7268. Also, petition of Mrs. Addie Pruden and other citizens of Geneva, Ohio, favoring increases of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7269. By Mr. DRIVER: Petition signed by citizens of Clay County, Ark., urging the Congress to pass legislation granting additional relief to our Civil War veterans, widows, and dependents; to the Committee on Invalid Pensions.

7270. By Mr. DOWELL: Petition of citizens of Des Moines, Polk County, Iowa, urging enactment of legislation increasing pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7271. By Mr. EVANS: Petition of citizens of Victor, Mont., urging prompt action on the legislation granting increase in pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7272. By Mr. ROY G. FITZGERALD: Petition of 33 voters of Butler County, Ohio, praying for the passage of a bill to increase the pensions of Civil War veterans, widows, and dependents; to the Committee on Invalid Pensions.

7273. Also, petition of the American Legion of Fabens, Tex., urging immediate vote on House bill 4548, for the retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7274. By Mr. GALLIVAN: Petition of Lewis-Mears Co., Boston, Mass., recommending early and favorable consideration of the Johnson-Swing bill, providing for the improvement of the Imperial Valley; to the Committee on Irrigation and Reclamation.

7275. By Mr. GREEN of Florida: Petition of H. S. Simmons and other veterans of the War between the States, urging the passage of the National Tribune's pension bill; to the Committee on Invalid Pensions.

7276. By Mr. HERSEY: Petition of Eddie E. Beaulieu and 10 other residents of Caribou, Me., urging passage of National Tribune Civil War pension bill; to the Committee on Invalid Pensions.

7277. By Mr. HUDSPETH: Petition of the Legislature of the State of Texas, urging passage of House bill 4548, for the retirement of disabled emergency officers; to the Committee on World War Veterans' Legislation.

7278. Also, petition of the American Legion, urging passage of House bill 4548, for retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

7279. By Mr. LINTHICUM: Petition of J. Engel & Co., Baltimore, favoring House bill 16545; to the Committee on Interstate and Foreign Commerce.

7280. Also, petition of the Izaak Walton League of Baltimore, favoring the Hawes-Hull bill; to the Committee on the Merchant Marine and Fisheries.

7281. Also, petition of Independent Citizens Union of Maryland, protesting against the Reed bill; to the Committee on Immigration and Naturalization.

7282. Also, petition of McCormick & Co., H. M. Rowe Co., and the Arnold Co., all of Baltimore, Md., protesting against House bill 13446; to the Committee on the Post Office and Post Roads.

7283. By Mr. McLAUGHLIN of Michigan: Petition signed by citizens of Nessen City, Mich., favoring the passage of further legislation providing increases in pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7284. By Mr. MAJOR: Petition of citizens of Humansville, Mo., urging passage of Civil War pension bill, providing increases of pensions for veterans and widows of veterans; to the Committee on Invalid Pensions.

7285. By Mr. MANLOVE: Petition of Mrs. J. B. Willard, Mrs. F. C. Kick, Mr. C. L. Braden, and 20 other residents of Vernon County, Mo., urging Congress not to pass the Sunday bill; to the Committee on the District of Columbia.

7286. Also, petition of L. W. Terry, H. Tarr, L. M. Wilson, and 12 other citizens of Vernon County, Mo., urging Congress not to pass the Sunday bill; to the Committee on the District of Columbia.

7287. By Mr. MILLER: Petition of citizens of Seattle, Wash., for legislation increasing pension of Civil War veterans and removal of limitation on date of marriage of Civil War widows; to the Committee on Invalid Pensions.

7288. By Mr. O'CONNELL of New York: Petition of G. A. Pfeiffer, president of the Richard Hudnut Co., favoring the passage of the Swing-Johnson bill; to the Committee on Irrigation and Reclamation.

7289. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring the passage of House bill 16435, amending the act of February 28, 1925, reclassifying the salaries of postmasters; to the Committee on the Post Office and Post Roads.

7290. Also, petition of William H. Kobbe, of New York City, favoring the Fitzgerald bill (H. R. 4548); to the Committee on World War Veterans' Legislation.

7291. Also, petition of A. J. Homeyer, Springfield Gardens, Long Island, N. Y., favoring the passage of House Joint Resolution 325; to the Committee on the Judiciary.

7292. By Mr. REID of Illinois: Petitions of numerous citizens of Elgin and Aurora, Ill., urging Civil War pension legislation; to the Committee on Invalid Pensions.

7293. By Mr. ROWBOTTOM: Petition of Mrs. R. A. Fairchild and others of Evansville, Ind., that the bill increasing pensions of Civil War widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

7294. By Mr. SINNOTT: Petition of certain citizens of Baker County, Oreg., asking for further increase of pensions for veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7295. Also, petition of citizens of Baker County, Oreg., asking for further increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7296. By Mr. SWING: Petition of certain residents of Santa Ana, Calif., urging the passage by Congress of legislation granting increased pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

7297. Also, petition of certain residents of Redlands, Calif., urging the passage by Congress of legislation granting increased pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

7298. By Mr. TILLMAN: Petition of J. H. Smith and others, of Springdale, Ark., against Senate bill 4821 and similar bills; to the Committee on the District of Columbia.

7299. Also, petition of D. M. Twiggs and many other citizens of Gentry, in the third congressional district of Arkansas, against House bill 10311 and similar bills; to the Committee on the District of Columbia.

7300. Also, petition of Mary E. Chamberlain and many other citizens of the third congressional district of Arkansas, asking for speedy legislation for pensions and increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7301. Also, petition of J. P. Reed and others, of Decatur, Ark., against Senate bill 4821; to the Committee on the District of Columbia.

7302. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan, urging immediate legislation for increases in pensions of veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7303. By Mr. WATSON: Resolutions passed by members of the Eastern District Conference of the Mennonite Church of North America, in opposition to modification of the eighteenth amendment or the Volstead Act; to the Committee on the Judiciary.

7304. By Mr. WINTER: Petition of the voters of Greybull, Wyo., urging the passage of Civil War veterans' pension legislation; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *February 23, 1927*

(Continuation of proceedings of legislative day of Tuesday, February 22, 1927, after a quorum had been obtained at 2 o'clock and 30 minutes a. m. on Wednesday, February 23, 1927)

The Senate had under consideration, as in Committee of the Whole, the bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. The Senator from Arizona.

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

The PRESIDENT pro tempore. The Senator from California will state it.

Mr. JOHNSON. The Senator from Arizona is out of order, in that he has twice spoken upon the question in debate upon the same day.

Mr. ASHURST. Mr. President, I am willing to let the RECORD speak for itself. During the course of my remarks I was interrupted by the Senator from California, the Senator from New York, and the Senator from Wyoming; and I took particular pains to say, when interrupted, that I could not

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capitulate or bargain with the Senate or the Chair and that I yielded with the express understanding that I was not to be deprived of the floor by yielding. The Senator, by examining the RECORD, will find that statement.

Mr. JOHNSON. Mr. President, will the Senator yield? It is not upon that ground that I make the point of order. During this evening, while the Senator assumed the floor and was delivering his address upon the matter in debate, twice he yielded to the Senator from Maryland [Mr. BRUCE] for motions made by the Senator from Maryland—motions to adjourn, motions for a recess. On each occasion he yielded to the Senator from Maryland, on each occasion the motions were put, and the motions were passed upon by the Senate.

Mr. ASHURST. Mr. President, I do not wish to cavil with the able Senator from California. I offer the amendment which I send to the desk to the substitute reported by the committee, and ask to have it stated; and I will speak on that amendment.

The PRESIDENT pro tempore. The point of order made by the Senator from California, according to the RECORD, is, in the opinion of the Chair, well taken.

Mr. ASHURST obtained the floor.

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

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I am willing to yield, but I do not want my courtesy to be used as blades against me later.

Mr. CURTIS. It was not for that purpose; it was on the point of order on which the Chair rendered a decision, and I wanted to call the Chair's attention to the rule. I think the Chair probably overlooked a point of the rule. If the Chair held that the Senator was out of order, the matter should have been submitted to the Senate as to whether or not the Senator could proceed, and that should be decided without debate.

The PRESIDENT pro tempore. Under Rule XX?

Mr. CURTIS. Rule XIX provides that—

> No Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

The PRESIDENT pro tempore. The Chair did not understand the Senator from Arizona to ask for leave of the Senate to proceed, and the Chair ruled under Rule XIX.

Mr. CURTIS. If the Senator will permit me, the question was raised several times during Vice President Marshall's term of office, and he submitted the question on several occasions without the request having been made.

Mr. ASHURST. I shall not be put into the position of being required to ask the Senate to allow me, as a matter of grace, to speak. I owe that much to the dignity of the Senate. Surely, after having yielded to questions on matters of courtesy, expressly stating at the time that I did not wish to be a party to a frivolous motion, it is ill-graced to try to deprive me of the floor. I hope the able Senator, who has conducted his bill with a high order of ability, will not now mar that record by resorting to such means to deprive me of the floor.

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

Mr. ASHURST. Provided I do not prejudice my rights.

Mr. JOHNSON. Certainly not. It was not upon any yielding, as the Senator suggests, in the slightest degree, that the point of order was made. That ought to be thoroughly understood. The point of order was made because the Senator yielded during this evening, in the matter of the presentation of his views upon this debate, when it was obvious that the motions were made for the purpose of filibustering, so far as that debate was concerned.

Mr. ASHURST. I am sure the Senator will not say that I had any knowledge of such a motion.

Mr. JOHNSON. Whether the Senator did or not, it is the fact, and because it was the fact was the reason that the point of order was made by me, not upon any point of yielding by the Senator under the circumstances that he has detailed, not in the slightest degree.

Mr. ASHURST. Mr. President, I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. ASHURST. When I was interrupted for a brief period I was attempting to make some description of the Colorado River Basin, which, as I said, comprehends some 250,000 square miles in area.

Mr. LA FOLLETTE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LA FOLLETTE. The Senator from Arizona is not discussing a question of personal privilege.

The PRESIDENT pro tempore. Up to the moment the Senator from Arizona has not discussed the question of personal privilege, but the Chair is assuming that presently he will approach it.

Mr. ASHURST. Mr. President, there is no set of men in the Senate or out of the Senate that can run a steam roller over me.

Mr. JOHNSON Mr. President——

Mr. ASHURST. I can not yield. Are amendments in order?

The PRESIDENT pro tempore. Amendments are clearly in order.

Mr. ASHURST. Then I offer the following amendment, and on that I wish to be heard.

The PRESIDENT pro tempore. The amendment will be reported.

Mr. BLEASE. Mr. President——

The PRESIDENT pro tempore. The Senator from Arizona is recognized. The amendment to the amendment will be stated, however.

The CHIEF CLERK. On page 14, line 8, strike out the words "Black Canyon or Boulder Canyon" and insert in lieu thereof the words "a site to be selected by a board of competent engineers, to be appointed by the President."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arizona, and the Senator from Arizona is recognized to speak on his amendment.

Mr. ASHURST. I am in no mood for flattery at this hour. I recall that Andy Gump said that "apple sauce" is the one thing in this world of which the demand never equals the supply; but I am in no mind to hand bouquets about. I feel comfortable when the Senator from New Hampshire [Mr. MOSES] occupies the chair. He is a rapid-fire gun, but I believe he protects the rights of every Senator. I am not boasting, but if an occupant of the chair should attempt to deprive me of any right I possess under the rules, I would find ample means to enforce that right.

The PRESIDENT pro tempore. May the Chair interrupt to say that the Senator from Arizona is perfectly at liberty to take the Chair to task whenever he is infringing the rights of a Senator.

Mr. ASHURST. No, Mr. President; I have occupied the chair. I appreciate the difficulties under which the Chair labors, and the Chair always has my sympathy.

Mr. STANFIELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. STANFIELD. It is almost 3 o'clock in the morning. I have the highest regard for the Senator from Arizona; I know he is discussing a question that is very near his heart; but I wonder if it would not be better if we took a recess and met to-morrow morning.

Mr. ASHURST. I have been voting to recess.

Mr. STANFIELD. It is most unusual for the Senate to be in session at this hour in the morning.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. The Senator from Arizona has the floor.

Mr. ASHURST. I thank the able Senator from Oregon for that suggestion, and it is sweet music to my ears, but I shall decline to yield to the Senator to make a motion to recess.

Mr. STANFIELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield further to the Senator from Oregon?

Mr. ASHURST. I can not yield.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. ASHURST. I will hear the Senator for a moment.

Mr. STANFIELD. Mr. President, I went to bed at a reasonable hour, and was called out of my bed between 1 and 2 o'clock and came down here to a session, an unheard of thing. I wonder why we could not take a recess and have this debate in the daylight hours of to-morrow, rather than continuing it on to-night?

Mr. ASHURST. It is obvious to me that a majority of this body intend to keep this bill before the Senate until 5.30 o'clock this afternoon, when we must recess for an evening session on the calendar.

Mr. STANFIELD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. ASHURST. I respectfully beg the Senator to permit me to decline to yield.

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

Mr. ASHURST. I do not yield for that purpose.

Mr. NEELY. Regular order!

The PRESIDENT pro tempore. The Senator from Arizona declines to yield for any purpose whatever.

Mr. ASHURST. I would yield to the Senator from California to make a motion to recess. I do not intend to be placed in a position where, by courtesy, I raise up blades and thorns that I must encounter. I shall not take them to my breast.

Mr. STANFIELD. Mr. President——

Mr. ASHURST. The Senator must permit me to decline to yield.

The PRESIDENT pro tempore. Does the Senator from Arizona yield further to the Senator from Oregon?

Mr. ASHURST. I must decline to yield.

PHYSICAL FEATURES OF THE COLORADO RIVER BASIN

Mr. President, the region drained by the Colorado River and its tributaries, known as the Colorado River Basin, is about 900 miles long, from 300 to 500 miles wide, and embraces 251,000 square miles, an area larger than Georgia, New York, North Carolina, Pennsylvania, and Virginia combined.

The Colorado River proper is formed by the junction of the Green and the Grand; the name of the Grand was by act of Congress approved the 25th day of July, 1921, changed to the Colorado. Green River from its source to its junction with the Grand is 700 miles long. The Grand River from its source to its junction with the Green is about 450 miles long.

Green River heads near Fremont Peak in the Wind River Mountains, Wyoming, in a group of alpine lakes fed by perpetual snows. The source of the Grand is in Colorado. Like the Green, it is fed by small alpine lakes that receive their waters directly from snow banks. Including the Green, the Colorado River is about 1,700 miles long and empties into the Gulf of California in latitude 31° 53′ and longitude 115°.

The Colorado River enters Arizona from Utah near what is called the Crossing of the Fathers and flows in Arizona on a meandered line 330 miles to the Arizona-Nevada State line, in Iceberg Canyon. From this point the river forms the western boundary line of Arizona on a meandered line for 400 miles, to the point where it intersects the boundary line between Arizona and Old Mexico.

The Colorado River Basin—that is to say, the region traversed by this river and drained by its tributaries—contains mountains reaching to a height of 13,500 feet, belted at the base by forests of vivid green, and capped with gleaming snow; it contains playas and inland lakes below the level of the sea; it contains vast plateaus of rugged, black scoria; immense forests of pine, cedar, and pinion, and in these forests are hundreds of small parks, bowl-like gems of exquisite scenery; it contains the largest area of recent volcanic action to be found on the continent, "recent" being employed in its geological sense. It contains a real desert where the raw and scorching sun comes down as a pitiless flail, where the sand reflects the heat and glare and distresses the eye of the traveler, and where little dew or moisture is deposited, but where a wind, hot as a furnace blast, sometimes blows from the south.

Before a railroad was built through it a journey over this desert was at times dangerous and always fraught with discomfort. Day after day nothing was to be seen but an expanse of hot sand, with now and then a cactus lifting its thorny arms into the brazen gloom. The loneliness of the pioneer pilgrim there seemed to sever him from human things and to remove him an infinite distance from the world, with its interests and its occupations, but nature, in one of her capricious moods, also placed in this same basin the richest agricultural lands in the Western Hemisphere.

In some parts of this basin, which were populous before the pyramids were built, ancient peoples builded cities not wholly lacking in grandeur. These peoples of antiquity wove and spun cotton and flax into gaudy tapestries before Romulus and Remus were suckled. They melted gold and silver into chieftain's ornaments and queens' girdles before Cæsar's legion brought tribute back to imperial Rome.

Centuries before the Knickerbocker set foot on Manhattan Island, tribes of men now vanished irrigated the fertile sands of the lower basin of the Colorado River from canals and reservoirs finished with hard linings of tamped or burnt clay which in some degree possessed the endurance of our modern concrete. The origin of this people is enwrapped in the mists of antiquity. Nothing has been found of sufficient distinctiveness to enable us to do more than speculate and form ingenious theories as to whence they came, how long they enjoyed their tolerable civilization, and whither and why they went.

Within this basin and in Arizona is the Petrified Forest, whose trees lived their green millenniums and put on immortality in Triassic time, 7,000,000 years ago. The trees were of several kinds, most of them being related to the Norfolk Island pines. A small amount of iron oxide is distributed through the logs, which gives them their beautiful yellow, brown, and red tints.

Within the region traversed by the Colorado River and drained by its tributaries is the Painted Desert, in which at a distance you perceive the "sea of jasper" and the face of cliffs that gleam like jewels; you seem to descry fortifications with flags flying on their ramparts, and walled towers on conical hills amidst an admixture of light and shade.

Within this basin and in Arizona is the Grand Canyon, of wondrous colors, of bold escarpments, pyramids, swelling domes, mosques, minarets, and isolated mesas through which rolls and tumbles the Colorado River.

On the 5th day of January, 1886, in the Forty-ninth Congress, the first bill to make the Grand Canyon a national park was introduced in the Senate by the late ex-President Benjamin Harrison, then a Senator from Indiana. This bill failed to become a law, and the project was presented to the Congress from time to time since 1886.

In the Sixty-fifth Congress I introduced a bill to make the Grand Canyon a national park. The bill was referred to Secretary of the Interior Lane for a statement of the facts relating to the subject, and in the Secretary's report to the committee he states as follows:

> It seems to be universally acknowledged that the Grand Canyon is the most stupendous natural phenomenon in the world. Certainly it is the finest example of the power and eccentricity of water erosion, and as a spectacle of sublimity it has no peer.
>
> It would be futile to attempt to describe the Grand Canyon. However, a review of a few facts with relation to the canyon would be pertinent to a report of this character.
>
> The Colorado River, which flows through the gorge, drains a territory of 300,000 square miles, and it is 2,000 miles from the source of its principal tributary to its entrance into the Gulf of California. It is one of America's greatest rivers. It is proposed by this bill to establish a national park at the point in the river's course where it has worn a channel more than a mile deep. This enormous gulf measures occasionally 20 miles across the top.
>
> The sides of the gorge are wonderfully shelved and terraced, and countless spires rise within the enormous chasm, sometimes almost to the rim's level. The walls and cliffs are carved into a million graceful and fantastic shapes, and the many-colored strata of the rocks through which the river has shaped its course have made the canyon a lure for the foremost painters of American landscapes.
>
> * * * * * * *
>
> It seems that the Grand Canyon, therefore, is entitled to the same status and to an equal degree of consideration by Congress as are enjoyed by Yellowstone, Yosemite, and the other great national parks which contain natural phenomena of the first order, and I heartily recommend immediate favorable action looking toward the enactment of this bill.

The bill passed both Houses of Congress and was approved by President Wilson on the 26th day of February, 1919.

The Grand Canyon National Park represents an area of approximately 950 square miles, a greater part of which is within the walls of the canyon.

FUTURE OF THE COLORADO RIVER BASIN

What is to be the future of the Colorado River Basin, a country larger in area than the tract of land which Virginia, with princely liberality, ceded to the General Government in 1787, out of which five States were erected?

Of course, its forests will be utilized, its mineral wealth will be sought, its scenic beauties will be unfolded; but its greatest development must come from its water resources, upon which the development of its other resources must largely depend. Without the water afforded by Colorado River and its tributaries, vast tracts of its land would remain unproductive and practically useless; but the Hand that formed this land, cleft its mountains in twain, filled their caverns with precious metals, painted its landscapes in colors warranted never to fade, and that replenishes this river left it feasible for man not only to construct large irrigation systems and to build towns, cities, and prosperous agricultural communities within this basin, but to generate hydroelectric power for lighting, heating, industrial uses, and the transportation of freight and passengers.

In discussing the broader possibilities and problems of the Colorado River Basin there are hundreds, even thousands, of minor yet important possibilities of expansion that I necessarily must leave unmentioned, although these future minor auxiliary developments will have much local importance and in the aggregate true natural significance. In general such minor or auxiliary projects do not preclude the larger use of the river, but must be undertaken as part of that larger use.

The record of accomplishment of the United States Reclamation Service enriches the annals of the American people. Irrigation projects charm the imagination with their wizardry.

Their power of transforming barren deserts into grain and cotton fields, into orchards and vegetable and flower gardens makes the lamp of Aladdin and the purse of Fortunatus seem tame and prosaic. The wildest hyperbole would not overestimate the strength, wealth, beauty, comfort, and public order that would be added to this Nation were all the unemployed agencies of the Colorado River utilized.

In order more readily to comprehend the potentialities of the Colorado River, it may be helpful at this point to translate some technical terms into common expressions.

One second-foot is a flow of 1 cubic foot of water per second.

One acre-foot is a volume of water sufficient to cover 1 acre 1 foot deep; 16,400,000 acre-feet of water would submerge the District of Columbia over 400 feet.

A horsepower is a rate of work equal to lifting 33,000 pounds 1 foot per minute. Originally based on observations of dray horses, it greatly exceeds the average performance of an ordinary horse.

The combined peak demand on all power plants in the District of Columbia in 1920 was 95,000 horsepower.

The total development at Niagara in 1916 was 575,000 horsepower.

The installed substation capacity on the Chicago, Milwaukee & St. Paul Railway electrification is 180 horsepower per mile.

At 200 horsepower per mile, 4,800,000 horsepower would serve 24,000 miles of electrified railroad, which roughly approximates the total railroad mileage in Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming.

POWER

A vast amount of power is dissipated in the fall of the Colorado River. Imaginative France calls water power "white coal," and this brilliant characterization suggests a coal free from dust, cheaper, easier handled, a supply inexhaustible, which after used flows on to the projects below and may be used again and yet again.

Thus on the main stream of the Colorado River below the junction of the Green and the Grand known power sites on the river have 6,000,000 potential horsepower, and of this 6,000,000 potential horsepower 4,000,000 thereof would be developed and generated in the State of Arizona.

The percentage of water which the States within the Colorado River Basin contribute, respectively, to the Colorado River is about as follows:

	Per cent
Arizona	28
California	00
Colorado	53.7
Nevada	.3
New Mexico	1
Utah	7
Wyoming	10
Total	100

I now read the following letter, which is self-explanatory:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, April 2, 1926.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR ASHURST: In response to your letter of March 31, I am inclosing a statement in tabular form which I believe will supply the information you desire respecting the flow of Colorado River at Lees Ferry and points below. Attention is called to the fact that the averages for the stations at Bright Angel Creek and Lees Ferry are based on records extending over but three and four years, respectively, and are probably below a long-time average inasmuch as the years 1924 and 1925 were years of low run-off in Colorado River Basin.

Flow in second-feet may be converted into acre-feet by multiplying by the number of days that the flow existed and that product by 1.98. If the rate of flow of a stream is 15,000 second-feet the run-off in one day will be 29,700 acre-feet; in a 30-day month it will be 891,000 acre-feet; and in one year 10,840,500 acre-feet. The computations may be reduced and results obtained within 1 per cent by using 2 as the factor instead of 1.98.

Yours very cordially, GEORGE OTIS SMITH, *Director.*

Annual flow of Colorado River at points in Arizona

Gaging station	Years of record [1]	Second-feet			Acre-feet		
		Maximum year	Minimum year	Average	Maximum year	Minimum year	Average
Lees Ferry	1922–1925	22,300	15,800	19,400	16,100,000	11,400,000	14,000,000
Bright Angel Creek	1923–1925	23,500	16,100	19,200	17,000,000	11,700,000	13,900,000
Topock	1918–1925	29,800	16,200	22,900	21,500,000	11,700,000	16,600,000
Yuma	1903–1924	36,000	13,600	23,700	26,100,000	9,870,000	17,200,000

[1] Years ending Sept. 30.

NAVIGABILITY

Prior to the construction of the Southern Pacific Railroad into Yuma, in 1876, practically all of the supplies reaching Arizona for the settlers and the troops came from California by steamer to Yuma, Ariz., where the ocean steamers lightered and their cargo was transferred to river steamers, which distributed the merchandise to the various settlements along the river between Yuma and Callville, thence to be hauled into the interior of Arizona by ox teams. For many years two steamers, the *Esmeralda* and the *Nina Tilden*, made regular trips up and down the river between Callville and Yuma, at which latter place they connected with steamships plying between Yuma and San Francisco. The owners of these river boats seeking trade carried standing advertisements in the Salt Lake City and San Francisco newspapers up to 1867.

FLOODS ON COLORADO RIVER

Hernando de Alarcón sailed in May, 1540, to explore the region north of New Spain, and reached the head of the Sea of Cortes, now known as the Gulf of California. He says: "And it pleased God that after this sort we came to the very bottom of the bay, where we found a very mighty river which ran with so great fury of a stream that we could hardly sail against it." Here began the acquaintance of Europeans with the river now known as the Nile of the West. Alarcón proceeded up the Colorado in small boats to a point about 100 miles above the mouth of the Gila River.

Owing to the gradual upbuilding of its deltaic bed and banks and its aggressive "cutting edge" the flood menace on the Colorado River is an ever-recurring problem.

The Gulf of California once extended northwestward to a point a few miles above the town of Indio, or about 144 miles from the present head of the gulf. The Colorado River, emptying into the gulf a short distance south of the international boundary, carried its heavy load of silt into the gulf for centuries, gradually building up a delta cone entirely across the gulf and cutting off its northern end, which remains as a depression from which most of the water has evaporated, leaving in its bottom the Salton Sea of 300 square miles, with its surface below sea level.

The river flowing over its delta cone deposits silt in its channel and by overflow on its immediate banks, so that it gradually builds up its channel and its banks and forms a ridge growing higher and higher until the stream becomes so unstable that it breaks its banks in the high-water period and follows some other course. In this manner the stream has in past centuries swung back and forth over its delta until there exists as a broad flat ridge between the gulf and the Salton Sea, about 30 feet above sea level, and on the summit of this has formed a small lake called Volcano Lake, into which the river flows at present, the water then finding its way to the southward into the gulf.

The floods of the Colorado divide themselves naturally into two general classes—those from the Colorado River, which drain the large areas in Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming, and those from the Gila River, of Arizona.

The Gila River, owing to its temperamental and flashy nature, sometimes furnishes a volume of water and flood waves at its mouth near Yuma almost as large as the maximum discharge of the Colorado at the same point.

During the past 25 years at flood seasons the Colorado and the Gila have overflowed their banks and have done damage to the landowners and water users on the eastern side of the river below Yuma, and although the land in that region is very fertile and the average yield per acre is high, the expense of controlling this mighty river and keeping it in a fixed channel is a burden of crushing weight which can not be borne by the farmers there.

If Imperial Valley in California is imperiled by floods of the Colorado River, the blame can not be laid at Arizona's door. If disaster should come to Imperial Valley, Arizona will sympathize deeply with the citizens of that valley. Every responsible citizen of Arizona is now and always has been in favor of the all-American canal and flood-control to protect Imperial Valley. Arizona has extended to Imperial Valley the hand of friendship, and has spoken in the calm language of justice. The Arizona delegation in Congress is not only willing but anxious to vote for any and all appropriations necessary to build the all-American canal and secure flood control for Imperial Valley.

Let me read to you from a speech delivered by Hon. Thomas Maddock at the conference held at Phoenix, Ariz., on August 17, 1925, at which conference there were present the following delegates:

California: Senator Ralph E. Swing, of San Bernardino, chairman; Assemblyman A. C. Finney, of Brawley, secretary; Senator L. L. Den-

nett, of Modesto; Assemblyman Walter J. Little, of Los Angeles; Arthur P. Davis, Oakland, engineer.

Nevada: Charles P. Squires, Las Vegas, chairman; George A. Cole, Carson City; George W. Borden, Carson City; Levi Syphers, St. Thomas.

Arizona: Cleve W. Van Dyke, of Miami, chairman; H. S. McCluskey, of Phoenix, secretary; Thomas Maddock, of Phoenix; F. A. Reid, of Phoenix; A. C. McGregor, of Warren.

Mr. Maddock is an able and experienced engineer and an eminent citizen of Arizona. In the course of his well-considered speech he said the following:

Now, here is one point, I want to say to you, we believe we can give you everything that you want or need in both California and Nevada, but we are not willing to let the sheep of flood protection cover up the wolf of power and water greed. We will not allow you to get away with our resources just simply because you need protection. We want to give you that protection. We would be glad to. We would be glad to help you in any way to get the Imperial Valley away from the menace of the Mexican control. We are glad to help you that way and if the people of this State feel that way I will tell you that our Representatives and Senators will be that way or we will change them. Now, then, I want to say one thing and just this in closing, if this delay that I prophesy does occur, and if finally you do start something, but the engineering estimate is from 10 to 20 years, you run up against the inevitable breaking of the Colorado River back into the Imperial Valley. If this two or three years delay, added to the construction period, so delays that you get a big flood there and forever drowns out your valley, I say to you gentlemen that the blood of your people of that valley be on your own heads.

If the advocates of the Swing-Johnson bill had exercised the energy, prescience, and judgment employed by the Arizona delegation in Congress, Imperial Valley would to-day have been protected from floods of the Colorado River and the all-American canal would have been nearing completion; but, most unfortunately for Imperial Valley, the advocates of the Swing-Johnson bill preferred to spend their time and energy in planning how most effectively to exploit Arizona's resources rather than to spend their time and energy in securing the relief which Congress would quickly and amply grant. Just so long as Imperial Valley continues to be beguiled by those urban Pollyannas who seek to acquire Arizona's potential hydroelectric energy, just so long will Imperial Valley be imperiled.

There is ample time remaining during the life of this Congress to authorize flood control and the all-American canal for Imperial Valley if she will but consent to accept such relief.

Arizona knew full well that she could not defer flood-protection, river-front, and levee work until the Swing-Johnson bill should become a law; so, with foresight and prudence, assisted by Col. Benjamin Franklin Fly—the able parliamentary solicitor for the Yuma irrigation project—Arizona's delegation in Congress finally convinced Congress of the injustice of requiring the water users and landowners of the Yuma irrigation project to bear the expense of holding the Colorado River within a fixed channel at Yuma, and the following legislation was enacted:

[Public, No. 585, Sixty-eighth Congress]

[H. R. 11472]

An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes

* * * * * * *

SEC. 16. (a) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $650,000, or so much thereof as may be necessary, to reimburse the reclamation fund for the benefit of the Yuma Federal irrigation project in Arizona and California for all costs, as found by the Secretary of the Interior, heretofore incurred and paid from the reclamation fund for the operation and maintenance of the Colorado River front work and levee system adjacent to said project.

(b) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be transferred to the reclamation fund and to be expended under the direction of the Secretary of the Interior for the purpose of paying the operation and maintenance costs of said Colorado River front work and levee system adjacent to said Yuma project, Arizona-California, for the fiscal year ending June 30, 1926.

(c) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1927, and annually thereafter, the sum of $35,000, or so much thereof as may be necessary, as the share of the Government of the United States of the costs of operating and maintaining said Colorado River front work and levee system.

Approved, March 3, 1925.

[Public, No. 560, Sixty-ninth Congress]

[H. R. 11616]

An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

* * * * * * *

That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1928, and annually thereafter, the sum of $100,000, or so much thereof as may be necessary, to be spent by the Reclamation Bureau under the direction of the Secretary of the Interior, to defray the cost of operating and maintaining the Colorado River front work and levee system adjacent to the Yuma Federal irrigation project in Arizona and California.

Section 16 (c), act approved March 3, 1925 (43 Stat. L., p. 1198), is hereby repealed.

Politically, financially, industrially, socially, and economically California is one of the most powerful States of the Union, and if her congressional delegation will but labor for Imperial Valley along the same practical lines that Arizona labored for Yuma success will abundantly crown their efforts.

If the sword of Damocles is suspended over Imperial Valley and the waters of wrath are held in check only by a tricky guard of sand, let the California delegation follow the example of Arizona and obtain the relief which Congress would be willing to grant.

Arizona is a State of slow growth compared with California, and we do not intend that our future and our opportunity for development and growth shall be foreclosed by the avidity of southern California, which is a country of rapid development.

I know the generosity of Senators will pardon me if I now presume to solicit their attention while I make a reference personal to myself. My forebears were members of that bold advance guard of pioneers who 70 years or more ago explored the Colorado River Basin. From the time of my youth to the present day I have wielded ceaselessly what strength was mine, which was modest and small enough, to bring about the development of the potentialities of the Colorado River. The time now seems not far distant when my hope shall be realized, and there shall be brought forth within and for the United States the inland empire of the Colorado River Basin, an empire wealthier than that which Pizarro added to the dominions of Charles V, and more splendid and more durable than that of the Cæsars. Unfortunately, however, the legislation now proposed for development of the Colorado River (S. 3331) is sectional in character, is wholly in the interest of California, and disregards the rights of Arizona.

The Colorado River is the Nation's most remarkable and dramatic river in its value for irrigation and hydroelectric energy. It combines concentration of fall, sites for power plants, reservoir sites for controlling the river flow, and a vast volume of water for irrigating several million acres of land.

Other rivers may be used, either for irrigation or for hydroelectric power, but no other river in the Western Hemisphere presents such enormous opportunity for the use of its waters for both irrigation and power.

In approaching the problems of a river so pregnant with possibilities for development, it is important that all the factors connected therewith—engineering and economic—should be fully evaluated and that expediency shall play no part therein.

It is the opinion of all experts that there is no surplus water in the Colorado River, therefore in any plan of developing that river, extreme care should be exercised so that no practicable potentiality shall be needlessly sacrificed.

There exists now in some sections of the Colorado River Basin a demand for irrigation, hydroelectric power, and flood control, and whilst the development proposed by this bill is dazzling, nevertheless, a visualization of farms, fields, factories, towns, and cities yet to arise of which the Colorado River must be the alimentary canal is equally as important, hence no plan or scheme should be adopted which would forever preclude the possibility of a full use of all the water resources of the river.

Before many years shall have passed the demand for water within the Colorado River Basin will be as great, possibly greater, than the available supply; therefore it would be a tragic blunder were the initial dam placed at a point so far downstream as to preclude construction in the future of other dams or series of dams which will inevitably be necessary higher up the river, and unfortunately that is what the bill S. 3331 proposes to do.

The logical and practical way to develop a river is to begin at its source and work toward its mouth. This bill proposes to reverse this logical and practical order of development.

The elevation of the water surface of the Colorado River at Glen Canyon is 3,127 feet, at Bridge Canyon it is 1,207 feet, and at Boulder Canyon it is 705 feet.

ARIZONA

Ninety-seven per cent of the entire area of the State of Arizona is within and constitutes 43 per cent of the total area of the Colorado River drainage basin.

Arizona contributes about 28 per cent of the waters of the Colorado River.

Of the 6,000,000 firm horsepower of potential hydroelectric energy in the lower basin 4,000,000 thereof is in Arizona, but the Boulder Canyon plan of development would allot to Arizona only an insignificant fraction of this hydroelectric power.

Of the lands in Arizona susceptible of irrigation, all thereof to be irrigated must obtain their water from the Colorado River or its tributaries in Arizona; they have no other waters from which to draw.

CALIFORNIA

Only 2 per cent of the Colorado River drainage basin is in California.

California contributes no water to the Colorado River.

The Boulder Canyon plan of development allots to California 37 per cent of the waters of the Colorado River.

The Boulder Canyon plan allots to California practically all of the hydroelectric power to be generated in the lower basin of the Colorado River.

California has 18,000,000 acres of land irrigable by waters other than by the waters of the Colorado River.

Of potential hydroelectric energy, California has 6,000,000 horsepower which may be developed within her borders on streams other than the Colorado River or its tributaries.

The Boulder Canyon plan allots to California practically all the hydroelectric power developed in Arizona, but California would not permit Arizona to direct the allocation of the hydroelectric power developed on California streams.

It is the opinion of numerous engineers of large ability and vast experience that to place the initial high dam at Boulder Canyon would sacrifice priceless resources of this river inasmuch as a high dam at Boulder Canyon would defeat a comprehensive and systematic plan of maximum development.

A storage dam at Glen Canyon, with a diversion dam at Bridge Canyon, would achieve precisely what is sought by a dam at Boulder Canyon, viz, flood control, irrigation, hydroelectric power, and domestic water for the cities and towns of southern California; and, furthermore, such dams at Glen Canyon and at Bridge Canyon would sacrifice no potentiality of the river.

Attention is directed to the testimony of Mr. O. C. Merrill, executive secretary of the Federal Power Commission (see p. 505, vol. 5, hearings before Senate Committee on Irrigation and Reclamation):

> While the resources of the Colorado River approximate from 4,000,000 to 6,000,000 horsepower, way beyond present-day requirements of the Southwest, and including in the Southwest the southern half of California, there is no reasonable doubt that within the next half century at the outside there will be demand for all the hydroelectric energy that the lower Colorado River at least can supply, and care must, therefore, be taken in any scheme of development of the river to see that we do not sacrifice, unless for outstanding reasons, any future possibilities of power.

It is, of course, true that we should attempt to serve our generation and meet the needs and requirements of our own day, but it is none the less true that we will never be forgiven at the bar of public opinion if in serving our own day and generation we reject a plan for Colorado River development (viz, storage dam at Glen Canyon and diversion dam at Bridge Canyon), which plan if consummated would furnish all the practical results needed and desired by this generation and would at the same time conserve all the natural advantages of this river for those who in the days yet to come are to live in the Colorado River Basin. It is entirely within the realm of practicability to irrigate every acre of land within the Colorado River Basin susceptible of irrigation if science and national welfare, instead of expediency and selfishness, be allowed to control.

There will be no remorse so poignant as that which will come from a realization, after the expenditure has been made, that in placing the high dam too far down on the river—at Boulder Canyon—a potential empire in the lower basin has been stunted.

The enactment of this bill into law would sentence Arizona to obscurity and render impossible in that State any large development in the future.

This bill, however, with all its vices, is at least free from the vice of hypocrisy. It sedulously and intentionally proposes to sever Arizona's jugular.

The bill is intended to be, and is, an attempt to coerce Arizona. One administration unsuccessfully attempted to coerce Arizona into joint statehood with New Mexico. Another administration unsuccessfully attempted to coerce Arizona upon certain provisions of her constitution, and those of the present administration who are attempting by this legislation to coerce Arizona will ultimately discover that they have simply been standing like large locomotives on a sidetrack, without driving rods, wasting their steam in vociferous and futile sibilation.

What abysmal folly to condemn, as this bill does, 200,000 firm horsepower, which is over one-third of all the electrical energy proposed to be generated at Boulder Canyon, eternally to the task of lifting 1,500 second-feet of water to a height of 1,730 feet and pumping the same to the cities and towns of southern California for their domestic use, when at no greater cost the same supply of domestic water may be sent to these same cities and towns of southern California by gravity from a diversion dam at Bridge Canyon, and thus save and release for other purposes this enormous quantity of horsepower!

What reckless disregard of the public interests to build a dam at Boulder Canyon, as this bill proposes, which at most could irrigate only 200,000 acres of land in Arizona, whilst the storage dam at Glen Canyon and the diversion dam at Bridge Canyon would irrigate at least 3,000,000 acres of land in Arizona!

The bill (S. 3331) is objectionable, among other reasons, because it attempts to compel the settlement of a controversy among various States, which controversy the Federal Government has no authority to enter and could not settle even if it should enter.

On February 21 the senior Senator from California [Mr. JOHNSON] stated, among other things, that it was his information that a tentative agreement had been reached between the States of Arizona and California as to the distribution of the water, but it is my information that no agreement has been reached because of remissness or indifference of California, as indicated by the telegrams addressed by the Arizona commissioners to Representative HAYDEN, of Arizona, which are as follows:

LOS ANGELES, CALIF., *February 9, 1927.*

Hon. CARL HAYDEN,
100 Maryland Avenue NE.:

California this morning for the third time requested 24 hours' delay to consider our latest proposal, one member even advocating 10 days recess. The press reported speech that we have agreed to a tentative one-third two-thirds division of the water of the main Colorado is absolutely incorrect. It was a California proposal unaccepted by us. We are asking for an equal division with California.

MCCLUSKEY and MADDOCK,
Arizona Commissioners.

PHOENIX, ARIZ., *February 18, 1927.*

Hon. CARL HAYDEN,
House of Representatives, Washington, D. C.:

The tri-State conference which was to resume negotiations at Los Angeles this morning was postponed because of wire from California advising us California commission was unable to get together to-day; that they would advise us earliest date possible to confer. We shall be ready to meet them whenever they get date.

MCCLUSKEY, MADDOCK, and GUST,
Arizona Commission.

PHOENIX, ARIZ., *February 21, 1927.*

Hon. CARL HAYDEN,
100 Maryland Avenue NE.:

Have wire from Charles P. Squires, chairman tri-State conference, suggesting Thursday, the 24th, for next meeting.

H. S. MCCLUSKEY,
Arizona Commissioner.

PHOENIX, ARIZ., *February 22, 1927.*

CARL HAYDEN:

Statement in press from Pound, chairman of California commission, Arizona responsible for present delay or, in fact, any delay since com-

mission was created, untrue. California responsible for recess in present and former cases. We have repeatedly urged speed in negotiations.

McCLUSKEY AND MADDOCK,
Arizona Commissioners.

I ask the clerk to read the late proposal made by the Arizona commissioners to the California commissioners, to which the California commissioners have not replied, so far as I am advised. The proposal is dated February 7, 1927.

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

Mr. LA FOLLETTE. I object.

Mr. ASHURST. I have no comment to make on the objection of the Senator from Wisconsin. He is within his rights.

I now read the Arizona proposal, to wit:

PROPOSAL SUBMITTED BY ARIZONA TO CALIFORNIA AND NEVADA ON FEBRUARY 7, 1927

ARTICLE I

It is recognized by the parties hereto that the unregulated normal flow of the Colorado River is insufficient to irrigate properly the lands already under cultivation by irrigation from the waters of said river; that the benefits within the United States of the flood waters of said river belong wholly to the citizens of the respective States; that without disparagement of the treaty-making power of the United States Government, the States party hereto and the Congress of the United States in consenting to this agreement shall be understood as declaring: That it is their purpose and intention to utilize within the borders of such States all of the waters of the normal flow of the Colorado River heretofore appropriated and put to beneficial use in accordance with the laws of the States in which the same are being put to beneficial use, and all of the flood waters of the Colorado River capable of being utilized within the borders of the United States for any purpose by the construction of storage dams within the United States; and that all persons shall take notice that they can not acquire any moral or equitable claim to the waters of the Colorado River temporarily made available for use by the regulatory effect of any dam or dams constructed in pursuance of this agreement, as it is the intention of the parties hereto to eventually put to beneficial use within the signatory States all of such water. Any declaration or inference contained in or drawn from any instrument, agreement, or compact signed prior to this agreement which is inconsistent herewith is hereby withdrawn.

ARTICLE II

The States of Arizona, California, and Nevada hereby agree that the water of the Colorado River and its tributaries in such States shall be divided, allotted, and appropriated as follows:

(a) All of the water of the tributaries of the Colorado River which flows into said river below Lees Ferry, Ariz., are hereby allotted and appropriated exclusively in perpetuity in the States in which such tributaries are located and may be stored in and diverted from said tributaries for use in said States.

(b) There is hereby allotted and appropriated in the State of Nevada for use in said State that portion of the total amount of the water of the main Colorado, measured at the point of diversion from said river, which can be beneficially used for agricultural and domestic purposes, not exceeding 300,000 acre-feet per annum. There is hereby allotted and appropriated for agricultural and domestic use to each of the States of Arizona and California from the remainder of the water available one-half of the water of the main Colorado River.

(c) The flow of the river shall be measured at each point of diversion and the proportion allotted to each State shall be computed as the proportion of the amount diverted for use in such State bears to the total flow of the river at such point.

(d) The States of Arizona, California, and Nevada hereby agree to limit and control future appropriations and beneficial use of water in said respective States to such an amount and in such manner as will insure that present perfected rights in each said State will be fully protected and supplied out of water hereby allotted to said State.

ARTICLE III

The following rules shall apply to the use and storage of water under this agreement:

(a) The use of water for irrigation and domestic purposes allotted in Article II hereof shall be superior to any right of storage for power purposes or navigation, and any of said States may divert from the river the water allotted to it at any point on the river, provided that if any State shall take any water so allotted to it out of the main channel of the Colorado River at a higher elevation than the highest elevation of the bed of said river in said State the works constructed for such purpose shall not interfere with a beneficial development of the fall of the river in any State other than the State taking out water at such higher elevation, and the State or States taking out water at such higher elevation shall fully compensate the other States affected thereby for the loss of power caused thereby in such States.

