yield?

Mr. WILLIS. Certainly.

Mr. FESS. I wish my colleague would call attention to the increase in the rates for third-class matter.

Mr. WILLIS. I will be glad to have my colleague do that. I intended to, but what was the particular point my colleague desired to bring out?

Mr. FESS. In this proposal there is an increase in one class, for example, catalogues——

Mr. WILLIS. That is practically prohibitive.

Mr. FESS. And books, under which one firm in our State will have an increase that will amount to $200,000 in a single year. It appears to me that is pretty serious, and I would like to have my colleague offer an amendment, or I will offer one, when we reach the third-class matter.

Mr. WILLIS. I hope my colleague will offer the amendment. I have not one prepared at the moment, but I agree with the statement he has made.

It seems to me a most amazing situation that at the time when we are proposing still further to increase the deficit in certain classes of matter we are proposing to increase the rates on the particular class of matter to which my colleague has referred.

I recognize that the Post Office Department is not infallible, and I recognize that the committee is not infallible. I recognize, further, that it is a very difficult matter to make postal rates here on the floor of the Senate; but it seems to me that the recommendations of the men in the Post Office Department who are particularly familiar with these things are entitled at least to some weight and consideration.

As I have gone over this bill and compared the bill with the departmental recommendations, I note that the first change is recommended by the department.

Mr. MOSES. May I ask the Senator if he wants to introduce a bill along the lines advocated by the Post Office Department?

Mr. WILLIS. No; I do not know that I do.

Mr. MOSES. If he does, there will be no change in second class, third class, or fourth class.

Mr. WILLIS. I was not proposing to introduce any bill, because I recognize that those on the committee and in the Post Office Department who have the greater opportunity to study these matters should be depended upon to frame the legislation. Yet, in a kindly and Christian spirit, and with great respect, I am suggesting to the Senator some things which seem to be rather indefensible.

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

Mr. WILLIS. I yield.

Mr. McKELLAR. I merely want to suggest to the Senator that the amendment which he has just announced he was going to support, and is supporting, is not recommended by the department or the committee.

Mr. WILLIS. I so understand, but if we are to adopt a program here of reducing rates wherever anybody wants them reduced, reducing the rates so as to increase the deficit in the class of matter that already produces the greatest deficit, it seems to me we should not strain at a gnat and swallow a camel. The reduction that would proceed from the adoption of the amendment offered by the Senator from Arkansas is comparatively small. On second-class matter, as I have already said, it is proposed to reduce the rates, although there is now a deficit some $8,000,000 beyond the $83,000,000 deficit which now exists.

Mr. McKELLAR. Mr. President——

Mr. WILLIS. I further yield.

Mr. McKELLAR. The very matter the rates on which the Senator desires further to reduce is second-class matter.

Mr. WILLIS. Mr. President, I thought I had answered that. If the committee were willing to formulate a bill along scientific lines, I would be willing, I think, to stand by such a bill, but they proceed on the theory that the rates should be reduced and the deficit increased in that class of matter which now produces the greatest deficit, and I say that the additional deficit that would be caused by the amendment of the Senator from Arkansas would be practically negligible, in view of the fact that there is now in the red, under the post-office accounts, I think the Senator from New Hampshire said, about $38,000,000. This will increase it about $27,000,000, making the total deficit in the department, if this shall become a law, about $66,000,000 per annum.

I have always proceeded on the theory that in the long run the Post Office Department ought to be self-supporting. In the

long run it is not fair to tax the great body of the taxpayers in order that certain people may have the privilege of sending their matter through the mail below cost.

Mr. MOSES. Mr. President, does the Senator want to carry that into effect in all postal-rate legislation?

Mr. WILLIS. The Senator knows it is not possible with entire accuracy to allocate and appraise the elements of cost. So far as that can be done, however, I would say to the Senator I do believe that principle should be applied.

Mr. MOSES. And especially it should be applied where large sums of money are involved?

Mr. WILLIS. Yes.

Mr. MOSES. That being the case, then, Mr. President, the Senator would have to strike down every rural free delivery route in the country.

Mr. WILLIS. The Senator now enters upon a field that is one of approximation, one of speculation. I have heard it said that the rural routes cause a great deficit.

Mr. MOSES. Oh, Mr. President, this is not speculation. The cost ascertainment report, which is accurate so far as poundage is concerned, shows that less than one-tenth of 1 per cent of the volume of the mail originates or is delivered on rural free delivery routes.

Mr. WILLIS. Mr. President, the Senator understands perfectly well that no human agency can determine just to what extent the business of the Post Office Department has been increased through the establishment of the rural routes. I know it is customary, whenever this question is brought up, to saddle the whole thing upon the rural free delivery system, but the Senator knows perfectly well there is no method to allocating with accuracy these costs.

It is, perhaps, not in order at this point, but since I have the floor, and shall not take it again on this matter, I call attention to the reduction that is made in fourth-class matter, resulting in an additional deficit of $19,000,000. This bill which is proposed to be passed with little discussion adds to the burden of the taxpayer something over $2,000,000 per month.

Only because I share the wish of the Senator from New Hampshire that this bill shall be gotten into conference, and share the hope that when it gets into conference some of these glaring inequalities and unreasonable rates will be corrected, shall I consent to the passage of this measure.

Mr. NORRIS. Mr. President, may I ask the Senator from Ohio a question?

Mr. WILLIS. I yield.

Mr. NORRIS. Would he be willing to apply that doctrine to all other legislation?

Mr. WILLIS. I do not quite understand the Senator.

Mr. NORRIS. The Senator says, after telling what a bad bill this is, that he is going to support it on the theory that it will be made a good bill in conference.

Mr. WILLIS. No, I think not; but I think this is quite a different situation. When it comes to rate making, I think the Senator, from his long and distinguished and successful experience here and in another body, will agree with me that the House of Representatives and the Senate are two of the poorest places in the world where postal rates or freight rates should be fixed; and since the Senator has asked that question, I say to him that I think ultimately, in order to get at some reasonable basis for rate making, we shall have to create in this country for the Post Office Department an organization not dissimilar to the Interstate Commerce Commission, because in this Chamber and in the other legislative body I have seen rates changed just on the spur of the moment. Somebody introduces an amendment and the amendment is adopted, without reference to what its effect will be. So while I do not have the fullest confidence always in the ability of conference committees, frankly, I would rather trust a conference committee to work out a just system of rates than I would to undertake to work them out here.

I ask permission to have inserted in the RECORD a letter which I have just received from the Postmaster General.

The PRESIDING OFFICER. Is there objection?

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

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., January 31, 1927.

Hon. FRANK B. WILLIS,
United States Senate.

MY DEAR SENATOR WILLIS: Replying to your letter of this day inquiring, first, as to the deficit last year arising from the different classes of mail matter under existing rates, and, second, as to the probable effect of bill H. R. 13446, I have the honor to inform you as follows:

With reference to the estimated revenues and expenditures for the fiscal year 1926 allocated and apportioned to the several classes of mail matter and special services, your attention is called to the "Cost ascertainment report" for the fiscal year 1926, copy of which is inclosed. On page 6 of the report you will find the information asked for.

With reference to the probable effect of the bill upon the postal revenues, an estimate has been made and transmitted to the chairman, Committee on Post Offices and Post Roads of the Senate, showing the information in the following form:

	Net increase in revenue	Net decrease in revenue
Post cards—reduction in rate from 2 cents to 1 cent each		$1,200,000
Private-reply cards, collect-on-delivery	$4,000,000	
Deficiency in postage, penalty for	75,000	
Second class—pound rate 1920 rates		8,389,180
Second class—transient		100,000
Third class, revised schedule		3,483,000
Fourth class, discontinuance of service charge		19,000,000
Special handling—exclusively		600,000
Special delivery with special handling	800,000	
	4,875,000	32,772,180
		4,875,000
		27,897,180

The above estimate is made on the basis of the revenues for 1928.

The estimate includes two items which are difficult of ascertainment. They are the probable net decrease in revenues on account of the provision for the private reply cards—collect on delivery—and on account of the provision for rates on third-class matter. As to the amount of increase in revenue which is estimated as probable on the private-reply cards, this will depend entirely upon the use which will be made of this new facility if authorized. This is necessarily of such an uncertain character that it is difficult to make an estimate upon. There is nothing to guide us on this point, because we have nothing in the service like it. The estimated net decrease in the revenues from third-class matter on the basis of the suggested change is also uncertain. The net decrease is made up on the estimate that the change in rates on third-class matter will mean a reduction in revenue of approximately $13,483,000 a year. At the same time it has been claimed that a reduction in the rates will bring back into the mails a large number of pieces which were lost to them on account of the changes made by the act of 1925. If a billion pieces should come back, we would have a credit of $10,000,000 against this loss above stated, leaving a net loss still at $3,483,000.

Taking up the features of the bill separately, I have to inform you as follows:

The provision with reference to postal cards is that which was recommended by the department and passed by the House of Representatives in a separate bill.

The provision with reference to private reply cards is that which was recommended by the department and passed the House of Representatives in a separate bill.

The provision with reference to deficient postage on first-class mail is that which was recommended by the department and was passed by the House of Representatives in a separate bill.

The provision with reference to second-class matter is a return to the 1920 schedule of rates provided for by the act of 1917. This return to a former schedule has not been recommended by the department.

The provision with reference to transient second-class mail matter is the same as that which was recommended by the department and passed by the House of Representatives in a separate bill.

The provision with reference to third-class matter was not recommended by the department, but was prepared as an alternative to the proposition to return to the old schedule for third class in effect prior to 1925 and other propositions which were before that committee and was for the committee's consideration if a change in third class was to be made. In preparing the schedule it was intended to offer an improvement over the present schedules providing two rates applicable to third-class matter, and thus eliminate the continual protests from users of the mails against the 24-page book ruling, the limitations as to permissible inclosures with books and catalogues, and similar regulations necessitated by the present dual system of rates. In these respects the proposed schedule would be a great improvement and in the interest of third class users generally.

The provision with reference to fourth-class matter was not recommended by the department.

The provision with reference to special delivery is the same as that recommended by the department and passed by the House of Representatives in a special bill and subsequently changed upon the suggestions of the department to effect a more satisfactory administration of that service.

The provision with reference to accounting has never been specifically recommended by the department, but has been approved. The credits which the Postal Service would take under this provision would be approximately $15,755,000 on penalty mail and $1,200,000 on franked

mail, but it should be borne in mind that this does not in any manner affect the actual revenues and expenditures of the Post Office Department.

Sincerely yours,

HARRY S. NEW,
Postmaster General.

The PRESIDING OFFICER (Mr. BRATTON in the chair). The question is on the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] to the committee amendment.

The amendment to the amendment was agreed to.

Mr. McMASTER. Mr. President, I desire to move to amend the committee amendment by striking out all of (b) in section 4, on page 5, and inserting——

Mr. McKELLAR. That point has not yet been reached, Mr. President. Will not the Senator withhold his amendment until that section of the bill is reached?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The LEGISLATIVE CLERK. On page 5, line 6, insert a new subhead "transient second class" and the following:

TRANSIENT SECOND CLASS

SEC. 3. Section 203, Title II, of said act of February 28, 1925, is hereby amended to read as follows:

"SEC. 203. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 1 cent for each 2 ounces or fraction thereof."

The amendment was agreed to.

The next amendment was, on page 5, line 13, to insert a subhead, "Third-class matter," and the following:

SEC. 4. Section 206 of said act of February 28, 1925, is hereby amended to read as follows:

"SEC. 206. (a) Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 207.

"(b) The rates of postage thereon shall be 1 cent for matter weighing 1 ounce or less; 2 cents for matter weighing over 1 ounce but not exceeding 3 ounces; 3 cents for matter weighing over 3 ounces but not exceeding 5 ounces; and 4 cents for matter weighing over 5 ounces but not exceeding 8 ounces, except that the rate of postage on seeds, cuttings, bulbs, roots, scions, and plants, not exceeding 8 ounces in weight, shall be 1 cent for each 2 ounces or fraction thereof.

"(c) The written additions permissible under existing law on mail matter of either the third or fourth class shall be permissible on either of these classes as herein defined without discrimination on account of classification."

Mr. McMASTER. I move to strike out all of (b) in section 4 on page 5 and to substitute in lieu thereof the following:

The rate of postage thereon shall be 1 cent for each 2 ounces or fraction thereof up to and including 8 ounces in weight.

Mr. President, this proposed amendment would simply restore the rates of the present law. I am sure that when this amendment was voted on by the majority of the members of the committee they voted under a misapprehension. I am sure that no member of the committee actually intended to increase any of the rates in the bill, but the committee amendment greatly increases the rates on third-class matter, and the amendment which I have offered to the amendment simply restores the rates of the present law.

Mr. MOSES. Mr. President, once again in the colloquies with my associates here with reference to these rates I have to say that I can not accept all that the Senator from South Dakota says with reference to this particular class of mail and the rates applicable to it.

On the whole, there is a reduction in third-class rates, but the Senator knows, as every member of the committee knows—and this was discussed in the committee—there is one point in the rate structure for third class where the scale does not follow a normal curve, but, so to speak, hops up a considerable distance. In the rate to be paid on mail matter of third class weighing in the 2-ounce category there is an increase, but the greatest number of pieces of third-class mail matter are less than 1 ounce in weight. In that sense there is no injustice because the greatest number of pieces of mail secure the reduction from the rates now in force.

I will admit that there is a discrepancy in the general structure of the third-class rate as proposed in the bill; but I submit that to try to remedy it on the floor of the Senate is a rule-of-thumb method of dealing with a subject which should be discussed with some degree of intimacy, not only as among the conferees but with the experts from the Post Office Department, so that we may reach what I freely admit may be, probably will be, a more equitable rate for third class.

My own opinion about third-class rates has been that we should set up for that class of mail matter a pound rate comparable in some degree to the pound rate given to second-class matter. In all the discussions which have taken place through all of the months of investigation which the joint subcommittee carried on, that principle seemed to be agreed upon by the majority of the committee. The difficulty always was to find an initial pound rate or a progressive pound rate for third-class mail matter to which we could secure the adherence of the experts in the Post Office Department.

When the bill gets into conference I shall still press for a pound rate, if it may be had; and in view of the fact that the Senate evidently is disposed, as the Senator from Ohio so cogently said a few minutes ago, to accept these amendments which are offered here on the floor of the Senate, to take them on the spur of the minute simply because somebody who does not want to pay postage has importuned a Senator to introduce an amendment designed for the relief of somebody who is already making plenty of money and wants to make more, and thinks the Government should pay part of the expense of conducting his business—if that is the temper of the Senate in framing this bill here to-night, or at any time, of course I have to submit and take the matter to conference, and I shall submit if I have to do so; but because of the understanding which I have had with my associates in this matter I shall continue to resist to the best of my ability every amendment offered on the floor.

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

Mr. MOSES. I yield.

Mr. FESS. I am not urging a thing that is different from the present law. The Senator has offered an increase. I am simply opposing the increase he offers. If the Senator will permit me, I would like to ask the Senator from South Dakota whether his amendment would have the effect in line 4, page 6, which I think it has. There we have the exception.

Except that the rate of postage on seeds, cuttings, bulbs, roots, scions, and plants not exceeding 8 ounces in weight shall be 1 cent for each 2 ounces or fraction thereof.

May I ask the Senator from South Dakota whether, in the matter of certain catalogues we do not there put in effect the law which is now in force with reference to the mailing of catalogues?

Mr. McMASTER. I understand that would be the effect of it. It simply restores the old rate.

Mr. FESS. In other words, the Senator's intention is simply to hold the rate to what it is instead of increasing it, as the committee reports?

Mr. McMASTER. It is the intention of the amendment to the amendment simply to restore the rate as it exists at the present time.

Mr. COUZENS. Mr. President, the Senators are holding a three-cornered conversation which we can not hear at all.

Mr. MOSES. Oh, no; it is a duet. I am not in it. [Laughter.]

Mr. COUZENS. Mr. President, I distinctly heard the Senator's voice a little while ago. [Laughter.]

Mr. FESS. If the Senator from South Dakota will permit me, it is hardly fair to make the statement that when some one writes to a Senator and asks him to resist a proposition for the payment of postage, the Senator will immediately represent that correspondent. What I have in mind is that here is a proposal which will increase the expenditure of one firm in the city of Cleveland to an amount in excess of $200,000. That is an increase which is proposed. All I am asking is why we should not leave it as it is? I have a right to offer an objection to the increase, as the Senator from New Hampshire will admit, I am sure.

Mr. MOSES. Of course I am not questioning the right of the Senator from Ohio or the right of any Senator here to offer any amendment which he chooses. My opinion is based upon conversations which I have had with all the representatives of the catalogue houses who have come here and talked with me, and I can say to the Senator from Ohio they have come in great numbers, in such numbers that some days I thought they were like a cloud of locusts, and it is my opinion that almost without exception those people were laboring under a misapprehension as to what the bill does.

If their catalogues weigh more than 8 ounces they then have to go into the fourth class, where the existing rate there is a

service charge of 2 cents for each piece. Those with whom I have talked without exception, I think, thought that they then had to pay the service charge on each catalogue which weighs more than 8 ounces. The bill strikes out the service charge altogether and catalogues weighing more than 8 ounces will go over into the fourth class and carry the absurdly cheap rate which applies to fourth-class mail matter.

There is a place in the third-class structure, as I attempted to show, where from 1 to 2 ounces there is an increase of one-half cent when we get above 2 ounces in weight.

Mr. FESS. There is a reduction from 1½ cents to 1 cent.

Mr. MOSES. On the 1 to 2 ounces.

Mr. FESS. But the house I have in mind can not utilize that rate.

Mr. MOSES. No; because their catalogue weighs more than 8 ounces and will have to go into the fourth class, and they think they will have to pay the service charge, but they will not.

Mr. FESS. Will the Senator from New Hampshire state why we increase the rate on third class where there is no such loss, and reduce it on the second class where there is such a tremendous loss?

Mr. MOSES. It is the opinion of the Senator from New Hampshire that there is no increase except in that one point.

Mr. FESS. It is there.

Mr. MOSES. In that one point it is, and, as I said at the outset, because at that point there is a step up instead of a gradual curve in the formation of the rate, I think we may be able to change it in conference.

Mr. COPELAND. Mr. President——

Mr. MOSES. I yield to the Senator from New York.

Mr. COPELAND. How much is that increase, may I ask the Senator from New Hampshire?

Mr. MOSES. The total increase?

Mr. COPELAND. The increase on third-class mail.

Mr. MOSES. It is now 1½ cents for 2 ounces. The new schedule has varied rates whereby it will be 1 cent from 1 ounce to 2 ounces, and then 2 cents, and then up until we reach a maximum of 6 cents.

Mr. COPELAND. May I ask the Senator, as he listened to the appeals of the users of third-class mail, whether he found them very well satisfied with the schedule as established for third-class mail?

Mr. MOSES. As established in the bill, or as established now?

Mr. COPELAND. As established in the bill.

Mr. MOSES. Oh, Mr. President, nobody has come to me satisfied with the rate structure under any class of mail. They all want it cheaper.

Mr. COPELAND. Were they fairly well satisfied?

Mr. MOSES. No; they all want it cheaper. There is a big association that wants 1-cent letter postage and they kept pressing the committee all the time for it. No one is satisfied with postal rates.

Mr. COPELAND. How much of a saving is there on the third-class schedule in the bill as compared with the present law? What will the saving be? What is the difference?

Mr. MOSES. I would have to refer to the letter of the Postmaster General to tell just what it is.

Mr. COPELAND. Is it a material amount?

Mr. MOSES. By reference to the letter, I find that the decrease would be $3,484,000, according to the Post Office Department.

Mr. FESS. Decrease in what?

Mr. MOSES. Decrease in revenue.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota to the amendment of the committee.

Mr. COUZENS. May we have the amendment stated again?

The PRESIDING OFFICER. The clerk will again state the amendment.

The LEGISLATIVE CLERK. On page 5, line 24, strike out all of paragraph (b) and substitute in lieu thereof:

(b) The rates of postage thereon shall be 1 cent for each 2 ounces or fraction thereof up to and including 8 ounces in weight.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Dakota to the amendment of the committee.

Mr. BRUCE. I demand the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. From the information which I obtained from him before he left the Chamber this afternoon, I assume that he would vote as I intend to vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. SWANSON]. I am informed that, if present, he would vote "yea." Therefore, I am at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BRATTON. 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 Pennsylvania [Mr. PEPPER]. I do not know how either of them would vote if present and voting on this question.

Mr. McMASTER. I desire to announce that my colleague, the senior Senator from South Dakota [Mr. NORBECK], is detained in the hospital. If present, he would vote "yea."

Mr. McKELLAR. I wish to anounce that the senior Senator from North Carolina [Mr. SIMMONS] and the junior Senator from North Carolina [Mr. OVERMAN] are necessarily absent. If present, they would vote "yea."

I also desire to announce that the Senator from Georgia [Mr. GEORGE] is necessarily absent and, if present, would vote "yea" on this question.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Maryland [Mr. WELLER] with the Senator from Montana [Mr. WHEELER];

The Senator from Connecticut [Mr. BINGHAM] with the Senator from Missouri [Mr. REED];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Rhode Island [Mr. METCALF] with the Senator from Texas [Mr. MAYFIELD];

The Senator from Kentucky [Mr. ERNST] with the Senator from Mississippi [Mr. HARRISON];

The Senator from West Virginia [Mr. GOFF] with the Senator from Louisiana [Mr. RANSDELL]; and

The Senator from Vermont [Mr. GREENE] with the Senator from Georgia [Mr. GEORGE].

I am not advised how any of these Senators would vote on this question.

Mr. SHEPPARD. I desire to announce that the Senator from Texas [Mr. MAYFIELD] is unavoidably absent. If present, he would vote "yea" on this question.

The result was announced—yeas 49, nays 13, as follows:

YEAS—49

Ashurst	Frazier	McMaster	Smith
Bayard	Gooding	Neely	Steck
Bratton	Hale	Norris	Stephens
Broussard	Harris	Nye	Stewart
Bruce	Hawes	Oddie	Trammell
Capper	Heflin	Pine	Tyson
Caraway	Howell	Pittman	Walsh, Mass.
Copeland	Johnson	Robinson, Ark.	Walsh, Mont.
Couzens	Jones, Wash.	Robinson, Ind.	Watson
Edge	Kendrick	Sackett	Willis
Edwards	La Follette	Schall	
Ferris	Lenroot	Sheppard	
Fess	McKellar	Shortridge	

NAYS—13

Blease	Deneen	Phipps	Warren
Cameron	Dill	Reed, Pa.	
Curtis	Keyes	Smoot	
Dale	Moses	Stanfield	

NOT VOTING—33

Bingham	Goff	Mayfield	Simmons
Borah	Gould	Means	Swanson
du Pont	Greene	Metcalf	Underwood
Ernst	Harreld	Norbeck	Wadsworth
Fletcher	Harrison	Overman	Weller
George	Jones, N. Mex.	Pepper	Wheeler
Gerry	King	Ransdell	
Gillett	McLean	Reed, Mo.	
Glass	McNary	Shipstead	

So Mr. McMASTER's amendment to the committee amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. COPELAND. Mr. President, I send forward an amendment to be inserted on page 8.

The VICE PRESIDENT. The clerk has not reached page 8 in the reading of the bill.

Mr. McKELLAR. I call the attention of the Senator from New York to the fact that the clerk is about to read the committee amendment on page 6. He has not reached page 8 in the reading.

Mr. MOSES. Has the Senator from New York in mind amending the text of the committee amendment further in respect to third-class matter?

Mr. COPELAND. No; I have in mind an amendment to add a fifth class; but I understand it is not yet time to offer the amendment.

Mr. WALSH of Massachusetts. Mr. President, I should like to have noted in the RECORD that I had intended to propose an amendment to the committee amendment reducing the rate on books and catalogues, but I understand the amendment just adopted embraces the amendment which I proposed to offer. Therefore I shall not offer the amendment which I filed some days ago.

Mr. BRUCE. Mr. President, I should like to make the same announcement. I had drafted an amendment that would have had exactly the same effect as the one which has been adopted.

The VICE PRESIDENT. The Secretary will state the next committee amendment.

The next amendment of the Committee on Post Offices and Post Roads was, on page 6, after line 10, to insert:

FOURTH-CLASS MATTER

SEC. 5. Section 207 of said act of February 28, 1925, is hereby amended to read as follows:

"SEC. 207. (a) Mail matter of the fourth class shall weigh in excess of 8 ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 206.

"(b) On fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912, and amendments thereto, and the service-charge provision of 2 cents for each parcel, fixed by the act of February 28, 1925, is hereby repealed.

"The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this section if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to re-form from time to time such classifications, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

"(c) That during the 12 months next succeeding the approval of this act the Postmaster General be, and he is hereby, authorized to conduct experiments in the operation of not more than 50 rural routes, in localities to be selected by him; said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors, and, if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number or all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries. The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General directly from the postal revenues: *Provided*, That the amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service.

"A report on the progress of this experiment shall be made to Congress at the next regular session.

"(d) Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of baby chicks or of other mail matter of the fourth class weighing in excess of 10 pounds postage of the value of 25 cents, with the words 'Special handling' written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class."

The amendment was agreed to.

The next amendment was, on page 8, after line 21, to insert:

SPECIAL DELIVERY

SEC. 6. Section 212, Title II, act of February 28, 1925, is amended to read as follows:

"SEC. 212. (a) To procure the immediate delivery of mail matter of the first class weighing not more than 2 pounds, stamps of the value of 10 cents shall be affixed (in addition to the regular postage); matter weighing more than 2 pounds and not more than 10 pounds, stamps to the value of 20 cents shall be affixed (in addition to the regular postage); and matter weighing more than 10 pounds, stamps to the value of 25 cents shall be affixed (in addition to the regular postage).

"(b) Mail matter of other than the first class bearing in addition to the regular postage, a special-delivery stamp of the proper denomination or the equivalent thereof in ordinary stamps, with the words 'Special delivery' written on the envelope or wrapper when ordinary stamps are used, shall receive the same expeditious handling and transportation as is accorded to mail matter of the first class and shall be accorded immediate delivery at the office of address, under such regulations as the Postmaster General may prescribe.

"(c) To procure immediate delivery of mail matter of other than the first class weighing not more than 2 pounds, stamps to the value of 15 cents shall be affixed (in addition to the regular postage); weighing more than 2 pounds but not more than 10 pounds, stamps to the value of 25 cents shall be affixed (in addition to the regular postage); and for matter weighing more than 10 pounds, stamps to the value of 35 cents shall be affixed (in addition to the regular postage).

"(d) For making special delivery there may be paid to the messenger or other person making such delivery 9 cents for matter of the first class weighing not in excess of 2 pounds, 10 cents for matter of other than the first class weighing not in excess of 2 pounds, 15 cents for mail matter of any class weighing more than 2 pounds but not in excess of 10 pounds, and 20 cents for mail matter of any class weighing in excess of 10 pounds.

"(e) For the purpose of this act the Postmaster General is authorized to provide and issue special-delivery stamps of the denominations 10, 15, 20, 25, and 35 cents."

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to insert:

ACCOUNTING

SEC. 7. The accounting officers of the Post Office Department are hereby authorized and directed to make the appropriate entries for giving credit to the Postal Service for the amount of money which would have been received in case the service now performed for the so-called franked and penalty mail matter had been paid for at the established rates of postage, and the Postmaster General shall annually report to Congress the results of such accounting.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I should like to call attention to the paragraph beginning on page 7, after line 2, and extending to line 15, on the same page. I understand that provision applies to the parcel post and to all fourth-class matter, and in effect gives to the Postmaster General the authority either to lower or increase the rate provided for in subsection (b) on page 6.

Mr. MOSES. That is the law now, I will say to the Senator from Nebraska.

Mr. NORRIS. The Postmaster General now has the same authority, has he?

Mr. MOSES. Yes. In suggesting these amendments, in order to make the matter submitted to the committee complete, we took in all of the existing law which was not affected by the changes in the rates.

Mr. NORRIS. Is the fourth-class mail self-supporting?

Mr. MOSES. I do not think so, and the Post Office Department reports that it is not.

Mr. NORRIS. Has the department determined it definitely by an investigation?

Mr. MOSES. It has determined it after a very exhaustive examination.

Mr. NORRIS. Mr. President, I am not one of those who have believed that the Post Office Department ought to be self-sustaining; I wish it were; but I think we ought to have service in all branches of the Post Office Department, even though a deficit may result. If it is in the power of the Postmaster General, under the law to which I have directed the attention of the Senate, to call on the Interstate Commerce Commission and, after an investigation has been made by them as provided therein, to increase the rates on all parcel-post matter, I am wondering if the Senate wants to continue that authority. The fact that it is in the law now, as the Senator from New Hampshire says, would indicate that the Postmaster General does not intend to do that, but if the investigation to which the Senator from New Hampshire has referred has been made recently—and I presume it was made with the intention of ascertaining whether the rates were fair and just—the Postmaster General might probably follow it up by an increase of these rates.

Mr. MOSES. Mr. President, may I interrupt the Senator at that point?

Mr. NORRIS. Yes.

Mr. MOSES. I do not think that it is the purpose of the present Postmaster General, and I do not think it has been the purpose of any Postmaster General within recent years, to do anything except bring about a revision of the total rate struc-

ture as applied to fourth-class matter, with a view to equalizing a certain section of the rate structure which is plainly inequitable as now administered.

With reference to making the service self-supporting, Mr. President, I am not sure that that could ever be done, although with the rates on fourth-class matter as they are now, under the legislation of 1925, fourth-class mail is more than paying its way, I should say, although I must say this to the Senator from Nebraska and to my colleagues generally:

I have always been skeptical regarding the figures adduced by the Post Office Department with reference to fourth-class mail matter. I can not convince myself that a class of mail matter is self-supporting which comprises more than 60 per cent of the total weight of the mails—and we sell postage by weight—and which comprises almost 70 per cent of the total bulk of the mails—and we buy transportation for the mails by bulk—and which, though more than 60 per cent in weight and almost 70 per cent in bulk, pays only 27 per cent of the total postal revenues.

Mr. NORRIS. With those figures and with that view, there is not any doubt but that it is not self-supporting.

Mr. MOSES. In my own mind there is no doubt, Mr. President; and I have hoped that the Interstate Commerce Commission might be asked to do this work as provided in the law as I hope it will be reenacted.

Mr. NORRIS. Mr. President, the point I want to bring to the attention of the Senate is whether the Senate desires to give to the Postmaster General authority and, in one sense of the word, instructions in this law to increase the rates on parcel post. I refer to the part of the bill on page 7, commencing with line 3 and ending with line 15. The Senator from Ohio [Mr. FESS] has just called my attention to the fact that—

he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classifications, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

Mr. MOSES. Mr. President, that has been the law ever since the Parcel Post Service was created, back in 1913 I think, and I have wished many times that the Postmaster General would make use of it; but, there being no penalty section, I see no way of bringing that about.

Mr. NORRIS. I am not anxious to have him do it, because, from all I have heard—of course, I have not had either the opportunity or the ability to get as much information on it as the chairman of the committee has—I have never had my mind satisfied on these cost figures on any of the postal activities. Of course, we know that there is a deficit, but as to how much should be allocated to each branch I think there is a large field for disagreement.

Mr. MOSES. If I may drop into the vernacular after hearing the Senator from Nebraska make that statement, I will say that he has nothing on me in that regard.

Mr. NORRIS. I am glad to have approval of my idea from the chairman of the committee; but, Mr. President, as I said before, I have never believed that we ought to sacrifice efficiency in the Post Office Department in order to make it pay financially, or even pay its own way. There are a good many things in the Post Office Department that I do not believe anybody would abolish that everybody knows run behind.

There is the rural free delivery, for instance. I remember when it was started, and it was an experiment then, but it has now covered the entire country. It costs a great deal of money. It does not come anywhere near sustaining itself, and yet there is not anybody that I know of in any line of business that would throw it aside, because it enters into the homes and the convenience and the happiness of all the people, and we would not discard it for anything.

The same thing can be said to some extent about some other things connected with the Post Office Department. I was always a great believer in the parcels post. I think we were justified in establishing it. It did not bring on the destruction that a great many honest citizens thought it would bring to men in business in the smaller towns of the country. I do not believe there are many people in the country who would like to abolish it; but, from the best I can learn, while I could not reach any definite figure to satisfy myself, it costs more money to operate it than we get out of it. I believe that can be said; and I would rather it would continue to run that way than to have it abolished or to have the rates made so that it would abolish itself in practical application; and what I fear is that we are giving a direction to the Postmaster General here the effect of which, if he follows it, will be to abolish the parcels post.

The rates provided for are somewhat reduced here. The 2 cents parcel service charge is abolished entirely. I remember when we put that on. I should like to ask the Senator from New Hampshire now if the results under that service have been about what it was anticipated they would be when we put it on?

Mr. MOSES. Very closely, I will say to the Senator.

Mr. NORRIS. Now as to the rates. That is the only change made in the rates?

Mr. MOSES. That is the only change made in the rate for mere transportation; but, Mr. President——

Mr. NORRIS. Before the Senator leaves that, how much money did we get during the last year from this service charge of 2 cents a package?

Mr. MOSES. Something like $18,000,000.

Mr. NORRIS. Of course, it is safe to say that that much would be lost by that reduction.

Mr. MOSES. Oh, clearly.

I do not want to take the Senator from the floor.

Mr. NORRIS. No; I am glad to have the Senator interrupt me, because I am trying to get information.

Mr. MOSES. I share with the Senator the opinion that the people of the country do not care a rap whether the Postal Service is self-supporting or not. What they want is service; and I have been grieved and shocked at times to see the manner in which some branches of the Postal Service have been made to suffer because of what I conceived to be a false idea of real economy.

We have repeatedly made provision here in Congress for the maintenance and the extension of certain classes of the Postal Service; and yet we have seen Postmasters General, in pursuit of the will-o'-the-wisp of economy, fail to carry out the plain intent of Congress, thereby bringing about a reduction in Postal Service which has been very detrimental to the business of the country.

The Railway Mail Service, for example, has not for many years been maintained at the point of personnel or of pound mileage of transportation such as Congress by its appropriations has intended the Postal Service to have; and yet all those elements—detrimental, as I believe, to the efficiency of the Postal Service as a governmental unit—are made use of to make up a record for efficient administration of a great executive department, contrary, as I maintain, to the desires of the people and contrary to the expressed intent of Congress in the appropriation bill.

As for the parcels post, the Senator is quite right in saying that nobody wants it to be done away with.

As far as the Rural Free Delivery Service is concerned, nobody wants even to curtail that. In all the testimony which the subcommittee took—and that subcommittee was the most diligent of any body of its character that I have known in my service in the Senate—not a line of testimony was adduced in any section of the country looking to the reduction of anything in the Postal Service except the payment of money on the part of the public. Everybody wanted to pay less money and to get better service.

Mr. NORRIS. Mr. President, what the Senator says about the Post Office Department often really misconstruing what seems to be the plain meaning of the law, in order to make a record of economy, agrees absolutely with the conclusion I have reached from several years of experience in looking up various items that have been called to my attention connected with the Post Office Department. I am glad to know that the judgment I have formed is also the judgment of the Senator from New Hampshire. I think that a great many Postmasters General have gone to the extreme and have often misinterpreted law that to me seemed to be perfectly plain, for the sole and only reason that they wanted to make a record of economy; and they did it, in my judgment, at the cost of efficient service.

Sometimes, I think, in administering some statutes that we passed, the Postmaster General, with the idea in view of saving as much money as possible, has not been fair to some of the employees, particularly in the rail service. I have had my attention called several different times to statutes that we had passed—I helped to pass them, or voted for them, at least, and I thought I understood them when I voted for them—to do some particular thing; I have no particular thing in mind now; some amendment to the law because we thought that as a result of the way it had been administered an injustice had happened or inefficiency had occurred; and I have seen it all perverted by the construction put on the new law by the Postmaster General.

It is always difficult to complain of the Postmaster General or any other public official who is trying to economize, because every one of us would like to see economy practiced every-

where; but we can be foolish about it, I think. We can economize at the expense of efficiency; and the Post Office Department is something that is established and maintained, as I view it, for the comfort and the convenience and the happiness and the education of all the people. We have to pay that bill anyway, and it does not make very much difference whether we pay it in one way or whether we pay it in another. It does not make very much difference, if we are going to get a certain amount of efficiency and have a certain work done, whether we pay it by buying postage stamps or whether we pay it out of the Treasury directly. It is all paid, in any case, by the people of the country.

Mr. McKELLAR. Mr. President——

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. I just want to suggest that the average yearly increase in the postal revenues is 7 per cent; and the Senator can easily see that just from the ordinary increase of business the deficit that we now have is not at all likely to continue. Indeed, the Postmaster General I think about a year ago testified that probably within less than two years, with the normal increase of business, the increased revenues would wipe out the deficit.

Mr. NORRIS. Mr. President, I want to say just one word more about parcel post. I do not believe it is necessary to argue that we all want to maintain it; we want it to be efficient; we do not want to cripple it. If a higher rate would ruin it, I would be opposed to making the rate higher. If it can pay its way, I would be glad to have it do so. I think we are all convinced that it can not pay its way; that there will be a deficit in this particular class, as there will be in some other classes in the Post Office Department.

Suppose we pass the pending bill and the Postmaster General does what I really think we direct him to do by this measure, that he increases or doubles the rates on all parcel post. Everybody will be criticizing the Postmaster General, and yet he can come back here and say, "I have done that under the law you passed, where you even used the word 'direct,' telling me how to carry it out." I do not believe we ought to pass this kind of a measure.

Mr. MOSES. I understand this has been in the law ever since the parcel post law was enacted, and we simply carried it over in this description of fourth-class matter, with the rates, so that this measure in itself would be complete in its language without making various provisos.

Mr. NORRIS. One of the objects I had in view was to call the attention of Senators to this matter, and I wanted to get an expression, if I could, from other Senators, and I wanted it to go to the country in the RECORD. I particularly wanted an expression from the chairman of the committee, and I have now obtained it. If the Postmaster General were disposed to take such a step, he probably would be deterred somewhat if his attention were called to the discussion.

Mr. SHORTRIDGE. May I call attention to the language immediately following on lines 10 and 11, where it is provided that the Postmaster General "is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation."

Mr. McKELLAR. That has been the law for a number of years, and it has not been resorted to yet.

Mr. NORRIS. Does the Senator go on the theory that it will not be resorted to?

Mr. McKELLAR. I do not believe it will be.

Mr. NORRIS. Does the Senator want the Postmaster General to carry out that law?

Mr. McKELLAR. No; I prefer that he should not.

Mr. NORRIS. Would it not be better to put in an amendment saying, "This is the law, but we do not want you to enforce it"?

Mr. McKELLAR. No.

Mr. NORRIS. Should we not express our true judgment? Do we expect to say to the Postmaster General that he shall disregard this law and obey all other laws?

Mr. McKELLAR. It is not mandatory upon him.

Mr. NORRIS. I do not know. It says that he is hereby directed, if he can get the consent of the Interstate Commerce Commission.

Mr. McKELLAR. Provided a certain state of facts arises.

Mr. NORRIS. That state of facts, at least judging from his figures, has already arisen. He has already demonstrated by his investigation, so the chairman of the committee tells us, that the parcel post does not pay its own way, and if it does not pay its own way, we say he shall raise the rates.

Mr. MOSES. The Senator misunderstood me. That was the case prior to the application of the service charge. The estimated deficit in fourth-class matter in the fiscal year 1923, according to the cost-ascertainment report, was something between six and seven million dollars. According to the report of 1925, after putting in the service charge of 2 cents for each package of fourth-class mail matter, we increased the revenue about $18,000,000, so that under the present rate structure fourth-class mail matter, parcel post, is self-sustaining, and pays a profit.

Mr. McKELLAR. It is more than self-supporting.

Mr. COPELAND. Mr. President, why does not the Senator from Nebraska suggest an amendment to strike out lines 3 to 15, inclusive?

Mr. NORRIS. I want to say to the Senator from New York that I would be glad to do that if I thought there was any show on earth of having it approved by the Senate; but we are considering this bill, in my judgment, in a way other than that in which we should consider it. It is one of the most important items of legislation that we have had before us at this session, and I insist that it ought to be properly considered and disposed of by the Senate; but with the vast amount of other legislation that we are going to try to consider and pass before the 4th of March, it is a physical impossibility to give to this the attention it ought to have.

I realize, too, that perhaps a very large majority of the Senate is in favor of the other bill to be considered to-night, after we dispose of this one, and I suppose I will be criticized a great deal for saying what I have said. If I had my way about it, I would not insert in the bill the language which has already been approved, as a matter of fact, by the committee. If there is any possibility of taking it out, I will help to take it out, and I will move to take it out, but I think I realize the situation here to-night, and that you could not take it out if you had a regiment of soldiers here to pull one end of the string.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment. If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended and the amendments were concurred in.

Mr. COPELAND. Mr. President, I think this is the point where I should introduce my amendment. The clerk has it. It is to be inserted on page 8, following line 21.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 8, after line 21, insert a new subhead and the following:

FIFTH-CLASS MATTER

SEC. 6. (a) Mail matter of the fifth class shall include books consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books;

(b) The rate of postage on books included in subdivision (a) shall be 2½ cents per pound or fraction thereof, with a minimum charge of 3 cents for each parcel, and subject to the same maximum weights per parcel now prescribed by law for mail matter of the fourth class.

Mr. COPELAND. Mr. President, the purpose of this amendment is to take out of third-class mail matter books of a certain type, books not containing advertising matter, but textbooks, histories, the classics, the poets, and novels. It now costs 20 or 25 cents to send a book of an average size across the continent. It adds materially to the cost of good literature. We are all in favor of free libraries and the dissemination of knowledge, and it seems to me we have a very practical and simple way of giving those advantages to the people at less than it costs at present. So I think the chairman of the committee will be glad to accept this amendment. I hope he will. It appeals to me as a thing which we should do to improve the mail conditions.

Mr. MOSES rose.

Mr. COPELAND. I yield to the Senator.

Mr. MOSES. Oh, no; if the Senator has not concluded his statement about the amendment, I will wait.

Mr. COPELAND. I think I have said enough for the present.

Mr. MOSES. Mr. President, the committee heard testimony in many of the public centers from interested individuals engaged in the publishing business, who presented to us the same proposal which the Senator from New York now lays before the Senate in the form of his amendment.

The committee I think was unanimously of the opinion that no good case had been made out in behalf of a new class of mail matter, and for a reduced rate of postage upon books. I think I may say, without violating any secrets of the committee, that we were of the opinion, without exception, that the chief ground upon which this request was made to us by the book publishers was that they hoped that they might get theirs while others were getting their share of the reductions in postal rates.

We did not find, from anything that was presented to us, that any hardship was being worked upon the publishers by reason of the existing rates of book postage. I think the testimony showed with reasonable clarity that the distribution of books by mail does not constitute the great bulk of the sale of books.

We felt, certainly, that to establish this new rate of book postage was likely to do harm to the book stores, which we looked upon as something of educational centers in the communities where they exist, and we could not convince ourselves that to facilitate the circulation of "Revelry" through the mails would necessarily add to the intelligence or the morality or in any way to the uplift of the country.

Our whole purpose in rejecting the proposal when made to us by the publishers was that they are suffering no hardships now from the rates and that they are in reality not entitled to the reduction in book postage which they sought.

Mr. COPELAND. Mr. President, will the Senator yield at that point?

Mr. MOSES. I yield the floor.

Mr. COPELAND. I hope the Senator will not yield the floor.

Mr. MOSES. I will retain the floor at the request of the Senator.

Mr. COPELAND. I am not anxious about the publishers, but is it not probable that if we had this reduction in rates the public would benefit? If it meant simply that the publishers were going to get that much more for a book, I would not be interested in it, but if it does mean that the average citizen could buy a book for 25 cents less than he pays now, I am interested in it, and I think the Senator is.

Mr. MOSES. If that were the case, I would be very much interested, but I do not think that is the case. I think the average citizen buys his books at the book store, where he pays the list price as established by the publisher; or if he buys his book at a department store, as many citizens do, he buys it at a reduction from the list price. I think that the number of citizens who buy books to be sent to them through the mail is rather inconsequential as compared with the total volume of our citizenry who read books. I believe those who are attracted by advertising, and who send to the publisher for a book to be sent through the mail, are not numerous.

I can see that the Senator from New York would have a particular interest in a special classification for books, and a special reduced rate for books, because I can conceive that in his profession many of the desirable publications would necessarily have a limited circulation, even as compared with the great body of the profession which the Senator adorns, and that those people necessarily would be getting the volumes which they desired by addressing the publisher and having them sent to them through the mails. But on the doctrine of the greatest good to the greatest number the committee saw nothing to warrant them in establishing this class of mail matter and in setting up this new rate structure.

Mr. COPELAND. Mr. President, I appreciate the illuminating statement of the Senator, but I must disagree with him. It is not possible that the money that is being spent for all these pages of expensive advertising in the monthly journals would be spent if there were not an adequate return. We see advertised page after page of books. The price of the book is $1.50, plus postage. Certainly the publishers who are paying for that expensive advertising must be getting returns, otherwise they would not continue to advertise, and, as the Senator has said, not alone in my profession, but in the legal profession, and in every profession, there are textbooks which must be paid for. They are expensive books, anyway, and the addition of this amount for postage on a medical book or a law book is a very considerable sum, because they are usually ponderous volumes. Of course, I do not desire to cripple the bill.

Mr. NEELY. Mr. President, will not the Senator from New York turn around so that those who are not dressed like head waiters as he is, may hear the conversation between himself and the Senator from New Hampshire? [Laughter.]

Mr. COPELAND. I regret that my dress is not associated with the waiter business, because if there is a man in the Senate who seems to need food it is the Senator from West Virginia, and I should like to serve him. [Laughter.]

To go on with the debate, Mr. President, I do not know whether the proposal would take away from the Post Office Department a large sum of money, but if it does take it away it is left in the pockets of the people, because they are the ones who must pay it. I hope it may be possible for the Senator in charge of the bill to say enough kind words about the amendment to justify its adoption.

Mr. MOSES. Oh, no; I can not do that.

Mr. McKELLAR. Mr. President, I wish to indorse, as far as I can, the very excellent statement by the chairman of the committee as to what took place before the commission and before the committee. The book publishers did not make out a case at all, in my judgment, for this reduction of rate, and I hope the amendment will be voted down.

The VICE PRESIDENT. The question is on the adoption of the amendment offered by the Senator from New York [Mr. COPELAND].

The amendment was rejected.

The VICE PRESIDENT. The bill is in the Senate and open to amendment. If there are no further amendments to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

Mr. NORRIS. Mr. President, I was waiting for the Chair to announce that the amendments made as in Committee of the Whole were concurred in.

The VICE PRESIDENT. They have been concurred in.

Mr. NORRIS. I did not hear that done. I ask unanimous consent that the vote whereby the amendments made as in Committee of the Whole were concurred in may be reconsidered in order that I may offer an amendment in the Senate to a committee amendment.

The VICE PRESIDENT. Without objection, the vote by which the amendments made as in Committee of the Whole were concurred in will be reconsidered.

Mr. NORRIS. As I understand it, one amendment commenced in subsection (B), at the bottom of page 6, and ran down to line 15, on page 7. I want to make a motion to amend that amendment. I move to strike out that amendment of the committee, commencing in line 3, page 7, and ending in line 15, page 7. I will say to the Senate that that is the language in which is included the direction to the Postmaster General to change the rates and, as I read it, it does not contain anything else.

Mr. McKELLAR. May I make the suggestion to the Senator that what he proposes will not have the effect he desires for the reason that it is already the present law, and unless he moves to strike out those words and insert a repeal of the provision in the existing law he will not accomplish what he desires.

Mr. NORRIS. I can not do that now. That is another instance of how we are trying to consider the bill on the floor of the Senate. I do not know the place where that would appear in the existing statute.

Mr. McKELLAR. In order that the Senator may get it before us it seems to me the Senator could move to strike out the language to which he has referred and insert that "so much of the act of February 28, 1915, as applies to the subject is repealed."

Mr. MOSES. Mr. President, may I suggest to the Senator from Nebraska that he could have a test of the opinion of the Senate by the amendment which is already offered.

Mr. NORRIS. If it is already in the law and the amendment does not repeal it, what is the use of enacting it again?

Mr. MOSES. It is merely to get symmetry for this section dealing with postal rates.

Mr. NORRIS. I can see, if it is in the law, that the defeat of the amendment would not affect the present law. In the way we are legislating here, however, it is impossible, apparently, to accomplish what I want in the limited time at our disposal.

Mr. McKELLAR. It will test the sense of the Senate if the Senator will move to strike out the language to which he has referred.

Mr. NORRIS. I do not want to repeat what I said. This is the language that gives not only the authority but the direction to the Postmaster General to change these rates after they have been investigated by the Interstate Commerce Commission. I think that we are doing a very unwise thing and a very unfair thing to the Postmaster General to enact something into the law which we all say we do not want him to carry out.

Mr. MOSES. Mr. President, may I interrupt the Senator right there?

Mr. NORRIS. Certainly.

Mr. MOSES. I hope the Senator did not understand me to say I wanted the Postmaster General never to carry it out. I have seen no reason thus far in the development of the parcel post to warrant setting in process the machinery contemplated by this section or the original enactment, but there are now pending before the Interstate Commerce Commission applications from the railroad companies for an increase in the rates for the transportation of mails which, I am told by competent transportation authorities, will, if granted, add $65,000,000 a year to the cost of operating the Postal Service. Inasmuch as

the parcel-post service, as I pointed out to the Senator a few moments ago, constitutes more than 60 per cent in weight and still a greater per cent in bulk of mail, I would not want to see a situation created where $65,000,000 had been added to the annual cost of the transportation of the mail and the Postmaster General powerless to deal with that phase of the Postal Service.

Mr. NORRIS. I am not impressed with the fact that the railroad companies are making application for increased rates. In my judgment, the only reason why they are doing that is to prevent the other side from making application for decreased rates. We find them all over the country now making applications to the Interstate Commerce Commission for increase of freight rates at a time when they have made more money than they ever made before in their history. It is a sort of psychological proposition as I look at it. They think, "Before the other side gets in and asks that the rates be decreased, we will jump in and ask that they be increased," on the theory that "the other side then will not act, and our application will, of course, be denied."

I am not an expert, but I know that several years ago, when I gave some attention to the price paid to the railroad companies for carrying mails, I learned—and I have had railroad men tell me themselves in confidence a good many times—that, taking the thing as a whole, it is the most profitable business they had. I have not any doubt that they are making a good profit out of it. The point I want to make is that we are enacting a law which we do not expect to be enforced. If we do enact it, then let us not come back here in the next Congress, if the Postmaster General in the meantime has increased all the rates on parcel post, and criticize him, because he can say to us, "You directed me to do it. I found upon investigation that it did not pay, and therefore I raised the rates according to the law enacted by you."

Some time ago the Senator from New Hampshire very aptly said—and I was delighted to hear him say it, because it agreed exactly with my idea of what has been going on for a good many years in the Post Office Department—that the Post Office Department had been giving constructions to laws enacted by Congress that were not right, always with the view of avoiding doing something which the law directed should be done, with the idea of bringing about economy in the administration of the department. While we criticize the Post Office Department for that course, what position are we in when we enact a law which we admit we do not want to see enforced and leave it on the statute books? It seems to me that we are defenseless in the matter. If we do not want the parcel-post rates decreased, then we ought to vote for the motion I have made, because, as I understand the language, when we sum it all up there is nothing else in it except authority to increase or decrease, as the case may be, the rates which we have established by law.

Mr. MOSES. That is hardly the case. When I spoke briefly in a colloquy with the Senator a few moments ago to the effect that the only thing I had discovered as being in the minds of the authorities of the Post Office Department was a recasting of the parcel-post rate structure in certain places, that included very few increases and a great many decreases, because in that contemplation came the question of competition between the parcel-post service and the express companies. It was evident, from even a most casual study of the rate structure for the parcel post, that there were many sections of it which required readjustment to meet competitive conditions as well as to comply with what the Senator from Nebraska evidently thinks is a mandatory provision in the bill, but which I do not so construe because it necessitates the combined initiative of the Postmaster General and the subsequent approval of the Interstate Commerce Commission. Under those conditions I can not interpret the language to which the Senator objects as being necessarily mandatory.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. BRUCE. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

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

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

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

Mr. BRUCE. I call for the yeas and nays. We ought to go on record upon a measure of such importance.

The yeas and nays were not ordered.

The bill was passed.

The title was amended so as to read: "An act regulating the rates of postage."

THE TARIFF COMMISSION

Mr. SCHALL. Mr. President, I ask unanimous consent to have printed in the RECORD an article on "The duties, functions, and membership of the Tariff Commission."

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

The Democratic Congress in 1916 created the United States Tariff Commission and gave it the following duties to perform:

(1) To investigate the administrative and fiscal industrial effects of the customs laws of this country.

(2) To investigate the relation between the rates of duty on raw materials and finished or partly finished products.

(3) To investigate the effects of ad valorem and specific duties and of compound specific and ad valorem duties.

(4) To investigate all questions relative to the arrangement of schedules and classification of articles in the several schedules of the customs laws.

(5) To investigate the operation of customs laws, including their relation to the Federal revenues and their effect upon the industries and labor of the country.

(6) To investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, and economic alliances.

(7) To investigate the effect of export bounties.

(8) To investigate the effect of preferential transportation rates.

(9) To investigate the Paris economy pact and similar organizations and arrangements in Europe.

(10) To investigate the volume of importations compared with domestic production and consumption.

(11) To investigate any other conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production.

(12) To put at the disposal of the President of the United States, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, whenever requested, all information at the command of the commission.

(13) To make such investigations and reports as may be requested by the President or by either of said committees or by either branch of Congress.

From 1916 to 1922 the Tariff Commission carried out those duties according to the authority thus given and as far as the exigencies of the war and the unsettled conditions of the country permitted. Numerous reports were made showing the conditions of industries, imports, exports, our foreign and domestic tariff relations, and so on. These reports were helpful in framing the tariff act of 1922, and played a large part in bringing into existence the so-called flexible provisions of the tariff act of 1922.

By the tariff act of 1922 Congress conferred upon the Tariff Commission new and difficult duties and obligations in connection with these so-called flexible provisions. Not only were the Tariff Commission's duties under the act of 1916 continued after the passage of the act of 1922, but under section 315 of the latter act the commission was given these additional and tremendously important functions to perform.

Under section 315:

"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."

These new and heavy duties devolving upon the Tariff Commission, to make these technical investigations of the costs of production of domestic articles and of like or similar articles produced in the principal competing foreign countries, to assist the President in finding the existing differences in such costs of production as a basis for tariff adjustment, have given to the Tariff Commission an importance to both producers and consumers of dutiable articles that it never has had before.

Because of these new duties and the agricultural conditions of the country the farmers are far more interested in the tariff and in the Tariff Commission than they have ever been in the past. They now have a new and vital interest in the membership of the Tariff Commission and in the administration of section 315.

The farmers of this country must see to it that there are men appointed to membership on the Tariff Commission who are capable and who understand the agricultural conditions of the country and who are able to analyze the farm conditions and ascertain with accuracy the cost of production of the agricultural products of this and foreign countries for purposes of section 315.

Members of the commission must be willing to order investigations of agricultural products under section 315 when the conditions warrant such an investigation. Without such an investigation by the Tariff Commission the President is unable to give to the domestic farm producers any relief whatsoever from the often ruinous competition of imported farm products.

On the other hand, if the Tariff Commission is composed of men of the proper character and understanding who have the ability and training to analyze the economic conditions of agriculture as well as of the other industries of the country when conditions warrant it and applications are properly presented requesting investigation under section 315 of the costs of production of agricultural products looking toward an increase or a decrease in the duty, the commission will order such cost investigations and report the results to the President. If the facts warrant it, and if there are no compelling reasons of public policy why he should not do so, he will grant the relief desired.

The President, acting under this section of the act, after investigations of costs of production had been made by the Tariff Commission, has increased the duty on wheat from 30 to 42 cents a bushel, increased the duty on flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for from 78 cents to $1.04 per hundred pounds; and increased the duty on butter from 8 to 12 cents per pound. He decreased the duty from 15 per cent ad valorem to 7½ per cent ad valorem on the following feeds that farmers purchase for their livestock: Bran, shorts, and by-product feeds obtained in milling wheat.

As a result of these investigations by the Tariff Commission and the proclamations by the President establishing new duties on these agricultural products, the farmers of the country have already been given considerable relief under section 315 from the foreign importations of these products.

This brief explanation of the law and the above recital of a few cases in which it has been put into operation show clearly why the farmers of the country want a Tariff Commission that will not turn a deaf ear to their problems. There is one man on the Tariff Commission who is in sympathy with the idea that agriculture ought to have the same consideration in tariff matters as the other industries of the country. He is not in any sense a special advocate of the farmers in matters that come before the commission. He would not deal unjustly with other industries in comparison with agriculture.

Neither would he permit, if he could avoid it, agriculture to be dealt with unjustly. That man is Dr. E. B. Brossard. Before his appointment by President Coolidge as a member of the commission Doctor Brossard worked as a member of the Tariff Commission's staff on the wheat investigation, the sugar-beet investigation, the butter investigation, and others. I am informed also that Commissioner Brossard's work on the butter report of the commission was unusually good work. The farmers of the country appreciate his accurate and scientific work in that investigation. * * *

Because of Doctor Brossard's thorough training and broad experience, and because of his excellent record on the commission, especially in handling the agricultural problems, I am interested in seeing him kept on the commission, where he is now rendering such excellent public service. I am convinced that his qualifications, if simply stated without any frills or exaggeration, will convince any unbiased man of reasonable judgment of the desirability of the Senate voting to confirm his appointment when his name comes up for a vote.

TRAINING AND EXPERIENCE OF DR. E. B. BROSSARD THAT QUALIFY HIM FOR MEMBERSHIP ON THE UNITED STATES TARIFF COMMISSION

Dr. E. B. Brossard was appointed by President Coolidge to be a member of the United States Tariff Commission on July 9, 1925. Doctor Brossard took the oath of office July 22, 1925. The President submitted his name to the Senate for confirmation during the first session of the Sixty-ninth Congress, June 23, 1926.

The Senate adjourned that session July 3, 1926, without having taken any action on his confirmation. The President reappointed Doctor Brossard to the Tariff Commission July 3, 1926. Doctor Brossard took the oath of office on that same day, and he has served continuously since that time. Because the last session of the Senate adjourned without taking affirmative action on his confirmation, he has been compelled to serve for more than seven months without receiving salary. The President submitted his name to this session of the Senate on December 7, 1926, more than two months ago. As yet the Senate has taken no action on his confirmation. The matter should be taken up promptly by the Senate, and he should be confirmed.

Commissioner Brossard has had unusual training for a position as tariff commissioner. He was born and raised on a cattle ranch in Idaho and has had experience in ranching, dairying, and general farming.

He has had special technical training for the work of the Tariff Commission. After graduating from a recognized agricultural college in the West—the Utah Agricultural College—Doctor Brossard did graduate work one year at Cornell University in New York State, and for two additional years he pursued his advanced studies at the University of Minnesota. He also studied and traveled in Europe for three years, which is a great help in dealing with the foreign phases of the commission's investigations.

There are no better institutions in the United States than Cornell University and the University of Minnesota. The training given in economics as well as in the other subjects of the curriculum is as thorough and practical as that given at Harvard, Yale, or any other university. The instruction given in these two institutions in agricultural economics and farm management, in which Doctor Brossard specialized, is at least equal to if not superior to that generally given in the educational institutions of the country. From the University of Minnesota Doctor Brossard received the degrees of master of science (M. S.) and doctor of philosophy (Ph. D.). He specialized in economics and farm management, and his theses dealt with farm problems.

I am informed that he made an excellent record at the University of Minnesota, both as a scholar and as teacher, and his professors and colleagues on the faculty of that, my home-State institution, have unqualifiedly indorsed his appointment to be a member of the Tariff Commission, as have also the faculty and president of the Utah Agricultural College and his professors at Cornell University. They state that Doctor Brossard is an honest, capable, well trained, and reliable man in every way.

Those who are acquainted with Doctor Brossard state that he is open-minded and unbiased and that he is not now and never has been in active politics. This, it seems to me, is decidedly in his favor as a member of a scientific fact-finding body like the Tariff Commission. He brings to the Tariff Commission the well-trained, scientific mind that is quite desirable for a commissioner.

I understand also that Doctor Brossard has had seven years' experience as a teacher of economics and farm management at the University of Minnesota and at the Utah Agricultural College and that he is a thorough and reliable scholar, having had years of experience as an investigator in connection with the United States Department of Agriculture, Utah Agricultural Experiment Station, and with the United States Tariff Commission. He was a member of the staff of the agricultural and economics divisions of the Tariff Commission for two years prior to his appointment as a commissioner, and has been a member of the commission itself for more than a year and a half. This experience has given him a thorough understanding of the duties and functions of the Tariff Commission and qualify him for the work of the commission.

The agricultural schedule of the tariff act of 1922 is an active schedule. I understand that the Tariff Commission has received about 100 applications for investigations of agricultural products. A good part of the time and money of the commission has been expended in agricultural investigations and in the preparation of reports pertaining to agricultural products. At present eight agricultural investigations are being conducted by the commission under section 315 of the tariff act of 1922—Swiss cheese, milk and cream, onions, peanuts, soya beans, flaxseed, cottonseed, and eggs and egg products. A number of other agricultural investigations are being made under the general powers of the commission. In dealing with all of these agricultural investigations Doctor Brossard's training in agricultural economics and cost of production work has undoubtedly been of great assistance to the commission. He has rendered valuable service to the commission and to the public in his work on the Tariff Commission's investigations in connection with wheat, sugar beets, butter, and so on.

Doctor Brossard's scientific training in general economics, statistics, accounting, cost accounting, etc., furnished him a good technical background and foundation for analyzing the problems of the other industries of the country besides agriculture.

As I have already stated, the farmers of the country are still experiencing what has already been a long period of depression. They are now asking for tariff relief on many farm products under the flexible provisions of the tariff act of 1922. President Coolidge, fully cognizant of the agricultural conditions of the country and of the qualifications of Doctor Brossard, has appointed him to be a member of the United States Tariff Commission. His appointment was also recommended to the President by the Secretary of Agriculture, Dr. W. M. Jardine, who stated that he thought an agricultural economist should be on the Tariff Commission. Doctor Brossard is thoroughly trained and otherwise well qualified for the work of the commission, and the Senate should confirm his appointment without delay.

PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA

Mr. LENROOT. Mr. President, I ask unanimous consent that there be a reprint of Senate bill 4663, authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings, with the amendments adopted by the House, which bill is upon the President's table.

The VICE PRESIDENT. Without objection, it will be so ordered.

EXPENDITURES IN SENATORIAL ELECTIONS

Mr. NEELY. Mr. President, I submit a unanimous-consent request; but it is necessary to make a brief statement before I state it.

On the 2d day of July, or the day before the adjournment of the last session, at the unanimous request of the Committee on Rules, I reported to the Senate, Senate Resolution 268, with amendments. No formal report was made. I ask that the resolution, as amended, be printed in to-morrow's CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The resolution as proposed to be amended is as follows:

Whereas enormous sums of money have been expended in behalf of certain candidates for election to the Senate in primary elections recently held in various States: Therefore be it

Resolved, (1) That the expenditure of excessive sums of money in any primary election or nominating convention in behalf of a candidate for election to the Senate, either with or without his knowledge or consent, being harmful to the independence, the honor, and the dignity of the Senate, is hereby severely disapproved and condemned.

(2) That any United States Senator elect shall be deemed not to be entitled to hold a seat in the Senate if there shall hereafter have been expended by such Senator elect, or by any person or persons for him with his knowledge or consent, in aid or support of his candidacy in either the primary election or nominating convention by which such Senator elect was nominated as a candidate for the Senate, an amount in excess of (a) the amount permitted to be expended by the law of the State in which such Senator elect was nominated for the Senate, if such State law provides for a maximum expenditure which is less than that hereinafter provided; (b) the sum of $10,000; or (c) an amount equal to that obtained by multiplying 3 cents by the total number of votes cast in the State of the residence of such Senator elect at the last general election for all the candidates for the office of United States Senator, but in no event exceeding the sum of $25,000; except that money expended by a candidate to satisfy any assessment, fee, or charge made or levied upon candidates by the laws of the State in which such Senator elect resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by this resolution as the limit of campaign expenses of a candidate.

BUREAU OF CUSTOMS AND BUREAU OF PROHIBITION

The VICE PRESIDENT. In accordance with the unanimous-consent agreement, the Chair now lays before the Senate, Calendar No. 1235, House bill 10729.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10729) to create a Bureau of Customs and a Bureau of Prohibition in the Department of the Treasury, which had been reported from the Committee on Finance with amendments.

Mr. BRUCE. Mr. President, I hope the Senator from Utah will not endeavor to push this bill to a final conclusion tonight, because if he should endeavor to do so he will find that his labors will be all in vain.

Mr. SMOOT. Mr. President, I suppose the Senator from Maryland would not have any objection to proceeding with the consideration of the bill until 11 o'clock?

Mr. BRUCE. Of course not, if the Senator from Utah thinks it worth while to do so, but I know that it will be impossible for me to complete what I have to say on the bill by 11 o'clock.

Mr. SMOOT. The Senator will at least get that much of his speech into the RECORD, so that we can read it to-morrow.

Mr. MAYFIELD. Mr. President, will the Senator from Maryland yield to me for a moment?

Mr. BRUCE. For what purpose?

Mr. MAYFIELD. I understood that there were three prohibition measures pending on the Senate Calendar, which have been pending there since April, 1926; that to this one there was no particular objection, and it would be allowed to pass—one out of the three. I hope that the distinguished Senator from Maryland, for whom I have a great affection, will not very seriously object to this measure, so that it may be passed between now and 11 o'clock.

Mr. BRUCE. I am aware that the Senator from Texas never has such an extraordinary affection for the Senator from Maryland as when he wants to put a prohibition measure through. [Laughter.]

Mr. SMOOT. Mr. President, I will say to the Senator from Maryland that there are one or two amendments to the bill that I should like to have agreed to to-night, to which I am quite sure the Senator from Maryland will not object.

Mr. BRUCE. Mr. President, I have the floor, and I decline to yield. I will say to the Senator from Utah, however, that if he will agree to make the office force of the Bureau of Customs and the office force of the Bureau of Prohibition subject to the national merit system of appointment—that is to say, to the laws and regulations relating to the Federal classified civil service—and will strike out the provisions of this bill subjecting the prohibition field force to the laws and regulations relating to the Federal classified service, I will have nothing more to say about this bill.

I have no objection to the creation of a separate bureau of customs in the Treasury Department nor have I any objection to the creation of a separate bureau of prohibition in the Treasury Department; indeed, the more completely anything and everything is separated from prohibition the better it suits me. Dr. Samuel Johnson once said of Goldsmith that he touched nothing he did not adorn, and so I say that prohibition touches nothing that it does not defile. So I say if the Senator from Utah is willing to accept the amendments which I have suggested, I waive all further discussion of the bill.

Mr. SMOOT. Mr. President, let me explain to the Senator that, so far as the office force of the Prohibition Unit is concerned, they fall in the list of field employees, and the field employees have not yet been classified, as the Senator knows.

Mr. BRUCE. Yes.

Mr. SMOOT. Therefore they can not be classified as employees in the District of Columbia are classified, but that we intend to accomplish just as soon as possible. Therefore I do not see how the first suggestion of the Senator from Maryland could possibly be carried out. The employees in the field force are paid now under a direct appropriation; and I wish to say to the Senator that the salaries now paid to the field force are made to conform as nearly as is humanly possible to the salaries paid to classified employees in the District of Columbia.

The Senator from Maryland will remember I called to the attention of the Senate, when this question was under consideration as affecting the customs employees at the port of New York, the fact that the Appropriations Committee considered the salary paid to every employee in the field service and spent months of time in comparing the salaries paid employees in the District of Columbia with those paid employees in the field; and in every case, I will say to the Senator, we undertook to bring the salary of the field employees to exactly the same basis as that on which the reclassification act placed the employees in the District of Columbia.

As to the prohibition agents, I will say to the Senator that so far as I am personally concerned I have no objection to their being taken out of the classified service.

I take that position for this reason: I know from experience in my own State that perhaps some of the men best equipped to enforce the prohibition law could not comply with the civil-service requirements. In the first place, they are past the age; and in the next place, they could not take the examination as a schoolboy could take it. Yet they know how to detect violations of the prohibition law. I simply say that, so far as I am personally concerned, I am perfectly willing to submit the question to the Senate and let the Senate vote; but I have expressed my opinion that it would be best that these employees should not be put under the classification act. By that I mean that I think the law will be better enforced if they are outside the classified service than if they are embraced within it.

Mr. BRUCE. Is not that the same as saying that the Senator from Utah is really in sympathy with the old spoils system in politics and has no faith, of course, in the Federal merit system of appointment? I have frequently heard the argument as to civil-service examinations being mere schoolboy examinations; for some 30 or 40 years I have been familiar with it, and so have Members of Congress generally.

In the first place, I should like to ask why the office force of the proposed bureau of customs and of the proposed bureau of prohibition are not expressly subjected to the laws and regulations relating to the Federal classified service? That is usually done.

Mr. SMOOT. I will say to the Senator that the field force has not as yet been classified.

Mr. BRUCE. I am not talking about the field force; I am talking about the office force.

Mr. SMOOT. The office force is in the field. When I speak of the field force, I mean every man employed outside the District of Columbia.

Mr. BRUCE. The Senator has forgotten the text of his own bill, because section 2 deals with the office force of the proposed bureau of prohibition and the office force of the proposed bureau of customs. That section as proposed to be amended reads in part:

The Secretary of the Treasury is authorized to appoint in the bureau of prohibition 1 assistant commissioner, 2 deputy commissioners, 1 chief clerk, and such attorneys and other officers and employees as he may deem necessary.

Not a word is said about the civil service law; not a word is said about the Federal classified service; not a word is said about the Federal merit system of appointment. It is perfectly obvious that the Senator, because of the convictions to which he has just given expression with regard to the superiority of the old system of appointment to the merit system of appointment, has left out all reference to the classified civil service.

Mr. SMOOT. In such cases where the employees are in the District of Columbia they will fall under civil service under existing law. Section 5, paragraph (b) provides:

(b) The Commissioner of Prohibition, with the approval of the Secretary of the Treasury, is authorized to appoint such employees in the field service as he may deem necessary, but all appointments of such employees shall be made subject to the provisions of the civil service laws, notwithstanding the provisions of section 38 of the national prohibition act, as amended.

I may misunderstand the wishes of the Senator.

Mr. BRUCE. What does section 2 mean by the use of the words "and such attorneys and other officers and employees as he may deem necessary," in connection with the bureau of prohibition?

Mr. SMOOT. That refers to employees in the District of Columbia.

Mr. BRUCE. Well, what is the field force?

Mr. SMOOT. The field force is that force which works outside the District of Columbia.

Mr. WALSH of Montana. Mr. President, if I understand the Senator from Utah right, he says it is not necessary to make provision in section 2 in regard to appointments under the classified civil service, because there is a general provision according to which all of these employees in the District of Columbia fall under the civil service law.

Mr. BRUCE. I will say to the Senator from Montana that may be true; I am not prepared to negative that statement; but I know that invariably whenever provision is made in this manner for the appointment of employees the act of Congress is careful to say, and to say expressly, that the appointment of the employees shall be subject to the laws and regulations relating to the Federal classified service. I want those words inserted in this measure.

Mr. SMOOT. I have before me the House report, which says:

No specific reference is made to the civil service laws in the case of all other appointments in the Treasury Department or in the Bureaus of Customs or Prohibition under the bill, for the civil service laws will be applicable unless a specific exemption is given.

Mr. BRUCE. Who says that?

Mr. SMOOT. It is in the House report.

Mr. BRUCE. Who wrote the report?

Mr. SMOOT. The report was written by Mr. GREEN, chairman of the Ways and Means Committee of the House.

Mr. BRUCE. I am going to take that up presently; that is a different matter. But why should the Senator have any objection to the insertion of express language making that certain?

Mr. SMOOT. I have no objection if the Senator will confine his amendment to the employees of the District of Columbia.

Mr. BRUCE. What I ask is that after the words "and other officers and employees as he may deem necessary," there be inserted an appropriate provision subjecting the appointment of such other officers and employees to the laws and regulations relating to the Federal classified service. I also ask that when the committee amendment is considered, which provides among other things that "the Secretary is also authorized to appoint in the Bureau of Customs one chief clerk, and such attorneys and other officers and employees as he may deem necessary," that it be expressly declared in this section that the appointment of those other officers and employees shall be subject to the laws and regulations relating to the Federal classified service.

Mr. SMOOT. Do I understand the Senator desires that the civil service requirements shall apply to the assistant commissioner?

Mr. BRUCE. No; I think he might be exempt. I think, as a rule, the three commissioners are exempt, and I have no objection to that.

Mr. SMOOT. And deputy commissioners are always exempt. Now, as to the chief clerk——

Mr. BRUCE. I do not see why the chief clerk should not be subject to the merit system of appointment.

Mr. SMOOT. And as to attorneys and other officers and employees that may be necessary.

Mr. BRUCE. The other officers and employees certainly ought to be placed under the merit system of appointment, and I do not think it would be a bad idea if the attorneys also were made subject to the merit system.

Mr. SMOOT. They are subject to it under existing law.

Mr. BRUCE. Let us have an explicit provision on that subject. We usually have such a provision in laws of this kind, that in the appointment of new officers of a subordinate nature they shall be under the laws and regulations relating to the Federal classified service. Let us have it in this instance.

Mr. SMOOT. I will have no objection if the Senator will prepare his amendment and make it apply as he indicates. He certainly does not want it to apply to the assistant commissioner or to the two deputy commissioners?

Mr. BRUCE. No; I do not care to have it apply to the assistant commissioners or, I suppose, to the two deputy commissioners.

Mr. SMOOT. I have no objection to such an amendment applying to the chief clerk and to the attorneys.

Mr. BRUCE. It ought to apply to all the remainder. I want those subordinate officeholders subjected to the Federal merit system of appointment, because they will constitute, of course, a body of office subordinates of the Government; they will not come into contact with the corrupting influence of the practical workings of prohibition; and, therefore, I see no reason why they should not, as well as all other subordinate officeholders of the Government, be subjected to the laws and regulations relating to the Federal classified service.

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

Mr. BRUCE. I yield to the Senator from New Jersey.

Mr. EDGE. Mr. President, I do not want to interrupt the effort of the Senator from Maryland to have his amendments considered, but before this bill reaches the voting stage I wish to say very frankly that I see no objection whatever to the enactment of this proposed legislation. I do not think it is necessary for me at this late hour to discuss prohibition——

Mr. BRUCE. I must decline to yield to the Senator from New Jersey if he proposes to make a speech.

Mr. EDGE. I am not going to make a speech. If the Senator will give me five minutes, that is all I want; otherwise I will have to take the time after the Senator from Maryland has concluded.

Mr. BRUCE. Very well; I yield to the Senator.

Mr. EDGE. I repeat that I see no objection to the enactment of this proposed legislation. I agree with the Senator from Maryland that it will be a very helpful act on the part of Congress to separate the customs responsibilities from the Prohibition Bureau.

The Customs Department to-day, as I understand the law, is subject, under orders of the Secretary of the Treasury or the Commissioner of Internal Revenue, to engage in prohibition enforcement. We have practically ruined the splendid Coast Guard Service through attaching them to the Prohibition Department; and I have too much reverence for the Customs Service of the country and its traditions to continue it in the same position.

Under this bill—and I was serving on the Finance Committee when the bill was revised, and careful efforts were made to make that separation positive—the two departments will be entirely divorced, the Customs Department and the Prohibition Department. Even the Secretary of the Treasury will be powerless to use the personnel of the Customs Department as a part of the Prohibition Department, and vice versa. I have never opposed sane efforts to enforce the prohibition law, although I believe it is impossible to enforce it; and if this change in administration will assist in enforcing the law—and I hope it will—I think Congress should pass it. It has no relation whatever to the question as to the wisdom of compulsory prohibition.

Personally, I think that was a great social error, and it has been well emphasized by the results; but so far as administration is concerned, or so far as appropriations to help enforce the law are concerned, along proper lines, personally I have always approved of them and supported them; and I support this bill to divide these two departments, because the responsibility should be in the one department, and not bring customs and other bureaus of the Treasury or subdepartments of the Treasury under what I consider the contaminating influences clearly associated with the attempt at administration of the prohibition law.

I hope we can arrive at conclusions which will permit the passage of this law to divorce those departments and give the Treasury Department, with a detached prohibition department, every opportunity to try to enforce the law. Do not let it be said that we impeded or obstructed a single step in the effort for enforcement.

I hope that the departments are separated. I hope there is a prohibition department absolutely responsive to the chief of the Prohibition Department; and I trust the efficient Customs Bureau, with its tremendous responsibilities, will be permitted to go on and carry out those responsibilities, and that the Prohibition Department can be held responsible for its efforts to enforce the Volstead Act and the eighteenth amendment.

Mr. BRUCE. I am sure the Senator from New Jersey can not find any fault with the generous measure in which I have accorded my time to him.

Mr. EDGE. I might say that I took only four minutes instead of five.

Mr. BRUCE. Was it only four? It seemed longer.

Mr. President, I, too, as I have said, am entirely in favor of the enforcement of the law.

Mr. COUZENS. Mr. President, will the Senator from Maryland let me ask the Senator from New Jersey a question?

Mr. BRUCE. Yes.

Mr. COUZENS. I should like to ask the Senator from New Jersey if he approves of section (b) of section 5, which puts the prohibition field agents under the civil service law, or whether he believes in the spoils system as it now exists?

Mr. EDGE. I believe absolutely in the civil service law and will vote for the provision as contained in the bill.

Mr. MAYFIELD. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. I yield to the Senator from Texas.

Mr. MAYFIELD. I thank the Senator from Maryland for yielding for just a moment.

I wish to say that I most heartily concur in the remarks made by the Senator from New Jersey [Mr. EDGE] with reference to the enforcement of our prohibition law. Section 5 of this measure provides that all appointments in the prohibition service shall be placed on the same basis, which will give no opportunity for a charge of favoritism; and the Senator from New Jersey has just replied to the Senator from Michigan [Mr. COUZENS] that he favors section 5 (b) of this measure.

Mr. BRUCE. I will say to the Senator from Texas that I do not, most emphatically.

Mr. MAYFIELD. I understand that the Senator does not; but he was kind enough to yield to permit me to make this statement.

Mr. BRUCE. Oh, yes; I yield to the Senator from Texas.

Mr. MAYFIELD. With the consent of the Senator from Maryland, I should like to place in the RECORD a letter which I have received from the United States Civil Service Commission touching directly upon this measure, and especially upon section 5 (b).

Mr. BRUCE. I have no objection.

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

The letter is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., February 14, 1927.

Hon. EARLE B. MAYFIELD,
United States Senate.

MY DEAR SENATOR MAYFIELD: With reference to your letter of to-day concerning H. R. 10729, beg to advise:

The commission has expressed itself on a number of occasions as in entire accord with the recommendation of the President that if Congress approves making the prohibition enforcement service subject to the merit system the present incumbents be not given a classified status but be required to compete with others for retention in the service. This is provided for in section 5 (b) of H. R. 10729. Approval of this section of H. R. 10729 will place all appointments in the prohibition service on the same basis and will give no opportunity for charge of favoritism.

With respect to your second question "Would efficient agents be excluded by technical examinations?" it may be stated that the commission endeavors to follow a common-sense as well as scientific method in holding its examinations. First, a study is made of the duties of the position and decision reached as to the minimum qualifications required to perform such duties. In full consultation with the office in which employment is to be had, the commission then devises appropriate form of examination to secure persons having these qualifications. Where personality is a vital element, an oral examination is prescribed in addition to a written test. Where absolute integrity and honesty are necessary, there is an investigation of each candidate's life history. You will see, therefore, that the commission not only tests the person's intellectual equipment and accomplishment for the particular duties to be performed but also his personality and character.

With respect to your third general question, the commission has frequently heard it charged that the civil-service system operates to retain inefficient or even dishonest employees. This is not the fact; it is easier under such system to make removals than under any method in which personal or political favoritism bears a part. An employee may be immediately suspended by his superior officer, who may then write a letter or memorandum to the employee stating the reasons for the removal. The employee is given by his superior officer a few days in which to submit reply, after which the superior officer may direct his removal or recommend his removal to the head of his department. In some of the departments the orders to all supervisory officials are to the effect that removals must receive the final approval of the department, although, of course, this authority could be delegated to the supervisory officials or bureau chiefs.

It will be of interest to you to know that modern industry has, to a considerable extent, adopted a merit system in employment of personnel, and that this commission is frequently called upon to assist private establishments in suggesting appropriate tests for employment.

In conclusion, I wish to assure you that it is the purpose of the commission, should Congress decide to place the duty upon us of holding examinations to fill all positions in the prohibition enforcement service, to apply appropriate examination to each type of position to be filled, to require oral examination in addition where personality is a vital factor in the particular type of position, and to conduct rigid investigation as to the character, honesty, and integrity of the different candidates before certifying their names as eligible for the consideration of the Treasury Department for selection for appointment.

By direction of the commission:

Very truly yours,

W. C. DEMING, *President.*

Mr. MAYFIELD. Mr. President, as I said a moment ago, we have upon the Senate Calendar three prohibition enforcement measures that have been upon the calendar since last April. The Senator from Maryland knows that I entertain for him the very kindliest feelings, and especially for his great ability.

Mr. BRUCE. Not, I will say to the Senator from Texas, if he proposes to pass those bills over my head.

Mr. MAYFIELD. I want to appeal to the Senator's magnanimous spirit. It would seem to me that he would permit us to have one out of three. We are only asking at this time to pass just one of these measures. We have three on the calendar, and they all go directly to the enforcement of the prohibition law.

Mr. BRUCE. I will say to the Senator that if there were two bad ones and one good one, I might do that; but as they are all three bad——

Mr. MAYFIELD. But we are now presenting the good one to the Senator, and we appeal to him to permit us to pass it. It is now only 20 minutes of 11 o'clock, and we can pass this measure in just a few moments if the Senator will withdraw his objection. His colleague, the Senator from New Jersey [Mr. EDGE], has concurred in the effectiveness of this measure; and we beg him to permit us to pass this measure at this session of the Senate. Will he not yield and let us pass it at this time?

Mr. HEFLIN. May we not have a vote now?

Mr. BRUCE. You are trying, as the poet says, to draw iron tears down Pluto's cheek.

SEVERAL SENATORS. Vote!

Mr. BRUCE. There is no use in talking about a vote, because I am going to express my opinion on this subject; and I have been trying to arrive at some understanding with the Senator from Utah.

Mr. WALSH of Montana. Mr. President, I desire to make a suggestion.

Mr. BRUCE. Certainly.

Mr. WALSH of Montana. Apparently, everybody is quite agreed that the civil service law should apply to these employees. The Senator from Utah contends that the general law is applicable, and the Senator from Maryland feels a little doubtful about it, and he suggests the use of certain language. Let me suggest that we put an amendment in here in the very language of section 5, as follows, after line 9——

Mr. BRUCE. Go back to section 2 first.

Mr. WALSH of Montana. I am talking about section 2. After line 9 on page 2, in section 2, following the words "such attorneys and other officers and employees as he may deem necessary," insert:

subject, except for the assistant commissioner and deputy commissioners, to the provisions of the civil service laws, notwithstanding the provisions of section 38 of the national prohibition act, as amended.

Mr. BRUCE. That is all right.

Mr. SMOOT. I am perfectly willing to accept that amendment.

Mr. WALSH of Montana. Now, let us adopt it.

Mr. SMOOT. I will say that I asked Mr. Alvord to prepare an amendment along that line, and I think he has one prepared now; but the amendment suggested by the Senator from Montana covers the case exactly.

Mr. BRUCE. The Senator from Montana should go just one step farther, if I may invoke his attention for a moment. I want a similar provision inserted after the proposed amendment relating to the Bureau of Customs. If the Senator will read a little farther in the bill, he will see that it provides that the Secretary of the Treasury shall also appoint in the Bureau of Customs one chief clerk and such attorneys and other officers and employees as he may deem necessary.

Mr. McKELLAR. What page is that?

Mr. BRUCE. Page 2, lines 14 to 17.

Mr. SMOOT. It has been suggested to me that on page 2, line 17, after the period, the following be inserted—this would cover both cases:

Appointments under this subdivision shall be subject to the classification act of 1923, and, except in the case of the assistant or deputy commissioners, shall be subject to the provisions of the civil service laws and regulations.

That would take care of all of them.

Mr. BRUCE. That is entirely satisfactory to me.

Mr. WALSH of Montana. I withdraw the other amendment.

Mr. SMOOT. That amendment can go in on page 2, line 17.

Mr. BRUCE. Now we come to section 5.

Mr. McKELLAR. Let that amendment be adopted.

Mr. SMITH. Yes; let it be adopted.

Mr. SMOOT. I think it should be "commissioner and deputy commissioners." The amendment read "or," as I remember.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. SMOOT. It should be "commissioner and deputy commissioners."

The legislative clerk read as follows:

On page 2, line 17, after the period, it is proposed to insert the following:

"Appointments under this subdivision shall be subject to the classification act of 1923, and, except in the case of the assistant and deputy commissioners, shall be subject to the provisions of the civil service laws and regulations."

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

The amendment was agreed to.

Mr. BRUCE. That brings us to section 5, paragraph (b), which subjects employees in the prohibition field service to the provisions of the civil service law. I ask the Senator from Utah to strike that out.

Mr. SMOOT. I thought the Senator desired it.

Mr. BRUCE. I do not. The point I make is simply this:

I have all my life been an advocate of the merit system of appointment—Federal, State, and municipal. Some 35 or 40 years of my life were spent in determined advocacy of that reform. I know that if the merit system of appointment is coupled up with prohibition that conjunction is going to result in more or less discredit to the merit system of appointment. Prohibition will infallibly exert the same corrupting influence or practically the same corrupting influence over appointees selected under the civil service laws that it has heretofore exerted over appointees suggested by the Anti-Saloon League and church organizations and Wayne B. Wheeler. As I have said before, prohibition is never associated with anything without contaminating and defiling it.

Mr. SMOOT. I will say to the Senator that, as far as I am concerned, I should like the Senate to take a vote upon that; and I am perfectly willing, as far as I am concerned, to do it now.

Mr. BRUCE. I will proceed, then, with my remarks.

SEVERAL SENATORS. Vote!

Mr. EDWARDS. Mr. President, will the Senator from Maryland yield for just a minute?

Mr. BRUCE. Yes; I yield.

Mr. EDWARDS. I am very happy to see the Senators agree with the Senator from Maryland, but I want to say here that I do not stand by any agreement made by anybody else. I am going to have my talk on this bill, if it comes up to-night, with the permission of the Vice President.

Mr. BRUCE. I was not undertaking to speak for anybody but myself, and never do. My friend, the Senator from Nebraska [Mr. NORRIS], reminded me to-day that I was not a leader. I have never arrogated that character to myself, and I speak only for myself; but when I do speak for myself, I propose to speak in no uncertain tones.

It is really idle for me to enter upon a consideration of this measure, which would lead me to ask that the civil-service provisions of section 5, paragraph (b), be stricken out; but as it seems to be necessary for me to do so, I regret to say that I shall be compelled to debate the matter at some little length.

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

Mr. CURTIS. I hope the Senator will withhold that suggestion. We want to adjourn to-night out of respect for the memory of a Member of the House who has just died, and as only 10 minutes remain before the hour of adjournment, in any event, I was about to suggest that the Senator from Maryland yield the floor so that the Senator from Ohio [Mr. WILLIS] could offer appropriate resolutions and we could take an adjournment.

Mr. EDWARDS. In what position would that leave this bill?

Mr. CURTIS. It would naturally go over and retain its place on the calendar.

Mr. BRUCE. Unless my friend the Senator from New Jersey is opposed to the bill even with the amendments I have suggested, I trust he will let the bill be amended and passed to-night. I suppose the Senator understands that if those amendments go into effect the only provisions of the bill will be those creating a separate bureau of customs and a separate bureau of prohibition. If he is opposed to each of those two organizations, of course, he will follow whatever course his judgment may dictate.

Mr. EDWARDS. I certainly am opposed to the bill. It merely provides for the creation of new bureaus. It is a matter of providing jobs for the faithful.

DEATH OF REPRESENTATIVE AMBROSE E. B. STEPHENS

Mr. WILLIS. Mr. President, I ask the Chair to lay before the Senate the resolutions from the House now on his desk.

The VICE PRESIDENT laid before the Senate resolutions of the House of Representatives, which were read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 12, 1927.

Resolved, That the House has heard with profound sorrow of the death of Hon. AMBROSE E. B. STEPHENS, a Representative from the State of Ohio.

Resolved, That a committee of 17 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. WILLIS. Mr. President, I offer the following resolutions and ask for their immediate consideration.

The resolutions (S. Res. 351) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. AMBROSE E. B. STEPHENS, late a Representative from the State of Ohio.

Resolved, That a committee of 11 Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Under the second resolution the Vice President appointed Mr. WILLIS, Mr. FESS, Mr. SHORTRIDGE, Mr. TRAMMELL, Mr. COPELAND, Mr. ROBINSON of Indiana, Mr. FERRIS, Mr. DENEEN, Mr. ERNST, Mr. DILL, and Mr. NEELY as the committee on the part of the Senate.

Mr. WILLIS. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and the Senate (at 10 o'clock and 50 minutes p. m.) adjourned until to-morrow, February 15, 1927, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 14, 1927

REGISTER OF THE LAND OFFICE

Charles Gilbert Boise, of North Dakota, to be register of the land office at Bismarck, N. Dak., vice Otto E. Anderson, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 14, 1927

MEMBER OF BOARD OF MEDIATION

Pat Morris Neff to be a member of the Board of Mediation.

DISTRICT JUDGE

E. Coke Hill to be district judge, division No. 3, district of Alaska.

UNITED STATES ATTORNEYS

Bascom S. Deaver to be United States attorney, middle district of Georgia.

Justin W. Harding to be United States attorney, division No. 1, district of Alaska.

UNITED STATES MARSHAL

Richard C. Callen to be United States marshal, district of Colorado.

POSTMASTERS

ALABAMA

Joseph S. Chambers, Talladega.

ARKANSAS

Lee W. McKenney, Black Rock.
James C. Russell, Camden.
Arthur V. Cashion, Eudora.
Samuel G. Helm, Marianna.
Arch B. Smith, Osceola.
Omer B. Ewing, Scranton.

CONNECTICUT

Edwin H. Keach, Danielson.
Burton Hodge, Roxbury.

GEORGIA

Charles L. Adair, Comer.
William C. McBride, Newnan.

IDAHO

Burton D. Fox, Challis.

INDIANA

Albert O. Cripe, Alexandria.
Amanda B. Gosnell, West Terre Haute.

MICHIGAN

Gladys E. Gaskill, Delton.
John S. Hamlin, Eaton Rapids.
Fred W. Walker, Otsego.

MISSISSIPPI

Robert B. Cox, Batesville.
Ida E. Roberts, Cleveland.
Henry B. Edwards, Shuqualak.

NEBRASKA

Edwin D. Gideon, jr., Ainsworth.
Robert W. Finley, Bradshaw.
Edward H. Springer, Brady.
George Beardsley, Clarks.
James M. Fox, Gretna.
Arthur H. Babcock, North Loup.
Claude A. Barker, Pawnee City.
Frederick H. Crook, Paxton.
William E. Brogan, Tilden.
George F. McMullen, Walthill.
George W. Howe, Wisner.

NORTH DAKOTA

Mina H. Aasved, Carson.
Hugh C. Corrigan, Fargo.
Martin E. Larson, Marion.
Alexander R. Wright, Oakes.
William F. Legler, Robinson.

OREGON

Robert N. Torbet, Albany.
Claude E. Ingalls, Corvallis.
Darwin E. Yoran, Eugene.

SOUTH CAROLINA

Fred Mishoe, Greelyville.
Julia E. D. Tolbert, Ninety Six.
Carl G. Schoenberg, North.
Jacob M. Bedenbaugh, Prosperity.

UTAH

Annie Palmer, Farmington.

WEST VIRGINIA

Paul C. Freeman, Adrian.
William M. Kidd, Burnsville.
Ruth L. McClung, Cedar Grove.
Carl A. Dehner, Chester.
Cecil B. Dodd, Follansbee.
Walter O. Deacon, Hurricane.

HOUSE OF REPRESENTATIVES

MONDAY, *February 14, 1927*

The House met at 12 o'clock noon.

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

O Thou in whose wisdom there is neither variableness nor shadow of turning, consider and hear us. Continue to teach us that duty is the upper road that leads to God and he who fails wrongs his own soul. To-day give us the rapture of high encouragement. While the years roll across the seas of time, Thou art our Father. Through every scene of life and death, Thou wilt not leave nor forsake us, so now we extend this moment at Thy holy altar. One has passed through the shadows. He was constant in his labors, just in his decisions, and manly in his bearing. It is thus that he holds the memory of our hearts. Upon the sorrowing ones let come the blessings of peace and resignation. Life's warfare is over. The stir of events can not break his calm repose. He is dust-pillowed on the soft bosom of kindly earth; sweet be his rest. May he gently, sweetly slumber in the arms of God. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 12, 1927, was read and approved.

NATIONAL ARBORETUM

Mr. SNELL, from the Committee on Rules, presented a report to accompany a resolution for the consideration of S. 1640, authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes, which was referred to the House Calendar and ordered printed.

REAR ADMIRAL WILLIAM C. COLE, CAPT. YANCEY S. WILLIAMS, AND CAPT. JOSEPH K. TAUSSIG

Mr. COYLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9319, to authorize certain officers of the United States Navy to accept from the Republic of Chile the Order of Merit, first class, and the Order of Merit, second class, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. Is there objection?

Mr. COLE. Mr. Speaker, reserving the right to object, is this the bill that my colleague on the Committee on Foreign Affairs, the gentleman from Ohio [MR. BEGG], objected to last week?

Mr. COYLE. This is a bill that was passed at the last session. It was amended in the Senate and has passed that body. The bill has not been up for consideration at this session at all. It was not objected to by Mr. BEGG last week.

Mr. COLE. Mr. Speaker, there are about a hundred bills of the same kind before the Committee on Foreign Affairs. We have been trying to get up some uniform system of having such bills considered. Under the circumstances I shall have to object.

Mr. COYLE. Then, Mr. Speaker, I move to concur in the Senate amendment.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to concur in the Senate amendment.

The Senate amendment was concurred in.

ABRAHAM LINCOLN

Mr. YATES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address I made on Abraham Lincoln in Washington, D. C., February 12, 1927.

The SPEAKER. Is there objection?

There was no objection.

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

Mr. YATES. I can not attempt an address on the life of Abraham Lincoln. I will be content with mentioning a few of the things in which he excelled preeminently. I call your attention to five of his

characteristics. I will speak to you of Lincoln the orator, Lincoln the lover, Lincoln the overcomer, Lincoln the politician, and Lincoln the chosen champion of the Almighty.

ORATOR

I remark, in the first place, that he was a real orator, peer of any. The first inaugural address, with its phrase, "The mystic chords of memory"; the second, with its phrase, "With malice toward none, with charity for all"; the Gettysburg address, with its phrase, "Of the people, by the people, for the people"; and the little talk to his neighbors and friends on the rainy morning that he left Springfield are not excelled in the whole field of English literature. In a speech at Columbus, Ohio, on the 13th of February, 1861, he said:

"There has fallen upon me a task such as did not rest even upon the Father of his Country; and feeling so, I can not but turn and look for that help without which it will be impossible for me to perform the great task; I turn then, and look for help, to the great American people and to that God who has never forsaken them."

You and I know that by such appeals he obtained the help that he prayed for—received it from 20,000,000 loyal hearts and from the Infinite Power on High; that he put one hand into the outstretched palm of the American people and with the other he laid a strong hold upon the almighty arm of the Almighty God, and standing there, supported by humanity and supported by Divinity, he fought the grandest fight and won the grandest victory since the Savior walked among the sons of men 2,000 years ago.

LOVER

I remark in the second place that he was a real lover, a paragon among lovers, ardent in the extreme, giving his whole heart to his beloved sweetheart, dear ones of the family, his friends, his country. He offered his hand in his youth to four different girls—Sarah Rickard, Mary Owen, Ann Rutledge, and Mary Todd. He married Mary Todd, a Kentucky girl, high strung, high spirited, educated to the handle, well equipped, a social leader, and naturally properly ambitious. And he made a model husband and she a model wife. But before that he was rejected by two, Sarah Rickard and Mary Owen, who did not comprehend him, and he was accepted whole-heartedly by Ann Rutledge, of Menard County. To that lovely girl he told the old, old story of man's love for woman, as old as it is sweet, thank God, and as sweet as it is old, thank God. He whispered it into her blushing ear as she sat at the quilting frame and stitched and stitched and stitched in the days of the old quilting bee.

It is no wonder that when Ann Rutledge suddenly sickened and died the young Lincoln's reason tottered on its throne and left its seat. Yes; that mighty heart and mind and soul and spirit, which, in later years could look without panic upon a flaming world in arms, all fell prostrate when a young girl died down in Menard County. Would you have had it otherwise? Are you not glad he had a heart that was gentle enough to break? I am. It is the opinion of the survivors of those who knew him best that it was the cherished memory of the loved and lost one that contributed as much as anything to make him what he was called—the saddest man of his time. As for me, I believe we would never have had the Lincoln we love to-day had he not himself loved and loved madly. I love to think that every man like Washington and Lincoln, who really kept the flag in the sky, fought when he fought, like an enraged lion, and loved when he loved, with all his might.

OVERCOMER

I remark in the third place that he was the overcomer, a knight of the sublime order of disappointment. From his earliest childhood his life was crowded full of griefs and bereavements, humiliations and disappointments, keen and crushing. At the age of 9 in the forests of Indiana he underwent the loss of his mother, sobbing his little heart out in that awful hour, in a log cabin without a floor. With a yearning to learn, he was denied access to almost all books. With a heart and soul in tune with poetry and song, he was, he himself said, possessed of a voice, face, and form alike unfortunate. Desiring to engage in business, he attempted several enterprises, all disastrous. He was burdened with debt until after his election to Congress at the age of 40. Desiring to serve in the legislature he was at first unsuccessful. Even when a candidate for Congress and Senator he underwent the indescribable humiliation of being misunderstood. I am satisfied that in all this adversity and God were making a man—a man that could not be appalled. And such a man they made.

BELIEVER

I remark, in the fourth place, that he was, in a nineteenth-century sense, a champion of the Almighty. He was religious, though not denominational. He never lost his faith in divine Providence. All his religious utterances breathe a simple, childlike faith. He studied and carried with him on the old circuit, not only the fables of Æsop and the plays of Shakespeare but the Pilgrim's Progress of Bunyan and the Bible. Is it not a comfort to know this; the Bible and Shakespeare—can we do better? It has been claimed that he was godless or at least agnostic. It can not be true. To his stepmother he wrote, when his father was dying, "Our great, good, and merciful Maker will not turn away from him in any extremity." To Gen. Dan Sickles he said, "When I heard that General Lee was marching on Gettysburg, I went into a little room at the White House, where nobody goes but me, and I prayed to the Lord God Almighty as I never had prayed before." Oh, blessed little room where our Lincoln prayed for us before the Living God! To Mrs. Bixby he wrote: "I pray that our Heavenly Father may assuage the anguish of your bereavement." And in his second inaugural address he said, "The judgments of the Lord are true and righteous altogether." And Nicolay and Hay publish in the "Complete Works of Abraham Lincoln" the thing they call "Meditation on the Divine Will," in which he wrote, in a memorandum not written to be seen by men, "By His mere great power on the minds of the now contestants He could have either saved or destroyed the Union without a human contest." I have never read words showing greater faith in God.

POLITICIAN

I remark in the fifth place that Abraham Lincoln was a consummate politician, of signal sagacity and shrewdness; a past master of political maneuver and tactics, intrigue, and strategy, enabling him to divine the purposes and motives of men and thereby to discern the development of events. He had a sublime and supreme regard for the truth, but within that high inclosure, as one of his biographers says, he was as ambitious as any man of his time. The time was in this country of ours when to grow up and serve the American Republic was the fondest and dearest aspiration of the American youth. Well will it be for America when that time shall come again; and when fathers will say, as mine did, "My son, I want you to grow up and serve the Republic," instead of saying, as many now do, "Anything but politics, my son; anything but politics." Men who seek public preferment, who aspire to the honors and awards of the public service, and who therefore attempt to serve their country in official position, either through appointment or election, are not on that account to be condemned. Mr. Lincoln took this view of this matter. He never hesitated to seek public preferment and never thought it beneath true manhood to do so. When the list of offices and positions to which Mr. Lincoln aspired is considered, it presents an array sufficient to astound every advocate of the theory that "the office should seek the man, and not the man the office."

The captaincy of a militia company, the postmastership of a village, the deputy surveyorship of a county, the circuit judgeship pro tempore, the honorary position of delegate to a convention, the honorably position of presidential elector, the appointive position of Commissioner General of the Land Office, the office of representative in the legislature, the office of Representative in Congress, the office of United States Senator, and the unsurpassable distinction of President of the United States, a round dozen political positions, were all sought by him; he did not hesitate; he did not consider any of them too small or too large. He favored political organization, and he was right. In November, 1858, an Illinois Legislature was to be elected, which would elect a United States Senator. Fourteen months before—in other words, in September, 1857, he wrote a letter to my father saying, in his usual and famous sentences of words of one syllable:

"And now let me say I wish you would make up your mind to come to the legislature from Morgan next time. You can be elected and I doubt some whether any other friend can. It will be a sacrifice to you, but can you not make it?"

In this same letter he commends J. O. Johnson, who "is a newcomer, but he can devote more time to getting up an organization than anyone I know, who knows as well as he how to do it." Real organization! O, let us encourage our young, our bravest and best, to serve the Nation!

CONCLUSION

One of the greatest things ever said about Abraham Lincoln was said by George Bancroft, the great historian. The occasion was a joint session of the Congress of the United States. The date was February 12, 1866, the first February 12, the first Lincoln's birthday after the assassination of the martyred President. The place was the Capitol at Washington. The assemblage included not only the famous Senate of that time and the famous House, but also a Diplomatic Corps of unmatched brilliancy, a Supreme Court never equaled, a distinguished and aggressive President and Cabinet, and a throng of Civil War heroes and popular idols, generals and admirals of world-wide fame.

In that great address the great Bancroft said that the great Lincoln was blessed with the wisdom that is like unto the wisdom of little children, and that from and through that wisdom came the relief that the wisdom of the wise and of those who were great after the flesh had not been able to give. I am sure that Abraham Lincoln did have that wisdom. He had the truth of the child and, above all, the forgiveness of the child. The result was that "the common people heard him gladly," even as it is written of Jesus Christ, and when he was martyred the same common people cried in the streets.

My own father said of Lincoln that he trusted the people and they him; that there was something in his lowly origin and in the story of his life and its struggles that made the people draw close to him; that he talked to them in such a way that they understood him better than they did other men. Knowing, as I do, that my father served as war Governor of Illinois during the four years Lincoln served as war

President, and that he was in conference with President Lincoln a hundred times, and before that had practiced law with him in all the courthouses of the old circuit for 25 years, I have confidence in this estimate. For myself, I believe he was the interpreter and translator, possessing the wisdom that is like unto that of the child.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed Senate bills of the following titles, in which the concurrence of the House is requested:

S. 5588. An act granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct and maintain and operate a bridge across the Tug Fork of Big Sandy River at Devon, Mingo County, W. Va.;

S. 5598. An act to extend the time for constructing a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; and

S. 5620. An act granting the consent of Congress to John R. Scott, Thomas J. Scott, E. E. Green, and Baxter L. Brown, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, as the proponents of the McNary-Haugen bill seem not to be present, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15963) to establish a Federal farm board in the Department of Agriculture, to aid the industry of agriculture to organize effectively for the orderly marketing, and for the control and disposition of the surplus of agricultural commodities.

The SPEAKER. The question is on the motion of the gentleman from Connecticut that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the McNary-Haugen bill.

Mr. RAMSEYER. Mr. Speaker, pending that motion, has the gentleman considered how he will use the time? [Laughter.] I understand that there are yet 2 hours and 51 minutes remaining of general debate. There is a demand for additional time.

Mr. UNDERHILL. Mr. Speaker, if the proponents of the McNary-Haugen bill are not here to go on with their debate, I suggest that there are about 150 matters on the Private Calendar in disposing of which we could very well utilize the day.

Mr. GARRETT of Tennessee. Mr. Speaker, as I understand it, the situation is this: The Committee on Agriculture is now in session.

Mr. LOWREY. Mr. Speaker, I very much want 5 or 10 minutes to discuss a matter which is, perhaps, a little out of order. I wonder if I could not do that now by unanimous consent?

Mr. TILSON. Mr. Speaker, I withdraw my motion for the present.

FARM RELIEF—MUSCLE SHOALS

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. LOWREY] may address the House for 10 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Mississippi [Mr. LOWREY] may address the House for 10 minutes. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker, in my opinion neither this Congress nor any other Congress of recent years has considered measures more far reaching or more important to our domestic welfare than the two measures which we have left for our closing days—farm-relief legislation and the Muscle Shoals problem. It seems to me that we must all realize that the rehabilitation of agriculture is the large question now before us. We talk about "What the farmer needs" or "What is good for the farmer." But it is not simply the question of the interests of the farming people. This is a very big question. Our country can not be permanently prosperous, happy, or strong if our rural population is to be unprosperous, unhappy, or, still worse, disloyal or resentful against their Government.

I realize that the expression "disloyal or resentful against their Government" sounds very ugly and looks almost like a vicious indictment against our sturdy and virtuous rural population. Yet any man who has mixed freely with the people on the farms, talked with them heart to heart, and realized what they have suffered for the last few years must know that I am not talking idly. Here is an exact quotation from a letter which I have just received from a citizen who has been recognized as one of the most intelligent, most progressive, and most successful farmers in my district, but who now faces the ordeal of giving his farm and home into the hands of his creditors and going out practically penniless: "Very few people want farm lands, however desirable or however cheaply they can be had. We have been enslaved gradually, though thoroughly, and the farmer, the most conservative, patient, and long suffering of our people, have about reached the limit of endurance. Precipitate, violent revolution may ultimately be forced upon a people. Many already have it in spirit and sentiment, and the money fools in power ought to take warning from past history. To make the feeling of resentment more bitter is the fact that my family, a wife and six children, are suffering along with me in this uneven and unfair situation."

You may charge that these words are unreasonable or unjust. But, perhaps, you have not faced the situation that this good man now faces. I say at least that when we, who are directing the affairs of government, hear expressions like these from intelligent, stalwart, native-born Americans, it is time for us to sit up and take notice. My brilliant colleague [WEBBER WILSON of Mississippi] recently stated from this floor that the countries whose desolation and ruin mark the landscape of the past have all perished from within and not from without. The safety of our country depends on the strength, courage, virtue, and loyalty of the plain people. When we wreck their courage and shock their loyalty, armies and navies can not save us. The best defense that any country has is a happy, patriotic, and devoted population. Hence, it is not simply the question of saving the farmer. It is a question of meeting a very critical situation which involves our every interest, if not the very safety of our Government.

But let me be more specific. For six or eight years now the people have been appealing more and more to this Congress to do two things: First, to pass some adequate farm-relief legislation, and second, to bring Muscle Shoals into operation for purposes primarily of giving cheap fertilizer and secondarily of giving cheap power.

I do not know anything else that would so discredit the Congress and the Government as for us to adjourn without meeting these two demands. In fact, if we adjourn and leave either one of these undone it will impress a very large number of our most worthy constituents that their Government has failed to function and is incapable of meeting serious situations.

For my part, I believe that the passage of this bill as it has come from the Senate or of the Crisp bill or the Aswell bill would greatly help the present situation and would do much to strengthen the courage and confidence of our suffering people. I will vote for any of the three rather than see the Congress adjourn without passing a farm-relief measure.

But really I came to the floor to say a word on the Muscle Shoals proposition. It comes to us now that the committee will probably not agree on any lease contract that has been proposed to them. We have spent on this project more than a hundred and sixty millions of the people's dollars, and we are told that to make it absolutely complete we will need to finally increase the amount to two hundred and twenty-five millions. These figures look startling, but I remind you that they are very far short of the amounts which we appropriate annually to the Army or the Navy. If we spend these great sums for what we call national defense, we can certainly afford to spend considerable sums on that internal defense which I have just discussed. But this great plant lies there in almost absolute idleness with some of its units absolutely deteriorating. If this Congress is capable of functioning at all, we ought not to adjourn without reaching some plan by which we can put so great an asset to work for our people.

We have figured on leases for these years without reaching any definite results. For more than two years the conviction has been growing on me that we ought at least for the present to adopt a plan of Government operation. And in my conversation with colleagues for the last few days I have been impressed that this conviction is very strong among the membership of the House generally. In fact, I believe this House would pass a well-framed bill of that kind if they could get a chance to vote on it. It seems that nobody really has the understanding of the problem to enter into a lease contract with any degree of assurance. Those who represent the Government realize that the whole matter is in an experimental stage, and that we do not yet know what we could afford to risk in the way of a contract for placing the plant under private management. And it is just as evident that the syndicates which have figured on bids are similarly at sea on the proposition. I am just about convinced that the only way out is for the Government to operate Muscle Shoals as a Government enterprise for a few years at least. It may be that after a reasonable time it would seem wise to lease the property to some private syndicate. But by a few years of Government operation we could at least carry the thing through its experimental stage and come to

where both the Government and the bidding syndicates would have better ideas as to what they could afford.

For these reasons I have introduced a bill proposing a plan of operation for a term of seven years under a Government corporation.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. BLANTON. I am against Government operation of private business, but concerning this immense Government property at Muscle Shoals, which it seems we can not lease unless we have to give it away, I hope the Congress before we adjourn will have the Government operate the plant and manufacture nitrates, which will benefit the farmers, and they will then be sure of some relief.

Mr. LOWREY. I agree with the gentleman, and that is my bill exactly. Briefly stated, this bill proposes a Government corporation, of which the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of War shall be the directors. They are given a Government fund of $25,000,000 to be used for the purpose of the necessary reconditioning and the opening up and operating of the plant. These three directors are given the authority to employ a superintendent, who shall be a man of recognized executive ability and experience in managing great industrial enterprises. Also three assistant superintendents, the combined salaries of the four not to exceed $75,000. It is stipulated that the primary business of the corporation shall be the manufacture of fertilizer and of explosives sufficient to meet the demands of the Army and the Navy. However, they are to distribute the surplus power upon such plan as they think wise to adopt. All products of this plant are to be disposed of upon the nearest possible calculation as to cost of production, and a safe method is provided by which the corporation shall control the price to the ultimate consumer.

The bill gives rather broad latitude and powers to the three directors. But I believe it contains all necessary safeguards. I am sure, too, that these directors will need broad powers if they are going to carry this enterprise successfully through its experimental stage. Again, it is to be remembered that the directors are three Cabinet members who have the responsibility of agriculture, commerce, and national defense, the three phases of public interest which the Muscle Shoals plant is supposed especially to serve.

The bill is brief, and I ask permission to insert it in the RECORD at this point, so that all the Members of the House may have opportunity to read it.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOWREY. Mr. Speaker, in accordance with the unanimous consent granted me in the House, I place in the RECORD my bill for temporary Government operation of Muscle Shoals. It reads as follows:

A bill to provide for the national defense and to aid agricultural and industrial development by creating the United States Muscle Shoals Corporation, and for other purposes

Be it enacted, etc., That this act may be cited as the "Muscle Shoals Act of 1927."

ORGANIZATION OF CORPORATION

SEC. 2. For the purpose of providing for the national defense in time of war and for agricultural and industrial development in time of peace by the production and manufacture of nitrogen and nitrogen products, and for the purpose of maintaining and operating the properties owned by the United States in the vicinity of Muscle Shoals, Ala., the Secretary of Agriculture, the Secretary of War, and the Secretary of Commerce are hereby incorporated as a Federal corporation and declared a body corporate under the name of the "United States Muscle Shoals Corporation" (referred to in this act as the "corporation").

BOARD OF DIRECTORS AND OFFICERS

SEC. 3. (a) The board of directors of the corporation (referred to in this act as the "board") shall consist of the Secretary of Agriculture, the Secretary of War, and the Secretary of Commerce.

(b) All powers of the corporation are hereby vested in the board. The board shall be responsible for the performance of all duties imposed upon the corporation.

(c) The Secretary of Agriculture shall be chairman of the board. Vacancies in the board shall not impair the powers of the remaining members to execute the functions of the board, and two members shall constitute a quorum for the transaction of the business of the board. A director of the corporation shall receive no compensation for his services to the corporation.

(d) The chief executive officer of the corporation shall be a superintendent, who shall be responsible to the board for the efficient conduct of the business of the corporation. The board shall appoint the superintendent and shall select a man for such appointment who has distinguished himself as an executive in the industrial world. The superintendent shall be appointed to hold office until July 1, 1934, but he may be removed by the board for good cause, which cause shall, as soon as practicable thereafter, be stated in detail to the President and to the Congress. Should the office of superintendent become open for any reason, the directors shall fill it as herein first provided.

(e) With the advice of the superintendent, the board shall appoint three assistant superintendents, who shall be responsible to the superintendent, and through him to the board. With the advice of the superintendent, the board may at any time remove any assistant superintendent and refill such office as herein first provided.

(f) The combined salaries of the superintendent and the assistant superintendents shall not exceed the sum of $75,000 in any one year.

(g) A director, officer, or employee of the corporation, while acting as such, shall not be held to be an officer, employee, or agent of the United States. Each director, officer, and employee of the corporation shall take the oath of office as provided in section 1757 of the Revised Statutes.

CAPITAL STOCK

SEC. 4. (a) The capital stock of the corporation shall be $75,000,000, of which $50,000,000 shall be deemed to be in consideration of the properties vested in the corporation under section 8. The remaining $25,000,000 is hereby subscribed by the United States, to be paid in cash. The amount of such subscription shall be subject to call by the board in amounts of $100,000 or multiples thereof. Upon such call the Secretary of the Treasury is authorized to pay to the corporation the amount so called. There is hereby authorized to be appropriated the sum of $25,000,000 for the payment of such subscription. A certificate representing the ownership of $50,000,000 of the capital stock of the corporation shall be issued by the corporation to the United States and delivered to the Secretary of the Treasury; and upon payment of any part of the amount subscribed by the United States, certificates representing the ownership of capital stock in the amount of such payment shall be issued by the corporation to the United States and delivered to the Secretary of the Treasury.

(b) Dividends may be paid upon the capital stock, but only in cash from net profits, and then only when the board deems such profits unnecessary to the efficient conduct of the business of the corporation. Such dividends when paid shall be covered into the Treasury as miscellaneous receipts.

GENERAL POWERS

SEC. 5. Except as otherwise specifically provided in this act, the corporation—

(a) Shall have succession in its corporate name for a term beginning on the date of approval of this act, and expiring July 1, 1934.

(b) May sue and be sued in its corporate name.

(c) May adopt and use a corporate seal, which shall be judicially noticed, and may alter it at pleasure.

(d) May make contracts, but no such contract shall extend beyond the period of the life of the corporation.

(e) May adopt, amend, and repeal by-laws.

(f) May purchase or lease and hold such personal property as it deems necessary or convenient in the transaction of its business and may dispose of any such property held by it.

(g) May lease such real property as it deems necessary or convenient in the transaction of its business and may dispose of such leases.

(h) May incur obligations, borrow money for temporary purposes, and issue notes or other evidences of indebtedness therefor, but the aggregate amount of the indebtedness at any time shall not exceed 25 per cent of its unimpaired capital.

(i) May appoint and fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of its business, define their duties, require bonds of them and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent.

(j) Shall have power to carry on the business of the corporation herein provided and shall have all such powers as may be necessary or appropriate for the exercise of the powers specifically conferred upon the corporation.

SPECIAL POWERS

SEC. 6. The corporation is authorized and directed—

(a) To hold, maintain, operate, and develop to the fullest extent the properties transferred to it under section 8 for the purpose of producing nitrogen and nitrogen products, and to construct, maintain, and operate such additional plants and facilities upon such properties as it considers necessary for such production.

(b) To manufacture, distribute, and sell fertilizers.

(c) Upon the requisition of the Secretary of the Navy or the Secretary of War, to manufacture for and sell to the United States the nitrogenous content of explosives.

(d) To establish, maintain, and operate laboratories and experimental plants, and to undertake experiments for the purpose of enabling the corporation to furnish nitrogen products for military and agricultural

uses in the most economical manner and at the highest standard of efficiency.

(e) To develop and produce power sufficient to supply all needs of the corporation in the manufacture of nitrogen products; and to sell such excess of power as the plant develops beyond such needs.

SELLING PRICES

SEC. 7. The selling price of the commodities produced and sold by the corporation shall be fixed from time to time by the board. This price shall be the price to the ultimate consumer. Sales through intermediates shall be under contracts through which the fixed price to the ultimate consumer shall be preserved. The basis for the determination of the price shall be all charges properly attributable to the production, marketing, and distribution of the particular product, including such items as are necessary to render and maintain the business of the corporation permanently self-supporting and a return of 3 per cent per annum upon the capital stock of the corporation. There shall be considered a margin of safety in the operation of the business, but no margin of profit.

PROPERTY

SEC. 8. In order to permit the corporation to exercise the powers vested in it by this act—

(1) All the right, title, and interest of the United States in and to the United States nitrate plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings connected therewith, all tools and machinery, equipment, accessories, and materials belonging thereto, and all laboratories and plants used as auxiliaries thereto; the fixed nitrogen research laboratory, the Waco limestone quarry in Alabama, and Dam No. 2, located in the Tennessee River at Muscle Shoals, its power house, and all hydroelectric and operating appurtenances (except the locks), and all machinery, lands, buildings in connection therewith, is hereby transferred to the corporation.

(2) The President is authorized to provide for the transfer to the corporation of such other real and personal property of the United States as he may, from time to time, deem necessary and proper for the purposes of the corporation as herein stated.

OFFICES AND ACCOUNTS

SEC. 9. (a) The corporation shall maintain offices in the District of Columbia and in the immediate vicinity of Muscle Shoals, Ala., and may establish such agencies or branch offices at such places as it deems advisable. The corporation shall be held to be an inhabitant and resident of the District of Columbia, and of the northern judicial district of Alabama, within the meaning of the laws of the United States relating to venue of civil suits.

(b) The corporation shall at all times maintain complete and accurate books of accounts.

(c) The Comptroller General of the United States shall once during January and once during July of each year, and without expense to the corporation, make a complete audit of its books, and publish as soon as practicable after each audit a statement of the financial condition of the corporation in one daily paper in each Federal reserve district. Such audits shall be solely for the purpose of obtaining information for such statements.

REPORTS

SEC. 10. The board shall file with the President and with the Congress, in December of each year, a financial statement and a complete report as to the business of the corporation covering the year immediately preceding.

PENALTIES

SEC. 11. (a) All general penal statutes relating to the embezzlement, conversion, or to the improper handling, retention, use, or disposal of public moneys of the United States shall apply to moneys of the corporation while in the custody of any officer, employee, or agent of the corporation or of the United States.

(b) Any person who, with intent to defraud the corporation or to deceive any director or officer of the corporation or any officer or employee of the United States, (1) makes any false entry in any book of the corporation, or (2) makes any false report or statement for the corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Any person who shall receive any compensation, rebate, or reward or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the corporation or to defeat its purposes shall on conviction thereof be fined not more than $100,000 or imprisoned not more than 15 years, or both.

SUCCESSION

SEC. 12. Unless otherwise provided by law, the United States shall, on July 1, 1934, succeed to all the property, rights, and liabilities of the corporation.

EXTENSION OF REMARKS

Mr. GARRETT of Tennessee. Mr. Speaker——

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks for the purpose of inserting in the RECORD a short resolution passed by both houses of the State of South Carolina in connection with farm legislation.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr UNDERHILL. Mr. Speaker, reserving the right to object to the placing in the RECORD of this resolution, I do not believe in encumbering the RECORD with matter——

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. UNDERHILL. I will.

Mr. GARRETT of Tennessee. This is a resolution of a legislature of a State. I think it has been the custom to permit these to go in where they are resolutions of a legislature of a State.

Mr. UNDERHILL. I have been placing resolutions which I receive from the Massachusetts Legislature in the basket.

The SPEAKER. Is there objection?

Mr. UNDERHILL. I object.

PERMISSION TO ADDRESS THE HOUSE

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to address the House on the 28th of this month for 20 minutes immediately after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. The gentleman from Maryland asks unanimous consent that on the 28th of this month, after the reading of the Journal and disposition of matters on the Speaker's table, he may be permitted to address the House for 20 minutes. Is there objection?

Mr. TILSON. Reserving the right to object, on what subject?

Mr. LINTHICUM. On the one-hundredth anniversary of the Baltimore & Ohio Railroad.

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

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Will the gentleman withhold his motion for a moment?

Mr. GARRETT of Tennessee. I will.

EXTENSION OF REMARKS

Mr. BRAND of Ohio. Mr. Speaker, in the debate on Saturday the gentleman from Kansas [Mr. TINCHER] asked me to submit for the RECORD a letter from the farm bureau of Ohio, and I said I would do so and my reply. I am not interested one way or the other in this matter, only in answer to his request. I therefore ask unanimous consent to print these letters in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print in the RECORD a letter from the farm bureau of Ohio. Is there objection?

Mr. BLANTON. Is the gentleman indisposed——

Mr. BRAND of Ohio. I do not care.

Mr. UNDERHILL. Mr. Speaker, I object.

Mr. BURTNESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a concurrent resolution in the nature of a memorial addressed to the Congress by the Legislative Assembly of the State of North Dakota, requesting it to enact certain legislation.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection——

Mr. BURTNESS. And may I be permitted to say I assume the gentleman from Massachusetts [Mr. UNDERHILL], being on his feet, desires to object to that also, and I want to ask him before he does that if he wants to take the position here of denying the people of a sovereign State the right granted to them by the Constitution to petition the Congress?

This comes in the form, not of an ordinary letter or ordinary communication or resolution, or something of that sort, but directly in the form of a concurrent memorial formally passed by both houses of the legislature of our State.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Reserving the right to object——

Mr. UNDERHILL. Reserving the right to object, Mr. Speaker, there is a place in the RECORD provided for all these petitions and concurrent resolutions. I happened to be chairman of the committee on Federal relations in the Massachusetts Legislature for a period, and during that time the Massachusetts Legislature never sent a petition to Congress, because they knew how much effect it had on Congress, or how little effect it had on Congress; and so, Mr. Speaker, following my fundamental objection to printing in the RECORD these extraneous remarks which have nothing to do particularly with us, I must insist upon objecting to all.

The SPEAKER. Objection is heard.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that on the morning of the 21st, following the disposition of matters on the Speaker's table, I may be permitted to address the House for 20 minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that on the morning of the 21st, following the disposition of matters on the Speaker's table, he may address the House for 20 minutes. Is there objection?

There was no objection.

M'NARY-HAUGEN FARM RELIEF BILL

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15474, the farm relief bill; and, pending that motion, I ask unanimous consent that the time allotted for general debate be extended so as to take in all the balance of the day; that the time be devoted to the discussion of the bill, and the time be equally divided between the gentleman from Louisiana [Mr. ASWELL] and myself, for and against.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the debate on this bill be extended until the House shall adjourn to-day, and that the time be equally divided between himself and the gentleman from Louisiana.

Mr. TILSON. Is that in accordance with the arrangement already made as to the other time? Are there no other terms or conditions connected with it?

Mr. HAUGEN. It is to be equally divided between the gentleman from Louisiana and myself, and I will yield half my time to the gentleman from Kentucky [Mr. KINCHELOE], and I imagine the gentleman from Louisiana [Mr. ASWELL] will yield half his time to the gentleman from New Jersey [Mr. FORT].

Mr. TILSON. Will it be divided on the same conditions as the other time was divided? Will it be done as provided for under the rules?

Mr. HAUGEN. Yes.

Mr. SNELL. May I inquire if the gentleman from Iowa wishes this additional time in order to permit the discussion of the new matter included in the Senate bill, instead of the original bill? It seems to me if you are going to do that, this would be the proper time to discuss the provisions of the Senate bill. There are some new things in it, and the House should be properly informed, I think; and that additional time should be used largely for discussing the new matter inserted in the Senate bill, which has not been considered by the House or the House Committee on Agriculture.

Mr. CHINDBLOM. Mr. Speaker, how much time is remaining now of the previous allotment?

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] has 1 hour and 2 minutes, the gentleman from Louisiana [Mr. ASWELL] has 51 minutes, the gentleman from Kansas [Mr. TINCHER] has 35 minutes, the gentleman from Kentucky [Mr. KINCHELOE] has 23 minutes; in all, 2 hours and 51 minutes.

Mr. PURNELL. Mr. Speaker, if I understand the situation aright, if this unanimous-consent request is agreed to, it does not set aside the original agreement, so that a motion could not be made to adjourn at the end of 2 hours and 51 minutes debate?

The SPEAKER. It could not.

Mr. TILSON. Mr. Speaker, with the understanding that this additional time is to be divided under the same conditions as the original time, I shall have no objection.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the 2 hours and 52 minutes shall include the condition that the House shall not adjourn at the expiration of that time, but that the time shall be divided as the gentleman from Iowa indicated. Is there objection?

Mr. LAGUARDIA. Does that take care of the suggestion of the gentleman from New York [Mr. SNELL]?

Mr. MAPES. Reserving the right to object, in order that there may be no misunderstanding, I think the qualifications that have been put in make the unanimous request uncertain. I would like to ask the Speaker if, with the extension of time, the gentleman from Kentucky [Mr. KINCHELOE] and the gentleman from New Jersey [Mr. FORT] would have any more time than they now have?

The SPEAKER. The Chair thinks not. The Chair thinks that under the unanimous-consent request the 2 hours and 51 minutes would be used according to the original allotment, and the remaining time would then be divided in exactly the same way as the original time.

Mr. MAPES. Between the gentleman from Louisiana and——

The SPEAKER. Between the four gentlemen.

Mr. MAPES. Equally between the four gentlemen?

The SPEAKER. Yes; in the same proportion.

Mr. CHINDBLOM. Mr. Speaker, further reserving the right to object, I would like to call the attention——

Mr. GARRETT of Tennessee. Mr. Speaker, in order to give time to reach an agreement touching this matter I make the point of order that there is no quorum present, although I am perfectly willing to withhold it.

Mr. PURNELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PURNELL. I should like to know how we can apportion the time following the 2 hours and 51 minutes when we have no idea when a motion will be made to adjourn.

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

Mr. LAGUARDIA. May I suggest that before closing the gentlemen adjust the matter?

The SPEAKER. The Chair thinks it might be well under the circumstances to proceed for 2 hours and 52 minutes and then make an arrangement for the further allotment of time.

Mr. CHINDBLOM. Mr. Speaker, a point of order. The gentleman from Tennessee has made a point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee withheld it.

Mr. BANKHEAD. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair has suggested that we proceed and finish the general debate according to the former agreement and then have a request made as to further time. Is there objection to that?

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. When we go into the Committee of the Whole on this bill an agreement, of course, can not be made in the committee so that it will be necessary to go into the House again.

The SPEAKER. The committee could rise.

Mr. DOWELL. It might be well to extend the time now for an hour or an hour and a half and complete the bill. However, Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the suggestion made by the Chair? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Iowa that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15474) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15474, with Mr. MAPES in the chair.

The Clerk read the title of the bill.

Mr. HAUGEN. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. FULMER].

Mr. FULMER. Mr. Chairman and gentlemen of the committee, I think it comes with poor grace for any Member, and especially a Member of Congress from the State of Massachusetts, where they have been receiving for many years protection at the hands of the Congress of the United States at the expense of the people of my State of South Carolina and the consumers of this country, to stand upon the floor of the House and object to the insertion in the RECORD of a short resolution passed by the people of any sovereign State, expressing their views and their sentiments in regard to farm-relief legislation. [Applause.] I am glad to have the privilege of being able to stand on the floor of the House and have read in my time a resolution passed by my people in connection with how they feel about farm-relief legislation. I will ask the Clerk to read the resolution in my time.

The CHAIRMAN. Without objection the Clerk will read the resolution.

There was no objection.

The Clerk read as follows:

A concurrent resolution

Whereas the agricultural prosperity of our country depends upon the effective control of surplus crop production; and

Whereas this problem is of such magnitude as to be national in its scope; and

Whereas the condition of the farmers throughout the Nation affects the very foundations of our social structure: Now therefore be it

Resolved by the house of representatives (the senate concurring), That our United States Senators and Representatives in Congress be, and they hereby are, memorialized to use their influence for the prompt passage of such national legislation as will provide for the creation of a Federal farm board composed of farmers, which will put agricul-

ture on a par with industry and can effectively control the marketing of surplus crops, and that the incorporation of an equalization fee in such legislation, with proper safeguards to prevent it from becoming excessive, would not be objectionable; be it further

Resolved, That copies of this resolution be sent to the United States Senators and Representatives in Congress from South Carolina.

I hereby certify that the above is a true copy of a concurrent resolution adopted by the house of representatives and concurred in by the senate.

J. WILSON GIBBES,
Clerk, House of Representatives, South Carolina.

FEBRUARY 11, 1927.

Mr. HAUGEN. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, I want the House to understand that it is through no discourtesy to the membership that I take this stand, but the rules of the House provide that through the medium of the basket all of these resolutions shall be presented to the House in due form and receive such consideration as is necessary. These resolutions from the various States are really for the information of the Members of the States themselves rather than for general information. So I take the stand on that farm-relief legislation, prohibition legislation, eighteenth-amendment legislation, and all of those things we might as well save our time and refuse unanimous consent to have them go in the RECORD.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Chairman and gentlemen, I have listened to the arguments and have read the literature on the various bills intended to remedy the sore plight of the American farmers, and I admit that it was not an easy task to make up my mind.

You see, it is this way:

Whenever I heard the critics of the McNary-Haugen bill point out the weaknesses of that measure and prove that it is economically unsound, that it is hard of execution, and that it will help very little, and even that help can be only temporary, I felt that I had to agree with the critics.

And then when I listened to the arguments of the proponents of the bill, showing up the shortcomings and impossibilities of the other two bills before the House—the Aswell and the Crisp bills—I was in the same position, I could not help but agree.

In short, I found myself in the position of that "Pennsylvania-Dutch" justice of the peace who listened to the lawyers in a damage case. He agreed at first with one of them and then with the other. And finally he said that they were both right, and decided that the constable had to pay the costs. [Laughter.]

In this case the critics on both sides seem to be right, and the people will have to pay the cost. [Laughter and applause.]

Thinking the matter over, however, I thought that of the various evils before us it might be wise to choose the smallest. And I believe that the McNary-Haugen bill in its present form is the least dangerous. [Applause.] And it also possesses a virtue which none of the speakers has so far pointed out.

Mr. Chairman, I admit that when the McNary-Haugen bill was up last year I voted against it. I was not quite sure at the time that I did right. I am going to vote for it now, and I am not any more certain that I am right now.

The fundamental differences in the bills before us are as follows:

The Crisp and the Aswell bills require a direct subsidy from the United States Treasury while the Haugen bill does not. [Applause.]

The Crisp bill makes it directly and definitely a price-fixing measure. The Haugen bill does not. [Applause.]

All the farmers' organizations are opposed to the Crisp and Aswell bills. They prefer no legislation at all to those. It is not more credit that they want; they want to dispose of their surplus. [Applause.]

The Haugen bill makes for a continued policy of orderly marketing. The Crisp bill wants to function in certain emergencies only. The Aswell bill will turn it over to a Government corporation. The Aswell bill is the most "socialistic" bill, but it is the devil's own socialism. [Laughter.]

Complete political control is established by both the Crisp and the Aswell bills. In the Haugen bill the farmers' organizations will control. And if they make a failure of it they can not blame anyone else. [Laughter and applause.]

Neither the Aswell nor the Crisp bill provide for a restraint on overproduction through an equalization fee. The Haugen bill does.

Of course, we must admit that a great deal of logrolling has been done by the adherents of the Haugen bill. Considerable swapping of votes has taken place. Cotton was taken in. Tobacco and even rice are now considered basic products. [Laughter.]

But logrolling takes place in the passing of all big bills.

And I can understand why even the country bankers should be so interested in this measure, especially in States like Iowa, Kansas, and Nebraska, where the farmers can not pay up their mortgages and can not even pay interest on them, and where bank failures have become epidemic.

Mr. HOWARD. Not in Nebraska.

Mr. BERGER. Some of them are in Nebraska. I have a list here.

The Haugen bill will undoubtedly also get some Democratic support, for the simple reason that the Democrats will want "to put the President in a hole." The President will either have to sign the bill and thereby repudiate the position he took in the past, or he will have to veto it and face that great Pullman farmer, Frank Lowden, of Illinois, who farms the Pullman porters, as the farmers' favorite son. [Laughter and applause.]

The greatest danger of the Haugen bill is that if it should be successful it will still further encourage overproduction of the staple products. Of course, that is not a danger that is facing the farmer immediately.

Another fault of the bill is, we are told, that the farm products will be sold cheaper in Europe than at home. In other words, farmers will get a premium on their export. All the big manufacturing corporations of America, however, are exporting and selling their products abroad cheaper than in America.

I have seen a list of 57 big corporations that are selling their products cheaper in Europe than they are here, so if the farmers do this, I will forgive them.

Mr. WEFALD. Especially the Harvester Co.

Mr. BERGER. Especially the Harvester Co. The gentleman is right.

Besides, in the case of the Haugen bill, this fault is in reality a virtue, as I shall show later on.

Everybody agrees that the present overproduction of 30 per cent in wheat, of about 30 per cent in cotton, and of more than 20 per cent in other farm products is caused mainly by the fact that since the war we have lost our European markets, especially the English and the German markets.

As a matter of fact, there were less foodstuffs produced in 1925 in the world than there were produced in 1913.

So these peoples need our grain and our farm products as much as ever, or more than ever, only they can not buy because the war has ruined their buying power. And both in England and in Germany the working class now must exist nearer the starvation line than in hundreds of years in the past. Our farm problem is simply a question of finding a market for the surplus of our farm products.

By making it possible for these working people of Great Britain and Germany and other European countries to buy their flour and their meat cheaper we not only enable them to get on their feet again, and in course of time become good customers again, but we are also doing a very humane and socialistic thing. And that is the main reason why this time I am going to vote for this bill, especially since it has been improved.

The following thought also deserves attention:

We had no real cause for getting into the World War. Without our help and interference—which practically took place the very first day the war started, because we sold munitions and war materials—the war would have ended about three years sooner, and it would have ended in a "draw."

We got nothing out of our interference in that war, except 123,000 dead, about 200,000 maimed, and a war expense of about $40,000,000,000. Our reward was prohibition and the "flu." And we earned the hatred of every European nation.

All participants would have gone back to work in 1915 if our munition makers and profiteers had not kept them in, and Europe would have been on its feet a long time ago. And our farmers would not have lost their markets.

It is only a matter of plain international justice that we should pay for the sin of our interference. [Laughter].

Now, who is to pay?

We can not make the profiteers pay. They are the real patriots—they own the "patria." And they did not make us go into the war to pay out even a part of their profits again. They are "paytriots" because they can make others pay.

The American working class, at least as far as it is organized, will also resist, although the profiteers are very willing to have the workers pay in the form of lower wages and longer workdays.

Under these conditions, as a natural consequence, the farmers, who are very poorly organized, had to pay through the loss of their markets for the sin of America going into the war.

Mr. SABATH. When the gentleman says the farmers were not patriots——

Mr. BERGER. Oh, no. I say they were patriots.

I think that it is very unjust to make the farmers alone pay for that sin. I am willing that we should help to atone for the war sin by paying the farmers the export premium. I am willing that the European working people shall have bread cheaper than we have it ourselves. I am for the Haugen bill.

We are always told that this is the richest country in the world. According to the conservative estimate of the Commerce Department, we have accumulated more wealth in the last 12 years than all of England accumulated in the whole 1,000 years of her existence.

The national wealth of England is one hundred billions; of Germany, forty billions; of France, fifty-two billions; of America, three hundred and twenty-one billions. The United States to-day boasts of as much wealth as England, Germany, France, Italy, Belgium, and Japan combined.

Now, what is the use of being the richest country in the world if you can not be charitable?

I shall vote for the Haugen bill as a measure of charity and justice—charity to our European workers and justice to our American farmers.

Nor is the giving of legislative aid to certain classes a novel procedure.

It was always given to the manufacturers. In fact, the tariff walls that we have erected since the very beginning of our national existence were simply put up as a protection to the manufacturers.

It was always given to the railroads in innumerable land grants, subsidies, and other forms of Government bounty.

We have always given liberal aid to the bankers; hardly a session passes but what we enact some bills for their benefit.

Even the workmen, stepchildren as they are and always were, have been given some benefits through legislation, such as 8-hour workdays, child labor laws, workmen's compensation laws, minimum wage laws, and so forth.

We began the work of this Congress by giving millions in the form of reduced taxation to the richest of the rich. We gave billions to our European debtors, with which they can now compete more successfully in their race of building warships and arming battalions.

Only the farmers, although they represent the most important industry of our country, and a population of 30,000,000 dependent on the farms, have received no remedial legislation whatever.

They are in great danger of being pushed down to the level of the European peasant if they do not look out.

Our ruling class demands that the American farmers shall provide food and raw material for American industry and for American labor at prices no higher than foreign manufacturers and foreign labor get them for in foreign countries, while these manufacturers are enjoying the benefits of a high tariff at the present time, and have enjoyed these benefits for many years in the past.

Mr. ASWELL. Will the gentleman yield?

Mr. BERGER. When I get through with my statement I will yield. If the gentleman could get me some more time, I will be pleased to yield now.

Mr. ASWELL. I just want to ask one question. How many farmers has the gentleman in his district?

Mr. BERGER. I have some few thousand of them. Moreover, I represent every Socialist farmer in the country. Gentlemen, I am one of the Members who speaks rarely, and whenever I have something to say I wish you would give me a chance. [Applause.]

They call the farmer a "yokel," a hayseed, and a rube, and make a laughing stock of him. In all seriousness, the farmer is the most necessary and the most useful factor in civilization, because without him we would not eat.

In any event, I am for him because he is very much the under dog at the present time. We Socialists are always with the under dog. And therefore I shall vote for the Haugen bill, even though it may not be quite sound economically and may help only temporarily. [Applause.]

Please remember the entire capitalist system is not sound economically. And it will not last forever, either.

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

Mr. ASWELL. I yield 15 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and colleagues, we are engaged in the task of trying to find a remedy to improve the condition of the farmer. The consensus of opinion is that there is something wrong with the farmer's business—not with the farmer—he is all right. The city man and the farmer may well shake hands. They are in complete agreement in their troubles. They are in the same boat, if you please, on a stormy economic sea. I know it is the habit of demagogues—not in this House, because we have not any here—to say that the interests of the consumer, so called, in the city is antagonistic to the interests of the farmer, but there is no antagonism. The farmer also is one of the greatest consumers. The difference between the consumer in the large city and the consumer on the farm is one of degree; it is wholly a matter of relativity. They both suffer from the same exploitation—the boosting of prices by favored interest, high freight rates on farm products, and the heartless gouging of avaricious middlemen.

The gist of the arguments here goes to show that the farmer is buying in a protected market and selling in an open market. In other words, the farmer faces competition with the world when he tries to sell his products, but when he wants to buy he is obliged out of necessity to buy in a market that is artificially inflated by the protective tariff.

Why, then, does not the farmer get up on his hind legs and protest against the tariff? That is the question. I presume it is because it is so hard to break away from old party associations, but it is passing strange to me that men in the Democratic Party can, nevertheless, break away from the principles on which the Democratic Party is founded. The party of Jefferson, Cleveland, and Wilson, from its very inception, has been dedicated to the principle of "equal rights for all and special privileges to none." Yet, what is more in the nature of a special privilege than tariff schedules purposely designed to raise the price of products to the consumer?

If we find any substantial breaking away from that basic principle of democracy among the members of our party in this House, as there was in the Senate, I am going to predict right here and now that it will be the death knell of the Democratic Party. But gentlemen on the Republican side need take no encouragement from that, because there is a similar division of opinion on your side of the House.

TARIFF WALLS AN ANACHRONISM

The pronouncement in the Declaration of Independence that all men are created equal is no glittering generality, no idle formula, but an axiomatic principle necessarily the foundation stone of all democratic government. The purport of this maxim is that all men are equal before the law, entitled to equal protection under the law, and obligated to bear equal responsibilities of citizenship. Tariff walls are incompatible with this doctrine. They must be thrown down here as well as throughout the world. They are an anachronism.