(b) The prior construction of any dam or reservoir shall not give any prior or superior right to such dam or reservoir to the flow of the river for the benefit of such dam or reservoir for power purposes, but the rights of all dams and reservoirs constructed under this agreement shall be on an equality for power purposes, regardless of the date of construction thereof.

(c) Yearly and seasonal stored water shall be held at as high elevation on the river as practicable in order to reduce evaporation losses and provide regulation for power as well as for irrigation, domestic and flood-control purposes.

(d) Reregulation storage for seasonal and daily variations in demand shall be located as close to the land to be irrigated as practicable, and water for irrigation and domestic purposes shall be supplied first from the nearest reservoir above the point of diversion of such water.

ARTICLE IV

The territory of no State shall be entered upon for the purpose of constructing or maintaining works utilizing the water of the Colorado River except with the consent and subject to the laws of such State, but each of the States hereby agree to grant all necessary permits, licenses, sites, and rights of way over State lands that may be required to carry out the provisions of Articles III and VI hereof.

ARTICLE V

The United States recognizes the necessity for flood protection and development of the Colorado River and hereby agrees to grant the necessary sites, rights of way, and licenses over public lands for the construction and operation of works for the control and utilization of the Colorado River for flood protection, irrigation and domestic uses of water, and the construction of dams for power purposes in pursuance of the provisions of this agreement.

ARTICLE VI

Each of the States party hereto, and the United States, recognize the acute necessity for flood and drought protection for lands now in cultivation by irrigation from the waters of the Colorado River and hereby pledge their good faith to grant the necessary permits, licenses, and sites for such construction, also rights of way to any district or agency that may be created in pursuance of the terms of this agreement for the immediate construction of a reservoir in the main channel of the Colorado River at such point as may be determined upon by the Federal Government, if it be a Government project, or by the majority of the States party to this agreement, if by some other agency. Such permits, licenses, sites, and rights of way shall include those necessary for the construction of the dam and reservoir and appurtenant works, including hydroelectric power plants and transmission lines: *Provided*, That no dam or other works shall be built in the bed of the Colorado River at any point in the river which when constructed will back up the water of the river so as to limit or interfere with the construction of a dam heretofore selected by any other States for the diversion of water for irrigation or domestic purposes in that State.

ARTICLE VII

(a) It is expressly agreed and understood that the signatory States in this compact, and their political subdivisions, shall possess the right to derive revenue for public purposes from power developed within their territory or on their boundary.

Such revenue may be derived by any manner or kind of taxation in each State as may be imposed by such State under its constitution and laws, but whatever kind or manner of taxes are imposed the total revenue derived from such taxation in any State shall be limited to the amount that would be derived from a property tax, at the rate levied by such State or taxing districts, therein upon other like or similar property within the State, upon the property employed or used in the production of such power on the same basis of valuation used by such State or taxing district in taking other like or similar property therein. The value of the right to utilize natural resources for the production of power, including dam sites, reservoir sites, the water, and the fall thereof, in the production of said power may be considered as property used in the production of said power and included in the valuation upon which the limitation of such tax is based.

In order that the benefits of the development of the Colorado River may be distributed among the respective States as if said development were made by private capital, the United States agrees that if it shall undertake the construction of any Federal project or projects on the main Colorado River wholly or partly within any of the States party hereto, it will make provision in the sale or lease of power or power privileges from such project or projects for payment to the respective States of the same amount of revenue from the power produced by such Federal project or projects as such States would derive under this agreement, if such Federal project or projects had been constructed by private capital.

If in the opinion of any of the signatory States the taxes imposed by any other State upon a project constructed by the Federal Government

or a project constructed on the boundary of two or more States are excessive, such State or States shall have the right to appeal to a board of equalization for an adjustment of the valuation limiting such taxation. The Colorado control commission shall constitute such board of equalization. In case of appeal, the decision of this board shall be final and binding, subject only to appeal to the Federal courts.

No revenue shall be received by or paid to any State on account of taxation of a power project except to the extent the project shall have been completed and placed in operation.

ARTICLE VIII

Any State in which reservoir sites exist in the Colorado River or its tributaries, directly or through any district or agency created in pursuance of and hereafter authorized by the laws of said States, may build dams, hydroelectric-power plants, and appurtenant works in such State and operate or lease the same. Where the reservoir is situated in two or more States, such dams, power plants, and appurtenant works may be built, operated, or leased jointly by the two or more States, or by any district or agency that may be created in pursuance of the laws of such States. Such State or States may sell or lease the power produced by such dams or power plants. The cost of the construction of all such development works shall be borne by the respective States, districts, or agencies created in pursuance of the laws of such States.

ARTICLE IX

Where development works are constructed in two or more States, the entire hydroelectric plant, including dams, reservoirs, power houses, and appurtenant works shall be considered a unit in all matters relating to the financing of construction, the operation lease and taxation, regardless of the location of the power plants with reference to State boundaries. All power and revenue from the sale or lease of power or valuation of such power or works for the purpose of taxation of such power shall be divided among the States in direct proportion to the present amount of fall which the river makes in each State between the dam and the elevation of the bed of the stream reached by the backwater when the reservoir is filled. Where the river forms the boundary between the States, each State shall be allotted one-half of the fall which occurs in the present river bed on such joint boundary for the purpose of computing the relative proportions allotted to each State.

ARTICLE X

(a) The use of power developed by such dams and works shall never vest in perpetuity in any private person or corporation, but the States and citizens of States in which such power is developed shall have preferred rights in its use whenever the need for it may arise: *Provided*, That leases for the use of power for terms not exceeding 50 years may be made by any such State or any district or agency hereafter created in pursuance of law when approved in such manner as may be provided by the laws of such State in which the power sites are situated.

(b) Power developed by projects located on the borders of two or more States may be constructed in perpetuity to political subdivisions of States: *Provided*, That there shall be reserved to each of the States in which the project is located an amount equal to 20 per cent of the power developed.

ARTICLE XI

In the construction and operation of all dams and power plants for the utilization of the waters of the Colorado River, undertaken in pursuance of the terms of this agreement, the following rules shall apply:

Every dam constructed on the Colorado River shall be a unit in a comprehensive plan which will insure the maximum water for domestic and irrigation use and for the development of the maximum amount of power.

Where dams and power plants are located wholly in one State, the laws of that State shall govern such construction and operation. Where such dams and power plants are located in more than one State, the States affected shall agree upon the plans and rules and regulations for such construction and operation and upon the agency to be adopted for such joint construction and operation; provided that in the event two States are affected and they shall be unable to agree upon any such matter, the Colorado River control commission shall decide the question.

ARTICLE XII

In the event the United States shall undertake the construction, financing, and operation of any development on the Colorado River, for flood control, irrigation, or power purposes, and requires the repayment of funds advanced for such purposes, such repayment to the Government shall be made in accordance with the United States reclamation act and amendments thereto.

Operation and administration of the same shall be under the direction of the Colorado River control commission.

After all obligations to the Government have been met, the entire benefits shall become the property of the State interested.

ARTICLE XIII

For the administration of the provisions of this compact, there shall be constituted a commission to be known as the Colorado River control commission, consisting of three members, one to be designated by each of the three signatory States.

Each State shall choose and fix the terms of office and salary of the members representing it.

The commission shall be allowed their necessary traveling expenses incurred in performing the duties of their office.

The commission shall have the authority to employ such assistants as may be necessary to carry out their duties.

The cost of administration shall be included in the cost of operation of the project or projects.

In case the commission is unable unanimously to agree in regard to policy or procedure, they shall call to their assistance such official of Utah and New Mexico as is charged with the engineering duties in connection with the administering of the water resources of these States. These, with said commission, shall constitute a board which shall by majority vote decide the questions in dispute.

During the reading,

Mr. LA FOLLETTE. A parliamentary inquiry.

The PRESIDING OFFICER (Mr. NYE in the chair). The Senator will state it.

Mr. LA FOLLETTE. Has the Senator from Arizona yielded the floor?

Mr. ASHURST. No.

Mr. LA FOLLETTE. It is impossible to hear the Senator.

Mr. ASHURST. I am not responsible for the defect in any of the faculties of the Senator from Wisconsin.

Mr. LA FOLLETTE. The Senator realizes that fact. However, the Senator is not reading in an audible tone of voice.

Mr. ASHURST. If the Senator will listen he will hear me.

Mr. BLEASE. Mr. President, will the Senator yield to me? The Senator will not lose the floor. I suggest the absence——

Mr. ASHURST. I beg the Senator not to do that.

Mr. BLEASE. The Senator will not lose the floor.

Mr. ASHURST. A quorum could not be developed now, and it would be charged against me.

The PRESIDING OFFICER. If the Senator from Arizona will suspend for a moment, the Chair will state that he ruled a while ago on the objection of one Member of the Senate to the consent which was asked to have read by the clerk the paper to which the Senator from Arizona referred. The Chair was not mindful of Rule XI——

Mr. ASHURST. I have not found fault with the Chair. The Chair is trying to be fair.

The PRESIDING OFFICER. But the Chair has been unfair.

Mr. ASHURST. No; the Chair has not been unfair.

The PRESIDING OFFICER. The rule is clearly written that when there is objection it shall be determined by a vote of the Senate, without debate.

Mr. ASHURST. I find no fault with the Chair. If the Senator from Wisconsin [Mr. LA FOLLETTE] prefers to have me rather than the clerk read the proposal I shall read it, but I thought the clerk's voice was richer than mine. However, my friend apparently loves my voice better than he does that of the reading clerk.

The PRESIDING OFFICER. The Senator from Arizona does not prefer that the Chair shall put the question to the Senate?

Mr. ASHURST. No, sir.

After the reading,

Mr. ASHURST. Mr. President, I have here the opinion of a firm of able lawyers regarding some features of the constitution of Arizona. I ask that the clerk read the same.

The PRESIDING OFFICER. Is there objection?

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. The question is——

Mr. ASHURST. I do not quarrel with the objection.

The PRESIDING OFFICER. The question under the rule is, Shall the objection of the Senator from Wisconsin be sustained?

Mr. ASHURST. The Senator from Wisconsin has the right to object.

Mr. BLEASE. Mr. President, will the Senator yield to me now?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from South Carolina?

Mr. ASHURST. I can not yield. [Reading:]

KIBBEY, BENNETT, GUST, SMITH & LYMAN,
Phoenix, Ariz., January 31, 1927.

Hon. CARL HAYDEN,
House of Representatives, Washington, D. C.

DEAR SIR: Section 28 of the enabling act of Arizona reads as follows:

"There is hereby reserved to the United States and excepted from the operation of any and all grants made or confirmed by this act

to said proposed State, all land actually or prospectively valuable for the development of water power or power for hydroelectric use or transmission, and which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State, and no land so reserved and excepted shall be subject to any disposition whatsoever of said State, and any conveyance or transfer of such land by said State or any officer thereof shall be absolutely null and void within the period above named; and in lieu of the land so reserved to the United States and excepted from the operation of any of said grants, there be and is hereby granted to the proposed State an equal quantity of land to be selected from land of the character named and in the manner prescribed in section 24 of this act."

In our opinion said provision does not affect the legal status of the Colorado River. It makes no reference to the Colorado River nor to any river. It refers only to grants made or confirmed by said enabling act. A grant is a transfer of real property. (1 Bouvier Law Dictionary, p. 900.)

Referring to said enabling act, it appears that the only transfers of real property mentioned in that portion of the act relating to Arizona are the grants of public land made by the United States to the State of Arizona in sections 24 and 25 of the enabling act, viz, sections 2, 16, 32, and 36, granted or confirmed to the State for common-school purposes, and the right granted to the State to select certain acreages for institutional and other purposes. The grants referred to do not include the beds of navigable streams. In Shively *v.* Bowlby (152 U. S. 1, 58), the Supreme Court of the United States, after a thorough review of the subject, reached the conclusion that "Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey of their own force no title or right below high-water mark and do not impair the title and dominion of the future State when created." Undoubtedly the same rule applies to grants by Congress of portions of the public lands to a State for school, institutional, or other purposes.

Since the grants referred to in the above extract from the enabling act do not include the beds of navigable rivers, it follows that the exception from such grants can not include the beds of such rivers because by its very nature and exception from a grant must be carved out of the grant and can not extend beyond the limits of the grant. Neither can the reservation to the United States include any lands not included within the terms of the grants referred to, because the lands reserved are the lands excepted. There is nothing whatever in such provision to indicate that the reservation to the United States was intended to be broader than the exception from the grants. That said reservation is not broader than the grants is made conclusive by the words, "And in lieu of the land so reserved to the United States and excepted from the operation of any of said grants, there be, and is hereby, granted to the proposed State an equal quantity of land, to be selected from land of the character named and in the manner prescribed in section 24 of this act."

In connection with this subject the disclaimer by the inhabitants of the State of all right and title to the public lands within the State contained in section 20 of the enabling act must also be considered. Said disclaimer reads as follows:

"That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof."

This disclaimer, unlike the reservation from section 28 above set forth, did not make its first appearance in the Arizona enabling act. In a slightly different form it originated in a resolution of the Continental Congress adopted September 6, 1780. It was inserted in the enabling act of Alabama when that State was admitted into the Union, and construed by the Supreme Court of the United States in the year 1844 as not including land in the bed of a navigable river in Pollards, lessee, *v.* Hagan (3 Howard 219, 224).

The enabling act of the State of Oregon, adopted February 14, 1859, required that the people of Oregon should provide by ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States or with any regulation Congress may find necessary for securing the title in said soil to bona fide purchasers. The legislative assembly of Oregon adopted this condition by act of June 3, 1859. Notwithstanding this condition and the acceptance thereof, the title of the State of Oregon to tidewater lands is unquestioned, Shively *v.* Bowlby (152 U. S. 1, 58), and the title of said State to the beds of navigable rivers rests upon the same basis. Johnson *v.* Knott (10 Pac. 418 (Oreg.); Brewer Elliott Oil Co. *v.* U. S., 260 U. S. 77.)

The disclaimer above quoted from section 20 of the Arizona enabling act is evidently taken almost verbatim from the enabling act of North Dakota, South Dakota, Montana, and Washington, approved February 22, 1889. Article XVIII of the constitution of Washington, adopted in pursuance of said enabling act, expressly asserted the title of the State to the beds and shores of all navigable waters in the State up to and including the line of ordinary high waters, and the title of the State so asserted has never been questioned. Eisenback *v.* Hatfield (26 Pac. 539; Yesler *v.* Commissioners (146 U. S. 646); Port of Seattle *v.* Railroad Co. (255 U. S. 56.)

The same disclaimer is found in the enabling act of Oklahoma, and Chief Justice Taft has recently declared that Oklahoma has title to the beds of navigable rivers within its boundaries. Brewer Elliott Oil & Gas Co. *v.* United States (67 Law Ed. 140.)

The above decisions conclusively establish that the disclaimer of title to the public lands contained in section 20 of the Arizona enabling act does not apply to lands in the beds of navigable streams. It is impossible to reasonably argue that the reservation in section 28 of the enabling act has any broader application. It follows that the said reservation does not affect the title to the beds of navigable streams. But if there were any doubt upon the question, that doubt would have to be resolved in favor of sustaining the title of the State to the beds of such streams for the reason stated by the Supreme Court of the United States in the following language:

"The United States early adopted and constantly has adhered to the policy of regarding lands under navigable waters in acquired territory while under its sole dominion as held for the ultimate benefit of future States, and so has refrained from making any disposal thereof save in exceptional instances when impelled to particular disposals by some international duty or public exigency. It follows from this that disposals by the United States during the Territorial period are not lightly to be inferred and should not be regarded as intended unless the intention was definitely declared or otherwise made very plain." (United States *v.* Holt State Bank, 70 Law Ed. 213.)

In an earlier case this rule of construction in favor of equality among the States was asserted by the Supreme Court of the United States as follows:

"It is impossible to suppose that by such indefinite language as was used in the enabling act Congress intended to differentiate Nebraska from her sister States, even if it had the power to do so, and attempt to impose more onerous conditions upon her than upon them." (Bolln *v.* Nebraska, 176 U. S. 83.)

It has been suggested that if said reservation does not include the beds of navigable streams, it was a vain and useless act. Such is not the fact. The unnecessary prohibition upon the State's power of disposal found in the provision indicates that the main purpose of Congress in inserting the provision in the enabling act was to prevent valuable power sites from being acquired by private individuals through purchase from the State. This purpose has been fully achieved. With the ownership and control of the lands bordering on the Colorado River vested in the United States, neither the State of Arizona nor private individuals are in a position to develop or exploit the river without the approval of the United States.

We are of the opinion that the said reservation would be unconstitutional if it were construed so as to reserve to the United States the beds of the navigable waters within the State. In general, new States when admitted into the Union are admitted with all of the powers of sovereignty and jurisdiction which pertain to the original States, and such powers may not be "constitutionally diminished, impaired, or shorn away by any conditions, compacts, or stipulations embraced in the act under which the new State came into the Union, which would not be valid and effectual if the subject of congressional legislation after admission." (Coyle *v.* Oklahoma, 221 U. S. 559, 573.) Construed as merely a reservation of the public lands, subject to the disposition of the United States, the said reservation is undoubtedly within the powers of Congress. Construed as an attempt to deprive the new State of the right to control the beds of navigable streams for the public benefit of the State, it clearly deprives the new State of that "equality of constitutional right and power" which is "the condition of all States of the Union, old and new." (Coyle *v.* Oklahoma, 221 U. S. 575.)

In the case of Pollard *v.* Hagan (3 Howard, 219) it was intimated that the United States had no power to dispose of lands under navigable waters, but must hold them in trust for the future State. This was later modified in Goodtitle *v.* Kibbe (9 Howard, 471) and in Shively *v.* Bowlby (152 U. S. 1), the rule was declared that "Congress has the power to make grants of lands below high-water mark of navigable waters in any Territory of the United States whenever it becomes necessary to do so in order to perform international obligations or to effect the improvement of such lands for the promotion and convenience of commerce with foreign nations and among the several States, or to carry out public purposes appropriate to the objects for which the United States hold the territory."

This rule was again considered by the Supreme Court of the United States in a case arising in Oklahoma, involving a conflict between a grant by the United States of the bed of a portion of the Arkansas River to the Osage Indians before the admission of Oklahoma as a State, and certain oil leases made by the State of Oklahoma under the claim that the Arkansas River was a navigable river and the State the owner of the bed thereof. Chief Justice Taft, after stating the rule laid down in Shively against Bowlby, supra, says:

"If the Arkansas River were navigable in fact at the locus in quo, the unrestricted power of the United States when exclusive sovereign to part with the bed of such a stream for any purpose asserted by the

circuit court of appeals would be before us for consideration. If that could not be sustained, a second question would arise whether vesting ownership of the river bed in the Osages was for 'a public purpose appropriate to the objects for which the United States hold territory.'" (Brewer Elliot Co. v. United States, 67 Law Ed. 145.)

It seems clear that even if the question thus left open by Chief Justice Taft were decided in favor of the unrestricted power of the United States to dispose of such lands before the admission of the State, under the rule laid down in Coyle against Oklahoma, supra, the power of the United States to reserve to itself the title to lands under navigable water by a provision in an enabling act could be exercised only for a purpose which would be a proper subject of congressional legislation after admission. Thus, Congress might, perhaps, have reserved the lands within the bed of the Colorado River for the purpose of maintaining the navigability of the river, for the purpose of building bridges for post roads over the same, or even for purposes of flood control or the reclamation of arid lands, but the reservation in question is plainly for the purpose of producing and transmitting power. The production and transmission of power is not a function vested in the Federal Government by the Constitution. The Federal water power act, the Swing-Johnson bill, and other similar acts recognize this fact by being so drawn as to bring the same within some of the recognized powers of the Federal Government, with the production of power as an incident.

We desire to call attention to the fact that this opinion does not attempt to solve the Colorado River problem. It leaves untouched many legal questions.

The purpose of this opinion is limited to making it clear that the State of Arizona has the same rights in the Colorado River, including the land under it, as have the other States through which it flows, and the same rights in the Colorado River, including the land under it, as have other States in similar rivers which flow through them. If this proposition is accepted, it follows: (a) That the State of Arizona may negotiate with the other States with reference to the Colorado River on an equality and (b) that the State of Arizona may properly urge Senators and Representatives of other States to oppose the Swing-Johnson bill or any other bill that disregards the rights of Arizona in the Colorado River, upon the ground that the passage of such act will establish a precedent extremely dangerous to other States.

Very truly yours,

KIBBEY, BENNETT, GUST, SMITH & LYMAN,
By J. L. GUST.

Mr. President, the State of California is the agency demanding this legislation, and California is a State which, as I have heretofore said, contributes no water to the Colorado River, yet demands 37 per cent of the water thereof; a State which contains but 2 per cent of the area of the Colorado River Basin, and demands all but an insignificant fraction of the electrical energy proposed to be developed by this bill; and to crown the summit of audacity, California assumes no risk whatever under this bill.

The bill proposes to authorize an appropriation of $125,000,000, to be expended as follows:

Estimated cost of the dam	$41,500,000
Estimated cost of the canal	31,000,000
Estimated cost of the power plant	31,500,000
Estimated interest during construction	21,000,000
Total expenditure	125,000,000

I now read copious excerpts from the statement of Representative HAYDEN, of Arizona before the Committee on Rules of the House of Representatives on January 21, 1927, opposing the Swing bill, a companion of the pending bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Friday, January 21, 1927.

The committee met at 10 o'clock a. m., Hon. Theodore Burton presiding.

* * * * * * *

STATEMENT OF HON. CARL HAYDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. HAYDEN. Mr. Chairman and gentlemen of the committee, I appear in opposition to the rule and in opposition to the Swing bill, H. R. 9826, which would be made in order under the rule. The rule proposes to bring a vote on this measure in the House after only four hours of general debate. I object to the bill because its primary purpose is to force the settlement of a controversy between States. It is proposed to use the power of Federal Government to give one State an advantage of her sister States.

* * * * * * *

THE POWER PLANT

So, first, there is to be a dam; and the next proposal in the bill is the construction of a power plant. The bill reads as follows in that respect:

"also to construct and equip, operate, and maintain, at or near said dam, and within a State which has approved the Colorado compact hereinafter mentioned, a complete plant and incidental structures suitable for the fullest economical development of electrical energy from the water discharged from said reservoir."

I direct your attention particularly to the words "and within a State which has approved the Colorado River compact."

The dam is to be located on the Colorado River, where it forms the common boundary between the States of Arizona and Nevada. Arizona has not approved the Colorado River compact, and the intent and purpose of these words is that the power plant shall not be constructed in the State of Arizona, but in the State of Nevada, which has approved the compact.

The proposed power plant is to produce, according to the majority report, 550,000 firm or constant horsepower, or 1,000,000 horsepower on a 55 per cent load factor. That is not quite three times the firm horsepower produced by the Wilson Dam at Muscle Shoals. The cost of this power plant is to be $31,500,000, and it is to produce an estimated revenue of $10,800,000 a year. That revenue is to be obtained by contracts which the Secretary of the Interior is authorized to make. To quote the exact language:

"The Secretary of the Interior shall make provision for revenues, by contract or otherwise."

And then the bill says that—

"Contracts for the sale and delivery of electrical energy shall be made with responsible applicants therefor, who will pay the price fixed by the said Secretary."

In that respect this bill repeals the Federal water power act. This is to be a Government dam; and if nothing was said in the bill as to what should be done with the power to be produced, automatically the Federal Power Commission would assume jurisdiction over the disposition of the power. When the Federal Government constructs a dam for navigation, that being the paramount purpose, the dam is operated by the Secretary of War for navigation, but any power must be disposed of by the Federal Power Commission.

FEDERAL WATER POWER ACT RECOMMENDED

I favor an amendment to this bill to make the Federal water power act applicable to the Boulder Canyon dam. I have supported such an amendment after listening to four members of the President's Cabinet who appeared before the Committee on Irrigation and Reclamation and advocated that policy. Secretary Weeks, Secretary Work, and Secretary Wallace appeared before our committee not only in person but by a joint letter in writing, recommended that any legislation authorizing the construction of a dam at Boulder Canyon should provide that the Federal water power act shall operate there. They all opposed its being taken out from under the water power act by a special law. In addition, Secretary Hoover appeared before the committee and testified to the same effect.

When four Cabinet members calmly passed upon this issue and advocated that the Federal water power act should apply to this dam I agreed with them and have not changed my opinion in any respect since. That was the sound and sensible conclusion which all four of them presented to the Committee on Irrigation and Reclamation.

Mr. SMITH. I only want to suggest that that commitment was made two and a half years ago, when the legislation was first brought before the committee. Since then Secretary Work has taken the opposite view, as indicated in his report to the committee.

Mr. HAYDEN. I think that of all the members of the Cabinet the one who knows the most about the Colorado River is Mr. Hoover. It was less than a year ago, on March 3, 1926, when Secretary Hoover testified as follows:

"That it is desirable to provide that the Federal Power Commission should make the division of power entirely under the water power act, including the whole of the act. The licenses should, of course, be issued subject to the approval of the Secretary of the Interior in order to secure the financial arrangements which would bring to him the necessary revenue to carry the necessary amortization and interest on bond issues. * * * I think Congress ought to maintain the national policies laid down in the water power act."

That is Secretary Hoover's recommendation, and when I read to him the recommendations made by the three other Secretaries to which Mr. LEATHERWOOD has referred, he concurred therein.

Mr. RAMSEYER. Was he talking about this particular dam?

Mr. HAYDEN. Secretary Hoover was talking about the Boulder Canyon dam provided for in this particular bill, which was later reported to the House by the Committee on Irrigation and Reclamation.

Mr. RAMSEYER. What he is recommending is that after the dam is built the Federal Power Commission should be given authority to allocate the power; is that it?

Mr. HAYDEN. That is it exactly, and that is what Mr. LEATHERWOOD proposed in his amendments to the bill.

REFERENCE TO STATES AND MUNICIPALITIES

I was a member of the committee which reported the Federal water power act to the House. It is a good law. It lays down a general water-power policy for the United States. In that act preference is

guaranteed to States and municipalities where applications are made for power, so that, other things being equal, the public rather than private enterprise gets the benefit. I believe in that policy. I can see no reason why the Boulder Canyon dam should be taken out from under that general act.

Mr. RAMSEYER. If this bill were enacted into law, then the Secretary of the Interior would have that power instead of the Federal Water Power Commission?

Mr. HAYDEN. Yes. The bill attempts to provide that the Secretary of the Interior shall act and proceed as though he were the Federal Power Commission. We have had Secretaries of the Interior whom we could trust, and we have also had Secretaries who could not be trusted. I prefer the general law, which provides that three members of the Cabinet shall pass on all applications for water-power permits.

Mr. RAMSEYER. These warnings as to Secretaries apply to the present and to the future, do they?

Mr. HAYDEN. I have the highest respect for the present Secretary of the Interior, but we do not know that he will be Secretary when the provisions of this bill are administered.

When the power plant at Boulder Canyon is built and when the contracts are made to obtain $10,500,000 of revenue from the sale of 550,000 firm horsepower, the United States will be obligated to the consumers of that power for its delivery. That means power available to the consumers 24 hours a day every day in the year. The Federal Government will be required to deliver that power to them by formal contract. Therefore the power must be produced and to produce it water must pass out of the dam, which means a continuous flow of water from the Boulder Canyon reservoir into the Colorado River below the dam.

What is going to become of that water? In the first place, we should know about how much there will be of it. According to this unpublished report of the United States Reclamation Service, made in February, 1924, it is estimated that there will be available for diversion below the Boulder Canyon dam 9,341,000 acre-feet of water each year. In 1925 the United States Geological Survey made a report, Water Supply Paper No. 556, on water power and flood control on the Colorado River, which states that 9,593,000 acre-feet will be available for irrigation below Boulder Canyon. Let us, for convenience, say nine and a half million acre-feet. There will be nine and a half million acre-feet of water available for use for irrigation after it has produced power at the Boulder Canyon dam.

Where is that water to be used? The bill says that the Secretary of the Interior is to construct a main canal and appurtenant structures located entirely within the United States connecting the Laguna Dam with the Imperial and Coachella Valleys in California.

Mr. BURTON. Where is the Laguna Dam?

Mr. HAYDEN. I had best point that out on the map. Here [indicating] is Boulder Canyon. The water, after passing out of the power plants, will flow down the Colorado River some 300 miles to the Laguna Dam, just north of Yuma, Ariz. The Laguna Dam was completed by the United States Reclamation Service in 1909 to divert water from the Colorado River for the use of the Yuma reclamation project.

PROPOSED ALL-AMERICAN CANAL

It is proposed to build an all-American canal to cost, according to the majority report, $31,000,000 to convey water from the Colorado River at Laguna Dam into the Imperial Valley for the irrigation of lands in that valley and the Coachella Valley which lies north of the Salton Sea. That canal is to be wholly within the United States. In order to keep it within the United States it is necessary to pass through a range of shifting sand hills [indicating on map], and there is good engineering authority to say that a canal of the capacity necessary to convey the quantity of water needed for the irrigation of those lands can not be constructed for $31,000,000 through that kind of country.

Mr. BURTON. What is the maximum elevation produced by that canal?

Mr. HAYDEN. I do not remember the details, but I do know that it is a country of shifting sand, and there is not only the question of constructing the canal through the dunes, but its maintenance afterwards in order to prevent its being filled with the wind-blown sand.

The report of the Reclamation Service engineers states that there can be irrigated from the proposed all-American canal 785,000 acres of land in the Imperial and Coachella Valleys. About 400,000 acres are now, under the existing canal system, supplied with water, and about 385,000 acres of new land will be irrigated. That is all the bill does. It stops right there. It provides for the construction of an all-American canal for the irrigation of 785,000 acres of land in California. The Reclamation Service report states that such land will require 4½ acre-feet of water per acre. Multiplying 785,000 acres by that figure we get 3,533,000 acre-feet of water per annum that will be required for the California lands under the all-American canal.

Mr. GARRETT. How does the land through which this proposed all-American canal would pass compare to that through which the present canal in Mexico passes?

Mr. HAYDEN. The present canal begins about a mile above the international line, crosses the Mexican boundary and follows the old channel of the Alamo River around the end of the sand-dune country—completely evades it. The water is then conveyed back into the United States.

I want this committee to consider the bill and the bill alone, just as it stands. There is to be available approximately nine and a half million acre-feet of water, flowing from the Boulder Canyon reservoir, but the bill provides for the use of only about three and a half million acre-feet. So there will be 6,000,000 acre-feet of water that will be available every year about which the bill is absolutely silent. No provision of any kind is made for its use.

WATER FOR DOMESTIC USE

What is to become of that 6,000,000 acre-feet of water? We are told in the majority report that the city of Los Angeles hopes to obtain about 1,500 second-feet, which is equivalent to about 1,100,000 acre-feet, of water from the Colorado River for domestic use. It will cost, perhaps, a quarter of a billion dollars to convey that water 250 miles over a mountain range to the city of Los Angeles.

Mr. MICHENER. Who pays that?

Mr. HAYDEN. The city of Los Angeles, I presume. It will take about 250,000 firm horsepower perpetually to pump that water into Los Angeles. That is a serious undertaking, and, in my judgment, it will never be accomplished.

Mr. MICHENER. Did you say a quarter of a billion?

Mr. HAYDEN. Yes; about $250,000,000. The city of Los Angeles, as stated in my minority report, can obtain a better quality of water wholly within the State of California from the Sierra Nevada Mountains.

Mr. MICHENER. Why, then, is Los Angeles wanting this?

Mr. HAYDEN. I have always believed that this scheme to secure domestic water from the Colorado River was an alternative proposed in the interest of certain condemnation suits in the State of California whereby the city of Los Angeles seeks to acquire water rights in the Owens River and the Mono Basin.

Mr. MICHENER. You would think, then, that if this becomes a law they will have a leverage whereby they can get cheaper water somewhere else, and will not take this?

Mr. HAYDEN. That is my opinion, and I have good engineering authority to justify it. My minority report goes into detail, showing the hardness of the water and the difficulty of obtaining it from the Colorado River, and that a better quality of water can be obtained at less cost in California.

But supposing that Los Angeles and the other municipalities of southern California do take 1,100,000 acre-feet of water from the Colorado River. There are now under irrigation in the Yuma project, the Palo Verde Valley, and near Parker approximately 100,000 acres of land, which will require about 400,000 acre-feet of water. With the 1,100,000 acre-feet that Los Angeles may use, and the 400,000 acre-feet that will be used by existing canals, we have nearly one million and a half acre-feet accounted for. That leaves four and one-half million acre-feet still in the Colorado River, and no provision made in the bill as to where that water is to go.

I can tell you where it will go—into the Republic of Mexico, to irrigate approximately 1,000,000 acres of land.

Mr. RAMSEYER. Does it not go there now?

Mr. HAYDEN. In floods; yes. But the Boulder Canyon dam will equate the flow of the Colorado River.

Mr. RAMSEYER. In other words, Mexico will get regulated flow then.

IRRIGABLE LANDS IN MEXICO

Mr. HAYDEN. Yes. There is now under irrigation in Mexico about 200,000 acres of land, and that takes about half of the minimum flow of the stream. There is no immediate prospect of any great increase in the irrigated area either in Mexico or in the Imperial Valley of California until the Colorado River is equated. When that is done there will then, according to this bill, be placed under irrigation 785,000 acres in the United States and water provided for a million more acres of land in Mexico. There are a million acres of irrigable land in Mexico, according to this unpublished report of the United States Reclamation Service which I hold in my hand.

Mr. BURTON. How about land in Arizona not yet utilized? Would water be available for that?

Mr. HAYDEN. That is what the State of Arizona would like to see done.

Mr. BURTON. How much land is there in Arizona that would ultimately be utilized?

Mr. HAYDEN. There is more land in the State of Arizona which could be reclaimed than there will ever be water in the Colorado River to irrigate. Land is the thing Arizona has and water is the thing she lacks.

Mr. MICHENER. Are you ready at this time, however, to put the land and the water together?

Mr. HAYDEN. Arizona is not ready to do that at this time.

Mr. MICHENER. In other words, you want this matter to stand in statu quo for a period of probably 50 years, until the country increases in population and you need more farms and industries?

Mr. HAYDEN. That is the point I want to bring out. I can show by this report, made by the United States Reclamation Service, that there are a million acres of level delta land in Lower California, Mexico, of the same kind which exists in the Imperial Valley. When the flow of the Colorado River is equated the Mexican landowners will immediately put the water to beneficial use by applying it to their lands.

The Reclamation Service engineers say that there are under irrigation in Lower California at this time about 200,000 acres, and that immediately after the water is available another 300,000 acres will be irrigated, and that in the near future another 300,000 acres will be reclaimed.

It is not necessary for me to testify as to the kind of people who will occupy the Mexican lands in Lower California. All you have to do is to read the testimony in the hearings before our committee of the gentleman from California, Mr. SWING, as to the Chinese coolies, the Japanese laborers, and the Mexican peons who are now in that country. It is cheap labor of that character with which they grow crops in Mexico. The principal crop produced is cotton. It is a wonderful cotton country. The United States will furnish water to a million acres of Mexican land upon which crops grown by cheap labor will compete with those grown by American farmers. The Delta of the Colorado River in Mexico is the only place, under the terms of this bill, where the water stored at Boulder Canyon can go, and that is just what will happen if this bill becomes a law.

AMERICAN LANDS SHOULD OBTAIN BENEFITS

The people of my State believe that no such thing should be permitted to happen. The people of Arizona insist that if the United States of America is to expend money out of its Treasury for impounding and controlling the waters of the Colorado River, over which we have absolute jurisdiction within the limits of our own country, that the benefits to come from that storage and impounding of waters should go to the people of the United States and not be given away without cost to the owners of land in Mexico.

Mr. BURTON. Is it not probable that the land in Arizona would be utilized as rapidly as the land in Mexico?

Mr. HAYDEN. Unfortunately, no. As the map will indicate, the Delta of the Colorado River is low and level, which makes it easy to apply the water to beneficial use. The lands in Arizona which can be irrigated to any great extent are away from the Colorado River—mesa or bench lands—lands to which it will be more expensive to convey the water from the river. We realize that to carry out a plan of reclamation which would use 4,500,000 acre-feet of water in Arizona is a matter that must be delayed, because the expense of construction is not now justified by the present prices paid for agricultural products. We know that the population of the United States is increasing at the rate of over a million a year. We believe that the Arizona lands will be reclaimed for farms and homes when the pressure of population demands it. What the State of Arizona asks, and has presented to Congress by a memorial passed by its legislature, is that in connection with any legislation enacted for the development of the Colorado River there be included a notice to the Republic of Mexico that we are spending American money on American soil to impound American water, and that the American people intend to obtain all of the benefits that will come from that expenditure.

Mr. RAMSEYER. How would you get that notice to Mexico except through a treaty?

Mr. HAYDEN. By a legislative declaration by Congress.

Mr. RAMSEYER. That would not be binding.

Mr. HAYDEN. I am aware that it would not be binding, but it would be very persuasive. It is the water law of the West, that the initiation of an appropriation—and time is the element—dates back to the original notice of intention to use it. The first in use is the first in right. There is a case in Colorado where an appropriation was dated back 21 years to the time when the first stake was driven into the river bank. Everybody understands that an appropriation can be dated back so long as due diligence is employed.

MEXICO WILL CLAIM WATER RIGHTS

If the bill remains completely silent and no notice is given, the four and a half million acre-feet will flow into Mexico and the Mexican landowners, with perfect propriety, will apply it to their lands. Mexico has the same law that we have—that the first in use is the first in right—and that land will be put in cultivation just as fast as is possible. Then later, when the State of Arizona or any other part of the United States wants to use the water, the Mexicans will say, "You sent this water to us and nothing was said about it. We were the first to apply it to beneficial use. It is ours."

Mr. MICHENER. Is that Mexican land to which you are now referring owned by Mexicans or by Americans?

Mr. HAYDEN. According to the Reclamation Service report, largely by Americans, but there are some national lands of the Republic of Mexico in the Colorado River delta.

Mr. BANKHEAD. Have we any existing treaty with Mexico affecting the amount of water that Mexico shall be entitled to under present conditions?

Mr. HAYDEN. There is no such treaty.

Now, how can the United States prevent Mexico from using this 4,500,000 acre-feet of water? The best way, of course, is by treaty, and such a treaty was once proposed.

Mr. BURTON. Is there not a form of agreement already with Mexico for a division of the water for irrigation?

Mr. HAYDEN. No, sir. All that now exists is a mere concession and not a treaty between the United States and Mexico. Those interested in the development of the Imperial Valley in California organized a Mexican corporation. That Mexican corporation, of which the Imperial irrigation district now owns all the stock, obtained a concession from the Republic of Mexico permitting the construction of a canal in Mexico for the diversion of water and providing that half the water might be used on Mexican lands.

Mr. BURTON. Half the water that attaches merely to that canal?

Mr. HAYDEN. To that canal only. There was a proposal for a treaty made in about 1910, just before the close of the Diaz régime. Mr. Louis C. Hill was appointed as commissioner for the United States, and he conferred with a Mexican commissioner named Puga. On page 17 of my minority report you will find the tentative agreement then made, the substance of which is as follows:

"(1) Mexico and the United States to abrogate such parts of the treaty of Guadaloupe Hidalgo as conflicted.

"(2) The two nations to divide the low-water flow of the Colorado equally between them. (Mexico's share of this would be less than 1,500 second-feet, and hence less than will irrigate the lands in Mexico now irrigated by Colorado River.)

"(3) The United States to build reservoirs if it so desires to impound all the remaining water of Colorado River for the purposes, among others, of irrigating all the land which can be irrigated by Colorado River waters either by gravity or by pumping.

"(4) That Mexico be permitted by paying her pro rata part of the cost of the reservoirs and their operation to have the use of such remaining water as can not be utilized in the United States.

"This was considered by the Mexican representatives as a most fair and friendly proposal.

"It gave to Mexico nothing the United States could use, but at the same time shared with Mexico the storage facilities on the upper river, facilities which do not exist in Mexico."

Mr. BURTON. Do I understand that that took the form of a treaty?

Mr. HAYDEN. It was a tentative agreement for a treaty made by a Mexican and an American representative appointed by the two Governments to negotiate a treaty.

Mr. BURTON. No treaty was negotiated?

Mr. HAYDEN. No treaty was negotiated. A treaty of that kind would be entirely equitable to both countries. But nothing was actually accomplished, and we do not know when any treaty will be made. A treaty is the best way of settling the difficulty, but in the absence of a treaty the people of Arizona insist that notice be given to Mexico as the next best thing that can be done. It is absolutely essential that notice be given in this bill. If that is not done, the Mexican landowners will acquire water rights which the United States will never, by reason of international comity, take away from them.

* * * * * * *

FLOOD CONTROL

Mr. POU. There is one phase of this matter that I would like to have somebody discuss for a little while. There are two policies, as I understand. One is the policy proposed by this bill to build a dam over 550 feet high to provide water for irrigation purposes and also to provide an enormous amount of electrical energy. Now, at the same time, I understand that the people of the Imperial Valley are in danger of the Colorado River at some time breaking over its banks and inflicting enormous damage. I would like to have somebody discuss what is necessary to prevent that from taking place; that and nothing more. It is the duty of the Government, of course, which is conceded by everybody, to look out after the safety of those people, but it is a controverted fact as to whether or not it is the duty of the Government to provide electrical energy.

Mr. HAYDEN. If all of the delta of the Colorado River were within the United States, the first line of defense against floods would be levees.

Mr. POU. How much of a dam would be necessary to adequately protect the people of that valley?

Mr. HAYDEN. I have stated in my minority report, and I think that opinion is based upon very good engineering evidence, that a dam could be built solely for flood control, for no other purpose, built with an opening in it so that the water could immediately flow out of it, with an appropriation of $15,000,000 or $20,000,000. Thirty million dollars would be ample if flood control were the sole object.

Mr. RAMSEYER. Do you mean at the same place?

Mr. HAYDEN. No; it would be at another location farther down the stream. I have never advocated that policy. It appears to me to be an economic waste, just to do the one thing that is necessary for flood control when other benefits might readily be obtained.

Mr. POU. Does it not involve the difference between an appropriation of around $30,000,000 or $40,000,000 and a possible appropriation of $200,000,000?

Mr. HAYDEN. There is no question about that; but I think it would be better not to take a sum of money and spend it on a flood-control project which would be useful for no other purpose. I think it more advisable to take that same sum of money and tender it to a water-power authority or some agency that the Government may designate and let the Federal contribution for flood control be put into a scheme that will pay.

Mr. POU. Pardon this question, but would it not be possible, in order to protect them against the possible overflow of the Colorado River, to start out with an appropriation of, say, whatever was necessary, $30,000,000 or $35,000,000—and I have heard $14,000,000 given as the sum necessary—and start out in such a way that that appropriation would not be a waste if, later on, the Government decided to carry out a larger project?

Mr. HAYDEN. That might be a very desirable way of going about it.

A SERIOUS INTERNATIONAL SITUATION

I desire to impress upon the committee that the most serious objection to this bill is the international situation which will arise if it is enacted. If this bill becomes a law, the United States of America will lose a million acres of irrigated land. That much American land must remain a desert if a million acres in Mexico is irrigated. Is the Congress, by its silence, as this bill is silent, going to allow that to take place?

Mr. RAMSEYER. Is that your main objection?

Mr. HAYDEN. That is the most serious objection I have to the bill.

Mr. RAMSEYER. I am very much interested in knowing just what the primary objection of the State of Arizona is. Utah has withdrawn recently, and, if I understand its Representatives correctly, they are ready to back in as soon as Arizona gets in, provided California comes out and approves the project without a reservation.

Mr. HAYDEN. I shall discuss the differences between California and Arizona in detail.

Mr. RAMSEYER. I would be very much interested if you will tell us on just what conditions Arizona will come in.

Mr. HAYDEN. The four States of the upper basin—namely, Utah, New Mexico, Colorado, and Wyoming—will never consent to the enactment of any legislation for the development of the Colorado River which does not contain in it a guaranty to them for the use of such water as they may need for agricultural purposes in the future. There will never be any such legislation by Congress unless those four States are protected.

Mr. RAMSEYER. What do you refer to, the action of Utah?

Mr. HAYDEN. The attitude of Utah, Wyoming, Colorado, and New Mexico in past years, with respect to the Colorado River, has been that they will not consent to any development until a compact is approved which will take care of their agricultural needs. Arizona sympathizes with them in that view. They are entitled to that protection, and we would be glad to give it to them.

Against whom do the upper basin States need the protection? It is California. California is the only State that now proposes to undertake any large agricultural development through the aid of the Federal Government by the enactment of this bill.

ARIZONA ENTITLED TO SAME PROTECTION AS UPPER BASIN STATES

Now, the people of Arizona say that if New Mexico, Utah, Colorado, and Wyoming are entitled to protection against the acquisition of prior rights by California, Arizona is also entitled to the same protection. That is all Arizona asks. She asks nothing more than that, and she will never consent to anything less. Arizona has said to the State of California that she demands an equitable division of the waters of the Colorado River. That demand has been presented time and time again at conferences and by commissions. There is now in session in the city of Los Angeles a new commission, established by the Legislatures of the States of Arizona, California, and Nevada.

Mr. RAMSEYER. The lower basin States?