The League of Nations is an ineffectual instrument to bring peace to the troubled world so long as tariff walls exist. Many respectable authorities maintain that the Great World War had its origin in commercial rivalries. There is much to commend that theory, for really there is no apparent occasion anywhere in the modern world for nations to engage in war over political issues.

Political preeminence has sunk into minor importance. Political rivalries have become subordinate to questions involving commercal advantage. Nations used to go to war over dynastic differences, rights of succession, and matters involving court jealousies. In the modern world the only remaining subjects of controversy between nations are closely connected with commercial rivalries.

Out of these have sprung the tariff barriers erected on the frontiers to prevent the free flow of commercial intercourse, the very thing that is the lifeblood of their prosperity. It is like two men engaged in a test of strength first tying one of their arms behind their backs. Neither of the antagonists is able to exert his full powers.

Witness the condition in Europe to-day. Each nation vying with the other in erecting tariff barriers to prevent the free exchange of commerce. Is it any wonder that their treasuries are depleted and their currencies depreciated?

THE MANIFESTO OF THE BANKERS OF THE WORLD

The bankers of the world understood this fully when they issued the manifesto on October 19, 1926, urging the nations of Europe to tear down the iniquitous tariff barriers—

so that commerce might flow in its natural channels unimpeded.

This is the summary of the situation:

To mark and defend these new frontiers of Europe, licenses, tariffs, and prohibitions were imposed with results which experience shows already to have been unfortunate for all concerned. One state lost its supplies of cheap food, another its supplies of cheap manufactures. Industries suffered for want of coal; factories for want of raw materials. Behind the customs barriers new local industries were started, with no real economic foundation, which could only be kept alive in the face of competition by raising the barriers higher still. Railway rates, dictated by political considerations, have made transit and

freight rates difficult and costly. Prices have risen, artificial dearness has been created. Production as a whole has been diminished. Credit has contracted and currencies have depreciated. Too many states in pursuit of false ideals of national interest have imperiled their own welfare and lost sight of the common interests of the world by basing their commercial relations on the economic folly which treats all trading as a form of war.

Here in this country we have less reason than the European nations to thus tie our own hands. What they have done has come from stupid avarice or traditional animosities. We have had no such influences to dictate our policies. We have gone into the venture of hampering our commercial freedom with our eyes open, but with a mistaken notion of the effect of our restrictive laws.

The world was made for men—not for any particular race. God in His wisdom designed that there should be differences of races as there are differences of climate. So did He provide that each nation should contribute its share of nature's bounties for the well-being of mankind.

A good and just God could not have designed otherwise than that these bounties of nature should have free intercourse. The barriers that prevent this intercourse and free exchange are the handiwork of greed and selfishness.

AS WATER SEEKS ITS OWN LEVEL

Our big industrial organizations asked for a tariff, however, to protect them from foreign competition. They got it. Their products rose in price. They were content for a time, but as water seeks its own level so do prices, which soon adjusted themselves to the new artificial economic level.

Among these things—and the last of the things that rose in price—was labor. When that condition arose our industrial friends clamored for another raise in the tariff wall. When that was obtained there was a repetition of the same economic levels and adjustments.

THE GROWTH OF THE "PROTECTIVE IDEA"

The growth of the "protective idea" in the United States has been gradual and insidious. At first it was a modest and trifling tariff of 10 per cent. Then came the Civil War, and industries created for war purposes found their existence imperiled by the return of peace. Then, in order to continue their existence, they felt obliged to ask for more and higher customs duties; so that by degrees a false protective system was gradually elaborated.

From one tariff to another the process went on, and invariably the ingenious beggars would plead as one of their arguments that their policy raised wages. So it did; but the moment labor began to get its share the advantage of the existing tariff rates was neutralized, and the profits resulting from the tariff relapsed to their old ratio. Then, "once again into the breach," rode the tariff barons for more booty.

So the process went on from generation to generation—one tariff law after another. The result has been a continuous inflation of prices. As each addition was made to the tariff schedules the disparity between the American prices and foreign prices became more marked.

WHERE THE SHOE PINCHES

Production in a high market—high as to raw material and as to labor—can go on forever so long as no attempt is made to export. Ah, yes, but when that phase is reached we are shocked, if you please, to find that American products encounter considerable difficulty in competing with goods produced in less-inflated countries.

HOW OUR TARIFF SYSTEM AFFECTED OUR SHIPPING

The first industry to feel the operation of this economic law of equilibrium was our shipping. We found we could not compete in the building of ships, nor in their operation, with countries whose standards were not inflated by false and artificial economic policies.

The shipping industry having been destroyed, the economic quacks promptly suggested a subsidy as the remedy.

NOW THE FARMERS

Then came the protests of the farmers, who got the idea that when the manufactured products were protected they ought to come in for some protection. To appease them a tariff was put on farm products. Nothing in the way of economic experiment ever turned out so miserably. His condition is now worse than before.

As with industry in general, so long as production was confined to our own boundaries, the healing processes of nature overcame the artificial restrictions placed on commerce, but when the farmer tried to export he encountered the same difficulty as his industrial contemporaries who were the beneficiaries of the tariff subsidies.

The farmer found that it was the foreign market that fixed the price of his produce. He was helpless. His industrial fellow "patriots" had jumped up prices so that the farmer found that he was buying in a protected market all the necessaries of his life but had to sell his own products at prices fixed by foreign markets.

THE TARIFF HAS NOT HELPED THE FARMER

What is the deduction to be drawn from this development?

The tariff has been tried and failed as a help to the farmer. Would it not be common sense for him to insist that inflation should cease and that the industrial magnates should surrender a tariff subsidy that made them the special favorites of the Nation? Why does not the intelligent farmer wake up? I have so profound a confidence in the American farmer, with his newspapers and magazines, his radio and telephone, that I believe he has awakened, and I do not think that anyone who claims that the American farmer wants this McNary-Haugen bill knows what he is talking about. It is against all democratic notions of government that any industry whatever should be the special beneficiary of what is tantamount to a subsidy in order that it may get better prices for its products. It is simply putting your hands in all of the consumers' pockets in order that the favored industries may prosper. I think the farmer knows that.

TARIFF REFORM THE ONLY REMEDY

Up to this hour the Democratic Party has consistently fought the protective idea. The most heretofore that the Democratic Party has ever conceded has been "a tariff for revenue only."

I appeal to my colleagues who have in their minds the convictions of true democracy to adhere to the issue of "tariff reform." Do not break away and surrender the only bulwark, the only issue that distinguishes you from your traditional adversaries. If you do, you are gone.

FALLING OFF IN AGRICULTURAL EXPORTS

It is conceded that the farmer's chief stand-by is a big market abroad. It used to be so. The United States is essentially an agricultural country. In 1901 agricultural products constituted 65 per cent of our total exports. In 1913 it had dropped down to 43 per cent of the total exports. Then we had the Underwood tariff and what happened? The agricultural exports of the United States showed a continuous and consistent increase, so that in 1919 agricultural exports of the United States reached 50 per cent of the total. We come now to the Fordney tariff, and then what happened? In 1922 the Fordney tariff went into operation, and then came an immediate decline. In the last fiscal year, ending June 30, 1926, the agricultural exports dropped down to 40 per cent—the lowest point reached in a quarter of a century. There is your objective, gentlemen—more exports.

Mr. TYDINGS. Would not that take care of the surplus also?

Mr. GRIFFIN. That will attend to the surplus. More exports—that is the remedy. Get away from this idea of trying to help the farmer by artificial means. Throw down the barriers and let us have a free market. You will then find that the farmer will prosper again as he prospered from 1913 to 1919. That is one thing that is the matter with the farmer.

THE EFFECTS OF PROHIBITION

Another thing that is the matter with the farmer is prohibition. I do not want to ring in a prohibition speech on this occasion, as the gentleman from Georgia [Mr. UPSHAW] did in his address on Lincoln, but I wish he were here with his bottle. I would like to take that up and exhibit it—his bottle of Scotch whisky that was imported from Scotland.

Mr. LAGUARDIA. The gentleman does not believe that it was imported, does he?

Mr. GRIFFIN. I take it for granted that it was.

Mr. LAGUARDIA. For the sake of the argument.

Mr. GRIFFIN. That is right. It is a part of my argument that it was imported. We used to make it here. We used to turn the golden corn into whisky, and it was sold, and it profited the people of the country. To-day, except for the stuff that is concocted out of denatured alcohol, the bulk of the whisky that is consumed (and as much is consumed as there ever was) is smuggled from abroad, and it is made of foreign corn and foreign cereals. It is not made of American products. That accounts for some of the farmers' troubles.

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

Mr. GRIFFIN. I can not yield. My time is running. Under the Underwood tariff of October 3, 1913, the annual average excess of our exports over our imports—in other words, the balance of trade in our favor—was $2,355,739,889. Under the Fordney-McCumber Act the balance of trade in our favor, the excess of exports over imports, has only been $640,000,000 a year. That is the average. It is considerable of a drop.

Those figures are significent. We are not exporting. The remedy is not to give the farmer some artificial, elaborate structure involving the tremendous outlay of $250,000,000 from the Treasury of the United States as a so-called "revolving fund"—and that would be only the beginning—because the mechanism established under this Haugen-McNary bill is obviously only the skeleton. We know how the other bureaus of the Government have expanded, notwithstanding the modest assurances given when they began their operations. The Aircraft Bureau, for instance; this year our appropriation for that branch will be about $3,500,000. Not a bureau has been established in the last 25 years of this country's history that has not exceeded the anticipated cost of its operation fourfold—yes, tenfold.

The best sentiment of the country to-day puts the responsibility for the farmer's condition upon the unfair discriminations involved in playing favorites through our tariff legislation. The McNary-Haugen bill is class legislation, analogous to tariff subsidies, and is utterly antagonistic to democratic principles of government. It would simply forge one more link in the iniquitous chain around the necks of the consumers of our land. As the New York World said in an editorial to-day—

> Bad as it is, the McNary-Haugen bill is no worse, it no more offensively mulcts all the people for the benefit of part of the people, it is no more unjust to the general consumer than the Fordney-McCumber tariff act under which we are living.

But that is no excuse for passing it. Nevertheless that is exactly the way some of our pseudo-economists are talking. They say: "The industrial interests have gotten theirs, now let the farmer get his," precisely as brigands would talk when dividing their booty. But, my colleagues, two wrongs do not make a right, and I urge my Democratic colleagues to hold fast to their traditions. This bill heads us in the wrong direction. I appeal to my Democratic colleagues and to my Republican colleagues as well, who are beginning, through the light of experience to realize the iniquities of this protective-tariff system, to stand fast to the basic principle of equal rights for all and special privileges for none. [Applause.]

Mr. ASWELL. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, allow me to announce in advance that I am opposed to this McNary-Haugen or so-called farm relief bill just as I was last year. I once knew a man who lived in Prince Georges County, Md., who was possessed of considerable money. He conceived the idea that he could make a perpetual-motion machine. He assembled a number of large and small pulleys, little and big cogwheels, a number of belts, but mainly a large number of heavy weights. He got them all together and he completed his machine and started it. It ran perfectly. Then he said to one of the farmers in his neighborhood, "Bring on your threshing machine and let me show you what we can do." They brought the threshing machine. The perpetual-motion machine operated well, and they threshed wheat for about one hour very efficiently. At the expiration of that hour all of the stored energy and power given to the perpetual-motion machine through these weights and adjustments of pulleys, belts, and so on, was expended, and the machine stopped working. My friend's money had all been expended, and that was the end of it. I think a very similar situation will occur with respect to the McNary-Haugen bill. So long as the $250,000,000 of Uncle Sam's money lasts, or so long as Uncle Sam will pour more money into the hopper, this perpetual motion or revolving fund will continue to work. But just as soon as that ceases, then the McNary-Haugen bill will cease in its operations, and the farmer will be worse off for having ventured upon a sudbsidy idea, and in worse condition than he is to-day. It is what might be called a boot strap bill, in that it tries to have the farmers lift themselves, as it were, by their own boot straps, called an equalization fee, to be paid on all the products mentioned in the bill—wheat, corn, cotton, swine, tobacco.

Unless some one can tell me how to control production and how to manage nature, I fail to see how this bill can work. Some years we have little rain and little sunshine and a correspondingly small crop. Another year we will have plenty of sunshine and plenty of rain, and the crop will be bountiful.

Some of the farmers who receive high prices under the operation of this bill will want to make more money, just as they did during the war, and they will increase their acreage and more cotton and more tobacco and more wheat and more swine will be produced. Unless you can tell me how you are going to take care of that increase I can not see how the bill can succeed. You will increase the production of tobacco through this bill—another great food product, as somebody has termed it, which has been added to this measure. We ought not to forget the experience of the Burley Tobacco Growers' Cooperative Association. This association for the past five years has largely controlled Burley tobacco prices. It was a powerful organization, capably managed with sufficient influence to procure necessary legislation giving it ample credit facilities. It raised the price of tobacco by holding the surplus off the market, just as the McNary-Haugen bill proposes to do. It worked splendidly for a time, except that it could not control production, and each year found more money necessary by the increasing surplus necessary to be carried over, which eventually threatened its financial standing, with the result that this association has joined the Corn Belt and jumped into the scramble for its part of the $250,000,000 appropriated under this McNary-Haugen bill.

The operations of this bill are to be controlled by 12 members, one from each of the Federal land-bank districts. They must be selected and appointed by the President from a list of three eligibles, who are named by a committee of five, known as the nominating committee, consisting of five members. Four of the five members of the nominating committees are elected by farm organizations and cooperatives in land-bank districts. The fifth member of the nominating committee is appointed by the Secretary of Agriculture. It will be seen that this Federal farm board is not within the control of the Government, because the President is compelled to select them from certain names submitted to him by this nominating committee of the farm organizations. It constitutes a supergovernment not amenable to the President or Congress.

Each of the members of the board receives a salary of $10,000. It could gamble in wheat, cotton, hogs, rice, and other crops that might be declared staple, and also tobacco.

In order to collect the equalization fee it must naturally have investigators and inspectors throughout all the country to see that the farmer pays his equalization fee on every bale of cotton, every bushel of wheat, every hog sold in interstate commerce, and so on ad infinitum. The farmer would find himself absolutely under the control of Government officials prying into his affairs.

We are told how poor old Pharaoh suffered from the pests brought upon him, but I verily believe before the farmer got through with all this inspection, supervision, and interference, he would be worse disgusted than Pharaoh himself. The good Lord knows with the boll weevil, the corn borer, grasshoppers, hog cholera, foot-and-mouth disease, and all the pests and insects the farmer now has to endure, then to add to his troubles this supergovernment provided under the McNary-Haugen bill, it seems to me would be more than he could bear. I predict if this bill ever becomes a law there will be in a few years a strong revolt against it by the very people it is supposed to help—to wit, the farmers.

Now, let us consider the other fellow, as this bill recognizes two classes—the producer and the consumer. The consumer must stand and deliver so that the producer may receive larger prices for the crops he grows; while I have no doubt that the great mass of consumers would be willing to pay more for things if they thought it would make the producing class more prosperous, I verily believe whatever additional price is charged to the consumer will be eaten up by this great mass of officeholders and overhead burdens. If we are to establish a subsidy, as it were, for the farmer, is it not equally fair to establish a subsidy for other industries which are not making money? For instance, the New England cotton mills claim they are unable to make any money even under the extraordinary high tariff which has been provided. Why would it not be proper, under the precedent established under this bill, to provide a subsidy for them, and likewise for all other industries needing resustenance?

Take the neighborhood in which I was born, old Anne Arundel County, Md. There the truckers have been unable for some time to make anything on their investment, and likewise a very poor living. They are not embraced in this bill; in fact, not being producers of any of the crops contained in this bill, they themselves would be compelled to contribute to the farmers subsidized herein. Why would they not have a right to come to Congress and say we want legislation which will compel the consumer to pay us more money for our crops, and so on down the list? If you establish this precedent, where, oh, where, will it end?

The people of the East and the North pay most of the Nation's taxes, and if this McNary-Haugen bill should become a law, it would be necessary for them to practically carry the farmers upon their backs. It is a subsidy pure and simple, and so admitted to be, and I am opposed to all subsidies. I do not blow hot and cold on such a proposition. I was opposed

to the proposed ship subsidy and voted against it. I was opposed to and am still opposed to the Fordney-McCumber tariff measure, which is nothing more nor less than a subsidy to the big interests of the country. I view subsidies as nothing more nor less than parasites upon the United States Treasury to the great detriment and injury of the American people.

I can not blame the farmer for complaining about his dire situation, and the low market for his products, but what I can not understand is why the farmers of the West continue to vote the Republican ticket and elect those who place upon their backs the burden of a high protective tariff. This causes them to pay abnormal prices for their own products and is certainly one of the main reasons why they find themselves in their impoverished condition to-day. They buy in a protected market and sell in an open market.

This is a proposition to establish in our own country what may be termed an internal protective tariff. The market of supply and demand is to be set aside. Production is to be manipulated that the prices may be maintained and the poor and rich both deprived of the munificent gift of nature while the surplus is to be sold abroad for what it may bring and at low prices.

I have heard some of the best Democratic speeches made by Republicans in this House upon this measure. They admit that the great trouble with the American farmer is that he is compelled to buy in a protected or closed market and must sell in the open market; that is, that he pays tribute under the Fordney-McCumber tariff upon everything he is compelled to buy, but when he goes to sell his surplus he is compelled to compete with the markets of the world. This diagnosis is absolutely correct, and the remedy would be the reduction of the tariff, so as to give the farmer a chance.

It is not proposed, however, to do this; but it is intended by this McNary-Haugen bill to create another subsidized class in the person of the farmers, and by the manipulation of a $250,000,000 corporation or association raise the prices of food products so that the farmer may be able to receive more money for his goods.

Now, if this increase of food prices could be limited to those of the industries and the trusts and combines, who fatten under this protective tariff, it might not be a bad idea to let the farmers get some of this money back from them, but that is not the condition. It is proposed that every citizen who lives upon these farm products must stand and deliver under this price fixing or price controlled bill.

The advocates of this bill diagnose the disease properly as a protective-tariff cankerous growth, but when they apply the remedy they use a curative for a different disease.

The people of my district are all consumers, earning their livelihood in the professions and industries. This bill would cost them a vast sum additional for food products, much of which would be wasted under the terms of this iniquitous measure, and I propose to protect them by voice and vote as far as I am able to do so from this increase in the cost of living.

The Republican Party has brought this state of affairs upon the farmers and the country by the passage of the Fordney-McCumber Tariff Act. This tariff is bleeding not only the farmer but the American consumer; it creates fictitious prices, brings about high cost of living, and impoverishes those who earn their living by the sweat of their brow.

You will naturally ask me what I suggest as a remedy. I suggest three things: First, the reduction of tariff taxes in order to reduce the cost of living and the cost of those things necessary to the farmer's business; second, a reduction of the freight rates, which will enable him to get his products to the market; third, the elimination as far as possible of a large number of middlemen, who secure their living by handling the farmer's products and raising the prices thereof before they reach the ultimate consumer; and may I mention as another help, if we would all become a little more economical in our expenditures for things which we do not need, it would go a long way toward helping to bring about prosperity among everyone. I am often reminded of what old Socrates said as he walked through the plentiful markets of Athens, "I thank God I do not need all these things." If we could adopt a little more of the spirit and economy of Socrates, there would be more money for the things we do need. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. May I have a few minutes more? Mr. Chairman, I ask to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. FULMER. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. SHALLENBERGER] such time as he may desire of the time controlled by Mr. KINCHELOE.

The CHAIRMAN. The gentleman from Kentucky [Mr. KINCHELOE] requested the Chair not to recognize anyone to yield the 13 minutes remaining to him.

Mr. FULMER. That will be perfectly all right. The gentleman wants about a minute. I will say to the Chair that the gentleman from Kentucky had told me he would yield to him at this time.

The CHAIRMAN. The Chair will be glad to recognize the gentleman except for the fact that he had been requested not to yield out of the time of the gentleman from Kentucky.

Mr. KINCHELOE. Mr. Chairman, I yield such time to the gentleman from Nebraska as he desires.

Mr. SHALLENBERGER. Mr. Chairman, I thank the gentleman from Kentucky. I know the demand that is made upon him for time. I think, in fact, most of the Members are in much the condition of the Scotchman who said he had heard many a speech that changed his mind but never one that changed his vote. I represent in part a State that is more dependent upon agriculture than any other State in the Union. Only the great States of Iowa, Illinois, and Texas exceed Nebraska in agricultural products. Of course, we are vitally interested in this bill, and I am going to vote for H. R. 15474, the McNary-Haugen bill, not because it is all that I desire as a farm-relief measure, but because it is the only bill I shall have a chance to vote for in this Congress that holds out even the prospect of farm relief.

I was impressed with what the always eloquent and informing gentleman from Alabama [Mr. HUDDLESTON] said about the lack of organization among farmers—that because they are unorganized and other great interests are organized the farmer always fails to get his share of the Nation's prosperity.

It is true that manufacture, transportation, and labor have long been organized, and because of their organization they have received much special consideration and favorable legislation from Congress. The present tariff and the Esch-Cummins law, and the commissions which those laws create, are the direct results of organized efforts by special interests. Those interests are made thereby to profit by the laws which they have secured.

Just now when the railroads begin to show such earnings that they can no longer conceal them, nor claim they are just and reasonable, labor, by force of its organization, is able to demand and secure a generous part of these excess profits, but when unorganized agriculture asks for reduced freight rates the farmer is told to stand aside.

But the McNary-Haugen bill is the result of organized action and agreement upon the part of agriculture. The Congress and the President are for the first time being made to feel the powerful pressure that comes from united farm forces, and Congress at least is responding to that pressure. As a result of this organized effort some of the leading statesmen of this House have changed almost overnight from bitter opposition to ardent support of the measure.

Under this bill the Federal farm board will constitute a national commission at the capital in the direct interest of agriculture, ready at all times to act. The board will be the head of a centralized organization which agriculture has heretofore lacked but which other interests have long enjoyed in Washington.

The dominating power in national politics to-day is organized wealth. Farm wealth is the Nation's biggest business asset, but in the past unorganized as a political power. This bill will give that wealth a Federal organization through which agriculture can make its voice heard and its power felt. The Congress, and the President I hope, will alike listen to that voice and take notice of that power when once it is given form and authority through this bill. I want to congratulate the gentleman from Iowa [Mr. HAUGEN] that after years of hard fighting against great odds his day of triumph has come. That at last the farmer is no longer servant but the master in the house. [Applause.]

The McNary-Haugen bill is plowing a new field. No one expects it to revolutionize economic laws nor legislate money into men's pockets. Like any business enterprise, it anticipates profits and losses, and, since the farmer for the first time is to share in the benefits and profits, the bill soundly provides he shall protect the Federal Treasury from loss.

It is the only bill before the house that contains this provision. Like any other effective machine, it must have some one to run it, and this one operates through a Federal board to be controlled and named by its beneficiaries. Its enemies say it will not work. What they really fear is that it will.

The bill names certain basic agricultural commodities, and the surplus production of each is to be controlled and marketed under the direction of a Federal farm board. The products which are specifically designated are: Wheat, corn, cotton, rice, and swine. One basic commodity which was included in the former bill is not mentioned in the present measure.

Cattle are omitted from the list of basic farm commodities enumerated in section 6 of the present bill. The cow is the most valuable animal known to man. Her family, together with their products, constitute the greatest item of value in the inventory of agricultural wealth. No other domestic animal is so useful, so universal in its distribution, so productive of the essentials of life, or contributes so great an amount to the sum total of agricultural wealth. The prime purpose of the bill is to relieve agricultural distress. The cowman has had it in plenty.

Since the World War the producers and feeders of cattle have suffered the greatest losses and most serious reverses experienced by those engaged in any of the major lines of agricultural industry.

Producers of cotton, rice, and tobacco complain because of one bad year in seven. Like the Eyptians of old, the cattlemen have suffered not only one but seven long lean years of constant losses and consequent bankruptcy. If cheap cotton and corn have slain their thousands, cheap cattle have slain their tens of thousands. Any farm relief that is effective should include cattle and cattle products.

The sons of the cow carried the pioneer of American civilization across the continent. They broke the sod, pulled the plow, and furnished transportation to market. The milk of the cow fed the children, her hide shod the family, her flesh furnished food for the table. Every particle of her body is useful to man and, in addition, she fertilizes the farm, which is her home, more effectively than can Muscle Shoals no matter whether operated by Henry Ford of some super power trust.

The total annual value of cattle and cattle products equals the combined value of the corn, cotton, wheat, tobacco, and rice added together. This is shown in a table which I include in my remarks.

Twenty-five millions of cattle of all ages are slaughtered annually in the United States for human food. Their farm value at present bargain prices amounts to more than $1,600,000,000.

The market value of the dairy products of the cow anuually exceeds $2,700,000,000. The combined value of beef and dairy products is $4,355,000,000.

Each year in the United States $1,500,000,000 worth of shoes are made from the skins of the cow and her offspring. But the farmer is paid only 15 cents for the raw materials from which a $15 pair of shoes is made. The farmer is two years growing the raw leather. while the manufacturer makes the shoes and is ready to sell them to the public in two days.

The greatest injustice to the producers and consuming public is the tremendous loss they each suffer because of the unfair profits that middlemen take from them between the time the product leaves the farm and it finally reaches the consuming public. Unfair tariffs, high transportation charges, and excessive profits are the chief plagues of both consumers and producers. It will take other legislation than is contained in this bill to reach these evils. Livestock constitutes the greatest investment on the American farm and is the greatest source of farm income. It is essential in maintaining the fertility of the soil.

Swine are the only farm livestock that are included in the list of basic commodities named in the bill. At present hogs command a profitable price for the farmer.

Feeders and producers of cattle are still suffering annual losses running into the hundreds of millions of dollars. Hogs are said to be included because they are corn consumers and thereby reduce the surplus of corn and afford a profitable market for the grain.

Cattle annually consume a much greater amount of corn than hogs and a majority of the fat hogs sold at public markets are fed following cattle that are being themselves fed for slaughter. Hogs that are fed following cattle consume but little corn except such as falls from the feeding bunks and the steers that feed in the same yard.

Ten bushels of corn fattens the average hog when fed without cattle. Eighty-five per cent of all corn produced in the United States is fed upon the farm and 75 per cent of the farm consumption is fed other stock than hogs, principally cattle, sheep, horses, and mules.

To-day the most profitable commodity produced on the Corn Belt farm is the hog and the reason for the satisfactory profit is that corn is cheap and hogs are high.

The cattle industry in its various forms is absolutely essential to the American people and the farmer also. Iowa is the greatest farm State in the Union. The total income from Iowa farms for 1926, as reported by its agricultural department, was $712,138,000. The Iowa farmers in Congress sing loudly about Iowa being the State where the tall corn grows. Only $65,000,000 of farm income in that State during 1926 was derived from the sale of corn. Three hundred and thirty-nine million four hundred and sixty-five thousand dollars of that income was from the sale of livestock; $121,000,000 from dairy products. The average price of corn at public markets during 1926 was 70 cents. At the farm it was 45 cents. Marketed through hogs at 12 cents per pound, corn netted better than $1 a bushel.

With the cowman it is another story. Beef consumption has been reduced by "eat less meat" campaign and adverse propaganda until the home market has been seriously affected. The production of cattle has been a losing game for seven years and yet it is the most important of all farm industries.

I give below some comparative figures to show the importance of the cattle industry and to point out the terrific losses the beef cattlemen have suffered because of the contraction of credit since 1920, brought on by the financial czars of the Federal reserve system. [Applause.]

Comparative tables of basic agricultural commodities taken from reports of the Bureau of Agricultural Economics

Estimated value of 1926 cotton crop	$1,170,000,000
Estimated value of 1926 wheat crop	$997,589,000
Estimated value of 1926 tobacco crop	$245,000,000
Estimated value of 1926 rice crop	$44,988,000
Estimated value of 1926 corn crop	$1,703,430,000
Estimated number of hogs slaughtered in 1926	68,000,000
Estimated value of hogs slaughtered, 1926	$1,408,000,000
Estimated bushels of corn consumed by hogs slaughtered	700,000,000
Estimated total number of cattle slaughtered in 1926	15,000,000
Estimated total number of calves slaughtered in 1926	10,000,000
Estimated total value of cattle slaughtered in 1926	$1,655,000,000
Estimated total value of dairy products from cattle	$2,700,000,000
Estimated total value of cattle products for 1926	$4,355,000,000
Bushels of corn consumed by 25,000,000 cattle slaughtered in 1926	1,400,000,000
Bushels of corn consumed by 68,000,000 hogs slaughtered in 1926	700,000,000
Total consumed by hogs and cattle	2,100,000,000

It is conservatively estimated that the shrink in value of cattle upon the farms and ranches in the past seven years has amounted to at least $300,000,000 annually.

Table showing comparative farm census of livestock

Total number of cattle, 1926	61,200,000
Total number of cattle, 1911	60,700,000
Total number of sheep, 1926	41,700,000
Total number of sheep, 1911	45,000,000
Total number of swine, 1926	53,400,000
Total number of swine, 1911	63,700,000

It will be noted that swine show a decrease of 10,300,000, sheep 4,500,000, and cattle an increase of 500,000 in 15 years. This table shows at a glance that the present profitable prices for swine and sheep is because consumption has swallowed the surplus of former years. [Applause.]

Mr. KINCHELOE. Mr. Chairman, I yield to the gentleman from Illinois [Mr. ARNOLD].

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. ARNOLD. Mr. Chairman, the debate on farm relief legislation is fast drawing to a close. I have listened with considerable interest to the arguments, both pro and con, as to the merits and demerits of all proposed legislation. I have endeavored, as far as possible, to glean information from outside sources as to the character of legislation that would serve the best interests of the American farmer if enacted into law.

It was not my purpose to take part in these discussions, because I felt that the majority of the membership here, in their own minds, had determined the course of action they would pursue when called upon to register their choice. I feel, however, that I would be derelict in my duty to remain silent. The determined opposition to this bill has become so pronounced and the propagandists opposing wholesome remedial farm legislation have become so insistent and persistent in seeking to defeat the character of legislation advocated by the farming interests of the country that I desire to state briefly some of the reasons that have led me to the conclusions I have reached. It may in some small way be of assistance to some of the Members here who may have not yet determined the course they will pursue.

That something should be done to relieve the distress of agriculture all will admit. The question for us to determine is what that something is and which of the proposed bills will serve best the agricultural interests of the country. Agriculture can not thrive and prosper under the handicap that is now imposed upon it. Something somewhere is radically wrong. The Government has entered the field and relieved other lines of industry materially—has put props, so to speak,

under other lines of human activity that has given them a distinct advantage over agriculture, and as a result they have prospered largely at the expense of agriculture.

A restoration of equality between agriculture and other lines of industry must be brought about or the farming interests of the country will continue in its demoralized state, and the already distressed condition will be augmented throughout the agricultural sections of America. It is unnecessary for me to refer to the various laws that have been enacted that have given industry, trade, and commerce an advantage over agriculture. They have been stressed with such telling effect in this debate that nothing can be said by me that would add to the enlightenment of the membership along that line.

At the last Congress I voted for the Haugen bill in preference to the other proposals we had under consideration. I have had no occasion to change my views from that time until this. I had considerable misgivings as to the workability of the Haugen bill as it was before us during the last session, but I voted for the bill because up to that time it was the best solution proposed, in my judgment. Since that time the bill we are now considering, known as the Haugen bill, has been very materially altered, and, in my judgment, it is much more workable and practicable than the old Haugen bill.

The great body of farmers of the country, as far as we are able to get it and as far as it is possible to get it in concrete form, have spoken to us through their duly constituted representatives, registering approval of the present Haugen bill in preference to all others. They say it is practicable and workable. These men who have made a study of the agricultural needs and necessities of the country by their study and investigations are well qualified to speak. Their views represent the best expert advice we are able to get, and certainly are entitled to great weight with us in our determination of this question.

If legislation is to be enacted in the interest of the farmers of the country, their advice should be followed so long as it is within the range of possibility and workability. Labor of the country has spoken to us through their representatives, asking that we enact into law the Haugen bill in their sincere desire to restore agriculture to a plane of equality.

The Haugen bill is distinctly a farmer's bill. It was conceived by the farm organizations of the country. It will be controlled by the farmers of the country, as it should be. The farmers of the country are asking for this legislation because it creates the machinery under which they may avail themselves of its provisions if they so desire. The growers of any of the basic commodities mentioned in the bill that do not care to avail themselves of its provisions are under no obligations to do so. And the growers of none of the basic commodities in the bill are obliged to avail themselves of its provisions unless a majority of the growers of that commodity so desire. It is well safeguarded in this respect.

Certainly the growers of a commodity would not call into being an operating period for the product grown by them unless it was to their interest to have an operating period. It is purely voluntary on their part, and the mere passage of this bill, as argued by some, does not force the provisions of the bill on the producers of any basic commodity unless such producers voluntarily desire it and take the necessary steps to call into effect an operating period.

The bill has been assailed by some on the ground that it is a price-fixing measure. I deny that it is a price-fixing measure. If it is, so are the Crisp and the Aswell bills. The Haugen bill is designated to control the surplus above domestic requirements, that such surplus will not flood the markets and demoralize market prices. It is designed to promote orderly marketing, that the markets will not be flooded at times, thereby driving prices downward, and famished at other times, thereby driving prices skyward. Prices are bound to have a wide range of variation where there is no orderly flow of products to the market. The law of supply and demand will determine the market prices under this bill, relieved of the weighty exportable surplus. The board, if an operating period is ordered, deals only in the surplus above domestic requirements and leaves the law of supply and demand alone to operate as to domestic requirements.

Farmers not being able to carry their products along and feed them to the market in an orderly manner, the dumping process gluts the market at and near harvest time, and as a result the farmer gets the low level of prices and the speculator, who largely controls the commodity at other times, reaps the reward of high prices. This condition can, and I believe will, largely be obviated under the operations of the machinery set up in the Haugen bill.

Some of the advocates of the Crisp and Aswell bills, as well as opponents of all the bills under consideration, charge that the bill is a subsidy bill and that it puts the Government of the United States in the business of buying, storing, and selling agricultural products at Government expense. Certainly none of these advocates can be sincere in such charges. It is true under the Haugen bill a fund of $250,000,000 is authorized to be provided by the Government under the operation of the bill, but under the bill that is merely a revolving fund to be replenished by the service charge made on the commodity on which an operating period has been ordered. Such replenishment then will come from the farmers themselves, the growers of the commodity on which an operating period has been ordered at their own solicitation.

The Crisp and Aswell bills are purely Government subsidies. Each of those bills likewise provides an authorization of an appropriation of $250,000,000 for use in operation under the bill, but no provision is made for replenishing the fund. Therefore when the fund becomes exhausted it will be necessary to come back to Congress and ask that other millions be appropriated to carry on the operations under those bills. It seems to me that a subsidy of this kind, even in the interest of the farmers of the country, is unwarranted and unjustifiable in view of the fact that the farmers themselves are not asking a subsidy of the Government, but are willing to finance their own operations. At any rate, I am not willing to resort to the Treasury of the United States to carry on operations under either the Crisp or the Aswell bills until the farmers of the country, at their own request, are given an opportunity to finance their own operations.

It has been argued with great vehemence in this debate that to enact into law the Haugen bill will have the effect of raising the price of agricultural commodities at the farm, and that if the price of agricultural commodities at the farm are raised it will be an injustice to the consuming public, and the cost of living will be greatly enhanced thereby. It may have a tendency to that end, but it would be practically insignificant, if any. The price of the finished food product to the consumer is stabilized largely on the peak price of the raw commodity and not the price the farmer usually receives.

I submit that those voices come largely from the great manufacturing sections of New England and the big industrial centers of the country. It seems to me that the argument is based solely on the ground of selfishness, and as it comes largely from the interests that have been made to thrive and prosper through the operations of existing tariff laws it shows a sordid selfishness that is wholly unjustifiable. It is rather hard for me to conceive the workings of a mind that denies to others the things they demand for themselves. They demand protection against world prices through tariff schedules which are largely responsible for the disparity in relations between agriculture and industry to-day. They ought to concede protection to the farming interests of America through legislation designed to have a like effect on agriculture and thus establish an equality between agriculture and industry.

They also tell us that an increased price of the commodities at the farm will bring about an overproduction, and some go on the theory that overproduction is brought about solely by high prices. Those who argue from that standpoint are reckoning from a false premise.

Inflated prices might have that tendency, but largely the cause of our overproduction to-day is low prices at the farm strange as it may seem. The farmer has his obligations to meet, his taxes are certain, his interest is definite, he must feed and clothe his family. These are charges that are fixed obligations, regardless of whether he operates his farm at all or not. With these obligations staring him in the face and with low prices on his commodities, he must put forth a greater effort to increase his production and must put that increased production on the market in order to get enough money to meet his fixed expenses. He is pushed to the limit of his capacity to operate, and increased operation is followed by an increased production, which necessarily floods the market and adds to the complexity of an increased surplus.

When a fair price prevails the farmer has it within his own power voluntarily to regulate production as far as production can be regulated, taking into consideration the elements, crop pests, and various things beyond his control. When he gets a fair price he at least can control the acreage. With prevailing low prices he can not control the acreage, but is spurred on to the limit of his capacity to produce. The best way to enable the farmer to voluntarily control production through limitation of acreage is for him to receive a fair price for his commodities, in order that a less production will bring him the necessary returns to meet his obligations at the farm. Otherwise you are forcing him involuntarily to add to the surplus that is largely the cause of his plight.

The equalization fee will act as a deterrent to overproduction, as the greater the surplus to be controlled the more money

will be required for that purpose. It will, therefore, be to the interest of the farmers to limit production as far as they can to keep the equalization fee at a minimum.

This Haugen bill simply aims to control the surplus, creating the machinery whereby the farmers through their own agency, not the Government's, may buy, store, or sell to relieve the domestic market of the surplus. With the surplus removed from the markets, competition in the open market will raise prices on the commodity at the farm. The surplus that is thus withheld from the market may then be carried along, not by the Government but by an agency of the farmers, and fed out to the domestic market or disposed of abroad, in either event with due regard to orderly marketing.

The price-stabilization feature of the Haugen bill, through orderly marketing, is fully as effective as either the Crisp or the Aswell bills. It seems to me that the Haugen bill has all the good features and all the possibilities that are claimed for either the Crisp bill or the Aswell bill, and this without the semblance of a Government subsidy.

As it is the bill the farmers want, as they are willing to carry their own burdens through their own agencies, if given the opportunity, I much prefer to heed their request and give them the opportunity by establishing the machinery that will enable them to carry on the business without Government subsidy if it is possible so to do. They should be given the opportunity to try it out.

This is pioneer legislation it is true, and we should consider carefully and thoroughly each step that is proposed to be taken. In all legislation outside the beaten path we hear the stock arguments that such legislation is impracticable, unsound, unworkable, and dangerous, and that if it meets all other tests, it is unconstitutional. I have tried to weigh all these matters fairly and impartially; I believe it will meet the constitutional test. Being pioneer legislation, it doubtless will need correction in the future; but there will be future Congresses to make the corrections and changes if necessary. Up to the present it is the result of the best thought and experience in the American agricultural field for the relief of agriculture. We should pass it and give it a fair trial. Its success or failure will depend largely on the board selected. The board is clothed with vast and sweeping powers; but if wisely and judiciously administered, I think it can and will be of vast benefit to agriculture in America.

Mr. MENGES. Mr. Chairman, I am authorized by the gentleman from Iowa to yield 10 minutes to the gentleman from North Dakota [Mr. BURTNESS].

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

Mr. BURTNESS. Mr. Chairman and gentleman of the committee, I do not want to take up unduly the time of the House discussing the need for farm legislation. But there is one outstanding fact that looms up above all others and can not be overemphasized. It is shown by this chart [indicating] that the line representing the value of farm products in the terms of nonagricultural products does not converge toward the line representing the latter, but instead during the last year and some months the two lines have been spreading farther apart.

You will recall many effective speeches a year ago from opponents of the McNary-Haugen bill, including a speech delivered by the gentleman from New York [Mr. MILLS], in which it was claimed that it was just a question of a few months before those lines would be brought together and before agriculture would be brought to a normal price parity with other forms of industry in this country. In my opinion that argument appealed to many and resulted in Members voting against the bill. But to-day agriculture as a whole stands 20 per cent below normal, whereas it was 13 per cent a year ago. Proceeds of agriculture can buy only 80 per cent as much of other products as they could before the war. You can not take 13 per cent or 20 per cent or 10 per cent out of the gross returns of the farmer of this country at any time and make it possible for him to come out even. There is not that much profit in the business. Remember this relates to gross returns and not to net returns. There is no question about it whatsoever. Doctor JACOBSTEIN's estimate of a $13,000,000,000 reduction in buying power over a five-year period has in an additional year been increased about $2,000,000,000 more.

I want to use most of my time to-day in addressing myself particularly to the two charts which our genial friend from Kansas [Mr. TINCHER] brought in the other day. You will recollect that several times during the course of the debate last year he told us he would show by a later chart that the enactment of this bill would mean absolute ruin for wheat farmers in North Dakota and the Northwest, for those raising high-quality milling wheat. He finally brought it in. I attacked the chart that very evening immediately following his remarks. He made no attempt to defend it further at that time. I was in hopes when he got the floor the other day and resurrected the chart that he would explain why he inserted 23 cents at this point [indicating]; that is, how he reached the conclusion that an equalization fee of 23 cents on wheat would be required. I dared him a year ago to show the computation by which that figure had been arrived at. He did not show it then, he did not show it the other day, and he will probably never show it to you.

I want to make a few comments as to the assertions made on this chart to-day. I am willing to accept it as the basis for my argument, accept the absolute truth of every figure that is on there and still show its erroneous conclusions. I think I can show you that the McNary-Haugen bill will be of substantial benefit to the wheat raisers of the Northwest. Let us first take the assumption as a premise that the world price of wheat controls the price of wheat in the domestic market. There are exceptions to that; but upon that assumption, what is the situation? The world price in this hypothetical case [indicating] is $1. The Canadian cost of production is 90 cents. The domestic or American production cost is $1.32. Of course if the Canadian farmer sells his crop in the world's market he has no mere 23 cents advantage [indicating] over the American farmer, which the gentleman from Kansas complains of when he argues that the McNary-Haugen bill would result in such disadvantage would be such a terrible thing; but he has a 42 cents advantage over the American farmer. He has the advantage that comes from the difference in the cost of production. When the price is controlled by the same market such advantage can not be taken away from him.

But what is the actual situation under the plan of this bill? The gentleman from Kansas bewails the fact that the American farmer will be at a disadvantage of 23 cents a bushel in competition with the Canadian farmer, but that, at least, brings the American farmer's net loss down considerably under what it is if he sells his grain in the world's market. Selling wheat at the world price indicated, $1, which cost $1.32 to produce, means a loss of 32 cents per bushel, which in any event would be cut down from 32 cents to 13 cents a bushel. In other words, the figure he has here on the chart shows a saving of 19 cents a bushel, and 19 cents per bushel to a great many farmers would mean the difference between success and failure in his farming. It would mean a profit to the low-cost producer even if it would not cover average cost of production.

What, however, is the objection to his figures as to the equalization fee required? There is an error of at least 10 cents in them. I do not know how the error is made, for he does not show how he has arrived at his estimate.

Here is my computation, which I contend is fair: The average crop over an 11-year period has been 831,000,000 bushels. Seed and feed used on farms amounts to about 120,000,000 bushels, leaving 711,000,000 bushels. Assume the maximum possible loss of 42 cents per bushel on the amount Mr. TINCHER says must be taken off the domestic market, 200,000,000 bushels, and we have a loss of $84,000,000 to be provided by the equalization fee. Divide $84,000,000 by the wheat to which the fee would attach, 711,000,000 bushels, and you get a fee of 11.8 cents per bushel. Let us be conservative and add 1.2 cents more for operating expenses and for additional leeway and you get a total maximum equalization fee of 13 cents, or 10 cents less than as shown on the Tincher chart. His chart therefore creates an erroneous impression to that extent and should be corrected accordingly.

What else is pertinent? The application of the equalization fee to the wheat imported, which is permitted if deemed advisable by the board, and which should be levied. Some doubt has been raised as to the power of the board to apply such a fee to imports. There is no question about it. The constitutional question is simply whether we can do so in the regulation of interstate and foreign commerce. If we can regulate it to the extent of applying the fee in interstate commerce, we can, of course, do likewise with reference to any wheat that comes into our markets from abroad to be sold here.

If you take the 10-cent error in the estimate of the equalization fee and add to that the equalization fee that would be applied to the Canadian wheat, if it becomes necessary for the board to impose that equalization fee, you will wipe out all the advantage which Mr. TINCHER has suggested the Canadian farmer would have in our markets in a competitive way. When that advantage is wiped out, the American farmer is, of course, 42 cents better off in such competition than he is in many cases now where he must sell his wheat upon the world's market.

There is another thing the gentleman from Kansas forgot in preparing this chart, or that Mr. Anderson or the millers' association, or whoever is responsible for it, forgot. That is

the very important fact, which must be known to them, that it is impossible to bring wheat down from Canada into the markets in Minneapolis without at least paying something for so doing. I assume the gentleman from Kansas would be able to bring down a few bushels upon his stalwart back, bring those bushels all the way from Fort William and Port Arthur, around the head of Lake Superior, to Duluth, and then down to Minneapolis, but after he had brought those few bushels down he would probably be puffing as badly as some of us do at times in the heat of debate, and he puffs about as much as any of us do. Seriously, however, it costs from 8 to 10 cents a bushel, at least, to have that wheat transported by water and by rail into our markets, a very important factor, entirely omitted on this chart. I do not know why in the world they omitted it.

Then the next contention the gentleman from Kansas made the other day was this: He said Mr. Sidney Anderson, a former valued Member of this House, has since last year investigated the question, submitted his figures, and he has proved the correctness of this chart. He then pointed to this graph chart brought into the debate by the gentleman from Minnesota [Mr. NEWTON]. The theory of the Anderson chart, offered here by Mr. NEWTON, seems to be to try to show that the present duty of 42 cents per bushel is always reflected in the price of the northwestern spring wheat. He so attempts by these lines [indicating], representing the price of No. 1 dark northern spring wheat at Minneapolis and No. 3 Manitoba northern at Winnipeg over a three-year period; but just get this point—I want to ask any reasonable man the question first before I submit the figures showing in detail the erroneous conclusion reached, whether any reasonable man would believe the assertion that in September or October, 1925, according to this chart, wheat of claimed comparable quality was selling in Minneapolis for 50 cents more than it was in the Winnipeg market, meaning delivery at Port Arthur or Fort William—more than 50 cents more? Oh, any attempt to make that sort of a claim reflects upon the intelligence of the membership of this House, because if that were the case we know that trainload after trainload would immediately come down from the Canadian Provinces to Duluth and Minneapolis, and there can be no question about it. However, none came. But what is the joker on this chart, which tends to show a state of facts which could not possibly have existed? It is as plain as anything to anyone who knows anything about the selling of wheat.

The joker is in this word "high." It gives the weekly "high" price at Minneapolis for No. 1 dark northern spring wheat. I do not blame Mr. NEWTON for the fact that he did not emphasize the word "high" when this chart was brought in the other day and for taking the position he does. Not at all. But what are the facts? This chart depicts in the curve the highest price received for one single shipment of grain each day in the Minneapolis grain trade and it does not represent the average sale price, weighted or otherwise, of No. 1 dark northern wheat at all. And Mr. NEWTON, of course, has never said it does represent the latter, though many Members doubtless so inferred. But it is rather surprising to me that when these figures were taken from the records gotten out by the research department of Stanford University, that for the sake of fairness, at least, the grain trade or the Millers' Association, represented so ably by Mr. Anderson, which prepared this chart, presumably did not give us the average price instead of the highest price for a single shipment of extra choice wheat.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BURTNESS. I can not yield in the time I have.

Mr. NEWTON of Minnesota. But I want to correct the gentleman's misstatement. The Millers' Association did not prepare that chart. I had it prepared under my direction, and the idea was mine.

Mr. BURTNESS. All right; but the figures represented in this chart, found in the gentleman's remarks, were referred to by Mr. TINCHER as being furnished Members of Congress by Mr. Sidney Anderson. However, I do not care who made the chart. I want to explain the differences which appear here between the Minneapolis and Winnipeg markets, and because of lack of time I ask unanimous consent to revise and extend my remarks by inserting tables showing what the average weighted prices were during this particular period at Minneapolis and Winnipeg of various types of grain.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The gentleman has that right of extension under the order of the House.

Mr. BURTNESS. As I understand, I have the right to extend my own remarks, but these tables would not be my own remarks. They have been prepared upon information furnished by the Department of Agriculture and can not be disputed.

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

There was no objection.

Mr. MENGES. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. BURTNESS. I will put all of the figures in the RECORD and just give my conclusions therefrom. From 1923 to 1924, when the 1923 crop was being marketed and when Canada had a wonderful crop and when in the spring-wheat country we had a poor crop the American farmer did get the benefit of 25 to 30 cents per bushel from the tariff. The duty was then 30 cents. That type of wheat was not on an export basis. Our millers needed more of it than the American farmers could furnish.

During the crop season of 1924, however, I mean the marketing season for that crop, I venture the assertion, and it will be established by the detailed facts, that not one single penny of the tariff was reflected in the price to the producer of northwestern wheat, but that, on the other hand, by and large, the amount received for wheat in the Canadian market was equal to or higher than that received in the American markets. Every well-informed farmer and business man in our country knows this to be the fact. As one growing wheat and watching the markets from year to year, I know whereof I speak. I live 90 miles from the Canadian border and many of my neighbors and constituents own land in Canada who tell me of their marketing experiences each year.

Then when the 1925 crop was harvested the situation had changed somewhat, and that year, during the crop season, there was a very substantial benefit from the tariff, a benefit ranging from 20 cents to 35 cents and averaging possibly 25 to 30 cents, a greater benefit than in the average year. There was a special reason also for this. Our total wheat crop in this country was only 676,000,0000 bushels. The American millers needed our high-protein wheat. We were fortunate that year in this respect.

But when the 1926 crop came along we find a total production of 832,000,000 bushels, lots of protein in the Southwestern wheat as well as in the Northwestern, with the result that last fall when most of our farmers were marketing their grain the benefit from the tariff was very slight. Premiums paid for protein were low. If I say 12 cents a bushel, I am not far wrong. Naturally we would like the full benefit of 42 cents, the amount fairly representing the difference in the cost of producing wheat in the United States and Canada. From the detailed figures I will insert, you can draw your own conclusions.

The situation is simply this: The enactment of the McNary-Haugen bill is intended to give us the full benefit of the tariff, whether 42 cents or some other figure per bushel, each and every year, instead of once in a while, less the equalization fee. When we have conditions such as we had in 1924 the fee would be about 12 cents per bushel when we are on an export basis, or a net gain of 30 cents per bushel. In other years the net gain would be less, of course, although in such years the equalization fee would be smaller. If the wheat of lower quality is raised in price, there is no doubt but that higher quality wheat will continue to demand a premium, limited, of course, at the maximum to the world price for such wheat plus the tariff duty and the cost of transportation from the foreign markets to ours.

This bill can not do anything except to sell our surplus in an orderly way, thus stabilizing world markets, and then in the domestic markets operate behind the protection that is afforded by the tariff and the additional protection that is afforded by the cost of transportation, with a view of maintaining American prices for American products. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. BURTNESS. In submitting tables under leave to extend I desire to say I question the contention made by Mr. NEWTON that Manitoba northern No. 3 is comparable to Minneapolis dark northern spring No. 1. This is a controversial question. Some claim No. 1 at both places are the nearest comparable. I will append tables giving prices of both No. 1 and No. 3 in the Winnipeg market. Experts in the Department of Agriculture have told me that No. 2 Manitoba seems to them to be nearest comparable to No. 1 dark northern spring as a milling wheat. In drawing my conclusions, hereinbefore given, I have given weight to that suggestion.

Dark northern spring No. 1, while all a splendid wheat above certain requirements, differs greatly in value in certain years. Sometimes the spread is as high as 30 cents or more; hence the unfairness of the Newton chart. In the tables submitted

all sales of wheat of that high grade are considered and properly averaged. This is the system used by the Department of Agriculture in the Annual Yearbook. The tables are as follows, and should be compared with the tables at page 2999 of the RECORD, submitted by Mr. NEWTON:

WHEAT

Weighted average cash sales No. 1 dark northern spring wheat in Minneapolis, and cash closing No. 1 and No. 3 Manitoba northern wheat in Winnipeg, July, 1923–June, 1926

Crop year	Minneapolis	Winnipeg		Difference between No. 1 dark northern Minneapolis, and No. 1 Manitoba northern Winnipeg
		No. 1	No. 3	
1923	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
Week ending—				
July 7	119.0	111.9	106.4	7.1
July 14	118.3	108.2	101.9	10.1
July 21	115.0	106.8	99.6	8.2
July 28	120.0	107.6	100.4	12.4
Aug. 4	120.4	106.9	99.7	13.5
Aug. 11	120.6	108.0	101.1	12.6
Aug. 18	123.3	111.5	104.4	11.8
Aug. 25	122.3	118.5	110.2	3.8
Sept. 1	125.3	117.5	107.5	7.8
Sept. 8	129.4	116.3	106.9	13.1
Sept. 15	127.2	109.3	99.1	11.9
Sept. 22	123.8	101.1	95.8	22.7
Sept. 29	124.5	97.9	92.1	26.6
Oct. 6	124.8	98.9	93.5	25.9
Oct. 13	127.0	99.1	93.0	27.9
Oct. 20	125.3	96.5	89.0	28.8
Oct. 27	126.2	96.7	88.7	29.5
Nov. 3	123.8	97.8	89.8	25.0
Nov. 10	118.7	97.5	89.5	21.2
Nov. 17	117.0	97.5	89.3	19.5
Nov. 24	118.2	97.8	89.5	20.4
Dec. 1	118.6	95.6	87.1	23.0
Dec. 8	121.5	95.7	87.0	25.8
Dec. 15	120.8	92.4	84.5	28.4
Dec. 22	117.3	92.1	84.1	25.2
Dec. 29	116.0	92.3	84.4	23.7
1924				
Week ending—				
Jan. 5	121.2	94.2	86.2	27.0
Jan. 12	123.5	96.6	88.7	26.9
Jan. 19	124.2	96.9	89.3	27.3
Jan. 26	123.8	96.8	89.2	27.0
Feb. 2	126.0	98.3	91.1	27.7
Feb. 9	127.3	99.9	93.0	27.4
Feb. 16	126.0	99.4	92.5	26.4
Feb. 23	127.4	100.0	92.7	27.4
Mar. 1	126.0	99.9	92.3	26.1
Mar. 8	127.7	100.0	92.5	27.7
Mar. 15	127.	97.9	90.8	29.1
Mar. 22	126.7	98.1	91.2	28.8
Mar. 29	123.7	96.1	88.9	27.6
Apr. 5	124.7	96.7	89.5	28.0
Apr. 12	124.5	97.7	90.4	26.8
Apr. 19	124.6	98.9	91.7	25.7
Apr. 26	128.2	99.0	91.8	29.2
May 3	126.5	101.0	94.2	25.5
May 10	130.0	102.8	96.2	27.2
May 17	129.2	103.0	96.3	26.2
May 24	130.8	105.7	99.1	25.1
May 31	131.2	106.9	100.3	24.3
June 7	128.5	106.9	100.2	21.6
June 14	133.7	110.5	103.5	23.2
June 21	143.5	117.5	110.5	26.0
June 28	143.8	119.1	111.5	24.7
July 5	145.0	122.9	115.2	22.1
July 12	142.2	123.2	115.3	19.0
July 19	148.7	136.0	128.0	12.7
July 26	150.2	144.4	136.0	5.8
Aug. 2	151.8	150.8	141.9	1.0
Aug. 9	150.2	148.5	139.1	1.7
Aug. 16	141.5	146.7	136.7	−5.8
Aug. 23	138.7	140.0	132.8	−1.3
Aug. 30	134.3	136.6	128.3	−2.3
Sept. 6	132.2	136.1	127.6	−3.9
Sept. 13	132.7	138.7	132.1	−6.0
Sept. 20	137.5	142.8	137.2	−5.3
Sept. 27	139.5	146.6	141.5	−7.1
Oct. 4	148.5	156.6	148.9	−8.1
Oct. 11	153.7	164.2	154.3	−10.5
Oct. 18	155.0	163.3	153.6	−8.3
Oct. 25	150.2	156.9	148.0	−6.7
Nov. 1	146.3	153.0	143.3	−6.3
Nov. 8	148.0	159.7	147.4	−11.7
Nov. 15	160.0	168.4	156.7	−8.4
Nov. 22	148.2	166.3	155.6	−8.1
Nov. 29	160.2	165.4	155.3	−5.2
Dec. 6	162.5	162.3	151.3	+.2
Dec. 13	167.7	167.9	157.0	−.2
Dec. 20	176.5	175.0	165.0	1.5
Dec. 27	179.6	182.3	172.1	2.9

Weighted average cash sales No. 1 dark northern spring wheat in Minneapolis, and cash closing No. 1 and No. 3 Manitoba northern wheat in Winnipeg, July, 1923–June, 1926—Continued

Crop year	Minneapolis	Winnipeg		Difference between No. 1 dark northern Minneapolis, and No. 1 Manitoba northern Winnipeg
		No. 1	No. 3	
1925	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
Week ending—				
Jan. 3	186.6	184.0	173.1	2.6
Jan. 10	188.5	186.7	174.8	1.8
Jan. 17	192.0	193.0	181.3	−1.0
Jan. 24	196.0	197.4	185.9	−1.4
Jan. 31	207.0	211.5	200.1	−4.5
Feb. 7	196.5	200.6	189.5	−4.1
Feb. 14	188.4	191.9	182.1	−3.5
Feb. 21	189.3	194.1	185.4	−4.8
Feb. 28	196.8	199.2	190.9	2.4
Mar. 7	198.5	197.6	188.9	.9
Mar. 14	184.8	184.4	175.0	.4
Mar. 21	165.7	165.7	155.8	.0
Mar. 28	167.5	166.7	157.0	.8
Apr. 4	152.8	145.6	136.6	7.2
Apr. 11	161.2	156.5	146.5	4.7
Apr. 18	166.3	159.0	148.9	7.3
Apr. 25	160.8	158.9	150.2	1.9
May 2	161.2	161.9	153.4	−.7
May 9	170.2	176.4	168.4	−6.2
May 16	170.0	178.0	170.0	−8.0
May 23	177.2	187.6	179.6	−10.4
May 30	177.8	192.7	183.9	−14.9
June 6	176.0	180.8	170.5	−4.8
June 13	175.2	177.2	168.7	−2.0
June 20	166.7	165.9	156.9	+.8
June 27	166.7	165.5	156.3	+1.2
July 4	157.6	158.9	149.4	1.3
July 11	159.8	160.9	150.9	1.1
July 18	172.0	166.8	158.7	5.2
July 25	170.3	161.9	154.1	8.4
Aug. 1	169.8	160.9	152.9	8.9
Aug. 8	175.7	171.2	164.4	4.5
Aug. 15	169.2	168.8	162.9	.4
Aug. 22	168.7	170.7	162.3	−2.0
Aug. 29	166.2	163.2	154.7	+3.0
Sept. 5	163.0	152.2	146.6	10.8
Sept. 12	159.6	145.2	138.4	14.4
Sept. 19	160.2	135.6	130.2	24.6
Sept. 26	156.2	128.4	123.2	27.8
Oct. 3	151.5	121.0	116.1	30.5
Oct. 10	155.5	124.0	118.9	31.5
Oct. 17	159.5	126.2	119.0	33.3
Oct. 24	160.5	128.2	120.0	32.3
Oct. 31	162.7	133.4	125.3	29.3
Nov. 7	163.7	136.1	129.4	27.6
Nov. 14	163.8	137.0	130.5	26.8
Nov. 21	167.3	141.9	134.7	25.4
Nov. 28	171	151.3	144.8	19.7
Dec. 5	178.8	161.5	155.2	17.3
Dec. 12	177.8	159.4	150.6	18.4
Dec. 19	173.5	152.1	143.8	21.4
Dec. 26	173.5	149.6	141.5	23.9
1926				
Week ending—				
Jan. 2	184.8	159.9	151.5	24.9
Jan. 9	183.3	158.7	149	24.6
Jan. 16	177	155.2	144.7	21.8
Jan. 23	176	155.4	144.9	20.6
Jan. 30	177	156.6	145.5	20.4
Feb. 6	180.2	159.9	148.9	20.3
Feb. 13	170.8	154.7	144.1	16.1
Feb. 20	171	153.3	143.3	17.7
Feb. 27	173.6	150.9	141.1	22.7
Mar. 6	166.7	144.2	134.6	22.5
Mar. 13	170.3	147.5	137.3	22.8
Mar. 20	169.5	150.6	139.5	18.9
Mar. 27	161.5	149.6	138.1	11.9
Apr. 3	162.8	151.2	139.2	11.6
Apr. 10	163.5	153.2	141.3	10.3
Apr. 17	169.7	157.4	146.2	12.3
Apr. 24	169.7	160.9	150	8.8
May 1	167	158.6	148	8.4
May 8	165	154.2	144.5	10.8
May 15	164.8	154	144.7	10.8
May 22	163.7	152.9	143.6	10.8
May 29	163.7	153.7	145.1	10
June 5	163.4	151	141.9	12.4
June 12	173.8	154.7	145.7	19.1
June 19	171.5	154.8	145.6	16.7
June 26	162.7	152.2	142.9	10.5
June 30	161	151.8	142.2	9.2
July 2	162	152	142	10
July 9	175	156	146	19
July 16	182	162	152	20
July 23	183	161	151	22
July 30	167	160	150	7
Aug. 6	167	155	145	12
Aug. 13	164	153	140	11
Aug. 20	157	152	138	5

Weighted average cash sales No. 1 dark northern spring wheat in Minneapolis, and cash closing No. 1 and No. 3 Manitoba northern wheat in Winnipeg, July, 1923–June, 1926—Continued

Crop year	Minneapolis	Winnipeg		Difference between No. 1 dark northern Minneapolis, and No. 1 Manitoba northern Winnipeg
		No. 1	No. 3	
1926—Continued				
Week ending—	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*	*Cents per bushel*
Aug. 27	156	150	136	6
Sept. 3	148	145	132	3
Sept. 10	145	145	129	0
Sept. 17	150	145	134	5
Sept. 24	151	143	134	8
Oct. 1	152	142	136	10
Oct. 8	153	140	133	13
Oct. 15	153	139	132	14
Oct. 22	153	147	142	6
Oct. 29	153	147	139	6
Nov. 5	149	145	135	4
Nov. 12	150	145	136	5
Nov. 19	145	140	130	5
Nov. 26	144	139	129	5
Dec. 3	146	135	124	11
Dec. 10	149	134	123	15
Dec. 17	146	131	121	15
Dec. 24	149	135	124	14
Dec. 31	147	134	123	13
1927				
Jan. 7	146	133	121	13
Jan. 14	147	134	121	13
Jan. 21	147	135	123	12
Jan. 28	147	139	126	8
Feb. 4	146	140	127	6

The authority quoted by the opponents of the bill, the food research institute of Stanford University, at page 30 of volume 3, No. 1, November, 1926, finds that over the three-year period under review—1923–1926—"No. 3 Manitoba northern stood at import-price parity at Minneapolis with No. 1 dark northern in only 17 weeks, but in 54 weeks at Buffalo. Nearly all of these weeks occurred during the year 1923–24."

If Canadian wheat could find a market here at the world price plus the tariff, it would be imported in large quantities. This has not taken place since the passage of the emergency tariff act in 1921. The largest importations were in the year 1923–24 when the 30-cent duty was largely reflected in the price. Since then the importations have been only nominal. They have been as follows:

	Bushels
1923–24	13,680,934
1924–25	270,452
1925–26	1,664,858
July 1, 1926, to Feb. 5, 1927	4,000

So many erroneous impressions are abroad as to the effect of increased acreages on production, present large production, and so forth, that I deem it advisable to append a short table giving acreage, yield, production, and average farm price on December 1 of each year since pre-war times. It is to be noted that both average acreage and production have been less for the years 1921 to 1926, inclusive, than for the years 1914 to 1920, inclusive, in spite of normal growth of population. Contrary to the belief of some there is no overproduction as compared with the normal:

Table giving acreage, yield, production, and average farm price on December 1 since 1909

Year average	Acreage harvested	Average yield per acre	Production	Average farm price per bushel Dec. 1
				Cents
1909–1913, average	47,097,000	14.7	690,108,000	85.7
1914	53,541,000	16.6	891,017,000	98.6
1915	60,469,000	17.0	1,025,801,000	91.9
1916	52,316,000	12.2	636,318,000	160.3
1917	45,089,000	14.1	636,655,000	200.8
1918	59,181,000	15.6	921,438,000	204.2
1919	75,694,000	12.8	967,979,000	214.9
1920	61,143,000	13.6	833,027,000	143.7
1914–1920, average	58,205,000	14.5	844,605,000	156.9
1921	63,696,000	12.8	814,905,000	92.6

Table giving acreage, yield, production, and average farm price on December 1 since 1909—Continued

Year average	Acreage harvested	Average yield per acre	Production	Average farm price per bushel Dec. 1
				Cents
1922	62,317,000	13.9	867,598,000	100.7
1923	59,659,000	13.4	797,381,000	92.3
1924	52,535,000	16.5	864,428,000	129.9
1925	52,255,000	12.9	676,429,000	141.6
1926	56,526,000	14.7	832,305,000	119.9
1921–1926, average	57,832,000	14.0	808,841,000	112.8

Mr. TINCHER. Mr. Chairman, I simply yield myself one minute for the purpose of stating I have more pride now in the old map than I ever had, and I want to extend my remarks by inserting it here following the speech of the gentleman from North Dakota [Mr. BURTNESS] for the purpose of showing by the map that the gentleman from North Dakota [Mr. BURTNESS] did not contradict it, and that his verbal explanation simply emphasizes it; and that the figures shown on the map headed "World Crop Normal," discloses the fact that this bill would destroy those of us who are producing hard wheat for milling purposes.

May I have unanimous consent, Mr. Chairman, to extend the chart in the RECORD at this point?

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to follows:

WORLD CROP NORMAL

	Per bushel
Canadian farmer, cost of production	$0.90
American farmer, cost of production	1.32
World price	1.00
American domestic price (world price + tariff)	1.42
Sale of wheat to American mills	1.42
Canadian farmer profit (after tariff paid) net	.10
American farmer profit (less equalization fee)	.10
Equalization fee necessary to take 200,000,000 bushels off market at world price	.23
American farmer's net loss (each bushel produced)	.13
Canadian farmer's profit	.10
Canadian farmer's advantage over American farmer	.23

At any rate, whatever equalization fee is, the foreign wheat producer will have just that advantage over American producer. Same proposition will apply to cattle, corn, hogs, and butter.

Canada claims to still have enough virgin soil to raise sufficient wheat for North America.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. PEAVEY.]

Mr. PEAVEY. Mr. Chairman and gentlemen of the committee, I want to ask permission at this time to insert in my remarks a table taken from the Agricultural Yearbook for 1925, showing among other things the acreage planted in corn and in wheat; the December price of the product; the total production and the amount exported from 1909 up to and including the year 1926.

The table referred to follows:

Corn and wheat acreage and production

[In thousands]

Year	Corn				Wheat			
	Acreage	Price	Production	Exports	Acreage	Price	Production	Exports
1909	98,383	48.6	2,572,336	−1.5	44,263	98.4	700,434	−12.5
1910	104,035	48.0	2,886,260	−2.3	45,681	88.3	635,121	−10.9
1911	105,825	61.8	2,531,488	−1.7	49,543	87.4	621,338	−12.8
1912	107,083	48.7	3,124,746	−1.6	45,814	76	730,267	−19.6
1913	105,820	69.1	2,446,988	− .4	50,184	79.9	763,380	−19.1
1914	103,435	64.4	2,672,804	−1.3	53,541	98.6	891,017	−37.3
1915	106,197	57.5	2,994,793	−2.6	60,461	91.9	1,025,801	−23.7
1916	105,296	88.9	2,566,927	−1.6	52,316	160.3	636,318	−32.0
1917	116,730	127.9	3,065,233	− .9	45,089	200.8	636,655	−20.8
1918	104,467	136.5	2,502,665	− .6	59,181	204.2	921,438	−31.2
1919	97,170	134.5	2,811,302	−2.2	75,694	214.9	967,979	−22.7
1920	101,699	67.0	3,208,584	−5.9	61,143	143.7	833,027	−43.9
1921	103,740	42.3	3,068,569	−5.8	63,696	92.6	814,905	−34.3
1922	102,846	65.8	2,906,020	−3.3	62,317	100.7	867,598	−25.6
1923	104,324	72.6	3,053,557	− .8	59,659	92.3	797,394	−19.6
1924	100,863	98.2	2,309,414	------	52,535	129.9	864,428	------
1925	101,359	67.4	2,916,961	------	52,255	141.6	676,429	------
1926	99,492	64.4	2,645,031	------	56,526	119.9	832,305	------

Mr. PEAVEY. I do this for the purpose of giving Members, I believe, some valuable information from this standpoint. It

is my understanding that the principal arguments against this bill from the opposition have been based upon two particular grounds.

The first one is that the American farmer is unable to control his production and produces a surplus crop of corn and wheat. The second follows in the regular order and is to the effect that if the McNary-Haugen bill were to be enacted into law it would not give the American farmer relief, because if the bill were to operate so as to raise the price of grain it would automatically increase the planting of corn and wheat and thereby increase production and in this way increase the farmers' problems.

My friends, I think if you will consult this table to-morrow in the RECORD you will see that the Department of Agriculture has compiled some figures that will show that this reasoning is wholly fallacious.

In the short time allotted to me let me bring to your attention just two or three outstanding deductions to be taken from these figures. I have no doubt this will be as startling to you as it was to me when I say to you that, referring to the corn farmers of America, in the eight years following the war we have planted less corn and produced less corn in the United States than we did in the eight years prior to the war; and just on this point let me call your attention to the argument against the McNary-Haugen bill to the effect that if the bill stimulates prices it is thereby going to increase production.

Let me call your attention to the positive record as shown by the Agricultural Yearbook, the figures for the two years of 1919 and 1920, with respect to the raising of wheat.

In the year 1919 the farmers planted 75,000,000 acres of wheat, in round numbers, and they produced 967,000,000 bushels of wheat, the second largest crop in the history of the country. They received a December price of $2.149 cents, and upon that showing, in the following year, 1920, instead of increasing their planted acreage, they reduced the planted acreage by 14,000,000 to 61,143,000 acres and had a crop production of 833,000,000 bushels, and received $1.43 a bushel for their crop, or a reduction of 71 cents in comparison with the year previous, with a high planting and a big crop.

I want to call your attention to the same things that have transpired with respect to corn and wheat, bringing it up to the present time.

I have often heard it stated on this floor in the course of the debate—and I was under the same impression until I received these figures—that we were producing both in corn and wheat a larger crop than ever in the history of the country. I want to call your attention to the fact that in the years of 1922, 1923, and 1924, in the production of corn in the United States, we planted less corn and produced less corn than we did in the years of 1910, 1911, and 1912.

The same thing is true as to wheat, because in the years of 1924, 1925, and 1926 we planted less wheat and produced less wheat than we did in the years of 1914, 1915, and 1916. [Applause.]

We find the wheat farmers of America planted 166,318,000 acres of wheat in the three pre-war years and produced 2,533,136,000 bushels, as against an acreage of 161,316,000 in 1924, 1925, and 1926, with a crop produced of 2,373,162,000 bushels, or, to make the deduction complete, the farmers of this country planted 5,002,000 more acres of wheat for the three-year period 1914, 1915, 1916 than they planted in 1924, 1925, 1926, and produced 176,974,000 less bushels of wheat than in the three pre-war years. A quite conclusive proof that the farmers' troubles to-day are not due to overplanting or overproduction.

Again let me cite the record for 1916 to prove the fallacy of giving the farmer relief by controlling production. In 1916, with an acreage of only 60,461,000, the farmers produced the greatest crop of wheat ever raised in America, or 1,025,801,000 bushels, and sold it at a price above the average price of the five preceding years, and what happened? They cut down their acreage the next year to 52,316,000, a drop of 8,145,000 acres.

A comparison of the years 1917 and 1918 shows the reverse—a trend from wheat to corn—and again the facts show the price had little or nothing to do with the acreage of either corn or wheat, to wit: In 1916 the farmers planted 52,316,000 acres of wheat, produced 636,318,000 bushels, and sold it in December at $1.60 a bushel, which was 69 cents per bushel over the price received for the 1915 crop, and in the face of this almost double rise in the price of wheat the American farmers voluntarily cut down their wheat acreage in 1917 by 7,227,000 acres.

Again, take corn. In 1917 farmers planted the highest corn acreage in the history of this country—116,730,000 acres. They produced that year the second largest crop, or 3,065,233,000 bushels, and received the extremely high price of $1.27 per bushel, and the very next year, 1918, they voluntarily cut down their corn acreage 12,273,000 acres. The acreage of corn in America in 1926 was a trifle over 1 per cent more than that of 1909 and the total production less than a half of 1 per cent more than 1909, and yet there are those who insist on telling us that the corn farmers are suffering from overproduction.

An outstanding conclusion to be reached from this historical record of American wheat and corn farming is this: There is no overproduction of wheat and corn in America to-day. The American farmer is not suffering because of his failure to control production; that, taking increased population into account, we are both planting and producing less corn and less wheat in 1926 than was planted and produced in 1909, the first year shown in the tabulation above.

God Almighty alone controls the production of wheat and corn in America. From all the information obtainable I am unable to discern that those opposing this legislation have, or claim to have, any special claim upon the Lord's favor. It is remarkable how many business houses, their lawyers, and lobbyist representatives, have suddenly been galvanized into action with the impending passage of this bill.

Outstanding among these recent farm converts is that great industrial genius who manufactures tin lizzies for the farmers. Mr. Ford is quoted recently as saying that he could revolutionize agriculture to an extent where the work would require but a single month out of every 12. But actual experience has shown that every business expert like Ford who has attempted to commercialize farming by the use of steam, gasoline, and other modern machinery and methods on a large scale has proven a failure. Witness the Gilfillan farm in Redwood County, Minn., in Congressman CLAGUE's district. Witness the nationally known Dahlrymple farm of North Dakota and dozens of similar attempts. Why did they fail? And why will they always fail? Because every farm in America is a home where loyal sons and daughters work for father and mother, God and country without pay. No commercialized farmer can compete with those whose principal labor cost is that of raising a family of children.

Gentlemen, you can control the output and regulate both the price and production of pig iron and steel castings and shoes, for man controls these enterprises, but the American farm is still, thank God, in the hands of and under the control of individual Americans who acknowledge their sole allegiance to God and country.

Daniel Boone did not invade the wilds of Ohio to establish sawmills or to find oil. Frémont and his followers did not settle the prairie lands west of the Mississippi that he might build tanneries or flour mills. I would call your attention to the fact that of those who invaded the Pacific coast in the gold rush of 1849, nearly half left the trail when over the mountains and trekked their way on to Oregon in search of plow land instead of gold. They sought not wealth but homes, not riches but peace and security where they might raise their children in freedom. They hated tyranny and oppression, whether levied by autocratic decree of some emperor or king or under the soulless exactions of economic law.

Gentlemen, those pioneer farmers of days gone by made this country. They conquered the savages, they explored, pioneered, and endured every known hardship that they might enjoy for themselves and their posterity the fruits of their sacrifices. The monopolistic exactions of industry, the close combinations of manufacture and trade are to-day doing by economic force that which no enemy has ever been able to accomplish.

Every farm organization in the United States has come before the Committee on Agriculture in support of this bill or has given it their indorsement. The American Federation of Labor, consisting of over 4,000,000 union laboring men, has appeared in favor of the bill. I am therefore going to vote for it, because it is the only measure for farm relief that has a chance of passing Congress at this session.

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

Mr. TINCHER. Mr. Chairman, I yield 10 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman, there is a great deal of wisdom in the sayings of Will Rogers, America's greatest humorist. In my little sermon to-day on farm relief I want to take for my text one of the witty sayings of Rogers in the Associated Press this morning, as follows:

> AUGUSTA, GA., February 13.—Here is my farm relief bill.
>
> Every time a southerner plants nothing on his farm but cotton, year after year, and the northerner nothing but wheat or corn, why, take a hammer and hit him twice right between the eyes.
>
> You may dent your hammer, but it will do more real good than all the McNary-Haugen bills you can pass in a year.
>
> OLD DOC ROGERS.

During the late world-wide war the United States fed ourselves and our allies overseas from the American farms. Agriculture was then in a prosperous condition, prices were good, and our Government everywhere called upon the farmers to "produce, produce, more and more." Congress went so far as to price fix those farm products that could be used as food for the soldiers overseas.

When we entered the war this cry became more strenuous, "Produce, produce." Wheat was fixed at $2.20 per bushel The potato farmer received as high as $11 per barrel for his potatoes at the close of the war.

After the war was over and this country returned to normal conditions, the farmers still continued to produce more and more long after the price fixing laws had been repealed. The result of all this was a large overproduction of farm products in this country, more than the home market could consume, and there was no "world market" so called. Price fixing during the war had raised farm values everywhere, and the farmer expecting that these prices would continue kept on making a larger and a larger surplus, which could find no market.

The Secretary of Agriculture in speaking of those days said:

The overproduction which brought about the collapse in farm prices resulted largely from the stimulus of advancing prices and from the response made by the farmer to patriotic appeals for increased production during the war. The stimulus to increase production did not cease when the armistice was signed. Some Government officials, economists, and commercial papers taught the doctrine of permanently high prices. Farmers were given every encouragement to maintain production at a high level. They were assured that a starving world overseas would take all they could produce at profitable prices. When this stimulus to production had resulted in a large accumulation of foodstuffs, the overbalanced supply position, aided by a campaign of price deflation, brought on a collapse of values.

When President Coolidge took up the reins of government laid down by the late President Harding he found himself face to face with the problem of farm relief, due to overproduction of farm products. In his first message to Congress he reviewed the agricultural situation and called upon the farmers to cooperate to keep down production, to inaugurate a system of diversified farming, to study everywhere the farm problems, and to conduct the business of farming in a businesslike manner.

Among other things in that message he said:

No complicated scheme of relief, no plan for Government fixing of prices, no resort to the Public Treasury will be of any permanent value in establishing agriculture. Simple and direct methods put into operation by the farmer himself are the only real sources for restoration.

The gentleman from Iowa [Mr. HAUGEN], the chairman of the Committee on Agriculture of the House, then introduced a bill, alleged to be for farm relief, which has since been known as the Haugen bill, which attempted by abnormal and artificial means and methods to raise and maintain the price of farm products, without regard to the law of supply and demand. It organized a Government corporation, with a multitude of agents and employees, to buy up the surplus of farm products and to sell them in the foreign markets at the best price they could get, admittedly at a great loss from the purchase price, or to dump them abroad at the expense of the Nation. It started with an appropriation of $200,000,000 from the Treasury and a borrowing authority for $1,000,000,000 more. It fixed the price of this surplus according to a ratio taken from the four years of prices prior to the World War, which would make the price of wheat at that time $1.50, wheat then selling at $1 per bushel. After long discussion this bill was defeated.

At the last session of Congress a similar bill was introduced by Mr. HAUGEN, and this, too, ran the gantlet of a long discussion and was likewise defeated. At the present session of Congress comes the same old bill with a few slight changes for the worse. It still retains all its price-fixing features, its Government subsidies, its unconstitutional equalization fees, leaving out everything but cotton, wheat, and corn.

This bill was reported from the Agricultural Committee by a majority of 1 vote. The gentleman from Iowa [Mr. HAUGEN] thereupon obtained from the Rules Committee a rule making his bill in order, fixing 12 hours' debate to be divided equally between those for and those against the bill and shutting off all amendments.

At the same time a like bill had been introduced in the Senate by the Senator from Oregon [Mr. MCNARY] and reported favorably to the Senate. The Senate after some debate passed the bill with amendments, which include tobacco, cotton, rice, and swine, for the purpose of obtaining votes from those sections that produced wheat, corn, cotton, tobacco, rice, and swine.

This not being of sufficient inducement to pass the bill there was a "deal" made in the Senate between the proponents of the McNary-Haugen bill and the McFadden banking bill to support the Haugen measure if the McNary-Haugen friends of that measure would insure its passage in the Senate. This very questionable alliance was proven by the speech of Senator WHEELER, of Montana, found on page 3345 of the RECORD of last Wednesday, where he said:

I, for one, intend to oppose and to hold up the consideration of the banking relief bill if it is possible to do so until the farm relief bill is passed by both Houses of Congress and signed by the President.

This McNary-Haugen bill, after these amendments and this holding up received a majority of 8 votes in the Senate and comes to the House where I understand Mr. HAUGEN, the father of the bill in the House, will at the proper time move to substitute the Senate bill for his bill, which will put up to the House the passage of the Senate bill with all these obnoxious amendments, put in to get votes, as a proposition to take this or nothing and to obtain votes in the House by the same methods used in the Senate, and upon this amendment for substitution of bills there can be no debate, thus obviating the necessity of a conference with the Senate and possible filibuster in that body. The moment the Senate bill is substituted and passed the measure goes to the President.

Up to two years ago the potato farmers, due to overproduction, shared with the wheat and corn farmers in low prices and disastrous losses in the production of these crops. In 1926, due to a shortage of potatoes in the country and no surplus of that crop, potatoes sold for an average price of about $7 per barrel, which gave the farmer about $5 profit per barrel, which took him out of his financial troubles, paid his mortgages and debts, and gave him a little bank account besides.

In the present year there has also been no surplus of potatoes and prices have been kept up thereby so as to give the potato farmer a profit of $3 to $4 per barrel, and he is not here asking for the passage of this Haugen bill, because it can do him no good and might do him a great deal of harm. He has settled the question of what to do with the surplus, and that is not to have one. The potato farmer has gone about the matter in a businesslike way, lessening the amount of his acreage every year, watching closely the crop so that he might have no surplus.

The Department of Agriculture said a short time ago about the potato crop and a surplus as follows:

It is commonly believed that a small crop of potatoes is usually worth more to United States producers than a large crop. If the large crop of 425,000,000 bushels harvested in 1924 were valued at the reported average farm price for the season ($0.765) it would be worth $325,000,000; whereas the small crop of 323,000,000 bushels harvested in 1925, if valued at that season's average price ($1.835), would be worth $593,000,000. Thus 100,000,000 bushels less in 1925 than in 1924 made the crop worth $270,000,000 more.

The potato farmer has learned that the surplus fixes the price and that if he attempts to make a surplus he will thereby make a condition of low prices and discontent and suffering among the potato farmers. The grower of wheat and of corn, cattle, hogs, rice, tobacco, and cotton has yet to learn this lesson. The only relief that can come to the farmer when he is suffering from overproduction is to lessen his acreage, diversify his crops, and produce only enough for the home market, and be thereby independent. Price fixing, under the guise of Government subsidies and the enactment of the Haugen bill, can only result in larger production, for if the farmer can obtain through Government subsidies and guarantees a fixed price for his products and a profit, every farmer will engage in the business of producing more and more, for the more he produces the more will be his profits.

If the Government enters upon this revolutionary and socialistic policy in time of peace of buying and marketing farm products at a loss, it must extend this policy to everything else manufactured and produced in the United States.

Last year in my State a large cotton mill shut down for three months to have an opportunity of working off the surplus. If the farmer is entitled to have his surplus bought by the Government and dumped in Europe at a loss to the Government, then every other business and manufacturer is entitled to the same privilege.

Hon. Martin Dies, of Texas, a few years ago in this House made a very interesting farewell speech when he retired, and among other things he said:

I wish the farmers of this country and the taxpayers of our land might have a return of the old Democratic and Republican theory that government is not created to support the people but that it is a creature

to be supported by the people. The great mistake we are making here now, my friends, is that we are practicing hypocrisy upon the people. We are leading them to believe that the Government can support them and lift them by their boot straps out of their financial difficulties, when as honest men we should say to them that all that the Government can do is to protect their life and their liberty and tax them to support the Government. You have taken the fairest and best Government ever known among men and you are making it into the most despicable socialism. You will not help the people unless you tell them that the Government has but one duty to the citizen, and that is to protect his life and property and give him an equal and fair race in this world.

[Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. MENGES].

Mr. MENGES. Mr. Chairman, I know of no industry that can or has at any time been able to thrive and be prosperous when the prices of the materials that go into the products of the industry are made by outside parties who are interested only in getting out of that industry all that the traffic will bear and when the prices of the products of that industry are made by a combination with a similar purpose. This is exactly the condition of the farmer, with all of which I am thoroughly impressed by practical experience. Those who are trafficing in this way on the vitals of the farmer cry overproduction and call into requisition the so-called immutable law of supply and demand. This is a sensitive law and easily influenced by those who regulate it. A hailstorm in Argentina—where I have been told they never have hailstorms—sends the price of wheat up, while a report of fine harvesting weather in the same country several days later sends the price down on the exchanges. A report of an infection of black rust in the Northwest sends the price of wheat soaring, while a report several days later that rust has yielded to favorable weather conditions—when there was not a change in the weather for weeks—sends the price down. An invasion of chinch bugs in Kansas has the same effect in raising prices, and when the bug changes its mind and decides not to invade the wheat fields the fall of price begins.

The law of supply and demand is not discriminating. The price of the inferior article sets the price of the superior article. In the September issue of the Country Gentleman of 1926 a writer by the name of Malcolm C. Cutting publishes an article on the subject, "Where surplus wheat is grown." On page 150 of that journal this writer asserts—

there never is a surplus of desirable wheats, but usually an underproduction.

On page 21 of that jounal the same writer says:

The millers want the strictly hard types that test high in protein. They buy all of them and usually will pay a premium, ranging high or low, according to the quality and the supply. * * * The least desirable of the semihard types and damaged wheat that otherwise might be desirable must go to the exporter and take their chances on the world market.

On page 150 he says:

The wheat grown south of the Mason and Dixon line and wheat contaminated with garlic loses grade. These are export wheats.

On page 152 he says:

Our export surplus is not representative of the average quality of our crop, and the price paid for it is not representative of the average value. That circumstance tends to lower the level of the price paid for every bushel we grow.

Why does protein make wheats valuable? Because it contains the glutinous part of the flour and about all of the nitrogen of the wheat. Because this glutinous mass holds two or three times its own weight of water. It keeps bread soft, moist, and palatable—the most predominate of the proteins are gliodin and glutenin.

I believe in the law of supply and demand, but in my experience it only works as long as the overproduced supply remains in my hands. When there is an overproduction of wheat there certainly should be an oversupply of flour, and when there is an oversupply of flour there should be an overproduction of bread, and if the immutable law works all along the line, flour, bread, and the by-products of wheat should be forced down in harmony with the wheat from which they are derived. This immutable law is made the benign protection agency of the consuming public against the rapacity of the farmer by the very organizations who sell many times more wheat than is produced in the speculative markets of the exchanges for the benefit of the farmer and who bull and bear the markets, all for the benefit of the consumer.

But what are the facts about this law of supply and demand? Bread from dollar wheat is sold at the same price as bread made from $1.50. For the by-products, bran and middling, of dollar wheat I pay the same price as for bran and middling derived from $1.50 wheat. Some years ago there was an oversupply of hogs. I had about 80 of them. I sold them at the price these benignant fellows who are such strong supporters of the immutable law of supply and demand were willing to pay me, but that benignancy failed to communicate itself to the pork that was derived from those hogs. My experience teaches me that the immutable law does not work in every circumstance. I have remonstrated with these fellows for interfering with the law of supply and demand, but they tell me they are not in the charity business. With these conditions everlastingly in operation are we not driven in self-defense, the first law of humanity, which I think is constitutional, to establish an agency such as price stabilization, that we may get away from the hailstorms in Argentina or the discretion of the black rust when it descends or refuses to descend on the wheat fields of the Northwest, or the pleasure of the chinch bug when it invades or pleases not to invade the wheat fields of Kansas, or the selling of many times more wheat on the markets than is produced? We pay for the disposal of the surplus through the present agencies, and we have not one particle of control over them and nothing to say as to how they shall dispose of our surplus. Why should it be unconstitutional to allow us to set up an agency, such as the equalization fee, over which we have control and pay for the disposal of the surplus ourselves? Is it constitutional when another party compels me to pay for an action which he may or may not perform, and does it become a tax and unconstitutional when I pay for it myself and see that it is done? It seems to me that when we produce a superior quality of wheat containing high percentages of protein, the blood, muscle, and brawn making substances of the flour, that the price of that wheat should not be made by the inferior grades shipped to the Liverpool market. Certainly I am not a lawyer, and not a constitutional lawyer at any rate, but this is the way these matters appeal to a farmer. But I have been in the charity business so long that these gentlemen propose to keep me in it and sell my products for less than it costs to produce them.

Let us look at this charity business and see what I do to produce wheat in order that I may sell it for less than it costs me. I own the soil, the agency which produces it. I pay interest and taxes on the investment in that soil. I plow the land; I prepare it by thorough cultivation before sowing the wheat; I fertilize either with commercial fertilizers or with the farm manures or with both; I sow the wheat. I then wait a year until the harvest. I harvest the wheat, and when it is dry I thresh it. I may store it in my own bins or I may sell it or store it in a public or private elevator and I pay for the storing. I pay for getting it to the elevator. It is cleaned and ready to mill. Suppose I sell that wheat for $1.50 a bushel. How much do I get for the wheat that goes into a pound loaf of bread? Approximately 2 cents; and the fellows who are so much interested in the ultimate consumer and who by some legerdemain frustrate the law of supply and demand get 10 cents for that same loaf of bread, or about 400 per cent for a several days' job. It seems to me that about 300 per cent should be satisfactory to the most finicky about percentages [laughter] and instead of charging 10 cents for a pound loaf of bread they could charge 6 cents and the ultimate consumer could buy five 1-pound loaves of bread for the same price he now pays for three. He and his family could likely consume that much, and this matter of overproduction and this immutable law of suply and demand instead of being a curse to the farmer and a deprivation to the ultimate consumer could be converted into a blessing to both. I come from a generation of farmers and I have been raised to regard large crops as a blessing of the Lord instead of a curse which the protégés of the immutable law of supply and demand would have us believe it to be. I believe by such blessings the Lord means to demonstrate His desire that all His people should be well clothed and fed and protected, which is not the case at the present time with the so-called overproduction of the necessities of life.

I am a protectionist. Why am I a protectionist? Because I believe in and am an advocate of the American standard of living. I believe that the protective system has been one of the most potent agencies that we have ever had of establishing and maintaining an American standard of living. To maintain an American standard of living we must maintain an American standard of wages and prices. The protective system can be so adjusted that the family of the laborer, the artisan, the commercial man, and the professional man—all who earn a living by manual or mental exertion—can be provided with food, clothing, and shelter, and that the home environment may be

such that the children may develop strong, vigorous, disease-resisting bodies, a moral character with decided convictions, and an intellectual capacity into whose care the safety of the Republic can safely be intrusted.

Shall we here and now inaugurate legislation which will make it possible for the American farmer to realize the cost of production with sufficient profit on the various crops he produces to enable him to consume the products of the wool, cotton, and silk mills, the furniture and farm-implement manufacturer, and thus keep labor permanently employed and enable that labor to consume the surplus products of the farm and attain to and maintain an American standard of living such as all Americans are entitled to or shall we continue with and indorse a system which emasculates the law of supply and demand and perverts the protective system, impoverishing both the producer and the consumer of agricultural products? [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS of Illinois. Mr. Chairman, I do not rise at this time to discuss the pending bill. The gentleman from Kansas [Mr. TINCHER] in his very able and entertaining speech to the House advanced as one of his main arguments why the Haugen bill should not be enacted into law the fact that W. H. Settle, president of the Indiana Farm Bureau, wore spats. [Laughter.] Mr. Settle needs no defense from me nor from anyone who knows him, but I think it only fair to him to put into the RECORD some facts as to who he is and what he represents.

Mr. Settle is president of the Indiana Farm Bureau, an organization with a membership of more than 50,000. He has been elected president of that great organization in Indiana by acclamation five times. He is also general manager and secretary of the Central States' wheat association, the largest of the kind in the United States, with a membership of 20,000 representative farmers. He is also president of the Indiana purchasing department of the Farm Bureau, with headquarters at Indianapolis, an organization of farmers with an annual business running into millions of dollars.

Mr. Settle lives on a farm; he is one of the most prominent farmers in Indiana, and also a prominent stock raiser. He has exhibited at the various livestock exhibits in his State stock raised on his farm on many occasions, and has taken first premiums. In 1917 he produced on his own farm and marketed $20,000 worth of hogs.

This is the character of man that my friend from Kansas, as I think, belittled and ridiculed—perhaps unintentionally—in his speech. He said Mr. Settle was here lobbying for farm legislation, wearing spats, and that he has a mortgage on his farm. If he has a mortgage on his farm, he is not any different from thousands of the best farmers in the United States. [Laughter and applause.]

I am not informed as to whether he wears spats or not, but he has a right to if he wants to. Many people tell me it is cheaper to wear spats on low-cut shoes than it would be for the farmers to buy high tops at the present abnormal prices. A good many people seem to think that the farmers should not have the right to dress as other classes of people in the United States do. I have seen the gentleman from Kansas, I think, wear spats, and the only difference between the gentleman from Kansas and the gentleman from Indiana, Mr. Settle, is that spats are more becoming to the gentleman from Indiana than to the gentleman from Kansas. [Laughter.]

Mr. STEVENSON. If the gentleman will yield, it is possible that the gentleman from Kansas comes from Medicine Lodge, from whence came the man to Congress some years ago who did not wear socks. [Laughter.]

Mr. WILLIAMS of Illinois. That may be true. I felt that in justice to this splendid farmer, this representative of the great farmers' organization in the State of Indiana, that it was only fit and proper that something should be put into the RECORD so that Members may know who he is.

An entirely erroneous impression of the worth of this man and of his standing in the great State in which he lives might be drawn from the humorous, witty remarks of the gentleman from Kansas [Mr. TINCHER]. As far as I am concerned, I rejoice that the farm organizations of the United States at last have found out that it is to their interests to send representatives here to Washington to appear before the committees of Congress and speak for agriculture. If they had been doing this for the last quarter of a century to the same extent other classes of people in the United States have been organizing and have been represented here by spokesmen, agriculture might not find itself in the sad plight it is to-day. We are here now making an earnest endeavor to enact legislation that will cure or that, at least, will tend to cure the deplorable condition of agriculture as compared with other industries in the country. I feel that these men who appear here representing farm organizations and speaking for agriculture should not be ridiculed and belittled before the Congress of the United States.

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

Mr. WILLIAMS of Illinois. Yes.

Mr. PURNELL. Unfortunately, I did not hear all of the remarks of my colleague, but I know their general purport. I rise to suggest to the gentleman that the man to whom he refers, Mr. Settle, not only is known in our State most favorably but his reputation as a great farm leader and adviser extends throughout the country.

Mr. WILLIAMS of Illinois. Undoubtedly. Mr. Chairman, I yield back the remainder of my time.

Mr. KINCHELOE. Mr. Chairman, I have an agreement with the chairman of the committee to yield to me 10 minutes.

Mr. HAUGEN. Yes; I yield nine minutes to the gentleman.

Mr. KINCHELOE. Mr. Chairman, I yield 19 minutes to the gentleman from Mississippi [Mr. QUIN].

The CHAIRMAN. The gentleman from Mississippi is recognized for 19 minutes.

Mr. QUIN. Mr. Chairman and gentlemen of the committee, I trust that no gentleman will interrupt me, because I have only 19 minutes, and I propose to use those 19 minutes for the benefit of the farmers and not the benefit of inquiring minds on this floor. [Applause.]

You have heard all this discussion of the McNary-Haugen bill. We had this matter up one year ago before this House. Every kind of disaster was predicted by the gentlemen who opposed it from every section of the United States. Why, my good friend and neighbor who spoke just before me kept saying he is willing to vote for the other bills but he could not vote for this. To hades with the other bills! [Laughter and applause.] We want this bill. Why does any friend of the man who is behind the plow want to go out and talk about some other bill when this is the only bill of its kind that the United States Congress has the opportunity to pass? [Applause.]

Not only that but the Committee on Rules has just brought out the McNary-Haugen bill passed by the United States Senate. If the United States Senate could go out and vote for the farmer, who is it over here who can not see his way clear to cast his vote in favor of the American farmer? This bill, just as it passed the United States Senate without the crossing of a "t" or the dotting of an "i," is going to get my vote. I will vote against every amendment that is offered to it, because such amendments, I know, will kill this farm legislation. If we want to help the American farmer, we must vote for the bill that we know can become a law.

This great United States of America has $450,000,000,000 of wealth, with $65,000,000,000 invested in agriculture. That great class, representing 37,000,000 people in this Republic, is now lying prostrate. Men who own the great farms can not realize 2 per cent net on their investment. No; a great plantation is a liability instead of an asset. This great class of people the real "folks" of this Republic, the men behind the plow, contribute to every function of Government, and they are true and undefiled citizens. Thus far they have failed to get help from the United States Congress. Congress heretofore has gone out and helped the people who have $20,000,000,000 invested in railroads. With the Government aid that they have received, if they can not declare a dividend of 5½ per cent on water and all, God help them! You have given subsidies to every other class of citizens in this Republic. You have given to the manufacturers, by a protective tariff, a bounty on every line of production of merchandise in this Republic.

Strip this measure of all its verbiage and what does it mean? Two hundred and fifty million dollars of United States money put up for the use of farmers.

Some say, "I am afraid to put on an equalization fee." What do you care about your job? You are here to represent the people. It does not make any difference whether your name is John Smith or Percy Quin. A man ought to be willing to stand up and vote for what he knows is going to help the people. I know that if you put this measure into effect it is going to raise the price of every commodity in it. Already the possibility of its becoming a law has had that effect. Cotton has gone up $10 a bale, and if you gentlemen have any sporting blood in your veins you want to buy all the cotton you can between now and the time we get this bill up to the

White House, because cotton is going up just as quickly as they know this Congress is back of that great product. The same is true of wheat, of corn, of hogs, of tobacco, and of rice.

Some say they can not vote for it because of the equalization fee. Why, the farmer is a sensible man and he has to be a smart man. He has more sense than any other man engaged in business in this Republic, and he has to have it. A man who is engaged in farming, with the United States Government not helping him but robbing him all the time, with the elements against him, insects and pests, and with high railroad freight rates and high tariff against him, has to be a smart man in order to pay his taxes and exist.

Some gentlemen say, "Well, I know he is hard up, but I am afraid to vote for this bill." The man who is afraid to come up and cast his vote for that poor man behind the plow, that poor man who with his wife and children works from early dawn until late in the evening, some of them half naked, God have mercy on him. I want you gentlemen on the Republican side to know that I live in a country where about half the people are poor negroes, some of them fine citizens. I have seen negroes on cotton plantations down there working in the fields in the hot sun with bare heads, bare feet, and not enough clothes on to make a wrestling jacket for a louse. They work all the time. And many of the white people, the tillers of the farms, work the entire year and then can hardly buy a calico dress for their wives on the Fourth of July. Yet some of you say the United States Government is not able to help them.

I happened to hear over the radio a few nights ago the distinguished Chief Executive of this Republic, Mr. Coolidge, and my good friend, General Lord, the head of the Budget Bureau, talking about prosperity. President Coolidge told about the great prosperity of this Republic, and I actually felt in my pockets to see if I could not find some money. I realized that when the Chief Executive was talking he did not know the condition of the agricultural classes of this Republic. He did not know that at the very hour he was talking homes were advertised in every State of this Union for taxes. He did not know that good and honest homesteaders and good and honest farmers, who had worked with their wives and children the entire year, were unable to come up and meet the obligations of the county and State as assessed against them. Yet he proclaims prosperity. The people about whom the gentleman from New Jersey [Mr. FORT] was talking are prosperous. These men who have had their hands in the pockets of the people, plundering and exploiting them through manufacturing enterprises, are prosperous. The railroads, for which you guaranteed this enormous dividend, are prosperous. The shipping lines are prosperous; the fertilizer makers are prosperous; everybody is prosperous except the poor farmer, who must get down and plow the earth, who must depend for his sustenance and his profit upon the elements and, I might say, upon the hope of Congress.

Now is your last time. The man who says he is a friend of the farmer and votes against this bill will need a long time to explain.

Here is a piece of legislation that will help the farmer. Who is it that is afraid to say, "Mr. Farmer, I voted for an equalization fee on your wheat, your corn, your rice, your tobacco, your hog, and your cotton"? Who is afraid of that? Who is afraid to say, "I voted for an equalization fee to go on your cotton; I voted for the United States Treasury to put up $250,000,000 to help you build up your prices; I voted for you to get back three times $5 or $2 or whatever you put in; I voted for that to come back into your pockets"? You need not think the farmer is a fool. He knows that when he puts up $5 at the gin or at the factory, or anywhere else, he is going to get that back with manifold interest. Fifteen dollars for every $5 he puts in is what will come back to the farmer. You know the farmer has sense enough to know he can not get anything for nothing, but we must give him the quid pro quo, and if you really want to help the farmers of this Republic you must vote for the only measure that can become a law.

Gentlemen have said that they do not know what the President would do. You need not bother yourselves about the President of the United States. The question is: What are you, as Member of the United States Congress, going to do? The President of the United States has a function to perform. You need not worry about what he is going to do about this bill. Let us pass it just like the Senate has handed it to us and put it upon his table. You will see the President of the United States sign it. Some of these Washington papers have made it out that he is so cold-blooded that he would veto the bill and kick the poor farmer in the slats and say go beg or starve. [Laughter.] Do not you know the President of the United States will not do that? Do not you know that he recognizes, from one end of this Republic to the other, the great demand there is for this legislation? Do not you know that he recognizes the decrease there has been in the value of farm lands? Do not you know that he knows that these stalwart citizens in the East, North, South, and the West owning every foot of ground in this great Republic are crying out for justice?

They are not asking for any special privilege and this bill gives them none. It simply puts up $250,000,000 and says, "We will make you pay the balance or whatever is necessary to hold your product off of the market until it brings its own price; until they can get the price of production and a profit with an orderly system of marketing," and every sensible farmer in Mississippi and in my neighboring State across the river of Louisiana can read English and they know what this means. You need not be bothered about being afraid that the farmer will think their Congressman has betrayed them if he votes for a bill to raise the price of their stuff, even if he has to put up a few dollars with his Government in order to do this. What does a man care about putting up $5 if he knows he will make $15 by the operation? There is no man in this House, as a business proposition, who would not gladly jump at that chance. I take it every man here at some time in his life has had business dealings in this Republic; and every day in the year the chief worry with the farmer is whether or not he will have enough money to feed and clothe his family and pay his taxes, give a few dollars to the church, and pay something to the doctor. That is the situation of the average small farmer in this Nation.

Everybody has been helped except the farmer, and when he comes here with a measure backed by all the farm organizations and backed by all the men who have been studying for the last 24 months some way to help the poor farmer out, some gentlemen get up here with all their statesmanship—and some of them could not win a case in a justice court [laughter]—and say "Unconstitutional." [Laughter.]

I believe when the Angel Gabriel puts one foot upon the sea and the other upon the land, there will be some wise statesman rise up out of his grave and shout "Unconstitutional." Why, that has been the hobby of the opponents to every measure that has been for the relief of the people during the past 75 years. It was talked against the farm loan bill. The Democrats were in power at that time, and I heard men in the caucus bellowing for hours, "Unconstitutional." When we had the great Federal reserve bank bill in that same caucus I heard "Unconstitutional." When we had it up on the floor of the House—both of these great measures that stand as monuments in this Republic for progress and prosperity—men on both sides of this aisle would get up and shout, "Unconstitutional," and whenever any measure is proposed in the interest of the people, as a last resort the word "unconstitutional" is invoked.

You need not worry about the constitutionality of this measure. Some have talked about the Supreme Court. Some men say they will not vote for it when they know the President will veto it, and some say they will not vote for it because the Supreme Court is going to declare it unconstitutional. I say that all of you should vote for it because it is right. Do not try to hide behind what the President will do. Do not try to hide behind the sanctity of the Supreme Court, because the President of the United States is going to sign this bill. All he is waiting for is for this Congress to send it to him, all the bluffs notwithstanding.

The Supreme Court of the United States has nothing in this simple verbiage to declare unconstitutional. They will not declare it unconstitutional simply because the bill makes the farmer come across with a few dollars to help raise the price of his labor to what it is worth. Where is there a constitutional lawyer who can decide that this verbiage is unconstitutional? Yet this attempt is made on this floor. It matters not what the pretense or the pretext is, the enemy of the people always finds one.

Then they shout, "Economically unsound." Why, economically unsound has got to be a bugaboo, they have used it so much. [Laughter and applause.]

Some of these people living around smokestacks, with nothing but wheels turning around, poor people working to earn their living in the sweat of their face, are against this bill because they are afraid it will raise the price of wheat a few cents or the price of cotton a few dimes, when there are thousands and thousands of people in this Republic who need more clothes, when over yonder in Asia and in Africa and in various parts of Europe there are people going half naked and people that are entirely naked. They could have cotton garments on them.

You could have cotton garments in China, with its 400,000,000 people, you could have cotton garments all over Japan, you could have cotton garments in Java and everywhere else, and you could have the flag of this Republic, with its commerce, carried to the uttermost quarters of this earth, and the American farmer would then receive a fair and just price for what he produces, whether it be wheat, corn, lard, cotton, or what not.

We have given union labor a fair price for its work, and I helped to do it. I want to say there has never been a time since I have been here in the last 14 years when I have failed to stand up like a man and vote for the poor classes of people. [Applause.] I have stood up for the laboring man, the man in the humble walks of life. He is the fellow who needs our help. It is not the man who is able to ride in a limousine and to wear diamonds as big as a biscuit in his shirt front. [Laughter.] It is the man who toils for his living.

The man who needs your help is in this bill, and he is justified in being there. Every farmer, I do not care whether his name is John Smith or Bill Jones, is in this bill. He votes in your district, and God help him to judge us right and say whether or not we have been true and loyal to him on this final test, after all the struggle of all these years, when he has come before the American Congress and has said: "Give me justice and that legislation which will help to feed and clothe my children and properly care for my wife."

So long as I live, as God is my judge, I shall stand up for the poor people of this Republic. [Applause.]

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

Mr. FORT. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, it almost moved me to tears to hear the gentleman from Mississippi plead the cause of myself because I am a farmer—much more than he is. All I do outside of being a politician is to farm. I am here to tell you that I have been gratified to see this Congress doing something for the farmer, but I am afraid it is going to do something to him as far as the cotton people are concerned.

My friend from Mississippi referred a minute ago to the question of the farmer having enough money to buy fertilizer. I have just contracted for enough fertilizer—in fact, I have bought enough fertilizer to plant 200 acres of cotton. How much do you suppose it cost me? Twelve and a half dollars an acre. Nitrate of soda costs $52 at the port, and yet although it could be cut in two at one move if they would begin the development of nitrate down at Muscle Shoals—that has been before the gentleman's committee for four or five years and they have been as sterile as a hen on a nest of china eggs, and now say they are unable to report anything—if they would report to Congress and enable the work to begin they could cut the price of nitrate to $6.25 an acre and the farmer would be better able to pay for his fertilizer than he would out of the Treasury of the United States. [Applause.]

I am in favor of something being done for the farmer and especially the cotton farmer. I do not like the provisions now before us because they are discriminatory to the cotton people, absolutely unfair in many respects.

A resolution was read from the South Carolina Legislature this morning. I do not think you have got it. I am going to read what they say:

> That our United States Senators and Representatives in Congress be and they are hereby memorialized to use their influence for the prompt passage of such legislation as will provide for the creation of a Federal farm board, composed of farmers, which will put agriculture on a par with industry and can effectively control the marketing and surplus cost.

That is provided for in the Aswell and Crisp bills.

> And that the incorporation of an equalization fee in such legislation, with proper safeguards to prevent it from becoming excessive, would not be objectionable.

What does that mean? Look at the bill before you and see where there is anything that will tend to curb an excessive equalization fee. Where is the limit that would be put on the board that is responsible to nobody to keep them from levying a fee that would be excessive to the cotton producers of this country.

The gentleman referred to getting $250,000,000 out of the Treasury for the farmers. I am going to vote for a bill that will give us that, but he seems to be holding for $10 a bale tax to come out of the farmers' pockets in addition. There is where I and the gentleman from Mississippi change cars on this matter, absolutely. This is all an experiment, and everybody knows that it will be an experiment.

The experiment should be taken up by the Government at the Government expense. If it is determined that a reasonable equalization fee can be made workable, it will be time enough to impose an equalization fee. But merely as an experiment I am opposed to putting a fee on the production of this country, that is absolutely unlimited, and will inevitably be put upon every bale of cotton that is made. The wheat and the swine that do not get to the market will pay no equalization fee, and neither will the corn, but inevitably every bale of cotton produced will have it to pay once they impose it. I am opposed to that until we see by proper experiment whether it is practicable to market a surplus and prevent the periodic depression we have been having.

Suppose you raise the price of cotton in the United States 2 cents a pound, or $10 a bale. Suppose you do, what will happen? There has been produced abroad 9,000,000 bales of cotton per year for the last six years. Whenever you raise the price 2 cents a pound in America, if it is not raised in Europe, do not you know that cotton will come in and we will be paying a tax on cotton grown in this country for the benefit of the fellow in India, in Brazil, and in Egypt, and wherever they raise cotton?

Wheat has a protection against the importation, corn has a protection, swine has a protection; but the cotton man is to pay a tax and raise the price and immediately 9,000,000 bales of cotton is brought into this country. There is another thing that is unfair to the cotton man. You say in the bill that every other food product arising from any other commodity, except cotton, shall be embraced within the terms of the bill.

But food products arising from cotton are not to be embraced in it. You have rice in here. The food products arising from cottonseed oil amounted last year to 811,360 tons, and that was outside of the cottonseed meal which goes into cattle and makes a food product. You have provided that the cottonseed people shall have no benefit from this, although the cotton people are going to pay the heaviest tax of anybody. Suppose you put $5 a bale on cotton. With 18,000,000 bales that amounts to $90,000,000. How much of the surplus is the $250,000,000 going to take care of? Two and a half million bales of cotton are surplus, and you know it will not be a drop in the bucket. It takes $200,000,000 to buy it alone, outside of the expense of handling it. There is nothing in this measure for cotton, except trouble, and nothing in this for the cotton people except trouble, and a tax laid specifically on a product that to-day is selling at below the cost of production.

I can not be accused of being against the farmers. If I have good luck I shall make 150 bales of cotton this year. You step up and pick out of that $10 a bale, and it amounts to $1,500, which is three-fifths of what the fertilizer costs at the present excessive rates. I am interested in taking care of the farmer. My people are cotton people and my whole accumulation is invested in it. I believe in cotton, and I believe it will work itself out, but I do not believe it will work itself out by taxation. I have never yet gotten rich by being taxed, and if you know anybody who has, I would like to have his given name and like to get his recipe. The only hope I have about this whole proposition, because it seems certain that it will go through, is that it will go through with the Simmons amendment on it, which throws the whole thing into what is practically a primary election, and the farmers will have some say as to whether they will come in or not. What will happen then? Suppose the cotton farmer says no, that he will not go in, that he does not want to undertake to raise the price here by paying a tax, and then have it taken away from him by foreign cotton, and suppose the wheat and the corn folks come in and it does raise the price of their products to the extent of the tariff, and I do not think there is any question about that, what will happen?

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

Mr. ASWELL. Mr. Chairman, I yield the gentleman six minutes.

Mr. STEVENSON. We buy our corn and wheat and flour, and immediately, instead of the cotton people getting anything out of this, they are soaked for a higher price for everything that they buy. Then, suppose they say that they will raise those things, and if they do that, what will happen to you? You put that doctrine into effect all over the South, and the best market you have for your corn and wheat and flour and your livestock will be gone, and it will be gone for good, because once they learn to do that they will never revert to the other.

But I am not prepared to admit that it would be economically proper to do that, because there is a certain amount of cotton needed in the world. The amount is increasing, and those who can raise cotton more economically than they can raise other things ought to raise cotton, and the people who can raise wheat and hogs and corn more economically than they can raise anything else ought to raise those things, and the exchange between the different parts of this country should regulate the home market for everybody, so that everybody will have something, made as far as can be at home. The gentleman from Mississippi [Mr. QUIN] had a good deal to say about voting for the farmer. I want him to join me and vote to give $250,000,000 for the proper orderly marketing of the farmers' products of this country, for an experiment, whereby we can work these things out at the expense of all the people, just as the tariff is borne by all the people and the other alleged subsidies are borne by all of the people. We are entitled to have the experiment paid for by the Government, and not levied as a special tax on the farmers of the country.

I favor the bill that is offered by the gentleman from Georgia [Mr. CRISP], and next to that I favor the bill offered by the gentleman from Louisiana [Mr. ASWELL], and I do not care whether my friend from Mississippi thinks it is funny that I should want to vote for some other bill than the Haugen bill or not. I am a farmer and he is a lawyer, and that is the difference between us.

You will notice another thing about this Haugen bill, as amended in the Senate, which the gentleman says he is going to take without the crossing of a "t" or the dotting of an "i." They have this provision in it:

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.

What is an expression? What is to be expressed?

Suppose we have not over 10 per cent of the cotton farmers in the cotton cooperatives, and the States of North and South Carolina, Alabama, and Georgia do not go in, and the States of Mississippi, Oklahoma, Texas, and Arkansas vote to go in, what is going to be the result? How is it going to be determined? That matter is as indefinite as the declaration of Don Quixote when he was starting out to war on windmills. That is about the size of it; and yet that is the only provision that is going to save the farmers in our country from getting hooked up in this.

I want to tell you something about this matter of hearing from the farmers. I represent a farming district. I have heard from one banker who favors it—he is not a banker, he is a trust man—and from one farmer who is in favor of it, and I have heard twice from a fellow in Mr. GASQUE'S district who is very much in favor of it. He is a warehouse man, and he gave himself away this morning in a letter to me and other members of the delegation when he said if it is passed he wanted us to back him for a director in his district.

Now, that is what is the matter with Hannah in a whole lot of places. The farmers are not paying attention to this at all. One gentleman who ran against me made this question—and you do not see him here; I am back—and yet we have the cry that this comes from the farmers. When you put this into effect and you put the farmer up against the proposition they are paying anywhere from five to ten dollars a bale tax, somebody is going to hear from it. I say to the farmers, "Do not you want that; didn't you ask me to vote for it?" The reply will be "Who asked you to do what?" Gentlemen, you will hear from it; there is no use talking about it, I know them. There is another thing; either it is going to raise the price of cotton or it is not. Suppose it raises it here and not in Europe, as I say it would the 9,000,000 bales made abroad to come here, and if it does not, the manufacturers in my district are going to pay higher prices for cotton to be manufactured, and the surplus will be sold at a lower rate in Europe to manufacturers there, and we will be driven out of the foreign market on cotton goods. I want the $250,000,000 and machinery to try out our marketing, but can not vote for the cotton tax to get it. I support the Crisp bill, and if I can not get a vote on that, the Aswell bill. Both of these give the same appropriation and neither one imposes a tax on cotton, and in the language of Mr. QUIN, of Mississippi, he can not pay his fertilizer bill now, then how can he pay fertilizer bill and tax both?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORT. How much time is there remaining?

The CHAIRMAN. Answering the inquiry of the gentleman from New Jersey, 23 minutes remain. The gentleman from Iowa [Mr. HAUGEN] has 1, the gentleman from Louisiana [Mr. ASWELL] has consumed all of his time, the gentleman from Kansas [Mr. TINCHER] has 14 minutes, and the gentleman from Kentucky [Mr. KINCHELOE] has 8.

Mr. FORT. I yield nine minutes to the gentleman from Vermont [Mr. BRIGHAM]. [Applause.]

Mr. BRIGHAM. Mr. Chairman, a few days ago the gentleman from Iowa [Mr. DICKINSON] in a speech on the Haugen farm relief bill made the following statement:

The present sentiment in the New England States against farm legislation is largely due to the fact that in New England they buy dairy feeds and are therefore fearful of the increase in the cost of feeds in the dairy business.

Mr. Chairman, I believe the people of New England are opposed to the Haugen-bill type of relief first of all because they believe it economically unsound. Furthermore, they are opposed to Federal price fixing in time of peace—to the beginning of a policy which may lead to the establishment here in Washington of a gigantic bureau which under the authority of law will determine prices according to the preponderance of political pressure which may be brought to bear from time to time. There is opposition to this bill, I admit, and just opposition, in my opinion, for the very reason that the gentleman names, not only from New England but from other sections as well. The call for farm relief has been loudest and most persistent from the Middle West, and the Haugen bill is designed to relieve the producers of only five commodities—cotton, wheat, corn, rice, and swine. If the formula we adopt here to-day to meet conditions now existing brings relief to these producers by adding to the cost of production of other groups of producers through raising the cost of their purchased raw materials, then we have simply transferred distress from the Middle West to other areas, and we shall be called upon at the next session to relieve them.

It is a matter of common knowledge that the rapid settlement of the public domain in the Valley of the Mississippi and westward and the building of railroads to transport the produce of these rich new lands forced the farmers of the older States to readjust their type of agriculture and to change from grain growing to dairying. The eastern dairy and poultry industries were established upon the basis of purchasing western grain, and the producers of these commodities have ever since been the grain grower's best customers.

The gentleman from Iowa says that the enactment of the McNary-Haugen bill will have no tendency to increase the cost of feeds purchased by dairymen because, to quote his exact words:

The price of dairy feeds, according to all statistics, fluctuates with the price of dairy products and not with the price of grains.

I submit that the gentleman from Iowa is mistaken. I have taken some pains to ascertain from statistics available in the Department of Agriculture the relationship between the price of grains and the dairy feeds made from them. I have some charts here which will show in graphic form this relationship. Considering that feeders of dairy cows have a somewhat wide range of feeds from which to choose the materials for a ration, and that one feed may be substituted for another, I am surprised to find that the relationship is so close. For instance, linseed-oil meal fluctuates in price very nearly with the price of the flaxseed from which it is made. The price of bran over a series of years from 1914 to 1925 has fluctuated very closely with the price of wheat. Furthermore, the price of gluten feed manufactured from corn fluctuates quite closely over a series of years with the price of the corn from which it is made. The evidence points to the fact that every cent added to the price of wheat or corn will find ultimately its proportionate reflection in the price of dairy and poultry feeds.

I wish to point out also a very definite manner in which the Haugen bill will discriminate between different sections of the country in prices which result from its operation. Take, for instance, corn, which is purchased in somewhat large quantities by eastern dairymen and poultry men and is used as a raw material in their business.

Let us assume for purposes of illustration that the Haugen bill as now written had become a law in the spring of 1924. The corn crop of 1924 was in round numbers 2,309,000,000 bushels. The farm price in Iowa on December 1 was 93 cents per bushel. This seems to have been fairly satisfactory, and probably the Federal farm board set up in the act would not have operated in corn. In 1925 the corn crop, due to larger

acreage and larger yield, increased 600,000,000 bushels, and the December farm price in Iowa dropped to 56 cents per bushel, or 37 cents less than the price of 1924. Under these conditions the Federal farm board would probably have begun operations in corn. If a surplus of 600,000,000 bushels in 1925 over the crop of 1924 caused a drop of 37 cents a bushel in price, then it is fair to assume that restoration of the price would require the removal from the market of the 600,000,000-bushel surplus.

The Haugen bill places upon the Federal farm board the responsibility of assessing an equalization fee upon each marketed unit to be paid into a fund to carry the expense and losses incurred by the operation of removing the surplus from the market. Where and upon what units of the product is this tax to be levied? The Federal farm board may levy the equalization tax upon the "transportation, processing, or sale" of a unit of the commodity. I apprehend that the proponents of this bill do not intend that the equalization tax shall be levied at the farm upon each bushel of corn sold. I believe this measure would receive few votes if it were thought that an army of taxgatherers would be employed to assess this tax upon every farmer who sold a bushel of corn to his neighbor. It is probable that the Federal farm board would require the railroads to collect this equalization tax at the same time the freight is collected, and the tax would be assessed against only that part of the crop which is shipped by rail.

I am informed by the Bureau of Agricultural Economics that only 20 per cent of the corn crop of 1925 was shipped out of the county where grown. This means that only about 600,000,000 bushels of corn was shipped by rail through the regular channels of trade, or about the amount the board would have to remove from the market to create the price conditions of 1924. Then for every cent per bushel loss on the surplus corn removed from the market a cent of equalization tax would have to be levied upon each bushel of corn sold through the regular channels of trade.

What would be done with this surplus, no one has as yet made clear. We know that 600,000,000 bushels is more than twice the amount of corn imported by all the countries of the world taken together. It is apparent, then, that an enlarged export outlet could be obtained only at a veritable slaughter in price. If this 1925 surplus of 600,000,000 bushels had been held in storage, it would be there yet, and the 1926 crop would have added to it another surplus of 300,000,000 bushels over the crop of 1924, and the board would be carrying nearly 1,000,000,000 bushels of surplus corn.

How much, then, would the equalization tax on corn amount to? The gentleman from Iowa took the editor of the New England Homestead severely to task for saying that the Federal farm board may fix the tax at any amount, and yet that is just what this bill gives the board power to do. Is it not fair to assume that the loss incurred in disposing of surplus might very easily amount to the difference in prices between the crops of 1924 and 1925, or 37 cents per bushel?

Then let us contrast the relative position of the livestock feeder, the dairyman, and the poultry raiser in the Corn Belt, where a surplus of corn is available at his very door, with the position of the producer of these commodities who is located at a distance. The producer in the Corn Belt can buy all the corn he needs from his neighbors at the farm price without equalization tax. The producer located at a distance must buy corn which is shipped by rail and must therefore pay the Corn Belt farm price, freight, equalization tax, and handling charges. The freight charges on corn to New England points is 27 cents per bushel. The equalization tax, as I have shown, in its limited application may be as much as 37 cents per bushel. The New England dairyman will likely find himself paying $20 per ton more for his feeding corn than the farmer of the Corn Belt.

If you place the distant livestock producer in this position, what have you done from the national point of view to relieve agricultural distress? You have only transferred distress from one area to another. Furthermore, considering the frequent objections we hear on this floor to burdensome freight rates, should we give a Federal farm board authority to order the railroad to collect with the freight bill a Federal tax which may be even a greater burden than the freight itself?

The gentleman from Iowa further issued a warning to eastern dairymen that they had better permit an increase in the cost of grains rather than to be compelled in the future to face the competition of the Mid Western States in the dairy business.

I would say in reply to the gentleman from Iowa that I can imagine no act of Congress better calculated to assist the Mid Western States to compete with eastern dairymen than this legislation we are now considering, and for the reasons I have just enumerated.

There is a reason, however, why the eastern dairyman is not afraid of western competition, and that is the reluctance of the western farmer to go into dairy farming. I find that reason well expressed in an editorial in Wallace's Farmer, one of the leading Corn Belt farm papers, and, by the way, one of the Haugen bill's staunchest supporters. This editorial is entitled, "Is dairying a type of peasant farming?" It speaks of the propaganda then put forth in behalf of dairy farming, and says:

> There is great danger in this sudden hue and cry after dairying. Dairying is a highly specialized type of farming and, in our opinion, the average farmer in the Corn Belt receives smaller pay per hour for the time he spends on his milk cows than for the time which he spends taking care of his crops or his hogs.

The editorial says further that—

> The dairy herd must be milked regularly twice a day 365 days a year. The man who embarks on dairying, puts up a silo, and installs the modern stanchions and other equipment which are necessary if efficient dairying is to be done, has committed himself to staying exceedingly close at home day after day for at least several years. If he is to get more than 20 cents an hour for the labor which he puts on his cows he must make plans 10 or 15 years ahead in the matter of building up his herd by the use of good sires.
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> * * * * * * *
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> Dairying is the closest approach to peasant farming which we have at the present time in the Corn Belt. It involves long hours of hard labor at a low wage, and that is the essence of peasant farming.

I, Mr. Chairman, come from a district where dairying is not considered a type of peasant farming and we are unwilling it should be made so. It is our principal farm industry and has been for half a century. Being engaged in that business myself, I know the confining hours, early and late, which must be put in by the dairyman. I do agree that Wallace's Farmer is right in warning farmers who are looking for short hours, for days off, and for long vacation periods between crop seasons not to go into that occupation.

But, Mr. Chairman, if our eastern dairy farmers are enduring their burdens patiently and by working these long hours and by the practicing of thrift and economy are paying for their homes, making a living for their families, and becoming people of substance in the communities in which they live, is it justice for the Government of the United States to interfere and take away that which they have earned by imposing a tax upon the raw material they must buy?

Any sound measure for the relief of agriculture will apply to all crops and all products alike and not to a few. [Applause.]

MESSAGE FROM THE SENATE

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate announced that the Senate further insists upon its amendments Nos. 8, 9, and 10 to the bill H. R. 16462, entitled "An act making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes," disagreed to by the House of Representatives, and asks a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. WARREN, Mr. CURTIS, and Mr. OVERMAN.

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

H. R. 1231. An act for the relief of Mary Moore; and

H. R. 3432. An act for the relief of Joel C. Clore.

The message also announced that the Senate insists upon its amendment to the bill H. R. 3436, entitled "An act for the relief of certain officers and former officers of the Army of the United States, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. MEANS, Mr. CAPPER, and Mr. TRAMMELL.

The message also announced that the Senate insists upon its amendments to the bill H. R. 16863, entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1928, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. WARREN, Mr. SMOOT, Mr. CURTIS, Mr. HARRIS, and Mr. JONES of New Mexico.

M'NARY-HAUGEN FARM RELIEF BILL

The committee resumed its session.

Mr. KINCHELOE. Mr. Chairman, I yield the remainder of my time, 8 minutes, to the gentleman from Oklahoma [Mr. HASTINGS]. [Applause.]

Mr. HASTINGS. Mr. Chairman, the first question involved is whether or not there is a real farm problem to be met and solved. No one has disputed this in the debate. The only question is as to the remedy.

We have been considering farm legislation for the past three or four years. Because of differences among us no legislation has been enacted. The movement has been nation-wide to press upon Congress the importance of beneficial legislation. Innumerable persons, the heads of farm organizations, business men, bankers, and others interested, have met in their respective communities and have carefully studied all plans submitted, and their representatives who have appeared before the Committee on Agriculture have almost with one accord urged the passage of the so-called McNary-Haugen bill.

We debated a similar bill at length during the last session of Congress. I called attention then in great detail to the depressed condition of the farmer. His condition grows worse instead of better. The farmers and business men of the country are anxiously looking to Congress for some beneficial legislation.

Nearly every farmer in my district with whom I talked while at home asked me: What are you going to do for the farmer? He knows I am in sympathy with him and he has confidence that I will give this subject the very best thought of which I am capable, and that I will do what I can to secure beneficial legislation.

DEPRESSED CONDITION OF FARMERS A NATIONAL PROBLEM

There are 6,500,000 farmers in the United States and approximately one-third of the population of the country, or between thirty-five and forty million people, live upon farms. Everyone, either directly or indirectly, is more or less affected by the conditions in the farming industry. Surely, the matter is of such pressing importance that this Congress should not adjourn without the enactment of some legislation for their benefit.

Pass this bill and you add to the prosperity of the entire citizenship of the Nation. The prosperous farmer buys more of the goods manufactured in the East, furnishes more products for transportation, spends more improving his farm, employs more labor, has money in the bank, spends more money with local merchants, more generously supports schools and churches, and is better able to clothe, educate, and maintain his family. The proceeds of his products marketed go into the channels of trade, and the result is beneficial to all.

We all appreciate that this legislation is new; that it will require amending from time to time as its administration may disclose defects, but that there is a pressing demand for legislation of this character surely can not be disputed. Even the gentleman from New Jersey [Mr. FORT] admits that there is a real farm problem and, in fact, everyone who has spoken upon the bill admits that the farmer is in a precarious condition. The question has been as to the remedy.

OUR DIFFERENCES ARE AS TO THE REMEDY

Those from the East urge that it will raise the price of foodstuffs to the consumer and for that reason oppose the legislation. Others urge that because of beneficial legislation in the form of the tariff, manufactured articles are entirely too high and that the tariff should be lowered. I am in sympathy with this argument, but every Member of the House knows that we can not reform the tariff during the present administration.

It is urged that freight rates are too high. I did not vote for the Esch-Cummins railroad bill and made a speech against it. I predicted then that freight rates would be increased. I would be glad now to support legislation to lower them. Everyone appreciates, however, that this can not be done during the present session and during the present administration.

It is argued that the farmers should diversify their crops. With this I agree in so far as they can and conditions will permit. Every farmer, landowner, and tenant should raise what his family eats and should raise feed for his livestock. However, climate, character of soil, and financial and marketing conditions interfere with this if they do not prevent satisfactory diversification. To illustrate, you can not raise cotton in the Northern States. Wheat must be sown in a limestone soil. The financial condition of many farmers requires that they raise cash crops which may be readily sold, because they do not have the money to buy stock to which to feed corn and other farm products.

It is insisted that the acreage of the farmers should be reduced as to certain commodities. If this bill is enacted its educational value to the farmers will be very great. All will receive the benefits of the bill. They will be advised through the cooperatives and other governmental agencies familiar with conditions and warned in advance of the large surplus of any commodity that will be carried over. This will result in decreased acreage the following year. However, decreased acreage does not always determine the amount of a commodity produced. Because of adverse weather conditions and other factors beyond the control of the farmers there is a great variation in the amount of any commodity produced. In 1920 the average yield of corn was 31.5 bushels per acre, and in 1924, 22.9 bushels. In 1921 the average yield of cotton was 124.5 pounds per acre, and in 1924 it was 156.8. This acreage variation in yield is true of all crops, and the variation in price is equally as great. This bill has for one of its purposes the stabilization of prices in farm products so that the fluctuations may not be so great.

When no other excuse can be summoned the two very convenient and always ready arguments are advanced: (1) That the bill is "economically unsound," and this we have attempted to disprove, and (2) that the bill is "unconstitutional." Of course I would not knowingly vote for an unconstitutional bill. The report of the committee anticipates this objection and defends its constitutionality. I prefer to follow the judgment of the committee that has closely studied the question than the enemies of all farm legislation.

Are we, then, to do nothing? Are we to adjourn and pass no legislation of benefit and leave the farmers in their present financially depressed condition?

LOSSES OF FARMERS (1920–1925) STAGGERING

At the last session of Congress, during the consideration of a similar bill, I assembled some arguments emphasizing the need of farm legislation, which conclusively showed that there was and is a real farm problem to be met.

During the five years from 1919 to 1925 the exchange value of farm products has shrunk $13,000,000,000. The shrinkage of farm lands has been from $54,800,000,000 to $37,800,000,000, or $17,000,000,000.

According to a report of the Secretary of Agriculture the exchange value of farm products for manufactured products in 1925 was 60.3 cents. In other words, the farmer loses in exchange value on every dollar 39.7 cents. No individual, company, or firm engaged in business can survive that contributes 39.7 cents out of every dollar to other industries.

Let us examine the average income of the farmer. It is given in the report at approximately $730 per year, and this includes the labor of the farmer's wife and all other members of his family.

The average income of industrial and clerical workers is almost double this, or $1,415 per year.

It must also be remembered that industrial and clerical workers are comfortably housed and are not affected by the hazards of the seasons, work eight hours per day, and this does not include the labor of the wife and other members of the family.

From the $730 annual income of the farmer $630 is deducted for living expenses, leaving the farmer for clothing, education of his children, recreation, and other expenses the sum of only $100.

CATTLEMEN LOST $2,360,000,000 AND ALL WENT BROKE

Let us be a little more specific: The hog producers of the country during the five years from 1919 to 1925 lost $2,680,000,000. The cattlemen during the same period lost $2,360,000,000, and every single one of them, without exception, who did business on borrowed capital, went broke. The loss to the corn producers was over $1,000,000,000. The wheat farmers lost $1,150,000,000. Cotton is now being sold below the cost of production. When we were debating this bill at the last session cotton was worth 18 cents per pound, and that was estimated by economists in the House to be the cost of production. Congress adjourned without enacting any legislation, and cotton fell during the recess to between 11 and 12 cents. The prospect of passing this bill has advanced the price of cotton slightly. In other words, cotton fell 7 cents per pound to the producers. They lost $35 per bale below the cost of production. Surely we are not going to remain here during the last days of this session without enacting some legislation to help the deplorable condition of the farmers.

The Department of Agriculture estimates the total crop value of the 55 principal crops for the year 1926 at $7,801,313,000, or a decrease of $1,148,000,000, as compared with their 1925 value. Surely the decline can not long continue. It has reached the

bottom. The farmers and small business men throughout the Middle West will not stand for it.

LEGISLATION FOR OTHER CLASSES ENACTED

We have enacted beneficial legislation for practically all other classes, both at home and abroad. The tariff raises the cost of manufactured products to the consumers and requires them to pay tribute on account of this privileged legislation. The farmer loses in the exchange value of the products of the farm 39.7 cents out of every dollar. Surely no person can successfully defend this special-privilege legislation.

It enabled the Steel Corporation to declare a 40 per cent stock dividend, and in addition the regular quarterly dividend, and in addition placed a large amount—$500,000,000—to their surplus. The consumers of the country, including the farmers, out of this 39.7 cents out of every dollar, contributed to this dividend. Surely no one can defend it and I believe everyone will agree that the steel industry needs no special tariff protection.

I only use this as one illustration. Many other industries are making enormous profits at the expense of the consumers and are paying large dividends. The statistics show that the average farm dividend is 2 per cent or under. The farmers of the country have been reduced to industrial slavery. They have mortgages upon their farms to the amount of $12,250,000,000, and they are besieging Congress for some relief.

We enacted legislation for the benefit of the railroads. The Interstate Commerce Commission has placed the rates on transportation so high that the railroads, during the past year, showed the greatest net receipts in a quarter of a century. Now, mind you, I am not opposed to capital. I believe that all capital legitimately invested should be protected and should bring fair returns, but I am opposed to special-privilege legislation which enables, for instance, the Steel Corporation to declare a dividend of 40 per cent in stock, in addition to the regular quarterly dividends, and to place a large amount to surplus, and at the same time the farmers have lost during the past five years, through shrinkage in the value of farm products and farm lands, $30,000,000,000 and secured only 2 per cent on their investment, particularly when I keep in mind that the farmer, his wife, and children work on an average from 12 to 14 hours per day and are subjected to all the hazards of the seasons—the rain, snow, drought, and various pests, such as the boll weevil, which destroy the fruits of his labor.

We used a comparatively small amount of money in maintaining the price of wheat during the war, lost no money, but made a profit. This bill can be administered in such a way as to reduce the commission or equalization fee to a minimum and perhaps eliminate it altogether. The farm population is decreasing at a rate estimated at more than 500,000 annually. Improvements on the farms are deteriorating. Many farms have been and are now being abandoned. Large numbers are untilled. Mortgages are being foreclosed in surprisingly large numbers. Taxes are unpaid and become a lien against the farms, with heavy penalties. Everyone who represents the farmers of the Middle West knows that this picture is not overdrawn. Conditions generally are not improving. Shall we not attempt to afford some measure of relief before we adjourn?

TARIFF ARGUMENT A SUBTERFUGE

Every subterfuge is attempted to be found. In 1921 the emergency tariff bill was enacted. Instead of the price of farm products going up they went down. Everyone knows that where we raise an exportable surplus that a tariff can be of no benefit on agricultural products. Take cotton for example: We export approximately 60 per cent of our cotton. We are not only attempting to find a domestic but a foreign market. A tariff of $1 per pound on cotton would be of no benefit to the cotton producers of the country. What is true of cotton is true of other agricultural products, where we raise an exportable surplus. I can not, therefore, knowing the farm problem as I do, help but take a sympathetic view of the condition of the farmers. I think I know these conditions. I was raised on a farm. I own farm lands. Every person in my district is either directly or indirectly dependent upon the farmer. They all sympathize with him. They do not believe he gets a square deal from our National Government. I share this belief.

Just one more illustration: Take labor, for instance. Through laws we have restricted immigration and I voted for that. In 1907, 1,207,000 immigrants came to this country. Under existing law approximately 150,000 may now come each year. They should not be permitted to come any faster than they can be assimilated into the citizenship of our country and compete with labor in this country.

Other illustrations might be multiplied: We gave large land grants to railroads which built their lines across the continent some 60 years ago. We have appropriated vast sums, estimated at $2,150,000,000, for the merchant marine. We remitted to foreign governments on their war loans $10,705,000,000—which I voted against—because it was argued they were unable to pay.

When we insist that the Government should supply a revolving fund to assist the farmers through storage and orderly marketing to secure a fair price for their products, it is called a subsidy.

BANK FAILURES DUE TO FARM CONDITIONS

During the years 1920–1926, inclusive, there were 421 national bank failures and 2,647 State bank failures in this country, or a total of 3,068 banks, with liabilities of $990,161,000. These banks were practically all located in the agricultural sections of the country. What few banks failed in other sections failed on account of local causes. The reason for these failures was given as frozen assets or inability to collect, very largely, the notes due on account of farm loans. This indicates why the Oklahoma State Bankers' Association is urging farm legislation and that every industry, large and small, throughout the farming sections dependent upon farming are interested in having Congress take favorable action on farm legislation.

This is not a partisan question and should not be viewed from a partisan standpoint. We must answer to our constituents for the record which we make here.

If the eligible voters of the Nation would constantly keep in mind their own best interests and not be diverted to questions of lesser importance, and would go to the polls and vote, they would have a more potential voice in the affairs of the country. The farmers are not organized, too frequently vote their prejudices, and many neglect to go to the polls. Only about 51 per cent exercised the right of franchise in 1924. The big interests are organized, active, and alert, and get their full strength to the polls on election day.

BILL INDORSED BY COTTON GROWERS AND FARM ORGANIZATIONS

The Oklahoma Cotton Growers' Association has studied the principles of the McNary-Haugen bill and have indorsed it, as the following telegram indicates:

OKLAHOMA CITY, *February 14, 1927.*

Hon. WM. W. HASTINGS,
Washington, D. C.:

The 57,000 members of the Oklahoma Cotton Growers' Association, together with other farm organizations in Oklahoma, are praying for relief in their present distressed condition on account of the effect of the present surplus cotton. We believe McNary-Haugen bill will relieve situation to a great extent and ask you to do everything in your power to bring about the passage of the McNary-Haugen bill as amended by the Senate last week.

SAM L. MORLEY,
General Manager Oklahoma Cotton Growers' Association.

The State Bankers' Association, in convention last year, studied the bill and indorsed it. I know of no farm organization that has studied this bill that has not given it approval.

The report on the McNary-Haugen bill shows that practically every nation-wide farm organization in the country has indorsed the bill. This is an indorsement after some two or three years' mature study. It is not fair, therefore, to say that the principles of the bill have not been carefully analyzed and then indorsed by practically all of the farm organizations of the country. When a member of your family falls sick a physician is sent for who diagnoses the case and prescribes a remedy. When you are confronted with litigation an experienced lawyer is called upon, the facts in the case are submitted to him for advice and assistance. Now, if I had any doubt as to the remedy for the agricultural depression I would resolve that doubt in favor of the judgment of the nation-wide farm organizations.

I would not be prepared to set up my individual judgment, if doubtful about the remedy, as against the combined judgment of the very best thought of the Nation upon this subject. Fortunately for me, my judgment is in harmony with theirs, and I am therefore favoring this legislation because, after the most careful study I could give to it, I am convinced that it is the best legislation that has been presented and that it will prove effective. I do not mean that it may not need some amendments. We have never passed any very important legislation that defects in the administration of it have not been pointed out and perfected by amendments at subsequent sessions of Congress. There are certain amendments to this bill that I would like to see incorporated, but I am only one of 435 Members of Congress, and not being a member of the Committee on Agriculture, I will not be able to get them adopted, and in view of our substituting the Senate bill, and the short time before adjournment of this session, I think the House should pass this bill as it passed the Senate without

amendment, so that it will not have to go to conference, and whatever defects, if any are found to exist in the bill, can be perfected at the next session. It is much easier to amend a bill than to pass a new one. I remember well in 1913 that practically every national bank in the country was against the Federal reserve law. Over 13 years have elapsed. It saved the Nation from financial panics. Now everyone commends it. It is true that it has been amended from time to time, as defects appeared in its administration. That will be true as to this legislation. I am therefore going to vote for the McNary-Haugen bill. I am going to vote against the Crisp substitute and I am going to vote against a motion to recommit, if one is made to substitute the Aswell bill for this bill.

Among the amendments I would like to see added to the bill are:

First. I would increase the revolving fund to $500,000,000, not that I think it would be needed but for the psychological effect that the enlarged financial ability to render needed assistance would have.

Second. I would allocate a definite amount to each commodity as a guaranty against any fear of sectional favoritism.

Third. I would defer the collection of the equalization fee for one or two years and permit the Government to absorb the loss out of the revolving fund, if any, until the people became familiar with the details of administration.