Mr. HAYDEN. Yes. Through its legislature the State of Arizona made this fair proposal: That the State of Nevada, which has very little irrigable land, may have such water as it desires, and that the States of California and Arizona shall equally divide the remainder of the water in the Colorado River. That is the offer Arizona made to California. There is nothing unfair about it. Each State would then use the water allocated to it as it saw fit.

Mr. MICHENER. The real trouble is that California is now ready to use the water and, if this proposition goes through, will immediately appropriate the water. Your State is in position where it will not be ready to use the water for possibly 50 years, assuming your population increases, and the real trouble is that California wants relief now, and you want the matter held in abeyance until such time as that country will have grown to such an extent where you will want the water.

Mr. HAYDEN. Arizona is perfectly willing to agree with the State of California that she may take her share of the water as agreed upon by a division among the States and use it immediately. We have no objection to that.

Mr. RAMSEYER. If that were done and you were guaranteed your part of the water, of course you could not use it now. That water would immediately proceed to go down through Mexico, and what would prevent Mexico from appropriating water other than a limitation of acreage?

Mr. HAYDEN. The best way to obtain that protection would be by treaty. In the absence of treaty, then let the Congress of the United States serve notice on Mexico by declaring an intention to use the water on American soil.

Mr. RAMSEYER. Do you think the possibilities in Arizona are there for it ever to appropriate as much water as California can use?

Mr. HAYDEN. There is more land in Arizona than there is in California which might be irrigated from the Colorado River.

Mr. MICHENER. Yes; but at an additional cost. In other words, your land is bench land. California can use a lot of this water by the method of gravitation, but you must pump that water.

Mr. HAYDEN. Arizona is willing to give California one-half of the water in the Colorado River. There should be no quarrel between Arizona and California about the quantity of water each State is to receive.

NEW LANDS TO BE RECLAIMED

This bill immediately creates a controversy between Arizona and Mexico. This bill gives California all the hydroelectric power she needs and all the water she needs for her Imperial Valley lands. The bill is silent about the rest of the water which will go to Mexico and a million acres in my State will never be irrigated. I submit to any fair-minded man that when the State of Arizona offers to divide equally with the State of California, each to put the water to use on new lands, to reclaim new areas from the desert, that one State has as much right to ask for water as the other.

It is not a question of recognizing a vested right but the opportunity to apply water to new lands and bring them under cultivation.

Mr. BURTON. What is your practical suggestion as to how that will be accomplished?

Mr. HAYDEN. By an agreement or compact between the States. But the State of California, believing that this bill will be enacted by Congress and thereby she will secure the benefits from the Boulder Canyon dam and the all-American canal and all the other water she desires, will not agree with Arizona on a division of water.

Mr. MICHENER. Assuming that you all agreed and we proceeded to authorize this rule and legislation was passed, the dam constructed and California immediately appropriated the water to which it was entitled under the agreement, what would become of the rest of the water that you expect to use 50 years from now unless you had a treaty with Mexico?

Mr. HAYDEN. That is why we say that notice to Mexico is absolutely vital.

Mr. MICHENER. There is not just a question of agreement between the States involved; there is also the question of treaty. You must have your treaty to save your water from appropriation in Mexico.

Mr. HAYDEN. That is correct.

Mr. MICHENER. Before you have your agreement.

Mr. HAYDEN. But while Arizona will not be as well protected by notice as she would be by a treaty——

Mr. MICHENER (interposing). Suppose that Congress should give notice to Mexico that at some time in the dim and distant future we expect to appropriate water out of the Colorado River to irrigate bench lands, to be used only in case pumps are used.

Mr. HAYDEN. I think that notice to Mexico would be most valuable. Under international law, a nation is sovereign over all the waters within its own jurisdiction. You will find a very complete statement of the international law relating to rivers in an opinion written by Judson Harmon on December 12, 1895, who was Attorney General in President Cleveland's Cabinet. The Mexican Government made a claim for $35,000,000 damages because certain lands in Mexico had been deprived of water. Mr. Harmon held that the United States or its citizens had a perfect right to use all of the water in the Rio Grande River, and that Mexico had no valid claim.

Mr. BURTON. Without expressing any opinion, I may say that that opinion of Judson Harmon has been criticized by writers of international law.

Mr. HAYDEN. What later happened on the Rio Grande is that when the United States Government built the Elephant Butte Dam above El Paso a treaty was made with Mexico, granting to that country some surplus water, as a matter of international comity. And I do not believe that once the Mexican lands in lower California are placed under cultivation they will ever be dried up. Under existing international law the United States has a right to use all of the water in the Colorado River. Congress should declare our intention to use it and we ought to fortify our claim to it by a proper allocation of water to the State of Arizona.

Mr. RAMSEYER. Would Arizona be ready to go along and get into the compact and join in this resolution if she could amicably come to terms with California and the Congress would serve notice on Mexico in this bill as indicated by you?

Mr. HAYDEN. There is, first, the question of water, which the State of Arizona is willing to settle with the State of California on a 50-50 basis.

ARIZONA AND NEVADA ASK COMPENSATION IN LIEU OF TAXES

There is only one other difference between the two States. The people of Arizona prefer that this dam or any other similar dam built on the Colorado River should be under public rather than private control. If the Federal Government does build a dam as proposed in this bill, what benefits will the States of Arizona and Nevada obtain? Forty-one million dollars will be spent at Boulder Canyon. There will be two little boom towns on each bank of the Colorado River during the period of construction. Then the workmen will go away and the money paid for wages will be spent. The power will be transmitted over into California, where, we are told by the Hearst newspapers, it will promptly add a million to the population of that State and ten or twelve billions to its wealth.

The State of Arizona says that if the Federal Government is to engage in the business of generating power, a sum equal to the taxes which would be paid if the same site were owned and developed by private enterprise should be paid to each of the States. They reason by analogy in making this request, for, in the case of the national forests where the timber can not be taxed, the Federal Government pays to the States 35 per cent of the gross receipts. In the case of coal, oil, and gas on the public domain, 37½ per cent of the income goes to the State, and the same is true of any Federal income under the water power act.

Then there is a further reason. The Federal Government is now collecting income tax from the employees of cities engaged in the business of selling water, light, and power because such municipal activities have been held to be not a governmental function. I have here some letters discussing that issue which I shall include in the record. I wrote to the Commissioner of Internal Revenue two years ago, and among the other precedents he referred to the decision of the Supreme Court of the United States in the case of South Carolina against the United States (199 U. S. 437). When that State went into the liquor business and maintained dispensaries, South Carolina claimed that as a State it was not required to pay the Federal revenue tax, but the Supreme Court said that the operation of dispensaries was not a governmental function, and therefore the State must pay the internal revenue tax on intoxicating liquor. The court held that otherwise the State might go into every kind of business and thereby deprive the Federal Government of all its revenues. If it can be held by a bureau of the Federal Government that the sale of water and the production of power and light by municipalities are not governmental functions, and therefore the Federal Government can tax income from that source, then the rule should work the other way. If the Federal Government engages in the manufacture of hydroelectric power within a State, that not being a governmental function, the State should be entitled to taxes on the site, the dam, and the power plant.

ARIZONA, CALIFORNIA, AND NEVADA ONLY STATES CONCERNED

What shall be paid in lieu of taxes upon power developed on the Colorado River is a question to be settled by the States of Arizona, California, and Nevada. If the State of California, where the power is to be used, agrees with the States of Arizona and Nevada upon some reasonable compensation in lieu of taxes, Congress should consent to the agreement, because the payments to be made are not a matter of the least concern to the Federal Government.

Mr. RAMSEYER. How long have these commissioners of the lower-basin States been in session?

Mr. HAYDEN. The Governor of Arizona took the first step toward the appointment of commissioners nearly three years ago, but the Governor of California would not appoint anybody. Over a year ago when the commissioners from the three States first met, the Californians opened the negotiations with an ultimatum which said, in effect, "We will get the Boulder Canyon dam, as provided in the Swing-Johnson bill. After that is conceded we will talk to you."

Mr. RAMSEYER. Are they in session now?

Mr. HAYDEN. Yes; in Los Angeles.

Mr. RAMSEYER. Are they making any progress?

Mr. HAYDEN. I think they are. California first asked for three-fourths of the water of the river, but Arizona insists that it should be divided equally.

Mr. RAMSEYER. The Arizona commissioner has not come down any from the 50 per cent proposal?

Mr. HAYDEN. The negotiations are still going on. Arizona has offered to divide the water equally in the main stream of the Colorado River, and California now wants two-thirds of it.

On the question of power, California has offered to pay $1 a horsepower a year, admitting the principle that something should be paid in lieu of taxes, but the State of Arizona says that the payment should be equivalent to the average taxes paid on other property in the State.

Mr. GARRETT. How much of the Colorado River Basin is in California?

Mr. HAYDEN. About 2 per cent. California contributes no water to the stream at all, except some torrential rains from sand washes. California contributes less water than any other State in the Colorado River Basin.

Mr. BANKHEAD. I must confess that my chief interest in this whole proposition now is based on the question of relieving the danger that the people of the Imperial Valley are in from possible inundation.

Mr. HAYDEN. That danger is no graver menace to the people of the Imperial Valley than it is to the people of the Yuma Valley in my State.

Mr. BANKHEAD. Conceding that menace, I want to ask this question: Have you in your mind any alternative legislation which you can offer at the present time?

Mr. HAYDEN. I have said to my people, and I say to this committee that this is not an issue which can be disposed of by Congress alone. The place to begin is by an agreement among the States. If the States of California, Arizona, and Nevada get together and settle their differences, then there will be no difficulty in securing a seven-State agreement. All the States can then come to Congress to secure the approval of a plan of development which has their united support. Under the plea of flood control, this bill provides for an enormous power development and a great irrigation scheme, all coupled together and all for the benefit of California. There is nothing in this bill which provides for the irrigation of 1 acre of land in Arizona or in any other State; only in California, and the great bulk of the power bill will go to California. It is nothing but a California measure.

Mr. RAMSEYER. The result of your contention is that unless all of the States can agree upon the terms of a compact affecting all of the equations involved, that Congress should not attempt to legislate?

ONLY TWO WAYS TO SETTLE THE CONTROVERSY

Mr. HAYDEN. There are only two ways in which this controversy can be settled. Either the States can agree upon an equitable apportionment of waters of the Colorado River or, in the absence of a compact, the Supreme Court of the United States can determine what the rights of the various States are in and to that stream.

Mr. MICHENER. Do you not think that you could simplify matters here by having your State ratify the compact conditionally, as California has, and stating just what you will insist upon before you agree to a ratification of the compact?

Mr. HAYDEN. That is just what the Arizona Legislature did two years ago.

Mr. MICHENER. That has been done?

Mr. HAYDEN. Yes; and California would not accept the proposal.

Mr. MICHENER. Why have you not ratified it just as much as California has?

Mr. HAYDEN. In a sense Arizona has. The Legislature of the State of Arizona up to this time had never taken any positive action rejecting the Colorado River compact. It may never have approved it, but the first legislature which considered the compact took no action at all and the next one, by a concurrent resolution, approved it conditionally. Arizona has gone as far as California in that regard.

Mr. MICHENER. Did the governor veto that?

Mr. HAYDEN. The Governor of Arizona vetoed the concurrent resolution, but the two houses of the legislature took the action that I have indicated.

IRRIGATED LANDS IN TEXAS

I want to speak frankly to the committee about one phase of the international situation which is at least peculiar. There are certain persons, residents of the State of Texas, urging the passage of this bill for the reason that they believe that impounding the waters of the Colorado River at Boulder Canyon will in some way benefit them by obtaining additional water from Mexico on the lower Rio Grande. All of the watershed of the Colorado River is within the United States, but some of the water is used for irrigation in Mexico. On the lower Rio Grande the water supply comes from Mexican tributaries of that stream and is used to irrigate land in the United States. The people living in the delta of the Rio Grande in Texas with whom I have talked desire certainty as to their water supply. That certainty can only be obtained by treaty with Mexico. Some of them have been led to believe that they can get the benefits of a more favorable treaty if the Boulder Canyon dam is built.

It is my contention that the construction of the Boulder Canyon dam, as provided in this bill, will delay the time when any treaty relating to the boundary waters can be made with Mexico. Without notice of the intention of the United States to use the waters of the Colorado River, the Mexicans have everything to gain by putting water on as much of their land as they can. Therefore they will delay making any kind of a treaty until all of the land in Lower California is under cultivation.

With a notice to Mexico, the burden is promptly transferred to that Republic to make a treaty. Such notice will do more than anything else to bring about a treaty. Nothing is to be gained for anyone in Texas by the passage of this bill in its present form. Upon the contrary, its enactment will positively injure them. This bill should therefore be amended in the following manner:

"That until such time as a treaty between the United States of America and the United States of Mexico providing for an equitable apportionment of the waters of the Colorado River is ratified by the

Governments of both Nations, it is hereby declared to be the policy and purpose of the Government of the United States of America to reserve for use within the boundaries of the United States of America all waters of the Colorado River which may be stored or impounded therein, to the end that the Government of the United States of Mexico, the citizens of that Republic, and the owners of Mexican lands may have direct and timely notice and warning that the use by them of any such waters as may temporarily flow into Mexico shall establish no right, legal or moral, to the continued use of such waters."

CONGRESS CAN NOT APPORTION WATERS

Now, let me conclude, gentlemen, because I have taken much more time than I intended. I wanted to make it perfectly clear to you that the objections which the State of Arizona has to the enactment of this legislation can not be cured by Congress or by amendment to the bill. Arizona denies that it is within the power of Congress to apportion the waters of an interstate stream among the States. The States themselves must do that by agreement, or it must be done by the Supreme Court of the United States. The withdrawal of the State of Utah from the six-State compact merely emphasizes the position of Arizona that the Federal Government and any three States or four States or six States can not apportion the waters of the Colorado River. Nor can anything less than all of the seven States apportion the water in which they are all interested.

Arizona believes that the State of Utah acted wisely when it withdrew from the six-State compact. The only way that the State of Utah can be completely protected is by a seven-State agreement; that is the only way in which her agricultural future can be assured. Any act of Congress providing that Utah shall have so much water and Arizona so much and California so much is void. The attempt made in this bill to approve a six-State compact, or a five-State compact as its proponents are now suggesting, would be without effect. Any such act of Congress would be vain and futile. Arizona insists that the only real protection which all the States can secure is for them all to be in accord. There is no other way out.

ARIZONA MUST PROTECT HER FUTURE

The State of Arizona asks nothing unreasonable, asks nothing unfair. As the record now stands, everything Arizona seeks should be granted to her. The reason why Arizona and California have not come to an accord is that the people of California have been led to believe that the Congress of the United States would enact this legislation which gives them all that they seek without the necessity of any agreement with Arizona. So long as they believe that, there will be no agreement. Whenever those in authority in California are convinced that they can not come to Congress and obtain all that they demand they will be more just and reasonable with the other States. Arizona asks here to-day that Congress shall not throw into balance which weighs this interstate controversy the power and authority of the Federal Government for the sole benefit of the State of California.

The State of Arizona intends to protect her agricultural future, and that future depends entirely upon water. If this bill is enacted, the waters of the Colorado River, which otherwise would be used by Arizona, will go into Mexico. The State of Arizona can do nothing but fight with every ounce of energy she possesses against that evil consequence.

Arizona regrets to take that action, but she will be compelled to defend her rights with respect to the Colorado River by bringing proceedings in the Supreme Court of the United States. She will use every known means to delay the construction of any dam, the building of any works the effect of which is to deprive the State of Arizona of its fair and proportionate use of the waters of the Colorado River. Arizona will have to do that; there is nothing else for my State to do.

CALIFORNIA CAN AFFORD TO BE LIBERAL

Why place Arizona in that position? A great State like California is rich enough not to need all the benefits she is demanding from the Colorado River. The lower Colorado River Basin is an economic unit. It is but a night's ride by railroad train from Phoenix to Los Angeles, and people frequently make the trip by automobile in a day. If Arizona prospers, it will be sure to benefit one of the great cities of the world. The coming metropolis at Los Angeles will need the crops grown on Arizona's irrigated lands. California can afford not only to be just to Arizona but liberal. There is no necessity for the narrow, selfish attitude that California—and California alone—shall get all the benefit of congressional action on the Colorado River. Arizona rightfully considers the bed of the Colorado River, the water in the river, and the fall of that river to be natural assets of that State, just as much as coal is a natural asset and resource of Alabama and iron ore of Minnesota. Arizona is entitled to compensation for the use of her natural resources, and all that she asks is a reasonable payment in lieu of taxes. Under the present circumstances the Congress of the United States should not act upon this bill, but should make known to the State of California that she can not come here and have a bill forced through which does an injustice to other States.

Mr. RAMSEYER. How much of the land along the Colorado River, where it flows through the State of Arizona and along the boundary of the State of Arizona, is public land?

Mr. HAYDEN. A very large part of it. I would say that 90 per cent of the lands adjoining the Colorado River in Arizona is either in the public domain or in the national park or in Indian reservations, title to which is in the United States. Arizona concedes that the Federal Government has complete control over the public lands. The State of Arizona can not enter upon the public lands to do anything toward the development of that river without the consent of Congress. While the United States has jurisdiction over the public lands, the jurisdiction and control over the water is in the State of Arizona. The State is completely sovereign there and her consent must be likewise obtained before anything can be done.

Mr. RAMSEYER. You do not claim title to the banks and the bed of the river that is on public land?

Mr. HAYDEN. Arizona claims title to the bed wherever the Colorado River is navigable.

Mr. RAMSEYER. Even though the Federal Government owns the land on both banks of the river?

Mr. HAYDEN. Yes; that does not give the United States title to the river bed. While the enabling act admitting Arizona to the Union contained a condition that Arizona would never claim title to public lands, there is nothing in that act which prevented the State of Arizona from acquiring title to the bed of a navigable stream upon its admission into the Union upon an equality with all the other States.

Mr. RAMSEYER. You could not get to the bed, because the Federal Government owns the land.

TWO SOVEREIGN GOVERNMENTS

Mr. HAYDEN. There are two sovereigns to be satisfied. The Federal Government owns the public lands, and nothing can be done without its consent. The State of Arizona has control of the bed of the river and the flowing water, and nothing, likewise, can be done without its consent.

Mr. BANKHEAD. You stated that there are two alternatives, one by agreement among the States and the other by submitting this question of the appropriation of water to the Supreme Court of the United States. For my information, will you tell me what would be the process for initiating an appeal to the Supreme Court of the United States for distribution of these waters among the several States?

Mr. HAYDEN. All that is necessary is for some one State to file an original suit in the Supreme Court of the United States, just as was done in the case of Colorado against Kansas or Colorado against Wyoming.

During the delivery of Mr. ASHURST's speech,

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

Mr. ASHURST. Yes; for a question.

Mr. BLEASE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CAMERON in the chair). The Senator will state it.

Mr. BLEASE. I demand the presence of a quorum.

Mr. ASHURST. I decline to yield for that purpose.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LA FOLLETTE. I call for the regular order.

Mr. BLEASE. The Senator has a right to speak twice on his amendment. A demand for a quorum is made now, and a quorum should be present.

Mr. ASHURST. I do not deem that the Senator rises in hostility to my attitude.

Mr. BLEASE. On the contrary, Mr. President, I think the Senator is unconsciously going beyond his own physical ability, and I think it would be a courtesy to him to demand a quorum at this time; and if for any reason a quorum should not be here, it would not take him from the floor.

Mr. LA FOLLETTE. I call for the regular order.

The PRESIDING OFFICER. The Senator has declined to yield.

Mr. ASHURST. I thank the Senator with all my heart.

Mr. ASHURST resumed his speech. After having spoken for some time,

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

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

Mr. ASHURST. I yield for a question.

Mr. GOFF. Will not the Senator yield for the suggestion of the absence of a quorum?

Mr. ASHURST. Let me say to the able Senator from West Virginia that I believe his suggestion is prompted by a desire to relieve a tense situation here. I occupied the floor for three hours on the 21st opposing this bill, and I have occupied the floor for three hours this morning. In the earlier part of the evening I occupied the floor an hour, and in good faith I yielded to many Senators.

Mr. BLEASE. Mr. President, I move that the Senate take a recess.

Mr. ASHURST. I have not yielded for that purpose.

Mr. BLEASE. I am not asking the Senator to yield.

Mr. GOFF. May I say, in reply to the Senator——

Mr. ASHURST. Let me finish this: Whereupon my courtesy in yielding was later construed as an attempt to take part in some frivolous filibuster; hence I shall not yield for any motion that might cause the Senate to suspect that I am encouraging any frivolous motions.

Mr. GOFF. I merely wanted to suggest, in reply to the Senator, that since I had come here at the hour of 2.30 this morning to hear the distinguished Senator, I was prompted not by either hostility or a desire to filibuster, but I wanted other Senators who had not come here to hear the distinguished Senator from Arizona.

Mr. ASHURST. Many thanks.

Mr. GOFF. Certainly; and I should like to have others come here.

Mr. ASHURST. Let me finish this, Mr. President, and then I will yield.

I have not many supporters on this subject——

Mr. BLEASE. Oh, yes; the Senator has.

Mr. ASHURST. There are not many Senators in this Chamber now who are friendly to my attitude on this bill. Of that I make no complaint. When this contest began several Senators asked questions of me, and whilst I would not resort to the unseemly procedure of calling witnesses, but if it were necessary I could call 40 Senators who would testify that I have always said, "Do not solve this enormously important question on the basis of friendship. Vote your convictions, because this is as important a bill as any you shall ever consider."

I was led to make such replies, partly by my own philosophy and partly by a lesson I learned in the Judiciary Committee of the Senate from the Senator from West Virginia [Mr. GOFF]. A matter arose which might have been of importance to him, but he said, "I want Senators to decide this question on its merits, and to disregard any personal feeling I may have in the matter."

That is the conduct a Senator should pursue. No Senator who is a friend of mine will pay me much of a compliment or pay himself much of a compliment if he votes against this bill because of any friendship for me. It is too large a question to be thus approached. This bill means the life of a State; and Senators will pardon me if I seem at times to speak with asperity. Into the trembling scales here, where we are weighing this vital bill, no consideration for a Senator's feelings or for his political future must be permitted to enter or sway the balances. This bill deals with a region—the Colorado River Basin—richer than that which Pizarro added to the dominions of Charles V, and more splendid than the empire of the Cæsars.

I appreciate more than I am able to express the manifestations of personal sympathy that have been expressed regarding myself upon this subject. I have already said that this contest is not going to diminish the admiration I have always borne for the two California Senators.

Nobody shall lead me into any pasture where I must interrupt the esteem I entertain for them. This is going to be a savage fight. Do not beguile yourselves into the belief that this is going to be a soft-glove affair. This is a fight to a finish, Marquis of Queensberry rules or London prize-ring rules, so far as the genial Presiding Officer and the rules of the Senate permit.

Now, the amendment I have just offered proposes that instead of the site of the dam being located by politicians, a commission of engineers to be appointed by the President of the United States shall locate the dam site. I ask for the yeas and nays on my amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arizona, and on that question the yeas and nays are demanded.

Mr. BLEASE. 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	Goff	McMaster	Pittman
Blease	Gould	McNary	Schall
Bratton	Hawes	Mayfield	Sheppard
Cameron	Howell	Moses	Shortridge
Deneen	Johnson	Norris	Stephens
Edwards	Jones, Wash.	Nye	
Ferris	Kendrick	Phipps	
Frazier	La Follette	Pine	

The PRESIDENT pro tempore. Twenty-nine Senators having answered to their names, a quorum is not present.

Mr. BLEASE. Mr. President, I move that the Senate now take a recess.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from South Carolina.

Mr. JOHNSON. I ask for a division.

On a division, the motion was rejected.

The PRESIDENT pro tempore. The clerk will call the roll of the absentees.

The Chief Clerk called the names of the absent Senators, and Mr. ROBINSON of Arkansas answered to his name when called.

The PRESIDENT pro tempore. Thirty Senators having answered to their names, a quorum is not present.

Mr. JOHNSON. I move that the Sergeant at Arms be directed to request the absentees to attend.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. GOFF. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from West Virginia will state it.

Mr. GOFF. Can a minority of the Senate keep the majority of the Senate in session during its absence? I would just like to know. This may be an early hour to ask the question.

The PRESIDENT pro tempore. In view of the manner in which the parliamentary inquiry is propounded, the Chair is inclined to answer in the negative, inasmuch as a minority can not keep the majority in session during the absence of the majority.

Mr. GOFF. Then I will join in the request that the Sergeant at Arms bring in the absent Members of the Senate, in order that they may not only attend this session of the Senate, but that they may appreciate by being present what they have been missing by their absence. [Laughter.]

After a little delay,

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin will state it.

Mr. LA FOLLETTE. Has the order entered upon the motion of the Senator from West Virginia [Mr. NEELY] been vacated?

The PRESIDENT pro tempore. It has not, and the Chair will supplement that by saying that he has directed the Sergeant at Arms to proceed under that order.

Mr. LA FOLLETTE. Very well, Mr. President; I thank the Chair.

After a little further delay,

Mr. GOFF. Mr. President, may I rise to another parliamentary inquiry?

The PRESIDENT pro tempore. The Senator from West Virginia will state it.

Mr. GOFF. How long, under the rules, must a minority of the Senate remain in session?

The PRESIDENT pro tempore. Until a majority presents itself.

Mr. GOFF. I see. The answer is as indefinite as my inquiry.

At 5 o'clock a. m. Mr. CURTIS entered the Chamber and answered to his name.

At 5 o'clock and 3 minutes a. m. Mr. NEELY entered the Chamber and answered to his name.

Mr. GOFF (at 5.50 o'clock a. m.). Mr. President, may I make a parliamentary inquiry?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Senator will state it.

Mr. GOFF. Is the Senate in session when the floor is vacant?

The PRESIDING OFFICER. The Senate is in session until a motion to adjourn or to recess has been made and carried.

Mr. GOFF. I move that the Senate take a recess.

The PRESIDING OFFICER. The question is upon agreeing to the motion proposed by the Senator from West Virginia.

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

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Pennsylvania [Mr. REED] with the Senator from Delaware [Mr. BAYARD];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Virginia [Mr. GLASS];

The Senator from Ohio [Mr. WILLIS] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Colorado [Mr. MEANS] with the Senator from Virginia [Mr. SWANSON]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

I am not advised how any of these Senators would vote on this question if present.

Mr. ROBINSON of Arkansas. Mr. President, I desire to announce that the Senator from Delaware [Mr. BAYARD] is absent from the Senate in attendance on the funeral of former Senator Saulsbury.

The result was announced—yeas 13, nays 17, as follows:

YEAS—13

Ashurst	Deneen	Moses	Stephens
Blease	Ferris	Phipps	
Cameron	Goff	Pine	
Curtis	Gould	Robinson, Ark.	

NAYS—17

Bratton	Jones, Wash.	Neely	Sheppard
Copeland	Kendrick	Norris	Shortridge
Frazier	La Follette	Nye	
Howell	McMaster	Pittman	
Johnson	Mayfield	Schall	

NOT VOTING—65

Bayard	Gerry	McNary	Steck
Bingham	Gillett	Means	Stewart
Borah	Glass	Metcalf	Swanson
Broussard	Gooding	Norbeck	Trammell
Bruce	Greene	Oddie	Tyson
Capper	Hale	Overman	Underwood
Caraway	Harreld	Pepper	Wadsworth
Couzens	Harris	Ransdell	Walsh, Mass.
Dale	Harrison	Reed, Mo.	Walsh, Mont.
Dill	Hawes	Reed, Pa.	Warren
du Pont	Heflin	Robinson, Ind.	Watson
Edge	Jones, N. Mex.	Sackett	Weller
Edwards	Keyes	Shipstead	Wheeler
Ernst	King	Simmons	Willis
Fess	Lenroot	Smith	
Fletcher	McKellar	Smoot	
George	McLean	Stanfield	

So Mr. GOFF's motion was rejected.

Mr. JOHNSON (at 6.25 a. m.). Mr. President, I ask for a report from the Sergeant at Arms under the order of the Senate last made.

The PRESIDING OFFICER (Mr. FRAZIER in the chair). A report from the Sergeant at Arms is requested. The Sergeant at Arms will report under the order of the Senate.

Sergeant at Arms BARRY. I have not been very successful in serving notices under the arrest order. I am now calling on Senators to explain about the second order, which merely directs me to request attendance and I am requesting their attendance. It is thought that in a short time there will be a quorum, because a number of the Senators have answered that they will come to the Senate. As it is getting later in the morning I think that soon they will all answer.

Mr. BORAH was called and told about the order and the request, and he said he understood.

Mr. ERNST said he would come.

Mr. KEYES said he would come.

Mr. METCALF said he would come.

Mr. WADSWORTH is coming.

Mr. DALE, no answer.

Mr. REED of Pennsylvania, no answer.

Mr. STEWART, no answer.

From the others with whom communication was had there was no answer, but as the morning approaches more are answering, as shown by this list of Republican Senators, and it is thought that in a short time a quorum will be present.

At 6 o'clock and 47 minutes a. m. Mr. WADSWORTH entered the Chamber and answered to his name.

At 7 o'clock and 23 minutes a. m. Mr. CAPPER entered the Chamber and answered to his name.

At 7 o'clock and 37 minutes a. m. Mr. ERNST entered the Chamber and answered to his name.

At 7 o'clock and 40 minutes a. m. Mr. RANSDELL entered the Chamber and answered to his name.

At 7 o'clock and 44 minutes a. m. Mr. WALSH of Massachusetts entered the Chamber and answered to his name.

At 7 o'clock and 45 minutes a. m. Mr. WATSON entered the Chamber and answered to his name.

At 7 o'clock and 46 minutes a. m. Mr. WALSH of Montana entered the Chamber and answered to his name.

At 7 o'clock and 47 minutes a. m. Mr. DALE entered the Chamber and answered to his name.

At 7 o'clock and 53 minutes a. m. Mr. HARRELD entered the Chamber and answered to his name.

At 8 o'clock and 9 minutes a. m. Mr. FESS entered the Chamber and answered to his name.

At 8 o'clock and 11 minutes a. m. Mr. SMITH entered the Chamber and answered to his name.

At 8 o'clock and 14 minutes a. m. Mr. GREENE entered the Chamber and answered to his name.

At 8 o'clock and 25 minutes a. m. Mr. HARRISON entered the Chamber and answered to his name.

At 9 o'clock and 5 minutes a. m. Mr. WARREN entered the Chamber and answered to his name.

At 9 o'clock and 7 minutes a. m. Mr. WILLIS entered the Chamber and answered to his name.

At 9 o'clock and 10 minutes a. m. Mr. GOODING, Mr. EDGE, Mr. REED of Pennsylvania, Mr. KEYES, Mr. MCKELLAR, Mr. OVERMAN, and Mr. BINGHAM entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Arizona [Mr. ASHURST] to the amendment of the committee.

Mr. PHIPPS. Mr. President, I understand the pending amendment to Senate bill 3331, as offered by the Senator from Arizona [Mr. ASHURST] to the amendment of the committee, provides for a board of engineers who would be authorized to recommend a place for the location of the proposed dam on the lower Colorado River. That amendment is somewhat similar to the one which I sent to the desk two or three days ago, which was printed, and which provided that the dam be located at Boulder Canyon, Black Canyon, or such other advantageous place as may, in the judgment of the Secretary of the Interior, be found more suitable. I shall advert to that amendment later.

For some time past I have been convinced that a dam should be constructed on the lower reaches of the Colorado River primarily for flood control, and that in the erection of a dam we could well consider the advisability of making it high enough not only to provide the supply of water which might be found necessary for irrigation and domestic uses but at the same time to provide for the development of hydroelectric power which would mean a very large output. In my judgment a market for such power, while not there to-day, would soon come, because there is a growing demand, and I believe California, Arizona, and Nevada can within a reasonable length of time absorb the hydroelectric horsepower which could be produced at a dam of the capacity which has been recommended by the various engineers.

As I have stated, the primary purpose would be flood control. I have endeavored to spend as much time as has been available in the study of the question. I have attended nearly all the hearings of the Senate Committee on Irrigation and Reclamation, and also accompanied the committee on its trip to California, Arizona, and Nevada in the fall of 1925. It is true, as stated by the Senator from Arizona [Mr. ASHURST] that the committee did not find it convenient, because the time was not available, to visit dam sites other than the one at Black Canyon, which is commonly known as Boulder Canyon. The two terms are not exactly synonymous, but the general location is the same, Black Canyon being a little lower down the river than Boulder Canyon proper, I believe.

There are a number of reports of engineers, Government employees, who scouted the river and the entire territory over the past several years, but I have been unable to find any report in which any committee of engineers has agreed in recommending that one certain location on the lower Colorado River would be preferable for the purpose of constructing a high dam over other locations on the stream. In passing, I may say that I have recently introduced a resolution which would provide for an examination along the lines I have just suggested.

Mr. President, I have been in favor of the building of a dam. I think when a dam is built that it should be the high dam which has been suggested. I want to see the construction of that dam commenced as soon as possible and pushed to completion.

But, Mr. President, I think there are questions involved and obstacles in the way which can not be overcome immediately. I believe that a careful examination should be made before the definite location of the dam is decided upon.

I also feel that we should be informed and that the committee should determine what other steps, if any, are necessary for flood control after the dam has been erected and completed, because the damage heretofore has occurred in the Imperial Valley, well down the river. Some injury has occurred at Yuma, but practically all damage has taken place below the outlet of the Gila River, where it joins the Colorado River. It is true that reservoirs, one of which has already been completed and another of which is in course of construction on the Gila River, will in a measure lessen the danger from great floods coming out of the Gila River. That river is essentially a flash stream; that is to say, flood periods come on very suddenly, are very high, and pass very quickly; but it only takes a very short time for the current which comes down the Colorado River in flood stage to cut through the embankments, which are composed of silt.

The secondary use of the water for irrigation and domestic purposes is such as should properly repay the additional ex-

pense required for that use, and, further, the hydroelectric power should be produced at a cost which will enable its sale, after allowing a fair return for the use of the water, so as to repay the extra cost of the high dam, as against the lower one, which could properly be allocated to that use. I believe the demands for water in the lower Colorado River Basin for all of the three uses specified are such as to justify the construction of a high dam, as disclosed in the testimony secured by the House and Senate committees.

One provision of the pending bill to which I seriously object would clothe the Secretary of the Interior with authority to decide whether the hydroelectric plant in connection with the proposed dam shall be built and operated by Federal authorities at an outlay of some $35,000,000 and the output sold at the switchboard or whether the right to use the water shall be leased to municipalities, corporations, or individuals, in that event the plants to be constructed by private enterprise, the Government to receive a revenue for the use of the water.

Mr. President, I have not endeavored to ascertain the views of any power companies which might possibly be interested, or even those that could not possibly be interested, as to the manner in which they would prefer to contract for the hydroelectric power that might be produced; but it seems to me that their desire would be to have the Government build the plant, thereby securing the current at the switchboard without incurring any risk and without having been put to the expenditure necessary to construct the plant.

It is true that the Government can supply the money at a lower rate of interest than it may be secured by private enterprise, a difference possibly of 1 per cent. But, Mr. President, it seems to me that the power companies should be willing and would be willing to enter into leases giving them the right to use the water and paying on a kilowatt-hour basis for the hydroelectric energy produced in plants which they would themselves erect.

As I say, I have had no communication with them. I did receive a note from an old-time acquaintance of mine, who, I think, is connected with one of the electric railways in New England. At least, he was so associated the last time I knew of his vocations. He said, in effect, that he believed the power companies would be willing to contract and pay for the right to use the water, provided they had a market for the power and provided also that the power would not cost them more than they could secure it for elsewhere.

Mr. President, for myself, from what little insight I have had into the business, merely as an investor, I would say that if I owned or controlled an electrical company that was in position to distribute electric power, hydro or steam, in California or in the region of which we are speaking, personally I would prefer to buy the power at the switchboard just as is written in this bill.

But I am opposed to that method, as it would take the Government into a producing or manufacturing business. If we are to embark on that course, there is no telling how far we may go in the matter, not to say competing with private enterprise, because largely the districts to be developed are not now provided with power facilities and electrical facilities. Perhaps not in our generation, though probably in the next 50 years, many high dams may be erected on the Colorado River alone, and in every instance the opportunity to produce hydroelectric power will be or should be utilized.

We have in the northwestern section of the country a very large stream, the Columbia River, which is comparable with the Colorado River in many respects, draining a vast territory. An investigation of that stream and of the basin is being made at the present time for the use of water for agricultural purposes, and the first estimate that comes to our committee for the cost of the first dam proposed to be erected on that stream is $45,000,000, without figuring anything whatever for the hydroelectric plant or a canal to supply with water the lands to be irrigated. That dam would be only one of a series on the river, as I understand.

Then we have the St. Lawrence River project, and there are, no doubt, many others of magnitude; so that if the door is once opened and the precedent established every section in the United States where high dams may be erected will be asking that they be treated in the same way as we treat the Colorado River.

Mr. President, I believe that private enterprise will willingly undertake the erection of the hydroelectric plants. The best evidence of that is the fact that several filings were made on the Colorado River by people backed with ample funds, who would pay for the construction of the dam structures as well as the hydroelectric plants, and that, too, without expecting to derive any benefit from irrigation enterprises.

Throughout our hearings in the West and here in Washington the question was asked repeatedly whether or not the proposed dam could be financed without calling upon the Federal Treasury for funds. The inquiry may not have been stated in those exact terms, but was put in this way, namely, Were those who expressed an interest able to finance themselves? In answer to that question we were repeatedly told they were; and in many instances we were told that municipalities and corporations were prepared and able to finance themselves if the dam could be assured. I would understand that to mean that they would raise the money themselves in the usual form of issuing bonds or in some other manner, but not that they were to make loans from the United States Government or that the Treasury was to advance the money without demanding any obligation for repayment other than a mere verbal promise to pay or a promise to use the structures that might be erected, without guaranteeing in any way that the full amount of the expenditure would be returned. The bill as written leaves that in the judgment of the Secretary of the Interior to determine.

Before passing from that topic, Mr. President, I wish to say for myself that if I felt at any time in voting on any feature of this bill or the bill itself that my personal interest in any way was influencing me or affecting my vote, I should refrain from voting; but as I see it and as I now feel——

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Colorado yield to the Senator from California?

Mr. PHIPPS. I will ask the Senator to wait a moment until I finish the sentence. As I now feel, when the vote comes on the question of the hydroelectric plants, I shall in all probability be voting against what might be the wishes of the management of a company in which I am interested.

Mr. JOHNSON. What does the Senator mean when he says his "personal interest"?

Mr. PHIPPS. Oh, I think it is well known that I have been a stockholder in a power company that was organized in Denver, Colo., many years ago for the purpose of furnishing power for the mining ventures in Nevada, and which was afterwards extended down into California and became the Nevada-California Electric Co., in which I have a reasonable though not a controlling interest. I am not a member of the board.

Mr. JOHNSON. What is the name of the company, please?

Mr. PHIPPS. The Nevada-California Electric Corporation.

Mr. JOHNSON. Is there any other electric company in which the Senator is interested?

Mr. PHIPPS. That is a holding company. It has subsidiaries, one of which is the Southern Sierras Power Co. in the Imperial Valley. I think it is called there the Imperial Valley Ice Co. or some similar name.

Mr. JOHNSON. Does the Southern Sierras Co. furnish power to southern California?

Mr. PHIPPS. Oh, yes; it furnishes power to the Imperial Valley at the present time.

Mr. JOHNSON. Does the holding company furnish power in Nevada?

Mr. PHIPPS. No. There is another subsidiary there of a somewhat similar name—the Nevada-California Power Co.

Mr. JOHNSON. Is not the Senator its present owner?

Mr. PHIPPS. No; I have no controlling interest and I do not know that I am the largest owner, though I may be.

Mr. JOHNSON. It is a corporation——

Mr. PHIPPS. What does the Senator desire to know? I am glad to have the Senator ask me questions.

Mr. JOHNSON. I am trying to develop what the Senator said.

Mr. PHIPPS. And I am trying to answer the Senator.

Mr. JOHNSON. The Senator from Colorado spoke of his personal interest.

Mr. PHIPPS. Yes.

Mr. JOHNSON. I want to know what that personal interest is in connection with the development of power in the Southwestern section.

Mr. PHIPPS. It lies in the possibility that a company in which I am interested may in some way desire to contract for a portion of the power that may be produced or to join with other companies in the building of a plant or some work that might help to develop and make use of the power that might be produced at the Boulder dam.

Mr. JOHNSON. So that if the Boulder dam project were consummated the Senator's company would be a prospective purchaser or a prospective contractee for power at the Boulder dam?

Mr. PHIPPS. Possibly so.

Mr. JOHNSON. And it is because of the Senator's knowledge of power and power companies, as I understood him, that he says he would not leave the option in the Secretary of the Interior to construct the works.

Mr. PHIPPS. That is correct in a sense; but my reasons are that I think it is too much authority to lodge with any official of the Government, even though he may be the head of a department. The question might be determined during the administration of the present incumbent, or it might be determined by some one not yet named. I intended to touch on that later in my remarks.

Mr. JOHNSON. One other question, and I will not disturb the Senator further.

Mr. PHIPPS. It does not disturb me at all.

Mr. JOHNSON. As I understood the Senator, he stated, from his knowledge of power companies, that power companies would not wish the alternative provision authorizing the Secretary to build?

Mr. PHIPPS. Oh, I do not believe that they would object to that being in the bill. I think their natural inclination would be to endeavor to contract with the Secretary for hydroelectric power at the switchboard instead of leasing the right to use the water, and that it might in that way come to the point where the Secretary would be impressed with the belief that the return to the Government under the alternative plan would be larger by contracting for sale of the hydroelectric power at the switchboard rather than leasing the right to use the water.

Mr. JOHNSON. But I understood the Senator to say, from his knowledge of power companies, that in his opinion power companies would prefer to contract for the water, and the power companies would not desire the alternative provision exercised by the Government.

Mr. PHIPPS. No, no; I said that the power companies would prefer to contract for the delivery of the hydroelectric current at the switchboard, and not to lease the use of the water for power purposes; but I did not mean to intimate that they objected in any way. I have never heard that anyone has objected, on the part of any power company, to having the alternative provision in this bill. I am the one that is objecting to that.

Mr. JOHNSON. Let me ask the Senator which would be more profitable to power companies; to have the alternative provision carried out by the Secretary of the Interior or to lease the water?

Mr. PHIPPS. The question should be stated the other way, I think.

Mr. JOHNSON. State it any way you wish.

Mr. PHIPPS. Stating it the other way, in my judgment, the Government is much better off from every standpoint to lease the right to use the water than it is to undertake the business of erecting hydroelectric plants.

Mr. JOHNSON. The Government is better off doing that?

Mr. PHIPPS. Yes.

Mr. JOHNSON. And the power companies would be better off if the alternative provision were exercised, and the Government built?

Mr. PHIPPS. That would be my personal judgment; but I do not pose as an authority. Since I came to the Senate eight years ago I have had nothing to do with active business. I leave all that to my secretary and my son, who is an able young man. I have not followed the details. I get a statement and look at it, and it goes in the file nine times out of ten.

Mr. JOHNSON. Do the Senator's secretary and son manage, operate, conduct, and control the particular electrical companies of which he has spoken?

Mr. PHIPPS. No; the secretary has nothing whatever to do with them. My son is in the management.

Mr. JOHNSON. He manages the company?

Mr. PHIPPS. No; he does not manage it; but he is one of the members of the board and is an officer of the company; but I do not know that that is a matter that will interest the Senate or the general public.

Mr. JOHNSON. I must disagree with the Senator there. It is extremely interesting from the standpoint of the construction by the Government on the one hand of the power plant, or the leasing of the water without the construction on the other hand. The Senator, if he will pardon me, would be an expert witness on that subject.

Mr. PHIPPS. Oh, no; I could not qualify as such at all.

Mr. JOHNSON. The Senator, I think, is too modest in that regard.

Mr. PHIPPS. I thank the Senator.

Mr. JOHNSON. I think the Senator could say whether the power companies would prefer the one scheme or the other carried out.

Mr. PHIPPS. No, I can not; because, as I said at the outset of my remarks on that topic, I have not been in touch with them. I have not even asked a member of the company of which we have been talking what they would prefer, so I am not informed as to that.

Mr. JOHNSON. Let us take the Senator's knowledge of a concern or corporation such as he formed, and such as his son is one of the managers of at the present time. Would that company, in the Senator's opinion, prefer the construction by the Secretary of the Interior of the works and the leasing of the units of power then, or the leasing of the water merely for the power?

Mr. PHIPPS. That would depend very much on the market for money at the time. It would depend upon a number of things, I should say to the Senator. The main objection that I have is to the Government going into a manufacturing business. I think that the other elements that enter, which a power company would naturally consider, would be that while the Government has, say, a 4 per cent interest rate, the company would hardly expect to borrow on its own bonds for less than 5 per cent, and it could not borrow up to the full amount of the expenditure. There must be a margin. Then comes the question of deciding upon the definite plans; and the power companies, with their trained experts who have grown up in the business or who are paid larger salaries than our Government engineers are paid, are, perhaps, better qualified to say just what machinery should be put in the plant and how it should be designed so as to find the capacity that would be best suited; and then, after the plant is erected, the question of operation and management. Those are elements that all enter into the consideration which a power company would naturally give to a proposition if it were put to them in the alternative.