M'NARY-HAUGEN BILL REVIEWED

Now, let me briefly review the provisions of these three measures.

In the first place permit me to compliment the Committee on Agriculture, and, in fact, the authors of all three of the bills, by saying that none of them contain any technical provisions that can not be easily understood by the average person. Anyone can take the McNary-Haugen bill and read it and understand it. The report submitted in behalf of this bill has been very carefully prepared and is one of the best reports to Congress I have ever read. It contains much explanation and information and, I might say, justification. The report, to my mind, completely defends this bill.

Now, what does the bill do and what are the differences between the three bills submitted to Congress?

In the first place section 1 of the McNary-Haugen bill contains the following declaration of policy and the language can not be improved upon:

SECTION 1. It is hereby declared to be the policy of Congress to promote the orderly marketing of basic agricultural commodities in interstate and foreign commerce and to that end to provide for the control and disposition of surpluses of such commodities, to enable producers of such commodities to stabilize their markets against undue and excessive fluctuations, to preserve advantageous domestic markets for such commodities, to minimize speculation and waste in marketing such commodities, and to encourage the organization of producers of such commodities into cooperative marketing associations.

It provides for a Federal farm board of 12 members, one from each of the 12 Federal land bank districts, to be selected from a list of three names recommended by a nominating committee, composed of five persons, four of whom are to be selected by farmers or farm organizations, the fifth to be selected by the Secretary of Agriculture. This should insure the selection of men in sympathy with the farmers and interested in the success of the bill.

An advisory committee of seven members for each commodity is to be selected to confer and advise with the members of the board. The basic commodities included in the bill are corn, cotton, wheat, rice, swine, and tobacco. The bill is not to go into effect as to any agricultural commodity until and unless members of the board representing the farm land bank districts which in the aggregate produced during the preceding crop year 50 per cent of such commodity shall vote in favor of it, and this can not be done unless both the advisory committee representing the commodity and the board further finds that the farm organizations representing the producers of the commodity favor the full cooperation of the board. In other words, it is voluntary with the producers of any commodity as to whether they will accept the terms of the bill and have an operating period declared, and having accepted the terms of the bill they can terminate the operating period with respect to any commodity at their own pleasure and in the same way. If the farmers find that the bill is not effective, in the first place they do not have to accept its benefits, and if after having come under the provisions of the bill they wish to do so they can voluntarily withdraw themselves.

The bill provides for a revolving fund of $250,000,000 and authorizes an appropriation of $500,000 for the expense of administration.

Section 9 of the bill provides for an equalization fee to be estimated by the board to cover the probable advances, losses, costs, and charges, to be collected upon each unit of the agricultural commodity coming within the operation of the law. This fee is to be paid under rules and regulations of the board, as provided for in the bill.

This is the provision of the bill against which most of the criticism is leveled and which I will refer to again in a moment.

The board must find, to illustrate with cotton, that there is a surplus above the requirements for orderly marketing, and with respect to other basic commodities that there is a surplus either above domestic requirements or a surplus above the requirements for orderly marketing.

Now, let us see how this bill will work, using cotton as an illustration: The board would be compelled to find during the present year that the 18,600,000 bales constituted a surplus above the requirements for the orderly marketing of cotton, and if the advisory board and the representatives of the farm organization favor the declaration of an operating period as to cotton, and the board from the farm land bank districts which produced 50 per cent or more cotton, vote in favor of declaring an operating period with respect to cotton, they shall so declare or issue a proclamation to that effect.

During the operating period the board is directed to assist in removing, withholding, or disposing of the surplus of cotton with cooperative associations engaged in handling it, or by entering into agreements with the group or association created by one or more of such cooperative associations or other agencies provided for in the bill, and the expense of storing and holding the cotton would be paid from a stabilization fund created out of the $250,000,000 revolving fund, replenished by the equalization fee which is paid upon each bale of cotton produced and sold.

In the event the revolving fund is exhausted this equalization fee augments the amount in the stabilization fund. This is one of the principal differences between the McNary-Haugen bill and the other two bills.

EQUALIZATION FEE IS A COMMISSION FOR SERVICE RENDERED

Before we get frightened let us examine a little more closely the so-called equalization fee. There is perhaps not a cattle or hog man in the country who, when he ships a carload of hogs or cattle to market, but ships them through a commission firm and pays to this firm a commission, or charge, or you might call it an equalization fee. The equalization fee is the commission which the producers pay on each unit of the agricultural commodity which comes within the provisions of the bill to cover his pro rata share of the cost and charges and estimated losses or advances. He is doing just what the hog and cattle men do when they ship to market. He is paying a commission or equalization fee.

When the Federal reserve bank system was created every member bank was compelled to contribute its ratable share by subscribing for a certain amount of stock and by depositing a per cent of its deposits, without interest, in order to create a financial reservoir or insurance fund which could be used by the Federal reserve banks to come to the assistance of member banks through loans or rediscounts. The same principle is involved in this bill. Each pays a commission or equalization fee in proportion to the benefit received. No more and no less. The same principle is involved in the farm land bank system. Each borrower is required to subscribe for a certain amount of the stock and must pay in addition to the rate of interest an amount sufficient to cover the cost of administration. You might call this a commission or equalization fee.

If this bill will enable the farmers to get more for their products through the payment of a commission, or equalization fee, as one interested in farming it would be good business for me to pay it.

CRISP AND ASWELL BILLS COMPARED—NOT ADEQUATE

The Crisp bill creates a board of 12 members in the Department of Agriculture, not in sympathy with the provisions of the bill, selected not upon the advice of a nominating committee, but with an advisory council. When the board, hedged about with many limitations (sec. 7) determines that an emergency exists it may require cooperative associations to form a corporation and advance the money out of the revolving fund to make purchases of any commodity under certain conditions (sec. 10) to assist cooperatives in the orderly marketing of any commodity, and it may advance money to the cooperatives to provide storage facilities (sec. 14).

The Aswell bill creates a board of 12 nominated by the President and confirmed by the Senate, selected not upon the advice of a nominating committee, and this board is authorized to create a corporation with six directors and subscribe for all of its stock.

Both of these bills authorize an appropriation of $250,000,000 as a revolving fund. Neither provides for the payment of any losses. Both, under certain conditions and in a very limited way, are meant to assist the farmers in the orderly marketing of their products under certain limitations or conditions.

Now, what are the differences in the three bills? As I analyze them they are threefold:

The McNary-Haugen bill will be administered by the advice of the farmers in sympathy with the bill and interested in making it a success.

Second. The equalization fee contributes to and keeps replenished the stabilization fund and insures its permanency.

Third. And to my mind this is the controlling factor, it concentrates and gives the bargaining power as respects any commodity to the cooperatives or agencies recognized by the board with whom agreements are made.

Let me illustrate this with cotton: Assuming that under the conditions of the bill the operating period on cotton has been declared by the board. When representatives of spinners from the eastern mills or foreign governments come to buy cotton they must bargain not with the helpless and financially distressed farmers, who must sell to meet their pressing obligations, but with the agencies recognized by the board, and cotton will not then be forced upon a ruined and depressed market, but stored and orderly marketed by experienced men who know conditions and who will exact a fair price. Suppose you had the bargaining power of all of any commodity and a financial reservoir created out of a revolving fund of $250,000,000, would you not be able to secure a fair price?

The McNary-Haugen bill insures the benefits of the bill to all producers, whether they belong to cooperatives or not. They pay their proportionate share and secure proportionate benefits. There is no way to bring all the producers of any commodity under the terms of the Crisp or Aswell bills. These measures will reach only a small percentage of the producers of any commodity. As a result the agencies created will not have the full bargaining power of the commodity. That is the reason cooperatives now fail. Only about 7 per cent of the farmers belong to cooperatives. They can not control the bargaining power of the commodity. A few—about 7 per cent—must attempt to finance for all. They can not control and store and withhold for orderly marketing enough of any commodity to insure a fair price to the producers. Seven per cent of them can not carry the load. Farmers are scattered across the continent. There are six and one-half millions of them. They can not be organized. Of the 197,000 farmers in Oklahoma, 115,000 are tenant farmers. Many live in sparsely settled communities. Their necessities force them to market their crops in order to meet their obligations to business men and banks. The steel men and manufacturers are comparatively few. They can and do organize. They can withhold their products from the markets. They are financially able to do this. This bill concentrates the bargaining power for the producers of farm products.

The bankers of the country met at Memphis, Tenn., during the past season and tried to finance the cotton producers of the South. It was not a success for two reasons: First, they were unable to finance it, and, second, they could not secure concerted action so as to insure the full bargaining power.

You ask, Will this bill raise the price of farm products to the consumers? That depends upon its administration. Suppose the middlemen are eliminated and the spread between the producers and consumers is saved to the producers. They would receive a substantial benefit even if the price of their commodity is not advanced to the consumers. But will anyone argue that the spinners of cotton or consumers of food products should not pay the cost of production plus a reasonable profit to the producers that resulted through concentration of bargaining power, storage, and orderly marketing, even if they had to pay a higher price? Are the farmers to be compelled, for want of assistance, to sell their products at ruinous prices? I know that the farmers can not survive under present conditions. I am willing to contribute my ratable share, whether it is called a commission or an equalization fee, if it will result in a better and a fair price for farm products and again restore confidence of all of the people in the justice and fairness of our Government and bring happiness, contentment, and prosperity to the farmers and business men throughout the country. [Applause.]

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

Mr. TINCHER. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, I am informed that the Committee on Agriculture had no hearings on this bill. I am also advised that no estimate was obtained from any source as to the cost of administration. I therefore addressed a letter to the Secretary of the Treasury, asking his views on the administrative features and the probable cost of administration, and I have a reply from the Secretary of the Treasury. I ask unanimous consent to extend my remarks so as to include my letter and the reply thereto from Secretary Mellon.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

The letter and inclosure referred to are as follows:

FEBRUARY 9, 1927.

Hon. ANDREW MELLON,
Secretary of the Treasury, Washington, D. C.

DEAR MR. SECRETARY: If agreeable to you, I would like to have your views on the administrative features, including cost of administration, involved in the execution of the provisions of House bill 15474, a bill proposed "to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities." The Treasury Department will have much to do with the administration of the provisions of this bill, including, as I understand it, the collection of the equalization fee.

Very truly yours,

CARL R. CHINDBLOM.

THE SECRETARY OF THE TREASURY,
Washington, February 11, 1927.

Hon. CARL R. CHINDBLOM,
Committee on Ways and Means,
House of Representatives, Washington, D. C.

MY DEAR MR. CHINDBLOM: I have your letter of February 9 requesting my views on the administrative features of House bill 15474, more particularly with reference to the cost of administration of the provisions of the bill. In compliance with your request I have asked the Bureau of Internal Revenue to prepare a memorandum as to the administrative costs of collecting the equalization fee, which, in many respects as to administration, is similar to our excise taxes. I inclose herewith a copy of the estimate prepared by the Bureau of Internal Revenue.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, February 11, 1927.

Memorandum on the cost of administration of House bill 15474.

You have asked for comment as to the administrative features involved in complying with the provisions of H. R. 15474, a bill proposed "to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities." You also asked for an estimate of the cost of administration.

The two major factors involved in the administration of the proposed legislation are:

A. Administrative organization and expense thereof.

B. Collection of equalization fee.

ADMINISTRATIVE ORGANIZATION AND EXPENSE THEREOF

The following statement indicates the organization and the estimated annual cost of maintenance thereof.

Federal farm board

PERSONNEL	
Board members, salaries $10,000 each	$120,000
1 secretary (average salary, grade C. A. F. 12)	5,800
1 chief clerk (average salary, grade C. A. F. 11)	4,400
Experts, 5 at average salary of $5,800 (one for each basic commodity)	29,000
12 secretaries to members, $2,100 each	25,200
1 chief statistician	5,800
1 assistant statistician	4,400
5 grade 10 employees, $3,600 each, average	18,000
10 stenographers, C. A. F. 2, average salary $1,500	15,000
5 file clerks, average $1,500 each, grade 2	7,500
10 typists, average $1,320 each, grade 1	13,200
10 clerks, average $1,680, grade 3	16,800
5 clerks, average $1,500 each, grade 2	7,500
5 messengers at $1,140 each	5,700
100 field investigators, at $2,100 average salary, to be assigned to auditing and investigating accounts covering equalization fees	210,000
TRAVEL AND SUBSISTENCE	
Board members, $600 per member	7,200
Experts, 5 at $1,000 each	5,000
Secretaries, 12 at $600 each	7,200
Field investigators, average $1,800 each	180,000
MISCELLANEOUS EXPENSES	
Rent, 20,000 square feet, at $2 per square foot	40,000
Mechanical equipment	3,600
Furniture	11,800
Stationery and periodicals	3,000
Total	746,100

NOMINATING COMMITTEE

Salaries, 60 members at $20 a day for 5 days	$6,000
Travel and subsistence (average subsistence $10 per day for 11 days, transportation average $100 per member)	12,600
Total	18,600

ADVISORY COUNCIL

Salaries, 35 members, $20 per day for 20 days per year	14,000
Secretary to each of 5 councils, $16.11 a day for 25 days	2,013
Travel and subsistence (25 days at $7 a day for each of the 35 members; transportation, $100 a man for 2 trips each year)	9,625
Total	25,638
Grand total	790,338

COLLECTION OF EQUALIZATION FEE

The first important factor to be considered in this connection is the method to insure the filing of correct returns and the collection from various designated agencies of the equalization fee for each unit of basic commodity on which such fee is levied.

The bill provides that the equalization fee may be collected under such regulations as the board may prescribe during operations in a basic agricultural commodity and that the fee shall be paid upon any of the following: The transportation, processing, or sale of such unit. It also provides that no more than one equalization fee shall be collected in respect to any unit. The board shall determine in the case of any class of transactions in the commodity whether the equalization fee shall be upon transportation, processing, or sale. The board may require any person engaged in the transportation, processing, or acquisition by sale of a basic commodity:

(1) To file returns under oath and to report, in respect of his transportation, processing, or acquisition of such commodity, the amount of equalization fees payable thereon and such other facts as may be necessary for their payment or collection.

(2) To collect the equalization fee as directed by the board and to account therefor.

(3) In the case of cotton to issue to the producer a serial receipt for the commodity which shall be evidence of the participating interest of the producer in the equalization fund for the commodity. The board may in such case prepare and issue such receipts and prescribe the terms and conditions thereof. The Secretary of the Treasury, upon the request of the board, shall have such receipts prepared at the Bureau of Engraving and Printing.

Discussing the general terms of the bill, it is understood that its purpose is to provide methods to dispose of the surplus of any one of the five basic agricultural commodities, and that the method of disposing of such surplus will be either by sale to foreign markets at the best price possible or by withholding such surplus pending more advantageous conditions. The loss incurred as a result of such action will be apportioned and assessed upon each unit of the particular commodity as the commodity moves in commerce. As set forth above, the board may require either the person engaged in the transportation thereof, the processing, or acquisition by sale to file the return and pay the assessment.

Regardless of which of the three mediums of collection is adopted, a force of investigating agents must be organized for the purpose of ascertaining whether the designated collection medium has filed correct returns and paid the full amount of the fee. The investigating body might be compared with the present force of revenue agents employed under the supervision of the Internal Revenue Bureau. The impossibility of collecting every cent of the equalization fee is apparent. In addition to the fact that the equalization fee is a sum authorized by law which must be collected for the rehabilitation of the revolving fund, it can be seen that the collecting agency that does not make proper report is in effect withholding Government funds. The collection of the equalization fee will be difficult. So much will depend upon the honesty and alertness of the collection agency that it can be seen that many units of the proper commodity as it passes through commerce will fail to pay the equalization fee provided by law. An unscrupulous processor or purchaser or carrier will find that ability to evade the return of the equalization fee to the board will result in his profit. It must be realized that the ingenuity of the Government representatives must be vigorously applied to adequately meet in so far as possible the requirements of the proposed legislation.

It has been pointed out above that a corps of investigators will of necessity be employed to protect the interests of the Government. It will only be by the most intensive training, experience, and study on the part of these men that this important duty can be efficiently performed. They should be specialists in their particular line of endeavor.

The collection of the equalization fee from any one of the three mediums provided has so many disadvantages that it is not possible to say which would be the least difficult. Of course, the board would determine which of the three mediums would be selected at any given time or for any given commodity.

In the case of collection from the carrier there are 1,614 steam and electric railways, 2 express companies, and 1,730 steamship lines doing an interstate and intrastate business. It would be difficult to estimate or to ascertain the number of motor freight companies or freight vehicles making short hauls. The possibility of shipping a commodity by unregistered vehicles and the resultant difficulty in collecting a fee is apparent.

The impossibility of definitely ascertaining the various sources of acquisition by sale prompts the suggestion that the medium of collection at this source must be dismissed as impracticable unless we are to depend entirely upon the honesty and integrity of the acquirer in the collection of the fee.

From the latest figures available it is estimated that there are in the United States the following number of processors who operate in the basic commodities involved:

Cotton ginners	551
Packers	1,252
Millers	3,829

There is also to be taken into consideration the number of factories throughout the United States engaged in the business of canning corn. If collection is to be made by the processor, the above number would be involved. As a further evidence of the magnitude of the task, attention is called to the fact that in 1925 the wheat crop of the United States was estimated by the Department of Agriculture at 676,429,000 bushels, the corn crop at 2,916,961,000 bushels, the rice crop at 33,309,000 bushels, the cotton crop at 16,103,679 bales, and it was also estimated that a total of 55,568,000 head of swine, weighing 12,391,664,000 pounds, was produced in 1925. If all these commodities were under operation of the Federal farm board at the same time, collection would be required from an aggregate of 16,034,466,679 units. This is true regardless of which medium of collection is adopted.

Provision must also be made for the proper and most available place where the returns may be filed and where there may be turned over to the Government the amount collected. Unless it should be determined to fix this place of filing returns and making payment at some collection agency of the Government already established, collectors of equalization fees must be created in each of the 12 Federal land banks during the periods of operation, adequate accounting methods must be created to provide for crediting the amount paid, and proper means instituted to see that the payments made are promptly deposited to the credit of the revolving fund. It is reasonable to assume that regardless of the desires of the framers of the proposed legislation, it will not be possible to return to the revolving fund the entire amount withdrawn therefrom for the reason that experience in collecting taxes has established the fact that taxes are never collected 100 per cent.

The estimate does not take into consideration the actual filing of the returns or the collection of the fees. Nor does this memorandum cover those features of the bill covering contracts to be made with processors, cooperative associations, or other persons guaranteeing them against losses. To carry out these provisions and to protect the integrity of the stabilization fund, the board will necessarily have to employ a large force of accountants and technical experts. In addition, our experience in the collection of internal revenue taxes has indicated that it is necessary to maintain a large legal staff to deal with the many complicated questions that necessarily arise in the collection of large sums of money and in the auditing of vast business enterprises.

The time available has been too short to furnish even an estimate as to these administrative costs.

The CHAIRMAN. The gentleman from Kansas [Mr. TINCHER] is recognized for four minutes.

Mr. TINCHER. Mr. Chairman, the other day I suggested that there were plenty of men supporting this bill who could explain it if they wanted to; that if there was any legitimate field for the bill, some of the talent here would take the floor and explain how it would benefit some commodity.

In answer to that speech the gentleman from Illinois [Mr. ADKINS] spent his time describing my physical make-up. The gentleman from Illinois [Mr. WILLIAMS], second only to the gentleman from Illinois [Mr. ADKINS] in his ability to explain a bill of this kind, spent his time in explaining the merits of Billy Suttle. There has been no effort by anyone to discuss the economic soundness of this bill except that by my distinguished friend from Mississippi, Mr. PERCY QUIN. [Applause.] His is the only argument that has been delivered on the economic side of this bill.

I take the floor now, however, to bid Mary Haugen good-bye again, because to-day she dies, and to-morrow we abandon her. To-morrow a rule will be brought in, and after all this debate that we have had concerning the Haugen bill, which we all know can not pass, we have now another monstrosity that will result in the bringing in of a new rule and a new debate. And I will say in all kindness to dear old Mary Haugen, "You are going to die to-day, and there is only one place on earth where they have produced a worse mixture than you are, and she is coming in to-morrow for a new debate." Of course, the time will then be divided again, and we shall have many more economic discussions such as those we have been delivering here

concerning this one, and so I think we must regret that we shall no longer have the pleasure of talking about poor old Mary Haugen any more. [Laughter and applause.]

Just think of it. Twelve hours of general debate, and of all the talent here not one proponent of this bill could stand on this floor and explain how it is going to help.

They brought on the gentleman from North Dakota [Mr. BURTNESS] again to represent their side on the hard-wheat proposition. I ask you to read his statement on hard wheat. If it is an economic argument to charge Sidney Anderson with being unfriendly to agriculture, then I must quit.

Let me tell you about the changes, and you will notice how they have soft-pedaled that thing. One said, "We will hide the proposition of the equalization fee on imports." Another said, "We had better not go quite that strong; we had better not argue that," because some of those fellows will understand that if you put an equalization fee on imported wheat you will drive the American miller out of the United States to do his milling, because you can not put it on flour.

Of course, it is not worth while for me to go any further. She is dead, and to-morrow we will start with another baby. [Applause.]

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

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15474) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, and had come to no resolution thereon.

Mr. SNELL, from the Committee on Rules, presented a report to accompany a resolution for the consideration of Senate bill 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, which was referred to the House Calendar and ordered printed.

Mr. CHINDBLOM. Mr. Speaker, may the rule be read for information?

Mr. SNELL. Mr. Speaker, I ask unanimous consent that it be read for the information of the House.

The SPEAKER. Without objection, the Clerk will read the resolution for information.

There was no objection.

The Clerk read as follows:

House Resolution 421

Resolved, That upon the adoption of this resolution the Committee on Agriculture be discharged from the further 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, and it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of said bill. After general debate, which shall be confined to the subject matter of said bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman of the Committee on Agriculture and the gentleman from Louisiana [Mr. ASWELL], the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage.

Mr. TINCHER. Mr. Speaker, I reserve a point of order against the resolution.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. What will become of the bill now pending in the Committee of the Whole House on the state of the Union? I presume the Committee of the Whole will have to make some disposition of the present bill now before it.

Mr. BANKHEAD. Mr. Speaker, I make the point of order that that is not a parliamentary inquiry, in view of the fact that the rule is only read for the information of the House.

The SPEAKER. The Chair would think it was in the discretion of the gentleman obtaining the floor to move to resolve into committee to consider either bill. Each bill would still be in order.

Mr. CHINDBLOM. But it would be a different Committee of the Whole, not the same Committee of the Whole.

The SPEAKER. The Chair does not think that would make any difference.

Mr. CHINDBLOM. There might be the same Chairman but not the same Committee of the Whole.

The SPEAKER. The Chair does not see how that distinction would affect the situation.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 15474, 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. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. The gentleman from Kansas reserved a point of order. If it is in order to reserve it, I want to insist upon the point of order being made.

The SPEAKER. This is not the proper time to make the point of order, because the rule is simply read for information.

Mr. DOWELL. And it is not the proper time to reserve it.

The SPEAKER. The Chair thinks a Member can always reserve a point of order. The Chair thinks it could be reserved at this time.

Mr. DOWELL. I do not understand how a point of order may be raised when the matter is being read for information only and not being considered.

The SPEAKER. But the report was made, and when a privileged report is made to the House, it is always in order to reserve a point of order.

Mr. CHINDBLOM. By way of analogy, when points of order are reserved on an appropriation bill the bill is not read, yet it is made upon the reporting of the bill.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. Can not this rule be considered now by unanimous consent?

The SPEAKER. Under the rule of the House a resolution from the Committee on Rules lies over for a day.

Mr. CONNALLY of Texas. But it can be done by unanimous consent, can it not, and why not go on with the consideration of the rule now?

The SPEAKER. By rule of the House it could be suspended by a two-thirds vote, and the Chair thinks it could be done by unanimous consent.

Mr. SNELL. It was agreed it should be called up to-morrow, so I do not feel like calling it up to-day.

Mr. GARNER of Texas. Mr. Speaker, the House can do anything, in the way of legislation, by unanimous consent.

The SPEAKER. It can be done by unanimous consent. However, the rule is that a report from the Committee on Rules lies over for a day unless two-thirds shall vote to the contrary.

Mr. HAUGEN. Pending my motion, Mr. Speaker, I desire to ask unanimous consent that the time for general debate be extended for one hour and a half, to be consumed this afternoon and to be equally divided between the gentleman from Louisiana [Mr. ASWELL] and myself.

Mr. KINCHELOE. Mr. Speaker, reserving the right to object, as I understand it, the one hour and a half will be consumed this afternoon?

Mr. HAUGEN. Yes; and it is my understanding that half of the time of the gentleman from Louisiana is going to be yielded to the gentleman from New York [Mr. JACOBSTEIN], and the time is to be equally divided.

Mr. BARKLEY. Does this mean there is to be another one hour and a half of discussion on the House bill and then two hours on the Senate bill when that bill is reached?

Mr. HAUGEN. The resolution of the Committee on Rules provides for that. This is exclusive of the two hours granted by the Committee on Rules.

Mr. BARKLEY. I think we should get to a discussion of the bill under the five-minute rule as early as possible.

Mr. HAUGEN. Yes.

Mr. NEWTON of Minnesota. Mr. Speaker, reserving the right to object, and I shall not object, as I understand it, if the rule is passed to-morrow, we drop the Haugen bill and discuss the Senate bill. The Senate bill has not been reported out of the Committee on Agriculture and will not be reported before the rule is adopted. We will have before us the Senate bill, and there were 23 amendments passed in the Senate. I have been trying to find out just where these amendments belong in the bill, and it is a matter of considerable difficulty. I am wondering if we can not have available for the Members of the House to-morrow the Senate bill with the changes in

italics so we can readily find out just what changes in the text have been made.

Mr. HAUGEN. Does the gentleman request that it be printed in that way?

Mr. NEWTON of Minnesota. I ask unanimous consent that that be done, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill be printed showing the changes between the House bill and the Senate bill.

Mr. NEWTON of Minnesota. With the Senate amendments in italics.

The SPEAKER. And that the Senate amendments as affecting the House bill be noted in italics.

Mr. HAUGEN. The Senate bill with the amendments.

Mr. NEWTON of Minnesota. Yes; the Senate bill with the amendments placed on it in the Senate in italics.

Mr. DOWELL. Mr. Speaker, that would be entirely out of order. The Senate bill comes as a Senate bill. There are no amendments to the Senate bill. It comes in toto and is a bill in itself, and under this rule it will be taken up and considered by the House as a Senate bill, without any amendment whatever. If the gentleman desires to go through the RECORD and ascertain the words that were in the bill when it was reported from the committee and the amendments that were inserted in the Senate, of course that is a proper thing for him to do; but it certainly is not a thing that he can call for now, because it comes to us as a complete bill from the Senate as passed by that body.

The SPEAKER. It can be done by unanimous consent, of course.

Mr. NEWTON of Minnesota. I take it we want to be informed, and in this situation we are not going to have the benefit of a report from the Committee on Agriculture. They have reported on the House bill. They have not reported on the Senate bill. The Senate committee has not reported upon the amendments put on in the Senate. I think it would be of interest to the House, certainly to most of the Members, to know just what the Senate amendments are, so that we can find out exactly how they will affect the legislation pending before us.

Mr. UPDIKE. Mr. Speaker, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. UPDIKE. I would like to know whether the Senate bill was the same bill we had in the House.

Mr. NEWTON of Minnesota. I do not know as to that.

Mr. UPDIKE. I understand it was not the same bill.

Mr. FORT. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes; if I have the floor.

Mr. FORT. Mr. Speaker, there were differences in the original Senate bill from the original House bill. It seems to me that what the gentleman from Minnesota [Mr. NEWTON] desires is the House bill reprinted with the changes between its form and the form in which the bill passed the Senate shown in italics. This would then give a guide to Members of the House as to the difference between the bill we are now being called on to debate and the bill which we have been debating.

Mr. KINCHELOE. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. KINCHELOE. I heartily agree with the gentleman from New Jersey that the gentleman's request should be to show in italics the amendments put on by the Senate to the original Senate bill, and I think that ought to be done for the information of the House, and I hope the gentleman from Iowa [Mr. HAUGEN] will not object to the request.

Mr. NEWTON of Minnesota. I have been told that the Senate bill and the House bill were identical in the first instance.

Mr. KINCHELOE. They were, practically.

Mr. NEWTON of Minnesota. If not, then the suggestion of the gentleman from New Jersey and of the gentleman from Kentucky should be carried out and the language in italics should show the changes from the House bill which we have been considering; and I make that unanimous-consent request.

Mr. RAMSEYER. Reserving the right to object, if the gentleman from Minnesota will follow the suggestion of the gentleman from New Jersey [Mr. FORT] to take the House bill and note the changes or the differences between that bill and the Senate bill as it comes over here now, I should not object to that being done for the information of the House.

But if you take the Senate bill 4808, have copies printed with amendments, it will lead to confusion, because the Senate bill, if the rule is adopted, will be before the House and will be complete in itself. There will be no amendments on it for the House to consider. If the gentleman has the House bill printed, noting changes in the Senate bill in italics, that will give the House Members all the information they desire and probably all they should have. The original request to take the Senate bill as messaged over and on that note the amendments would lead to confusion.

Mr. NEWTON of Minnesota. I accept the gentleman's modification. All I wanted was to be informed as to how the Senate bill differs from the one we are now considering.

The SPEAKER. The Chair understands the gentleman from Minnesota to ask unanimous consent to have the House bill indicate what changes have been made in the bill as it passed the Senate.

Mr. CHINDBLOM. Showing the difference between the House bill and the bill as passed by the Senate.

The SPEAKER. Is there objection to the request?

There was no objection.

The SPEAKER. The gentleman from Iowa asks unanimous consent that time for general debate be extended for an hour and a half, one-half of the time to be controlled by himself and one-half by the gentleman from Louisiana. Is there objection?

There was no objection.

The motion of Mr. HAUGEN to go into Committee of the Whole House on the state of the Union was then agreed to.

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

Mr. ASWELL. Mr. Chairman, I yield 22 minutes to the gentleman from New York [Mr. JACOBSTEIN].

Mr. JACOBSTEIN. Mr. Chairman and colleagues, after listening for 12 hours to the debate on farm relief legislation, I feel it is my duty to say something about the pending bills from a purely economic point of view. I am sure you want a discussion from that angle, regardless of whether you agree with my conclusions or not.

I am not going to weary you with statistics now, although I am going to place some figures in the RECORD. In the short time at my disposal to-day I can only undertake to present some general observations and conclusions, based on these facts and figures.

REVOLUTION IN AGRICULTURE

I am going to make a startling statement at the outset which may shock you, but I believe it is true. I believe that agriculture is going through or about to go through the same kind of revolution that British agriculture and home industry went through just 100 years ago. Agriculture is becoming subordinate to industry in our great national economic life, just as it did in England a century ago. Anyone who fails to look at agriculture from this broad point of view can not come to a sound conclusion as to the remedy for the present and prospective ills of American agriculture. As England was transformed into a predominantly industrial nation, so the United States is fast becoming industrial. We may retard the movement, but we can not permanently prevent it. We may lessen some of the hardships resulting from the readjustment, but we can not escape the inevitable revolution.

The full evidence of that persistent transformation I shall not attempt to present to you now, but hope to place it in the RECORD later. Some commonly recognized facts, however, may be briefly sketched here.

EVIDENCE OF CHANGE

A hundred years ago 86 per cent of our gainfully employed population was agricultural and only 14 per cent industrial (nonagricultural). To-day the reverse is true. Seventy-four per cent of the population is industrial and only 26 per cent is engaged in agricultural production. This declining position of American agriculture has been made evident by each of the Federal censuses. This decline is continuing. The drift to the city is at the rate of half a million a year in this country. The total volume and widespread character of the bank failures in agricultural areas is alarming. The increase of farm mortgage debts has outstripped the increase in land values, and this burden has become exceedingly heavy. The large increase in the number of abandoned farms is evident in many sections of the country; and, what is more significant, the standard of living on the farms is not keeping pace with the standard of living in the cities.

These facts are tangible evidence to any open-minded person that there is a revolution going on in agriculture in America which is making for a steady decline in this basic industry.

While agriculture will continue to be basic, it will continue to lose in relative importance in American economic life. Desiring to be a self-contained nation, we will always need agriculture

to sustain an increasing industrial population, but more and more agricultural activity will occupy a less important place in our national life.

CAUSES FOR DECLINE OF AGRICULTURE

If this be true, our remedy must take these changing conditions into account. Before discussing the specific remedies before us, particularly the McNary-Haugen bill, I wish to touch briefly on the causes of the decline in agriculture and its present depressed condition.

What are the causes for the decline in agriculture? Some people think it is due to a surplus. Mr. Chairman, agriculture in America was prosperous many years ago when it had a national surplus; that is, when we produced more than we needed for domestic consumption. If you should look at the chart which I have here, you would find that there were periods when agriculture enjoyed good prices, even though we had very large surpluses for exportation. For example, in 1924–25 we exported 254,000,000 bushels of wheat at satisfactory prices. We must, therefore, distinguish between national surpluses and world surpluses. We have always exported cotton, we have always exported wheat. What, then, is the cause for the present decline of agriculture and in what light must we look at this cause with respect to the Haugen bill?

EXTENSION OF NEW FIELDS

First, American agriculture is coming more and more into competition with new fields outside of America. When my district in western New York, which was once the bread basket of the world, came into competition with the wheat fields of our own West, it yielded to the newer and more fertile areas. My colleague [Mr. SANDERS] will perhaps recall the time in his youth when the flour mills of Rochester were the great mills of the country before Minneapolis pushed us off the map; and just as the Middle West pushed western New York off the wheat area, so Canada, Australia, Argentina, and Russia are pressing us as competitors in the agricultural field. Furthermore, Europe is returning to its pre-war acreages, and in many commodities is already producing more than before the war. The following table illustrates the agricultural "comeback." of Europe since the war. Notice the increases since 1922:

European areas and production for specified crops: Average, 1909–1913; annual, 1922–1925, exclusive of Russia

Year	Wheat	Rye	Barley	Oats	Corn	Potatoes	Sugar beets	Tobacco	Total
AREA	*Million acres*	*Million acres*	*Million acres*	*Million acres*	*Million acres*	*Million acres*	*Million acres*	*Million acres*	*Million acres*
1909–1913	70.5	44.8	26.4	48.7	25.2	23.7	3.8	0.4	243.5
1922	62.6	37.5	25.4	44.9	23.4	23.0	3.1	.5	220.4
1923	63.4	38.5	26.7	45.5	23.2	23.0	3.5	.6	224.4
1924	65.0	37.2	26.9	45.8	24.3	23.3	4.5	.6	227.6
1925	66.8	39.9	26.6	45.4	25.6	23.6	4.0	.6	232.5
PRODUCTION	*Million bushels*	*Million bushels*	*Million bushels*	*Million bushels*	*Million bushels*	*Million bushels*	*Million short tons*	*Million pounds*	
1909–1913	1,348	975	692	1,931	581	3,835	45.9	458	----------
1922	1,043	712	602	1,548	426	4,491	35.1	353	----------
1923	1,261	825	668	1,824	475	3,560	36.5	470	----------
1924	1,058	649	578	1,639	593	3,918	48.9	627	----------
1925	1,400	941	696	1,808	639	4,376	46.8	542	----------

Any legislation that fails to take account of the facts indicated above can not meet the agricultural situation of America.

LESSENED CONSUMPTION

Second. There is a declining per capita consumption of certain agricultural products. For instance, we consume less wheat by almost 25 per cent per capita as compared with 40 years ago.

Per capita production of wheat and consumption of wheat flour in the United States

Year	Consumption of wheat flour per capita, bushels	Production of wheat per capita, bushels
1889	5.48	7.58
1899	5.37	8.80
1904	5.38	----------
1909	5.04	7.54
1914	5.03	----------
1919	4.70	9.00
1921	4.19	----------
1923	4.20	----------
1925	4.25	----------

HORSES AND OATS

Another significant fact is the decline in the number of horses in the United States. There are 7,000,000 less horses and colts in this country to-day than there were 10 years ago. On January 1, 1918, the total number of horses and colts on farms in the United States was 22,000,000; on January 1, 1927, there were 15,300,000. Do you know what that represents? It represents 400,000,000 bushels of oats, or a decline of 25 per cent in the demand for oats. Do you wonder that feed is not bringing a larger price? This also means a shrinkage of several million tons in the demand for hay for these horses. Yet the hay crop has actually increased several million tons in the past few years. No wonder hay is cheap! The substitution of gasoline for horsepower is one of the factors that is making for revolution in agriculture. Furthermore, anyone who does not take into account this increasing industrialization of the farm can not find an adequate solution for this farm problem. In North Dakota I witnessed how men were displaced by machines, which cut the grain and threshed the wheat almost like magic. It is said that 2 men with tractors and a harvester-thresher combine now do the work of 200 men. Similar improvements are still going on in the Wheat and Cotton Belts. The industrialization of the farm is increasing production per acre and per man to a point where we are bound to have more production than we need for domestic consumption. Have you taken into account what is going on in our life to-day as a result of the money we appropriate for the Department of Agriculture? Recently I was talking with Mr. H. A. Wallace, editor of Wallace's Farmer. He told me they are now developing a new corn seed which is likely to increase the yield of corn by 7 bushels per acre, an increase of 20 per cent, through proper seed selection. The introduction of scientific methods into agricultural production calls for fewer men on the farms and fewer farms. It is not surprising, therefore, that with fewer farmers we are producing more crops to-day than in 1920. Any legislative remedy must reckon with these fundamental factors of our economic life.

ARBITRARY FACTORS IN INDUSTRY

Furthermore, as I showed last year, and I think it has been uncontroverted, as a country becomes industrialized, agriculture is at a tremendous economic disadvantage, because of arbitrary and artificial agencies which are set up to the advantage of manufacturing, banking, transportation, and labor. I shall not go into this phase of the agricultural problem; but I contend again that these artificial factors tend to aggravate the situation by raising prices of the things that farmers buy. At the present time the superior advantages enjoyed by manufacturing, transportation, labor, and finance are to a large extent responsible for the glaring disparity in prices, unfavorable to farm products. The price disparity between agriculture and industry to-day is 20 per cent unfavorable to agriculture as compared with 13 per cent when we discussed this question a year ago. In other words, agriculture is worse off to-day than it was a year ago, and there are evidences that agriculture may be worse off a year from to-day than it is to-day. Because of this price disparity, agriculture has suffered a loss of about $15,000,000,000 in the last seven years. The farmers would have had that much more to spend if prices had been normal.

I am not alone in my diagnosis of this situation. Other economists in this country who have studied this from a broad viewpoint have come to the same conclusion. I refer you to a paper read at the meeting of the American Economic Association at St. Louis in 1926 by Dr. E. G. Nourse, of the Institute of Economics. Others, however, say this overproduction is only temporary, and I may say that the philosophy out of which the Haugen-McNary bill was born is found in the belief that this

overproduction is temporary and that we will soon pass out from under the cloud. I do not think so. I think that unless we apply drastic, fundamental and basic remedies, we are going to have this agricultural problem for a whole generation.

FARMER'S INCOME VERSUS WAGE EARNER'S INCOME

As recently pointed out in a publication of the United States Department of Agriculture, the average factory wage earner in 1925–26 was able to buy 16 per cent more goods with his current wages than in 1919–20, while the average farmer in the same year was able to buy 20 per cent less than in 1919–20. The essence of this statistical study is found in the following extract from this carefully prepared report:

Indexes of net income per farm family, farm and factory wage earnings, and of their relative purchasing power

[1919–20=100]

Year	Net income per farm family [1]	Farm wages without board [2]	Factory wage earnings per person employed	Relative purchasing power [3] of—		
				Net income per farm family	Farm wages	Factory wage earnings per employee
1919–20	100	100	100	100	100	100
1920–21	47	115	104	47	114	103
1921–22	34	77	88	39	89	101
1922–23	51	74	95	60	87	112
1923–24	61	82	100	70	94	115
1924–25	70	83	100	81	97	116
1925–26	72	84	103	81	94	116

[1] Net income for labor and management plus an allowance ($60) for residential value of farm dwellings.
[2] Calendar year averages, 1919=100.
[3] The first three columns of this table, adjusted for the following changes in the cost of living in the United States for December of each year, show: 1919, 100; 1920, 101; 1921, 87; 1922, 85; 1923, 87; 1924, 86; 1925, 89.

Earnings adjusted for the changes in cost of living in the United States since 1919, that the purchasing power of the average farmer's income during 1920 and 1921 dropped to less than half of what it was in 1919–20, and during the recent recovery, gradually reached 81 per cent of the predepression purchasing power. The purchasing power of employed factory workers, on the other hand, has throughout the past six years remained greater than in 1919–20, and during the past three years has averaged 16 per cent above. In other words, the farmer with his net income during the past two years could buy 81 per cent of the things he was able to buy before the depression, while employed factory workers could buy 116 per cent of a comparable amount, a difference of over 30 per cent.

If what I have said is true, that there is a 20 per cent disparity and that this disparity is likely to continue, there is only one of two things to do. You must either seek through legislation to pull down the structure of our industrial life, to pull down the price level, so that manufactured articles will cost less, so that our transportation-rate structure will come down and take less out of the farmer, so that our interest rates and labor costs will be less, or you must go to the other type of remedy, which seeks to lift the whole agricultural price level upward. Farm relief of the first type has been proposed in the resolution introduced by my distinguished colleague from Tennessee [Mr. C. HULL], H. R. 375.

Now, the Haugen bill, through control of the surplus and orderly marketing of a seasonal surplus, seeks to elevate the price levels of farm products. My own notion is that it will fail to lift the whole price bottom of agriculture up to where it really belongs. I do think it will offer relief for low prices which come from seasonal surpluses. The control and regulated distribution of a seasonal surplus will be of benefit to the farmer. I think the Aswell bill, as well as the Crisp bill, would do the same thing. I think the Haugen bill will offer a remedy for agriculture so far as its depression rests upon a temporary surplus which will pass away the next year or the year following. But if my analysis is correct, that we are in for more or less permanent surpluses, then I say the Haugen bill will not meet this situation.

Mr. LARSEN. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. LARSEN. I notice in taking into consideration the reduction in farm animals and the increase to the population of the city, the gentleman simply mentions farm animals—horses, for instance—and did not state whether or not he took into account other animals on the farm, such as cows and hogs, and whether they had increased, or whether he had taken into consideration what the increase in population in cities would amount to by way of animal consumers.

Mr. JACOBSTEIN. In the brief time I have I must assume that the statistics which I shall place in the RECORD will prove the point, that there is an overproduction of these various articles; that our annual corn production of 3,000,000,000 bushels is 10 per cent larger than it used to be; that our wheat has increased by 15 per cent. I remember that 20 years ago a very prominent economist predicted that in 20 years America would be importing wheat. To-day we are exporting an average of 175,000,000 bushels as against 60,000,000 bushels when this famous economist made his prediction. We have increased our exports notwithstanding the extension of agriculture in various parts of the world, India, China, the Argentine, Australia, New Zealand, Russia, and Canada. So we are still producing to-day more wheat and more corn, in spite of increased foreign production.

Mr. HUDSPETH. Will the gentleman yield?

Mr. JACOBSTEIN. I will.

Mr. HUDSPETH. The gentleman spoke about the reduction in the number of horses and the effect upon the consumption of oats.

Mr. JACOBSTEIN. That is right.

Mr. HUDSPETH. How about corn? Does it affect corn?

Mr. JACOBSTEIN. I stated the results in terms of oats, but these include corn. The demand for oats is 25 per cent less to-day by virtue of the elimination of 7,000,000 horses from our farms and cities.

Mr. LARSEN. If the gentleman will permit, on the basis of which the gentleman is speaking, he is assuming that the present immigration laws will remain as they are. If we relax our laws and permit immigrants to come in, that would have to be taken into consideration.

Mr. JACOBSTEIN. I think everybody will admit that for another decade our restrictive immigration laws will remain in force and effect.

Mr. LOZIER. Mr. Chairman, will the gentleman yield there?

Mr. JACOBSTEIN. Yes.

Mr. LOZIER. Is it not a fact that the per capita production of wheat in the United States and in the world is less now than it has been at any time in the last quarter of a century, as well as the per capita of consumption?

Mr. JACOBSTEIN. No; I do not think so. Certainly, in the United States wheat production per capita has increased, but at the same time consumption per capita has decreased. I will place in the RECORD figures as to the world production of wheat and especially in those countries with which we have to compete. Canada has increased her acreage and her yield more than 100 per cent. This is largely due to the development of a new wheat variety, which gives higher yields and has a shorter growing season, enabling the area to be greatly expanded northward. Russia is coming back into the market. Last year she came back by 25,000,000 bushels. This year she has come back 25,000,000, and I suppose next year she will probably be back by 100,000,000 bushels. I think America is in strict competition with land worth about $10 an acre as compared with lands in Kansas selling for $80 to $100 and (corn) lands in Iowa selling for $150. We have land selling for from $100 to $150 competing with virgin soil selling at from $15 to $20 an acre. The expansion of wheat areas is shown in the following table (prepared by the Statistical and Historical Research Bureau of Agricultural Economics of the United States Department of Agriculture).

EXPANSION OF WHEAT AREAS

Below is a table showing the average of wheat acreages for the period 1909–1913 and acreage for individual years 1921–1926, giving an estimated world total, excluding Russia and China, estimated European total, excluding Russia, and estimates for the principal producing countries.

Wheat. Acreage, average 1909–1913, individual years, 1921–1926

Year	Estimated world total excluding Russia	Estimated total Europe excluding Russia	Russia	United States	Canada	Argentina	Australia	India
	Million acres	*Million acres*	*Million acres*	*Million acres*	*Million acres*	*Million acres*	*Million acres*	*Million acres*
1909–1913	204.2	72.9	74.2	47.1	9.9	16.1	7.6	29.2
1921	223.4	63.8	38.3	63.7	23.3	14.2	9.7	25.8
1922	226.8	64.7	24.4	62.3	22.4	16.3	9.8	28.2
1923	229.6	65.6	32.7	59.7	22.9	17.2	9.5	30.9
1924	222.6	66.7	46.1	52.4	22.1	17.8	10.8	31.2
1925	227.3	68.8	54.3	51.8	22.0	19.2	10.2	31.8
1926, preliminary	232.0	69.3	-------	57.6	22.8	19.3	11.0	30.5

TECHNICAL IMPROVEMENTS IN AGRICULTURE

The unfortunate thing about the above-mentioned improvements in agriculture is that the farmers can not retain the benefits accruing from changes leading to increased production at lower unit costs. Unorganized agriculture is forced to pass on the economies to the consumer almost immediately. Industry, on the other hand, well organized and operating behind a tariff and other artificial devices, manages to retain for itself over a relatively longer period of time the benefits that come from improvements. Through organization and concerted action labor has been able to secure some of the benefits of technical improvements in industry in the form of higher wages and shorter working hours and more sanitary and safe working conditions, as well as relative security of employment.

THE TARIFF AND THE HAUGEN BILL

The Haugen bill this year definitely seeks to get away from the tariff yardstick in previous bills. Nevertheless, the proponents of the Haugen bill assume or seek to imply that by this legislation we can make the tariff fully effective for agriculture. By indirection the authors and proponents of this bill aim to give to agriculture that kind of protection which we have given to industry through the tariff. I deny that that can be done. Even the proponents of the bill will admit that you can not do it for cotton.

Those of us who vote for the Haugen bill will make a mistake if we tell our constituents that by means of this legislation we will do for agriculture what we have done for industry through the tariff.

It is not unlikely that even if the Haugen bill becomes a law the farmers will come to Congress at some future date asking for relief through a reduction of the tariff, a reduction of freight rates, and so forth, as a means of wiping out the price disparity between agricultural and nonagricultural products.

If I vote for the Haugen bill, as I may, I am not going to deceive myself, and surely mislead others, into thinking that we can make the tariff operative for agriculture as we have for industry.

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

Mr. JACOBSTEIN. Yes.

Mr. WEFALD. Then would not the passage of the Haugen bill as an experiment be worth all it costs?

Mr. JACOBSTEIN. The best argument I can find for voting for the Haugen bill is that it is purely an experiment in what I call economic homeopathy. We have injected into our social and economic system toxic doctrines which do not work equitably for all classes, and so to cure that situation in the system we have to pour more of the same kind of toxic substance into the system.

Mr. WEFALD. This is homeopathy?

Mr. JACOBSTEIN. Yes.

Mr. WILLIAM E. HULL. Mr. Chairman, will the gentleman yield there?

Mr. JACOBSTEIN. Yes.

WHAT IS MEANT BY A SURPLUS?

Mr. WILLIAM E. HULL. I would like to know whether or not you have studied the facts tending to show that there is a surplus of grain in this country for a period of five years. Take any commodity—wheat, corn, or oats. In any five-year period has there been any surplus?

Mr. JACOBSTEIN. What do you mean by "surplus"?

Mr. WILLIAM E. HULL. More than we can use.

Mr. JACOBSTEIN. Do you mean to ask if we have more wheat in this country than we can use?

Mr. WILLIAM E. HULL. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired. Does the gentleman from Kansas or the gentleman from Louisiana yield to the gentleman more time?

Mr. TINCHER. I understand 20 minutes was yielded to the gentleman from New York.

Mr. MOORE of Virginia. The gentleman from Louisiana [Mr. ASWELL], who was called out of the Chamber, asked me to say that he had no further time.

The CHAIRMAN. Can anyone yield more time to the gentleman from New York? The Chair will recognize the gentleman from New York for five additional minutes.

Mr. WILLIAM E. HULL. What I want to ask is this: Is it a fact or not a fact that there is an accumulated surplus in this country in any five years of any commodity, after all exportation?

Mr. JACOBSTEIN. No. But that is not what we mean by "surplus." It all comes back to a definition. I can not take you to a warehouse and say, "Look at all the wheat that is not used." We sell what we produce, but we have to sell it at an unfavorable price at times.

Mr. WILLIAM E. HULL. That has nothing to do with the point I make.

Mr. JACOBSTEIN. I think it is a very vital point. Unfortunately, the Haugen bill does not define a "surplus." When the United States produces such a volume of a commodity that it compels the producer to accept a price which is an unprofitable price on the crop in its entirety, then it is an unprofitable surplus. That is the kind of surplus we are all interested in controlling by this legislation.

Mr. WILLIAM E. HULL. It has always been contended through the Department of Agriculture that there is never a surplus in the five-year period of any grain.

Mr. JACOBSTEIN. I think there is a surplus in the sense in which these relief bills seek to solve the problem of agriculture.

Mr. MURPHY. Mr. Chairman, will the gentleman yield right at that point?

Mr. JACOBSTEIN. I am sorry I can not yield. If I had the time, I would be glad to yield.

The CHAIRMAN. The gentleman declines to yield.

AMERICAN INSTITUTE OF AGRICULTURE

Mr. JACOBSTEIN. If you agree with me that there is a recurring surplus and apt to be a permanent surplus, then we should apply a remedy that would keep down that surplus. If it is only a seasonal surplus, then I think the Aswell bill, the Crisp bill, and the Haugen bill will do the job. But because I think it will be a recurring surplus for the next generation I proposed to the Committee on Agriculture and to you and to the Congress that we amend this bill so as to set up an agency which I call an American Institute of Agriculture, coordinating agricultural activities and seeking to curtail production in such a way as to eliminate this surplus in agriculture.

I refer you to the published hearings before the Committee on Agriculture on H. R. 15963—January 6 and 8, 1927—part 3, in which I elaborated in great detail this American Institute of Agriculture. My ideas are embodied in my bill—H. R. 16123—and were set forth in an address in the House of Representatives on January 31, 1927. I shall here reproduce part of this speech:

Mr. JACOBSTEIN. My plan contemplates creating what I call an American Institute of Agriculture. I am interested in permanent betterment for agriculture rather than in temporary relief. Therefore in the very preamble of my bill I say:

"A bill to create an American Institute of Agriculture and to provide for a permanent national policy for the well-balanced development of American agriculture, including production, marketing, and the limiting of losses from surplus production." You will observe at the outset that the purpose of my bill is broader than that of the Haugen bill or the Aswell bill or the Crisp bill. My plan seeks to provide for a permanent agricultural policy and not merely for temporary annual relief. My plan seeks to view agriculture as a whole, coordinating all farm activities and not merely affording relief to a specific crop. My plan, however, does embody machinery for helping the farmer when a surplus occurs. Frankly, I may say that personally I am primarily concerned with the prevention of a surplus, thereby affording permanent relief to agriculture.

My plan sets up an American institute of agriculture, which embraces, first, a farm congress, and, second, an executive committee. The farm congress itself is composed of 150 representatives of agriculture and, in addition, the 15 members of the executive committee. The 150 representatives come from the experimental stations, the agricultural colleges, the United States Department of Agriculture, and the farmers' organizations. The executive committee, which really shapes the policies of the congress, subject to the approval of the congress, like the congress itself, represents all of the interests affected by the betterment of agriculture and able to help put agriculture on a sound basis. Of the 15 members of the executive committee, 1 represents the United States Department of Agriculture, 1 the Federal Reserve Board, 1 the Federal Farm Loan Board, 1 the United States Department of Commerce, 1 the United States Department of the Interior, 1 the Interstate Commerce Commission, 2 agricultural economists, and 7 persons of practical experience in production, representing, respectively, cotton, wheat, corn, dairying, poultry, livestock, and forestry. The 150 members of the farm congress itself shall be the following: Directors of State agricultural experiment stations (or designated by them), 48; from the State agricultural colleges (preferably an economist rather than a production specialist), 48; representing farmers' organizations, 48; from the United States Department of Agriculture, 6.

I would have the congress meet at some central point, like Kansas City, Mo., for two weeks each year, to discuss and take action on recommendations made by the executive committee. The executive committee would be in session, however, all the year round, making its investigations, studies, and surveys in preparation for the farm

congress. The congress would approve or reject or modify, and with that sanction the executive committee would go forward day by day, doing those things which would help develop and build up a sound agricultural policy in the United States and for the betterment of the rural life of the United States.

I think that if this American institute of agriculture had been in effect 5 or 10 years ago we would not to-day be baffled by the surplus problem which confronts us. At least we would be dealing with it more intelligently, if we were dealing with it at all.

This organization which I set up would also have charge of the temporary problems which are dealt with in the Aswell bill, the Haugen bill, and the Crisp bill, and would meet these temporary surpluses as they arise. In order not to create any new machinery, I would have the same organization responsible for handling these annual surpluses when they occur.

The representatives in my proposed farm congress would come from every State in the Union and would represent every related interest seeking to develop and improve agriculture. This farm congress would make recommendations to the United States Congress concerning those things which it feels are wise and necessary for the betterment of American agriculture. In the administration of the plan, however, the farm congress would utilize every agricultural agency, including the 2,500 county agents in this country.

I would have this farm congress and this executive board always on the job, operating through these 2,500 county agents. From them information ought to go back and tell the farmer what to produce. We have 48 experiment stations which we are not now using effectively enough. Through this American Institute of Agriculture I would carry back to the farmer by means of legislation which they would enact for themselves policies which, if carried out, would direct into proper and profitable energies the agricultural activities of the United States.

I would not wait until Congress should pass remedial legislation. I would have the farmers do it for themselves through this farm congress. I would have this executive committee composed, as I said before, of those elements of the community that know banking, transportation, the technical production of agriculture, and the marketing of crops. When a surplus arose, they would take up the surplus and handle it most expeditiously, as provided in the Haugen bill and in the Crisp-Curtis bill and in the Aswell bill. But this emergency control of the surplus is only incidental to the machinery that I would set up.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield again?

Mr. JACOBSTEIN. Yes.

Mr. OLIVER of Alabama. Is it thought by the gentleman that the educational program he has outlined would in itself be an effectual remedy?

Mr. JACOBSTEIN. I think the type and scope of the educational machinery I have in mind would have its ramifications all over the United States. In it the Government of the United States would be represented through its agents appointed from the Department of Agriculture; and its educational program would go back to the farmer through his bank and through the experiment stations and through every known agency, including the newspapers, telling the farmer what he must do. The use of financial credit and the use of the equalization fee would supplement the educational program.

Mr. OLIVER of Alabama. Is there anything in those bills which would indicate that that policy is in the minds of those who bring in these bills?

Mr. JACOBSTEIN. In answer to your question, I will say that it is my impression that the authors of the Haugen, the Crisp, and the Aswell bills have in mind principally giving relief to agriculture in any crop in any year in which a surplus happens to occur to depress prices. Their bills are therefore, properly speaking, emergency relief measures. On the other hand, I will say for the Committee on Agriculture that many of its membership realize the importance and the necessity for the more permanent constructive program which I outlined to the committee and which I finally embodied in my bill H. R. 16123. I realized at the time, and realize now, that the Committee on Agriculture, as well as the House itself, would desire more time than it has at its disposal in this short session for passing judgment on so far-reaching an agricultural policy as is implied in the establishment of the American institute of agriculture which I have recommended.

In view of this, I recommended to the committee that the bill which it decides to report out should contain at least a paragraph calling for the appointment of a congressional commission with authority to report back to the House a plan along the lines which I have outlined. Those sponsoring the Haugen bill, however, refused to have that document touched or amended in any way.

No pride of authorship will influence my judgment in my vote on any of these temporary relief measures. The plight of agriculture is so serious that I am willing to experiment with the best type of emergency relief bill that we can get through this Congress. But I am thoroughly convinced in my own mind that we will sooner or later have to come to the formulation and administration of a national agricultural policy, if we desire the farmers of America to compete on equal terms with organized industry. Until this is done agriculture will not get its just share of the wealth it produces. [Applause.]

One of the best informed and soundest thinking agricultural economists in this country, Prof. James E. Boyle, of Cornell University, was the first man, so far as I know, to project this idea of an American institute of agriculture.

I did not press my bill because I realized that the folks who were behind the Haugen bill did not want anything else to consider at this time.

I say, however, that Congress will be forced, sooner or later, to adopt a national policy for agriculture which will eliminate overproduction and eliminate that surplus which is making for trouble, not here alone, but all over the world. Agriculture across the water is suffering as it is suffering here. We need a coordination of and an intelligent planning for the future.

That there is need for this intelligent planning is recognized by those farm leaders who have organized the American Institute of Cooperation, the third annual meeting of which will be held this summer at Northwestern University. The purposes and program of this institute are definitely educational.

Significant, also, of the need for such a policy-making body is the series of economic conferences now being held at the Missouri College of Agriculture. There conferences will last for five weeks, beginning February 14, and the chief topic for discussion will be, "What to produce in 1927." Here you have the ball rolling, but only on a state-wide or sectional basis. It should be national in its scope and effect, as provided for in my project, set forth in my bill (H. R. 16123) creating an "American Institute of Agriculture," for the intelligent guidance and control of production.

The question is: What is going to be the economic effect of this McNary-Haugen bill? Some people say it will not raise prices in the city. That is nonsense. How are you going to give the farmers $2,000,000,000 more income annually without taking some of it, at least, from the pockets of the city folk? If you are going to give the farmer $2,000,000,000, where is it coming from? Do you think for a minute that the middlemen are going to stand it all? That is unbelievable. It is coming in large measure out of the consumer.

I am one of those who believe the consumer should pay it if that is just. I am one of those who believe that readjustment of our price levels is justified, provided the remedy is effective, and provided the farmer continues to get the increased income he is entitled to receive. Prices will not only be stabilized but raised to a higher level; otherwise the purpose of the bill will not be fulfilled. I say this bill will increase the cost of living; I say it will increase the price of food in the cities; but that is no reason for voting against the bill, any more than the farmers ought to be against increased freight rates, increased interest rates, or increased wages to labor and increased prices on manufactured goods, when such increases are warranted or necessary. The city folks prosper when the farmer has ample purchasing power. City factories are kept busy supplying manufactured goods to the farmers when the latter are prosperous.

They say this is class legislation. Most of our important legislation in the last 30 years has been class legislation. Let us face the facts. Our economic life to-day is founded on that basis. Banking was class legislation; transportation was class legislation; labor, in the railway labor act, was class legislation; this farm relief bill is class legislation. The purpose of this class legislation is to restore, if possible, the balance in favor of agriculture.

Now, what is going to be the full effect of the equalization fee if it is sustained by the courts?

In the first instance, the fee will be deducted from the farmer's price. But in turn the price to the consumer must be increased to yield back to the farmer a net price profitable to continue production. In proportion as this bill increases the price of commodities to the city you curtail the demand for your commodity or substitute other and cheaper commodities.

Mr. FORT. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. FORT. A moment ago the gentleman said the farmer was getting at the present time $2,000,000,000 less than he should be getting, which the consumer will pay. That $2,000,000,000 is based upon raising the price levels to the level for crops which the gentleman thinks the farmer should have and applying that increase over the entire present production, which the gentleman says is an overproduction; is not that so?

Mr. JACOBSTEIN. That is right.

Mr. LUCE. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. LUCE. Does the gentleman attach any weight, or where does he give weight, to the fact that the farm population of the country is now decreasing at the rate of 500,000 a year, and the industrial population correspondingly increasing? Does he or does he not think that this will speedily readjust the balance?

Mr. JACOBSTEIN. I think that is only a part of the solution. While 500,000 may be leaving the farms, we are applying machinery to the farms, fertilizers, seed selection, and better scientific methods of breeding to take the place of the 500,000 that are leaving the farms. If I may say so, I think if we had a steadier and heavier drift to the city, and if we could have an 8-hour day for the farmer and a 5-day week for the farmer, the farm problem would be partially solved. [Applause.]

Mr. MURPHY. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. MURPHY. I tried to interrupt the gentleman when he made the statement that the tariff would not work for the farmer. I do not want the gentleman to pass that off with a wave of the hand, but I would like to have him explain why the tariff will not work for the farmer.

Mr. JACOBSTEIN. Let me state some of the reasoning upon which I base that conclusion. Of course, it would take a long time to go into a tariff argument, but I say this——

Mr. MURPHY. Just as plain a statement as the gentleman can make.

Mr. JACOBSTEIN. All right. In the case of any commodity that we produce, where we export 25 per cent of our production, like wheat, and it is sold in the world market, we have to take the price of the world market, and on that kind of a commodity I say the tariff can not possibly be fully effective. [Applause.] Now, to show you how it works: On hard wheat, with a limited supply in this country for milling purposes, in competition with Canada, hard wheat of the same grade, the tariff is effective, but not fully effective even there, and I think nearly all the economists of the country would agree that on those commodities of which we export a large quantity, like cotton, we can not give the full effect of the tariff to the producers of those products. This is plain A, B, C economics. Of course, if we withhold part of the cotton crop from the market the domestic price would rise, but dumping the surplus onto the foreign market would depress the world price. And since our exports of cotton are such a large part of our total crop, what we gain in one direction we may lose in another.

Mr. KETCHAM. Will the gentleman yield for a question right on that point?

Mr. JACOBSTEIN. Just a question.

Mr. KETCHAM. If our production of wheat in America was suited to our normal needs, does the gentleman believe the tariff then would be effective to its full extent?

Mr. JACOBSTEIN. Of course. Suppose we produced only 500,000,000 bushels of wheat, but we consumed 600,000,000 bushels of wheat—where are you going to get it? You would have to import it. There would be a shortage; and in order to get it you would have to import Canadian wheat, say, from Winnepeg, which we will say is selling for from 15 cents to 20 cents less than ours. You would have to pay a tariff on it, plus transportation, and the price would go up. If that is true, the inverse is also true; where you export a sufficiently large quantity, you can not give the benefit of the tariff to the producer. Therefore, in telling the cotton farmer or the wheat farmer that your bill is going to give him the full effect of the tariff, you are selling the farmer a gold brick. [Applause.]

This is not a political argument, gentlemen, because I believe in protection. I was a gold Democrat and I am a protection Democrat. [Applause.] But I say to you that every man who voted for the emergency tariff act of 1921, when agriculture was depressed, and promised the farmer he would be lifted out of his depression, sold the farmer a gold brick, and you are now trying to get out from under and you can not do it. [Applause.] Please do not think this is a political argument. The tariff may have benefited the manufacturer, but it did not give the desired and necessary relief to agriculture. The tariff does work on wool, onions, and lemons, because we depend on importations to meet domestic requirements, and in lesser degree the tariff operates on butter and potatoes, depending on market conditions.

I question whether the equalization fee will work as easily as its proponents think it will. But I will say this: If I were a Haugenite, and if the equalization fee is thrown out by the court, as it might be, or thrown out because it is impractical, I would consider that we then had the Haugen bill in the same position that the Crisp-Curtis (administration) bill is in, because really the main difference between the two is that the Haugen bill depends on the application of the equalization fee and the Crisp bill on a Government subsidy and loans to agricultural corporations.

So, gentlemen, if you are going to vote for the Haugen bill, and have any fear in your heart that the equalization fee may not work, my answer to you is, do not be faint-hearted about it. I do not expect it will work, but that is not the thing that militates against the Haugen bill. The equalization fee will enter into the cost of production and into the price, just like insurance, taxation, freight rates, interest rates, and labor costs, and you can not get away from it. It is a basic, economic fact.

FOREIGN COMPLICATIONS

I am not unmindful of the fact that the successful operation of the control of the surplus under the Haugen bill has international implications. We might be accused of dumping abroad, and thereby doing the very thing we seek to prevent other nations from doing under the provisions of our own tariff laws. Great Britain is especially solicitous of protecting her colonies against the effects of dumping.

Furthermore, our own Government has protested on several occasions against the Government control of the production and sale of products shipped into our country. Only recently Mr. Hoover protested the British control of the rubber supply. We have expressed similar dissatisfaction over the control of coffee by Brazil, potash by Germany, nitrates by Chile, sugar by Cuba, iodine by Chile, raw silk by Japan, camphor by Japan and China.

I say, therefore, that I am not unmindful of the fact that we have this international trade relation question to think of in connection with the operation of some of the provisions of the Haugen bill. Of course, it is true that under this bill the foreign consumers are likely to secure our products at a lower price than the American price.

SUGGESTED AMENDMENTS

The Haugen bill ought to be amended in several respects. The Haugen bill is better this year than last year, and better than it was two years ago, but there are still some changes that ought to be made.

I would say that first of all it ought to include this provision creating an agency that will formulate and administer a permanent production and development policy, which will in the long run take care of a permanently recurring surplus. The Haugen bill is a surplus-control bill, but it does not define surplus. It should be amended to include a definition of surplus.

The Haugen bill imposes no limits on price elevation. The sky is the limit. The Crisp bill contains a provision which will tend to protect the consuming public against possible extortion. The Haugen bill will not suffer if amended in this regard. There should be a limit to the price elevation, not only to protect the consumer, but to act as a check on further overexpansion and overproduction.

I think it is foolish for the Haugenites to assume you are going to have an operating period whenever you have a surplus; that is, whenever you have more than you need at home, because you always have that. The operating period would apply all the time on cotton. It would apply nearly all the time on wheat and several other of our agricultural commodities. Therefore the test of the operating period ought not to be whether there is or is not a surplus, but whether there is a surplus at a price that is unprofitable to agriculture, and the bill should be amended and can be improved in this respect.

I am inclined to think the bill ought to apply to all commodities, at the will of the board, provided the producers of the various commodities give their consent. [Applause.] This would make it less sectional and more American. This would be playing fair with all farmers, showing partiality to no groups. If you do not do that, and if the Haugen bill works, you will have producers of other commodities rushing in here to Congress, knocking at the doors, and saying, "When do I get my relief?"

If the bill works, it ought to work for everybody. If it does not, then everybody ought to know it at the same time and everybody ought to feel that it does not work, and for this reason I would include them all, as in the Crisp bill.

IMPORTANCE OF LEADERSHIP

I think you also forget that if the Haugen bill works, it will work only because you have a personnel that understands the practical workings of the marketing of produce. It is quite likely that the nominating committee will present to the President of the United States a list of men who do not know the practical end of marketing and financing and transportation. Therefore, I would give the President of the United States

some leeway in putting upon this board a few men who have spent their lives in this business. They would not have control of the board, however. I would have added to the 12 members of the board selected by the farmers, three members selected by the President of the United States not nominated by farm organizations but representing all the people in the United States to help make the bill more practical in its application. The more I see of government, the more convinced I am that the practical application of a law depends for its success upon the right kind of men in these bureaus and in these departments; and while I think agriculture has a right to govern itself, as provided in this bill, I think the application of the law would be improved if we put some responsibility upon the President for adding to the board a few men who are practical men in fields outside of those represented by the farmers or the farm organizations. Furthermore, it should be made illegal, with a stiff penalty, for any member of the board to deal in, buy, or sell, or speculate in any of the commodities covered by the bill and handled by the board.

Now, what is my conclusion? Gentlemen, as an economist I regard the bill as far from perfect. It is a mixture of good and bad, like most of our experimental legislation. If you put into the bill a short new paragraph, calling for an agency which will study and give to the country this permanent national agricultural policy, I could swallow the Haugen bill with less discomfort. [Applause.] If you must vote for a farm relief bill, my advice to you is to vote for the Haugen bill. [Applause.]

I will tell you why. If we are going to experiment, let us try that bill which the farmers think will work. [Applause.] I have my grave doubts whether it will work in the way in which its proponents think it will, but I want the experiment tried in such a way that they can not come back here next year or in two years and say, "You gave us a farm relief bill but you did not give us the kind we wanted."

If the bill becomes a law, I sincerely hope it will confer real benefits upon agriculture. I hope those responsible for administering the law will ignore the weak spots and pitfalls hidden in the bill, and utilize only the good and sound features in it. In the last analysis, of course, its successful operation will depend on the common sense, good judgment, and acumen of those in charge of the machinery. On that basis we would go on experimenting for another 20 years.

So, fully conscious of its faults and limitations, preferring it to either the Aswell or the Crisp bill, I shall vote for the Haugen bill. Of course, I believe my own bill combines the good points of these three bills, and in addition has one feature not in any of them, namely, the creation of an American institute of agriculture for the permanent betterment of agriculture. If I am forced finally to vote for the Haugen bill, I shall do so reluctantly, skeptically, and experimentally. Out of it all may come some machinery and some force which will teach the farmer how to organize and operate collectively, as city folks have learned to do. The 6,000,000 farmers must learn to socialize more and individualize less.

But obviously it is the Haugen bill or no bill. I would like to see it amended in the way I propose, and with those amendments I would like to see the experiment tried to lift agriculture to the plane where it belongs. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield the remainder of my time to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. DAVEY].

Mr. DAVEY. Mr. Chairman and gentlemen of the House, twice I have voted against the McNary-Haugen farm relief bill, and now I propose to vote for it. [Applause.] It is the purpose of these remarks to state the reasoning that has led me to this conclusion.

In the previous sessions it was my thought, and at least my hope, that time would help to work out this agricultural distress. But time has made it only worse.

Recently I have been making an investigation and have consulted the best available sources of information. Much to my disappointment, I find that the economic situation of agriculture to-day is actually worse than it has been in many, many years, as compared with the prevailing standards. In saying this, I am quoting one of the best-informed men in America. The actual delinquency in payments due on farm mortgages all over this country has reached an impressive number and total. An amazing number of farms have been taken over by the mortgage holders, and many of them are not now being worked. This is obviously the result of an inadequate return on the production of those farms.

A gentleman who knows the situation intimately told me a few days ago that, in his judgment, nearly half the farmers in the Central States have had to borrow money to pay their taxes in the last year. Nothing could suggest a more serious aspect of the agricultural situation than this cold and relentless fact.

It is only fair to state that I have not had a single request from any constituent to vote for this bill. The only communications that have come to me from my district are positively against it. There are 450,000 people in my district, and probably 400,000 of them represent the industrial class. From a selfish political standpoint, perhaps, I ought to oppose it, and yet it seems to me that we need to think nationally on every problem of this kind. To a considerable extent my district is opposed to this legislation, although it is largely uninterested, but I am trying to think in terms of my country, to which I owe a greater allegiance than to the narrow confines of one congressional district.

CAUSES OF RECENT INDUSTRIAL PROSPERITY

For the past several years we have enjoyed rather abnormal industrial prosperity. What are the causes for it? I would enumerate the chief ones as follows: When we entered the Great War America was wealthy by virtue of the development of the great natural resources of a virgin land. The Great War caused the wealth of the world to flow into America in unparalleled volume, until to-day we have something like two-thirds of the world's gold supply. We grew vastly richer out of the war in spite of its stupendous cost.

Since the close of the war we have had an enormous national building program that was brought about partly by the delayed building of the war period. In addition to this is the stupendous development of new industries, like that of the automobile, and many other things which are the outgrowth of a newer and higher standard of living, due in part to our increased wealth and buying power.

On top of all this has been the artificial stimulus to business expansion by means of the new and dangerous policy of installment buying.

There must come an end to this sort of expansion. It is now generally considered that the national building program has nearly if not quite reached the point of saturation. According to the January report of the F. W. Dodge Corporation, construction contracts awarded during January in 37 States east of the Rocky Mountains showed a decline of 16 per cent under January, 1926, and 28 per cent under December, 1926.

Of course, there will be a large volume of building in every year of our future history, but the total is bound to decline. No one knows when the point of saturation will be reached in the automobile business and kindred lines of luxuries or semi-luxuries, but it can not go on forever with the amazing increase of the past few years. This is particularly important when considered in light of the fact that the American people have mortgaged their future earnings through installment buying for a considerable period of the near future. Once the forward movement of industrial prosperity is stopped and a decline is experienced, many of these delayed payments will become impossible through lack of employment and there will start a reverse movement which will affect the whole commercial structure adversely.

PRESENT SIGNS OF RECEDING PROSPERITY

You may wonder why I am impressed by these thoughts. Right now there is a greater volume of unemployment than the American public has been permitted to know. According to the employment figures of the United States Department of Labor at the close of 1926, the employment was only 91 per cent of what it was in the year 1923. This report is based upon returns from 10,117 establishments in 54 separate industries with 2,974,001 employees in December, whose combined earnings in one week were $78,922,522.

I am told on what I consider good authority that there are 65,000 or 70,000 people out of employment in Cleveland. I was told a month ago that there were nearly 100,000 unemployed in the city of Detroit. A few days ago in Philadelphia Henry Ford predicted another year of prosperity. I hope he is right, but I was told two or three weeks ago by a man who ought to know that Mr. Ford's plant was then running only two days out of five. The latest report of the United States Steel Corporation shows a decline of 160,000 tons in unfilled orders. I do not mean to infer that there is to be any business crisis, but I do believe that the high tide of industrial prosperity is passed and that we are entering a period of lessened business activity.

Recently I have been reading the February, 1927, issue of the Economic Conditions Bulletin, published by the National City Bank, of New York. While the whole tone of this bulletin is intended to be optimistic, it contains certain significant statements, as follows:

The situation at the outset of 1927, it must be admitted, is not quite the same as at the outset one year ago. We have had one more year of very heavy building operations, which must of necessity bring us nearer to the time when building operations will undergo some decline. We have also had another year of heavy production in the automobile industry, with indications that that industry also may not be able to continue without some interruption, its record of year-to-year increases. The decline in agricultural prices, particularly in the case of cotton, tends to disturb the equilibrium of business.

Bank clearings during January have continued to run below the corresponding weeks of a year previous, as in the closing quarter of 1926.

In the iron and steel industry the year has begun more quietly than usual, but this is not surprising in view of the sustained activity of 1926. January steel production, however, is expected to run above the 74 per cent rate of December, which will not be a bad showing, even though considerably below the 89 per cent rate of last January. Prices, however, have been under pressure. "Not in many months," says the Iron Trade Review in its issue of January 27, "has the finished-steel market been so highly competitive." Continuing, this authority says:

"Business not having come back as expected after the holidays, producers have gone after it in vigorous fashion, and in a moderate way they have succeeded. The past week has seen further improvement in the general tone of the market, with new business and production on a somewhat higher plane, but casualties among prices continue."

Automobile production, after dropping to a low ebb in December, was stepped up rapidly in January; but manufacturers are proceeding cautiously, and Detroit employment figures are well below the high points of 1924 and 1926.

Suggestions by the head of a large real estate mortgage house that the country is overbuilt and that a six-months' building halt would be desirable have again precipitated lively discussion over the status of the building industry. For some time conservative opinion has looked with misgiving upon the methods being pursued in the construction of certain types of apartments and office buildings in various sections of the country, and a warning that indiscriminate building of this character can not be carried on indefinitely without undesirable results will be approved by all.

AGRICULTURAL DISTRESS HURTS ALL BUSINESS

How could it be otherwise when the artificial and abnormal stimulants have nearly run their course and lost their potency, and when half our population are in economic and financial distress? It ought to be self-evident that a prosperous agriculture is necessary to continuous industrial prosperity. [Applause.] The future success of every business enterprise in America is dependent directly or indirectly upon the buying power of the agricultural part of our population. The most selfish provincialism and the most isolated viewpoint ought to realize that the prosperity of agriculture is a necessary condition to continued national prosperity. [Applause.]

When you think of the vast number of farms that are being abandoned, and the multitudes that are flocking into the cities to gain a livelihood where money has been flowing more freely; when you think of the millions of American farmers who are struggling on in the face of persistent adversity with insufficient income to meet their maturing obligations; when you think of the innumerable farmers who have had to borrow money just to pay their taxes; and when you think of the disastrous decrease in the buying power of American agriculture, you must recognize that we have in this situation a national problem, and it can not be solved by a merely local viewpoint or by raising the age-old cry against everything new that it is economically unsound and dangerous. Something must be done to help agriculture in order to help America, and the McNary-Haugen bill is the only thing in sight that offers any promise.

WHAT IS THE DIFFERENCE BETWEEN PROSPERITY AND DEPRESSION?

Some time ago, I had the opportunity to study a chart made by the Economic Research Bureau of the American Telephone and Telegraph Co., which is said to be one of the best in the country. This chart gave a graphic picture of the trend of American business over a period of 50 years. It was interesting to see how the upward march of prosperity continued by irregular movements, and the downward course of depression proceeded irresistibly in spite of politics or presidential years or other superficial reasons. If the tide of prosperity was generally upward, it continued its irregular course upward until it reached the high point of abnormal prosperity, and then it started downward. There was a surprising persistency to these movements, and depression followed abnormal prosperity just as prosperity followed depression, with significant regularity.

The most surprising thing to me, as disclosed by this chart, was the fact that the high point of abnormal prosperity was not much more than 10 per cent above the line representing normal business, and the low point of depression was not much more than 10 per cent below this same line representing normal business. In other words, there is a difference of only 20 per cent between maximum prosperity and maximum depression. All of this would indicate that the absolutely necessary requirements of the American people constitute 90 per cent of the normal business volume. The other 10 per cent probably represents luxuries or things which they can get along without.

When the economic forces bring back American business from depression to normal, it is inevitable that the upward movement carries us into a condition of prosperity. Of course, there is bound to be some psychological influence both in prosperity and in depression. When business is bad people are inclined to buy somewhat less than they want and can afford, and this increases the depression. When times are good people are inclined to buy more freely than they would ordinarily. This extra confidence increases prosperity and helps to continue it. But to the very extent that people overbuy they bring on that much more depression, and when depression comes it is that much worse and lasts that much longer. By the same token, when people underbuy in a period of depression, they make the return of prosperity a matter of course. Although it is delayed to the extent that people underbuy, prosperity is that much greater and lasts that much longer when it comes.

But here we have a serious situation brought about by the economic inequality of agriculture and by the steadily lessening buying power of the American farmers. We might just as well face the facts frankly. A continuation of the present financial adversity of the farmers of this country is bound to reflect itself in a decrease of industrial prosperity. The longer this agricultural depression continues and the more acute it becomes the more will the rest of the country suffer. It seems to me self-evident that if the American farmers can be helped even moderately out of their present economic distress, it is one thing that gives promise of help to maintain the national prosperity, and I think it will largely fill the gap created by the exhaustion of the artificial and abnormal stimulants which have been operating since the Great War.

WHY IS PRICE FIXING RIGHT FOR EVERYONE ELSE?

It is said that this bill is a "price-fixing" measure. Well, what of it? The most gigantic "price-fixing" measure that was ever given the dignity of law is the American tariff, which substantially fixes the domestic price at the world price plus the tariff rates. Of course, it is all right to provide a "price-fixing" measure for industry, but the beneficiaries of the tariff "price fixing" law condemn it as economically unsound to give the farmers a "price-fixing" measure of protection. The next most gigantic "price-fixing" measure ever enacted into law is the Esch-Cummins bill, which substantially guarantees rates that will yield a fixed rate on the railroad investment. That very law fixes the price of transportation for the farmers' produce and for the service that all the American people must buy from the railroads. "Price fixing" is all right for big industrial enterprises, but all wrong for unprotected farmers.

"Price fixing" has become more or less of an accepted practice in American business, and no one seems to think it is economically unsound and dangerous. Why, even organized labor has had the benefits of "price fixing" in connection with the labor they have to sell, and the right to do it is now recognized by both law and custom. Various professions get together in districts and agree upon minimum rates of charge for various types of service. Even the banks of various communities get together and agree upon the rate of interest they will pay and the rate of interest they will charge.

Why is it economically sound and proper to let everyone else fix prices for the things they have to sell, as now seems to be the accepted practice, and deny the same right to agriculture, which is the most important and basic industry of all? The farmers are the only people in America who have no voice in fixing the prices of what they buy or what they sell. They are the victims of a "price-fixing" era. This argument, coming as it does from the beneficiaries of "price fixing" and their satellites, is the most unfair and ridiculous and unsportsmanlike argument that could be advanced.

HELP AGRICULTURE IN ORDER TO HELP AMERICA

You who are opposed to this bill, and I assume that your position is thoroughly conscientious, I want to ask serious consideration of this question. Would you permit the farmers of America to be driven into economic ruin by the inequality of the artificial protection that has been provided by law for everyone else? Would you permit the farmers of this great country to be forced by adversity away from the farms? Would you be willing that the farmers should be developed by economic

inequality into an underpaid peasant class? Then woe be to America—you will pay dearly for such a course. If you permit the farmers to be driven away from the farms of this country, you will pay infinitely more for your food and raw materials than you would ever pay under the operations of this bill.

Every nation, so far as history records, that has gone down before the march of time, and every civilization that has disappeared, is a result of the destruction of its agriculture. We must not allow our basic industry to go that way. The farmers of America represent a great solid citizenship—hard-working, law-abiding, home-owning, and country-loving people. For the sake of our country we can afford to do no less than to give sympathetic and willing and constructive consideration to their great pressing problem of to-day. [Applause.]

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

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF LABOR STATISTICS,
Washington, February 14, 1927.

Hon. MARTIN L. DAVEY,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: The Bureau of Labor statistics employment figures for January show an index number for automobiles—employment index 90.3, earnings index 69.0; automobile tires—employment index 102.4, earnings index 103.8.

This indicates that the number of people on the pay roll in the automobile industry did not materially increase in January, while the drop in the volume of pay roll indicates a very serious increase in part-time work, even as against December. Automobile tires shows an increase in number on pay rolls, but a slight decrease in pay roll showing a little more part-time work, though the change is not sufficient to base any conclusions upon.

The report of the employment office of Akron, Ohio, shows that during the month of January 3,098 male workers applied for jobs, while only 547 men were called for by employers. The Akron office placed 525 workers out of 3,098 applicants. In the employment offices of Ohio, taking the State as a whole, there were 12,815 men applied for jobs and employers applied for the services of 6,408 men, practically two applicants for each job offered.

Of course, these employment office figures do not tell the whole story of unemployment. For instance, recent reports indicate pretty clearly that there are about 68,000 men out of work in Cleveland, 8,000 of these being in the building trades; while the employment office reports that there were 3,884 applications for work filed by men in January, and there were 2,139 requests for male help by employers.

The report for Illinois has just reached my desk and shows that there was a decrease of 1.9 per cent in the number of workers on factory pay rolls during the month of January in that State.

Sincerely yours,

(Signed) ETHELBERT STEWART,
Commissioner of Labor Statistics.

Mr. KINCHELOE. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, the hour is growing late and I shall be as brief as the importance of the subject will permit. I begin where the distinguished economist from New York [Mr. JACOBSTEIN] left off by agreeing with him that while the pending bill is not perfect, it is the best of any of the bills under consideration for the relief of agriculture. If the Senate bill is substituted for the House bill, it is my purpose, in a spirit of cooperation with the friends of agriculture, to support the Haugen bill. [Applause.]

I shall briefly analyze the McNary-Haugen bill, discuss the more important features of the pending legislation, make a few comparisons between the pending bill and some of the other measures proposed, answer some of the objections that have been urged against the McNary-Haugen bill, and emphasize the insurance amendments adopted by the Senate that will enable some of us to vote for the bill.

I. AGRICULTURAL PROBLEM

It is admitted that there is an agricultural problem. The petition of the farmers for relief is being considered. The typical answer of industrialism, the chief argument against any farm legislation, has been made. [Applause.] Perhaps the speech of the gentleman from New Jersey [Mr. FORT] best typifies the arguments made in opposition to the bill. He submits many objections, but it is significant that the chief objections relied upon by him during the first session of the present Congress are not so much as mentioned by him. Formerly, his chief argument in opposition was that this legislation constitutes a subsidy; he does not mention the matter of a subsidy now, either in his speech or in his minority report. Undoubtedly this course is pursued because the bill advocated by the gentleman has more of a subsidy in it than the Haugen bill.

Then again, last session the gentleman from New Jersey said that there was no overproduction, and that while there is a seasonal surplus, yet over a period of years there is no real surplus. To-day, in opposition to the pending legislation, he states that overproduction is the cause of agricultural distress. He admits that the farmer is not receiving an adequate price, but the trend of his argument is that it is wrong to increase the price of farm products, for an increase in price will be an injury to the farmer rather than a help. The object of all farm legislation is to give the farmer a living wage, and to give him at least the cost of his production. If the argument of the distinguished gentleman from New Jersey that an increase in price to the farmer would lead to overproduction be sound, why will not the same argument apply to the manufacturers of New Jersey asking for a tariff? The purpose of the tariff is to increase the price of the domestic production. It is just as reasonable to maintain that an increase in price to the manufacturer will lead to overproduction, as it is to assert that paying the cost of production to the farmer will lead to overproduction on his part. In other words, the sum of the arguments of the opposition is that the farmer should not be given relief because it will do him injury. The only logical position for the opponents therefore, would be to oppose all farm legislation. Their position is contradictory when they begin their argument by saying that there is a farm problem, and when they offer and support a bill to solve the problem.

II. OBJECTIONS ANSWERED

Mr. FORT complains that the objections submitted in his minority report have not been answered. I call attention to the fact that many of his objections were anticipated in the report of the committee, and the remainder were certainly answered in the report of the Senate committee on the companion bill.

I refer to one objection, for I regard it as typical. It is admitted that one of the main purposes of agricultural legislation is to encourage cooperative marketing. Mr. Fort gives as his chief objection to the Haugen bill that it will kill cooperative marketing. This is the only objection where he undertakes to submit alleged proof to support his statement. He refers to the fact that the Haugen bill covers Capper-Volstead cooperatives. He then argues that because, under the Capper-Volstead Act, at least 50 per cent of the volume of a commodity handled by a cooperative association must come from its members, the farm board created would be unable to make agreements with cooperative associations to dispose of the surplus, a very large part of which would not belong to the members. He stresses this point. The Crisp bill provides for cooperatives and for organizations to be formed by cooperatives. I submit that his objection must fall to the ground. The gentleman is evidently not familiar with the provisions of the Haugen bill reported on January 18, 1927. I quote from the Haugen bill, section 6:

(d) During such operations the board shall assist in removing or withholding or disposing of the surplus of the basic agricultural commodity by entering into agreements with cooperative associations engaged in handling the basic agricultural commodity or with a corporation or association created by one or more of such cooperative associations or with persons engaged in processing the basic agricultural commodity.

This section distinctly states that agreements may be made by corporations or associations created by one or more cooperative associations. I maintain that the agreements are not confined to millers and packers; the agreements are not confined to processors.

Again, I call attention to the fact that the definition of a cooperative association under the McNary-Haugen bill is found in section 15 (3); it is found in the Crisp bill in section 19 (3). The language of the definition of cooperatives in the two bills is identical. In both bills cooperatives are defined as those operating under the Capper-Volstead Act. It may be that the identity of the definitions, among other things, lead the distinguished coauthor of the Curtis-Crisp bill in the other Chamber, when his bill was overwhelmingly defeated in the Senate, to support the McNary-Haugen bill.

The other objections urged by the gentleman from New Jersey are equally untenable. It is passing strange that if profits are guaranteed to millers and packers, the chief opponents of this bill, from whom we hear every day, are the representatives of the millers. [Applause.] It would be natural, if this legislation were of benefit to the packers, that the packers would be asking Congress to pass it. I know of no requests from the packers to pass the proposed legislation.

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

Mr. WHITTINGTON. Yes; when I finish my reply to your objections.

It may be that the legislation will upset some existing trade channels. I maintain that there should be an upset in existing trade channels. The gentleman himself admits that at least some of the trade channels should be eliminated. He condemns speculators and maintains that the speculative element ought to be eliminated from existing trade channels. One of the purposes of the pending legislation is to eliminate the profits of the undesirable trade channels. [Applause.] There are legitimate trade channels that will continue. If the cooperatives can not handle the products they are authorized to utilize other agencies, and certainly they will utilize legitimate trade agencies already existing.

Certainly the Haugen bill is no more unworkable than the Crisp bill. It is not as much of a price-fixing measure as the Crisp bill. Under the Haugen bill the equalization fee ought to curb production. Under the Haugen bill the surplus will remain in the hands of the producers, and all who are familiar with the farm problem admit that the problem of the surplus will be handled best if the surplus remains in the hands of its best friend, the producers of the commodity.

III. CONSUMERS

It is noticeable that the gentleman from New Jersey has manifested much interest in the cotton growers of the South. He is reputed to be the author, or at least one of the coauthors of the Curtis-Crisp bill. For some reason it was thought desirable by the philanthropic friend of the cotton growers, who resides in New Jersey, to secure the assistance of a real friend of agriculture from the South, to introduce legislation for the benefit of the cotton growers. When did the manufacturers of New Jersey appeal to the cotton growers of Georgia or Florida to introduce a protective tariff for their benefit? In his zeal for the interests of the cotton growers, he calls attention to the increased cost of consumption in the event of the passage of the bill. He uses arbitrary figures; he emphasizes especially the increased cost of flour and meat to the cotton growers of the South. At the same time he admits an assumed increase in the price of cotton. The answer to the argument is that there is no real quarrel between the producers and the consumers.

The producer would be satisfied to get the price paid by the consumer. [Applause.] I refer to statistics from the Department of Agriculture showing that on August 15, 1923, the average farm price for wheat in the United States was 86.4 cents per bushel, the lowest price paid during the years 1922, 1923, 1924, or 1925. On that same day the average price of bread at retail in New York City was 9.6 cents per pound. Eighteen months later wheat sold at an average farm price to the producer of $1.70 per bushel; this was almost double the price of wheat on August 15, 1923, and yet the price of bread at retail in New York City averaged 9.6 cents per pound, or exactly the same as when wheat was selling at one-half the price. The complaint of the farmer to-day is that he is not getting what the consumer pays. The undesirable trade interests, the speculators, are growing fat upon the handling of the produce of the farmers. The object of the proposed legislation is to enable the farmer to get more nearly what the consumer pays, without any undue or unnecessary increase to the consumers. [Applause.] I might cite statistics to the same effect relative to meat, and certainly I can cite them relative to cotton. How much more cheaply are the farmers buying their shirts to-day at retail than they bought them a year ago or two years ago, when the farmer was receiving twice as much for cotton? How much more cheaply is the farmer buying his gingham or his cotton cloth to-day, when cotton is selling at one-half what it sold for a year ago? The decreases in prices received by the farmers are not reflected in the prices paid by the consumers. The cotton grower will not be deceived. He is not altogether selfish. He is reasonable. He admits that if legislation is to be enacted that will be of benefit to the cotton grower, the wheat and the corn growers will receive the same relative benefits.

I can not believe that the American consumer objects to paying the American farmer a fair price for his product, particularly since I have shown that the increased cost to the consumer on any product is very slight.

When the cotton growers of the South plead that a protective tariff on manufactures increased the cost of his clothing, his plea, when presented to the manufacturers of New Jersey, fell on deaf ears. It is not strange, therefore, that efforts to becloud the real issue are made for the purpose of hindering and not helping agriculture.

IV. FOREIGN CONSUMERS

It may be that the wheat grower will receive a better domestic price under the Haugen bill, which the gentleman from New Jersey complains of. I listened to his remarkable statement about domestic manufacturers selling their products more cheaply in foreign countries than in the United States, and that the manufacturers only sell in the world markets old types of farm machinery, and old models of automobiles. In other words, his reply was that the manufacturers do not sell the same products abroad that they sell at home. Many of us have been told that instead of sending the inferior products abroad the manufacturers really send them to the South. I must confess that the argument of the gentleman from New Jersey was a real news item. I have really been laboring under the impression that the Fords in London were just the same as the Fords in New York. As a matter of fact, the great industry of the age, the automobile industry, has been built up not by a protective tariff but through efficiency.

There is practically no tariff on automobiles, and yet the wage earners in the automobile factories are the most highly paid of any laborers in the United States. I have communicated with the Department of Commerce and the Department of Agriculture and the Tariff Commission, and without exception I have been informed that generally the best types of manufactured products are offered for sale abroad. This statement must be true. In foreign markets our products are brought into competition with the products of the world. In the great markets of Paris, London, and Berlin we must offer our best products or we can not sell in these most efficient industrial centers on earth. I take no stock in the argument that the domestic consumer should pay more than the foreign consumer, but certainly the gentleman from New Jersey, who advocates a high tariff, can not complain.

V. GRADES

With but one more reference to the argument of the distinguished gentleman from New Jersey, I shall pass to the merits of the bill.

The matter of grades seems to disturb Mr. FORT. He complains that the grower of long-staple cotton will be called upon to make the same contribution as the grower of short cotton. The gentleman from Minnesota [Mr. NEWTON] complained that the grower of hard wheat, more valuable, will be called upon to make the same contribution as the grower of soft wheat.

The gentleman from New Jersey took up the refrain. He doth protest too much. I can speak for the growers of long-staple cotton, and I am sure that they will be satisfied if they are not called upon to pay any larger equalization fee than the growers of short cotton. If hard wheat is more valuable, the growers of hard wheat will be content if they are not called on to pay a larger fee than the growers of soft wheat. Instead of being an objection on the part of the growers of long-staple cotton or of hard wheat, this argument really is one in favor of the equalization fee.

I am not at all surprised that the gentleman should be distressed and perturbed about the matter of grades. It is one of the vices of the Curtis-Crisp bill. Section 9 of that bill provides that no commodity which is of inferior grade shall be purchased with advances made by the board. The Crisp bill deals with efficient producers. Is it not strange that when a tariff bill is written the qualification of the manufactures, limiting the benefits of the tariff to the efficient manufacturers only, is lacking?

But as to the matter of grades: Those who are familiar with cotton know that it is true that inferior grades constitute the surplus. They constitute the burden on the market. The holder of the better grades and of the better staple is the loser because of the burden on the market. He will gladly contribute the same comparative amount that the holder of the low grades is asked to contribute in order to relieve all grades.

The advocates of the Curtis-Crisp bill must admit that their program is one of subsidy. To prevent its operation, however, as a subsidy the operations of the bill are so circumscribed and restricted, by giving it no authority to deal with the very products that cause the surplus, that the bill can not operate for the real relief of agriculture. The subsidy is offered, but it is a subsidy that can not and will not be utilized.

I recall that during the past fall the spokesman for the administration, favoring now the Curtis-Crisp bill, announced to the South that the present administration was prepared to come to the relief of the cotton farmers. Mr. Eugene Meyer and other representatives of the administration went into all of the cotton-growing States. They maintained that the funds to carry over the surplus were available. They advocated a program that they announced was entirely adequate. Was the cotton farmer relieved? Was the price of cotton stabilized? While relief was offered, it was couched in such terms as those that obtain in the Curtis-Crisp bill. The restrictions as to grades were similar to those in the Curtis-Crisp bill. The result was that the cotton growers received no relief. I repeat, I am not disturbed about the matter of grades. I maintain that it is

the virtue of the Haugen legislation that it proposes to solve the problem by handling the low grades as well as the better grades of agricultural products.

VI. STORAGE CHARGES

I must now turn to answer a few of the objections to the Haugen legislation that are urged by Representatives from the South.

Something has been said as to the expense of carrying over cotton in the years of surplus. I reply that no more expense will be attached to the carry-over under this legislation than now obtains. The surplus is now carried over; it must either be carried over or be destroyed. The trouble now, however, is that the surplus is being carried over by traders or speculators, who only buy when the price is depressed, and who will hold until better prices obtain. At present the farmer must sell when real conditions are not reflected by the market. The proposed legislation will enable him to hold so that he, the farmer, may obtain the increase in price. Certainly the farmer will not have to pay any more storage or interest than the speculator or trader, who must pay such storage charges in carrying over the surplus.

VII. EXPENSE OF ADMINISTRATION

Some Members of the House are evidently alarmed about the expensive machinery of the proposed board. No one contends that the law will be self-executing. Such was the argument of wealth against the passage of the Federal income tax law, the fairest and most just of all laws, requiring only that citizens shall pay in proportion to their ability and in proportion to their earnings.

The opponents of the income tax law cried that it meant bureaucracy, that it meant additional offices. It is the stock argument of those who oppose progress. It was the argument against the creation of the labor board. It is the argument of the liquor interests against the prohibition laws. The liquor interests become exceedingly solicitous in reminding the American taxpayers that it will cost enormous sums of money to enforce the prohibition law.

But the real downright friends of farm relief are not misled by any such arguments. The Curtis-Crisp bill provides for the same appropriation. The expenses of the set-up and the machinery in this bill are substantially the same as those in the Haugen bill. Even the Aswell bill, confessedly a subsidy, requires a set-up and machinery almost as expensive as the Haugen bill.

Some of my colleagues seem to object because the proposed legislation provides for the employment of experts. Railroads employ experts, banks employ experts, manufacturers employ experts when they deal with their products; why should not agriculture have the benefit of experts? There will be some expense attached to the set-up and the machinery, but it deals with crops aggregating billions of dollars. I admit that the success of legislation under any bill will depend upon the efficiency of the members of the board and the officials of the corporations or associations that may be organized.

Again, it is said that there is no limit to the equalization fee. I answer that there is no limit on the equalization fee as to any product. Personally, I would like to see the equalization fee eliminated as to cotton. There is certainly less need for it on cotton than on any commodity. In my judgment the fee must be less on cotton than on any other commodity. But we are dealing with a big problem, a big question. Is it not wise, is it not better, to leave the matter to the board upon whom the success of the legislation largely depends? Legislatures of the States are authorized to levy taxes; Congress is empowered to levee taxes; there are no limits to the amounts. The people must trust their representatives. There must be confidence. The producers must trust their representatives on the farm board, and if their representatives exceed their authority, or abuse their power, Congress is in session every year, and the friends of the farmers will most certainly come to their rescue.

VIII. ANALYSIS

It is very difficult in the short time allotted to me to make a thorough analysis of the proposed legislation. I represent a cotton-growing constituency. I believe that the insurance features adopted by the Senate are among the most constructive features of the Haugen bill. They are contributions by the leaders of the cotton industry to the proposed legislation.

I think they are the most far-reaching and constructive measures for the relief of cotton that have been suggested in connection with the agricultural problem. I call attention to the insurance plan, a very thorough investigation as to its operation, contained in my remarks in the RECORD on Saturday, February 12, on page 3602. I also call attention to an analysis of the McNary-Haugen bill, with the insurance plan embodied therein, made by one of the most efficient cotton growers and most capable cotton men of the South, Mr. A. H. Stone, included in the remarks above mentioned. It deals particularly with the application of the Haugen bill to cotton.

IX. PRESENT HAUGEN BILL IS DIFFERENT FROM FORMER BILL

I opposed the Haugen bill in the first session of the Congress, and I gave my reasons for my opposition. I may say that I would oppose it at the present time without the insurance plan, to which I have referred, and without the amendments that were adopted by the Senate.

The present bill is different from the bill reported during the first session of the present Congress. I refer to a few of the differences: There is no reference to a tariff in the pending bill, nor is the matter of an embargo mentioned. It can not be said to constitute a subsidy. The tariff and embargo and subsidy have been eliminated.

The voluntary feature in connection with the equalization fee has been liberalized. In fact, it may be said that the bill makes the levy of an equalization fee in any commodity voluntary. The majority of the farmers control. The present bill provides for a nominating committee and for an advisory council. As amended by the Senate, the board can not begin operations, nor can an equalization fee be levied, until the board is satisfied that the majority of the producers of such commodity favor such action. In States where there are no farm organizations provisions are made for ascertaining the sentiment of the growers. The amendments of the Senate increase the membership of the nominating committee from five to seven and liberalize the provisions for membership to cover all farm organizations. The bill as amended by the Senate provides that no equalization fee shall be collected at the gin, and finally it provides that operations in any basic commodity shall not be commenced or terminated unless the members of the board 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.

The farm board will not actually handle a dollar. Its operations are defined. It may make agreements for removing or disposing or withholding or carrying a surplus. The term "surplus" as used clearly means surplus on any basic commodity, whether arising through rapidity of delivery through the harvesting season or arising through a seasonal or accumulated overproduction in such commodity. It may make agreements to carry out the insurance plan so as to guarantee against excessive fluctuations in market conditions. Speculation will thus be eliminated. The board may make agreements for the purchase, storage, sale, or other disposition of the commodity.

The expense of operation will be determined by the board. The operations in each commodity will be financed by that commodity. The stabilization fee will be built up and maintained by the equalization fee contributed by such commodity. In the case of cotton this fee can not be collected at the gin. It may be collected in transportation or at the mills. I repeat, to emphasize, that the board can only operate and can only cooperate with the producer after the producer himself has specifically and voluntarily set in motion the machinery of the bill. Each commodity is treated as a separate unit, must stand its own losses, and will profit by its gains.

The insurance feature in cotton is especially beneficial. The insurance justifies the equalization fee in order to create a stabilization fund to meet the costs of operation. The insurance plan is not an insurance of profit, nor does it provide insurance against loss; the only thing that may be insured is the price at delivery. Moreover, the insurance plan is applicable to those commodities that have a harvesting season but that are and can be stored and marketed during the entire year.

The cotton growers of the South will be fortunate if they can secure the world price for their product at the time of delivery. The justification for the equalization fee is insurance against price decline, coupled with reimbursement for fire insurance, storage, and interest.

The farm board is the central authority. No single State can solve the problem. There must be a Federal authority. The farmers must trust their representatives. The farm board is nominated by the farmers, and this board represents the producers.

X. DEMAND FOR LEGISLATION

The farmers of the South may not be familiar with the provisions of any of the bills. They probably know as much about the McNary-Haugen bill as they do about the Crisp bill or the Aswell bill. It is apparent, as I have said, that the Haugen bill must be the basis of any legislation that is passed by the present Congress. Both the Haugen bill and the Crisp bill provide

for an appropriation for expenses in the sum of $500,000. All three bills carry an authorization for a revolving fund of $250,000,000.

In all frankness and in all candor it must be stated that the equalization fee found only in the Haugen bill is the only method or plan in any bill whereby the Federal Treasury will be reimbursed for advances from the revolving fund.

While the farmers of the South are not familiar with the terms of any of the bills, they are asking for and they are expecting legislation that will relieve the plight of the cotton grower to-day. Undoubtedly cotton is suffering more than any other commodity. The two large crops of the past two years have resulted not only in losses but in many cases in bankruptcy. It has been conservatively estimated that for the sixteen and a half million bale crop of 1925 and for the estimated eighteen and one-half million bale crop of 1926 the cotton growers of the South have sustained losses of $760,000,000. These losses amount to one-half the value of a normal crop.

As candidates, I am sure the Members of Congress from the South promised their constituents that they were familiar with the agricultural problem and that they would vote for the best solution of the problem that could be obtained. The McNary-Haugen bill is not perfect; if I had my way, I would make some changes. I would like to eliminate, I repeat, the equalization fee on cotton altogether. But I know that legislation is a matter of compromise; it results from a spirit of cooperation.

When I recall that the large cotton crops of the past two years have not brought to the growers as much by 25 per cent in the aggregate each year as the average normal crop in preceding years; when I recall that agricultural wealth has decreased since 1912, while the national wealth has steadily increased; when I recall that the farmer who owns his farm had a net return of only 2.5 per cent throughout the United States in the crop year 1925–26, while investments in the industrial field brought a return of approximately 11 per cent; when I recall that in 1925 the farmer paid approximately 27 per cent of his net-cash income in taxes; when I recall that in the case of cotton 46 per cent of the factors entering into the yield of cotton is due to acreage, and 54 per cent is due to weather, insects, and other conditions; when I recall that it is impossible now to change our economic system or to rebuild our economic structure, to repeal or revise the protective tariff, I am forced to conclude that I can best promote the interests of agriculture by supporting the McNary-Haugen bill, with the amendments adopted by the Senate, without which I can not support the measure.

I repeat that there is no real conflict between the unselfish consumer and the unselfish grower. There is no conflict between those who buy and those who sell where both desire justice and fairness. The great purpose of the legislation is to stabilize prices and production so that the price that is paid by the consumer can be reasonably reflected by the amount received by the producer.

I am in sympathy with all reasonable measures for the relief of agriculture. The McNary-Haugen bill is by no means perfect. It does not embody all the features I advocate for the solution of the farm problem. As amended by the Senate it is a distinct contribution toward the solution of the great question confronting the American people.

Agriculture asks only for justice. It demands a square deal. The McNary-Haugen bill, as amended by the Senate, will provide better conditions for agriculture. Its passage will contribute toward leading the American farmer out of the wilderness of despair, despondency, and bankruptcy into the promised land of a better day. Agriculture asks for a living wage and pleads for at least the cost of production. The farmer for himself and family asks for bread; will the Congress give him a stone? [Applause.]

Mr. FORT. Will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. FORT. The gentleman has stated that the minority report with reference to cooperative marketing is in error. Has the gentleman stopped to consider, in the case of cotton, for instance, that the cooperative marketing associations——

Mr. WHITTINGTON. I did not yield for a speech.

Mr. FORT. I am asking a question.

Mr. WHITTINGTON. All right.

Mr. FORT. That the cooperative marketing associations handle less than 9 per cent of the crop and that, therefore, they can not be the agencies to handle the surplus, since the surplus is 50 per cent of the crop?

Mr. WHITTINGTON. Let me answer the gentleman by saying that the declared purpose of the Crisp bill—the distinguished coauthor of which in the other body, after making a speech for it, voted for the Haugen bill—let me answer the gentleman by saying that the declared purpose of all farm legislation is, among other things, to increase the cooperative movement in the country and to foster it. I have pointed out already that under section 6 the corporations or associations created by the cooperatives can be the agencies of the farm board. Moreover, the surplus is not ordinarily 50 per cent of the crop, and I maintain that no single feature and no more constructive matter in aid of cooperatives has been embodied in the bill than the insurance plan that was adopted by the Senate. In my judgment the insurance feature will be exceedingly helpful to cooperative marketing. [Applause.]

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

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15474) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, and had come to no resolution thereon.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as follows:

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

S. 5598. An act to extend the time for constructing a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

S. 5620. An act granting the consent of Congress to John R. Scott, Thomas J. Scott, E. E. Green, and Baxter L. Brown, their successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River.

ENROLLED BILL PRESENTED TO PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, the following bill:

H. R. 11768. An act 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.

MAJ. CHARLES BEATTY MOORE, UNITED STATES ARMY

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table, and pass, the bill (S. 5259) granting permission to Maj. Charles Beatty Moore, United States Army, to accept the following decorations, namely, the Legion of Honor tendered him by the Republic of France, and the officers' cross of the order Polonia Restituta tendered him by the Republic of Poland, which has passed the Senate, an identical House bill being on the calendar. I have been authorized by the committee having the bill in charge to have the bill considered at this time.

The SPEAKER. The gentleman from Arkansas asks unanimous consent for the present consideration of the bill S. 5259, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That Maj. Charles Beatty Moore, United States Army, be authorized to accept the following decorations, namely (1) the Legion of Honor tendered him by the Republic of France, and (2) the officers' cross of the order "Polonia Restituta" tendered him by the Republic of Poland, and that the Department of State be permitted to deliver the said decorations to Maj. Charles Beatty Moore, United States Army.

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

There was no objection.

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

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

MR. LEE FRIDAY

Mr. McSWEENEY. Mr. Speaker, I would like to address the House for two minutes.

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

There was no objection.

Mr. McSWEENEY. Mr. Speaker and gentlemen of the House, I heard this afternoon that one of the newspaper boys who had continually visited my office and who was born in the neighboring State of Pennsylvania had died of pneumonia—Mr. Lee Friday, who has been working on a Cincinnati and several other papers.

I know that to his family and to his young son nothing can be of any comfort now except the memory of their pleasant association; the hope that Lee had for a greater future and the things he had planned for his young son and his patient wife, who only saw him one night a week because of his devotion to duty. But may I add the words of Robert Ingersoll when he spoke at his brother's funeral:

This loved and loving husband, brother, parent, friend, died where manhood's morning nearly touches noon and while the shadows still were falling to the west. He had not passed on life's highway the stone that marks the highest point, but being weary for a moment he lay down by the wayside, and using his burden for a pillow, passed into that dreamless sleep that kisses down his eyelids still, and while still in love with life and enraptured by the world, he passed to silent and pathetic dust. Is it not best in just the happiest, sunniest hour of all the voyage, when eager winds are kissing every sail, to dash against the unseen rock and in the instant hear the waves roar above the sunken ship, because no matter how his every hour was robed with sunshine and every moment jeweled with joy, whether in midocean or upon the breakers of the farther shore, a wreck at last must mark the end of each and all?

I regret he will no longer be among us; I only hope that some of the obligations and burdens of friendship will devolve upon me to help to bring to his son and his family some of the happiness he had planned for them.

I thank the House for its courtesy.

FREDERICK FENNING FINALLY FETTERED—INSANE ASYLUMS SHALL NOT ENTOMB OUR SANE SOLDIERS

Mr. BLANTON. Mr. Speaker, on last District day I obtained leave to revise and extend a speech I made at that time. I have been so busy I have not had time to get it up, and I am afraid the time will run out. I therefore ask unanimous consent to renew it as if the request were made and granted as of this day, which will give me the full 30 days from now to complete it.

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

There was no objection.

Mr. BLANTON. Mr. Speaker, my investigation of William Wolff Smith, of St. Elizabeths, of Dr. William A. White, and of former Commissioner Frederick A. Fenning has produced far-reaching results. We not only forced Commissioner Frederick A. Fenning to resign, and thus removed him from mismanaging the affairs of the District of Columbia, but we have forced him to make timely retribution to his numerous victims—the helpless shell-shocked World War veterans whom as their guardian he had in his clutches—by forcing him to relinquish his trust over them to their parents and relatives, and to return to them the 25 per cent commissions on bond premiums he had been unlawfully taking from their estates and putting in his pocket. We have been instrumental in having the Supreme Court of the District of Columbia reduce his commissions to 5 per cent, when heretofore for 23 years he has been charging his several hundred helpless wards from 10 per cent up to as high as 90 per cent annually. By inciting legislation to be passed, we have been instrumental in forcing him to relinquish his guardianship over his numerous World War veteran wards, until he now has only 21 such cases left, and they will soon be reduced to 5.

On January 13 and January 15, 1927, the Supreme Court of the District of Columbia ordered Frederick A. Fenning to file his final account in the following eight cases: No. 7745, James Braggs; No. 7872, Gunaro Bruno; No. 7782, Nicholas Caroussos; No. 7873, Luis Cruz; No. 7972, Ramon Delamon; No. 7785, Walter A. Foley; No. 7905, George F. Gartz; and No. 7958, John H. Rose.

THUS LEAVES HIM ONLY 13

Verily, he has been dethroned. The following 13 cases are all that Frederick A. Fenning now has left of the many World War veterans he was robbing as guardian when I first investigated him, to wit: No. 7683, Thomas S. Callahan; No. 7879, Robert Chesko; No. 7717, Neils P. J. Erenbjerg; No. 8331, Leon Hill; No. 7851, Anton Kucis; No. 10795, George Lucak; No. 7298, Wilfred A. Motley; No. 7759, Frank Pach; No. 7787, Leighton B. Pierce; No. 7814, Gust Sefigas; No. 7932, Joseph S. Selecman; No. 7633, Rodney M. Smith; and No. 7806, Henry Williams.

TO BE REDUCED TO FIVE CASES IMMEDIATELY

Concerning further reducing these cases of Frederick A. Fenning to five, so as to conform to the law we have recently passed, I quote from a letter just received from Gen. Frank T. Hines, Director of the United States Veterans' Bureau, the following:

The bureau will proceed to finally reduce the number to five, in accordance with the ideas expressed both by your committee and Congress.

This new law provides that no person shall be guardian or committee for more than five wards in the District of Columbia.

FORCED TO RETURN WHAT HE TOOK UNLAWFULLY

To show that said Frederick A. Fenning has been forced to return to his many wards the 25 per cent commissions on bond premiums he had filched from their estates and put in his own pocket, I quote further from said letter just received from General Hines, as follows:

Mr. Frederick A. Fenning has returned the amount of commissions on premiums of fiduciary bonds he had received from such estates.

From said letter received from Director Hines I quote the following excerpt:

I wish to advise that the bureau has filed exceptions to Mr. Fenning's accounts in each case that a commission was recommended in excess of 5 per cent by the auditor, and that the court in the Adolf Adler case, upon the bureau's petition, held that as a warning to other fiduciaries the commission of Mr. Fenning on his current account should be reduced from 10 per cent prayed for to 5 per cent, inasmuch as Mr. Fenning had concealed bond-premium commission information. In the Henry Jones case, lunacy No. 8256, the bureau petitioned the court to reopen all accounts pending before it, as well as old approved accounts, and reduce the commissions formerly allowed to 5 per cent on the basis of the decision in the Adolf Adler case. Mr. Fenning opposed the petition on the theory of res adjudicata, and upon hearing the court ruled that the old accounts were not res adjudicata and could be opened.

FENNING'S CURRENT COMMISSIONS REDUCED TO 5 PER CENT

And the court has reduced Frederick A. Fenning's current commissions to 5 per cent on all of his pending cases.

FOUR HUNDRED AND EIGHTEEN WORLD WAR VETERANS REMOVED FROM ST. ELIZABETHS

Following my investigation of and report on the awful conditions maintained in St. Elizabeths Insane Asylum there has been removed therefrom by the Veterans' Bureau to other hospitals nearer their homes in 16 different States 418 shell-shocked World War veterans. And these removals were effected between May 26, 1926, and December 11, 1926.

WHAT SUCH REMOVAL MEANS TO THEIR LOVED ONES

Many of these poor boys were held here several thousand miles from their homes and loved ones. Many of their parents were poor people who could not come here to see them. And had their parents been permitted to serve as their guardians instead of Frederick Fenning, and had the thousands of dollars which were paid out of their estates to Frederick Fenning been paid to such parents, it would have been a godsend for them; and with such funds these parents could have given far better care and attention to their boys. For instance, of these 418 transferred, 13 of them were California boys, and were transferred to California. They never should have been placed in St. Elizabeths. And Dr. William A. White, superintendent of St. Elizabeths, and William Wolff Smith, general counsel for the Veterans' Bureau, and the courts here should never have permitted Frederick A. Fenning to qualify as their guardian in his studied exploitation of helpless victims.

FORTY-FIVE INMATES ESTABLISHED THEIR SANITY IN COURT

Since my investigation and report on St. Elizabeths and my impeachment of Frederick A. Fenning, wherein I proved that sane persons were being unlawfully held in St. Elizabeths, there have been 45 of these inmates who have secured writs of habeas corpus from the Supreme Court of the District of Columbia, and upon trial before such court have established their sanity and have secured judgments from said court declaring them sane and discharging them from this St. Elizabeths Insane Asylum. These 45 persons are the following:

Habeas corpus No. 1280, James A. Wood; No. 1287, Herman H. Bergman; No. 1289, John B. Jones; No. 1293, Frank Ferrero; No. 1282, Richard F. Millett; No. 1290, William M. Wolverton; No. 1295, Frank D. Allen; No. 1294, Ted Newman; No. 1301, Robert W. Brown; No. 1307, Clyde Oringer; No. 1299, William West; No. 1288, William P. Houghton; No. 1315, George F. Callahan; No. 1296, George de Brodes; No. 1306, Joseph P. Morris; No. 1310, John B. Collins; No.

1313, Robert W. Shufeldt; No. 1316, Bernard L. Boelscher; No. 1275, George C. Tisdale; No. 1314, Edward J. McCallig; No. 1315, Everett L. Mason; No. 1320, Gus R. Kaschubey; No. 1333, Joseph A. Murdock; No. 1326, Charles N. Howell; No. 1328, Thomas J. Schram; No. 1303, Noel C. Johnson; No. 1309, Esayas C. Boniger; No. 1330, Wayman G. Edwards; No. 1331, Patrick J. Crowe; No. 1339, Sidney Martin; No. 1343, Alfred C. Kolls; No. 1325, Albert Sullivan; No. 1353, Cyrus S. Hart; No. 1361, Lawrence Freeman; No. 1355, John L. Bailey; No. 1358, Anna M. Griffiths; No. 1357, John W. Gaskill; No. 1379, William F. Gaffney; No. 1386, Richard D. Brennan; No. 1387, Jane B. Ransom; No. 1390, Santi Arena; No. 1340, Eldred R. Kemp; No. 1396, Paul A. McDuffie.

The foregoing are merely the ones who between June 4, 1926, and the end of last year secured their discharge from St. Elizabeths by establishing their sanity in court and having a judgment rendered by the Supreme Court of the District of Columbia declaring them sane. There are likely others who have since the beginning of this year secured their discharges, but I have not had time to check up the records to find out.

PERSECUTION

In habeas corpus case No. 1301 Robert W. Brown secured his release on July 7, 1926, yet in the face of such judgment the authorities attempted thereafter to reincarcerate him, and he again secured his release by judgment of the court on August 17, 1926.

In habeas corpus case No. 1313 Robert W. Shufeldt secured his release from St. Elizabeths, yet in the face of such judgment the authorities attempted thereafter to reincarcerate him, and in a new proceeding, habeas corpus case No. 1341, he again secured a judgment of the court on September 29, 1926, adjudging him sane and releasing him from St. Elizabeths.

INSANE ASYLUMS WORSE THAN PENITENTIARIES

Mr. Speaker, an insane asylum, however necessary, is an awful institution. Once placed behind its portals rarely is one ever released therefrom ordinarily, except by death. When releases occur, the finger of public prejudice always points, and every act, perfectly normal in other people, is watched with suspicious criticism. The stigma follows even beyond the third and fourth generations.

INCARCERATING SANE PEOPLE WORSE THAN DEATH

For a sane person to be wrongfully placed behind the bars in an insane asylum is a punishment far worse than death. It is a punishment more severe than being sentenced to the penitentiary. For, when the sentence is served, one is released from the penitentiary, and time there is often shortened by good behavior, and there is always the chance of executive clemency, and the world soon pardons and forgets. But what hope is there for a sane person wrongfully held behind the bars of an insane asylum? There is no definite sentence that will end. There is no hope of executive clemency. The world does not forgive a former inmate of an insane asylum as it does a former convict from the penitentiary. If one escapes from the asylum, or succeeds in being brought before a court on a writ of habeas corpus and upon trial before his peers is adjudged sane and released, he never regains the position in society that he formerly occupied, for some will always question his sanity. It is rarely the case that he can procure employment from one knowing of his incarceration, and sooner or later such fact will be known wherever he goes, and whatever he does. It is hung around his neck for life.

SANE PEOPLE SHOULD HAVE EVERY SAFEGUARD

No person should be committed to an insane asylum until they have been legally adjudged insane by the judgment of a court, with every safeguard thrown around them to prevent exploitation by designing persons. I had read in novels that sane people were kept in insane asylums and exploited, but until my investigation of Dr. William A. White, Commissioner Frederick A. Fenning, William Wolff Smith, and St. Elizabeths Insane Asylum, I never dreamed that such exploitation was carried on in a Government institution of the United States almost within the portals of the Capitol dome in Washington.

DOCTOR WHITE SAVING LEOPOLD AND LOEB MURDERERS

From the floor of the House on December 14, 1925, I read a statement from Secretary Hubert Work, Department of the Interior, who certified that Dr. William A. White received a salary of $7,500 per year as superintendent of St. Elizabeths, and that the Government furnishes to him free for himself and family his residence, his food, his fuel, his furnishings, his servants, his automobiles, his lights, heat, gas, and water, and his laundry and medical attention, all free for himself and family; and that the law requires Doctor White to devote all of his time to said institution. And I then produced evidence, admitted by Doctor White himself in reply to my corkscrew letters, that he had sold his services to Clarence Darrow, and had gone to Chicago, there to testify for money to save the necks of the Leopold and Loeb murderers, their millionaire fathers paying Doctor White $250 per day for 14 days or the sum of $3,500 for selling his testimony.

I then called attention to the fact that Leopold and Loeb were not ordinary murderers, but that the atrocious murder committed by these two young millionaire college men, in its shrewd manner of planning and execution, shocked the entire world. These were not ordinary criminals with their minds warped from suffered hardships, but they were educated, pampered, well-fed, well-clothed, well-groomed, pleasure-gorged, luxury-surfeited, polished thugs, who cruelly killed a little boy just for a new thrill. There was not one single extenuating circumstance. Nothing whatever could be offered in mitigation. The enormity of the crime was simply apalling, and no punishment less than death was adequate. But for $3,500 cash paid him, Dr. William A. White violated the law and left his duties here and attended this trial in Chicago and helped Clarence Darrow save their infamous necks.

And I then showed that Doctor White had refused to answer my questions concerning other cases in which he had sold his testimony to save criminals, but like a criminal he dodged behind the old "I can't remember." All he would say was—

A detailed statement such as you ask is absolutely impossible for me to make. My memory does not serve me. As I told you, I have no record to which I could refer.

And then I began my investigation of Dr. William A. White and his St. Elizabeths Insane Asylum.

SOUGHT TO STOP SELLING TESTIMONY

On January 11, 1926, when the bill came up appropriating funds for Doctor White and St. Elizabeths, I offered the following amendment:

On page 107, line 17, after the word "patient," add a colon and the following proviso, to wit: "*Provided*, That no part of the money appropriated by this paragraph shall be used to pay the salary of any Government official who shall enter into an agreement with criminals to testify in their behalf in consideration of which such criminals agree to pay substantial remuneration."

The gentleman from Michigan [Mr. CRAMTON] made the point of order against it, and under House rules I could not secure a vote on it, although I then quoted from one of Doctor White's letters to me his admission that he intended to sell his testimony whenever he could, to wit:

Of course, I feel, where some one wants my opinion and they have plenty of money to pay for it, that there is no reason why I should not charge for it.

From my speech then made on the floor of the House I quote the following:

If Dr. William A. White had not been connected with this Government institution, Clarence Darrow would not have given 30 cents for his testimony. He must stop selling the Government of the United States for money in murder cases to let criminals escape just punishment. And he must not secrete his facts.

It is unfortunate, indeed, that the gentleman from Michigan saw fit to make a point of order against my amendment, for I believe that if it could have come to a vote in this House the membership would have stopped this Government official from leaving his position, to which by law he is required to devote all of his time, and selling himself to millionaire criminals, and spending two weeks in Chicago to help them escape the hangman's noose, at $250 per day reward for his testimony. This is one time when the House should have been permitted to vote on this proposition. And I serve notice now that I am going to our two Senators at the other end of this Capitol and request them to put this amendment in this bill there, where technicalities can not keep it out, and I believe that they will put it in and that the Senate will pass it.

If Congress does not stop this pernicious practice, the American people are going to hold Congress responsible for it. They have a right to pass this amendment over in the Senate. We are under limitations here, but they have no limitations over there and they ought to do it. We ought to stop these avaricious alienists from testifying for big pay in court to keep from the gallows men who ought to be hanged. I say that it is my belief that these two educated criminals ought to have been hanged by the neck until they were dead. [Applause.]

And the very next day I did appeal to one of our Texas Senators to take steps in the Senate to stop this pernicious practice.

WASHINGTON, D. C., *January 12, 1926.*

Hon. EARLE MAYFIELD,
United States Senator,
Senate Office Building.

MY DEAR SENATOR: I am inclosing you herewith a copy of yesterday's CONGRESSIONAL RECORD, on pages 1486 and 1487 of which you will note the amendment I offered that would stop Dr. William A.

White, a Government official who owes all of his time to the Government, from selling his testimony to such criminals as Leopold and Loeb for $250 per day for two weeks he spent in Chicago in their behalf to save them from a just hanging.

Doctor White gets $7,500 salary, gets his home, food, servants, heat, light, gas, water, medical attention, and fuel, all furnished to him free by the Government for himself and family, and he is under contract to give all of his time to the Government.

This amendment was subject to a point of order in the House, but when they go to put that $218,000 for the colored school (Howard University) back into the bill, you can force this amendment on the bill in the Senate, and I hope that you will take a firm stand to do so.

Very truly yours,

THOMAS L. BLANTON.

But no action was taken in the Senate to stop it.

Shortly after this several improper acts committed by Frederick A. Fenning, one of the Commissioners of the District of Columbia, came to my attention, and I also began an investigation of his record.

DOCTOR WHITE AND COMMISSIONER FENNING

Strange to say, my two investigations soon merged into one. I found that Dr. William A. White and Frederick A. Fenning had been operating together for nearly 25 years, and both had grown rich exploiting the veterans of three wars. And William Wolff Smith, general counsel of the Veterans' Bureau, silently sat by and permitted it.

DEPENDABLE MARTIN B. MADDEN

On March 18, 1926, from the floor of the House I made a speech showing that through the help of Doctor White the said Commissioner Fenning was having himself appointed guardian of soldiers incarcerated in St. Elizabeths, held there against the wish of their parents in the States, and drawing from their incomes several thousand dollars per year, and I contended that he had no right to do it, and that it ought to be stopped. And then the great chairman of the great Committee on Appropriations, MARTIN B. MADDEN, of Chicago, than whom there has never been in Congress any man more valuable to the American taxpayers, spoke as follows:

Mr. MADDEN. If the gentleman will permit, let me make this suggestion: If he is doing that, he ought to be put out of his office.

And I then asked Mr. MADDEN if he would have his committee look into it, and he replied:

Mr. MADDEN. We will.

Mr. BLANTON. Good; I know the gentleman means just what he says, and having accomplished what I desired, I am going to yield the floor.

I continued my investigations, and gathered indisputable evidence from the employees and records of St. Elizabeths, the District of Columbia employees, and the court records, and spent much time and money out of my own pocket accumulating the facts.

CITIZENS IN ALL 48 STATES AFFECTED

There were 4,417 patients then shut behind bars in St. Elizabeths. Some were veterans of the Civil War. Some were veterans of the Spanish-American War. There were over 900 of them shell-shocked veterans of the World War. Over 2,200 of them had never been committed by court adjudication. Many of them were absolutely sane. They were from practically every State in the United States. They had fathers, mothers, sisters, and brothers in the 48 States. I found a number there from the State of Texas. I found several boys there from my own district in Texas. Many of these boys came back from France shell shocked, and needed sympathy and love, and careful nursing, and careful dieting, and pleasant surroundings, and hope; and an insane asylum with its constant shrieks and senseless clatter was the last place on earth to which they should have been sent. There were several boys there from several foreign countries. Details of the inhuman treatment many had received there shocked me beyond expression.

NO HOPE OF HELP FROM DOCTOR WORK

Doctor White and St. Elizabeths are under the control of the Department of the Interior. Dr. Hubert Work, Secretary of said department, was formerly in charge of a similar institution in the State of Colorado, and is the intimate personal friend of Doctor White. There is a strong feeling of friendship and fellow sympathy existing between all alienists and superintendents of insane asylums. All have been investigated. All abhor investigations. All feel aggrieved when investigated. All expect criticisms and become callous to them. Therefore I felt that I would be wasting time in any attempt to persuade the Secretary of the Interior to remedy conditions, as he and Doctor White were such close personal friends.

APPEALED TO CONGRESS

On March 22, 1926, for one hour I spoke in the House, my speech covering 10 pages of the RECORD, and I showed how Doctor White and Commissioner Fenning were exploiting veterans. I showed that the Commissioners of the District of Columbia were sending people to this insane asylum upon executive order, without trial in court. I showed that the Director of the Veterans' Bureau was committing shell-shocked veterans of the World War to this insane asylum upon executive order without trials in court. I showed that the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the superintendents of old soldiers' homes were all sending men to this insane asylum upon their executive order, without any trials granted in court. I showed that for that fiscal year Congress had appropriated for St. Elizabeths the enormous sums of $1,023,000 and $900,000 and $260,000, aggregating $2,183,000. I showed that Commissioner Fenning was drawing a salary of $7,500, was furnished his suite of offices, his automobile, and a $2,100 chauffeur, and though expected to give all of his time to the Government, was maintaining a private law practice, and in collusion with Doctor White was having himself appointed as guardian of veterans in St. Elizabeths who had incomes from the Government. I read the statement from General Hines, Director of the Veterans' Bureau, giving the names of 75 World War veterans for whom Commissioner Fenning had had himself appointed guardian, and from whose estates General Hines certified:

Colonel Fenning has been allowed by the Supreme Court of the District in practically every case for which he is acting as guardian or committee 10 per cent of the principal of the personal estate and on the annual income of the estate, as provided in section 1135 of the Code of Law for the District of Columbia.

Very truly yours,

FRANK T. HINES, *Director.*

I quoted the report of the last grand jury, stating conditions in St. Elizabeths were deplorable, and indicating that many persons were confined there who were not insane but sent there for ulterior motives, and recommending that Congress investigate St. Elizabeths. I called attention to the charges made through the Library Critic, issue of February 24, 1926, to wit:

Last summer I found an old Army comrade of mine in St. Elizabeths Hospital, where he had been confined for nearly five years. He was not in the slightest mentally deranged. I was not able to get a hearing for him before any of the courts.

I found that there were many others similarly confined, thrown in by bureaucratic orders for which there were no legal grounds.

The Army, the Veterans' Bureau, the Navy, and the Department of Justice have been using this hospital for a muzzling station wherein to bury persons who have criticized officials in these departments. In such cases the victim is thrown in the hospital and held incomunicado behind cement walls.

George C. Tisdale was shanghaied into St. Elizabeths 12 years ago. He is not insane and never was. White has held him and denied access to him of friends and counsel.

I called attention to the letter received by me that morning from Dr. Miley B. Wesson, California, urging me to get action for a boy who almost died for want of proper treatment by the Navy, Doctor Wesson appealing as follows:

SAN FRANCISCO, *March 16, 1926.*

The Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

DEAR MR. BLANTON: This communication is addressed to you because of your reputation for fearlessness. When I was a student at the University of Texas the members of the Athenaeum still told stories of your fight for decency in university politics. Later, when I lived in El Paso, Tex., we often heard that as a district judge in Abilene you were continuing your fight against crooked politics. Since that time the newspapers have kept us informed of the fact that you have not succumbed to the blandishments of the bureaucrats and are continuing your fight for decency. For that reason I am writing you concerning the following matter:

* * * * * * *

In the early days in west Texas bowie knives were rather common. If you have yours with you in Washington, will you not unsheath it and cut through the mazes of red tape that naval subordinates are winding about this matter? What is needed is apparently a little less law and a little more justice and equity. I want to see this boy live, and I know you do, and I know that you have no love for inefficient bureaucrats.

Very sincerely yours,

W. B. WESSON.

I had not only been investigating St. Elizabeths, but I had been getting the facts concerning the treatment of many World War veterans in other insane asylums scattered over the United

States. Some were from practically every State in the Union. I felt that if I could clean up St. Elizabeths and stop Fenning from robbing veterans here in Washington, then conditions could be remedied elsewhere. But I had to fight at every step. Fenning was strong personally, financially, and politically. Members would defend and take the other side. Frederick A. Fenning had been in charge of Republican affairs here in Washington. During this speech Members defended both White and Fenning. Even my good friend from Massachusetts [Mr. UNDERHILL] had to chide me, as follows:

Mr. UNDERHILL. Should not the gentleman be a little more temperate in his accusation against the commissioner, who might be accused of moral turpitude in such a case as this, and not use the words he has used on the floor of the House when he accused him of being a robber, but when, as a matter of fact, he is simply following the procedure of the court? You understand, of course, I am not approving of his good taste in taking these cases, because I would not want to do it myself, and I do not think the gentleman from Texas would want to do it, but I do not think any man ought to stand on the floor of the House and accuse another man who has no opportunity to reply to him, as the gentleman from Texas has accused the commissioner this afternoon.

Mr. BLANTON. I never make any charges until I am sure of my ground, and only when it is my duty to do so. These bad conditions will never be remedied until they are made known to you colleagues, who have not had time to investigate them. I was one of the first Congressmen to protest against the unlawful acts of former Director Charles R. Forbes, who yesterday was admitted to the penitentiary in Atlanta. And I see other colleagues here who likewise protested against his unlawful acts. And if some of us had not done so, and if the country had not become aroused, he might still be in charge of the United States Veterans' Bureau. Yet, when I first made charges against him, I was accused of slandering him unjustly.

I gave the number and style of over 100 cases certified by the auditor of the Supreme Court of the District of Columbia, wherein Commissioner Fenning had had himself appointed guardian for veterans and was getting 10 per cent of their estates. And I closed my speech as follows:

I am going to introduce a resolution to appoint a joint committee of the House and Senate to go out there and clean that institution up, and I hope I will be able to get it out of the committee and have it passed. [Applause.]

You will note that I got applause from the membership when I promised to introduce the resolution. I will show you shortly how that resolution was pigeonholed by the committee for weeks and I could get action only by impeaching Commissioner Fenning.

REMOVAL OF COMMISSIONER OF INSURANCE

And then the gentleman from Massachusetts [Mr. UNDERHILL] took the floor and criticized me for being so severe, and mentioned that I had brought before public gaze the personal habits of the former commissioner of insurance, whose removal from office I had forced because of improper conduct, and the following colloquy occurred:

Mr. BLANTON. The remarks of the gentleman from Massachusetts make it necessary for me to answer him. The insurance commissioner he mentions brought a bill before our committee, which for months he tried to pass, that had in it a provision which allowed him to appoint as many auditors as he wanted, without any limitation in number, and pay them $75 a day. He had another provision in the bill that he should be allowed an incidental expense account, and be permitted to spend out of the appropriation incidental expenses not less than $3,000 a year—"not less than $3,000." That was the most remarkable provision I ever saw in a bill. I have always known of expense accounts of not more than such a sum, but this was "not less than $3,000 a year." It gave him the blue sky as a limit in incidental expenditures. The foregoing are illustrative of many other wasteful and improper provisions in said bill. That made me suspicious of him, and I began to check up his department. The committee favorably reported his bill for passage over my objection. I had to do something to stop it. I brought the affidavits and statements of company after company showing that he had collected from them several hundred dollars each, unlawfully, company after company, if you please, which large sums of money he spent himself. That is the kind of evidence I produced against him in my minority report against his bill. I showed there was one poor colored company down here that he went to and forced them to make him two large loans of money under threat of taking their permits away from them. And I produced various other items in evidence against him. And, listen, my report killed his bill, and the next day after I filed my report with the commissioners they put him out of office, and the gentleman from Massachusetts criticizes me for having an improper official put out of office.

Mr. UNDERHILL. That is not a fact, and I deny it.

Mr. BLANTON. That was your criticism, and I leave it to my colleagues.

Mr. UNDERHILL. My objection was to bringing in his private character and private life.

Mr. BLANTON. Mr. Chairman, the gentleman from Massachusetts is a valuable Member in this House; he is a splendid gentleman and I think the world and all of him; he is my friend, and he knows I did my duty in that insurance case; I kept that bill from passing, and it has never been passed to this good day. [Applause.]

Mr. UNDERHILL. The gentleman wants the RECORD correct.

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. BLANTON. I yield to the gentleman because he is a splendid gentleman and is one of the most valuable men in this House.

Mr. UNDERHILL. The gentleman said I objected to the evidence which he presented with regard to the action of this man, but I never objected, and I never would object, but I did object to bringing his private and family life into the discussion when it was not necessary.

Mr. BLANTON. Oh, when he was an immoral man and his whole life was one of immorality I had to make out my case so as to get the commissioners to put him out of office. When I try a case I try it for all there is in it. I do not introduce some of the evidence and apologize for not introducing all of it. I introduce it all before the jury and let the jury pass on it. And I forced the commissioners to fire him. But the gentleman and I are now working on a good insurance bill. We are going to bring in one that ought to pass, and the gentleman has been doing some good work on it, for which I congratulate him. We are working together shoulder to shoulder on the committee, and we think alike on most questions.

Promptly the next day, March 23, 1926, I introduced in the House Concurrent Resolution No. 16, which was referred to the Committee on Rules, being the following:

Resolved by the House of Representatives (the Senate of the United States concurring), That there is hereby appointed a special joint committee of 10 members, 5 of whom are, by the Speaker of the House, to be selected from the House Committee on the District of Columbia, and the remaining 5 are, by the President of the Senate, to be selected from the Senate Committee on the District of Columbia, such joint committee to have authority to sit during recess and after the adjournment of Congress.

SEC. 2. Said joint committee shall have power and authority to summon, swear, and interrogate witnesses, to require the production of papers, books, records, and documentary evidence concerning the institutions authorized to be investigated.

SEC. 3. Said joint committee shall investigate Gallinger Municipal Hospital, the house of detention, St. Elizabeths Hospital, the juvenile court, the Supreme Court of the District of Columbia, the National Training School for Boys, the National Training School for Girls, and the custom and practice of committing persons alleged to be of unsound mind to insane asylums pursued by the Metropolitan police department, the Commissioners of the District of Columbia, the War Department, the Navy Department, and the Department of Justice. Said joint committee shall report its findings to Congress at the earliest date practicable.

RULES COMMITTEE WOULD NOT ACT

Several times I went to the distinguished gentleman from New York [Mr. SNELL], chairman of the Committee on Rules, and urged him to grant me a hearing on my resolution. This he refused. I pleaded with him to report my resolution, so that the House could pass on whether or not a committee should be appointed to investigate Doctor White and Frederick Fenning, but he promised nothing. I went to several members of the committee, but could get no action.

WASHINGTON NEWSPAPERS FROWNED ON INVESTIGATION

Shortly after the House of Representatives met on March 29, 1926, I took the floor and called attention to the following:

I have now pending before the Committee on Rules a concurrent resolution providing for the appointment of a joint committee of the House and Senate to investigate this business conducted on the side by Commissioner Fenning and to ascertain just how much money he is making off of these wards of the Government, and just how many he is keeping their own loved ones from administering their affairs, and to report on same back to Congress.

To my great surprise, on Thursday, March 25, 1926, I saw in the Washington Star on its front page the following:

"Fenning practice O. K'd by Coolidge; precedents cited. President knew of private business and saw no bar to continuation. Lawyers in Congress given as examples. By J. Russell Young."

The above are headlines. And from the body of the article I quote the following excerpts:

"When President Coolidge appointed Frederick A. Fenning to succeed Captain Oyster as Commissioner of the District he was fully aware of the nature of Mr. Fenning's law practice and had no objection to his continuing it.

"As is his custom in making appointments of a more or less important nature, President Coolidge went very thoroughly into Mr. Fenning's record and the nature of his practice in this city.

"From an unquestionable source it was made known to the writer that Mr. Fenning, while answering the President's questions about himself, very frankly told him of his handling the so-called lunacy cases, and that the latter agreed to accept the appointment with the understanding that he would continue this work. The President was represented as having no objection.

"At the time Mr. Fenning's appointment was made public he issued a public statement, in which he said, with other things, that he intended to continue his law office in the Evans Building.

"PRIVATE BUSINESS NOT BANNED

"Although President Coolidge is represented as not being in the least disturbed by the present fight directed against Commissioner Fenning by Members of Congress because of his being the legal guardian of a number of mentally incompetent World War veterans, those who know him well feel very certain that he will support the commissioner if developments make it necessary.

"White House authorities can not see where the law has been violated or where Commissioner Fenning has acted with any impropriety by continuing his legal work.

"It is claimed also that a Commissioner of the District of Columbia has just as much right to give attention to his private law practice while in office as have Members of Congress who are lawyers. In this connection it is stated that one Member of Congress who intends to make a speech very shortly in defense of Commissioner Fenning will call attention to the fact that there are more than 170 Members of Congress who make frequent trips back to their home towns to try law cases."

NEWSPAPER THREAT TO EXPOSE CONGRESSMEN

You will note that said paper threatened that if the fight against Commissioner Fenning was continued a Congressman would take the floor in his defense and give the names of 170 Congressmen whom it claimed engaged in private law practice at home. I then answered same as follows:

Surely the President of the United States would not take the position that all of the acts of Commissioner Fenning are ethical and proper. And surely the President would not stand in the way of a proper investigation of St. Elizabeths Hospital, wherein the recent grand jury of the District of Columbia intimated that there were many persons held there who are of sound mind, and when such grand jury recommends that Congress investigate it.

Since I have been in Congress I have refrained from practicing law and have refrained from connecting myself with any law firm, but I have given all of my time to the Government. I could make fully $10,000 per year in the law practice, but I do no law practice whatever. The duties of my office require all of my time both when Congress is in session and in vacation, and I give all of my time to the people.

I would hardly mention such a newspaper report intimating a wrong position taken by the President were it not for the fact that again, on last Saturday, March 27, 1926, there appeared a second article in the Washington Star, from which I quote the following excerpts:

"Fenning's course known to chief—Law practice might be continued, President told appointee. By J. Russell Young."

The above are headlines. I now quote from the body of the article the following excerpts:

"The White House has let it be known officially that the President had no objection to Frederick A. Fenning continuing his legal work when he appointed the latter to the Board of District Commissioners.

"The President's attitude was made known at the biweekly conference of the President and the newspaper correspondents at the White House late yesterday afternoon in answer to a question as to the President's attitude toward the fight being made on Commissioner Fenning by several Members of the House, and if he knew of the nature of Mr. Fenning's law practice and approved his continuing it.

"In making this known officially at the White House the President's spokesman pointed out that President Coolidge had no personal objection to Mr. Fenning continuing his private work."

TRIED TO SHIELD PRESIDENT AND HIS PARTY

I then tried to shield President Coolidge and his Republican Party from the inferences to be drawn from the above, for I then said:

I do not believe the President of the United States authorized the above statement. I do not believe that such will be the attitude of the steering committee of the Republican Party on this floor and in this Congress. I do not believe that such resolution of inquiry will be blocked. I have waited since Saturday for the Republicans of this House to deny the foregoing, and I am disappointed that they have not yet denied it.

I know that Commissioner Frederick A. Fenning is a prominent Republican, and that he filled an important position in the local Republican headquarters in Washington during the last campaign, and that his close political and personal friend, Mr. Edward F. Colladay, is reputed to be the Republican national committeeman of the District of Columbia, and we know that Mr. Colladay has been putting in his time here in this Capitol, in the House Office Building, and in the Senate Office Building attempting to block an investigation of Commissioner Fenning and attempting to create sentiment to protect him.

But I have too much respect for the President of the United States and for the steering committee of the Republican Party here in Congress to believe that they would protect Commissioner Fenning and prevent an investigation into his business and the just rights of these many wards of this Government.

And I feel sure that the Committee on Rules will promptly report my concurrent resolution and allow this investigation to be made. I will guarantee that I will show them numerous cases where Commissioner Fenning has made large sums of money out of the estates of these helpless wards of the Government.

Commissioner Fenning is appointed to his office by the President of the United States. Such appointment is "by and with the consent of the Senate," and has to be confirmed by the Senate of the United States. This Government pays part of his salary. The District of Columbia is the seat of the Government of the United States.

Section 5498, page 1065, of the Revised Statutes of the United States provides:

"Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than $5,000 or suffer imprisonment not more than one year, or both."

Now I shall be able to show that out of claims against the Veterans' Bureau, against the Navy Department, and against the War Department, for wards of this Government, Commissioner Frederick A. Fenning has received for himself 10 per cent of their estates and of their incomes, and that the aggregate of such amounts totals an enormous sum of money.

I am sure that neither the President of the United States nor the Republican steering committee of this House would approve any policy that would incite a violation of the above law.

Your Committee on Rules ought to report the resolution to have an investigation.

URGING OTHER COMMITTEES TO INVESTIGATE

I was not depending altogether upon the Committee on Rules. I was urging the Committee on the District of Columbia to investigate. I was urging the Committee on World War Veterans' Legislation to investigate. I was exhausting every possible parliamentary means to secure a proper investigation.

AN UP-HILL FIGHT

To keep the matter from being pigeonholed it was necessary to fight every inch of the way. Being unable to get any satisfaction from the committees, I took the floor as soon as the House met on April 1, 1926, when the following occurred:

LEAVE TO ADDRESS THE HOUSE

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that on next Monday, after the disposition of the business on the Speaker's table, I may proceed for 30 minutes on the condition of veterans in St. Elizabeths Hospital.

The SPEAKER. The gentleman from Texas asks unanimous consent that on next Monday, after the reading of the Journal and the disposition of business on the Speaker's table, he may be permitted to address the House for 30 minutes, to speak on St. Elizabeths Hospital. Is there objection?

Mr. TILSON. Reserving the right to object, the gentleman realizes that that is Consent Calendar day and that the calendar is rather crowded.

Mr. BLANTON. When the gentleman hears what I have to tell him he will not object. This is an important matter. The rights of veterans of all the wars, the World War, and the Spanish War, and the Civil War, and wars back to the Mexican War are there, and the information I shall furnish is first-hand information.

Mr. TILSON. Why does the gentleman select a Consent Calendar day?

Mr. BLANTON. I will help get through the business on that day. My colleague knows that I will help to get the business through.

Mr. CULLEN. Reserving the right to object, Mr. Speaker, may I ask the majority leader if we are going to have Monday for Consent Calendar day?

Mr. TILSON. That is what we wish to do. The gentleman is right. There are very important bills on that calendar, and they ought to be cleaned up.

Mr. BLANTON. And I will help to clean them up.

The SPEAKER. Is there objection?

Mr. BERGER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if this is the Fenning affair?

Mr. BLANTON. He is connected with a few of those cases.

Mr. BERGER. If this is the Fenning affair, I believe it ought to be threshed out by a committee and investigated by a committee.

Mr. ROBSION of Kentucky. Mr. Speaker, I object.

Mr. BERGER. I object, too.

But I didn't let that stop me, I tried, tried, again.

Mr. BLANTON. Mr. Speaker, may I prefer another unanimous-consent request? I ask unanimous consent that on Thursday next week, after the disposition of the business on the Speaker's table, I may proceed for 30 minutes in discussing the rights which are denied veterans of every war who are incarcerated in St. Elizabeths Hospital, some of whom are of sound mind.

The SPEAKER. The gentleman from Texas submits the same request, substituting Thursday for Monday. Is there objection?

Mr. ROBSION of Kentucky. Reserving the right to object, Mr. Speaker, I objected a little while ago because of Consent Calendar day.

Mr. BLANTON. That is the reason why I renewed my request for Thursday instead of Monday.

Mr. ROBSION of Kentucky. I do not now object.

Mr. DYER. Reserving the right to object, Mr. Speaker, I would like to ask the majority leader if it is his intention, so far as he knows, to arrange for the investigation of this matter concerning which the gentleman from Texas desires to speak. If there is going to be an inquiry by a committee, with full authority to take testimony in this matter and some other matters concerning which complaints have been made affecting one of the Commissioners of the District of Columbia in connection with ex-soldiers of unsound mind, then in my judgment these matters could be better inquired into by an impartial committee.

Mr. BLANTON. I will state to the gentleman from Missouri that my information, to which I have devoted much of my time, will be for the benefit of the House and the Committee on Rules in the hope of helping them to get a proper committee of investigation. The Committee on the District of Columbia has no power or authority at all either to summon witnesses or to compel them to testify, and it is my hope to put such facts before my colleagues as will warrant the appointment of such a committee. If the gentleman knew about these facts, I am sure he would not object, because there are some men from the State of Missouri who are now at St. Elizabeths.

I have some evidence as to a man who has been there for a number of years, and I hope the gentleman will permit me to place this information before my colleagues.

Mr. DYER. I have no complaint to make about the gentleman's request, but there are two sides to all these questions, and I think everybody should have a chance to present their side.

Mr. CHINDBLOM. Mr. Speaker, I would like to know whether the gentleman from Texas has conferred with the majority leader.

Mr. BLANTON. I will say to the gentleman from Illinois that I spoke to him and told him I was going to ask for this time.

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

Mr. DYER. I would like to have an answer to the question I asked of the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. I will say to the gentleman from Missouri that I have made no promise in that regard.

Mr. DYER. Mr. Speaker, the only thing is this: I believe we are entitled to have a hearing of all sides. Those who are complained of if the District, or wherever they may be, ought to have a chance to be heard.

Mr. BLANTON. Let me say to the gentleman from Missouri that I have a resolution now pending before the Rules Committee—and it has been there for a week—asking for a committee to investigate this Fenning matter. I have been to the chairman of the Rules Committee and urged him to vote it out, and I have been to other members of the Rules Committee. Now, surely the gentleman from Missouri will not deprive a Member of Congress from placing information that he has concerning poor soldiers of all the wars before this House?

Mr. DYER. I am not complaining, but I am trying to get the cooperation of the Republican leader and others in the House.

Mr. BLANTON. The Republican leader is cooperating all right, and I think I am going to give some facts which will warrant the voting out of this resolution.

Mr. DYER. I think both sides should be heard in a matter of this kind.

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

There was no objection.

PLACED INDISPUTABLE FACTS BEFORE CONGRESS

As soon as the House met on April 8, 1926, the following occurred:

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Texas [Mr. BLANTON] for 30 minutes. [Applause.]

COMMISSIONER FREDERICK A. FENNING

Mr. BLANTON. Mr. Speaker and gentlemen of the House, about two months ago, when I began my investigation of St. Elizabeths Hospital and the connection which Frederick A. Fenning, Commissioner of the District of Columbia, has with the guardianship and estates of numerous veterans of various wars, I knew I was making myself unpopular with certain prominent citizens of the District who use Commissioner Fenning in their business. Since that time I have received three notices that if I pressed this matter against Commissioner Fenning and if I did not hold up, not only would I be ruined but my many friends who are faithful employees of certain departments of government in Washington would likewise be punished.

I realize that Commissioner Fenning is now a prominent citizen here. I realize the prominence of his political friends. I know the tremendous influence and power of the "Big Six" behind him, and when I say the "Big Six" that has no reference to Congress; it is, as you know, in the city.

I am already beginning to feel their influence. My punishment has already begun. Until I began this investigation for the last three years without an exception at every monthly meeting of the chamber of commerce and monthly banquet in Washington I have received a guest invitation, but since I have begun my investigation those invitations have stopped. [Laughter and applause.]

A month ago I was invited as an honor guest to the firemen's banquet held last night. All of the 800 firemen here felt kindly toward me and are my friends. I had introduced, fought for, and helped to pass both through the committee and the Congress a bill which gave them a day off each week in lieu of Sunday, something they had never had before. They were very grateful. I was therefore invited as an honor guest to their banquet last night. I appreciated the invitation as a great honor from these brave men. Yesterday the firemen's president and a distinguished editor of a Washington paper called me out in the hall and very regretfully told me that at that banquet I would be persona non grata to Commissioner Fenning. I did not go, because I knew that the job and welfare of each and all of those 800 worthy men were in the hands of Commissioner Fenning, who could ruin any of them by a mere stroke of the pen.

For a month I have been invited to the big banquet to-night—the real-estate banquet in Washington. I have received notice from one of my realtor friends that my presence there would be persona non grata to Commissioner Fenning, who is also to be there. Hence I shall not go to-night.

Mr. JOHNSON of Washington. The gentleman can live very well without going to these banquets, can he not?

Mr. BLANTON. I will do my very best to survive it. I want to say that during the three years, at every monthly banquet of the chamber of commerce, I have only remained three times for their supper. Do you know why I went? I am your acting minority leader on the District Committee. You have the right to expect from me definite, concise information about every piece of District legislation that comes on the floor of the House, and I have gone down there simply as a matter of duty. When I ought to have been at home many times I have gone there to gather information, and when the business meeting would break up I would go home or go back to work at my office. I did not stay to the feasts they gave except on three occasions.

I also introduced a bill, got it through the committee, and helped to pass it through Congress into law, giving the policemen of this city, 1,200 of them, a day off in lieu of Sunday, something they had never had before. Naturally they are my friends and feel kindly toward me. I have always been invited to their banquets. They are to give an unusually big one at the Mayflower Hotel on the 15th of this month. Mr. Fenning is to be their honor guest and principal speaker, and I have not been invited. [Laughter.] My punishment has begun. [Laughter.] Verily, this commissioner has much power and influence, for by the stroke of a pen he could ruin any one of these 1,200 brave policemen.

Mr. SUMMERS of Washington. The gentleman seems to be surviving very well.

Mr. BLANTON. But this is just the beginning of my punishment. They say I am to be ruined.

I want to read you the main editorial in the Washington Post this morning:

POST EDITOR PROTECTS COMMISSIONER FENNING

The initial editorial, which is always the one deemed most important editorially, appearing in the Washington Post this morning was inspired by its multimillionaire editor, who, had he lived in Nero's time, would have harmlessly fiddled while Rome burned. He says:

"The House Rules Committee has before it several resolutions providing for 'investigations' of District officials and institutions, all of which it can well afford to throw in the wastebasket.

"One of the resolutions proposes to investigate the legal practice of Commissioner Fenning. The President, in inquiring into Mr. Fenning's qualifications before appointing him commissioner, found nothing objectionable in the maintenance of this private law practice.

"Mr. Fenning is entitled to public thanks for rendering his service."

ANYBODY WOULD SUIT HIM, IF OF THE RIGHT KIND

I am reliably informed by one of the most prominent Republicans in Washington that when the "Big Six" went to this millionaire editor and advised that they were thinking of having the President appoint Frederick A. Fenning to succeed Mr. Oyster as commissioner, and asked whether he had any objection, that he replied: "Oh, a negro would suit me, if he is the kind we want." So Commissioner Fenning being the kind the "Big Six" and the millionaire editor wanted, what does he care how many veterans of wars Fenning exploits or how many sane, helpless women Fenning keeps stored away in insane asylums while he robs them?

REJOICES IN AFFRONT GIVEN ME

And on his second page he tells of the annual banquet of the firemen last night, and in large headlines says, "Fenning gives talk—BLANTON not present," and then, under a large subheading, "BLANTON does not attend," he says:

"Representative THOMAS L. BLANTON, of Texas, failed to attend. Whether it was because of the presence of Commissioner Fenning, whom he has been attacking in Congress, could not be ascertained.

"E. F. Colladay (national Republican committeeman) predicted that the bill providing free uniforms would go through."

Was not that funny? And was not it funny that National Republican Committeeman Edward F. Colladay should all of a sudden decide to attend a banquet with Commissioner Fenning, whom he has been defending against my charges and whom he has been trying to protect by trying to keep my resolution from passing to investigate Fenning? It was funny indeed that the most interesting thing he could think of to say to these brave fire fighters of Washington was that my "bill to give them free uniforms would go through." Because it is my bill, and I got it through the committee, and got it passed by the House about two months ago, and it is now in the Senate. But I must get to my subject.

AN UNHOLY INTERLOCKING DIRECTORATE

Then I showed facts that should have spurred Congress to immediate action. I showed that 25 years ago Frederick A. Fenning was an employee of the Government in the United States Pension Agency; that all payments of pensions to fiduciaries, guardians, committees, and conservators for patients in St. Elizabeths were made through Fenning; that he secured a license to practice law, resigned his Government position, at which time he was receiving $1,200 per annum, and that in 1903 he made arrangements with Dr. William A. White to recommend him for appointment as guardian or committee for all persons in St. Elizabeths who had estates or incomes from the Government; and that Doctor White had done that for 23 years; that for the past 23 years Dr. J. Ramsay Nevitt, Fenning's brother-in-law, has been coroner for the District of Columbia and had protected Doctor White concerning patients who had met untimely deaths in St. Elizabeths; that for years Fenning had been a director of and attorney for the Gawler undertakers.

CONGRESSIONAL HEARING 20 YEARS AGO

I showed that 20 years ago Dr. William A. White and St. Elizabeths were investigated by a congressional committee, and I produced the printed report of the sworn testimony given at such hearing in 1906, during which said Fenning testified under oath that he was then—in 1906—committee of 65 lunatics, 1 habitual drunkard, and 7 minors; that he had gotten Doctor White to recommend him and the court to appoint him; that he had induced the court to allow a fee of $10 each to two doctors in each case, payable out of the estate, for signing the affidavits of insanity, and that he had paid such fees to Doctor Nevitt, his brother-in-law, and a doctor in St. Elizabeths; and in one case he got the court to allow them $25 each.

UNDERTAKER GAWLER'S TESTIMONY IN 1906

The CHAIRMAN. What is your business, Mr. Gawler?

Mr. GAWLER. Undertaker.

The CHAIRMAN. Do you frequently receive bodies from St. Elizabeths?

Mr. GAWLER. Very frequently; yes, sir.

Mr. WALLACE. How many do you get over there a year?

Mr. GAWLER. We get, I should say, about 45 or 50.

CORONER'S VERDICT NOT IN ACCORD WITH FACTS

From the 1906 hearings I quoted the following testimony to show that Fenning's brother-in-law, Coroner Nevitt, protected Doctor White in his certificates:

The CHAIRMAN. What do you know about the George Brown case?

Doctor WHITE. The scald case?

The CHAIRMAN. Brown.

Doctor WHITE. Yes; a man who was scalded.

The CHAIRMAN. Yes.

Doctor WHITE. I don't know that I can say anything about that, sir, except that I know the man was scalded.

* * * * * * *

Mr. HAY. What was the charge about this man Brown?

Doctor NEVITT. The charge was that he did not die from the cause of death as recorded in the death certificate, but that he died from an injury.

Mr. SMYSER. Have you seen strait-jackets in use out there?

Doctor NEVITT. Yes, sir.

Mr. SMYSER. How frequently?

Doctor NEVITT. I have seen them on two occasions.

1906 EVIDENCE AGAINST WHITE AND FENNING

From the printed hearings of the 1906 investigation I quoted the following sworn testimony:

Judge A. W. Thomas under oath testified:

"My name is A. W. Thomas. I am a member of the District bar, and practice here in Washington. I have had several habeas corpus cases in bringing inmates before the courts. Among those are the cases of Mr. Logue and the Corbetts. I found that Mr. Frederick A. Fenning, a member of the law firm of Coldren & Fenning, practicing attorneys, was committee. So I examined the records of the Supreme Court of the District of Columbia, and I found that from September 8, 1904, to November 25, 1905, Mr. Frederick A. Fenning had been appointed committee in 62 cases by the court; that fully three-fourths of those cases were cases of old soldiers. The old soldiers, in the great majority of those cases—in nearly all, in fact—were pensioners, and I examined to see how it was that he had so many of those cases. I found that in nearly all of those three-fourths of the 62 cases he was appointed the committee of the soldier upon the petition of the superintendent, Dr. William A. White, who recommended and suggested his appointment. I found that the petition of Superintendent White was drawn on the letterhead and on the legal-cap paper and other paper of the law firm of Coldren & Fenning. I found that the records showed that the law firm of Coldren & Fenning represented the petitioner, W. A. White, in the proceedings. I found that in looking over the papers that Mr. Coldren, the law partner of Mr. Fenning, was charging and was allowed a fee for drawing these petitions of $10, $15, $20, and in some cases $30. The drawing of the petition was a mere trivial matter. Any attorney could draw that very readily. I found that when the petition was sent to the court it was usually accompanied by the affidavit of two of the practicing physicians under salary at the asylum. For that, in many cases in which settlement has been made of the case by Mr. Fenning, they have received a fee of $10 or more. It occurred to me that the interest of Mr. Fenning in these cases was not that of a mere indifferent person.

"In the Logue case Mr. Fenning's attitude has not been one such as an ordinary committeeman would show. He placed every obstacle and delay he could to investigating the man's sanity. When Mr. Logue was brought into court Mr. Fenning opposed it and wanted a continuance. He got a continuance and then still another continuance. Then when he was finally discharged I demanded final account of Mr. Fenning, so that Mr. Logue could have his money. Mr. Fenning demurred and said that he should have 30 days. But I said, "This man has no money; in 30 days he will starve." So the matter went over, and in several weeks we got it up. Judge Stafford said to Mr. Fenning: 'This money belongs to this man; he is entitled to it; and I order you to pay down $200 cash now to him, and then you can determine the rest.' As to the rest of that money, six months have gone by and delays have been put in the way. We have brought proceedings to recover the money, and Mr. Fenning has questioned the law, and the man has not got his money yet, and I do not know that he will ever get it.

"Superintendent White finally wrote that he had no objection to Mr. Logue's release, but we said that he must be released as sane. When the time came for the trial Superintendent White signed the certificate of sanity. He had been there nearly six years, and there never was anything the matter with him, except that when he went there he had been treated for alcoholism. He had been perfectly sane ever since.

The same course was pursued in the Corbett case. Those ladies were taken to the asylum without any warning. Their goods were sold (by Mr. Fenning) without any warning. A valuable painting, valued at about $1,200, was sold for almost nothing.

"Mr. SMYSER. Do you think, Mr. Thomas, that there is collusion between Doctor White and Mr. Fenning?

"Mr. THOMAS. I would have no right to express a criticism of that kind, but I would think that it is exceedingly fortunate for Mr. Fenning that Doctor White recognizes him in that way. Otherwise he would hardly be appointed to so many cases. Probably one-half of all the committee cases in the record show the name of Frederick A. Fenning.

"Mr. SMYSER. Do you think there is anything sinister in it?

"Mr. THOMAS. I would not feel that it was proper for me to say anything other than that it is very fortunate for Mr. Fenning that it is done. Certainly it must be done not by mere accident, because these petitions are brought by Coldren & Fenning as attorneys for the superintendent. It must have been done by the consent or agreement or knowledge of the superintendent. He signs these things.

"Mr. SMYSER. Can you suggest any reason why Doctor White should be interested in naming the committee?

"Mr. THOMAS. I do not think he would have any proper reason to recommend anybody."

FENNING'S ADMISSIONS IN 1906 HEARINGS

Frederick A. Fenning testified under oath in the 1906 hearings. From same I then quoted the following admissions:

Mr. HAY. As I understand it, you went into this business on your own account. You saw that there was a field here, as you say, and you thought that it would be a good field, and you have continued in that line——

Mr. FENNING. Yes, sir.

Mr. HAY. And you have continued not only to solicit these cases from the Government Hospital for the Insane but from others.

Mr. FENNING. From every institution and from all the attorneys I could reach; from anybody who was connected in any way with a case requiring the services of a fiduciary.

Mr. HAY. Mr. Fenning, some criticism has been made by some of these gentlemen of the fact that you have in some cases in which you were guardian paid a fee to Mr. Coldren, your law partner.

Mr. FENNING. In cases in which Mr. Coldren appears as attorney, he appears as attorney for the case. The practice is to have an attorney in each case. If I am appointed committee in a case and no attorney handles the case—if I handle the case myself—then I am entitled to under our practice and the auditor will allow me—additional compensation for what I have done. He will add to what would otherwise be the commission a sum equal to what I would have paid to other counsel.

Mr. SMYSER. He whips the devil around the other way.

Mr. FENNING. Is that what you call it in Ohio?

Mr. SMYSER. Yes, sir.

Mr. HAY. I think the point of criticism was not as to the fact of the employment of counsel but the fact that Mr. Coldren was your law partner.

Mr. FENNING. I can not see how that would enter into it, Mr. Hay, or how that could be criticized, for, as I have just stated, if I did the work myself I would get additional compensation for it. I do not think it looks very well on the face of it to have an attorney who handles the case also act as committee. I think if you can bring in a disinterested man, as an attorney usually is, and have him act as counsel in the case, it shows better on the record. It does not have a cut-and-dried appearance, as you might say.

The CHAIRMAN. Does not that same condition of affairs obtain where a man's partner acts for him? I mean, does it not have the same cut-and-dried appearance?

Mr. FENNING. I can not see the difference, Mr. Chairman, between Mr. Coldren acting as counsel in a case in which I am committee and Mr. Larner, the general counsel of the Washington Loan & Trust Co., acting as counsel in a case in which the Washington Loan & Trust Co. is committee.

Mr. HAY. In other words, you do not share these fees with Mr. Coldren, do you?

Mr. FENNING. Mr. Coldren gets the counsel fee and I get the commission.

Mr. HAY. But do you not share with Mr. Coldren any of the counsel fees?

Mr. FENNING. It all goes to him as counsel, and all the commission comes to me as the committee.

Suppose the interrogation had stopped there? Fenning might then have misled somebody by his purposed evasion. But he was pinned down in 1906 by the following cross-examination:

Mr. SMYSER. Do you divide up? Do you throw it into hodgepodge and then divide?

Mr. FENNING. Mr. Coldren and I have a general partnership.

Mr. SMYSER. These fees that he gets in these cases, are they divided with you?

Mr. FENNING. All professional business done by either member of the firm is considered as firm business—yes, sir.

Mr. HAY. In whatever way it comes in?

Mr. FENNING. Yes; the professional time of each member of the firm belongs to the firm.

Mr. SMYSER. Do you yourself feel that you have transgressed the ethics of the profession?

Mr. FENNING. No, sir; I do not. I have been criticized by one or two members of the Medico-Legal Society in this proceeding, and it has been said that I have appeared in court and have endeavored to oppose habeas corpus proceedings and have thrown obstacles in the way of persons getting out of the hospital. I am frank to admit that in the Corbett case—I am the committee of Mrs. Corbett—I went into the court when the habeas corpus proceedings was about to be heard and told the judge that as committee of Mrs. Corbett I had looked carefully into the case since she had filed her petition for a writ of habeas corpus, and my opinion was that the best interests of Mrs. Corbett demanded that she remain where she was, and that that being the case I was going to appear with the district attorney in opposition to the issuance of the writ.

CRUELTY TO TWO HELPLESS WOMEN

Within a short time after Fenning testified in 1906, a prominent attorney in Washington with a writ of habeas corpus forced Doctor White and Fenning to bring these two women before the court, where upon trial they were adjudged to be sane and released, and for the past 20 years Miss Corbett has been an honored, respected, efficient employee here in Washington. Here is her affidavit I then read to Congress:

I, Miss Cornelia L. Corbett, being duly sworn, upon my oath, state: After my father's death, his estate consisting of at least $75,000 was handled by dishonest executors; my mother and I were living in Eckington, then a suburb of Washington, on June 11, 1904, the executors having forced the sale of our former home on M Street NW.; there had never been any impairment of my mother's mind, or of my own, of any kind whatever; without any warning whatever on the afternoon of June 11, 1904 my mother and I were placed in the patrol wagon and forcibly carried to St. Elizabeths, just as detailed in my testimony which I gave before the congressional committee, when I testified at the hearing on May 7, 1906; in the corps of officers sent for us, one was a large negro policeman; in our first application of habeas corpus Mr. Frederick A. Fenning prevented our having any witnesses, and he caused the court not to release us, but to remand us back to St. Elizabeths without a proper hearing, and he did everything within his power to obstruct our efforts to get out, and to keep us there; the cruel shock and humiliation nearly killed my mother; no one will ever know just how much we both suffered there; Mr. Fenning practically gave away all of our household effects, the accumulation of a lifetime; he sold all of same for about $500, out of which my mother received only $20 in cash, and had a dentist bill of $25 paid; and I received nothing; after the said hearing in May, 1906, Hon. Robert H. McNeill, an attorney of Washington, had granted a writ of habeas corpus, and through trial in court had us both declared sane and of sound mind, and by order of court discharged from St. Elizabeths, where for two years and four months Mr. Frederick A. Fenning had kept us incarcerated behind bars; I then brought suit against Mr. Fenning for my part of the effects he had sold, and the bill of particulars attached to my declaration in cause No. 49104, law, will show just what he had squandered of my property; he pleaded as an offset $100 which he claimed he owed my mother, and it was allowed against my suit, but before a jury I secured a verdict against him and the judgment of the court, but he was able to cut my judgment down far below what really was due me; he did not appeal from my judgment, and after nearly two years I finally was able to make him pay it.

My mother was never able to collect anything from my father's estate, and it was all squandered. If Mr. Frederick A. Fenning had not kept my mother and myself unjustly shut up behind the bars of St. Elizabeths for two years and four months we would have been able, in all probability, to have recovered something from my father's estate. I was released with my mother from St. Elizabeths under said order of court in October, 1906, and since then I have been employed in clerical capacities here in Washington. My mother had her life shortened very materially by that awful experience in St. Elizabeths, and she died some time ago. It makes me shudder now to think of all the suffering Mr. Frederick A. Fenning caused us; and, just to think, he did it all for the fees and commissions he got out of our property. I am not vindictive, but I do appeal to the Congress of the United States to see to it that this man is not permitted to occupy the important position of Commissioner of the District of Columbia.

Miss CORNELIA L. CORBETT.

Sworn to and subscribed by the said Miss Cornelia L. Corbett before me, the undersigned notary, on this the 6th day of April, A. D. 1926. Given under my hand and seal of office.

[SEAL.] HOWARD F. BRESER,
Notary Public in and for the District of Columbia.

My commission expires May 9, 1926.

COULD THERE BE A CRIME MORE CRUEL?

Can anyone conceive of a crime more cruel than to capture from their peaceful and happy home a perfectly sane mother and perfectly sane daughter and keep them locked up without trial in an insane asylum for two years and four months, and while thus helpless rob them of their property? And Mr. Logue and others likewise secured their release from St. Elizabeths, and through suits in court here compelled Fenning to return to them their estates, which he had been withholding and upon which he was drawing annual commissions.

DOCTOR WHITE ADMITTED FAVORITISM

From the 1906 hearings I then quoted the following:

CONCERNING APPOINTMENT OF GUARDIANS

Mr. HAY. Does the court act upon your petition?

Doctor WHITE. Yes, sir; usually upon my petition.

Mr. HAY. As to who the guardian shall be?

Doctor WHITE. Yes, sir; in many instances.

The CHAIRMAN. Doctor, when this petition is prepared is there a nomination of some particular person for guardian?

Doctor WHITE. In the petition?

The CHAIRMAN. Yes.

Doctor WHITE. Yes, sir; Mr. Fenning has usually been mentioned in the petition.

Mr. WALLACE. Who first introduced Mr. Frederick A. Fenning to you and suggested the arrangement you made with him, whereby you executed so many petitions for his appointment as committee over the persons and properties of your ex-soldier patients?

Doctor WHITE. He may have introduced himself. I don't recall.

Mr. WALLACE. Did you have any knowledge of the fact that Doctor Nichols, Doctor Toner, Doctor Hummer, and others of your official staff were getting fees of $10 or more out of these ex-soldiers' pensions for testifying in these Fenning cases?

Doctor WHITE. I had knowledge they were getting a fee of $10.

Mr. WALLACE. For the purpose of preparing these petitions in lunacy, does Mr. Fenning have free access to the hospital records of these cases and their Army records?

Doctor WHITE. I think so.

And I showed that following said investigation in 1906 the two Congressmen most active on the committee filed their report, from which I quote the following condemnation of Dr. William A. White's management of St. Elizabeths, to wit:

That attendants have treated patients cruelly, both by blows and neglect, is proved beyond doubt, no less than 40 witnesses having testified to specific instances of cruelty; 26 of them were attendants and ex-attendants. A management under which such instances could happen, and under which they continue to happen, must be faulty. There is a certain amount of callousness displayed both by physicians and attendants, as well as a want of sympathy with these unfortunate people.

The great preponderance of the testimony is that the food is generally badly prepared, badly served, and oftentimes is not of such a kind as to be fit for consumption. It appears that the food served from the general kitchen is cold and unpalatable, that it is sometimes insufficient, and sometimes not fit to eat. Forty-one witnesses testified to one or the other of these conditions, and these witnesses are for the most part employees of the hospital. The meat is frequently bad, inspected by persons who are entirely inexperienced. There is no excuse for any or all of these conditions. The Government of the United States makes a very generous appropriation for the care of these unfortunates, and if properly managed and judiciously expended these appropriations are ample to provide good, palatable food, well cooked and properly served.

It has seemed to us that the manner of commitment of soldiers and sailors to the hospital is not in accord with those principles of law and justice which should be applied in cases involving the liberty and property of the citizens of this country. The law seems to provide that in the case of an enlisted soldier or sailor, or of a retired soldier or sailor, he can be committed to the hospital upon an order of the Secretary of War or of the Navy, as the case may be. It seems to us clear that these people should be entitled to a jury trial before they are deprived of their liberty.

But the case of the soldiers sent to the hospital from the different soldiers' homes is even worse. They are committed to the hospital upon the order of the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers. No process of any kind is invoked. And from the evidence, it appears that the president acts upon the ipse dixit of the surgeons of the different homes. Surely a jury trial ought to be had in these cases, especially when it appears that men have been committed to the hospital who were not insane.

It is difficult to say how much is spent each year for the maintenance and support of this hospital.

It is desired to call attention to the very large powers exercised by the superintendent, who practically appoints every employee of the institution and fixes the salaries of these employees. It would be superfluous to point out the evils which inevitably result from placing in the hands of one man the power not only to fix salaries but to raise and lower them at his will and pleasure.

The superintendent's office is a most important one, and great care should be used in filling it. We might call attention to the Maenche case for the purpose of showing to what extent the power of the superintendent extends and how it may be abused. Maenche was superintendent of the laundry, where a large number of people are employed. He was reported on two occasions for an offense, with no investigation and no excuse for not having one, though the charge was well founded.

With the growth of the hospital it has been more and more impossible for the board of visitors to exercise necessary supervision. There are many wards into which the board of visitors do not go once in a year. There should be inspection by disinterested and impartial men whose duty it is to report upon every phase of management, and without fear or favor fearlessly expose any abuse which may exist. It should be inspected by some agency corresponding to lunacy commissions of States. Doctor White opposed such a method of inspection.

The undersigned would also call attention to the loose management of the finances of the institution. There has arisen a good many abuses.

JAMES HAY.
ROBERT M. WALLACE.

They were Members of Congress, under oath, certifying to conditions which had been established by sworn testimony before them.

BUT THAT EVIDENCED CONDITIONS 20 YEARS AGO

And in my speech on April 1, 1926, I showed that the same collusion had continued between Doctor White and Frederick Fenning during the past 23 years, and still existed. I read the following:

AFFIDAVIT OF ELLEN H. FINOTTI

I, Ellen H. Finotti, being duly sworn, upon oath, state: I was employed as record and file clerk in St. Elizabeths Hospital from 1918 to 1926, during which time I had charge of all the records of said hospital. I endeavored to keep said records conscientiously. However, upon the order of the superintendent, Dr. William A. White, I was notified that Mr. Frederick A. Fenning, now Commissioner of the District of Columbia, should have free access to such records and to correspondence concerning any cases that he should ask for. No other attorney enjoyed such privilege or concession.

I have no interest in this matter, and make this affidavit only because I was requested to testify as to what I knew about it.

ELLEN H. FINOTTI.

Sworn to and subscribed by the said Ellen H. Finotti before me, the undersigned authority, on this the 3d day of April, A. D. 1926, in Washington, D. C. Given under my hand and seal of office.

[SEAL.] HOWARD F. BRESEE,
Notary Public in and for the District of Columbia.

My commission expires May 9, 1926.

SERVED AT ST. ELIZABETHS HOSPITAL 40 YEARS

I, Frank M. Finotti, being duly sworn, upon my oath state: That I was chief clerk of St. Elizabeths Hospital from the time the office was created until I retired; I began work in St. Elizabeths on December 11, 1885, and worked there continuously until July 1, 1925, when I was retired. Years ago I used to officiate as notary there and received 25 cents for each affidavit. At one time the Pension Department began sending Mr. Frederick A. Fenning, one of its employees, over to St. Elizabeths to take the affidavits of pensioners; in this way he learned of inmates who were drawing pensions and who were entitled to pensions. Later on he quit the Pension Department and began to practice law himself, and it was then that he arranged things so that he was appointed the guardian or committee of many inmates. He had free access to all the records and correspondence, allowed him by Dr. William A. White, and I have seen him many times going through such records hunting up information concerning inmates who had money and property or who were entitled to pensions or compensation. I have just been shown the petition filed April 22, 1925, by Dr. William A. White, being No. Lunacy 10839 in the Supreme Court, stating that funds were there on deposit due James Roley and recommending that Mr. Frederick A. Fenning be appointed committee, and which was sworn to by Doctor White before me as a notary, and which is written upon the office paper of Mr. Frederick A. Fenning, attorney. I have seen many, many such petitions, and presume that in all there have been several hundred, altogether, wherein Doctor White recommended that Mr. Frederick A. Fenning be appointed committee. It is my belief that from some one in the Department of the Navy and the War Department Mr. Fenning learned of lunatics who were entitled to pay. I am not interested in this matter, and make this affidavit only because I have been requested to tell what I know.

FRANK M. FINOTTI.

Sworn to and subscribed before me by the said Frank M. Finotti on this the 3d day of April, A. D. 1926, in Washington, D. C.

[SEAL.] HOWARD F. BRESEE,
Notary Public in and for the District of Columbia.

My commission expires May 9, 1926.

$733,855.87 PAID TO FENNING BY VETERANS' BUREAU

I then showed a statement from Director Hines certifying that for 75 World War veterans, for whom Frederick A. Fenning had had himself appointed guardian, the Veterans' Bureau had paid him the enormous sum of $733,855.87.

KEPT FUNDS IN HIS OWN BANK

I then showed that Frederick A. Fenning was a director of the National Savings & Trust Co. and that he deposited all such funds in his own bank.

$109,070.25 COMMISSIONS

I then produced a certificate from the auditor of the Supreme Court of the District of Columbia certifying that concerning

123 wards of said Fenning, the number, name, and style of whose cases I gave, that the court had already allowed said Frederick A. Fenning $109,070.25 as his commissions for acting as guardian.

ROLEY LEE, OF VIRGINIA

I then read to the House the following affidavit from a poor Virginia mother from whom Frederick Fenning had kept her wounded son for several years merely to exploit him:

AFFIDAVIT OF MRS. ELIZA LEE

I, Mrs. Eliza Lee, being duly sworn, upon my oath state: I am a widow; will be 57 years old on the 26th of this month; I live in Grundy, Buchanan County, Va.; I am the mother of Roley Lee; he served in France during the World War; he was in perfect health when he entered the service; he had been a good, obedient son all of his life and was my chief support; while he was in France he made an allotment to me out of his wages for my support; he was wounded by shrapnel at Verdun and had a compound fracture of the left hip and was shell shocked, and because of such injuries was discharged June 11, 1919, on surgeon's certificate of being disabled. The diagnosis following his examination August 23, 1919, was active pulmonary N. P., and on examination December 21, 1919, was dementia precox; when he was first brought back from France he was taken to Camp Lee, and I went there to see him and found him shot all to pieces, but he knew me and put his arms around me and kissed me, and he finally got up and could go about; he disappeared, and for two years I did not know what had become of him, but found that he had been sent to St. Elizabeths and had been there all the time; Mr. Frederick A. Fenning sent papers already prepared for me to sign, which provided that he should be appointed a committee, and represented to me that it was best for my son to be kept in St. Elizabeths, as his mind was unsound, and that if I would sign the papers he could get some money both for me and my son; I was almost frantic to see my son and be able to visit him, and was ignorant of the facts and of my rights, and I signed the papers; I next learned that Mr. Fenning had become the guardian or committee of my son, and that the United States Veterans' Bureau had granted my son a total disability rating with an allowance of $157.50 per month, effective and payable from June 11, 1919, when he was discharged, and that besides drawing all of this money Mr. Fenning was also drawing the insurance allowances.

My son had taken out $10,000 insurance, half payable to me and the other half payable to his sister Ethel. I have before me a certificate from Director Hines, of the Veterans' Bureau, showing that he has already paid to Frederick A. Fenning as compensation $7,195.31 and as insurance benefits $4,715, making a total of $11,910.31 paid to said Frederick A. Fenning for my said son and myself; I attach to this affidavit a letter from Mr. Fenning showing that at first he allowed me only $20 per month, notwithstanding that as compensation alone the Veterans' Bureau was paying him $157.50 per month, effective from June 11, 1919, of which sum $57.50 was because of my dependency as his mother and my dependent daughter Ethel; and you will note in said letter that Mr. Fenning ridiculed my contention that I should be allowed at least $45 per month; when I found out just what Mr. Fenning was doing and that he was drawing 10 per cent of this money himself and that my son would be much better off at home with me up in the mountains of Virginia, where I could care for him and give him a mother's love and attention, I went into court and qualified as guardian and committee for my said son, and gave bond in the sum of $5,000, which was approved by the court; and I filed with Mr. Frederick A. Fenning a certificate, like the one I am attaching to this affidavit, from the Circuit Court of Buchanan County, Va., certifying that I had duly qualified, and the clerk of said court sent to St. Elizabeths Hospital certificate of my appointment, recommending that I be allowed to qualify as his guardian and committee and that I be allowed to bring my son home to the mountains; but both St. Elizabeths and Mr. Fenning denied my request. I attach hereto a letter which on August 31, 1922, Mr. Frederick A. Fenning wrote to Congressman Slemp, putting up the excuse that his court would not permit his ward's estate to be turned over to me unless the ward was removed to Virginia, and he knew that he could keep Doctor White from letting the ward be removed; and between the two they have kept my son and his estate away from me. I am attaching another letter which on January 23, 1923, Mr. Frederick A. Fenning wrote to Congressman Slemp making new excuses why he would not transfer my son and his estate to me as his lawful guardian and committee, and you will note in this letter that he admits that he is receiving $157.50 per month and is paying me only $57 per month, and this Congressman Slemp forced him to do by appealing to the court; and you will also note that Mr. Fenning is keeping my son's funds on deposit in the National Savings & Trust Co., of which he is a director. My son, Roley Lee, is absolutely harmless, and to be near him and care for him and give him a mother's love I have been forced to leave my home in Grundy, Va., and stay here in Washington among strangers and pay out every cent I can rake and scrape for my room and board and for little things to make my son happy.

I go to St. Elizabeths for him every day and they turn him over to me, and I take him to my room and all over town and amuse him, and he minds me just like a child; they allow me to keep him from 9 o'clock in the morning until 7 o'clock in the evening, when I get there that early for him, and it is all right for me to have him so long as Mr. Fenning is allowed to keep his money and draw 10 per cent of same for himself. I have before me a report which Congressman BLANTON has secured from the auditor of the Supreme Court of the District of Columbia, which shows that the court has allowed Mr. Frederick A. Fenning a total of $1,155.27 for himself out of the funds of my poor shell-shocked son. If instead I had been paid that amount, I could have made my son happy at home with it for a long time; and if the sums which Mr. Fenning claims he has paid out for clothes and other things for my son, and which the court has allowed him additional, had been paid me, I could have furnished him a hundred times the conveniences he has had. I gave three sons to my country during the World War, and it does seem to me that here in the National Capital a Commissioner of the District of Columbia should not be allowed by Congress to withhold my son from me merely to exploit his estate by receiving 10 per cent of his income each year, and I appeal to the Congress of the United States to right this great wrong.

MRS. ELIZA LEE.

Sworn to and subscribed by the said Mrs. Eliza Lee before me, the undersigned notary, on this the 3d day of April, A. D. 1926. Given under my hand and seal of office.

[SEAL.] JOHN ANDREWS,
Notary Public in and for the District of Columbia.

My commission expires October 27, 1927.

HAD ROLEY LEE RESTORED TO HIS MOTHER

And I did not stop until I went before the Supreme Court of the District of Columbia and finally induced the Chief Justice to take Roley Lee out of the clutches of Frederick Fenning and return him to his mother, who ever since has had him at home with her in the mountains of Virginia, where he has improved wonderfully.

GENERAL ATTORNEY FOR MEDICAL SOCIETY

I showed that Commissioner Fenning was general attorney for the medical society here, although he was presumed to be giving all of his time to the District.

DIRECTOR FOR LAW REPORTER

I showed that Frederick A. Fenning was still a director of the Law Reporter Printing Co., which had been designated by the courts to print all of the legal notices concerning fiduciaries, which advertisements were quite remunerative.

STILL PRODUCED BUSINESS FOR HIS GAWLER UNDERTAKERS

I read the following receipt from court papers in Cause No. 10713:

WASHINGTON, D. C., *March 24, 1926.*

Received of Frederick A. Fenning, committee of Walter Garland Allan, $107.81, balance held to the credit of deceased, for services in connection with burial.

GAWLER.

This showed that even after death of his wards Frederick Fenning's business associates got what was left of their estates.

TIED UP WITH PUBLIC UTILITIES

I showed that up to November 6, 1919, Frederick Fenning had worked for the Washington Gas Light Co.; that as a commissioner he is a member of the Public Utilities Commission, created to prevent public utilities from robbing the people, and he permitted the street railways to charge 8 cents fare for both adults and children, notwithstanding that on November 1, 1919, the fare was 5 cents, and their charters provide that they shall never charge over 5 cents, and I showed that the common stock of the Washington Railway & Electric Co. in February, 1922, was worth only 38¼, but that since it has been permitted to charge 8 cents it has gone up by leaps and bounds, until in December, 1925, it went up to 250, thus making millions of dollars profit for the owners of this stock. I showed that Fenning permitted the Terminal Station and the hotels here to create monopolies by selling the curb space in the streets that belongs to the public to certain taxicabs for big sums.

REVENGEFUL CRUEL DEMOTION

I showed that because a policeman named Gore told Fenning's chauffeur he could not park in prohibited areas, and Fenning directed Inspector Albert J. Headley to severely reprimand Gore, that when he learned that Headley had only said, "Officer Gore, consider yourself severely reprimanded," Fenning demoted Inspector Headley to a captain without giving him a chance to be heard and despite his 30 years' faithful, unblemished service.

WILLIAM WOLFF SMITH DID NOT DO HIS DUTY

From the Washington Post of March 31, 1923, I read the following headlines:

Insane veterans pay out millions in fees—Lawyers, as guardians, said to be reaping harvest—Hines to fight practice.

They were the headlines. I then read what followed:

A searching investigation into the handling of allotments of insane and otherwise incompetent war veterans by attorneys and others who have been appointed by courts as legal guardians has been ordered by Brigadier General Hines, Director of the Veterans' Bureau.

The inquiry, it was learned yesterday, is to be conducted by William Wolff Smith, general counsel of the bureau.

And I then called attention to the fact that it was in March, 1923, that Gen. Frank T. Hines had learned that World War veterans were being robbed, and that he had then designated his general counsel, William Wolff Smith, to investigate and stop it, and that William Wolff Smith had done absolutely nothing. I said:

If I had known then what I know now about "Poker Bill" Smith, I could have told General Hines then that his general counsel would accomplish nothing in his investigation of crooks.

GENERAL HINES HAD ST. ELIZABETHS INVESTIGATED

In April, 1924, General Hines directed Dr. Henry Ladd Stickney, who was then control officer, inspection division of the Veterans' Bureau, to investigate St. Elizabeths. On April 26, 1924, Doctor Stickney filed his report with the bureau, and from same I quoted:

The control officer learned that one Frederick A. Fenning, Esq., an attorney, whose office is in the Evans Building, appears to have certain privileges and concessions shown him in contacting claimants of the bureau at the hospital. At the present time he is guardian for over 100 bureau patients. He constantly opposes the transfer of his wards from St. Elizabeths Hospital to any other hospital outside of this jurisdiction. It has been learned unofficially that Doctor White, superintendent, is very friendly to Mr. Fenning. Question is raised as to the propriety of allowing one attorney in the city to obtain guardianship of so many of the beneficiaries of the bureau.

The construction capacity of St. Elizabeths Hospital is for 3,300 patients. It has 4,200 patients; 901 of them are United States Veterans' Bureau cases.

Howard Hall group are neither well ventilated nor lighted. The beds are of wooden construction, antiquated, and are without springs. The benches are of an old type and are very uncomfortable. Blacks and whites occupy the same small court during recreation hours.

In one semipermanent ward used for tubercular patients blacks and whites are both hospitalized in the same building and only separated by an imaginary line.

Besides the assistant superintendent, Dr. Arthur B. Noyes, there are 37 doctors on the staff, 1 chief nurse, 5 assistant nurses, and 675 attendants and orderlies.

The cost of rations per diem for the fiscal year ending June 30, 1923, was between 40 and 45 cents. Attendants handled food in the most careless manner, were sloppy in their service, and appeared wholly inefficient. Some patients were not allowed even spoons to eat with. It is evidently the policy of the superintendent to keep down food cost. There was a doubt in the mind of the control officer whether or not all patients had sufficient amount of food. Lack of green vegetables and fruit, with no milk served except for tea and coffee, with no beverage for dinner and weak tea for supper, with no butter served, but oleomargarine instead, I was not satisfied that the diet was well balanced, or that a sufficient number of calories were afforded these patients.

Several patients are bathed in the same water. Patients are not properly segregated. Beds are too near together, and too many are congested in the day room. There are an insufficient number of toilets and bathrooms and showers in many of the wards.

WILLIAM WOLFF SMITH STILL DID NOTHING

Notwithstanding that on March 26, 1924, Dr. Henry Ladd Stickney called attention to the fact that Fenning was guardian for more than 100 World War veterans, and constantly opposes their transfer from St. Elizabeths, and was very friendly with Doctor White, General Counsel William Wolff Smith made no recommendations and took no steps whatever to stop it.

SHANGHAIED LIEUT. FRANK D. ALLEN INTO ST. ELIZABETHS

I then called attention to the fact that Lieut. Frank D. Allen was sane, and that Frederick A. Fenning had shanghaied him into St. Elizabeths and was exploiting his property. You will note later that Allen established his sanity in court and was released.

REPORT FROM ONE OF MY AIDS

I then read the following report from one of my helpers:

WASHINGTON, D. C., *April 6, 1926.*

MY DEAR MR. BLANTON: You have them worried. When you dropped in on them so unexpectedly last Saturday, as soon as you left, Doctor White got in touch with Commissioner Fenning and told him of your visit.

They have a system whereby when Fenning authorizes a certain portion of the ward's money to be spent for clothing, etc., the "committee" expressly stipulates where same shall be bought. Herzog, Saks, and Eiseman get the bulk of this business, with commissions allowed for the trade.

Doctor White spends most of his time writing books and articles. All of the St. Elizabeths' doctors practice outside, and some have offices outside.

Doctor White still holds his chair on the medical faculty of the Georgetown University, and also on the medical faculty of the George Washington University, notwithstanding the law requires him to give all of his time to St. Elizabeths.

PROTECTED THE KING OF ALL BOOTLEGGERS

I then called the attention of Congress to the following:

Joe Kelly is a political boss of Baltimore. He is the king of all high-toned bootleggers. His main liquor business is conducted from Greenmount Avenue and Eager Street in Baltimore. He directs his ships from the Bahamas and his big trucks in every direction from Baltimore. For $1,000 fee he will guarantee the safe delivery of a 5-ton truck load of liquor into Washington. His trucks enter the District at an exact hour agreed upon.

BARRAGE

Spectacular raids on stills and small bootleggers selling corn whisky in competition make a good blind for pretended enforcement. I am reliably informed that during a certain period last year 10,000 cases of imported liquor came into Washington and was distributed without any disturbance and that not one single truck load of liquor has been captured.

THE TROUBLE IS AT THE HEAD

The Metropolitan police force is a splendid bunch of loyal men, but they can enforce only when directed to do so.

And I then wound up my speech on April 8, 1926, as follows:

POLITICS MUST NOT CONTROL

We must keep politics out of this question. Too many ex-service men are involved. It is true that when Frederick A. Fenning was appointed commissioner he was then secretary of the local Republican organization here in Washington. And it is true that Hon. Edward F. Colladay, national Republican committeeman of the District of Columbia, is backing Mr. Fenning and trying to protect him.

MY RESOLUTION STILL PENDING

My resolution for the appointment of a joint committee, five Senators and five Congressmen, to investigate this whole situation here concerning treatment of our veterans of the various wars, has been held in the Committee on Rules since March 23, 1926. I trust that this committee will now report it out promptly.

I DEFY THE WHOLE GANG

I have received due notice that if I pressed this matter I would be ruined. I have fought bigger institutions than Frederick A. Fenning and Dr. William A. White. If they can ruin me, then let me be ruined. I am fully conscious of the power and influence of Frederick A. Fenning.

CONCLUSION

I have now done my duty. It is up to the House of Representatives, the Senate, and the President to do their duty. I have worked hard after hours for a number of weeks assembling these facts. It has all been work extra to our regular duties in our office and on the floor of this House. All of my colleagues know that I am on the floor all of the time when the House is in session. And my office work is fully as great as that of any colleague. But I felt that it was my duty to make this investigation and to place these facts before the Congress. I have confidence in the President of the United States. I have confidence in this Congress, though I must confess that my faith has been sorely tried on a few occasions; and I believe that the President of the United States will promptly remove from office Frederick A. Fenning as Commissioner of the District of Columbia, Dr. William A. White as superintendent of St. Elizabeths, and "Poker Bill Smith" as general counsel of the United States Veterans' Bureau.

FENNING'S UNSWORN STATEMENT

As soon as the House met on April 16, 1926, Mr. MADDEN stated that Commissioner Fenning had sent him a statement in defense of himself which he desired to go into the RECORD, when the following occurred:

Mr. BLANTON. That statement of Fenning's contains how many pages?

Mr. MADDEN. I should say about 20 pages.

Mr. BLANTON. The gentleman is permitting a man charged with high crimes and misdemeanors to sit down in his office and deliberately prepare his own defense without any cross-examination, when several Members of Congress may have facts that would show the absolute unreasonableness of every statement he makes.

Mr. MADDEN. There will not be any objection to the gentleman showing that.

Mr. BLANTON. I shall not object to Mr. Fenning's statement going in the RECORD. Will the gentleman permit me to have time next Monday to answer this statement?

MR. SNELL, CHAIRMAN OF THE RULES COMMITTEE

Mr. SNELL. Has not the gentleman had time already to make out his case?

Mr. BLANTON. I have not been able, apparently, to convince the chairman of the Rules Committee, but I have convinced many Members and the country, and I can convince the gentleman if I am given the opportunity.

Mr. MADDEN. I have no objection to the gentleman from Texas replying to the statement.

Mr. BLANTON. With that statement, I do not object to its going into the RECORD.

Mr. RANKIN. But do not let him dig under first.

Mr. GREEN of Florida. There seems to be an effort being made to condone this human vulture, and I am not in favor of it.

Mr. GARRETT of Tennessee. Mr. Speaker, * * * I think the charges that have been made here with regard to this commissioner and the evidence that has been submitted in the form of affidavits, sworn testimony, are sufficient not only to justify but to imperatively demand an investigation by some committee of this House.

This is not a matter that can be settled by the mere insertion in the RECORD of the statement which the gentleman has, no matter what it may contain.

Mr. MADDEN. I want the gentleman from Tennessee to understand I am not trying to cover up anything Mr. Fenning has done.

Mr. GARRETT of Tennessee. I understand that.

Mr. MADDEN. I am not defending him.

Mr. GARRETT of Tennessee. I know perfectly well the gentleman from Illinois is incapable of attempting any such thing.

Mr. MADDEN. I am in thorough accord with what the gentleman has said, and I think that everything in connection with this matter should be investigated and the evidence adduced here.

DISTRICT OF COLUMBIA COMMITTEE AUTHORIZES ACTION

On April 16, 1926, the Committee on the District of Columbia, on which I am the acting ranking Democrat, passed a resolution authorizing its chairman to appoint a subcommittee of five members to investigate Commissioner Fenning, St. Elizabeths, and all affairs in the District. But the chairman did not appoint the subcommittee.

CHAIRMAN SNELL AND CHAIRMAN JOHNSON OBJECT

As soon as the House met on April 17, 1926, the following occurred:

Mr. BLANTON. Mr. Speaker, I desire to prefer a unanimous-consent request. I have a certificate from the auditor of the Supreme Court of the District of Columbia showing that since the war started in 1917 he has paid Frederick A. Fenning $98,909.18 as his fees and commissions as guardian and committee in lunacy cases, and that this runs as high as 50 per cent in one case. It runs 12, 20, 30, 40, 46, and even 50 per cent in some cases. I ask unanimous consent to put this certificate from the auditor of the Supreme Court of the District of Columbia in the RECORD showing the cases——

Mr. SNELL. Does this refer to the same matter the gentleman referred to the other day?

Mr. BLANTON. It shows each veteran's case, specifying the amount and the years, showing exactly what was paid each year in each case, and the per cent. This, I think, will be interesting, because I think yesterday Mr. Fenning claimed that his $109,000 fees ran back to 1903 and that he only got 5 per cent. This shows exactly what he got and the years in which he got it. There will be nothing inserted in the RECORD except the certificate from the auditor of the Supreme Court of the District. I will put in no remarks of my own.

Mr. JOHNSON of Washington. Does not the gentleman think that a matter of this kind should be ordered printed for the information of the particular committee——

Mr. BLANTON. What committee? They are all balking and holding back and breaking quorums and will not have a hearing of any kind. I would like for the membership of the House to know something about this.

Mr. JOHNSON of Washington. It will be printed as a pamphlet for the information of the committee——

Mr. BLANTON. Some one would object to that. Every committee will get the benefit of it if it is put in the RECORD. It is information which gentlemen ought to know. This is information which each one of your districts ought to know, and they are asking for this information by letter every day, and I can not write a letter to every one of them, as my time is too much occupied, my desk is now piled with such mail, and I would put in this certificate of the auditor of the Supreme Court of the District so as to let the people of the country have this information.

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

Mr. BEGG. Mr. Speaker——

Mr. BLANTON. Do not be afraid if you want to object.

Mr. TILSON. I am not afraid.

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

Mr. BEGG. Well, Mr. Speaker, reserving the right to object, I want to say this——

Mr. BLANTON. Mr. Speaker, I ask for the regular order. If they are going to object, let them object. I ask for the regular order.

The SPEAKER. The regular order is demanded. The regular order is the question, "Is there objection?"

Mr. SNELL. I object, Mr. Speaker.

Mr. JOHNSON of South Dakota. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. SNELL, who objected, is chairman of the Rules Committee which for weeks had buried my resolution authorizing investigation. Mr. JOHNSON of South Dakota is chairman of the World War Veterans' Committee, and should have been anxious to obtain all information affecting the rights of veterans. Yet they objected.

BUT I DID NOT QUIT

Later on that day, during debate on a bill that would make it easier for dishonest debtors to receive discharges in bankruptcy, I took the floor, when the following occurred:

Mr. BLANTON. In a moment. I have been trying to get the general counsel down here in the Veterans' Bureau removed from office, because he has been wrongfully keeping veterans and their widows and orphans from getting their just deserts. He is generally known as "Poker Bill" Smith. I have been trying to have him removed. Why he has been discharged in bankruptcy twice from paying his honest debts, and yet he is now drawing a big salary from your Government down here in the Veterans' Bureau. You ought to stop it. It is not conducive to honesty and integrity to permit these men to come in every six years and be discharged of all their debts.

Mr. STEPHENS. Can not the gentleman have him removed?

Mr. BLANTON. I have been trying my dead-level best to have him removed. If the gentleman will help me, I think we can get him removed.

Mr. STEPHENS. I will help you.

Mr. BLANTON. But it is a slow process.

Mr. STEPHENS. Because I think he ought to be removed.

Mr. BLANTON. If I could get the chairman of the Rules Committee to go home for a week, we could have some of these fellows removed, but as long as he is here to protect them, God knows, it is a hard proposition. [Laughter.]

Mr. STEPHENS. I think Smith should be removed on account of lack of legal knowledge.

Mr. BLANTON. Why, of course. He never has known any law. He got into the legal fraternity by accident. [Applause.] He went in with a large bunch of applicants in 1916, and they just doled out his license here through this machine in Washington. Every attorney down there knows he knows no law. And I made him admit to Director Hines in the presence of Senator SHEPPARD that he had never tried any important case in a courthouse when he was made general counsel for the United States Veterans' Bureau.

The SPEAKER pro tempore (Mr. SNELL). The time of the gentleman from Texas has expired.

AND STILL I DID NOT QUIT

And just before adjournment that day, during debate on a bill to grant a pension to an old soldier, I took the floor and again called attention to the way Commissioner Fenning was robbing war veterans, and said:

Mr. BLANTON. Why do not we stop it? I am trying to stop it. I have a resolution before your Committee on Rules that has been there for nearly a month slumbering the sleep of death.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. BLANTON. Your Veterans' Committee—some Democratic Members—are very enthusiastic and have been trying to get a hearing on the proposition, with Members clamoring to be heard, and they can not get but three or four Republican Members present, with no quorum, and they can not do any business.

Mr. CONNALLY of Texas. The gentleman is a member of the Committee on the District of Columbia, and that committee has jurisdiction of these matters. Could not the committee proceed and invite these people, Commissioner Fenning and others, to come before the committee?

Mr. BLANTON. Well, the committee could, but it will not.

Mr. CONNALLY of Texas. In a minute—and then if they refuse, would not we be in a position wherein the House could not afford to refuse the authority? Why does not that committee go ahead?

Mr. BLANTON. If I were its chairman the committee would act. I have found out that this House can afford to do almost anything it wants and get away with it when those in authority do not want to do something. The committee to which I belong yesterday passed a resolution for the chairman to appoint a committee of five to investigate this matter. But it has not yet been appointed.

IMPEACHMENT ONLY WAY TO GET ACTION

I have quoted from the RECORD extensively to show that apparently it was impossible to get action from any committee of Congress. So on April 19, 1926, I decided to impeach Frederick A. Fenning, and thus force action to be taken. Chairman SNELL had had my resolution authorizing investigation buried in his Committee on Rules since March 23, 1926, with no promise whatever of action. Notwithstanding the Committee on the District of Columbia had passed a resolution on April 16, 1926, directing its chairman, Mr. ZIHLMAN, to appoint a subcommittee of five Members to investigate, he had not appointed such subcommittee. We were expecting Congress to adjourn on June 1; hence something had to be done. So I decided to precipitate an investigation through the sole parliamentary means at my command.

IMPEACHMENT OF COMMISSIONER FREDERICK A. FENNING

As soon as the House met on April 19, 1926, the following occurred:

Mr. BLANTON. Mr. Speaker, I rise to a question of the highest privilege. By virtue of the office I hold as a Member of the House, I impeach Frederick A. Fenning, Commissioner of the District of Columbia, of high crimes and misdemeanors. I ask for time in which to make my charges.

The SPEAKER. The gentleman is recognized to make the charges referred to.

I then preferred 34 specific charges against Commissioner Frederick A. Fenning, specifying in detail the high crimes and misdemeanors he had committed, and I then offered the following resolution:

Mr. Speaker, I offer the usual resolution in such cases, which I ask that the Clerk read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

"House Resolution 228

"*Resolved*, That the Committee on the Judiciary be, and it is hereby, directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Frederick A. Fenning, a Commissioner of the District of Columbia, and said Committee on the Judiciary is in all things hereby fully authorized and empowered to investigate all acts of misconduct and report to the House whether in their opinion the said Frederick A. Fenning has been guilty of any acts which in the contemplation of the Constitution, the statute laws, and the precedents of Congress are high crimes and misdemeanors requiring the interposition of the constitutional powers of this House, and for which he should be impeached.

"That this committee is hereby authorized and empowered to send for persons and papers, to administer oaths, to employ, if necessary, an additional clerk, and to appoint and send a subcommittee whenever and wherever necessary to take necessary testimony for the use of said committee or subcommittee, which shall have the same power in respect to obtaining testimony as exercised and is hereby given to said Committee on the Judiciary.

"That the expenses incurred by this investigation shall be paid out of the contingent fund of the House upon the vouchers of the chairman of said committee, approved by the Clerk of this House."

The SPEAKER. The Chair refers the resolution and the charges to the Committee on the Judiciary.

And then for one hour I produced evidence substantiating each and every one of the 34 charges preferred, during which the following occurred:

Mr. RANKIN. I want to ask the gentleman from Texas whether or not in these cases of guardianship in which these excessive fees were charged the wards were veterans of the World War?

Mr. BLANTON. Oh, many of them. Many of them were shell shocked in France. Many of them are veterans of the Spanish-American War, and one or two of them are even veterans of the Civil War, if you please. Many of them are disabled men, retired from your Army and your Navy, and one other department of Government.

Mr. RANKIN. The reason I asked that question is that a great many of us on the Veterans' Committee have been trying to get this investigation made, and it has been questioned by some members of the committee whether or not these excessive fees were charged in cases of demented veterans of the World War.

Mr. LUCE. Will the gentleman yield?

Mr. BLANTON. I yield to the distinguished gentleman, who for nearly a week has held up the Veterans' Committee and prevented them from investigating this case. [Applause.]

Mr. LUCE. I may inform the gentleman that the Committee on World War Veterans' Legislation began this morning in an orderly manner——

Mr. BLANTON. Oh, yes. After you had gone to your steering committee and your steering committee gave you orders to act. [Applause.] They told you you had held this matter up until it had become a crime upon the country, and then you acted, because you were whipped into line by your steering committee. I know all about it, because I went before your Veterans' Committee and I begged the chairman to give me 10 minutes, did I not?

Mr. RANKIN. Yes.

Mr. BLANTON. And I was refused?

Mr. RANKIN. And I tried to get the committee to give you the hearing.

Mr. BLANTON. Now I yield to the distinguished gentleman from Massachusetts, and I will cut out of the RECORD all I have just stated, because I have a great deal of regard for the gentleman.

Mr. LUCE. And also because it is inaccurate. [Laughter.]

Mr. BLANTON. Well, I will leave it to the members of the Veterans' Committee as to its accuracy. What about it, men?

Mr. RANKIN. The gentleman from Texas came before the Committee on World War Veterans' Legislation last Saturday——

Mr. BLANTON. Friday.

Mr. RANKIN. Friday or Saturday, and brought a list of these cases. He asked permission to make a statement of 10 minutes, and every member on the Democratic side was willing, waiting, and anxious to have him make that statement, but there was a point of order made.

Mr. BLANTON. By whom?

Mr. RANKIN. I believe by the gentleman from Massachusetts [Mr. LUCE].

Mr. BLANTON. Yes; it was made by the gentleman from Massachusetts, that there was not a quorum of the committee present, and that prevented my having 10 minutes.

Mr. RANKIN. And that prevented the Veterans' Committee from going ahead with this investigation and prevented the gentleman from Texas from presenting his facts.

And in reply to a question propounded by Mr. BANKHEAD, of Alabama, as to whether we could expect a full and comprehensive investigation before the Judiciary Committee, I said:

Mr. BLANTON. The chairman of the committee, the gentleman from Pennsylvania [Mr. GRAHAM] is not going to overlook anything. He is a good lawyer. When he goes into this case it will be carefully considered. If Dr. William A. White were such an officer as could be impeached by Congress, I would also impeach him, for he deserves it; but I believe that the President will promptly remove him.

Gentlemen, I want to say that the main thing the Committee on the Judiciary is going to find in their way, the first obstacle, will be a distinguished individual in Washington named Edward F. Colladay. He has bobbed up in front of me in several instances during my investigations, and he will bob up in front of the committee, as he is Mr. Fenning's main defender.

Mr. FAIRCHILD. Mr. Speaker, I make the point of order that the gentleman from Texas is not speaking to his own resolution.

Mr. BLANTON. This man Colladay is defending Fenning.

Mr. FAIRCHILD. The gentleman is bringing in a third party who is not charged here.

Mr. BLANTON. But he is Mr. Fenning's chief defender before the people of Washington, and I have a right to discuss it.

Mr. GREEN of Florida. I want to know if Colladay is the man who was indicted years ago in the District for misdemeanors and high crimes.

Mr. BLANTON. He was charged with forgery, and was granted $500 bail, and was discharged on habeas corpus, but finally, on appeal, was remanded back to jail; but later he got his case nolle prossed.

Mr. FAIRCHILD. Mr. Speaker, I renew the point of order.

Mr. BLANTON. Mr. Colladay is the local national committeeman of the Republican Party here in Washington, and certainly you do not want to shield him.

CHAIRMAN ZIHLMAN ACTS IMMEDIATELY

Just as soon as I impeached Frederick A. Fenning, Mr. ZIHLMAN, as chairman of the Committee on the District of Columbia, appointed the subcommittee of five to investigate, as directed by the resolution we passed in the committee on April 16, 1926, he appointing Mr. GIBSON, of Vermont, as chairman; Mr. BOWMAN, of West Virginia; Mr. HOUSTON, of Delaware; Mr. GILBERT, of Kentucky; and myself. And we began our hearings the next day, April 20, 1926.

THEN I WAS ATTACKED THROUGH WASHINGTON PAPERS

On April 22, 1926, I took the floor to answer the vicious attacks made upon me through the Washington papers, and I showed that same were false, unfair, and malicious, and made to obstruct my investigation. The chairman of the Rules Com-

mittee tried by repeated points of order to prevent my getting the floor, but the Speaker overruled him and gave me the floor, holding:

The Chair thinks that, while the gentleman from Texas is not mentioned specifically, it is the plain intention to charge that any Member of the House of Representatives who made these charges, whether they are true in fact or not, was unpatriotic and insulted the dignity of the House. The Chair thinks that founds a question of privilege. [Applause.]

And during the time I was presenting fact after fact against Fenning, politics caused others to interrupt:

Mr. KING. Mr. Speaker, I make the point of order that the gentleman is not addressing himself to the point in issue.

Mr. BLANTON. Yes I am. I am showing that my charges impeaching Frederick A. Fenning were not cowardly and were not unpatriotic, which is the charge that was made by A. J. Siler's resolution against me in the Star.

Mr. KING. The gentleman is undertaking to state something about Doctor White. Doctor White is not concerned in this matter.

Mr. BLANTON. Yes; he most certainly is concerned; he is Mr. Fenning's collaborator and partner in some of these matters.

Mr. KING. You are going to have an opportunity to be heard before the Judiciary Committee.

Mr. BLANTON. But I am going to answer this article first in this forum, and I will get through in a few minutes if the gentleman will not bother me.

Mr. KING. Has the membership no relief whatever from this thing, day after day?

The SPEAKER. That is a question of fact.

Mr. BLANTON. You will never get any relief from it until you put Mr. Fenning out of office and you put Doctor White out of office [applause], because I am going to the people of the country on this matter if I have to. Both of them must be put out.

Mr. BLACK of Texas. My colleague is doing the House a valuable service in throwing the light of publicity on these transactions.

Mr. BLANTON. The Secretary of the Navy will tell you that there are a lot of Navy men sent there by letter without trial. They are sent there from the War Department by letter without trial. The Public Health Service has sent hundreds of them there, without trial, by letter.

Is not that an awful condition that exists in this country? And because I try to stop it a fellow named A. P. Siler got a few citizens to meet the other night, with only a few persons present—there were not many members of the association there—and he got a resolution through condemning me and condemning my action as "unpatriotic and cowardly." This fellow Siler is the father of one of Fenning's employees, and this attack on me was thus influenced by Fenning.

Oh, if you knew what a proposition I have had to run up against and the big combination here I am fighting, you would say I was not cowardly. I have been facing their whole gang for weeks. I do not have any police guards around my home at night either, as Mr. Fenning did Monday night. Do you know that he had policemen placed outside of his home the other night all night? He must have been afraid of a mob.

Mr. OLIVER of Alabama. I think the information that the gentleman from Texas has furnished to this House ought to lead, and will lead at this session, to legislation that will prevent unjust and unfair charges, which seem to have been imposed in the past upon the funds of veterans, from being repeated in the future.

Mr. BLANTON. I am glad to hear the gentleman say that.

Mr. OLIVER of Alabama. And when that legislation passes, no Member of this House can say that it is not solely due to the disclosures made by the gentleman from Texas. [Applause.]

Mr. BLANTON. I thank the gentleman very much.

Mr. GREEN of Florida. Is the gentleman not surprised at Members of Congress undertaking to block such an investigation?

Mr. BLANTON. Yes; I am. I just simply can not understand them. Oh, it is just a few of them. The rank and file of these splendid men on the other side of the aisle are behind this proposition, and they are going to see that both Fenning and White are put out of office just as soon as we can force a vote on the question.

Mr. GREEN of Florida. What these two men have done is worse than the action of Daugherty or Forbes, because those men swindled soldiers who were not mentally infirm, and this man Fenning swindled war veterans who are not mentally capable.

Mr. BLANTON. Yes.

Mr. LOZIER. In view of the facts in this case, are we to understand there is any considerable number of the Members of this House, either Democrats or Republicans, who approve or want to indorse or defend this grafting?

Mr. BLANTON. No; there is only just a little handful, and I could name every one of them.

Mr. LOZIER. I hope so.

Mr. BLANTON. First, let me say this to the gentleman from Massachusetts [Mr. LUCE]. If he has not yet been able to find any delinquency on the part of Mr. Fenning, I would just as soon try to convince one of the sphinxes of Egypt. [Applause.]

Mr. LUCE. But you have not pointed out to the committee a single case of delinquency by any guardian in the District of Columbia.

Mr. BLANTON. What about Mr. Fenning?

Mr. LUCE. You have not pointed out as yet a violation of law by Mr. Fenning.

Mr. SPEAKS. Will the gentleman yield to me long enough to ask the gentleman from Massachusetts a question. In view of the disclosures and actual charges openly made on the floor of the House and in the press, does not the gentleman from Massachusetts feel that there is sufficient proof to warrant the House in taking action, and thus relieve the gentleman from Texas in carrying on this necessary work alone? [Applause.]

Mr. BLANTON. I can not yield any further. I think that disposes of the obtuse gentleman from Massachusetts.

Mr. BROWNING. Does not the gentleman know that the gentleman from Massachusetts [Mr. LUCE] and others on the Veterans' Committee have deliberately blocked the gentleman from Texas and prevented him from coming before that committee?

Mr. BLANTON. Yes; the gentleman from Massachusetts [Mr. LUCE] did that. I asked for 10 minutes, and he would not let me have it. And the gentleman from Oklahoma [Mr. MONTGOMERY] helped him.

Mr. BROWNING. And I will say to the gentleman that in the committee the chairman of the committee [Mr. JOHNSON of South Dakota] has already expressed himself and stated that in his opinion the gentleman from Texas has not any facts that would throw any light on these questions at all.

Mr. BLANTON. These facts which I have produced, and which have convinced everybody but the gentleman from Massachusetts [Mr. LUCE], the gentleman from South Dakota [Mr. JOHNSON], and the gentleman from New York [Mr. SNELL], these facts may not be considered facts by them, but when I bring a certified auditor's report from Herbert L. Davis, auditor of the Supreme Court of the District of Columbia, certified to in a way that would be accepted in any court in the United States as evidence, showing rates of interest or commission ranging from 10 per cent up to 94 per cent of his ward's estate, drawn by Frederick A. Fenning, God knows that ought to convince the gentleman, when Fenning has drawn from the Veterans' Bureau alone $733,855.87, funds due veterans of the World War now in insane asylums.

Mr. LUCE. But those are not delinquencies on the part of the guardian. They may be delinquencies on the part of the court but not the guardian.

Mr. BLANTON. Then the gentleman applauds Fenning for getting all he can.

Mr. BROWNING. May we find out from the gentlemen on the Veterans' Committee, who have been denying the gentleman from Texas [Mr. BLANTON] the privilege of coming before that committee, if they will let him testify before the committee?

Mr. BLANTON. Yes; will the gentleman from South Dakota [Mr. JOHNSON] let me have 10 minutes before his committee?

Mr. JOHNSON of South Dakota. I will say to the gentleman that when these records are all before the committee I will be perfectly willing to give the gentleman that time; but the gentleman is so ably represented on that committee——

Mr. BLANTON. Yes; I do not think I need to go, because I think my friends on the committee will take care of the situation.

Mr. RANKIN. The gentleman from Texas is no more ably represented on the Veterans' Affairs Committee than Mr. Fenning seems to be. [Applause.]

HAD COLLEAGUES SHOWED THEIR HAND

And then in closing I found out by a rising vote just how many of my colleagues were backing me in my fight to remove Fenning:

Mr. BLANTON. Now, in the last minute I am going to use I am going to ascertain just how many of you are not backing me up in this undertaking, in trying to get justice for our war veterans. I wish you who are not backing me would stand up. If there is a man in this House who is not backing me, I want him to stand up. I pause, and no one stands. I am glad to see that I have the unanimous backing of Members. [Applause.]

SEVERAL VOICES. Put it the other way.

Mr. BLANTON. How many of you are backing me in a proper investigation of this matter? I would like to see all who are backing me stand up. I note that with the exception of about 20 men who have not arisen, I seem to have almost the unanimous backing of you Members. [Applause.]

Mr. Speaker, I yield the floor, thanking my colleagues.

ESTABLISHED EVERY CHARGE BY OVERWHELMING PROOF

Now, I am going to quote each charge preferred by me against Frederick A. Fenning consecutively by number and then show the evidence I produced in support thereof. I not only conducted the presentation of evidence before the Judiciary Com-

mittee, but also before the Gibson District of Columbia Committee. For over two months I worked from 14 to 16 hours per day, and sometimes longer. I kept up with my office work and performed all of my regular legislative duties in the House.

FENNING'S BEVY OF RENOWNED ATTORNEYS

When Frederick A. Fenning appeared before the Judiciary Committee he brought with him three of the most renowned attorneys in Washington, Frank J. Hogan, Levi Cooke, and Thomas B. Littlepage. Hogan is the same attorney who represented former Secretary of the Interior Albert B. Fall and the big oil magnate, Edward L. Doheny, in which case it is reported that Hogan received a fee of $1,000,000. Levi Cooke is the general attorney of the owners of bonded whisky and the bonded liquor warehouses in the United States. Thomas B. Littlepage is one of the leading public-utility lawyers of Washington.

ADMISSIONS MADE BY FENNING'S LAWYERS

As soon as the Judiciary Committee organized to hear testimony, I placed in the RECORD the following admissions agreed to by Fenning's attorneys:

Mr. BLANTON. Mr. Chairman, I have had a tentative agreement with distinguished counsel here that will probably save a great deal of time and obviate the necessity of having certain witnesses brought here. I will state the agreement, and if I make any mistake I will ask Judge Hogan and his associates to correct me as I go along.

It is agreed, Mr. Chairman, that until November 6——

Mr. HOGAN (interposing). Will you state that this is subject to the relevancy of the facts presented?

Mr. BLANTON. Of course, the committee will not pay any attention to it unless there are facts developed that will show its relevancy later. As I am stating this, unless counsel admit it as I go along, it is not agreed to. If I make a mistake, they will correct me.

It is agreed that up until November 6, 1919, Mr. Frederick A. Fenning acted as an agent for the Washington Gas Light Co., for collecting delinquent accounts.

Mr. HERSEY. Had acted?

Mr. BLANTON. That he acted for them up to November 6, 1919, in collecting delinquent accounts.

Mr. HOGAN. The committee will be good enough to have before it the fact, of which you may take judicial notice, if I may just use that term, that Mr. Fenning became Commissioner of the District of Columbia on the 5th day of June, 1925, and he held no public office before that time except that of an officer of the Army during the war.

Mr. BLANTON. That he was duly sworn and took oath as prescribed by law on June 5, 1925.

Mr. HOGAN. And not before.

Mr. BLANTON. It is further agreed that until the 8th day of February, 1922, Mr. Fenning held stock in and was a director of the Washington Loan & Trust Co., of Washington, D. C., but has not been since that date, since February 8, 1922.

It is further agreed that after severing his connection with the Washington Loan & Trust Co. Mr. Fenning became a director of the National Savings & Trust Co., and held stock in it; and is still a director and still holds stock in it.

Mr. YATES. What was the date he took oath?

Mr. BLANTON. February 8, 1922.

Mr. YATES. No; I mean the date when he was appointed commissioner.

Mr. BLANTON. June 5, 1925.

It is admitted, gentlemen, that for several years Mr. Frederick A. Fenning has held stock in and has been a director of and is still a director of the Law Reporter Printing Co., of Washington, D. C., of which Mr. Chapin Brown is now president.

Mr. HOGAN. That is a journal that publishes the decisions of courts, an official court journal.

Mr. BLANTON. It is admitted, gentlemen, that for a number of years Mr. Fenning has held one share of stock in and has been a director of and attorney for the Joseph Gawler's Sons, undertaking establishment, which is a corporation here in Washington.

It is admitted, gentlemen, that for a number of years Mr. Fenning has held one share of stock in and has been a director of and attorney for the Laurel Sanitarium.

Mr. HOGAN. There is no admission of his being attorney for the Laurel Sanitarium. You can develop that, but we can not make the admission. I am not advised that he served in any capacity for that sanitarium. If I find anything later, I will let you know.

Mr. BLANTON. What about his owning the stock?

Mr. HOGAN. He holds a qualifying share of stock as director.

Mr. BLANTON. Then it is admitted, Mr. Chairman, that Mr. Fenning owns a qualifying share of stock and is a director of the Laurel Sanitarium. I will ask for witnesses later on the question of whether or not he is attorney for them.

Mr. PERLMAN. Where is that sanitarium?

Mr. BLANTON. It is near Laurel, Md., and it is a sanitarium to which mental defectives have been sent and incarcerated.

Mr. HERSEY. That is outside of the District?

Mr. BLANTON. It is about 16 miles from here. But the president of it lives here in Washington; he is a resident of the District of Columbia.

The CHAIRMAN. You say that he was a stockholder or attorney for it?

Mr. BLANTON. He owns a qualifying share of stock and is a director of it, but counsel desires to wait awhile before making any other admission.

I call the committee's attention to section 5498 of the Revised Statutes of the United States, which, if I am not mistaken, has come down as article 109 of the Penal Code of the United States.

Mr. HOGAN. As 5498 it was repealed and substantially reenacted as section 109 of the United States Criminal Code.

Mr. BLANTON. And you will find in it this language:

"Every officer of the United States, or persons holding any place of trust or profit, or discharging any official function under or in connection with any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner or by any means, otherwise than in the discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity or any share of or interest in any claim from any claimant against the United States with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than $5,000 or suffer imprisonment of not more than one year, or both."

The CHAIRMAN. It is your contention, Mr. BLANTON, that Mr. Fenning is an officer of the United States?

Mr. BLANTON. It is, and I will produce at your next meeting a brief which I am sure will prove that beyond peradvanture of doubt.

Mr. PERLMAN. You say that section 109 covers Mr. Fenning?

Mr. BLANTON. It does cover Mr. Fenning; in other words, he is such an official of the United States Government as that statute will apply to. I also contend, gentlemen of the committee, that the following section has been violated by Mr. Fenning, and I shall offer proof on that point.

The CHAIRMAN. What section is that?

Mr. BLANTON. That is section 500 of Title V of the World War veterans' act, approved June 7, 1924, as amended by the act approved March 4, 1925, found on page 85 of the compilation of veterans' laws, which may be found in the document room in the Capitol and which reads as follows:

"SEC. 500. Except in the event of legal proceedings under section 19, of Title I of this act, no claim agent or attorney except the recognized representatives of the American Red Cross, the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars, and such other organizations as shall be approved by the director shall be recognized in the presentation or adjudication of claims under Titles II, III, and IV of this act, and payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application to the bureau shall not exceed $10 in any one case: *Provided, however,* That wherever a judgment or decree shall be rendered in an action brought pursuant to section 19 of Title I of this act, the court, as a part of its judgment or decree, shall determine and allow reasonable fees for the attorneys of the successful party or parties and apportion same if proper, said fees not to exceed 10 per cent of the amount recovered and to be paid by the bureau out of the payments to be made under the judgment or decree at a rate not exceeding one-tenth of each of such payments until paid. Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive, any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than $500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment."

SPECIFIC CHARGES AND THEIR PROOF

Inasmuch as charges Nos. 1, 2, 21, 22, 23, and 24 all relate to the violation of the two laws quoted above, I will insert all six of such charges at this time so that they may be considered together as the evidence which proves the last five also proves the first one:

CHARGE NO. 1

I charge that the said Frederick A. Fenning, after being appointed to such office by the President of the United States, and after he had taken the prescribed oath and assumed the duties of the office of Commissioner of the District of Columbia, violated his oath and the law by violating the provisions of section 5498 of the Revised Statutes of the United States, in that he acted as attorney and received fees and commissions in violation of such law, the penalty prescribed for such

violation being a fine of not more than $5,000 and imprisonment for not more than one year.

CHARGE NO. 2

I charge that the said Frederick A. Fenning has violated the provisions of section 500 of Title V of the World War veterans' act of 1924 as amended by the act of March 4, 1925, which provides that respecting compensation and insurance claims filed in said United States Veterans' Bureau for adjudication and not prosecuted in courts no attorney shall receive a fee of more than $10 in any one case, the penalty prescribed for its violation being a fine of not more than $500 and imprisonment at hard labor for not more than two years.

CHARGE NO. 21

I charge that said Frederick A. Fenning, while Commissioner of the District of Columbia, on June 10, 1925, represented a client and as attorney filed in the Supreme Court of the District of Columbia a petition in lunacy, case No. 10890, and as such attorney caused Michael Flaherty to be adjudged of unsound mind, and in his petition had himself recommended for committee, and had himself appointed as such committee, after which, as such, he prosecuted a claim against the Government of the United States, and on June 20, 1925, reported to the court that he had received from the United States Navy the sum of $565.80 as back pay due said Flaherty, and that he expected to receive from the United States Navy the sum of $94.30 each month thereafter as pay due his said ward.

CHARGE NO. 22

I charge that said Frederick A. Fenning, while Commissioner of the District of Columbia, on September 22, 1925, appeared in the Supreme Court of the District of Columbia as an attorney for a client whose business he had solicited and as such attorney filed a petition in lunacy, case No. 11041, seeking to adjudge Richard M. Norris of unsound mind, said Fenning in his said petition alleging "that Richard M. Norris is entitled to war-risk compensation monthly, the amount not yet known," which showed that to recover same it would be necessary for him to prosecute a claim before the Veterans' Bureau, and as such attorney said Fenning had said Norris adjudged of unsound mind, and as said attorney said Fenning did prosecute such claim before said United States Veterans' Bureau, in violation of law, and had such claim allowed, and on January 20, 1926, as such attorney said Fenning made report to the court showing that his client had received a check from the United States Veterans' Bureau and had deposited it in the said National Savings & Trust Co.

CHARGE NO. 23

I charge that the said Frederick A. Fenning, while Commissioner of the District of Columbia, appeared in the Supreme Court of the District of Columbia as attorney for his client, which business he solicited, and on the 20th day of October, 1925, filed a petition in lunacy case No. 11092 seeking to adjudge Francis D. Allen of unsound mind, and in such petition recommending that he be appointed committee, and said Fenning alleging in his said petition that the said Allen is entitled to recover from the United States Navy retired pay of $150 per month as a lieutenant in the Navy, and that, as such attorney, said Frederick A. Fenning tried said case on November 20, 1925, and caused said Allen to be adjudged of unsound mind, and caused himself to be appointed committee, and that on December 9, 1925, said Frederick A. Fenning reported to the court by his sworn pleading that he had received from St. Elizabeths Hospital $116.55 due said Allen, and that he expected to receive from the United States Navy $150 per month as retired pay due said Allen, and that he expects to receive certain funds said Allen has on deposit in a New York bank, and that he expects to receive proceeds from the sale of certain lots said Allen owns in New York, and that he expects to recover a refund of a deposit which said Allen made on a house in Pennsylvania, and upon all of which proceeds said Fenning will unlawfully receive at least 10 per cent annually.

CHARGE NO. 24

I charge that the said Frederick A. Fenning, while a Commissioner of the District of Columbia, appeared as an attorney for his client in the Supreme Court of the District of Columbia, and on December 2, 1925, filed a petition in lunacy case No. 11137 in said court, seeking to adjudge Charles L. Cunningham as of unsound mind; that the case was tried on December 4, 1925, and the judgment decreeing said Cunningham of unsound mind recites that petitioner appeared as his attorney—Frederick A. Fenning—and I charge that on January 27, 1926, said Commissioner Frederick A. Fenning, as said attorney, filed with said Supreme Court a petition for his client, stating that petitioner had employed said Frederick A. Fenning and Paul V. Rogers as attorneys, and asking permission to pay them their fee of $150, and that on that same day, January 27, 1926, said Frederick A. Fenning secured a signed order from Chief Justice McCoy authorizing the payment of said $150 fee to said Frederick A. Fenning and Paul V. Rogers, as attorneys, and that said Fenning received such fee in violation of the laws hereinbefore mentioned, and that on said January 27, 1926, said Frederick A. Fenning filed a petition for his client showing that petitioner had collected from a bank and the United States Navy the total sum of $1,605.13, which was deposited in said National Savings & Trust Co., said Fenning's bank.

FREDERICK A. FENNING HAD KNOWLEDGE THAT HIS PRACTICE WAS UNLAWFUL

During the World War Frederick A. Fenning secured a swivel-chair job in the Quartermaster Corps here in Washington. I will now quote from the hearings evidence I offered to show that he was notified then that he could not practice before governmental departments, and also showing that as soon as he became commissioner after the war he was so notified again:

Mr. BLANTON. I have submitted this document to counsel.

Mr. HOGAN. I have no objection to this [indicating paper].

Mr. HERSEY. What is it?

Mr. BLANTON. This is a certificate from the Commissioner of Pensions.

Mr. HOGAN. Read it all.

Mr. BLANTON. Yes; I will read it all. And in order for the committee to see the significance of it I would like to call their attention to the fact that my contention is that in this file [indicating] Mr. Fenning acknowledges that, being a Commissioner of the District, he is such an officer of the United States that he can not practice before the department.

I will first read the certificate:

DEPARTMENT OF THE INTERIOR,
PENSION BUREAU,
Washington, D. C., May 13, 1926.

I, Winfield Scott, Commissioner of Pensions, hereby certify that the attached pages, numbered 1 to 6, inclusive, are true copies of the originals thereof, on file in the Pensions Bureau, in the attorneyship files of Frederick A. Fenning, of Washington, D. C., admitted to practice before said bureau as an attorney, as therein set forth.

In testimony whereof I have hereunto subscribed my name and caused the seal of the Pension Bureau to be affixed, the day and year above written.

[SEAL.] WINFIELD SCOTT,
Commissioner of Pensions.

Now, this is the card:

"Fenning, Frederick A., attorney, Washington, D. C. Admitted November 6, 1909. Prohibited, section 109, Penal Code, July 5, 1917. Restored March 16, 1919. Prohibited, section 109, Penal Code, June 5, 1925."

Then I will read this letter:

JULY 10, 1917.

Mr. FREDK. A. FENNING,
Washington, D. C.

SIR: This bureau is in receipt of information that you have been accepted in the Officers' Reserve Corps of the United States Army, and, if said information is correct, you are requested to so inform the bureau and give the date of your commission, in order that the records of the bureau may be noted as to your prohibition from practicing before it.

Please return this letter with your reply, which may be transmitted under cover of the inclosed envelope, without the payment of postage.

Respectfully,

G. M. SALTZGABER, *Commissioner.*

DEPARTMENT OF THE INTERIOR,
Washington, August 27, 1917.

The COMMISSIONER OF PENSIONS:

SIR: I have to advise you that Frederick A. Fenning, of Washington, D. C., who was admitted to practice as attorney for claimants November 6, 1909, has accepted office under the United States as captain, Quartermaster Department, United States Reserves. You will therefore not recognize him as having the right to represent claimants as an attorney in your bureau until further orders.

By direction of the Secretary.

Respectfully,

E. J. AYERS, *Chief Clerk.*

Prohibited July 5, 1917.

DEPARTMENT OF THE INTERIOR,
Washington, March 24, 1919.

The COMMISSIONER OF PENSIONS:

SIR: Referring to department letter of August 27, 1917, advising you that Frederick A. Fenning, of Washington, D. C., had accepted office under the United States as captain, Quartermaster Department, United States Reserves, I have to state that Mr. Fenning was honorably discharged as major, Quartermaster Corps, on March 15, 1919; you will therefore recognize him as entitled to represent claimants as an attorney before your bureau from March 16, 1919.

Respectfully,

E. J. AYERS, *Chief Clerk.*

Here is a letter written on the letterhead of the Commissioners of the District of Columbia, with the name Frederick A. Fenning at the top of it:

JULY 6, 1925.

The COMMISSIONER OF PENSIONS,
Pension Office, Washington, D. C.

MY DEAR MR. COMMISSIONER: On June 5, 1925, I took the oath of office as Commissioner of the District of Columbia. For many years I have been entitled to practice before your bureau, but to the best of my knowledge I am attorney in no pending causes before your bureau except that of my brother-in-law, John M. Boone, original number 1517466. Will you please advise me as to whether my present position bars me from the further prosecution of the said claim? I may add that if any fee is allowed me in connection with the said claim, I propose to indorse the fee check over to the claimant, but I suppose this feature does not enter into the real question as to whether I should further act in the matter.

Yours sincerely,

F. A. FENNING,
Commissioner, District of Columbia.

This is a letter from the Commissioner of Pensions to Mr. Fenning:

JULY 10, 1925.

Hon. FREDERICK A. FENNING,
Municipal Building, Washington, D. C.

SIR: In response to your communication of the 6th instant I have to advise you that you are correct in the opinion that, since your appointment on June 5, 1925, as a Commissioner of the District of Columbia, you are no longer entitled to prosecute any claim for pension.

Section 109 of the United States Penal Code (35 Stat. L.) provides as follows:

"Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than $5,000, or imprisoned not more than one year, or both."

Respectfully,

WINFIELD SCOTT, *Commissioner.*

You will note from the foregoing that when Fenning got his swivel-chair job in the Army during the war, he was then notified by the Pension Bureau that he could not practice, and when he was discharged, he had notice that he could resume practice; and the very next day after he became Commissioner of the District of Columbia he wrote to the Pension Bureau asking whether he could practice if he didn't charge for it, and he was notified distinctly that he could not, and had the law cited to him, showing that he would be subject to a $5,000 fine and imprisonment for one year. Yet he deliberately violated that law, and also the other one quoted by me, by practicing before several departments. Fenning became commissioner on June 5, 1925. And here is my proof of his practicing thereafter:

MICHAEL FLAHERTY CASE, CHARGE 21

Mr. BLANTON (continuing). I have here the petition that Mr. Fenning filed in the Supreme Court of the District on June 10, 1925, lunacy No. 10890, in re Michael Flaherty. It says on the back:

"Petition for writ de lunatico inquirendo and appointment of committee." It says "Filed June 10, 1925"; and says on the back, "Law Offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue NW., Washington, D. C."

The petition says:

"That Michael Flaherty is now, and has been for some time past, a patient under treatment for mental disease at St. Elizabeths Hospital——

"That said Michael Flaherty is entitled to retired pay, United States Navy, amount now unknown.

"Wherefore, the premises considered, your petitioner asks:

"1. That a writ de lunatico inquirendo be issued by this court.

"2. That Frederick A. Fenning be appointed committee of the person and estate above named, under such bond as the court may deem proper."

And it is signed "Fred'k. A. Fenning, attorney for petitioner," on the side, and also signed by the petitioner and sworn to.

Mr. DYER. What is the date of that, Mr. BLANTON?

Mr. BLANTON. It is filed on June 10, 1925, in the Supreme Court of the District of Columbia; and it has this notation on the back:

"Let the writ issue, returnable, June 12, 1925, at 10 a. m. Walter I. McCoy, chief justice."

This order was issued June 22, 1925, and reads as follows:

"*Ordered,* That Frederick A. Fenning be, and is hereby, appointed committee of the person and estate of Michael Flaherty, upon his giving approved undertaking in the sum of $2,500, conditioned for the faithful discharge of his trust."

Then I have here this correspondence, photostatic copies of Mr. Fenning's correspondence.

The first is a letter from Mr. Fenning, reading as follows:

LAW OFFICES OF FREDERICK A. FENNING,
Washington, D. C., July 1, 1925.

CHIEF OF THE BUREAU OF SUPPLIES AND ACCOUNTS,
United States Navy Department, Washington, D. C.

DEAR SIR: I hand you herewith court certificate showing my appointment and qualification as committee of Michael Flaherty, chief boatswain's mate, United States Navy, retired, a patient at St. Elizabeths Hospital, with the request that all retired pay due my said ward and payments of same to become due be made payable to my order and sent to me as such committee.

Yours very truly,

F. A. FENNING.
H. A. L.

I showed that the initials "H. A. L." meant Helen A. Losano, who was Frederick Fenning's private secretary in his law office.

Mr. BOWLING. All of these papers, etc., to which you refer are part of the records of the Supreme Court of the District of Columbia?

Mr. BLANTON. Yes; in the Supreme Court of the District of Columbia, all of these papers were filed; the case was filed and everything done since he became commissioner.

Now, I have here a certificate from the Navy Department. I offer in evidence a certificate from Admiral Charles Morris, Paymaster General, United States Navy, in this Michael Flaherty case, reading as follows:

"Memorandum of payments of retainer pay in the case of Michael Flaherty (CBM (PA) No. 150 82 50 FNR). Retainer pay account of F-3-d 2948. Checks drawn by Capt. George G. Seibels, Signal Corps, United States Navy, under symbol 59081, payable to Frederick A. Fenning, committee of the person and estate of Michael Flaherty, 1420 New York Avenue NW., Washington, D. C., as follows."

Then the first check is dated July 14, 1925, for $565.80. Then there are 10 other checks, payable each month from July 31, 1925, on down and including April 30, 1926, one each month of $94.30, duly certified.

Then the next paper is filed July 20, 1925, and reads as follows:

"The report of Frederick A. Fenning, committee in this cause, respectfully shows the court—

"1. That he has received naval retainer pay due his ward from January 1 to June 30, 1925, in the sum of $565.80, which amount has been deposited in the National Savings & Trust Co. to the credit of F. A. Fenning, committee of Michael Flaherty; and the committee expects future payments of retainer pay at the rate of approximately $94.30 per month and funds from St. Elizabeths Hospital, held to the credit of the ward, in the amount of $1,558.55."

That is signed by Frederick A. Fenning, and sworn to before Helen A. Losano, notary public.

Mr. HERSEY. Mr. Fenning was acting as his own attorney in that matter?

Mr. HOGAN. He was acting as committee.

Mr. BLANTON. As committee and as attorney both.

Now, I want the committee to keep this in mind: That you will find in all these cases, in the report from the clerk of the court, and in the papers, numerous charges for notary fees out of the wards' estates—a number of notary fees in each case; and I am making the contention there that he does not disclose to the court or to the auditor that this notary is his own employee in his office, and has been for several years.

The CHAIRMAN. Do you think that would make any difference?

Mr. BLANTON. Yes; if those notary fees amount to a considerable sum every year, such as would pay her salary.

RICHARD M. NORRIS CASE—CHARGE 22

Mr. BLANTON (continuing). I have here, first, the legal docket, the back of which is indorsed as follows:

"Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue NW., Washington, D. C. Filed September 22, 1925. Petition for writ de lunatico inquirendo and appointment of a committee."

Mr. HOGAN (interposing). It is the same as the other.

Mr. BLANTON. The first paper starts out, "The petition of Elizan Norris" respectfully shows the court.

Then it says that "Richard M. Norris is now and has been for some time past a patient under treatment for mental disease at St. Elizabeths Hospital, etc. That said Richard M. Norris is entitled to war-risk compensation, monthly amount not yet known."

And then comes the affidavit of the physicians, and next is the verdict of the jury, starting with the words, "Now comes here as well

the petitioner by her attorney, Frederick A. Fenning, as the alleged lunatic in person," and so on.

Then follows the order appointing committee, and then I am going to read to you a certificate from the Veterans' Bureau showing what was done by Mr. Fenning thereafter. The certificate shows that these are photostatic copies of records in the file of the case of Richard M. Norris. The first letter is as follows:

LAW OFFICES OF FREDERICK A. FENNING,
1420 New York Avenue, October 16, 1925.

Memorandum for the United States Veterans' Bureau.

In re: Richard M. Norris, C-1375146.

Find herewith certified copy of order of court showing the appointment and qualification of my client, Elizan Norris, as committee of her husband, the above-named veteran, who was admitted to St. Elizabeths Hospital for treatment about July, 1925, with the request that compensation be awarded said Richard M. Norris and the same paid to her as his committee. The committee's address is 336 W Street NW., Washington, D. C.

F. A. FENNING.

Now, if the committee will remember, there is no case of a committee here; it is the case of an attorney presenting this to the department for his client.

Mr. HOGAN. Are you putting in evidence or are you arguing the case?

Mr. BLANTON. I am calling the attention of the committee to the fact that this letter says "my client," so there is no question here that he is not an attorney.

I have here a letter from the Veterans' Bureau, dated October 22, 1925, reading as follows:

"In reply refer to R. 12.31, Norris, Richard M., C-1375146

"UNITED STATES VETERANS' BUREAU,
"*Washington, October 22, 192-*

"Mrs. RICHARD M. NORRIS,
"*Washington, D. C.*

"DEAR MADAM: You are informed that the statement dated September 25, 1925, signed by two persons stating that you and your husband have lived continuously together and have not been divorced is not an affidavit.

"It will be necessary that you forward an affidavit giving this information, sworn to before a notary public. It is also requested that a verified copy of the official record of your marriage be forwarded to this office certified to by the clerk in charge of the records."

Then I have here a letter dated October 31, 1925, from the United States Veterans' Bureau, addressed to Mr. Frederick A. Fenning, attorney at law, reading as follows:

"R. 12.31, Norris, Richard M., C-1375146

"OCTOBER 31, 1925.

"Mr. FREDERICK A. FENNING,
"*Attorney at Law, Washington, D. C.*

"DEAR SIR: Receipt is acknowledged of your letter of October 16, 1925, forwarding a certified copy of the court order appointing Mrs. Elizan Norris as committee of the estate of her husband, Richard M. Norris, who is at the present time a patient at St. Elizabeths Hospital, Washington, D. C.

"Under date of October 22, 1925, a letter was addressed to Mrs. Norris advising her as to the correct evidence to be forwarded to this office relative to her marital status. It is requested that this office be furnished with a verified copy of the official record of the marriage of Mrs. Norris to the claimant certified to by the person in charge of the public records. It will also be necessary that an affidavit be forwarded signed by two persons stating that Mrs. Norris has lived continuously with her husband since her marriage and has not been divorced."

That letter is signed by the chief of the claims division.

Here is another letter to Mrs. Elizan Norris, dated December 4, 1925, reading as follows:

"Mrs. ELIZAN NORRIS,
"*336 W Street NW., Washington, D. C.*

"DEAR MADAM: There is returned herewith the order appointing you committee of the person and estate of Richard M. Norris who has a claim for compensation on file in the Washington regional office. Upon examination it is found that this certificate does not bear the seal of the court. It is therefore requested that you have the seal of the court attached to this document, and that the same be immediately returned to the Washington regional office for prompt attention."

Then, answering that, here is a letter from Mr. Fenning dated December 9, 1925, headed:

MEMORANDUM FOR THE UNITED STATES VETERANS' BUREAU,
WASHINGTON, D. C.

LAW OFFICES OF FREDERICK A. FENNING,
Washington, D. C., December 9, 1925.

In re Richard M. Norris, C-1375146. Your file R. 12.3.

In accordance with your letter addressed to my client, Mrs. Elizan Norris, December 4, 1925, in the case of the above described, I have had the clerk of the court affix the seal of the court to certificate showing the appointment of said Elizan Norris as committee of her husband, Richard M. Norris, and said certificate is returned herewith, with the request that the matter go forward as promptly as possible.

F. A. FENNING.

Here is another letter from Mr. Fenning:

MEMORANDUM FOR THE UNITED STATES VETERANS' BUREAU,
WASHINGTON, D. C.

LAW OFFICES OF FREDERICK A. FENNING,
Washington, D. C., January 9, 1926.

In re Richard M. Norris, C-137546. Your file R. 12.31.

I call attention to my memorandum of December 9, 1925, in the above-described case, and request, on behalf of my client, Mrs. Elizan Norris, committee of Richard M. Norris, that the matter go forward without delay.

F. A. FENNING.

Here is a letter from the United States Veterans' Bureau, dated February 2, 1926, addressed to Mr. Frederick A. Fenning, Evans Building, 1420 New York Avenue, Washington, D. C., reading as follows:

"This is to advise you that the award of compensation approved in favor of Richard M. Norris, by which Mrs. Elizan Norris, committee of the estate of this claimant, was allowed $30 per month from November 1, 1925, was amended, and beginning January 1, 1926, the amount of compensation paid to the committee of this claimant was reduced to $10 per month, and the remaining $20 will be forwarded direct by this office to St. Elizabeths Hospital for the comforts and necessities of this claimant.

"By direction,

"N. E. MARTINDALE,
"*Chief Claims Division, Regional Office, Washington, D. C.*"

You will note that in all three of his said letters to the Veterans' Bureau, Fenning spoke of "my client."

FENNING'S CLANDESTINE MEETINGS AT NIGHT

It is very likely that if I had not gone to the precaution of having photostat copies of Fenning's letters to the bureau made and preserved they might have disappeared from the files.

Mr. BLANTON. Your name is Davis G. Arnold?

Mr. ARNOLD. That is right.

Mr. BLANTON. And your position with the United States Veterans' Bureau is what?

Mr. ARNOLD. Assistant to the director and national guardianship officer.

Mr. BLANTON. I will ask you to state whether or not, since charges were first preferred against Mr. Fenning in the House of Representatives, touching a case known as the Norris case, whether Mr. Frederick A. Fenning arranged with you to get those Norris papers and meet him one night down at the United States Veterans' Bureau?

Mr. HOGAN. State the facts, please.

Mr. BLANTON. Answer that, yes or no; is that a fact or not?

Mr. ARNOLD. In substance; yes, sir.

Mr. BLANTON. In substance that is correct?

Mr. ARNOLD. Yes, sir.

Mr. BLANTON. Did he not meet you at the Veterans' Bureau at night?

Mr. ARNOLD. Yes, sir.

Mr. BLANTON. Regarding those papers?

Mr. ARNOLD. Yes, sir.

Mr. BLANTON. You got them at his request and had them in your office?

Mr. ARNOLD. I did, sir.

Mr. BLANTON. Did you know, Major, that there had been a photostat taken of all the papers in that file at that time?

Mr. ARNOLD. No, sir.

Mr. BLANTON. You did not know that?

Mr. ARNOLD. No, sir.

Mr. BLANTON. Did he know it?

Mr. ARNOLD. I do not know it now.

GOT ENOUGH OF HOGAN'S CONTINUAL SARCASTIC INTERRUPTIONS

Mr. BLANTON. Well, there have been two sets of photostats taken of them; I will let you know that.

Mr. HOGAN. We have had some comment about persons not testifying when they were not under oath.

Mr. BLANTON. Well, there is so much of that here by other counsel that they are not in a position to complain.

Mr. DYER. The committee, of course, will have to try to separate the evidence from the comment and arguments.

Mr. BLANTON. I know this is disagreeable to them.

Mr. HOGAN. There is no justification for that statement, and it is not true.

Mr. BLANTON. Mr. Chairman, there is a whole lot of barking here.

Mr. DYER. Let us proceed.

Mr. HERSEY. Go on.

Mr. HOGAN. Those statements can not go on without calling for some reply.

Mr. BLANTON. Of course, I do not mind that talk. Of course, any common cur can bark at a man, and you can not stop it.

Mr. DYER. Proceed.

Mr. BLANTON. What time of day do the Government employees leave the office in the afternoon?

Mr. ARNOLD. Four thirty.

Mr. BLANTON. Four thirty?

Mr. ARNOLD. Yes, sir.

Mr. BLANTON. That is the closing hour, is it not, Major?

Mr. ARNOLD. For practically all.

Mr. BLANTON. Yes; 4.30?

Mr. ARNOLD. Yes, sir.

Mr. BLANTON. And what time was it that night that you met Mr. Fenning about these Norris papers?

Mr. ARNOLD. About 7.30.

Mr. BLANTON. That is about three hours after closing time, is it not?

Mr. ARNOLD. Substantially.

Mr. BLANTON. He looked at the letters he had written?

Mr. ARNOLD. He asked about those three letters he had written, and I showed them to him.

Mr. BLANTON. Yes; you showed him the three letters he wrote to the department?

Mr. ARNOLD. Yes, sir.

Mr. BLANTON. And that was after you had seen in the press the fact that he was charged with practicing before the department in the Norris case, was it not?

Mr. ARNOLD. I think I had seen that; yes.

Mr. BLANTON. Yes.

Mr. DYER. When was this, Mr. Witness?

Mr. ARNOLD. It was two or three days after Mr. BLANTON called the attention of the House to the Norris case.

Mr. DYER. It was this year?

Mr. ARNOLD. Yes, sir.

Mr. BLANTON. That is all, Major Arnold.

Mr. GORMAN. Well, is there any charge here that there were papers missing in this case?

Mr. BLANTON. Well, I think——

Mr. HOGAN (interposing). Of course, the answer is, No.

Mr. BLANTON. Well, the answer is, Yes.

Mr. HOGAN. There is no such charge.

Mr. BLANTON. In this case the answer is, Yes.

Mr. GORMAN. Have you any witness who will testify to that?

Mr. BLANTON. There was a Congressman here yesterday who testified under oath that his files had been broken into and important papers were missing. Did the gentleman not hear that?

Mr. GORMAN. He said some papers had mysteriously disappeared in his files in particular cases; but he made no statement that his office had been broken into.

Mr. BLANTON. I did not say his office; I said his files had been broken into; that is what he said.

Mr. GORMAN. No.

Mr. BLANTON. Mr. Chairman, have Mr. GREEN brought here, please? I want to determine that question.

WHAT CONGRESSMAN GREEN HAD SAID UNDER OATH

Mr. BLANTON. You are a Representative in Congress from the State of Florida?

Mr. GREEN. Yes; second district.

Mr. BLANTON. I will ask you whether during the last year you have made any demand on Mr. Fenning to let the guardianship of this boy, Fred C. Hall, be transferred from him to his father in Florida?

Mr. GREEN. Mr. BLANTON, the first request I made, I find from the files, for this transfer or for a change of guardian from Fenning to his father, was made directly to the Veterans' Bureau.

Mr. BLANTON. Did you have any communication with Mr. Fenning, either by telephone or letter, about it?

Mr. GREEN. I did.

Mr. BLANTON. Read it.

Mr. GREEN. It is embodied in a letter from the bureau to me. The original telegram was lost from my files as, very mysteriously, other letters in this case have disappeared from my files.

Mr. BLANTON. There have been other letters disappeared from your files?

Mr. GREEN. There have been, and the files have been unlocked.

Mr. DYER. Do you remember what it was, in substance?

Mr. GREEN. That he acknowledged receipt of the following telegram of March 16, 1925:

"Fred C. Hall, veteran, patient St. Elizabeths Hospital, Washington, D. C., desires transfer to Hospital No. 6, Augusta, Ga. His parents, L. A. Hall and Mary Hall, desire transfer near his Florida home. His guardian is F. A. Fenning, Washington, D. C. Want itemized account. Also want guardian dismissed and natural father appointed."

That was my telegram to the bureau. The bureau then wrote me, saying they had examined him and desired to keep him here.

Mr. BLANTON. Have you ever made demand on Mr. Fenning for the transfer?

Mr. GREEN. I have; but I find from my files that the first demand was made in a letter to the Veterans' Bureau.

Mr. BLANTON. I am talking about Mr. Fenning.

Mr. GREEN. Yes.

Mr. HOGAN (interposing). I will give you all the letters. You need not tell about what you got. You sent this letter to Mr. Fenning, did you not?

Mr. GREEN. Yes.

Mr. HOGAN (reading):

FEBRUARY 18, 1926.

Mr. FREDERICK A. FENNING,
Evans Building, Washington, D. C.

DEAR MR. FENNING: With reference to your favor of February 12, beg to advise that I have had a personal conversation with General Hines in this matter, and have decided to insist upon the transfer of Fred C. Hall from St. Elizabeths Hospital, Washington, D. C., to United States Veterans' Hospital No. 62, Augusta, Ga. Therefore, I most respectfully and finally request that you effect this transfer immediately.

In the event, from any cause, there is any delay or hold-up in this matter, kindly advise me promptly. I am advising the father of Fred C. Hall to-day that his son will be transferred immediately.

Very truly yours,

R. A. GREEN,
Member of Congress.

[Excerpt from letter from GREEN to Fenning, dated March 16, 1926]

* * * I might say, in connection herewith, that this boy's father has recently died, and said death was, in all probability, caused largely from grieving over your refusal to make this transfer, as he so kindly and repeatedly requested. The mother and the brothers of this man now repeat their urgent request for the transfer, and I sincerely trust that you will not compel me to have this transfer made by congressional action.

Sincerely yours,

R. A. GREEN,
Member of Congress.

Mr. GREEN. There is another letter you wrote me about getting permission to be appointed. Have you a copy of that?

Mr. HOGAN. I have not.

Mr. GREEN. That letter has disappeared from my files. He wrote me a letter that he had written Hall's parents to be appointed guardian for Hall when I demanded to know how he was appointed.

Mr. BLANTON. That letter disappeared from your files?

Mr. GREEN. Yes.

Mr. BLANTON. Together with others?

Mr. GREEN. Yes.

Mr. BLANTON. You are positive you received such a letter from Mr. Fenning?

Mr. GREEN. And commented freely upon it in my office to my two secretaries.

Mr. BLANTON. And he did admit he had written to Fred Hall's parents to be appointed?

Mr. GREEN. Yes.

[Excerpt of letter from GREEN to Fenning, dated May 9, 1925]

DEAR SIR: In letter sent by Veterans' Bureau of Washington, D. C., to subdistrict office, Jacksonville, Fla., said letter dated February 10, 1925, showed that you had to credit of above-named veteran the amount of $9,229.89.

In letter sent by you to L. H. Hall, father of said Fred C. Hall, said letter dated February 12, 1925, showed that you had to credit of said veteran the amount of $10,990.

We can not understand why this great difference exists; please explain same and tell us just what you had at that time for this veteran, and just what you now have.

FREDERICK FENNING DID RECEIVE FEES

Mr. BLANTON. Your name is Paul V. Rogers?

Mr. ROGERS. That is correct.

Mr. BLANTON. You have been associated in business, one way or another, with Mr. Frederick A. Fenning, for how long?

Mr. ROGERS. We have had joint law offices for five years.

Mr. BLANTON. Mr. Fenning's offices are in the Evans Building?

Mr. ROGERS. That is right.

Mr. BLANTON. He has one reception room where Miss Helen A. Losano usually stays?

Mr. ROGERS. That is right.

Mr. BLANTON. Leading out of that reception room, in one direction, is Mr. Fenning's office?

Mr. ROGERS. That is correct.

Mr. BLANTON. Leading out of that reception room in the other direction is your office?

Mr. ROGERS. That is correct.

Mr. BLANTON. Is that not the fact?

Mr. ROGERS. That is the fact.

Mr. BLANTON. And for the last five years you have attended to many pieces of legal work for Mr. Fenning?

Mr. ROGERS. I have.

Mr. BLANTON. You attended to his business for courtesy, without any pay?

Mr. ROGERS. That is correct.

Mr. BLANTON. That is right?

Mr. ROGERS. That is right.

Mr. BLANTON. All of his business?

Mr. ROGERS. You are talking about generally speaking.

Mr. BLANTON. I mean generally.

Mr. ROGERS. There are a great many cases where Mr. Fenning and I have been associated together from the inception of the case and, in those cases, we divided the fee.

Mr. BLANTON. How many of such cases?

Mr. ROGERS. Oh, I could not tell you.

Mr. BLANTON. Well, name some of them where you have divided the fee equally—50-50.

Mr. ROGERS. Well, there are one or two of those lunacy cases.

Mr. BLANTON. Which ones of them; name them?

Mr. ROGERS. The Cunningham case.

Mr. BLANTON. The Cunningham case; that is one?

Mr. ROGERS. And the Norris case.

Mr. BLANTON. And the Norris case?

Mr. ROGERS. Yes, sir.

Mr. BLANTON. Now, between you, you got $150 fee paid in one of those cases, did you not?

Mr. ROGERS. That is right.

Mr. BLANTON. Which one?

Mr. ROGERS. Cunningham.

Mr. BLANTON. Well, I will get at it in another way. You say in the Cunningham case you got $150 fee?

Mr. ROGERS. I did—we did, I say; Mr. Fenning and I did.

Mr. BLANTON. How much did you get out of it?

Mr. ROGERS. $75.

Mr. BLANTON. How much did Mr. Fenning get out of it?

Mr. ROGERS. He must have gotten the other $75.

Mr. BLANTON. In the Norris case, how much did you get?

Mr. ROGERS. Personally?

Mr. BLANTON. You and Mr. Fenning, together.

Mr. ROGERS. $75.

Mr. BLANTON. You got half of the $75?

Mr. ROGERS. That is right.

Mr. BLANTON. How much does Mr. Fenning pay for those three rooms?

Mr. ROGERS. I think one hundred and fifty or one hundred and sixty; something like that.

Mr. BLANTON. How much do you pay him a month?

Mr. ROGERS. I pay him $35.

Mr. BLANTON. You have got a key to all the offices?

Mr. ROGERS. Surely.

Mr. BLANTON. You have free access to all three rooms?

Mr. ROGERS. Yes.

[From page 401, Gibson committee hearing]

Mr. BLANTON. Here is the report which Mr. Fenning prepared and Helen Losano took the jurat, showing that the committee had received—this is January 20, 1926—making report that she has received from the United States Veterans' Bureau the allowance requested by her attorney, Mr. Fenning, for the aforesaid ward, which amount she has deposited in the National Savings & Trust Co.—

Of which we know something.

How much was she to pay you, Mr. Fenning, as her attorney?

Mr. FENNING. In the court services?

Mr. BLANTON. Yes.

Mr. FENNING. She was to pay me for services in court.

Mr. BLANTON. How much?

Mr. FENNING. She was to pay me for services in court and for any other services.

Mr. BLANTON. How much?

Mr. FENNING. $75 for court services.

Mr. BLANTON. How much has she paid you?

Mr. FENNING. I think $75.

FRANCIS D. ALLEN CASE, CHARGE 23

This case clearly illustrates how Doctor White, and his subordinate, Doctor Main, pimped for Fenning, by sending him business; how Fenning prostituted his position to get business, and how he exploited a sane man locked up in an insane asylum. Because Allen tried to collect a debt due him from a superior naval officer, he was locked up in St. Elizabeths simply on orders from the Navy, without a hearing or trial, and then Fenning took him and his property over. I demonstrated his sanity in a public hearing, and he secured habeas corpus proceedings and before a jury of his peers established his sanity, and was released by the Supreme Court of the District of Columbia, and he has been getting along fine, attending to his own business affairs and making money ever since. Here are the facts:

Mr. BLANTON. Your name is Edward C. Allen?

Mr. ALLEN. Edward C. Allen; yes, sir.

Mr. BLANTON. And you live where?

Mr. ALLEN. 2 South Pine Street, Richmond, Va.

Mr. BLANTON. You are perfectly at home here with these people.

Mr. ALLEN. This is my first appearance in court, and I am not used to it.

Mr. BLANTON. You have lived in Richmond, Va., how long?

Mr. ALLEN. Four years.

Mr. BLANTON. Are you a brother of any man in St. Elizabeths?

Mr. ALLEN. Yes, sir; Francis D. Allen—Frank D. Allen.

Mr. BLANTON. How did you first learn that your brother, Frank D. Allen, was in St. Elizabeths?

Mr. ALLEN. From a letter written to me from him, that he was a prisoner in St. Elizabeths Hospital.

Mr. BLANTON. Now, if you went out to St. Elizabeths, state whether you went by yourself or with somebody?

Mr. ALLEN. I went the first time with Mrs. Piquett.

Mr. BLANTON. Mrs. Piquett is what relation of yours and of Frank D. Allen's?

Mr. ALLEN. Second cousin.

Mr. BLANTON. And Mrs. Piquett lives where?

Mr. ALLEN. 162 U Street NE., Washington, D. C.

Mr. BLANTON. Now, you and Mrs. Piquett went out to St. Elizabeths Asylum together to see Frank?

Mr. ALLEN. Yes, sir.

Mr. BLANTON. Now, with respect to what Doctor Main told you, if he told you anything about what you would have to do, tell the committee.

Mr. ALLEN. They told me he was to have an operation; that in his case, that the life of his case would be from 30 to 90 days unless an operation was performed, and to perform this operation there would have to be a guardian appointed.

Mr. BLANTON. Now, with regard to his recommending you to see anybody if he did do so, state what he said—as to whom he recommended you to see.

Mr. ALLEN. Yes, sir. I told Doctor Main I knew of nobody I could appoint as guardian and, if he knew of anybody, I would like for him to recommend them to me. He said, "We won't recommend anybody, but I will give you the name of Mr. Frederick A. Fenning." That is the first time I ever heard of Mr. Frederick A. Fenning before.

Mr. BLANTON. Then it was Doctor Main, of St. Elizabeths, who first mentioned Mr. Fenning to you?

Mr. ALLEN. Who first mentioned him. He said, "I am not recommending anybody, but I will give you the name of Frederick A. Fenning, who is a capable man in such cases."

Mr. BLANTON. Now state whether or not you and Mrs. Piquett went to see Mr. Frederick A. Fenning.

Mr. ALLEN. We did.

Mr. BLANTON. Now, with regard to when you went to see him, state whether or not you went down there to have him appointed guardian or went for some other purpose.

Mr. HOGAN. Just a moment. What his purpose was, I submit, is immaterial. Now, what was stated, what did he say to Mr. Fenning, and what did Mr. Fenning say to him; he can state that.

Mr. BLANTON. Just state what occurred between you and Mr. Fenning. When you went there, did you see Mr. Fenning?

Mr. ALLEN. I did. I went to see Mr. Fenning and I found him there by himself in his office.

Mr. BLANTON. Go ahead.

Mr. ALLEN. I told him about my brother's case; that Doctor Main had called his name for me to see him. I stated his case and told him I would like to get some information in "regardance" to his money affairs; that he had a lot of money, and what he had done with his money I did not know, and I did not know whether my brother was a millionaire or as poor as I am, which is pretty poor, and I would like to get him—I would like to find out something about his case, something about it, and just would like him to explain matters to me.

Mr. BLANTON. What did he say?

Mr. ALLEN. Why, Mr. Fenning says in getting a lawyers's appointment as guardian it would have to be a lawyer, or something to that effect; I would have to have a lawyer if I was appointed his guardian, and it would take money for me to come here to Washington, and lawyer's expenses, and such as that; but that he himself could handle the case on a percentage basis.

Mr. BLANTON. As attorney or guardian, which?

Mr. ALLEN. As guardian.

Mr. BLANTON. As guardian?

Mr. ALLEN. There would have to be a guardian; and if I would appoint him my brother's guardian he would handle the case on a percentage basis.

Mr. BLANTON. He would handle it on a percentage basis?

Mr. ALLEN. He would handle the case on a percentage basis, but he would work, otherwise, on a fee basis.

Mr. BLANTON. That is, if you had somebody else appointed?

Mr. ALLEN. If I was the guardian or somebody else.

Mr. BLANTON. He would charge you a law fee?

Mr. ALLEN. He would charge me a law fee; but if I would have him appointed guardian he would work on a percentage basis. So to make it plain I told him I had no money to throw away, and I wanted him to understand thoroughly if my brother had nothing he would get nothing. He said that was all right; that he would work on a percentage basis.

Mr. BLANTON. Now, with regard to what he did to show you his qualifications for the office, if he did anything, if he showed you the files in any other cases, state what he did.

Mr. ALLEN. He told me he handled other cases of such cases, and he showed me that he handled other cases, quite a few of them, quite a number of them. I could not tell how many.

Mr. BLANTON. He showed you that in the office?

Mr. ALLEN. He showed me that in the office; yes, sir; and was explaining to me of his handling some man's property in New York, I believe, a man who had bought some lots up there for $400, or something like that, I think, and he sold the lots for this man, which amounted to several thousand dollars, I think. It was a great big interest that was made on the lots.

Mr. BLANTON. Then, if I understand you, he told you that if you would let him be guardian he would handle it on a percentage basis?

Mr. ALLEN. On a percentage basis; yes, sir.

Mr. BLANTON. But if you wanted to be guardian he would charge you a lawyer's fee? What did he say, if anything, about being Commissioner of the District?

Mr. ALLEN. He says he was appointed commissioner of the District by President Coolidge.

Mr. BLANTON. By President Coolidge?

Mr. ALLEN. Yes, sir.

Mr. BLANTON. Well, did he tell you anything about you being able to rely on him by reason of that fact?

Mr. ALLEN. Yes; he says—well, he told me that to show me that he was all right, that he was a man of his word and trustworthy, by being District commissioner.

Mr. BLANTON. Now, up to that time, Mr. Allen, had your father ever seen Frederick A. Fenning?

Mr. ALLEN. He never has to this day, as I know of.

Mr. BLANTON. Your father is a man how old, about?

Mr. ALLEN. Well, about 81, I think, last March.

Mr. BLANTON. And he has not been to Washington, to your knowledge, since your brother has been in the asylum?

Mr. ALLEN. My father never was out of the State of Virginia in his life.

Mr. BLANTON. Now, it is shown here that on the law papers of Mr. Frederick A. Fenning a petition was prepared and your father signed it.

Mr. ALLEN. Yes.

Mr. BLANTON. Was that after you saw Mr. Fenning or before?

Mr. ALLEN. That was after I saw Mr. Fenning. I never saw that paper before.

Mr. HERSEY. Will you give the date?

Mr. BLANTON. It was the 15th day of October, 1925.

Mr. HERSEY. Last October?

Mr. BLANTON. Yes. Now, Mr. Allen, do you or do you not know whether or not your father would have signed this if it had not been for your trip here?

Mr. HOGAN. That is objected to.

Mr. ALLEN. He would not.

Mr. BLANTON. Now, if you had known your brother had a thousand dollars equity in property up here in Chester, Pa., and that he had some money in a bank, and that he was going to get about $200, approximately, from the Government each month, and that he was supposed to have some lots up in New York——

Mr. ALLEN. Yes, sir.

Mr. BLANTON. And money in a bank in New York, and that Mr. Fenning would be allowed 10 per cent, as much as 10 per cent, on all of that property be handled, would you have agreed to have let him be guardian?

Mr. HOGAN. I submit that is not testimony. I will leave it with the committee.

Mr. BLANTON. And he had to have an operation?

Mr. ALLEN. He had to have an operation.

Mr. BLANTON. And in order to have an operation he had to have a guardian?

Mr. ALLEN. Had to have a guardian.

Mr. BLANTON. Now, you say Mr. Fenning never made any report to you about whether your brother was getting along all right or whether he had an operation?

Mr. ALLEN. No, sir.

DOCTOR MAIN LIED ABOUT ALLEN'S CONDITION

Mr. BLANTON. Your name is what?

Mrs. PIQUETT. Annie R. Piquett.

Mr. BLANTON. Are you the Mrs. Piquett whom Mr. Allen mentioned as having gone with him out to St. Elizabeths?

Mrs. PIQUETT. Yes, sir.

Mr. BLANTON. Mrs. Piquett, when you went to St. Elizabeths the first time, tell if you went to see Doctor Main. I will bring it right down to something that is material; tell what Doctor Main told you when you were hunting for Frank Allen.

Mrs. PIQUETT. Well, he told me he was crazy and they told me that he was there, but I could not see him that night. That he was upset and unable to be seen. He said he was a very dangerous man and he ought to be in an asylum, and that unless I had come looking for him that I would never have found him; that it would have been as if he was swallowed up.

Mr. CHRISTOPHERSON. As if what?

Mrs. PIQUETT. Unless I came looking for him it would have been just as if he was swallowed up; nobody would ever have known where he was.

Mr. BLANTON. You say it would have been as if he was swallowed up?

Mrs. PIQUETT. Absolutely.

Mr. BLANTON. Did he show him to you that day?

Mrs. PIQUETT. No, sir; he said I could not see him.

Mr. BLANTON. Then how long was it after that before you saw Frank?

Mrs. PIQUETT. I went to see him the next day.

Mr. BLANTON. Was Frank dangerous?

Mrs. PIQUETT. Not to my knowledge, he was not; he talked to me the same as usual.

Mr. BLANTON. Did he talk to you then like he talks to you now?

Mrs. PIQUETT. Well, no; because he was very much excited then; he was mad because he was there.

Mr. BLANTON. He was mad?

Mrs. PIQUETT. He was mad and very cross about being there. He did not say anything unpleasant to me; he was very nice to me.

Mr. BLANTON. Did you see anything about him that would have prohibited you from seeing him?

Mrs. PIQUETT. No, sir.

Mr. BLANTON. Where did you see Mr. Fenning?

Mrs. PIQUETT. In his office.

Mr. BLANTON. Had you ever seen Mr. Fenning before?

Mrs. PIQUETT. No, sir.

Mr. BLANTON. Was anybody else in his office at that time?

Mrs. PIQUETT. A stenographer was in and out, I think; a young lady.

Mr. BLANTON. Now just begin, in your own way, Mrs. Piquett, and tell the committee everything that you remember that was said to Mr. Fenning and everything that Mr. Fenning said to you and Edward; just tell the committee; take your own time and tell it in your own way.

Mrs. PIQUETT. Well, Mr. Allen told him just as he said, that he thought his brother had this money and had some property in Long Island, some property in Philadelphia, in Chester, and also money, he didn't know how much, and he didn't have any idea how much, but he wanted to know—he asked Mr. Fenning just what to do and what procedure to take in regard to Frank's estate; that the doctors said he must have an operation and we could not handle his money unless he had a guardian.

So Mr. Fenning explained things to him and stated several cases where he had made money for his patients, that is, his wards he was guardian for, and he also showed us files where he had these cases and said he would take it on a per cent; if the man had nothing, he would not get anything; if he did, why, of course, he would get a per cent.

Mr. BLANTON. Do you know whether or not Mr. Fenning mentioned the President?

Mrs. PIQUETT. Yes, sir.

Mr. BLANTON. What did he say about him?

Mrs. PIQUETT. He said: "The President has asked me to be commissioner, and I am a very busy man."

Mr. WELLER. Will you please repeat that, Mr. Stenographer?

Mrs. PIQUETT. He said: "The President has asked me to be commissioner and I am a very busy man and, unless I had the help of Mr. Rogers I could not handle your case."

Mr. BLANTON. Your name was Rogers before you were married?

Mrs. PIQUETT. Yes.

Mr. BLANTON. Now, what did he say to you about what it would be best for you and Edward to do; if you did do anything, as to what it would cost you, whether it would be more one way or another?

Mrs. PIQUETT. Oh, well, he said if we employed a lawyer it would cost a great deal more and, if we had one in the family appointed guardian, he would have to employ a lawyer to handle the case, and he would charge fees for every little thing he had to do and, if he was guardian, that would cover the whole thing—a per cent.

Mr. BLANTON. If he was appointed guardian, his per cent would cover the whole thing?

Mrs. PIQUETT. Yes; the per cent that he took.

Mr. BLANTON. Was anything said by Edward as to your ability to pay a fee either to the lawyer or guardian?

Mrs. PIQUETT. Yes; he said he was poor and did not have any money to throw away.

Mr. BLANTON. From what Mr. Fenning said, his actions, demeanor, and his words, was he taking the position that it would be cheaper for him to act as guardian than as attorney for you?

Mrs. PIQUETT. Yes, sir.

Mr. STOBBS. Why don't you ask the witness whether he did say it would be cheaper or not?

Mrs. PIQUETT. Well, he did say it would be cheaper.

Mr. BOWLING. Then you were seeking advice as to whether a guardian should be appointed for your brother or not?

Mrs. PIQUETT. Yes, sir.

Mr. BOWLING. Now, did you employ Mr. Fenning upon that occasion—you or your brother?

Mrs. PIQUETT. No, sir.

Mr. BOWLING. Not at that time?

Mrs. PIQUETT. No, sir.

Mr. BOWLING. What did he finally advise you to do after you had discussed the matter?

Mrs. PIQUETT. He said it was more advisable to have him as guardian and to have him handle things, rather than for one of the family to be appointed as guardian and have the family employ him outside as a lawyer.

Mr. BLANTON. From that date to this has Mr. Fenning ever written you a letter about it?

Mrs. PIQUETT. No, sir.

Mr. BLANTON. Has he ever come to see you at 162 U Street?

Mrs. PIQUETT. No, sir.

Mr. BLANTON. Has he ever made any report to you about Frank?

Mrs. PIQUETT. No, sir.

Mr. BLANTON. Has he ever told you anything about why he did not have an operation performed on Frank?

Mrs. PIQUETT. No, sir.

Mr. BLANTON. Did he ever tell you anything about how Frank was getting along?

Mrs. PIQUETT. No, sir.

Mr. HOGAN. And Mr. Fenning told him that he had been guardian in a great number of cases?

Mrs. PIQUETT. Yes.

Mr. HOGAN. And he had been appointed commissioner and was himself very busy, and therefore whatever court proceedings had to be taken he would have to have Mr. Rogers to assist him to attend to it for him?

Mrs. PIQUETT. Not those words exactly.

Mr. BLANTON. Now, the way Mr. Hogan put it, it indicated he would have to see Mr. Rogers and arrange for him to help him.

Mr. HOGAN. Oh, no, General; I did not say that.

Mr. BLANTON. That was the inference. "General" is right. [Laughter.]

Mrs. Piquett, is it not a matter of fact that Mr. Fenning said that he already had Mr. Rogers's help, in effect?

Mrs. PIQUETT. Yes, sir.

TESTIMONY OF MRS. FLORENCE O. PICKRELL

Mr. BLANTON. You are Mrs. Pickrell, of Newport News, Va.?

Mrs. PICKRELL. Yes; Newport News.

Mr. BLANTON. Mrs. Pickrell, you are a sister of Frank Allen, who is now in St. Elizabeths Hospital?

Mrs. PICKRELL. Yes, sir.

Mr. BLANTON. Last fall, after there had been a conference between your brother, Edward Allen, and Mr. Fenning, did you receive some papers from Mr. Fenning?

Mrs. PICKRELL. Yes, sir.

Mr. BLANTON. In those papers was there a petition for your father to sign?

Mrs. PICKRELL. Yes, sir.

Mr. BLANTON. That authorized Mr. Fenning to become committee of your brother?

Mrs. PICKRELL. Yes, sir.

Mr. BLANTON. Now, Mrs. Pickrell, state whether or not with those papers Mr. Fenning wrote you a letter.

Mrs. PICKRELL. Yes.

Mr. BLANTON. Do you know Mr. C. C. Berkeley, an attorney, who lives on Hampton Avenue, East End, Newport News, Va.?

Mrs. PICKRELL. Yes; he is my lawyer.

Mr. BLANTON. He is your lawyer?

Mrs. PICKRELL. Yes.

Mr. BLANTON. After your father signed that petition and it was sent to Mr. Fenning, state whether or not you employed Mr. Berkeley to take a matter up with Mr. Fenning in getting you an allowance from your brother's estate.

Mrs. PICKRELL. Yes; I did.

Mr. BLANTON. At that time did you turn over to Mr. Berkeley this letter that Mr. Fenning had written to you?

Mrs. PICKRELL. Yes, sir. Mr. Berkeley has all of Mr. Fenning's letters.

Mr. BLANTON. You gave them to Mr. Berkeley?

Mrs. PICKRELL. Yes, sir; he has my files.

Mr. BLANTON. Now, Mr. Berkeley got Mr. Fenning to make an allowance to you of $50?

Mrs. PICKRELL. Yes, sir.

Mr. BLANTON. And you paid Mr. Berkeley $50 fee?

Mrs. PICKRELL. Well, he charged me $50 fee; yes.

Mr. BLANTON. He charged you $50 fee. Since this hearing has begun you were notified to come down here before this committee and bring Mr. Fenning's letters, were you not?

Mrs. PICKRELL. Yes, sir.

Mr. BLANTON. State to the committee whether or not you requested Mr. Berkeley to give you those letters so that you could bring them down here.

Mrs. PICKRELL. Yes, sir.

Mr. BLANTON. Did he give them to you?

Mrs. PICKRELL. No; he did not give them to me.

Mr. BLANTON. And he would not give them to you?

Mrs. PICKRELL. He said it was best for me not to take them.

Mr. BLANTON. It was best for you not to take them; why?

Mrs. PICKRELL. Because he said Mr. Fenning and he had become great friends.

Mr. BLANTON. Yes.

Mrs. PICKRELL. And he said he thought he was a very fine man.

Mr. BLANTON. And he did not want you to injure him?

Mrs. PICKRELL. He did not say that.

Mr. BLANTON. But he did not want to give them to you?

Mrs. PICKRELL. Yes; that is right.

Mr. BLANTON. Will the committee issue the subpœna duces tecum?

* * * * * * *

Mr. BLANTON. Now, Mrs. Pickrell, your brother was a man of considerable property, was he not?

Mrs. PICKRELL. Yes; he had right much.

Mr. BLANTON. And he was a man who bought bonds and stocks on the New York market, was he not?

Mrs. PICKRELL. Yes.

Mr. BLANTON. And he handled considerable money and bonds. He was a business man, was he not?

Mrs. PICKRELL. He has always been a business man.

Mr. BLANTON. Always?

Mrs. PICKRELL. Yes.

Mr. BLANTON. He was at Chester, Pa., then, was he not?

Mrs. PICKRELL. Yes; and he was making money there.

Mr. BLANTON. And you knew he had bought a piece of property, did you not, from Mrs. Anna Smith?

Mrs. PICKRELL. Yes; from Mrs. Anna Smith.

Mr. BLANTON. And paid $1,000 down?

Mrs. PICKRELL. And paid $1,000 down on it.

Mr. BLANTON. Do you think your brother is crazy now, or sane?

Mrs. PICKRELL. Well, I think he is sane.

Mr. BLANTON. You think he is sane.

Mrs. PICKRELL. Yes, sir.

Mr. BLANTON. Did you get a letter from him the other day?

Mrs. PICKRELL. Yes; I got a letter from him.

Mr. BLANTON. Have you got that letter here now?

Mrs. PICKRELL. Yes; I brought that letter here.

Mr. BLANTON. Is that the letter of a crazy man or a sane man?

Mrs. PICKRELL. Well, he writes like a sane man.

Mr. BLANTON. Did you know that he had a bank account in New York?

Mrs. PICKRELL. Well, I thought so.

Mr. BLANTON. Well, I do not care to go into that now.

Mrs. PICKRELL. Well, I had about $2,000 of my brother's money in bonds in my bank at one time, and gave it back.

Mr. BLANTON. Do you know now, that in addition to his other property, Mr. Fenning is drawing approximately $200 a month from the Navy Department for your brother. Did you know that?

Mrs. PICKRELL. Well, I wondered what had become of the money; I did not know.

Mr. BLANTON. Has he ever reported to you that he was drawing approximately $200 a month from the Navy Department?

Mrs. PICKRELL. No; he never did.

Mr. BLANTON. He has reported to you that he employed a lawyer under order of the court, granted on petition of himself, up at Chester, Pa., and paid him $100 to compromise that case with Mrs. Smith, that he accepted $750 back and paid $100 to the lawyer out of that?

Mrs. PICKRELL. No; he has not, but I read it in the papers.

Mr. BLANTON. Mrs. Pickrell, if you had known that you could have qualified yourself as guardian of your brother and handled his funds and his estate yourself, and that the court would have allowed you, if you had been entitled to compensation out of his estate, the same compensation as you are getting now, and also a commission for handling it as his guardian, would you have agreed to let Mr. Fenning become guardian if you had known all of that?

Mrs. PICKRELL. Not if I could have done it myself.

Mr. BLANTON. You would have preferred to have handled it yourself?

Mrs. PICKRELL. Why, sure.

Mr. DYER. Where is your brother now?

Mrs. PICKRELL. In St. Elizabeths Hospital.

Mr. DYER. Who is in charge of his estate now?

Mrs. PICKRELL. Mr. Fenning.

WHAT ACTUATED LAWYER BERKELEY

Now I will show why Lawyer Berkeley refused to let Mrs. Pickrell have the letter Fenning wrote her. He was trying to shield Fenning, for such letter condemned him. It showed that with all of his power and prestige he failed at first to have Frank D. Allen adjudged of unsound mind, and had to take a second try at it. I finally forced its production:

Mrs. FLORENCE PICKRELL,

817 Twenty-fifth Street, Newport News, Va.

DEAR MRS. PICKRELL: The case of your brother, Francis D. Allen, came on for hearing yesterday morning. Every effort was made to convince the court that he was of unsound mind, but without avail, and the matter went over for two weeks. When the case is heard Friday, November 6, 1925, I will further advise you in the premises.

Yours very truly,

F. A. FENNING.

THE OFFICIAL COURT RECORDS

Mr. BLANTON (continuing). In the case of Francis D. Allen, the petition for writ de lunatico inquirendo and appointment of committee says on the back:

"Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue NW., Washington, D. C."—

and then it says—

"Filed October 20, 1925."

That is a petition to declare Francis D. Allen a lunatic. It is a petition signed by Robert H. Allen, and it says, among other things:

"3. That said Francis D. Allen is entitled to retired pay of $150 per month on acount of his services as a lieutenant, United States Navy."

Mr. BLANTON. This is a petition that Frederick A. Fenning be appointed committee, and it is signed by him as attorney for the petitioner.

And then that was signed October 20, 1925; and the rule to show cause was served on this alleged lunatic October 23, 1925. Then comes the verdict of the jury, beginning—

"Now here comes as well the petitioner by his attorney, Frederick A. Fenning, as the alleged lunatic in person."

And then comes the order appointing Frederick A. Fenning, committee, which was made November 24, 1925.