Mr. JOHNSON. May I assume that here is presented a particular scheme by which there are alternative provisions; and may I ask, with that naked scheme presented by a bill, whether, in the judgment of the Senator, the power companies would prefer the one or the other?

Mr. PHIPPS. That I have tried to answer by saying it would depend upon many elements that the power companies necessarily would have to consider—the question of financing——

Mr. JOHNSON. Let us assume that there was financing that was appropriate: Which would the power company prefer?

Mr. PHIPPS. I can not answer the Senator on that point. I have no information that would qualify me to make a reply to that inquiry.

Mr. JOHNSON. That is all I desired. The Senat. is unable to answer it.

Mr. PHIPPS. I refer the Senator to my previous statements. Mr. President, I do not care to give a description of the proposed site at the Black Canyon. I mentioned the fact that I visited it a year and a half ago. I expressed myself at the time as believing that it was an ideal site, perhaps the most attractive site for the purpose of storing water that I had ever seen. I have not seen all of the sites on the Colorado River by any means, and unfortunately I did not see the other sites that have been mentioned by other Senators.

The real problem is flood control; and I think that subject has been fairly well covered by other speakers. I do not care to dwell upon it at length; but I have been convinced for some time that the Government has a duty to provide that control. It has recognized that obligation, I think, by affording to the Yuma enterprise in Arizona funds that have been and are to be expended in protecting the levees along the irrigated lands bordering the Colorado River.

It is true that since the last break in the river in 1907—that is, the break which occurred in 1905 and was closed in 1907—there is better protection in the form of levees built up of cribbing and filled with stone, or the stone without cribbing, than there had been prior to that time; but there is danger—and in this case eternal vigilance is the price of safety—because any slight deflection in the course of the channel will throw the full body of the stream against one of these levees at an angle. Instead of its crowding over the top of the levee, it burrows underneath until the structure crumbles and falls into the water and is swept away, and the stream rushes through.

It is true that the Imperial Valley irrigation district, as I believe it is called, has annually expended large sums of money in the upkeep of these levees; but recently there have been reports of a dangerous situation, and, as suggested to the Senators from California, I agree with the statement that was made that a reasonable means of protection—authority to the Secretary of War, perhaps, to act in case of emergency—should be granted by this Congress.

The all-American canal is made one of the leading features of this bill. The purpose is worthy from more standpoints than

one. I motored along the line of the proposed canal from the suggested intake near Yuma down through the sand dunes over the hills to the desert land and the high mesa at the upper or northerly end of the Imperial Valley. This project has been figured over year after year by engineers in an endeavor to find the most effective means of bringing water to the lands of the Imperial Valley, including the mesa lands and the adjoining lands of the Coachella Valley, which lie to the west and slightly northwest. As I am informed, the route that has been practically agreed upon by all of them is through these sand dunes, involving very heavy cuts and fills of desert sand where the winds have drifted, year by year, these sands into hills in some cases higher than the gallery there, and in other cases as high as the ceiling of this Chamber.

The upkeep of such a canal, which would be about 60 feet wide at its base, and on a one-and-a-half slope, and nearly a hundred feet wide at the top, or, perhaps, in some cases as wide as 120 feet, is quite a problem, involving not only heavy initial expenditures but an uncertain quantity in the matter of operation and maintenance.

It has occurred to me that instead of limiting the proposed canal in the manner indicated in the bill, and by the language designating it, there should be a broader provision which would enable the Secretary of the Interior to authorize the lifting of the water from the river at some other point instead of conducting that water, as is now done, a distance of about 60 miles over a circuitous route through the foreign country of Mexico, entailing, as it does, an obligation on the part of those who are responsible for this canal to turn over 50 per cent of the water conveyed to the residents of Mexico for irrigation and other purposes, regardless of whether the United States, in the Imperial Valley, we will say, has under cultivation 400,000 acres or more, whereas Mexico has under cultivation 240,000 acres or less.

I think it most desirable that the Imperial Valley supply should come over a route that does not pass through a foreign country, where all of the water that is turned out of the river for that valley will go to it, and not first have to pass through a foreign country, where it is a very easy matter, in handling the flood gates, to allow the people under the Mexican ditches to use much more water than they are justly entitled to under the agreement.

Mr. President, I am not an engineer, and, perhaps, I am not qualified to make an expression as to what might be accomplished there; but I have suggested an amendment which would permit the Secretary of the Interior and his assistants to exercise their judgment if it were found feasible to lift the water by pumping out of the river at a cost less than would be involved by the payment of interest on the original investment involved in digging the all-American canal through the sand-dune country.

The attempt at a financial plan provided for in the bill, which I understand the author of the measure now seeks to eliminate by an amendment, involves advances on the part of the United States Government to individuals, companies, or municipalities who agree to repay them, in the total sum of $125,000,000, to be carried at a rate of 4 per cent interest. If the money is to be advanced, I see no objection to the rate, but it is left with the Secretary of the Interior to decide whether the irrigation enterprises, and the production of hydroelectric power, either in plants built by the Government under this bill, or through the leasing of the right to use the water, shall repay to the Government within a period of 50 years the original advances, with interest.

Mr. President, I think the item for the hydroelectric-power plants, which would involve, with interest, during the time of construction, an expenditure of about $35,000,000, should be eliminated from this bill, and for that purpose I presented an amendment two days ago, which has been printed.

One provision of the bill is that the United States shall ratify the Santa Fe compact, not in its original form, the form in which it was signed by the representatives of the United States Government and the seven States at Santa Fe, but in a modified form whereby partial ratification only is required. That is to say, a six-State compact containing provisions similar to that original seven-State compact was subsequently drawn up and agreed to by five of the six States. Since that time one State has withdrawn her adherence to the compact, leaving only five States who agree to be obligated under the same, and one of those States consents only on condition that this dam be built at Boulder Canyon.

It does not seem to me that we have a feasible or workable proposition. Of the six signatory States referred to—Wyoming, Utah, Colorado, New Mexico, Nevada, and California—the four upper-basin States had signed unconditionally; Nevada had signed, making five, and California ratified only conditionally, as I have stated. Later Utah withdrew, something like a month ago. Utah was at perfect liberty to withdraw her signature and assent to the compact, and every one of the other four States which signed unconditionally is equally at liberty to withdraw. They can withdraw at any time. I would not be surprised to see another of those States withdraw, although I have no basis for saying that any move in that direction is contemplated, or has been recommended.

The whole theory of the compact is unanimous consent; that is to say, it is an agreement under which the waters of the river were divided in such manner that the States would know what they could do without being in danger of an attack in the courts by some sister State drawing from the same river. Colorado has had her experiences. We have been in the courts with Kansas; we have been in the courts with Nebraska. Even in the Supreme Court we feel we lost on a point where our people were confident that we were right and should have won. We want to avoid litigation. Since the decision of the Supreme Court I have mentioned, we have entered into a compact with New Mexico for a division of the waters of the La Plata River. We have entered into a compact with Nebraska for a division of the waters of the South Platte River. Our commissioner is now negotiating with those representing Nebraska and Wyoming for a compact covering the waters of the North Platte River. In short, the whole purpose of a compact is to allow the States to know what their rights are, what the citizens can do, and to avoid the delays and expense incident to carrying the differences through every court up to and including the court of last resort.

Mr. President, I have never been able to find anything in the seven-State compact to which exception might be taken other than the point raised by the Senator from Arizona [Mr. ASHURST] with reference to division as between two basins rather than allocating to the States in the basin. That point did not touch the upper-basin States because of the geographical location of the various tributaries of the Colorado and the main stream as it passes through Wyoming and Colorado, as it was found that each State could use the waters of the tributaries flowing through its domain, so to speak, without encroaching on the rights of any other State.

The matter mentioned by the Senator from Arizona, the failure to agree among the lower-basin States over the distribution of the water, appears to be in a fair way for settlement and determination, as stated by the Senator from California [Mr. JOHNSON].

Mr. President, I have faith that the seven-State compact could be made effective before the close of the present calendar year if the representatives of the three lower-basin States were given to understand that unless and until the seven-State compact is signed and made effective, no dam will be built on the Colorado River, either at Boulder Canyon or any other point; and that meanwhile the Federal Power Commission will refuse to issue permits for further construction on the main Colorado River or any of its branches. I have faith that the representatives of those States can and will get together.

I am not overlooking the statement made by the able Senator from California [Mr. JOHNSON] with reference to the demand of Arizona for a so-called royalty or tax on the hydroelectric power that might be produced at a dam located along the stream where Arizona claims to own the bed of the stream. There is always a point where the man who is selling something finds that if he is asking too much he has no market. If, as intimated, the original figures suggested by Arizona were $6 per horsepower year, which would be equivalent, I am told, to .15 mills per kilowatt hour, Arizona would be standing in her own light to insist on such a royalty because that figure would represent 50 per cent of what the horsepower would cost to produce.

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

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PHIPPS. I yield.

Mr. KENDRICK. Does the Senator believe that it is constitutional to pay Arizona a royalty for her power or does he believe that it is consistent with the Federal water power act for her to levy a royalty for her power?

Mr. PHIPPS. I am sorry that I have not gone into that question deeply enough to give the Senator from Wyoming an answer that would be worth anything. Not being an attorney, I am really unqualified to express an opinion on that point, and I am sorry. The Senator will remember that on our visit to Arizona, I think at Prescott, we came into contact with a certain attorney whom our chairman, the Senator from Oregon [Mr. MCNARY], requested to give us a brief on that

point. I believe the Senator received a copy of the brief. I confess that there was one part of the testimony I never read, and I have read a great deal of it too.

The seven-State compact to which I referred was signed in 1922. That is a long time in which to have to wait for ratification. But California, having first ratified, withdrew and then, at the time she signed the six-State compact, she attached conditions, as I understand it, which would also apply to the seven-State compact.

I have not been officially informed as to the reasons for Utah's withdrawal from the six-State compact, but she has withdrawn. That is the situation to-day. Four States are still signatories to the six-State compact without condition, and one is a signatory only with conditions, as I have already stated.

Mr. KENDRICK. Mr. President, will the Senator yield to me again?

Mr. PHIPPS. I yield.

Mr. KENDRICK. May I ask the Senator if he would prefer not to be interrupted?

Mr. PHIPPS. I am perfectly willing to answer questions. I know the Senator is not going to propound any dilatory question. I know the Senator is really interested.

Mr. KENDRICK. And nothing is, in any way, I believe, too difficult for the Senator to answer.

Mr. PHIPPS. I might differ with the Senator as to that, but I can assure him that it will not disturb me at all for him to make inquiries.

Mr. KENDRICK. In connection with the limited number of States or the reduced number of States now signatory to the compact, I am reminded to say to the Senator that one of the protests of Arizona against the compact was that it did not subdivide the waters of the river among the States. The Senator, I believe, will agree with me that while that might have been a consistent contention for the States of the lower basin, under the circumstances the physical conditions of the upper-basin States made such a division entirely unnecessary.

Mr. PHIPPS. That point I have tried to explain. I have made that statement. I have acquired the belief in some way that, up to within a very few months ago, almost weeks ago, there was never any definite attempt by the representatives of the two States of Arizona and California to come to an agreement as to a division of the water. I am inclined to take the view of the Senator from California [Mr. JOHNSON] that there is no difficulty there that can not be overcome by conference and a little patience.

On the other point, I think that is a matter largely for California and Nevada. If the United States Government comes into the problem in any manner, then I would say we are in for lawsuits, because the United States authorities should never for a moment, in my judgment, admit that Arizona had the right to assess royalties on the hydroelectric power produced where the dam is built within her borders.

Mr. KENDRICK. But the Senator will, I believe, agree to the fact that both Arizona and Nevada would have the right to ask for a division of the power for their separate States?

Mr. PHIPPS. That point came up in discussion a day or two ago, and the statement was made by the able Senator from California [Mr. JOHNSON] that there was no difficulty on that score, that the power which Nevada was not ready to use now, but believed she would have need for later on, could be reserved so that she might have it, and in the same breath he said, "and Arizona can have the same if she wants it."

Mr. KENDRICK. The point to which I want to call the Senator's attention is that, inasmuch as the physical conditions subdivide the waters between the upper-basin States, then for that very reason neither one of those States has any occasion for any anxiety because of priorities acquired against each other. That being true, it brings us to the point at issue in reference to the limited number of States and the fact that Utah has withdrawn. In effect, the priorities which may be acquired in the Colorado River against the upper-basin States will be acquired by either Arizona, California, or old Mexico, and therefore the fact that Utah has withdrawn from the compact would not afford any occasion for anxiety on the part of the upper-basin States. Our troubles are with the lower-basin States.

Mr. PHIPPS. Pardon me, I would not go quite that far. The Senator will recall that the main stream of the Colorado River flows through the State of Utah for quite a considerable distance.

Mr. KENDRICK. Yes; but I call the Senator's attention to the fact that the waters of Wyoming, the waters of Utah, and the waters of Colorado, in leaving the borders of those States, respectively, where they might be diverted, plunge into a rock-wall canyon a thousand miles long, and therefore each State in its own right can use its own water. That State alone, from my viewpoint, can divert the waters to successful reclamation and irrigation within its borders. That is the point I am trying to make. If Utah has withdrawn, all we can say to her is "Hail and farewell" for the time being, but we will not by that fact interfere with her rights to her water, and we will not have occasion to be disturbed by it because of the further fact that she would not, in any event, acquire any priorities against us.

Mr. PHIPPS. I am glad to learn by inference that the Senator has assurance that it is practically impossible for Utah to use and divert from the main channel of the Colorado River any waters for her own use so as to be in a position to set up her priorities as against Wyoming and Colorado and also old Mexico.

Mr. KENDRICK. I think that fact is admitted. I do not care to be quite definite about it, but that is my understanding.

Mr. PHIPPS. The Senator may be correct in his information. The fact that the waters of the tributaries could be so readily divided among the upper-basin States also led to the disclosure of the fact that Lees Ferry was approximately the proper dividing line as between the upper-basin States and the lower-basin States.

The great trouble with the six-State compact, even if Utah came back in and California signed without condition, leaving Arizona out, is that Arizona would be free to appropriate water for her uses and thereby be in position to set up priorities as against the claims of the upper-basin States. That is a danger which Colorado wants to avoid. A burnt child dreads the fire. We have had our day in court and we are not inclined to buy into another lawsuit if we can help it. The seven-State compact would settle this question beyond any peradventure of doubt. It would avoid expensive litigation which would be certain to creep in, unless every one of the seven States agreed to the compact. Our present legal situation would not be improved at all unless we got the compact. We would have no legal protection against the nonratifying States. And yet I again express not only the hope but the belief that the seven-State compact can and will be made effective and binding.

Mr. President, I prepared an amendment in the form of a substitute which I sent to the desk and had printed two days ago. That amendment provides for the ratification of the seven-State compact before construction and that licenses on the river and its branches shall be suspended until the ratification shall be completed. To that I shall refer later.

As I said in a statement recently made in Denver, Colo., regarding this interstate agreement, I am firmly convinced that there must be voluntary ratification on the part of each interested State in order to make the compact effective. This is the only method of settling possible controversies permanently and of putting the water of the stream to its highest beneficial use. It is the only satisfactory method; it is the only legal method to avoid proceedings in the courts which would prove costly and almost interminable.

As to the proposed six-State compact provided for under the Swing-Johnson bill as originally drawn, if the bill passes California's assent is certain, and it is almost equally certain that Arizona will not enter into the league of States, but will attack the constitutionality of the act in the courts. Now that Utah has withdrawn from the pact she would, in all probability, follow suit.

I believe this attempted arrangement to be both unwise and dangerous. I believe that instead of settling water-right disputes among States, as was the original and main purpose, it will only lead to greater conflict and jeopardize Colorado River possibilities for years to come. Probably 10 to 15 years at least.

My conclusion is based on two reasons at least:

First. Forced settlements and coerced agreements are repugnant to the American theory of government, except possibly as a last resort when all other means have failed. While I hold no brief for Arizona, and have at all times urged that she ratify this compact, she should do so voluntarily, and it seems to me that any attempt to force her hand is poor policy, if not, indeed, poor statesmanship. On the other hand, why must the upper States, such as Colorado, accept this Boulder Canyon project in its present form, including features to which they might properly object? Bear in mind that it is a project from which they can hope to derive no direct benefit. Why must the upper States accept this bill—this or nothing—merely because of their natural desire for the ratification of the Colorado River compact, a ratification which will not be complete in any event and may cause conflict rather than harmony among the States it is designed to serve?

Mr. KENDRICK. Mr. President, will the Senator from Colorado yield to me?

Mr. PHIPPS. I yield.

Mr. KENDRICK. I want to ask the Senator if he does not believe that not only all of the seven States but every State in the Union ought to be interested in the protection of the people of California against the floods of the Colorado River?

Mr. PHIPPS. Absolutely; and I have so stated.

Mr. KENDRICK. Just one more question. Does not the Senator believe that the construction work under the proposed Boulder Canyon dam would afford the safest and most secure protection that could be provided against those floods?

Mr. PHIPPS. I have stated in the earlier part of my remarks that it would not be absolutely complete on account of the fact that the proposed dam site, and no doubt any other site that might be selected for a high dam, would be miles above the Gila River, which is a dangerous, flash stream, as the Senator knows.

Mr. KENDRICK. Yes; but if the Senator will permit further interruption, he will recall that there is now construction work proceeding on the Gila River that will have real effect and influence on controlling the waters of that river.

Mr. PHIPPS. But not absolutely. I stated in the earlier part of my remarks to-day that one dam was constructed and another was now under way which would be helpful, but that will not afford complete protection.

Mr. KENDRICK. But it will be sufficient to control that situation to a large extent.

Mr. PHIPPS. I know beyond any question that it should be very helpful, but I am not informed at the moment as to the location of the territory which has caused these washouts in the past. Probably it is territory subject to the same form of a water curse that we have in Colorado and Wyoming, a real waterspout which might be termed torrential.

To my mind, the fact can hardly be concealed that the main purpose of this bill is not flood control but hydroelectric power. I think the bill, when it shall pass—which I hope it will in an amended form—will make flood control so paramount that the Government officials will never dare allow it to be lost sight of.

Mr. KENDRICK. The Senator will concede that both of those purposes are very proper and consistent with each other?

Mr. PHIPPS. Yes; I am not opposed to them, I will say to the Senator; I have declared on the floor that I favor both of them, and I see many reasons why the Government is called upon and, in a way, has a duty to provide flood control, just as it does in the case of other streams, such as the Mississippi, for instance.

Mr. President, the only real argument in favor of the bill which has been presented to Colorado citizens or which, in fact, can be offered, is that thereby the compact will be ratified; while as a matter of fact we already have the unconditional approval of five States—now four States—and can only expect one more, that of California, if the bill becomes law. I believe this method of obtaining approval of the agreement among the States, which is based on necessity or expediency, should only be adopted as a last resort.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PHIPPS. I yield.

Mr. KENDRICK. Mr. President, I wish to state here that more than once it has been charged that California has imposed conditions involving an enormous expenditure upon entry on her part into the compact. I wish to ask the Senator if he does not believe that California has something less to gain by the compact because of priorities than any other State in the group of seven? In other words, the question would be, Has she any interest whatsoever in entering into the compact other than, we will say, a desire to see the waters equitably divided among the several States and also to secure the protection of her people, which is just as vital to her, at least, as perpetual rights to the water are vital to the States of the upper basin?

Mr. PHIPPS. Now the Senator opens another door. The Senator is quite right in saying that California has already arranged to use and is using more water than any other of the Colorado River Basin States; and California is, perhaps, in a position to develop more rapidly than her sister States additional lands to be brought under cultivation; but the Senator must remember that California has two forms of law in the matter of the acquisition of water rights, one being by appropriation and the other riparian, and that circumstance would enter into the equation in the event of a contest which would go to the Supreme Court of the United States in a fight over priorities.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield further to the Senator from Wyoming?

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

Mr. KENDRICK. I think the Senator has not mentioned the principal advantage that California enjoys in this situation——

Mr. PHIPPS. But the Senator interrupted me.

Mr. KENDRICK. I beg the Senator's pardon.

Mr. PHIPPS. That is all right.

Mr. KENDRICK. I should like to point out that while the people of the upper basin or those located on the upper levels of the Colorado River understand the economic law that applies to the use of the waters of the river in that the water used in the upper basin of the river has a very large return flow and is used over and over again on its way to the sea, California is situated at a lower point on this great river than any of the other States, and I seriously question whether she would ever note any difference in her water supply if every drop of water were diverted by the upper-basin States that could be diverted. I think her supply even in that event would be equal to every need that she would have. That was the thought in my mind. So, enjoying this advantage, she had less to gain by entering a compact than the upper-basin States.

Mr. PHIPPS. The Senator's views and my own are quite in accord; or, rather, I am quite willing to subscribe to everything he has said. I was intending to complete my answer to his initial inquiry.

Mr. KENDRICK. I beg the Senator's pardon.

Mr. PHIPPS. As I was saying, each of the seven States admits that there should be a compact in order that they may have the benefit to be derived from the waters of the Colorado; most of them concur that the tentative agreement is an equitable one. California states that she will sign it if the Boulder Canyon dam is to be built, and Arizona indicates that a supplemental agreement among California, Nevada, and herself will solve the difficulty. I can not, therefore, escape the conclusion that further attempts to arbitrate differences and to obtain approval of the compact on a voluntary basis will accomplish the desired result in a quicker, better, and more satisfactory manner than to force a partial adjustment through the agency of the Swing-Johnson bill.

Mr. President, in the minority views of Congressman LEATHERWOOD on House bill 9826, which, I understand, is a companion or duplicate of the one here, Senate bill 3331, he calls attention to the fact that on page 11 of the committee report—referring to the majority report—there appears this statement:

> By "enthroning the Colorado River compact" it assures to the States of Colorado and New Mexico, Utah, and Wyoming, the water rights so essential to their future.

In response to that statement of the majority side, he says:

> The above statement has no foundation either in fact or in law. The ready consent of California to the reducing of the height of the dam at Boulder Canyon from 605 feet to 550 feet proves conclusively that the above statement was not made in good faith. By consenting to the lowering of the dam to a height not to exceed 550 feet it will be possible for Arizona to construct two high dams between Boulder Canyon and Glen Canyon and also a third dam at Glen Canyon. Arizona is not bound by the terms of the compact and any appropriation of water that she might make by the construction of these dams would constitute a priority against the upper States provided the appropriation was prior in time to the application of the unappropriated water of the river to beneficial use by the upper States. Arizona is therefore in a position by the construction of these dams to gain a priority over the upper basin States to every acre-foot of water allocated to them by the Colorado River compact. There is not a single reservation in the bill that will protect Utah or any one of the upper basin States from such a contingency. Utah was given to understand that the purpose of the six-State compact was to hasten a settlement of the differences between Arizona and California, but if this bill is enacted into law California has no concern about reaching any agreement with Arizona. She will be fully protected and her sister States that have been so anxious to bring about a friendly solution of the whole problem, so that development in the lower river might go forward, will be left without any protection and at the mercy of a State not bound by the compact. If this bill is passed by Congress there will never be any ratification of the seven-State compact. California never intimated that she intended to ratify with reservation until after the upper basin States had acted. There is not a single reservation in the bill that will protect Utah and the other upper States against the danger that I have just pointed out.

Mr. President, I am taking a little time to look at my notes, because I do not want to put anything in the RECORD that I think has already gone in; and I do not wish to occupy the floor of the Senate any longer than is necessary for me to present the statements that I have in mind.

Mr. KENDRICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. PHIPPS. I yield to the Senator.

Mr. KENDRICK. I want to suggest to the Senator that he need not have any concern about putting material in the RECORD the second time, because, in case he finds it necessary to do so, it will not be the first time on record.

Mr. PHIPPS. Does the Senator mean the first time the Senator from Colorado has so offended, or is that a general statement?

Mr. KENDRICK. I mean it as a general statement.

Mr. PHIPPS. I thank the Senator. I did not want anyone to think that I might be the culprit the Senator had particularly in mind.

Mr. President, in connection with the uses of water, domestic use is possibly greater in value and should be classed higher than water devoted to irrigation. I find in the same minority report, made by Mr. LEATHERWOOD to the House, certain statements which I desire to quote. Speaking of domestic water supply for Los Angeles and other towns in southern California, I quote:

The claim of Los Angeles for an additional water supply from the Colorado River for domestic purposes, even if sincere, is not well founded. The cost of taking water out of the Colorado River Basin to Los Angeles, even with power furnished by the taxpayers of the country at 3 mills per kilowatt-hour, would be prohibitive. Francis L. Sellew, a consulting engineer of Los Angeles, Calif., submits the following data as to the cost of taking water from the Colorado River Basin over the divide into the Los Angeles Basin:

"Under the plan proposed about 1,500 cubic feet per second are to be lifted against a head of 1,500 feet"—

I may say, parenthetically, that I have been informed that that head may be 1,750 feet—

"the cost of pumping alone being 5 cents per 100 cubic feet. (Mulholland, Senate hearings on Colorado River, October 26–27, 1925, p. 113.)

"On this basis the cost of pumping will be—

One second	$0.75
One minute	45.00
One hour	2,700.00
One day	64,800.00
One year	23,652,000.00

which at 6 per cent is the interest on $394,200,000."

Mr. Sellew further says:

"The present supply for Los Angeles is obtained from Owens Valley, which, in conjunction with Mono Lake, will yield 834,000 acre-feet annually. (California Board of Public Works—Report to Legislature, 1923, Appendix A.) Allowing 80 per cent conservation, there results 585,000,000 gallons daily, which, at 130 gallons per capita, is sufficient for 4,500,000 people, or at least four times the present population of Los Angeles."

Mr. President, as a matter of information on this same subject I desire to quote from the testimony of Mr. Thomas H. Means, which is found in Report 1657, part 3, of the House hearings on the Boulder Canyon project:

Mr. HAYDEN. Is it not true that to get water into Los Angeles from the Colorado River would require a lift of 1,200 feet, and as Mr. Mulholland told us, that would require, if the total quantity that the city needed were utilized, a continuous application of some 200,000 horsepower from the Colorado River to lift the water over the mountains; whereas, the water from Mono Basin and the upper reaches of the Owens River, if conserved and stored, would flow by gravity down to the city. Instead of using a tremendous quantity of power to lift it to the city, the water would produce power as it came down?

Mr. MEANS. The difference is this: In one case you have a drop of about 4,000 feet, through power plants; in the other case you have to lift water, according to Mr. Mulholland, 1,200 feet. My figures are 1,500 feet—that the water will have to be lifted in order to bring it to Los Angeles.

So we have in one case pumping water up 1,500 feet, and in the other case water falling down 4,000 feet.

Mr. HAYDEN. What is the value of the power that could be extracted from that fall of 4,000 feet?

Mr. MEANS. The value of the power that could be extracted would be sufficient to pay all of the cost of bringing the water to the city at the present rates at which the city is selling power. * * *

Mr. HAYDEN. Which do you think would be most advantageous to the city of Los Angeles, in order to furnish a domestic water supply for 5,000,000 people—to get the water from the Colorado River or to get it from Mono Basin and the Owens River?

Mr. MEANS. To get it from Mono Basin and the Owens River, for two reasons: First, the cheapness of the water, due to the power developed; that is to say, the power will pay the cost of getting the water to Los Angeles. And, second, the question of quality of the water, which is exceedingly important.

It has been said that the water of the Colorado River is not a desirable water for a large city. When I was in the Reclamation Service I had collected waters from all important western streams for chemical analysis. Among others we collected water nearly every day from the Colorado River at Yuma; and we collected water from the Owens River.

I may say that the results of those analyses were published in Water Supply Papers Nos. 237 and 274.

Briefly, the Colorado River carries, on the average, about 700 parts of total solids per million parts of water and has considerable hardness. The Colorado River carries 700 parts of total solids, as against 288 in Owens River. The Colorado River carries 324 parts of hardness per 1,000,000 parts of water, as compared with 98 parts of hardness in the Owens River.

Mr. HAYDEN. If the waters of the Colorado River were stored and desilted, and the clear water came out of the reservoir——

Mr. MEANS (interposing). This is in solution; it is not in suspension; it is material dissolved in the water.

Mr. HAYDEN. It would be perfectly clear to the eye and still carry the solids?

Mr. MEANS. Yes. In other words, the Colorado River carries twice the solidity of the Owens River, and nearly four times the hardness, making it not a satisfactory water for a large city. I can say without fear of successful contradiction that if Los Angeles uses that water supply they will have the poorest water supply in America for a large city.

Mr. President, I was glad to note in one of these statements which I have read within the last few minutes a declaration to the effect that the 550-foot height proposed for the Boulder Canyon dam would still leave Arizona the opportunity to construct at least two power plants above Boulder Canyon and below Lees Ferry, or, say, at Glen Canyon and one or perhaps two other points. I think that Arizona should be left with an opportunity to develop her lands when she is ready to do so later on, and I realize that it may not be feasible to divert the water which would be impounded by the Boulder Canyon dam so as to introduce it on the higher mesa lands in Arizona, but I do think it important that Arizona's opportunity to irrigate her own territory should be provided for, should not be overlooked.

I desire to hurry on, but there are some remarks that I have made myself and some made by others which should be in the RECORD at about this point. I have made a statement heretofore as to power companies, and I will not repeat it in full, to the effect that my impression is that corporations would prefer to have the Government put up the necessary $35,000,000 rather than erect the hydroelectric plants themselves. I further stated that it is admitted on all sides by those who favored Government ownership and by those who favored private operation that there is or will be a greater need for this additional power in the West; that there will be an ample market for it over and above the present consumption of power. Consequently, private and municipal corporations would welcome this additional supply, whether privately or publicly operated, and are anxious for the early construction of a dam on the lower Colorado River.

I have here a statement issued in 1924 and signed by the then members of the Federal Power Commission, Secretary of War Weeks, Secretary of the Interior Work, and Secretary of Agriculture Wallace, and would like to have a portion of it inserted in the RECORD without reading.

The PRESIDING OFFICER. Is there objection?

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

In so far, at least, as the project proposed exceeds the requirements of flood control and irrigation, the bill proposes that the United States undertake a new national activity, namely, the business of constructing facilities for production of electric power for general disposition, an activity which if logically pursued has possibilities of demands upon the Federal Treasury in amounts far beyond those now involved in reclamation and highway construction combined. While the United States has heretofore constructed power developments in connection with irrigation projects, these developments have been merely incidental to the projects, have been of a few thousand horsepower only, and have been primarily for use on the projects themselves. The construction of a reservoir having a capacity of from four to eight times the needs of irrigation and flood control and of a power development twenty times in excess of the probable power needs of the irrigated lands and adjacent communities is a complete departure from former policies. The only undertaking by the United States at all comparable in magnitude with the proposals at Boulder Canyon is at Muscle Shoals, and this project was undertaken to furnish munitions in time of war. In so far as it was to serve the needs of peace, it was to furnish an essential commodity for all sections of the United States and was not for the special benefit of a limited area.

If the United States is to embark upon a general policy of public development of electric energy at Federal expense, it should do so only after full consideration of what the step means. The present investment in the United States in central electric stations—that is, in those

plants engaged in developing electric power for general distribution and sale—is approximately $4,500,000,000. That investment will require to be more than doubled in the next 10 years if the demands of industry are to be met. A policy of Federal development would therefore require continuous expenditures of not less than one-half billion dollars per annum, for it could not be expected, in the face of such a policy supported by Government funds and with tax-exempt properties, that private industry could afford to put any additional investment into the central-station business. Under such circumstances we must assume that any such a policy or program of Federal activities is impracticable and undesirable.

If the proposal in H. R. 2903 with respect to power development is not the first step in a general program of like undertakings, it can be justified only on the clear proof that peculiar conditions in this particular case, conditions not prevailing elsewhere, justify the Federal Government in taking action that it does not propose to duplicate elsewhere. Such action can not rest on the ground that the Federal Treasury is the only available source of funds, for private funds are available now, and have been for several years, to undertake immediately such development as is justified by the needs of flood control, irrigation, and energy supply; or on the ground that the territory to which the greater part of the power must be delivered is in any immediate need of added power, for that territory is already better supplied and at a cheaper rate than any similar territory in the United States. It has been argued that the United States should finance this power development, because with a lower interest rate, absence of profit, and freedom from taxation power could be delivered at a less cost than if developed by private capital. This is by no means a necessary conclusion, but even if it were, electric power is only one element in industry, and if Federal financing is justified in the present case on such grounds it is similarly justified in all other cases and in all branches of industry. With the authority that exists in the States and in the United States to regulate and control private or municipal power development, distribution, and sale, we do not believe that the United States should undertake such development unless it can be clearly shown that the development can not otherwise be had.

In 1920, after many years of consideration, Congress adopted a general national policy with respect to power development on sites under Federal control. That policy has been attended with marked success. Millions of horsepower are being constructed under the terms of the Federal water power act. These sites are being held in public ownership under public control, with every essential public interest protected. There is no occasion for going outside of the terms of that act to secure the production of all the electric energy required at terms fair, both to the developer and the user. Under such circumstances we do not deem it desirable to enact special legislation modifying the established policy by giving to any individual, corporation, or community special privileges not accorded to all.

Congress also, in the Federal water power act, created a single executive agency for the administration of all water powers under Federal ownership or control. The plan thus adopted is proving eminently satisfactory. We believe any change in such method of administration is undesirable, and therefore, whether the Boulder Canyon dam or some other be built and whether at public or private expense, we believe the disposition of any power developed should be handled by the Federal Power Commission under the general terms of the Federal water power act and not as proposed in the bill. All interests of the Department of the Interior will be adequately met through the membership of the Secretary of the Interior on the commission.

Mr. PHIPPS. Mr. President, in Congressman LEATHERWOOD's report, on page 11, there is repeated a letter which Secretary Mellon addressed to Chairman ADDISON SMITH, of the House Committee on Irrigation and Reclamation, dated March 18, 1926, which reads in part:

I believe that, in general, sound public policy in America, as elsewhere, is to encourage private initiative and not to have Government ownership or operation of projects which can be handled by private capital under proper Government regulations. The Government operation of railroads in this country was our largest experiment on this line, and a comparison of public and private operation in that field justifies my faith in private enterprise. Canadian and European experience is the same. To get the Government out of business, whether it be in banks, utilities, or monopolies, has become one of the most essential steps to a permanent fiscal restoration of Europe, and I am loath to have the United States embark on enterprises not strictly governmental in their nature. The fact that a government can furnish capital at lower rates of interest is illusionary, if there be taken into account that the public project pays no tax, and therefore does not bear its share of the cost of government. It seems to me that if the project is one which can pay its own way, private capital can be found. If it can not pay its own way, then we should consider whether all taxpayers throughout the United States should be taxed for the benefit of a part of the country.

I quote from the statement of Secretary Hoover, released March 3, 1926, found on page 12 of this pamphlet, as follows:

It seems to me that we should not depart from the national policy established by the water power act and that the handling of the power question at this dam should be placed in the hands of the Federal Power Commission to give licenses for the use of the water for power purposes under the water power act without imposing a new system of allocation. Of course, any licenses issued should be subject to the approval of the Secretary of the Interior as to the major purposes of finance of the obligations of the Government and other requirements of the region.

I may be guilty of repetition, because I have read a part of that statement where it was quoted in a different place. But there are points involved here which I think are of vital importance. Upon those I do not care to dwell further. I repeat what I have already said, that the bill as drawn involves the embarkation by the Government into the manufacturing business, and no man can tell how much money will be required. While I hope that the $500,000,000 a year estimated by our Federal Waterpower Commission is a gross exaggeration, it may be more nearly correct than any of us could guess.

Mr. President, I think the plan is paternalistic. It is contrary to the genius of the Republic. It would set the worst possible precedent not only in the hydroelectric power business but for other business undertakings as well.

I wish to refer for a moment to the amendments which I have had printed and would merely call attention to them without attempting to discuss them further at the present time, with the exception of the substitute, which I do desire to explain. While it would apply to the seven-State compact, the other amendments which I have offered would apply to the six-State compact were it put into effect and the dam constructed under the provisions of the pending bill.

The intention of this amendment offered as a substitute is to safeguard the rights of the upper basin States, as well as those of the other States, in the waters of the Colorado River. I believe if it were adopted it would bring about a speedy solution of the questions now in controversy. The changes as compared with the bill reported out by the Committee on Irrigation and Reclamation are about as follows:

First. That the act shall go into effect and the dam shall be built only after each one of the seven States in the river basin has ratified the Colorado River compact. That would protect the rights of all the States to the use of the water in the stream and require the approval of the United States which is given in the amended bill.

Second. Pending ratification of the Colorado River compact, no further licenses shall be issued by the Federal Power Commission on the Colorado River or its tributaries.

Third. The dam shall be located at Boulder Canyon, Black Canyon, or such other advantageous place as may, in the judgment of the Secretary of the Interior, be more suitable.

Fourth. The Federal Government shall not construct a hydroelectric plant or other works for the generation of electrical energy, but the use of the water for such purposes shall be leased at advantageous terms under licenses issued by the Federal Power Commission.

Fifth. The Secretary of the Interior is granted discretion either to build the all-American canal or to construct such other irrigation works as may most efficiently and economically serve the Imperial and Coachella Valleys in California for irrigation and domestic purposes.

Sixth. Other minor changes in the wording of the bill as reported are contained in the substitute. I will merely call attention to them. They are corrective of language rather than otherwise, and it is not necessary to discuss them. They apply to the bill now before the Senate in such manner as to strike out the features to which I have called attention and to which I object.

I believe that my substitute for the Boulder Canyon bill, if adopted, would provide a constitutional, practical, and businesslike solution of the Colorado River problem. By insisting upon complete ratification of the Colorado River compact by the seven States before construction of the dam, and by stipulating that no licenses shall meanwhile be issued, the rights of each State in the river basin are protected. At the same time these amendments make it to the interest of every one of the States to get together on an agreement for an equitable division of the waters of the stream. These provisions meet constitutional objections to the bill as reported and will probably avoid years of litigation, during which the construction of the project will doubtless be enjoined if the present bill becomes a law.

By eliminating the power plant provisions, to which there has been serious opposition, by permitting the Federal Power Commission to license the use of surplus waters for power purposes instead, by giving the Secretary of the Interior the right to select the best method of irrigating the Imperial and Coachella Valleys, as well as the right to select the most suitable dam

site, the expense of the undertaking is reduced more than $35,000,000, while at the same time it is made much more feasible, practical, and likely of success. In short, I believe that the substitute I have offered provides the only means whereby the dam can actually be constructed for flood control, irrigation, and use of water for power purposes, with reasonable probability of economical, businesslike operation, and adequate legal protection to all of the States claiming right to the waters of the Colorado River.

It has been asked, Why should Colorado be interested in the amount of money expended at Boulder Canyon, or how it is to be expended, provided she get her share of the waters of the stream? I will tell the Senate why. In the first place, Colorado taxpayers will stand a part of the cost of construction. Second, and more important, upon the success or failure of this huge public undertaking, its economical construction, and efficient management will largely depend the attitude of the United States Government toward future irrigation or reclamation projects in Colorado, in Utah, in New Mexico, and in other Western States.

We are all vitally concerned in this matter, as the distribution and use of the water of the Colorado River will affect the whole Nation; may not be limited, in fact, to this country's boundaries, for this is an international stream. We must work and pray for the ratification of a water compact free, fair, and just to each State in the river basin. We must work for the construction of a proper dam in the lower Colorado River, and, above all, we must hasten the day when each State in the league shall secure the full benefit of the water to which it is justly entitled, thereby insuring proper development of our vast natural resources and a prosperity heretofore unequaled in the history of the West.

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

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The absence of a quorum being suggested, the clerk will call the roll.

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

Ashurst	George	McLean	Sheppard
Bingham	Gillett	McMaster	Shipstead
Borah	Glass	McNary	Shortridge
Bratton	Goff	Mayfield	Smith
Bruce	Gooding	Metcalf	Stephens
Cameron	Hale	Moses	Stewart
Capper	Harreld	Neely	Swanson
Caraway	Harris	Norris	Trammell
Copeland	Harrison	Nye	Tyson
Curtis	Heflin	Overman	Underwood
Dale	Johnson	Phipps	Wadsworth
Deneen	Jones, Wash.	Pine	Walsh, Mass.
Dill	Kendrick	Pittman	Warren
Edge	Keyes	Ransdell	Watson
Edwards	King	Reed, Mo.	Wheeler
Ernst	La Follette	Reed, Pa.	Willis
Ferris	Lenroot	Robinson, Ind.	
Fess	McKellar	Schall	

Mr. McMASTER. I desire to announce that the senior Senator from South Dakota [Mr. NORBECK] is unavoidably absent because of injuries received in an automobile accident. I request that this announcement may stand for the day.

Mr. SHIPSTEAD. I wish to announce that the Senator from Montana [Mr. WALSH], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Pennsylvania [Mr. PEPPER] are detained from the Senate on the business of the Committee on Foreign Relations.

Mr. JONES of Washington. I desire to announce that the Senator from Nevada [Mr. ODDIE] is absent on account of illness.

I also wish to announce that the Senator from North Dakota [Mr. FRAZIER] is detained in committee.

Mr. HARRISON. I wish to announce that the Senator from Delaware [Mr. BAYARD] is necessarily detained from the Senate by his attendance upon the funeral of former Senator Willard Saulsbury, of Delaware.

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

Mr. KENDRICK. Mr. President, because of the importance of the question which is now under discussion, I should like to ask the Senators to indulge me with their attention for a brief time. I think every Member of the Senate will agree that during my service in this body I have not offended by consuming much of the time of the Senate. I have been, however, a good listener to other speakers. On many occasions I have been, as a listener, the sole survivor.

Mr. President, we have heard a great deal said about the development of the lower Colorado River, and nearly all the discussion has had to do with that section. We have not, however, up to this time, except from the Senator from Colorado [Mr. PHIPPS], heard anything as to the viewpoint of the upper-basin States, and if I may have the attention of the Senate for a few moments I shall endeavor to reflect as best I can the attitude of those States.

First, Mr. President, I want to emphasize the fact that California is not the only State that is vitally interested and that will be vastly benefited by the enactment of this legislation. It has been contended that if the bill becomes a law California is to receive the primary benefits. I do not agree with that contention and I hope to convince those who listen to me that the provisions of the bill are not limited to one State but will apply to every one of the States joining in the Colorado River compact.

During the discussion here we have heard this great river described in detail and it is unnecessary to say much more on that point. The Colorado River is approximately 1,800 miles in length from its source at the foot of Fremont's Peak in Wyoming to its outlet in the Gulf of California. Between the edge of the Green River Basin in my State—that is to say, where the river crosses the Wyoming line and enters the State of Utah—to where it leaves the rock hills bordering on the State of California there intervene a thousand miles of rock-wall canyons.

The flow of the river, as I believe, includes a sufficient supply of water to reclaim every foot of the more than 6,000,000 acres of irrigable lands within its drainage. I may say, Mr. President, that you have heard a good deal of discussion here about water, and it is difficult for Senators from Eastern States to conceive the importance of water in the development of our arid West. In spite of its desolate appearance, our soil in the arid States contains in its very nature the accumulated fertility of the ages, and yet, with only 8 or 10 inches of rainfall, and without the use of water for irrigation, it is almost entirely unproductive. When irrigated it produces more abundantly than under any other form of agriculture.

It has been contended here, too, by some Senators that we are expending unnecessary governmental funds in reclamation at a time when there is already overproduction. On the most of our irrigated lands in the West, Mr. President, the products of the soil do not come in competition with the products of the country farther east. In many cases they are different kinds of products, and in many other cases they are a higher quality of products.

This legislation involves three or four different subdivisions. The first of these is the building of a high dam for the purpose of flood control and the development of hydroelectric water power.

I think it has been indicated here by either direct or indirect statements that this question of flood control in the Imperial Valley was of limited importance. I hope no Senator in this Chamber who has ever witnessed the devastation of floods will allow himself to be misled on that point. No one of the group of Senators who visited the banks of this great river, where it runs along on a high dike that it has built up by its own silt, hundreds of feet above the surrounding territory, could have reached such a conclusion. The volume of water in time of floods is, at best, practically uncontrollable, and when one observes that its low-lying banks are easily dissolved by contact with the water, the danger becomes more evident. It is to be hoped also that no Senator here will conclude that the thousands of American citizens whose lives and property are endangered by the floods of this river are as foreigners to him. It is a fact that the people of the Imperial Valley hail from every State in the Union.

In its original state the Imperial Valley would have been more properly termed the "Imperial Desert"; a territory entirely unproductive in character and so uninviting in appearance as to suggest the closing lines of the wonderful poem entitled "The Desert":

God must have made thee in His anger and forgot.

Inspired by the spirit of crusaders, the people of the Imperial Valley have won from the desert this the last frontier of the country, and have transformed it into a vast oasis from which the Nation already is drawing its winter supply of fresh fruits and vegetables. The harvest time in other sections of the land becomes seed time for the Imperial Valley, so that the agricultural products of this section come not into competition with those of other States. Surely such a people are as much entitled to protection as those who have profited by the splendidly fertile lands of the lower Mississippi Valley.