Then comes the report of the committee, filed December 9, 1925, showing that he has received from the St. Elizabeths Hospital personal funds in the sum of $116.55, and deposited them in the National Savings & Trust Co., of Washington, to the order of Frederick A. Fenning; and that he expects to receive regular monthly payments of retired naval pay at the rate of $150 a month for his ward. That is signed by Mr. Fenning and sworn to before Helen A. Losano.

Then there is a petition for authority to make expenditures for board of ward, filed February 10, 1926. Then an order authorizing that expenditure, filed February 10, 1926.

Then there is a petition of the sister for monthly allowance, filed March 6, 1926, and an order granting allowance dated March 6, 1926.

Mr. MONTAGUE. Did the court or the department grant the order?

Mr. BLANTON. The court granted it.

Mr. HOGAN. That was an allowance for the support of the sister, who was dependent upon the non compos mentis.

Mr. BLANTON. It may be of interest for me to read to the committee, if the committee will give me time, this petition. It says:

"The petition of Frederick A. Fenning, committee in this cause, respectfully shows to the court—

And then it recites that said Frank D. Allen purchased from Mrs. Annie Smith a lot and residence in Chester, Pa., for $3,800, paying $1,000 cash down, and asking for permission to employ a lawyer to recover back said payment.

Then, on the same day, February 10, 1926, the court signed the order granting that petition.

Then here is a petition authorizing settlement and payment of costs and attorneys' fees, for $750—to accept $750 in settlement of the matter, an order authorizing that. And also the order authorizing the committee to pay a counsel fee of $100 to Charles P. Larkin, attorney at law, of Chester, Pa., for professional services rendered by him.

Mr. MICHENER (interposing). I am with you in what you are attempting to do. But do you think it would be our function to subpœna in these various people and examine them and determine whether or not they are sane?

Mr. BLANTON. I hope you will subpœna this Francis D. Allen and let him tell you how he was shanghaied in there, and you will think he is sane.

Mr. HOGAN. Can you not shorten it by saying it is substantially the same as the Flaherty case?

Mr. BLANTON. I think I can shorten it. It shows that there was paid to Mr. Frederick A. Fenning, committee of Francis D. Allen, four checks for $141.55 each from November 30, 1925, each month up to February 28, 1926, and then on March 22, 1926, there was mailed to Mr. Fenning a check for $191.25; on March 31, 1926, a check was mailed to Mr. Fenning for $179.80; on April 29, 1926, a check for $263.92 was mailed to Mr. Fenning; and on April 30, 1926, a check for $179.80, was mailed to Mr. Fenning.

Mr. HERSEY. Do you claim that he was guardian or attorney in that matter?

Mr. HOGAN. Guardian.

Mr. BLANTON. Well, he was acting, in my judgment, as both.

Mr. HERSEY. Well, he had been appointed guardian by the court, had he not?

Mr. BLANTON. Yes, sir.

This is a photostatic copy of a letter:

LAW OFFICES OF FREDERICK A. FENNING,
EVANS BUILDING, 1420 NEW YORK AVENUE,
Washington, D. C., November 28, 1925.

CHIEF OF SUPPLIES AND ACCOUNTS,
United States Navy Department, Washington, D. C.

DEAR SIR: Find herewith court certificate showing my appointment and qualification as committee of Lieut. Francis D. Allen, United States Navy, retired, with the request that future payments of my said ward's retired pay be made to me as committee.

Yours very truly,

F. A. FENNING.

Here is another one on his law-office letterhead:

LAW OFFICES OF FREDERICK A. FENNING,
EVANS BUILDING, 1420 NEW YORK AVENUE,
Washington, D. C., December 1½, 1925.

The CHIEF BUREAU OF SUPPLIES AND ACCOUNTS,
Navy Department, Washington, D. C.

DEAR SIR: In accordance with your letter of the 1st instant, in the matter of my ward, Francis D. Allen, I return herewith certificate showing my appointment and qualification, to which I have attached a certified copy of order of court of December 7, 1925, amending caption of this cause and confirming my appointment as committee of Francis D. Allen (or Frank D. Allen).

I hope that the matter may now go forward without further delay.

Yours very truly,

F. A. FENNING.

Here is another one on his law-office letterhead:

LAW OFFICES OF FREDERICK A. FENNING,
EVANS BUILDING, 1420 NEW YORK AVENUE,
Washington, D. C., March 15, 1926.

BUREAU OF SUPPLIES AND ACCOUNTS,
Navy Department, Washington, D. C.

GENTLEMEN: You are now paying me, as committee of Frank D. Allen, retired pay due him as chief carpenter. It appears that my ward was commissioned some time ago as lieutenant (junior grade) and, accordingly, I ask that there be paid to me, as his committee, the difference between the retired pay of chief carpenter and that of lieutenant (junior grade) from the date that he was commissioned in the latter grade and that future payments be made to me, of retired pay, at the rate due my ward as lieutenant (junior grade).

If this matter can not be determined by your office, will you please refer the matter to the proper office for determination?

Yours very truly,

F. A. FENNING.

AMOUNTS FENNING COLLECTED

The following checks were issued in favor of Frederick A. Fenning, committee of Frank D. Allen, and mailed to Mr. Fenning direct:

Nov. 30, 1925 (to Mr. Fenning as stated above)	$141.55
Dec. 31, 1925 (to Mr. Fenning as stated above)	141.55
Jan. 31, 1926 (to Mr. Fenning as stated above)	141.55
Feb. 28, 1926 (to Mr. Fenning as stated above)	141.55

The following checks were issued in favor of Frederick A. Fenning, committee of Frank D. Allen, and mailed to Mr. Fenning direct—Continued

Mar. 22, 1926 (to Mr. Fenning as stated above)	$101.25
Mar. 31, 1926 (to Mr. Fenning as stated above)	179.80
Apr. 24, 1926 (to Mr. Fenning as stated above)	263.92
Apr. 30, 1926 (to Mr. Fenning as stated above)	179.80
Total amount of money issued	1,522.52
Plus above-mentioned hospital fund	1.40
Total debits against Lieutenant (Junior Grade) Allen's pay account	1,523.92

B. L. LANKFORD,
Lieutenant (S. C.), United States Navy.

And it must be remembered that during all of this time that Frederick A. Fenning was practicing before these departments of Government in direct contravention of law, he was Commissioner of the District of Columbia.

WAS FRANCIS D. ALLEN SANE OR INSANE?

As the Judiciary Committee refused to have him brought before them for examination I had him brought before our Gibson committee, and to do this I had to overcome every obstacle imaginable that St. Elizabeths doctors threw in my way to prevent his showing us that he was sane. They claimed that it would be dangerous, that they had confidential reasons that they could not disclose, but I forced them to bring him out of St. Elizabeths and before us, and he testified:

Mr. GIBSON. The committee will be in order. Do you wish to proceed?

Mr. BLANTON. Yes.

Mr. Allen, will you come around here?

STATEMENT OF FRANCIS D. ALLEN

Doctor NOYES. May I ask that that examination of patients be in executive session? It seems hardly fair to exploit helpless patients whom we believe to be suffering from mental disease, before the public.

Mr. BLANTON. * * * It does not behoove the St. Elizabeths administration to come here now and demand a closed session. It does not look well for Doctor White to demand it. It does not look well for Mr. Fenning to demand it. It does not look well for Doctor Noyes to demand it, who is really the active man who does all the business out in St. Elizabeths for Doctor White.

Now, Mr. Allen, do you want an open meeting or a closed one?

Mr. ALLEN. I want an open meeting.

Mr. BLANTON. You want your meeting to be held before the people?

Mr. ALLEN. Before the people.

Mr. BLANTON. You don't want us to stay in here and close all these people out?

Mr. ALLEN. No, sir; I do not.

Mr. BLANTON. Mr. Chairman, I move that we pay no attention to Doctor Noyes's suggestion. * * * Here is a man who is a retired lieutenant of the United States Navy. He has the rank of captain in the United States Army. He will take care of himself here. Doctor Noyes need not be uneasy about anybody exploiting this man.

Mr. ALLEN. I have a good record.

Mr. BLANTON. There will be no danger about his being embarrassed.

Doctor NOYES. I should like to say that when I am asking this it is only for the protection of these patients.

Mr. GIBSON. You wanted to give us a diagnosis of their cases?

Doctor NOYES. Yes; a diagnosis.

Mr. BLANTON. I want this committee to diagnose these cases, and I want the people of Washington to diagnose them.

Doctor NOYES. You see, the proper nature of their diseases can not be explained to the committee, I believe, unless it is explained by some one who has had professional training.

Mr. BLANTON. That will come later. I make a point of order that this——

Mr. GIBSON. He is a doctor and it would not be out of order——

Mr. BLANTON. Your defense can come in later.

Mr. GIBSON. This is not exactly in the nature of a defense.

Mr. BLANTON. Yes; it is.

Mr. GIBSON. It is an explanation of their situation and their condition.

Mr. BLANTON. I see that they have brought their manhandler here—Taylor—on whom Strangler Lewis hasn't anything at all. I will put him up against Strangler Lewis any day.

Mr. ALLEN. He choked me many times.

Mr. GIBSON. Would it not be better to let these men testify and then you will have an ample opportunity to go into their condition?

Doctor NOYES. So long as we can explain their condition to the committee and let them know——

Mr. GIBSON. In the orderly process they are entitled to be heard first.

Doctor NOYES. Yes.

Mr. GIBSON. I want to say to the doctor that after the examination is over, if he wants to ask the gentlemen any questions, I think the committee will be inclined to permit him.

Mr. BLANTON. If they are not such as will exploit and embarrass him, I will not object.

Mr. ALLEN. I am not afraid of being embarrassed.

And I had all the trouble shown above, after I forced St. Elizabeths doctors to bring Allen before us, before I could induce the committee to let him testify. And he convinced the committee and the spectators crowded in the big caucus chamber that he was absolutely sane.

Mr. BLANTON. Lieutenant Allen, when you entered the Navy, you did not come up to be a lieutenant through Annapolis?

Mr. ALLEN. No, sir.

Mr. BLANTON. You came up from the ranks?

Mr. ALLEN. I came up through the ranks.

Mr. BLANTON. How many trips across the water did you make during the World War?

Mr. ALLEN. Counting going back and forth, I made 20.

Mr. BLANTON. Twenty?

Mr. ALLEN. Yes. Bringing soldiers back and bringing them over.

Mr. BLANTON. To what does the grade of lieutenant in the Navy correspond in the Army?

Mr. ALLEN. Captain.

Mr. BLANTON. You retired on retired pay when?

Mr. ALLEN. In 1923, September 18.

* * * * * * *

Mr. BLANTON. Did you ever live with Mrs. Anna Smith, of Chester, Pa.?

Mr. ALLEN. Yes.

Mr. BLANTON. How long?

Mr. ALLEN. I lived there practically two years.

* * * * * * *

Mr. BLANTON. You gave her your bank check for $1,000?

Mr. ALLEN. Yes; a thousand dollar bank check.

Mr. BLANTON. She had the check paid?

Mr. ALLEN. Yes; she had the check paid.

Mr. BLANTON. For a cash payment on some property?

Mr. ALLEN. As a cash payment.

Mr. BLANTON. How much was the value of this property that you were buying?

Mr. ALLEN. $3,800.

Mr. BLANTON. That is, you paid a thousand dollars?

Mr. ALLEN. A thousand dollars as a deposit.

Mr. BLANTON. And you still owed $2,800?

Mr. ALLEN. Yes.

* * * * * * *

Mr. BLANTON. Did you say that you paid somebody the sum of $300?

Mr. ALLEN. I sent Tracy & Pearl $300.

Mr. BLANTON. Tracy & Pearl was a real-estate firm?

Mr. ALLEN. Yes. He is very wealthy. He is a very good friend of mine.

Mr. BLANTON. The case papers down here show that Mr. Fenning has come into court and asked permission to bring suit against this Anna Smith to get your $1,000 back.

Mr. ALLEN. He came over to see me. What I don't like is that he came on Sunday about his business. He was very unpleasant to me. I didn't like him. He said, "I am your guardian."

Mr. BLANTON. How many times did he come to see you?

Mr. ALLEN. Twice.

* * * * * * *

Mr. BLANTON. He asked the court to give him authority to sell your lots in New York that your $300 covered. He said that you are entitled to those three lots. Would you like the court to give him authority to sell them? Did you ever authorize him to do that?

Mr. ALLEN. No. I never did. I never talked to him about it.

Mr. BLANTON. Did you ever authorize him to sell your lots in New York for you?

Mr. ALLEN. No.

Mr. BLANTON. If he is trying to sell your lots he is doing it without your authority?

Mr. ALLEN. Yes.

Mr. BLANTON. Have you ever authorized him to bring suit in Chester, Pa.?

Mr. ALLEN. No.

Mr. BLANTON. To take that property back from Mrs. Anna Smith?

Mr. ALLEN. No.

Mr. BLANTON. Have you ever authorized anybody to try to get your thousand dollars back?

Mr. ALLEN. No, sir. That man came there and told me, he said, "I brought suit through the Cambridge Trust Co. to sue those people and get this money."

WHY HE WAS SENT TO ST. ELIZABETHS

Mr. BLANTON. You made a trip to Washington after?

Mr. ALLEN. I was going home.

Mr. BLANTON. Did anybody down here owe you some money?

Mr. ALLEN. I came through here. I had written to the department, to Lieutenant Edwards.

Mr. BLANTON. Edwards was down here in the Navy Department?

Mr. ALLEN. I had written to the Navy Department, and they referred me to the Naval Hospital and said that a doctor there would take care of that. So when I came through I went to see my cousin that I was raised with, just like children. I ran in there at any time. Next morning I got in a taxicab in golf clothes and I went over to see a doctor and talked to him.

Mr. BLANTON. You went over where?

Mr. ALLEN. To the Naval Hospital.

Mr. BLANTON. Here in Washington?

Mr. ALLEN. Yes; here in Washington. I went in and saw Mr. Edwards. So, while I was talking to Mr. Edwards, this Doctor McDaniel came along and said that he would like to see me and have me examined.

Mr. BLANTON. You told Mr. Edwards that you wanted your money, didn't you?

Mr. ALLEN. Yes, sir.

Mr. BLANTON. What doctor was it that said he would like to examine you?

Mr. ALLEN. Doctor McDaniel. When he came in and introduced himself he was a stranger. I didn't know him. I was in golf clothes. He said he would like to examine me. I said, "Why, certainly." I had had the T. B. and had practically cured myself, but I wasn't feeling any too good. I had run down from working. I had worked too hard. So they took my clothes off and locked me up.

Mr. BLANTON. They locked you up?

Mr. ALLEN. They locked me up, anl I wrote letters and asked the nurse, "What am I here for?" She wouldn't answer me. So when Doctor McDaniel came there I said to him, "Doctor, you examined me. When can I go back? I am in business and I would like to get back." He never answered me. So next morning I wrote several letters, but they took my letters and put them in the wastebasket.

Mr. BLANTON. You wrote several letters?

Mr. ALLEN. Yes. So I couldn't get any talk with anybody. Nobody would talk to me. Nobody would answer me. So I was thrown in an ambulance and sent over here.

Mr. BLANTON. To St. Elizabeths?

Mr. ALLEN. Yes. I was put in the officers' ward and I was insulted, actually insulted.

Mr. BLANTON. Is there a kind of jealousy among the regular line officers that come from Annapolis against the men that work their way through the ranks?

Mr. ALLEN. Yes; all the time.

Mr. BLANTON. Have you ever felt that they were showing you indignities?

Mr. ALLEN. They wouldn't associate with me at all.

Mr. BLANTON. The regular line naval officers won't associate with those that come up from the ranks?

Mr. ALLEN. No, sir.

Mr. BLANTON. Do you know Mr. Taylor here?

Mr. ALLEN. Yes; I know him. He choked me lots of times. He threw me down and kicked me down and I hit myself against the side of the table. I asked him one day, I said, "Mr. Taylor, what am I here for?" He said, "Who do you think you are? Do you think you are the Duke of Paris?" He said, "You are behind the ranks now. You are not a lieutenant any more. Get over there and push those shovels." I was insulted and I just stood there, and this fellow grabbed me around the neck and choked me and they kicked me in the stomach.

Mr. BLANTON. Did you ever see them towel anybody up there?

Mr. ALLEN. They towel them. We would have to go in, and they would undress me, and this fellow came along one day and kicked me in the stomach.

Mr. BLANTON. You say that they kicked people in the stomach?

Mr. ALLEN. Yes. They knocked me down and the others held me while they kicked me.

Mr. BLANTON. Let me tell you something. If Mr. Taylor ever kicks you in the stomach again, you let me know.

Mr. ALLEN. I am in his ward.

Mr. BLANTON. You write a letter and you turn it over to whoever is in charge there and tell them to give it to me.

Mr. ALLEN. There doesn't seem to be anybody in charge. You don't have anybody to talk to.

Mr. BLANTON. You asked them to take you before the conference, didn't you?

Mr. ALLEN. No; I never asked them to take me before the conference.

Mr. BLANTON. Well, I tried to take you there myself, but they wouldn't let me.

Now, Lieutenant, when Mr. Fenning became your committee they took you down here before the court. Did they give you a chance to get witnesses?

Mr. ALLEN. No, sir. I went in the first court and the court found I was all right. I went back to the next court and they had three negroes on the jury and everybody seemed to be asleep. There wasn't a decent-looking man in the jury. So two doctors—one of them never saw me before—got up and swore that I was crazy and didn't know what I was talking about. So I could see that everything was against me and nothing that I could do would be any use, so I didn't say much.

Mr. BLANTON. Did you know Mr. Fenning then?

Mr. ALLEN. I didn't know Fenning from nobody at all.

Mr. BLANTON. Did you ask that he be appointed your guardian?

Mr. ALLEN. No, sir. I did not.

Mr. BLANTON. Did you know that the court was going to appoint him your guardian?

Mr. ALLEN. No. I never saw the man till several days later, when he came over to see me and said, "I am your guardian."

AND FRANCIS D. ALLEN PROVED THAT HE WAS SANE

And upon proper application the Supreme Court of the District of Columbia granted a writ of habeas corpus and forced St. Elizabeths-Fenning outfit to bring Francis D. Allen before it; and on a trial before a jury of his peers he established his sanity, in spite of all the powers that were against him, and the following is a certified copy of the judgment of the supreme court discharging him:

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

[Habeas Corpus No. 1295]

In re Frank D. Allen:

On consideration of the petition of the above-named Frank D. Allen, and the writ of habeas corpus having been duly issued and served, and the body of the petitioner having been produced in court, and the cause having been argued by counsel and considered by the court, and a jury having been called and having found that petitioner is of sound mind, and the court hereby confirming the verdict of the jury: It is, this 29th day of June, A. D. 1926, ordered that the petitioner be, and he is hereby, restored to his liberty as a person of sound mind as prayed in the petition filed herein.

[SEAL.] A. A. HOEHLING, *Justice.*

A true copy.

Attest:

[SEAL.] FRANK E. CUNNINGHAM, *Clerk.*
By MAUD A. ROGERS,
Assistant Clerk.

FENNING RECEIVED $126.16

The following is a certificate from the clerk of the court showing final settlement made by Fenning to Allen when he secured his freedom:

Frank D. Allen, habeas corpus 1295, lunacy 11092.

Copy of decree of court adjudging Allen sane inclosed (HC1295).

F. A. Fenning made final account on June 29, 1926, and turned over to Allen:

Cash, $1,433.22.

1. St. David Court serial coupon bond for $100, with May, 1926, and subsequent coupons attached.

Appointment as lieutenant in United States Navy and package of letters, receipt for which was filed July 27, 1926.

Mr. Fenning was allowed $126.16, or 5 per cent of $2,523.38, in account by H. L. Davis, auditor of court. Confirmed by J. Hoehling July 14, 1926, and receipt of Allen filed July 27, 1926.

Certified correct:

[SEAL.] FRANK E. CUNNINGHAM, *Clerk.*
By CHAS. B. COFLIN,
Assistant Clerk.

NOT 10, BUT ONLY 5 PER CENT

You will note that the court allowed Fenning only 5 per cent and not the 10 per cent which for so many years he had received. Had it not been for this action taken by me, he would have received $252.32 instead of the $126.16 allowed him. And Fenning was also denied his usual 25 per cent commission on bond premiums, which heretofore he has collected from so many of his wards' estates.

CHARLES L. CUNNINGHAM CASE, CHARGE 24

Mr. BLANTON. Now, I will leave that case, gentlemen, and go to the case of Charles L. Cunningham, lunacy No. 11137. This is a petition indorsed "Law offices of Frederick A. Fenning, Evans Building, 1420 New York Avenue NW., Washington, D. C." It is filed December 2, 1925, in the Supreme Court of the District of Columbia, and it recites that Betty Cunningham, who is the petitioner, is a citizen, and so on, and that Charles L. Cunningham was admitted to St. Elizabeths Hospital by order of the Secretary of the Navy.

And it recites:

"That the said Charles L. Cunningham is entitled to Navy pay of approximately $130 per month and to war-risk insurance, the amount of which is unknown to your petitioner, and is also believed to be the owner or have an interest in two houses in Philadelphia and one house in New York, the particulars of which are unknown to your petitioner."

And she prays:

"That your petitioner be appointed as committee of his person and estate under such bond or undertaking as the court may deem proper."

Besides her signing it, it is indorsed F. A. Fenning and Paul V. Rogers, attorneys for petitioner.

The CHAIRMAN. I am only suggesting that immaterial things should not be brought in; that will only protract this hearing. I am not deciding in any way.

Mr. BLANTON. I will refrain. I will state to the chairman I am more fatigued than he is. The affidavits of the two physicians from St. Elizabeths Hospital are filed December 2, 1925; the rule to show cause served on this lunatic was filed November 4, 1925. The verdict fails to state that Mr. Paul Rogers was one of the attorneys. It states this:

"Now comes here as well the petitioner by her attorney, Frederick A. Fenning, as the alleged lunatic in person, and a jury of good and lawful men of this District."

It does not mention Mr. Rogers. Then there is the order appointing the committee filed December 7, 1925; then the report of the committee under rule 74, which says that she has received from the Franklin Trust Co., of Philadelphia, Pa., $1,531.83, and a check from the Navy Department for pay in the sum of $73.30, which amounts have been deposited to her credit as committee of Charles L. Cunningham in the National Savings & Trust Co., of this city; that the committee expects arrears of rent due on the property of her ward in Philadelphia, Pa., and monthly payments of Navy retired pay, amount not known.

Then there is the petition of the committee for authority to make expenditures, the petitioner being Betty Cunningham. It is signed on the back F. A. Fenning and Paul V. Rogers, counsel for committee, and it says:

"That your petitioner employed Frederick A. Fenning and Paul V. Rogers to represent her in this proceeding; that they prepared all necessary papers, had conference with the hospital and with the patient.

"Your petitioner went to Philadelphia and employed H. S. J. Sickel, attorney at law, to represent her in looking after the affairs of her ward there.

"That your petitioner received from H. S. J. Sickel said bill in the sum of $274.49, which includes disbursement by him for taxes due on the ward's property; and that your petitioner has also received bill from Frederick A. Fenning and Paul V. Rogers for their services in the sum of $150."

She asked authority to pay these bills.

Mr. HOGAN. Sworn to in Kentucky?

Mr. BLANTON. Yes, I think so. Then the order is granted the same day that the petition is filed, January 27, 1926, and it authorizes her to pay $274.49 to H. S. J. Sickel, counsel in Philadelphia, and $150 to Frederick A. Fenning and Paul V. Rogers, counsel in this jurisdiction. It is signed by Judge Walter I. McCoy.

Then here is a petition of the sister for reimbursement of $400 expenses filed February 23, 1926, and here is a memorandum of the court telling her that she must itemize that $400, and here is the petition itemizing it, signed "F. A. Fenning." It does not say "Paul V. Rogers" on the back; it is indorsed F. A. Fenning, counsel for committee, Evans Building, and it itemizes the $400. Then there is the order authorizing that $400 to be paid.

Then I offer the certificate from the Navy Department. It shows five checks for $73.30 each, the first one paid December 31, 1925, and the last paid April 30, 1926, sent to Betty Cunningham, committee of the person and estate of Charles L. Cunningham, in care of F. A. Fenning, Esq., 908 Evans Building, Washington, D. C., and I offer the photostatic copy of her letter inclosing this court order in which she says all future payments of retired Navy pay "be sent to me as such committee in care of F. A. Fenning, Esq., 908 Evans Building, Washington, D. C."

FOREGOING CHARGES PROVED

I respectfully submit to any unprejudiced, unbiased mind, that the foregoing evidence unmistakably, indisputably, and overwhelmingly proves my charges Nos. 1, 2, 21, 22, 23, and 24.

As they are intimately related, and proved by the same court records and certificates from court officials, I will now take up my charges Nos. 3, 10, 11, 12, 13, and 14 together:

CHARGE NO. 3

I charge that the said Frederick A. Fenning has violated the law and the rules of practice of the Supreme Court of the District of Columbia, which prohibit any committee or guardian for a lunatic receiving as compensation more than 10 per cent of his ward's estate or annual income, in that the said Frederick A. Fenning in several cases wherein he is committee or guardian has received exorbitant remuneration ranging from 12 per cent to as high as 94 per cent, which facts are certified to by the auditor of the Supreme Court of the District of Columbia.

CHARGE NO. 10

I charge that the said Frederick A. Fenning, since the United States entered the World War April 6, 1917, has been allowed by the auditor of the Supreme Court of the District of Columbia and has received as fees and commissions from the estates of his said wards the enormous sum of $98,544.46, and that, too, when his services to such wards was of practically no value whatever, and when some of said wards had never seen him, and that the said auditor of the Supreme Court of the District of Columbia has certified officially that said Frederick A. Fenning has been allowed and has received the said sum of $98,544.46 as his fees and commissions since April 6, 1917.

CHARGE NO. 11

I charge that the auditor of the Supreme Court of the District of Columbia has certified officially to the following: That in the case of Daniel G. Campbell, lunacy No. 4073, the rate of commission received by Frederick A. Fenning amounted to 15 per cent in 1920, 24 per cent in 1921, 23 per cent in 1922, 23 per cent in 1923, 31 per cent in 1924, and 36 per cent in 1925; that in the case of Daniel Paul Fenn, lunacy No. 4405, the rate of commission received by Frederick A. Fenning was 15 per cent in 1920, 18 per cent in 1921, 24 per cent in 1922, 25 per cent in 1923, 25 per cent in 1924, and 21 per cent in 1925; that in the case of Patrick Griffin, lunacy No. 4252, the rate of commission received by Frederick A. Fenning was 16 per cent in 1920, 18 per cent in 1921, 15 per cent in 1922, 25 per cent in 1923, 50 per cent in 1924, 31 per cent in 1925, and 32 per cent in 1926; that in the case of James A. Higginson, lunacy No. 3887, the rate of commission received by Frederick A. Fenning was 32 per cent in 1920, 16 per cent in 1921, 35 per cent in 1922, 19 per cent in 1923, 46 per cent in 1924, and 22 per cent in 1925; that in the case of William John Kennedy, lunacy No. 3694, the rate of commission received by Frederick A. Fenning was 30 per cent in 1920, 28 per cent in 1921, 25 per cent in 1922, 26 per cent in 1923, 25 per cent in 1924, and 37 per cent in 1925; that in the case of Patrick J. Byrne, lunacy No. 3682, the rate of commission received by Frederick A. Fenning was 24 per cent in 1920, 24 per cent in 1921, 37 per cent in 1922, 49 per cent in 1923, 37 per cent in 1924, and 64 per cent in 1925; and that in the case of John Flavehan, lunacy No. 1320, the rate of commission received by Frederick A. Fenning on January 22, 1926, for the preceding year was 94 per cent.

CHARGE NO. 12

I charge that said Frederick A. Fenning made a deliberate attempt to deceive Congress when, in the prepared typewritten statement he sent to Representative MARTIN B. MADDEN and requested its insertion in the RECORD on Friday, April 16, 1926, he intimated that Gen. Frank T. Hines, Director of the United States Veterans' Bureau, erred when he certified that said Fenning received 10 per cent of the estate and annual income of his Veterans' Bureau wards, said Fenning intimating that his commission was only 5 per cent in most instances.

CHARGE NO. 13

I charge that said Frederick A. Fenning made a deliberate attempt to deceive Congress when, in his said prepared statement, he falsely stated that the $109,070.25 fees and commissions which the auditor of the Supreme Court of the District of Columbia had certified had been allowed to said Fenning "includes the full amount of commission and counsel fees in cases going back to the year 1903," because as a matter of fact many fees and commissions received by the said Fenning do not appear in said auditor's certificate, and said auditor certifies officially that since we entered the World War in 1917 the fees and commissions allowed by the auditor to said Frederick A. Fenning amounted to $98,544.46, thus showing affirmatively that of the said $109,070.25 allowed said Fenning in fees and commissions only $10,525 was allowed prior to April 6, 1917, and said Fenning is yet to receive his commissions on all cases for the last 12 months that will end on the court year expiring May 1, 1926.

CHARGE NO. 14

I charge that since our brave ex-service men have returned from France wounded and shell shocked in the World War said Frederick A. Fenning, as guardian and committee for wards of our Veterans' Bureau, has received from said United States Veterans' Bureau the enormous sum of $733,855.87 compensation and insurance due them, and that he has deposited same in his own bank, the National Savings & Trust Co., of which he is a director and in which he owns stock, and that he receives substantial benefits from such deposits by receiving increased dividends on his stock in said institution.

FREDERICK A. FENNING POCKETED FOR HIMSELF $109,070.25 FEES AND COMMISSIONS

I introduced in evidence before said hearings the following certificate from the auditor of the Supreme Court of the Dis-

trict of Columbia, showing that on merely those lunacy cases which Fenning had pending on May 16, 1925, said Fenning had already received from his wards' estates as fees and commissions for himself the enormous sum of $109,070.25, and this did not embrace the annual allowance which the court would grant him before July 1, 1926:

REPORT OF AUDITOR OF SUPREME COURT

COMMISSIONS AND ATTORNEY FEES TO FREDERICK A. FENNING, ESQ., AS COMMITTEE OR ATTORNEY IN LUNACY CAUSES PENDING IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA ON MAY 16, 1925, AS SHOWN BY RECORDS OF HERBERT L. DAVIS, AUDITOR OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA, SUPPLEMENTED BY CERTAIN DATA OF RECORD IN THE OFFICE OF THE CLERK OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

This statement includes only lunacy cases in which reports were filed by Frederick A. Fenning, Esq., as committee or attorney, under the provisions of the sixty-ninth equity rule of the Supreme Court of the District of Columbia, and which were reported upon by the auditor of said court on May 16, 1925:

Lunacy No.	Name of ward	Date	Commission		Attorney's fee	Total
			Rate	Amount		
			Per cent			
7742	Adler, Adolph	July 20, 1920	10	$162.58		
		Aug. 11, 1921	7	270.63		
		Aug. 2, 1922	10	214.29		
		July 31, 1923	9+	200.00		
		Aug. 11, 1924	9−	200.00		
		July 24, 1925	10	187.05		
						$1,234.55
7767	Ahlemeier, Henry J	Aug. 9, 1920	10	155.31		
		July 19, 1921	10	179.18		
		July 19, 1921	5	39.51		
		July 24, 1922	10	165.09		
		June 23, 1923	10	207.98		
		June 24, 1924	10	183.22		
		July 17, 1925	10	187.00		
						1,117.29
10713	Allan, Walter Garland	Mar. 3, 1926	10	135.08		135.08
7716	Anderson, Emanuel M	Feb. 13, 1920	10	138.65		
		Jan. 22, 1921	10	148.40		
		Jan. 20, 1922	10	129.80		
		Jan. 18, 1923	10	144.00		
		Jan. 25, 1924	10	138.99		
		Jan. 24, 1925	10	145.45		
		Mar. 10, 1926	10	119.84		
						965.13
7688	Arcese, Ardrino	Aug. 6, 1920	10	110.78		
		Aug. 11, 1921	5	92.00		
		Aug. 11, 1921	10	201.85		
		Aug. 4, 1922	10	202.01		
		July 30, 1923	10	218.77		
		Aug. 8, 1924	10	221.92		
		July 24, 1925	9−	200.00		
						1,247.33
7686	Baker, Wilder P	Feb. 14, 1920	10	124.82		
		Mar. 16, 1921	10	132.26		
		Mar. 14, 1923	10	134.45		
		Mar. 21, 1924	10	135.88		
						527.41
8327	Brintla, John	Feb. 26, 1921	10	369.54		
		Feb. 20, 1922	5	52.13		
		Feb. 20, 1922	10	161.07		
		Feb. 21, 1923	10	177.96		
		Feb. 16, 1924	10	182.30		
		Mar. 17, 1925	10	189.83		
		Mar. 4, 1926	10	189.23		
						1,322.06
7872	Bruno, Gunaro	Aug. 24, 1920	10	132.08		
		Aug. 25, 1921	5	100.25		
		Aug. 25, 1921	10	152.27		
		Aug. 2, 1922	10	208.37		
		July 30, 1923	10	215.15		
		Aug. 19, 1924	9	205.42		
		Aug. 11, 1925	9+	200.00		
						1,213.54
3682	Byrne, Patrick J	Sept. 18, 1911	10	107.96		
		Oct. 1, 1912	24+	5.00		
		Sept. 25, 1913	12+	5.00		
		Sept. 18, 1914	12+	5.00		
		Sept. 2, 1915	18+	5.00		
		Sept. 11, 1916	17+	5.00		
		Sept. 17, 1917	16+	5.00		
		Sept. 4, 1918	19+	5.00		
		Sept. 2, 1919	33+	10.00		
		Sept. 2, 1920	24+	7.50		
		Sept. 2, 1921	24+	6.00		
		Nov. 22, 1922	37+	5.00		
		Nov. 6, 1923	49+	5.00		
		Nov. 19, 1924	37+	5.00		
		Nov. 24, 1925	64+	5.00		
						186.46
10566	Cahill, Joseph P	Oct. 2, 1920	10	122.71		122.71
7683	Callahan, Thos. S	Oct. 6, 1922	10	70.43		
		Oct. 19, 1921	5	89.89		
		Oct. 19, 1921	10	182.72		
		Sept. 13, 1922	5	62.02		
		Sept. 13, 1922	10	156.69		
		Sept. 19, 1923	10	184.47		
		Oct. 27, 1924	10	189.56		
		Sept. 25, 1925	10	166.51		
						1,102.29
4073	Campbell, Daniel G	July 20, 1911	9	$95.78		
		July 19, 1912	10+	5.00		
		July 24, 1913	11+	5.00		
		July 8, 1914	11+	5.00		
		July 7, 1915	12+	5.00		
		July 10, 1916	12+	5.00		
		July 3, 1917	11+	6.00		
		July 5, 1918	21+	7.50		
		July 9, 1919	22+	10.00		
		Sept. 2, 1920	15+	7.50		
		Sept. 21, 1921	24+	6.00		
		Sept. 3, 1922	23+	6.00		
		Sept. 10, 1923	23+	6.00		
		Sept. 24, 1924	31+	6.00		
		Sept. 9, 1925	36+	6.00		
						$181.78
7782	Caroussos, Nicholas G	Aug. 31, 1920	10	168.57		
		Aug. 20, 1921	5	105.61		
		Aug. 20, 1921	10	156.45		
		Aug. 2, 1922	10	210.88		
		July 31, 1923	10	205.10		
		Aug. 16, 1924	9	210.49		
		Aug. 29, 1925	9−	200.00		
						1,257.10
7700	Carrera, Modesto	Dec. 27, 1919	10	79.43		
		Jan. 11, 1921	10	216.94		
		Jan. 7, 1922	5	56.71		
		Jan. 7, 1922	10	136.56		
		Dec. 20, 1923	10	171.63		
		Dec. 20, 1923	10	194.31		
		Dec. 30, 1924	10	190.71		
		Mar. 3, 1926	10	145.87		
						1,192.16
9285	Carrigg, Leonard, jr	May 23, 1925	9+	300.00		300.00
7743	Chase, John S	Feb. 19, 1920	10	106.37		
		Feb. 3, 1921	10	99.40		
		Jan. 26, 1922	5	110.14		
		Jan. 26, 1922	10	154.29		
		Feb. 19, 1923	8	172.24		
		Jan. 30, 1924	9+	200.00		
		Jan. 24, 1925	10	254.62		
		Aug. 29, 1925	10	104.66		
						1,201.72
7801	Barber, Edgar Wm	Aug. 21, 1920	10	140.46		
		Aug. 25, 1921	5	56.76		
		Aug. 25, 1921	10	191.72		
		Aug. 4, 1922	10	209.66		
		July 23, 1923	10	217.87		
		Aug. 16, 1924	10	225.10		
		Aug. 29, 1925	10	207.88		
						1,249.45
8400	Bearley, John A	June 17, 1921	8	416.40		
		May 27, 1922	10	216.81		
		June 12, 1923	9+	200.00		
		June 6, 1924	10	229.00		
		May 29, 1925	8½	200.00		
						1,262.21
7802	Becktell, Logan G	Feb. 14, 1920	10	224.39		
		Feb. 3, 1921	10	105.76		
		Jan. 26, 1922	10	138.44		
		Jan. 26, 1922	5	57.50		
		Jan. 26, 1922	5	42.68		
		Feb. 3, 1923	10	179.38		
		Jan. 24, 1924	10	181.35		
		Jan. 28, 1925	10	185.76		
		Mar. 10, 1926	10	138.40		
						1,253.75
7764	Bekart, Frank	Aug. 24, 1920	10	141.68		
		Aug. 11, 1921	5	83.38		
		Aug. 11, 1921	10	174.67		
		Aug. 2, 1922	10	211.52		
		July 30, 1923	9+	200.00		
		Aug. 14, 1924	9−	200.00		
		July 24, 1925	9+	200.00		
						1,211.25
7911	Berg, Philip	Oct. 25, 1920	10	227.20		
		Oct. 27, 1921	10	202.31		
		Oct. 24, 1922	10	137.10		
		Nov. 7, 1923	10	146.78		
		Dec. 3, 1924	10	144.94		
						858.33
7644	Bialkowski, Felix	Mar. 20, 1920	10	118.63		
		Mar. 16, 1921	10	251.07		
		Mar. 30, 1922	10	174.04		
		Mar. 17, 1923	10	174.18		
		Mar. 14, 1924	10	183.33		
		Mar. 31, 1925	10	189.79		
						1,091.04
10675	Boone, William	Feb. 19, 1926	7+	150.00		150.00
7765	Boston, Okey M	June 24, 1920	9	207.69		
		June 29, 1921	10	109.12		
		June 16, 1922	5	44.42		
		June 16, 1922	10	115.87		
		June 23, 1923	10	145.93		
		July 5, 1924	10	150.01		
		July 24, 1925	10	155.08		
						928.12
2198	Bozi, Adam	July 10, 1907	10	50.91	$20.00	
		July 17, 1908	8	29.00		
		June 26, 1909	10	26.44		
		Jan. 12, 1911	10	54.06		
		Jan. 17, 1912	8	28.93		
		June 22, 1913	8	28.85		
		Feb. 12, 1914	10	36.05		
		Feb. 9, 1915	8	28.85		
		Feb. 21, 1916	8	28.88		

Lunacy No.	Name of ward	Date	Commission Rate	Commission Amount	Attorney's fee	Total
			Per cent			
2198	Bozi, Adam	Feb. 16, 1917	8	$29.92		
		Feb. 13, 1918	8	28.94		
		Feb. 18, 1919	10	36.06		
		Nov. 13, 1920	10	63.11		
		Dec. 12, 1921	10	37.43		
		Jan. 5, 1923	10	37.55		
		Nov. 17, 1923	10	40.42		
		Dec. 30, 1924	10	36.99		
		Feb. 19, 1926	10	39.68		
					$20.00	
					662.07	
						$682.07
7745	Braggs, James	Aug. 6, 1920	10	112.04		
		June 23, 1921	5	70.44		
		June 23, 1921	10	142.40		
		June 16, 1922	10	179.57		
		June 23, 1923	10	197.61		
		June 11, 1924	10	192.52		
		Aug. 29, 1925	10	199.17		
						1,093.75
7879	Chesko, Robert	Aug. 28, 1920	10	172.44		
		Aug. 26, 1921	5	95.99		
		Aug. 26, 1921	10	163.92		
		Aug. 1, 1922	10	212.96		
		July 30, 1923	9+	200.00		
		Aug. 19, 1924	9	212.21		
		July 24, 1925	9½	200.00		
						1,257.52
7658	Clifton, Sobers	Feb. 13, 1920	10	186.61		
		Feb. 3, 1921	10	259.05		
		Jan. 26, 1922	7	168.62		
		Feb. 3, 1923	10	160.97		
		Jan. 22, 1924	10	39.51		
		Jan. 28, 1925	10	32.17		
		Feb. 10, 1926	10	33.15		
						880.08
8769	Collins, Lena K	Feb. 20, 1922	9	90.00		
		Feb. 21, 1923	5	37.54		
		Feb. 21, 1923	10	.74		
		Feb. 16, 1924	5	39.43		
		Apr. 7, 1925	9+	75.00		
						242.71
10316	Cooke, Hannah Kate	Apr. 7, 1925	5	311.93		311.93
10431	Connor, Samuel	Sept. 25, 1925	9+	100.00		100.00
7873	Cruz, Luis	Aug. 28, 1920	10	109.23		
		Aug. 25, 1921	5	45.35		
		Aug. 25, 1921	10	86.39		
		Aug. 15, 1922	10	127.18		
		Sept. 10, 1923	10	160.51		
		Aug. 22, 1924	10	143.44		
		Aug. 29, 1925	10	149.22		
						821.32
7972	Dalamon, Ramon	Nov. 3, 1920	10	250.29		
		Nov. 7, 1921	10	180.73		
		Oct. 24, 1922	5	58.67		
		Oct. 24, 1922	10	161.98		
		Nov. 7, 1923	10	191.96		
		Nov. 14, 1924	10	193.44		
		Oct. 28, 1925	10	192.75		
						1,229.82
3628	Daly, Thomas	Feb. 4, 1911	8	234.40		
		Feb. 26, 1912	8	14.70		
		Mar. 18, 1913	10	13.67		
		Mar. 17, 1914	10	14.22		
		Mar. 16, 1915	10	14.27		
		Mar. 20, 1916	10	16.20		
		Mar. 6, 1917	10	9.38		
		Mar. 13, 1918	10	18.59		
		Apr. 24, 1919	10	19.04		
		June 21, 1920	10	19.41		
		July 5, 1921	10	27.33		
		July 6, 1922	10	15.92		
		June 27, 1923	10+	20.00		
		July 16, 1924	10	20.38		
		July 24, 1925	8−	120.00		
						577.51
7646	Day, Zelia	Feb. 19, 1920	10	101.02		
		Jan. 22, 1921	10	100.57		
		Feb. 17, 1922	5	128.25		
		Feb. 17, 1922	10	179.93		
		Feb. 17, 1923	9	196.70		
		Feb. 16, 1924	9+	200.00		
		Mar. 26, 1925	10	224.81		
		Oct. 26, 1925	10	154.76		
						1,286.04
1476	Dixon, Frederick	Mar. 25, 1905	10	93.72	35.00	
		Mar. 14, 1906	10	61.44		
		Oct. 4, 1907	10	95.99		
		Oct. 8, 1908	10	94.81		
		Sept. 20, 1909	10	89.62		
		Sept. 16, 1910	10	89.64		
		Sept. 18, 1911	10	90.63		
		Sept. 17, 1912	10	90.66		
		Sept. 27, 1913	10	90.76		
		Sept. 24, 1914	10	90.38		
		Sept. 23, 1915	10	90.05		
		Sept. 27, 1916	10	92.83		
		Sept. 27, 1917	10	93.43		
		Sept. 18, 1918	10	91.00		
		Sept. 24, 1919	10	92.66		
		Oct. 25, 1920	10	92.97		
		Oct. 29, 1921	10	92.94		
		Oct. 24, 1922	10	92.58		

Lunacy No.	Name of ward	Date	Commission Rate	Commission Amount	Attorney's fee	Total
			Per cent			
1476	Dixon, Frederick	Nov. 7, 1923	10	$94.13		
		Oct. 31, 1924	10	84.86		
		Oct. 28, 1925	10	84.98	$1,890.08	
						$1,925.08
7717	Erenbjerg, Neils P. J	June 1, 1920	10	152.52		
		July 20, 1921	10	118.30		
		July 17, 1922	5	148.65		
		July 17, 1922	8	150.99		
		June 23, 1923	22+	500.00		
		June 19, 1924	10	206.11		
		June 20, 1925	10	216.82		
						1,493.39
3790	Farrell, Clayton	Nov. 28, 1910	10	80.26		
		Nov. 10, 1911	10	38.70		
		Nov. 13, 1912	10	38.75		
		Nov. 17, 1913	10	39.71		
		Nov. 10, 1914	10	49.13		
		Nov. 22, 1915	10	63.52		
		Nov. 27, 1916	10	63.47		
		Nov. 15, 1917	10	63.57		
		Nov. 20, 1918	21+	135.00		
		Nov. 14, 1919	10	62.25		
		Nov. 3, 1920	10	60.54		
		Nov. 3, 1921	10	62.75		
		Dec. 28, 1922	10	67.38		
		Jan. 21, 1924	10	63.05		
		Apr. 1, 1925	10	79.15		
						967.23
4405	Fenn, Daniel Paul	May 17, 1913	10	103.26		
		May 8, 1914	12+	5.00		
		May 24, 1915	10+	5.00		
		May 5, 1916	19+	5.00		
		May 1, 1917	12+	6.00		
		May 8, 1918	24+	7.50		
		May 12, 1919	21+	7.50		
		Sept. 2, 1920	15	7.50		
		Sept. 26, 1921	18+	6.00		
		Sept. 11, 1922	24	6.00		
		Sept. 12, 1923	25+	6.00		
		Sept. 24, 1924	25+	6.00		
		Sept. 6, 1925	21+	6.00		
						176.76
7784	Fizel, Samuel	Sept. 10, 1920	10	147.87		
		Oct. 25, 1921	5	92.48		
		Oct. 25, 1921	8	147.92		
		Oct. 23, 1922	10	211.35		
		Nov. 7, 1923	9+	200.00		
		Nov. 13, 1924	9	203.05		
		Oct. 28, 1925	10	180.40		
						1,183.07
1320	Flavehan, John	Jan. 21, 1925	8+	25.00		
		Jan. 22, 1926	9+	5.00		
						30.00
10028	Fletcher, Florence H	Jan. 14, 1926	10	36.11		36.11
7785	Foley, Walter A	Aug. 9, 1920	10	146.71		
		Aug. 28, 1921	10	176.86		
		Aug. 7, 1922	10	146.73		
		Sept. 6, 1923	10	157.24		
		Aug. 18, 1924	10	159.48		
		Sept. 25, 1925	10	173.25		
						960.27
9143	Franklin, Willie	Dec. 20, 1922	5	92.19		
		Dec. 20, 1922	10	137.29		
		Dec. 20, 1923	10	138.18		
		Dec. 24, 1924	10	143.96		
		Feb. 19, 1926	10	91.59		
						603.21
7803	Freeman, Ned	Sept. 10, 1920	10	117.27		
		Aug. 26, 1921	10	114.07		
		Aug. 11, 1922	5	30.58		
		Aug. 11, 1922	5	109.06		
		Aug. 11, 1922	8	122.73		
		Sept. 10, 1923	9	219.91		
		Aug. 22, 1924	10	225.38		
		Aug. 29, 1925	9−	200.00		
						1,139.00
5153	Gallen, John	Aug. 27, 1914	14+	75.00		
		Aug. 6, 1915	10	48.11		
		Sept. 26, 1916	10	60.05		
		Sept. 27, 1917	10	53.07		
		Sept. 24, 1918	10	48.15		
		Sept. 24, 1919	10	48.12		
		Oct. 6, 1920	10	59.06		
		Oct. 25, 1921	10	72.30		
		Oct. 23, 1922	10	72.67		
		Nov. 7, 1923	10	79.40		
		Dec. 9, 1924	10	80.23		
		Nov. 12, 1925	10	56.17		
						752.33
7905	Gartz, Geo. F	Sept. 9, 1920	10	135.70		
		Aug. 20, 1921	5	42.48		
		Aug. 20, 1921	10	153.54		
		Aug. 7, 1922	10	171.96		
		Sept. 10, 1923	10	192.08		
		Aug. 19, 1924	10	186.23		
		Sept. 10, 1925	10	196.08		
						1,078.07
8328	Gaskell, John W	Apr. 19, 1921	10	150.41		
		May 10, 1922	5	59.99		
		May 10, 1922	10	154.48		
		Apr. 27, 1923	8	136.14		
		May 8, 1924	10	179.79		
		May 14, 1925	10	188.38		
						869.19

Lunacy No.	Name of ward	Date	Commission Rate	Commission Amount	Attorney's fee	Total
			Per cent			
7608	Grabosky, Joe	Dec. 27, 1919	10	$67.36		
		Dec. 16, 1920	10	149.42		
		Jan. 6, 1922	5	31.57		
		Jan. 6, 1922	10	107.61		
		Jan. 5, 1924	7−	308.17		
		Jan. 5, 1924	9+	200.00		
		Dec. 29, 1924	9	207.87		
		Feb. 19, 1926	9	216.35		$1,288.35
4743	Grace, David	May 24, 1913	8	200.19		
		May 8, 1914	10	12.11		
		May 6, 1915	10	10.85		
		May 5, 1916	10	14.51		
		May 9, 1917	10	12.63		
		May 28, 1918	10	12.93		
		May 29, 1919	10	13.60		
		May 29, 1920	10	13.13		
		June 4, 1921	10	13.62		
		May 27, 1922	10	13.47		
		May 22, 1923	10	12.45		
		June 9, 1924	10	16.00		
		May 11, 1925	10	7.63		353.12
6352	Grazer, Chas	Apr. 20, 1917	10	112.11		
		Apr. 30, 1918	10	65.34		
		Apr. 24, 1919	10	66.17		
		May 29, 1920	10	73.36		
		May 9, 1921	10	74.49		
		Apr. 24, 1922	10	74.48		
		Apr. 26, 1923	10	79.41		
		May 8, 1924	10	79.76		
		Apr. 22, 1925	10	79.74		704.86
8715	Green, Joseph	Mar. 3, 1923	10	122.87		
		Feb. 20, 1924	10	120.45		
		Mar. 18, 1925	10	120.57		
		Mar. 23, 1926	10	110.64		474.53
6756	Greene, Wilbur E	Apr. 20, 1918	10	76.73		
		Apr. 24, 1919	10	86.18		
		May 29, 1920	10	72.00		
		Apr. 11, 1921	10	71.23		
		May 18, 1922	10	83.05		
		May 11, 1923	10	96.26		
		May 17, 1924	10	86.55		
		May 14, 1925	10	83.02		655.02
4252	Griffin, Patrick	Feb. 13, 1913	7+	65.42		
		Feb. 13, 1914	12+	5.00		
		Feb. 11, 1915	12+	5.00		
		Feb. 2, 1916	12+	5.00		
		Feb. 2, 1917	11+	5.00		
		Feb. 11, 1918	17+	6.00		
		Feb. 5, 1919	22+	7.50		
		Feb. 16, 1920	16+	6.00		
		Jan. 24, 1921	18+	7.00		
		Jan. 16, 1922	15+	5.00		
		Jan. 19, 1923	25+	5.00		
		Jan. 21, 1924	50+	5.00		
		Jan. 21, 1925	31+	5.00		
		Jan. 22, 1926	32+	5.00		136.92
7659	Hall, Fred C	Mar. 4, 1920	10	130.06		
		Feb. 18, 1921	10	100.11		
		Feb. 13, 1922	10	303.04		
		Feb. 13, 1922	5	131.68		
		Feb. 21, 1923	10	216.71		
		Feb. 20, 1924	10	226.61		
		Mar. 26, 1925	10	231.86		1,340.07
5353	Hermann, Julius	Mar. 16, 1915	8	153.08		
		Mar. 22, 1916	9	76.17		
		Mar. 17, 1917	10	88.42		
		Mar. 16, 1918	10	93.25		
		Mar. 29, 1919	10	89.10		
		Mar. 10, 1920	10	97.21		
		Feb. 18, 1921	10	103.39		
		Feb. 11, 1922	10	107.96		
		Feb. 17, 1923	10	121.61		
		Jan. 25, 1924	10	152.13		
		Jan. 28, 1925	10	159.10		
		Mar. 4, 1926	10	166.45		1,407.87
3887	Higginson, Jas. A	Nov. 10, 1910	8	83.78		
		Mar. 11, 1912	39+	10.00		
		Mar. 18, 1913	12+	5.00		
		Mar. 17, 1914	16+	5.00		
		Mar. 22, 1915	13+	5.00		
		Mar. 9, 1916	16+	5.00		
		Mar. 2, 1917	13+	5.00		
		Mar. 11, 1918	17+	6.00		
		Mar. 10, 1919	26+	7.50		
		Mar. 17, 1920	32+	6.00		
		Apr. 25, 1921	16+	5.00		
		Apr. 13, 1922	35+	6.00		
		Apr. 27, 1923	19+	6.00		
		Apr. 21, 1924	46+	6.00		
		May 5, 1925	22+	6.00		167.28
8331	Hill, Leon	Apr. 27, 1921	10	287.74		
		Apr. 25, 1922	5	17.15		
		Apr. 25, 1922	10	84.32		
		Apr. 27, 1923	5	77.50		

Lunacy No.	Name of ward	Date	Commission Rate	Commission Amount	Attorney's fee	Total
			Per cent			
8331	Hill, Leon	Apr. 27, 1923	10	$119.95		
		Apr. 29, 1924	10	143.58		
		May 14, 1925	10	139.03		$869.27
9735	Hodges, Carl	Dec. 13, 1923	6	340.68		
		Dec. 9, 1924	11+	20.00		
		Jan 28, 1926	10	79.47		440.15
7747	Howard, Wm. H	Sept. 13, 1920	10	158.36		
		Aug. 26, 1921	5	94.13		
		Aug. 26, 1921	10	109.43		
		Aug. 16, 1922	10	203.41		
		Sept. 14, 1923	10	228.35		
		Aug. 22, 1924	10	212.18		
		Aug. 25, 1925	10	220.42		1,226.28
3503	Jawrosky, Felix F	Mar. 19, 1910	8	172.00		
		June 5, 1911	10	9.93		
		June 27, 1912	10	9.88		
		June 16, 1913	10	9.69		
		June 4, 1914	10	9.73		
		June 3, 1915	10	10.10		
		June 7, 1916	10	10.06		
		June 5, 1917	10	10.04		
		June 4, 1918	10	10.53		
		June 16, 1919	10+	10.00		
		June 28, 1920	10	12.80		
		July 11, 1921	12+	10.00		
		July 24, 1922	12+	10.00		
		June 19, 1923	15+	10.00		
		July 25, 1924	8+	10.00		
		July 20, 1925	16+	8.00		322.76
7831	Johanson, Gustaf	Sept. 13, 1920	10	136.38		
		Oct. 31, 1921	5	69.41		
		Oct. 31, 1921	7	149.23		
		Oct. 23, 1922	10	217.18		
		Nov. 7, 1923	10	227.22		
		Dec. 17, 1924	10	230.37		
		Nov. 16, 1925	10	210.58		1,240.37
6727	Johnson, James	June 5, 1918	10	133.58		
		June 13, 1919	10	93.66		
		Aug. 21, 1920	10	93.75		
		July 15, 1921	10	95.95		
		July 24, 1922	10	97.50		
		June 13, 1923	10	139.20		
		May 23, 1924	10	146.95		
		May 28, 1925	10	164.08		964.67
8256	Jones, Henry	Mar. 12, 1921	10	300.77		
		Feb. 20, 1922	5	111.98		
		Feb. 20, 1922	10	123.59		
		Feb. 21, 1923	10	182.47		
		Feb. 16, 1924	10	170.23		
		Mar. 26, 1925	10	223.37		1,112.41
5084	Joyce, William	Dec. 22, 1913	10	116.25		
		Dec. 11, 1914	8	68.96		
		Dec. 20, 1915	8	69.87		
		Dec. 19, 1916	10	90.33		
		Dec. 15, 1917	10	92.02		
		Dec. 10, 1918	10	94.92		
		Dec. 27, 1919	10	98.68		
		Dec. 17, 1920	10	104.10		
		Jan. 6, 1922	10	101.93		
		Dec. 22, 1922	10	113.41		
		Jan. 5, 1924	10	141.47		
		Dec. 24, 1924	10	136.65		
		Feb. 10, 1926	10	139.40		1,367.99
8057	Kass, Isadore J	Dec. 31, 1920	10	141.88		
		Jan. 7, 1922	10	98.31		
		Jan. 5, 1923	5	42.11		
		Jan. 5, 1923	5	15.65		
		Jan. 5, 1923	10	118.30		
		Jan. 25, 1924	10	14.30		
		Dec. 17, 1924	7	276.79		
		Feb. 19, 1926	10	217.93		925.27
7950	Kelly, Neil I	Jan. 20, 1921	10	150.93		
		Feb. 2, 1922	5	46.54		
		Feb. 2, 1922	10	126.57		
		Jan. 18, 1923	10	172.19		
		Jan. 21, 1924	10	170.14		
		Jan. 30, 1925	10	181.04		
		Feb. 24, 1926	10	127.27		974.68
3694	Kennedy, Wm. John	Apr. 28, 1911	10	109.40		
		May 27, 1912	12+	5.00		
		May 16, 1913	12+	5.00		
		May 11, 1914	10+	5.00		
		May 12, 1915	20+	5.00		
		May 5, 1916	15+	5.00		
		May 11, 1917	18+	6.00		
		May 14, 1918	22+	7.50		
		May 12, 1919	21+	7.50		
		May 27, 1920	30+	6.00		
		June 1, 1921	28+	6.00		
		May 22, 1922	25+	6.00		
		Apr. 23, 1923	26+	6.00		
		Apr. 21, 1924	25+	6.00		
		May 5, 1925	37+	6.00		191.40I

Lunacy No.	Name of ward	Date	Commission Rate	Commission Amount	Attorney's fee	Total
			Per cent			
9309	Kennon, Genevieve G	May 21, 1923	10	$51.88		
		May 20, 1924	9−	300.00		
		May 29, 1925	10	122.33		$474.21
8312	Knight, Frank (or Francis).	Apr. 28, 1921	10	168.40		
		Apr. 18, 1922	17+	7.50		
		Apr. 27, 1923	15+	7.50		
		Apr. 23, 1924	8+	7.50		
		May 5, 1925	10+	7.50		198.40
2399	Koslick, Frank	Dec. 21, 1907	10	305.43		
		Dec. 30, 1908	8	53.26		
		Dec. 18, 1909	9	77.82		
		Jan. 4, 1911	9	90.44		
		Jan. 6, 1912	9	94.54		
		Jan. 10, 1913	9	99.74		
		Jan. 21, 1914	9	103.41		
		Jan. 18, 1915	9	102.94		
		Jan. 21, 1916	9	107.69		
		Jan. 18, 1917	10	125.79		
		Jan. 26, 1918	10	126.49		
		Jan. 20, 1919	10	130.68		
		Jan. 31, 1920	10	136.94		
		Jan. 11, 1921	10	139.40		
		Jan. 11, 1922	10	150.37		
		Jan. 5, 1923	10	144.64		
		Jan. 21, 1924	10	113.62		
		Dec. 30, 1924	10	185.89		
		Feb. 19, 1926	10	158.94		2,448.03
468	Krebs, John	Nov. 24, 1909	10	101.37		
		Nov. 26, 1910	8	68.06		
		Nov. 8, 1911	8	69.81		
		Nov. 14, 1912	8	72.83		
		Nov. 8, 1913	8	74.53		
		Nov. 10, 1914	8	75.40		
		Nov. 22, 1915	9	90.46		
		Nov. 27, 1916	10	103.73		
		Nov. 15, 1917	10	107.32		
		Nov. 15, 1918	10	110.41		
		Nov. 11, 1919	10	107.14		
		Nov. 19, 1920	10	120.49		
		Nov. 17, 1921	10	133.52		
		Dec. 6, 1922	10	132.38		
3468	Krebs, John	Nov. 16, 1923	10	150.43		
		Dec. 9, 1924	10	154.23		
		Nov. 25, 1925	10	160.76		1,832.87
7851	Kucis, Anton	July 27, 1920	10	144.79		
		Aug. 11, 1921	5	44.63		
			10	164.59		
		Aug. 15, 1922	10	167.21		
		Sept. 12, 1923	10	186.52		
		Aug. 18, 1924	10	181.22		
		Sept. 10, 1925	10	191.04		1,080.00
7666	Kuhn, Anna T	Oct. 12, 1923	6+	300.00		
		Sept. 30, 1924	13+	7.00		
		Sept. 28, 1925	13+	7.00		314.00
8780	Lee, Roley	Mar. 7, 1922	5	134.95		
			10	188.00		
		Feb. 23, 1923	10	204.22		
		Feb. 14, 1924	10	204.25		
		Mar. 17, 1925	10	210.81		942.23
4281	Lindell, Oscar	Feb. 17, 1913	8	86.51		
		Feb. 18, 1914	11+	5.00		
		Feb. 11, 1915	10	6.80		
		Feb. 2, 1916	10	6.59		
		Feb. 2, 1917	10	5.41		
		Feb. 7, 1918	12+	6.00		
		Feb. 10, 1919	16+	7.50		
		Feb. 25, 1920	15+	7.50		
		Feb. 1, 1921	12+	7.50		
		Feb. 3, 1922	13+	6.50		
		Jan. 22, 1923	12+	7.00		
		Jan. 21, 1924	9+	6.00		
		Jan. 21, 1925	22+	6.00		
		Jan. 22, 1926	12+	6.00		170.31
4345	Maiss, Julius	Mar. 8, 1912	8	124.91		
		Mar. 14, 1913	10	5.31		
		Mar. 18, 1914	8+	290.43		
		Mar. 8, 1915	10	23.14		
		Mar. 25, 1916	10	26.66		
		Mar. 19, 1917	10	28.08		
		Mar. 13, 1918	10	29.73		
		Apr. 24, 1919	10	37.58		
		June 21, 1920	10	34.81		
		Aug. 20, 1921	10	34.50		
		Aug. 11, 1922	10	31.38		
		July 3, 1923	10	34.95		
		June 9, 1924	10	33.80		
		June 8, 1925	10	30.24		765.52
7811	McCarty, Francis X	July 21, 1920	10	114.94		
		July 19, 1921	10	149.69		
		July 1, 1922	5	100.63		
		July 1, 1922	8	160.61		
		June 25, 1923	9	200.00		
		June 9, 1924	10	208.24		
		May 29, 1925	9	215.73		1,149.84
8021	McGuire, Edw. V	Nov. 19, 1920	10	$160.01		
		Dec. 2, 1921	5	39.90		
		Dec. 2, 1921	10	179.59		
		Dec. 6, 1922	10	173.65		
		Nov. 14, 1923	10	182.01		
		Nov. 24, 1924	10	181.18		
		Jan. 14, 1926	10	197.99		$1,014.33
10593	McNeff, James	Jan. 14, 1926	7	250.00		250.00
4366	McNeil, Wm. J	Jan. 20, 1913	17	82.03		
		Feb. 3, 1914	10	5.00		
		Feb. 10, 1915	10	5.00		
		Feb. 15, 1916	10	5.00		
		Feb. 12, 1917	10	5.22		
		Feb. 8, 1918	2+	6.00		
		Feb. 6, 1919	15+	7.50		
		Feb. 25, 1920	13+	7.50		
		Mar. 16, 1921	13+	7.50		
		Mar. 22, 1922	15+	7.00		
		Mar. 15, 1923	16+	7.00		
		Mar. 6, 1924	27−	6.00		
		Mar. 12, 1925	23+	6.00		156.75
7883	Mercado, Casiniro	Sept. 21, 1920	10	133.55		
		Oct. 5, 1921	5	109.83		
		Oct. 5, 1921	10	99.66		
		Sept. 15, 1922	10	161.05		
		Oct. 7, 1923	10	171.84		
		Oct. 17, 1924	10	174.71		
		Oct. 7, 1925	10	178.08		1,028.72
7832	Mientus, Stanley	July 23, 1920	10	174.90		
		July 19, 1921	10	162.48		
		July 17, 1922	10	131.39		
		June 25, 1923	10	145.38		
		June 11, 1924	10	193.96		
		July 24, 1925	10	215.10		973.21
7809	Milewski, Joe	July 21, 1920	9	194.87		
		July 19, 1921	5	54.52		
		July 19, 1921	10	173.14		
		July 6, 1922	10	166.22		
		June 27, 1923	10	194.15		
		June 24, 1924	10	180.09		
		July 24, 1925	10	179.15		1,142.14
7298	Motley, Wilfred R	Sept. 24, 1919	10	59.59		
		Oct. 6, 1920	8	244.79		
		Oct. 20, 1921	10	163.47		
		Sept. 29, 1922	10	182.74		
		Oct. 12, 1923	10	174.24		
		Oct. 17, 1924	10	184.87		
		Oct. 3, 1925	10	193.50		1,203.20
4711	Mutschal, Gus	Aug. 16, 1917	10	153.96		
		Aug. 26, 1919	8	160.73		
		Dec. 14, 1920	10	16.60		
		Jan. 10, 1922	10	22.55		
		Jan. 14, 1924	10	17.00		
		Dec. 17, 1924	10	17.47		
		Feb. 19, 1926	10	18.71		407.02
8402	Navarroso, Santiago	June 3, 1921	10	195.62		
		May 27, 1922	10	119.73		
		June 23, 1923	10	135.19		
		June 6, 1924	10	143.82		
		June 20, 1925	10	145.59		739.95
7805	Nicholetto, Castenzo	Sept. 21, 1920	10	218.98		
		Oct. 20, 1921	7+	289.42		
		Sept. 29, 1922	8	172.30		
		Oct. 12, 1923	9	200.99		
		Oct. 23, 1924	9	213.85		
		Oct. 7, 1925	8+	200.00		1,295.54
4207	O'Brien, John	Feb. 8, 1913	7	76.19		
		Feb. 10, 1914	10+	5.00		
		Feb. 17, 1915	10+	5.00		
		Feb. 9, 1916	11+	5.00		
		Feb. 2, 1917	10+	5.00		
		Feb. 8, 1918	13+	6.00		
		Feb. 6, 1919	15+	7.50		
		Feb. 25, 1920	19+	7.50		
		Mar. 18, 1921	14+	5.00		
		Mar. 10, 1922	18+	6.00		
		Mar. 16, 1923	21+	6.00		
		Mar. 6, 1924	28+	6.00		
		Mar. 17, 1925	17+	5.00		145.19
7759	Pach, Frank	Sept. 17, 1920	8	188.38		
		Oct. 19, 1921	10	115.12		
		Sept. 29, 1922	10	109.37		
		Oct. 4, 1923	5+	300.00		
		Oct. 31, 1924	9	208.43		
		Oct. 10, 1925	8+	200.00		1,121.30
7812	Perko, Frank	July 20, 1920	10	148.30		
		June 10, 1921	10	91.57		
		June 9, 1922	5	132.05		
		June 9, 1922	8	146.03		
		May 26, 1923	10	217.28		
		June 19, 1924	9	203.13		
		June 20, 1925	9−	200.00		1,138.36

Lunacy No.	Name of ward	Date	Commission Rate	Commission Amount	Attorney's fee	Total
			Per cent			
7874	Petrovitch, Stephen	Oct. 6, 1920	10	$129.99		
		Oct. 29, 1921	10	194.76		
		Nov. 1, 1922	5	41.25		
		Nov. 1, 1922	10	207.54		
		Nov. 14, 1923	10	174.97		
		Nov. 14, 1924	10	140.30		
		Oct. 29, 1925	10	31.62		
						$920.43
7787	Pierce, Leighton B	July 27, 1920	10	163.94		
		June 30, 1921	5	99.28		
		June 30, 1921	10	158.94		
		June 14, 1922	10	201.33		
		June 14, 1923	10	207.31		
		June 9, 1924	9+	200.00		
		June 26, 1925	9+	200.00		
						1,230.80
8412	Powers, Thomas F	Nov. 11, 1925	5+	250.00		250.00
7957	Puesley, George	Oct. 6, 1920	10	119.21		
		Oct. 31, 1921	5	94.20		
		Oct. 31, 1921	8	156.03		
		Oct. 23, 1922	10	253.95		
		Nov. 14, 1923	9+	200.00		
		Nov. 13, 1924	9	232.69		
		Nov. 12, 1925	10	180.45		
						1,236.53
9973	Randall, William	June 24, 1924	5	71.26		
		June 24, 1924	10	76.72		
		June 8, 1925	10	86.44		
						234.42
7685	Richardson, Arthur T	May 6, 1920	10	133.98		
		May 17, 1921	10	101.41		
		Apr. 24, 1922	5	143.30		
		Apr. 24, 1922	10	164.58		
		Apr. 26, 1923	5	44.00		
		Apr. 26, 1923	8	172.46		
		May 17, 1924	9	204.28		
		May 14, 1925	8+	200.00		
						1,164.01
5810	Robertson, Daniel B	Feb. 4, 1916	10	66.78		
		Feb. 16, 1917	10	57.50		
		Feb. 20, 1918	10	54.69		
		Feb. 18, 1919	10	54.77		
		Apr. 9, 1920	10	63.47		
		May 5, 1921	8	50.70		
		May 10, 1922	10	62.56		
		Apr. 26, 1923	10	77.18		
		May 20, 1924	10	81.35		
		May 16, 1925	10	82.15		
						651.15
7718	Rocco, Femia	Jan. 1, 1920	10	209.73		
		June 11, 1921	10	168.61		
		May 18, 1922	10	137.02		
		June 12, 1923	10	140.05		
		May 21, 1924	10	147.42		
		June 20, 1925	10	134.33		
						937.16
7958	Rose, John H	Oct. 6, 1920	8	249.66		
		Oct. 5, 1921	10	169.06		
		Sept. 29, 1922	10	173.61		
		Oct. 12, 1923	10	182.33		
		Oct. 31, 1924	10	187.89		
		Oct. 10, 1925	10	195.42		
						1,157.97
8464	Rutledge, Patrick	Aug. 25, 1921	9	301.21		
		Aug. 12, 1922	10	155.13		
		Sept. 26, 1923	10	167.44		
		Aug. 22, 1924	10	162.64		
		Sept. 10, 1925	10	167.94		
						954.36
7814	Sefigas, Gust	July 20, 1920	10	148.99		
		June 23, 1921	10	124.55		
		June 19, 1922	10	131.03		
		June 23, 1923	10	144.74		
		July 18, 1924	10	142.83		
		July 24, 1925	10	147.56		
						839.70
7933	Selecman, Jos. S	Sept. 21, 1920	9	204.02		
		Oct. 5, 1921	10	131.56		
		Oct. 9, 1922	10	127.41		
		Oct. 16, 1923	10	134.60		
		Oct. 17, 1924	10	70.45		
		Oct. 23, 1925	10	144.02		
						812.06
10289	Shea, Wm. Patrick	Mar. 31, 1925	10	121.74		121.74
1155	Sinnott, James A	May 23, 1904	8+	100.00		
		Feb. 8, 1906	10	95.11		
		Jan. 29, 1907	8	56.51		
		Jan. 24, 1908	8	49.84		
		Feb. 18, 1909	8	48.45		
		Mar. 22, 1911	8	96.13		
		Mar. 22, 1912	6	45.05		
		Mar. 26, 1913	5	30.02		
		Apr. 6, 1914	5	30.07		
		Apr. 13, 1915	6	36.11		
		Apr. 29, 1916	7	42.17		
		Apr. 20, 1917	8	48.14		
		May 7, 1918	8	48.33		
		May 29, 1919	10	60.47		
		Aug. 9, 1920	10	75.56		
		July 9, 1921	10	60.00		
		July 24, 1922	10	60.06		
		Sept. 19, 1923	10	60.24		
		Aug. 18, 1924	7+	25.00		
		Sept. 25, 1925	10	75.40		
						1,142.66
7633	Smith, Rodney M*	Jan. 22, 1920	10	$106.28		
		Jan. 24, 1921	10	320.15		
		Feb. 2, 1922	10	219.21		
		Jan. 13, 1923	10	221.86		
		Jan. 25, 1924	9+	200.00		
		Jan. 28, 1925	10	207.91		
						$1,275.41
7723	Smith, Charles F	Oct. 6, 1920	10	146.05		
		Oct. 25, 1921	10	177.51		
		Oct. 23, 1922	5	66.17		
		Oct. 23, 1922	10	132.28		
		Nov. 9, 1923	10	187.74		
		Nov. 13, 1924	10	178.24		
		Oct. 28, 1925	10	164.12		
						1,052.11
8919	Smith, Evelina P	May 15, 1922	7	120.21		
		May 11, 1923	9−	150.00		
		June 9, 1924	10	173.97		
		June 20, 1925	10	162.14		
		Jan. 26, 1926	8+	75.00		
		Jan. 26, 1926	5	150.00		
						831.32
9573	Starkes, Thomas Nelson	Nov. 9, 1923	10	145.75		
		Nov. 4, 1924	10	121.79		
		Oct. 29, 1925	10	121.79		
						389.33
8030	Steele, Hugh A	Nov. 24, 1920	10	161.66		
		Dec. 1, 1921	5	76.98		
		Dec. 1, 1921	10	140.67		
		Dec. 15, 1922	10	204.81		
		Nov. 17, 1923	10	214.22		
		Nov. 24, 1924	10	220.96		
		Jan. 28, 1926	10	215.80		
						1,235.10
7744	Stehman, Cameron	Dec. 2, 1921	4+	164.48		
		Jan. 30, 1923	5	122.55		
		Jan. 30, 1924	5	122.19		
		May 16, 1925	4+	600.00		
						1,009.22
3545	Stone, William C	Sept. 13, 1909	4	39.90	[1] $150.00	
		Aug. 25, 1910	5	90.16		
		Aug. 25, 1911	4	72.77		
		Aug. 20, 1912	4½	52.39		
		Aug. 22, 1913	7	140.91		
		Aug. 8, 1914	7	120.63		
		Aug. 6, 1915	10	142.75		
		Aug. 22, 1916	10	135.78		
		Aug. 14, 1917	10	181.08		
		Aug. 13, 1918	10	181.17		
		Aug. 11, 1919	10	198.57		
		Sept. 9, 1920	10	200.56		
		Aug. 30, 1921	10	217.11		
		Sept. 13, 1922	10	218.87		
		Sept. 15, 1923	10	230.58		
		Aug. 19, 1924	10	233.62		
		Sept. 14, 1925	8	213.18		
				2,670.03	150.00	2,820.03
1591	Straub, Charles	June 6, 1905	7	346.26		
		July 19, 1906	9	49.88		
		July 22, 1907	9	53.70		
		1908	9	56.50		
		July 16, 1909	9	69.63		
		Aug. 22, 1910	10	83.03		
		Aug. 11, 1911	9	72.90		
		Aug. 8, 1912	9+	73.74		
		Aug. 23, 1913	10	87.85		
		Aug. 10, 1914	10	86.42		
		Aug. 6, 1915	10	92.53		
		Aug. 22, 1916	10	93.33		
		Aug. 14, 1917	10	92.60		
		Aug. 13, 1918	10	98.36		
		Aug. 26, 1919	10	99.20		
		Sept. 10, 1920	10	113.69		
		Oct. 19, 1921	10	118.35		
		Sept. 13, 1922	10	115.04		
		Sept. 15, 1923	10	115.90		
		Aug. 22, 1924	10	117.68		
		Aug. 25, 1925	10	114.93		
						2,151.52
8332	Sutton, William	June 7, 1921	10	178.76		
		May 25, 1922	5	100.33		
		May 25, 1922	10	153.61		
		May 26, 1923	9+	200.00		
		June 6, 1924	9−	200.00		
		June 20, 1925	10−	200.00		
						1,032.70
7748	Taylor, French	Aug. 27, 1920	10	138.10		
		Aug. 25, 1921	5	99.98		
		Aug. 25, 1921	10	147.28		
		Aug. 7, 1922	10	202.47		
		Sept. 19, 1923	9	204.15		
		Dec. 15, 1924	10	218.07		
		Aug. 29, 1925	9−	200.00		
						1,210.05
7959	Thomas, Sidor	Oct. 28, 1920	8	250.01		
		Oct. 25, 1921	10	172.02		
		Oct. 23, 1922	10	178.98		
		Nov. 9, 1923	10	187.98		
		Nov. 13, 1924	10	88.27		
		Nov. 12, 1925	(*)	100.00		977.26

[1] Rate and amount of commission for 1909, 1910, 1911, and 1912 represents one-half, as records show committee during said years.

* No net assets for basis.

Lunacy No.	Name of ward	Date	Commission		Attorney's fee	Total
			Rate	Amount		
			Per cent			
5225	Thompson, John W	Oct. 10, 1914	12+	$75.00		
		Oct. 22, 1915	10	63.71		
		Oct. 21, 1916	10	64.45		
		Oct. 25, 1917	10	65.11		
		Oct. 15, 1918	10	66.34		
		Oct. 14, 1919	10	66.96		
		Oct. 28, 1920	10	75.60		
		Oct. 27, 1921	10	74.16		
		Nov. 1, 1922	10	76.05		
		Nov. 17, 1923	10	84.21		
		Nov. 14, 1924	10	86.55		
		Nov. 12, 1925	10	84.14		
						$882.28
8101	Vazquez, Genaro	Dec. 16, 1920	10	178.73		
		Dec. 2, 1921	10	143.09		
		Dec. 15, 1922	5	53.37		
		Dec. 15, 1922	10	162.80		
		Nov. 17, 1923	10	177.41		
		Dec. 15, 1924	10	180.36		
		Jan. 28, 1926	10	186.93		
						1,082.69
4164	Watkins, Lee G	Nov. 10, 1911	8	232.80		
		Nov. 23, 1912	8	51.86		
		Nov. 10, 1913	10	16.32		
		Nov. 10, 1914	13+	17.74		
		Nov. 26, 1915	8	18.47		
		Nov. 24, 1916	10	22.67		
		Nov. 7, 1917	10	10.74		
		Nov. 15, 1918	10	21.00		
		Nov. 11, 1919	10+	17.13		
		Nov. 24, 1920	10	21.39		
		Nov. 17, 1921	10	20.86		
		Dec. 20, 1922	10	20.09		
		Dec. 5, 1923	10	19.39		
		Dec. 9, 1924	10	20.29		
		Jan. 24, 1926	10	20.34		
						531.09
3376	Weaver, Lewis	Sept. 7, 1909	8	167.78		
		Aug. 22, 1910	10	40.81		
		Aug. 25, 1911	10	47.75		
		Aug. 8, 1912	10	41.03		
		Aug. 23, 1913	10	47.43		
		Aug. 10, 1914	10	44.68		
		Aug. 16, 1915	10	46.75		
		Aug. 3, 1916	10	48.52		
		Aug. 14, 1917	10	46.72		
		Aug. 13, 1918	12+	60.00		
		Sept. 10, 1919	10	48.56		
		Aug. 28, 1920	10	48.46		
		Aug. 30, 1921	10	48.47		
		Sept. 13, 1922	10	48.96		
		Sept. 15, 1923	10	48.69		
		Oct. 14, 1924	10	43.31		
		Oct. 7, 1925	10	35.92		
						913.84
7806	Williams, Henry	Sept. 13, 1920	10	128.07		
		Aug. 20, 1921	10	198.61		
		Aug. 1, 1922	10	132.25		
		Sept. 14, 1923	10	149.38		
		Oct. 31, 1924	10	155.52		
		Oct. 10, 1925	10	117.79		
						881.62
8575	Winbush, Hayne	Oct. 20, 1921	5	64.09		
		Oct. 20, 1921	10	215.21		
		Oct. 4, 1922	10	199.10		
		Oct. 12, 1923	9+	200.00		
		Oct. 31, 1924	10	211.34		
		Oct. 7, 1925	10	230.20		
						1,119.94
8266	Wright, Richard	Apr. 28, 1921	5	259.55		
		Mar. 27, 1922	8	127.23		
		Mar. 6, 1923	10	174.45		
		Feb. 16, 1924	10	137.58		
		Mar. 18, 1925	10	61.23		
						760.04
	Total					109,070.25

HERBERT L. DAVIS,
Auditor Supreme Court, District of Columbia.

You will note that in the William C. Stone case Fenning received $2,820.03 fees for himself out of that boy's estate; in the Charles Straub case Fenning received $2,151.52 fees for himself; that in the Frank Koslick case Fenning received $2,448.03 fees for himself; that in the John Krebs case Fenning received $1,832.87 fees for himself; that in the Frederick Dixon case Fenning received $1,925.08 fees for himself; that in 52 other cases said Fenning received more than $1,000 fees for himself in each of said 52 cases, and that in 23 other cases said Fenning received more than $800 fees for himself in each of said 23 cases, and that his rates of commission in some of the cases ran as high as the amount stated in my said charges.

FENNING'S FEES IN SOME OLDER CASES

At my request Judge Walter L. McCoy, chief justice of the Supreme Court of the District of Columbia, had the clerk of said court certify the attorney fees and commissions allowed said Frederick A. Fenning out of his wards' estates in lunacy cases dating back to 1899, showing that said Fenning had received in such lunacy cases $8,412.05 attorney's fees, $46,129.60 commissions as committee for his wards, and $7,501.43 premiums on bonds:

CLERK'S OFFICE, SUPREME COURT
OF THE DISTRICT OF COLUMBIA,
Washington, D. C., May 4, 1926.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

SIR: I inclose herewith, in response to your request, statement prepared by this office showing fees of Frederick A. Fenning, Esq., in certain lunacy cases filed in this court.

Respectfully,

FRANK E. CUNNINGHAM, *Clerk.*

Statement prepared by clerk's office, Supreme Court, District of Columbia, for Congressman Blanton as to fees received by Frederick A. Fenning in lunacy cases docketed in said court, March 7, 1899, to May 1, 1925

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
679	Bell	$677.70	$50.00		
730	Ross	3,051.45	30.00		
945	Thomas	131.10		$13.10	
1365	Bastin	2,053.42	15.00	172.83	$27.00
1376	McGahan	666.61	30.00	48.33	
1394	Thiemke	1,609.30	35.00	218.49	79.00
1411	Disaga	126.75		30.00	
1439	Wheeler	394.85		43.38	20.00
1574	Hughes	106.35			
1637	Corbett	475.59	20.00	58.04	
1652	Crowe	1,068.78		95.40	10.00
1683	Vivian	1,073.69	5.00	171.20	5.00
1694	Brunich	192.09	15.00	14.20	5.00
1713	Stock	159.39	20.00	10.93	5.00
1714	Stokoe	105.24	20.00	5.50	5.00
1735	Ochs	979.00	30.00	97.90	
1751	Briggs	665.25		67.22	5.00
1769	Oberchain	227.02		17.70	5.00
1770	Hooper	101.33	10.00		
1771	Knapp	716.65		71.66	
1792	Johnson	3,347.29		311.65	42.00
1802	Denny, John	357.31		28.58	10.00
1814	Toppin, Emily	48.00		4.80	
1818	Bishop, John B	881.75		74.41	22.00
1836	Gannon, Bradley	1,645.45		114.90	62.00
1864	Kopeso, Andrew	62.04		6.20	5.00
1865	Washington, John	399.09		23.94	11.00
1890	Richardson, Custis	158.59		15.85	5.00
1892	Giesalman, John	117.69		10.00	5.00
1900	Thomas, Philip	226.19		17.61	5.00
1901	Maczrosky, Julian	957.91		67.15	55.00
1902	Nestler, Otto	384.24		30.74	12.00
1903	Norris, Thos. J	77.51		10.00	5.00
1904	West, Chauncey	1,085.69		112.00	55.00
1905	Wolschendorf, Adolph	920.00		69.21	5.00
1906	Wynch, Jacob	1,098.65	25.00	175.08	55.00
1913	Gaffney, James	110.60		16.06	
1931	Padell, Adolph	980.89	75.00	61.97	5.00
1939	Rafferty, James	236.57	20.00	21.29	
1940	Rice, James	730.80	50.00		
1949	Will, Frank	154.54		15.45	
1950	Brogan, Mildred	1,507.43		106.31	59.00
1961	Dooley, Martin	4,781.90		363.67	52.00
1962	Thompson, Jas. W	165.69		10.58	5.98
1972	Curtin, John	824.75		91.52	30.00
1973	Werthschutzky, Louis	1,212.02		85.00	59.00
1983	O'Neil, Charles	250.72		15.05	5.00
1984	Cummings, Dennis	1,154.54		87.86	97.00
1985	Lewis, Lee K	211.84		16.18	5.00
1996	Mungavin, Patrick	862.49		63.53	66.00
1997	Potter, John S	306.17		19.16	10.00
2007	Burke, William	543.94		50.25	30.00
2008	Croosen, William	1,062.80		63.44	18.20
2009	Farrell, William	675.62		48.47	10.00
2010	Hershman, Lorenzo	289.09		18.12	5.00
2011	Pallagi, Alexander	143.00		9.30	5.00
2020	Doctor, Joe	356.51		18.18	10.00
2036	Kelly, Thomas J	245.20		19.52	5.00
2037	Sheircliffe, Michael	261.41		21.14	5.00
2038	Young, Edward	172.87		12.28	5.00
2046	Frank, John	356.52		21.30	12.00
2047	Germann, James W	201.43		13.13	5.00
2048	Robertson, Robert	264.39		21.44	5.00
2049	Sears, William	1,391.94		176.30	106.50
2060	Dominick, Benjamin F	244.10		19.41	5.00
2096	O'Connell, Barth	339.40		20.94	13.00
2097	Price, Frederick J	866.91		117.80	71.60
2098	Winters, John	464.02		38.06	23.00
2124	Trasi, Saul G	343.41		22.34	12.00
2125	Powell, Sidney	523.89		37.61	25.80
2150	Baxter, John M	440.51		41.69	16.00
2151	Stern, Louis	779.01		82.52	33.00
2169	Simensen, Hans	856.66		105.30	76.20
2170	Tjernstrom, G	397.77		30.59	22.50
2199	Ivers, William J	196.26		14.62	5.00
2200	Moran, Charles	1,211.35		131.77	68.20
2209	Johnson, John A	171.59		12.15	5.00
2227	Penhale, Humphrey	96.04		9.60	5.00
2237	Coffrey, John	351.63		30.95	15.00

Statement prepared by clerk's office, Supreme Court, etc.—Continued

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
2238	Williams, Richard	$160.53		$11.05	$5.00
2256	Clayburg, Elmer	157.38		10.73	5.00
2257	Smelski, Edward	222.39		17.23	5.00
2267	Muloey, Jas. F	613.22		37.44	40.00
2274	Fehlemelcher, Fred J	141.41		14.14	5.00
2292	Dougherty, Patrick	228.28		17.83	5.00
2319	Compton, Absolom	978.98		70.24	27.40
2320	Scanlon, John J	220.78		17.00	5.00
2321	Makslahti, Abraham	766.05		97.44	55.00
2330	Bell, William	147.83		24.57	5.00
2331	Slater, Girard	674.27		67.42	50.00
2332	Condon, William	233.10		13.56	5.00
2355	Spence, Samuel	685.72		45.50	25.80
2372	Wessel, August	239.87		18.98	5.00
2382	Brown, John	680.81		49.08	19.00
2400	Rawlinson, William	443.69		53.48	20.00
2410	Hoffman, Lucas	422.74		40.94	20.00
2411	Kehler, Jacob	265.44		18.89	5.00
2479	Stickney, B		$30.00		
2490	Butler, John	226.98	20.00	12.69	10.00
2554	Snyder, George	173.50	15.00	12.35	5.00
2555	Lupken, John W	242.28		19.23	5.00
2571	Savary, Jos. E	2,998.27	20.00		52.50
2572	Morton, I	106.46	15.00	13.81	
2583	Wagner, William	132.26		8.22	5.00
2592	Newman, William H	130.52		8.05	5.00
2608	Brett, James	292.28		24.22	5.00
2618	Lindeberg, Evan F	4,433.31		400.92	34.00
2634	Nordstrom, John C	125.55		7.50	5.00
2727	O'Reilly, T. W	654.05		58.86	7.00
2728	Ambler, E. F	927.31	5.00		5.00
2777	Brown, John	1,283.42	25.00	115.51	5.00
2794	Madsen, Oluf	75.00		7.50	6.00
2795	McTighe, Patrick	1,590.51		178.20	67.00
2870	Kelly, Michael	4,769.60	25.00	437.95	27.00
2872	McGee, Terrence	1,901.41		190.14	
2829	Yates, John	721.69		60.90	23.00
2931	Scott, John	1,141.25		125.94	67.00
2798	Hentz, Joseph	186.42		13.64	5.00
3059	Kefes, Jakob	160.68		11.06	5.00
3101	Whelan, James	3,019.91		186.22	32.00
3178	Lane, Annie E		5.00		
3182	Randle, Sidney	1,250.65		100.05	
3183	Reiss, K. J	266.98		36.69	14.00
3227	Hagenmeister, Edward T	331.92		27.19	6.00
3226	Biscoe, W. T	272.52		22.95	5.00
3274	Phillips, C. Lester	1,618.59	35.00	25.00	
3360	Peterson, Carl	366.51	[1] 41.65		5.00
3410	Murphy, Jeremiah	645.72		77.58	46.00
3411	Connor, William	14,439.48		1,522.13	292.00
3413	McCradden, William J	38.01	[1] 14.96		5.00
3484	Wagner, John	716.08		42.97	8.75
3504	Lindgren, Gustave	950.41		123.70	70.01
3505	Bullo, Antonio	1,114.18		158.39	86.01
3511	Synan, John	897.75		89.77	10.00
3543	Anshultz, A	834.30		83.43	10.00
3544	Potash, Michael	1,110.23		111.02	10.00
3601	Wells, Geo. W	1,132.26		99.02	15.00
3610	Woodhull, Frank	4,541.66		378.45	12.00
3637	Savany, Lydia	1,233.06		73.98	
3638	Anderson, James	1,444.08		115.53	
3639	Jones, Philip	1,368.68		109.62	12.00
3649	Wallace, John	656.00		70.03	22.00
3654	Freeland, Edward B	1,041.10		106.83	60.14
3680	Pflregen, William	1,580.77		215.00	27.82
3693	Wajciedowski, Richard	933.01		111.96	46.70
3732	Chain, Frederick	711.17		55.72	10.00
3749	Evans, Charles H	319.61		36.61	10.00
3756	Mason, Michael	1,374.60		99.97	10.00
3758	Clapp, Robert C	284.95		75.00	15.00
3763	Mansfield, Garett W	122.49		12.24	5.00
3779	Kline, Charles	1,119.87		152.60	74.17
3793	Evans, George	723.30		67.33	5.00
3826	Ajinelaus, Gustaf	502.49		61.63	20.00
3827	Foss, Andrew	695.14		97.63	49.82
3860	Carter, Ella D	802.68		70.26	10.00
3886	Glass, Alexander	722.73	200.00	14.77	10.00
3891	Garvey, Mary	370.21		34.40	10.00
3940	Isaac, William H	834.18		107.60	59.80
3941	Nelson, William	984.21		112.78	42.30
3951	Osborn, Arthur	504.07		43.99	24.67
3952	Lawrence, Sidney	507.24		52.78	20.00
3953	Seidel, Robt. H	1,510.91		191.90	52.08
3963	Casey, Dennis	120.47		15.00	
3997	Winkler, Charles A	988.63		105.28	
4035	Hoeft, A. P	794.50		10.00	15.00
4036	White, Charles J	297.39		29.73	5.00
4045	Robbins, B. E	964.79		100.28	21.28
4047	Hochheim, G	522.20	50.71	15.00	20.00
4048	Stark, F. C	1,137.48		144.76	60.00
4056	Schrager, F	543.70		36.10	5.00
4066	Hayden, J. T	2,568.73		274.46	50.00
4067	Woodson, H	2,281.01		150.83	20.00
4082	Fitts, H. B	1,290.84		103.26	
4083	Schwartz, L	658.65		15.00	11.67
4106	Cronin, P	330.12		42.45	20.00
4114	Lippman, S	1,438.13		130.22	
4139	O'Rourke, P	7,849.36		291.95	43.34
4154	Bradley, S	1,036.79		144.59	65.00
4155	Shinn, P. F	1,119.60		88.47	
4163	Radley, Ed	854.24		53.32	40.00
4173	Jonson, J	1,293.11		104.87	25.88
4214	Roy, John	155.25		12.61	5.00

[1] Attorney and commission.

Statement prepared by clerk's office, Supreme Court, etc.—Continued

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
4218	Smith, Samuel	$729.99		$65.80	$30.00
4253	Treadwell, Charles	191.58		35.00	50.00
4261	Jacob, Peter	445.24		62.77	37.50
4270	Sauter, Mary E	2,774.65	$40.00	182.93	50.00
4280	Turbett, E	356.24		35.62	
4282	Gill, William	1,002.68		103.94	50.00
4291	Tomaso, Andrew	2,371.82		207.64	64.70
4335	Fallon, Patrick	2,489.53		191.88	26.28
4354	Stephens, Alex. W		36.16		
4363	Jones, Arthur	212.76		26.06	10.00
4364	Lafayette, Logan	593.12		51.13	10.00
4365	McCorskin, John	840.43		50.43	5.00
4385	Burge, Robert	182.69		18.26	5.00
4386	Cooney, Robert J	647.16		45.30	5.00
4387	McGivin, Frank	309.53		40.44	9.17
4415	Gerdon, Philip		10.00		
4450	Kendrick, John P	390.70		39.07	5.00
4451	O'Reilly, T. W	117.10		15.00	5.00
4476	Massey, A. W		93.00		
4492	Crouse, Henry C	646.35		75.89	30.00
4507	Jordan, Kate C		35.00		
4513	Pope, James A	6,436.05		587.52	100.0
4533	Best, Thomas	181.36		18.13	5.0
4553	Sokol, Anthony	250.97		29.85	5.00
4565	Schwan, Rudolph	1,083.33		116.37	50.00
4571	Barela, Arthur G	3,751.08	35.00		
4581	Olsen, Clement	173.37		25.00	5.00
4612	Blomquist, Haagen	637.82		94.41	50.00
4625	Bauker, Lawrence	637.92		61.00	20.00
4636	Davis, Susanna	720.59		72.04	15.00
4654	Ireland, Charles	1,615.22		129.22	
4662	Ward, William	533.60		79.54	30.00
4689	Gregory, Stephen	146.22		20.00	5.00
4733	Fulton, Elizabeth	118.40		20.00	5.00
4744	Walters, John N	3,637.17		363.84	10.00
4764	Anderson, Laureta	990.30		136.06	55.00
4802	Voelcker, Otto	845.52		122.64	50.00
4824	McCarthy, John F	1,478.18		138.18	15.00
4829	Fardon, A. P	24,111.28	75.00		
4858	Bodwin, J. J	1,396.24		139.62	6.25
4859	Meeteer, W. B	5,630.79		412.07	20.00
4876	Goodridge, C. E	3,121.49		249.72	24.00
4888	Hughes, Ellen	2,844.81		220.18	
4893	Fitzgerald, Annie	108.55		25.00	5.00
4919	Todd, Albert	724.86	25.00		
4937	Thorensen, Olaf	142.66		25.00	5.00
4946	Freeman, Joseph W	613.63		95.28	26.34
4984	Clancy, Mary	858.71		85.72	15.00
5000	Parsekian, Annie	281.83		28.28	5.00
5010	Osterman, Marcus	206.44		20.64	5.00
5021	Brady, James	1,803.27		198.09	20.00
5061	Ashwell, Frederick	67.50		15.00	5.00
5062	Ellis, Wesley R	2,706.97		217.91	33.33
5103	Kabayski, Riotaro	1,043.41		113.08	25.00
5121	Rexford, Caroline L		618.00		
5144	Leonard, Thos		[1] 41.50		
5146	Brown, William	299.03		29.90	5.00
5161	Miller, William G		75.00		
5172	Forster, Raymond	56.00		10.00	5.00
5182	Coleman, James H	132.40		30.00	5.00
5212	Fox, Harold H		25.00		
5259	Haines, Richard	274.72		31.89	15.00
5269	West, Mary J	119.89		25.00	5.00
5281	Moulthrop, Wm. L	255.23		29.96	10.00
5302	Bell, Henry A		90.00		
5332	Rogers, Samuel	679.88		167.29	15.00
5333	Michael, Walter	42.50	20.00		5.00
5367	Allen, George	1,419.75	150.00		10.00
5374	Fitton, Joseph		30.00		
5399	Young, Agnes G	2,313.93		131.39	34.00
5479	McCollough, Tarling C	1,235.20		123.88	10.00
5541	Works, A. P. R	228.56	30.00		
5560	Hoff, Edward F	1,693.89		187.64	20.00
5626	Coan, James	700.12		87.45	30.00
5627	Farwig, William	1,350.00	20.00		
5675	Bailey, Marshall	297.14	5.00		
5691	McGillian, William P	906.71		58.97	15.00
5717	Doyle, John W	600.00	50.00		
5735	Schaper, Chris. H	1,854.83		185.73	15.00
5788	Fletcher, Emma N	1,614.93	45.00		
5841	Schoemperle, Otto	469.98		47.00	15.00
5887	Oates, Hubert J	258.51		25.85	5.00
6033	Williams, Arthur M	1,051.42	50.00		
6088	Odom, Frank	543.48		57.98	15.00
6121	Haapanen, John A	3,953.78		383.38	12.00
6273	Babcock, Campbell E	7,304.39		185.00	
6311	Guldager, Wm. L	186.45		20.00	5.00
6333	Smith, Gussie F	2,417.23		213.96	22.00
6365	Kirwin, Francis P	1,416.78		103.34	10.00
6404	Niemczak, Wladyslaw	361.65		36.65	15.00
6460	Major, Bertram	235.17	30.00		
6472	Wander, Frank	734.35		104.50	31.05
6482	White, John H	1,854.41		185.43	10.00
6491	Henley-Smith, M. R	112,187.12	2,500.00		
6544	Terry, Frances A. M	10,991.79	122.50		
6581	McCarthy, Nora	831.61		93.60	15.00
6658	Harrison, Lawrence	4,761.44		466.39	40.00
6698	Townsley, Walter	1,586.53		158.65	10.00
6708	Lynch, James	3,392.88		339.29	30.00
6740	Howard, Mary	75.00		15.00	5.00
6770	Denver, Cornelia	412.76		41.28	5.00
6784	Kane, Lawrence	1,176.22		137.24	60.67
6804	Robinson, Bert Dana	767.15		81.12	12.00

[1] Including costs.

Statement prepared by clerk's office, Supreme Court, etc.—Continued

No.	Name	Amount of estate	Amount received as attorney	Amount received as committee	Allowance for bond
6810	Crosby, Chapman	$678.02		$57.88	$10.00
6871	Stickel, Andrew	554.73		44.38	5.00
6881	Felberbaur, Stephen	966.09	[1] $60.97		15.00
7034	Carr, H. C	1,272.42		136.47	10.00
7035	Lambert, Frank	3,359.87		337.89	15.00
7112	Eagan, K. J	943.54	40.00		5.00
7201	Masarisk, Stephen		235.00	537.69	
7297	Bruns, C. L	601.70	50.00		5.00
7371	Shipley, John	1,465.51		146.55	14.00
7528	Kimber, Arthur	1,740.16	100.00		16.00
7558	Mattes, W. J			148,52	15.00
7572	Draper, Leigh	1,407.10	50.00		10.00
7582	Rousseau, Nannie E	1,087.23	75.00		10.00
7635	Burriss, Ellen F	1,567.35		156.73	19.00
7636	Chahaj, Frank	431.84		43.18	7.00
7645	Boyd, James E	3,483.15		315.91	20.00
7646	Day, Zelia	14,749.55		1,296.04	121.00
7657	Beidebach, J. J	529.67		52.92	7.00
7660	Palombi, Sam	710.59		63.95	7.00
7666	Kuhn, Anna T	3,669.41		314.00	37.34
7671	Blankenship, Tom	1,004.49		75.00	10.00
7684	Labrecque, E. E	4,876.10		434.94	29.00
7687	Fields, Jake	276.51		27.65	7.00
7701	Amos, William F	298.40		29.84	7.00
7702	Glover, William	1,582.38		158.24	19.00
7703	Reynolds, John F	319.95		22.00	7.00
7719	Schumaker, Thomas E	440.15		44.01	7.00
7720	Efford, R. A	1,914.88		131.12	22.00
7721	Hambell, George J	1,559.79		154.98	
7722	Lorenz, E. M	1,984.39		198.44	19.00
7740	McGovern, Thomas P	5,971.53		453.70	23.00
7741	Wirthman, Oswald	188.71		18.88	7.00
7743	Chase, John S	13,550.48		1,193.72	112.68
7746	Carpenter, Dallis	173.38		20.00	7.00
7766	Minick, Arthur D	377.44		60.00	10.00
7768	Bailie, David	99.36		15.00	30.00
7783	Chylek, Fred	495.26		49.53	7.00
7788	Ferrainolo, R	8,114.12		783.78	77.87
7804	Logano, Cesaro	343.69		34.37	7.00
7807	Aragon, G. O	1,213.94		121.39	7.00
7808	Dento, Phillip		75.00		
7813	Buralli, Theodore	2,040.78		204.01	21.34
7830	Fellows, Isaac T			504.97	41.67
7833	Wishon, J. W	274.10		27.41	7.00
7849	Clark, James J	417.09		41.71	7.00
7852	Purcell, D. J	234.60		23.46	7.00
7875	Rowtowski, Jos. M	1,633.08		162.30	17.00
7878	O'Neill, James E	3,951.36		390.13	28.74
7880	Cudzik, George V	2,741.46		165.99	19.00
7881	Summerlin, Benjamin F	11,754.58		1,030.76	109.49
7904	Dearborn, William D	10,930.37		832.59	61.52
7906	Jumbelic, Peter	991.81		99.18	7.00
7907	Marchbanks, John W	857.65		85.77	7.00
7909	Tedder, Herman	1,196.00		119.60	12.00
7912	Radka, Tony	782.12		78.21	7.00
7915	Bergin, Mary	478.24		47.82	7.00
7955	Clark, John W	3,393.45		364.54	35.00
7956	Piskati, Stanley J	3,038.40		280.68	11.75
7984	Barger, Albert A	10,502.02		846.48	73.63
8007	Bumby, E. T	300.41		30.04	7.00
8020	Countz, C. P	4,049.49		414.95	32.00
8032	McCorry, T. W	1,592.94		159.29	10.00
8038	Guember, Arthur R	6,135.52		519.76	23.00
8051	Kernes, Ralph	4,658.82		393.58	19.00
8074	Snyder, George		82.50		
8112	McCord, Wm. J	1,761.69		107.50	15.00
8113	McIntyre, E. E	3,223.42		321.29	12.00
8144	Zeremba, Walter	3,304.34		327.93	22.00
8178	Braughler, Jos. H	9,658.81		595.08	105.34
8228	Sweeney, Robert	1,761.64	65.00		10.00
8275	Cox, Hillard	2,177.47		217.75	22.00
8286	Fedor, John	8,472.48		795.18	97.36
8329	Regan, Chas. P	3,437.00		482.66	28.00
8330	Tarashafsky, Herman	1,798.19		179.82	22.00
8347	Mantlow, Leonard	5,276.27	75.00		
8348	James, Layton	4,619.63		461.95	22.00
8365	Lake, F. B	804.20		80.42	20.00
8380	Chuey, Mike	5,171.30		344.72	32.00
8382	Wilson, Claude W	1,030.43	65.00		
8401	McDonald, John E	3,234.43	125.00		
8403	Tomkel, Rostanti	8,345.57		686.05	49.34
8416	Singh, Narian	249.08		24.91	10.00
8418	Hamilton, W. B	5,349.74		534.97	34.00
8434	Bullock, C. E	5,119.02		381.78	30.60
8443	Gabriel, F	1,025.18		100.36	10.00
8514	Smith, J. A	1,263.50		126.35	6.00
8574	McGowan, J. P	2,139.55		213.95	22.00
8581	Wright, Barney	200.27		20.03	12.00
8600	Thompson, O. B	6,321.08	210.00		
8631	Chambers, Chas. F	7,371.97	62.50		
8644	Rogers, Charles A	970.50	80.00		
8710	Salazar, Manual	160.00		16.00	
8768	Thomson, Frank P	701.35	115.00		
8770	Eckhardt, Dorothea	272,31		25.00	5.00
8792	Roberson, Jack	6,271.77		479.25	44.00
8793	Hurley, Mary R	994.47		99.45	10.00
8878	Mason, C. F	7,724.19	125.00		
8913	Tandrop, Christian	621.41	40.00		
8919	Smith, Evelyn P	10,679.89		831.32	42.68
8922	Shea, James	95.83		15.00	
8924	Karsgor, S. C	1,010.66		101.07	10.00
8936	O'Neal, Pierce D	7,981.41		513.34	48.67
8966	Johnson, Carl F	4,587.11	90.00		
9076	Murch, James A	321.00		50.00	17.00
9102	Garrett, Silas	4,980.16		100.00	12.00
9103	Welch, Perry	$1,777.35		$177.50	$20.00
9115	Murray, W. A	1,172.26	$100.00		
9137	Donlon, Mary A	4,140.69	250.00		
9321	Gemmelli, Elizabeth	1,558.53	90.00		
9403	Jones, Bernard	1,420.93	50.00		
9428	Noye, Emma	136.87		13.69	5.00
9436	Speer, Albert	913.99		50.00	
9495	Hirst, Sarah A	247.62	50.00		
9578	Hussey, Ralph G	[2] 157.60	28.50		
9635	Cutts, Charles H	3,766.23		350.00	12.00
9783	Hazard, Minerva C		25.00		
10373	Flanagan, P. J	3,495.04	150.00		
10400	Martin, Susan P	9,665.22	[3] 400.00		
10566	Cahill, Joseph P	1,229.21	122.71		10.00
10585	Edwards, George	1,213.94	121.39		10.00
10713	Allan, W. G	1,350.80		135.08	10.00
	Total		8,412.05	46,129.60	7,501.43

[1] Attorney and commission.

FREDERICK A. FENNING RECEIVED $733,855.87 FROM VETERANS' BUREAU FOR CERTAIN WARDS

I produced the following certificate from Gen. Frank T. Hines, Director of the United States Veterans' Bureau, showing that for certain wards the bureau had paid for compensation and insurance to said Frederick A. Fenning the enormous sum of $733,855.87. Merely having this sum of money to deposit in his own bank was worth quite a great deal to Fenning.

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, April 2, 1926.

[Personal and confidential]

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Complying with your request, I am inclosing a statement showing the number of cases of bureau beneficiaries in which the Hon. Frederick A. Fenning has been appointed by the Supreme Court of the District of Columbia as legal guardian or committee. This statement gives the C-Numbers, home address, present address, total amount of compensation paid to the guardian or committee for the account of the beneficiary since appointment, the total amount of insurance paid the guardian or committee since appointment, and also the total amount of the last two items.

The names corresponding to the C-Numbers given have been furnished you previously, and it is thought advisable that the names should be omitted in the event of any publication of the list referred to.

Very truly yours,

FRANK T. HINES, *Director.*

C No.	Home address	Present address	Amount of compensation	Paid by insurance	Bureau total
146780	New York regional office.	United States Veterans' Hospital, No. 81, Bronx, N. Y.	$7,317.14	$5,405.00	$12,722.14
187528	Affton, Mo	St. Elizabeths Hospital, Washington, D. C.	8,333.23	2,645.00	10,978.23
159681	Algeri, Fla	do	8,022.58		8,022.58
184525	Portsmouth, Va	do	8,166.27	5,232.50	13,398.77
137767	Columbia, S. C	do	8,363.33		8,363.33
207946	Camden, N. J	703 North Seventh Street, Camden, N. J.	7,650.92	4,010.16	11,661.08
195680	Delwin, Tex	St. Elizabeths Hospital, Washington, D. C.	8,696.77	5,405.00	14,101.77
218055	Born, Poland; enlisted, Albany, N. Y.	do	7,305.81	5,175.00	12,480.81
167770	Born, Blountsville, Ind.; enlisted, Fort Sam Houston.	do	8,927.86	2,600.00	11,527.86
160369	Case folder, Baltimore, Md.	United States Veterans' Hospital, No. 42, Perry Point, Md.	7,327.10	2,760.00	10,087.10
196882	Akron, Ohio	St. Elizabeths Hospital, Washington, D. C.	9,441.93		9,441.93
218061	McWilliams, Ala	do	6,350.64	5,117.50	11,468.14
170469	Germany	do	9,341.94	2,525.00	11,866.94
218087	Born Paterno, Italy; enlisted Hudson, N. Y.	do	7,832.26	5,290.00	13,122.26
181670	New York	do	6,927.09	2,500.00	9,427.09
210766	New York City	do			
173338	Spain	do	8,546.67	2,526.00	11,072.67
481421	Vestal, N. Y	do	3,490.32		3,490.32
200906	Mahanoy City, Pa.	do	7,655.00	5,347.50	13,002.50

C No.	Home address	Present address	Amount of compensation	Paid by insurance	Bureau total
231666	Born Pendleton, Oreg.	St. Elizabeths Hospital, Washington, D. C.	$990.32	$441.45	$1,431.77
219538	Porto Rico	do	5,538.06	2,645.00	8,183.06
156502	Tebia, Antique, P. I.	do	9,064.52	2,475.00	11,539.52
204096	Folder in central office.	Unknown	8,574.19	5,577.50	14,151.69
212388	Milwaukee, Wis	Case in Milwaukee, Wis.	7,031.61	5,060.00	12,091.61
213797	Folder in N. Y. office.	United States Veterans' Hospital No. 81, Bronx, N. Y.	8,045.16	1,046.50	9,091.66
421366	Ocean Grove, N. J.	St. Elizabeths Hospital, Washington, D. C.	5,798.42	419.75	6,218.17
213841	Folder in Alabama regional office.	United States Veterans' Hospital, Tuskegee, Ala.	8,058.06	5,060.00	13,118.06
222254	Folder in Baltimore office.	United States Veterans' Hospital No. 42, Perry Point, Md.	7,526.45	2,587.50	10,113.95
313596	England	St. Elizabeths Hospital, Washington, D. C.	7,274.52	2,443.75	9,718.27
148901	Akron, Ohio	do	8,357.14	5,405.00	13,762.14
245491	Quantico, Va	do	4,650.00		4,650.00
169398	Florida	do	8,229.03	5,462.50	13,691.53
336962	Portsmouth, Va	Portsmouth, Va	6,998.39	2,600.00	9,598.39
264433	Folder in Baltimore.	United States Veterans' Hospital No. 42, Perry Point, Md.	875.35		875.35
163842	Born South Boston, Va.	St. Elizabeths Hospital, Washington, D. C.	7,574.84	5,290.00	12,864.84
223643	File in Boston	United States Veterans' Hospital, Northampton, Mass.	7,516.13	4,887.50	12,403.63
305211	Fayetteville, Md	St. Elizabeths Hospital, Washington, D. C.	8,883.23	2,653.22	11,536.45
167694	New York City	New York City	6,752.90	3,277.50	10,030.40
315030	Born in Delaware	St. Elizabeths Hospital, Washington, D. C.	7,140.40	2,070.00	9,210.40
220759	Chicago, Ill	do	8,016.13	2,350.00	10,366.13
67577	Washington, D. C	316 Maine Avenue SW., Washington, D. C.	1,759.50		1,759.50
246680	Grundy, Va	St. Elizabeths Hospital, Washington, D. C.	7,195.31	4,715.00	11,910.31
170331	Minneapolis, Minn.	do	1,534.80		1,534.80
220929	Lockport, N. Y	do	7,866.13	5,347.50	13,213.63
209546	Ireland	do	8,067.74	2,472.50	10,540.24
216128	Buffalo, N. Y	do	7,670.97		7,670.97
216132	Born Porto Rico	do	5,314.19	5,462.50	10,776.69
217935	Shenandoah, Pa	do	9,003.23	2,550.00	11,553.23
7660	Halifax, England	do	9,261.93	2,500.00	11,761.93
288104	Philippine Islands	do	9,462.90		7,462.90
216440	Venasco, Italy	do	8,378.57	5,290.00	13,668.57
109650	Washington, D. C	do	8,685.33	5,060.00	13,745.33
209559	Folder in Baltimore, Md.	United States Veterans' Hospital No. 42, Perry Point, Md.	7,958.06	5,347.50	13,305.56
196169	Brooklyn, N. Y	Unknown; eloped from St. Elizabeths, Dec. 3, 1921.	6,240.00	1,625.00	7,865.00
166502	Billings, Mont	St. Elizabeths Hospital, Washington, D. C.	7,635.48	3,162.52	10,798.00
386748	New York (Mount Perron).	do	4,834.71		4,834.71
222054	Palmetta, Ala	do	7,066.45	5,232.50	12,298.95
205755	Snick Hill, W. Va	do	8,872.68		8,872.68
222015	South Carolina	do	7,689.68	2,731.25	10,420.93
194388	Flint, Mich	do	7,566.67	5,232.50	12,799.17
306223	New York City	do	7,546.77	1,380.00	8,926.77
220506	Greece	do	7,616.13		7,616.13
193270	Case folder in California.	United States Veterans' Hospital, Palo Alto, Calif.	5,356.00	2,558.75	7,914.75
155538	Cincinnati, Ohio	St. Elizabeths Hospital, Washington, D. C.	7,747.14	2,475.00	10,222.14
182373	Washington, D. C	do	9,116.77		9,116.77
265751	do	do	4,017.82		4,017.82
286707	Lewistown, Pa	do	7,411.29	4,772.50	12,183.79
284864	Pennsylvania	do	1,700.00	1,524.68	3,224.68
364826	Monticello, Miss	do	6,172.90	4,657.50	10,830.40
194500	Rowland, N. C	do	8,126.67	5,290.00	13,416.67
221119	Cleveland, Ohio	do	5,189.68	2,555.70	7,745.38
220517	Porto Rico	do	8,012.90	2,530.00	10,542.90
206653	Alabama	do	7,810.64		7,810.64
333757	Mississippi	do	6,938.06	4,600.00	11,538.06
394843	Kentucky	do	8,373.33	2,700.00	11,073.33
	Total		523,792.14	210,063.73	733,855.87

And when sending me the above on March 19, 1926, Director Hines certified to the following:

Colonel Fenning has been allowed by the Supreme Court of the District in practically every case for which he is acting as guardian or committee 10 per cent of the principal of the personal estate and on the annual income of the estate, as provided in section 1135 of the Code of Law for the District of Columbia.

Very truly yours,

FRANK T. HINES, *Director.*

NEW BUREAU CERTIFICATE SHOWED FENNING RECEIVED $768,474.66

I introduced before the Judiciary Committee a certificate from the United States Veterans' Bureau, certified to by Director Frank T. Hines on May 24, 1926, as being true and correct, which covers pages 23, 24, 25, 26, and 27 of said hearings, which shows that concerning 76 World War veterans said Frederick A. Fenning had received from said bureau $768,474.66 as insurance and compensation due his said wards, and that said Fenning's own fees in said 76 cases amounted to $75,894.48, and that with the exception of $206.38 paid in 1918, $8,278.33 paid in 1919, and $2,399.25 paid on 1926 commissions, all of the balance of said $75,894.48 fees were paid to said Fenning during the six years of 1920, 1921, 1922, 1923, 1924, and 1925. To save space I do not reproduce said certificate here, but will quote from the hearings my statement then made to the committee:

Mr. BLANTON. Gentlemen, this statement embraces 76 World War veterans, gives their names, their "C" numbers, their home addresses, their present address—that is, where they are now incarcerated—and it shows that the following amounts have been paid to Mr. Frederick A. Fenning for them.

Insurance has been paid to Mr. Fenning to the amount of $228,417.80.

Compensation has been paid to Mr. Fenning of $540,056.86, making a total paid to Mr. Fenning for them of $768,474.66.

$119,306.72 ADDITIONAL PAID TO FENNING

I also introduced in evidence before said Judiciary Committee a certificate from said United States Veterans' Bureau, certified to as true and correct by Director Frank T. Hines on May 18, 1926, showing that with reference to 44 World War veterans for whom Fenning had formerly been guardian or committee, and who had died or otherwise been removed from his guardianship, the bureau had paid to said Frederick A. Fenning the sum of $119,306.72, and that said Fenning had been allowed fees and commissions for himself of $13,379.03 in said 44 cases, and such certificate covers pages 33, 34, and 35 of the hearings, and gives the names of the veterans, their case number, and the amounts and fees in each case.

WHILE IN UNIFORM FENNING STILL PRACTICED

I produced from the War Department the following document on file there, at which time Fenning held a swivel-chair commission:

WASHINGTON, D. C., *November 27, 1918.*

Hon. NEWTON D. BAKER,
Secretary of War.

MR. SECRETARY: Now when the acute stage of the war is gloriously passed to a very large part, owing to your own gigantic and infinitely wise exertions, I feel at liberty, and compelled by moral necessity, to make complaint against Frederick A. Fenning, 3317 Newark Street, District of Columbia, a lawyer and at present major, United States Army, in The Adjutant General's Office, for brutal treatment of, and ruffianly threats against my wife, Mrs. Schoenfeld, and my daughter, Miss Margaret H. Schoenfeld, A. B., at the time a censor clerk in the Department of State.

First of all, I beg to state that Mrs. Schoenfeld is the mother of three sons, all in the service of the United States: H. F. Arthur Schoenfeld, secretary of legation in Christiania, Norway, at the time of the outrage chargé d'affaires of the said legation, and officially commended twice for meritorious service by the honorable Secretary of State; R. E. Schoenfeld, vice counsel at Berne, Switzerland, who tried to resign several times to enter upon military service, but was ordered to remain at his post; and Herbert H. Schoenfeld, M. D., who passed all the examinations for the Navy Medical Corps, but was left on hospital duty so far.

Mrs. Schoenfeld is the owner of a house, 3448 Thirty-fourth Place, city, which she leased in September, 1917, at a nominal rent to a Mrs. John S. Hord, a society woman, not a war worker, until September 30, 1918, when her lease expired.

Realizing that it was perhaps difficult for her to find a new house, and her husband having begged grace of our attorney, Judge Latimer, of Clephane & Latimer, to stay for a few days longer, the request was readily granted.

However, my wife and daughter being homeless, I wrote a most respectful request to the tenant to grant my wife and daughter a room or two in the third floor of the very large house until she herself could find a home at her own convenience.

Upon the advice of Judge Latimer, my wife and daughter went to our house Saturday, October 5, after office hours—five days after the expiration of the lease—and requested respectfully the above-mentioned humble accommodations, as they were absolutely homeless and com-

pelled to live in Washington as war workers, sleeping temporarily on a sofa in a hallway, through the kindness of a lady.

The woman tenant treated the owners of the home—which she occupied without lease, and in which she was just renting a room or rooms to a soldier—after the expiration of the lease, never before, with insulting arrogance, and finally called Major Fenning, who entered our home in uniform, blustered, and threatened and shook his fist violently in the ladies' eyes, as only a ruffian or drunken man would do, and told them brutally, with constant fist shaking, "I give you 15 minutes to clear out."

The ladies repeated the advice of their counsel, that they were lawfully in their own house; but Major Fenning again threatened them with arrest, terrorized them, and finally took the woman Hord in his automobile—it was now late at night—alleged to swear out a warrant of arrest against the owners of the house. Meanwhile my wife and daughter were exhausted by the terrorism and fist shaking of the lawyer, who was disgracing the uniform of the United States Army, and they left their own house to return to the hallway to rest. Thereafter my wife was seriously ill for three weeks, and my daughter—being homeless and unnerved—resigned her position at the Department of State, very much against the will of her superiors, to nurse her sick mother at Wildwood, N. J. (Vide CONGRESSIONAL RECORD, pp. 12458–12459, of October 21, statements by Senators SMOOT, WILLIAMS, and OVERMAN.)

I beg to submit to you, Mr. Secretary, this case of brutality, almost thuggery, on the part of Major Fenning. Did the man have a right to enter our home in uniform to brutalize two helpless ladies, the owners, even if called and paid for by an unlawful tenant? Did he have a right to threaten and intimidate and shake his fists in the faces of two defenseless ladies, and finally take the woman in his automobile, alleged to swear out a warrant of arrest against a respectable woman, an American patriot, who has reared her children in a fanatical love for America, and against our daughter, an employee of the United States Government?

I have had the high honor of being presented to you personally in your office by Mr. Scofield; I was an instructor at Johns Hopkins when you took your degree there; I have been a United States consul at Riga, under the revered President Cleveland, and am now instructing officially S. A. T. Corps at George Washington University. The vulgar, brutal treatment of my wife and daughter by an Army officer of rank appears, therefore, so much the more heinous and criminal.

I beg to submit this case for the investigation of the Department of War and beg redress for the infamy.

Very respectfully,

HERMAN SCHOENFELD,
Temporary Address, Cosmos Club.

[SEAL: Official copy, War Department.]

SWORN TESTIMONY OF DR. HERMAN SCHOENFELD

Mr. BLANTON. Doctor, you are a professor in the George Washington University?

Doctor SCHOENFELD. Yes, sir.

Mr. BLANTON. And you have been for how many years?

Doctor SCHOENFELD. Thirty-six years. I was away for a few years as consul of the United States at Riga, Russia, under President Cleveland.

Mr. BLANTON. And you have a son now who is one of the United States diplomatic representatives?

Doctor SCHOENFELD. Two sons.

Mr. BLANTON. Two sons—what positions do they hold?

Doctor SCHOENFELD. One is counselor of the embassy in Mexico, and one is at present in charge of the Russian legation at La Paz, Bolivia.

Mr. BLANTON. During the war, while Mr. Frederick A. Fenning was an officer in uniform, did you see him appear at any time in court as a lawyer for anyone?

Doctor SCHOENFELD. Against me and my wife.

Mr. BLANTON. And a lawyer for somebody else?

Doctor SCHOENFELD. Yes.

Mr. BLANTON. How many times did you see him appear in court?

Doctor SCHOENFELD. Two.

Mr. BLANTON. Two times?

Doctor SCHOENFELD. Two times.

Mr. BLANTON. Was he in uniform when he appeared before the court?

Doctor SCHOENFELD. Yes, sir.

Mr. BLANTON. He was in uniform?

Doctor SCHOENFELD. Yes, sir.

Mr. BLANTON. Did you write that letter? Just look it over, Doctor [handing paper to witness]. That is the letter that you wrote to the Hon. Newton D. Baker, Secretary of War, complaining about the action of Officer Fenning?

Doctor SCHOENFELD. Yes, sir.

Mr. BLANTON. Yes. Now, doctor, in both of those cases that Mr. Fenning appeared in court as counsel for these parties against you, he did not prevail in either one of them, did he?

Doctor SCHOENFELD. No.

Mr. BLANTON. You won both of them against him?

Doctor SCHOENFELD. My wife did; yes, sir.

Mr. BLANTON. Your wife did; and you were with your wife at that time and your daughter.

Doctor SCHOENFELD. Yes, sir.

Mr. BLANTON. Is your wife here?

Doctor SCHOENFELD. Yes, sir.

Mr. BLANTON. And your daughter?

Doctor SCHOENFELD. My daughter is at the University of Pennsylvania. She is research instructor and doing work for the Government in the Wharton School of Industrial Research.

SWORN TESTIMONY OF MISS MARGARET SCHOENFELD

Mr. BLANTON. Miss Schoenfeld, you are the daughter of Doctor Schoenfeld?

Miss SCHOENFELD. Yes.

Mr. BLANTON. Who for years has been a professor in the George Washington University?

Miss SCHOENFELD. Yes.

Mr. BLANTON. During the war, while the war was in progress, your family had let your home for a few months?

Miss SCHOENFELD. For a year.

Mr. BLANTON. And had come back to it and resumed occupancy of it?

Miss SCHOENFELD. Yes.

Mr. BLANTON. That was during the war?

Miss SCHOENFELD. Yes.

Mr. BLANTON. You went to the house—and the lease had expired, had it not; the year's lease had expired?

Miss SCHOENFELD. Yes.

Mr. BLANTON. And you were doing some work for the Government at that time?

Miss SCHOENFELD. I was.

Mr. BLANTON. And under the law which protected parties who were doing Government work in reclaiming their home, where it had been let and where the lease had expired, you went to the house to regain possession of it one evening?

Miss SCHOENFELD. Yes.

Mr. BLANTON. Now, when you asked the lady to let you have the house back, did she or did she not call Mr. Fenning, Mr. Frederick A. Fenning?

Miss SCHOENFELD. She did call Mr. Fenning.

Mr. BLANTON. Is that Mr. Fenning right next to Mr. Hogan?

Miss SCHOENFELD. Yes.

Mr. BLANTON. And he is the one who came over?

Miss SCHOENFELD. Yes.

Mr. BLANTON. What did he say to you about if you did not do something in a certain length of time he would do something to you?

Miss SCHOENFELD. Mr. Fenning stated that if I did not leave in 10 minutes he would swear a warrant out for my arrest.

Mr. HOGAN. Then subsequently you and your mother instituted proceedings as to whether or not the house should be turned over to you?

Miss SCHOENFELD. Yes.

Mr. HOGAN. And after two proceedings the house was given to you?

COMMISSIONS ALLOWED GUARDIANS UNDER LAW

In the District of Columbia the court may allow any per cent up to 10 of income collected during preceding year. Pennsylvania allows 5 per cent of income. New York allows not to exceed 5 per cent. In Massachusetts it is usually from 2½ to 5 per cent. Georgia allows 2½ per cent on receipts and disbursements. Maine allows not exceeding 5 per cent. Texas allows none to guardian of person, but to guardian of estate 5 per cent on gross income, not embracing the estate taken over.

OUR COMMITTEE PASSED CORRECTIVE LAWS

Following our ascertainment that Frederick A. Fenning had secured his appointment as guardian or committee of several hundred wards, and had received commissions several times more than 10 per cent in certain cases, as hereinbefore conclusively shown by said auditor's certificate, our committee had prepared and passed by Congress: (1) A law providing that no guardian shall receive compensation exceeding "a commission of 5 per cent of amounts collected if and when disbursed," which is Public Law No. 598, Sixty-ninth Congress; (2) a law fixing the same compensation for a committee, and providing that nearest relative must be heard, and guardian ad litem must be appointed before committee is selected, which is Public Law No. 597, Sixty-ninth Congress; (3) a law providing that, except for their own children, no person shall be appointed guardian for more than five wards; and (4) a law providing that no person may be appointed committee for more than five non compos mentis persons, which last two laws have been signed by the President but not yet printed.

Inasmuch as my charges Nos. 4, 5, and 20 relate to the same transactions constituting violation of such laws, I will group them together:

CHARGE NO. 4

I charge that the said Frederick A. Fenning is guilty of what in every State of the Union is commonly known and denominated as the criminal offense of barratry, and what the common law applicable to the District of Columbia constitutes as barratry, in that he has excited, stirred up, and fomented claims against the Government, and many ex parte lunacy suits in the Supreme Court of the District of Columbia, and in that he has specially solicited individuals to employ him as their attorney to prosecute for them certain claims against various departments of the Government of the United States, and before the Congress of the United States, and before the courts of the United States; and in that he has solicited individuals to employ attorneys with whom he was associated or affiliated to prosecute claims and suits for them wherein he received a division of the fee, and that the said Frederick A. Fenning is and has been a common barrator.

CHARGE NO. 5

I charge that the said Frederick A. Fenning has committed the offense of champerty, and through direct solicitation has induced others to employ him as their attorney in many champertous agreements, wherein they were to be out no expense and not to pay any fee unless he recovered, in which event he was to be paid a part of the amount he recovered, and that the said Frederick A. Fenning is and has been a common champertor.

CHARGE NO. 20

I charge that the said Frederick A. Fenning, without having any acquaintance whatever with her, solicited Mrs. Eudora S. Kelly, of Sharon, Mass., to employ him as her attorney to prosecute a claim of $1,800 against the Government, which he agreed to do without any expense to her whatever, but that after the United States made payment to her he was to receive a portion of the amount paid her, and that when he learned that she had already employed Lyon & Lyon, attorneys, of Washington, D. C., to prosecute this claim for her, said Fenning solicited the help of one Henry P. Fellows and through him finally influenced the said Mrs. Eudora S. Kelly to break her contract and power of attorney with Lyon & Lyon and to discharge them and to employ said Fenning.

BOTH BARRATRY AND CHAMPERTY OFFENSES HERE

I showed the Committee on the Judiciary such laws in force and effect here:

Mr. BLANTON. I call attention, gentlemen, to the laws in force in the District of Columbia. I read from the Code of Law of the District of Columbia, page 2, chapter 1:

"LAWS REMAINING IN FORCE

"SECTION 1. The common law, all British statutes in force in Maryland on the 27th day of February, 1801, the principles of equity and admiralty, all general acts of Congress not locally inapplicable in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, in force at the date of the passage of this act shall remain in force except in so far as the same are inconsistent with, or are replaced by, some provision of this code."

That merely shows that the old Maryland statutes and the common law are still in force and effect in the District.

Mr. YATES. What are you reading from?

Mr. BLANTON. The Code of Law of the District of Columbia.

Mr. WELLER. What section?

Mr. BLANTON. Section 1, chapter 1, page 2.

Then I call your attention to section 841, which I charge, under a Supreme Court case, Mr. Fenning has violated in several particulars. I want to read this to get it before the committee:

"SEC. 841. Executors and other fiduciaries. Any executor, administrator, guardian, trustee, receiver, collector, or other officer into whose possession money, securities, or other property of the property of the estate of any other person may come by virtue of his office or employment, who shall fraudulently convert or appropriate the same to his own use, shall forfeit all right or claim to any commissions, costs, and charges thereon, and shall be deemed guilty of embezzlement of the entire amount or value of the money or other property so coming into his possession, and converted or appropriated to his own use, and shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding ten years, or both."

Gentlemen, as to the common law in force in the District of Columbia, I read you a definition of barratry from Bouvier's Law Dictionary, page 222.

"In criminal law. The offense of frequently exciting and stirring up quarrels and suits, either at law or otherwise.

"An indictment for this offense must charge the offender with being a common barrator; and the proof must show at least three instances of offending, etc."

Now, on page 305, Bouvier's Law Dictionary, I read what champerty is as defined in the law:

"Champerty. A bargain with a plaintiff or defendant in a suit, for a portion of the land or other matter sued for, in case of a successful termination of the suit which the champertor undertakes to carry on at his own expense. * * * The offense was indictable at common law."

SWORN TESTIMONY OF HENRY P. FELLOWS

Mr. DYER. What is your full name?

Mr. FELLOWS. Henry P. Fellows.

Mr. BLANTON. You are how old, Mr. Fellows?

Mr. FELLOWS. I am 77.

Mr. BLANTON. Are you an attorney?

Mr. FELLOWS. I am.

Mr. BLANTON. You live in Boston?

Mr. FELLOWS. Yes.

Mr. BLANTON. There is in evidence in this case a letter that Mr. Fenning wrote Mrs. Eudora S. Kelly, whose address was stated as Box 425, Sharon, Mass., on May 12, 1911, in which he says this:

LAW OFFICES OF FREDERICK A. FENNING,
Washington, D. C., May 12, 1911.

Mrs. EUDORA S. KELLY,
Box 425, Sharon, Mass.

DEAR MADAM: In connection with a class of claims that I am successfully prosecuting, for balances of pay, more fully described in the inclosed circular, I find that approximately $1,800 appears to be due on account of the services of your husband, Capt. James R. Kelly. I feel confident that I can secure early action in this claim. Accordingly, if the matter is not in the hands of other counsel, I hope you will promptly sign and return the inclosed blank, so that the matter may proceed.

You will note that my fee is entirely contingent, no portion of it to be paid until payment is made to you by the United States.

Yours faithfully,

F. A. FENNING.

And there was sent with the letter this printed circular, showing a lot of cases he had collected.

LAW OFFICES OF FREDERICK A. FENNING,
Washington, D. C.

LONGEVITY PAY DUE ARMY OFFICERS ON ACCOUNT OF SERVICE AS ENLISTED MEN PRIOR TO JUNE 18, 1878

Section 7 of the act of June 18, 1878 (20 Stat. L. 150), provides:

"That on and after the passage of this act all officers of the Army of the United States who have served as officers in the volunteer forces during the War of the Rebellion, or as enlisted men in the armies of the United States, regular or volunteer, shall be, and are hereby, credited with the full time they may have served as such officers and as such enlisted men in computing their service for longevity pay and retirement."

Since June 18, 1878, Army officers who served at any time as enlisted men have been credited with the period of such enlistments in determining length of service as a basis for longevity pay. For service prior to June 18, 1878, either on the active list or the retired list, officers have not been credited with service under enlistments.

As the pay of Army officers increases for each five years of service (act of July 5, 1838, and act of June 15, 1870), the failure to count time of service as enlisted men resulted in substantial short payments to officers who rose from the ranks.

Similar short payments were made officers who had served as cadets at West Point by refusing to recognize cadet service in computing longevity pay, but within the past two years the way has been opened for the adjustment of such claims. I have collected many thousands of dollars for officers and their heirs in claims of this nature, a list of such claims being appended.

Active effort is now being made to secure adjustments for officers who served as enlisted men and their heirs. These efforts are meeting with success, and by proper presentation I believe all such claims will receive just recognition.

The Auditor for the War Department is not authorized by law to reopen a claim in which this question has been adjudicated, even though favorable decisions have been made since such adjudication. In 70 such cases I have been fortunate in securing references by the United States Senate to the Court of Claims.

I advise that the inclosed papers be signed and immediately returned to me.

FREDERICK A. FENNING.

Longevity claims in which I have secured an allowance

Col. Thomas L. Alexander	$2,285.74
Gen. Robert E. Clary	2,852.50
Gen. Sidney Burbank	2,260.75
Gen. Henry F. Clarke	1,878.86
Gen. Darius N. Couch	537.76
Gen. Albemarle Cady	2,219.79
Col. Samuel F. Claflin	1,616.71
Lieut. Paul Dahlgren	96.51
Capt. Davis S. Denison	1,002.13
Capt. Gustavus Dorr	146.20

Gen. Cary H. Fry	$1,488.02
Maj. Campbell Graham	1,831.66
Capt. Erskine Gittings	1,118.18
Gen. Kenner Garrard	1,223.49
Capt. John S. Hatheway	767.66
Capt. George W. Hazzard	1,059.20
Gen. William B. Hazen	963.86
Gen. Erasmus D. Keyes	1,723.64
Col. Richard S. C. Lord	950.00
Maj. Hamilton W. Merrill	1,095.70
Capt. Robert M. McLane	319.40
Capt. Thomas E. Miller	532.56
Col. Edwin W. Morgan	157.53
Gen. William H. Morris	262.08
Gen. Marsena R. Patrick	797.93
Capt. John M. Scott	841.36
Gen. Truman Seymour	1,316.67
Lieut. Edwin H. Shelton	1,262.88
Capt. William S. Starring	1,402.36
Maj. Henry S. Turner	1,262.88
Lieut. George W. Rose	248.90
Col. Walter McFarland	1,132.82
Capt. Albert L. Magilton	639.00
Gen. Frederick Steele	1,434.29
Capt. George W. Ayers	292.20
Capt. William Eustis	669.20
Gen. John W. Turner	1,137.43
Capt. Arthur B. Lansing	648.80
Col. Thomas Hight	791.79
Col. Thomas J. Treadwell	1,232.71
Gen. Adam J. Slemmer	1,109.66
Lieut. Joseph McElvain	458.00
Gen. John K. Mizner	1,228.59
Gen. Washington L. Elliott	976.49
Gen. Robert Allen	1,914.03
Lieut. William Frazer	358.40
Col. John R. Smead	775.83
Gen. William S. Ketchum	1,840.05
Gen. David Hunter	1,604.06
Gen. Barton S. Alexander	1,951.53
Maj. Edmund A. Ogden	1,021.80
Col. James Duncan Graham	1,948.71

Mr. GORMAN. What do those amounts you read represent?

Mr. BLANTON. They represented so-called longevity pay. In my judgment, by sending out such solicitations for business he has gotten these parties to give him powers of attorney, and he has been able to collect that from the United States Government either through the Court of Claims or bills introduced in Congress.

Mr. GORMAN. Are they matters of litigation?

Mr. BLANTON. He says in this letter:

"I have collected many thousands of dollars for officers and their heirs in claims of this nature, a list of such collections being appended."

Then he says:

"In 70 such cases I have been fortunate in securing references by the United States Senate to the Court of Claims."

BOSTON, MASS., *May 15, 1911.*

FREDERICK A. FENNING, Esq.

DEAR SIR: Mrs. Eudora S. Kelly, of Sharon, Mass., had handed me your letter to her of the date of May 12, with inclosures, in regard to longevity pay due her late husband, Capt. James R. Kelly. I am general counsel for Mrs. Kelly and have presented in her behalf bills for her relief in Congress to this longevity pay for nine years past, and a bill is now pending at the present session, introduced by Mr. Ernest U. Roberts, Congressman from this district, on April 3. Now, the reason I mark my letter above as confidential and ask that it be so treated is this: Several months ago the firm of Lyon & Lyon, of Washington, presented such a blank power of attorney similar to your power to Mrs. Kelly, and, although I was not quite satisfied with their statement concerning the matter, she signed the power and forwarded the same to them. They stated that they could procure immediate payment of the claim without any congressional action, which did not seem to me possible, and I understand that they are now awaiting some decision by some court which will enable them to get the claim audited, but I have never been able to obtain from them any reference to the case or court. Under these circumstances I have advised Mrs. Kelly, who has just left my office, that I think she would be justified in canceling her power to Lyon & Lyon and retaining you if this can be done and you are willing to act in accordance with a suggestion I would make.

I have never met Shepherd & Campbell, of the Victor Building, Washington, but am in correspondence with them, and they know me in that way; and Congressman McCall knows me personally very well.

Very truly yours,

HENRY P. FELLOWS.

BOSTON, MASS., *May 18, 1911.*

FREDERICK A. FENNING, Esq.

DEAR SIR: Your favor of the 17th is duly received. Mrs. Kelly's claim is her longevity pay due her deceased husband. I think you are right about the procedure, and if the court decision should happen to come first I can see no reason why you could not make the adjustment with the auditor.

Now, I said in my other letter that I should like to make a suggestion if you should take the matter up, and it is this: I have had this matter in my office for a dozen or more years, and have spent a good deal of time on it, and am in position to cooperate with you; and will you be willing, in case the matter is turned over to you, to share the stipulated fee with me?

Then also, will it be necessary for me to send Lyon & Lyon a revocation of authority signed by Mrs. Kelly? Or will her signing the authority to you be sufficient—as your letter indicates? In the latter case it would be a matter of courtesy for me—would it not—to write Lyon & Lyon informing them that the authority is withdrawn?

Kindly advise me as to those two matters and I will at once have Mrs. Kelly see me, and I think she will do as I advise her.

Very truly yours,

H. P. FELLOWS.

LAW OFFICES OF FREDERICK A. FENNING
AND BRAINARD W. PARKER,
Washington, D. C., May 19, 1911.

HENRY P. FELLOWS, Esq.,
Boston, Mass.

DEAR SIR: I am in receipt of your favor of the 18th instant. If the claim of Mrs. Kelly is placed in my hands as suggested in your letter, I shall be very glad to make the usual arrangement in such cases, viz, pay you one-third of the 20 per cent contingent fee as associate counsel. I shall be very glad to take up this matter immediately upon hearing from you.

Of course, you must arrange by correspondence, or otherwise, to withdraw the case from other counsel.

Yours faithfully,

F. A. FENNING.

LAW OFFICES OF FREDERICK A. FENNING AND
BRAINARD W. PARKER,
Washington, D. C., May 22, 1911.

H. P. FELLOWS, Esq.,
Boston, Mass.

DEAR SIR: I have you letter of the 20th instant, and am willing, in view of the statements therein set forth, to agree to an equal division of the 20 per cent contingent fee in the Kelly case, if the same is placed in my hands through your office.

Thank you very much for your comment on the pamphlet I sent you. I have read your remarks with a great deal of interest.

Yours faithfully,

F. A. FENNING.

WASHINGTON, D. C., *May 24, 1911.*

HENRY P. FELLOWS, Esq.,
43 Tremont Street, Boston, Mass.

DEAR SIR: We are in receipt of your letter of the 23d instant, with inclosures, relative to the claim for longevity pay and allowances due on account of the services of James R. Kelly and, to say the least, we are very much surprised at its contents.

Out of the number of hundreds of cases we have, this is the only case that we can call to our mind in which the claimant desires to cancel authority given us, especially in view of the amount of work that has already been done in this case.

We deem it proper to inform you that from our experience it is very difficult for one who is to obtain a special act of Congress authorizing and directing the payment of longevity pay in any one or a special case, because any legislation had on the subject, if necessary, will be for the relief of all the claimants that we and other firms represented.

We do not believe that congressional action will be necessary, because if the test case now pending in the court is decided in favor of the claimants, it will enable us to obtain the favorable and early consideration of the Kelly and other like cases without obtaining a remedial act of Congress.

We hope that Mrs. Kelly will change her attitude toward us in this matter, and permit us to continue to give this case our prompt and careful attention.

Hoping to receive a favorable reply from you on this subject, we are,

Yours very truly,

LYON & LYON.

Mr. FELLOWS (examining papers). Yes, sir.

Mr. BLANTON. You received those in due course of mail?

Mr. FELLOWS. Yes.

Mr. BLANTON (reading):

(Letter Fenning wrote May 19, 1911)

That was dated May 19, 1911.

Now, there is a letter that is in evidence, addressed to Henry P. Fellows—yourself, by Lyon & Lyon, dated the 24th of May [handing paper to witness]?

Mr. FELLOWS (examining paper). Yes.

Mr. BLANTON. Showing that you had written them on the 23d?

Mr. FELLOWS. Yes.

Mr. BLANTON. And your letter is in evidence too, where you attempted to cancel their power of attorney. State whether or not this letter caused you to do that—whether the letter I have just read caused you to cancel the power of attorney that Lyons & Lyons had [handing paper to witness].

Mr. FELLOWS (examining paper). I did arrange in that way, yes; so as to have Lyon & Lyon withdrawn.

Mr. BLANTON. Yes; he said in this letter of May 19, "Of course you must arrange by correspondence, or otherwise, to withdraw the case from other counsel," you then wrote the letter to Lyon & Lyon, withdrawing it from them?

Mr. FELLOWS. Yes.

Mr. BOWLING. Who had the power of attorney at this time that you mentioned?

Mr. BLANTON. Lyon & Lyon.

Mr. FELLOWS. Lyon & Lyon.

Mr. BLANTON. Attorneys here in Washington.

The correspondence which has been already introduced shows that you mailed to Mr. Fenning a power of attorney for Mrs. Kelly.

Mr. FELLOWS. Yes.

Mr. BLANTON. Authorizing him to act for her?

Mr. FELLOWS. Yes.

Mr. BLANTON. The last letter that has been introduced in evidence before the committee was this one dated April 11, 1924, addressed to you by Mr. Fenning, acknowledging receipt of yours of that same month to him. That is the last one that has been introduced in evidence [handing paper to witness].

Mr. FELLOWS (examining paper). Yes.

Mr. BLANTON. Now, after that, state whether or not you wrote other letters to Mr. Fenning, and whether or not you got a reply to them.

Mr. FELLOWS. I wrote two or three times to Mr. Fenning subsequently to that, and I did not receive any reply.

Mr. BLANTON. You did not receive any reply?

Mr. FELLOWS. No.

Mr. BLANTON. Has he ever made any final report to you?

Mr. FELLOWS. He has not.

Mr. BLANTON. Has he ever stated whether he has collected anything or not?

Mr. FELLOWS. He has not.

Mr. BLANTON. And up to this time do you know whether or not he has collected anything?

Mr. FELLOWS. I do not.

Mr. BLANTON. And then the matter is still pending?

Mr. FELLOWS. So far as I know; yes.

Mr. BLANTON. That is all—wait a minute. Up to the time that Mr. Fenning wrote these first letters in 1911 to you and Mrs. Kelly—up to that time had you or Mrs. Kelly ever met Mr. Fenning?

Mr. FELLOWS. No; we never had.

Mr. BLANTON. Did you know anything about him up to that time?

Mr. FELLOWS. No.

The following are a few of the many letters Fenning wrote in this case, showing that he was initiating and working up claims against the Government:

JUNE 9, 1911.

HENRY P. FELLOWS, Esq.,
43 Tremont Street, Boston, Mass.

DEAR SIR: I have received your two letters of the 8th instant and also the petition executed by Mrs. Kelly.

I am taking up this matter with the Committee on War Claims of the House of Representatives and hope to be able to give you definite information by the middle of next week.

Yours faithfully,

F. A. FENNING.

DECEMBER 7, 1911.

HENRY P. FELLOWS, Esq.,
43 Tremont Street, Boston, Mass.

DEAR SIR: I have your letter of December 4 in regard to Mrs. Kelly's claim for differences of longevity pay. By the rules adopted at the extra session of Congress it was impossible to have the claim referred to the Court of Claims, but I am taking the matter up and expect to have it referred at the present (regular) session.

I shall advise you of developments.

Yours faithfully,

F. A. FENNING.

FEBRUARY 23, 1915.

HENRY P. FELLOWS, Esq.,
43 Tremont Street, Boston, Mass.

DEAR MR. FELLOWS: Your letter of February 20, inquiring as to the status of longevity pay claims, was duly received. A bill providing for the payment of this class of claims is pending in the Senate, but I have almost given up hope of its passage at this session of Congress owing to the mass of proposed legislation which has precedence over it. It looks as though the matter would have to be taken up anew with the next Congress.

Yours very truly,

F. A. FENNING.

FEBRUARY 7, 1916.

HENRY P. FELLOWS, Esq.,
Barristers' Hall, Boston, Mass.

DEAR MR. FELLOWS: I have yours of the 5th instant, and it may be that a little later it will be desirable to call upon Senator Weeks, at which time I shall be glad to do it with the letter you have forwarded to me. Meanwhile, let me say that I have had a letter from Senator Weeks, in which he says he will keep this matter in mind, and I feel certain that we can be assured of his cooperation.

Yours very truly,

F. A. FENNING.

APRIL 11, 1924.

HENRY P. FELLOWS, Esq.,
40 Court Street, Boston, Mass.

DEAR MR. FELLOWS: I have just received your letter of April 10, 1924. H. R. 703, providing for the payment of longevity claims, was introduced in the House December 5, 1923, and favorably reported by the Committee on Judiciary January 18, 1924. Congress has been paying so much attention to other things that this meritorious bill has not yet received consideration. I am doing all that I can to secure its passage, and I am very hopeful that the way will be clear for the payment of these claims during the session of the present Congress.

With best wishes, I am, yours very truly,

F. A. FENNING.

FENNING AT FIRST DENIED

Before Frederick A. Fenning knew that I was in possession of the foregoing correspondence, just after he had made his defensive statement before our Gibson committee, I asked him about that circular he had been sending out showing how many claims he had collected, and the following occurred:

Mr. BLANTON. Did you write to Mrs. Kelly, of Massachusetts, and send her one of those circulars and ask her to employ you in her case?

Mr. FENNING. I presume that one of those circulars got to Mrs. Kelly.

Mr. BLANTON. Did you write a letter and send one to her?

Mr. FENNING. Did I write a letter and send one to her?

Mr. BLANTON. Did you send one to her and ask her to employ you?

Mr. FENNING. I don't know.

Mr. BLANTON. Will you say you did not?

Mr. FENNING. I answer, I don't know.

Mr. BLANTON. Isn't it a fact that you kept that up from the time you first wrote her until 1924?

Mr. FENNING. You ask me if I wrote her a letter?

Mr. BLANTON. Yes.

Mr. FENNING. Originally—I say I do not remember. I do say that she placed a case in my hands to be taken care of.

Mr. BLANTON. Look at this letterhead and this writing and this signature and say whether or not that is your letterhead and your signature [handing a paper to the witness]. Is it or is it not?

Mr. FENNING. I want to call your attention to that clause "if the matter is not in the hands of other counsel." The contention is made in charge 20 that I influenced her to break her contract and power of attorney with somebody else.

Mr. BLANTON. That is what I am going to show by your correspondence right now.

"I hope you will promptly sign and return the inclosed blank."

That was a power of attorney, wasn't it?

Mr. FENNING. I persume it was a power of attorney and a contingent fee agreement.

By inspecting the foregoing correspondence you will note that without knowing Mrs. Kelly or her Boston attorney, Mr. Fellows, Fenning wrote to her seeking employment, and when he found out that she already had Lyon & Lyon representing her case in Washington, he induced Fellows to discharge them and to hire him on a contingent fee, agreeing to share such fee with Fellows.

WITHOUT KNOWING MRS. LEE, INDUCED HER TO MAKE HIM GUARDIAN OF HER SON AND THEN EMPLOY HIS OFFICE PARTNER, ROGERS, IN RAILROAD CASE

Mrs. Eliza Lee, under oath, testified before the Judiciary Committee:

The witness was duly sworn by the chairman of the subcommittee.

Mr. BLANTON. What is your name?

Mrs. LEE. Eliza Lee.

Mr. BLANTON. Mrs. Lee, you are the mother of Roley Lee, who is now at St. Elizabeths Asylum?

Mrs. LEE. Yes, sir.

Mr. BLANTON. State whether or not Roley Lee was in France during the World War, in service.

Mrs. LEE. Yes; he was.

Mr. BLANTON. When Roley Lee entered the service and went to France, what was the condition of his health?

Mrs. LEE. He had good health.

Mr. BLANTON. Was he active, strong, and robust, or was he sick?

Mrs. LEE. He never was sick none.

Mr. BLANTON. When he came home, when you first saw him after he came home, what was his condition and where was he?

Mrs. LEE. I went to Camp Lee to see him, and he was shell shocked.

Mr. BLANTON. Was he injured in any other way?

Mrs. LEE. He was gassed.

Mr. BLANTON. With regard to having a shrapnel wound in his hip, state whether or not he did have such a wound.

Mrs. LEE. Yes, sir; a great big place on his left side.

Mr. BLANTON. Did you have any other boys in the war?

Mrs. LEE. I had two.

Mr. BLANTON. You had three boys altogether?

Mrs. LEE. I had three boys altogether.

Mr. BLANTON. Mrs. Lee, after you saw him over here where he could not get about, state whether or not he disappeared and you did not know where he was.

Mrs. LEE. He got a furlough to come from Camp Lee and stayed at home 30 days, and went around to see his neighbors and kinfolk. Then he went back to Camp Lee and stayed until he got his discharge. Then he came home and stayed about a month. Then he went to Baltimore to school. He wrote me letters often backward and forward, and maybe in about two months, as well as I remember, his letters stopped and I never heard from the boy for two years.

Mr. BLANTON. You did not know what had become of him?

Mrs. LEE. I did not know what had become of him.

Mr. BLANTON. Up to that time did you know Mr. Frederick A. Fenning?

Mrs. LEE. I did not.

Mr. BLANTON. Had you ever seen him?

Mrs. LEE. No, sir.

Mr. BLANTON. If any papers ever came to Grundy, Va., for you to sign, state what they were and whether or not you signed them.

Mrs. LEE. In 1922, as well as I remember, he sent some papers to Mr. Percy Lenden (?) for me to sign, for him to be my son's guardian.

Mr. BLANTON. For him to be your son's guardian?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Up to that time had you asked him to act as guardian for your son?

Mrs. LEE. I had not.

Mr. BLANTON. Did you know him up to that time?

Mrs. LEE. No.

Mr. BLANTON. What representations, if any, were made with regard to your signing the paper, and your being allowed to see your boy and getting compensation, if you would sign the papers?

Mrs. LEE. Percy said Mr. Fenning said if I would sign the papers I would get $250 back money, and I wanted to come and see my son.

Mr. BLANTON. Did you want to see your son?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Did you believe you could see your son if you would sign the papers?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Did you sign the papers?

Mrs. LEE. Yes; I did.

Mr. BLANTON. Mrs. Lee, I show you the auditor's report that has been put in evidence that on March 7, 1922, Mr. Fenning was allowed $134.95, and also $188 commission on your son's estate; that on February 23, 1923, he was allowed a commission of $204.22; that on February 14, 1924, he was allowed commission of $204.25; that on March 17, 1925, he was allowed commission of $210.81. If you had known that he would be allowed those sums of money out of your son's estate, would you have signed that paper?

Mrs. LEE. No. If I had known what I knowed after I come here and seen him, I would not have signed it at all.

Mr. BLANTON. Here is a certificate of guardianship and committee issued to you. I will read it:

"CERTIFICATE OF GUARDIANSHIP AND COMMITTEE

"Virginia: At a circuit court held and continued for Buchanan County, at the courthouse thereof, on Monday, April 24, 1922:

"Present: Hon. William E. Burns, judge presiding.

"On motion, Eliza Lee was appointed guardian and committee for her son, Roley Lee, an insane person, and thereupon the said Eliza Lee entered into bond in the sum of $5,000 with J. H. Stinson and S. R. Hurley as her sureties.

"VIRGINIA, *Buchanan County, to wit:*

"I, Moscoe Belcher, deputy for S. R. Hurley, clerk of the circuit court of the county and State aforesaid, certify that the foregoing writing is a correct copy of an order of court appointing Eliza Lee guardian of Roley Lee, as appears of record in the circuit court clerk's office, recorded in common law order book No. 6, page 128.

"Given under my hand this 3d day of July, 1923.

"[NOTARIAL SEAL.] MOSCOE BELCHER,

"*Deputy Clerk, Buchanan County, Va.*"

Mrs. LEE. That is right.

Mr. BLANTON. Here is a communication from S. R. Hurley, clerk of the circuit court of Buchanan County, Va. It is addressed to the Department of Interior, St. Elizabeths Hospital, Washington, D. C. This letter is dated July 4, 1923, and reads as follows:

"GENTLEMEN: Mrs. Eliza Lee, the mother of Rolly Lee, is very anxious to bring her son, Rolly Lee, home to Grundy, Va., and care for him here. We have three good physicians here in town, and the boy can get medical aid here and the care of his mother.

"If the department could let this boy come home with his mother, I believe that it would be of more benefit and do him more good to get back home in the mountains than all the medical aid that could be administered to him.

"Mrs. Eliza Lee has also qualified as guardian for this boy, and she is able to care for him if he could be released on a vacation or furlough.

"Respectfully yours,

"S. R. HURLEY,

"*Clerk, Circuit Court, Buchanan County, Va.*"

Here is a letter dated August 31, 1922, from Mr. Fenning to Hon. C. B. Slemp, House of Representatives, Washington, D. C., reading as follows:

"DEAR MR. SLEMP: I have your letter of August 30, 1922, inclosing certificate from the deputy clerk of the circuit court of Buchanan County, Va., showing the appointment of Eliza Lee as committee of Rilay Lee. I presume that this refers to my ward Roley Lee.

"Our court has held that it would not direct a committee appointed in this jurisdiction to turn over the estate of an incompetent to a committee appointed elsewhere unless the ward was removed to the jurisdiction in which the other fiduciary was appointed. Roley Lee still remains a patient under treatment at St. Elizabeths Hospital. If he should be removed to the State of Virginia, please let me know and I will take up the matter with our court without delay.

"Yours very truly,

"F. A. FENNING."

That letter shows that on August 31, 1922, Frederick Fenning had notice from Congressman Slemp and the Buchanan County court of Virginia that Mrs. Eliza Lee had duly qualified as guardian and committee of her shell-shocked, wounded, gassed son, and was frantic to get him back home with her, and was imploring Fenning to turn him loose. And Fenning knew when he wrote that letter to Slemp that he had control of the doctors in St. Elizabeths, and that Roley Lee would not be sent away from St. Elizabeths. And Fenning forced this poor mother to leave her home in Virginia and move to Washington on enormous expenses that had to be paid out of Roley's estate, so she could be near her son and care for him, and Fenning held on to him and exploited his estate from 1922 until May 8, 1926, when I went before the Supreme Court and got Chief Justice McCoy to issue an order directing Fenning to turn Roley Lee and his property back to his mother.

Mr. BLANTON. Did you want to take him home?

Mrs. LEE. Yes, indeed.

Mr. BLANTON. How long have you been living in Washington?

Mrs. LEE. Ever since 1924. But listen. I visited up here in 1922 and 1923.

Mr. BLANTON. And he paid the expenses?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Mr. Fenning did?

Mrs. LEE. Yes, sir.

Mr. BLANTON. That came out of your son's estate?

Mrs. LEE. Yes, sir.

Mr. BLANTON. You came here in 1924 and stayed to look after your boy, did you?

Mrs. LEE. My boy was pretty near dead when I came here.

Mr. BLANTON. State what you did for him.

Mrs. LEE. I done so much I don't believe I could tell it all.

Mr. BLANTON. Have they ever since 1924 let you take him out?

Mrs. LEE. Yes, sir. Last summer I taken him out all summer and all winter, up to my room.

Mr. BLANTON. What time would you leave with him in the morning?

Mrs. LEE. Sometimes about 9 o'clock.

Mr. BLANTON. What time would you take him back?

Mrs. LEE. About 20 minutes before 7.

Mr. BLANTON. From 9 o'clock in the morning until 20 minutes before 7 in the evening you would keep him?

Mrs. LEE. Yes, sir; I would keep him all day long.

Mr. BLANTON. State whether or not you cooked for him.

Mrs. LEE. I would give him his meals.

Mr. BLANTON. State whether or not you took care of his clothes and mended them.

Mrs. LEE. I washed his clothes and had them pressed and done all that was done for him, except his breakfast and bed.

Mr. BLANTON. State whether or not you entertained him and showed him around.

Mrs. LEE. I have taken him out street-car riding, and down to Mr. Fenning's office about twice or three times, but I never seen Mr. Fenning.

Mr. BLANTON. Whom would you see in the office?

Mrs. LEE. The stenographer in the office.

Mr. BLANTON. State whether or not you brought him to my office many times.

Mrs. LEE. I brought him to your office, I think, about three or four times, as well as I can remember.

Mr. BLANTON. Have you not brought him more than that?

Mrs. LEE. I expect I have, but after I brought him down there they would not let me take him outside any more.

Mr. BLANTON. Before they knew you were bringing him, did you bring him there a good many times?

Mrs. LEE. Yes, sir.

Mr. BLANTON. State whether or not Roley Lee minds everything you tell him.

Mrs. LEE. He minds me just like a baby.

Mr. BLANTON. To give the committee an idea, and an incident, I want to ask you this: State whether or not you brought him to my office one morning, and when he saw a lot of people there he would not come in, and you told him to stand at the window on the third floor of this hallway, and you came in and stayed quite a long time, and when you went out, state whether or not he was standing by the window where you left him.

Mrs. LEE. I told him to stand there until I got the papers fixed up to take him out. I said, "Son, stay right there until I come out."

Mr. BLANTON. Did he stay there?

Mrs. LEE. He stayed right there. He never moved.

Mr. BLANTON. About how long were you in that office fixing up those papers?

Mrs. LEE. I expect I was in there about an hour and a half.

Mr. BLANTON. And when you came out he was still standing right where you left him, at that window on the third floor of this building?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Right outside my office?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Can you manage him and handle him?

Mrs. LEE. Yes; indeed. He minds me good.

Mr. BLANTON. Is it expensive or not for you to stay here in Washington?

Mrs. LEE. Of course it is.

Mr. BLANTON. Has it been expensive for you to stay here since 1924 to look after him?

Mrs. LEE. Yes, sir.

Mr. BLANTON. State whether or not you own your own home in Grundy.

Mrs. LEE. I own a home in Grundy, Va.

Mr. BLANTON. If you had him at your home in Grundy, state whether or not you could save the expense of living here and looking after him.

Mrs. LEE. Yes, sir.

Mr. BLANTON. State whether or not these funds that Mr. Fenning has drawn since 1922, up to the time you became guardian yourself, of $134.95, $188, $204.22, $204.25, and $210.81, had been paid to you instead of Mr. Fenning it would have meant much to you.

Mrs. LEE. Yes, sir.

Mr. BLANTON. Would it or not have meant much to you?

Mrs. LEE. It would have meant lots to me.

Mr. BLANTON. I think this is very pertinent testimony.

Mr. HOGAN. I am making no objection.

BUSINESS FOR FENNING & ROGERS, ATTORNEYS

Mr. BLANTON. I want to ask you one or two further questions. Mrs. Lee, did you ever get hurt on a street car?

Mrs. LEE. On the 16th of January I got hurt.

Mr. BLANTON. State whether or not you ever mentioned that to Mr. Fenning. Just tell all about it.

Mrs. LEE. Mr. Fenning come to the ward in St. Elizabeths and he spoke to me and says, "Roley looks fine." I said, "Yes." I spoke to Mr. Fenning and told him I got hurt on the street car. I said one or two words, and he said, "You come to my office to-morrow and I will tell Mr. Rogers."

Mr. BLANTON. Had you up to that time said anything about seeing a lawyer?

Mrs. LEE. No, sir.

Mr. BLANTON. He told you to come to his office and see Mr. Rogers?

Mrs. LEE. Yes, sir. I didn't think of getting anything out of it.

Mr. BLANTON. You didn't think of getting anything out of it?

Mrs. LEE. No, sir.

Mr. BLANTON. But he told you to come to his office and see Mr. Rogers the next morning?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Did you go down there?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Whom did you see?

Mrs. LEE. I saw a stenographer, and I saw Mr. Rogers.

Mr. BLANTON. You can step right from where the stenographer is into Mr. Rogers's room?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Did you go to see Mr. Rogers?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Tell what you told Mr. Rogers with regard to your agreeing to pay him anything and about what had happened.

Mrs. LEE. I told Mr. Rogers if he didn't win anything I couldn't pay him.

Mr. BLANTON. If he didn't win something for you, you could not pay him?

Mrs. LEE. Yes, sir.

Mr. BLANTON. That he would have to recover before you could pay him anything?

Mrs. LEE. Yes, sir.

Mr. BLANTON. Now, Mrs. Lee, after this investigation began state whether or not you received this letter in April from Mr. Rogers.

Mrs. LEE. Yes, sir; I received that letter. I received that letter the 17th of April.

Mr. BLANTON. It is addressed to Mrs. Eliza Lee, 2739 Nichols Avenue SE., Washington, D. C.

Mrs. LEE. Yes, sir.

Mr. BLANTON. The letterhead is "Law Office, Paul V. Rogers, Evans Building, Washington, D. C." It is dated April 17, 1926, and reads as follows:

"DEAR MR. LEE: I have been advised that you have made certain statements to Mr. BLANTON relative to the claim which I am handling for you against the Washington Railway & Electric Co., which are prejudicial not only to me but to Mr. Fenning. I had received from the railway company a proposition of settlement, but in view of your actions I do not care to represent you further in the matter. You advised me the other day that in your opinion you were entitled to $1,000, and I doubt that the company will consider paying this amount, unless predicated upon a judgment. Under the circumstances my suggestion is that you employ other counsel in the matter.

"Yours truly,

"PAUL V. ROGERS."

Mrs. Lee, after you received that letter state whether or not I went with you to see the railway company.

Mrs. LEE. You did.

Mr. BLANTON. State whether or not they settled the case with you without any lawyer and paid you——

Mr. HOGAN (interposing). I would like to know what this has to do with Mr. Fenning. If Mr. BLANTON wants the record to show that out of the goodness of his heart he helped this lady, that is another thing.

Mr. BLANTON. I have.

Mr. HOGAN. If he wants to do that, I think he should get on the floor of the House and state it. I would not suggest that Mr. BLANTON was practicing law.

Mr. BLANTON. Yes. But I did it as your friend, did I not, Mrs. Lee?

Mrs. LEE. Yes, sir.

Mr. HOGAN. I submit that these nice things Mr. BLANTON does might be very interesting to his constituents, but what has it to do with the Fenning case?

WHAT IT HAD TO DO WITH FENNING

It had just this connection with Fenning: When he learned that a street car had run against and knocked Mrs. Lee down and injured her he sent her to his office and had her employ his office man, Rogers, with their 50-50 arrangement on fees concerning business Fenning brought him; but when Fenning found out that I was charging him with barratry and champerty he had Rogers turn her case back to her, indicating to her that she would lose everything now. I took this poor woman to the railroad officials and got them to settle her case, and give her a check for her damages, without it costing her one penny. And I have thus helped other poor widows here.

Mr. BLANTON. I think it will be interesting, but I will not pursue it any further.

Mrs. Lee, did you sign a petition last Saturday a week ago to Judge McCoy asking him to release your boy from St. Elizabeths and from Mr. Fenning?

Mrs. LEE. Yes, sir.

Mr. BLANTON. And he did release him?

Mrs. LEE. Yes, sir.

Mr. HOGAN. If Mr. BLANTON is going to testify, why should he not be sworn and I given opportunity to cross-examine him?

Mr. DYER. He is asking a question.

Mr. BLANTON. I will read the following order from the chief justice of the Supreme Court of the District of Columbia:

"In the Supreme Court of the District of Columbia, holding an equity court. In re Roly Lee, lunatic. Lunacy No. 8780.

"The petition of Eliza Lee, joined by the petition of the Director of the United States Veterans' Bureau, disclosing to the court that said Roly Lee is a legal resident of Buchanan County, State of Virginia; that his mother, Mrs. Eliza Lee, has duly qualified in the probate court of said county and State as his legal guardian and committee and is entitled to his custody; that said Roly Lee is a World War veteran and under the care of the United States Veterans' Bureau, which caused him to be placed in St. Elizabeths Hospital, and that it is the desire of said bureau that said ward be turned over to his mother and legal guardian and committee, and the consent of the present committee having been given and filed, it is therefore

"*Ordered*, That the superintendent of St. Elizabeths Hospital be, and he is hereby, directed to turn over and deliver the said Roly Lee into the care and custody of his said mother, Mrs. Eliza Lee, who, under the direction of said Director of the United States Veterans' Bureau, is authorized to remove him from the jurisdiction of this court.

"2. That the circuit court of Buchanan County, Va., be notified of this transfer to its jurisdiction and of the responsibility of Mrs. Eliza Lee's bond to it attaching, and to which court she will hereafter make due accounting; that Frederick A. Fenning, committee of said Roly Lee under this court, be, and he is hereby, directed forthwith to file his final account and, upon approval thereof, to turn over to said Mrs. Eliza Lee, and accept her receipt for same, all of the estate of said Roly Lee in his hands and for which he is lawfully responsible; that hereafter the United States Veterans' Bureau is authorized and directed to pay all amounts due under this case to the said Mrs. Eliza Lee, as guardian and committee of the said Roly Lee under the jurisdiction and control of said circuit court of Buchanan County, Va."

This is executed May 8, 1926, by Walter I. McCoy, chief justice, Supreme Court, District of Columbia, and there is a certification here by the clerk of the court that this is a true and correct copy of the order on file in that court.

Now, Mrs. Lee, since this court here has ordered your son turned over to you on May 8, 1926, why are you still here in Washington?

Mr. HERSEY. That was the 26th of May.

Mr. BLANTON. That is May 8, 1926, and this is the 27th.

Mr. DYER. There is no dispute but what the order was made and there is no dispute but what the property has not been turned over to the witness; is that true?

Mr. BLANTON. If this account had been settled, Mrs. Lee——

Mr. HOGAN. Did you ask me a question, Mr. Chairman?

Mr. DYER. No; I made this statement for the record—I thought it might shorten it. I do not want to interfere with counsel, of course, or with Mr. BLANTON'S method; but I took it from the copy of the order which Mr. BLANTON read and from the answer the witness had made, that the court had ordered the property of her son turned over to her and that it had not been turned over.

Mr. BLANTON. And the gentleman here knows it has not and if she could get the property this evening, she could leave to-night.

Mr. HOGAN. No; it has not.

Mr. DYER. That is why I asked the question, to shorten the inquiry. The committee can draw the proper inference.

Mr. BLANTON. Mrs. Lee, is there anything that keeps you here in Washington to-day, other than the fact you have not gotten the estate that belongs to your son?

Mrs. LEE. That is what I am waiting for.

And it was July 14, 1926, before Fenning made settlement with Mrs. Lee and turned over to her the $5,261.71 he had left of her son's money. And he paid back to her the $29.67 commissions he had unlawfully taken out of Roly Lee's estate on bond premiums. And now for nearly a year Roly Lee has been at home with his mother in the mountains of Virginia in Grundy, and is happy and slowly regaining his health. He would have died had Fenning been allowed to keep him locked up in St. Elizabeths Insane Asylum.

CHARGES NOS. 6, 7, AND 8 GROUPED

As charges 6, 7, and 8 are interrelated, I will group them.

CHARGE NO. 6

I charge that continuously during the past 23 years the said Frederick A. Fenning has wrongfully conspired and confederated with Dr. William A. White, superintendent of St. Elizabeths Hospital, an institution of the United States Government, in an improper agreement and practice whereby the said Frederick A. Fenning was given an improper, selfish, monopolistic inside concession not allowed to other attorneys, wherein he was permitted to personally examine all records, correspondence, and papers relating to inmates of such institution, and thereby ascertain which of said wards of this Government had money, property, or compensation or pension claims against the Government of the United States, a privilege denied to other attorneys; and whereby the said Frederick A. Fenning would act as attorney for the said Doctor White or would have his law partner act as such attorney for said Doctor White in filing in the Supreme Court of the District of Columbia said Doctor White's petition praying that a certain inmate, found to possess money or property or to have a claim against the Government, be adjudged of unsound mind, and praying that a committee be appointed by the court to take charge of such estate and prosecute such claim against the Government, and in which petition said Fenning would have the said Doctor White recommend the said Frederick A. Fenning as the committee to be appointed, and I charge that in pursuance of said wrongful conspiracy and improper practice the said Frederick A. Fenning induced the said Doctor White to execute over 200 such petitions which said Fenning filed in the said Supreme Court of the District of Columbia, wherein said Fenning was recommended for committee, and in which cases the court appointed said Fenning as committee or guardian, and as such said Fenning came into possession of the money and property and income of his said ward and prosecuted said ward's claims against the Government of the United States, and out of which estate and annual income the said Frederick A. Fenning has received annually a large per cent.

CHARGE NO. 7

I charge that the said Frederick A. Fenning, about 23 years ago, wrongfully and improperly solicited the Justice of the Supreme Court of the District of Columbia then having charge of lunacy cases, to appoint him guardian or committee in all lunacy cases, and that said Fenning was then told by said justice that he would not appoint as committee or guardian any person except the one recommended in the petition, and that then and continuously since then the said Frederick A. Fenning has wrongfully and improperly solicited all persons who might file such petitions to name him therein as committee or guardian, and he has written many persons whom he had never seen or known, urging that they grant him permission to file such petitions for them, with himself named therein as the one recommended for appointment as guardian or committee.

CHARGE NO. 8

I charge that the said Frederick A. Fenning has admitted under oath that about 23 years ago he caused to be originated the unlawful and improper practice of paying out of the estate of the person adjudged to be of unsound mind a fee of $10 to each doctor employed in St. Elizabeths Hospital who signed one of the two required affidavits certifying that he deemed such person of unsound mind, notwithstanding the fact that the law requires all of said doctors employed in St. Elizabeths Hospital to give all of their time to St. Elizabeths Hospital, and said Fenning testified under oath that when about 23 years ago he asked the presiding justice to allow such fees to said doctors, that the said justice of the court asked him to look up whether there was any law allowing it, and that after two weeks' search he could find none, whereupon, although there was no authority for same, the court entered an order allowing it, and that such a fee has been unlawfully and wrongfully paid to said doctors ever since, and I charge that said Frederick A. Fenning thus caused a wrongful and unlawful system to be inaugurated and followed continuously for 23 years, which squanders in unwarranted costs the estates of his wards, and I charge that said Frederick A. Fenning thus used his ward's money to buy favors from and to ingratiate himself into the good graces of all the doctors in St. Elizabeths Hospital, whom he expected to use in his business, and I charge that continuously for the past 23 years the said Frederick A. Fenning has thus paid a fee of $10 wrongfully to a doctor in St. Elizabeths Hospital, and has also paid a second fee of $10, wrongfully, either to his brother-in-law, Dr. J. Ramsay Nevitt, who during all such time has been coroner of said District, or to some other friendly doctor in the District of Columbia, and this, too, when the said Fenning knew that under the law and practice in the Supreme Court of the District of Columbia he was entitled to have doctors give their testimony in insanity cases for $1.25 per day.

FENNING'S SWORN TESTIMONY, 20 YEARS AGO

When Doctor White was being investigated in 1906, 20 years ago, Frederick A. Fenning then testified under oath. From these old printed hearings of 1906, dug up out of the basement of the Capitol, I quote:

Mr. FENNING. When I was at the United States pension agency, in the Government service, I had charge for a good many years of the payments of pensions to fiduciaries. All of the payments to guardians, committees, or conservators have been through me.

It seemed to me there was a field here for a man to act as what might be called a quasi public guardian.

Within two months after I resigned from the Government service and took that up, business of that nature began to come in; and I have been appointed and I am now committee of, I think, about 65 lunatics and 1 habitual drunkard and guardian of about 7 minor children.

When I took that matter up with some of the judges of the courts, as I did in the first instance, and told them what I was ready to do,

Mr. Justice Barnard, who was then holding probate court and also hearing lunacy cases, remarked that he would be glad to appoint me in such cases, but he was practically in every case guided by the recommendation of the petition; that if a petition came to him suggesting some one else, and that person was a proper person, he should feel that he ought to appoint that person. Then it was up to me to see that I was the person suggested in the petition, because the judge had made it rather plain to me that he did not care, unless there was an unusual reason for it, to neglect the suggestion shown in the petition.

With particular reference to what physicians and how many physicians should testify in lunacy cases, Justice Barnard agreed with me that in accordance with the old Maryland law there ought to be the testimony of at least two medical men. The conclusion was reached that the ideal arrangement would be to have one physician from the hospital and one physician from the city.

I have had Doctor Nevitt, who used to be the police surgeon here, and who has testified on the stand that while he was police surgeon he testified in from 600 to 800 cases.

The question came up years ago as to whether a physician on the pay roll at the Government Hospital for the Insane could properly receive a fee in those cases. So I submitted to the justice in November, 1904, bills for $10 each that I had received from Doctor Hummer, of the hospital, and from Doctor Nevitt, of the city. He asked me if I could find any law on the subject which would operate to prevent a physician at the hospital receiving a fee, and my recollection is that the only law I could find and cite was the statute which provides that an employee of the United States testifying in a case in which the United States is a party shall receive nothing in addition to his actual expenses. He signed this order:

"In re John Crowe, lunatic, lunacy No. 1652.

"The committee in the above-entitled cause having appeared in court and informed the court that he has received bills for $10 each from Dr. Harry R. Hummer, Government Hospital for the Insane, and Dr. J. Ramsay Nevitt, Washington, D. C., for their services as expert witnesses at the lunacy proceeding held in this cause June 29, 1904, it is by the court this 14th day of November, 1904.

"*Ordered*, That the committee be, and is hereby, authorized and directed to pay the said bills from the funds of said lunatic.

"THOMAS H. ANDERSON, *Justice*."

Mr. HAY. As I understand it, you went into this business on your own account. You saw that there was a field here, as you say, and you thought that it would be a good field, and you have continued in that line——

Mr. FENNING. Yes, sir.

Mr. HAY. And you have continued not only to solicit these cases from the Government Hospital for the Insane but from others.

Mr. FENNING. From every institution and from all the attorneys I could reach; from anybody who was connected in any way with a case requiring the services of a fiduciary.

Mr. HAY. Some intimation has been made that perhaps you were, to use a vulgar term, in cahoots with somebody out at that institution, and that they get a part of your fees, or that you compensate them in consideration of the fact that you are employed in a case, is there anything in that?

Mr. FENNING. No; there is absolutely nothing in that.

I am going on this record here as saying that I am willing to do business by wholesale whenever I can get it.

* * * * * * *

Mr. FENNING. No, sir; I do not. I have been criticized by one or two members of the Medico-Legal Society in this proceeding, and it has been said that I have appeared in court and have endeavored to oppose habeas corpus proceedings and have thrown obstacles in the way of persons getting out of the hospital. I am frank to admit that in the Corbett case—I am the committee of Mrs. Corbett—I went into the court when the habeas corpus proceeding was about to be heard and told the judge that as committee of Mrs. Corbett I had looked carefully into the case since she had filed her petition for a writ of habeas corpus, and my opinion was that the best interests of Mrs. Corbett demanded that she remain where she was, and that that being the case I was going to appear with the district attorney in opposition to the issuance of the writ.

THAT WAS A MOST DAMNING ADMISSION

For these two Corbett ladies, mother and daughter, established their sanity in court before a jury of their peers, and Miss Corbett has been an honored, respected, efficient employee here ever since; but she says that Fenning's cruel treatment of her mother hastened her death. And Fenning has thrown every obstacle in the way of all of his other numerous wards who have tried to free themselves from his clutches.

HOW FENNING THEN KEPT ST. ELIZABETHS DOCTORS IN GOOD WORKING ORDER

Mr. HAY. How many of these cases have you appeared in?

Doctor HUMMER. Why, I never stopped to calculate it. I suppose 40 or 50, and possibly more.

The CHAIRMAN. Did you get paid for your services in the Bastin case?

Doctor HUMMER. Yes; I got a fee of $25 for examining that man.

The CHAIRMAN. Who paid you that?

Doctor HUMMER. Mr. Fenning paid me.

The CHAIRMAN. Who was the other physician?

Doctor HUMMER. The other physician was Doctor Nevitt—Coroner Nevitt. He is now coroner for the District. As near as I remember, the judge said, "What do you expect to pay these men for their services?" "Well," he says, "a reasonable amount." The judge says, "What do you suppose is a reasonable amount?" He said, "I think a fee of $25"; and I am informed that the judge signed an order authorizing him to pay two physicians a fee of $25.

The CHAIRMAN. What is the usual compensation given to these cases?

Doctor HUMMER. Usually the compensation is $10, sir.

Mr. HAY. Did you make any charge yourself, or just leave it to Mr. Fenning?

Doctor HUMMER. Mr. Fenning called me up and said, "I think you are entitled to a fee for your services here"; and I said, "All right; I will accept a fee."

Mr. HAY. You did not fix the fee?

Doctor HUMMER. No; I don't believe I said a word about a fee.

CONCERNING APPOINTMENT OF GUARDIANS

Mr. HAY. Does the court act upon your petition?

Doctor WHITE. Yes, sir; usually upon my petition.

Mr. HAY. As to who the guardian shall be?

Doctor WHITE. Yes, sir; in many instances.

The CHAIRMAN. Doctor, when this petition is prepared is there a nomination of some particular person for guardian?

Doctor WHITE. In the petition?

The CHAIRMAN. Yes.

Doctor WHITE. Yes, sir; Mr. Fenning has usually been mentioned in the petition.

Mr. WALLACE. Who first introduced Mr. Frederick A. Fenning to you and suggested the arrangement you made with him, whereby you executed so many petitions for his appointment as committee over the persons and properties of your ex-soldier patients?

Doctor WHITE. He may have introduced himself. I don't recall.

Mr. WALLACE. Did you have any knowledge of the fact that Doctor Nichols, Doctor Toner, Doctor Hummer, and others of your official staff were getting fees of $10 or more out of these ex-soldiers' pensions for testifying in these Fenning cases?

Doctor WHITE. I had knowledge they were getting a fee of $10.

Mr. WALLACE. For the purpose of preparing these petitions in lunacy, does Mr. Fenning have free access to the hospital records of these cases and their Army records?

Doctor WHITE. I think so.

EMPLOYED IN ST. ELIZABETHS 40 YEARS

Remember that Frank M. Finotti, who was chief clerk in St. Elizabeths for 40 years, swore on April 3, 1926, that Doctor White allowed Frederick Fenning free access to all the records and correspondence, and that he had seen several hundred petitions wherein Doctor White had recommended to the court that Fenning be appointed guardian or committee. And remember that Mrs. Ellen H. Finotti, who was record and file clerk there, swore on April 3, 1926, that Doctor White notified her to allow Fenning free access to such records, and that no other attorney in Washington had that privilege.

SWORN TESTIMONY OF WILLIAM H. HAYDEN

Mr. BLANTON. You are how old?

Mr. HAYDEN. Sixty-four and a fraction.

Mr. BLANTON. You have worked at St. Elizabeths Hospital how long?

Mr. HAYDEN. About 31 years, nearly 32 years.

Mr. BLANTON. Continuously?

Mr. HAYDEN. Yes, sir.

Mr. BLANTON. Where are you working now?

Mr. HAYDEN. At the same place.

Mr. BLANTON. You are still working there?

Mr. HAYDEN. In the same office.

Mr. BLANTON. In the same office, and have been for 32 years continuously?

Mr. HAYDEN. Practically; yes, sir.

Mr. BLANTON. The same office that Mr. Finotti occupied?

Mr. HAYDEN. Yes, sir.

Mr. BLANTON. Have you ever seen Frederick A. Fenning looking through the records in that office?

Mr. HAYDEN. Yes, sir; quite often.

Mr. BLANTON. Have you ever seen anyone else looking through the records for him?

Mr. HAYDEN. No one that I know of.

Mr. BLANTON. Have you ever seen any attorney other than Mr. Fenning, who had free access to those records?

Mr. HAYDEN. I could not distinguish whether he was an attorney or not, but I have never seen any one but Mr. Fenning.

Mr. BLANTON. Mr. Fenning was the only one that had free access, that you know of?

Mr. HAYDEN. Yes, sir.

Mr. BLANTON. For 32 years?

Mr. HAYDEN. Yes, sir.

Mr. BLANTON. Did you ever see Mr. Fenning delivering any checks to Mr. Finotti?

Mr. HAYDEN. Yes, sir; quite frequently. I didn't know what they were for. I have quite frequently seen him lay checks on the desk.

Mr. DYER. Did you understand the question?

Mr. HAYDEN. I saw the checks laid on Mr. Finotti's desk.

Mr. BLANTON. If you ever heard Mr. Finotti make any statement at the time checks were delivered to him, tell what such statement was.

Mr. HAYDEN. I heard him say, jokingly, "You are just in the nick of time. I have overdrawn my bank account." I don't know what that meant.

Mr. BLANTON. Has anyone ever attempted to break open your file case when you were not there? Do you know of anyone?

Mr. HOGAN. What has that got to do with Mr. Fenning? I object to that.

Mr. DYER. We will allow the witness to answer.

Mr. BLANTON. Answer, Mr. Hayden.

Mr. HAYDEN. I say the files were broken open.

EXCERPTS OF DOCTOR WHITE'S TESTIMONY BEFORE GIBSON COMMITTEE

Mr. BLANTON. Have you any interest in the Laurel Sanitarium?

Doctor WHITE. No.

Mr. BLANTON. There is a doctor in charge of the Laurel Sanitarium who used to be in St. Elizabeths under you?

Doctor WHITE. Doctor De Weese.

Mr. BLANTON. When did he leave you, Doctor?

Doctor WHITE. Oh, I should say it must be 20 years ago.

Mr. BLANTON. Do you know who set him up in business out there?

Doctor WHITE. No; I think I did know at the time, because my recollection is it was some relative of his.

Mr. BLANTON. Do you know that Frederick A. Fenning is interested in that business—is he?

Doctor WHITE. He is attorney for the sanitarium.

Mr. BLANTON. I mean more than an attorney.

Doctor WHITE. I do not think so; I think he may have one share of stock, such as he has to have.

Mr. BLANTON. He has told you about that? Having to have one share of stock in it?

Doctor WHITE. I think he has.

Mr. BLANTON. Doctor, you have had a good many financial transactions with Frederick Fenning, have you not?

Doctor WHITE. Just these I have indicated.

Mr. BLANTON. Well, how many?

Doctor WHITE. I have not any idea.

Mr. BLANTON. You bought a number of pieces of property together, did you not?

Doctor WHITE. Together.

Mr. BLANTON. In this way you have bought notes, and you have had to take some property once or twice?

Doctor WHITE. I think only once.

Mr. BLANTON. How many times, would you say?

Doctor WHITE. Once is the best of my recollection.

Mr. BLANTON. Which piece of property was that?

Doctor WHITE. I could not tell you.

Mr. BLANTON. What did you do with it?

Doctor WHITE. Sold it.

Mr. BLANTON. You first ran a joint account in the Washington Loan & Trust Co., did you not?

Doctor WHITE. Yes.

Mr. BLANTON. You and Fenning?

Doctor WHITE. Yes.

Mr. BLANTON. And Fenning was a director of that institution at that time, was he not?

Doctor WHITE. Well, he at one time was director of the Washington Loan & Trust Co.; whether he was when we started that or not, I can not tell you.

Mr. BLANTON. Do you not know that just as soon as he ceased to be a director you switched your account over to the National Savings & Trust Co.?

Doctor WHITE. Yes; that is true.

Mr. BLANTON. And Fenning was director of the National Savings & Trust Co., and is now, is he not?

Doctor WHITE. Yes.

Mr. BLANTON. And the reason you switched is that he ceased to be a director of the Washington Loan & Trust Co. and became a director of the National Savings & Trust Co.?

Doctor WHITE. He preferred to have the account there; it didn't make any difference to me.

Mr. BLANTON. And the reason you switched the account was that he was a director in the one institution?

Doctor WHITE. I take it he preferred to have the account there; it didn't make a particle of difference to me.

Mr. BLANTON. You didn't care?

Doctor WHITE. No; I didn't care. It didn't make any difference to me.

Mr. BLANTON. Doctor, when you came to Washington to take charge of this sanitarium you were a young man, unmarried?

Doctor WHITE. Yes, sir.

Mr. BLANTON. You were a poor man?

Doctor WHITE. Yes, sir.

Mr. BLANTON. Doctor, I want you to tell me the name of one ward that you have ever asked Mr. Fenning to be guardian for who did not have property and income.

Doctor WHITE. I can not do it, sir.

Mr. BLANTON. You can not do that, can you, Doctor?

Doctor WHITE. No; I can not.

Mr. GIBSON. You have in answer to a question said that your inmates are partly Federal?

Doctor WHITE. Yes, sir.

Mr. GIBSON. And by "Federal patients," to what class do you refer?

Doctor WHITE. I refer in the main to the patients that come from the Military Establishment—from the Army, the Navy, and the Marine Corps.

Mr. GIBSON. Are any of the veterans of the World War?

Doctor WHITE. Yes, indeed; and from the Soldiers' Home—yes, indeed.

Mr. GIBSON. These soldiers of the World War, how are they committed to St. Elizabeths?

Doctor WHITE. They come—there is an act authorizing the Director of the Veterans' Bureau to send patients.

Mr. GIBSON. They are sent there by the Director of the Veterans' Bureau?

Doctor WHITE. Yes, indeed.

Mr. GIBSON. And received at the institution?

Doctor WHITE. Yes, indeed.

Mr. GIBSON. And after they are received there at the institution, how are they committed?

Doctor WHITE. They are committed by the director, practically.

Mr. GIBSON. Have you any of the commitment forms that are used?

Doctor WHITE. No, sir. Ordinarily all the patients that come from Federal sources come on an order; for instance, these that come from the War Department come on an order from the Secretary of War, these that come from the Navy Department come on an order by the Secretary of the Navy, etc.

Mr. GIBSON. All those are men in the active service?

Doctor WHITE. Those that come from the Soldiers' Home come on order from the governor of the Soldiers' Home.

Mr. GIBSON. How many veterans have you at St. Elizabeths?

Doctor WHITE. World War veterans?

Mr. GIBSON. Yes.

Doctor WHITE. We have appr[illegible]

Mr. GIBSON. Are those from ne[illegible] or scattered all over?

Doctor WHITE. All over.

Mr. GILBERT. You testified, I believe, that quite a number—over 2,000—are sent there by different departments under law without any adjudication whatever?

Doctor WHITE. Without adjudication.

Mr. GILBERT. For instance, at the old Soldiers' Home, if the authorities there think a man is insane or otherwise, in order to get rid of him they have the authority to say that he is insane and direct him to be received at your hospital?

Doctor WHITE. They have; and we have nothing to do but receive him.

Mr. GIBSON. Can you tell us, Doctor, if you have the record, or if you do not have it can you supply it, the number of cases where you have recommended Mr. Fenning as guardian?

Doctor WHITE. No; I can not tell you that, sir; I can not tell you that.

Mr. GIBSON. Do you now have recollection of recommending any other person to be guardian, other than Mr. Fenning?

Doctor WHITE. I have no distinct recollection.

Mr. GIBSON. But, going over that period of 20 years or more that you have been at St. Elizabeths, do you now remember of having ever asked for the appointment of any person other than Fenning as guardian?

Doctor WHITE. I have no specific recollection on that subject.

Mr. GIBSON. Yes; but during the time he was recommended by you as guardian he was your partner in business?

Doctor WHITE. Oh, yes.

Mr. GIBSON. May I ask you, Doctor, how the number of cases that Mr. Fenning has acted as guardian in since 1919 compares with the number of cases in which he acted prior to 1919?

Doctor WHITE. I do not know, except that I can say the number of cases that he has acted for at the request of the hospital have been growing less.

Mr. GIBSON. That is, prior to 1919 you made request for his appointment more frequently?

Doctor WHITE. Yes; I think so; that is my best recollection.

Mr. GIBSON. So that the cases prior to 1919 would run into the hundreds?

Doctor WHITE. Mr. BLANTON mentioned a figure of something like 300.

Mr. BLANTON. But that does not cover them all.

Doctor WHITE. That is as much information as I have about it.

Mr. GIBSON. And in all those cases did you personally make application for his appointment?

Doctor WHITE. That was the statement of Mr. BLANTON.

EXCERPTS FROM FREDERICK FENNING'S SWORN TESTIMONY BEFORE GIBSON COMMITTEE

Mr. BLANTON. Frank Finotti, who was 42 years an honored employee there, says that he has seen several hundred petitions that Doctor White has named you committee in. Is that so or not?

Mr. FENNING. The record of the court will show the number of petitions filed.

Mr. BLANTON. Will you say that that is not so?

Mr. FENNING. What is not so?

Mr. BLANTON. That Finotti has seen several hundred petitions that you——

Mr. FENNING. I don't know exactly how many petitions Doctor White has executed.

Mr. BLANTON. Do you say that Frank Finotti's statement is incorrect or not?

Mr. FENNING. I don't know, unless he has looked it up.

Mr. BLANTON. If he stated falsely, he could be indicted under the law as it is here for false swearing, couldn't he?

Mr. FENNING. Wasn't there something said here this afternoon about Doctor White having executed 200 petitions? Didn't that come out somewhere?

Mr. BLANTON. Mr. Frank Finotti swore——

Mr. FENNING. I am talking about Doctor White.

Mr. BLANTON. I am talking about Frank Finotti. He swore that he saw several hundred of them. What do you say about that? Is that true or not?

Mr. FENNING. I have no way of telling.

Mr. BLANTON. You won't deny it?

Mr. FENNING. I haven't any way of denying or confirming it.

Mr. BLANTON. Then you won't deny it?

Mr. FENNING. I will neither deny it nor affirm it.

Mr. BLANTON. We have got that far, anyway.

Mr. FENNING. And you got that straight, too.

Mr. BLANTON. You were a director of the Washington Loan & Trust Co. up until February 8, 1922, weren't you?

Mr. FENNING. Well——

Mr. BLANTON. That is the institution that Mr. John B. Larner is connected with?

Mr. FENNING. Yes; that is right.

Mr. BLANTON. Up to that time when you ceased to be a director, you and Doctor White carried a joint account there, didn't you, and operated in real-estate notes and mortgages?

Mr. FENNING. I carried a number of accounts there.

Mr. BLANTON. But you carried an account with Doctor White there?

Mr. FENNING. Yes.

Mr. BLANTON. Where you and Doctor White operated in real-estate notes and mortgages?

Mr. FENNING. Yes.

Mr. BLANTON. As soon as you ceased to be director there you became director of the National Savings & Trust Co.?

Mr. FENNING. Approximately the same time.

Mr. BLANTON. Yes; and you and Doctor White immediately transferred your account to that bank, didn't you?

Mr. FENNING. We opened an account in the National Savings & Trust Co.

Mr. BLANTON. You took your account out of the other bank and transferred it to this one, didn't you?

Mr. FENNING. No. My impression is that we left the notes that were in there. We left some of the notes that we had in the Washington Loan & Trust Co.

Mr. BLANTON. Doctor White testified that he did it at your suggestion; he didn't care. He said you asked it to be done.

Mr. FENNING. I think there was a small amount of notes left in the Washington Loan & Trust Co., and I think we have a small balance there. I know we opened an account with the National Savings & Trust Co. at my suggestion; certainly.

Mr. BLANTON. Mr. Commissioner, don't you know as a business man and as a director of a big trust company that by your putting over $733,000 in one trust company it helped that business?

Mr. FENNING. I suppose it would, but——

Mr. BLANTON. Why, don't you know that it would help a business?

CHARGE NO. 9

I charge that the said Frederick A. Fenning, by inaugurating the wrongful and unlawful practice of paying $10 in each case to some doctor in St. Elizabeths Hospital for testifying in a lunacy case, has incited the said Doctor White to wrongfully and unlawfully sell his testimony to criminals, as he did when he testified for Clarence Darrow in the Leopold and Loeb case in Chicago, and received therefor $250 per day for 14 days.

EXCERPTS FROM DOCTOR WHITE'S TESTIMONY BEFORE GIBSON COMMITTEE

Mr. BLANTON. You get your living, do you not, because you are supposed to give all your time to the Government?

Doctor WHITE. Yes.

Mr. BLANTON. You get your heat, light, laundry, and medical attention all free?

Doctor WHITE. Yes.

Mr. BLANTON. And you get your automobile, your carriages, and horses free?

Doctor WHITE. Yes, sir.

Mr. BLANTON. I wrote you a letter, Doctor, some time ago, and I asked you to please advise me whether or not you had received fees in cases other than the Leopold and Loeb, did I not?

Doctor WHITE. Some such letter; yes, sir.

Mr. BLANTON. What excuse did you have for not telling me how many cases you testified in for fees?

Doctor WHITE. I told you I did not keep a record of those cases.

Mr. BLANTON. How many cases that you can recall have you testified in where you received fees?

Doctor WHITE. I can not tell you that; I told you I could not in that letter. I have not any way of telling.

Mr. BLANTON. Which one did you testify in since then?

Doctor WHITE. I testified in a case in Baltimore since then.

Mr. BLANTON. What case was that?

Doctor WHITE. Well, I do not know that I can give the title of it; it was a murder case.

Mr. BLANTON. A murder case?

Doctor WHITE. Yes.

Mr. BLANTON. When was that, Doctor?

Doctor WHITE. It was last summer some time.

Mr. BLANTON. Last summer some time. How much did you receive in that case?

Doctor WHITE. Well, here is some more personal matter.

Mr. BLANTON. No; that is a public matter. You are a public officer, with all your time due the United States Government; and that is the reason I have a right to ask you this.

Doctor WHITE. I question very much whether you have a right to ask me such things. That has nothing to do with the subject before the committee.

Mr. BLANTON. Oh, yes; it has a lot to do with it.

Mr. BOWMAN. Why not let the matter go over?

Mr. BLANTON. If you are going to have a hearing, let us not have any monkey business. How much, Doctor, did you receive in that case?

Doctor WHITE. I charged the same rates as in other cases.

Mr. BLANTON. $250 a day, did you not?

Doctor WHITE. Yes.

Mr. BLANTON. How much did you get there, Doctor?

Doctor WHITE. I don't remember.

Mr. BLANTON. Doctor, you have testified in New York City, haven't you?

Doctor WHITE. Yes, sir; a good many years ago.

Mr. BLANTON. For money?

Doctor WHITE. Yes.

Mr. BLANTON. And big money?

Doctor WHITE. I don't know what you call "big money."

Mr. BLANTON. I call $50 a day and $100 a day, or $200 and $250 a day big money for anybody.

Doctor WHITE. Well, it is for a doctor; it is not for a lawyer.

Mr. BLANTON. It is big money for a doctor and lawyer, too. You have testified for big fees like that, haven't you, in New York City?

Doctor WHITE. I have testified in New York; I don't remember the fees.

Mr. BLANTON. And you have testified in Philadelphia, have you, Doctor?

Doctor WHITE. I do not think I ever have.

Mr. BLANTON. Will you say that you have not?

Doctor WHITE. I have no recollection of ever testifying in Philadelphia.

Mr. BLANTON. You have testified in Virginia, have you, Doctor?

Doctor WHITE. Yes.

Mr. BLANTON (referring to volume of printed hearings.) Mr. Smyser, on page 871, asked you this question: "Are you called to Philadelphia, Baltimore, and New York as a witness at different times?" And then in 1906 you testified: "Yes, once in awhile," That was true, was it not?

Doctor WHITE. I think it was. I do not recall ever having testified in Philadelphia; that is all; I don't know whether I have or not; I have no recollection of it.

Mr. BLANTON. Doctor, we were talking about the fees you had received for testifying in criminal cases and you could not remember the names of the cases. I wanted to help you. Over here in Virginia you testified in the case of Col. W. C. Shelley, did you not?

Doctor WHITE. I do not recall the name—Shelley; that is Colonel Shelley.

Mr. BLANTON. He paid you $500 for it; don't you remember it?

Doctor WHITE. I do not.

Mr. BLANTON. I will get you so you will remember it, Doctor.

Doctor WHITE. All right; go ahead.

Mr. BLANTON. Colonel Shelley was trying to have his wife adjudged insane—Col. W. C. Shelley, over at Arlington. Mr. Norton was his attorney. Do you remember that?

Doctor WHITE. When was this?

Mr. BLANTON. And a man named Thornton was Mr. Shelley's attorney, and Norton afterwards became a judge. Don't you remember this?

Doctor WHITE. When was this?

Mr. BLANTON. A few years ago.

Doctor WHITE. When?

Mr. BLANTON. I am testing you.

Doctor WHITE. And I don't remember.

Mr. BLANTON. You don't remember?

Doctor WHITE. No; I do not.

Mr. BLANTON. I will try to refresh your memory a little later. You testified in that case, as the records show, that Mrs. Shelley was insane?

Doctor WHITE. Oh, Shelley, Shelley, Shelley.

Mr. BLANTON. Yes; Shelley—S-h-e-l-l-e-y—Shelley.

Doctor WHITE. Yes; I think so.

Mr. BLANTON. You think you do? You testified she was insane, and the jury found she was sane; and the court turned her loose by judgment of the court, and you got $500 in that case?

Doctor WHITE. Well, I don't remember.

Mr. BLANTON. When I pinned you down last night you did remember the case in Baltimore, and you testified to having received $500 fee.

Doctor WHITE. You don't have to pin me down.

Mr. BLANTON. If I had not pinned you down, I would never have known that.

Doctor WHITE. I am not running around telling you all my affairs. I would like to say, incidentally, about the Loeb and Leopold case that I offered my testimony in that case for nothing.

Mr. BLANTON. You offered your testimony, as a Government official, for nothing, to save the necks of two educated thugs and murderers, did you not, Doctor?

Doctor WHITE. No, sir.

Mr. BLANTON. Well, that is what they were—educated thugs and murderers, whose necks had the noose almost around them, until you helped to remove it; and yet you offered your testimony free, did you not, Doctor?

Doctor WHITE. I offered my testimony free, not as an officer of the Government.

Mr. BLANTON. But you did offer it free, did you not, Doctor, and you were paid $250 a day for 14 days, were you not, Doctor?

Doctor WHITE. Yes.

Mr. BLANTON. You accepted the money, too, did you not?

Doctor WHITE. Yes.

JUDGE CRANDALL MACKEY GAVE US THE FACTS

Mr. BLANTON. Judge Mackey, do you know anything about the case that was tried in Virginia where a man named Col. George E. Shelley——

Mr. MACKEY. William C. Shelley.

Mr. BLANTON. William C. Shelley was attempting to have his wife declared insane?

Mr. MACKEY. I do; yes, sir.

Mr. BLANTON. And in which Doctor White testified?

Mr. MACKEY. Doctor White gave an opinion and subsequently testified.

Mr. BLANTON. Yes; which was as to whether she was sane or insane.

Mr. MACKEY. That she was of unsound mind; that she was paranoiac.

Mr. BLANTON. And what was it the court and jury found?

Mr. MACKEY. The court found that she was of sound mind and not paranoiac.

Mr. BLANTON. Do you happen to remember who Mrs. Shelley's attorney was?

Mr. MACKEY. Her attorney was Judge J. B. T. Thornton, of Manassas. At that time he was attorney for the Commonwealth, of Prince William County.

Mr. BLANTON. Do you remember who the attorney for William C. Shelley was—was it Norton?

Mr. MACKEY. Judge Norton, of Alexandria.

Mr. BLANTON. That was the case in which Doctor White received $500?

Mr. MACKEY. Shelley read me Doctor White's opinion and said he had paid Doctor White $500 for the opinion.

Mr. BLANTON. You also had some connection with that case later?

Mr. MACKEY. The opinion was read to me that Mrs. Shelley was insane—quite a lengthy opinion—and I was requested to go with Luther Walter, a prominent attorney, and talk with Mrs. Shelley and give my opinion, and Mr. Walter was to give his opinion as to whether she was insane. We went there and talked to her at great length, after being prepared by having this opinion read to her—of Doctor White read to us—that she was insane and paranoiac.

We came back and reported that she was of sound mind and was not insane.

Mr. BLANTON. You differed with Doctor White's opinion?

Mr. MACKEY. Yes.

Mr. BLANTON. State whether or not this Judge Thornton went on the bench afterwards.

Mr. MACKEY. Judge Thornton became judge of the sixteenth judicial circuit, which was my circuit there; and several years thereafter he was trying a will case in Alexandria and Doctor White said that the testator was insane.

Mr. BLANTON. I wish you would tell what happened between Judge Thornton and Doctor White while he was on the witness stand.

Mr. MACKEY. Judge Thornton said, "Are you not the Doctor White who has testified Mrs. Shelley was insane?" And he said, "I am." Judge Thornton said, "Was she insane?" And Doctor White said, "No; I was mistaken in that case." Then Judge Thornton said, "How do I know, Doctor White, that you are not mistaken in this case?" And then he said, "Doctor White, I would not give any credence to what you say in this case."

Doctor WHITE. Let me ask the judge——

Mr. GIBSON. You can ask him any question you desire.

Doctor WHITE. With your permission, if you please. Mr. BLANTON stated that I testified in the Shelley case. I did not testify in the Shelley case. Did you not just say that I presented a written opinion?

Mr. MACKEY. You gave a written opinion to Colonel Shelley, I thought, and you also testified.

Doctor WHITE. I did not take the stand in the case. My recollection is I did not; I won't say I did not.

Mr. BLANTON. Do you recall giving the opinion now, Doctor?

Doctor WHITE. No; I do not. But I recollect something about the Shelley case.

Mr. BLANTON. You do recollect the case now all of a sudden, don't you, Doctor?

Doctor, I have Texas boys from my district, whom I voted to put in the World War myself, and they went to France, and you now have them in your hospital, haven't you?

Doctor WHITE. I think so.

Mr. BLANTON. And as a Member of Congress I have an interest in them.

Doctor WHITE. I hope you have.

Mr. BLANTON. Because I helped to vote every dollar you spend out there.

Doctor WHITE. I presume so.

Mr. BLANTON. On Saturday, April 3, I talked with you over the phone and begged you to let me come to your conference, did I not?

Doctor WHITE. You asked me to come to the conference.

Mr. BLANTON. And then I urged you to let me come to your conference, did I not?

Doctor WHITE. Yes.

Mr. BLANTON. And you refused me, did you not?

Doctor WHITE. Yes.

Mr. BLANTON. The acting minority member of this committee that has charge of District business, and when I had my own constituents in there, you refused, did you not?

Doctor WHITE. Yes, sir.

Mr. BLANTON. The conferences are the times and the places when inmates have the right to come before your board there and show that they are entitled to discharge, are they not?

Doctor WHITE. Those are not the only questions that come up.

Mr. BLANTON. I know; but they do occur at conferences, do they not, Doctor?

Doctor WHITE. Questions of discharge?

Mr. BLANTON. Yes; questions of discharge and questions of sanity and questions of improper incarceration are decided in conference, are they not?

Doctor WHITE. I do not know anything about any questions of improper incarceration.

Mr. BLANTON. If a person is sane and he is held there, it is improper carceration, is it not?

Doctor WHITE. Probably.

Mr. BLANTON. Then it does involve questions of improper incarceration, does it not?

Doctor WHITE. Well, I do not think those questions ever arise; I never remember any such questions.

Mr. BLANTON. They are going to arise frequently in the future, Doctor; I promise you that.

CHARGE NO. 15

I charge that the said Frederick A. Fenning in making loans of his wards' money, as the law requires him to do, he has received discounts, or commissions, or brokerage fees, additional to the interest carried in the notes or obligations, and that when making for said Fenning a loan of $15,000, said National Savings & Trust Co. received a commission, which benefited said Fenning either directly or indirectly.

FROM TESTIMONY OF WILLIAM L. BROWNING

Mr. BLANTON. But you made a loan—to get right down to the facts, you did make a loan from the National Savings & Trust Co. about three years ago for $12,500, wherein you agreed to pay 6 per cent interest?

Mr. BROWNING. Yes, sir.

Mr. BLANTON. Mr. Fenning became the holder of the notes and notified you about the taxes later?

Mr. BROWNING. I assume that.

Mr. DYER. But what did the letter state?

Mr. BROWNING. That the taxes on such a piece of property had not been paid, and to kindly pay them.

Mr. BLANTON. How much commission did you pay the National Savings & Trust Co. on this loan in addition to the 6 per cent interest?

Mr. BROWNING. I agreed with Mr. Hoover, the president of the National Savings & Trust Co., to pay the company one-half of 1 per cent on the amount loaned.

Mr. BLANTON. And you did pay this one-half of 1 per cent?

Mr. BROWNING. It was deducted from the proceeds of the loan by the title company.

Mr. BLANTON. That one-half of 1 per cent on the $12,500 loan was deducted at the time you made it, before you received the money, was it not?

Mr. BROWNING. Yes, sir.

CHARGE NO. 16

I charge that the said Frederick A. Fenning has deceived the Supreme Court of the District of Columbia by having different justices thereof to allow him to deduct from the annual income of his wards the annual premium paid to the bonding company for his fiduciary bond, and not disclosing to such court that he is the solicitor for such bonding company, and as such receives from said bonding company a commission of from 15 to 20 per cent on such annual premiums, and I charge that said Frederick A. Fenning now holds a solicitor's license issued by the department of insurance for the District of Columbia in the following companies, to wit, the Massachusetts Bonding & Insurance Co., of Boston, Mass.; the United States Fidelity & Guaranty Co., of Baltimore, Md.; and the Great American Insurance Co., of New York, which expire May 1, 1926, and are renewed annually, and as such solicitor he is authorized to receive commissions, rebates, and compensation on business he causes to be given to such companies. And I charge that he is guilty of moral turpitude in being solicitor for said companies, as such interest conflicts with his duties as Commissioner of the District of Columbia, and has influenced his action in adversely passing on an important insurance bill of about 100 pages which his said companies have been opposing in many respects.

FROM FENNING'S TESTIMONY BEFORE GIBSON COMMITTEE

Mr. FENNING. For many years the United States Fidelty & Guaranty Co. of Baltimore had been surety on my bonds.

The said company, I understand, took out a license for me as solicitor, so that it might pay for the services thus rendered by an employee of my office the usual commission of 25 per cent on the amount of premiums.

With respect to other insurance which my office has placed for many years for clients of my office, the Great American Insurance Co. of New York, the Massachusetts Bonding & Insurance Co. of Boston, and the National Union Fire Insurance of Washington, D. C., have for many years taken out license for me as solicitor and paid to me for insurance so placed the usual commission.

Mr. GILBERT. At $20 a hundred, and that would be $2,000 bonding fee.

Mr. FENNING. It would be more than $2,000, would it not? What do you mean, the premiums?

Mr. GILBERT. Yes.

Mr. FENNING. It would be more than $2,000, the premiums.

Mr. GILBERT. What would it be?

Mr. FENNING. You said a hundred cases.

Mr. GILBERT. I am figuring on the whole hundred.

Mr. FENNING. Well, $2,000; that is right.

Mr. GILBERT. And one-fourth of that would be $500?

Mr. FENNING. Yes.

Mr. GILBERT. Then you received $500 in profits out of this that no settlement of yours shows?

Mr. BLANTON. Mr. Commissioner, when you became commissioner Judge McCoy swore you in, and you took the oath prescribed by law to become commissioner of the District, and you gave a $50,000 bond to the United States Government that you would well and faithfully perform the duties on June 5, 1925. Who wrote that $50,000 bond for you?

Mr. FENNING. The United States Fidelity & Guaranty Co.

Mr. BLANTON. That is your company?

Mr. FENNING. That is the company with which I have had connection; yes, sir.

Mr. BLANTON. What is the premium on a $50,000 bond?

Mr. FENNING. I think on such a bond it is $50, or maybe $100; I am uncertain.

Mr. BLANTON. Is it not $100?

Mr. FENNING. I do not know.

Mr. BLANTON. A solicitor for four companies and do not know the rates?

Mr. FENNING. No.

Mr. BLANTON. Is not that the first $50,000 bond you ever gave?

Mr. FENNING. Maybe.

Mr. BLANTON. Is it not the first $50,000 bond you ever wrote in your companies?

Mr. FENNING. Maybe.

Mr. BLANTON. Do you say you do not remember what the premium is?

Mr. FENNING. I do not.

FREDERICK FENNING'S TESTIMONY BEFORE AUDITOR HERBERT L. DAVIS, SUPREME COURT, MAY 8, 1926

AUDITOR. So you received part of the premium?

Mr. FENNING. Yes, sir; for services rendered by my office to the bonding company.

AUDITOR. And the proportion you received was 25 per cent of the gross premium charged?

Mr. FENNING. I am quite clear that is the amount all the way through.

On May 13, 1926, Hon. Herbert L. Davis, auditor of the Supreme Court of the District of Columbia, rendered his decision certifying that in all of his fiduciary cases Frederick Fenning had concealed from him the fact that he was receiving 25 per cent commission on bond premiums:

Thus it appears that after having been appointed by this court as committee in a number of cases, in which cases, as committee, Mr. Fenning would be bonded to secure the faithful and efficient performance of his duties and trust to his wards, he (Fenning) was appointed an agent and took out a solicitor's license for the purpose of writing such bonds. It is strongly persuasive to your auditor that "he (Fenning) placed himself in a position in which his personal interests were, or might be, antagonistic to those of his trust." (See Jackson, Receiver, *v.* Smith, 254 U. S. 586, and Michoud *v.* Girod, 4 How. 503.)

With respect to commissions on bond premiums received and retained by Mr. Fenning, in cases wherein he is, or was, the principal, it is not unfair to him to say that such transactions were not disclosed to the auditor, prior to May 8, 1926, as shown by the accompanying transcript of testimony. At this point the auditor finds that the case of Magruder *v.* Drury, supra, applies with equal force and effect to the retention by Mr. Fenning of the commissions paid to him by the bonding company or companies, in any and all cases wherein he (Fenning) appeared, or appears, as a fiduciary appointed by this court, or serving under its supervision. No matter by what name it may be called, a gratuity, double commission, or bonus, received and retained by a fiduciary, in addition to compensation or commissions allowed him by the court, or approved by it, is wholly repugnant to the letter and spirit of the decisions of the Supreme Court of the United States, and reflected in actions by the courts of jurisdiction too numerous to mention or discuss.

It is settled law that a fiduciary must act in the most scrupulous good faith for the benefit of the beneficiaries, uninfluenced by other considerations. (Pyle *v.* Pyle, 137 App. Div. 568; Carrier *v.* Carrier, 226 N. Y. 114.) A fiduciary can not take any steps which will or may result in his own enrichment, or the advancement of his own interest. The object of the rule is to prevent secret frauds by removing all inducements to attempt them. (See Fulton *v.* Whitney, 66 N. Y. 549; Munson *v.* R. R. Co., 103 N. Y. 58.)

In said case cited of Magruder *v.* Drury, the court held:

It is a well-settled rule that a trustee can make no profit out of his trust. The rule in such cases springs from his duty to protect the interests of the estate, and not to permit his personal interest to conflict in any wise with his duty in that respect. The intention is to provide against any possible selfish interest exercising an influence which can interfere with the faithful discharge of the duty which is owing in a fiduciary capacity. * * *

It makes no difference that the estate was not a loser in the transaction or that the commission was no more than the services were rea-

sonably worth. It is the relation of the trustee to the estate which prevents his dealing in such way as to make a personal profit for himself.

And because said supreme court auditor thus forced Frederick Fenning to make restitution to his wards by returning to them the funds he had wrongfully taken out of their estates, he filed a request asking the court to sumbit all of his cases to special masters, from which I quote:

LAW OFFICES OF FREDERICK A. FENNING,
RUST BUILDING, 1001 FIFTEENTH STREET NW.,
Washington, D. C., August 14, 1926.

The Chief Justice and the Associate Justices, Supreme Court of the District of Columbina.

GENTLEMEN: I respectfully and earnestly protest against the reference to the present auditor of the court of any cases in which I am fiduciary or counsel.

This letter is sent in order that the members of the court may know that my own opinion of the auditor and my own relations with him are such as to prompt me to believe that in fairness to myself I should respectfully urge that cases in which I am fiduciary or counsel be referred to a special auditor or special master. I hope that the court will take such action.

Yours very truly,

F. A. FENNING.

And Chief Justice McCoy has certified to me that, based on such request, the court referred 114 of Frederick Fenning's cases to special auditors to pass on his accounts, make allowances to him, and recommend commissions to be allowed, namely:

Cases referred to—

John E. Laskey, special auditor	4
George Francis Williams, special auditor	32
George C. Gertman, special auditor	23
Bynum E. Hinton, special auditor	6
Louis Ottenberg, special auditor	7
Enoch A. Chase, special auditor	7
Louis H. Denit, special auditor	17
Julian W. Whiting, special auditor	10
Lucian H. Vandoren, special auditor	6
Dale D. Drain, special auditor	2

NO VALUE TO FENNING

Putting the court to all that trouble, and his wards to all that extra expense, did not avail Fenning anything, because we passed the law prohibiting him from receiving more than 5 per cent.

AUDITOR HERBERT L. DAVIS'S POSITION

WASHINGTON, D. C., *August 21, 1927.*

To the honorable Chief Justice and Associate Justices, Supreme Court of the District of Columbia:

Through the kindly consideration of this court, its auditor was permitted to make the attached copy of a communication addressed to the court under date of August 14, 1926, by Frederick A. Fenning, Esq., no copy of his charges having been furnished by him to the auditor.

While Mr. Fenning has unfairly attacked me, there is absolutely no personal feeling on my part respecting the matters and things set forth by him. The report in re Roly Lee, lunatic, lunacy, No. 8780, filed June 29, 1926, might very properly be cited as the guiding precedent wherein all of the commissions or profits received and retained by Mr. Fenning incident to all of the bond premiums paid in the last-mentioned cause were surcharged against the committee and credited to the estate of the ward therein.

It should be known that when my views were solicited by counsel for Mr. Fenning it was made clear that Mr. Fenning should voluntarily account for all of the commissions or profits, as was finally done in the Roly Lee case, but in lieu thereof your auditor was importuned in his office, at his home, and elsewhere, to set forth in his report in the Adler case that Mr. Fenning's bonding transactions were done in good faith. To have complied with these numerous and insistent requests would have meant a flagrant violation of the auditor's oath of office, the stultifying of himself, and the ending of his usefulness to the court and to all honest-minded men, particularly in view of what hereinafter follows.

The science or art of exact reasoning as applied by the auditor may be faulty, but, as time goes on, he may not be able to escape the conclusion that, while Mr. Fenning made known to the auditor the bonus transaction in the Hoff case, and met with rejection by the court, Mr. Fenning concluded that he would not voluntarily disclose to the auditor the profits derived from bonding transactions in trust estates, in view of said rejection of bonus.

16. Very severe criticism is beating upon this whole question of fees and allowances from estates of World War veterans. These are serious criticisms which must be met fairly and squarely, and in the ultimate analysis Mr. Fenning is finding fault because your auditor will recommend, when directed so to do by the court, only what your auditor considers to be reasonable and proper allowances, in view of all concomitant facts and circumstances, and he does not propose to call down upon his head the pillars of the temple of justice due to Mr. Fenning's avariciousness, which is a state of mind, not a crime interdicted by sections 841 of the District of Columbia Code, or any other provision thereof, otherwise appropriate citations would have been made by your auditor in the numerous cases reported upon.

While Mr. Fenning has misrepresented matters and things to the court with respect to the auditor, he feels constrained to say that:

"True conscious honor is to feel no sin;
He's armed without that's innocent within."

The auditor will continue to impartially weigh and check every statement presented by Mr. Fenning, with strict fidelity on the part of the auditor toward the court.

Should the court, in its wisdom and discretion, conclude to refer Mr. Fenning's cases to a special auditor, or a special master, assuredly the auditor would interpose no objection thereto.

The present auditor may be depended upon not to be recreant to a solemn trust, or knowingly butt his head against a stone wall, having in mind the definitely expressed attitude of the Congress respecting fees and allowances in the cases under discussion, although such views of the Congress have not been embodied in formal acts.

Respectfully submitted.

HERBERT L. DAVIS,
Auditor, Supreme Court of the District of Columbia.

It is my opinion that Members of Congress have far more respect for the above brave auditor who dared to do his duty, even though it affected the "mighty Fenning," than they have for the court that took 114 of Fenning's cases away from the court's own auditor and referred them to special masters, especially in view of the fact that when referring such cases the court said:

Nothing in the foregoing shall be construed as a determination by the court that the auditor is prejudiced against the committee, as stated by the latter in his said letter.

F. L. SIDDONS, *Justice.*

A true copy.
Test:

FRANK E. CUNNINGHAM, *Clerk.*
By CHAS. B. COFLIS, *Assistant Clerk.*

THOMAS M. BALDWIN, JR., TESTIFIED

Mr. BLANTON. Mr. Baldwin, you are superintendent of insurance of the department of insurance of the District of Columbia?

Mr. BALDWIN. I am.

Mr. BLANTON. You have been superintendent how long?

Mr. BALDWIN. Acting since March 29, 1924, and confirmed as superintendent as of September 15, 1924.

Mr. BLANTON. As superintendent you have in your custody and control the records and the files of the various insurance business of the District of Columbia?

Mr. BALDWIN. Yes, sir.

Mr. BLANTON. That is, for years prior to this coming year, beginning May 1, 1926, and running to April 1, 1927, what companies had taken out licenses for Mr. Fenning?

Mr. BALDWIN. The United States Fidelity & Guaranty Co., the Massachusetts Bonding & Accident Co., and the Great American.

Mr. BLANTON. What kind of license have these companies up to May 1, 1926, been taking out for Mr. Fenning?

Mr. BALDWIN. An ordinary solicitor's license.

Mr. BLANTON. Mr. Baldwin, Mr. Fenning, it is admitted, took the oath of office and became Commissioner of the District of Columbia on June 5, 1925. Now, there has since that date and up to the present time been pending an insurance measure—that is, a bill that has not been passed by Congress, that you and I had something to do with—has there not?

Mr. BALDWIN. Yes, sir.

Mr. BLANTON. With regard to that bill, without putting the one hundred-odd pages into the record, will you state whether or not its general purpose is to protect the people with regard to improper practices by insurance companies?

Mr. BALDWIN. Absolutely—first.

Mr. BLANTON. That is the prime purpose of it?

Mr. BALDWIN. Yes, sir.

Mr. BLANTON. Now, state whether or not Commissioner Fenning has retarded the passage of that bill?

Mr. BALDWIN. It appears that a gentleman from New York by the name of Doyle, representing the National Board of Fire Underwriters, raised considerable objection, not only to this section but to the bill as a whole, and he got what is known as the Insurance Club lined up against the bill. His committee appeared before Colonel Fenning and objected to the action that I was taking in urging its passage, and I was instructed by Colonel Fenning to no longer appear before the Senate District Committee.

Mr. DYER. What did he say, to the best of your recollection?

Mr. BALDWIN. The colonel told me that I had better not appear before the Senate District Committee until some differences could be ironed out in this bill. Of course, I obeyed orders.

Mr. BLANTON. Has that bill ever been passed?

Mr. BALDWIN. Not to my knowledge.

Mr. BLANTON. Has Mr. Fenning ever withdrawn his instructions to you?

Mr. BALDWIN. No, sir.

CHARGE NO. 17

I charge that the said Frederick A. Fenning is attorney for the Medical Society of the District of Columbia, and is paid an annual fee by them, and that such employment has interfered with his duties as commissioner and has adversely influenced his official action, in that he has opposed and refused to favorably report a bill sought to be passed by the chiropractors, and which bill his clients are opposing.

ADMISSION

On page 239, Gibson hearings, Frederick Fenning testified:

I am the attorney of the Medical Society of the District of Columbia. For some years past I have been paid $200 per annum.

DR. HUBERT N. ROBERTS TESTIFIED

Mr. BLANTON. You have held the position of president of the Chiropractors' Association here in Washington, have you not?

Doctor ROBERTS. No; I am chairman of the legislative committee.

Mr. BLANTON. There has been a bill favorably reported by the House District Committee and passed by the House of Representatives, known as the chiropractors licensing bill, which is designed to protect the public against fake and unqualified so-called chiropractors?

Doctor ROBERTS. Yes, sir.

Mr. BLANTON. You are familiar with that bill?

Doctor ROBERTS. Yes, sir.

Mr. BLANTON. That is in behalf of the public as against fakes, is it not?

Doctor ROBERTS. Yes, sir.

Mr. BLANTON. After that bill was submitted to the Commissioners of the District of Columbia, before the House committee approved it, after it had been submitted to the Commissioners of the District of Columbia for their report on it, state whether or not you appeared before Commissioner Fenning down there in behalf of that bill.

Doctor ROBERTS. Yes; I went to see Mr. Fenning two or three days.

Mr. BLANTON. Now state whether or not there was a hearing called for you and your representatives of the chiropractors before Mr. Fenning.

Doctor ROBERTS. There was a hearing called.

Mr. BLANTON. Did you appear at that hearing?

Doctor ROBERTS. I did.

Mr. BLANTON. Now, you remember when you and your representatives appeared before the District subcommittee on that bill?

Doctor ROBERTS. Yes, sir.

Mr. BLANTON. Now, up to that time had the commissioners ever made any report on that bill?

Doctor ROBERTS. I was informed they had not.

Mr. BLANTON. Do you not know it developed at that hearing they had not?

Doctor ROBERTS. It did.

Mr. BLANTON. Now, Doctor, state whether or not at that very meeting the committee agreed and took a vote to report your bill.

Doctor ROBERTS. They did.

Mr. BLANTON. And it was a unanimous agreement of the committee?

Doctor ROBERTS. It was.

Mr. BLANTON. Well, did not you go to see Mr. Fenning about it—did not you go to see him about his not giving you a chance to be heard?

Doctor ROBERTS. I talked to Mr. Fenning over the telephone about it.

Mr. BLANTON. State what you said to him over the telephone.

Doctor ROBERTS. I asked him if there was to be a hearing given to the M. D.'s, when we were not to be allowed there. He said we had had ample opportunity to state our wishes and he thought the other side should have the same chance, and I was not invited to be there.

CHARGE NO. 18

I charge that the said Frederick A. Fenning, as attorney for the said Medical Society of the District of Columbia, in disregard of his duties as said commissioner, has incited, aided, and abetted the doctors employed in St. Elizabeths Hospital, who by law are required to devote all of their time to such institution, to engage in private practice here in the District of Columbia; that as attorney for said medical society he has incited, aided, and abetted certain of the doctors employed in the United States Veterans' Bureau, and who are by law required to give all of their time to said bureau, to engage in private practice here in the District of Columbia, such doctors using the equipment of the Government in their said private practice; and that the said Frederick A. Fenning has knowingly permitted the District alienist, Dr. Percy Hickling, who receives a salary of $3,300 for all of his time, to sell his testimony at the rate of $50 per day and more to lawyers both in the District and outside of it.

ST. ELIZABETHS DOCTORS MAKING MONEY

Mr. GILBERT. Doctor, do you think it is right and proper for a physician who is drawing a salary and supposed to give his whole time to that institution to have offices outside and practice, even outside of hours?

Doctor WHITE. They lived outside the institution, and the institution can not control them after they have left the grounds. They are on call of the institution at any time, and, indeed, I would not hesitate to call on them. But when they go home I can not control what they do down town.

Mr. GILBERT. Are they not under your supervision?

Doctor WHITE. We can call on them at any time.

Mr. GILBERT. Haven't you got the right to tell them that by reason of the fact that if they attend to their private practice that they can not give your institution their best service, and that if they are going to continue their positions out there they must not be practicing on the outside?

Doctor WHITE. I do not know whether I have any such rights as that or not.

Mr. GILBERT. That is what I am asking you.

Doctor WHITE. I doubt if I have.

Mr. GILBERT. Haven't you?

Doctor WHITE. I do not know.

Mr. GILBERT. How many physicians have you out there under you?

Doctor WHITE. About 40.

Mr. GILBERT. And you do not know whether they are engaged in private practice or not?

Doctor WHITE. When they are away from the hospital on their own time I have no control over them.

JUDGE CRANDALL MACKEY TESTIFIED

Mr. MACKEY. That is often done and allowed; yes, sir, in this way: For example, I had a will case in which I had the testator examined several years before his death, because one of his daughters was telling people he was insane; and to protect him I had him examined by Doctor Hickling and Doctor Gannon. In that case the court permitted a fee of $50 for Doctor Hickling and $25 for Doctor Gannon. That was a civil, private case, in which the laws of the land have nothing to do, except to furnish a court and jury to try the case.

Mr. BLANTON. Doctor Hickling is the District alienist?

Mr. MACKEY. Doctor Hickling is the District alienist.

Mr. BLANTON. And he gets $3,300 a year under classification.

Mr. MACKEY. That is what he gets.

Mr. BLANTON. And he got $1,500 in 1916?

Mr. MACKEY. In 1916 or 1918 he got $1,500. In 1914 he got $1,000. Congress fixed the salary of the District alienist in the District appropriation bill of 1912 at $1,000 a year, and Doctor Hickling was appointed prior to that time. Doctor Hickling only gets $1.25 for each patient that he testifies is of sound or unsound mind.

FREDERICK FENNING STARTED IT

I have already quoted the sworn testimony of Fenning that 23 years ago he started the practice by getting the court to allow a fee of $10 to St. Elizabeths doctors who made affidavits that persons were insane. Thus he incited these doctors to make money on the outside, when the law requires them to give all their time to the Government. Doctor White has now stopped the practice. And we are compelling him to stop these doctors from doing private medical practice on the outside.

CHARGE NO. 19

I charge on reliable information that Frederick A. Fenning is attorney for and is financially interested in the undertaking establishment of Joseph Gawler's Sons (Inc.), and that during the past 23 years has caused many bodies from St. Elizabeths Hospital to be turned over to said undertaker for burial, a number of them being wards of said Fenning, and that in the lunacy case of Walter Garland Allan, No. 10713, the said Frederick A. Fenning on March 24, 1926, paid to said undertaker the sum of $107.81 for burial expenses, which amount was the total residue of his ward's estate, after taking from same his own fees and commissions, and at such time said Fenning knew that for a charge of only $52 Undertaker Tabler furnishes everything necessary and conducts decent funerals for wards of the United States Veterans' Bureau, and I charge further that through confederation with his said brother-in-law, Coroner J. Ramsey Nevitt, and his employee, Bill Franklin, said Fenning wrongfully caused the body of one drowned in the basin, which body was demanded by the Veterans' Bureau and should have been turned over to it, to be wrongfully turned over to Undertaker Tullavull, who made the Government pay $108.50 for same, but which would have cost the Government only $52 for identically the same kind of funeral had said body been turned over to the Veterans' Bureau and the funeral conducted by the bureau's undertaker, Tabler.

SWORN TESTIMONY BEFORE JUDICIARY COMMITTEE

Mr. BLANTON. Your name is Alfred B. Gawler?

Mr. GAWLER. Yes, sir.

Mr. BLANTON. You are the president of the Gawler undertaking establishment?

Mr. GAWLER. Yes, sir.

Mr. BLANTON. You were a member of the business firm in 1906, and have been for years?

Mr. GAWLER. Yes, sir.

Mr. BLANTON. Mr. Fenning, Mr. Frederick A. Fenning, has been attorney for your firm for a number of years?

Mr. GAWLER. He has.

Mr. BLANTON. He is a director of your concern, is he not?

Mr. GAWLER. Yes.

Mr. BLANTON. And he has been for a number of years?

Mr. GAWLER. A few years; yes.

Mr. BLANTON. Well, he was attorney back in 1906, when your brother, Charles Gawler, was connected with it.

Mr. GAWLER. Yes.

Mr. BLANTON. Now, Mr. Gawler, in 1906, about that time, your establishment was receiving from St. Elizabeths Hospital from 45 to 50 bodies a year, was it not, for burial?

Mr. GAWLER. Mr. BLANTON, I can not testify to that. I have the record here.

Mr. BLANTON. Your brother says:

"Mr. WALLACE. How many do you get over there a year?

"Mr. GAWLER. We get, I should say, about 45 or 50."

That was true, was it not?

Mr. DYER. He does not know; but, of course——

Mr. BLANTON. You will state that that was about correct—your brother's testimony?

Mr. GAWLER. I should judge so. He would not have sworn to it if it was not.

Mr. BLANTON. Now, Mr. Gawler, is it not a fact that a few years ago there was a complaint made here by some of the undertakers that your company was having a monopoly out there in receiving bodies?

Mr. GAWLER. I know of no complaint, definitely.

Mr. BLANTON. You have filed in the supreme court, on the probate side, as petitioner, with Mr. Fenning as attorney, a petition to have him appointed administrator in cases, have you not?

Mr. GAWLER. Yes.

Mr. BLANTON. For instance, you let him file a petition in the supreme court for you in the Philip Berg case, where you were a petitioner asking that he be appointed administrator to settle up that estate. Is not that a fact?

Mr. GAWLER. I signed such. I can not say that I let him.

Mr. BLANTON. In the Garland Allen case, Mr. Gawler, there has been introduced in evidence a receipt that you signed in February this year where you acknowledged receipt from Mr. Fenning of $107.60 for burying Garland Allen. You know, do you not, Mr. Gawler, that the Government has a contract with Mr. Tabler to bury wards of the Government at $56, under specifications?

Mr. GAWLER. I think it is $66, is it not?

Mr. BLANTON. It is $56 without a shroud and $66 with a shroud—you knew that, did you not?

Mr. GAWLER. Not until recently, when the matter came out.

CONGRESSMAN LUCE, OF MASSACHUSETTS

I had convinced the distinguished chairman of the Committee on the Judiciary, Mr. GRAHAM, that my charges had merit, and on May 6, 1926, he brought the resolution before the House authorizing his committee to compel the attendance of witnesses. Mr. LUCE was granted time to speak. He refused to yield:

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I have not the time to yield.

Mr. RANKIN. Mr. Speaker, the gentleman has taken all of the time so far to put the other members of the committee in a wrong light, and he ought to yield in order that we can get the facts of the matter before the House.

Mr. LUCE. * * * I rise to inform those unhappy men who are confined in our hospitals, to inform their parents, relatives, and friends; aye, to inform more than 4,000,000 men who served in the late war, that the facts laid before our committee, which has concerned itself only with the aspects of the case that relate to veterans, do not as yet warrant any judgment condemning this man. He has violated no law. Every act that the law has required him to perform has been approved by the Supreme Court of the District of Columbia.

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

Mr. LUCE. I can not yield. The chief justice of the court has been quoted within a few days as accepting the responsibility. Mark you what I say now and spread it abroad, if you will. Not one veteran has lost one penny through the conduct of this man.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I decline to yield.

Mr. RANKIN. There is no evidence to back up the statement of the gentleman from Massachusetts.

Mr. LUCE. * * * A few days later the gentleman from Texas rose on the floor of this House and said:

"Mr. BLANTON. I wonder if the gentleman from South Dakota [Mr. JOHNSON] knows, and do you know, that when a veteran dies in St. Elizabeths Hospital the doctors there cut him up? One died some time ago, the case I have in mind, where they split his head wide open, and the undertaker refused to accept him for embalming—said he could not embalm a body like that."

Now, see how the vile odor of scandal spreads. In the report of a meeting of an American Legion post printed in the Washington Post yesterday morning was this paragraph:

"Bodies of shell-shocked veterans who died at St. Elizabeths Hospital have been sold to Howard University for scientific experiment, the Texan charged, and he pledged himself to put a stop to the practice"——

Mr. BLANTON. Mr. Chairman——

Mr. LUCE. I am going to exonerate the gentleman—

"And he pledged himself to put a stop to the practice."

Mr. BLANTON. Will the gentleman yield?

Mr. LUCE. No, sir; I yield no further. I want to tell the story.

A credulous clerk believed an autopsy had been performed on the body of a veteran. Somewhere between the shop of the undertaker and the floor of the House, passing through the office of the gentleman from Texas, the story was elaborated into one of dreadful mutilation that would outrage the sensibilities of any right-minded man. Other Members of the House began to use the word "horrible." Next the gentleman from Texas makes a speech containing something that a reporter misunderstands, which he distorts into a diabolically ingenious implication, meant to plant in the mind the impression that the bodies of white veterans are sold for the purposes of dissection by colored medical students.

CONGRESSMAN APPLEBY REBUKED LUCE

Mr. APPLEBY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. APPLEBY. There has been a misstatement made on the floor of the House by the gentleman from Massachusetts. I heard the gentleman from Texas state his proposition about Howard University, and it had nothing whatever to do with the cutting up of bodies or the mutilating of bodies.

Mr. BLANTON. Or the selling of bodies.

Mr. APPLEBY. Or the selling of bodies.

Mr. BLANTON. I thank my colleague from California. I had forgotten that he was at the American Legion Tuesday night.

THEN I SECURED THE FLOOR

Mr. BLANTON. Mr. Speaker and gentleman of the House, now that you have heard Mr. Fenning's defense, it is but fair that I should present the other side, for there are two sides to this question. I present the side of the shell-shocked, helpless, afflicted veterans of our wars who for 25 years have been exploited by Frederick A. Fenning.

My colleague from Ohio [Mr. MCSWEENEY] was present and heard my whole speech. Here is his statement as to what occurred:

"I was present at the meeting of Washington Post, No. 1, American Legion, on the night of May 4, 1926, and heard Congressman BLANTON'S speech. He made no statement whatever about bodies of veterans being mutilated before or sold to Howard University. He said that an employee of the Veterans' Bureau had testified that he had seen two bodies that had been cut upon, and that he had been reliably informed that St. Elizabeths Hospital had allowed its afflicted patients to be exhibited before classes in universities here for scientific purposes, and that some had been exhibited before a class of Howard University, and that if such were the case it ought to be stopped, as these poor, unfortunate patients should not thus be exhibited in public. He said nothing whatever about bodies being sold to Howard University.

"JOHN MCSWEENEY,

"Member of Congress, Sixteenth District of Ohio."

WERE BODIES CUT UP IN ST. ELIZABETHS?

On April 30, 1926, there appeared before our committee hearing Mr. Alva W. Collins, who is the assistant auditor for the United States Veterans' Bureau, having been with it since August, 1921, and whose duty it is to look after paying the funeral expenses of all veterans by auditing the vouchers for same. He was duly sworn, and upon oath testified as follows:

"Mr. BLANTON. Now, Mr. Collins, with respect to a body in May or June of last year that you saw, where the head had had an operation on it. Do you remember that body?

"Mr. COLLINS. I remember seeing the body lying in the undertaker's morgue.

"Mr. BLANTON. What had been done to the head?

"Mr. COLLINS. I think the scalp had been cut up here [indicating]——

"Mr. BLANTON. At the frontal bone?

"Mr. COLLINS. The frontal bone had been cut and the brain, I suppose, removed. I don't know about that. I didn't see that.

"Mr. BLANTON. That was a World War veteran?

"Mr. COLLINS. Yes.

"Mr. BLANTON. Now, in July you saw another body that had been cut up, didn't you?

"Mr. COLLINS. I happened in there on an errand taking some transportation for another body that was to be shipped, and I stepped over there after 4.30.

"Mr. BLANTON. What did you see about that body with your own eyes?

"Mr. COLLINS. That body was cut open from the throat all the way down.

"Mr. BLANTON. All the way down?

"Mr. COLLINS. Yes.

"Mr. BLANTON. What about the backbone? Did you find out anything about the backbone of the deceased?

"Mr. COLLINS. Well, I was told that the backbone had been taken out. I couldn't see it. I did not want to get close enough to it.

"Mr. BLANTON. Did it have a bad effect on you?

"Mr. COLLINS. It had a nauseating effect on me."

CORROBORATING EVIDENCE

But I had the sworn evidence from another bureau official corroborating the testimony of Auditor Collins. Mr. Clarkson E. Grier has been an honored and respected investigator for the United States Veterans' Bureau for over three years and did much work for the bureau in St. Elizabeths. He was duly sworn, and under oath testified before our committee as follows:

"Mr. BLANTON. Do you know Mr. Collins, who has charge of looking after these bodies, and so on, for the Veterans' Bureau?

"Mr. GRIER. Yes, sir; I know him very well.

"Mr. BLANTON. State whether or not Mr. Collins ever told you about one of the patients over there at St. Elizabeths where the doctors cut all the front part of his head off.

"Mr. GRIER. Yes, sir. I believe he did tell me something about that.

"Mr. BLANTON. Did Mr. Collins ever tell you about another body that they cut all to pieces

"Mr. GRIER. Yes, sir; he did.

"Mr. BLANTON. What did he say about the other one that they cut up so bad that Mr. Tabler said something about it? Tell the committee what he said.

"Mr. GRIER. I think it was July of last year—it was July—one of our claimants had died in St. Elizabeths, and they had an autopsy and the body was turned over to Mr. Tabler, our contract undertaker. Mr. Collins happened to be at Mr. Tabler's undertaking establishment when the body got there. That is the way I was told, or I believe that is the way.

"Mr. BLANTON. Tell us what he told you.

"Mr. GRIER. He said he saw a body that had been cut up pretty badly from St. Elizabeths, and that his stomach had been cut open down the front.

"Mr. BLANTON. What did he say about the backbone being cut out?

"Mr. GRIER. He said he was told that the backbone had been cut out. He didn't tell me that he saw the backbone.

"Mr. BLANTON. What did he say about Tabler with regard to the embalming?

"Mr. GRIER. He said that Mr. Tabler didn't want to handle a body like that; that he kind of intimated or something like that—I don't know exactly—but it was some remark that Mr. Tabler was not at all satisfied, was reluctant to receive a body in that condition.

"Mr. BLANTON. Didn't he tell you that he said the body was cut up so badly that Tabler said he didn't want to embalm it?

"Mr. GRIER. He didn't refuse to embalm it; he said he didn't want to.

"Mr. BLANTON. He didn't feel that he ought to be given a body in that condition?

"Mr. GRIER. I think that is what he said."

And then I presented a mountain of evidence showing improper exploitation of veterans by Fenning for 25 years.

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

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. RANKIN. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. I hope the gentleman will not ask that. It was a unanimous vote.

Mr. RANKIN. I understand, but some have been applauding vociferously in behalf of Mr. Fenning, and I want to know whether they are going to vote like they applaud.

Mr. BLANTON. It was a unanimous vote, and I hope the gentleman will not ask for the yeas and nays.

BEFORE JUDICIARY COMMITTEE ALVA W. COLLINS TESTIFIED

Mr. COLLINS. I am assistant auditor for the Washington regional office.

Mr. BLANTON. Of the United States Veterans' Bureau?

Mr. COLLINS. Yes, sir.

Mr. BLANTON. Under General Hines?

Mr. COLLINS. Yes, sir.

Mr. BLANTON. You have charge of looking after the accounts with respect to the burial of Veterans' Bureau wards?

Mr. COLLINS. Yes, sir; all accounts.

Mr. BLANTON. It is a fact, is it not, that for some time the bureau has had a contract, which I will have you show in a moment, with an undertaker here named Tabler to bury the veterans with a certain standard funeral, standard coffin, and standard other things, at a certain price?

Mr. COLLINS. Yes sir; where it was not—where the family did not desire——

Mr. BLANTON. Where the family did not claim the body?

Mr. COLLINS. Yes, sir.

Mr. BLANTON. What is that contract price now, Mr. Collins?

Mr. COLLINS. If there is not a shroud furnished, it is $56.

Mr. BLANTON. If there is not a shroud furnished, it is $56?

Mr. COLLINS. Yes, sir. Then if a shroud or suit is furnished it is $66.

Mr. BLANTON. Have you the standard specifications as to what shall be furnished?

Mr. COLLINS. Yes, sir.

Mr. BLANTON. Read them, please.

Mr. COLLINS (reading):

"Embalming of the body (arterially and its cavities) to be done with a good standard disinfectant embalming fluid. All openings to be packed with cotton soaked in bichloride solution, and the body to be washed with a bichloride solution, as required by the regulations governing the transportation of bodies. Embalming shall also include the shaving, washing, and dressing the body, trimming of hair of head, neck, and face, as well as shaving the face, washing the body in bichloride solution, and dressing the body in clothes provided, if any, and the shroud or suit.

"Shroud: Robe of black broadcloth, blue serge, or gray suiting, and to include suitable underwear and hose.

"Suit: Tailored suit of black broadcloth, blue serge, or gray suiting, with linen dickey, collar and cuffs, bow or four-in-hand tie, and to include suitable underwear and hose.

"Casket: Casket shell to be made of chestnut, cypress, redwood, western cedar, or equally good wood standard to the industry in the locality in which furnished. Style of casket to be swell corner, octagon end, three-panel top, scroll center panel; face and foot caps to be oval or built to a height of at least 1½ inches; frame of top to be shaped from at least five-quarter stock. Body of casket to be made of 1-inch stock with base and ledge shaped from a total thickness of at least 2¼ inches and 1½ inches, respectively. It shall be optional to furnish a plain cut top of above specifications instead of three-panel top. Casket to be covered with black or gray broadcloth.

"Upholstering: Body of casket to be upholstered with wood, wool, and cotton covered with muslin, lining of three momie Jap silk or equally good material with flannel background. Pillow of same material. Face cap and frame around face cap lined with same material. Foot panel lined with cambric or muslin.

"Hardware: Six nontarnish finish steel-braced cast handles, with arm and tip cast separately, ⅞-inch bar and ears at least 2⅞ by 2⅜ inches, or equivalent, to be screwed to casket body, three on each side.

"Name plate: One silver-plated Butler-finish name plate, with suitable inscription thereon."

Then it says "Hermetically seal any casket when required." There is no specifications on that. [Reading:]

"Outside case: Case to be of 1-inch stock of dry, sound white pine, cypress, redwood, spruce, fir, or equally good wood, free from loose knots, S2S, oak or mahogany stained or painted gray. Sides to be set outside ends and nailed to them with 8-penny cement-coated nails. Top to be made in sections, tongued and grooved, run crosswise of box and set flush with outside edges of box. Top to be fastened to the box with 1¾-inch steel screws. Cleats 4½ inches wide with chamfered edges to be fastened on box top, one on each side, and to extend the length of the box inside. Size of box shall be such as to allow at least 1 inch clearance between outside of casket and inside of box.

"Hardware (handles): Six wrought-steel, copper-finished chest handles; size of plate at least 5½ by 2⅞ inches, to be bolted two on each side and one on each end."

Mr. BLANTON. You won't audit an account until there has been an inspection report on each one of them?

Mr. COLLINS. No, sir.

Mr. BLANTON. And if one of those handles were not secure and the inspection report showed that, you would refuse to pay the account?

Mr. COLLINS. Yes, sir.

Mr. BLANTON. Now, Mr. Collins, from your experience in handling these matters, what would that kind of a funeral, including the embalming and all of the things that are furnished, what would that usually cost from an undertaker?

Mr. COLLINS. My opinion would be that funeral would be worth anywhere from $100 to $125 in ordinary business. I do not know what the undertakers charge—their rate.

Mr. BLANTON. Now, in regard to the body that was found in the basin down here, Murdy—you know about Mr. Murdy's body being found in the basin?

Mr. COLLINS. Yes.

Mr. BLANTON. Now that body—it would have been impossible to embalm that body, would it not?

Mr. COLLINS. I believe it would. That is what they said; I did not see that.

Mr. BLANTON. That body, what would that cost through this Tabler Undertaking Co., if that had been turned over to Tabler?

Mr. COLLINS. Without a shroud, $49.

Mr. BLANTON. In that connection I will read just one matter, because it comes in pertinently at this time, from the original court papers in lunacy No. 10713 in re Walter Garland Allen, lunatic, for whom Mr. Fenning is the committee. I read the following receipt. Printed on it is "Law offices Frederick A. Fenning, Evans Building, 1420 New York Avenue, Washington, D. C."

"Washington, D. C., 3-24-26—"

That is March 24, 1926—

"Received of F. A. Fenning, committee of Walter Garland Allen, $107.81, balance held to the credit of the deceased by committee. Accepted in full for our bill of $110 for services in connection with burial as per order of court."

That is signed "Joseph Gawler Sons (Inc.), per Alfred B. Gawler, president."

This was to show that in March of this year Mr. Fenning paid out to Gawler $107.81 for a funeral that, had the body been turned over to Mr. Tabler, would have been conducted and the things furnished under those specifications at not more than $66, anyway, even if there had been a shroud furnished.

BEFORE JUDICIARY COMMITTEE CLARKSON E. GREER FURTHER TESTIFIED

Mr. BLANTON. You are an inspector for the United States Veterans' Bureau?

Mr. GREER. Yes, sir.

Mr. BLANTON. Mr. Greer, with regard to the body of a man who was later identified as a veteran of the World War, who was drowned in the basin here. I wish you would tell what you had to do on behalf of the United States Veterans' Bureau with regard to that body.

Mr. GREER. Bernard Murdie. I think that was on March 24; I am not positive about the exact date.

Mr. DYER. What year?

Mr. GREER. I think this year.

Mr. DYER. Proceed to answer his questions.

Mr. GREER. It is my official duty to reclaim bodies, and to help to identify them as ex-service men, when they are found dead in the basin, or any place in the river, or such things like that——

Mr. BLANTON (interposing). Now, first, with regard to the burial of bodies of World War veterans that the Veterans' Bureau takes cognizance of, state whether or not the bureau has a contract with any undertaker here to bury those bodies?

Mr. GREER. Why, yes.

Mr. BLANTON. Who is the undertaker?

Mr. GREER. I think his name is Norville Tabler. I was notified; a slip of paper was put on my desk that a man had been found drowned in the basin; and I immediately communicated with the morgue, the superintendent of the morgue. And we had identified this man as a claimant of the Veterans' Bureau; that is, a disabled man who had a compensable status. I asked the superintendent to notify me. I requested that he inform me when the coroner was through with the inquest, so that the Veterans' Bureau could claim the body for burial. I was not notified in two days; and I called again, and the superintendent of the morgue informed me * * * that Mr. Franklin had the body.

Mr. BLANTON. What Franklin?

Mr. GREER. Bill Franklin.

Mr. BLANTON. Do you know where Bill Franklin works?

Mr. GREER. I do at this time.

Mr. BLANTON. Where?

Mr. GREER. He works for the District of Columbia. I think it is in the water department.

Mr. BLANTON. For the District of Columbia?

Mr. GREER. Yes.

Mr. BLANTON. In what building?

Mr. GREER. The Municipal Building, I think.

Mr. BLANTON. The Municipal District Building down here?

Mr. GREER. Yes.

Mr. BLANTON. And you had been told that the body had been turned over to him—to Bill Franklin?

Mr. GREER. Yes.

Mr. BLANTON. Mr. Greer, do you know whether or not Undertaker Tabler buried Murdie?

Mr. GREER. I know that he did not.

Mr. BLANTON. You know that he did not?

Mr. GREER. No, sir.

Mr. BLANTON. Do you know what the undertaker who did bury him charged the Government?

Mr. GREER. Yes, sir; I know that he submitted a voucher for $180.50.

Mr. BLANTON. $180.50?

Mr. GREER. Yes, sir.

Mr. BLANTON. Now, Mr. Greer, a short time ago did you accompany a number of patients from St. Elizabeths on the train down to Augusta, Ga.?

Mr. GREER. Yes, sir.

Mr. BLANTON. How many?

Mr. GREER. Twenty-one. They were southerners.

Mr. BLANTON. There was one Fred Hall in that bunch from Florida, was there not?

Mr. GREER. Yes, sir.

Mr. BLANTON. Did you ever know of such a wholesale transference of patients from the Veterans' Bureau at any time before since your connection with the Veterans' Bureau?

Mr. GREER. Personally, I have never conducted any.

Mr. BLANTON. That is the only one you had personal knowledge of?

Mr. GREER. Yes, sir.

Mr. BLANTON. Had you ever been with any patients before?

Mr. GREER. No, sir.

Mr. BLANTON. Had the bureau ever called upon you to transfer patients from here before that?

Mr. GREER. No, sir.

Mr. BLANTON. You did not have any trouble with those patients, did you?

Mr. DYER. I do not see how that is material.

Mr. STOBBS. What bearing on this case has that?

Mr. BLANTON. My real purpose is to show that for years various parties had been trying to get their relatives who were not insane away from this institution here, without avail; and as soon as a congressional investigation started to bring out all of these facts all of a sudden 21 of them were sent down at one time and distributed in Georgia, Alabama, and Florida, showing that there was some reason for the investigation, and showing that the Veterans' Bureau and the hospital and the guardian realized the necessity to get them away from here.

FOUR HUNDRED AND EIGHTEEN SHELL-SHOCKED WORLD WAR VETERANS TRANSFERRED FROM ST. ELIZABETHS INSANE ASYLUM

I have the certificate of Gen. Frank T. Hines, Director of the United States Veterans' Bureau, certifying that from that date, May 26, 1926, to December 11, 1926, he transferred from St. Elizabeths to hospitals nearest their families the following 418 World War veterans:

Ellis L. Baxter, Joseph G. Clarke, Buford A. Creamer, Dr. Franklin Haynes, Edward McBride, Fred A. Martin, Lawrence O'Neill, John B. Queener, William T. Radcliff, Oliver B. Radford, George Spinopoulis, Adlai Thrasher, George P. Stovall, George V. Walker, Rufus Willyard, Benjamin F. Wood, Walter Yarborough, Virgie Hill, William J. Wilson, Allen Crawford, Henry Jones, Alcon Luttrell, George Pugsley, John A. Boardman, David M. Claghorn, William Keill, Daniel Scanlon, William N. Brigham, Vern Smith, William A. Yeagel, Samuel Robinson, Laura Curtis, Peter Mahsowr, Floyd R. Rhodes, Denis A. Dennehy, Charles J. Ryslop, Fred W. Helmer, Charles L. Hester, John Fogleman, John Rose, Lee Allen, James L. Patterson, Warren C. Voiers, Bernard Sheehan, Felix Bohenko, Martin J. Connolly, John W. Bowman, Henry Castleberry, Hunter Galloway, Otto L. Hallquest, Joseph C. Holt, Arthur Horton, Brill Hutcherson, James B. Murphy, Cayce Phillips, Gilbert Johnson, Ernest Mittag, Gilbert Valiett, John W. Darnell, William H. (John Bowen) Walling, Clarence Madison, John Fordham, Walter Woodruff, Page Delahoussaye, James Myring, William Lucas, Oliver Crawford, Alphonso Price, George Urbesco, Grocer Eddleman, Calvert Faires, John Uzzel, Thomas Coppinger, Usuary Hayes, Robert Wilson, William L. Moore, Jake Rasskind, Jeff James, Ben Gage, William Mullen, James Murray, Richard McClain, John Munson, Roy A. Smith, John W. Kenealy, Charles Little, James Beida, Walter McIntyre, Oscar Oppendahl, Thomas Acoff, Lawrence Burnett, Arthur N. James, Waddell Farrah, Bert Branch, Fred Dugger, Nelson Armistead, James L. Smith, Earl Adams, James Dennis, Willie Williamson, John W. Holliday, Louis E. Hawkins, Robert C. Grovey, Christopher Waples, John Adams, Wesley Scott, William J. Delaney, Leonard Beasley, Charles Vaughn, George Brundy, Lawrence Walker, Louis Damia, Adam Saucinnas, Louis Getz, Michael Hart, Walter Ott, Earle W. Robinson, Frank Soleski, Augustus Strine, Vincent Zillinski, Neil Dever, William Roseler, Arthur Hatch, F. Santero, L. DeFrancesco, Meyer Feldscher, Edward Haldeman, Clemens Hildebrand, August Meier, William Pechulis, Stanley Sinkevitz, William Spangler, K. Wismaske, Edward Galvin, Ernest Miller, Esmond Brissette, Miley Farris, Thomas McCabe, Hunphery Murphy, Fred V. Currano, Fred Huxter, Walter Burden, William Angerer, Michael Fritch, Charles McCabe, Martin Flaherty, Moe Barbalot, Walter Shelland, Charles Herbert, N. Collepardi, John Relihan, Frank Dzideic, Guil Abate, Maxwell Reeser, Frisby Anderson, Harry

Johnson, Charles Ritchie, Lucius Collier, Clarence Moore, Joseph Proctor, William L. Fennell, Charles Cronin, William Myers, Clayton Taylor, Arthur Solie, Albert M. Kelly, Marion Cochran, Ray B. Dixon, Sam Middlebrooks, Clavin Reeves, Arthur Andrus, Charles F. Donahoe, Stephen F. Aby, Michael Philbin, John Kuppi, Michael Powers, Warchol Vaclow, Frank L. Travis, Thomas Mack, Anton J. Piksa, Ernest Johnson, Algred Bogstad, James Belson, Walter J. Dickerhoff, Fred Gruner, Joe Bragiel, Frank A. Feldman, Anton Kucis, Michael O'Donnell, Albert Smith, William B. Parks, John W. White, Placido Abaya, Aurelio Emano, Gregorio Plada, Juan Ambay, Cirilo Jarvier, Mercario Zamora, E. Bernales, Henry Franco, Otto Barth, William C. Klein, Garrett Brennan, Herman Benken, Joseph J. Flaherty, Charles Koppe, Demetrious Davanos, Robert Reid, Albert Hartman, Michael Daly, Edward Caler, Bernard Doherty, B. Normantowicz, Eugene Zattoni, Maxie J. Eaton, Modesto Correra, Emmanuel Anderson, Thomas S. Callahan, Leonard J. Carrigg, Willie Franklin, Francis McCarty, Edward McQuire, Stanley Mientus, Patrick Rutledge, Lawrence Joyce, Milton Leonhardt, Frank Patterson, James Craig, Leo Murawski, Robert Norment, George Davis, John Hawthorne, Horace Epps, S. Lindstrom, William K. Hatter, Edward Quala, Wilfred Motley, Charles Smith, Camaron Sterman, Hugh Steele, John Brintla, G. Bruno, N. C. Caroussos, Gust Sefigas, Famia Rocco, Jacob Perenic, Dennis Pearson, Martin Gretchey, George H. Banks, Joseph Boldenbenner, Lonzo G. Bays, Elijah Hammond, Henry Hiller, James E. McDermott, Herman Smith, Luther B. Gentry, Elijah Thomas, Henry A. Kimble, Logan G. Bicktell, Virgil Earles, Zorn Hall, Joseph Russ, Arthur W. Oliver, Robert Flood, John W. Curran, John Pelow, Charles A. Gadbury, Waclaw Karwoski, John Essling, Willis D. Lauver, Edward Czarnecky, Warren Reider, Davis Parks, Lyle Forbes, John A. Munter, John Durkin, Joseph Vaselenak, William J. Yeager, Henry Firbaugh, Otto Baughman, Jake Tercek, William Evans, Fred Fleight, Richard Nichols, Holly Eggleston, Steve Petranshik, Peter Yavich, John Magann, Charles Morris, Turner Rhodes, Neil Kelly, Santiago Navarasso, Charles Eyler, Nestor Garin, Albert Steward, James Talbott, Angelo Vendette, Jacob Trauger, Henry Dearnley, Layton Boyce, John Brinko, Argentino Dinardo, Stephen Guman, Edward Halloran, Morris Sterman, Joseph Strosatz, John Trimbole, Richard Vielmo, Joshn Zelvis, Stanley Korimski, Thomas Herndon, Samuel Jordan, Robert Morris, William Hoffman, Joseph Devine, Frank Bekart, Ramon Dalamon, Joe Grabosky, Joseph Milewski, Hedwig Werdelin, John Adams, Widler P. Baker, Thomas J. Clinnin, Frank Mylnarick, Arthur Richardson, Sidor Thomas, Cleo Thompson, Lester Cornett, James W. Butcher, John A. Beasley, Thomas C. Brady, Charles Quedry, Dr. P. Harrison, Douglas E. Bradford, Robert J. Colvin, Houston Harrington, Alphons Kinder, Dixon J. Bennett, Fred Buzzard, Orval Davisson, Fay F. Baker, Arthur D. Myers, Ikey Boston, Willis Sutton, Fresch Taylor, Thomas C. Williams, Luis Cruz, Casiniro Mercado, Cenaro Vasquez, Earl Rea, Daniel O'Connor, Lewis Brownell, Achim Mailath, Thomas Burne, Thomas Cooligan, George Lucak, Henry J. Ahlmeier, C. Nicholetto, Theodore Custer, Leighton Pierce, Albert W. Crowley, Henry L. Tims, William Benjamin Greene, Kusti Sears, Hans Wobeck, Barooch Marsh, Christ Mihelia, Robert Cummings, Edward H. Vander, Thorlief Nilson, Victor S. Branez, Lui Halas, Frank Gildutis, Albert Kluge, Gustave Koobas, John Laskie, Teofil Stosicak, Philip Neis, Stephen Simko, Demetri Kudhoff, William E. Johnson, John Ziekowski, Eli Moran, Francis J. Kennelly, Thomas P. McAleer, Enrico Olivieri, Charles Ravis, Albert Wachowiak, Anthony Curcio, John Joseph Murphy, Tony Paparo, Fred C. Vanmeurs, Mel Ksahalan, Calvin Alder, George P. Bard, Frank E. Baer, Besthula F. Beal, Amato Bellucci, Walton D. Bolton, Dorsey Deane, John Ferry, William E. Gaus, Gustavus Gehringer, Harry J. Harley, Elmer Hoagland, Wilma O. James, Samuel Mackarus, Fred W. Moore, Frank Parlo, Joseph Pauer, William Pollow, Walter Rotkewech, Francis Schmidt, Howard E. Shae, Joseph J. Thompson, William F. O. Wacker, Fred Weber, Edward Woodrow; total, 418.

ONE HUNDRED AND FORTY-ONE PATIENTS DIED IN ST. ELIZABETHS FROM JANUARY 1, 1926, TO JULY 7, 1926

Dr. W. W. Eldridge testified under oath that during 1925, 269 patients died in St. Elizabeths, and that from January 1, 1926, to the date he testified, May 13, 1926, 141 patients had died in St. Elizabeths. They died there mighty fast. And we know that if these 418 World War veterans had not been transferred from there, many would have died. So that the information may be available for their relatives, the following are the 141 patients who died in St. Elizabeths from January 1 to May 13, 1926:

Henry Page, Harry B. Settlemeyer, Evelyn T. Smith, Laura Bronson, Jane Holt, Charles Speaks, Margaret A. Norris, Carolina R. Ayers, Cordelia Mickle, John Kemp, Edward Cahill, Perlie Granger, James Miller, Francis Dent, Thomas Parker, Herbert McKinney, George Banks, Beatrice Burch, John Allen, Edward H. Brunner, Joseph R. Cooper, George C. Davis, Hayes Mathez, Samuel Johnson, Elise D. Pennell, Julia Odoms, Frank Barbour, Walter S. Burks, Carl Miller, Gotlieb Ashwander, Florence Carpenter, Marie Vatli, Meta E. Wolfsteiner, Thomas Daly, Mack Van, James H. Offutt, Elizabeth Edmonds, Julia Conway, William H. McKinney, Andrew Wargarnin, Isaac Mahoney, Wencelas Sedlak, William Radcliffe, William A. Forrest, Molly Williams, John Smith, Emma B. Davis, Mary Branson, Sarah Smith, Happy Jarrett, Letha Powell, Wong Wo, Norris C. Lloyd, Sarah Short, Frank P. Locraft, Jennie Hammill, Wilder H. Cookson, Charles W. A. Vedits, Daniel Howell, Ethel Talley, Minnie F. Voute, Susan Williams, John Jones, William Sears, Sarah Miller, Samuel Connor, Ellen Brereton, Mary Purdy, Julia Taft, Margaret Holmes, Barbara Hunter, Annie Stibor, Cannie C. Carpenter, Eleanor Bully, Elizabeth Godfrey, Annie Mintz, Hattie Gray, Philip Palerano, William J. Miller, John Colbert, Shedrick Gill, Eliza Stone, Margaret Dexter, Ida Robinson, Ellen G. Lander, Pearl Sparrow, Dorothy Carneal, Mollie Jones, Enos H. Hurlburt, Walter McGowan, Rachel Wright, Charlotte Burnette, Buren Brown, Margaret Conway, Thomas Nichols, Mary Jones, Joe McManus, Frederick H. Fletcher, Edward Dick, Gouveneur T. Greenlaw, Mabel Berry, Elizabeth McVey, Joseph Flemming, George W. Brooks, Nathan Alexander, Paul Depp, Harrison Delyons, Buelah Goings, Dewey Bryant, Diamandies Papabopoullos, Charles A. Van Horn, Ira Morris, David Kelly, Olive Gardner, Gus Gobbertin, Peter Weber, Ruben Jackson, Hugh Donnelly, John A. Curran, George Amey, Albert Culley, Joseph Abribet, William H. Carter, Amelia Turner, Joseph A. Blinkhorn, Mike Paulelik, Arthur Welch, Martha Johnson, Emil R. Reipschneider, Joseph Locher, Adelaide Bowie, Hannah Barber, Christine Garcad, Clara Lavine, Lucy Washington, Robert E. Ledbetter, Caroline Dillon, Catherine Fishback, Amy Henry, Alexander Brailowsky, and August J. Sunden.

OVER 400 WORLD WAR VETERANS THERE YET

There are still over 400 World War veterans in St. Elizabeths, and they must be transferred. I do not intend to quit until every one of them is removed, and until every one of the 2,200 patients there who have never yet had a hearing, are given a hearing, and are either discharged or committed there lawfully.

I have now quoted evidence sufficient to show that I proved the truth of my charges Nos. 1 to 24, and this leads me up to my

CHARGE NO. 25

I charge that the said Frederick A. Fenning, while Commissioner of the District of Columbia, during the four months from December 1, 1925, to March 31, 1926, permitted the corporation counsel of said District, in the name of the Commissioners of said District of Columbia, as petitioners, to file in the Supreme Court of the District of Columbia 150 cases of lunacy and caused 150 human beings, and residents of said District, to be incarcerated in insane asylums, charged with being of unsound mind, when many of said persons are sane and should not be deprived of their liberty.

SWORN TESTIMONY OF ELIZABETH MEIGS

Mr. BLANTON. Miss Meigs, your name is what?

Miss MEIGS. Elizabeth Meigs.

Mr. BLANTON. You are the clerk in charge of the lunacy branch of the Supreme Court of the District of Columbia?

Miss MEIGS. Yes.

Mr. BLANTON. And you have been in charge of that how long—for how many years?

Miss MEIGS. Since January 1, 1900.

Mr. BLANTON. Twenty-six years in all?

Miss MEIGS. Yes.

Mr. BLANTON. Now, to save time, Miss Meigs made an affidavit here that from December 1 to March 31 the records show 150 lunacy cases that were filed there in the name of the commissioners by Frank H. Stephens, corporation counsel. I can get that admission without putting that all in?

Mr. HOGAN. If Miss Meigs says that is a fact?

Miss MEIGS. That is a fact.

Mr. HOGAN. Let it go in, subject to the question of relevancy.

Mr. BLANTON. At my instance she examined the records and counted up the number of lunacy cases filed in the names of the commissioners by Frank H. Stephens.

Mr. HOGAN. Well, a copy of one petition will show how they are filed.

Mr. BLANTON. They are filed in the name of the commissioners.

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., April 2, 1926.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D. C.

DEAR SIR: In compliance with your request of this date, I have the honor to report that there were 150 lunacy cases filed by Francis H. Stephens, corporation counsel, between December 1, 1925, to March 31, 1926, inclusive.

Respectfully,

E. M. MEIGS,
Assistant Clerk of the Supreme Court of the District of Columbia, in Charge of Lunacy.

CHARGE NO. 26

I charge that the said Frederick A. Fenning continuously for the past 23 years has conspired and confederated with the said Dr. Wil-

liam A. White to block and prevent sane patients wrongfully incarcerated in St. Elizabeths Hospital from securing their liberty through habeas corpus proceedings, and I charge that Frederick A. Fenning admitted under oath that he went to the court and caused the court not to discharge Miss Cornelia L. Corbett and her mother, and he thus wrongfully kept them in St. Elizabeths for two years and four months, during all of which time they were sane, and while there he squandered their property, and that when finally an able lawyer in the District, through habeas corpus proceedings, forced a trial for them before the court they were adjudged of sound mind and released, and that the said Miss Cornelia L. Corbett, in cause No. 49104, law, sued said Frederick A. Fenning in the Supreme Court of the District of Columbia and recovered a judgment against him, and made him pay back to her a part of the value of her property which he had squandered, and that said wrongful acts of said Fenning caused the premature death of Mrs. Corbett.

TESTIMONY IN FIRST HEARING

FREDERICK FENNING TESTIFIED

I am frank to admit that in the Corbett case—I am the committee of Mrs. Corbett—I went into the court when the habeas corpus proceeding was about to be heard and told the judge that as committee of Mrs. Corbett I had looked carefully into the case since she had filed her petition for a writ of habeas corpus, and my opinion was that the best interests of Mrs. Corbett demanded that she remain where she was, and that that being the case I was going to appear with the district attorney in opposition to the issuance of the writ.

MISS CORNELIA L. CORBETT TESTIFIED IN 1906

Miss CORBETT. The day we were taken there they came in without any warning whatever. We had not the least idea that any such thing was premeditated. We were taken right out of the house. They had a patrol wagon in front of the house. They had a large Irish policeman and a private detective, a woman, I do not know who she was, a lady physician, and a large black policeman; and they put us in a patrol wagon, and there were two men on the front seat of this wagon. We were taken right over to St. Elizabeths without any warning whatever. They came right in our house.

Of course, we were thrown in the insane asylum without any justice, and while we were in there everything we had was disposed of.

Mr. HAY. You do not know who sold them?

Miss CORBETT. Mr. Fenning, Lawyer Fenning, was given authority—what they call the committee in charge of our affairs—and he sold them. He was the one who sold them.

MISS CORBETT AGAIN TESTIFIED APRIL 6, 1926

In our first application for habeas corpus Mr. Frederick A. Fenning prevented our having any witnesses, and he caused the court not to release us, but to remand us back to St. Elizabeths without a proper hearing, and he did everything within his power to obstruct our efforts to get out, and to keep us there; the cruel shock and humiliation nearly killed my mother; no one will ever know just how much we both suffered there.

Hon. Robert H. McNeill, an attorney, of Washington, had granted a writ of habeas corpus, and through trial in court had us both declared sane and of sound mind, and by order of court discharged from St. Elizabeths, where for two years and four months Mr. Frederick A. Fenning had kept us incarcerated behind bars; I then brought suit against Mr. Fenning for my part of the effects he had sold, and the bill of particulars attached to my declaration is cause No. 49104, law, will show just what he had squandered of my property.

MISS CORBETT'S TESTIMONY BEFORE JUDICIARY COMMITTEE

Mr. BLANTON. You are Miss Cornelia L. Corbett?

Miss CORBETT. I am.

Mr. BLANTON. You are employed by the Board of Charities, which is not under the Commissioners of the District of Columbia?

Miss CORBETT. I am employed by the Associated Charities.

Mr. BLANTON. But for 15 years you have been employed by them continuously?

Miss CORBETT. For 15 years or longer.

Mr. BLANTON. Miss Corbett, when there was a hearing before Congress in 1906, you appeared before the committee and testified, did you not?

Miss CORBETT. I did.

Mr. BLANTON. And the committee had you brought from St. Elizabeths before them, did they not?

Miss CORBETT. They did.

Mr. BLANTON. At that time you were incarcerated with your mother in St. Elizabeths?

Miss CORBETT. I was.

Mr. BLANTON. And you had been there at that time how long, approximately? When were you and your mother put in St. Elizabeths?

Miss CORBETT. We were kidnaped and taken over there on Saturday evening, June 11, 1904.

Mr. BLANTON. 1906 was when the hearing was had, when she testified, and she was put in there in 1904, so that she had been there approximately two years.

Four months after that hearing you and your mother were released by order of the court, were you not?

Miss CORBETT. I was.

Mr. BLANTON. And, altogether, you and your mother were kept in St. Elizabeths two years and four months, were you not?

Miss CORBETT. Two years and four months.

Mr. BLANTON. Were you insane at any time during that two years and four months you were in St. Elizabeths?

Miss CORBETT. No, sir.

Mr. BLANTON. You knew what you were doing all the time?

Miss CORBETT. I attended to everything myself.

Mr. BLANTON. You took care of your poor sick mother, who got sick from the shock of taking her out there?

Miss CORBETT. She had a stroke the next morning when she got a letter from Doctor Hamlin speaking as though she was in a summer resort.

Mr. BLANTON. And you waited on her and cared for her?

Miss CORBETT. I took almost entire charge of her.

Mr. BLANTON. Now, is it not a fact, Miss Corbett, that before they had that congressional investigation you applied for a writ of habeas corpus before the court down there and that Mr. Fenning appeared there and kept you and your mother from putting on witnesses and having a hearing, is not that a fact?

Miss CORBETT. Yes.

Mr. BLANTON. When they did not allow you to put witnesses on. I am not talking about the time the court discharged you; I am talking about the first time, before they had the congressional hearing.

Miss CORBETT. The very first time we had no one to represent us.

Mr. BLANTON. Is it not a fact that you did not have any lawyer then?

Miss CORBETT. No.

THESE TWO LADIES REALLY HAD BEEN KIDNAPED

Mr. BLANTON. Just tell what happened that evening. Did you and your mother know you were going to be put in St. Elizabeths?

Miss CORBETT. Why, we never had the faintest idea of such a thing.

Mr. BLANTON. You had no notice or warning of it?

Miss CORBETT. None whatever.

Mr. BLANTON. Where were you and your mother when the patrol wagon drove up to the door?

Miss CORBETT. I was lying down in one room and my mother was lying down in another.

Mr. BLANTON. When the wagon came, what did they do; just tell exactly what they did?

Miss CORBETT. Some one rang the bell. I went to the door and there was a tall woman standing at the door and she stared me right in the face and wanted to know if any one was sick in the house. I said no, there was no one sick in the house. She said, "Have you had a nurse?" I said, "What would we have a nurse for?" Then she pushed herself right in and before I knew it, there were several private detectives and Doctor Burette, also a member of the Church of the Covenant, a homeopathic physician, and she came in and said we were to be taken over to St. Elizabeths. I could not understand it. I said, "I would like to telegraph to my uncle," who was in Philadelphia, "General Hood"; also I would like to speak to the neighbor next door, and also to Mr. Linton, on the square above. They would not let me speak to anybody; they would not even allow me to change my clothes or to dress. My mother did change hers, and she did pick up her watch and chain. And this woman just treated me as if I was a convict. She stayed right by me all the time.

Mr. BLANTON. Was there a colored policeman in the patrol wagon?

Miss CORBETT. Oh, yes; there was a big colored policeman sitting beside us.

Mr. BLANTON. He sat beside you when they put you in the patrol wagon?

Miss CORBETT. Yes; and this other woman was on the end and the colored policeman was in the center of the patrol.

Mr. BLANTON. They would not even let you confer with anybody?

Miss CORBETT. They would not let us confer with no one.

Mr. BLANTON. But they took you out and made you leave all of your things there just like they were when they came?

Miss CORBETT. Yes.

Mr. BLANTON. That was in Eckington, was it not?

Miss CORBETT. Yes.

Mr. BLANTON. You and your mother had formerly had a home up near Dupont Circle, had you not?

Miss CORBETT. No; on M Street.

Mr. BLANTON. State whether or not your father had died a few years preceding that over in Virginia.

Miss CORBETT. He had.

Mr. BLANTON. And he had left an estate of about $75,000?

Miss CORBETT. Yes.

Mr. BLANTON. And the executor was the one who sold your home on M Street?

Miss CORBETT. Yes.

Mr. BLANTON. Then you and your mother were forced to go and live in Eckington?

Miss CORBETT. We were.

Mr. BLANTON. Now, who sold all of those things you and your mother had in that house in Eckington?

Miss CORBETT. Mr. Fenning.

Mr. BLANTON. Among those things were a lot of your personal belongings?

Miss CORBETT. There were.

Mr. BLANTON. Belonging to you?

Miss CORBETT. Yes.

Mr. BLANTON. There was a valuable painting you had there worth how much?

Miss CORBETT. There were a great many valuable paintings, but there was one that was a marine painting and was worth $1,500.

Mr. BLANTON. Many of the things you had in there were heirlooms in your family of yours and your mother's?

Miss CORBETT. Yes. This was a very small house, and it was crowded with heavy things that were not appropriate to the house, but we kept them.

Mr. BLANTON. Your family had been a well-to-do family over in Virginia until your father's death?

Miss CORBETT. Oh, yes.

Mr. BLANTON. Now, how much were all those things sold for by Mr. Fenning—yours and your mother's, too?

Miss CORBETT. Well, one newspaper notice said about $600, another one about $400.

Mr. DYER. Have you the records in the case?

Mr. BLANTON. It was around $500.

That is true and correct, is it; everything you state there you had in that house?

Miss CORBETT. Yes.

List of personal property belonging to Miss Cornelia Corbett

[From court records]

Music cabinet	$32.00
Music chair and cushion	12.00
Violin	45.00
Estey organ	450.00
Music books	10.00
Old mahogany chest of drawers	30.00
Little sewing chair	7.00
Small oak table	1.50
Office table	4.75
Hand-carved bracket	3.00
Brackets (hand carved), heads of Grant and Colfax	10.00
Library table, solid cherry	33.00
Satinwood writing desk and contents	13.00
Walnut bedroom set	100.00
Mattresses	14.00
4 pairs feather pillows, 2 bolsters	11.00
Lamp with bisque shade	18.00
Bookcase	50.00
Bookcase made from wood on Grandfather C.'s farm	15.00
Books	500.00
Portrait of Grandfather Hood	150.00
Portrait of Grandmother Corbett	100.00
Portrait of Maie Van Slyke	25.00
Oil painting, "Indian Vespers"	200.00
Oil painting by R. Turner, "Four-mile Run"	10.00
Oil painting by R. Turner, "Marine—Venetian scene"	1,500.00
Water color by R. Turner, "Cloisters Court"	75.00
Small oil painting of mine	--------
Placques, panels, etc., and screen	75.00
Framed photo of Napoleon	1.50
Crayon head—Kismet	2.00
Steel engravings—5 in all—4 at $60 apiece and 1 at $50	290.00
Bronzes, "Mercury and Iris"	87.00
Bric-a-brac	100.00
Sardine dish—silver plated	2.00
Silver tea set	75.00
Silver ice set	30.00
Brass candlesticks, snuffers, and tray	7.00
Brass and irons, shovels, and tongs	10.00
China and glass pieces	--------
Chests containing art materials	--------
2 woven coverlets	40.00
2 silk quilts, unfinished	10.00
Large sofa pillow	5.00
Britannia ware communion set and plates	15.00
Brass comb, tray, and brush	3.00
Old carved chair and sofa—rare	100.00
Old stone jar	25.00
Mink muff and stole with tails	20.00
Silver beaver muff	8.00
Felt hat	3.00
Several cloth skirts	7.00
2 crocheted afghans	6.00
Plaid shawl—new	6.00

Remember that Fenning sold all of the above and all of her mother's household effects for only $500.

Mr. DYER. Afterwards, you instituted a suit at law against Mr. Fenning for damages on account of the loss which you claim you sustained from his action in disposing of certain property belonging to you or your mother; is that true?

Miss CORBETT. To myself.

Mr. DYER. And secured judgment against him for some amount?

Miss CORBETT. A very small amount.

Mr. BLANTON. About four hundred dollars and something?

Miss CORBETT. Yes.

Mr. BLANTON. So that when you were taken out of it you left everything you possessed in that house?

Miss CORBETT. Everything.

Mr. BLANTON. And you say Mr. Fenning took charge of it and he sold it?

Miss CORBETT. Everything.

Mr. BLANTON. And after the hearing before the congressional committee in 1906, shortly thereafter, Judge McNeil, without your having employed him at that time, took it upon himself to get you out, did he not?

Miss CORBETT. Yes.

Mr. BLANTON. Just from his knowledge of what occurred in that hearing?

Miss CORBETT. Yes.

Mr. BLANTON. And he filed an application for a writ of habeas corpus before the court and you and your mother were brought before the court?

Miss CORBETT. Yes.

Mr. BLANTON. And you were released?

Miss CORBETT. Yes.

Mr. BLANTON. With regard to your mother's mind, was she any more insane when she was placed in that asylum than she was when she was turned loose?

Miss CORBETT. She was not; she had a remarkable mind.

Mr. BLANTON. She had a remarkable mind?

Miss CORBETT. A wonderful mind.

Mr. BLANTON. And when you and your mother were taken out to St. Elizabeths that evening, without notice, she was just as sane then as she was when she was discharged by the court?

Miss CORBETT. Yes, sir; exactly.

Mr. BLANTON. And all the time she was there, even when you say she was paralyzed from the shock of being taken out there, state whether or not she was sane during all of her stay in St. Elizabeths.

Miss CORBETT. She was.

Mr. BLANTON. Perfectly sane; she knew everything she was doing, and so on?

Miss CORBETT. She did.

Mr. BLANTON. What effect did that have on your mother, taking her to St. Elizabeths at that time, in June, 1904?

Miss CORBETT. Well, it materially shortened her life.

LOGUE ADJUDGED SANE AFTER SIX YEARS' IMPRISONMENT

In the first hearing Judge Thomas testified:

In the Logue case Mr. Fenning's attitude has not been one such as an ordinary committeeman would show. He placed every obstacle and delay he could to investigating the man's sanity. When Mr. Logue was brought into court Mr. Fenning opposed it and wanted a continuance. He got a continuance, and then still another continuance. Then when he was finally discharged I demanded final account of Mr. Fenning, so that Mr. Logue could have his money. Mr. Fenning demurred and said that he should have 30 days. But I said, "This man has no money; in 30 days he will starve." So the matter went over, and in several weeks we got it up. Judge Stafford said to Mr. Fenning, "This money belongs to this man; he is entitled to it; and I order you to pay down $200 cash now to him, and then you can determine the rest." As to the rest of that money, six months have gone by and delays have been put in the way. We have brought proceedings to recover the money, and Mr. Fenning has questioned the law, and the man has not got his money yet, and I do not know that he will ever get it.

CHARGE NO. 27

I charge that said Frederick A. Fenning is now holding in St. Elizabeths Hospital Lieut. F. D. Allen, who is sane, and that said Fenning is squandering his property.

I have already called attention to Fenning's letter:

MRS. FLORENCE PICKRELL,

817 Twenty-fifth Street, Newport News, Va.

DEAR MRS. PICKRELL: The case of your brother, Francis D. Allen, came on for hearing yesterday morning. Every effort was made to convince the court that he was of unsound mind, but without avail, and the matter went over for two weeks. When the case is heard Friday, November 6, 1925, I will further advise you in the premises.

Yours very truly,

F. A. FENNING.

It took him nearly a month to convince the court that Allen was insane, when Allen had no one to represent him. And you will remember Allen's testimony before our committee, and that after this hearing he secured a writ of habeas corpus and was discharged by the court as having nothing the matter with him.

And I have already quoted the evidence showing how Fenning squandered his property.

CHARGE NO. 28

I charge that in each of his cases said Frederick A. Fenning charges against his ward's estate a notary fee, in each and all of the many papers he must file under oath, when such notary is an employee of his law office and such fees are allowed by the court when they are not proper fees.

MISS HELEN A. LA SANO TESTIFIED

Mr. BLANTON. You have been in Mr. Fenning's employ for how long?

Miss LA SANO. Over six years.

Mr. BLANTON. Now, I notice from inspecting numerous papers in the court, numerous lunacy papers, and several probate papers in the register of wills' office and some other law papers, that you take a great many acknowledgments in Mr. Fenning's office—that is a fact?

Miss LA SANO. Yes.

Mr. BLANTON. And I notice notarial fee vouchers to you in many cases, a good many of them. You are the same Helen A. La Sano to whom those vouchers were issued?

Miss LA SANO. I know of no other.

Mr. BLANTON. Miss La Sano, what salary does Mr. Fenning pay you now?

Miss LA SANO. $1,440 a year.

Mr. BLANTON. What did you start in on six years ago?

Miss LA SANO. $1,340.

Mr. BLANTON. When did you get the $100 raise?

Miss LA SANO. After I had been there a year.

Mr. BLANTON. Then, for the last five years you have received $1,440 a year?

Miss LA SANO. Yes.

Mr. BLANTON. Now, in addition to that, are you allowed all the notary fees you make?

Miss LA SANO. I most assuredly am.

Mr. BLANTON. Then you get all the notary fees you make?

Miss LA SANO. Exactly.