During the discussion of this measure reference has been made more than once to the designs of California cities upon the waters impounded to meet the needs of their different municipalities. What of it? These cities are proposing to pay the full cost to the Government for additional water supplies to meet their urgent needs. As builders they too have wrought

worthily and well in the development of a new country and are entitled to every consideration that can consistently be given to them by Congress.

One or more Senators, during the discussion of this bill, have suggested its unconstitutionality. It is to be hoped that in passing upon a question which involves the consideration of life and property, that we are not to find the Constitution and the Colorado River in collusion against the people of the Imperial Valley.

The highest engineering authority of the country has pronounced the Boulder Canyon dam as the best known means of flood control of the Colorado River, for which reason every State in the Union should be interested in the building of this dam in order to protect the lives and property of our people. It follows that every State in the Union should be interested in the building of power plants for the production of hydroelectric power as the best means of guaranteeing to the Government a return of the cost of construction. All of the seven States directly interested in the waters of the Colorado River must be interested in the building of the all-American canal as the only practical method of discontinuing, at the earliest opportunity, the possible acquisition of priorities on the part of Mexican lands to the waters that are later on to be so sorely needed in the reclamation of the arid lands of the United States. In building the canal through which, at the present time, water is conveyed from the Colorado River into the Imperial Valley, it was found necessary, because of the physical condition of the country, to detour for some distance across Mexican territory.

Such necessity provided an opportunity for the owners of Mexican lands who, we are informed, are American citizens, to exact from the builders of the canal a contract under which they were compelled to deliver an amount of water for the irrigation of Mexican lands, equivalent to the amount delivered to the Imperial Valley. So it follows that an increase in acreage in the Imperial Valley means a corresponding increased acreage in Mexico or at least a basis on which to claim priorities. This increased acreage is now estimated at about 25,000 acres per annum, and on a basis of 4 acre-feet of water this would mean that the lands of old Mexico are establishing a claim to an additional 100,000 acre-feet per annum. As already stated, every one of the seven States interested may well be anxious to terminate a condition which imposes such a tragic loss.

Those who would delay action on this bill insist that there is no international law under which we would be obligated to deliver any water in this international stream to the people of a foreign country. In passing upon the merits of this contention, we may well bear in mind that any rights to the waters of the Colorado River for use on Mexican lands have been established through the cooperation of American citizens, as already stated. When the time comes to write a treaty it is unlikely that this Government can be induced to deal with the people of Mexico in any other than a spirit of characteristic fairness.

Mr. President, the purpose of this legislation is to provide for the ultimate development of the Colorado River from one end to the other. From my viewpoint, it provides for one of the greatest plans of conservation that has ever been attempted in this country. One of the most important provisions of the bill is a condition imposed, as follows:

SEC. 4. (a) No work shall be begun and no moneys expended on or in connection with the works or structures provided for in this act, and no water rights shall be claimed or initiated hereunder, and no steps shall be taken by the United States or by others to initiate or perfect any claims to the use of water pertinent to such works or structures until the States of California, Colorado, Nevada, New Mexico, Utah, and Wyoming shall have approved the Colorado River compact mentioned in section 12 hereof and shall have consented to a waiver of the provisions of the first paragraph of Article XI of said compact, which makes the same binding and obligatory only when approved by each of the seven States mentioned in said section 12, and shall have approved said compact without condition save that of such six-State approval, and until the President by public proclamation shall have so declared.

The bill provides further:

SEC. 8. (a) All appropriations of water from the Colorado River, incident to or resulting from the construction, use, and operation of the works herein authorized, shall be made and perfected in, and in conformity with the laws of those States which may or shall have approved the Colorado River compact ratified in section 12 of this act.

This, to my way of thinking, compels an equitable division of the waters between the States; and since the Government is lending its credit to the construction provided for in the bill, it will constitute the best of all guaranties to the upper-basin States that their rights to their waters so vitally necessary in the reclamation of their arid lands shall be perpetuated for all time.

Owing in part to the lack of economic need and to an absence of capital the reclamation of our lands in the lower levels of the river may be long deferred; but when our day of development comes, as it will surely come, it will be possible for us, under the provisions of this bill, to invest our money in consistent construction of irrigation works rather than in costly and even hopeless litigation over our water rights.

I assert here, and I do not believe it will be contradicted by any of the able lawyers among the Senators from the West, that during the last 50 years there has been expended in our western country as much money in litigation over water rights as has ever been employed in the building of dams and canals. This compact, written into and becoming the warp and woof of this legislation, will protect our States in the upper basin against that kind of economic waste in the years to come.

Not the least of the cost included in litigation is that of endless delays in securing decisions. In the suit between Wyoming and Colorado, from which I shall quote later, the bill was filed May 29, 1911, and the decision was rendered June 5, 1922, 11 years after the suit was begun. With the many other precarious circumstances coincidental with reclamation, any cloud upon the title to the water precludes arbitrarily any prospect of development.

One of the regrettable features of this controversy is found in the failure of one or more of the States to enter into the compact. I want to say here that the people of my State would not be a party, knowingly or otherwise, to any agreement or to any legislation that would deprive a sister State of any of her rights whatsoever. We have not attempted, as I understand it, to coerce any State to come in. We certainly have not been precipitate in our action. The discussions of this measure have now extended over a period of four years' time, and I may say that the original question of a compact was raised because of the very danger to the people of the Imperial Valley referred to in this debate. If I am not mistaken, the people of California and Arizona both appealed to the people of the upper-basin States to join them in another appeal to the Government for this relief, and when that was done our people very naturally said, "We, too, have great interests at stake here. We would like to join you, provided that in doing so we did not establish priorities that would prove detrimental to us later on." So from that very fact arose the talk of this agreement; and while it was hoped that every one of the States would come in, they have failed so far to agree on terms.

I do not believe that anyone who has listened to the discussion here will conclude from it that there is any denial to the State of Arizona of her share of the water in this river, and I point out to the Senate that the compact which she was asked to sign dealt almost exclusively with the division of the water and hardly touched upon anything else. It did have to do somewhat with and provided for the classified use of the water, if I may use that term; that is to say, provided that municipal needs should be met first, agricultural needs should be second, and power needs should be third.

Mr. COPELAND. Mr. President, may I ask the Senator a question?

Mr. KENDRICK. I yield.

Mr. COPELAND. Is there anything in this measure which would interfere with the State of Arizona at some later time, or at any time it chooses to do so, going up the river and building the dam at the point where the advocates of that measure desire to build it at the present moment?

Mr. KENDRICK. Mr. President, in discussing this matter before the Committee on Irrigation and Reclamation I asked that question of the former chief engineer of the Reclamation Service, Mr. Weymouth, and he stated that if the dam at Boulder Canyon did not exceed in height 550 feet, it would not interfere in any way with later development and the building of a dam at Bridge Canyon in Arizona.

Mr. COPELAND. Will this dam be any higher than 550 feet?

Mr. KENDRICK. It is not intended and not proposed to build it higher than that. The original plan did provide for a dam, as I recall, 600 feet high.

Mr. COPELAND. Am I right in this, may I ask the Senator? If we go forward with this project and build the dam as now planned, and in that way all the States shall be benefited, after that, if at any time this Government or the State of Arizona decided to go up the river and build a dam, it could do so, could it not? In other words, if I may ask the Senator, are we by this project interfering at all with the later development of the Colorado River in a way which will prove beneficial to the State of Arizona along the plans which they are discussing?

Mr. KENDRICK. It does not interfere in any way; and will not, at the most, exert any other influence on the Bridge Canyon dam than possibly to delay the construction of it a few short years. It is inevitable, from my viewpoint, that all of these splendid dam sites are in the future to be employed in order to meet the growing needs for power in that western country.

I pointed that fact out within the past three or four days to the Senator from Arizona [Mr. ASHURST], who was speaking on the subject, and stated that the construction of the Boulder Canyon dam would not interfere with the building of the dam at Bridge Canyon.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. KENDRICK. I yield.

Mr. PITTMAN. Permit me to make a statement, so that there will be no mistake in the RECORD as to figures. Mr. Weymouth, who was formely the chief engineer of the Reclamation Service, and who was also on the Board of Engineers, employed by Arizona to survey from Bridge Canyon for the so-called high-line canal in Arizona, testified that Bridge Canyon was about 127 miles above Boulder Canyon, and that the Boulder Canyon dam would have to be 690 feet high to make it possible for the water to reach the base of the proposed Bridge Canyon.

Mr. COPELAND. Mr. President, may I ask the Senator if it would annoy him to ask him a question?

Mr. KENDRICK. Not in the least.

Mr. COPELAND. Last night the Senator from Arizona, in his address, referred to the compact between the States of Pennsylvania, New York, and New Jersey. He seemed to hold the view that the conditions were identical. I said to the Senator that they did not seem to me to be identical, because, if the plan as to our section shall be carried out, and if the diversion provided in the compact were planned for New York and Pennsylvania, New Jersey would be cut out entirely from any benefit in the water, while in the case of the project under discussion, if the plan is carried out and the dam built at Boulder Canyon, the State of Arizona will get all of her rights and her proportionate share of the water and power without in any sense interfering with future development, which would be the case if we were to do the same thing with regard to the tri-State compact in the East. So I take exactly the same view the Senator takes, that the rights of Arizona are not infringed upon in the least.

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

Mr. KENDRICK. I yield.

Mr. KING. I just want to state to the Senator from New York that his position shows that he does not know the record, and he is assuming something that can not be substantiated from the record. He is so anxious to precipitate himself into this debate that he forgets the facts.

Mr. COPELAND. Mr. President, if the Senator from Wyoming will yield for one moment; I think some of us who stayed here all night and tried to get the facts last night are in even better temper than the Senator from Utah, who comes in cross even though he had a night's sleep. But I can not see what facts the Senator refers to. If the facts are as stated by the Senator from Wyoming—and I have his assurance that what he states are the facts—I think the assumption which I have reached is entirely correct.

Mr. KENDRICK. I referred a moment ago to the question of the division of the waters between Arizona and California. When the compact was entered into at Santa Fe between the seven States, each one of the States had appointed a commissioner to represent it, and all the commissioners signed the compact. As it seemed at the time, for all practical purposes, the compact allocated the water into what were known as the upper and lower basins. I may say that the allocation to the upper basin was entirely consistent, because the physical condition in the four upper-basin States divides the water naturally, and under the terms of the compact each State was allowed to use, practically and substantially, the water that had its source within the borders of that State. So it was just as well that there was no subdivision of the waters between the four upper-basin States.

When it came to the lower-basin States, that was an entirely different matter. Arizona in asking for a subdivision of the water between herself and California was raising the exact question that concerned the people in the upper-basin States, that of protecting against the acquisition of priorities down the stream after the water had passed her borders and because of prior development. So, as I understood it, Arizona was entirely right in that contention, and she refused to ratify until such a division was made. Subsequent events compel the belief, and, in fact, I think when studied will leave no doubt whatsoever, that California is ready and willing to agree with Arizona on any kind of a reasonable division of the water. There is on my desk now a letter which has been referred to heretofore by the Senator from California, written by the mayor of San Diego, in which he stated that the commissioners appointed by the two States had met, as I understand it, in San Diego, and after certain preliminaries had practically agreed upon a division of the waters between the two States. This agreement provided that Arizona should have all of the water for her own use—that is, the right to use it within her own borders—which originates in the State of Arizona, and then she should have one-third of the flow of the Colorado River. As I understood the tone of the letter, that adjustment seemed fair to the representatives of Arizona at the time, though they contended they had not the authority to sign an agreement to that effect.

But it seems, as we have already been told, that this question was not the only one. Arizona contended, and, as I understand it, now contends, that she should have certain payments per horsepower for all the power generated within the borders of her State. I do not believe that this contention can be maintained.

In my opinion it is in conflict with the Federal water power act, and is also inconsistent with the Constitution of the United States. In any event I have reason to believe that it would defeat the purpose of the bill in securing from the production of the power the money with which to return to the Government the cost of construction. Inasmuch as the power plan does deal with the production of power, it is a perfectly consistent thing, as proposed by the Senator from Nevada [Mr. PITTMAN] that the power produced should be divided between the States. As already indicated, we of the upper basin are not interested in this controversy. We do not ask for any of the benefits of the power nor any division of the power. We will take care of those things in our own way and in our own section of the river when the time comes. Passing on from that point, I want to say that I believe it would be just as consistent for the Senators from Alabama to say that no power should be produced at the Muscle Shoals Dam unless the State of Alabama should receive a royalty per horsepower on that production. In view of the unusual proposition to levy a per horsepower tax on a Government-constructed and Government-owned dam, the conviction is inescapable that Arizona is disposed to use California's necessity as her opportunity in creating an equity to accrue to herself which does not otherwise exist.

As already stated, the upper-basin States are not particularly interested in the controversy between those States in the lower basin.

Arizona may well plead for the protection of her heritage, but I ask the Senator from Arizona [Mr. ASHURST], who stated so eloquently last evening that he maintained an attitude of broadmindedness and vision that compelled him to remember at all times that he was a United States Senator, and I ask those who are opposing the pending legislation to bear well in mind the risk to which my State is exposed in the loss of this the greatest asset the State has, not excepting her enormous mineral wealth. We, too, are facing an emergency.

We have no war with Arizona or with any other State that would remain out of the compact, and we do not believe that by this action we are going to in any way interfere with, intimidate, or deny to Arizona or Utah or any other State any of their equities and rights simply because we propose to deal with our own resources and reach in our own way and to the best possible advantage a composition of the differences in regard to the resources of the Colorado River. As I have already stated, the seven States are sustaining a common loss of 100,000 acre-feet of water annually. These seven States are also to-day standing in the shadow of a grave danger in connection with the issuance by the Federal Water Power Commission of permits to proceed with the building of power plants in the Colorado River Canyon.

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

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

Mr. KENDRICK. Yes.

Mr. WHEELER. The Senator said something about the power companies going in there. I did not catch just what he meant by that.

Mr. KENDRICK. This is the answer: For the past three or four years the power companies have importuned the Federal Water Power Commission for permits to begin the construction of dams for the purpose of generating hydroelectric power. At

least two, if not three, times the governors of the Western States, in complete concurrence with the people interested among the seven States, have joined whole-heartedly in urging delay in granting such authority until the States shall have an opportunity to reach an agreement; and in each case, if I am not mistaken, the Federal Water Power Commission has given us one more lease of life.

The commissioners have informed us in effect, "We will withhold authority to begin construction for at least a reasonable time so that the States interested will have one more chance to get together and proceed with their development." The point involved there is that if the compact should be entered into between the States, it will forever, as I believe, foreclose the opportunity of power companies to establish priorities of rights on account of the power.

Mr. WHEELER. In other words, the Senator feels that the waters of the river ought to be used for irrigating the lands of the West rather than for power purposes?

Mr. KENDRICK. There should be preferred uses, as is indicated in the Colorado River compact, first for municipal purposes, second for agricultural purposes, and third for power purposes, in the order which I have named. That is written in the compact, and in every case, as I have said, where an application has been made the power companies have, as I am told, agreed to concede that preferred use of the water. Of course the power companies which are asking for permits to proceed with such development are claiming that they are perfectly willing to concede prior use to agriculture and irrigation, but we all know the benevolent attitude of corporations. If they ever begin the development of power we are going to be reminded of the old couplet:

The devil was sick—the devil a monk would be.

We know we are going to have our troubles and we are going to sustain losses on account of power development if we ever come to that proposition.

Mr. President, the vital need of the upper-basin States to protect against the acquisition of priorities in the lower basin becomes more evident in view and because of Supreme Court decisions, one of which will suggest the exact situation. In the case of Wyoming *v.* Colorado (vol. 259, U. S. Repts., p. 423), the court held:

The question of the effect of State lines upon the rights of appropriators in different States has been before the courts of the arid region in a number of cases. The universal holding is, that priority of appropriation gives priority of right on interstate streams, the same as on streams wholly within one State.

Therein lies the whole difficulty with our upper-basin States, because of the fact that if priorities are first established lower down the streams there is every reason to expect that those priorities to that extent will forever deny the people in the upper basin the use of the water. We of the western plains proved long ago that the only plan of conservation in the use of water is to apply it first on the higher levels of the stream, and under such application there is an enormous return flow to the streams. It has been demonstrated over and over again that irrigation in the higher levels of a stream does not decrease or limit the flow of such stream lower down; it does serve to make such flow more dependable and uniform in volume. This is due to the fact that irrigation in the higher level of a stream serves much the same purpose as any other kind of storage.

The waters that flow down from the mountain sides, as if "poured from the hollow of His hand," are not, as a rule, the melting snow banks but are waters that have filtered away in the ground and find their way into the streams after long periods of time.

Within the drainage of the Colorado River it is shown by actual surveys that the area of irrigable lands in the several States is as follows: Colorado, 1,758,000 acres; Utah, 815,000 acres; Arizona, 1,177,000 acres; Wyoming, 910,000 acres; New Mexico, 517,000 acres; Nevada, 7,000 acres; and California, 939,000 acres.

Mr. President, at the extreme head of the Colorado River, within the boundaries of Wyoming and what is known as the Green River Basin, lie these 910,000 acres of undeveloped land. Five hundred thousand acres of these lands are found in one contiguous tract, which constitutes, so far as I know, one of the very largest solid blocks of land suitable for reclamation which is left untouched in the United States. Lying hundreds of feet just above it, under the shadow of Fremont Peak, are eight great mountain lakes which may be used for reservoir sites. There is an abundance of water for the reclamation of this land, and at moderate cost sufficient reserve water may be impounded in these reservoirs. To perpetuate the use of these waters for the lands described constitutes the great benefit which my State is to derive from the enactment of this legislation.

Mr. WHEELER. Mr. President, can we not have order in the Chamber?

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The point of order is well taken. The Senate will be in order.

Mr. ASHURST. Mr. President, the Senator from Wyoming [Mr. KENDRICK], to my mind, is making one of the clearest, one of the fairest, and, I think, when it is read it will be discovered to be one of the most comprehensive speeches that has been made with respect to the Colorado River Basin. There are large numbers of us here who are anxious to hear him, and we desire that order shall be preserved in the Chamber.

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENDRICK. An examination of the map will show that nearly every one of the great rivers of the West has its origin in the State of Wyoming, and in many instances these streams flow directly across the line into other States. It is also true that the State of Wyoming has a vast territory of irrigable land which at present, because of limited rainfall, is unproductive. The still further fact applies that the lands nearer the mountains involve a higher per acre cost of development than do those which are farther removed from the mountains. Very naturally, reclamation is proceeding across our State line in advance of such development in Wyoming and other Mountain States. The result of this is that our neighboring States are acquiring prior rights to the waters of Wyoming in reclaiming vast tracts of land, while Wyoming is denied the benefit of such reclamation, at least for a time.

The inequality of this situation is better understood by a study of Wyoming's contribution to the reclamation fund. Second only in importance to her millions of irrigated and irrigable lands, Wyoming contains within her borders the largest storehouse of the baser minerals of any State of the Union. When the natural resource act was passed it was provided that 37½ per cent of the royalties derived from the operation of the law should be paid to the State from which the mineral came and 52½ per cent should be paid to the reclamation fund. With a well-justified faith in Wyoming's resources, the Hon. F. W. Mondell, her Representative in the House, and the Wyoming Senators made a special plea for a provision in the bill that would allocate the funds derived from mineral royalties in a State to the reclamation of lands of that State. This provision was rejected by the Congress. That the faith of Wyoming's Representatives was well justified is shown by the almost $30,000,000 which she has already contributed to the reclamation fund under the operation of the natural resource act.

I wish now to give to the Senate a single striking illustration of Wyoming's experience with a sister State in the development of the North Platte River. When the Reclamation Bureau began the development of the valley of the North Platte River, the territory first examined and considered for development was located about one-third in Nebraska and two-thirds in Wyoming. As the development proceeded, it was found that the lands of Wyoming involved a higher per acre cost for irrigation than those farther down the river, and no doubt, in order to make the best showing for a given amount of money, the department began to eliminate from its plan of development the lands of Wyoming and to increase the territory irrigated within the sister State of Nebraska. The final result shows to date, lands reclaimed in Nebraska, 103,063 acres; in Wyoming, 27,058; or instead of one-third in Nebraska and two-thirds in Wyoming we have approximately three-fourths in Nebraska and one-fourth in Wyoming. These figures have a more important meaning in view of conditions governing this situation. A measurement of the waters of the North Platte at Whalens Canyon shows a flow of about 1,600,000 feet, in Nebraska the flow is about 500,000 or 600,000 feet, indicating that Wyoming furnishes about three-fourths of the water and Nebraska one-fourth. Since the enactment of the natural resource act, Nebraska has contributed to the fund $39,770. Wyoming has contributed $29,913,093.74. These figures have been furnished me by the Reclamation Department. Under such an inequitable distribution of benefits it is but natural that the people of Wyoming should become impatient and even resentful.

It happens that one of the subdivisions of the original plan of reclamation in the North Platte River Basin, which was afterwards at least temporarily abandoned, was known as the Casper-Alcova project, containing about 75,000 acres of land contiguous to the city of Casper, with a population of 30,000 people. This city includes various industries, among which are two main-line railroads, and more particularly the second largest oil refinery in the world. Practically adjoining this city on the north are the great oil fields of Salt Creek, a community of several thousand people.

Under present conditions there is no agricultural production in this section and it is therefore necessary not only for the city and town mentioned, but other communities in the neighborhood to ship in all of the food products which they consume. It also occurs that the oil field referred to, located in the same county with the Casper-Alcova project, has contributed to the reclamation fund within the past six years $23,000,000.

Actuated by a spirit of impatience and even resentment, the people of Wyoming selected a small committee of six prominent citizens, including in its membership two ex-governors, together with the State engineer, who is at present the chief executive of the State, and sent them to Washington to urge upon Congress the necessity of initiating development on this project, where a local market could be had for everything in the way of agricultural products that could be produced. The delegation appeared before the House and Senate Committees on Reclamation and Irrigation. After hearing the testimony of the witnesses, the committee of the Senate promptly reported a bill for the initiation of development on the Casper-Alcova project. Within a few days thereafter the bill was passed unanimously by the Senate, both the Senators from Nebraska and from Colorado approving the measure on its merits. A similar bill was introduced in the House. That bill was also reported favorable by the Committee on Irrigation and Reclamation and was placed on the House Calendar about one year ago, and there it has remained to this day because the Representatives from the State of Nebraska, as I am informed, objected to action on the ground that the States of Nebraska and Wyoming had not agreed upon a division of the waters of the North Platte River.

Hoping to bring about an adjustment of this situation and to secure action on the Casper-Alcova bill, I introduced here in the Senate a measure providing for voluntary action on the part of the three States interested in the waters of the Platte River. This measure provided for the appointment of a commissioner from each of the three States—Colorado, Nebraska, and Wyoming—and the appointment of a fourth commissioner by the President to represent the Department of the Interior. Section 3 of this measure provided:

> No such compact or agreement shall be binding or obligatory upon either of such States unless and until it has been approved by the legislature of each of such States and by the Congress of the United States.

This shows the entirely voluntary character of the measure. In substance it provided an orderly way for the three States interested in these waters to reach an agreement as to a division of the water, and which would prove effective in solving this complicated question. This measure also passed the Senate, went to the Committee on Reclamation and Irrigation in the House, was reported favorably by that committee about a month ago, and was placed on the House Calendar. When it was reached on the Unanimous-Consent Calendar recently the representative from the district, including the North Platte Valley of Nebraska, objected to the consideration of the measure because he "had not heard from some people at home." Think of such a situation; Wyoming furnishes three-fourths of the water, all of the reservoir sites, and a large share of the funds employed by the Reclamation Bureau in development in all of the States. In the basin of the North Platte River, where the two States are jointly interested, Wyoming receives one-fourth of the development and Nebraska receives three-fourths; and yet Nebraska denies to Wyoming the right to employ any of her own resources in the development of her own territory.

Let it be understood that a mere assumption of ownership of the waters of Wyoming will not be conclusive with the people of Wyoming. Wyoming has never invited contention with her neighbors; on the other hand, she has sought constructive cooperation. If her neighbors voluntarily open a row, we of Wyoming propose to sit in the game with them and help them finish it.

The foregoing is important only as a signal indicating the dangers we now face in connection with the waters of the Colorado River. Available lands in the North Platte Basin would not exceed 200,000 acres, while those in the basin of the Green River, on the head of the Colorado River, exceed a million acres.

Mr. President, under the provisions of the natural resource act, Wyoming is contributing a disproportionate amount of her vast resources to the reclamation fund. This fact of itself does not disturb our people, but we give notice here and now that in so far as it is possible to prevent we do not intend in the future that our neighboring States shall employ the funds d wn from the mineral resources of Wyoming in establishing inequitable priorities to the waters that have their source within the State of Wyoming.

This is one of the primary reasons why we are for the Swing-Johnson bill.

Finally, Mr. President, the enactment of this legislation will open the door of opportunity to seven Western States; and the pity of it all is that we who would benefit by such opportunities are unable, at this critical time, to harmonize our differences and to proceed under a plan of salutary action in the development of this great river throughout its course from the Rocky Mountains to the Gulf of California. This measure involves one of the greatest plans of conservation ever attempted in the history of the Nation. By protecting the States of the lower basin against floods and properly regulating the flow of the Colorado River, it will render fruitful a territory not unlike the valley of the Nile. By allocating an equitable proportion of the waters to the States of the upper basin, it will provide for the highest economic use of that water. It will transform more than 6,000,000 acres of arid and unproductive lands into productive and prosperous farms and ranches. It will provide homes for thousands of people yet unborn; it will fill this waste land with the scenes and sounds of the countryside where now reigns only the silence of desolation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GRIEST, Mr. RAMSEYER, Mr. SANDERS, Mr. BELL, and Mr. ROUSE were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 57) inviting the full cooperation of the legislatures and the chief executives of the respective States and Territories of the United States in the celebration of the two hundredth anniversary of the birth of George Washington, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 722. An act to authorize the selection of certain publicly owned lands by the State of Oregon;

S. 2714. An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States;

S. 4411. An act granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested;

S. 4812. An act amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters patent for inventions and with regard to interfering patents;

S. 4910. An act granting certain lands to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts, for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants;

S. 4957. An act to amend section 129 of the Judicial Code, allowing an appeal in a patent suit from a decree which is final except for the ordering of an accounting;

S. 4974. An act to amend and reenact an act entitled "United States cotton futures act," approved August 11, 1916, as amended;

S. 5082. An act authorizing an appropriation of $8,600,000 for the purchase of seed grain, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States, and for other purposes;

S. 5585. An act to extend the time for construction of a bridge across the southern branch of the Elizabeth River, near the cities of Norfolk and Portsmouth, in the county of Norfolk, State of Virginia;

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 city of Owensboro, Ky., and Rockport, Ind.;

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;

H. R. 10485. An act for the relief of William C. Harllee; and

S. J. Res. 120. Joint resolution authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State established in accordance with the act of Congress of August 10, 1912 (37 Stats. L. p. 293).

ELECTRIC POWER COMPANIES

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, in partial response to Senate Resolution 329, Sixty-eighth Congress, second session (agreed to February 9, 1925), a report dealing with the organization, control, and ownership of commercial electric power companies, which, on motion of Mr. NORRIS, was ordered to lie on the table and to be printed with the illustrations.

MUSCLE SHOALS

The VICE PRESIDENT laid before the Senate the following communication from the Governor of Alabama, which was referred to the Committee on Agriculture and Forestry and read, as follows:

EXECUTIVE DEPARTMENT, STATE OF ALABAMA,
Montgomery, February 21, 1927.

The VICE PRESIDENT OF THE UNITED STATES,
Washington, D. C.

DEAR SIR: Believing that the State of Alabama owns, subject to navigation and war rights of the United States, the bed, shores, water, and the power in the water of that part of the Tennessee River within Alabama, the Legislature of the State of Alabama has created a commission, known as the Muscle Shoals Commission. This commission is charged with the duty to investigate the right, title, and interest of the State in and to the power dam, power site, and other improvements at Wilson Dam and Muscle Shoals, to report back to the legislature its findings and conclusions, and to recommend such legislation as will preserve and conserve such right, title, and interest.

As Governor of the State of Alabama, I am directed by the Muscle Shoals Commission, and the Alabama Public Service Commission, to give to interested parties formal notice of the intention of the duly constituted authorities of the State to undertake to protect and preserve such rights of the State of Alabama as the commission's investigation may reveal. The State further gives notice of its intention to claim and to assert Alabama's interest in the dam at Muscle Shoals, Alabama's ownership of the bed, shores, and water of that part of the Tennessee River within the State of Alabama, as well as its ownership of the power heretofore developed and hereafter to be developed at Muscle Shoals.

Respectfully,

BIBB GRAVES, *Governor.*

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on the Library:

DEPARTMENT OF STATE, STATE OF OREGON,
Salem, February 17, 1927.

To the honorable the PRESIDENT OF THE UNITED STATES SENATE,
Senate Chamber, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith for your information certified copy of Senate Joint Memorial No. 9, adopted by the Senate and House of Representatives of the Thirty-fourth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 16, 1927.

Very respectfully,

SAM A. KOZER, *Secretary of State.*

Senate Joint Memorial 9

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

Whereas the department of Oregon, the United Spanish War Veterans, at their annual encampment at Port Orford, Oreg., in 1925, appointed a committee to erect a monument in memory of Theodore Roosevelt on Battle Rock, one of the most westerly points on the mainland of the United States; and

Whereas the Roosevelt Highway is being built by the State of Oregon and the Federal Government and passes within a stone's throw of Battle Rock, and the said monument when erected will be viewed by hundreds of thousands of tourists passing along this highway, which when completed will be the most marvelous and scenic highway in the world; and

Whereas Theodore Roosevelt, while born in the East, typified the true western American spirit greater than any American President in history, and a monument erected to his memory here, gazing westward across the vast expanse of the Pacific Ocean will be an inspiration to all of our people and, especially the younger generation, viewing it to fashion their lives more in harmony with the ideals he espoused; and

Whereas the cost of this memorial statue will be $50,000, of which sum the Spanish War Veterans will be able to contribute $25,000: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the House of Representatives jointly concurring therein), That we, your memorialists, the Senate of the State of Oregon, the House of Representatives concurring, respectfully ask that Congress make an appropriation to assist the Spanish War Veterans in erecting this memorial statue and appropriate in aid thereof the sum of $25,000.

Adopted by the senate February 8, 1927.

HENRY L. CORBETT,
President of the Senate.

Concurred in by the house of representatives February 14, 1927.

JOHN H. CARKIN,
Speaker of the House.

[Indorsed: Senate Joint Memorial No. 9. Introduced by Senator Upton. John P. Hunt, chief clerk. Filed February 16, 1927, Sam A. Kozer, secretary of state.]

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Sam A. Kozer, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Joint Memorial No. 9 with the original thereof adopted by the Senate and House of Representatives of the Thirty-fourth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 16, 1927, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 17th day of February, A. D. 1927.

[SEAL.] SAM A. KOZER,
Secretary of State.

Mr. SHIPSTEAD presented the following resolutions adopted by the Legislature of the State of Minnesota, which were ordered to lie on the table:

Whereas there is now pending in the Senate of the United States Senate bill No. 3027, known as the Tyson bill, and the same bill is now pending in the United States House of Representatives, designated as House bill No. 4548; and

Whereas both of said bills provide for the retirement of disabled emergency Army officers on equal pay and under the same conditions provided for the retirement of disabled Regular Army officers and disabled emergency officers of the Navy and Marine Corps; and

Whereas all officers disabled in line of duty in the service of the United States during the World War are allowed to be retired on 75 per cent of the pay given their rank at time of disability, except the emergency Army officers disabled in line of duty during the World War; 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 to receive the same benefits accorded disabled emergency officers of the Navy and Marine Corps: Therefore be it

Resolved by the House of Representatives of the State of Minnesota, That we request the Congress of the United States to pass Senate bill No. 3027, or its companion bill in the House, being House bill No. 4548, or some other measure designed to give relief to said disabled emergency officers as provided in said bills; and be it further

Resolved, That the secretary of the house be instructed to furnish each Member of the Minnesota delegation in Congress and the President of the United States with a copy of this resolution.

Adopted by the House of Representatives of the State of Minnesota the 8th day of February, 1927.

JOHN A. JOHNSON,
Speaker of the House of Representatives.
JOHN J. LEWIS,
Chief Clerk, House of Representatives.

Mr. SHIPSTEAD also presented petitions of sundry citizens of Minneapolis and vicinity, in the State of Minnesota, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WARREN presented a petition of sundry citizens of Natrona County, Wyo., praying for the passage of legislation granting increased pensions to Civil War soldiers and their dependents, which was referred to the Committee on Pensions.

Mr. COPELAND presented 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.

Mr. DILL presented petitions of sundry citizens of Spokane and Seattle, in the State of Washington, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also 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 petitions of sundry citizens of the State of Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans, which were referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Cleveland, 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 resolutions adopted by Akron (Ohio) Post No. 209, the American Legion, favoring the establishment in northern Ohio of a hospital, with a bed capacity of 300, for the care of ex-service men suffering from neuropsychiatric diseases, which were referred to the Committee on Finance.

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

He also presented a petition of sundry citizens of Harvard, Mass., praying for the passage of the so-called McNary-Woodruff bill, being Senate bill 718, authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, designed for the protection of watersheds of navigable streams, which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 9640) to add certain lands to the Shoshone National Forest, Wyo. (Rept. No. 1575); and

A bill (H. R. 10467) authorizing the city of Boulder, Colo., to purchase certain public lands (Rept. No. 1578).

Mr. METCALF, from the Committee on Patents, to which was referred the bill (S. 4811) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, reported it with amendments and submitted a report (No. 1576) thereon.

Mr. MAYFIELD, from the Committee on Claims, to which was referred the bill (H. R. 11852) for the relief of M. Tillery and Mrs. V. D. Tillery, reported it without amendment and submitted a report (No. 1577) thereon.

Mr. CURTIS. For the senior Senator from Utah [Mr. SMOOT], who is detained because of illness in his family, I report two bills for the calendar.

The PRESIDENT pro tempore. The reports will be received.

Mr. CURTIS (for Mr. SMOOT), from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 13050) releasing and granting to the State of Utah and the University of Utah any and all reversionary rights of the United States in and to the grounds now occupied as a campus by the University of Utah (Rept. No. 1579); and

A bill (H. R. 13212) granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city (Rept. No. 1580).

Mr. COPELAND, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (H. R. 1691) for the relief of Henry F. Downing (Rept. No. 1581);

A bill (H. R. 4600) for the relief of Frederick D. W. Baldwin (Rept. No. 1584); and

A bill (H. R. 5263) for the relief of Charles James Anderson, former commander United States Naval Reserve Force (Rept. No. 1582).

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

A bill (H. R. 1840) for the relief of Edward A. Grimes (Rept. No. 1583); and

A bill (H. R. 6697) for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force (Rept. No. 1585).

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on February 23, 1927, that committee presented to the President of the United States the following enrolled bills:

S. 1155. An act for the relief of Margaret Richards;

S. 1515. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Daniel S. Glover;

S. 1517. An act authorizing and directing the Secretary of the Treasury to pay to W. Z. Swift, of Louisa County, Va., the insurance due on account of the policy held by Harold Rogis;

S. 1899. An act for the relief of Delaware River Towing Line;

S. 2090. An act for the relief of Alfred F. Land;

S. 2353. An act to amend the military record of Leo J. Pourciau;

S. 2474. An act for the relief of the Riverside Contracting Co.;

S. 2619. An act for the relief of Oliver J. Larkin and Lona Larkin;

S. 2770. An act to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto; and

S. 2899. An act for the relief of the owners of the American steamship *Almirante* and owners of the cargo laden aboard thereof at the time of her collision with the U. S. S. *Hisko*.

BILLS INTRODUCED

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

By Mr. RANSDELL:

A bill (S. 5797) granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana; to the Committee on Commerce.

By Mr. PEPPER:

A bill (S. 5798) for the relief of Atlantic Refining Co., a corporation of the State of Pennsylvania, owner of the American steamship *H. C. Folger*, v. U. S. S. *Connecticut*; to the Committee on Claims.

By Mr. RANSDELL:

A bill (S. 5799) to regulate interstate shipments of cotton, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. DILL:

A bill (S. 5800) to provide for a preliminary examination and survey of Grays Harbor, Wash.; to the Committee on Commerce.

By Mr. FESS:

A bill (S. 5801) 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 Finance.

By Mr. SHEPPARD:

A bill (S. 5802) to transfer Willacy County, in the State of Texas, from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district; to the Committee on the Judiciary.

AMENDMENTS TO SECOND DEFICIENCY APPROPRIATION BILL

Mr. PHIPPS submitted an amendment proposing to appropriate $350,000 to enable the Secretary of Agriculture to construct at Bear River Bay and vicinity, Utah, such dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding ground for migratory wild fowl, etc., intended to be proposed by him to House bill 17291, the second deficiency appropriation bill for the fiscal year 1927, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill 17291, the second deficiency appropriation bill for the fiscal year 1927, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 48, after line 2, to insert:

"Naval air station, Pensacola, Fla.: For construction of Bayou Grande bridge and water line, $200,000."

AMENDMENT OF THE FEDERAL HIGHWAY ACT

Mr. ODDIE submitted an amendment intended to be proposed by him to the bill (S. 4530) amending sections 11 and 21 of the Federal highway act, approved November 9, 1921, amending paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," prescribing

limitations on the payment of Federal funds in the construction of highways, and for other purposes, which was ordered to lie on the table and to be printed.

POSTAL RATES

Mr. MOSES. I ask the Chair the lay before the Senate the action of the House on House bill 13446.

The PRESIDING OFFICER (Mr. McKELLAR 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. 13446) to restore the rate of postage of 1 cent each to private mailing or post cards, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to, and the Presiding Officer appointed Mr. MOSES, Mr. PHIPPS, and Mr. McKELLAR conferees on the part of the Senate.

Mr. COPELAND. The Chair was very hasty in appointing conferees. I wish to put myself on record as one Senator that I want to see the Senate amendments adopted, and I hope the Senator in charge of the bill is going to insist upon the adoption of these amendments.

Mr. MOSES. I will say to the Senator from New York that the three conferees who have been named on the bill are pretty robust in their opinion with reference to the matters contained in the bill and are also pretty robust in their opinion as to their duties as conferees.

Mr. COPELAND. I trust the conferees will prove themselves to be robust in the results of the conference.

TRANSPORTATION OF BLIND PERSONS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2615) to authorize common carriers engaged in interstate commerce to transport any blind person, accompanied by a guide, for one fare, which was to amend the title so as to read: "An act to amend paragraph (1) of section 22 of the interstate commerce act by providing for the carrying of a blind person, with a guide, for one fare."

Mr. WADSWORTH. The House amendment is merely a change in the title. It makes no substantive change in the text of the bill. I move that the Senate concur in the House amendment.

The motion was agreed to.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF WASHINGTON

The PRESIDING OFFICER laid before the Senate the concurrent resolution (H. Con. Res. 57) inviting the full cooperation of the legislatures and the chief executives of the respective States and Territories of the United States in the celebration of the two hundredth anniversary of the birth of George Washington, which was read, as follows:

Whereas the joint resolution of Congress approved December 2, 1924, created the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington, composed of 19 commissioners, as follows: The President of the United States; Presiding Officer of the Senate and the Speaker of the House of Representatives ex officio; 8 persons appointed by the President of the United States; 4 Senators and 4 Representatives, whose duty it is to prepare a plan or plans and a program signalizing the two hundredth anniversary of the birth of George Washington, and to take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions or by bodies created under appointment by the governors of the respective States and by representative civic bodies: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States earnestly and respectfully invites the full cooperation of the legislatures and chief executives of the respective States and Territories of the United States in the execution of the joint resolution of Congress creating the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington in such manner as may seem to them most fitting, to the end that the bicentennial anniversary of the birth of him who was "first in war, first in peace, and first in the hearts of his countrymen"—the pioneer, the soldier, the statesman, the husbandman, the exemplar of American citizenship, George Washington, may be commemorated in the year 1932 in such manner that future generations of American citizens may live according to the example and precepts of his exalted life and character and thus perpetuate the American Republic; and be it further

Resolved, That an engrossed copy of these resolutions be transmitted by the Clerk of the House of Representatives to the presiding officers of the senate and house of representatives of the legislature and to the chief executive of each State and Territory of the United States.

Mr. FESS. I ask unanimous consent for the immediate consideration of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

PRESIDENTIAL APPROVALS

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

On February 15, 1927:

S. 4553. An act granting the consent of Congress to the Chesapeake Bay Bridge Co. to construct a bridge across the Chesapeake Bay from a point in Baltimore County to a point in Kent County, in the State of Maryland.

On February 21, 1927:

S. 68. An act authorizing Dominic I. Murphy, consul general of the United States of America, to accept a silver fruit bowl presented to him by the British Government;

S. 598. An act for the relief of Alexander McLaren; and

S. 5259. An act 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.

On February 23, 1927:

S. 4756. An act for the relief of Capt. Ellis E. Haring and Edward F. Batchelor;

S. 5084. An act to provide for the payment of the amount of an adjusted service certificate to Irving D'Forest Parks, beneficiary, designated by Corpl. Steve McNeil Parks, deceased; and

S. 5622. An act authorizing the acceptance by the Navy Department of a site for an aviation training field in the vicinity of Pensacola, Fla., and for other purposes.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 4893. An act to authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations; and

S. 5671. An act to amend paragraph (c) of section 4 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924.

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:

S. 2849. An act to provide for an additional Federal district for North Carolina;

S. 4876. An act providing for the erection of a monument on Kill Devil Hill at Kitty Hawk, N. C., commemorative of the first successful human attempt in history at power-driven airplane flight;

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

H. R. 11064. An act for the relief of R. W. Hilderbrand.

BUREAUS OF CUSTOMS AND PROHIBITION

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 10729, a bill to create a bureau of customs and a bureau of prohibition in the Department of the Treasury.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the Senate proceed to the consideration of the bill that he has named. Is there objection?

Mr. EDWARDS. I object.

The PRESIDING OFFICER. The Senator from New Jersey objects.

Mr. CURTIS. Mr. President, before I make the motion I am about to make, which will be to take up the bill, I may state that I have had a conference with the Senator from Maryland [Mr. BRUCE] and others in regard to this measure, and we agree on all the amendments except one, and I believe that after some discussion we may be able to agree upon that. I thought it best to make that statement before I made my motion.

I now move that the Senate proceed to the consideration of H. R. 10729, a bill to create a bureau of customs and a bureau of prohibition in the Department of the Treasury.

Mr. JOHNSON. Mr. President——

Mr. CURTIS. I yield to the Senator.

Mr. JOHNSON. I want to be heard for just a moment concerning the motion.

Mr. CURTIS. After the question is stated, I will yield the floor.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of House bill 10729.

Mr. HARRISON. Mr. President, before the question is put may I ask the Senator one question. If the motion prevails, having in mind what transpired the latter part of last week, will the Senator have objection to two hours' time being given to the consideration of the Muscle Shoals measure, this measure to be laid aside temporarily during that time?

Mr. CURTIS. If we can not get it through within a reasonable time. My own judgment is we can get this bill through within a reasonable time this afternoon.

Mr. BRUCE. Mr. President——

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

Mr. CURTIS. I yield the floor.

Mr. JOHNSON. Mr. President, I do not wish to stand in the way of any legitimate legislation. I do not wish to object, indeed, to laying aside temporarily the very important measure which is now before the Senate in order that other business may be transacted, if it be essential that the measure should thus be laid aside; but I can not consent to permit, upon a vote, if I am able to prevent it, the displacing entirely of the business that is now before the Senate, the Boulder dam bill, upon which we have been debating for the last day and a half; it seems like a month and a half to me.

Mr. President, the reason why I can not consent is not on account of any hostility to the measure that is presented by the Senator from Kansas, not, I repeat, from a desire to monopolize the time of this body—because I would willingly consent to lay aside temporarily this measure in order that others might be considered—but the reason, sir, is because events have demonstrated that, so far as we are able, those of us who believe in the Boulder dam legislation must keep it before the Senate and ultimately endeavor to have the Senate act upon it.

I may say, sir, to you and to others who are familiar with this legislation, or attempted legislation, that to-day the House finally has given a rule with six hours debate upon a similar bill, and it is confidently expected, because the House has thus yielded a rule, that the bill will be passed in the House during this week. For this reason, I do not want to have the measure displaced. I trust that there may be some method by which we may consider all the bills that may be deemed to be appropriate or may be deemed important, but I hope that they may be considered without displacing the pending measure.

Mr. CURTIS. Mr. President——

Mr. JOHNSON. I yield.

Mr. CURTIS. If a rule has been brought into the House to consider the measure, would not the Senator save time if he should wait until the House measure reached the Senate and offer that as a substitute for the Senate bill?

Mr. JOHNSON. Not necessarily, because if we are displaced it will be rather difficult for us to determine when we will ever get back.

Mr. CURTIS. It can be taken up on motion.

Mr. JOHNSON. The opposition to the measure, skillful and able by various Senators, as is their right, that is presented here, is an opposition which must of course be taken into account in the endeavors we make to pass the bill; and for that reason I do not want to have it displaced, and I hope it will not be displaced.