MISS LA SANO COULD COMMAND $3,000 SALARY

Miss La Sano is an able, efficient, valuable legal secretary and law stenographer assistant. She does all of Fenning's stenographic work. She prepares all of his legal papers. She attends to having all legal notices advertised. She is an expert. She does his work, which brings in to Fenning from $15,000 to $25,000 per year fees additional to the salary of $7,500 he drew as commissioner. She could easily command $3,000 salary. There are many such secretaries in Washington less efficient who receive $3,000. Yet, Frederick Fenning paid her only $1,440 and gave her his notary fees, all of which came out of the estates of his several hundred helpless wards.

I introduced in evidence the original court papers in scores of cases showing that when filing his annual account in each case Fenning would charge against his ward notarial fees for the numerous papers he would each year swear to before his own office stenographer, in each case, and he would have the court allow him such sums out of his wards' estates, and then he would pay same to Miss La Sano, thus making his helpless wards pay a good part of his secretary's salary.

CHARGE NO. 29

29. I charge that said Frederick A. Fenning uses his said office of Commissioner of the District of Columbia for his own selfish benefit and advantages, and that he exercises his power in an arbitrary and tyrannical manner, evidenced by his wrongful demotion of Inspector Albert J. Headley and punishing Officer Gore for doing his duty.

POLICEMAN GORE TESTIFIED

Mr. BLANTON. Officer, state your name.

Mr. GORE. Marshall R. Gore.

Mr. BLANTON. Talk out distinctly. You are a member of the Metropolitan police force?

Mr. GORE. Yes, sir.

Mr. BLANTON. In June, 1925, what department of the Metropolitan police force were you in?

Mr. GORE. Traffic Bureau.

Mr. BLANTON. You were a traffic officer?

Mr. GORE. Yes, sir.

Mr. BLANTON. On June 5, 1925, it is admitted that Mr. Fenning became a Commissioner of the District and was in charge of the police department. On June 12—after that, June 12, 1925, between 8 and 9 o'clock in the morning, where was your beat?

Mr. GORE. New York Avenue between Fourteenth and Fifteenth Streets.

Mr. BLANTON. On New York Avenue between Fourteenth and Fifteenth. Is the Evans Building situated there?

Mr. GORE. About in the middle of the block, on the south side.

Mr. BLANTON. That is where Mr. Fenning has his law office?

Mr. GORE. Yes, sir.

Mr. BLANTON. On that date, June 12, 1925, was there a law that prevented parking between Fourteenth and Fifteenth Streets on New York Avenue in force and effect?

Mr. GORE. Yes, sir.

Mr. BLANTON. What were your duties, officer, with respect to cars you might find parked between 8 and 9 o'clock—8 and 9.15 in the morning?

Mr. GORE. It was to cite them before the judge at the police court.

Mr. BLANTON. State whether or not you saw a Cadillac car that morning with license No. 2 on it?

Mr. GORE. Yes, sir.

Mr. BLANTON. Between 8 and 9 o'clock?

Mr. GORE. Yes, sir.

Mr. BLANTON. What time did you see it?

Mr. GORE. About 8.25.

Mr. BLANTON. About 8.25?

Mr. GORE. Yes, sir.

Mr. BLANTON. Where was the car?

Mr. GORE. In front of the Evans Building.

Mr. BLANTON. Who was driving it?

Mr. GORE. A colored chauffeur.

Mr. BLANTON. Was there anybody else in the car?

Mr. GORE. A lady in the rear seat.

Mr. BLANTON. When you saw that car there, state whether or not any newspaper reporters made any complaint to you about it?

Mr. GORE. Well, the city editor of the Baltimore Sun in an office close by, and several business men on the block, said to me——

Mr. DYER. Now, officer, we do not care to hear what somebody else said to you, but did somebody make a complaint or was your attention directed to the car?

Mr. GORE. Yes, sir.

Mr. BLANTON. And what did you do?

Mr. GORE. I approached the chauffeur and said, "Buddy, there is no parking here; you will have to move around the block."

Mr. BLANTON. Tell exactly what he said.

Mr. GORE. He said, "No, indeed; I don't have to move anywhere." He said it was Commissioner Fenning's car and he had been ordered by the commissioner to stay there until he came out.

Mr. BLANTON. And he told you he was not going to move?

Mr. GORE. Yes, sir.

Mr. BLANTON. Were you ordered down there before Inspector Headley that day?

Mr. GORE. Yes, sir.

Mr. BLANTON. What time that day?

Mr. GORE. About 1 o'clock.

Mr. BLANTON. What did Inspector Headley do when you went down there?

Mr. GORE. He says, "What trouble have you and the commissioner been into?" and I told him, and he says, "Well, I have been ordered by the commissioner, through the major, the then acting major and superintendent, to severely reprimand you," and he said, "You consider yourself severely reprimanded."

Mr. BLANTON. And you were; you did consider yourself severely reprimanded?

Mr. GORE. Yes, sir.

POLICE CAPT. ALBERT J. HEADLEY TESTIFIED

Mr. BLANTON. Your name is Albert J. Headley?

Mr. HEADLEY. Yes, sir.

Mr. BLANTON. Until June 19, 1925, you were an inspector in the Metropolitan police department?

Mr. HEADLEY. Yes, sir.

Mr. BLANTON. And on that day you were demoted to a captaincy and sent to the Fourth precinct?

Mr. HEADLEY. Yes, sir.

Mr. BLANTON. Inspector, the evidence shows that Mr. Frederick A. Fenning became commissioner on June 7, 1925. On June 12, 1925, about a week after he became commissioner, were you ordered to do anything with regard to an officer named Gore?

Mr. HEADLEY. To reprimand Officer Gore.

Mr. DYER. What did the inspector say to you?

Mr. HEADLEY. He said, "Inspector, Commissioner Fenning has complained about the action of Officer Gore on New York Avenue for a conversation he had with Commissioner Fenning's driver.

Mr. BLANTON. And you were ordered to reprimand Officer Gore?

Mr. HEADLEY. Yes, sir.

Mr. BLANTON. State whether or not you did reprimand him.

Mr. HEADLEY. I did.

Mr. BLANTON. What happened to you a week later, Inspector, on June 19, 1925?

Mr. HEADLEY. I was demoted from inspector of traffic to a captaincy.

Mr. BLANTON. Why?

Mr. HEADLEY. I do not know.

Mr. BLANTON. Was any reason given?

Mr. HEADLEY. No, sir.

Mr. BLANTON. Did you ever hear of an inspector having been demoted to a captaincy in the Metropolitan police department?

Mr. HEADLEY. Not in 30 years.

Mr. BLANTON. You have been on the force how long?

Mr. HEADLEY. If I stay there until the 1st of July, it will be 31 years.

Mr. BLANTON. Has any reason ever been given by Mr. Fenning or anybody else for demoting you?

Mr. HEADLEY. No, sir.

Mr. BLANTON. Do you know why you were demoted?

Mr. HEADLEY. No, sir.

Mr. PERLMAN. Were any charges preferred against you?

Mr. HEADLEY. No, sir.

Mr. PERLMAN. Were you told that you were under charges?

Mr. HEADLEY. No, sir.

Mr. PERLMAN. Have you ever made inquiry why you were demoted?

Mr. HEADLEY. No, sir.

Mr. PERLMAN. Could you find out why?

Mr. HEADLEY. I did not attempt. I got orders and obeyed them.

Mr. BLANTON. Inspector, you lost how much by being demoted?

Mr. HEADLEY. $250 a year salary.

Mr. BLANTON. And how much allowance?

Mr. HEADLEY. There was $480 allowed for an automobile.

Mr. BLANTON. Then all together it is $710?

Mr. HEADLEY. $730.

Mr. BLANTON. I mean it is $730 a year lost to you in salary and allowance?

Mr. HEADLEY. Yes, sir.

Mr. BLANTON. You say you have been there 30 years?

Mr. HEADLEY. Yes, sir.

Mr. BLANTON. You will soon be eligible for retirement?

Mr. HEADLEY. When I become incapacitated.

Mr. BLANTON. So far as your age or physical ability is concerned, what is your physical situation now? Are you in good physical shape or not?

Mr. HEADLEY. Two months ago I was examined by the board of surgeons, and they said I was physically perfect.

Mr. BLANTON. Physically perfect. You are now in charge of a precinct here as captain?

Mr. HEADLEY. Yes, sir.

Mr. BLANTON. How many men are under you?

Mr. HEADLEY. Ninety-one.

And then I proved by Commissioners Bell and Rudolph that it was Commissioner Fenning who had Headley demoted from an inspector to a captain.

WHAT COMMISSIONER RUDOLPH TOLD CHAIRMAN RAYNER

Mr. RAYNER. Mr. Rudolph told me that the demotion of Mr. Headley was all wrong and never should have been done, and that if the President of the United States asked him the same question his answer would be the same.

HEADLEY RESTORED

Albert J. Headley had been a splendid, faithful officer for 30 years, with a spotless record. I demanded of Fenning that he right this wrong. He refused. But after I forced Fenning to resign I have succeeded in persuading the present commissioners to restore, and he is now an inspector again. Concerning same Mr. A. H. Cannon wrote me:

MY DEAR MR. BLANTON: In securing the reinstatement of Inspector Headley I believe you have accomplished something that will add to your already long list of accomplishments for the public good.

Similar letters have been received from several hundred people, among whom are the following:

J. B. Ullman, 407 Seventh Street NW.; Philip Milstone, 325 Thirteenth Street NW.; Mrs. T. S. Boyd, 639 F Street SW.; John H. Paynter, 717 Florida Avenue NW.; Earl I. Klein, 1140 Twenty-first Street NW.; Morris Hahn, R. T. Cab Co.; Kenneth M. Livingstone, American Building; F. W. Niles, Royal Blue Motor Co.; John T. Maginnis, 1307 D Street NE.; Emil Spahn, 1023 Sixth Street SW.; D. L. Selke, Mills Building; Lawrence Gassenheimer, The Green Line; Attorney John C. Foster; Fred J. White, Iron Works; Milton S. Kronheim; George W. Harvel, 2109 Half Street SW.; Abe M. Hanline, 508 West Fayette Street, Baltimore; M. Perot, president Southern Dairies; James Trimble, vice president, National Bank of Washington; Fred A. Maltby, Black & White Express; B. E. McCann, Hyattsville; Mary W. Shankle, 316 Fourteenth Place NE.; George E. Harding, Neumeyer Motor Co.; J. Miller Kenyon, Evans Building; S. H. Thompson, 1319 F Street NW.; Attorney Timothy J. Hart; Rev. John E. Briggs; D. J. Gibson, 109 First Street SW.; Madison Carroll, manager the Mode; Jos. F. Randall, Albee Building; Henry Braxton, secretary citizens' association; G. B. Casassa, 1400 Pennsylvania Avenue NW.; W. L. Peak, commander President's Own Garrison, No. 104, Army and Navy Union; J. P. Story, jr., 812 Seventeenth Street NW.; Elizabeth J. Riley, 221 Eighth Street SW.; Jas. R. Ryan, United States Customs Court, New York.

I have mentioned just enough of these writers and their addresses to show that they are representative citizens, and that Fenning's cruel act was deemed a wrong against the public.

CHARGE NO. 30

I charge that on February 12, 1926, said Frederick A. Fenning wrongfully and without cause, but for the selfish purpose of giving a $2,100 position to his prospective son-in-law, Dr. Floyd McJ. Allen, forced out of office Dr. C. J. Murphy, and put in his place the said Allen, as a police and fire surgeon of the District.

Dr. C. J. Murphy testified in person before the Judiciary, but, to save space, I quote his affidavit:

I, Dr. C. J. Murphy, being duly sworn, upon my oath state: For over four years I have been a member of the board of police and fire surgeons of the District of Columbia; about six months before Commissioner Fenning entered office the board had caused Dr. Floyd McJ. Allen to discontinue services he was rendering at clinics because of his inattention, and we secured Dr. R. L. De Saussure, a nose and throat specialist, at $1 per year, to attend clinics and do the work Doctor Allen had been doing, with the understanding that pay work should go to him, which amounted to several hundred dollars a year; shortly after Commissioner Fenning went into office our board received notice that all pay work should be sent to Doctor Allen; when some of such pay work continued on to Doctor De Saussure a second notice came from the District Building to our board that all pay work must go to Doctor Allen; it was common knowledge that Doctor Allen was waiting on a daughter of Commissioner Fenning as her suitor; about February 5, 1926, Doctor Allen advised me that he was going to get appointed on our board, and he asked me if I knew which one of us was to be left out; on February 11, 1926, I was called by Commissioner Fenning to his office and he advised me that it was necessary to have a nose and throat man on the board; I told him that we had the services already of Doctor De Saussure at $1 per year and that he was costing the police and firemen only about $300, and it seemed useless to put a $2,100 man on the board; I knew by his manner that he had called me there to fire me; I said: "You can't ask for my resignation because I am going to hand it to you first." He said, "Can you have it here by to-morrow morning?" I said yes, and asked him if there was any charges against me and he said none whatever. I took him my resignation the next morning and found that he had prepared already the appointment of Doctor Allen in my place, and that evening the press reported that I had resigned and that Doctor Allen had been appointed in my place.

C. J. MURPHY, M. D.

Sworn to and subscribed before me on this the 19th day of April, A. D. 1926. Given under my hand and seal of office.

[SEAL.] JOHN ANDREWS,
Notary Public in and for the District of Columbia.

CHARGE NO. 31

I charge that in February, 1926, said Frederick A. Fenning, in order to promote one of his friends, wrongfully retired on pay of $100 per month for life Sergt. Robert E. Lee, a physical giant, 6 feet 2 inches tall, 55 years old, weighing 225 pounds, who for four years had not missed a day for sickness, and concerning whom all of his brother officers testified there was no better man on the force, and that said Fenning arbitrarily refused to grant a proper hearing on the matter, requested by a Member of Congress.

SERGT. ROBERT E. LEE TESTIFIED

Mr. BLANTON. You are how old?

Mr. LEE. Fifty-five.

Mr. BLANTON. You weigh how much?

Mr. LEE. Two hundred and twenty-five.

Mr. BLANTON. You are how tall?

Mr. LEE. Six feet two and a half.

Mr. BLANTON. You have been in the Metropolitan police how long?

Mr. LEE. About 32 years.

Mr. BLANTON. You were retired when?

Mr. LEE. The 1st of March.

Mr. BLANTON. Now, when you were ordered retired and ordered to keep off of your beat, how many years had it been since you had been absent on sick leave?

Mr. LEE. Nearly four years.

Mr. BLANTON. You had not been absent on sick leave for nearly four years up to that time?

Mr. LEE. Approximately four years.

Mr. BLANTON. Are you able to perform the duties of your office?

Mr. LEE. Absolutely.

Mr. BLANTON. Physically and mentally?

Mr. LEE. Absolutely.

Mr. BLANTON. Were you retired with your consent or against your consent?

Mr. LEE. Against my consent.

Mr. BLANTON. How much loss does it cost you a month in salary to be retired?

Mr. LEE. One hundred dollars.

Mr. BLANTON. One hundred dollars a month?

Mr. LEE. Yes, sir.

Mr. BLANTON. At the time you were retired, Sergeant, did you have a son in the university trying to get an education?

Mr. LEE. I had a boy in Georgetown University and I had a girl in high school. I had a house I had not paid for, and requested them to let me stay a little while.

Mr. BLANTON. You wanted to allow your son to finish his education?

Mr. LEE. He was three years there in Georgetown.

Mr. BLANTON. Yes. Now I want to read from the testimony in this case.

Then I read the testimony, showing that before the retiring board Assistant Superintendent Evans, Capt. Ira Sheetz, Capt. C. E. Flather, Lieut. M. L. Ready, and Inspector E. W. Brown all testified that Lee was one of the best, most reliable, and efficient officers on the force, and that he was in every way, physically and mentally, able to perform his duties.

Yet Fenning had him retired, and refused to give a rehearing, and the following are some of the ridiculous questions that were asked Lee:

Q. Are you married?—A. Oh, yes.

Q. Is your wife living?—A. Yes, sir.

Q. What was your wife's maiden name?—A. Emma V. Slater.

Q. What does the V. stand for?—A. Vera.

Q. Where was she born?—A. Washington.

Q. Do you know the date?—A. No, sir.

Q. How old is she?—A. She is about a couple of years younger than I am.

Q. When were you married?—A. I couldn't tell you the year.

Q. How long have you been married?—A. Twenty-six or twenty-seven years.

Q. Where were you married?—A. Baltimore.

Q. Do you remember the name of the minister?—A. Yes, sir.

Q. What was it?—A. Freas, I think.

Q. What is the denomination?—A. I don't remember.

CHARGE NO. 32

I charge that on March 3, 1926, said Frederick A. Fenning wrongfully removed from office Dr. Edward Comstock Wilson, the hero of Knickerbocker Theater, as medical inspector of schools, for the selfish and wrongful purpose of putting in his place an old friend of Dr. William A. White, who is 73 years of age, simply because when said White and Fenning were under fire in a congressional investigation in 1906 this now 73-year old doctor then sympathized with them.

DR. EDWARD COMSTOCK WILSON TESTIFIED

Mr. BLANTON. You have been a physician how long, doctor?

Doctor WILSON. Seventeen years.

Mr. BLANTON. You are a graduate of what institution?

Doctor WILSON. George Washington University.

Mr. BLANTON. When Mr. Fenning became commissioner on June 5, 1925, how long had you been school physician then?

Doctor WILSON. Going on seven years; something like that. I do not know the exact date of the appointment.

Mr. BLANTON. Are you the same Dr. Edward C. Wilson who officiated at the Knickerbocker Theater disaster?

Doctor WILSON. Yes, sir.

Mr. BLANTON. You worked there all of that night and most of the next day saving people who were hurt there, did you not, Doctor?

Doctor WILSON. All through the night.

Mr. BLANTON. You worked there all that night in the freezing weather and snow, did you not?

Doctor WILSON. Yes, sir.

Mr. BLANTON. You amputated a man's arm, did you not, Doctor, that night?

Doctor WILSON. Yes, sir.

Mr. BLANTON. And you were there all the next day until 3 o'clock?

Doctor WILSON. Yes, sir.

Mr. BLANTON. And you never got a cent of money for it?

Doctor WILSON. No, sir.

Mr. BLANTON. Now, Doctor, at any time this year did Mr. Frederick A. Fenning give any notice to you about asking for your resignation?

Doctor WILSON. Yes, sir.

Mr. BLANTON. When was it?

Doctor WILSON. I think the date was February 28. It was on a Thursday.

Mr. BLANTON. What did he say to you?

Doctor WILSON. Well, I got word about 1 o'clock to be at his office in the District Building between 2 and 3 and I got there about 2.30. I was ushered into the office; Mr. Fenning spoke to me and stated that he had sent for me to come down. He said that he wanted me to feel there was nothing personal in what he was going to say to me and that there were no charges against me; but that he had worked out a plan of reorganization of the medical inspection service, which he had been working on, I think he said, for about two months, and he would have to insist on my resignation the next morning, to be in his hands by 10 o'clock. * * * "I want to have it here by 10 o'clock tomorrow, and you can state that owing to the increase of your private practice you find you are unable to take care of the medical school work." I told him that I could not make a statement of that kind, because it would not be true. I think I used the words, "If I made a statement of that kind, it would be a lie."

Mr. BLANTON. Did you tell him you would resign?

Doctor WILSON. No, sir.

Mr. BLANTON. Did you resign?

Doctor WILSON. No, sir.

Mr. BLANTON. What did he do about it?

Doctor WILSON. He removed me.

Mr. DYER. Did it give any reasons? You need not state what was in it, but did it give any reasons?

Doctor WILSON. No; there were no reasons in it; just "Edward C. Wilson, removed," for some term used in the law; I do not know what.

Mr. DYER. Were any charges preferred against you, either in writing or orally?

Doctor WILSON. No, sir.

Mr. BLANTON. Do you know whom he appointed in your place?

Doctor WILSON. Yes, sir.

Mr. BLANTON. Who was it?

Doctor WILSON. Dr. Samuel S. Adams.

Mr. BLANTON. This is the report of the anniversary dinner given to this Dr. Samuel Shugart Adams, which says that Mr. Frederick A. Fenning was there as one of the guests and that Samuel Shugart Adams was there and Dr. William A. White was there, and I am going to quote an excerpt from a speech that Dr. William A. White made that night.

And I presented to the committee Doctor White's speech, in which he said that when he and Fenning were under fire during the investigation in 1906 Dr. Samuel S. Adams gave them comfort and friendship.

Mr. BLANTON. Now, you do know, Doctor, that since this investigation has taken place it has been held that Doctor Adams, because he is 73 years old, was unqualified to take the position and has been removed; do not you know that?

Mr. HOGAN. Are you asking now for something he read in the newspapers?

Mr. DYER. Do you know this doctor referred to by Judge BLANTON Doctor Adams, who took your place?

Doctor WILSON. Yes, sir.

Mr. DYER. Do you know about how old a man he is?

Doctor WILSON. I think he is going on 74; I think he is 73. I think he was born in 1852.

Mr. BLANTON. Do you know whether or not he has been removed since Mr. Fenning had him appointed because of his age?

Doctor WILSON. Yes, sir.

Mr. HOGAN. He is a very old man, but a man of the finest reputation, is he not?

Mr. WILSON. Yes.

Mr. BLANTON. Just as good as any 73-year-old doctor could be. [Laughter.]

CHARGE NO. 33

I charge that the said Frederick A. Fenning and Dr. William A. White are jointly interested in certain financial investments together, and in February, 1920, carried a partnership account in the Washington Loan & Trust Co., and that their relation is such that neither can render to the public that quality of service to which the public is entitled.

I have already quoted from the sworn testimony of both Dr. William A. White and Frederick A. Fenning showing they admitted that for years they had carried on partnership transactions in financial matters, that they had carried joint bank accounts, and were still partners. Hence I will not repeat such evidence here.

CHARGE NO. 34

I charge that the said Frederick A. Fenning has made a deliberate attempt to deceive Congress when in said prepared statement he denied the report which the Veterans' Bureau inspector, Dr. Henry Ladd Stickney, filed with the bureau on April 26, 1924, wherein Doctor Stickney charged that said Fenning "constantly opposes the transfer of his wards from St. Elizabeths Hospital," and I charge that for over three years said Fenning has refused to turn over to Mrs. Eliza Lee, the legal guardian of the person and estate of her son, Roley Lee, her said son, but withholds him from her, and that said Fenning has already received in his fees and commissions the sum of $1,155.27 from the estate of said Roley Lee, who was shell shocked in France and is a World War veteran.

When in his unsworn, specially prepared statement that he sent to Chairman MADDEN to have printed in the RECORD as his defense said Frederick A. Fenning denied the Stickney report,

he did not realize that I would be prepared to produce before the committee said original report and authenticate same by Doctor Stickney himself.

Mr. BLANTON. Your name is Dr. Henry Ladd Stickney?

Doctor STICKNEY. Yes, sir.

Mr. BLANTON. You are a physician employed by the United States Veterans' Bureau?

Doctor STICKNEY. Yes, sir.

Mr. BLANTON. You are now in charge of a hospital in Massachusetts?

Doctor STICKNEY. Rutland Heights, Mass.

Mr. BLANTON. In April, 1924, you were control officer and doing certain investigating work for the United States Veterans' Bureau?

Doctor STICKNEY. For the central office.

Mr. BLANTON. For the central office of the United States Veterans' Bureau?

Doctor STICKNEY. Yes, sir.

Mr. BLANTON. And in that month, as control officer, you were sent to St. Elizabeths Hospital to investigate conditions of bureau patients in that hospital?

Doctor STICKNEY. In March, sir.

Mr. BLANTON. And on April 24, 1924, you filed your report with the Veterans' Bureau?

Doctor STICKNEY. Yes, sir.

Mr. BLANTON. You reported conditions that you found in St. Elizabeths Hospital?

Doctor STICKNEY. I did.

Mr. BLANTON. Doctor, did you report those conditions truly, as you found them?

Doctor STICKNEY. As I saw them; yes, sir.

Mr. BLANTON. In one paragraph of your report, to which I have called your attention, you state:

"The control officer learned that Frederick A. Fenning, Esq., an attorney with offices in the Evans Building, this city, appears to have certain privileges and concessions shown him in contacting claimants of the bureau in the hospital, and at the present time is guardian in over 100 cases. No criticism has been made concerning his guardianship, except that he does constantly oppose the transfer of his wards from St. Elizabeths Hospital to any other hospital outside of his jurisdiction."

Did you investigate that matter before you made this report?

Doctor STICKNEY. Yes, sir.

Mr. BLANTON. What did you find about Mr. Fenning having 100 bureau wards over there?

Doctor STICKNEY. I found that from the record.

Mr. BLANTON. What did you find about his enjoying certain privileges and concessions shown him in contacting claimants of the bureau?

Doctor STICKNEY. That was information given me from confidential sources.

Mr. BLANTON. Confidential sources at the hospital?

Doctor STICKNEY. Yes, sir.

Mr. BLANTON. And nowhere else?

Doctor STICKNEY. No, sir.

Mr. BLANTON. All the confidential sources you based your opinion upon were at the hospital?

Doctor STICKNEY. Yes, sir.

Mr. BLANTON. Will you state whether or not this statement that you made here is true, based upon the confidential information you obtained?

Doctor STICKNEY. From all the information given to me I embodied it in the report.

Mr. BLANTON. As a true statement of the conditions?

Doctor STICKNEY. What I believed to be a true report.

AUDITOR'S CERTIFICATE

The certificate from the auditor of the Supreme Court already quoted showed that in the case of Rolly Lee the following commissions were paid to Frederick A. Fenning: $322.95 on March 7, 1922; $204.22 on February 23, 1923; $204.25 on February 14, 1924; and $210.81 on March 17, 1925, totaling $942.23.

EXCERPT FROM HEARINGS

Mr. BLANTON. Now, Mrs. Lee, in addition to the amounts that had been paid Mr. Fenning in your son's case, I have the last account that he has filed this year, so far, which was audited April 2, 1926.

And this one shows notarial fees of 50 cents; bond premium allowed to the committee, $42.66; commission to committee in accordance with the order of court of March 2, 1926, $213.04—making a total allowance to the committee of $255.70. That is in addition to the amounts that were put in evidence in connection with your direct testimony the other day.

The $942.23 and the $255.70 totals $1,197.93 commissions that Fenning received from Rolly Lee's estate before he filed his final account, at which time he was allowed an additional $40, which makes a total of $1,237.93 commissions he received since 1922 on this poor shell-shocked soldier's estate.

DID MORE THAN MY DUTY

No burden rested upon my shoulders greater than that which equally rested upon the shoulders of each of the 434 other Congressmen and 96 Senators, and that was to ascertain and prevent such awful conditions from existing. In preferring the charges it was my duty merely to indicate to the Judiciary Committee what were the facts, and then let them develop them. But I realized that if I did not develop the facts myself they would not be developed, for early in the proceedings I saw politics influencing procedure in all three committees, the World War Veterans' Committee, the Committee on the District of Columbia, and the Judiciary Committee. It was a prominent, influential, rich Republican who was being tried. And certain influential Republicans sought to save him. And I reached the conclusion that regardless of the nature and quantity of evidence I produced there was a bare majority of the committee that would refuse to oust Fenning. I therefore knew that to force him out I would have to pile up the evidence so strong that public sentiment would take a hand. And this I did. Up to this time I have quoted just sufficient evidence under each charge to convince any fair-minded, unprejudiced, unbiased reader of the RECORD that I proved each and every one of the 34 charges against Fenning by overwhelming evidence. But I have quoted only a small part of it. Our hearings before the Gibson committee embraced 1,394 printed pages. Our hearings before the Judiciary Committee embrace 1,098 printed pages. I had no trouble in holding my own with Levi Cooke, Thomas B. Littlepage, and Frank J. Hogan, the three distinguished lawyers who defended Fenning. From the beginning to the ending of the hearings I was continually hamstrung and harassed and blocked by the gentleman from Maine [Mr. HERSEY] and the gentleman from Illinois [Mr. GORMAN]. Many times they objected to evidence which Fenning's counsel did not attempt to obstruct. Mr. HERSEY was not even a member of the hearings committee, yet he was the only member of the Judiciary Committee who attended every session. Besides being brother Republicans, Fenning owned and maintained a summer home up in Maine, and this linked them closer together. It is strange how the mills of the gods do grind. In the elections that followed adjournment, Mr. GORMAN, who helped block me on the Judiciary Committee, and Mr. FAIRCHILD, of New York, who helped to block me in the House, and Mr. MONTGOMERY, of Oklahoma, who helped block things before the Veterans' Committee, were all repudiated by their constituents, and kept at home.

* * * * * * *

HERSEY'S UNFAIR ATTEMPT TO WHITEWASH FENNING

On July 2, 1926, Mr. HERSEY obtained leave to extend his remarks, but he waited until Congress adjourned to do it. Then he printed in the RECORD the most ridiculous defense of Fenning that legal skill, shrewdness, and Yankee ingenuity could devise. He eulogized Fenning to the skies. He likened him to Christ by quoting what Pilate said:

Behold, I having examined him before you, have found no fault in this man, touching those things whereof ye accuse him.

And he likened himself to Pilate by declaring:

I find no fault in him.

He said that—

the evidence will stand forever as a complete vindication for Colonel Fenning.

And he further said:

A majority of the committee found that none of the 34 charges of impeachment were proven.

He knew that Congress had adjourned without kicking Fenning out of office. But he did not tell the public that the House of Representatives would have voted to kick him out if politics had not prevented Members from having the chance to vote. He knew there would be five months' recess, and he did not believe Fenning would be in danger until then, and he was trying to create public sentiment for him. He had his speech printed and permitted Fenning to broadcast it through the mails under his frank. He quoted the unfair, baseless, misrepresentations which Mr. LUCE had made of me, which I have already mentioned, and also said that I had—

Secured the attendance of two mentally ill men before a committee and exposed them to humiliation.

But he did not tell that one of these men was Frank D. Allen, whose sanity I thus established; and he did not tell that the other was Capt. William West, 61 years old, sent to St. Elizabeths from the New Orleans Marine Hospital without trial or hearing, and whose sanity I thus established; and he did not tell that afterwards both of these men, Allen and West,

were adjudged absolutely sane and discharged from St. Elizabeths by judgment of the Supreme Court of the District of Columbia. I wish every person in the United States could read the testimony of Capt. William West before our Gibson committee on pages 883 to 889 of the printed hearings, and learn just what horrible treatment is accorded sane men in St. Elizabeths. And to show how they punish men for testifying, Captain West was recalled before the committee and from his testimony on page 1145 of the hearings, I quote:

Mr. BLANTON. Capt. William West, you are the same man who testified here a few days ago?

Captain WEST. A week ago Thursday.

Mr. BLANTON. On Thursday?

Captain WEST. On the 6th.

Mr. BLANTON. After you testified here on the 6th, tell what happened to you out there at St. Elizabeths.

Captain WEST. I was locked up at 10.45 in the morning, sir.

Mr. BLANTON. How long were you kept there?

Captain WEST. Up until last Friday.

Mr. BLANTON. Until you heard that we had called the committee's attention to the fact that you were kept locked up?

Captain WEST. Up until last Friday.

Mr. BLANTON. That was how many days?

Captain WEST. Seven days.

But they can not lock him up any more now, for he has gained his freedom. For 37 years this man sailed the high seas, and because some superior officer did not like him he was rammed into St. Elizabeths. And LUCE and HERSEY condemn me because I did not let this sane man rot there.

Because the facts have been thus misrepresented, I have performed the labor of briefing this case, so that Mr. HERSEY's declarations may not go unchallenged. And I intend to pay the Public Printer $1,000 for reprints of this brief, and send them where Mr. HERSEY has sent his, so that Americans may read his without proof, and mine with proof, and form their own conclusions as to the facts.

HERSEY'S SLANT NOT THAT OF OTHERS

While thereby hoping to save his brother Republican, Mr. HERSEY has criticized my efforts. I have recently received from Dr. Millard A. Jenkins the following letter which my colleague from Georgia, Congressman UPSHAW, voluntarily wrote him:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 3, 1926.

Rev. MILLARD A. JENKINS,
Pastor First Baptist Church, Abilene, Tex.

MY DEAR JENKINS: Knowing your natural admiration for spunky loyalty to the things that are highest and best, I feel like I must congratulate you in particular, and the people of your congressional district in general, on the superb and heroic work which has been done, and is now being done, by your hard-working, plucky, and able Congressman, Judge THOMAS L. BLANTON.

You will remember that when I spoke several times in Abilene and the surrounding country I paid frequent tribute to BLANTON, declaring frankly that while I had not always agreed with him on everything that I must hand it to him as one of the most vigilant and useful Members of the House. But since then BLANTON has grown marvelously. His poise, his amazing industry, and his utter abandon to his concept of public duty have become more and more the inspiration of every Member of Congress who believes in the triumph of personal and national honesty.

BLANTON'S revelations in the case of Commissioner Fenning have caused a succession of sensations in the Nation's Capital, and in them he has practically stopped the method of his enemies and positively commanded the respect and admiration of the entire House.

He has done a work lasting through many weary days and weeks and months, for which some lawyers would have been paid anywhere from $10,000 to $50,000, if it had been handled from that standpoint. But with unselfish devotion to the cause of truth and humanity he has exposed fraud and championed the cause of unfortunate veterans in a way not only to force remedial legislation in Washington, but to act as a wholesome deterrent against evil officials all over America. And your city and district, and indeed the whole State of Texas, ought to be proud of THOMAS L. BLANTON.

With warmest greetings to all of my Abilene friends, and praying God to make you and your great church an increasing blessing to Abilene, to Texas, and the world, I am,

Cordially yours,

WM. D. UPSHAW,
Representative, Fifth District, Georgia.

ATTEND ALL SESSIONS OF HOUSE

My colleagues know that I am on the House floor at all times. I do all of my research work and investigation in the mornings before the House meets at noon, then at night, and during recesses and vacation. It does not conflict in any way with my active duties concerning all legislation on the floor. During this session, which adjourns, March 4, 1927, I have not missed a roll call. And Mr. Page said:

I hereby certify that the original official tally sheets used in recording yea-and-nay votes and on calls of the House during the third and fourth sessions of the Sixty-seventh Congress, November 20, 1922, to March 3, 1923, show that Hon. THOMAS L. BLANTON and Hon. Edwin D. Ricketts are recorded as present and voting on each and every call, being the only Members of the House who are so recorded.

WM. TYLER PAGE,
Clerk of the House of Representatives.

CASES THAT SHOULD SHOCK CONSCIENCES

I must show the facts in just a few of the many shocking cases where Fenning exploited his victims, which I quote from the hearings:

EXPLOITED PHILIP BERG BEFORE AND AFTER DEATH

Mr. BLANTON (continuing). Now I want to call the committee's attention to the case of Philip Berg, which I believe is one of the most remarkable in the United States. There are two sides in this case; first the lunacy side and then the probate of wills side. I offer the petition which was filed August 25, 1919. This is a World War veteran. It is on the paper of Fenning & Gordon, attorneys and counsellors at law, Frederick A. Fenning and Spencer Gordon, Century Building, Washington, D. C.

This recites:

"That Philip Berg is now, and has been for some time past, a patient under treatment for mental disease at St. Elizabeths Hospital, etc.

"That said Philip Berg is entitled to compensation under the act of October 6, 1917, and to final pay and bonus on account of his service as a seaman, United States Navy.

"That said Philip Berg is unmarried, and that his nearest relatives are Annie E. Post, sister, residing at Clinton, Conn., Albert Berg, and Albin Berg.

"That your petitioner is advised that in order that the estate of the above named may be properly conserved it is necessary that a committee be appointed by this court."

Then the petitioner prays "That Frederick A. Fenning be appointed committee of the person and estate of the above named," and it is signed, "Annie E. Post," and sworn to before a notary public.

Mr. HERSEY. What relation was the petitioner to the ward?

Mr. BLANTON. The petitioner sets forth in that petition that she is the sister; but as a matter of fact it will be developed before the committee later on by the evidence of witnesses that she was not a sister, but merely a cousin.

Then there is the affidavit of the physicians—and this one matter is important—that Daniel C. Main, one of the St. Elizabeths doctors, signs this, that he is familiar with the mental condition of this patient, and that, in his opinion, he is of unsound mind. This is sworn to before Frank M. Finotti, notary public, on the 22d day of August, 1919.

Then there is the verdict of the jury: "Now comes here as well the petitioner, by her attorney, Frederick A. Fenning, as the alleged lunatic in person," etc., and that is the finding of the jury that he is of unsound mind.

Then there is the order appointing Mr. Fenning committee, filed August 29, 1919.

Now, this is the main document in this case that I want you gentlemen to give careful attention to. This is the petition to let this lunatic make a will. I want to read certain parts of it: "That said Philip Berg is the son of one Gustaf W. Berg and Christine Berg. That said Gustaf W. Berg, his father, died on or about August 2, 1917," and so on.

And this is the first time after five years—this case was pending from 1919 to 1924—this is the first time there is any evidence that he had a mother.

Mr. HERSEY. Let me understand; this is a petition filed after he had been adjudicated of unsound mind.

Mr. BLANTON. Yes, sir; a petition——

Mr. HERSEY. And had a guardian?

Mr. BLANTON. Yes; a committee. After he had been in there for five years this petition is filed.

Mr. HERSEY. A petition is filed?

Mr. BLANTON. Yes; a petition is filed, and for the first time discloses he has a mother.

This is filed December 15, 1924. [Reading:]

"* * * And said Christine Berg, his mother, is living, as your petitioner is informed and believes, in the town of Groton, State of Connecticut.

"That the said Philip Berg has had the following brothers and sisters, viz, Annie Berg, now Mrs. Marcus Post, the petitioner; Hjalmar Berg, Albert Berg, Gustaf Berg, Albin Berg, and Ellen Berg Ross. That said Albin Berg and said Ellen Berg Ross have recently deceased, leaving no descendants.

"That under the laws of intestacy, both of the State of Connecticut, in which the said Philip Berg had a legal residence, and under the

laws of the District of Columbia, in which District the said Philip Berg now resides, his mother, Christine Berg, is his sole heir at law, and the distributee of his property.

"5. That said Philip Berg has been adjudged an incompetent and Frederick A. Fenning, of the bar of the District of Columbia, has been duly appointed committee of his person and estate.

"That during the period that said Philip Berg and his brothers and sisters were small children his said mother, Christine Berg, willfully deserted and abandoned her family and left them to be cared for by her eldest daughter, your petitioner. That said Christine Berg thereafter totally ignored all members of her family, including said Philip Berg, and lived, so your petitioner is informed and believes, in adultery with a man not her husband and has continued said manner of living up to the time of the death of her husband and has continued and still continues to live out of wedlock with the man with whom she lived in adultery during the lifetime of her husband and has had several children by said person."

Now, if it is not out of place, I expect to ask the committee to bring witnesses here to show that is untrue.

Mr. HERSEY. Read on; what is the prayer?

Mr. BLANTON (reading):

"That said Philip Berg is the owner of property and estate valued at several thousand dollars"—

And so on. [Continuing:]

"That your petitioner has been informed that on sundry occasions said Philip Berg has expressed the earnest desire that his property be divided, upon his death, among certain of his brothers and sister, and that his mother should receive no portion whatsoever of his estate.

"That your petitioner avers and believes that it is the earnest desire of said Philip Berg to make a will devising and bequeathing his estate as he wishes.

"Wherefore, the premises considered, your petitioner asks:

"1. That the court pass an order authorizing and directing Frederick A. Fenning, as committee aforesaid, to permit said Philip Berg to make a will devising and bequeathing his said property as he shall desire, provided that two reputable physicians will sign said will as witnesses and provided that the superintendent of said hospital will have no objection thereto."

Mr. BLANTON (reading):

"*Ordered*, That said Frederick A. Fenning, as committee aforesaid, be, and is hereby, authorized and directed to permit Philip Berg to make a last will and testament as the said Philip Berg may desire, provided that two reputable physicians sign the said will as witnesses and provided further that the superintendent of St. Elizabeths Hospital does not object to the ward making such last will and testament."

Mr. HERSEY. Who signs the order?

Mr. BLANTON. Judge Hitz, as justice.

Mr. MONTAGUE. What court?

Mr. BLANTON. The Supreme Court of the District of Columbia.

Mr. GORMAN. Mr. BLANTON, this man you are talking about, was he adjudicated insane?

Mr. BLANTON. Five years before; yes.

Mr. GORMAN. Was there any later adjudication declaring him sane?

Mr. BLANTON. No.

Mr. HERSEY. Before the court permitted him to make a will the court ordered that he should be examined, did it not?

Mr. BLANTON. Oh, yes; and when he made this will he was in St. Elizabeths Hospital, and he died in St. Elizabeths Hospital three months later.

Mr. BOWLING. Do you claim, Mr. BLANTON, that there was no order of adjudication regarding this man's sanity?

Mr. BLANTON. None in the world; nothing but this petition and this order, and then he made a will and died three months later. And then here is a petition for administration by Mr. Fenning. Here is the will: "This is my last will and testament"——

Mr. HERSEY. You are going to put all the papers in the record?

Mr. BLANTON. Yes; all of them.

Mr. HERSEY. Then why should we have a reading of that will?

Mr. BLANTON. Well, it is very short. There is one particular thing I wanted you to remember, that the same doctor who declared him of unsound mind, Doctor Main, came in and signed this will.

Mr. HERSEY. Go ahead.

Mr. BLANTON. And another thing about it—this is the main thing about it—is, "Witness my hand," not at St. Elizabeths Hospital but "At Congress Heights, D. C., December 20, 1924."

"This is my last will and testament. I revoke any and all former wills. All of my estate, real and personal, I give, devise, and bequeath to my brothers and sisters in equal shares.

"Witness my hand at Congress Heights, D. C., December 20, 1924.

"PHILIP BERG.

"Signed and declared by Philip Berg as his last will and testament in our presence, and we in his presence and the presence of each other have at his request signed our names as witnesses.

"D. C. MAIN, M. D.
"W. M. KENNA, M. D."

Now, counsel will admit that here in the District of Columbia if this will had not been made this Philip Berg's mother would have inherited all of his estate; that is the fact?

Mr. HOGAN. If it is not a valid will and testament, the father being dead, the mother would inherit the estate; if it is a valid will and testament, the mother would not. That is a question which is now pending.

Mr. BLANTON. You will remember Mr. Fenning admitted he was the attorney and directer in Gawlers'; attorney for and director in the Gawler undertaking establishments here. Here is a petition in the Supreme Court of the District of Columbia holding probate court——

Mr. MONTAGUE. What is the date of that?

Mr. BLANTON. This is dated June 12, 1925:

"The petition of Alfred B. Gawler respectfully shows to the court"—and this is on Mr. Fenning's paper, and it shows on the back that it is prepared in the office of Mr. Fenning—

"The petition of Alfred B. Gawler respectfully shows the court:

"1. That your petitioner is a citizen of the United States and president of Joseph Gawler's Sons (Inc.), a corporation doing business as morticians in the District of Columbia.

"2. That Philip Berg died in the District of Columbia March 22, 1925, and your petitioner is advised that the said Philip Berg left a last will and testament dated December 20, 1924, which has been filed for record and probate but that no petition for the probate of said will, nor for the granting of letters of administration with the will annexed has been filed.

"That your petitioner is advised that said Philip Berg owned no real estate and that his personal estate consisted of cash and securities held by his committee in lunacy, amounting, so your petitioner is advised, to approximately $7,200.

"That your petitioner knows of no debts of the said Philip Berg, except the indebtedness of his estate to Joseph Gawler's Sons (Inc.) of $245.58, for services and supplies in connection with the funeral of said deceased, etc.

"Wherefore, the premises considered, your petitioner asks"—

Here is the part that is material—

"that letters testamentary, with the will annexed be issued unto Frederick A. Fenning, a member of the bar of the Supreme Court of the District of Columbia.

"And for such other and further relief as to the court may seem meet."

That is sworn to by Mr. Alfred B. Gawler, before Helen A. Losano.

Mr. BLANTON. Here is the citation for probate:

"The President of the United States to Annie Berg Post, Clinton, Conn., Hjalmar Berg, Albert Berg, Gustaf R. Berg, addresses not given. Mrs. Mary Berg, New London, Conn., and the unknown heirs at law and next of kin of Philip Berg, deceased—

"Greeting: If you have any cause to show why the paper writing, dated the 20th day of December, 1924, purporting to be the last will and testament of Philip Berg, late of the District of Columbia, deceased, should not be admitted to probate and record, and why letters of administration c. t. a. should not be granted to Frederick A. Fenning, you will appear and make such cause known before the Supreme Court of the District of Columbia, holding probate court, in and for said District, on Wednesday, the 24th day of June, A. D. 1925, at 10 o'clock a. m."

Mr. BLANTON. And these notices to appear go in. I will not take the time to read them.

Mr. HERSEY. State what the notices are.

Mr. BLANTON. Certain notices about publication in the Star and Law Reporter here. Then there is the affidavit by Mr. Fenning as to what he did about notifying.

Mr. HERSEY. The will has not been probated?

Mr. BLANTON. No, sir. The contest is on here between Crandall Mackey and some others. I spoke to the committee about my securing some help in this case. I think the committee ought to go to Congress to get it, because I can not carry the burden of this whole matter; I can not take the burden of going up against this array of distinguished counsel.

Mr. HERSEY. You are assuming the committee is going to be deceived by a counsel.

Mr. BLANTON. No; I do not think they are going to deceive the gentleman from Maine. [Laughter.]

Now here is a letter that will clear up counsel's statement somewhat, signed by Frederick A. Fenning:

"LAW OFFICES OF FREDERICK A. FENNING,
"*Washington, D. C., July 6, 1925.*

"REGISTER OF WILLS,
"*Washington, D. C.*

"DEAR SIR: Under date of June 24, 1925, I wrote you asking that publication be issued in the case of Philip Berg, administration No. 33234. It has just come to my attention that in the publication as now running in the Washington Law Reporter, the name of Mary Berg, mother of Philip Berg, does not appear. I assume that the name of Mary Berg should also appear in said publication, and if this is correct, will you please immediately make the necessary correction,

sending the proper copies to the Evening Star and the Washington Law Reporter?"

Mr. BLANTON. I ask that this notice from Mrs. Berg's attorney appear in the record, showing her attitude:

"HULL, MCGUIRE & HULL, COUNSELORS AT LAW,
"*New London, Conn., May 18, 1925.*

"REGISTER OF WILLS,
"*Washington, D. C.*

"DEAR SIR: Mrs. Mary Berg of Groton, Conn., who is the mother of the late Philip Berg, who died recently at the St. Elizabeths Hospital, Washington, D. C., where he was at the time undergoing treatment, has consulted us regarding a will which was drawn by Mr. Frederick A. Fenning, of Washington, for Mr. Berg a short time before his death. Mr. Berg was being treated for mental trouble and in view of the distressing circumstances of his mother, Mrs. Mary Berg, we believe that he would not have made his will in such a way as to cut his mother off entirely unless his mind was affected or he was subjected to undue influences by a woman named Annie Post, who claims to be his sister, but who is in fact a cousin, she being the daughter of a brother of Philip Berg's father, the husband of Mary Berg.

"There is a very serious question in our mind as to whether the probate court in Washington has jurisdiction over the estate of the late Philip Berg. His domicile was undoubtedly in Connecticut. Up to the time of his entering the United States Navy about eight years ago he lived with his mother in Connecticut, and since his discharge from the Navy he has been confined to Government hospitals for treatment because of his impaired mental condition.

"While he died at St. Elizabeths Hospital in Washington, we presume that the primary jurisdiction is at the place of his domicile, which was Connecticut.

"Mrs. Berg is a very poor woman who is earning her living by doing housework as much as her health will permit. We are, however, interested in seeing that her interests are protected.

"Will you kindly see that notice of any application for the admission of this will to probate is sent to Mrs. Berg or to us as her attorneys, so that her rights may be fully protected?"

Now, when we meet again I have some accounts here in this Berg case I would like to show.

* * * * * * *

Mr. BLANTON. I offer the following excerpts from the auditor's report in the case of Philip Berg:

Filed October 25, 1920, showing the premium on bonds of committee, $19 allowed; commission of committee, 10 per cent, $227.20; notarial fees, $2.50.

From the auditor's report of October 27, 1921, notarial fees allowed, $1.25; premium on bond of committee, $18.67; commission of committee, 10 per cent, $202.31.

From the auditor's report of October 24, 1922, notarial fees, $0.50; bond premium, $18.67; commission, 10 per cent, $137.10.

From the auditor's report of November 7, 1923, bond premium, $18.67; commission of committee, 10 per cent on $1,467.84, $146.78; and from the auditor's report of December 3, 1924, commission to committee, 10 per cent of income, $1,449.43, $144.94.

ORIGINAL COURT PAPERS INTRODUCED

To introduce same in the hearings, I had secured from Chief Justice McCoy a special order granting me the custody of original case papers in the Supreme Court, and the court papers introduced by me in this Berg case, and in all others, before said hearings were original court papers from the Supreme Court.

Remember that the petition which Fenning filed on August 25, 1919, to have himself appointed committee stated that the petitioner, Annie E. Post, was Philip Berg's sister, when it will now be shown that she lied, and it attempted to give Berg's nearest relatives and did not disclose that his mother was living; but after Fenning had drawn all of the fees mentioned above from Philip Berg's estate, then when he filed the petition on December 15, 1924, asking that Fenning be permitted to let his insane ward make a will to disinherit, it was to disinherit his own mother, and that was the first time Fenning disclosed to the court that his ward's mother was living. And the worst of it was that such petition attempted to destroy the good name of his insane ward's own mother, when I will now show that she was a poor, hard-working widow woman of splendid character, who had to take in washing for a living, while Fenning robbed her shell-shocked son.

SWORN TESTIMONY OF MRS. MARY BERG

Mr. BLANTON. How old are you, Mrs. Berg?

Mrs. BERG. I am 64; will be that October 28.

Mr. BLANTON. Were you born in this country?

Mrs. BERG. No; I was born in Sweden.

Mr. BLANTON. Are you the mother of Philip Berg?

Mrs. BERG. I am the mother of Philip Berg; yes, sir.

Mr. BLANTON. At one time Philip Berg was in the St. Elizabeths Asylum?

Mrs. BERG. He was. I was there and took the body home, yes, sir; that is my good boy.

Mr. BLANTON. Mrs. Berg, do you know Mrs. Annie Post?

Mrs. BERG. Yes; I do not like her. I brought that girl up since she was 7 months old.

Mr. BLANTON. Is she your daughter?

Mrs. BERG. No; she is my husband's brother's girl.

Mr. BLANTON. Is she the sister of Philip Berg, your son?

Mrs. BERG. No.

Mr. BLANTON. She is not?

Mrs. BERG. No; I had only one daughter.

Mr. BLANTON. And Annie E. Post is only a cousin of Philip Berg?

Mrs. BERG. Yes; that is what she is.

Mr. BLANTON. On August 25, 1919, Mrs. Annie E. Post filed a petition here in court and swore she was a sister of Philip Berg?

Mrs. BERG. That was not right.

Mr. BLANTON. That was not true?

Mrs. BERG. No; that was not true.

Mr. BLANTON. And she asked that Mr. Fenning here be made his guardian. Did you know about this petition at that time?

Mrs. BERG. No; I did not.

Mr. BLANTON. You did not know that Mr. Fenning was made guardian of your son at that time, six years ago?

Mrs. BERG. No.

Mr. BLANTON. You did not?

Mrs. BERG. No.

Mr. BLANTON. Now, five years after that, approximately, Mrs. Annie Post filed a petition here and stated that you were a bad woman?

Mrs. BERG. Yes.

Mr. BLANTON. Did you know anything about that?

Mrs. BERG. I did not know it only a little while ago.

Mr. BLANTON. Just a little while ago?

Mrs. BERG. Mr. HULL told me; that is the first time I knew it.

Mr. BLANTON. And she asked permission of the court for your boy to make a will and disinherit you?

Mrs. BERG. Tchick-tchick-tchick.

Mr. BLANTON. Do you know why Mrs. Annie E. Post does not like you?

Mrs. BERG. I know it, and I can tell you.

Mr. HOGAN. Are we interested in that family affair? Just a moment. I do not like to object, but——

Mr. DYER (interposing). Is it material?

Mr. BLANTON. My God. When a woman comes in here, after having a woman's son in St. Elizabeths Hospital for five years, and says that the mother of that boy is a notorious bad woman and asks for a will to be made under order of court for a lunatic to disinherit his mother, ought she not to be able to tell the facts about it?

Mr. DYER. Well, the committee does not assume or believe that the witness is a bad woman.

Mr. BLANTON. Well, that is what the will was predicated upon. There was no other reason for letting the lunatic make a will, except that they said his mother was a bad woman and the lunatic wanted to disinherit his own mother; that is the only reason on God's earth given in that petition. Mrs. Berg will testify that this Mrs. Annie E. Post was herself a bad girl and was put into a reformatory for girls when she was young.

Mr. DYER. I do not think we ought to go into that.

Mr. BLANTON. And that she always imagined that Mrs. Berg had something to do with her and she disliked her for that.

Mr. DYER. We are not going to take up, of course, collateral matters and go into all of those things, Mr. BLANTON. But the affidavits that have been filed against this woman I do not think will receive any credence at all from the committee. We assume that her reputation is good.

Mr. BLANTON. That is all I want.

Mrs. Berg, in 1919, when this petition was filed, did Philip have any other brothers living besides Albert and Albin?

Mrs. BERG. No.

Mr. BLANTON. They were the only two brothers he had living?

Mrs. BERG. Yes; because the other ones died before.

Mr. BLANTON. His father was dead?

Mrs. BERG. Yes.

Mr. BLANTON. You were the nearest relative he had living?

Mrs. BERG. Yes.

Before she got married she was named Annie Berg, because her father was a brother of my husband.

Mr. BLANTON. Her father was a brother of your husband?

Mrs. BERG. Yes.

Mr. HERSEY. Where did she live at that time?

Mr. BLANTON. Where did Mrs. Annie Post live at that time?

Mrs. BERG. She lived at Deep River.

Mr. BLANTON. Where did you live in 1919?

Mrs. BERG. I lived at Deep River. That was the time she was in school.

Mr. BLANTON. That is the time she went to the school?

Mrs. BERG. And I kept her until she was 13 years old.

Mr. BLANTON. And then she went to some industrial school?

Mrs. BERG. Yes.

Mr. BLANTON. Then her uncle took her up?

Mrs. BERG. He took her; I knew nothing about it.

Mr. BLANTON. Was it a girls' industrial school?

Mrs. BERG. What is called a reformatory school at Middletown; you know that, probably—Middletown—that is big school; that is all for girls.

Mr. BLANTON. Now, about Annie Post. Her husband is named Marcus C. Post, is he not?

Mrs. BERG. Yes.

Mr. BLANTON. He filed an affidavit in December, 1924; he says he is a resident of the town of Clinton, and he is the husband of Annie Berg Post, who was the daughter of Gustaf W. Berg and Christine Berg.

Mrs. BERG. Christine Berg; that is my name—Mary Christine Berg.

Mr. BLANTON. Was your husband named Gustaf W. Berg?

Mrs. BERG. Yes, sir; Gustaf W. Berg.

Mr. DYER. We are not going to find that Mrs. Berg is not a woman of good reputation. I do not see any issue in the case about that.

Mr. BLANTON. Well, I have a very prominent lawyer here from New London, Conn., who will establish her good standing as a hard working, industrious woman.

Mr. HERSEY. At the same time, is she not presumed to be a hard-working, industrious woman?

Mr. BLANTON. Well, the committee having decided that, I will not go into that.

Mr. HERSEY. At least it appears to me that she is.

Mr. BLANTON. Mrs. Berg, was there ever any trouble between you and your son, Philip Berg?

Mrs. BERG. Never. He was my baby.

Mr. BLANTON. Never at all?

Mrs. BERG. No.

Mr. BLANTON. Up to the time that he went into the Navy, during the war, had he ever lived with you?

Mrs. BERG. Yes; and when he came home and had his furlough——

Mr. BLANTON (interposing). When he had his furlough he came home to see you?

Mrs. BERG. Yes.

Mr. BLANTON. When he got back he was in bad shape and sent to St. Elizabeths Hospital. Did you know anything about that at that time?

Mrs. BERG. I did not know it at the time. I did not know the address, and I asked Annie's husband whether she had the address.

Mr. BLANTON. You asked the husband of Annie Post to let you have your son's address?

Mrs. BERG. Yes.

Mr. BLANTON. Did he give it to you?

Mrs. BERG. No; he told me he was pretty near him.

Mr. BLANTON. He told you he was pretty near him?

Mrs. BERG. Yes.

Mr. BLANTON. Did he tell you where he was?

Mrs. BERG. No.

Mr. BLANTON. Up to the time he went into the Navy to serve his country during the war, and was afterwards sent here when he was mentally sick in St. Elizabeths Hospital, did your son ever live in Washington?

Mrs. BERG. No; only when he came to Roxbury and they took him to the hospital.

Mr. BLANTON. Only when they brought him to the hospital?

Mrs. BERG. Yes.

Mr. BLANTON. He lived in Connecticut?

Mrs. BERG. Yes.

Mr. BLANTON. He did not live in the District of Columbia?

Mrs. BERG. No.

Mr. BLANTON. Did any of his people ever live in Washington?

Mrs. BERG. No.

Mr. BLANTON. Did you ever take the Washington Evening Star up there?

Mrs. BERG. No; I did not.

Mr. BLANTON. Mrs. Berg, did Mr. Fenning ever mail you a copy of this notice that he was trying to probate the will of your son?

Mrs. BERG. No.

Mr. BLANTON. Did you ever get notice from Mr. Fenning or from anybody, Mrs. Berg, except your attorneys, about a will having been filed?

Mrs. BERG. No; I did not.

Mr. HOGAN. Mr. Chairman, in respect of the statements just made, documentary evidence in the record of this case read a few days ago by Mr. BLANTON himself showed that in the first publication the deputy register of wills or a clerk in the office had made an error and left out the name of Mary Albert Berg, the name given as the mother; and that a formal communication from Mr. Fenning's office to the court calls their attention to the inadvertence and directed them to see that Mrs. Berg's name was included in the publication and the notice given.

Mr. BLANTON. And the publication was given in the Washington Evening Star and the Law Reporter—and the poor, ignorant woman lived in Connecticut and they knew she would probably never see it. And I claim the facts in the case show that he did know that.

Mr. HERSEY. Well, put those facts in evidence.

Mr. HOGAN. We agree to that. At the time Philip Berg died, Mr. Fenning knew of this lady's existence. He knew of her address.

Mr. BLANTON. You took your son's body home?

Mrs. BERG. Yes.

Mr. BLANTON. That was after you got home that you employed Hull, McGuire & Hull?

Mrs. BERG. Yes.

Mr. BLANTON. After your son had been buried?

Mrs. BERG. Yes.

Mr. BLANTON. How long afterwards before you employed Hull, McGuire & Hull?

Mrs. BERG. A couple of days.

Mr. HOGAN. Let us see if this was not the telegram, if you remember:

MARCH 23, 1925.

Mrs. MARY A. BERG,
Care American Red Cross,
250 Main Street, New London, Conn.:

Philip Berg died yesterday. He is entitled to military burial at Arlington National Cemetery, this city, and I will so arrange if relatives desire. Wire me your address at once. Are you coming to funeral?

FREDERICK A. FENNING, *Evans Building.*

Do you remember the Red Cross lady reading that to you?

Mrs. BERG. No; she did not read that to me, because we got the telephone on Monday, and I started over to come here to see him. I did not expect to find him alive. And I came here; and Mr. Fenning finally said to me, "Why did you not come here before?"

I was sick and I did not have the money to go with.

Mr. BLANTON. You did not have the money to go with?

Mrs. BERG. No; I had to work for my money.

Mr. BLANTON. What kind of work do you do?

Mrs. BERG. I wash.

Mr. BLANTON. Wash?

Mrs. BERG. Yes.

Mr. BLANTON. You take in washing for other people?

Mrs. BERG. Yes.

Mr. BLANTON. How many sons besides Philip did you have in the last war serving the United States?

Mrs. BERG. Only two.

Mr. BLANTON. Two besides Philip?

Mrs. BERG. Yes.

Mr. BLANTON. You had three boys in the war?

Mrs. BERG. Yes.

Mr. BLANTON. Serving the United States Government?

Mrs. BERG. Yes.

BUT FENNING DIDN'T PROBATE HIS WILL

Since said hearings were concluded the court has determined that said will which Fenning had executed by his insane ward, Philip Berg, disinheriting his mother is an invalid will, and it was not probated; so, after all, this good mother, Mrs. Mary Berg, got her dead son's property and Fenning did not get to administer it.

AVARICIOUS FENNING SLIPPED ON $200,000 BENNETT ESTATE

Hon. Wilton J. Lambert is one of the most prominent, able attorneys in Washington. I now quote from his testimony:

Mr. BLANTON. You have been practicing here how long, Mr. Lambert?

Mr. LAMBERT. Since 1895.

Mr. BLANTON. Continuously?

Mr. LAMBERT. Yes, sir.

Mr. BLANTON. I want to ask you about the Bennett case. Mr. Lambert, there is on the legal paper of Frederick A. Fenning, Evans Building, 1420 New York Avenue NW., Washington, D. C., a petition to declare Henry B. Bennett a non compos, filed in the Supreme Court of the District of Columbia on May 22, 1923, and it sets forth this allegation:

"That said Henry B. Bennett, by reason of his advanced age and infirmities, and by reason of the fact he is suffering from senile dementia, is unable to care for his personal estate, as will more fully appear, etc."

And on that date there is a rule to show cause, issued May 22, 1923, and not served; and then on May 25, 1923, there is an order for the issuance of an alias writ to show cause why he should not be adjudged of unsound mind, and then there is such an alias writ as follows—there is another alias writ somewhere which was served, but I can not find it right here. Then there is an answer here, filed on your letter-

head, on June 12, 1923, for Henry B. Bennett, in which he sets up this fact:

"6. He denies it is necessary to have anyone appointed to take care of his estate and says, on the contrary, his entire estate is, and has been for many years, held in trust by a trustee in Fall River, Mass., who delivers to him sufficient income to enable him to live comfortably, and all income which is derived in excess of what he needs is reinvested by the trustee and creates an increment to his estate; that his estate is now worth something over $200,000, and he avers that the real object of his said nephew in taking the proceedings aforesaid and in an endeavor of having himself appointed trustee and committee of the person and estate of the defendant was entirely an avaricious and selfish one for the purpose of acquiring control over his property and preventing him from enjoying what he owns."

And he denied that he was suffering from senile dementia. You were the attorney who prepared that answer for him?

Mr. LAMBERT. I was.

Mr. BLANTON. And Mr. Fenning was the attorney for his nephew trying to get him declared of unsound mind?

Mr. LAMBERT. That is true.

Mr. BLANTON. Now, when you filed this answer—first I will ask you if you know why that first writ was not served on him?

Mr. LAMBERT. I think I know; I know by hearsay.

Mr. BLANTON. But you were looking after him before they got service on him?

Mr. LAMBERT. That is right.

Mr. BLANTON. Do you know, as a matter of fact, whether he had to leave his own home to prevent service until he got prepared for the matter?

Mr. LAMBERT. I know he did leave home.

Mr. BLANTON. And avoided service in that way?

Mr. LAMBERT. I know he left his own home and they were not able to serve him at his home.

Mr. BLANTON. Now, after you came into court and filed this answer, what action was taken by Mr. Fenning?

Mr. HOGAN. You have the record, have you not, Mr. Lambert?

Mr. LAMBERT. I might say that a day or two before that hearing was had I had a call from Mr. Fenning, and he wanted to know——

Mr. BLANTON. Was that after you filed this answer?

Mr. LAMBERT. No; before I filed this answer.

Mr. BLANTON. Before you filed this answer?

Mr. LAMBERT. Yes; Mr. Bennett had gone from his own home to the home of a friend. At that time I was engaged in the defense of Charles W. Morse, down in the District Supreme Court before Justice Stafford, and I received a call from Mr. Fenning, in which he wanted to know what I was going to do about Mr. Bennett. These writs had not been served, and I told him I would have him in court whenever they wanted him, and if they wanted to serve him I would see he was served, but I would retain custody of him until he was brought into court. Mr. Fenning then, as I recall it, made some arrangements about serving him and fixing a time to have him brought into court. As I recall it, we agreed on coming into Judge Bailey's court, which was right on the opposite side of the corridor from Criminal Court No. 1, in which the Morse trial was going on, which was designated as Criminal Court No. 2. We made arrangements I would have Bennett down there at a certain time on Tuesday, June 12.

Mr. DYER. What year, Mr. Lambert?

Mr. LAMBERT. 1923. And on the 12th of June I had Mr. Bennett there, and Mrs. Rogers, and Mr. Henry Willard, who has just died, who was helping Mr. Bennett.

Mr. BLANTON. And Mrs. Harlan?

Mr. LAMBERT. If that is her name; I thought it was Mrs. Hartnett.

Mr. BLANTON. Who was a relative?

Mr. LAMBERT. I do not know whether she was or not; but it was at her house Mr. Bennett had gone. And we had several people from Fall River—Mr. Bennett's doctor from Fall River; Mr. Bennett's trustee, Mr. Earle, from Fall River; and Mr. Dove—Maury Dove. I do not know—we had 10 or 15 witnesses there to support Mr. Bennett.

Mr. BLANTON. And you were prepared to support the allegations in your answer?

Mr. LAMBERT. I had told Mr. Fenning I was going to fight the case, and the case was called, and I have here just what took place in the court room on that day.

Mr. BLANTON. I wish you would just state what took place.

Mr. LAMBERT (reading):

"In the Supreme Court of the District of Columbia, holding a criminal term. Henry B. Bennett. Lunacy No. 9953

"WASHINGTON, D. C., *Tuesday, June 12, 1923.*

"The above-entitled cause came on for hearing before Mr. Justice Bailey in Criminal Court No. 2 at 10 o'clock a. m.

"Appearances: Wilton J. Lambert, Esq., on behalf of Henry B. Bennett. Frederick A. Fenning, Esq., on behalf of the petitioner, William A. Slade."

Mr. Fenning started the proceedings.

"Mr. FENNING. If your honor please, the lunacy case of Henry B. Bennett was set for this morning. In that matter Mr. Lambert has filed an answer, in which he raises the question as to the jurisdiction of the court. I have written a tentative form of motion—which, if it is agreeable to counsel and your honor, will be reduced to more permanent form and substituted—in which I say that the question having been raised as to the jurisdiction of the court the petitioner agrees that there is a question as to that, and therefore he moves the court for leave to discontinue the proceedings.

"Mr. LAMBERT. If your honor please, we do not raise the question as an issue. We merely suggest in our answer that he has always claimed a voting residence in Fall River, Mass., although he has been an actual resident of Washington for the last 50 years. Inasmuch as that is the case and the property is here, some of it, and he lives here, I do not think there is anything in that point, and I am satisfied that it is a matter which this court would have to determine.

"We do not want a dismissal of this action for this reason. An application has been filed for a determination of lunacy. It is supported by the affidavits of two physicians certifying that this respondent is non compos mentis at the present time and incapable of attending to his property. A withdrawal of this case will not determine the truth of those affidavits; they still stand in the records of this court and present a condition very disagreeable to Mr. Bennett.

"We think that the application by the nephew was unfortunate when he asked that he be appointed a committee to take charge of his uncle's estate. Mr. Bennett is very desirous of clearing his record, and he wants a hearing. We have here to-day his physician from Fall River, Mass., who has been in attendance on him for some years, a man of large practice there, who is here to attend this case, who examined him yesterday and examined him last night and is with him this morning. We have a number of other physicians available. We have a trustee of part of his estate in Fall River, Mr. Earle. This gentleman has an estate [meaning Mr. Bennett] of something like $200,000 or more. We think when he is haled into court in a situation of this kind, with affidavits of two local physicians—one of whom never saw him but for a few minutes, when he called at his house and did not know what he was calling there for—that we are entitled to some disposition of the case. Otherwise the condition that is existing here may continue to plague this man as long as he lives, and possibly after he dies.

"The COURT. It seems to me, Mr. Lambert, that the petitioner has a right to move to dismiss the petition, and that I must grant the motion.

"Mr. FENNING. Mr. Lambert, if the court will grant permission in the order of discontinuance for the withdrawal of the affidavits, I am perfectly willing to do that.

"Mr. LAMBERT. Will your honor permit that to be done?

"The COURT. Let it be shown that those affidavits are withdrawn by consent of both parties.

"Mr. FENNING. That can be incorporated in the order.

"Mr. LAMBERT. Very well.

"Mr. FENNING. Your honor, may Mr. Lambert and I agree upon a form of order?

"The COURT. Yes."

Mr. BLANTON. And this is the order that is signed by you and Mr. Fenning [exhibiting]?

Mr. LAMBERT. Yes.

Mr. BLANTON (reading):

"In the Supreme Court of the District of Columbia, holding an Equity Court. In re Henry B. Bennett, alleged lunatic. Lunacy No. 9953

"This cause coming on for hearing upon the petition and answer, and petitioner requesting leave to withdraw his petition, it is by the court this 13th day of June, A. D. 1923,

"Ordered, that he be permitted to withdraw same and counsel for the respective parties consenting, permission is granted to withdraw from the files the exhibits to the petition consisting of the affidavits of Drs. D. Percy Hickling and G. C. Birdsall.

"By the court.

"JENNINGS BAILEY, *Justice.*"

That is signed by Mr. Fenning as counsel for petitioner and by you for the defendant?

Mr. LAMBERT. Yes, sir.

Mr. BLANTON. And thus the defendant went hence without day?

Mr. LAMBERT. He did, and lived until January, 1926.

Mr. BLANTON. Until January, 1926?

Mr. HOGAN. That is when he died?

Mr. LAMBERT. That is when he died.

Mr. BLANTON. And he died sane?

Mr. LAMBERT. In my opinion; yes.

Mr. HOGAN. We contend that.

Mr. LAMBERT. Mr. Hogan and I do.

Mr. BLANTON. And you saved his $200,000 estate?

Mr. LAMBERT. It is $400,000 now; $200,000 was a little bit low estimate.

Thus it was Wilton J. Lambert who saved Henry B. Bennett and his $400,000 from the clutches of Fenning. When Fenning realized that the man he was trying to put in an insane asylum was represented by an able lawyer who knew how to protect him, Fenning "turned tail" and gave up and dismissed his case, and Bennett was saved.

HOW FENNING USED HIS LAUREL SANITARIUM AND TRUST COMPANY

It has already been shown that Fenning was a stockholder, attorney, and director for the Laurel Sanitarium:

Mr. BLANTON. Now I offer the petition in the matter of the insanity of Caroline L. Rixford, filed August 8, 1913, in the Supreme Court of the District of Columbia.

Mr. HOGAN. By whom is that executed?

Mr. BLANTON. By the Commissioners of the District of Columbia.

Mr. HOGAN. Assistant corporation counsel and by Commissioner Newman.

Mr. BLANTON (continuing). As solicitor for petitioners.

I offer the rule to show cause, issued August 8, 1913, served on the alleged lunatic.

Mr. DYER. Is this in connection with the testimony of Mr. Lambert?

Mr. BLANTON. I am going to ask some questions of Mr. Lambert in just a moment, but I want to get these papers before him and in the record. I offer the verdict of the jury in the same case.

Mr. HERSEY. What was the verdict?

Mr. BLANTON. That they find Caroline L. Rixford to be of unsound mind, suffering from senile dementia, and that she has not sufficient capacity for the government of herself, and that the following lands, tenements, and so on.

Mr. LAMBERT. There is no date fixed there, is there?

Mr. BLANTON. That is filed August 14, 1913.

Then I offer the petition. It is filed on the letterhead of F. A. Fenning, and it has somebody's name scratched out under his name, as attorneys and counselors at law, Century Building, Washington, D. C., and it prays as follows:

"That the said Caroline L. Rixford be found to be of unsound mind by this honorable court and the court appoint as committee of her estate the Washington Loan & Trust Co., and as committee of her person your petitioner suggests the appointment of Brainerd W. Parker, a member of the bar of this court."

At that time Brainerd W. Parker was in the office of Mr. Fenning and had his name on his letterheads, did he not?

Mr. LAMBERT. That is my recollection.

Mr. BLANTON. To have the Washington Loan & Trust Co. made committee of the estate and Brainerd W. Parker committee of the person.

Remember that Fenning admitted that formerly he was a director of the Washington Loan & Trust Co. before he changed to another.

Then I introduced the order of the court filed August 8, 1913, appointing the Washington Loan & Trust Co. as committee of the estate and Brainerd W. Parker as committee of the person.

I offer the following petition filed September 30, 1913. This is on the letterhead, which shows plainly "F. A. Fenning & B. W. Parker, attorneys and counselors at law, Century Building, Washington, D. C.," but there is a pen scratched through "B. W. Parker."

Hr. HOGAN. It came from Mr. Fenning's office.

Mr. HERSEY. That is the printed name of a firm of lawyers you have on that.

Mr. CHRISTOPHERSON. They admit that.

Mr. HOGAN. It is a fact.

Mr. BLANTON. And B. W. Parker's name is scratched out.

I will read and introduce an order filed October 7, 1913, authorizing the following:

"Ordered that the Washington Loan & Trust Co., committee of the estate herein, be and is hereby authorized to pay for board, medical treatment, and special attendant at the Laurel Sanitarium a sum not to exceed $100 per month, to pay Woodward & Lothrop (Inc.) for necessary clothing furnished to the ward $22.43, and to reimburse Brainerd W. Parker, committee of the person, in the sum of $3.91, etc."

This is a petition of the Washington Loan & Trust Co., reporting assets in its hands showing—

Notes secured by real estate	$36,100.00
Cash found in trunk	31.30
Cash from Union Savings Bank	1,275.94

And various other sums and various other property and duly sworn to.

I offer the petition of the committee for instructions, filed March 23, 1914, asking leave to pay certain amounts, including a bill of $100 for Doctor Hickling.

Then there is the petition of Brainerd W. Parker, committee of the person, asking the court to fix the fee. I will read the prayer:

"That the court pass an order authorizing and directing the Washington Loan & Trust Co., as committee of the estate, to pay such sum to the committee of the person for the services rendered as the court may deem proper."

And here is an order authorizing the Washington Loan & Trust Co. to pay Brainerd W. Parker the sum of $500.

Then here is a petition. It is "Fenning & Gordon" on the back. That is put on with a rubber stamp and under it is "F. A. Fenning and B. W. Parker, attorneys at law," scratched out. This asks for certain authority, which I will not read; it speaks for itself.

Then I offer the petition for instructions, filed November 2, 1914. It is on F. A. Fenning's letterhead, with "B. W. Parker" stricken out, and this asks for certain authority. And I introduce the order issued on November 2, 1914, authorizing the sale of certain property.

Mr. HERSEY. But the trust company?

Mr. BLANTON. Yes. Then I offer the petition on the cover of F. A. Fenning with "B. W. Parker" stricken out—

"That the court pass an order authorizing and directing it to send F. A. Fenning, attorney of record in said cause, to Bay Minette, Ala., to be present at the taking of said testimony; to pay out of the estate of Caroline L. Rixford such funds as are necessary for the expense of such trip."

Mr. HERSEY. It was granted, was it?

Mr. BLANTON. Yes, it was granted; and he did go and it will be shown the money was paid later.

Then here is the first and final account of the committee. I introduce it all, but it shows an estate of $41,676.51 and shows the following amounts paid:

"Dr. Lewis H. Taylor, $25; also to Doctor Taylor, $70; to Dr. Cornelius DeWees, $20; Dr. Charles Wheatley, $20; Dr. Adam Kemble, $70; Dr. D. P. Hickling, $100; Laurel Sanitarium, $1,836.38, also $25; to W. J. Lambert, attorney, fee, $250; B. W. Parker, allowance as per order of court, $500; B. W. Parker, services rendered as committee of person, $418.01; B. W. Parker, car fare to Laurel and return, $3.91; F. A. Fenning, retainer as per order of court, and court costs, $118; F. A. Fenning, counsel fee, $500; F. A. Fenning, expenses to Bay Minette, Ala., re testimony, $74.83; Spencer Gordon, receiver, $50; Law Reporter, printing briefs, $31; F. A. Fenning, costs, *v.* Keane et al., $42; commission, 5 per cent, $2,101.85.

FEES ON FINAL SETTLEMENT

Mr. BLANTON. Mr. Lambert, you testified before the auditor in that matter?

Mr. LAMBERT. Yes.

Mr. BLANTON. Now, Mr. Fenning was asking a fee of $1,625 as shown by his testimony, which I will read, as follows:

"I think it is unfair on the part of Mr. Lambert to suggest a wasting of time in sitting around in court, in one particular instance that he cites; that is, with reference to the pro confesso. I do not think that comes from one member of the bar toward another, and I deny in this argument the allegation or insinuation that the time was expressly expended in the court room, or in the courthouse, for the purpose of showing a greater amount of time rendered than the services in this case."

Then I will also read this:

"Now, we have, then, Mr. Lambert saying he thinks I ought to get $1,000. I say I ought to have gotten the amount which I did receive, with approval, in the former accounting, of $1,625."

Now, in that case you testified, Mr. Lambert?

This is before the auditor. You testified in part as follows, Mr. Lambert:

"I urged Mr. Fenning to take a consent order, which would have eliminated any expenditure of time, setting aside the pro confesso. She authorized me to represent her and comply with the ordinary rules of payment of such costs as had been incidental to the pro confesso. He refused to do that and refused to agree to anything and insisted upon sitting around the court waiting to discuss the matter with Justice McCoy."

Then you also testified—the question was asked you:

"Q. Now, knowing the services, as you do, and having heard Mr. Fenning's testimony—you heard Mr. Fenning's testimony, did you not?—A. I heard Mr. Fenning's testimony. Of course, I knew this case in detail from the very start of it.

"Q. What would you say was a reasonable charge for him to make?—A. I think Mr. Fenning ought to have $1,000.

"Q. That is for everything?—A. Yes."

Now, the report of the auditor shows that there was an allowance to the solicitor, who was Mr. Fenning, of $1,625; and to the committee of the person, who was Mr. B. W. Parker, $921.92; and commissions to committee of $2,101.85.

WELL, WHAT HAS THIS TO DO WITH FENNING?

Mr. HERSEY. Well, what has all this——

Mr. BLANTON. Here is the Washington Loan & Trust Co., of which he is a director, committee of the estate; here is Brainerd W. Parker, who is associated with him in law, committee of the person; and here he is the solicitor and the trust company is getting $2,100, and he is getting $1,625. B. W. Parker is getting $900 and some odd in one rattle of the box out of the lunatic's estate before they get into the probate case under the will, when I am going to show one of them was appointed collector, another administrator, and so on.

Mr. HERSEY. Mr. Chairman, I think it is easier to go ahead and let him put it in than it is to discuss the matter.

Mr. BLANTON. I expect that kind of a remark from the gentleman from Maine, because he has treated me that way ever since we began.

Mr. HERSEY. Oh, yes; that is all right.

Mr. BLANTON. I expect it.

$1,400 TO LAUREL SANITARIUM FOR 14 WEEKS

I offer the account of the Law Reporter Printing Co.; I offer the following vouchers, showing each one of them is issued to "Mr. Brainerd W. Parker, to the Laurel Sanitarium, Dr.," and I want the committee to remember that I proved by Doctor White this evening that Mr. Fenning was attorney for and director in and held one share of stock in the Laurel Sanitarium. I offer 14 bills, issued to Mr. Brainerd W. Parker by the Laurel Sanitarium, each for one month's care and medical attendance to Mrs. C. L. Rixford.

Mr. BLANTON. Now, Mr. Lambert, after the death of this woman there were two wills, were there not; one, the old will, had made the Washington Loan & Trust Co. her executor, had it not?

Mr. LAMBERT. Executor and trustee, as I recall it.

Mr. BLANTON. The later will, which you represent, did not make the Washington Loan & Trust Co. trustee?

Mr. LAMBERT. That is correct.

Mr. BLANTON. And you and who else represented the opposing interests to Mr. Fenning and the Washington Loan & Trust Co.?

Mr. LAMBERT. Mr. Fenning had Mr. James S. Easby-Smith, and I think Mr. Fleharty; and Mr. Hogan and myself represented the caveator.

Mr. BLANTON. I offer these wills in evidence.

Mr. HERSEY. Was there only one probated?

Mr. HOGAN. Yes, sir.

Mr. LAMBERT. The last one.

Mr. BLANTON. The will you represent was probated?

Mr. LAMBERT. That is right.

Mr. BLANTON. And the will which made the Washington Loan & Trust Co. trustee and executor was not probated?

Mr. LAMBERT. That is correct.

Mr. BLANTON. I offer the letters appointing as a collector Brainerd W. Parker; you remember that he was collector?

Mr. LAMBERT. Yes.

Mr. BLANTON. Now, he is the same Brainerd W. Parker who had formerly been with Mr. Fenning?

Mr. LAMBERT. The same man.

Mr. BLANTON. And the same Brainerd W. Parker who was committee of the person of Mrs. Rixford?

Mr. LAMBERT. The same man.

Mr. BLANTON. If the deceased had been a lunatic, the collector comes in and takes charge of the estate from the committee?

Mr. LAMBERT. That is right.

Mr. BLANTON. And he holds it until there is an administrator or executor appointed?

Mr. LAMBERT. That is right.

Mr. BLANTON. I offer the order admitting the will to probate and granting letters testamentary; I offer the motion filed by Mr. Frederick A. Fenning, signed by Frederick A. Fenning. That is the motion for a new trial. Then the order overruling the motion for a new trial.

Mr. GORMAN. Is this the case in which there was an item of $1,400 for treatment at the Laurel Sanitarium?

Mr. HOGAN. Yes, sir. Now, she was removed out to the Laurel Sanitarium, and was there for quite some time and died out there a year or so afterwards.

And while Fenning thus succeeded in securing enormous fees for his Washington Loan & Trust Co., of which he was a director, and for his law partner, Brainerd W. Parker, and for himself, and $1,400 for his Laurel Sanitarium, he did not succeed in getting the court to probate the will that made his trust company executor and trustee, because he then had Lambert and Hogan against him representing a later will.

FENNING PUTS LUNATIC WARD ON VAUDEVILLE

Mr. BLANTON. Now, in the case of Carl Hodges, lunacy No. 9735, I offer the petition which prays that Frederick A. Fenning be appointed committee of the person and estate of Carl Hodges.

Mr. HERSEY. Who signs the petition?

Mr. BLANTON. It looks like F. Regis Noel.

Mr. HERSEY. What relation is the petitioner to the ward?

Mr. BLANTON. He is a next friend.

Here is the report of Mr. Fenning, as ancillary committee, which shows he has received from the Southern Trust Co., of Little Rock, Ark., guardian in Arkansas, $5,572.34, belonging to the ward which had been deposited in the National Saving & Trust Co., Washington, D. C., to the credit of "Frederick A. Fenning, ancillary committee of Carl Hodges," and so on.

That is sworn to before Helen A. Losano.

Here is a petition filed March 15, 1923, by Mr. Fenning as committee, which is as follows. I want the gentleman from Maine to listen to this.

Mr. HERSEY. I have followed you very carefully.

Mr. BLANTON (reading):

"The petition of Frederick A. Fenning, committee in this cause, respectfully shows the court:

"1. That the committee has received numerous visits from the ward with reference to the ward's desire to equip himself for entertainment on the vaudeville stage.

"2. That the ward states that for many years he did acrobatic work in a circus, and he believes that he can occupy himself profitably if he is equipped to perform vaudeville stunts.

"3. That the ward states that he needs a 'combination spirit collar, handcuffs, and leg irons,' clog shoes, puffed trunks, two suits of pink tights, canvas gaiters, and a full-dress suit, together with a business suit, all of which is estimated can be procured at an expenditure of not exceeding $90."

And so on. And he prays the court to pass an order. That is signed by Mr. Fenning and sworn to before Helen A. Losano.

Mr. HERSEY. Then you have the order of court, have you not?

Mr. BLANTON. Then, on the same day that petition was filed, March 15, 1923, the court issues this order:

"Upon consideration of the petition of Frederick A. Fenning, committee herein, it is by the court this 15th day of March, 1923,

"*Ordered*, That the committee is authorized to expend not exceeding $90 of the ward's funds for the purposes as set out in the said petition."

That is, to get a vaudeville outfit.

Then, from the report of the auditor, filed December 13, 1923, I read the following extracts:

"Trunk for ward, $10; vaudeville outfit for ward, $47.50; maintenance and clothing for ward, $735.23; attorney's fee, F. R. Noel, Esq., $75; commission to ancillary committee, 6 per cent, $340.68; auditor's fee, $10; balance on hand, $4,126.46."

That is approved by Herbert L. Davis, auditor. Then the account filed on December 9, 1924, shows the following:

"Georgetown University Hospital, accommodation from December 5, 1923, to April 12, 1924, $240; personal funds, $100; Dr. J. Ramsey Nevitt, professional services, $7; * * * care of ward's horse, $36; loss on sale of $500 Federal land-bank bond, $9.37; bond premiums, $15.31; allowance to committee in lieu of commission, $20."

In the auditor's account, filed January 28, 1926, I read the following excerpts:

"Personal use of ward, $320; cigars, $4.08; pint of olive oil for ward, $0.65; clothing, $90.76; commission to committee, 10 per cent on income collections, $79.47; bond premium, $13.34."

This was an Arkansas boy. Note that all F. Regis Noel, a Washington lawyer, did was to let Fenning use his name as "the next friend"—which sometimes in law means just the opposite—in filing a petition for the court to appoint Fenning committee. And out of this Arkansas boy's estate Fenning paid F. Regis Noel $75 and took unto himself commissions of $340.68, $20, and $79.47, and bond allowances of $15.31 and $13.34, and $7 to his brother-in-law, Dr. J. Ramsey Nevitt.

EASY TRIP FOR SELF AND WIFE TO EUROPE

Mr. BLANTON. I call your attention, gentlemen, to the case of Neils P. J. Erenbjerg.

The petition of William A. White respectfully shows to the court: That he is a citizen of the United States and is the superintendent of St. Elizabeths Hospital and that he files this petition as the next friend of Neils P. J. Erenbjerg.

"That said Neils P. J. Erenbjerg was admitted to St. Elizabeths Hospital by order of the Secretary of War on the ——— day of ——— and has been continuously since that time and is now a patient under treatment in said hospital.

"That said Neils P. J. Erenbjerg is unmarried, and that, so far as your petitioner is aware, has no relatives."

Wherefore he prays that he be declared a lunatic and "that Frederick A. Fenning act as committee." It is signed and sworn to by Doctor White.

This is the rule to show cause served on the lunatic; the affidavit of the two physicians, Silk and another one from the medical staff of the hospital. Then the verdict of the jury, which recites: "Now comes the petitioner by his attorney, Frederick A. Fenning," and so on.

Mr. HOGAN. On what date was that verdict rendered?

Mr. BLANTON. That verdict was rendered June 6, 1919.

Then there is the order appointing Mr. Fenning committee and the report of Mr. Fenning, the first report, showing that he has received property amounting to $6,518.30, and that $1,841.77 in cash is deposited in the National Savings & Trust Co. That is the bank of which he is a stockholder and director. Then there is the petition for allowance, which sets forth that the mother of this ward—that she is the mother of the ward and a widow living with her daughter, who is a schoolteacher; that she has not enough property to yield sufficient income for her support; that she is advanced in years, and so so, and she asks for an allowance of $10 a month for her support, and states that she

lives in the Kingdom of Denmark. Then here is the order authorizing the allowance.

Then here is a petition filed by Mr. Fenning, "Law Offices of Frederick A. Fenning, Evans Building, Washington, D. C.," reading as follows:

"The petition of Frederick A. Fenning, committee in this cause, respectfully shows to the court.

I will introduce it all but, in effect, it asks that he be allowed to transfer the ward to Denmark.

Mr. HOGAN. That his mother and sister desired him to come there.

Mr. BLANTON. And that the committee believes that the actual expense involved will be approximately $1,600.

Mr. HOGAN. Let me see that paper. That is 1922 that this was filed, was it not? [After examining paper.] Yes.

Mr. BLANTON. That was filed in October, 1922.

And the order was issued on the same day authorizing him to take him to Denmark. Now, I just want to read an excerpt from the auditor's report—a part of the auditor's report. The auditor's report, filed in June, 1920, shows that Mr. Fenning was allowed premium on bond, $7; notary fees, $1.75; and commission to himself, $152.52.

The auditor's report for July 20, 1921, shows that Mr. Fenning was allowed notarial fees of 75 cents; bond premium, $22; and commission of 10 per cent to himself, $118.30.

The auditor's report for July, 1922, shows that Mr. Fenning was allowed notarial fees of $1; bond premium, $24; and a commission of 5 per cent on $2,972.98, $148.65; and 8 per cent commission on $1,887.25, amounting to $150.99; making a total allowance to the committee, Mr. Fenning, of $323.64.

Now, the report for June 23, 1923, of the auditor, shows that Mr. Fenning was allowed notarial fees of $1.25; he was allowed the cost of returning his ward to Denmark, $1,577.21; and for amount paid the Minister of Denmark, $25.94; for bond premium, $24; and for compensation to himself, $500.

And I will state in connection with this case, so that the committee may keep it in mind, that on that trip for which he was allowed $1,577, there was a man from St. Elizabeths Hospital, an attendant, Toner, 66 years of age, went with him and that he stayed with this lunatic every night himself; that on no night did he call upon Mr. Fenning on the trip, and that Mr. Fenning's wife also accompanied him on this trip.

Now, the last report since he has been in Denmark, was filed June 20, 1925, which shows that the court allowed Mr. Fenning—this is the second allowance since the man has been in Denmark—it allows Mr. Fenning——

Mr. HERSEY. What is the date of that report?

Mr. BLANTON. That is June 20, 1925—bond premium, $30.67; commission to committee, Mr. Fenning, 10 per cent of income of $2,168.22—$216.82, making a total allowance to Mr. Fenning, including commission and bond premium, of $247.49.

Mr. TUCKER. Are these bonds required every year?

Mr. BLANTON. Every year; it is an annual premium.

JAMES E. TONER TESTIFIED BEFORE GIBSON COMMITTEE

Mr. BLANTON. You are a supervisor in St. Elizabeths?

Mr. TONER. Yes, sir.

Mr. BLANTON. How long have you been a supervisor there?

Mr. TONER. About 40 years.

Mr. BLANTON. You are the man who went to Denmark, aren't you?

Mr. TONER. Yes, sir.

Mr. BLANTON. With Frederick A. Fenning?

Mr. TONER. Yes, sir.

Mr. BLANTON. And you got to New York the next morning?

Mr. TONER. Yes, sir.

Mr. BLANTON. When did you take the boat?

Mr. TONER. We took the boat at 12 o'clock that day.

Mr. BLANTON. Destined where?

Mr. TONER. To Copenhagen.

Mr. BLANTON. And you were on the high seas how long?

Mr. TONER. I think about 12 days.

Mr. BLANTON. It took you 12 days to go from New York to Copenhagen?

Mr. TONER. No; from Washington to Copenhagen. We went from Copenhagen to the insane asylum.

Mr. BLANTON. On the boat you and the patient had one stateroom, didn't you?

Mr. TONER. Yes, sir.

Mr. BLANTON. And Mr. Fenning and Mrs. Fenning had another stateroom?

Mr. TONER. Yes, sir.

Mr. BLANTON. Did you have first-class passage?

Mr. TONER. First-class passage; yes.

Mr. BLANTON. You knew Frederick A. Fenning before you knew Doctor White, didn't you?

Mr. TONER. I knew Frederick A. Fenning when he was a small boy up in the Pension Office, the Pension Agency. I used to take patients up there to draw their pensions and Mr. Fenning was a clerk.

Mr. BLANTON. He was a small boy clerk?

Mr. TONER. He was so small that he had to have a box to stand on to get up to the desk.

Mr. BLANTON. It is a long time ago since he was that small; he is pretty big now.

Mr. TONER. I don't know about that.

Mr. BLANTON. Well, he is big enough to give you orders on that boat, wasn't he?

Mr. TONER. Oh, yes.

Mr. BLANTON. You never called on him a single time on that trip at night, did you?

Mr. TONER. No, sir; not at night.

Mr. BLANTON. You handled that patient every night?

Mr. TONER. Yes.

Mr. BLANTON. He let you turn that fellow loose at the dining table, didn't he?

Mr. TONER. Turn him loose?

Mr. BLANTON. You went into mess with him?

Mr. TONER. Yes; I did.

Mr. BLANTON. You turned him over to an insane asylum in Denmark, didn't you?

Mr. TONER. Yes. The next day we took a boat from Copenhagen to London.

Mr. BLANTON. To London?

Mr. TONER. Yes.

Mr. BLANTON. How long did you spend in London?

Mr. TONER. Two days.

Mr. BLANTON. Sight-seeing?

Mr. TONER. Sight-seeing; yes, sir.

Mr. BLANTON. Having a bully good time?

Mr. TONER. Well, certainly.

Mr. BLANTON. Mr. Fenning said he was gone exactly a month.

Mr. GIBSON. Less four days.

Mr. BLANTON. Have you ever taken any other patients away from the asylum?

Mr. TONER. Yes.

Mr. BLANTON. Where?

Mr. TONER. I have taken them to Seattle; I have taken them to pretty much every city around. I have carried patients.

Mr. BLANTON. Then you have had a lot of junkets?

Mr. TONER. Yes, sir.

Mr. BLANTON. You have gotten your salary regularly all that time?

Mr. TONER. Yes, sir.

Mr. BLANTON. Forty years?

Mr. TONER. Yes.

Mr. BLANTON. Did you ever buy anything for any of those patients down there at these stores?

Mr. TONER. Yes, sir.

Mr. BLANTON. Did you ever buy any at Eiseman's?

Mr. TONER. Yes.

Mr. BLANTON. Did you ever buy anything at Saks's?

Mr. TONER. Yes.

Mr. BLANTON. And you got 10 per cent discount?

Mr. TONER. The patient gets it; I don't get it.

Mr. BLANTON. How does the patient know, the poor patient that doesn't know what goes on day and night? How does he know if he gets that 10 per cent?

Mr. TONER. He doesn't know; but his guardian pays the bill, and he knows.

Mr. BLANTON. If his guardian takes 25 per cent of his estate out for his bond without telling him anything about it, he could do something else, couldn't he?

Mr. TONER. I don't know about that, Chief.

Mr. BLANTON. You have bought lots of clothes out there?

Mr. TONER. Yes, sir.

Mr. BOWMAN. Did Mr. Fenning mention anything about this trip to you?

Mr. TONER. Two days before the trip was made Mr. Fenning came over there and he asked me if I would go. I told Mr. Fenning, "I don't care much about going, but none of these other boys want to go, and if they don't go, I will go." He says, "All right. I would be glad to have you."

Mr. BOWMAN. Mr. Fenning did ask you?

Mr. TONER. Yes, sir.

Mr. BOWMAN. Did Doctor White say anything to you about going?

Mr. TONER. He never said a word; no, sir.

Mr. BOWMAN. Do you mean to tell this committee that none of the officers of the St. Elizabeths Hospital mentioned this fact to you, but that you left the hospital with this ward at the solicitation and the suggestion of Mr. Fenning?

Mr. TONER. Yes, sir.

Mr. BOWMAN. Not an official of the St. Elizabeths Hospital directed or instructed you to take this man?

Mr. TONER. No, sir. Mr. Fenning.

Mr. BLANTON. Sit down a minute, Mr. Toner. You are 66 years old, aren't you?

Mr. TONER. Yes, sir.

Mr. BLANTON. And how much more?

Mr. TONER. Sixty-six. I am 66 years of age.

Mr. BLANTON. Exactly?

Mr. TONER. Yes.

Mr. BLANTON. How did I guess it? Nobody ever told me at all.

Mr. TONER. I don't know.

Mr. BLANTON. You are an old man, aren't you?

Mr. TONER. Yes.

Mr. BLANTON. They sent an old man 66 years of age across the water to Denmark with a lunatic?

Mr. TONER. Yes, sir.

FENNING DECEIVED MOTHER OF WORLD WAR VETERAN

(The witness was duly sworn by Mr. DYER.)

Mr. BLANTON. What is your name?

Mrs. BUMBREY. Mary Virginia Bumbrey.

Mr. BLANTON. And you live in Osso, Va.?

Mrs. BUMBREY. Yes; King George County. Osso is the post office.

Mr. BLANTON. Osso is the post office. You are the mother of Everett Taylor Bumbrey?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. Who is now dead?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. He was a World War veteran?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. He served the Government during the war in the United States Navy?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. In 1919, did you go to Mr. Frederick A. Fenning here for any purpose? Answer yes or no, and then state what you went to him for.

Mrs. BUMBREY. Yes.

Mr. BLANTON. Then what did you go to him for and what did you say to him?

Mrs. BUMBREY. I asked him would he make me the beneficiary of my child's money; make me guardian.

Mr. BLANTON. Make you guardian?

Mrs. BUMBREY. Make me guardian of my boy.

Mr. BLANTON. You went to him as a lawyer?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. And to have you made guardian of your boy?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. What did he say to you?

Mrs. BUMBREY. He said he would. He said I would enjoy the money after having a guardian appointed. And Mr. Smoot (?)——

Mr. BLANTON (interposing). Now, did you give him any information about your boy, and about his relatives, and so on?

Mrs. BUMBREY. Yes, sir; he asked me the names of my daughters, and if he did not have any brothers. I did not have any more sons.

Mr. BLANTON. And he asked you a whole lot of questions to get information?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. And then did he present a paper for you to sign?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. You signed your name to it?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. And you left?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. And you understood that he was to make you guardian of your son?

Mrs. BUMBREY. Yes; I surely did.

Mr. BLANTON. Now, I find this petition filed in court on April 6, 1919. It reads as follows:

"In the Supreme Court of the District of Columbia, holding on equity court. In re Everett Taylor Bumbrey. Lunacy No. 8007

"The petition of Mary V. Bumbrey respectfully shows to the court:

"That she is a citizen of the United States and a resident of the District of Columbia.

"That Everett Taylor Bumbrey is now, and has been for some time past, a patient under treatment for mental disease at St. Elizabeths Hospital, to which institution he was admitted in accordance with an act of Congress.

"Said Everett Taylor Bumbrey is entitled to Navy pay as a seaman of the United States Navy at the rate of approximately $35 per month.

"That said Everett Taylor Bumbrey is unmarried, and that his nearest relatives are your petitioner, Mary V. Bumbrey, residing at 2204 P street NW., Washington, D. C., mother.

"That your petitioner is advised, in order that the estate of the above-named Everett Taylor Bumbrey may be properly conserved, it is necessary that a committee be appointed by the court.

"Wherefore, the premises considered, your petitioner asks—

"That Frederick A. Fenning be appointed committee of the person of the estate of the said above-named Everett Taylor Bumbrey, and for such other and further reasons as to the court may seem fit."

And it has what is supposed to be your name signed to it [handing paper to witness]. Did you ever know that you were filing a petition asking that Frederick A. Fenning be appionted guardian of your boy?

Mrs. BUMBREY. No; I did not.

Mr. BLANTON. You thought you were to be appointed?

Mrs. BUMBREY. Yes; and that is why I signed my name.

Mr. BLANTON. Did you ever sign more than one paper before Mr. Fenning?

Mrs. BUMBREY. No; only one.

Mr. BLANTON. And this is the paper that you signed?

Mrs. BUMBREY. Yes; this is the paper I signed.

Mr. BLANTON. And you did not know at the time you signed it that he was to be appointed guardian or committee?

Mrs. BUMBREY. No, sir.

Mr. BLANTON. You thought you were to be?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. And that is what you thought you were getting him to do for you?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. And it says down at the bottom, "F. A. Fenning, attorney for petitioner," and you are supposed to have sworn to that before a notary. When you signed this, did you swear to it before a notary?

Mrs. BUMBREY. No one was there but himself and his stenographer.

Mr. BLANTON. Just you three?

Mrs. BUMBREY. That is all.

Mr. BLANTON. Did any notary, so far as you know, ask you to hold up your hand and swear to this?

Mrs. BUMBREY. No; not to hold up my hand.

Mr. BLANTON. Nobody that you remember?

Mrs. BUMBREY. No, sir.

Mr. BLANTON. Now, this is on the office folder of Mr. Fenning, with his name printed on it.

Then I will introduce in connection with that the affidavit of physicians at St. Elizabeths, which says:

"We, the undersigned, do solemnly swear that we are members of the medical staff of St. Elizabeths Hospital, and we are familiar with the mental condition of the above named, who is a patient under treatment in said hospital, and that in our opinion he is of unsound mind."

That is signed by John E. Lane and Edward W. Leslie and sworn to before F. M. Finotti.

Then there is the verdict of the jury, which recites:

"Now comes here, as well the petitioner, by her attorney, Frederick A. Fenning, as the alleged lunatic."

Did you ever appear in court when Mr. Fenning had your boy adjudged insane?

Mrs. BUMBREY. No, indeed; it was unbeknown to me.

Mr. BLANTON. It was without your knowledge?

Mrs. BUMBREY. It was without my knowledge.

Mr. BLANTON. I asked her, Did you appear there?

Mrs. BUMBREY. I never appeared there.

Mr. BLANTON. You never did?

Mrs. BUMBREY. No, sir.

Mr. BLANTON. You did not know anything about it?

Mrs. BUMBREY. No, sir.

Mr. BLANTON. And this shows that your boy was adjudged to be of unsound mind?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. Then there is an order based on that petition, appointing Mr. Frederick A. Fenning as committee, which means guardian of the person and estate of your son; and then there is a report of the committee, showing that since his appointment he "has collected Navy pay of the ward, as mess attendant, to September 30, 1919, in the sum of $86; and it says it is expected that further payments will be received from the same source."

That is sworn to. And then there is the first and final account of Frederick A. Fenning.

When did your son die?

Mrs. BUMBREY. He died on May 9, 1920.

Mr. BLANTON. This was filed October 20, 1920. It shows that Mr. Fenning had received Navy pay from May 31, 1920, $298.34; interest from trust company, $2.07; making $300.41.

And he claims credit for notary fees, $1.25; bond premiums, $7; court costs, $15; United States marshal's fee, $1; personal use of the ward, $25; commission to committee for all services, $20.04. And he shows that he has cash in the National Savings & Trust Co., balance, $221.12.

Mr. BLANTON. When was the first time you knew that Mr. Fenning had made himself guardian of your son?

Mrs. BUMBREY. Soon after my boy was sent out there.

Mr. BLANTON. Soon after your boy was sent out there you learned that?

Mrs. BUMBREY. Yes, sir. I went over to the hospital to see him; and Mr. Dootey—I said to him, "How is my boy to-day?" He said, "He is right smart to-day. He ought to be," he said, "Mr. Fenning has taken him down to court to-day."

Mr. BLANTON. He said Mr. Fenning had taken him to court to-day?

Mrs. BUMBREY. He said, "Did you not know that?" I said, "I did not know anything about it." He said, "You should have known." And I said, "I did not know a word about it."

Mr. BLANTON. Did you ask him to settle with you after you were appointed administratrix?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. Did he agree to do it?

Mrs. BUMBREY. No; he would not do it.

Mr. BLANTON. He would not do it?

Mrs. BUMBREY. No.

Mr. BLANTON. What did he tell you?

Mrs. BUMBREY. He told me to write some officer down there and send the names, and he would settle with them; somebody over in Virginia.

Mr. BLANTON. Did he tell you you would have to be appointed administratrix?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. And you did employ a lawyer?

Mrs. BUMBREY. I employed Mr. James Taylor, in Washington, D. C.

Mr. BLANTON. And paid him a fee?

Mrs. BUMBREY. Paid him $25 fee, besides $30 to the court.

Mr. BLANTON. You paid him all together $55?

Mrs. BUMBREY. Yes, sir.

Mr. BLANTON. You had to pay that out of this $221.12?

Mrs. BUMBREY. Yes, sir.

FENNING FRAUDULENTLY CONSPIRED WITH HIS CLIENT MRS. WHISPELL

Mr. BLANTON. Now, I want to call the committee's attention to the case of Isaac T. Fellows. I want the committee to please note the manner in which that petition is drawn [exhibiting petition to committee]. It is drawn up and places left blank to be filled out.

This is on the paper of Fenning & Gordon, attorneys and counselors at law, Washington, D. C., lunacy No. 7830, in re Isaac T. Fellows. The way the petition was drawn it says: "The petition of ——— Whispell," and, in ink, it is filled in up at the top, "Antoinette Whispell," and then it is filled in, in ink, that she is a stepmother of Isaac T. Fellows, and it is filled in, in ink: "There are no other relations."

And then section 3: "That said Isaac T. Fellows has no real estate and no property of value other than his claim for compensation under the act of October 6, 1917, and a claim for final Army pay and bonus," and then there is added, in ink, "and $50 Liberty bond." Then it recites:

"Wherefore, the premises considered, your petitioner asks: * * *

"That the court appoint Frederick A. Fenning, a member of the bar of the Supreme Court of the District of Columbia, as committee of the person and estate of the said Isaac T. Fellows."

Then there is the affidavit of the two physicians from St. Elizabeths Hospital, which was filed July 12, 1919. The rule to show cause was served on the lunatic July 14, 1919, the verdict of the jury shows that the petitioner appeared by Frederick A. Fenning as attorney, and the order appointing Mr. Fenning committee was filed July 18, 1919.

The order of the court authorized Mr. Fenning to keep the money on deposit in the National Savings & Trust Co., of which he is director and stockholder. Then here is an order dated March 26, 1920, authorizing Mr. Frederick A. Fenning to pay to the stepmother, Antoinette Whispell, $40 for a trip for coming to see the ward here, and a report of Mr. Fenning showing the amount of money that he has put on deposit in the National Savings & Trust Co., filed April 1, 1921.

Then I offer the following two expense bills, Mr. Chairman, for the inspection of the committee, showing how they are rendered by the bonding company, for the bond.

Mr. DYER. Let them go in the record.

Mr. BLANTON. Yes. They are regular accounts rendered to Mr. Fenning, which do not disclose that he has any agency commission, just as if he had paid the money to the bonding companies.

Mr. HERSEY. The only thing you complain of in the case now before us, Mr. BLANTON, is that he charged an illegal fee, to wit, the bonding fee.

Mr. BLANTON. No; there are some other matters.

Mr. HERSEY. I wish you would point the thing out.

Mr. BLANTON. I am going to. Here is one bill, a voucher, November 13, 1919: "Mr. Frederick A. Fenning, committee, 10 night robes at $2—$20."

Here is one of April 19, 1920: "12 night shirts at $1.50—$18."

Another one of November 11, 1920: "12 night shirts, $2.50, $30, less 10 per cent discount, $3—$27."

Another one of May 11, 1921: "12 night shirts, $24, less 10 per cent discount, $2.40—$21.60."

Note that Fenning had the court to allow him $68.60 for night shirts furnished his ward from November 13, 1919, to May 11, 1921, less than 18 months time. But who cared? It came out of the ward's estate.

Then I want to introduce the following accounts of allowances to the stepmother to come to Washington from New York. I am doing this for this purpose, gentlemen. This was a boy who lived at New York. He could have been sent to New York, close to his relative, the only one he had; but he was kept here and $40 every two months was allowed the stepmother to come to Washington.

Here is the receipt of January 31, 1920: Received of Frederick A. Fenning, committee of Isaac T. Fellows, $20, signed "Antoinette Whispell," for "part payment of expenses for trip from New York City to Washington, D. C., and return."

Here is another one, February 9, 1920, $20.
Here is another one, March 26, 1920, $20.
Here is another one, March 31, 1920, $20.
Here is another one, May 25, 1920, $20.
Here is another one, May 29, 1920, $20.
Here is another one, July 23, 1920, $20.
Here is another one, July 29, 1920, $20.
Here is another one, September 22, 1920, $20.
Here is another one, September 25, 1920, $20.
Here is another one, November 18, 1920, $20.
Here is another one, November 22, 1920, $20.
Here is another one, January 22, 1921, $20.
Here is another one, January 27, 1921, $20.
Here is another one, March 21, 1921, $20.
Here is another one, March 24, 1921, $20.
Here is another one, May 20, 1921, $20.
Here is another one, May 24, 1921, $20.

Now they are all for trips back and forth from New York to Washington.

Mr. HOGAN. Do you mean for the mother of the ward?

Mr. BLANTON. For the stepmother of the ward.

My contention is that all of that money was paid out, and if he had sent that ward home and had that stepmother be the guardian for him herself and be close there by him, it would have saved all this expense, and this commission he received every year would have been paid to the boy's mother instead of to some outsider.

Mr. YATES. Very well; I see your purpose there.

Mr. BLANTON. The auditor's report for June 21, 1920, shows an allowance of $120 to Mrs. Whispell, for visiting the ward; bond premium, $7; and commission to Mr. Fenning, himself, as committee, of $259.85.

The report for June 27, 1921, shows notarial fees, $1; expenses of Antoinette Whispell, foster mother of ward, $240, for visiting the ward, and recommended allowances to Mr. Fenning as follows, which was paid: Commission, $200.37; premiums on bond, $16.

Now, gentlemen, I have introduced the papers in the case of Isaac Fellows up to the time of his death. Now I introduce a petition on the law paper of "Frederick A. Fenning, Evans Building, 1420 New York Avenue NW.," filed July 18, 1921, in the Supreme Court of the District of Columbia, holding a probate court, administration No. 28337:

"The petition of Walter B. Cooke respectfully shows the court:

"1. That he is a citizen of the United States and a resident of the State of New York.

"2. That Isaac T. Fellows, late of the District of Columbia, and a citizen of the United States, died intestate in the District of Columbia July 3, 1921, leaving a personal estate consisting of approximately $4,400 in funds and Liberty loan bonds in the hands of his committee in lunacy, and no real estate so far as your petitioner is aware.

"3. That no relatives of said Isaac T. Fellows can be found, other than his stepmother, Mrs. Antoinette Whispell of New York City.

"4. That Walter B. Cooke has a claim against the estate of the said Isaac T. Fellows for $359.10 for burial of said Isaac T. Fellows, and knows of no other debts of said intestate."

Then he goes on and prays that citation may issue and that, unless cause be shown to the contrary, letters of administration upon the estate of said Isaac T. Fellows be issued to Frederick A. Fenning, and so on.

Now, this is an undertaker in New York, the petitioner, and it is filed in court here on the paper of and by Mr. Frederick A. Fenning.

Then I offer the expense account of this undertaker:

Hearse to move body from railroad station	$20.00
Reembalming and care of remains	25.00
Solid oak outside box with copper handles	55.00
Auto to deliver box to cemetery	5.00
Use of funeral chapel	25.00
Minister's fee	15.00
6 men to carry casket at $4 each	24.00
Auto hearse to Woodlawn Cemetery	24.00
8 limousines to cemetery at $13 each	104.00
New adult grave at Woodlawn	77.00
Personal attendance and services	50.00
3 telegrams to Washington, D. C.	4.65
1 telephone call to Washington, D. C.	2.65
4 telephone calls to Jersey City	.80
Car for pallbearers	13.00
One extra car for flowers	13.00
Total	359.10

Then I introduced the summons reciting "F. A. Fenning, attorney"; the summons in this administration case, with Mr. Fenning's name attached as attorney.

Then the order of publication which shows F. A. Fenning and Paul V. Rogers, attorneys.

Then the letters of administration to Mr. Frederick A. Fenning.

Then the inventory showing an estate of $5,442.47, sworn to by Mr. Fenning before Helen A. Losano.

Then the order authorizing the erection of a monument at a cost of $575.

Then this notice:

OFFICE OF REGISTER OF WILLS,
Washington, D. C., September 21, 1922.

FREDERICK A. FENNING, Esq.,
Evans Building, City.

SIR: The records of this office show that the year allotted you by law in which to settle the estate of Isaac T. Fellows, deceased, No. 28337, has expired, and that you have not rendered an account of your trust, as required by law.

Your attention is invited to the instructions printed for your guidance on the back of the inclosed blank. After stating your account, you should forward it to the register of wills, Washington, D. C.

A prompt compliance with the above instructions will be appreciated.

Very respectfully,

THEODORE COGSWELL,
Deputy Register of Wills.

Then there is this indorsement on it:

"I have not yet located heirs at law or next of kin, but am in active correspondence in the hope of locating such persons and ask that time for accounting be extended six months.

9/26/22 F. A. FENNING."

Then here is a petition filed October 11, 1922, by Mr. Frederick A. Fenning and sworn to before Helen A. Losano, notary, which says that the administrator has for distribution something in excess of $3,500.

It says:

"That it appears that the intestate lived, for many years, in New York City and the administrator deems it advisable to make personal inquiry in that city and vicinity, in the hope of locating persons entitled to distribution.

"That the administrator estimates that the expense involved in making such inquiry will not exceed $40."

Then he asks that the court pass an order authorizing the administrator to make such personal inquiry. That was filed October 11, 1922.

Then there is the order of court allowing him to make that personal inquiry at an expense of $40, filed October 13, 1922.

Then on December 19, 1922, Mr. Fenning filed this petition for instructions:

"The petition of Frederick A. Fenning, administrator in this cause, respectfully shows the court—

"That pursuant to the order of this court of October 13, 1922, authorizing the administrator to proceed to New York City. * * *"

Well it just goes on to state that he went there and then says:

"That, as a result of the inquiry conducted by the administrator, he was unable to find record of any living person who is the next of kin or heir at law of the intestate.

"That since the said inquiry was made the administrator has received from Messrs. Conklin & Montross, 59 Wall Street, New York City, a proof of claim made by the said Antoinette Whispell against the estate of the said Isaac T. Fellows, containing a statement of account in which there is claimed from the estate of the intestate $3,265 with interest.

"That the said proof of claim is herewith submitted to the court for such action as the court may deem proper, the administrator hereby indicating his willingness to promptly comply with any order that the court may make in the premises."

FENNING CAUSED THIS FRAUDULENT CLAIM FILED

Mrs. Whispell was not entitled to this estate. Her claims were fraudulent. When Judge Wilkes investigated her in New York, she immediately withdrew her claims. And I will quote from testimony of Fenning before Gibson committee showing that it was Fenning's $40 trip to New York that incited Lawyer Montross to file such claim for Mrs. Whispell:

Mr. BLANTON (resuming reading): "and after considerable correspondence is unable to locate heirs at law or next of kin.

"2. That it appears that the intestate lived for many years in New York City, and the administrator deems it advisable to make personal inquiry in that city and vicinity in the hope of locating persons entitled to distribution."

You wanted to take a trip to New York, Mr. Commissioner?

Mr. FENNING. That petition speaks for itself.

Mr. BLANTON. And you got an order for $40 to make it personally. Why didn't you put a notice in the New York Times?

Mr. FENNING. Did you see the order the court signed?

Mr. BLANTON. Yes.

Mr. FENNING. That is the answer; because I complied with the order of the court.

Mr. GIBSON. How much more of that is there?

Mr. BLANTON. Mr. Chairman, this is the most important matter that has been before Congress since I have been here; it is something that affects the liberty of every ex-service man in the United States, and we ought to take time.

[Resumes reading:]

"Ordered, that said administrator be, and is hereby, authorized to make personal inquiry in New York City and vicinity, with a view to locating heirs at law or next of kin of the intestate, the expenses incident to such inquiry not to exceed $40 and to be paid from this estate."

Mr. FENNING. Who signed that?

Mr. BLANTON. That was Walter I. McCoy, the man who swore you in, and he signed many of yours.

Mr. FENNING. Yes.

Mr. BLANTON. And his petition for the erection of a $575 monument. [Reading:]

"Petition of Antoinette Whispell"——

That was your client?

Mr. FENNING. Oh, she was my client in the lunacy proceedings.

Mr. BLANTON. Why don't you admit it? She was his client.

Mr. FENNING. In the lunacy proceedings. I said she was my client in the lunacy proceedings.

Mr. BLANTON. Why she was his client and he was attorney of record. When she filed her account it was Mr. Wilkes who went up there and got a statement that stopped you, did it not, Mr. Fenning?

Mr. FENNING. Did she file a claim in court?

Mr. BLANTON. Yes.

Mr. FENNING. Have you got that there?

Mr. BLANTON. Yes.

Mr. FENNING. Who were her attorneys?

Mr. BLANTON. I will show you who they were. When you took this trip to New York at Fellows's expense, didn't you go to see the attorney that represented this woman?

Mr. FENNING. Yes.

Mr. GIBSON. Who was it?

Mr. BLANTON. Who was it, Mr. Fenning?

Mr. FENNING. It was a firm on Wall Street, and the one I saw was Mr. Montross.

Mr. BLANTON. And didn't you tell Mr. Montross about this transaction, and wasn't it the first time he had ever known?

Mr. FENNING. I saw Mrs. Whispell there at Montross's office.

Mr. BLANTON. Didn't Mr. Montross get his first intimation of this estate from you?

Mr. FENNING. I may have recommended Mr. Montross's firm to her.

Mr. BLANTON. Oh, yes; that is what you may have done.

Mr. FENNING. Yes.

Mr. BLANTON. And you had them file that claim for her?

I promise the committee that I will show that later. I want to ask if James Wilkes, who is at present assistant corporation counsel of the District of Columbia, did not go to New York and get a statement from that woman that caused her account to be withdrawn?

Mr. FENNING. He went up there and got some kind of a statement that caused her attorneys to withdraw; yes.

Mr. BLANTON. And he made you pay every dollar of that estate, after you paid your commissions, to the District of Columbia; did he not?

Mr. FENNING. There was no contention to the contrary on my part. I submitted the matter to the court. The District of Columbia would have been entitled to the money if he died without relatives up to the fifth degree. I sent notice to corporation counsel, and the assistant corporation counsel went up to New York City and made an investigation, as a result of which he concluded she was not entitled to it, and her attorneys wrote a letter down here withdrawing the claim.

If Judge Wilkes had not gone to New York and investigated Mrs. Whispell, and scared her into withdrawing her fraudulent claim, Fenning would have had this entire estate paid over to her and there would have been a division of fees between him and Montross. But such estate is now held by the District of Columbia, and whenever the rightful heirs of Isaac T. Fellows are found they will get it.

And besides his own fees and commissions allowed him by the court, both as committee while Fellows was alive and as administrator after Fellows died, I showed that the court allowed Fenning for three bond premiums and six notary accounts for his Miss Helen A. Lasano, and $12.90 for his Washington Law Reporter. Here is why Fenning became director of and attorney for it:

RULE OF COURT

RULE 24, SEC. 3. Hereafter all notices which relate to proceedings in the Supreme Court of the District of Columbia, the publication of which is required by law or by rules of court or by any order of court, shall be published in the Washington Law Reporter, during the time required by law, in addition to any other papers, which may be specially ordered or which may be selected by the parties.

FREDERICK FENNING WROTE ANOTHER WILL FOR INSANE WARD.

Mr. BLANTON. In lunacy case No. 4270 of Mary Ellen Sauter, non compos in the Supreme Court of the District of Columbia, I read the following excerpts from the petition.

Mr. HERSEY. What is the date of the petition?

Mr. BLANTON. It was filed on July 18, 1911. [Reading:]

"That Mary E. Sauter is likewise a citizen of the United States and a resident of the District of Columbia and is of the age of 73 years.

"That the said Mary Ellen Sauter is the owner of real estate in the city of Washington, District of Columbia, of the value of about $3,500, from which real estate there is a monthly income of $28 derived from the rental thereof. That in addition thereto the said Mary Ellen Sauter has personal property consisting of moneys in bank to the extent of about $1,200 and is likewise the recipient of a pension of $12 a month from the United States Government.

"That the said Mary Ellen Sauter has for the past 18 months or 2 years been in a mental condition which has wholly unfitted her to execute a valid deed or contract or to transact ordinary business matters involving the preservation of her estate and that the only income which she has is derived from her pension and the estate hereinbefore mentioned. That your petitioners are advised and believe that the said Mary Ellen Sauter is suffering from senile dementia and that she is wholly unfitted to care for her estate and that if she be permitted to retain possession of her property that she will dissipate same and alienate her interest in the real estate and will be subjected to the machinations of unscrupulous and designing persons."

Mr. BLANTON. This is an affidavit by James P. Way, stating he treated her in Chicago for senile debility. It is dated June 21, 1911, and reads:

"This is to certify that I treated Mrs. Mary E. Sauter during her stay in Chicago for senile debility, both mental and physical."

And then here is an affidavit of Dr. James P. Way stating the same thing, that in 1908 he was called to treat her, and so on. I will not read it all, but it shows he treated her for it in 1908.

Then here are two affidavits from Emil Suehlsen and Mrs. Martha Suehlsen, who are proprietors of a grocery store in Chicago, and they say that in their estimation Mrs. Sauter is not capable of taking care of any property she may possess and is in need of a guardian, and that is sworn to on the 9th day of July, 1911, and they found that condition in March, 1911.

Then there is the affidavit of William Schultz, who testifies practically to the same thing.

Then Curtis Petzel, who by occupation is a butcher in Chicago, gives an affidavit that he has been acquainted with Mrs. Mary Ellen Sauter since the spring of 1908 and has frequently waited on her when she made purchases at the store where he was employed, that she was very eccentric and a hard customer to wait upon and this was attributed to the fact that she was of advanced age and therefore childish. He noticed her condition getting worse just before her leaving Chicago for Texas in 1910, and in his estimation Mrs. Sauter is not able to transact any legal business or to manage property and that she should have some reputable person to attend to her matters for her.

Mrs. Dora Ogden testifies that she lives in El Paso, Tex., and that she was very much shocked to see how much this Mrs. Sauter had failed and how childish she had become and was distressed to note how she was becoming worse during the latter part of her visit.

And here is another one by L. W. Smith much to the same effect.

"Dr. B. R. Logie, being first duly sworn, deposes and says: That he is a physician practicing medicine in the District of Columbia and personally knows Mary Ellen Sauter. That he has examined the said Mary Ellen Sauter within the last 24 hours and confidently believes her of unsound mind and incapable of managing her property or properly protecting herself."

That is signed by B. R. Logie and sworn to on the 19th day of July, 1911, before Theodore Block.

Then the verdict of the jury finds her to be of unsound mind.

Then the order appointing the committee reads in part:

"And it is further adjudged, ordered, and decreed that Frederick A. Fenning and George W. Baumann be, and are hereby appointed committee of the person and estate of said Mary Ellen Sauter, upon their giving bond in the sum of $2,000, conditioned for the faithful performance of the trust in them reposed."

Mr. HERSEY. The jury found her of unsound mind?

Mr. BLANTON. Yes, sir.

Now I want to read a will that was made. Here is the will. Can you gentlemen agree that this will was prepared by Mr. Fenning [handing document to Mr. Hogan]?

Mr. HOGAN. I know there was a will prepared by Mr. Fenning.

Mr. BLANTON. That is the one. It will save some time.

Mr. HOGAN. Yes; on the 30th day of June, 1911.

Mr. BLANTON. This is a will that it is admited Mr. Fenning prepared, that was signed by Mrs. Sauter.

Mr. HOGAN. He prepared it as attorney for the lady. He was the draftsman of it.

Mr. BLANTON. Yes; and it was executed on the 30th day of June, 1911, and this petition, you understand—if you will keep this point in mind—filed July 18, 1911, the same year, just about a month afterwards, recites that Mary Ellen Sauter has for the past 18 months or two years been in a mental condition which wholly unfitted her to execute a valid deed or contract.

Mr. BLANTON. Without reading it, I will introduce the will that she made on December 5, 1901.

Mr. HERSEY. That is the last will?

Mr. BLANTON. That is the first will. The last will was the one Fenning drew about a month before she was committed.

Then the first account of the committee shows that they have received total receipts of $1,608.20; that they have paid W. E. Ambrose for attorney's fee and cost $41; to F. A. Fenning, attorney's fee, $25; to Dr. B. R. Logie, examination and testimony, $25; board of ward to April 15, 1912, $222.84.

That was signed and sworn to by Mr. Fenning and Mr. Baumann.

The report of the auditor shows that the physician's fee of $25 was paid to Doctor Logie; that notarial fees of $3 were paid; that the board of ward to April 15, 1912, was $224.84; that the bond of the trustee was $10; that the solicitor's fee to F. A. Fenning, Esq., was $15; that the commissions of committee were $80.41; and that the auditor's fee was $15.

Now, the second account of Mr. Frederick A. Fenning and George W. Baumann, made under oath, shows disbursements as follows: To Dr. B. R. Logie, $10; to Dr. A. J. Hall, $10; to Dr. R. A. Pyles, $8; bonds, $10; notarial fees, $2.25; Dr. E. F. Pickford, $2.

For all services rendered in filing this account the committee suggest that a commission of 8 per cent will be a reasonable compensation.

Now, that brings us up to the death of this woman, and I read the following:

The petition of Frederick A. Fenning respectfully shows the court "that he is a citizen of the United States and a resident of the District of Columbia; that Mary Ellen Sauter, late of the District of Columbia, died in the District of Columbia; that your petitioner is named in the said last will and testament as executor and trustee, and is advised that in order that this estate may be administered in the manner provided by law it is necessary that the said last will and testament be admitted to probate and record as a will of real and personal property and letters testamentary be issued thereunder."

Mr. HERSEY. He is now petitioning to be appointed by the court executor under the law?

Mr. BLANTON. Of the will that he himself prepared.

Mr. HERSEY. I do not suppose that makes any difference.

Mr. BLANTON. Now, here is a petition for caveat. It sets up that petitioner "is informed and believes and therefore avers that a certain paper writing, dated June 30, 1911, has been filed, and application made for the probate thereof as the last will and testament of the said Mary Ellen Sauter, deceased.

"That said deceased was not, at the time of the making and subscribing, or the acknowledging by her of the said paper writing, dated June 30, 1911, of sound mind and memory, or in any respect capable of making or executing a will.

"That the said deceased did not, at the time of making the subscription at the end of the said paper writing, dated June 30, 1911, or at the time of acknowledging the subscription to have been made by her to the attesting witnesses to the said paper writing, declare the said paper writing to be the last will and testament of the said Mary Ellen Sauter.

"That the attesting witnesses to said paper writing, dated June 30, 1911, did not, nor did any of them, sign his name as a witness to the said paper writing at the request of or in the presence of the said Mary Ellen Sauter.

"That the said paper writing, purporting to be such last will and testament, was obtained and the execution thereof procured, by fraud and coercion practiced upon her by James Goddard, Myla S. Goddard, and by the executor named in said paper writing, or by all of them, or by some other person or persons unknown to the petitioner.

"That the said paper writing, dated June 30, 1911, was not freely and voluntarily executed or made or known as the decedent's last will and testament by said deceased, but that the subscription thereto and the publication thereof, if at all, by her, was procured by fraud and coercion exercised upon her by James Goddard, Myla S. Goddard, or the executor named in said paper writing, or all of them, or by some other person or persons unknown to the petitioner."

Note that they claimed that Frederick Fenning committed fraud in preparing said purported will, when Mrs. Sauter was insane, and having himself named as the executor therein.

Mr. BLANTON. Now, on this legal document which is a petition for letters ad colligentum, "The petition of Frederick A. Fenning respectfully shows to this honorable court:

"That he is the same person who filed a petition asking that the will of Mary Ellen Sauter, deceased, dated June 30, 1911, be admitted to probate and that letters testamentary issue to him in accordance with the terms of said will.

"2. That a caveat has been filed by one Frederick V. Sauter, one of the heirs of the said Mary Ellen Sauter, and a beneficiary named in said will, dated June 30, 1911, denying the validity of said will and praying that the court refuse to admit said will to probate.

"That in view of the condition as set forth above, it would be for the advantage of the creditors and all persons interested in said estate for a collector to be appointed."

Mr. HERSEY. Does the statute of the District of Columbia authorize such an appointment?

Mr. HOGAN. The answer is yes.

Mr. BLANTON. That is the counsel's answer.

Mr. HOGAN. He asked if the statute of the District of Columbia authorized such an appointment, and the answer is yes.

Mr. BLANTON. That is the counsel's answer, but here is the other party in his answer. The court may appoint a collector, but, as counsel says, it may be contended that it was not necessary [reading]:

"That the respondent believes and therefore avers that the only property belonging to the estate consists of $750 in cash and a trust note, and certain real estate known as premises No. 1518 Tenth Street NW., Washington, D. C., which premises are rented for the sum of $20.50 per month, and which rent is being collected by Benjamin F. Saul Co., real-estate agents, of 934 New York Avenue NW.

"That all of said property is in the custody of a committee, consisting of Frederick A. Fenning and George W. Baumann, appointed by this honorable court in lunacy proceedings No. 4270 (which I hereby refer to and prayed to be read as a part hereof), whose bond was duly approved and filed in this court; and that, pursuant to an order, passed in said cause, the Washington Loan & Trust Co. was designated as a depository for all funds belonging to the estate.

"That the appointment of a collector will entail additional and unnecessary expense chargeable against the small balance now remaining for distribution, there is no pressing necessity for the appointment of a collector so far as the preservation and security of the assets are concerned, and that there are no intricate or urgent duties to be performed by a collector pending the disposition of the caveat herein above referred to."

Mr. HERSEY. Who is that signed by?

Mr. BLANTON. By one of the heirs, Frederick V. Sauter. Here is an order I wish to read to the committee:

"On consideration of the petition of Frederick A. Fenning, etc.

"Adjudged, ordered, and decreed that Frederick A. Fenning be and he is hereby granted letters ad colligendum on said estate," etc.

This is a motion to vacate and set aside the order appointing a collector:

"Now comes Frederick V. Sauter, by his attorneys, Loving & Hamner, and moves the court to vacate and set aside the order. It was stated by this honorable court that there appeared to be no urgent necessity for the appointment of a collector, and the court, being desirous of conserving the assets of this estate, refused to appoint a collector in compliance with the petition presented therefor.

"That notwithstanding the fact that the court refused, etc., it appears that an order was presented to this honorable court by Frederick A. Fenning, etc., without the knowledge or consent of or notice to the said Frederick V. Sauter, or his attorneys of record, and without any suggestion or intimation to the said attorneys that an order would be presented to the court for signature, and without an opportunity to be heard further with regard to the appointment of a collector.

"In consideration of the foregoing recitation of facts the said Frederick V. Sauter moves the court to vacate and set aside the order."

Mr. HOGAN. Have you the order of the court on that?

Mr. BLANTON. I do not find any order.

Mr. HERSEY. Letters to the executor?

Mr. BLANTON. To the collector, showing the court must have overruled it. I have not the order here. There may be one, but I have not seen it. These letters to the collector were given the next day.

Mr. HOGAN. To Mr. Fenning?

Mr. BLANTON. Yes. It appoints Frederick A. Fenning, of the District of Columbia. Here is the order of court framing the issues for trial.

Mr. HERSEY. Issues in what?

Mr. BLANTON. In the will contest.

Mr. HOGAN. In the ordinary form of law.

Mr. BLANTON (reading). "Upon consideration of the caveat of Frederick V. Sauter, filed herein, against a certain paper writing, dated the 30th day of June, 1911, which paper writing, purporting to be the last will and testament of Mary Ellen Sauter, deceased, was filed herein on the 26th day of December, 1916, and no answer thereto having been filed other than by the guardian ad litem of L. I. Sauter, it is, this 20th day of April, 1917—

'Ordered that the following issues be, and they hereby are, framed to be tried before a jury:'

"1. Was the paper writing, filed in this court, bearing date the 30th day of June, 1911, the last will and testament of Mary Ellen Sauter, deceased?

"2. Was the said Mary Ellen Sauter, at the time of making and subscribing, or of the acknowledging by her of said paper writing, of sound and disposing mind and capable of executing a valid deed or contract?

"3. Was the said paper writing, dated June 30, 1911, purporting to be the last will and testament of Mary Ellen Sauter, deceased, executed and attested as required by law?

"4. Was the said paper writing, dated the 30th day of June, 1911, obtained, or the execution thereof procured from the said Mary Ellen Sauter, deceased, by undue influence of James Goddard, Myla S. Goddard—

And it was originally written in here in type "Frederick A. Fenning, the executor," and "Frederick A. Fenning" has been scratched out and is omitted, so that it reads: "The executor named in said paper writing, or any of them, or any other person or persons?"

Mr. HERSEY. You do not claim it was changed after it was filed in court?

Mr. BLANTON. I claim the way it was first drawn it gave the name of the executor, and before the matter was submitted the name was stricken out and it just left "the executor" without the name.

Mr. BLANTON (reading):

"5. Was the said paper writing, dated the 30th day of June, 1911, obtained, or the execution thereof, or the subscription thereto procured from the said Mary Ellen Sauter, deceased, by coercion, fraud, or duress practiced upon the said Mary Ellen Sauter, deceased, by James Goddard, Myla S. Goddard, or"—

And here it is again, originally written in the name "Frederick A. Fenning," and then scratched out "the executor named in said paper writing, or any of them, or any other person or persons."

Now, here is the order. I want to read this. It is not very long.

"Again come here the parties aforesaid in manner aforesaid and the same jury that was respited yesterday; whereupon, upon motion of the caveatee, by his attorney, Frederick A. Fenning, Esq., a juror is withdrawn and the case is passed."

Will counsel agree that this court withdrew a juror at the instance of Mr. Fenning?

Mr. HOGAN. No. I will agree to the fact. I will agree that, in spite of the charge given by the court, counsel representing the contestants deliberately put before the jury a thing which was prejudicial, and the judge promptly, upon motion, withdrew a juror and continued the case.

Mr. BLANTON. At the request of Mr. Fenning?

Mr. HOGAN. Upon the very proper and lawyerlike motion of Mr. Fenning.

Mr. BLANTON. I will agree to that statement, because it shows it was Mr. Fenning who had the juror withdrawn.

Mr. HOGAN. Certainly.

Mr. BLANTON. That ends that. Now, will counsel agree, to save the trouble of bringing a lot of other witnesses here, that before there could be another trial the party in that case died?

Mr. HOGAN. I do not know that to be the fact. My information is that he was sick.

Mr. BLANTON. You will admit there was no jury trial?

Mr. HOGAN. I will admit any fact I know.

Mr. BLANTON. There was no other jury trial?

Mr. HOGAN. There was no other jury trial.

Mr. BLANTON. Here is the order admitting the will to probate and issuing letters testamentary to "Frederick A. Fenning, the executor named in the will, upon his giving bond in the sum of $2,000."

Mr. DYER. Mr. BLANTON, are not those papers to be filed with the committee?

Mr. BLANTON. I would like for the committee to do this. I would like for the committee to get an order from Justice McCoy, chief justice of the Supreme Court of the District of Columbia, permitting me to turn all these papers over to the committee until this case is ended, so that my personal responsibility will end. If the chairman will get Justice McCoy to give that order, I know he will be very glad to do it. He has been very nice to me, and all the courts here have been very nice, in granting every request I have made for the production of papers.

Mr. DYER. Very well.

Mr. HOGAN. Then, if the papers get lost, Mr. DYER will be held in contempt, and not Mr. BLANTON?

Mr. BLANTON. Here is the account of Frederick A. Fenning.

Mr. HERSEY. As executor?

Mr. BLANTON. As executor. It shows that he received from the collector $1,369.94, that he received from E. J. Hillyard, $200, deposit on purchase of 1418 Tenth Street NW.; that he received from George W. Bauman, gold, $20; rents 1418 Tenth Street NW., $196.80; interest Trust Co., $9.39; making a total of $1,796.13.

It shows the following disbursements:

"Notarial fees, $1; Law Reporter, publishing notice, $5; Evening Star, publishing notice, $6.30; Frank Geier's Sons, undertakers, $150.07; fire insurance premium, $4.50; personal tax, 1921, $4.11; refund to Hillyard of deposit on purchase of real estate, $200; bond premium, $20; auction sale, advertisement, and auctioneer, $83.48; allowance to executor to cover all services, including professional services in will contest, $300."

"Murry Nelson, conducting examination in Chicago, will contest, $25; Dr. Frederick O. Roman, testimony in will contest, $10; Dr. James H. Stone, same, $10; Law Reporter Co., publishing order, $8.89; Evening Star, publishing notice, $9.60; James Sherier, reimbursement of expenditures in summoning witnesses in support of will, $3.50; reserve for payment of 1922 personal tax, $4.22; register of wills, costs this account, $27; making a total of $872.67."

Here is the account of Frederick A. Fenning as collector in that case. He shows that he received the rents from the real estate property mentioned, collected to May 16, 1920, $712.10. He received cash from the committee in lunacy, $254. Then there was principal and interest to August 21, 1917, on a $500 note, $515.80. Interest on bank deposit to January 1, 1920, $53.14.

He claims credit and allowance for the following disbursements: Notarial fees, 75 cents; expense of minor's trip to accept service, $14; premium on bond, four years, $20.

Mr. HERSEY. Outside of the bond, do you claim there was anything that was not all right?

Mr. BLANTON. There are a whole lot of expenses that, if the committee should agree with the contestants, might have been saved. They fought that appointment as collector and claimed it was done without their knowledge, and the court once said he would not appoint the collector. I claim that all of these expenses could have been saved. For instance, the marshal's fee of $1; register of wills, $15; publication of notice, $11.89; register of wills, cost this account, $15.05.

Mr. HERSEY. We will never get home.

Mr. BLANTON. I am in almost as big a hurry to get to Texas as the gentleman is to get to Maine. I ought to be in Texas right now.

You will note that in this Sauter case Frederick Fenning was first appointed committee or guardian of insane Mrs. Sauter; that he had less than a month before drawn her will while she was insane, designating himself as executor; that when she died he got himself appointed collector for the estate; that when the court submitted the issues of his fraud to the jury in the contest filed by Mrs. Sauter's heir, Fenning had a juror withdrawn, which caused a mistrial, and that before another jury trial could be had this heir died, and Fenning had himself appointed executor.

HERSEY SHALL NOT WHITEWASH FENNING AND DOCTOR WHITE

The committee investigating White and Fenning in 1906 consisted of five. Two condemned them. Three tried to whitewash them. Congress adjourned without voting or knowing the facts. No one went to the trouble of briefing the evidence. Thus Fenning and White escaped. And for 20 years they have enlarged their exploitation. And White will escape again unless some one makes known the evidence. Therefore I have performed the arduous, thankless labor in briefing this case for publication in the RECORD, so that the 435 Congressmen and 96 Senators may know just what Doctor White and Frederick Fenning have been doing for 23 years in partnership together.

These hearings were concluded just about the time Congress was adjourning. No vote was permitted on Fenning. I knew all along that politics would cause a bare majority of the committee to attempt to save him. My letter to Chairman DYER, which he published on page 1015 of the hearings, shows this:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 4, 1926.

MY DEAR FRIEND DYER: The undisguised and clearly apparent attitude of defense for and friendliness to Fenning, zealously manifested throughout the entire hearings by both my colleagues, HERSEY and GORMAN, the only two attending all meetings, has convinced me that it would be utterly futile and an absolute waste of time and effort for me to file a brief or to make an argument.

It is very evident to me that if shell-shocked veterans are to get out of Fenning's clutches their case must be appealed to the people of the United States, and as soon as I can get some needed rest I shall devote all my time and what little means I have toward that end.

Brothers HERSEY and GORMAN have harassed and hampered me, their helper, at every turn. The latter, uninformed, eulogized the D. C. as the most honest government of all, when the well-posted Gibson committee has concluded that it is one of the rottenest.

They knew I couldn't assist longer than 10 to-night, yet without asking him a question they permitted Fenning to waste hours reading wholly irrelevant correspondence from officials of the Veterans' Bureau, which his evidence in 1906 and before the Gibson committee shows conclusively he, himself, incited by direct solicitation all such business.

And without a question they silently permitted Fenning to read a stack of wholly irrelevant correspondence with Percy W. Dennis, when the only pertinent issue was "whether Dennis first wrote Fenning or Fenning first wrote Dennis"; and the initial letter from Dennis started out by acknowledging the receipt of Fenning's letter on the 20th, and not one question did they ask Fenning about his ridiculous claim that he could not find his file copy of his letter of the 20th to Dennis. That proved conclusively the truth of Mrs. Lee's statement that Fenning first wrote Percy Dennis.

Fenning's file which I gave into your keeping showed 11 different letters he wrote to the Bureau of Supplies and Accounts in the Navy Department about the Frank Allen case, yet they did not examine same, did not ask him a question about it, and did not put such letters in the record, knowing that I would not be there to do it; and the files of the Navy Department show that eight of such letters are not there now.

Paul Rogers testified emphatically that he has been interested in no case with Fenning during 1926 and was interested in only two cases in 1925, the Norris case, in which they received a joint fee of $75, and the Cunningham case, in which they received a joint fee of $150. Yet when Fenning made the ridiculous claim that "Rogers had done all the appearing in court since June 5, 1925, when he became commissioner," neither HERSEY nor GORMAN asked him a question, when, if such had been true, Rogers, in law, would merely have been his agent, and he as principal would be charged with such appearances just as much as if he had gone in person.

The Mary V. Bumbrey case seemed to be taken as a joke. She testified unequivocally that she employed Fenning to qualify her as guardian; that he perpetrated a fraud upon her by making himself committee.

I have worked 18 hours per day for the past two months and have impaired my health and must take a rest. I want to thank you, DYER, for your personal courtesy to me, for you have tried to be fair and have seemed to appreciate the hard work I have done for your committee. I shall not forget you. Fenning was whitewashed in 1906. There has been a World War since then. Sons from every section participated. They watch now.

Sincerely yours,

(Signed) THOMAS L. BLANTON.

And by a mere gesture of his hand Mr. HERSEY can not wave aside all of the evidence and give Fenning a clean bill of health by publishing generalities attacking me and asserting "I find no fault in Fenning." In his tirade Mr. HERSEY said that I tried to put in the hearings as evidence an affidavit from a party living in Texas, and I quote from page 12847 of the RECORD his further comment. Mr. HERSEY said:

Our committee examined the affidavit and found that it contained nothing admissible in evidence and could prove anything possible in the case, and having told Mr. BLANTON this he next insisted that the witness should come into the District, if he had to pay the witness's fees out of his own pocket, and the witness was sent for, and when he arrived he did not even understand the affidavit and knew nothing about the case, and this was at an expense of about $200.

Mr. HERSEY's above statement was just about as fair as was his every other act in this Fenning case. I never heard of Robbins until he wrote me and mailed me his affidavit. And this is the affidavit he sent me from San Antonio, Tex., which Mr. HERSEY refused to admit in evidence and thereby forced me to bring Robbins from Texas:

STATE OF TEXAS,
County of Bexar, ss:

I, N. H. Robbins, being duly sworn, make the following statement with reference to the pending inquiry into the guardianship practice of Commissioner Frederick A. Fenning, of the District of Columbia:

I was a resident of Washington, D. C., for 50 years or more and up to March, 1923. I became acquainted with Frederick A. Fenning about the year 1889 or 1890, when he was a lad of about 15 years of age and was employed as a messenger or in some similar capacity in the office of Col. Sidney L. Willson, United States pension agent at Washington, corner of Fourth and F Streets NW. I was instrumental about that time in getting him a small job of work to be done after office hours, and thereafter I maintained friendly relations with him for three or four years. Following his graduation from law school he formed a copartnership with Fred G. Coldren, whose business at that time was chiefly the prosecution of pension claims. From this time I was not in touch with him until the incident I am about to relate, but was aware of his specialty in acting as fiduciary in insane cases at the Government Hospital for the Insane.

About December, 1913, possibly 1912, a near relative of mine, who was an inmate of the Methodist Home for Old Ladies at Sixth and M Streets NW., was, without notice to me or my brother, sent to the

Government Hospital for the Insane; I knew nothing of the circumstances under which the commitment was made, although my address must have been known to the authorities.

The first knowledge of the fact that she had been committed was derived from Mr. Fenning, who called me on the telephone two or three months later to inquire whether I was related to the patient, and upon learning that I was, he asked whether I would have any objection to his appointment as committee. In view of our past friendly relations and knowing that he was thoroughly experienced in such matters, I consented, but on the condition that my brother also give his consent. He obtained my brother's consent and took over approximately $1,000 in cash, which the patient had on deposit at the bank, and arranged to receive her pension checks in the amount of $17 per month. The pension was, of course, paid quarterly, and he received the same during the entire period of his guardianship, which lasted possibly three years, but no longer. The patient died about three years after her commitment, and upon interviewing the finance officer in charge of the institution, I found that Mr. Fenning had been released from the guardianship a short time before and had turned in as balance on hand between $80 and $90. It would appear that altogether Mr. Fenning handled and disposed of something like $1,600 during the period of his committeeship, and all of this sum was consumed with the exception of the small balance above mentioned. I was told by a nurse in attendance in the building of which the patient was an inmate that she had broken her hip within a few weeks after arrival at the institution and never left the bed thereafter; I was further told that the maintenance cost of patient under the circumstances of her commitment was $23 per month. It would seem therefore that her cash funds should have been drawn upon only to the extent of $6 per month, which added to her pension would have paid for her maintenance. She, of course, required no clothing, and it is not conceivable that there could have been any other substantial cause for expense; consequently I have always felt that her funds were not judiciously cared for; besides I felt there was a failure to discharge the full duty of committee, and that a real lack of consideration for me had been shown by Mr. Fenning when he proceeded to secure the discharge by the court without conference with me; I made no comments, however, and no investigation at the time for the reason that I was then in rather precarious health and had other matters to occupy my time and thoughts.

My address is post office box 1316, San Antonio, Tex.

N. H. ROBBINS.

Sworn to and subscribed by the above-named affiant before me, the undersigned authority, on this the 19th day of May, A. D. 1926, in Bexar County, Tex. Given under my hand and seal of office.

[SEAL.] GERTRUDE L. BEECHING,
Notary Public in and for Bexar County, State of Texas.

Now Mr. HERSEY contends that this affidavit contains no charge affecting Fenning. I will let you who read this decide for yourself. And Mr. HERSEY says that after I had Robbins come here "he did not even understand the affidavit, and knew nothing about the case." Reader, please decide this also. Robbins testified:

TESTIMONY OF NATHAN H. ROBINS, SAN ANTONIO, TEX.

The witness was duly sworn by Mr. DYER.

Mr. BLANTON. In connection with Mr. Robin's testimony, gentlemen, I offer the following papers:

Petition by the Commissioners of the District of Columbia to declare Mrs. Barbara E. Robins of unsound mind, filed December 19, 1910, in the supreme court, in which I want to call attention to the following two allegations——

Mr. HOGAN (interposing). What is the case?

Mr. BLANTON. Barbara E. Robins, Lunacy No. 4045:

"That she is believed to be insane or of unsound mind, and has been apprehended, and is now being detained at the Government Hospital for the Insane, etc.

"That the said Barbara E. Robins is represented to your petitioners, and is believed by them to be an indigent insane person, or person of unsound mind."

Then the rule to show cause, served on Barbara E. Robins. And the verdict of the jury, showing that she is of unsound mind. That was filed December 22, 1910.

Then of February 8, 1911, on the official folder of F. A. Fenning and B. W. Parker, attorneys at law, Washington, D. C., I read the following petition for appointment of committee:

"And this petition sets forth that she has certain money coming to her, and I will not read it all. It just shows the necessity for the appointment of a committee, and asks the court to appoint one."

Mr. HERSEY. Does it name the committee in there?

Mr. BLANTON. No; but it was filed on Mr. Fenning's official folder.

Then I introduce the order appointing Mr. Frederick A. Fenning, committee, filed the same day, February 8, 1911.

Mr. HERSEY. By the judge of the court?

Mr. BLANTON. Yes; by the judge of the court.

Then I introduce, on Mr. Fenning's legal cover, a petition by him as committee, wherein he asks for authority to dispose of certain securities belonging to her. That was filed February 14, 1911. And on the same day is the order of court authorizing the sale of those securities.

Then the report of Frederick A. Fenning, committee, shows that there has been paid to him, as the net amount due from the $500 deed-of-trust note, after deducting the indebtedness to him of the ward, in the sum of $285.75, and so on, which he has deposited with the Washington Loan & Trust Co. At that time you will remember that he was a director of that company. And it also shows that there has also been delivered $500 deed-of-trust note, due May 10, 1911, etc.

Then here is the first account of Mr. Fenning—certain excerpts of it—filed November 3, 1911, wherein he shows that he has collected $285.78 from A. F. Fox & Co., and he has a $500 deed-of-trust note, and he has received $1.57 interest, and he asks to reimburse the District of Columbia $22.04, court costs and board; notarial fees, 50 cents; and he asks to be allowed 10 per cent of the estate to cover—now, I want to read one very important paragraph in here, gentlemen, because it bears on another question I have raised:

"For all services rendered, including the preparation of papers incident to the appointment of committee, the committee suggests that he be allowed a commission of 10 per cent, which is to cover costs of fiduciary bond."

He does not ask for the bond separately; this is to cover costs of fiduciary bond.

Mr. YATES. Is that something different from the usual allegations?

Mr. BLANTON. Yes, sir. In all the recent cases, you will find that he is allowed his commission, and also the whole bond premium in addition.

Then I will read the report of the auditor on that first account—certain excerpts from it. It shows that he is allowed 50 cents notarial fees, and the allowance to the committee $80.28.

Now, you will notice that there is no separate allowance for a bond premium there at all. That was the full 10 per cent on the whole estate—notes and all, without any additional allowance for a bond premium.

Now, the second account of Mr. Fenning shows the only income from the estate was interest on note, $16.50; interest from trust company, $6.82, making a total of $23.32; the only income was $23.32; and he was allowed upon bond for this year $7.36; notarial fee, 25 cents; and commission to committee, $5.

Mr. HOGAN. Whereas the year before, when he paid the bond itself, and it was $80.

Mr. BLANTON. Now, the third account shows an income of $20.98; and for that year he received bond premium, $6.28; notarial fee, 25 cents; and allowance to committee, $5.

The fourth account, filed November 10, 1914, shows an income of $4.32, and he was allowed a bond premium of $5; notarial fees, 75 cents; and allowance to committee $5, when the total income was only $4.32.

The fifth and final account was filed January 12, 1915. It shows the following as income:

Interest, $3.16; and then it shows refund of erroneous collection, District of Columbia, $110.07. That is, the District of Columbia paid back or refunded $110.07 that was improper. And on that he received, notary fees, 50 cents; bond premium, $5; allowance to committee, $5.

Mr. Robins, your name is N. H. Robins?

Mr. ROBINS. Yes, sir.

Mr. BLANTON. How old are you?

Mr. ROBINS. I am 62 years of age next December.

Mr. BLANTON. You lived in the District of Columbia, here in Washington?

Mr. ROBINS. Well, all my life, until about four years ago.

Mr. BLANTON. Well, you have lived here then nearly 60 years all told?

Mr. ROBINS. Yes, sir; 58 years.

Mr. BLANTON. When did you first become acquainted with Frederick A. Fenning?

Mr. ROBINS. Well, I am a little bit uncertain as to the date; but it was some time between 1889 and 1893.

Mr. BLANTON. Well, to refresh your memory, you knew him when he was a messenger boy in the Pension Office?

Mr. ROBINS. He was in the Pension Agency.

Mr. BLANTON. He was in the Pension Agency, and a messenger boy at that time?

Mr. ROBINS. He was either a messenger, or a sort of handy young fellow around there, a boy, you know.

Mr. BLANTON. Now, what did you do toward helping him get extra work outside of the Pension Agency hours?

Mr. ROBINS. Well, there was only one incident of that kind. The man with whom I was associated at one time wanted some work done that could only be done at the agency, and he secured the consent of the Commissioner of Pensions to have this work done, provided it was done after office hours.

Mr. BLANTON. After office hours?

Mr. ROBINS. And in that way——

Mr. BLANTON (interposing). You had Mr. Fenning do it?

Mr. ROBINS. He did it; yes, sir.

Mr. BLANTON. And you did do that for him?

Mr. ROBINS. Yes; I was instrumental in it.

Mr. BLANTON. And because of that, state whether or not any friendship grew up between you and Mr. Fenning.

Mr. ROBINS. I felt friendly to him, and I believe he felt friendly to me.

Mr. BLANTON. Now, later on, in later years, in 1910, your mother was in an old lady's home here, a Methodist home?

Mr. ROBINS. That is right.

Mr. BLANTON. In Washington?

Mr. ROBINS. Yes, sir.

Mr. BLANTON. An old lady?

Mr. ROBINS. Yes, sir.

Mr. BLANTON. If Mr. Fenning at that time had a conversation with you concerning your mother, state what it was.

Mr. ROBINS. Well, I had no conversation with Mr. Fenning. I had not had any communication with him for a number of years. But somewhere along January or February of 1911, I had a call on the telephone, that was my recollection of it, that he called me on the telephone, and asked me if I knew Barbara E. Robins; whether she was related to me; and of course I stated she was my mother; and he said that she had been committed to the Government Hospital for the Insane; and that was the first I knew of it. I had no knowledge at all that she was in that condition even. And he wanted to know whether I would approve of him as being committee. That is my recollection of it. He asked whether I would consent to his employment as committee.

Mr. BLANTON. His being appointed as committee by the court?

Mr. ROBINS. Yes, sir. And I told him that I had no objection then. I know of his experience in matters of that kind. But there was another party who would have to be consulted—my brother. It was necessary to confer with him, and I suggested that he get in touch with my brother, and if he consented, there would be no objection on my part.

Mr. BLANTON. Did he say anything about either one of you being appointed guardian?

Mr. ROBINS. No, sir.

Mr. BLANTON. At the time that that order was made appointing him committee, were you present in court?

Mr. ROBINS. No, sir.

Mr. BLANTON. Did you have any notice from him that it was going to come up?

Mr. ROBINS. None whatever that I can recall now. I had no written notice, I am sure.

Mr. BLANTON. Well, did you have any knowledge about it?

Mr. ROBINS. No, sir; I did not know a thing about it.

Mr. BLANTON. Now, did you have any report from him afterwards about it?

Mr. ROBINS. No, sir.

Mr. BLANTON. Did you have any report from him about your mother?

Mr. ROBINS. None whatever.

Mr. BLANTON. He made no report to you at all?

Mr. ROBINS. None at all.

Mr. BLANTON. Now, with regard to her funds and her property, did you later on make any investigation or check up concerning it?

Mr. ROBINS. No, sir; I did not. I was not in a condition at that time——

Mr. BLANTON (interposing). You were in bad health yourself?

Mr. ROBINS. Yes, sir.

Mr. BLANTON (interposing). You knew that your mother was drawing a pension when she was in the old ladies' home?

Mr. ROBINS. Oh, yes.

Mr. BLANTON. And you knew that she had some money in the bank and some notes?

Mr. ROBINS. Yes, sir. I was satisfied that she had enough to defray the expenses of her maintenance over there for a reasonable time.

Mr. BLANTON. Now, the final account of Mr. Fenning—the first account showed that the estate was worth something over $800. Now, the final account shows that there is a balance on hand, of $79.40.

Mr. ROBINS. I think it was just about that amount; yes, sir.

Mr. BLANTON. And the estate dwindled from $800 down to $79.40?

Mr. ROBINS. Yes, sir.

Mr. BLANTON. Here is what the committee sets forth in here as a reason for filing a final account:

"In view of the small balance on hand, the committee recommends that he be authorized to pay such balance, first, to adjusting court costs; to the Government Hospital for the Insane; for the personal use of the ward; and for her burial expenses should she die while a patient at the institution; and that on making such payment the committee be discharged."

Mr. YATES. Well, when did she die?

Mr. ROBINS. In March, 1916.

Mr. YATES. And what was her age?

Mr. ROBINS. I think 76.

"In the Supreme Court of the District of Columbia, holding an equity court

"On the 12th day of January, A. D. 1926, the foregoing account being now presented for approval, the same is, after examination by the court, approved, and on paying the balance to the Government Hospital for the Insane, and filing a receipt, the committee is discharged.

"THOMAS H. ANDERSON, *Justice*."

Mr. BLANTON. She died within two months of the filing of this final account? The pertinency of this, I will advise my colleagues, is that when this estate got down to this small amount, the committee was willing to relinquish the guardianship——

Mr. HERSEY (interposing). Is that what you brought this witness here from Texas for?

Mr. BLANTON. The facts which he has already stated.

Mr. GORMAN. The facts which he has already stated?

Mr. BLANTON. Yes. But was there any reasons why Mr. Fenning could not have suggested to you that you be made guardian?

Mr. ROBINS. Not that I know of.

Mr. BLANTON (interposing). Well, you sent an affidavit, did you not?

Mr. ROBINS. I did.

Mr. BLANTON. That you prepared yourself in San Antonio?

Mr. ROBINS. Yes; I prepared it myself.

Mr. BLANTON. And you went before a notary and signed it?

Mr. ROBINS. Yes, sir.

Mr. BLANTON. And sent it here?

Mr. HERSEY. What are you trying to show? Are you trying to contradict his testimony by that affidavit?

Mr. BLANTON. I requested the committee to receive his affidavit as showing why I wanted him here; and the committee, after seeing the affidavit, thought it necessary to bring him on.

Mr. GORMAN. No; you brought an affidavit that you wanted introduced in the place of oral testimony. And then it appeared that the witness was alive, and if what he had to say was material, he should testify himself.

Mr. HERSEY. Is not this the affidavit that you wanted to read a portion of, and not the whole of it?

Mr. BLANTON. No. This is the affidavit that I brought here; and after that I think I asked the committee to bring this witness here; and I thought that affidavit of such force that, if the committee did not want to put the Government to the expense of bringing him here, I was willing to pay his expenses out of my own pocket.

CONGRESS MUST STOP DEPARTMENTS FROM SENDING SANE MEN TO INSANE ASYLUMS BY LETTER

Mr. GIBSON. Is it true, Doctor, you are holding patients under letters from the Secretary of the Treasury?

Doctor WHITE. Yes; that is, under United States statutes.

Mr. GIBSON. How many are you holding under that authority?

Doctor WHITE. I can not tell you. About half of our patients come through the various departments one way or another—the Army, the Navy, the Public Health Service, the Department of Justice, and Veterans' Bureau.

Mr. BLANTON. There is one more he has not mentioned in that connection: The superintendents of the various soldiers' homes can commit a man by a letter here to Dr. White's St. Elizabeths Hotel, and he receives them. [Laughter.]

Mr. GIBSON. You say one-half of the patients you are holding. Do you mean one-half of 4,400?

Doctor WHITE. Yes indeed.

Mr. GIBSON. That would be something like 2,000.

Mr. BLANTON. Two thousand two hundred.

OUR GIBSON COMMITTEE UNANIMOUSLY CONDEMNED FENNING

All five members of our Gibson committee filed the following unanimous report against Fenning:

GIBSON COMMITTEE REPORT

St. Elizabeths Hospital is a Government institution for the insane. Patients from all sections of the country are sent to it for treatment by various Government departments. Nine hundred and forty-three veterans of the World War are inmates. Nearly all are entitled to and receive compensation through the Veterans' Bureau. We find that Mr. Fenning, at the time the report was made to us, was serving as a committee for 93 inmates; that he has also served in that capacity for 44, from which he had been discharged by reason of the death of the ward or appointment of others as committee. Aside from these cases he is acting for several other dependents of the bureau. From 1919 to 1925, inclusive, he received as fees from the 75 and the 44 cases

herein referred to the sum of $88,001.29. In addition he was receiving an income of several thousand dollars annually as fees in other cases in which he was acting. Mr. Fenning was appointed a Commissioner of the District of Columbia June 5, 1925.

A bond is required of the committee by the court in each and every case. Mr. Fenning had himself appointed as agent of certain bonding companies and bonded himself as a committee in said companies, paying out of the funds of his ward an annual premium, of which he received 25 per cent as a commission as agent of said companies.

Mr. Fenning, as committee, visited St. Elizabeths about once in two weeks and saw some of his wards. These wards were of a class who needed the kind and considerate cooperation and sympathy of their committee. They are wrecks of the storm of war. An unmistakable duty rests upon everyone charged with their care to give their every need sympathetic attention. The duty requires personal service to the ward, not service that means financial return to the committee. The actuating motive of the committee should be to render that service for the sake of helping the unfortunate, not for the purpose of gain.

It is apparent that Mr. Fenning was not actuated by such motives, but sought this class of cases, and he built up a lucrative business therein.

In 60 of the cases of veterans arising since the World War Doctor White petitioned the court to name Frederick A. Fenning as the committee, and named Mr. Fenning in all but one petition preferred by him. The petitions in nearly all these cases were made upon blanks from the office of Mr. Fenning, and were prepared by him. Testimony was introduced tending to show that Mr. Fenning was notified from St. Elizabeths when a veteran was received there who possessed property. During the period covered by these applications Doctor White and Mr. Fenning were in partnership in the business of buying and collecting second-mortgage notes.

The manner in which Mr. Fenning secured his business, the gross amount of fees he charged and received out of estates of insane veterans under his care, his continuance in the practice of the law, and in the handling of estates of more than a hundred wards since he became commissioner, his method of writing his own bonds and receiving a portion of the premium and still charging the same to the estate of his wards, his attitude toward the enforcement of laws passed by Congress relative to the District of Columbia, and the consequent loss of confidence in him on the part of the public, makes his continuance in office incompatible with the best interests of the District.

E. W. GIBSON, *Chairman.*
FRANK L. BOWMAN.
ROBERT G. HOUSTON.
THOMAS L. BLANTON.
RALPH GILBERT.

POLITICS DID NOT STOP GIBSON

The three first named above are rock-ribbed, orthodox Republicans. Two of them are New England Yankees. Yet they agreed on a unanimous report against Fenning. To that brave, fearless, reliable, dependable, able chairman, Judge GIBSON, of Vermont, and to that indispensable, efficient helper of the committee, Judge GILBERT, of Kentucky, I take off my hat. No men ever performed public service more valuable to the Nation than did they, at all times and under all emergencies.

BRAVE JOHN E. RANKIN, OF MISSISSIPPI

And the same may be said about him. JOHN E. RANKIN, of Mississippi, is a man who stands hitched; he is absolutely fearless; he is able, efficient, energetic, and tireless in his service; the men who sacrificed all to save the civilization of the world have no better friend; his work before the Veterans' Committee, on the floor of the House, and before the Judiciary Committee deserves the thanks of every man, woman, and child in the United States, for this is a menace that might affect any home within our Republic.

EVEN HERSEY'S MAJORITY REPORT CONDEMNED FENNING

The report filed by a majority of the Judiciary Committee, agreed to by Mr. HERSEY, held that Fenning was not such a Federal officer as could be impeached, and while it attempted to whitewash Fenning in assertions that charges were not proved, it stated:

Having determined that Frederick A. Fenning is not a Federal officer and therefore not subject to impeachment, and having made specific findings of fact upon the charges preferred, under the evidence adduced, we feel it our duty to express our views upon certain conditions as disclosed by the evidence.

The practice which Mr. Fenning followed of acting as agent for a bonding and surety company, writing his own bond as committee and charging the estate of his ward for the premium and receiving from the bonding company a commission upon his bond or surety is illegal and contrary to law. * * * by reason of the great number of his wards his guardianship became impersonal and he could not and did not give to his wards that personal care and supervision which, after all, is the more important function of a guardian or committee, and which service was doubtless considered by the court as an element in allowing his compensation. We believe legislation should be promptly enacted which would in the future preclude any one person or corporation from acting as committee for more than a limited number of patients, in order that the committee may give to the ward that personal supervision so essential to his welfare. We further believe that in the first instance a near relative should be selected for this service, if a suitable person can be found, but if not, then provision should be made for a committee to be selected by the court. * * * the business relation of Mr. Fenning with these officials were of such a close nature and extended over so many years as to suggest that Mr. Fenning was given the preference in seeking clientage among the patients confined in that institution. The practice which seems to have grown up in this District, extending over a period of some 23 years, whereby Mr. Fenning was able to become the committee of hundreds of insane patients, many of them veterans of wars to whom the Government was making liberal allowances, and from which allowances Mr. Fenning was enabled to collect commissions, which commissions during the high tide of his committeeship amounted to approximately $20,000 per year, is a practice which can not be too severely criticized and condemned, and Congress should forthwith and without delay enact legislation which will forever correct this evil, and prevent anyone in the future from profiting from the misfortunes of others who in times of distress sacrificed in behalf of our country.

There was evidence submitted upon the question of Mr. Fenning's connection with a certain banking institution and with a certain undertaking establishment but taken in connection with the practice Mr. Fenning pursued in becoming committee for a large number of patients, the large amount of money coming into his hands because of such activities, points to the building up of a system through which all the profits accruing might go to Mr. Fenning or to some corporation, and is a further argument against one person acting as committee for so many unfortunates.

Where insane ex-soldiers, sailors, and marines are concerned the United States Government should have officials designated to look after, without charge, the estates of such persons, and that no part of said estates should be expended in commissions or fees; but that the whole of the estates should be for the sole benefit of the veterans and their dependents.

The committee should not accept pay, directly or indirectly, while occupying a fiduciary relation, other than by direct allowance by the court, and even then we think that in no case should the allowance exceed 10 per cent of the estate of the ward.

It appears from the evidence that officials of the District of Columbia transact business with the District through corporations in which they are directly or indirectly interested. This is a practice which is subject to severe criticism and condemnation, and if continued necessarily leads to favoritism, and officials who follow this practice can not give impartial service to the District of Columbia. The practice should not be allowed.

It is our recommendation that the proper committees of Congress should give early consideration to the facts that have been brought out in this investigation and recommend remedial legislation.

The above is Mr. HERSEY's majority report. Yet he "finds no fault in Fenning." In other words, "we will excuse our Republican Brother Fenning, but if anybody else does what Fenning has been doing, it would be wrong, and Congress ought to pass laws to stop it."

UNPRECEDENTED MINORITY REPORTS

And never before in the history of Congress have the members of any other committee filed so many minority reports. Let me quote excerpts:

In conclusion I wish to say that I feel convinced that the usefulness of this commissioner in the District is at an end and that the interests of this Government and of the District can be best subserved by his immediate removal by the only authority that can remove him—the power that created him—the President of the United States.

SAM C. MAJOR.

* * * * * * *

It is clear that the present commissioner holds office not only subject to the appointment and removal by the President, but subject to all the rights and privileges of Federal officers. To say that an office created by Congress, whose source of jurisdiction resides in the provisions of the Constitution, can not be impeached for misconduct strikes at the heart of the very provision of the Constitution itself. In passing we should note that the Constitution does not provide that commissioners should hold office only during good behavior. The fact that a commissioner acts for and in behalf of the United States in administering the affairs of the municipal corporation imports that he is the direct representative of the sovereign of the United States.

ROYAL H. WELLER.

* * * * * * *

1. The evidence discloses that the respondent became the committee of an astounding number of insane patients in the St. Elizabeths

Hospital, and that he in the main secured these fiduciary positions through improper and reprehensible methods which he has employed with a diligence and ingenuity worthy of a better cause.

2. That respondent was energetic and resourceful in securing improper commissions, premiums, and compensations out of his wards, estates or by reason of his relations and associations growing out of or connected directly or indirectly with these fiduciary trusts.

3. That his monopoly of these trusts, and his methods of charging them with all the law allowed, and in some instances with more than the law allowed—for example, his unlawful collections of premiums on fiduciary bonds issued by a corporation of which he was agent—evince a sordid sense of duty, resulting in unjustifiable practices.

4. That in consideration of the foregoing reasons and facts, together with the general standard of fiduciary conduct of the respondent, as shown by the evidence, I am compelled to conclude that he is unfit for any official position of high trust and responsibility.

A. J. MONTAGUE.

* * * * * * *

On a review of the whole evidence in this case we feel that the practice which has existed in the District of Columbia by which one man had secured practically a monopoly of the business involving the guardianship of unfortunates, among whom are very many veterans of the late war, is to be strongly condemned. Commissioner Fenning's organization seemed to lack no element of completeness. When he determined to enter upon this line of practice, he notified the judges of the District, his fellow members of the bar, of his intention. But where were his clients to come from? He naturally casts a longing eye toward St. Elizabeths Hospital, with its spacious buildings and hundreds of inmates that might amply satisfy his ambitions; and so a friendship speedily arose between the superintendent, Doctor White, and himself, during which they became partners in a real-estate concern, and St. Elizabeths soon was sending forth her insane veterans to his door, whose estates, if not their personal care, were to rest securely in the hands of Mr. Fenning. The coming of groups of shell-shocked veterans to the hospital was fittingly celebrated always by Mr. Fenning's presence, and his entrée to the papers of these unfortunates was recognized practically as his exclusive privilege.

Feeling that the tide of business that was flowing from St. Elizabeths might not be sufficient to fill the full measure of his ambition, the Veterans' Bureau arose on the horizon as a fitting adjunct to St. Elizabeths in supplying his needs and from this source soon flowed a stream of World War veterans to complete his success.

But should these two sources of clientage be exhausted, as they might be, he was not unmindful of the Laurel Sanitarium, near by, in the State of Maryland, which offered ample fields to add to those who might be under his tutelage and care, and so he became a director in that institution.

But even these did not seem to satisfy his ambition; for finding that the undertakers who bury the dead soldiers often had to go into court for the appointment of an administrator that they might secure from the estate of the deceased their burial fees, it was soon found that he had become a stockholder in the Joseph Gawler's Sons (Inc.), an undertaker's establishment, and a director in the same concern and also counsel, and the evidence discloses that a number of bodies of these unfortunates were sent to this establishment for burial at a cost largely in excess of that provided by the Government.

The result of this compact and orderly organization for the practice of the law could have but one result, and that is, that as his income increased by the number of cases that came to him, by just that much was his care of these unfortunates under his charge diminished, for as the number increased his capacity for attention to them was thereby diminished. The greater his success attained by and through their estates, the greater necessarily was their neglect. His rise was their downfall. From the lofty peaks of his financial success, brought to him by his wards, he was forced to see in the depths below him, day by day, the halting, faltering footsteps of men bereft of reason, whose "martial drumbeat encircling the earth," in serried ranks had wrested liberty for the world from the greatest military autocrat of the ages. The dire results to the veterans as thus seen naturally followed from the character of his business.

His fees and commissions in a few years amounted to $100,000, in round figures, without his wards receiving that attention which was their rightful due. We unqualifiedly condemn this practice, and recommend that in all cases a relative should be secured as committee for these unfortunates, if it is possible to find one, and if not, that a public guardian be established by law, whose duty it shall be to care for the welfare, health, and advancement of their condition.

We heartily condemn the practice which has been carried on by Mr. Fenning for years in which, as agent for a bonding company, he wrote his own bonds, charging the expense of it to his ward's estate and receiving for himself one-fourth of his commission on each bond instead of giving it to his ward's estate.

Reviewing the whole evidence in this case in its many ramifications, and especially in relation to the welfare of the people of the District of Columbia, we are brought to the reluctant conclusion that Commissioner Fenning's usefulness as an officer of the District is at an end. Holding these views, we recommend that a copy of the evidence in these proceedings be sent with our report, if adopted by the House, to the Attorney General of the United States, that that high officer, in fulfillment of his constitutional obligations, may take such measures as will meet the requirements of the case.

H. ST. GEORGE TUCKER.

* * * * * * *

I concur in the majority report of the committee holding that Frederick A. Fenning is an officer of a municipal corporation, to wit, the District of Columbia, and as such is not a civil officer of the United States and subject to the impeachment under the Constitution. I do not join in the remainder of the report.

EARL C. MICHENER.

* * * * * * *

Owing to the fact that the Judiciary Committee remained in session until 5 o'clock this afternoon before reaching any decision in this case, and then allowed the minority only until 12 o'clock to-night in which to prepare and file its minority report, we are unable to go into all the testimony touching the charges against Frederick A. Fenning.

We can not concur in the findings of fact as set out in the majority report, nor in the conclusions reached therein.

We feel that the facts in this case, instead of calling for some mild rebuke and very general recommendations, demand some action by Congress looking to the removal of Mr. Fenning from office as a Commissioner of the District of Columbia, either by impeachment or otherwise, and for the relief of the unfortunate World War veterans whose estates he has been handling.

It is shown that he received more as fees and commissions from each one of these cases than he allowed the ward for clothes and spending money. He is shown to be a stockholder and director in an undertaker's establishment through which these boys were buried when they died.

He was his own bonding agent and collected and appropriated to his own use out of his wards' estate 25 per cent commissions on the premiums on said bonds, in violation of law.

It can not be disputed from the facts developed in this record that there is an unholy collusion between White and Fenning to exploit the insane wards of St. Elizabeths for pecuniary profit.

Upon all the facts in this case, as developed by this record, we think that positive action by the House is imperative, and we therefore recommend his impeachment and removal from office, and that proceedings be instituted at once by the proper authorities to remove him from his present position as guardian for these unfortunate wards and have all their estates audited; also to recover back to them the funds which he has wrongfully collected from them, and that the Department of Justice be directed to institute proper proceedings to punish him for his unlawful misconduct.

Respectfully submitted.

FRED H. DOMINICK.
ZEBULON WEAVER.

We regret to find ourselves unable to agree with the majority of the Committee on the Judiciary, first, as to its conclusion that a Commissioner of the District of Columbia is not subject to impeachment.

We are not in agreement with the finding of the majority of the Judiciary Committee that none of the counts which have been under investigation, have been established by testimony. In our view, as a central fact it has been clearly established that Mr. Fenning, having determined that he would become a professional committee or guardian for insane persons as a matter of revenue to himself, set about procuring himself to be designated as such committee. That he established such contract with St. Elizabeths Hospital for the Insane. That he received preferential opportunities for appointment as committee. That he was instrumental in procuring judgments of commitment in many cases in which he was appointed. That he charged against the estates of his wards, over and above the amount paid by him, the agent's commission, when as a matter of fact he held the agency himself. And in specific instances, as developed during the hearings, was guilty of conduct toward his wards utterly at variance with the obligations resting upon him as a guardian of this class of unfortunates.

In our view, the selection of this means of making money and the methods resorted to as disclosed by the records of the hearing before the Judiciary Committee of the House, show that Mr. Fenning is a person unfit to hold the office of Commissioner of the District of Columbia.

HATTON W. SUMNERS.
W. B. BOWLING.

YET HERSEY FINDS NO FAULT IN FENNING

Anyone reading Mr. HERSEY'S whitewash speech, would conclude that the Judiciary Committee had found Fenning spotless.

FROM RANKIN'S SPLENDID BRIEF

In the case of United States *v.* Fields (27 App. D. C. 434), the defendant, who was a lawyer, was indicted under section 841 of the code for embezzlement of funds coming into his hands as a fiduciary, appointed, like Fenning, by the court. He was defended by Mr. Frank

J. Hogan, and was convicted and sentenced to five years in the penitentiary.

There can be no question in the mind of a reasonable man who has heard or read the testimony in these various investigations but that there is a collusive arrangement amounting to a conspiracy between Commissioner Fenning and Dr. William A. White, superintendent of St. Elizabeths Hospital, relative to these guardianship matters, and that that arrangement has existed for many years.

I submit that Commissioner Fenning is subject to impeachment by Congress, or to removal by the President, and that he is further subject to criminal prosecution under the facts and the authorities herein cited for embezzlement, for violation of section 5498 of the Revised Statutes and for participation with Commissioner Rudolph in the violation of section 41 of the United States Penal Code, as well as for a violation of the World War veterans' act regulating the practice of attorneys and the fees to be charged in collecting compensations, etc., from the veterans of the World War under which a former Congressman was convicted in Ohio for a less offense than many of those shown to have been committed by Commissioner Fenning.

Those Members of Congress, who have diligently attempted to block at every turn this investigation and protect Mr. Fenning in these practices have shown that they are more in sympathy with him than they are with our disabled veterans, and will doubtless continue to rise in his defense in the House and elsewhere; but I submit that if the American people knew all the facts they would sweep from public life every man in an official position who attempts to stand in the way of a thorough investigation or apologizes for the heartless acts of Frederick A. Fenning as set out and as shown by the testimony taken by three committees of the House.

Respectfully submitted.

JOHN E. RANKIN, M. C.

And in his speech replying to the brief of Frank J. Hogan, on page 11374 of the RECORD for June 16, 1926, Mr. RANKIN says:

Mr. Hogan suggests that Mr. Blanton should be punished by the House.

Punished for what? For unmasking the plunder bund of Washington? This is one service for which, instead of being punished, he deserves the thanks of Congress and the gratitude not only of the people of the District of Columbia but of the ex-service men throughout the country, and of every other red-blooded American whose heart goes out in sympathy to our unfortunate insane veterans who are shown by this record to be the victims of this iniquitous cabal."

In his speech on page 12820 of the RECORD Congressman SCHAFER said:

The testimony developed before the Judiciary Committee clearly shows that Frederick A. Fenning is absolutely unfit, and his removal at the earliest date is imperative. The millions of veterans who have served the Nation in times of war will not permit the exploitation of their unfortunate, incompetent comrades to go unchallenged. They will show the same determination and indomitable spirit at the battles of the ballot box as they showed on the battle field of war.

REMUNERATION

My recompense comes from a clear conscience, a knowledge of duty faithfully performed, and the many letters I have received, such as the following from our distinguished colleague, who before he became a Congressman was the renowned parliamentarian for Champ Clark, when he was Speaker:

Hon. THOMAS L. BLANTON,

House of Representatives, Washington, D. C.

MY DEAR MR. BLANTON: I take this opportunity to express the appreciation of your service to the country, which I am certain is felt on both sides of the aisle. I hope you will not charge me with fulsomeness when I say that you are one of the most valuable Members of the House, if not the most valuable.

With kind regards and best wishes,

Your friend,

CLARENCE CANNON.

EXHAUSTIVE INVESTIGATION BY COMPTROLLER GENERAL M'CARL

Before adjournment I introduced the following resolution:

Resolved, etc., That pursuant to the provisions of the act of June 10, 1921 (42 Stat. p. 23), the Comptroller General of the United States be, and he is hereby, ordered, directed, and empowered to investigate the administration of St. Elizabeths Hospital since July 1, 1916, including the administration of the personnel of the hospital, all receipts and expenditures, uses of appropriations, the extent and manner in which the officials thereof have performed their duties, the commitment, treatment, release, and discharge of patients, and the receiving, safeguarding, and disposition of funds and property of patients, and make report of such investigation to the House of Representatives on or before the beginning of the next regular session of the Congress, and the agents of the Comptroller General in acting hereunder are hereby empowered to subpœna witnesses and, in the examination of witnesses, to administer oaths.

The Judiciary Committee unanimously reported it, and it was passed by both the House and the Senate; and as instructed by such resolution, between July 1 and December 1, 1926, Hon. J. R. McCarl, Comptroller General of the United States, made an exhaustive investigation of St. Elizabeths, and his report thereon to Congress embraces 175 printed pages and substantially corroborates the facts elicited by me in the congressional hearings. General McCarl certified that during 1926 there were 794 patients who either died or were discharged, and that the number of patients in the hospital on June 30, 1926, were 4,340, and concerning them he states:

These patients come from all walks of life and represent most every vocation and profession. There are patients who were lawyers, doctors, business men, machinists, common and skilled laborers; teachers, nurses, musicians, artists, authors, and writers; officers and men committed from the United States Army and Navy and Marine Corps; retired officers and men of the United States Army and Marine Corps; veterans of the Civil, Spanish, and the World Wars; women who come from the various social strata, mothers, wives, and unmarried girls. There are also insane criminals and the criminally insane committed from Federal prisons and by the Supreme Court of the District of Columbia.

General McCarl certifies that St. Elizabeths receives patients upon the order or request of the following heads of departments: (1) From the Secretary of War—persons belonging to the Army, civilian employees in the Quartermaster Corps, interned persons, and prisoners of war; (2) From the Secretary of the Navy—insane persons belonging to the Navy and Marine Corps, naval interned persons, and prisoners of war; (3) from the Secretary of the Treasury—insane persons belonging to the Coast Guard, insane patients of the Public Health Service, merchant seamen, officers and crew of the several vessels belonging to the Bureau of Fisheries, ex-service men hospitalized by virtue of the war risk insurance act, commissioned officers of the Public Health Service, commissioned officers and enlisted men of the Coast and Geodetic Survey, discharged Army and Navy nurses, seamen on boats of Mississippi River Commission, employees in Lighthouse Service, civilian employees on Army transports, and civilian employees entitled to treatment under the United States employees' compensation act; (4) from the Secretary of the Interior—insane American citizens in the Canal Zone, persons charged with Federal offenses, persons convicted of Federal offenses; (5) from the Director of the United States Veterans' Bureau—all ex-service men, veterans of the World War who come under his jurisdiction; (6) from the president of the Board of Commissioners of Soldiers Home—inmates of the Soldiers' Home; (7) From the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers—inmates of the national home; (8) from the Commissioners of the District of Columbia—indigent patients and alleged insane persons of homicidal or otherwise dangerous tendencies pending formal commitment.

THIS OUTRAGEOUS PRACTICE MUST BE STOPPED

Doctor White testified and our Gibson committee unanimously found that there are 2,200 patients in St. Elizabeths who have never been adjudged insane and who have never been given a trial to establish their sanity. The heads of the departments mentioned above decide the matter, and without seeing the individual or knowing anything about his case except what some subordinate recommends by a mere letter condemns Americans to confinement for life in insane asylums. This menaces practically every home in the United States. Realizing that it is a herculean task to get such laws changed, with influential Cabinet officers protesting against such change, I have spent several thousand dollars in investigating and assembling this evidence and have performed the arduous work in compiling it, knowing that by getting these facts before Congressmen and Senators and before the American people we will have some chance in the next Congress of passing laws to take this power away from the heads of executive departments.

PUBLIC SENTIMENT FORCED FENNING'S RESIGNATION

After Congress adjourned Commissioner Fenning refused to resign, although the President requested it. He should have been kicked out. Then public sentiment began to express itself.

THE WASHINGTON POST FLOPPED

You will remember that when I first introduced my resolution to investigate Fenning the Washington Post said editorially that my resolution, my proposed investigation, and myself ought to be thrown in the waste basket for attacking Washington's honored commissioner. Then I introduced my evidence. Then the Post changed. Note this editorial in the Post, Sunday, June 13, 1926:

FREDERICK A. FENNING

The protracted inquiry into the affairs of District Commissioner Frederick A. Fenning has resulted in a report by the House subcommittee on the District of Columbia severely criticizing that official and stating that his continuance in office is incompatible with the best interests of the District.

The people of Washington have noted with chagrin the revelation of one fact after another which, when assembled, have destroyed their confidence in Mr. Fenning and convinced them that his usefulness as a commissioner is at an end. They have reached this conclusion with reluctance, and after giving Mr. Fenning the benefit of every doubt.

Mr. Fenning has fallen short of the requirements of his high office. His retirement is desirable and necessary.

But still Frederick Fenning held on. The people throughout Washington became incensed and sought to devise plans to force him out. On Wednesday, July 7, 1926, the Washington Times carried the following editorial with the heading "Get Out" printed in black-faced type, the letters being an inch in size:

GET OUT

To Commissioner Frederick A. Fenning:

Get out!

Resign!

As a member of the Board of District Commissioners you are an embarrassment to the President of the United States, who appointed you to office.

You are an embarrassment to the other members of the board, who are forced to serve with you.

You are a thorn in the side of the Republican Party, whose legislators approved you.

You are a disappointment to the District politicians who suggested you for office.

You are an official eyesore to America's sons who served in the war; and

The people of the District of Columbia don't want you as commissioner!

Your practices are condemned by even your political supporters.

Last-minute trickery saved you from congressional action demanding your removal from office.

You are a hard fighter. You proved your courage and your astuteness in your battle to save your job.

But the battle is over and you have lost.

If the voteless people of Washington had the right to choose their officials you would probably never have been made commissioner.

If Washingtonians had the right of recall you would have been ousted when you arbitrarily "broke" a respected police officer without giving him a hearing in his own defense.

You made a mistake when you accepted office.

You made another mistake when you continued your private practice while acting as a public official.

You make another mistake if you fail to realize that the people of Washington want you to resign. Apparently the only person who wants you to continue in office is Frederick A. Fenning.

The vote is more than 500,000 to 1 against you, Mr. Fenning.

In behalf of the residents of the District of Columbia, the Washington Times demands that you

Get out!

This same editorial, in box-car letters, appeared again in the Washington Herald the next morning, July 8, 1926.

And then Frederick Fenning got out.

Fenning resigned. And my long-fought battle was won. This illustrates the power and efficacy of public sentiment.

WHY COMMISSIONER CUNO H. RUDOLPH ALSO RESIGNED

(Evidence before Gibson committee)

Mr. BLANTON. Your name is what?

Mr. HIZER. M. P. Hizer.

Mr. BLANTON. Did you ever join the fire fighters of the District of Columbia?

Mr. HIZER. Yes, sir.

Mr. BLANTON. That is, as a member of the Fire Department?

Mr. HIZER. Yes.

Mr. BLANTON. You had to stand a civil-service examination, did you not?

Mr. HIZER. Yes.

Mr. BLANTON. As a fire fighter?

Mr. HIZER. Yes, sir.

Mr. BLANTON. You get $2,100 a year?

Mr. HIZER. Yes, sir.

Mr. BLANTON. Have you been fighting fires for the last seven years?

Mr. HIZER. No, sir.

Mr. BLANTON. What have you been doing?

Mr. HIZER. I have been detailed as chauffeur for Commissioner Rudolph.

Mr. BLANTON. You have not fought any fires for seven years?

Mr. HIZER. No, sir.

Mr. BLANTON. You drive car 1, do you not?

Mr. HIZER. No. 1; yes, sir.

Mr. BLANTON. The license numbers begin with 1 and on up to probably 140,000, maybe?

Mr. HIZER. Yes, sir.

Mr. BLANTON. Do not the commissioners' cars have a letter "A," "B," and "C" on the three cars?

Mr. HIZER. Commissioner Rudolph's personal car does not.

Mr. BLANTON. He took the "A" off of his, did he not?

Mr. HIZER. Yes, sir.

Mr. BLANTON. Has that car got on it "District of Columbia. For official business only"?

Mr. HIZER. No, sir.

Mr. BLANTON. And it hasn't had that on it since you have been driving it, has it?

Mr. HIZER. No, sir.

Mr. BLANTON. The cars outside of the District Commissioners' cars, for the other chiefs of departments and for the business of the District of Columbia, you have seen that on them, have you not?

Mr. HIZER. On several of them; yes, sir.

Mr. BLANTON. "District of Columbia. For official business only"?

Mr. HIZER. Yes, sir.

Mr. BLANTON. Do you know why that was put on them?

Mr. HIZER. For official business.

Mr. BLANTON. Because the law demands it?

Mr. HIZER. Yes, sir.

Mr. BLANTON. And it is to prevent those cars from being used for private purposes. Have you ever used that car No. 1 to bring Mrs. Rudolph down to Lansburgh's?

Mr. HIZER. Yes, sir.

Mr. BLANTON. And while she was in Lansburgh's shopping you have sat outside?

Mr. HIZER. Yes, sir.

Mr. BLANTON. A $2,100 man waiting for her?

Mr. HIZER. Yes, sir.

Mr. BLANTON. The people have been paying for that. Have you ever brought Mrs. Rudolph to Kann's?

Mr. HIZER. Yes, sir.

Mr. BLANTON. And while she was in there shopping you sat out in front?

Mr. HIZER. Yes, sir.

Mr. BLANTON. Have you ever brought her to Woodward & Lothrop's?

Mr. HIZER. Yes, sir.

Mr. BLANTON. And while she was there shopping you sat out in front?

Mr. HIZER. Yes, sir.

Mr. BLANTON. Did you ever take her to Chevy Chase?

Mr. HIZER. Yes, sir.

Mr. BLANTON. That is all.

Mr. GIBSON. Just a moment—what does this "A" stand for?

Mr. BLANTON. Originally it was to get around putting on there "For official business only," like the other cars have. The commissioners put "A," "B," and "C" on their cars. The president of the board had "A" on it, the next commissioner in line had "B" on it, and the third commissioner in line had "C" on it. It was just letters to distinguish them.

Mr. GIBSON. Is that the way you understand it?

Mr. HIZER. Yes, sir.

Mr. BLANTON. Do you like to be a chauffeur for somebody?

Mr. HIZER. Well, it is not that—I was simply detailed.

Mr. BLANTON. You have to obey orders, do you not?

Mr. HIZER. Yes, sir.

Mr. BLANTON. Do not fire fighters take a pride in being fire fighters?

Mr. HIZER. Well, that may be so, but I obey orders. I have to obey orders.

COMMISSIONER RUDOLPH, DULY SWORN, TESTIFIED:

Mr. BLANTON. Mr. Commissioner, holding a third of the stock of Rudolph & West Co., and it being capitalized at $150,000, that would make you own approximately $50,000 of stock?

Mr. RUDOLPH. I said "approximately," Mr. BLANTON, because I don't know the number of shares that I do hold.

Mr. BLANTON. And it paying 20 per cent dividends, that would bring you in by computation approximately $10,000 a year dividends from Rudolph & West Co.?

Mr. RUDOLPH. Yes.

Mr. BLANTON. If their business were more lucrative than it is, your dividends would be more lucrative?

Mr. RUDOLPH. Certainly.

Mr. BLANTON. And if the profits were less, naturally your profits would be less?

Mr. RUDOLPH. Yes, sir.

Mr. BLANTON. You realize as a business man and as a commissioner that if there were a suit pending in the Supreme Court of the District

where Rudolph & West Co. was a party, either plaintiff or defendant, you would be disqualified to sit as a juror in that case, don't you, by reason of your interest? You realize that?

Mr. RUDOLPH. Oh, yes.

Mr. BLANTON. How much stock do you own in the Second National Bank, approximately?

Mr. RUDOLPH. Something over 300 shares.

Mr. BLANTON. Approximately amounting to how much?

Mr. RUDOLPH. It is very high now. I haven't seen the recent quotations.

Mr. BLANTON. Isn't that stock unusually high?

Mr. RUDOLPH. All bank stocks are high.

Mr. BLANTON. You can hardly buy that on the market?

Mr. RUDOLPH. No. It is held very close.

Mr. BLANTON. Your 300 shares at the present market value are worth approximately how much?

Mr. RUDOLPH. Something around $75,000.

Mr. BLANTON. What dividends does the Second National Bank pay?

Mr. RUDOLPH. Eight per cent on par.

Mr. BLANTON. Mr. Colladay tops the list of your board of directors of the Second National Bank, doesn't he?

Mr. RUDOLPH. I imagine so. I don't know whether there is anybody ahead of him or not.

Mr. BLANTON. On the little folder that your bank gets out his name tops the list; it heads them all?

Mr. RUDOLPH. I imagine it would.

Mr. BLANTON. Are you acquainted with the manager of the Willard Hotel?

Mr. RUDOLPH. Mr. Hight?

Mr. BLANTON. Yes.

Mr. RUDOLPH. Very well.

Mr. BLANTON. He is down under Mr. Colladay's name, a little further down on this list.

Mr. RUDOLPH. I imagine it would come very close to Mr. Colladay's.

Mr. BLANTON. You know these directors of the Second National Bank?

Mr. RUDOLPH. Yes, sir.

Mr. BLANTON. And Mr. Hight's business is the hotel business?

Mr. RUDOLPH. Yes, sir.

Mr. BLANTON. And the bank business?

Mr. RUDOLPH. I don't know how much time he gives to the bank.

Mr. BLANTON. But his business is hotel and bank?

Mr. RUDOLPH. Yes.

Mr. BLANTON. What other hotels are owned by Second National Bank directors besides his?

Mr. RUDOLPH. Some of the directors have an interest in the Continental Hotel.

Mr. BLANTON. But it is owned by directors in the Second National Bank?

Mr. RUDOLPH. Yes; they have stockholdings in it, but there are others not connected with the Second National Bank also that have stock in it.

Mr. BLANTON. Mr. Commissioner, do you know that a Mr. Fowler, who is an attorney for 70 independent taxicab companies, claimed under oath, testifying before a Senate committee in the Capital not long ago, that the record in your court of appeals here in the District showed that the Willard Hotel received $80,000 a year as its part of the taxicab and sight-seeing bus receipts? Did you know that?

Mr. RUDOLPH. No, sir.

Mr. BLANTON. But he testified that. I have a statement from a reliable attorney here in the District that the Willard Hotel has a contract this year with a taxicab company whereby it is to receive as much as $15,000 for the taxicab privilege of using the sidewalk and out in the street in front of the hotel, which really belongs to the Government, doesn't it?

Mr. RUDOLPH. Yes.

Mr. BLANTON. As a commissioner you know that all the streets and all the sidewalks belong to the Government, don't you?

Mr. RUDOLPH. Yes.

Mr. BLANTON. And the Government has that property for the use of its people, hasn't it?

Mr. RUDOLPH. Yes.

Mr. BLANTON. All of its people, not just hotel people?

Mr. RUDOLPH. Yes.

Mr. BLANTON. Then I am informed also that the Continental Hotel, which is owned by directors of the Second National Bank Building, has entered into a contract with a certain taxicab company whereby it is to receive as much as $3,500 this year for taxicab privileges.

Mr. RUDOLPH. Yes.

Mr. BLANTON. Do you think that is fair to the people of the District of Columbia if that exists?

Mr. RUDOLPH. I don't see that it is unfair.

Mr. BLANTON. Let us see about that. The Willard Hotel, in which one of your Second National Bank directors is manager, Mr. Hight, runs all the way down Fourteenth Street from F Street to Pennsylvania Avenue, which is what we call in Washington a double block. In front of the Willard Hotel there is space for 14 taxicabs?

Mr. RUDOLPH. I don't know. That is a traffic matter and I am not familiar with that.

Mr. BLANTON. I want to get you familiar with some traffic matters.

Mr. RUDOLPH. I would rather not be familiar with them, but if you want to——

Mr. BLANTON. As one Member of Congress I would prefer that all of you commissioners should know something about some of the business of Washington.

Mr. RUDOLPH. It is our duty to know something about it.

Mr. BLANTON. About the traffic business. The Willard Hotel reserves that whole block for its taxicabs and its sightseeing busses. Why haven't I, as representative of 350,000 people in my district, a right to park my own car there just as much as the Willard Hotel has a right to park 14? Can you answer me that?

Mr. RUDOLPH. Not very well.

Mr. BLANTON. Well, why hasn't some Government clerk here, who works here in the departments for 30 years, why hasn't he a right to take his little Ford down there and park it along in front of the Willard Hotel if there is a vacant space there? Shouldn't he have that right?

Mr. RUDOLPH. I imagine he should. At the same time he should not shut out the patrons of a hotel who want to go in and out and have prompt service.

Mr. BLANTON. The patrons of that hotel have no more rights than anybody else.

Mr. RUDOLPH. I don't agree with you there, because——

Mr. BLANTON. Do you know Judge McMahon?

Mr. RUDOLPH. Oh, yes.

Mr. BLANTON. Did you hear about a decision that he rendered the other day wherein he said that they had no right to reserve that space?

Mr. RUDOLPH. Yes.

Mr. BLANTON. Have the commissioners ever made an attempt to enforce that law?

Mr. RUDOLPH. I don't know whether the traffic director has done anything in that connection or not.

Mr. BLANTON. The traffic director is one of your employees, isn't he?

Mr. RUDOLPH. Yes.

Mr. BLANTON. You could put him out to-morrow, couldn't you?

Mr. RUDOLPH. Yes.

Mr. BLANTON. But he couldn't put you out, Mr. Commissioner?

Mr. RUDOLPH. Not very well.

Mr. GILBERT. I find upon examination of the evidence that you were asked this question and that you testified as follows:

"Do you feel that the bids of the other companies would have the same opportunity to get a contract as that of Rudolph & West Co. when you are one of the commissioners and such a large stockholder?"

You are reported by the stenographer as having made this answer:

"It would not make a particle of difference. I don't know what proportion of the hardware business the other concerns are getting, but I imagine they get their fair share of it."

And then you were asked this question, speaking of your firm:

"They get more contracts with the city than any other company, Mr. Rudolph?

"Mr. RUDOLPH. I couldn't say. I imagine Barber & Ross get equally as much as they do and perhaps some other large dealers."

Now, for the last fiscal year the auditor reports that the business done by the District with your company totals seventy-one thousand and some odd dollars, while Barber & Ross was thirteen thousand and some odd dollars. There was no competitor that had gotten more than fourteen thousand, while, as I say, your firm had $71,000.

Mr. BLANTON. Mr. Commissioner, do you know how much Congress turned over to you and your co-commissioners for this fiscal year, to spend—how many millions?

Mr. RUDOLPH. Something around thirty-two millions.

Mr. BLANTON. And it is up to you to see to it that each $72,000 of that $32,000,000 is spent according to law, isn't it?

Mr. RUDOLPH. It is my duty to see that everything, not only that $72,000, but any other amount, is disbursed according to law.

Mr. GIBSON. Do you know of the forms of punishment used down at the workhouse?

Mr. RUDOLPH. Yes. I am somewhat familiar with them.

Mr. GIBSON. And the fact that they use chains?

Mr. RUDOLPH. Yes.

Mr. GIBSON. That in some instances iron bands are riveted to their ankles?

Mr. RUDOLPH. Yes. There are some cases where they have had to resort to that in order to get the prisoners to behave themselves.

Mr. GIBSON. These particular men are confined in walls.

Mr. RUDOLPH. Well, I don't know whether it is unusual. I don't approve of it, but it seems to have been the only effective way to get these men to obey the rules.

Mr. GIBSON. Do you know that some of those prisoners have worn those chains for in some cases over 200 days?

Mr. RUDOLPH. No, sir. The old rule was that they were confined in a cell until they promised to reform and obey the rules and then they were let out.

Mr. GIBSON. We found some veterans of the World War there that had been chained for nearly a hundred days.

Mr. BLANTON. Now, Mr. Commissioner, you don't approve, whether they have run away or not, of putting a great big iron band that is riveted on in a blacksmith shop around a World War veteran's ankles and keeping it there for 68 days, like one we saw down there, do you, Commissioner, because he ran away?

Mr. RUDOLPH. I do not approve of it.

Mr. BLANTON. Now, Mr. Commissioner, there is in your jail here right now, unless they have removed it in the last day or so—and I hope they have—a great big post that is over a foot in diameter at the bottom.

Mr. RUDOLPH. Yes, sir.

Mr. BLANTON. About which they have in that jail chained in one instance a colored girl 18 years of age with her arms chained behind her around that post. Do you approve of that?

Mr. RUDOLPH. It depends on how long they kept her chained.

Mr. BLANTON. I don't care whether they didn't keep her there more than one minute. Do you approve of it?

Mr. RUDOLPH. I am not a penologist.

Mr. BLANTON. You don't approve of that, do you?

Mr. RUDOLPH. I would try to adopt some other means.

Mr. BLANTON. The sworn statement of a witness was that they kept this colored girl, 18 years old, chained to that post until she dropped from exhaustion.

Mr. RUDOLPH. That is inhuman.

Mr. BLANTON. That is inhuman and it ought to be stopped.

Mr. Commissioner, who is the president of the Board of Children's Guardians?

Mr. RUDOLPH. W. W. Millan.

Mr. BLANTON. Is that the same W. W. Millan who has appeared over here before the auditor in the defense of Mr. Fenning in trying to get fees allowed Mr. Fenning that the auditor claimed were not due? Is that the same one?

Mr. RUDOLPH. I saw in the paper where he was entered as counsel.

Mr. BLANTON. But he is the same Millan who is defending Mr. Fenning against the auditor's contention?

Mr. RUDOLPH. Yes, sir.

BE SURE YOUR SINS WILL FIND YOU OUT

Commissioner Rudolph could not stand the pressure. We had found him out. His use of his office to further his own business was disclosed. And he resigned, to take effect the day before Congress met.

And my good friend from Maine [Mr. HERSEY] asserted that I did all this to get press notoriety in my district. No press reporter has mentioned my work to Texas papers. Texas papers are fair and just and would print notices if they got any. Because I have prevented Washingtonians from paying their civic expenses out of the United States Treasury and have forced their local tax rate here from 90 cents to $1.80 on the $100, making them pay for their own conveniences like people in the 48 States have to pay, the press boys here most of whom own property in Washington, punish me by never mentioning my work in their reports to Texas papers. The paper closest to my district that received reports and gave me credit is the St. Louis Post Dispatch. In its issue of August 1, 1926, it said that some years ago it pronounced me a useful Member of the House, and then said:

That opinion has now been vindicated by the success of BLANTON'S fight to get rid of Frederick A. Fenning as a Commissioner of the District of Columbia. BLANTON went into the fray single-handed and with heavy odds against him. Fenning, a power in the political and commercial life of the District, seemed impregnably intrenched.

BLANTON hung on like the bulldog he is. Finally, by the sheer weight of the evidence that he brought to bear against Fenning before three committees of the House, he compelled Congress and the President to take notice.

The upshot of the several investigations was the resignation of Fenning at the demand of the President.

If it had not been for BLANTON'S persistence, the commissioner would still be in office. To the gentleman from Texas a large debt of gratitude is due from the public in general and the veterans of the World War in particular. Through his efforts a peculiarly unfortunate group of the Government's wards has been saved from a peculiar form of exploitation.

Like WALSH in the oil case and REED in the slush-fund investigation, BLANTON has shown what one man of ability and fighting caliber, armed with a good cause, can do in Congress.

DOCTOR WORK PROTECTS DOCTOR WHITE

In July, after Congress adjourned, Doctor Work, Secretary of the Interior, without any authority of law whatever therefor, hand picked a board of five fellow psychiatrists to investigate his friend and their friend, Dr. William A. White, agreeing to pay them all their expenses and so much per day. He knew that three different congressional committees had already investigated Doctor White. He knew that Congress had just passed a resolution directing Comptroller General McCarl to spend the next five months investigating St. Elizabeths. I predicted to the Gibson committee that the report of these five psychiatrists would be a specially prepared whitewash of Doctor White and an attempt to save him from the force and effect of these congressional investigations. I knew that even if they wanted to do so they could not learn the actual conditions that ordinarily existed. Doctor White would know of every visit they would make. He would be expecting them. He would have everything in apple-pie order. He would see that they were conducted only where appearances would be favorable. Every employee would be specially warned and directed as to their conduct, just as was done when they were expecting our Gibson committee. And their report was a whitewash. And when Secretary Work attempted to pay them out of the public Treasury Comptroller General McCarl stopped it, and told Secretary Work that his whole action was without authority of law and that he would not allow such payment, as same would be unlawful. And Secretary Work was forced to pay these five psychiatrists out of his own pocket. And Congress has refused to reimburse him. And when he tried to have their unauthorized report printed in the RECORD I stopped it. And when he tried to have their unauthorized report printed as a public document the Committee on Printing, by unanimous vote, turned him down and would not permit it.

ST. ELIZABETHS PUNISHES ALL BUT PSYCHIATRISTS

Doctor White's main psychiatrist who passes on the sanity of patients, is Dr. Knutt Houck. On the morning of December 15, 1926, he and his wife were missing. They had disappeared overnight. Dr. Knutt Houck turned up in a town in New York State out on the street in front of the hotel in his night clothes, apparently insane. The press reported that he had murdered his wife and disposed of her body. He was brought back to Washington but not confined in St. Elizabeths. Doctor White realized that St. Elizabeths was too great a punishment for a brother psychiatrist, even though he was charged with murdering his wife. He was given special care and attention in Gallinger Hospital. After investigation the Washington Times reported: "Doctor Houck attacked his wife and tore her clothing to shreds." But to this good day her body has never yet been found. On January 4 the Times reported that Doctor Houck was being removed to Walter Reed Hospital to afford better surroundings. Then this psychiatrist was moved over to Johns Hopkins Hospital at Baltimore, and from there he was released so that he could go to his home State. But never has he gone into St. Elizabeths. He would rather be in hell, and I don't blame him.

SANE MEN CAN GET JUSTICE ONLY IN COURTS

Where the head of any one of the eight departments of Government that has authority to place men in insane asylums by letter, makes a mistake and sends a sane person to such an insane asylum without trial there is no place other than a court where such persons may obtain justice. And it is an awfully hard matter for them to get before a court. It is a difficult matter for them to get a hearing even before the department that ordered them there. One without congressional influence gets no hearing. And such hearings when had are farces. The department always feels that it must sustain its action. The subordinate who through jealousy or spite induced the department to order the person incarcerated is always able to produce apparently cogent facts against him. The board appointed to conduct the hearing is usually a bunch of cymlin-headed employees, big with their own importance and officiousness, who know nothing whatever about the law or the legal rules of evidence, and very little about anything else.

NAVY DEPARTMENT HEARINGS ARE FARCICAL

I want to illustrate their modus operandi. On December 14, 1926, the same date that St. Elizabeths famous psychiatrist, Dr. Knutt Houck, attacked his wife, a little heart-broken women told me about how the Navy was punishing her sane husband in St. Elizabeths. I went out there immediately and made an exhaustive investigation, and found her husband, Lieut. Commander Harry T. Sandlin, perfectly normal and sane. I had his wife go before a notary public and swear to her testimony:

AFFIDAVIT OF MRS. BETTY SANDLIN

THE DISTRICT OF COLUMBIA:

I, Mrs. Betty Sandlin, being sworn, upon oath state: I am the wife of Lieut. Commander Harry Till Sandlin, who for 20 years has been in the United States Navy; I am 22 years of age, and married Commander Sandlin in Constantinople on the 1st day of August, 1922, and have lived with him continually since then as his wife; Commander Sandlin separated from his first wife about 14 years ago, and each year until 1924 paid her a certain portion of his salary, and since he stopped paying her in 1924 she has been trying to give him all the trouble she could, and has caused friction between him and the Navy. In February, 1925, in Key West, Doctor Dockery (?), of the Navy, told me that they intended to retire my husband, and in 1925 they had him brought before a retiring board, at which hearing I testified and told what Doctor Dockery had said to me, and they could not retire him as they were not able to prove any reasons therefor, and my husband then defended himself against such proposal; but they sent my husband to the naval hospital in Washington for observation, and threatened to send him to St. Elizabeths. They could find nothing wrong with my husband and finally sent him back to duty in Philadelphia, and his commanding officer reported that his work was first class; because my husband insisted on having an investigation, they sent him to St. Elizabeths Hospital, which is an insane asylum, on November 8, 1926, where he now is, and where they have kept him ever since; he has been given to understand that if he will agree to being retired they will release him from the hospital; there is nothing whatever wrong with my husband; his mind is clear and he is perfectly sane, and he is in no way mentally afflicted; he is not a graduate of Annapolis; my husband's sister, Mrs. W. A. Mattice, of 1307 Chamberlain Avenue, Chattanooga, Tenn., with the approval of myself and husband, requested the Navy Department to send her a "comprehensive and detailed report of his present condition and circumstances leading up to his present status and copies of reports of all investigating boards," and on November 18, 1926, the Secretary of the Navy refused, claiming that same were confidential, after which my husband, in writing, requested that such be sent his sister, but they have not been furnished her. I feel that my husband is being unjustly and unmercifully persecuted, and I appeal to the Congress of the United States to see that we get justice.

BETTY SANDLIN.

Sworn to and subscribed by the said Mrs. Betty Sandlin before me this the 14th day of December, A. D. 1926. Given under my hand and seal of office in the District of Columbia.

[SEAL.] W. G. LADD,
Notary Public in and for the District of Columbia.

I found that Dr. S. F. Acree, an eminent scientist, whom I have known for 30 years, and his wife, were close neighbors and friends of the Sandlins, and I had them go before a notary public and swear to what they knew:

AFFIDAVIT OF DR. S. F. ACREE

THE DISTRICT OF COLUMBIA:

I, Dr. S. F. Acree, being sworn, upon oath state: I am a native of the State of Texas, entered the University of Texas in 1892, and am a graduate of that institution, and am also a graduate of the University of Chicago, and am now engaged in scientific work and live at 1756 Q Street NW., Washington, D. C. During 1925 I lived at 1704 Q Street and we took our meals at 1754 Q Street NW., Washington, D. C., and for over three months we, my wife and I, were thrown in daily communication with Commander Harry Till Sandlin, of the United States Navy, and his wife, Mrs. Betty Sandlin, and we saw each other at least twice each day, and sometimes many times each day, and frequently had our meals together; and this relationship existed during all of the time that Commander Sandlin was under observation by the naval hospital here in Washington; on account of such treatment accorded him, I specially and closely observed Commander Sandlin, with the view of forming my own conclusion of whether he was mentally afflicted, and I reached the conclusion that there was nothing whatever wrong with his mind and that he was in no way afflicted mentally; his mind was clear at all times and I considered him a brilliant man and unusually well poised; and since he was placed in St. Elizabeths Hospital on November 8, 1926, I have been to see him many times and have talked with him on many subjects, and have closely observed him, and there is no change whatever in his mental condition; and in my judgment there is now nothing whatever wrong with his mind and he is in no way mentally afflicted. During one of my visits to St. Elizabeths Hospital to see Commander Sandlin I met Doctor Ziegler, who is in charge of the naval hospital here in Washington, and Doctor Ziegler in substance gave me to understand that if Commander Sandlin would agree to the Navy retiring him that he would be released shortly from St. Elizabeths; in my judgment Commander Sandlin is in every way, physically and mentally, able to perform his duties. I am in no way related to Commander Sandlin, but am interested in seeing that he is not treated unjustly.

Dr. S. F. ACREE.

Sworn to and subscribed before me by Dr. S. F. Acree, on this 14th day of December, A. D. 1926. Given under my hand and seal of office in Washington, D. C.

[SEAL.] W. G. LADD,
Notary Public in and for the District of Columbia.

AFFIDAVIT OF MRS. RUBY J. ACREE

THE DISTRICT OF COLUMBIA:

I, Mrs. Ruby J. Acree, being duly sworn, upon oath state: I am a native of Virginia and am the wife of Dr. S. F. Acree; I have read the affidavit made by him regarding the condition and treatment of Commander Harry Till Sandlin, and I know that same is true and correct; I have never observed anything wrong with Commander Sandlin and believe that he is mentally sound and is in no way mentally afflicted; I consider him unusually well poised; I am in no way related to them, but feel sorry for Mrs. Betty Sandlin, who is a young girl 22 years of age.

RUBY J. ACREE.

Sworn to and subscribed by the said Mrs. Ruby J. Acree before me this the 14th day of December, A. D. 1926. Given under my hand and seal of office in Washington, D. C.

[SEAL.] W. G. LADD,
Notary Public in and for the District of Columbia.

NAVY DENIED SANDLIN'S SISTER REQUESTED INFORMATION

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, November 18, 1926.

Mrs. W. A. MATTICE,
1307 Chamberlain Avenue, Chattanooga, Tenn.

DEAR MADAM: Receipt is acknowledged of your letter of November 11, in which you desire a comprehensive and detailed report regarding the present condition of your brother, Lieut. Commander H. T. Sandlin (S. C.), United States Navy, a complete review and report of all the circumstances leading up to his present status, copies of the reports of investigating boards handling your brother's case, and information as to whether or not he has had a regular hearing or investigation in accordance with Navy Regulations, and the result of such reports.

Your brother has been accorded all his rights in connection with his present status as required by Navy Regulations. The department regrets, however, that it is unable to furnish the information you request, inasmuch as such information forms part of the official record of Mr. Sandlin and is therefore confidential. It is for official use of the department only and can not be given to any other except by order of the officer himself or by order of a court in case such information should be necessary and material in a case on trial before it.

It is true that your brother was recently placed in St. Elizabeths Hospital. If you address a letter to the superintendent of that institution, you will no doubt be able to ascertain the present condition of his health.

Very respectfully,

CURTIS D. WILBUR.

Mrs. Ed. Morgan, of Americus, Ga., is another sister of Commander Sandlin. Mrs. O. B. Bishop, of Adairsville, Ga., is also his sister. I immediately ordered from the Navy Department Commander Sandlin's complete record, which it had refused to give his sister, and Secretary Wilbur assured me it would be prepared immediately.

SERVE NOTICE ON NAVY DEPARTMENT

From the floor of the House the next day, December 15, 1926, I discussed the outrageous treatment which had been accorded Commander Sandlin by the Navy and I then publicly notified the department that he was going to have a square deal. In about a week he was released from St. Elizabeths and allowed to go to his home here, where with his wife and two little children he went where he pleased and did what he pleased thereafter, except the Navy required him to ring up St. Elizabeths on the telephone once a week. I gave the naval officers in charge of his case to understand that if he was in somebody's way and they were determined to get rid of him that I would agree to his being retired on the grounds of being incapacitated for active duty, or upon any other ground that did not reflect upon his character or mentality, but I was determined that they should not retire him as of paranoid state, as that would confine this sane man in an insane asylum for the rest of his life. I was assured that when Commander Sandlin was tried before a naval retiring board I would be given due notice thereof, that his wife should be present, that he should be allowed counsel and the right to produce witnesses in his behalf. I will first let Commander Sandlin and his wife detail what happened:

AFFIDAVIT OF MRS. BETTY SANDLIN

WASHINGTON, D. C.:

I, Mrs. Betty Sandlin, being duly sworn, upon oath, state: I am the wife of Lieut. Commander Harry Till Sandlin, who is now perfectly sane, and never during our married life has had one single thing the matter with his mind; he is unusually bright and well poised; the Navy is punishing him simply because he took up the study of Christian Science, and appealed direct to Secretary Wilbur for fair treatment, when he should have sent his letter through channels; wholly without warrant or trial the Navy had my husband locked up in St. Elizabeths Insane Asylum on November 8, 1926, and until Congressman BLANTON visited him there on December 14, 1926, he was shown no consideration whatever, but after Congressman BLANTON obtained my husband's record, and in the House of Representatives on December 15, 1926, condemned the Navy for its unwarrantable action, he was allowed to leave St. Elizabeths, and spent Christmas week at home with me and our two little children, and since December 31, 1926, has been allowed to stay at home and do what he pleased, except they had him report one night and require him to telephone St. Elizabeths about once a week; under orders from the Navy my husband appeared before the Naval Retiring Board January 3, 1927; they refused his request that I be allowed to act as his counsel, as I wanted to attend; the board consisted of five captains; the two medical members took my husband into a closed room for examination; on their return, Captain Carpenter, chairman, announced that he found my husband to be "paranoid state, condition permanent"; the other medical member concurred; the board approved, and announced that my husband did not have mental capacity to select his own counsel, and they would have had Secretary Wilbur appoint one, and adjourned until next morning; we went immediately to the Capitol, called Congressman BLANTON out of the House, and urged him to save us, and to see that we got justice, as we were not financially able to employ counsel; our friends also urged him, and he secured permission from Secretary Wilbur to conduct our defense at such hearing; he promptly appeared at said trial on the morning of January 4, 1927, but had said board to understand distinctly that in conducting my husband's defense, he did not appear as his attorney, but in his representative capacity, to see that an American got a square deal, and also to learn just how the Navy conducted such trials, where men without court trial could be consigned to insane asylums for life simply upon Navy orders; the hearings were held in the forenoon, so Congressman BLANTON could attend House sessions at noon; he conducted my husband's defense four days, and by competent evidence not only established my husband's sanity, but proved that the Navy was persecuting him; the chairman, Captain Carpenter, and his counsel, saw that they must get rid of Congressman BLANTON; at the close of the hearing on January 7, 1927, Chairman Carpenter ruled that if Congressman BLANTON appeared any further he must do so as my husband's attorney and not in his representative capacity, knowing at the time he would not do so, hence Congressman BLANTON refused to appear further; Congressman BLANTON had made Captain Carpenter admit that he had prejudged my husband's case, basing his decision that he was of paranoid state simply because he had communicated direct with Secretary Wilbur, and because an officer at Key West once reported that my husband refused to give up his duty there; such officer so reporting had himself been under mental observation for a year, and I personally know that his report was false, because I was then with my husband when he turned over his office strictly in accord with the naval order and regulations; and in deciding the case Chairman Carpenter still held that my husband was of paranoid state, despite the fact that the other four members of the board changed their preliminary decision and held that he was not; I believe that if it had not been for Congressman BLANTON protecting us that naval board would have condemned my husband to St. Elizabeths Insane Asylum for life, when he is absolutely sane.

BETTY SANDLIN.

Sworn to and subscribed before me this 7th of ———, 1927.

[SEAL.] WALTER C. NEILSON,
Notary Public in and for the District of Columbia.

AFFIDAVIT OF H. T. SANDLIN

WASHINGTON, D. C.:

I, Harry Till Sandlin, being duly sworn, upon oath state: I am a lieutenant commander in the United States Navy; not until I took up the study of Christian Science did the Navy attempt to punish me; when stationed at Key West the commanding officer there, who himself had been under mental observation, sent to Washington a report that I had refused to obey orders to turn over my office; I did not so refuse, but complied with such order strictly according to naval regulations; this officer, C. D. Stearns, got mad because I asked him to give me a hearing on the reports he had sent against me, and I had two officers witness my request, but he denied it; without giving me any warning, or hearing, or trial, I was locked up in St. Elizabeths Insane Asylum, where there were shrieking maniacs close enough to be heard, on November 8, 1926, and was shown no consideration until Congressman BLANTON visited me and investigated my case on December 14, 1926, after which I was allowed to go home, and I spent Christmas week with my family, and after December 31, 1926, I have been allowed to stay at home and go where I pleased and do what I pleased, except I have reported one night to St. Elizabeths, and am required to ring them up about once each week; Secretary Wilbur had assured my friends that when I was called before the Naval Retiring Board, I would be given a fair trial, and could have counsel, and have my witnesses testify; I was ordered to appear before such board on January 3, 1927, and the board was proceeding with the trial without giving me counsel; to insure having my wife present I requested that she be designated as my counsel, which was refused; the medical members of the board, Captain Carpenter, and Captain Thompson, took me off in a room separated from said board and examined me, and then went back before the board and reported that I was of "paranoid state; condition permanent," and that I did not have sufficient mental capacity to choose counsel, and that they would ask the Secretary of the Navy to provide same. The board thus approved such decision. I was thus decreed to be of unsound mind, without a hearing and without trial, and any rights that I might assert thereafter were to be determined by a board which had already prejudged me of unsound mind and that would mean my incarceration in St. Elizabeths for life; the board adjourned until the next morning; we went immediately to the Capitol and called Congressman BLANTON, and urged him to protect me and see that I had a fair trial; I was not able financially to employ competent counsel; Congressman BLANTON appeared next morning, had it understood that he was not appearing as an attorney, but had permission from the Secretary of the Navy to appear in his Representative capacity, and defend my rights, and see that I got a fair trial, and also to observe just how such trials before naval boards were conducted; he objected to the entire board on the ground that it had already made up its mind, and had prejudged my case; his objection was overruled; he demanded that the proceedings of the previous day be stricken from the record as I had no counsel; this was refused; he defended my rights for four days, and then to get rid of him, Chairman Carpenter ruled that Congressman BLANTON could appear no longer in his Representative capacity, but would have to appear as my attorney, and he thus forced him to appear no longer; Chairman Carpenter did not change his opinion, but after the other four members filed their report, finding that I was not of paranoid state, he still persisted, and filed a minority report, still holding that I was of paranoid state.

H. T. SANDLIN.

Sworn to and subscribed this 7th of ———, A. D. 1927.

[SEAL.] WALTER C. NEILSON,
Notary Public in and for the District of Columbia.

HAVE ALWAYS HELPED THOSE WHOSE RIGHTS WERE DENIED THEM

When on January 3, 1927, Commander and Mrs. Sandlin called me out of the House and urged me to help them, saying they were not able to employ an attorney, I agreed to protect them at the second meeting of the trial board next morning. I secured from Secretary Wilbur permission to appear in my representative capacity and conduct Sandlin's defense before the board.

I appeared before the board promptly the next morning, January 4, 1927. It consisted of Capt. Dudley N. Carpenter, chairman; and Capt. Edgar Thompson, both medical officers; and three other captains named Seibels, Ellis, and Metcalf.

I ascertained that on the preceding day the board had denied the request of Commander Sandlin that his wife be present, that Commander Sandlin had protested against being tried before said officers, and that without having anyone there to represent him the two medical members of the board, Captain Carpenter and Captain Thompson, ordered Commander Sandlin to go with them into another room, where in the absence of the other three members of the board they put Commander Sandlin through what they termed an examination, but which in common parlance is known as the third degree; that they then brought him back before the board and announced (quoted from record):

Capt. Dudley N. Carpenter, Medical Corps, United States Navy, the senior medical member of the board, reported that, in his opinion, Lieut. Commander Harry T. Sandlin, Supply Corps, United States Navy, is suffering from paranoid state, which opinion is, based on the medical members' examination of this date, including the official medical records, and expert opinions of the duly authorized representatives of the naval medical department; that this condition is permanent, by reason of which he is incapacitated for active service in the Navy, and that his incapacity is the result of an incident of the service.

Capt. Edgar Thompson, Medcal Corps, United States Navy, a member, reported that he concurred in the opinion expressed by Captain Carpenter, Medical Corps.

And perfunctorily the other three "yes men" on the board approved, and thus without trial or benefit of clergy the board had condemned him as being insane.

I now quote from their record my statement made when I first appeared:

Mr. BLANTON. I have made a study of conditions in our Army and Navy with respect to men being charged with being of unsound mind for some time with a view to rectifying by law, if needed, the present situation. Because of that fact I have been out to St. Elizabeths a number of times and to other hospitals and I have been importuned by friends of Commander Sandlin to appear and see just the situation in his case, not as his attorney, because I represent no man as attorney while I am a Congressman, and there is no question of remuneration in it, but simply a question of appearing to see that this man gets a fair and just trial, and I ask permission to so appear, and if I am permitted by you gentlemen I will appreciate it.

And the board read a letter from Secretary Wilbur to it authorizing me thus to appear, and for four days without question the board permitted me so to appear.

I immediately requested the board to set aside its finding made the previous day prejudging Commander Sandlin to be insane without trial. And when I demonstrated to the board how ridiculous it would be for Commander Sandlin to proceed when the two medical members of the board had already in writing condemned him as insane, their conclusion being adopted by the board, they were in a quandary:

The BOARD (meaning Chairman Carpenter). Do you understand that the medical records have been introduced as official documents:

Mr. BLANTON. There has been nothing introduced yet. I shall expect counsel for this board to begin at the beginning and introduce what he offers to introduce.

The BOARD. You wish to have them introduced again?

Mr. BLANTON. I want something introduced against Lieutenant Commander Sandlin who now appears before the board for hearing. It must be reintroduced—such evidence as the board wants to consider against him. In other words, some case must be made out against him now.

The BOARD. I would like to call on the assistant from the Judge Advocate General's Office as to reintroducing evidence that has already appeared before the board.

Then the Assistant Judge Advocate in a long-winded speech explained that the Navy had its own way of conducting hearings, wholly distinct from legal rules of procedure, and that it did not have to reintroduce its evidence against Commander Sandlin but that it was up to Commander Sandlin to proceed with his defense. He argued that because the Navy regulation provides that the one being tried "has the right to offer witnesses" that the first and only thing that could be done was for Commander Sandlin to proceed in offering witnesses:

Mr. BLANTON. This man appears here under charges. Now, I want you to proceed from this time on with a trial. I want to hear the evidence that is against him. I want to see how it is reached. He is being tried without giving him a hearing, and I am sure you want to give this man a proper hearing. I want to be frank with you. I am going to contend that it is improper that there should be regulations in the Navy to send a man to an asylum. Counsel has failed to grasp the significance of this regulation. The regulation provides that he has a right to offer witnesses. It does not take away from the Navy the necessity to produce evidence against him. Here is his medical record. In January, 1913, he was examined, with no physical defects; January, 1915, no physical defects; January, 1918, no physical defects; January, 1920, no physical defects; January, 1921, no physical defects; January, 1922, he was found physically qualified to perform his duties; January, 1923, he was found to have no physical defects; January, 1924, and January, 1925, he was examined and found fit to perform his duties. Now, there is his medical history and his history as a naval officer down to January, 1925.

I want to insist that this board should offer evidence against him. Put his medical record in evidence. It should be offered in evidence against him. This is the time to make a record against him. Surely, counsel would not want this board to determine this case on something that was done yesterday, when he was not represented by counsel. Is there any contention made here that this man did not clamor for counsel yesterday? He was demanding that his wife be present and he was denied that right.

Captain ELLIS. He was not denied counsel.

Mr. BLANTON. I object to this member of the board [indicating Captain Ellis]. I think you are prejudiced against Lieutenant Commander Sandlin.

Captain ELLIS. No; I am not.

Mr. BLANTON. I think you are.

And the attitude of the entire board being one of antagonism toward Commander Sandlin and it having agreed that its action taken the day before should stand and not be set aside notwithstanding the board had clearly stated that such finding should merely be deemed charges against Sandlin upon which he was to stand trial, the same as an indictment in a criminal court, and the board having agreed that it would reintroduce nothing but would force Commander Sandlin to put on any defense evidence he had, I challenged the board for prejudice and protested against their sitting in the trial. The board promptly overruled my challenge. I then and there renewed the challenge in writing to Secretary Wilbur, asking that he appoint a new board which he refused.

To show how the Navy Department resents any interference with its business I relate the following incident: I had parked my car in front of the Navy Building in the identical place where I had parked it at least fifty times before. As I went into the building I asked Captain Joyce "the door man" who knew me if he would look after my car while there, which he agreed to do. At the conclusion of the hearing at noon, when I left the building to my great surprise I found a bevy of five newspaper photographers with their cameras set on tripods focused on my car and a bevy of newspaper reporters with their books and pencils in hand.

Captain Parsons accosted me about parking my car there. I showed him my congressional tag on it, which permits my car to be parked in front of any public building in Washington at any time. He agreed that I had such right. In the afternoon papers appeared a picture of my car, with the statement that when I first stopped there the doorman had told me that I could not park there and that I had replied "The hell I can't." To show how ridiculous such report was, I quote the following affidavit from Captain Joyce, the doorman:

WASHINGTON, D. C., *January 5, 1926.*

I, J. F. Joyce, state: I am the guard stationed at the main entrance to the Navy Department Building. I was on duty there yesterday morning when Congressman BLANTON, of Texas, drove up there in his car; he parked his car in front of said entrance and came to me and stated that he had official business in said building, and for me to please see that his car was not molested. This I agreed to do. That is all that passed between us. It is not true that I told him, as alleged in newspapers, "that he couldn't park there," and it is not true, as alleged in newspapers, that he replied, "The hell I can't." Such did not occur. On prior occasions when he has had business before said Navy Department said Representative BLANTON has parked his car in the identical place where he parked it yesterday, and he has always come to me and told me that it was his car and he was on official business, and I have never interfered, because he had on his car a "congressional tag," issued by the traffic department, which authorized him to park in front of Government buildings when attending to official business. Congressman BLANTON has always been extremely courteous to me.

J. F. JOYCE.

BURDEN UPON COMMANDER SANDLIN TO PROVE HIMSELF SANE

Realizing that Commander Sandlin was simply up against it and was required to prove himself sane, I proceeded to do so. After noting that all of his examinations up to January, 1925, made in many parts of the world showed him to be in splendid condition and fit to perform active service, I again read into the RECORD his medical report from Key West, Fla., showing that on January 5, 1925, he was there examined with this report: "Fit to perform all duties of his grade." And then I read another report from Key West, Fla., dated January 31, 1925, from which I quote:

Patient's condition in my opinion became noticeably changed about one month ago. Officers on this station appeared to feel he was peculiar and did not associate with him freely. He wrote several letters, which appears as if he was impressed with an idea of a mission to perform.

You will note from the affidavit of Commander and Mrs. Sandlin that this commanding officer at Key West, Captain Stearns, who was filing these reports against him, had himself theretofore been under mental observation. And by "mission to perform" Captain Stearns was referring to Commander Sandlin's study of Christian Science. You will remember further that at this time Captain Stearns had placed Commander Sandlin under mental observation, which action to a man of Commander Sandlin's attainment must have been annoying and aggravating to the extreme. And from his medical record I read the further notation:

Since admission this officer feels that he is being persecuted by the commandant and medical officers; he feels that placing him under medical care is to thwart the performance of his mission and his endeavor to realize his ideal. His failure to comply with his detachment orders and his present delusions of persecution tend to show that in this specific case his judgment is poor, there is otherwise an absence of intellectual impairment.

Then, on February 3, 1925, he was transferred to the Naval Hospital, Washington, D. C.

I now quote from the official record of Sandlin's trial the excerpts from his medical record showing his first report from the Naval Hospital at Washington that I then read in evidence to-wit:—

Mr. BLANTON. I read this excerpt from said hospital: "On admission this patient was correctly oriented in all spheres; closely in touch with his environment; extremely neat and well groomed in his personal appearance and very gracious and cooperative in his bearing and manner. During the first interview, however, the patient appeared under some tension." And then I skip and read the following excerpt: "* * * at no time was there any indication of true flight of ideas and his restless attitude did not suggest any great amount of pressure of activity." Then I read the following: "He constantly interspersed in his conversation, apparently in order to prove his arguments, considerable Christian Science phraseology." Then I read from page 6 the following excerpt, under date of February 11, 1925; "Physical examination: General physical and neurological examination of this patient revealed no essential defects." Then: "There is no history of nervous or mental trouble in any branch of the family. The patient was the third of seven children. Early childhood spent on farm. His mother was hyper-religious and very insistent on her children receiving thorough religious training. Mother belonged to the Baptist faith. His father was rather indifferent to religion. Under these influences the patient at an early age took considerable interest in religious matters. He started to school at age of 6 years to country school. Later went to school at town and then to high school which he completed at 16 years of age. Joined the Baptist church at 15 years of age and was baptized by immersion. The patient's mother died when he was 11 years old.

"The patient admits that he has always been strongly religious and was reared a devout Baptist." Then on page 9: "In 1920 he went to Boston for duty and took up the study of psychology both normal and abnormal"—then "* * * finally came across some Christian Science publications and studies and discovered that this philosophy was just what he wanted, says, 'this seemed to be the key to the situation.' He delved deeply into Christian Science and states that he healed himself of all his physical ailments. Since that time he has spent considerable time studying and thoroughly imbuing himself with Christian Science principles. In regard to Christian Science activities the patient admits that possibly he is more enthusiastic and aggressive in his attitude regarding this subject than the average believer but he explains this by saying 'that is my nature. I am active and aggressive in anything I undertake. If I thoroughly believe in the efficacy of Christian Science why am I not free to express my opinions and endeavor to do good to all.'"

On page 10 I read the following excerpt: "In addition to his marital difficulty and the payment of a settlement by allotments the patient has attempted to aid members of his present wife's family, his own family and also has contributed liberally to relief work while in Constantinople."

On page 11 I read the following excerpt: "Also there are some trends in evidence indicating his feeling that he has been considerably misunderstood and perhaps almost persecuted at times because of his ideas."

Under date of August 5, 1925, from the report of the Board of Medical Survey, I read the following excerpt: "Physical examination reveals no defects."

From the report of the Naval Retiring Board, Navy Department, Washington, D. C., under date of October 5, 1925, which begins on page 14 of my transcript furnished by the Navy Department, I am reading from the top of page 15, the following: "The board therefore recommends that Lieut. Com. Harry T. Sandlin, supply corps, United States Navy, be assigned to duty in the Bureau of Supplies and Accounts, where he will be in close association with the officers of his corps and under observation by them.

The board further recommends that Lieutenant Commander Sandlin be advised to demonstrate his mental self-control by devoting himself strictly to his professional work in the manner prescribed by Navy Regulations and customs, by refraining from mixing in civic affairs and also be refraining from giving advice." * * * I suppose that should be "by," just a typographical error in copying; that's what it is on my copy * * * "* * * by refraining from giving advice or making recommendations except in his immediate family, unless specifically called upon to do so."

On page 17 I read the following.

UNITED STATES NAVAL HOSPITAL,
Washington, D. C., December 11, 1925.

From: Commanding Officer.
To: The Secretary of the Navy.
Via: Commandant, Bureau of Medicine and Surgery, Bureau of Navigation.
Subject: Disposition of Lieut. Commander Harry T. Sandlin, (SC), U. S. N.

1. In order to further observe this officer and get a change of environment which is considered advisable in his case, it is recommended that he be ordered to duty where he can be under observation for possible further development in his case.

And the first endorsement by the Bureau of Medicine and Surgery, dated December 12, 1925, "Forwarded, recommending approval as this bureau is of the opinion that this recommendation is for the best interest of the service."

Then the entry: "Naval Hospital, Washington, D. C., December 24, 1925. This patient has received orders to duty at the Philadelphia Navy Yard. He is therefore discharged to duty this date."

Mr. BLANTON. The first time you ever saw Commander Sandlin was day before yesterday, January 3, 1927, approximately around 10 o'clock?

Captain CARPENTER. It was.

Mr. BLANTON. Had you prior to that time familiarized yourself with what is commonly designated as the record of Commander Sandlin in the Navy Department prior to that time?

Captain CARPENTER. Upon receipt of my orders as president of this board and medical member I had sent to the board the official records which have been placed in evidence, open for my inspection, and tried to familiarize myself with it.

Mr. BLANTON. Had you prior to 10 o'clock Monday morning last familiarized yourself with that record?

Captain CARPENTER. I had received my orders with these records prior to the meeting of this board and at that time had utilized these official documents; prior to that time I had not seen or heard of any record in his case.

Mr. BLANTON. Then, until 10 o'clock last Monday morning you were unfamiliar with his record?

Captain CARPENTER. I have not so stated. It was several days before that time that his record was received.

Mr. BLANTON. Then, several days before last Monday you did have access to his record?

Captain CARPENTER. Officially transmitted to me.

Mr. BLANTON. And you did read it?

Captain CARPENTER. I did so.

Mr. BLANTON. Did you reach a conclusion on reading it?

Captain CARPENTER. I presume my medical mind naturally did have an opinion after reading it.

Mr. BLANTON. After reading that record, which, so far as Commander Sandlin is concerned, is ex parte, you did form a conclusion as to his mental condition?

Captain CARPENTER. A tentative conclusion or opinion.

Mr. BLANTON. You formed a tentative opinion that you reserved in your mind, the right to change or eliminate it if Commander Sandlin produced sufficient evidence to justify it?

Captain CARPENTER. That is true.

Mr. BLANTON. That was before you had ever seen the man?

Captain CARPENTER. It was.

Mr. BLANTON. Then when the board met around 10 o'clock last Monday morning there appeared Commander Sandlin and his wife; is that true?

Captain CARPENTER. Commander Sandlin was the only one who appeared before the board while the board was being formed.

Mr. BLANTON. Then there was present only Commander Sandlin so far as he was concerned?

Captain CARPENTER. That is so.

Mr. BLANTON. You knew his wife was in the next room?

Captain CARPENTER. I did.

Mr. BLANTON. Not in this board room?

Captain CARPENTER. She was not in this board room.

Mr. BLANTON. And the record will show and you have admitted that Commander Sandlin did protest to the entire board; he filed a protest as to the right of the board to proceed on a retiring feature.

Captain CARPENTER. He protested, as the record shows, to all members of the board and the entire proceedings.

Mr. BLANTON. Now, at what state of the proceeding did Commander Sandlin ask that his wife be allowed to represent him?

Captain CARPENTER. As I recall it, it was just before the medical members were to make the examination, and I, acting as president of the board, informed him that at the proper time, after this examination, that he would be allowed to call any witness he pleased, to be represented by counsel and to have anyone he pleased.

Mr. BLANTON. But you did inform him that until that medical examination was held it would be impossible for his wife to be present?

Captain CARPENTER. That would be what I intended for him to understand.

Mr. BLANTON. That precluded his wife being present?

Captain CARPENTER. Until this medical opinion had been reported to the board by the medical member.

Mr. BLANTON. You and Doctor Thompson proceeded into another room and had Commander Sandlin come before you and made an examination of him?

Captain CARPENTER. We did; and may I say this is in accordance with the written order to the president of the board which so directed us to do and also instructed us to pay especial attention to the officer's official record.

Mr. BLANTON. And you did make an examination?

Captain CARPENTER. We did.

Mr. BLANTON. You examined him physically and orally?

Captain CARPENTER. We examined him orally and physically.

Mr. BLANTON. Did you find any physical defects?

Captain CARPENTER. We found no physical defects; he is physically sound.

Mr. BLANTON. So far as you could determine, and there has been nothing brought out in his record to indicate any physical defect?

Captain CARPENTER. We could find nothing in the record, nor did we find it on our examination.

Mr. BLANTON. You had in mind this medical record which you had read and studied all the time you were making this examination?

Captain CARPENTER. I had in mind his last year's duty; I had in mind just how he had been able to carry on as an officer under observation after the finding of the last retiring board.

Mr. BLANTON. And you did not free your mind of that record?

Captain CARPENTER. I certainly did not.

Mr. BLANTON. Did Commander Sandlin have anyone representing him there?

Captain CARPENTER. He had no one in the room; his wife was in the adjoining room.

Mr. BLANTON. She was not present?

Captain CARPENTER. She was not.

Mr. BLANTON. There was present you, Doctor Carpenter, and your medical colleague, Doctor Thompson, and Commander Sandlin, just the three of you?

Captain CARPENTER. Correct.

Mr. BLANTON. How long did this examination last?

Captain CARPENTER. I judge about one hour.

Mr. BLANTON. Did you put him through a categorical line of questioning as to the history of his family life from the time of his boyhood on up?

Captain CARPENTER. I did not. I simply wished to determine from his present condition any evidence of mental impairment, which I believe I have found and so reported, and which I will be willing to give you any reasons for.

Mr. BLANTON. Please state in detail: Was there a record made of that examination in writing; was there a stenographer there?

Captain CARPENTER. No stenographer. Doctor Thompson made a record which consisted of certain entries of his medical record, in line of duty, not in line, etc., which seemed to bear on his case, and we came to a written conclusion.

Mr. BLANTON. Since there is no written record of the questions propounded by you and his answers so that we may have the benefit of them, just which questions and answers you based your conclusion on later, will you kindly state just what questions you asked Commander Sandlin to answer, consecutively if possible, and what answers he made that impressed you?

Captain CARPENTER. The answer that I considered most important as bearing on his mental condition was his reply to my question, which was asked for the purpose of determining his judgment, "May I ask you why you object to appearing before a naval retiring board?"

Mr. BLANTON. And his answer?

Captain CARPENTER. Having in mind that an officer who had been 12 years in the service, familiar with the regulations, also 20 years in the service, 4 of which was as a chief pharmacist mate in the Medical Department, and therefore familiar with the regulations and instructions which require action when a board of medical survey recommends, as was done in his case, that he appear before a retiring board, I was anxious to have his answer which was in effect as follows: "I consider that the head of any department that would order me before a retiring board is doing a criminal act; it is a criminal procedure." I said "That is very strong language, Mr. Sandlin, to use regarding the Secretary of the Navy because he has ordered this retiring board that you are now before." He said "I am not especially referring to the Secretary of the Navy; I am referring to the head of any department." The impression that this made on my mind was that if he was making these comments when he was before the board undergoing an official examination, making such a statement which would, under the regulations for the military service, if he is mentally competent, bring him before a general court-martial, and if not, such a statement would indicate that he had no insight into the condition and that it was a marked defect. That answers that particular question.

Mr. BLANTON. Outside of this matter which convinced you, what did his other answers indicate to you?

Captain CARPENTER. I would say that his answer to the question concerning his going to Philadelphia, asking about his duty in Boston and why he was there, from my limited experience as a medical man not being an expert on mental conditions, I would say that he showed the average intelligence, that he was well oriented as to time and place, that his memory seemed to be good, and that he simply showed——

Mr. BLANTON. A remarkable ability of mind?

Captain CARPENTER. I would not say remarkable, but he certainly manifested no marked defect of intelligence; it simply had to do with this fixed idea and to his showing either judgment or insight.

Mr. BLANTON. Now, following what occurred, as you have related, feeling that you had been convinced, you and your colleague, Doctor Thompson, filed a written medical report, duly, through official channels, transmitted to the Secretary of the Navy, giving your conclusion that the one under observation before you was suffering from paranoid state?

Captain CARPENTER. The question as put is not quite correct. We reported our medical opinion to the board, in accordance with the procedure, and that became a part of the official record.

Mr. BLANTON. And you did report that he was suffering with paranoid state?

Captain CARPENTER. It did report that in our opinion the candidate is suffering with paranoid state.

Mr. BLANTON. That opinion stated that he was suffering from paranoid state?

Captain CARPENTER. That was our medical opinion.

I found that the medical record before the board did not contain the report made by Commander Sandlin's superior officer at Philadelphia, where he was last stationed, and I required the Navy Department to produce it, and I read it to Carpenter.

Mr. BLANTON. I would like to read this report now. It is headed "Fourth Naval District," and reads as follows:

FOURTH NAVAL DISTRICT, DISTRICT STAFF HEADQUARTERS,
Building No. 1, Navy Yard, Philadelphia, Pa., March 31, 1926.

Memorandum to supply officer, Fourth Naval District

Subject: Lieut. Commander H. T. Sandlin, United States Navy, fitness report for the period December 28, 1925, to March 31, 1926.

The following information is submitted in compliance with the request of supply officer, fourth naval district, made this date:

Lieut. Commander H. T. Sandlin has been employed in district headquarters, under the supervision of the assistant commandant, during the above-mentioned period. He has been engaged chiefly in the preparation of district war plans, but he has been assigned various other duties from time to time, when his services were otherwise required.

He has impressed the assistant commandant as a very bright and capable officer; he is earnest and conscientious in the performance of his duties and at all times cheerful, willing, and subordinate.

He is extremely courteous; his bearing is military; and he has displayed cooperative qualities, adaptability, tact, and judgment in the performance of his duties. His manner has been officerlike and his conduct entirely above reproach.

The assistant commandant considers this officer well qualified to perform duties of his grade and corps in the fleet or on shore, and he would be glad to have him serve as supply officer or disbursing officer under his own command at any time.

W. K. FIDDLE,
Captain, United States Navy, Assistant Commandant.

Now, had there been counsel present to call your attention to all of these things, and that all through these transactions when he was under mental observation, impressing his wife, with whom he was living every day, and his associates, who are eminent citizens of the United States, with his clearness of mind and soundness of mind and with his knowledge of even after all of his observations his officer in direct command should send such a splendid report of his work, would not that have been an explanation to you, Doctor Carpenter, as to why he felt it was criminal to order him before a retiring board and not to give him a proper hearing on these and other facts? Would that have been a proper explanation to you?

Captain CARPENTER. It would not. I did not consider his marital relations, nor did I take into consideration his religious principles. The record that influenced me first was that when he was at Key West, he was relieved from duty and he refused to give up his duty. That was the first thing that made me feel that he was not normal in his mentality.

Mr. BLANTON. Did you find out whether that report from Key West was true?

Captain CARPENTER. I did not; it was part of the official record.

Mr. BLANTON. I will show that it was not true. He never failed to give up his duty. That is an error on the part of the officer who reported it. I will present Commander Sandlin's side of the case a little later.

Captain CARPENTER. I can only give you what was from my own opinion—what influenced me so far as the record was concerned. I excluded marital relations. This was an officer who should have been familiar with the rules and regulations after 20 years' service. That was the first time where it seems to me that he deviated from the normal.

Mr. BLANTON. If he had been permitted to take these different reports up seriatim and consecutively and his version of his rights under them, don't you think that it would have been proper procedure by you in letting him do that before reaching a conclusion on this report?

Captain CARPENTER. I realized that he had an opportunity to do so.

Mr. BLANTON. He had an opportunity after you filed your conclusions. You did file your official opinion?

Captain CARPENTER. That is true.

Dr. S. F. Acree, being duly sworn, testified as follows (questions and answers being reduced to narrative form):

My name is S. F. Acree, am 51 years old, entered State University of Texas in 1892, graduated there with degree of Bachelor of Science, then went to University of Chicago, where I received a Ph. D. in 1902, then spent 1903–4 in University of Berlin; I have been abroad five times, besides university work and chemical researches; I have been a teacher in Johns Hopkins University, and Wisconsin and Syracuse Universities. I have published over 100 articles in various lines of chemistry in which I have been interested. I have been invited to give numerous addresses, and I was invited to make an address before the Faraday Society of Great Britain. I have appeared in a number of lectures involving chemistry and I have been connected with the direction of two plants for the commercial development of some of my processes; I was acquainted with Commander Sandlin while he was under observation in the Naval Hospital here in Washington; from August to October, 1925, we were at the same boarding house; I have talked to Commander Sandlin a great deal on subjects of current interest; I have been interested in naval subjects; we were a great deal together socially, and we were better acquainted with them than with any other family here, and that intimacy still exists; I have had occasion to note the conduct of Commander Sandlin with regard to the condition of his mind, and my opinion is based on continual contact with the medical men of Johns Hopkins University, with whom I ate daily, taught medical students myself, having been on the staff of the Highland Hospital in Rochester, N. Y., having been friends of people interested in psychiatry in general; I did not even know at first, when I met Commander Sandlin, or for some time afterward that he was under observation in the Naval Hospital, and never suspected any such thing from any talk with him. I learned it after three months acquaintance with him, and I have carefully watched his talk. I did not observe anything abnormal about him. He was to my mind an unusually fine man. He never tried to force on us Christian Science, or any such ideas. He was very fair, indeed. When I learned that Commander Sandlin was in St. Elizabeths I went over there. To my astonishment I found that he was the same well-poised, fair-minded man I had known before; I believe that Commander Sandlin is of sound mind; I do not believe that he is potentially dangerous to society—not in the slightest; since he has been let out of St. Elizabeths he has been a free agent, going where he pleased, and doing what he pleased; I have been attracted to him; I do not believe there is anything in the world the matter with his mind; a psychiatrist, whom I know, says he believes every person is a paranoid; with regard to the suggestion that Commander Sandlin made to the Navy, there is not anything that would indicate an unsoundness of mind; I called on Congressman BLANTON, my old schoolmate, to see that my friend got justice; I feel that Commander Sandlin has been misunderstood because he expressed himself in an unusually brilliant way.

TESTIMONY OF MRS. RUBY J. ACREE

Without taking up more space will state that Mrs. Acree testified substantially to the same facts and conclusions as did her husband.

One of the leading professors in George Washington University on this subject testified before the hearing that for several weeks he had carefully observed Commander Sandlin with the purpose in view of determining whether he was of sound mind. That he had subjected him to every test known to psychiatrists and that he was convinced that Commander Sandlin is absolutely sane.

SWORN TESTIMONY OF DR. F. A. MOSS, HEAD OF THE DEPARTMENT OF PSYCHOLOGY, GEORGE WASHINGTON UNIVERSITY

I have studied Lieut. Commander Harry T. Sandlin almost daily for the last two weeks, during which time I have spent more than 50 hours going into all phases of his case. In addition to making a careful study of his history and giving him the usual subjective examination made by psychiatrists, I gave him a number of objective standardized tests with the hope of putting his case, in part at least, on a fact rather than an opinion basis.

In all the objective tests Mr. Sandlin's showing was that of a person with a normal mind. On the Army alpha test he made a score of 151, which is above the average for the officers in the Army and is 10 points above the average for university students. On the will tempermanent test his reactions were all within the normal limits. In his test for judgment in abstract relationships he shows a superior performance. His poorest showing was on the test calling for judgment in dealing with other people, and this defect, in my opinion, accounts in no small part for his present difficulty; for it is this shortcoming which often causes him to evaluate improperly the way others will interpret his acts. This, however, is not an indication of insanity, for some of our most intelligent people do not get along very well with others.

With the hope of discovering some objective evidence of his so-called "complexes," I gave him the association test devised for this purpose and described by Dr. William A. White on page 352 of his Outlines of Psychiatry. This test gave absolutely no indication either of an inferiority complex or of an abnormal attachment to his mother.

His neurological examination was negative. His family history showed no taint of insanity, and is what I would term a fairly normal family history. His previous personal history shows little of value in explaining the present difficulty, which really began with his first marriage and culminated in the recent court action in Boston.

At first I found it considerably difficult to reconcile some of his letters and telegrams with my other findings, but it is my opinion that the explanation of his present difficulty can be traced to his unfortunate marriage with the first Mrs. Sandlin. From the history it would seem that she is more or less of an adventuress, and that when they had separated she deliberately set about to cause him all the embarrassment possible. After several years of prolonged worry and uncertainty he finally succeeded in settling with her by paying her the lump sum of $6,400. But one and a half years after the final payment he found himself suddenly ordered to Boston to face a new action brought by her. At this time he had married again, and had two young children to support. His judgment in sending the letters and telegrams to Secretary Wilbur was admittedly poor, but I believe that these can be attributed in no small part to the excessive annoyance to which he was subjected by the tantalizing tactics of the first Mrs. Sandlin, who was aided by certain unsuspecting naval officers.

In spite of all the harassing that he has gone through he manifests at present no clear-cut symptoms of paranoia or of a paranoid state. He has no hallucinations, either visual or auditory. He neither has at present, nor has he had any "hypochondriacal ideas." No period of "marked emotional depression," no clear-cut "ideas of reference," no "delusions of explanation," and no greatly exaggerated feelings either of "self importance" or of "inferiority" can be found in the case. I was unable to find any "retrospective falsifications of memory," and I am positive that he has no mental deterioration. Yet all these, according to White's Outlines of Psychiatry, pages 109–113, are the signs by which one may recognize paranoia and paranoid states. His natural resentment at being thrown into an asylum for the insane might be termed an indication of a delusion of persecution, but his explanation of this feeling is too clear cut to permit one to believe that he has a definite, systematized delusional system, for he manifests no resentment at any particular individual, and only attributes his misfortune to the system under which he is working. Such being his attitude, I see nothing to make me suspect that he may do violence to any one, nor can I find any other reason for his being locked up in an asylum for the insane.

F. A. MOSS,
Head Department of Psychology,
George Washington University.

Subscribed and sworn to before me this 21st day of January, 1927.
[SEAL.] JAMES M. WOODWARD,
Notary Public, District of Columbia.

After I had appeared before the board four days, the counsel for the board raised the objection that I could no longer appear before said board in my representative capacity, and that if I appeared longer I would have to appear as attorney for Commander Sandlin. At the time he raised this objection he and the board had clearly explained to them that that would necessitate my not appearing longer, and the board knowing this sustained such exception and I appeared no farther.

And the board made the following entry in the record of the proceedings: "Counsel to the candidate thereupon abandoned his client."

The board knew that was a lie. In the first place Commander Sandlin was not my client, and in the second place I did not abandon him. And when this record went to the Judge Advocate General of the Navy he reprimanded the board severely for placing this unwarranted notation in the record.

And the board gave out to the press that it had banned my appearing before them. Not until the case was all over did the board furnish me any copy of the record for correction or otherwise, and on obtaining and inspecting a copy of it I find that the board put into it just what it wanted in, and left out of it just what it wanted left out. All that part where objection was made to my continuing except in the capacity of an attor-

ney was left out of the record. Four members of the board filed a report refusing to find Commander Sandlin of paranoid state, and recommending retirement in just the manner that I have requested them to report. But the chairman of the board, Captain Carpenter, "was of the same opinion still," and filed the following ridiculous—

MINORITY REPORT

I believe that Lieut. Commander Harry T. Sandlin, Supply Corps, United States Navy, is incapacitated for active service by reason of paranoid state; that his incapacity is permanent and is the result of an incident of the service.

DUDLEY N. CARPENTER,
Captain, Medical Corps, United States Navy, President.

And thus Commander Sandlin has been freed from St. Elizabeths, with no record left reflecting upon his sanity. In conclusion let me state that Congress should take immediate steps in the next session to take away from the heads of departments the power to send men to insane asylums by letter.

DEATH OF REPRESENTATIVE A. E. B. STEPHENS

The SPEAKER. In view of the fact that several gentlemen are going to be unable to attend the funeral of our late colleague, Mr. STEPHENS, the Chair will appoint Mr. CANFIELD a member of the committee.

ADJOURNMENT

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 15, 1927, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 15, 1927, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Second deficiency bill.

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the Federal farm loan act (H. R. 15540).

COMMITTEE ON DISTRICT OF COLUMBIA

(10 a. m.)

To modify and amend the act creating the Public Utilities Commission of the District of Columbia (S. 3102).

COMMITTEE ON INSULAR AFFAIRS—JOINT MEETING WITH THE SENATE COMMITTEE ON TERRITORIES

(10.30 a. m.)

To create the Philippine leprosy commission and to provide facilities in the Philippine Islands for the care and treatment of persons afflicted with leprosy (H. R. 16618).

COMMITTEE ON VETERANS' LEGISLATION

(11 a. m.)

To authorize an appropriation to provide additional hospital and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended (H. R. 15663).

EXECUTIVE COMMUNICATIONS, ETC.

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

968. A letter from the Secretary of the Treasury and the Postmaster General, transmitting report of the Secretary of the Treasury and Postmaster General containing a statement of the allocation of all public buildings deemed necessary to be constructed under the provisions of the public buildings act approved May 25, 1926, within the limits of said act (H. Doc. No. 710); to the Committee on Public Buildings and Grounds and ordered to be printed.

969. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment, United States Senate, for the fiscal year 1927, in the sum of $10,000 (H. Doc. No. 711); to the Committee on Appropriations and ordered to be printed.

970. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment under the Architect of the Capitol, for the fiscal year 1927, in the sum of $6,000 (H. Doc. No. 712); to the Committee on Appropriations and ordered to be printed.

971. A communication from the President of the United States, transmitting deficiency estimate of appropriation from the Post Office Department for the fiscal year ended June 30, 1926, $30,000, a supplemental estimate of appropriation for the fiscal year ending June 30, 1927, $23,000, in all, $53,000; also proposed legislation affecting the use of an existing appropriation (H. Doc. No. 713); to the Committee on Appropriations and ordered to be printed.

972. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the Treasury Department for the fiscal year ending June 30, 1927, $22,500, and for the fiscal year ending June 30, 1928, $25,000; in all, $47,500 (H. Doc. No. 714); to the Committee on Appropriations and ordered to be printed.

973. A communication from the President of the United States, transmitting supplemental estimate of appropriations for the fiscal year ending June 30, 1927, to remain available until June 30, 1928, for the Department of the Interior, Bureau of Reclamation, amounting to $135,000 (H. Doc. No. 715); to the Committee on Appropriations and ordered to be printed.

974. A letter from the Secretary of the Navy, transmitting proposed draft of a bill for the relief of Miguel Pascual, a Spanish subject and resident of San Pedri do Macoris, Santo Domingo; to the Committee on Claims.

975. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment, United States Botanic Garden, in the sum of $876,398 (H. Doc. No. 673, pt. 2); to the Committee on Appropriations and ordered to be printed.

976. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Department of Justice for the fiscal year 1925 and prior years, amounting to $30,865.05, and supplemental estimates of appropriations for the fiscal year ending June 30, 1927, amounting to $2,182,833.20; in all, $2,213,698.25; also drafts of proposed legislation affecting existing appropriations (H. Doc. No. 716); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 419. A resolution providing for the consideration of S. 1640, an act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes; without amendment (Rept. No. 2068). Referred to the House Calendar.

Mr. VINSON of Kentucky: Committee on Military Affairs. S. J. Res. 156. A joint resolution authorizing the Secretary of War to lend tents and camp equipment for the use of the reunion of the United Confederate Veterans, to be held at Tampa, Fla., in April, 1927; without amendment (Rept. No. 2071). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 421. A resolution providing for the consideration of S. 4808, an act to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities; without amendment (Rept. No. 2072). Referred to the House Calendar.

Mr. McCLINTIC: Committee on Naval Affairs. H. R. 16874. A bill relating to the admission of candidates to the Naval Academy; without amendment (Rept. No. 2073). Referred to the House Calendar.

Mr. DARROW: Committee on Naval Affairs. H. R. 9464. A bill to equalize the pay of certain officers of the Marine Corps with that of officers with corresponding service in the Navy; without amendment (Rept. No. 2075). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. S. 3614. An act authorizing an appropriation for the construction of a hard-surfaced road across Fort Sill (Okla.) Military Reservation; without amendment (Rept. No. 2076). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. S. 4305. An act to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property; with amendment (Rept. No. 2077). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 15529. A bill to transfer a portion of the lands of the military reservation of the Presidio of San Francisco to the Department of the Treasury; without amendment (Rept. No. 2078). Referred to the House Calendar.

Mr. WURZBACH: Committee on Military Affairs. S. 1483. An act to amend section 50½ and section 70 of the Articles of War; without amendment (Rept. No. 2081). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VINCENT of Michigan: Committee on Claims. H. R. 16027. A bill authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey under bareboat charter from a Danzig corporation; with amendment (Rept. No. 2069). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 17014. A bill to correct the records of the War Department to show that Guy Carlton Baker and Calton C. Baker or Carlton C. Baker is one and the same person; without amendment (Rept. No. 2070). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. S. 4683. An act granting permission to Commander Jules James, United States Navy, to accept the decoration of the legion of honor tendered him by the Republic of France; without amendment (Rept. No. 2074). Referred to the Committee of the Whole House.

Mr. MORIN: Committee on Military Affairs. H. J. Res. 295. A joint resolution to waive age of Paul R. Sutherland, United States Army; with amendment (Rept. No. 2079). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 15633. A bill to correct military record of John W. Cleavenger, deceased; without amendment (Rept. No. 2080). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 9855. A bill for the relief of Kennedy F. Foster; without amendment (Rept. No. 2082). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 15178. A bill for the relief of Charlie R. Pate; with amendment (Rept. No. 2083). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16979) granting an increase of pension to Mae E. Garrison; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 16932) granting an increase of pension to Charles Mitchell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WOOD: A bill (H. R. 17128) granting the consent of Congress to the State of Indiana, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and permitting the State of Kentucky to act jointly with the State of Indiana in the construction, maintenance, and operation of said bridge; to the Committee on Interstate and Foreign Commerce.

By Mr. BRAND of Ohio: A bill (H. R. 17129) to amend the tariff act of 1922 by transferring rag pulp from the free list to the dutiable list; to the Committee on Ways and Means.

By Mr. HAWLEY: A bill (H. R. 17130) to conserve the revenues from medicinal spirits and provide for the effective Government control of such spirits, to prevent the evasion of taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. SWEET: A bill (H. R. 17131) authorizing the construction of a bridge across the St. Lawrence River near Alexandria Bay, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN (at the request of the Commissioners of the District of Columbia): A bill (H. R. 17132) authorizing the use of land owned by the United States in the District of Columbia for highway purposes; to the Committee on the District of Columbia.

By Mr. DEAL: A bill (H. R. 17133) granting the consent of Congress to the James River Bridge Corporation, and its successors and assigns, to construct, maintain, and operate bridges across the James River, Chuckatuck Creek, and Nansemond River; to the Committee on Interstate and Foreign Commerce.

By Mr. RANKIN: A bill (H. R. 17134) authorizing an appropriation of $100,000 for the purchase of feed and seed to be supplied to farmers in the flood-stricken areas of the Tombigbee River Valley in Mississippi and Alabama; to the Committee on Agriculture.

By Mr. EVANS: A bill (H. R. 17135) providing that funds appropriated for the care and relief of Indians of Montana under the direction of the Secretary of the Interior shall be expended through certain public agencies of the State of Montana; to the Committee on Indian Affairs.

By Mr. KEMP: A bill (H. R. 17136) granting the consent of Congress to the Baton Rouge-Mississippi River Co., its successors and assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 17137) to regulate the commitment to and discharge from St. Elizabeths Hospital of persons certified by heads of departments and establishments; to the Committee on the Judiciary.

By Mr. FULMER: A bill (H. R. 17138) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina agricultural experiment station; to the Committee on Agriculture.

By Mr. GIBSON: A bill (H. R. 17139) to remove residence restrictions in respect of District of Columbia officials appointed by the President; to the Committee on the District of Columbia.

By Mr. JOHNSON of South Dakota: A bill (H. R. 17140) to authorize the transfer of the National Homes for Disabled Volunteer Soldiers to the United States Veterans' Bureau; to the Committee on Military Affairs.

Also, a bill (H. R. 17141) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. KIESS: A bill (H. R. 17142) to amend section 4 of the act entitled "An act to provide a temporary government for the Virgin Islands, and for other purposes," approved March 3, 1917; to the Committee on Insular Affairs.

By Mr. MADDEN: Joint resolution (H. J. Res. 359) making an appropriation for the eradication or control of the European corn borer; to the Committee on Appropriations.

By Mr. WOOD: Joint resolution (H. J. Res. 360) authorizing the Comptroller General of the United States to consider, adjust, and settle the claim of the Indiana State Militia for military service on the Mexican border; to the Committee on War Claims.

By Mr. KELLY: Concurrent resolution (H. Con. Res. 52) providing for the celebration of the one hundred and fiftieth anniversary of the adoption of the American flag; to the Committee on the Judiciary.

By Mr. SNELL: Resolution (H. Res. 419) providing for the consideration of S. 1640, an act authorizing the Secretary of Agriculture to establish a national arboretum, and for other purposes; to the Committee on Rules.

By Mr. MOORE of Ohio: Resolution (H. Res. 420) granting additional compensation to all employees of the House folding room; to the Committee on Accounts.

By Mr. GRAHAM: Resolution (H. Res. 422) providing for the consideration of certain bills providing for the appointment of certain additional judges; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Oregon, urging the enactment of legislation creating a farmer's export corporation to dispose of normal surplus of basic farm commodities at the expense of all producers of such crops; to the Committee on Agriculture.

Memorial of the Legislature of the State of Utah, urging the passage of Senate bill 5454; to the Committee on Agriculture.

Memorial of the Legislature of the State of New York, requesting passage of House bill 6238 amended so that the wives and unmarried children under the age of 18 years of resident aliens who have declared their intention to become citizens of the United States may be admitted as nonquota immigrants; to the Committee on Immigration and Naturalization.

Memorial of the Legislature of the State of Illinois, requesting enactment of legislation for the disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

By Mr. ALDRICH: Memorial of the Legislature of the State of Rhode Island, recommending a readjustment of the immigration act; to the Committee on Immigration and Naturalization.

By Mr. SINNOTT: Memorial of the Legislature of the State of Oregon, with reference to public development of the water power of the Columbia River; to the Committee on Rivers and Harbors.

By Mr. LEATHERWOOD: Memorial of the Legislature of the State of Utah, recommending the passage of Senate bill 5454; to the Committee on Agriculture.

By Mr. IRWIN: Memorial of the Legislature of the State of Illinois, memorializing Congress to enact legislation to provide for the retirement of disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

By Mr. ALLEN: Memorial of the Legislature of the State of Illinois, memorializing Congress to enact legislation to provide for the retirement of disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

By Mr. O'CONNELL of New York: Memorial of the Legislature of the State of New York, favoring the Wadsworth amendment to H. R. 6238; to the Committee on Immigration and Naturalization.

By Mr. O'CONNOR of New York: Memorial of the Legislature of the State of New York, favoring passage of H. R. 6238, to amend the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. CULLEN: Memorial of the Legislature of the State of New York, urging amendment to immigration act of 1924 so that the wives and unmarried children under the age of 19 years of resident aliens who have declared their intention to become citizens of the United States may be admitted as nonquota immigrants; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of Indiana: Memorial of the Legislature of the State of Indiana, requesting the repeal of the Federal estate inheritance tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 17143) granting a pension to Annie E. Gargus; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 17144) granting a pension to Mary A. Kennedy; to the Committee on Invalid Pensions.

By Mr. FULMER: A bill (H. R. 17145) for the relief of James Earl Briggman; to the Committee on Military Affairs.

By Mr. GREEN of Florida: A bill (H. R. 17146) for the relief of T. J. Taylor; to the Committee on World War Veterans' Legislation.

By Mr. JOHNSON of Indiana: A bill (H. R. 17147) granting an increase of pension to John Stringer; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 17148) for the relief of the Fidelity & Deposit Co. of Maryland; to the Committee on Claims.

By Mr. MILLIGAN: A bill (H. R. 17149) for the purchase of land as a rifle range in Clay County, Mo.; to the Committee on Military Affairs.

By Mr. PARKS: A bill (H. R. 17150) providing for the examination, survey, widening, and deepening of the channel of the Ouachita River from Camden, Ark., to a point north of Arkadelphia, Ark.; to the Committee on Rivers and Harbors.

By Mr. SWEET: A bill (H. R. 17151) for the relief of Isaac Fink; to the Committee on Claims.

By Mr. TABER: A bill (H. R. 17152) granting a pension to Abram J. Vandebrook; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6659. By Mr. AYRES: Petition of citizens of Wichita, Kans., that the science of chiropractic be made available to disabled veterans; to the Committee on World War Veterans' Legislation.

6660. Also, petition of citizens of Wellington, Kans., in behalf of pension legislation for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6661. By Mr. BARBOUR: Petition of residents of Stanislaus County, Calif., protesting against House bill 10311, known as the Sunday rest bill; to the Committee on the District of Columbia.

6662. By Mr. BLOOM: Petition of New York State Federation of Labor, requesting enactment of longshoremen's compensation bill into law, and protesting against any amendment to the bill seeking to fix a definite maximum amount of death or permanent total disability benefits; to the Committee on the Judiciary.

6663. Also, petition of board of aldermen, city of New York, requesting passage of bill helping veterans to get loans on soldiers' bonus certificates; to the Committee on World War Veterans' Legislation.

6664. By Mr. BOWLES: Petition signed by residents of Easthampton, Mass., urging that immediate action be taken to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6665. By Mr. BURTON: Memorial of Ladies Social Union, Archwood Congregational Church, Cleveland, Ohio, asking the Congress to use best efforts for pacific settlement of the difficulties which have arisen between our Government and the Government of Nicaragua, and favoring settlement between Mexico and our Government by conference and arbitration; to the Committee on Foreign Affairs.

6666. By Mr. CULLEN: Resolution of the Chamber of Commerce of Amsterdam, N. Y., favoring all-American route and protesting against the construction of the St. Lawrence waterway; to the Committee on Rivers and Harbors.

6667. Also, resolution adopted by the Veterans Association of Federal Employees on February 8, 1927, Brooklyn, N. Y., relative to matter of securing the necessary work that will permit steady employment of the navy yard force; to the Committee on Naval Affairs.

6668. By Mr. CROWTHER: Petition of citizens of Northampton, N. Y.; to the Committee on Invalid Pensions.

6669. By Mr. DICKINSON of Missouri: Petition by 30 citizens of the sixth district of Missouri, urging the immediate passage of a bill to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6670. By Mr. DRIVER: Petition signed by citizens of Caraway, Ark., urging passage of legislation for the relief of the Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6671. By Mr. FENN: Resolutions adopted by the American Legion, Department of Connecticut, at its eighth annual convention, held in New Haven, Conn., indorsing House bill 4548, a bill making eligible for retirement under certain conditions officers and former officers of the World War, other than officers of the Regular Army, who incurred physical disability in the line of duty while in the service of the United States during the World War; to the Committee on Military Affairs.

6672. Also, petitions of 30 citizens of New Britain, Conn.; 54 citizens of Southington, Conn.; 39 citizens of Manchester, Conn.; 16 citizens of Hartford, Conn.; 5 citizens of Glastonbury, Conn.; all favoring the increase of pensions for veterans of the Civil War, their widows, and orphans; to the Committee on Invalid Pensions.

6673. By Mr. ROY G. FITZGERALD: Petition of Oakland (Calif.) Chamber of Commerce, urging allowance of rule to permit vote on House bill 4548, for retirement of disabled emergency officers of World War; to the Committee on Rules.

6674. Also, petition of Lions Club of Santa Monica, Calif., urging the immediate vote on House bill 4548, to correct unjust discrimination against disabled emergency Army officers; to the Committee on Rules.

6675. Also, petition of Venice branch, Los Angeles Chamber of Commerce, unanimously indorsing House bill 4548 and urging the House of Representatives to have an immediate vote on this bill to correct unjust discrimination against disabled emergency Army officers; to the Committee on Rules.

6676. By Mr. GALLIVAN: Petition of Frank R. Shepard, vice president, General Baking Co., 62 Bunker Hill Street, Charlestown, Mass., protesting against the McNary-Haugen bill as being economically unsound and impractical; to the Committee on Agriculture.

6677. Also, petition of Harry W. Lappin, Thomas J. Murphy, Peter J. Connolly, Joseph F. Roach, Peter V. Belloth, George H. Canniff, Leon L. Lothrop, James Pontreso, Solomon Sochmin, John Leahy, Joseph P. Sella, Timothy F. Riley, John J. Sullivan, John F. Sullivan, Martin F. Dillon, Frank E. Larkin, Joseph E. O'Neil, Joseph A. DeFreitas, John F. Blake, all of the twelfth Massachusetts congressional district, urging favorable consideration of legislation to rescind clause in World War veterans' act reducing compensation from $80 to $40 per month to those veterans, without dependents, who are being maintained in United States Veterans' Hospitals; also urging favorable consideration of the Rogers bill providing dependency allowance for those veterans who are totally and permanently

disabled; also favorable consideration of the Tyson-Fitzgerald bill, providing for the retirement of emergency Army officers; to the Committee on World War Veterans' Legislation.

6678. By Mr. GARBER: Petition of M. D. Green, general attorney for Oklahoma, Missouri-Kansas-Texas Railroad Co., urging opposition to the Kelly bill (H. R. 4475), providing for railway post-office cars of steel construction; to the Committee on the Post Offices and Post Roads.

6679. Also, letters from Roy Crane, Alva, Okla.; John F. Parr, Byron, Okla.; H. J. Bowman, Ames, Okla.; and A. T. Whitworth, Carmen, Okla., expressing approval of the Haugen bill (H. R. 15474); to the Committee on Agriculture.

6680. Also, petition of the directors of the American Cotton Shippers' Association, expressing opposition to the passage of the McNary-Haugen bill (H. R. 15474); to the Committee on Agriculture.

6681. By Mr. HALL of Indiana: Petition of Louis Nelp, James Middleton, and nine other citizens of Peru, Ind., urging a Civil War pension bill to care for the veterans and widows; to the Committee on Invalid Pensions.

6682. By Mr. HAWLEY: Petition of citizens of Newberg, Oreg., and Ashland, Oreg., to Congress to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

6683. Also, petitions of residents of Yamhill and Washington Counties, Oreg., and of Ashland, Oreg., to Congress to bring to a vote legislation granting further relief to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

6684. Also, petition of residents of Amity, Oreg., to Congress to bring to a vote legislation granting further relief to widows and veterans of the Civil War; to the Committee on Invalid Pensions.

6685. By Mr. HERSEY: Petition of Mrs. Minnie B. Russell and 81 other residents of Dexter, Me., urging passage of Civil War pension bill to aid the veterans and widows of veterans; to the Committee on Invalid Pensions.

6686. By Mr. HOGG: Petition of D. C. Ransburg and 40 other Civil War veterans, widows, and citizens of Pleasant Lake, and Steuben County, Ind., asking that immediate steps be taken toward the liberalization of the pension laws; to the Committee on Invalid Pensions.

6687. Also, petition of Mrs. Candace J. Carr and 135 other Civil War veterans, widows, and citizens of Ashley, and Steuben and De Kalb Counties, Ind., asking that immediate steps be taken toward the liberalization of the pension laws; to the Committee on Invalid Pensions.

6688. By Mr. HOOPER: Petition of M. Diehl and 32 other residents of Vermontville, Mich., in favor of pending legislation to increase the present rates of pension of Civil War veterans, widows of veterans, and dependents; to the Committee on Invalid Pensions.

6689. Also, petition of Mrs. Mary Milbourn and 34 other residents of Potterville, Mich., in favor of pending legislation to increase the present rates of pension of Civil War veterans, widows of veterans, and dependents; to the Committee on Invalid Pensions.

6690. By Mr. WILLIAM E. HULL: Petition of Mr. B. C. Colborn and other citizens of Peoria, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6691. Also, petition of Miss Rosina Goebel and other citizens of Peoria, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6692. Also, petition of Mrs. Norma Klocbenger and other citizens of Pekin, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6693. Also, petition of Mr. Otto P. Boers and other citizens of Lacon, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

6694. By Mr. IRWIN: Petition of J. M. Wylie and 42 other residents of Washington County, Ill., praying that Congress propose an amendment to the Federal Constitution that shall suitably acknowledge Almighty God as the source of all authority and power in civil government; to the Committee on the Judiciary.

6695. By Mr. JOHNSON of Indiana: Petition of numerous citizens of Vigo County, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

6696. By Mr. KIESS: Petition from citizens of Mansfield, Pa., favoring the passage of the Elliott pension bill; to the Committee on Invalid Pensions.

6697. By Mr. KINDRED: Resolution of the Veterans' Association of Federal Employees (Inc.) petitioning the Secretary of the Navy, each Member of Congress, and the Senators from New York State, the county leaders, and the Republican State chairman to use their utmost endeavors to secure the necessary work that will permit of the steady employment of the navy-yard force and the maintaining of that efficiency which has so highly characterized the Brooklyn Navy Yard in the past; to the Committee on Naval Affairs.

6698. By Mr. LETTS: Petition of O. A. Mitchell and nine other citizens of Iowa City, Iowa, urging immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

6699. By Mr. LINTHICUM: Petition of Schley Unit, No. 37, Steuben Society of America, Baltimore, requesting favorable action on Senate Joint Resolution 153; to the Committee on Immigration and Naturalization.

6700. Also, petition of Hessberg, Morris & Gunst, of Baltimore, requesting support of the Swing-Johnson bill; to the Committee on Irrigation and Reclamation.

6701. Also, petitions of John S. Bridges & Co., the Horn-Shafter Co., the Whitaker Paper Co., the Baltimore, Maryland, Engraving Co., Hess Printing Co., the Baxter Paper Co., the Wm. F. Jones Co., J. E. Gerding Co., and Summers Printing Co., all of Baltimore, Md., re House bill 13446; also Varsity Underwear Co., Baltimore, Md., regarding Cuban parcel post bill; to the Committee on the Post Office and Post Roads.

6702. By Mr. LOZIER: Petition of numerous citizens of Brookfield, Mo., urging the enactment of certain pension legislation for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6703. Also, petition of numerous citizens of Monroe County, Mo., urging the enactment of certain pension legislation for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

6704. By Mr. LUCE: Resolutions of citizens of Franklin, Mass., regarding the Mexican situation; to the Committee on Foreign Affairs.

6705. Also, petition of citizens of Waltham, Mass., urging passage of a bill to increase pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6706. By Mr. McCLINTIC: Petition of 32 voters of Ellic County, praying for the passage of a bill to increase the pensions of Civil War veterans, their widows, and dependents; to the Committee on Invalid Pensions.

6707. By Mr. McLAUGHLIN of Michigan: Petitions of Myrtle Golland and 47 residents of Hart, Mich., and Mrs. Orpha Conklin and 111 residents of Frankfort, Mich., urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

6708. By Mr. McREYNOLDS: Petition of the voters of Hamilton County, Tenn., requesting immediate consideration of the bill for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6709. Also, petition of the voters of Monroe County, Tenn., requesting immediate consideration of the bill for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6710. Also, petition of the voters of Hixson, Hamilton County, Tenn., requesting immediate consideration of the bill for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6711. By Mr. McSWEENEY: Petition of the citizens of Limaville, Ohio, requesting immediate action on proposed legislation for the further relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6712. Also, petition of the citizens of Alliance, Ohio, requesting immediate action on proposed legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6713. By Mr. MAJOR: Petition of citizens of Pleasant Hope, Mo., urging passage of Civil War pension bill providing increases of pension for needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6714. Also, petition of citizens of Springfield, Mo., urging passage of Civil War pension bill providing increases of pension for needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

6715. By Mr. MANLOVE: Petition of Mrs. Mary A. Buzzard, Mr. and Mrs. T. G. Watson, and 12 other residents of Newton County, Mo., urging the passage of a Civil War pension bill which will bring relief to veterans and widows of veterans; to the Committee on Invalid Pensions.

6716. By Mr. MAPES: Petition of 14 residents of Grand Rapids, Mich., and vicinity, recommending the enactment by Congress of additional legislation for the benefit of veterans of

the Civil War and their dependents; to the Committee on Invalid Pensions.

6717. By Mr. MONTAGUE: Petition of citizens of Virginia, favoring an increase in Civil War pensions; to the Committee on Invalid Pensions.

6718. By Mr. MOONEY: Petition from the Ladies Social Union, Archwood Congregational Church, Cleveland, Ohio, urging peaceful settlement of the differences between the Government of the United States and the Government of Mexico and Nicaragua; to the Committee on Foreign Affairs.

6719. By Mr. MOORE of Ohio: Petition favoring the passage of House bill 10311, known as the Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

6720. Also, petition favoring legislation for the further relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6721. By Mr. O'CONNELL of New York: Petition of the New York State Federation of Labor, favoring the passage of Senate bill 3170, longshoremen compensation bill; to the Committee on the Judiciary.

6722. Also, petition of George C. Diekman, president, New York State Pharmaceutical Association, protesting against legislation requiring label to show distillers' price to retail pharmacists and restricting manufacture of new whisky to six distillers; to the Committee on Ways and Means.

6723. Also, petition of veterans of the United States Veterans' Hospital, Livermore, Calif., favoring the passage of House bill 16019; to the Committee on World War Veterans' Legislation.

6724. Also, petition of the Board of Trade of Kansas City, Mo., opposing the passage of the McNary-Haugen bill; to the Committee on Agriculture.

6725. Also, petition of the United Mine Workers of America, in convention assembled, favoring the investigation thoroughly of the relation of freight-rate discrimination to the extreme depression of the coal industry in Indiana, Ohio, Pennsylvania, and Illinois and the adequacy of existing law to afford relief; to the Committee on Ways and Means.

6726. By Mr. PATTERSON: Memorial of the Private Soldiers and Sailors' Legion of the United States, protesting against the passage of House bill 4548 and Senate bill 3027, providing for the retirement of disabled emergency officers; to the Committee on World War Veterans' Legislation.

6727. Also, memorial of the New Jersey Branch of the Catholic Central Verein of America, petitioning for repeal of paragraph 11 of the immigration act of July 1, 1924; to the Committee on Immigration and Naturalization.

6728. By Mr. REID of Illinois: Petition of citizens of Elgin, Ill., urging passage of Civil War pension legislation; to the Committee on Invalid Pensions.

6729. By Mr. SNELL: Petition of chamber of commerce, Amsterdam, N. Y., against proposed St. Lawrence waterway; to the Committee on Rivers and Harbors.

6730. By Mr. STRONG of Pennsylvania: Petition of citizens of Indiana, Pa., also of Jefferson County, Pa., urging immediate action on the pending bill to provide an increase of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6731. Also, petition of citizens of Indiana, Pa., against compulsory Sunday observance; to the Committee on the District of Columbia.

6732. By Mr. SWARTZ: Petition of W. J. L. Haines and others, of Mechanicsburg, Pa., favoring early consideration of pension legislation for the further relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6733. Also, petition of citizens of Harrisburg, Pa., favoring consideration of further pension legislation for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6734. By Mr. SWING: Petition of certain residents of San Diego, Calif., urging the passage by Congress of a bill granting increased pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

6735. Also, petition of certain residents of California, urging the passage by Congress of a bill granting increased pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

6736. By Mr. TEMPLE: Petition of a number of residents of Greene County, Pa., in support of legislation increasing rate of pension to veterans of the Civil War and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

6737. Also, testimony in support of House bill 17107, granting a pension to Margaret Crawford; to the Committee on Invalid Pensions.

6738. By Mr. THATCHER: Petitions of citizens of Louisville, Ky., urging passage of Civil War pension bill for relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

6739. By Mr. TINKHAM: Petition of National Lincoln-Douglass Colored American Conference, protesting against being denied civil and political rights in violation of section 1, article 14, of the amendments to the Federal Constitution; to the Committee on the Judiciary.

6740. By Mr. TOLLEY: Petition of 54 citizens of Fish Eddy, Delaware County, N. Y., for an immediate liberalization of Civil War pension laws; to the Committee on Invalid Pensions.

6741. By Mr. VOIGT: Petition of 123 citizens of Portage, Wis., urging Civil War pension legislation; to the Committee on Invalid Pensions.

6742. By Mr. WELSH of Pennsylvania: Petition of the employees of the United States post office and courthouse at Philadelphia, Pa., in support of House bill 359 and Senate bill 1077, to abolish the personnel classification board and transfer its duties to the Civil Service Commission; to the Committee on the Civil Service.

6743. By Mr. WILLIAMSON: Petition of Dora F. Rathburn, Sarah M. Johnson, Mrs. Flora Williams, and sundry other persons, praying for an increase of pension for soldiers and widows of soldiers who served in the Civil War; to the Committee on Invalid Pensions.

6744. By Mr. ZIHLMAN: Petition of citizens of Frederick, Md., urging immediate action and support of the Civil War pension bill to provide relief for needy veterans and widows of veterans; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *February 15, 1927*

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

Gracious God, Thou hast made us for Thyself, and Thou hast given unto us a soul which craves after Thee. We humbly beseech Thee this morning that whatever may be the uncertainties of life we may each day realize the necessity of earnestness of purpose and fulfill each one in his capacity the great essentials of high endeavor. Lord, our God, be with us. Enable us to understand the times and know what the people need. We ask in Jesus Christ's name. Amen.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the bill (S. 5259) granting permission to Maj. Charles Beatty Moore, United States Army, to accept the following decorations, namely: The Legion of Honor tendered him by the Republic of France and the officers' cross of the order Polonia Restituta, tendered him by the Republic of Poland.

ENROLLED BILLS SIGNED

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

H. R. 1231. An act for the relief of Mary Moore;

H. R. 3432. An act for the relief of Joel C. Clore; and

H. R. 9319. An act to authorize certain officers of the United States Navy to accept from the Republic of Chile the Order of Merit, first class, and the Order of Merit, second class.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on the Judiciary:

FORTY-SEVENTH SESSION CALIFORNIA LEGISLATURE,
Assembly Chamber, Sacramento.

Assembly Joint Resolution 2, relating to the time when Members elected to Congress shall take their seats—adopted by the Legislature of the State of California, January 21, 1927

Whereas under the existing conditions, newly elected Members of Congress do not take their seats in Congress, unless at a special session, until the elapse of more than a year after their election; and

Whereas Members of Congress who are not reelected continue to serve and vote for their constituents for the duration of the short session of Congress although their successors have been elected; and

Whereas such conditions are not productive of the best interests of the people of the United States: Therefore be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California earnestly peti-