Mr. BRUCE. Mr. President, I desire to say that I am delighted to see that the Senator from California [Mr. JOHNSON] is not willing to give his assent to any proposition looking to the exchange of whisky for Colorado River water. As far as I am concerned, there has never been a time when I should not have been glad to see the Senator have an opportunity to obtain a vote upon his bill, and I should have nothing to say if within the next half hour he could obtain a vote upon that measure. Personally, I do not expect to vote for it, but that is no reason why I should filibuster against it or attempt to obstruct its passage or to throw any obstacle of any kind in its pathway. But I do object at the present time to this contemplated displacement.

The Senator from Kansas always acts in perfect good faith whenever he deals with anyone. That has been my experience with him; and it is all very well for him to say that he thinks that an agreement may be arrived at between me and the sponsors of this prohibition reorganization bill with reference to the section in the bill to which I object, but I know, and every Member of this body knows, that, strong as the Senator from Kansas is, there are influences back of him and pushing him forward stronger than he is, and, I regret to say, apparently stronger than the majority of the Members of this body.

The other night I supposed I had arrived at an agreement with my friend the senior Senator from Utah [Mr. SMOOT], whom I regard as one of the ablest and most useful public servants in this body.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Kansas?

Mr. BRUCE. I yield.

Mr. CURTIS. I should have stated that I made the motion to take up this bill at the request of the Senator from Utah [Mr. SMOOT], who is detained from the Senate because of the serious illness of his wife.

Mr. BRUCE. Yes; I regretted very much to hear that the wife of the Senator from Utah was so ill.

I thought I had arrived at an understanding with the Senator from Utah in relation to this bill. He said that he was perfectly satisfied with the amendments that I suggested. Unfortunately, however, through an oversight on his part, and my part, too, the amendment that was incorporated in the bill when it was last up overlooked the fact that assistant or deputy commissioners in the customs department of the Government are at present under the civil service law, and therefore should not be exempted from its operation. But the Senator from Utah informed me that, much to his regret, he had been unable to obtain the assent of the real sponsors of this bill—Wayne B. Wheeler and the rest—to the amendments that I proposed. He was frank and generous enough to say so, and nothing was left for me to do except to antagonize the bill as though no overtures of compromise had been made to me.

I shall oppose the consideration of the bill unless I am assured in advance of favorable action by the Senate upon my proposed amendment, which would eliminate from the bill paragraph (b) of section 5, which endeavors to bring all the prohibition field agents under the civil service law.

Of course, I speak only for myself. I have no right to speak for anybody else in this body with respect to the bill; not for the senior Senator from New Jersey [Mr. EDGE], for instance, nor for the junior Senator from New Jersey [Mr. EDWARDS], nor for anybody else. I am simply stating what I personally am willing to do with respect to the bill. If the section to which I have referred be stricken out, then I shall have no further objection to the measure. I have no objection to the organization of the proposed bureau of commerce nor to the organization of the proposed bureau of prohibition. All I insist upon is that no classified civil service employee shall be brought into intimate contact with the contaminating and corrupting influences of prohibition. I am too much wedded to the merit system of appointment; I took too active a part in its adoption by the Federal Government in my youth; my best efforts were too long enlisted in the application of that impersonal system of appointment to the subordinate officeholders of the State of Maryland and of the city of Baltimore to be willing that prohibition field agents, appointed under the merit system of appointment, should go the evil way that a large percentage of the prohibition field agents heretofore appointed have gone.

The fact was brought out last spring during the prohibition hearings that no less than 875 of some 10,000 prohibition officeholders had been dismissed since the enactment of the Volstead Act from the service of the Government, either for violations of the Volstead Act or for misconduct in some other form or other. And as I showed a few weeks ago, the debasing influence of the practical workings of prohibition has been just as pronounced since those hearings as before them.

Not a day elapses that there is not brought home to us the fact that some prohibition administrator or field agent or some State or city policeman has succumbed to the insidious temptations of prohibition.

Some of you will remember the two Pullman cars that went down from Ohio to the Federal prison at Atlanta freighted with policemen convicted of violations of the Volstead Act.

A few days ago we read of a large number of police officers in Florida who had just been convicted of offenses against the Volstead Act.

A short time ago we read that at a place in South Carolina, called "Hell Hole"—an appropriate name for any place where prohibition is doing its worst—that a number of State police officers had been convicted of participation in violations of the Volstead Act. And so it goes from month to month.

When the Volstead Act was under consideration Mr. Wayne B. Wheeler was not willing that the field prohibition agents should be brought within the scope of the Federal classified service. He wanted to trade the offices to be held by those agents for congressional votes. That fact was brought out some

time ago by Mr. Foulke, one of the former members of the Civil Service Commission. But now, having found that nearly 10 per cent of all the Federal prohibition officeholders appointed at the instance of church organizations or the Anti-Saloon League or himself have been depraved by the insidious effects of prohibition, Mr. Wheeler seeks the enactment of this bill into law.

Mr. REED of Missouri. Mr. President——

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

Mr. REED of Missouri. The number of dismissals for cause nobody pretends covers the number of men who were prompted to resign or who might have resigned under charges. Neither does anybody pretend that we can even hazard a guess as to the number who were not caught and who were neither convicted nor compelled to resign in order to escape discharge or punishment under the law. So that 10 per cent does not at all cover the facts.

Mr. BRUCE. Not at all. It is fair to assume that not a few were not caught because so many other prohibition agents had no wish that they should be caught.

Mr. REED of Missouri. The prohibition director of the State of Missouri, appointed on the suggestion of the superintendent of the Anti-Saloon League, is one of those who is counted here, of course, but his case affords an example. This man, leading this movement in the State of Missouri, was attacking the character of good men. Finally a case was brought into court, and they started to take evidence regarding the gentleman himself. He compromised on an agreement that he would resign his office and cease his activities if the case were not pressed. I have not any doubt there are dozens of such cases right in the department.

Let me make the further suggestion to the Senator, if he will pardon me for making any suggestion——

Mr. BRUCE. With pleasure.

Mr. REED of Missouri. We never have had an investigation of the Prohibition Bureau. We had a hearing upon some bills. The hearing was limited in time. Subpœnas were denied for witnesses, and the evidence which was produced was just such evidence as could be obtained under circumstances of that kind, so there was no chance to follow up and ascertain what the real facts are with reference to the number of men who have been detected in culpable acts.

Mr. BRUCE. Unquestionably only the surface of the corrupt conditions created by prohibition has been opened up.

Now, existing methods of appointment to the prohibition field service having been brought into discredit, it is proposed that prohibition shall extend its corrupt sway into the sphere of the Federal classified service, too. I have not the slightest doubt, such is my confidence in the merit system of appointment, that prohibition field agents appointed under the Federal merit system of appointment would for a time be a decided improvement over the present prohibition field agents. But they, too, would succumb, for sooner or later all men seem to succumb to the degrading influence of this law, which works shipwreck of human character, because it has no real moral force behind it, because it is a violation of reason, because it is a violation of nature, because it attempts at all times and at all places and under all circumstances to make something criminal per se which is not essentially criminal at all. Those are the reasons why the Volstead Act commands no full measure of popular acquiescence. Those are the reasons why almost everybody, high or low, who has anything to do with its administration sooner or later becomes besmirched. We have had illustrations of the fact that even prohibition administrators yield to its base solicitations. So if we bring the prohibition field agents under the civil service system the only effect will be to vitiate that system, to bring it into popular disrepute, and to give political intriguers and spoilsmen a better opportunity than they have ever had in the past to assert their unremitting hostility to it.

As I have often had occasion to say on the floor of the Senate, the State of Maryland ever since the enactment of the Volstead law has refused to enact any State prohibition enforcement law. The main reason why it has refused to do so is because it did not want the police force of Baltimore City to be tarred with the dirty stick of prohibition. What is the result?

Our police headquarters in the city of Baltimore are on one side of a square. The Federal district court is on the other side of the square. The Baltimore Evening Sun stated a few days ago that there has been one arrest for violation of the Volstead Act for every 200 inhabitants of the city of Baltimore. Day after day we have a file of bootleggers and other liquor offenders and their accomplices and abettors passing through the corridors of the Federal district court of Baltimore, and so overwhelming has been the pressure of the business of the court resulting from prohibition that our Maryland Federal district judge—an able and active judge—is afraid that he will have to take to his bed and remain there indefinitely. He is, I am informed, more than a year behind with the business of his court. The suitor, the lawyer, the citizen, everybody is complaining of the arrearages that are clogging its docket. In this court, too, persons have been arrested and convicted who were present or former prohibition agents or individuals connected in some way or other with Federal prohibition enforcement.

How is it at the city police headquarters on the other side of the square? How far have they been protected from abuses by the refusal of the State Legislature of Maryland to have any hand in the enforcement of the prohibition law? I may be wrong, and it is always dangerous to rely on one's memory too confidently when speaking on the spur of the moment, but if I am not mistaken scarcely a single police officer of the city of Baltimore, if any, has ever been involved as such in a prohibition scandal. We know that that would not have been the case if the Baltimore city police had been required to cooperate with the Federal prohibition agents in the enforcement of the Volstead Act.

Mr. CURTIS. Mr. President——

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

Mr. CURTIS. I understood the Senator in his opening remarks to say that if the two amendments which he has suggested were agreed to he would have no opposition to the bill.

Mr. BRUCE. None at all.

Mr. CURTIS. Of course, I can not agree for the Senate, but so far as I am individually concerned there will be no opposition to the two amendments on my part, if the measure can be acted upon this afternoon.

Mr. BRUCE. I thank the Senator. He has reached the same conclusion which the Senator from Utah [Mr. SMOOT] reached, and which I think that any reasonable, open mind would reach under the circumstances. For the present, therefore, I have nothing more to say.

Mr. NORRIS obtained the floor.

Mr. WALSH of Massachusetts. Mr. President, a parliamentary inquiry. Is it permissible to amend the motion by striking out the number of the bill and inserting the number of another bill?

The PRESIDING OFFICER. It is not permissible.

Mr. NORRIS. Mr. President, I am in favor of the bill which the Senator from Kansas has proposed by his motion to take up, but I am not in favor of taking it up at the expense of displacing the unfinished business, the Boulder dam bill.

I want to call the attention of the Senate first to the fact that the bill, which the Senator by his motion proposes to take up, is a House bill which has already passed the House. The unfinished business is a Senate bill, so that it has farther to travel than the House bill, practically twice the distance, before it can be enacted into law. In my judgment it is unfair to take the bill which has the farthest to travel and displace it with a bill that has only to pass through the Senate. It may be said that the House bill may be amended. That may be true, but the same thing can be said of the other bill, which may be amended in both Houses. It rather seems to me that if the unfinished business, the Boulder dam bill, were displaced now by the bill to which the Senator from Kansas has referred, it would be a physical impossibility to pass the Boulder dam bill before the fourth day of March.

I know Senators have preferences between these two bills, and I am not complaining of that, but I believe a majority of Senators are in favor of both bills. It does not seem to me to be fair after we have considered the pending bill for a little over a day and there has developed against it a filibuster that we should then lay it aside and take up some other measure. Does the Senate propose to take up the bill which the Senator from Kansas [Mr. CURTIS] would have taken up by his motion, and if there is a filibuster against it lay it aside; and so will we travel on, meaning logically that from now until the 4th of March we shall pass no bill unless it shall be practically by unanimous consent?

Mr. President, I do not believe the Senate ought to say, now that we have wasted all the time that has been devoted to this bill, that we shall now start on a new one, that, as I said, has already passed the House of Representatives. I wish to see both these bills enacted into law, but, anxious as I am for the passage of the bill which the Senator from Kansas has proposed to be considered by his motion, I do not believe and I will not admit that it is of greater importance, in fact, I think, important as it is, it is of less importance than is the Boulder dam bill. I do not know when we have had in recent days or months a bill before us that is of more national importance and which comes nearer to laying down a national

policy in the control, management, and improvement of the national resources of the country than the bill which is now the unfinished business. I do not intend to detain the Senate long nor to enter into a discussion of the merits of either one of these bills, but I do feel that I am justified, since I have not spoken upon this bill, to call attention briefly to what are admitted to be the facts which, in my judgment, are the material facts in connection with the Boulder Canyon bill.

Thus far the debate has been entirely on the part of Senators who represent some one of the States that are directly involved. Everybody knows that the State which I in part represent has no such interest in the question; it has only the interest that every citizen of the United States ought to have; and from my study of the bill and an examination of the ground, both of the dam site and of Imperial Valley and the irrigation ditch therein and the river on Mexican soil, I have reached the conclusion that there is more humanity in this bill than in almost any other bill that the Senate has ever had before it. So I wish briefly to call attention to what everybody admits to be true.

Imperial Valley, lying in some places more than 300 feet below sea level, depending for its water, depending for every blade of grass that grows there upon irrigation, depending upon irrigation in most parts of the valley for its domestic supply of water—Imperial Valley, whose soil is as rich as any soil on earth, is inhabited by 65,000 American citizens, with their homes, their husbands, their wives and children, and with everything on earth they have invested there. It has cities of considerable size, modern in every respect, with paved streets and beautiful public buildings, and a citizenry almost entirely American, as patriotic, as intelligent as any that dwells anywhere beneath our flag.

Senators may say those people went there of their own accord. It is true they did, but they went there with our consent; they went there under the laws of the United States. They have redeemed the desert and made it into a garden. They are dependent, however, for their existence, for their livelihood, for everything they have that is near and dear to them that has come from their sacrifices and their toil—they are dependent upon water, and they are at the mercy, and so is all that property, so are their homes, at the mercy of the flood waters of the Colorado River, which flows above them; and it is admitted here, admitted by all students who have studied the subject, that eventually, unless in some way the flood waters of the Colorado River shall be restrained, Imperial Valley will again become part of the ocean. There is no escape from that conclusion; nobody denies it; those who oppose the bill admit it; it is as true as gospel that unless in some way those flood waters shall be controlled that time must come, because if Senators will study the formation of the Imperial Valley they will find that once it was a part of the ocean; all of that territory was built up by the silt that was brought down from the Colorado River. The Colorado River, which brings down silt, is daily lifting its bed higher and higher, and it will be an impossibility to continue to build the dikes higher and higher.

The catastrophe may not come to-day, or it may be that it will come, before the sun sets to-night; it may not come in the next year or in the next five years; but in all probability it will not be much longer delayed than that, because they have almost reached the limit of raising the dikes to keep the flood waters back, and eventually it will be impossible, because as the bed of the river gets higher the dikes must be built still higher or the river will overflow the valley in times of flood. That is the condition of Imperial Valley. It can not be permanently saved by the building of dikes; it can not be permanently saved unless the flood waters of the Colorado River shall be controlled, and they can not be controlled unless a dam is built not farther up the river than the point above which a great portion of the water comes into the river. A flood-control dam to amount to anything can not be built unless it is built at the mouth of a natural reservoir. Such a reservoir is Boulder Canyon, which is the nearest available site to the mouth of the Colorado River and is below most of the flood waters which come into the Colorado River. That is the first place in traveling up the river where there is a natural location for works to secure such flood control.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. FLETCHER. I have never been out there, and therefore am ignorant of the conditions. Do the people of the Imperial Valley get all the water they want now?

Mr. NORRIS. No; they do not.

Mr. FLETCHER. I understood that they were in quite a flourishing condition now and were getting ample water.

Mr. NORRIS. There is only a little over half the Imperial Valley that is irrigated; the remainder of it is above the ditch. The passage of this bill will enable them to build what is called an all-American ditch instead of going around into Mexico. and it will strike the basin higher up than in the case of the present ditch.

Mr. FLETCHER. Where is the Roosevelt Dam located?

Mr. NORRIS. Oh, that is on a different stream entirely; that has nothing to do with this; it is a different watershed, I will say to the Senator.

Mr. JOHNSON. Mr. President, may I say in answer to the Senator from Florida that the Imperial Valley does not have all the water it wants. It has two troubles; first, flood, and next drought. In the low season of water Mexico takes the 50 per cent to which Mexico is entitled, and what is left goes into the Imperial Valley. Two years ago the losses were $6,000,000 because of the lack of water.

Mr. FLETCHER. Is there any danger if this dam shall be built of diverting any of the water that ought to go into the Imperial Valley into some other region?

Mr. JOHNSON. No; if this dam shall be built, there is a unified plan by which an all-American canal will be constructed, as well, fed from the great storage reservoir that will be created back of the dam, and that all-American canal, with its regulated flow, will provide all of the water that is essential to remove all danger of drought.

Mr. FLETCHER. I did not know whether this dam might result in diverting some of the water elsewhere, to some other region.

Mr. NORRIS. No; there is no such proposition involved in any pending legislation; none whatever. It is proposed to provide an immense reservoir, as I have said, and it will be the nearest reservoir to the mouth of the Colorado River. Everybody admits that a dam for the purpose of flood control ought to be constructed. Flood control is the most important thing. Irrigation and water power sink into insignificance, in my opinion, when the homes and lives of men and women are involved—at least the homes, for the inhabitants could drive out before the Colorado River would fill up the entire basin, even if it were flowing right into it to-day. The important thing is that human life is in a measure involved, and that the property of men and women, who have worked their entire lives to acquire it, will be absolutely destroyed unless some time before it is too late provision shall be made to hold back the flood waters of that stream.

What it is proposed to do is to build a dam at Boulder Canyon which will create an immense lake back of it, able to hold the flood waters of the Colorado River and to regulate the flow of the stream. There are times now when there is not enough water to irrigate the Imperial Valley, especially if the waters must also irrigate lands in Mexico; there will be times when the dam will let out more water than flows into the Colorado River at its low stage; but there never will come a time, judging from the experience of the past—and we believe that this is a reliable guide—when it will not be able to hold back the flood waters, at least not for several generations.

That is the proposition involved here; that is what it is proposed to do. We are late now in doing this for our fellow citizens; and, Mr. President, regardless of what may be said about power, regardless of what may be thought about irrigation, I can not conceive how anyone can be against a bill of this kind that seeks to save the homes of 65,000 of our people who are honestly, lawfully, and legitimately in possession of that territory.

The irrigation ditch, the only one that comes into Imperial Valley, is taken out of the Colorado River near the Colorado line, on the American side of the line; but the way the land runs it has to go over into Mexico, 60 miles of it, so that when it gets back on the American side—being compelled, of course, to run by gravity all the time—it is lower down on the side of this basin that comprises Imperial Valley than the water would reach that valley if, instead of going around through Mexico, it went straight through American territory. Hence the all-American canal will almost double the irrigable land of Imperial Valley. It will reach land that can not be reached now. But now, Senators, anyone in Mexico under a foreign flag, any dozen men, any one man, could often ruin the ditch that carries water to all these people, and if that water ceased to flow it would not be 10 hours before the suffering would begin. You can not raise anything in Imperial Valley without irrigation. It is a garden spot with water. It is a barren desert, without any green growing thing in it, if the water is not there.

Now we are asked to displace this bill and take up another bill which I admit is important, which I want to see enacted into law, but I am unwilling to displace a bill of this importance for the purpose of doing that. I do not believe there

is a Senator here, regardless of what he may think about water power and irrigation, who, if he really could see the condition of the Imperial Valley and realize what this legislation means to those people, would not be willing to stay here day and night until we passed or at least got the expression of the Senate on legislation of that kind.

You could build a dam somewhere else, 125 miles farther up. There is not as good a basin for the holding of water there. It will not hold nearly as much. If you did it, there would be a lot of water that comes into the stream below that dam that your basin would not catch. That is admitted. Nobody disputes it. Everybody admits that whether we postpone it or not, if we are going to save Imperial Valley this dam must be built at the particular place designated in this bill. Now, why delay it, when delay may mean the destruction of hundreds of millions of property of men who have acquired it as honestly and fairly and legitimately as property has ever been acquired anywhere?

I remember another thing that I think the Senate ought to know. The place where these breaks occurred in the banks of the Colorado River is not on American soil. It is over in Mexico; but the Americans have to take care of the dikes over there. The Farmers' Irrigation Co., which owns the water that goes into Imperial Valley, owns a railroad that crosses the line and goes over into Mexico, where they have carried thousands and thousands of carloads of dirt and of rock and dumped it along the railroad where the break made it necessary to build the dike. They have paid thousands and thousands of dollars of tariff to the Mexican Government for the right to take this rock into Mexico to build up the dikes that do just as much good to the Mexican irrigators as they do to the Americans. They had to pay a tariff upon the rails and the ties that are in the railroad. This bill will make those people in the Imperial Valley independent of a country over which we have no control whatever; and I appeal to Senators that it is only fair, it is only just that we should fight this thing out while we are part way through, and not change horses in the middle of a stream.

Mr. EDGE. Mr. President, as I have already announced in this Chamber, I am not opposing the so-called prohibition reorganization bill, because, as has been expressed by the Senator from Maryland [Mr. BRUCE], I think it is good policy to have other departments cleared of the contaminating influences of attempted prohibition enforcement, particularly the splendid Department of Customs; and, as I understand existing law, they are intertwined, and the Customs Department has suffered considerably thereby.

Mr. CURTIS. Mr. President, will the Senator yield for a moment?

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

Mr. EDGE. I do.

Mr. CURTIS. If it is evident that the Senator from New Jersey and others intend to take up the time until half past 5 in discussing this motion, I feel like withdrawing it.

Mr. EDGE. Mr. President, I can speak only for myself. I am not going to take the time of the Senate for 10 minutes. I want to express my own view, and that is all I desire to say.

Mr. CURTIS. Then, when the Senator concludes, I will raise the question again.

Mr. EDGE. I believe in the enforcement of all law, no matter how much I disagree with the law; and I am convinced, further, that a prohibition department absolutely by itself, in no way intertwined with the Customs Department or any other department of the Government, will probably have a better opportunity and perhaps meet with more success, and everybody knows more success is needed. But, Mr. President, I oppose this motion partially for the reasons expressed by the Senator from Nebraska and for other reasons. I believe with a little generalship, a little give and take, the opposition to this reorganization bill possibly could be removed and the bill passed.

The Senator from Maryland [Mr. BRUCE] has clearly indicated that viewpoint. I have likewise. I can not speak for others; but, at least, the effort could be made. If this motion should prevail, however, it is perfectly evident that if any effort is made to delay consideration days probably will elapse before a vote could be reached; and even if, as has been suggested, or perhaps threatened, cloture should be invoked, everyone knows that that means, under the rules, another 48 hours, with, following that, an hour allotted to every Senator who desires to use it to speak, which would extend the time of the consideration of this measure practically until next week.

Why is that necessary? Why not make further efforts to reach an agreement and pass this bill, in view of the fact that most of the opposition seems to have been met, and not in the last days of the session, with much more important legislation which we should consider, consume this time, it seems to me, absolutely unnecessary?

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

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

Mr. BRUCE. May I say, especially is that so as there is another bill pending here seeking to bring these prohibition field agents under the civil-service system.

Mr. EDGE. I was just going to refer to that. I wanted, however, to draw attention particularly to the Alien Property Custodian bill, which has been reported from the committee and is on the calendar, which affects thousands and thousands of citizens. In my judgment, there is a moral obligation to make some final disposition of that measure, getting it into conference, probably, so that the two Houses, if possible, could agree upon a bill. If, however, we are going to consume four or five days on a bill, the principle of which seems to be generally agreed upon, the separation of the two bureaus, it is unfair to other legislation.

Mr. CURTIS. Mr. President, if the Senator will yield, I will withdraw my motion.

Mr. EDGE. I yield the floor.

Mr. CURTIS. I withdraw my motion.

The PRESIDING OFFICER. The Senator from Kansas withdraws his motion to proceed to the consideration of House bill 10729.

Mr. REED of Missouri. Mr. President, I am perfectly aware of the fact that time consumed in speaking for the Boulder dam bill is probably, in effect, an injury to the bill. I simply want to say a very few words touching that measure.

In my judgment, the work proposed to be done is a very great and important one. The objections that I have heard raised do not seem to me to be sufficient to warrant the postponement of this work.

The question of the disposition of power is one that can be controlled by the Government. If the Government builds this dam and creates this power, it ought to be able so to control the situation as to see to it that the power is not monopolized and no State is treated unjustly.

So far as I am concerned, I am rapidly coming to the conclusion that, no matter how much we may be opposed in principle to the Government entering into business, as we sometimes state it, if the great water powers of this country are either to be monopolized by one or two great power combinations or that power must be controlled by the Government and then under some equitable and proper system the power sold to power companies, so that the people may get some benefits from these natural resources, it seems to me that the Government is going to be practically compelled for the protection of the people to continue to control in those cases where the Federal Government expends the money and has the right to control, and that in other cases the Federal Government ought not to interfere so that the States can not control their own water powers.

That is little aside from this bill. I have heard no argument against this bill that is convincing to me. The benefits to accrue are very great. In one sense an emergency exists, and I think that this bill ought to be kept before the Senate until it is disposed of, and when it is disposed of there is another great bill that ought to receive the attention of the Senate at this session, and that is the alien property bill.

Millions of dollars are being withheld from people who are justly entitled to their money. The honor of the Nation is involved. We made our peace with Germany; the war is over by treaty regulations, and I hope that its animosities are disappearing from the hearts of our people and that our eyes are turned to the future and toward the establishment of friendly relations with those peoples with whom we were recently in conflict.

One thing that ought to be done, since we have made these treaties—one thing, indeed, which ought to have been done in consonance with the treaty which existed when the war broke out—is to deal honestly and fairly with the people whose property was impounded during the war.

I do not want to take time to discuss that. That bill is here, and for eight or nine years the owners of those properties and claims have been deprived of their money. The honor, the integrity, the good faith of this Nation can be seriously impaired if that bill is not considered and if just recompense is not made to those people who are suffering the loss of their money.

These two great measures ought to be considered. The Boulder dam proposition is here now; let us dispose of it. We

spent all night last night in an effort to bring that measure to a vote. The Senator from Arizona [Mr. ASHURST], believing that the interests of his people were affected, stood on his feet—I do not know how many hours, but he stood here in his determined opposition—and made as splendid a fight as I ever saw made on the floor of the Senate.

On the other hand, the proponents of the bill stood here contending for the bill. If we were going to reduce this to a question of exhaustion so as to get a vote and prevent the defeat of this bill by a filibuster, the bill should have been kept here this morning, and no person should have spoken except those who were carrying on—I do not like to call it a filibuster, but I guess it was pretty nearly that—who were carrying on the filibuster.

We have taken up the whole of the forenoon to-day in the consideration of other matters, and, of course, a good thoroughbred horse like my friend from Arizona needs only a few hours' rest, and he is ready for another marathon.

Let us dispose of this business. Let those who are opposed to the bill continue their opposition as long as they can. Let us keep the bill before the Senate, and when we are through with that let us take up the alien property bill and dispose of that.

As far as the prohibition bill is concerned, twice the proponents of prohibition have drawn their own measures, twice they have brought them here, and the law has been enacted as it was dictated from the gallery of the Senate by paid gentlemen who come here and lobby all the year around.

Now they have brought forward another bill. I do not know whether it is sound or unsound. I want a little time, at least, to look into it and to know what is back of it. I am not in favor of postponing these great measures for this other measure, which is, in my judgment, somewhat inconsequential.

Mr. ASHURST. Mazeppa answered, "Ill betide the school wherein I learn'd to ride!" Mr. President, if I have spoken at undue length, I learned that dubious art from a master at whose feet I have sat for some years, the eminent Senator from Missouri [Mr. REED]. He has taught many lessons. I am not nominating anyone for President of the United States, the people will do that, but the able Senator from Missouri [Mr. REED], wherever his white plume appears, attracts the admiration and the just admiration of men, whether we agree with him or not.

In bygone days——

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

Mr. ASHURST. Certainly.

Mr. CARAWAY. While the two Senators apparently are on different sides of this question, I judge from the compliments that they certainly have some kind of an understanding.

Mr. ASHURST. I can not withhold a compliment due to the Senator from Missouri simply because he opposes me on the Boulder Canyon bill. I have seen him stand almost alone and fight valiantly for what he believed to be a great cause and a principle. Surely he does not draw strictures upon me for following his shining example.

Mr. REED of Missouri. I am not criticizing the Senator from Arizona at all.

Mr. CARAWAY. I thought I was right about it. [Laughter.]

LOANS TO VETERANS UPON CERTIFICATES

Mr. ASHURST. Mr. President, it must be obvious to men who think into things instead of around things that the Boulder Canyon dam bill can not pass at this session. That is not a threat. I have a sort of contempt for men who make threats.

It is impossible for the Senate within the next eight and a half days to pass the Boulder Canyon bill. Neither the modest efforts of myself nor those of my colleague, nor those of other Senators who view the matter as I do, could stay the progress of the Senate on a bill of this sort, except for the fact that, as Senators begin to examine this bill, they will discover that it deals with one of the most complex and difficult subjects with which they will ever deal, and that legitimate debate would take not less than a fortnight. We have only eight and a half days.

Whilst we are discussing measures which ought to pass, let us not forget the soldier, his widow, and his orphan. Mr. President, I ask to have inserted in the RECORD an editorial from the Asheville Citizen and an editorial from the Arizona Daily Gazette.

I also ask to insert in the RECORD a resolution adopted by the Morgan McDermott Post, No. 7, of the American Legion, Tucson, Ariz., on January 20, 1927.

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

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

[From the Asheville Citizen, February 14, 1926]

ROBBING THE VETERAN

Here is an outrage that tops the list of all those things, ancient and modern, commonly cited to prove the ingratitude of governments. It is the clause in the World War veterans' act, section 202, article 7, which reads:

"After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally and permanently disabled) who are being maintained by the bureau in a hospital of any description and who are without wife, child, or dependent parent, shall not exceed $40."

That for sheer cruelty and picayune rapacity excels every littleness of which governments have been capable. It strikes at sick and crippled men who, called by their country from the business of laying the foundations of their futures, took ship for another country and there fought above the clouds on the wings of death and plunged laughing into the hell of single-handed conflict, and fronted avalanches of shell and steel, and scaled mountains belching fire, and in the end planted their banners on the heights of victory to make our happiness sure and our liberties everlasting.

It robs weak and helpless men who got their wounds and lost their limbs because they gave to their country and their flag all they had—their health, their strong young bodies, their ambition for careers in their chosen lines of endeavor, their dreams of love and hopes of a home and wife and children to welcome them at the close of the day's work. It robs them, because they were rich in heroism, the thing we promised to repay with medals, honors, and a Nation's unlimited generosity.

Their reward is a bed of pain and a hospital's walls and the reflection that because they have won a war and are to-day fighting a long, unending battle they are enriched to the extent of less than $10 a week.

Pending in Congress to-day is a bill to do away with this governmental meanness, and the wonder is that it is still pending instead of enacted into law. The original outrage was perpetrated when patriotism slumbered and justice was off duty. But now that it is detected no citizen will excuse it, no Congressman vote to prolong it.

If such statutory greed can be continued, fair play is dead in our halls of legislation. The man who, prating of patriotism and debts to heroes, advocates that unplumbed depth of littleness is a traitor to his country and his trust. He is worse than that; he is blood brother to the Judas who marked his Master with a kiss and sunk his own soul with the unbearable burden of its cheapness.

[From the Oregon Daily Gazette]

It has been brought to our attention by the disabled veterans at the United States Veterans' Bureau hospital at Whipple that under a clause in the World War veterans' act the compensation of all disabled veterans without dependents will be cut to not to exceed $40 a month after June 30, 1927.

This measure will work a great hardship on the men to whom it applies. These men are in hospitals suffering from disabilities which are directly the result of their war service. They are fighting valiantly to regain the health lost during their war activities so that they may again take their place in the world. They are still fighting the war, though it may be but a dim memory to the great majority.

The men against whom this unjust measure is aimed need the small monetary assistance they are now receiving to help provide for future welfare, to prepare for the time when they may be able to leave the hospital, and to supply small comforts while hospitalized. The clause permits of an interpretation which would take compensation away entirely from these disabled veterans.

The number of men who come under this clause is comparatively small, and therefore the economy it represents is negligible compared to the amount of benefit these men derive from the compensation it would deprive them of.

We can not believe that it is the sentiment of the American public that these men should be cut down in this manner. If anything the veterans who were so badly disabled that they have needed hospitalization down through the years since the war should be given a premium for the suffering they have been forced to undergo. It would be an act of loyalty to these men, who were loyal to us to the point that they sacrificed their health and their future, if every person enjoying the blessing of good health would communicate with the Members of Congress and urge them to support the amendment to section 202, article 7, of the World War veterans' act, which will correct this wrong that will otherwise be inflicted on them after June 30.

Resolution

Whereas the last provision of paragraph 7, section 202, of the disabled American veterans' relief act, passed by Congress on June 6, 1924, as amended by act of Congress of July 2, 1926, reads as follows, to wit:

"After June 30, 1927, the monthly rate of compensation for all veterans (other than those totally or permanently disabled) who are being maintained by the bureau in an institution of any description,

and who are without wife, child, or dependent parents, shall not exceed $40"; and

Whereas this provision constitutes a clear and unjustified discrimination against veterans of that class who are seeking to regain their health in Government hospitals and places a penalty upon the honest effort of the men who are taking advantage of the opportunities to regain their health which are offered to them, and the placing in effect of this provision would likely be the cause of many men leaving Government hospitals before their physical condition justified the leaving of a hospital; and

Whereas the Congress of the United States should not at any time, or in any manner, make or seek to make any distinction between disabled veterans, except upon the question of physical disability alone, and any effort of the Congress to discriminate as between disabled veterans of the same degree of disability should be branded as inequitable, unfair, and plainly unjust; and

Whereas any disabled veteran who has been or may hereafter be awarded compensation in accordance with the degree of his disability is entitled to the payment of full compensation for his disability, without regard to his being or not being a patient in a Government hospital, and without regard to his being or not being married, or having or not having children or dependent parents, and any distinction made between men of the same degree of disability is arbitrary and against the American spirit of a square deal; and

Whereas we fear that the enforcement of this provision would prove to be an opening wedge of a concerted effort to deprive all disabled veterans of the right of compensation, and that its enforcement would pave the way for the reduction of compensation of those veterans described in said provision to an absolute minimum, the provision setting out that the monthly rate of compensation of such veterans "shall not exceed $40," thereby giving the bureau an unrestricted power to reduce the compensation of such veterans to nothing at all, pauperizing them and rendering them helpless; and

Whereas such condition would, beyond question, bring about an untold amount of mental suffering and worry which would naturally react to the detriment of the physical condition of such veterans, thereby tending to break down and destroy whatever good results which might have been attained by the long-continued fight for the relief of disabled veterans: Now, therefore, be it

Resolved by members of Morgan McDermott Post, No. 7, the American Legion, Tucson, Ariz., in regular meeting asembled on this 20th day of January, 1927, That we unanimously recommend the repeal of the provision of the law quoted above, and that we sincerely urge the Congress of the United States to repeal said provision on the grounds of fairness, justness, and square dealing; and be it further

Resolved, That copies of this resolution be forwarded to the Hon. CARL HAYDEN, Member of Congress, and the Hon. HENRY F. ASHURST, United States Senator, and to the Hon. RALPH H. CAMERON, United States Senator, and to the Hon. LEWIS DOUGLAS, Congressman elect from Arizona, and to the Committee on World War Veterans' Legislation of the House of Representatives.

* * * * * * *

The foregoing resolution was unanimously adopted at a regular meeting of Morgan McDermott Post, No. 7, the American Legion, Tucson, Ariz., on January 20, 1927.

Mr. ASHURST. Mr. President, I now move that the Senate proceed to the consideration of H. R. 16886, a bill to authorize the Director of the United States Veterans' Bureau to make loans to veterans upon the security of adjusted-service certificates.

I demand the yeas and nays upon that motion.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Arizona.

Mr. JOHNSON. Mr. President, there is no reason, of course, why this legislation can not be passed, and will not be passed. There is no necessity, except the necessity that confronts the Senator from Arizona in this particular controversy, for moving to take it up at this particular time. The design, of course, is obvious. I presume the Senator seeks to displace the pending business.

Mr. ASHURST. Will the Senator yield?

Mr. JOHNSON. Surely.

Mr. ASHURST. The Senator is a student of natural philosophy, and knows that two bodies can not occupy the same place at one and the same time. Of course I intend to try to displace the bill the Senator has so ably advocated.

Mr. JOHNSON. Mr. President, that is part of the filibuster which is being attempted upon the Boulder dam bill. I do hope, while we may make the arrangements which are essential for taking up this veterans bill at any time and under any circumstances, that this motion will not be agreed to.

We have just had a discussion here concerning another bill which was designed to displace the unfinished business. There is no reason in the world why this veterans bill, to which there is no opposition, and which ultimately will be passed, of course, should displace the unfinished business that is before the Senate now, the Boulder dam bill. I trust that those who believe in that legislation, as well as those who believe in the legislation that is sought to displace it, will not permit the motion to prevail.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. I do not know how he would vote. I am unable to obtain a transfer and therefore withhold my vote.

The roll call was concluded.

Mr. BRATTON. My colleague, the senior Senator from New Mexico [Mr. JONES], is absent on account of illness. If he were present, he would vote "yea" on this question.

Mr. McMASTER. My colleague, the senior Senator from South Dakota [Mr. NORBECK], if present, would vote "nay."

Mr. ROBINSON of Arkansas. I desire to announce that the senior Senator from Delaware [Mr. BAYARD] is detained from the Senate by reason of the funeral of former Senator Willard Saulsbury.

Mr. PITTMAN. I wish to announce that the Senator from Rhode Island [Mr. GERRY] is necessarily detained from the Senate. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce the necessary absence of the Senator from Nevada [Mr. ODDIE] on account of illness.

The result was announced—yeas 31, nays 43, as follows:

YEAS—31

Ashurst	Glass	Neely	Steck
Blease	Harris	Overman	Stephens
Bratton	Hawes	Phipps	Swanson
Broussard	Heflin	Pine	Trammell
Cameron	King	Ransdell	Tyson
Caraway	McKellar	Robinson, Ark.	Underwood
Ferris	Mayfield	Sheppard	Walsh, Mass.
George	Metcalf	Smith	

NAYS—43

Bingham	Ernst	Kendrick	Sackett
Borah	Fess	Keyes	Schall
Bruce	Frazier	La Follette	Shipstead
Capper	Gillett	Lenroot	Shortridge
Copeland	Goff	McMaster	Stewart
Couzens	Gooding	McNary	Wadsworth
Curtis	Gould	Moses	Walsh, Mont.
Dale	Hale	Norris	Warren
Dill	Harrison	Nye	Watson
Edge	Johnson	Pepper	Willis
Edwards	Jones, Wash.	Reed, Mo.	

NOT VOTING—21

Bayard	Harreld	Oddie	Stanfield
Deneen	Howell	Pittman	Weller
du Pont	Jones, N. Mex.	Reed, Pa.	Wheeler
Fletcher	McLean	Robinson, Ind.	
Gerry	Means	Simmons	
Greene	Norbeck	Smoot	

So Mr. ASHURST's motion was rejected.

ALIEN PROPERTY ADJUSTMENT

Mr. ASHURST. Mr. President, this may be the last opportunity Senators will have to do justice to those ex-service men who went through the iron storm of war in order that liberty and opulence might prevail throughout the United States. A high duty of a nation is to keep its treaty. Therefore I now move that the Senate proceed to the consideration of Calendar No. 1415, the bill (H. R. 15009) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds. Upon that motion I ask for the yeas and nays.

Mr. REED of Pennsylvania. Mr. President, on Monday evening last the Senate wasted the entire evening. I was more to blame perhaps than any other Senator for promoting that waste in the controversy over the bill to permit loans from the Veterans' Bureau directly to the holders of adjusted compensation certificates. Every Senator present, so far as I could discover, was in favor of that bill. The bill was not passed because the Senate had added to it an amendment offered by the Senator from New Mexico [Mr. BRATTON] changing some of the provisions of the World War veterans' act of 1924, and because of the controversy over that amendment the bill in which we all believed was forced back to the calendar on Monday night.

We are going to take up the calendar again to-night, and that bill will again be reached, and there is every reason to anticipate a similar controversy and a similar result.

I have not changed my mind in the least about the amendment of the Senator from New Mexico, but I realize that it is doing a great injustice to many meritorious bills on the calendar to allow that controversy to be renewed again to-night and to waste three hours of the time of the Senate which ought to be spent on the calendar.

Therefore, swallowing my opinion about the amendment, I am going to ask unanimous consent that the unfinished business be temporarily laid aside and that the veterans' loan bill, with the amendment of the Senator from New Mexico——

Mr. ASHURST. Or any other amendment any Senator sees fit to offer.

Mr. REED of Pennsylvania. Will the Senator permit me to finish—with the amendment of the Senator from New Mexico in the shape in which it came from the Committee of the Whole and is now pending in the Senate, so that that bill may be considered and passed at this time. I am convinced it will be passed in 60 seconds if consent is given.

Mr. JOHNSON. Mr. President, I very gladly consent to the course suggested by the Senator from Pennsylvania.

Mr. ROBINSON of Arkansas. Mr. President, I gave notice on yesterday, a notice which was read and printed in the RECORD, that some time to-day I would make a request similar to that which the Senator from Pennsylvania [Mr. REED] has just made. I want to say that I think the request should be granted. The bill unquestionably would have passed on Monday evening last but for the fact that just prior to the time when the Senate had agreed to adjourn, at 11 o'clock, a demand was made on the Senator from New Mexico [Mr. BRATTON] to the effect, substantially, that he consent to a reconsideration of the vote by which his amendment had been agreed to; otherwise that the bill should fail. It was manifestly impossible under the circumstances to secure action on the bill, because the Senate had expressed itself by an overwhelming vote in favor of the amendment of the Senator from New Mexico. I believe that the Senate ought to pass the veterans' loan bill, and I hope that some agreement may be entered into looking toward that end.

Mr. BORAH. Mr. President, do I understand that the unanimous-consent agreement provides for the consideration of the bill and any amendments which may be offered?

Mr. REED of Pennsylvania. If any additional amendments should be offered, I should feel compelled to call for the regular order.

Mr. BORAH. Before I agree to the unanimous-consent agreement, I should like to know whether that would be the effect of the unanimous-consent agreement, if entered into, that amendments may be offered in case the bill comes before the Senate?

The VICE PRESIDENT. The understanding of the Chair is that the bill is to be considered in its present shape.

Mr. ROBINSON of Arkansas. I did not hear the statement of the Chair.

The VICE PRESIDENT. The understanding of the Chair is that the unanimous-consent agreement would cover the bill in its present shape, the bill as amended. The status of the bill is that it is in the Senate, and the question is upon its third reading.

Mr. ROBINSON of Arkansas. I did not understand that the request of the Senator from Pennsylvania precluded the offering of additional amendments.

The VICE PRESIDENT. In the case of the bill referred to the question is on concurring in the amendments made as in Committee of the Whole.

Mr. REED of Pennsylvania. I think it is too late in the progress of the bill to offer any other amendments.

Mr. MOSES. The bill will be in the Senate and will be open to amendment.

Mr. REED of Pennsylvania. The bill has been in the Senate.

Mr. MOSES. And it is in the Senate now.

The VICE PRESIDENT. Neither of the amendments made as in Committee of the Whole has been concurred in in the Senate; the bill is yet in the Senate and is open to amendment.

Mr. ROBINSON of Arkansas. That was my understanding; and the unanimous-consent request submitted by the Senator from Pennsylvania does not preclude the offering of other amendments.

Mr. MOSES. I want to be sure about that before assent is given.

Mr. REED of Pennsylvania. Mr. President, in view of that fact, I want to say that I shall feel obliged to call for the regular order if it should be attempted to tack any other amendments onto the bill.

Mr. ASHURST. I ask for the yeas and nays on the motion to take up Order of Business 1415, being House bill 15009, which is known as the alien property bill, and which is a bill to keep our treaties.

Mr. BORAH. Mr. President, I think the Senator from Arizona is mistaken about this being a bill to keep our treaties. It is a bill not to keep our treaties, and could not be possibly disposed of between now and 5 o'clock.

Mr. ASHURST. I hope not.

Mr. BORAH. I do not want to become particeps criminis to that character of proceedings; that is what I was going to say.

Mr. ASHURST. The Senator has taken a part——

Mr. BORAH. No.

Mr. ASHURST. I withdraw that. I was thinking of another Senator. [Laughter.]

Mr. BORAH. I can not myself vote for the motion, although I am in favor of taking up the bill, but I want to have ample time in which to dispose of it.

Mr. ASHURST. The Senator will have ample time if the bill shall be taken up. I ask for the yeas and nays on my motion.

Mr. REED of Pennsylvania. Mr. President, I ask that the motion may be stated.

The VICE PRESIDENT. The motion of the Senator from Arizona is to proceed to the consideration of House bill 15009, which is known as the alien property bill.

Mr. REED of Pennsylvania. A parliamentary inquiry. If that motion shall prevail, will not that bill be the unfinished business when the Senate finishes its morning business to-morrow?

Mr. ASHURST. Yes, sir.

Mr. REED of Pennsylvania. So that the bill does not need to be disposed of by 5 o'clock to-day.

Mr. ASHURST. No.

The VICE PRESIDENT. Should the Senate adjourn while the bill is pending to-night it will be the unfinished business. The motion is debatable.

Mr. ASHURST. I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. TYSON. Mr. President, a parliamentary inquiry. What is the question before the Senate?

The VICE PRESIDENT. The question is on the motion that the Senate proceed to the consideration of the alien property bill. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Announcing my pair as before, with the Senator from Delaware [Mr. DU PONT], and not knowing how he would vote, I withhold my vote.

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. He is absent, and, as I do not know how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. REED of Pennsylvania. I have a general pair with the Senator from Delaware [Mr. BAYARD], who is absent. I think I can state that, if present, he would vote "yea" on this motion. Therefore I feel at liberty to vote, and vote "yea."

Mr. McMASTER. I wish to announce that the senior Senator from South Dakota [Mr. NORBECK], if present, would vote "nay."

Mr. MOSES. I inquire if the junior Senator from Louisiana [Mr. BROUSSARD] has voted?

The VICE PRESIDENT. The Senator from Louisiana has not voted.

Mr. MOSES. I have a general pair with that Senator, and, inasmuch as he has not voted, I withhold my vote.

Mr. JONES of Washington. I desire to announce the necessary absence of the Senator from Nevada [Mr. ODDIE] on account of illness.

Mr. ROBINSON of Arkansas. I wish to announce that the senior Senator from Delaware [Mr. BAYARD] is necessarily detained by attendance upon the funeral of former Senator Willard Saulsbury, of Delaware

I also desire to announce that the senior Senator from Rhode Island [Mr. GERRY] is necessarily detained. If present, the Senator from Rhode Island would vote "yea."

The result was announced—yeas 29, nays 44, as follows:

YEAS—29

Ashurst	Ferris	Overman	Steck
Bingham	Glass	Pepper	Stephens
Blease	Goff	Phipps	Trammell
Bratton	Gould	Ransdell	Wadsworth
Cameron	Hawes	Reed, Pa.	Walsh, Mass.
Caraway	King	Robinson, Ark.	
Edge	McLean	Simmons	
Edwards	Metcalf	Smith	

NAYS—44

Borah	Gooding	La Follette	Sackett
Bruce	Hale	McKellar	Schall
Capper	Harreld	McMaster	Sheppard
Copeland	Harris	McNary	Shipstead
Couzens	Harrison	Mayfield	Shortridge
Curtis	Heflin	Neely	Stewart
Dale	Howell	Norris	Walsh, Mont.
Dill	Johnson	Nye	Warren
Ernst	Jones, Wash.	Pine	Watson
Fess	Kendrick	Pittman	Wheeler
Frazier	Keyes	Reed, Mo.	Willis

NOT VOTING—22

Bayard	Gerry	Moses	Swanson
Broussard	Gillett	Norbeck	Tyson
Deneen	Greene	Oddie	Underwood
du Pont	Jones, N. Mex.	Robinson, Ind.	Weller
Fletcher	Lenroot	Smoot	
George	Means	Stanfield	

So Mr. ASHURST's motion was rejected.

Mr. REED of Pennsylvania. Mr. President, I wish to give notice that as soon after 4 o'clock to-morrow afternoon as I can obtain recognition I shall move that the Senate proceed to the consideration of the alien property bill.

LOANS TO VETERANS UPON CERTIFICATES

Mr. ROBINSON of Arkansas. Mr. President, pursuant to the notice I gave on yesterday, I ask unanimous consent that on to-morrow, Thursday, at 3 o'clock p. m., the unfinished business before the Senate, if any, be temporarily laid aside, and that the Senate proceed to the consideration of the veterans' loan bill for one hour, unless the bill shall be sooner disposed of.

The VICE PRESIDENT. Is there objection?

Mr. BINGHAM. Mr. President, what would be the parliamentary situation if the bill should not be disposed of at the end of an hour?

Mr. ROBINSON of Arkansas. The bill would go back to the calendar, of course.

The VICE PRESIDENT. Is there objection? The Chair hears none. The request of the Senator from Arkansas is agreed to.

MUSCLE SHOALS

Mr. HARRISON and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. The Senator from Mississippi.

Mr. HARRISON. I voted against taking up other bills and stopping consideration of the Boulder dam measure because I wanted to see the Senate have a reasonable time to consider it.

I had understood, too, from the Senator from California that he had no objection to laying it aside temporarily for the consideration of other important measures.

On last Friday or Saturday I brought to the attention of the Senate, when this matter was pending in the Senate, the question of Muscle Shoals, and the consideration of the report of the joint committee. I ask unanimous consent now that the Boulder dam bill be temporarily laid aside, and that we take up Senate bill 4106, dealing with Muscle Shoals, and that we consider it for two hours.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Mr. President, the Senator from Illinois [Mr. DENEEN], who has been very active in this matter, is not here. It does not seem right to take it up in his absence.

Mr. NORRIS. Mr. President, I should like to suggest to the Senator that I would not object to doing that if he will fix a day any time after to-morrow. The reason I suggest that is because the Committee on Agriculture and Forestry, which were to take up a resolution pending before the committee yesterday—I think it was yesterday; I have rather lost track of the time—were precluded from doing so on account of the Senate meeting at 11 o'clock. That meeting was adjourned, therefore, until to-morrow morning. We will have that resolution up to-morrow morning. It is possible that the committee will act on it. If they do, and report out anything, it ought to come up at the same time with the bill to which reference has been made.

Mr. HARRISON. The Senator from Illinois [Mr. DENEEN] is now on the floor, may I say to the Senator from Nebraska.

Mr. NORRIS. I have not said anything about the Senator from Illinois.

Mr. HARRISON. The Senator from Pennsylvania [Mr. REED] suggested that the Senator from Illinois was not then on the floor. That is why I made the observation.

Mr. NORRIS. Will the Senator make that the next day? As it is now, it fixes to-morrow. Make it Friday.

Mr. HARRISON. I am asking for the consideration of this bill, which was recommended by the joint committee. Of course, if the Committee on Agriculture and Forestry should take an adverse position on this proposition and should report out a bill that the Senator from Nebraska has introduced, I might support the measure if the Senate should take unfavorable action upon this bill; and I would rather have the Senate take action now, so that we will know where we are, rather than to wait until Friday.

Mr. NORRIS. I think we will conserve time if we take it all up at once. I will not object if the Senator will make the time Friday; but I should not want to take up that measure to-day, and then on Friday take up another one.

Mr. SMITH. Mr. President, if the Senator from Mississippi will allow me, I think the Senator from Nebraska is correct. We have before us a proposal which is in the nature of a compromise; and, in view of the communication that has already come from the State of Alabama, I think all this matter ought to be laid before the committee that has this legislation in charge, which meets to-morrow to consider this very question. I desire to call the Senator's attention to the fact that in view of the action of the other body I think it would be an absolutely futile thing for us even to consider the resolution that is now on our table, because it is likely that it would receive the same fate in the House that this proposition has received in the committee.

I hope, therefore, that the Senator from Mississippi will not insist that we take up this measure to-day, but that he will allow us to report from the committee what in the judgment of the committee would be the best for us to do in the interest of that for which the bill was originally framed.

Mr. NORRIS. I should like to add to what the Senator has said that if we take up this bill and the substitute, which the Senator from Alabama has proposed for it, a bill that has never yet been taken up in the Senate, that disposes of this property, that has never been considered by a standing committee of the Senate——

Mr. SMITH. The Senator means the substitute proposed by the Senator from Alabama?

Mr. NORRIS. I mean the bill which the Senator from Mississippi asks unanimous consent to take up—we can not dispose of that in an hour or two hours.

Mr. HEFLIN. The Senator is referring to the American Cyanamid Co's. bid, as I understand.

Mr. HARRISON. Mr. President, may I say, in reply to the Senator from South Carolina and the Senator from Nebraska, that for eight years, or about that time, this Muscle Shoals proposition has been before the American Congress. The Boulder dam proposition, which I am in favor of staying here a reasonable time to consider, has been before Congress only a few months. One means as much to the people of the South as the other means to the people of the Southwest. The Committee on Agriculture and Forestry of the Senate has reported out, I think, at least two bills to the Senate, and the Senate has passed at least one bill, the so-called Underwood bill, which died only in the closing hours of the Congress on a conference report.

If there is one subject that Senators should know something about, it is the Muscle Shoals proposition, when you consider the length of time that proposition has been before Congress.

A year ago, I think, both Houses of Congress appointed a joint committee to go out and receive bids, and to report to Congress the lowest and the best bid. From the Senate, distinguished Senators were appointed on this joint committee. The same is true of the House. They brought into conference with them Cabinet members. They brought to their support, in conference, experts on this question. They brought there the bids submitted after advertisements were made broadcast throughout the country. They made their recommendation months ago. It is pending before this body in the form of this Senate bill. It carries with it the recommendation of a bid that means millions of dollars more than any other bid that has been made, or any other bid presented to this committee. Out of respect to this committee, it is due to them that the Senate should at least give some consideration to their recommendation.

I have not tried to delay the consideration of other propositions; but I do think that two hours, at least, of time at this stage of the session should be given to the consideration of the report of this joint committee. These members, able gentlemen as they were, gave their time and services at the direction of both Houses of Congress to consider these bids, and it seems to me that we ought to consider them. Of course, if there is going to be some filibuster against a two-hour discussion of the matter, and we can not get any result therefrom, it is useless to take up the time of the Senate to-day in the consideration of Muscle Shoals; and I am going, if it meets with the approval of other proponents of this bill, to assent to the suggestion of the Senator from Nebraska, who has offered a compromise measure, temporary in character, until Friday.

So I ask unanimous consent that on Friday, immediately following the reading of the Journal of the Senate, if the Senate should adjourn on Thursday, or, if it should recess, at the

opening of the session, Senate bill 4106 be taken up for consideration, and that it be considered for two hours.

Mr. UNDERWOOD. Mr. President, I do not want the unanimous-consent request put until I obtain recognition. I did not want to interrupt the Senator.

I shall not object to the unanimous-consent request made by the Senator from Mississippi, although I am not in favor of the bill proposed by the joint committee of the two Houses. I have no idea that this proposition can be disposed of in two hours. I wish it could be. I wish it could be solved and disposed of. After debating the issues involved here now for practically a whole winter, only two years ago, I am not at all inclined to think that the Senate can reach a conclusion in two hours; but I believe an effort ought to be made. If the issue comes before the Senate, and an opportunity is offered, I prefer another solution of the problem to that which is offered by the committee or by my friend from Nebraska, and I certainly should take advantage of the opportunity of offering it.

I wanted to say this, though: I am not prepared to commit myself to the proposal made by the Governor of Alabama in his letter just laid before the Senate, because I have not investigated the proposition that comes before us to an extent that would justify my reaching a conclusion on what is said; but I know that the Governor of Alabama will be here tomorrow to present the views of the State of Alabama to the President of the United States, and I understand that he hopes to have an opportunity on Friday next to present his views to the committee.

As this great enterprise is located in Alabama, and the governor speaks for the State in which it is located, and there is only a day intervening, of course I think that it would be eminently proper that the Governor of Alabama should have the opportunity to present the viewpoint of the State before action is taken; but I do not believe that this conflicts with what my friend from Mississippi or my friend from Nebraska now proposes.

Mr. NORRIS. Mr. President, if the Senator will permit me to interrupt him, I certainly make no objection to the Governor of Alabama presenting his views to the committee. I shall be glad to have him do it, and I am willing that everything shall wait until he comes, or go on with this other matter and let him be heard afterwards. The Senator, I think, will recognize that the unanimous-consent agreement does not necessarily dispose of it.

Mr. UNDERWOOD. Oh, no; I recognize that. The only reason why I am speaking briefly now is that the question is before the Senate, and unfortunately I have been ill all winter, and something might happen to prevent my being here on Friday; and I merely wanted to occupy a short space of time in presenting my viewpoint in the RECORD, now that the issue is before the Senate.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. UNDERWOOD. Yes.

Mr. KING. The Governor of Alabama, in the letter just read, as I interpret it, announces what I conceive to be a very sound doctrine, and one which every Democrat should support; namely, that the States have sovereignty over the streams, the beds of the streams, the banks, and the water within the banks within their respective boundaries. Do I understand the Senator from Alabama—I could not hear all that he said—to differ from the very sound exposition of a fundamental principle of the able Governor of the State of Alabama?

Mr. UNDERWOOD. I stated very clearly—and I think my friend would have understood me if he had been listening—that I did not take issue with the governor's position, although I did not commit myself to the position he takes.

Mr. NORRIS. Mr. President, may I interrupt the Senator again?

Mr. UNDERWOOD. Yes.

Mr. NORRIS. I think that anything the Governor of the great State of Alabama should announce as a program ought to be given consideration. I do not agree with the governor in this at all; but if the governor is right—and the Senator from Utah believes he is right—and if the Congress shall act on his suggestion, it would settle the Muscle Shoals problem very easily. All we will have to do will be to give a deed to the State of Alabama for the property that the Government has there, and then make an appropriation of several million dollars to pay Alabama for the electric current we would consume down there, both for governmental purposes and for sale, and that would end it all. If that view is to be taken, we need not discuss any of these bills. If that view is to be taken, we will not have anything to do at Muscle Shoals except to deed it all to the State.

Mr. UNDERWOOD. Mr. President, I want to say to the Senator from Utah that I do not contest the proposition he has just stated, because it has been decided by the Supreme Court of the land that the original States owned the beds of rivers within their boundaries; and I take it that Alabama has the same right, having been admitted to the Union, that the original States had.

Mr. ASHURST. Mr. President——

Mr. UNDERWOOD. I do not want to get into a controversy, if the Senator will pardon me.

Mr. ASHURST. I am immensely gratified to hear what the Senator has said.

Mr. UNDERWOOD. I am speaking under some difficulty, and I ask my friends not to interrupt me.

Mr. ASHURST. The Senator's statement was sweet music to my ears. I will not interrupt him further.

Mr. UNDERWOOD. I have no controversy on that issue with the Senator from Utah, none at all, nor with the Governor of Alabama, but this is a navigation dam, built primarily for the purpose of navigation. That raises another question, and I do not foreclose that question or attempt to decide it.

The governor of my State will present his own viewpoint to the Congress and to the committee, and as I shall retire within about a week it is a heritage that does not belong to me. It belongs to my colleague and my successor, and therefore I do not care to discuss it. But I wish to say this, that my objection to the bill which my friend from Mississippi desires to call up is that it does not go to the point, in my judgment, to which we are really committed. I do not believe the Congress would ever have spent a dollar in building the great dam at Muscle Shoals if it had not done so as a matter of national defense and, secondly, to supply fertilizers to the farmers of America.

I realize that the proposal made by the committee seems to cover that point. It apparently seeks to provide for the manufacture of nitrogen, but I never have been satisfied that the proposal could carry out the question of making nitrogen, and therefore I have never stood for it.

For the same reason I do not favor the proposal made by my friend from Nebraska to lease this dam for five years for the power that can be created in the dam, because whether we use it or whether we do not the Government has put in the bed of this river $50,000,000 to make nitrogen for national defense, and I think that plant should stand there for national defense as a battleship stays on our coast for national defense. That ought to be the primary object, and we should not be diverted to any other purpose.

We may make a mistake in building a battleship, but we do not scrap it. This plant may not be the last word in making nitrogen, but nitrogen has been made there, and the plant was built for national defense. To say that we will delay this matter further seems to me to be an indictment against the competency of the Congress of the United States.

This issue has been before us practically since the Great War. The dam was nearing completion the year after the Great War, and the Congress then began to consider what disposition should be made of it. We not only spent weeks, but months, in discussing the problem to which we are already committed in the enabling act, that the dam should be built for the purposes of national defense, and the power in time of peace should be used for the manufacture of fertilizer in the plant that is already there.

I am not going to resist the consideration of the question in the closing hours of this Congress. I think the opportunity to reach a result has been foreclosed, unless a miracle happens, for we can not discuss it within the time remaining and reach a final conclusion. I hope we can. There is no question that I would rather see finally disposed of at this time than the Muscle Shoals Dam proposition. But I do not believe there is time to complete it.

If this were a new proposal and we had not considered it, there might be a great deal in the suggestion of the Senator from Nebraska that we take time to look into it, but the Congress has been looking into it for the past five years, discussing it and considering it, and in my judgment the time has come for action, not further consideration, not further investigation. Here is a great investment of the Government, a business investment that can produce the interest on the money which the Government has expended on it, a remarkable expenditure in that respect, and rivaled by no other that has ever been made in this country.

Does that mean, Mr. President, that the Congress of the United States is incompetent to pass on a business proposal; that when a real business question comes before the Congress

of the United States we are unable to consider it and ultimately pass on it in a business way? It seems so.

I think one sitting on the outside years from now and reading the record, divorced from all feeling of prejudice in the matter, must come to the conclusion that we fail to act in the disposition of this great problem simply because of our inability to do so. So that I should welcome a real consideration of this question if we could have it. But I do not think anything will be accomplished by a perfunctory consideration, although I have no objection to it being debated. I do hope, however, that if that is the viewpoint of the Congress, we may take up the question with a real determination to solve it, and give an opportunity to those who have proposals to make to submit their proposals, limit debate, and vote on it as a business proposition.

As I have said, I differ with the proposal of the committee. I differ with the proposal of my friend from Nebraska. I have a viewpoint of my own, but I would be perfectly satisfied if I could get an opportunity to propose my viewpoint and get a vote.

Mr. SMITH. Mr. President, in reply to what the Senator from Alabama has said about the Congress evidencing its inability to dispose of this, a great business project, in a businesslike way, the Senate must not forget that every resolution we passed, in an effort to solve the difficulty, was so hedged about with restrictions that when the committees or the commissions that we appointed reported, in accordance with the terms imposed by the Congress, the Congress would not accept the proposals. All the bids which have been submitted to this body for Muscle Shoals have carried in them such monstrous differences between what we considered the value of the property and what was offered that of course, as business men, we would have nothing to do with them.

The fact of the matter is that we ought to do one of two things. Under the original proposal, which is now the law, we ought to provide means for the Government to go ahead and develop the processes for which this property was dedicated, and demonstrate whether or not it is feasible to do the things for which it was dedicated, and for which we have taxed the American people $150,000,000.

We have come to the point, as the Senator from Alabama knows, when the power is now available, when the latest process of making nitrates is available. We should now take the turbines that are now installed at Muscle Shoals, use the power, and proceed with the dead work (to use the language of the inventor), and demonstrate to the American people to what extent this property, solemnly dedicated for a specific purpose, can perform that purpose; when we shall have so determined whether or not it is, then to take such action as, in our judgment, is beneficial for the American people.

It is a very simple proposition. The Senator from Alabama and I were the original proponents of this measure, which became law, dedicated to the purpose of producing nitrogen for defense in time of war and the solution of the fertilizer problem in time of peace.

Now, we have come to a stage where we have the power, we have the machinery, and are on the very threshold of demonstrating what the Senator and I told the American people was our intent and purpose, and so earnest were we that we incorporated in the fundamental law a provision that no private individual, no outsider, should have any part or parcel in this tremendous work for the defense of the country and for the maintenance of the plant to produce fertilizers during times of peace.

Now that we have come to where the power is produced and the money has been expended, the good faith of the American people and the good faith of the Congress are put to the test. We have spent five or six years dickering with private corporations which in their very bids have evidenced the fact that they do not propose to enter into a contract unless the Government, in the concessions it makes, will give them at least $70,000,000 as a bonus yearly out of the property of the American people and then leave it to their sweet will as to what extent they will carry out the dedicatory purposes of the measure. It is to the shame of the American Congress, with the express order of this body in good faith in behalf of the people who have paid their taxes, that just at the moment when we are able to demonstrate what may be done and what can not be done, we turn about face and, because the war is not driving us to provide for our defense in time of distress, we propose to lease this property to private individuals who are not going to touch it with anything like a reasonable return to the Government until the art of developing nitrogen has been so standardized. They do not propose to jeopardize their dollars by carrying on the dead work. The Government should hold and operate it at least until the dead work has been accomplished and the public knows whether or not these ingredients can be made in the form in which we dedicated this plant to make.

Now, what is the natural thing for us as business men to do, the term used by the Senator from Alabama [Mr. UNDERWOOD], in reference to this project at Muscle Shoals? If we are business men, honest men keeping the faith with the people, proposing to lease this property, ought we not to know what we are leasing? What are we leasing? I ask anyone here, who has in good faith studied the matter for the people, what we propose to lease at Muscle Shoals? There is but one thing developed beyond any question. There is but one art in the proposition which has reached its perfection and standardization, and that is the development and transmission of power, which is the great desideratum of the commercial world. It lights our homes. It runs our street cars. It has to do the great manufacturing work of the country. It is in great demand, and therefore that art being perfected there is a clamor to convert this plant into a power project.

What about the millions of acres in your State and in my State which have to pay practically the gross proceeds of those acres for the fertilization that went into them? Do not you and I owe anything to this vast army, disorganized and helpless, who are dependent upon the return from the soil for the miserable existence they eke out? Are we not under any obligation to those for whom we pledged on our part the development of this great property when we on this floor solemnly pledged them we would set aside a water power or water powers and demonstrate whether or not nature had provided a storehouse in the air from which an unlimited amount of fertilizer might be drawn for their benefit, and then in the very moment of possible fulfillment of that promise we propose to turn it over to the very people who from time immemorial have been extracting from them an unjust proportion of their production.

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

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. I yield.

Mr. UNDERWOOD. I do not know whether the Senator was addressing his remarks to me, although he was speaking to me. I do not want my attitude misunderstood in the RECORD. In the remarks I made a moment ago I said the original purpose of the initial act should be carried out. The Senator probably was not in the Chamber when I made the statement. I never have stood for anything else, and I am for no other proposal than that we shall agree to a proposition which will put national defense first and fertilizer second in the disposition of the Muscle Shoals property. But I do think that in approaching the matter the Congress of the United States is subject to the indictment of failing to transact business in a businesslike way.

Mr. SMITH. The indictment of the Senator is correct, and the cause is not hard to see. In the first place, we have not studied the proposition as a body to know just what is involved. The necessity for this fertilization exists in only a portion of our country. There are very few people outside of the Atlantic seaboard States and a few of the Gulf States who know what the necessity for artificial fertilization means. Strangely enough, what used to be called the pine-barren lands of the South have been proven to be the most fertile lands in America when artificially fertilized. They will produce more corn to the acre than any land in America. The prize for the greatest production of corn to the acre in the world, so far as statistics and investigation show, was given to Jerry Moore, of Florence, S. C., who made upward of 225 bushels to 1 acre of artificially fertilized pine-barren land.

The lands of North Carolina, South Carolina, and Georgia, properly fertilized with concentrated fertilizer, will produce more oats to the acre than any land in the world. They will produce more cotton per acre than any land in the world. In Texas, Oklahoma, Arkansas, and the valley of the Mississippi cotton grows luxuriously, and seemingly that would be the place of maximum production. The artifically fertilized States will not produce nearly so large a weed, but three to four times the amount of fruit that can be produced elsewhere. The whole coastal plain from Maine to Florida is totally dependent upon artificial fertilization. Outside of a few by-products of other enterprises, there is not a source of nitrogen in America.

We had here in Washington a few days ago a banquet for those who produced the greatest amount of corn and of cotton and of other field products per acre, from our section the greatest amount of cotton, from the Corn Belt the greatest amount of corn. Prizes were awarded to those who produced the greatest amount of corn and cotton and other products. The banquet which was given in commemoration of the event

was to demonstrate the power of Chilean nitrate in the production of these articles. The basis of the fertilizer was nitrate imported by a company in this country from Chile. Every agricultural department in the country has demonstrated that the basis of grain production is nitrogen. We can dispense with phosphoric acid, we can dispense with potash, but give our land an abundance of nitrogen and it will give a maximum yield. Yet the highest-priced ingredient in the fertilization of the soil of the country, the most costly and the scarcest, is nitrogen. Four-fifths of every cubic foot of air is pure nitrogen. The ingenuity of man has discovered the process by which it can be extracted in unlimited quantities.

Believing that the art would develop, we enacted this law because, curiously enough, the very thing we are dependent upon to feed us is the very thing we depend upon to defend us. Nitrogen is the basis of explosives and the basis for grain production. Therefore, we were in a happy position. We could, by virtue of a constitutional provision, provide for the national defense by producing nitrogen and, by the same token, having our great plant during times of peace necessarily always equipped to defend us, we could run it to produce that which during times of peace would feed us. And yet with that solemn dedication on the statute books and with us spending $150,000,000 of the people's money to demonstrate and carry out this process we propose to stop our work and turn it over to private enterprise. The art is so far developed now that it is said that water power is too dear, that the process is so cheapened that with a minimum of coal, a minimum of power, we can produce a maximum of nitrogen from the by-product of the disintegrated coal in producing the steam, that we can get phosphoric acid and potash to the value of the nitrogen and, therefore, the use of coal is cheaper than the use of water.

No man can sustain that proposition for the reason that water power is as eternal as gravitation and moisture, while the supply of coal in this country is limited. There are inventors and scientists who say it is criminal on our part to run our automobiles with gasoline, that it is criminal to run great manufacturing plants with coal—why? There is not a piece of metal in the world that can become metal until we carbonize it. Carbon is the heart and soul and base of every piece of metal in the world. How are we to carbonize our aluminum and our iron and steel if we foolishly are to destroy our storehouse of carbon in the foolish and wasteful way in which we are now doing it?

Contiguous to this city, almost within its boundaries, is a great water power capable of carrying on every industry in Washington, lighting every house, carrying on the street-car transportation; and why is it not developed? It would pay for itself a thousand times over in the length of time that the Capital has been established and during which time the water has poured over Great Falls. Need we ask why? It is because it is not to the interest of certain corporations to develop it. A bill was passed through this very body appropriating a certain amount of money to develop Great Falls and utilize that power, never young and never old, as eternal as the law of nature itself. All that would have been necessary was from time to time to repair and renew the dynamos and clean out the turbines, with the great engine of nature running all the time; and yet thousands of horsepower are going to waste to the ocean every hour; why?

We are talking about business men and a business proposition. We have too much of it in the wrong place. Mr. President, our duty now is to pass a resolution authorizing the officers who were mentioned and constituted in the original act to proceed at once to utilize the power that is already developed, and to proceed through the proper experimentation to the perfection of the art of fixing nitrogen and combining it with the other ingredients. This is the object of all I have to say: When we, in honor and good faith as a Government, have demonstrated that we can fix all the nitrogen necessary for national defense and can or can not produce fertilizer, then we shall be in a position to lease Muscle Shoals; but I maintain until we do that we have broken faith with the American people and have convicted ourselves of that which I refrain from characterizing on this floor.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Mississippi [Mr. HARRISON]?

Mr. UNDERWOOD. Mr. President, I have only a few words to say in answer to the remarks of my friend from South Carolina [Mr. SMITH]. We are in thorough accord in regard to the purpose of the building of the Muscle Shoals Dam. As the Senator has stated, we collaborated in passing the original act to create water power for the manufacture of nitrogen for defense and fertilizer in time of peace. I only differ from the Senator in his remarks in which he stated that we may be violating the promise to the American people that we made in the initial act favoring the manufacture of nitrogen for defense and for fertilizer if we shall lease the dam at Muscle Shoals.

Mr. President, if we should lease the dam for manufacturing uses or for some primary purpose other than that of national defense and fertilizer, I would be in entire accord with the Senator from South Carolina. That is the reason I am not in favor of the other proposals that have been made. However, when it comes down to carrying out the purpose—and the purpose of the enabling act was nitrogen for defense and nitrogen for fertilizer, and the issue was not involved as to how it should be made—I myself made a proposal here, which passed the Senate but unfortunately died in conference, which provided primarily that this dam might be leased with an obligation on the part of the lessee to make 40,000 tons of nitrogen and utilizing the entire capacity of the plant, and if that could not be done an alternative was provided that the Government should do it.

Could there be any clearer fulfillment of the obligation of the enabling act than to try to get a private individual to lease and deliver under bond—for the bond he would make would be a primary obligation for a large investment of money—40,000 tons of nitrogen, and, in the event a lease of that kind could not be obtained, that the Government should proceed to operate the plant? It seems to me that was an absolute fulfillment of the act in as strong terms as it was possible to carry it out.

The Senator from South Carolina speaks of the advance in the art of making nitrogen. I agree with him; I, too, think we are in the infancy of the science of chemistry; we are in the infancy of the art of taking nitrogen out of the air; but should we cease our labors and be unprepared because possibly next year or two decades from now a better method may be found?

Mr. SMITH. Mr. President, I object to the Senator from Alabama putting any such words in my mouth.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I yield.

Mr. SMITH. What I said was that the art being in its infancy it was the duty of the Government to hold on and advance step by step with every process that might be developed, for the very good reason that any company that invested its money in a plant which day after to-morrow might become obsolete would scrap it, and, if it should, the American people would have to pay twice the value of the scrapped machinery. We are advancing every day in the design of our war vessels and they become obsolete almost overnight. It is the duty of the Government not to jeopardize the hopes and wishes of the farmers of the country by incurring the danger of obsolescence of certain nitrogen plants at Muscle Shoals while the power-development art is being perfected.

Mr. UNDERWOOD. Mr. President, no man would dispute what the Senator from South Carolina has just stated, that we should advance with the art, but we have a finished plant, we have a great dam; we have a large quantity of available horsepower. Despite that, the proposal now is that we should pause, we should stop. I do not say that it is the proposal of the Senator from South Carolina because I am not sure exactly what his proposal is.

Mr. SMITH. Then, let me state it so that the Senator may use it or not as he speaks. My proposal is for the Government to take the art just where it is, utilize whatever power is essential to run the plant to capacity, and as the art develops, change the plant until it shall become standardized.

Mr. UNDERWOOD. I see. The Senator, then, does not propose to lease the plant for an indefinite term until we find out something.

Mr. SMITH. That is right.

Mr. UNDERWOOD. The Senator does.

Mr. SMITH. I said that is my proposition; we ought not to lease it for any term until we find out what is the capacity of the plant and what can be done reasonably with the art of fixing nitrogen.

Mr. UNDERWOOD. Mr. President, that is exactly what I have objected to in all these years and exactly where I differ with the Senator from South Carolina. He proposes to halt the column; I do not.

Mr. SMITH. No; will the Senator state how I propose to halt it?

Mr. UNDERWOOD. The Senator must really allow me to maintain the floor and finish my sentence.

Mr. SMITH. Certainly; but I do not want the Senator to misquote me.

Mr. UNDERWOOD. I am not going to do so.

Mr. SMITH. I do not want to halt; I want to get going.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. Of course, I would be delighted to yield to my friend from South Carolina, but I can not explain to the Senator unless I am allowed to finish the sentence.

The column that I say the Senator proposes to halt is the column of production. The Senator intends to advance the column of experimentation, of investigation; that is the Senator's column. I have no objection to that column advancing; there is ample opportunity for that column to advance, and the Government has a special experimental station across the river for the advancement of the Senator's column; but on the Tennessee River at Muscle Shoals we have a battalion already prepared for battle.

Mr. SMITH. It is obsolete.

Mr. UNDERWOOD. The Senator from South Carolina says it is obsolete, and that is the cry of those who do not want performance.

The plant was built during war times, and for a short while it ran and produced nitrogen. The same class of plants is being run in the United States to-day and in Canada; in fact the largest producing plant in America is the cyanamid plant across the river from Buffalo. There are other means of producing nitrogen, I admit, but the Muscle Shoals plant can produce it.

Now, the Senator says it is obsolete; but, Mr. President, there are men who have recently submitted bids to the committee to operate the plant which is already there, the column which is already organized, and to produce nitrogen and fertilizer. That is not to be done at the risk of the Government of the United States; it is to be done at the risk of the contractor, and, if his bid is accepted, he has got to make good or surrender his lease. So the real issue is: Shall we allow the battalion of battle, the battalion that is already organized and prepared to produce results, to stop its onward movement, remain where it is until, forsooth, we may experiment in years to come to find out if there is not some better method?

I hope and expect that there will be better methods found; but if we can find somebody who is willing at his own expense to undertake to produce nitrogen and fertilizer with the machinery we now have, why should they not be produced? God knows the farmers of the Southland, if not of America generally, need it. They do not need it 15 years from now or 5 years from now, or 1 year from now; they need it to-day; they need it next year in the preparing of their crops. The plant is organized, the electric power is there, and the only thing that keeps the Government from making a contract for producing actual fertilizer that can go onto the farmer's field is the fact that the Congress of the United States does not allow a contract to be made by which a contractor can deliver results.

Mr. HEFLIN. Mr. President, will my colleague yield to me just there?

Mr. UNDERWOOD. I yield.

Mr. HEFLIN. I want to say that the fertilizer made at Muscle Shoals has been used by the farmers in that locality, and they have testified that it produced a greater amount of cotton to the acre than the common commercial fertilizer now being used.

Mr. UNDERWOOD. Undoubtedly. So that I come back to the original indictment. I am sorry that the Senator from South Carolina and I separate in the advancement of the column. I have no objection in the world to the advancement of his column of experimentation; I think it would be most wise to provide money to allow it to advance; but I do separate from the Senator from South Carolina when he says the battle column that he and I helped to organize, the column that can produce results, shall die without action when there has been an opportunity to advance it.

Mr. COPELAND obtained the floor.

Mr. SMITH. Mr. President, will the Senator from New York allow me just about two minutes, in connection with what the Senator from Alabama has said?

The PRESIDING OFFICER. Will the Senator from New York permit the Chair to inquire of the Senate whether there is objection to the unanimous-consent agreement proposed by the Senator from Mississippi?

Mr. REED of Pennsylvania. May we have it read?

The PRESIDING OFFICER. It will be stated for the information of the Senate.

The legislative clerk read as follows:

Ordered, by unanimous consent, That on Friday, February 25, 1927, immediately after the reading of the Journal, the Senate proceed to the consideration of the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co. and the Muscle Shoals Power Distributing Co., and for other purposes, and continue the same for not more than two hours, at the expiration of which time a vote be taken on any motion pending, if any.

The PRESIDING OFFICER. Is there objection?

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BINGHAM. Does not that require a quorum call, in view of the fact that a vote is to be taken?

The PRESIDING OFFICER. The present occupant of the chair would hold that it does not, in view of the fact that the proposed agreement does not provide for a final vote on the passage of any motion or resolution.

Mr. McKELLAR. May the unanimous-consent request be restated?

The PRESIDING OFFICER. The Senator from New York [Mr. COPELAND] has the floor.

Mr. COPELAND. I yield for the purpose of having the agreement stated.

The PRESIDING OFFICER. The proposed agreement will be restated for the information of the Senate.

The legislative clerk restated the proposed unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. Mr. President——

The PRESIDING OFFICER. The Senator from New York has the floor. Does the Senator from New York yield to the Senator from California?

Mr. SMITH. Mr. President, I shall have to object to this proposed agreement, because I do not understand the last sentence.

Mr. SACKETT. That is all right.

The PRESIDING OFFICER. Objection is made.

Mr. SMITH. I object because I do not understand the purport of the last sentence.

Mr. HARRISON. Mr. President, may I ask the Senator——

The PRESIDING OFFICER. The Senator from New York has the floor. To whom does he yield?

Mr. SMITH. I should like to make a statement, if the Senator will yield to me.

Mr. HARRISON. Will not the Senator reserve his statement until he can get an explanation of what is meant by the proposed agreement, so that we can re-form the unanimous-consent request if necessary?

Mr. SMITH. Yes; if the Senator from New York will yield for that purpose, I will do that.

Mr. HARRISON. What is it that the Senator objects to?

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

Mr. COPELAND. I do.

Mr. SMITH. I object to the clause which says that we are to reach a final vote.

Mr. HARRISON. It does not say "a final vote." I had understood that the chairman of the Agricultural Committee, during the two hours granted for the consideration of this matter, might want to make a motion to refer it to his committee.

Mr. SMITH. Or to pass it.

Mr. HARRISON. Or to pass it. That gives to the chairman of the committee the right to make his motion if he wants to. If the Senate should want to take a vote upon the passage of the bill, of course, they have a right to do that under this unanimous-consent request. If I want to make a motion to proceed further with the consideration of this bill, I have a right to make that motion; but it is all up to the Senate.

Mr. SMITH. All right. Put that within the limitation of the two hours; but, as it is, we can discuss it for two hours and then the proposition in the unanimous-consent request is that we are then to proceed to vote on any amendment that may be offered to the bill. If you will put all of that within the two hours, so that at the expiration of the two hours we shall have disposed of the committee proposition, I shall have no objection.

The PRESIDING OFFICER. May the Chair suggest that the proposed unanimous-consent agreement once more be read for the information of the Senate?

Mr. HARRISON. It can not be prolonged longer than two hours unless the Senate, by majority vote, vote for it to be continued.

Mr. McKELLAR. Mr. President, before the proposed agreement is read, may I ask the Senator from Mississippi if this unanimous-consent request does not confine the discussion or debate and the disposition of the matter entirely to that particular proposal?

Mr. HARRISON. The Senate bill.

Mr. McKELLAR. Nothing else?

Mr. HARRISON. A substitute might be offered for it, and a motion might be made to refer it to the committee.

Mr. McKELLAR. I think that ought to be stated in the proposed agreement—"any amendment or substitute."

Mr. HARRISON. Put in "any amendment or substitute," then.

Mr. JOHNSON. Mr. President, will the Senator yield for a moment?

Mr. COPELAND. I yield.

Mr. JOHNSON. May I ask the Senators to defer the acceptance of the matter for a very brief period, until the Senator from Oregon [Mr. McNARY] returns? He was called out of the Chamber, and he will be back in just a few moments; and, as I understood him when he left, there was one part of the proposed unanimous-consent agreement as read that he did not think should be there. He will be back, I am sure, in a very few minutes.

Mr. HARRISON. Very well; let it be pending until he comes back.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SMITH. Mr. President——

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

Mr. COPELAND. I yield.

Mr. SMITH. The Senator from Alabama [Mr. UNDERWOOD] said that I would halt the procession, and he called attention to the fact that there were corporations who in their bids were ready now to proceed, at their expense or at their risk, to make cyanamide or nitrogen in that form. The Senator knows that the proposition of the resolution was that they would produce 40,000 tons at 8 per cent on cost, and there was no limit to cost. Of course, anybody would produce it under those conditions, but the farmer would not use it under those conditions.

There is the possibility of a modification of Nitrate Plant No. 2 to accommodate it more nearly to present methods than the cyanamide process. What would one think of the Government, if we had discovered a process of making guns or some form of explosives that was infinitely better than the ones we were using, if we did not use it? As a matter of course, if it was known before we started into war, and it was possible, we would equip ourselves with the latest improved implement.

That is just exactly the condition now. Right now we can prepare for next year's crop by a modification of Nitrate Plant No. 2 to equip it to meet the advance of the art and produce the stuff.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me——

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

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

Mr. UNDERWOOD. I merely wanted to suggest to the Senator that although there are pending offers to make the nitrogen with cyanamide, my proposal has always been, with the limitation "or the products of nitrogen" written in the bill, that we leave it to the Chief Executive of the land to make the contract; and, if there are better methods, it would be in his power to make a contract that would apply those methods.

Mr. SMITH. That is exactly in accord with what I have been saying, except that the Senator would use a private corporation to do that through the instrumentality of the President, while I maintain that it would be more practical and efficient for us to do it for the present as the owners of the plant, with the interests of the people at heart, and not profit. There is the fork of the road. The Government would go on hoping to benefit the people without profit, while the private corporation would go on hoping to benefit the people and thereby increase their profit. That is the difference.

I say until this dead work is done, and the art has reached a point where it can be definitely known what we are leasing, we have no right to lease the plant. We have no moral right to lease it until we have demonstrated what the art may do. Then we could call in a corporation and say, "The Government has now developed this art, or it has been developed by the ingenuity of our inventors, to a point where it is definitely ascertained how much can be produced under given circumstances, and, according to the Government's tests, at what cost. Now, if you want to lease it, we have something definite to lease to you." As it is now, there is not a scientist in America who would swear that it was possible for the Government to make a contract in regard to this product which is to the best interest of the people.

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

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

Mr. COPELAND. I do.

Mr. CARAWAY. I merely want to say, in reply to the Senator from South Carolina, that I gather from his statement that he wants to do nothing until there is nothing else that could be done in this case.

Mr. SMITH. No.

Mr. CARAWAY. Just a minute. The Senator says we do not know what we have to lease. We have had 10 years for the Government to try to find out what we have to lease, and we are no nearer to it, according to the Senator's statement, than we were when the war ended.

Mr. SMITH. If the Senator will allow me, in all justice—because I do not generally try to throw bouquets to modify any statement I am going to make—I will state that I have considered the Senator from Arkansas [Mr. CARAWAY] as fair and clear in the position he takes on any question as any man I have had to deal with. We know that we tried the cyanamide process, and it was not satisfactory. Lawsuits arose in my State because of the effect of the lime content on the persons who attempted to distribute it. The best that can be done with it is to mix it with other fertilizers in the manufacturing process.

In a word, what I am saying is this: Let the Government now, in the present empirical stage of the art, carry on experiments just as we are experimenting in other departments until there is a reasonable surety that the art has reached a definite stage. In the meantime, let the Government be producing to the full capacity of the last word in the art. If, after a series of years, the art is not any further developed, then we will know exactly what we have. Until we do, now that we have possession of it, let us hold on to it until the art, in its rapid development, has reached a definite stage. I think I can say without fear of contradiction that there is no art known that has developed more rapidly than that art has in the last four or five years. Until we do know what we have possession of, as I say, let us hold on to it.

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

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

Mr. COPELAND. I yield for the reply of the Senator.

Mr. CARAWAY. Of course the Senator from South Carolina disarms me by saying that I am ordinarily fair and clear, and I must concede that he is always fair and clear; but if what he says does not resolve itself into the proposition that you shall do nothing until you find out that you can do nothing else, I do not understand his argument. In the next place, the Senator from South Carolina says that the process of manufacture where the corporation agrees that it will make 40,000 tons at cost plus 8 per cent would result in its making the product, but no one would buy it. I am curious to know why a corporation should want to make its processes of manufacture so extravagantly high, and conduct them under such uneconomic conditions, although it has to continue year in and year out making 40,000 tons of this material, that it can not sell a pound of it; it will be a dead loss every day in the year.

Mr. SMITH. If the Senator will allow me, that was one of the very objections to the bill, because there was a provision in the contract that if they found it was unprofitable there was a loophole for them to get out.

Mr. CARAWAY. There is not in this contract.

Mr. SMITH. It is in the very one that we passed. I do not know what is in this one.

Mr. CARAWAY. The Senator is unwilling for us to find out. I am curious to know why anybody in America should say, "There is no hope of progress except through governmental agencies." The Government never has done anything that has been in excess, so far as cheapness and efficiency is concerned, of what private initiative has done. It had to turn to private concerns to arm its soldiers, although it has had arsenals ever since the Revolutionary War.

We were going to arm our troops with Springfield rifles, and then we found out that we did not even have the patterns, and if it had not been for private initiative we would have had an Army without a gun, as we had an Army without explosives, as we had one without sufficient field artillery.

I think that every man's experience on this floor will justify the assertion that if we look for the Government to lead the way to some cheap and efficient and economical development, we are going to wait a long, long time.

We have waited 10 years for the Government to do something with Muscle Shoals, and we have always been met with the statement that they are just about to discover some process that will make it entirely a success but never have succeeded. It is always just about to succeed. I submit that we have waited long enough on this problem.

Mr. COPELAND. Mr. President, may I ask the Chair what the parliamentary situation is?

The PRESIDING OFFICER. There is pending a unanimous-consent agreement proposed by the Senator from Mississippi.

Mr. McKELLAR. Mr. President, so that there can not be any misunderstanding about it, I object.

The PRESIDING OFFICER. Objection having been made, the question is on the amendment of the Senator from Arizona.

Mr. HARRISON. Mr. President, I will wait until the Senator from New York gets through, and then I shall make a motion to proceed to the consideration of the measure about which I asked unanimous consent.

Mr. HARRISON subsequently said: Mr. President, in the interest of harmony and peace, may I be permitted to submit my unanimous-consent request again? I think now it will not elicit any objection.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The proposed unanimous-consent agreement will be read for the information of the Senate.

The legislative clerk read as follows:

Ordered, by unanimous consent, That on Friday, February 25, 1927, immediately after the reading of the Journal, the Senate proceed to the consideration of the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co., etc., and continue the same for not more than two hours.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. Mr. President, a few moments ago I objected to the unanimous-consent agreement as it was presented because, apparently, at the close of the proposed agreement there was a suggestion that a final vote might be required. That provision has been stricken out, and I now have no objection to it at all.

Mr. MOSES. Mr President, I merely wish to suggest the absence of the Senator from Nebraska [Mr. NORRIS].

Mr. McNARY. Mr. President, I can speak for the Senator from Nebraska. I think I must supplement the proposition now presented by saying, with reference to the agreement that during the hour or two hours given for discussion of the measure, I, as chairman of the Senate Committee on Agriculture and Forestry, will move to recommit the bill and all other bills for further consideration to the Committee on Agriculture and Forestry. I only mention that so that anyone who is desirous of being present for the purpose of meeting that issue may know that it is to be presented.

Mr. CARAWAY. That does not necessarily mean that the Senator expects to get a vote in the two hours?

Mr. HARRISON. Oh, no.

The PRESIDING OFFICER. Is there objection?

Mr. TRAMMELL. Mr. President, may I make the suggestion to the Senator from Mississippi that in view of the fact that he will have two hours' debate on the question, not more than 15 minutes should be allowed to any one Senator.

Mr. HARRISON. I have no objection to that suggestion.

Mr. TRAMMELL. I suggest that as an amendment.

Mr. HARRISON. Adding "and that each Senator be limited to not more than 15 minutes."

Mr. McNARY. I could not agree to that provision. I do not believe that would conform to the pleasure of the Senator from Nebraska, and therefore, I must object, if that provision is included, until the Senator from Nebraska is present.

The PRESIDING OFFICER. The Senator from Nebraska has just entered the Chamber. The proposed unanimous-consent agreement will be once more read for the information of the Senate.

The legislative clerk read the unanimous-consent agreement, as modified, as follows:

Ordered, by unanimous consent, That on Friday, February 25, 1927, immediately after the reading of the Journal, the Senate proceed to the consideration of the bill (S. 4106) to authorize and direct the Secretary of War to execute a lease with the Muscle Shoals Fertilizer Co., etc., and continue the same for not more than two hours, and that each Senator be limited to not more than 15 minutes.

Mr. HARRISON. May I say to the Senator from Nebraska that the last suggestion was made by the Senator from Florida [Mr. TRAMMELL].

Mr. NORRIS. I have no objection to that.

The PRESIDING OFFICER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BOARD OF VISITORS TO THE PHILIPPINES

Mr. BINGHAM. I ask unanimous consent that the bill (H. R. 4789) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands, be taken from the calendar and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Without objection, the bill will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING. I ask the Senator what is the bill?

Mr. BINGHAM. It is House bill 4789. When reached on the calendar objection was made that it should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. KING. If the Senator asks unanimous consent that the bill be taken from the calendar, I object.

The PRESIDING OFFICER. The Senator from Utah will have to ask unanimous consent to reconsider the action by which the bill was referred to the committee, inasmuch as the Chair had put the question and there was no objection.

Mr. KING. I confess I did not understand the Chair had ruled that it was referred.

The PRESIDING OFFICER. The Chair had referred the bill before the Senator entered his objection. The Chair thought he had waited a sufficient length of time before the order was made.

Mr. KING. Will the Senator from Connecticut assure me that he will give me ample opportunity to express my views when the bill is taken up? I tell the Senator I shall oppose it and do everything I can in a parliamentary way to defeat it, but if the Senator will advise me when he intends to bring it up that I may be present, and I am usually here, I shall not move now to reconsider the action taken.

Mr. BINGHAM. Certainly I shall do so.

CLAIMS OF THE ASSINIBOINE INDIANS—CONFERENCE REPORT

Mr. WHEELER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2141) entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 2, 5, 6, and 7.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to same with the following amendments: Line 13 of the engrossed amendments strike out the words "or any"; and after the word "treaty" insert the words "agreement or"; line 14 of the engrossed amendment, after the word "or," insert "any"; page 2, line 8, of the engrossed amendment, strike out the following: "any act or acts of Congress, or by any treaty made with any other Indian tribe or nation" and insert in lieu thereof "the Government of the United States by acts of Congress or otherwise."

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to same with the following amendment: Strike out "together with interest thereon at 4 per cent per annum from the date thereof" and insert in lieu thereof the following: "together with any interest thereon which may have accrued by virtue of the failure or delay of the United States to pay over to or employ for the benefit of the Assiniboine Indian Nation or Tribe, moneys so required to be paid or employed by any act of Congress, at the rate of interest provided by such act or acts of Congress."

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to same with the following amendments: Page 2, line 6, of the engrossed amendments, strike out the word "tribes" and insert "tribe"; and strike out the word "bands" and insert "nation"; line 7, of the engrossed amendments, strike out "or any of them."

Page 3, line 2, of the engrossed amendments, strike out "tribes" and insert "tribe"; and the Senate agree to same.

B. K. WHEELER,
RALPH H. CAMERON,
JOHN B. KENDRICK,
Managers on the part of the Senate.
SCOTT LEAVITT,
WILLIAM WILLIAMSON,
CARL HAYDEN,
Managers on the part of the House.

The report was agreed to.

LOWER COLORADO RIVER BASIN

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to provide for the protection and development of the lower Colorado River Basin.

Mr. COPELAND. Mr. President, I am very much obliged to the President for giving me recognition. I have been trying to get recognition ever since the Senator from Arizona presented his various motions, first relating to the Veterans' Bureau bill, and second, relating to the alien property bill.

I yield to no man in the Senate in my regard for the Senator from Arizona. I like him for himself, for the great university from which he came, and for his many fine qualities and his senatorial ability. But having applied this sugar coating I want to say that I think it was very unfair for him to place Senators in the position of having to vote against measures so very close to their hearts, measures which they thoroughly indorse. I have indulged in filibustering myself, and I think there are times when a filibuster is the proper means of defeating legislation. However, in justice to Senators, I think it was unfair of the Senator to cause any Member of the Senate to be under the necessity at this time of voting against certain measures for parliamentary reasons alone.

Mr. ASHURST. Mr. President——

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

Mr. COPELAND. It is only right that I should yield.

Mr. ASHURST. I shall not fear to be unfair to Senators, if by being unfair to Senators I may thereby be fair to the soldiers who upheld our standard in the iron storm of war.

Mr. COPELAND. Well, Mr. President, this very statement confirms the feeling which I have regarding the proposal of the Senator from Arizona to displace the pending measure, against which he is urging every effort to bring up this other matter, which will be treated and considered in an orderly way at the proper time.

Mr. ASHURST. Mr. President——

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

Mr. COPELAND. Of course I do.

Mr. ASHURST. Since it is certain that the Swing-Johnson bill, the Boulder Canyon bill, could not pass the Senate, instead of being unfair, am I not fair to the Senate, and fair to the soldiers, in stating the fact boldly and moving to take up legislation which a majority are for?

Mr. COPELAND. The reason the Johnson-Swing bill can not pass is because of the well-organized filibuster led by the Senator from Arizona. If this bill could be voted upon on its merits at this moment, it would be overwhelmingly carried by the Senate.

Mr. ASHURST. Mr. President——

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

Mr. COPELAND. I yield further to the Senator.

Mr. ASHURST. That statement may be true, but there are few Senators who know what this bill is.

Mr. COPELAND. I thank the Senator.

Mr. ASHURST. Let me say——

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

Mr. COPELAND. I yield.

Mr. ASHURST. I am not inveighing against the Senator because of his lamentable, abysmal ignorance on this bill. I myself, confess an ignorance, and I have studied it for three years. It is one of the most complex bills ever presented, and I did not mean that description as an epithet. In his chosen profession the Senator is a master, honored by the Nation. In the field of literature he has some importance, and we belong to the same alma mater, as he has said. He possesses the power to write with a fluidity and a ductility that attracts the great metropolitan journals, and my family and I read his articles, and read them with profit and with interest, and it is no epithet, therefore, to say to him that he is profoundly, lamentably, abysmally ignorant on the subject of the Boulder Canyon bill, which he is trying to drive through. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. COPELAND. Mr. President, the Senator is very welcome. I thank him for his fine words about my writings. I hope the message he has given here will be conveyed to the publishers, in order that the recompense may be increased. But the Senator has admitted that he is in abysmal ignorance regarding his own bill——

Mr. ASHURST. Oh, no——

Mr. COPELAND. Regarding the bill which he is seeking to defeat.

Mr. ASHURST. Mr. President, it is not my bill. The Committee on Irrigation and Reclamation labored for months, and brought in a bill providing for an issue of bonds in the amount of $125,000,000, whereupon I made the point that the Senate was not the eligible authority to originate legislation proposing a bond issue, whereupon the Senator from California [Mr. JOHNSON] retreated precipitately and properly from such provisions, because he is a great lawyer. Now we are invited to consider a bill different in character from the bill the committee reported. Is there a Senator here who has read the bill as it has been proposed to be amended by the learned Senator from California? If so, I pause for his answer.

Mr. COPELAND. Has the Senator finished?

Mr. ASHURST. I am obliged to the Senator. I must not trespass on his courtesy.

Mr. COPELAND. Mr. President, in spite of the eloquence of the Senator from Arizona and his very positive statement of his convictions of heart and soul, I am sure I am right in saying that the Senate, if it had an opportunity—it may be because of the abysmal ignorance of the Senate, to use the language of the Senator from Arizona or it may be because of its enlightened knowledge of the measure before us—I am sure the Senate would vote favorably upon the measure.

If this bill is not brought to a vote in the Senate, it will be because of one of the best organized filibusters ever put over the United States Senate. If the Senator from Arizona were not a great lawyer and a great Senator, if I were the president of one of the South American republics I would hire him at a million dollars a year to run my army, because he certainly is a success as a field general.

Mr. ASHURST. Mr. President, I did not hear all of that, and it must not escape me. [Laughter.]

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

Mr. ASHURST. I did not have any sleep last night, and I failed to hear that.

Mr. COPELAND. It was mere persiflage and is not worth while repeating.

Mr. ASHURST. Will the Senator yield to me?

Mr. COPELAND. Of course.

Mr. ASHURST. I do not want to act as a Uriah Heep. I admire the Senator from New York but, if I be a filibusterer, I learned the method from him. When there was before the Senate the Isle of Pines treaty, the Senator from New York split the ears of groundlings. He was for eight hours the most peripatetic orator who ever served in the Senate, and he walked all over the Chamber and spoke luminously and ably, opposing that treaty, and I agreed with him.

Mr. COPELAND. For eight hours?

Mr. ASHURST. For eight hours the Senator spoke in opposition to the Isle of Pines treaty, he and I mustered six or seven votes. I see here my learned friend the Senator from Ohio [Mr. WILLIS]. He voted with us.

Mr. WILLIS. There were 15.

Mr. CARAWAY. And there were 15 of you wrong. [Laughter.]

Mr. ASHURST. When I put my hand to a proposition, there will not be any default or any neglect. The filibuster, with which the Senator is pleased to charge me, will be successful.

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

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield?

Mr. COPELAND. I yield to the Senator.

Mr. BRATTON. I want to inquire under what order of business we are operating.

Mr. COPELAND. Mr. President, the Senator from New York learned something from his filibuster on the Isle of Pines treaty. I spoke for eight hours, and, as the Senator has said, got 15 votes. It will be a wonder to me if the Senator from Arizona and his cohort get half a dozen votes against this bill. They will defeat the measure, because of the shortness of the time and the quality of the filibuster, and not by reason of

any logic or any conviction brought to the soul of any Senator in this body by reason of arguments presented.

Mr. ASHURST. Mr. President——

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

Mr. COPELAND. It is only fair, of course, that I should yield.

Mr. ASHURST. I hold in my hand copy of a compact signed on the 13th day of January, 1927, among the States of New York, Pennsylvania, and New Jersey, affecting the Delaware River. The Governor of New York has protected the State of New York against Federal domination. Does the Senator from New York agree with the efforts of the present Governor of New York in that respect?

Mr. COPELAND. In that respect, and in every other.

Mr. ASHURST. Then, why am I to be pilloried as a filibusterer because, forsooth, I stood for my State, just as the governor of the Senator's own State stands for his? If it be wrong for me to try to protect Arizona, why is it not wrong for the Governor of New York to protect New York?

Arizona is contending as New York contends, and so long as I am here the rights of Arizona will not be overthrown, Arizona shall not be exploited with my consent.

New York may have more votes than Arizona; but in this Chamber all men are equal. Arizona, in the Senate, is the peer of New York, New Jersey, Virginia, or California. Let that be understood now. I have very scant patience with the expressions of contempt and with the snarls which come from lips here when I attempt to defeat the Swing-Johnson bill. Arizona is a sovereign State, and this hand that holds high her effulgent standard will hold that standard with a firm grasp.

Mr. COPELAND. May I say to my friend from Arizona that neither his hand nor voice can be considered weak on this subject. He has presented the matter well.

Mr. ASHURST. I am completely disarmed now.

Mr. COPELAND. I was very much pleased at the happy reference of the Senator from Arizona to the governor of my State. He asked me if I agreed with him on this matter of the tri-State compact. My reply was that I agreed with that and with everything else in a public way that has been undertaken by the Governor of New York. I hope that the happy reference of the Senator from Arizona means that he will be numbered with the enthusiastic Democrats who will nominate Alfred E. Smith for the Presidency in 1928 and put him in the White House.

Mr. ASHURST. Mr. President, nobody is authorized to commit me to the Governor of New York, or to anyone else, for the Presidency. I am not making committments as to the Presidency now. I am engaged in defeating the Swing-Johnson bill and not taking any part in making or unmaking Presidents.

Mr. COPELAND. The Senator wanted to know if I did not consider that the compact between the States of Pennsylvania, New York, and New Jersey was parallel to the matter here under consideration and that the same course should be followed in the pending matter as was taken in the matter of the tri-State arrangement. There is no more relation between those two projects, the tri-State plan in the East and the Boulder Canyon project in the West, than there is between the camels which Lieutenant Beale brought over from Africa and sent across Arizona in the early forties, and a groundhog—no more. They are entirely different.

The purpose of the tri-State arrangement was to safeguard the interests of those three States as regards the particular project which was being undertaken. If I am any judge at all of the matter pending before us now, the project does not hazard, in any way, the rights or future possibilities of development of the State of Arizona. But I did not rise for the purpose of discussing this problem, but for another one.

The Senator from Arizona proposed to replace the pending measure with the German alien property bill. I am sure there is no Member of this body more interested in that bill, involving the return of the German property, than is the Senator now speaking.

We entered into a war with the German nation and emerged from that war victorious. We have demanded nothing from that conquered nation to repay us for our injuries, for our costs, or for the necessary upheaval of our whole economic structure. We have said that we fought for a principle, and we have maintained that principle.

The cost of this war was staggering beyond human belief. It was inevitable that some of our own citizens should be injured, and it is the part of the conqueror to impose upon the conquered the payment for such injuries.

But who, in this instance, is the conquered? Is it the German nation as a whole, or is it those few whose property the Alien Property Custodian now holds? If we take from the German nation as a whole sufficient to compensate our citizens for the damage done to them, then the proper debtor is paying his debt. But if we take in whole or in part the property, not of the German nation as a whole but of a few individuals to satisfy the claims of our citizens, then we are seizing without right, warrant, or justice property which does not belong to the debtor. Under these circumstances, to do so is to subject our Nation to the penalties imposed by the commandment—Thou shalt not steal.

I believe that in the name of morals and of law and of decency we should return this property. It is not fair that any Senator should be put in the position before the country of having opposed that very laudable, very proper, very righteous, and very necessary bill.

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

Mr. COPELAND. When the time comes, so far as I am concerned, I am going to give every bit of my power and such influence I possess and the vote I have to the passage of the bill. I yield to the Senator from Arizona.

Mr. ASHURST. I am sorry the Senator placed upon my shoulders the responsibility for his voting against this bill. I did not direct his vote. All he had to do was to be a free man, to vote the way his mind and heart told him. I abandon any attempt to describe the bill better than he has done. He says he is going to labor here to secure the passage of that bill. Sir, have you read John J. Ingalls's poem "Opportunity"?

> Master of human destinies am I!
> Fame, love, and fortune on my footsteps wait.
> Cities and fields I walk; I penetrate
> Deserts and seas remote, and passing by
> Hovel and mart and palace—soon or late
> I knock unbidden once at every gate.
> If sleeping, wake; if feasting, rise before
> I turn away. It is the hour of fate,
> And they who follow me reach every state
> Mortals desire, and conquer every foe
> Save death; but those who doubt or hesitate
> Condemned to failure, penury, and woe,
> Seek me in vain and uselessly implore,
> I answer not and I return no more.

Sir, you may never have another chance in this Congress to vote for that bill. You may have had your day of grace.

Mr. COPELAND. Is it not a pity, Mr. President, that we have to consume any of our time with the ordinary routine business of the Senate when we have one so eloquent, so fascinating, so seductive, as the Senator from Arizona?

Mr. ASHURST. The Senator can not get me to vote for his bill by talking that way.

Mr. COPELAND. Mr. President, having been up all night on official business, I think Senators must agree that I have shown some degree of patience in yielding to my various colleagues who have had bills to introduce and reports to submit. If I am to conclude, however, before the end of the hour I must proceed.

If the Senate shall have no opportunity to vote in an orderly way upon the alien property return bill, it will be the fault of the Senator from Arizona [Mr. ASHURST].

But I have fault to find with him, not alone because he brought up that bill and attempted to substitute it for the pending unfinished business. He used his influence to substitute other bills, the authors of which did not see fit to accede to his request. In addition to the bills I have mentioned was the bill to provide loans to veterans upon the security of their adjusted-service certificates.

Mr. President, no veteran in this country, certainly not in my State, is ever going to question my loyalty to the veterans or my devotion to the cause of the veterans.

Mr. ASHURST. Mr. President, will the Senator from New York yield to me there?

Mr. COPELAND. I yield to the Senator.

Mr. ASHURST. Mr. President, I would be cowardly if I failed to say that the statement of the Senator from New York is absolutely true. The ex-service man in this country will look in vain for a better friend in a practical, sensible way than is the Senator from New York. I want that to go into the RECORD.

Now, let me make a short statement. The Senator from New York has put me into a position where apparently I need exculpation. I deny categorically and emphatically that I intended or attempted to embarrass anybody by moving to take up those two bills. I am profoundly convinced and was then profoundly convinced that the pending bill can not pass.

Mr. COPELAND. Pardon me. No one better than the Senator from Arizona can speak on that subject.

Mr. ASHURST. With that knowledge or with that firm belief, what unfairness was there in moving to take up those two bills?

Mr. COPELAND. Mr. President, I can yield no further. If the Senator from Arizona does not see the unfairness, if he has not on this occasion that brotherly consideration which is so characteristic of him, then I can not by any poor words of mine bring home to him the embarrassing position in which he has placed some of us who are favorable to the legislation which he has used as a part of a filibuster.

Mr. ASHURST. Mr. President, will the Senator yield for a question?

Mr. COPELAND. I yield for a question.

Mr. ASHURST. Wherein have I been unfair in being an humble medium of affording the Senator from New York an opportunity to vote for two bills which he favors?

Mr. COPELAND. Ah, Mr. President, the Senator from Arizona and every other Senator here knows that there is prepared by the dominant party across the aisle, through its steering committee, a program of procedure.

Mr. ASHURST. Now will the Senator yield at that point?

Mr. COPELAND. Oh, no; Mr. President, I am not going to yield any more. I want to finish my remarks.

Mr. ASHURST. I will say that I do not blame the Senator from New York. He has been more than generous. He may not have been just this afternoon, but he has been generous.

ORDER FOR ABSENT SENATORS

Mr. NEELY. Mr. President, will the Senator from New York yield to me?

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

Mr. NEELY. Mr. President, at 3 o'clock this morning the Senate, on my motion, adopted an order directing the Sergeant at Arms to arrest the absent Members of the Senate and bring them here in order that the Senate might transact business. As the purpose of the order has been accomplished, I ask unanimous consent that the proceedings under it be discontinued.

The PRESIDING OFFICER. Without objection, the order will be discontinued. The Senator from New York.

Mr. COPELAND. Mr. President, may I ask my friend from West Virginia, does that also release the Senator from New York from arrest and custody?

Mr. NEELY. Yes, Mr. President; provided the eloquent Senator from New York will promise never again to absent himself from a session of the Senate without leave, even for an hour.

LOANS TO VETERANS UPON CERTIFICATES

Mr. COPELAND. Mr. President, the Senator from Arizona attempted out of order—I mean out of the order imposed upon us by the party in power—to force action upon and discussion of two measures of vital interest to Senators as well as to millions of citizens. I know that the time will come during the next few days when by our votes we may demonstrate our desire to pass those measures. Having said that much, I am going to turn away for the moment from my very patient friend from Arizona, my eloquent and usually sweet friend from the great Southwest.

Mr. President, no veteran in this country is going to be misled by what the Senator from Pennsylvania said the other night.

Mr. REED of Pennsylvania. Mr. President, is this a private fight, or am I to be admitted into it now? [Laughter.]

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

Mr. COPELAND. I have already yielded, Mr. President; and I may say to my friend from Pennsylvania that we are going to have a little private fight for a few minutes, and I suppose when it is over I shall have another black eye. However, that is a penalty of alleged statesmanship, is it not?

The other night the Senator from Pennsylvania sought to place upon the broad shoulders of the Senator from New Mexico [Mr. BRATTON] the failure of decisive action at that session on the veterans' loan bill. Mr. President, I want to remind the veterans of this country while they are in their present position regarding these loans that when this matter was up for discussion in 1924 there were some of us upon this floor who tried in season and out of season to give the veterans a cash option. Instead of presenting to them a graveyard benefit, to be paid about the time they are ready to die, they would have had the use of the money during these three years to carry on their enterprises, to set themselves up in business, to buy little homes, to go forward in the way they were entitled to go because of the sacrifices they made in the great World War.

I think one of the things which has sickened the American Nation of war was the contrast between the men who stayed at home and enjoyed the benefit of high wages and the opportunity to profiteer and to acquire great fortunes and the men who sacrificed comfort, time, opportunity, health, and life when they went across the sea.

Mr. President, the memory of man is short, and we live in an age of camouflage. There will be influence used to make the veterans feel that somehow or other those who defeated the cash bonus in 1924 have become great friends of the soldiers. In April of 1924 I presented to the Senate a cash option bill. I argued for the bill providing for the cash bonus, but when that was put up to the Secretary of the Treasury—"the greatest Secretary of the Treasury since Alexander Hamilton!"——

Mr. HEFLIN. Is the Senator committing himself to that characterization?

Mr. COPELAND. Oh, no; I put it in quotation marks, I will say to my friend, with an exclamation point after it.

Mr. HEFLIN. I am glad to hear that is so.

Mr. COPELAND. The bill introduced by me to which I have referred was presented to the Secretary of the Treasury, and on March 7, 1924, "the greatest Secretary of the Treasury since Alexander Hamilton!" said the country could not stand it. We could not stand it; why? The last paragraph of his letter is as follows:

> It should also be borne in mind that the Finance Committee has under consideration H. R. 6715, a bill to reduce and equalize taxation, to provide revenue, and for other purposes, and, if such bill becomes a law with its present provisions, it is estimated that there will be a reduction in revenue for the year 1925 of about $450,000,000. It is estimated the reduction is greatly in excess of the surplus for the year 1923, and it will undoubtedly result in a deficit. To add expenditures resulting from the proposed bill—

The cash bonus bill—

> would necessarily mean a further increased deficit, which could only be met by taxation in some form and would undo the work of tax reduction.

I want every veteran in this country to recall that this administration, headed by the President of the United States and largely influenced by the Secretary of the Treasury, Mr. Mellon, set up the question of tax reduction against the rights and privileges of the veterans and their opportunity to have such a bonus. There could be no tax reduction if there was a cash bonus was the argument used.

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

Mr. COPELAND. I think it is only fair to yield to the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The Senator speaks of his desire to benefit the veterans and to help pass the bill allowing loans on their adjusted-compensation certificates. I want to say to the Senator that if at this minute he will ask unanimous consent to take up and pass that bill, with the amendment proposed by the Senator from New Mexico [Mr. BRATTON], I will be glad to agree to it.

Mr. COPELAND. Does the Senator mean with the amendment attached to the bill?

Mr. REED of Pennsylvania. Yes; with the amendment attached to the bill.

Mr. COPELAND. Mr. President, I ask unanimous consent——

Mr. ROBINSON of Arkansas. I suggest that a unanimous-consent agreement has been entered into to consider that bill to-morrow, and that in all probability it had better follow the arrangement that has already been made.

Mr. COPELAND. Of course I bow to the Senator from Arkansas; but I want to say that so far as I am concerned, I am ready to accept the challenge of the Senator from Pennsylvania [Mr. REED] right this minute.

Mr. REED of Pennsylvania. Then why does not the Senator accept it? I am ready to see the bill passed right now with that amendment on it. If the Senator is so anxious to see it passed, why does he not ask it?

Mr. COPELAND. Mr. President, I do ask that that be done right now—that the pending business be temporarily laid aside, and that we vote now on this question.

The VICE PRESIDENT. There would have to be a quorum call. The proposed agreement fixes a time for voting.

Mr. COPELAND. I hope some Senator will suggest the absence of a quorum. I do not want to lose the floor.

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

The VICE PRESIDENT. The Senator from Arizona suggests the absence of a quorum. The Secretary will call the roll.

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

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

Mr. BRATTON. I desire to state for the RECORD that my colleague [Mr. Jones of New Mexico] is necessarily absent on account of illness.

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present. The Senator from New York asks unanimous consent for an immediate vote upon the veterans' loan bill, as amended. Is there objection?

Mr. TYSON. Mr. President, a parliamentary inquiry: What is the situation of that bill?

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

Mr. TYSON. What is the amendment? Is it the soldiers' bill?

The VICE PRESIDENT. The soldiers' bill.

Mr. TYSON. Mr. President, I was in the Senate at the time this unanimous-consent agreement was made, and no roll call was had at that time.

The VICE PRESIDENT. Consent has not yet been given. Unanimous consent is asked. The quorum was called for the purpose of making it possible to present the request for unanimous consent fixing a time to vote.

Mr. TYSON. In view of the fact that one hour to-morrow has been set aside for this purpose, I shall have temporarily to object, unless the Senators on the other side, who have been opposing Senate bill 3027, will agree that we shall have a time to consider that bill, and, after having had two or three hours upon it, to get to a final vote.

Mr. BINGHAM. Mr. President, my understanding was that this request made by the Senator from New York [Mr. COPELAND] was with regard to a bill providing loans to the soldiers who are entitled to compensation, that there was no objection to that bill, and that it was hoped that the bill might be passed immediately. That was my understanding of the request of the Senator from New York.

Mr. COPELAND. Not quite. It includes the amendments made the other night.

Mr. REED of Pennsylvania. That was the understanding—with all amendments heretofore made—and the request is for an immediate vote on final passage.

Mr. BINGHAM. No other bill should be put on it as an amendment which would endanger its passage.

Mr. TYSON. Mr. President, the Senator from Connecticut [Mr. BINGHAM] and the Senator from Pennsylvania [Mr. REED] kept the bill from passing the other night. They are the Senators who kept the bill from passing. We now have a unanimous-consent agreement that this bill is to be taken up to-morrow, as I understand, at 3 o'clock, and debated for one hour. Therefore it already has a status, and I see no reason why the proposed agreement should be made at this time.

Mr. BINGHAM. But it is the Senator from Tennessee now who is preventing us from voting on the bill we all want to pass.

Mr. TYSON. Very true; but the Senator from Connecticut has been preventing me from getting a vote for about a year and a half now.

Mr. BINGHAM. That is another bill.

Mr. TYSON. Now the Senator desires to get the soldiers' bill through, when he has been trying to kill it for a very long time.

Mr. BINGHAM. That is another bill. The Senator from Tennessee must not charge me and others with attempting to kill the bill which the Senator from New York has now asked to have passed, which I am in favor of, and have been in favor of, and he is asked to let it pass now without further debate.

Mr. NEELY. Mr. President, a parliamentary inquiry: Who has the floor?

The VICE PRESIDENT. The Senator from Tennessee [Mr. TYSON] has the floor.

Mr. NEELY. Will the Senator from Tennessee yield to me?

Mr. TYSON. I yield.

Mr. NEELY. The Army officers' retirement bill which the Senator from Tennessee is sponsoring and which proposes to grant relief to approximately 1,500 commissioned officers is, in my opinion, a highly meritorious measure. I purpose to aid to the limit of my capacity in enacting it into law. There is on the Senate Calendar a bill (H. R. 16886) to authorize the director of the United States Veterans' Bureau to make loans to veterans upon the security of their adjusted service certificates. This bill proposes necessary relief for more than 3,000,000 enlisted men. It ought to be passed without a moment's delay.

Mr. President, these very worthy measures are not dependent. They are independent. The latter is practically without opposition. The former is opposed by some of the most ferocious and effective filibusterers in the Senate. We can pass the latter, if it be unincumbered by the former, in 5 minutes. But if the measures are joined both of them will probably be defeated.

Is it possible that the distinguished Senator from Tennessee [Mr. TYSON] who, as a great and gallant general, commanded 8,000 of our enlisted men in the World War, and the equally able Senator and courageous ex-soldier from Connecticut [Mr. BINGHAM], intend to grind the proposed legislation for both officers and enlisted men of the World War between the upper and nether millstones of their conflicting legislative undertakings?

Mr. REED of Pennsylvania. Will the Senator yield for a question?

Mr. NEELY. Will not the Senator from Tennessee now permit us to dispose of the enlisted men's loan bill upon the assurance that all of us who have been supporting his retirement bill will do everything in our power to assist him in passing it through the Senate? Let us not throw away the present opportunity to afford great relief to the World War veterans simply because a few willful Members of the Senate refuse for the moment to permit us to perform a valuable service for 1,500 deserving and disabled officers.

Mr. REED of Pennsylvania. If this procedure continues, nobody will get any relief; and not only will the enlisted men be denied the relief that I know the distinguished Senator from Tennessee wants to have them granted, but the officers whose bill he is sponsoring will be denied any relief also.

Mr. TYSON. Mr. President, I wish to say to the Senator that this bill is set for to-morrow at 3 o'clock. There is to be an hour of debate upon it. There is no question about that bill being passed to-morrow. Therefore I shall have to ask if these two Senators will give me the assurance that the Senator from West Virginia said I should have in regard to Senate bill 3027, the emergency officers' retirement bill. If these two Senators, one from Pennsylvania and the other from Connecticut, will give their consent there will be no trouble about passing that bill.

Mr. REED of Pennsylvania. Mr. President, I would agree that the Tyson bill should be substituted in the unanimous-consent agreement for to-morrow, so that it could be debated at the same time as suggested in the agreement propounded by the Senator from Arkansas.

Mr. HEFLIN. Provided we vote now on this bill.

Mr. REED of Pennsylvania. Provided you will dispose of this bill now.

Mr. ROBINSON of Arkansas. Mr. President, it is easily within the power of the Senate, under the unanimous-consent agreement entered into this morning and of which I gave notice yesterday, to vote upon both the veterans' loan bill and the amendment proposed yesterday by the Senator from Tennessee providing for the retirement of disabled emergency officers.

Of course, the object of the Senator from Pennsylvania in making the suggestion at this time is to divest himself of the responsibility which he so readily assumed Monday evening in defeating the veterans' loan bill, and at the same time his object is to make certain that the Senate will not consider the Tyson amendment to the veterans' bill.

Mr. TYSON. Absolutely.

Mr. ROBINSON of Arkansas. If the Senate desires to do so, after we proceed to-morrow under the unanimous-consent agreement to the consideration of the veterans' loan bill, the Senator from Tennessee having been permitted to offer his amendment, if the Senate desires to do so it can then provide for cloture on the veterans' loan bill and force a vote on that bill and on the Tyson amendment.

I did not expect to have to enter into a debate on the subject at this time, but the Senator from Pennsylvania is attempting to escape responsibility for his action on Monday and at the same time deny the Senate its right to a procedure which has heretofore been ordered by the unanimous-consent agreement made this morning to take a vote on an amendment which the Senate has passed in identical language by an overwhelming vote in two previous sessions of Congress, and the vote heretofore taken upon which during this session of Congress indicates that if the Senator from Pennsylvania and other Senators in a very small number will permit the Senate to express its views on the subject, it will pass by an overwhelming majority.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Tennessee yield to me to reply to the Senator from Arkansas?

Mr. TYSON. I yield.

Mr. REED of Pennsylvania. I want to call attention to the fact that the request for the immediate consideration of this veterans' bill comes from the Senator from New York [Mr. COPELAND].

Mr. ROBINSON of Arkansas. But the suggestion of the Senator from Pennsylvania, who made the same request this morning before the unanimous consent was entered into by the Senate, was agreed to.

Mr. REED of Pennsylvania. I call the Senate's attention to the fact that, nevertheless, it was the Senator from New York who asked to bring this bill up now, to which the Senator from Arkansas objects, and I call the Senate's attention also to the fact that a bill for the relief of 3,000,000 veterans which the Senator from New York is trying to get up, is being held up by the insistence of one Senator who has a bill for the relief of 1,500 officers. The rights of 3,000,000 men are being sacrificed to-day in order that a pet scheme for 1,500 officers may be advanced.

Mr. TYSON. Mr. President, let me ask the Senator who it was on Monday night who insisted that that bill could not be passed, and threatened the Senator from New Mexico [Mr. BRATTON], saying to him that "that bill can not pass if you insist on putting that amendment on"?

Mr. REED of Pennsylvania. It was I who did it, and I did it because I thought his amendment favored a class that did not deserve it.

Mr. TYSON. Why has the Senator changed his mind now?

Mr. REED of Pennsylvania. If the Senator will yield to me to answer, I have changed my mind because I have come to realize that these 3,000,000 men are being sacrificed on a question that involves only a few hundred.

Mr. TYSON. The Senator will realize before long that 2,000 other officers of the emergency Army are also being sacrificed. More than 50 of them have died in the last 12 months, and 250 have died since this bill has been before Congress. The Senator can not escape the responsibility for refusing to permit this bill to pass the other night, and now he wishes to take advantage of his own error in not permitting it to pass.

Mr. REED of Pennsylvania. I leave the RECORD to answer that. I intend to continue to object to the bill of the Senator from Tennessee because it is an indefensible discrimination against the enlisted men.

Mr. TYSON. Others do not think so.

Mr. REED of Pennsylvania. Then why does not the Senator bring his bill up by itself?

Mr. TYSON. Because the Senator, with two or three others, has kept me from having an opportunity to get a vote upon it. If the Senator will give me a vote on it, that is all I want.

Mr. REED of Pennsylvania. If there is any merit in the Senator's bill he can get it to a vote, but he is trying to tie it to the coat tails of the bill which the Senator from New York wants to get up for the benefit of 3,000,000 men.

Mr. TYSON. And the Senator from Pennsylvania was not willing on Monday night to accept the amendment offered by the Senator from New Mexico, but now he is willing to accept it.

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

Mr. TYSON. I yield.

Mr. COPELAND. Would it be proper to link these two pending requests for unanimous consent, changing the Robinson agreement to the extent of placing Senate bill 3027 where the House bill now is? In that way we would vote to-day, finishing the question of the loans to veterans, and to-morrow there would be one hour of discussion and a vote on the merits of the Tyson bill?

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

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

Mr. LENROOT. I would like to suggest to the Senator from Tennessee that if he would accept the suggestion of the Senator from New York he would be in much better position in reference to his bill. The Senator from Tennessee may not be aware of the fact that the moment cloture is adopted, the rule of germaneness applies. No amendment, under the rule, can be received that is not germane, and under the unbroken line of precedents, after cloture is adopted, if that is what is to be done, the Senator's amendment would not be in order.

Mr. TYSON. I would like to ask the Senator from Wisconsin if he considers the amendment of the Senator from New Mexico as germane?

Mr. LENROOT. The rule of germaneness does not apply before cloture is adopted.

Mr. ROBINSON of Arkansas. Under the rules of the Senate the question as to whether or not an amendment is germane is submitted to the Senate, and the Senate, if it has the votes to pass the bill as amended, would probably hold the amendment to be germane.

I am not going to object to the request which is now made by the Senator from New York, provided the veterans' loan bill is passed. The Tyson bill will then be before the Senate for such action as the Senate may desire to take, and there would be an opportunity for the application of cloture if Senators desired to take advantage of it.

Mr. TYSON. Mr. President, I did not understand the suggestion of the Senator from New York in regard to the unanimous-consent agreement.

Mr. ROBINSON of Arkansas. I can state it to the Senator from Tennessee. I understood it. It is that the unanimous-consent agreement be modified so as to include in its terms the bill of the Senator from Tennessee relating to the retirement of emergency officers, and that the Senate now proceed without further debate or further amendment to vote on the veterans' loan bill as amended as in Committee of the Whole.

Mr. TYSON. That puts Senate bill 3027 in the present agreement for consideration.

Mr. COPELAND. To-morrow.

Mr. TYSON. At 3 o'clock.

Mr. ROBINSON of Arkansas. That is right.

Mr. BRUCE. Mr. President, I want to understand about that. I am opposed to the bill of the Senator from Tennessee.

Mr. ROBINSON of Arkansas. I trust the Senator from Maryland will not object to its being considered by the Senate for one hour. That is the effect of the agreement this afternoon.

Mr. BINGHAM. There was no agreement, may I say to the Senator from Maryland, that we should vote to-morrow, but, as I understand it—and the Senator from Tennessee and the Senator from New York will correct me if my understanding is not correct—the loan bill, with the amendment of the Senator from New Mexico as adopted the other night, is to be voted on now without further discussion and without further amendment. To-morrow at 3 o'clock, instead of the loan bill coming up for one hour's discussion, the emergency officers' retirement bill, the so-called Tyson bill, will come up for one hour's discussion.

Mr. COPELAND. The Senator has stated the proposal correctly.

Mr. ROBINSON of Arkansas. The agreement does not limit the consideration of the bill to discussion, but it is to be up for such consideration and action as the Senate shall desire to take.

Mr. BINGHAM. Certainly; but there is no agreement as to a vote.

Mr. BRUCE. I thank the Senator from Connecticut. I understand the situation now. I was out of the Chamber when the discussion started. I have no objection.

Mr. BRATTON. I am informed that the clerks at the desk failed to get the unanimous-consent agreement as modified by the Senator from Arkansas, and I suggest that he restate it.

Mr. ROBINSON of Arkansas. That the unanimous-consent agreement heretofore entered into this day relating to the consideration of the veterans' loan bill on to-morrow be modified so as to substitute in said agreement the bill, S. 3027, the retirement bill for disabled emergency officers, and that the Senate now proceed, without further debate or amendment, to vote upon the veterans' loan bill as amended in Committee of the Whole.

Mr. COPELAND. Mr. President, the Senator has stated it exactly as I desire to present it, and I trust that there will be no objection to it, and that we may proceed now to vote.

The VICE PRESIDENT. Is there objection?

Mr. EDGE. Mr. President, reserving the right to object—though I have no desire to object—I want to know how that will leave us to-night. We will be proceeding under Rule VIII to-night, and if the Senator from Tennessee, his bill being, as I recall, the fifth or sixth bill on the calendar, should move to take it up to-night, we would have another three hours of discussion on it. If we are going to give a definite hour to-mor-

row to that bill, it seems to me it should be understood that to-night we can go through the calendar without having the entire evening spent on that bill.

Mr. TYSON. I do not believe I would be willing to agree to this, because of the fact that I will get only one hour, and I am confident that the gentlemen who have been filibustering here for so long can talk more than an hour on this bill whenever they get ready.

Mr. COPELAND. Mr. President, if the Senator from Tennessee objects, I renew my original request for unanimous consent.

Mr. ROBINSON of Arkansas. Let me say to the Senator from New Jersey that the unanimous-consent agreement as proposed does not limit or restrict the arrangement already entered for consideration this evening, of bills already on the Calendar under Rule VIII, and that unless the unanimous-consent agreement is modified—and I do not intend to modify it in that particular—the Senator from Tennessee would have a chance to have consideration of his bill this evening if he choose to proceed in the way that is necessary to get the bill up.

Mr. EDGE. I merely draw attention to it because I think it is fair to have it understood that when we come back to-night, those who favor the bill of the Senator from Tennessee will defer bringing it up to-night, so that we can transact some other business.

Mr. TYSON. Would the Senate agree to give me three hours to-morrow, instead of one hour?

Mr. REED of Pennsylvania. Surely, it is not necessary to do that.

Mr. ROBINSON of Arkansas. Mr. President, frankly, if cloture is not to be applied on the bill of the Senator from Tennessee, three hours debate would accomplish no more than one hour of debate, because I see before me, Senators whose loquacity, verbosity, and eloquence would, I am sure, consume more than three hours, in view of their well-known attitude respecting the bill. I do not object to an extension of the time, but it seems to me that it would be a useless consumption of time.

Mr. MOSES. It would be a mere moot debate, if there were no agreement for a vote.

Mr. LA FOLLETTE. I rise to a point of order.

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

Mr. LA FOLLETTE. I make the point of order that there is confusion in the Senate and it is impossible to understand what is going on in the Chamber.

The VICE PRESIDENT. The Senate will be in order.

Mr. TYSON. I accept the unanimous-consent agreement as modified by the Senator from Arkansas and the Senator from New York.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. As representing the opposite side of the controversy, I hope that the agreement will be entered into, and I join in the expression of a hope to that effect by the Senator from Tennessee. I do not think it is necessary to ask him to waive any rights to-night, but I firmly believe that if he knows his bill is coming up to-morrow, he will not expect to occupy all of this evening's session. We can leave that to his good sense when we reach the bill on the Calendar.

Mr. BRUCE. Mr. President, I simply desire to say, so that there will be no misunderstanding about this matter, that some of the rest of us are interested in bills which may come up on the Calendar to-night. Some of us did not get an hour's sleep last night, but are so much interested in the bills on the Calendar that we are ready to drag our weary frames here to try to get an opportunity to have them brought up to-night. The Senator from Tennessee has made two presentations of his ideas with regard to his bill, one of which was pronounced by the Senator from New York to be an uncommonly able presentation, and it was. So I venture to say that he has consumed at least two or three hours already in the discussion of his bill, and the Senator from New York and the Senator from Pennsylvania have presented their ideas very fully. It does seem to me that if the Senator is allowed an hour to-morrow to present his views for the third time, that ought to suffice, and that he should not take up so much time to-night when we are going over the Calendar as to interfere with other measures on the Calendar.

Mr. COPELAND. I renew my request for unanimous consent that we proceed at once to the consideration of the veterans' loan bill, with the amendment, and that on Thursday at 3 o'clock the unfinished business, if any, be temporarily laid aside and the Senate proceed to the consideration of Senate bill 3027, the so-called Tyson bill, for one hour unless that bill shall be sooner disposed of.

SEVERAL SENATORS. Regular order!

The VICE PRESIDENT. Is there objection?

Mr. MOSES. We can not take that bill up for one hour only.

Mr. SWANSON. Mr. President, I serve notice that there is no use taking the whole afternoon trying to reach an agreement which is never submitted. There is no use talking here of a unanimous-consent agreement which no one understands.

Mr. BRUCE. So far as I am concerned, the Senator from Tennessee is put on his election. He can either move to have his bill taken up to-night or he can accept the suggestion which has been tacked on to the unanimous-consent agreement.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement?

Mr. BRUCE. I object.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

Mr. BRUCE. Mr. President, I certainly objected. Senators sitting near me will bear me out. I objected to the unanimous-consent agreement.

The VICE PRESIDENT. The Chair did not hear the Senator.

Mr. HARRISON. The Senator from Maryland did object.

Mr. HEFLIN. Mr. President, I make the point of order that the Chair asked, "Is there objection?" The Chair then said, "The Chair hears none, and it is so ordered." Let the reporter's notes be read and see if they do not show that to be the fact.

Mr. HARRISON. Mr. President, what the Senator from Alabama said is true. I immediately called the attention of the Senator from Maryland to the fact that his objection had not been heard by the presiding officer.

The VICE PRESIDENT. The Chair did not hear the objection of the Senator from Maryland.

Mr. HARRISON. I am sure the Chair did not hear it, but the Senator from Maryland did make the objection.

Mr. HEFLIN. I heard what the Senator from Maryland said.

Mr. BRUCE. Mr. President, I withdraw the objection.

The VICE PRESIDENT. The objection is withdrawn.

SEVERAL SENATORS. Vote! Vote!

The VICE PRESIDENT. House bill 16886, the veterans' loan bill, is in the Senate. The question is, shall the amendments made as in Committee of the Whole be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, shall the bill pass?

Mr. NEELY and Mr. REED of Pennsylvania. Let us have the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. I am advised that he would vote as I shall vote. I therefore vote; I vote "yea."

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. BAYARD]. I know that he would vote as I intend to vote. Therefore I vote; I vote "yea."

The roll call was concluded.

Mr. BINGHAM. I desire to state that my colleague, the senior Senator from Connecticut [Mr. McLEAN] is unavoidably absent. If present, he would vote "yea."

Mr. McMASTER. The senior Senator from South Dakota [Mr. NORBECK] if present, would vote "yea."

Mr. BRATTON. My colleague the senior Senator from New Mexico [Mr. JONES] is absent on account of illness. If present, he would vote "yea."

I also desire to announce that the Senator from Rhode Island [Mr. GERRY] and the Senator from Alabama [Mr. UNDERWOOD] are necessarily absent. If present, these Senators would vote "yea."

Mr. PITTMAN. My colleague the junior Senator from Nevada [Mr. ODDIE] is absent on account of illness. If present, he would vote "yea."

Mr. JONES of Washington. I desire to announce that the Senator from Colorado [Mr. MEANS], the Senator from Massachusetts [Mr. GILLETT], the Senator from Utah [Mr. SMOOT], the Senator from Vermont [Mr. DALE], the Senator from Oregon [Mr. STANFIELD], the Senator from Maryland [Mr. WELLER], the Senator from Vermont [Mr. GREENE], the Senator from Maine [Mr. GOULD], the Senator from Pennsylvania [Mr. PEPPER], and the Senator from New York [Mr. WADSWORTH] are necessarily absent. If present, all these Senators would vote "yea."

The result was announced—yeas 75, as follows:

YEAS—75

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

NOT VOTING—20

Bayard	Gould	McLean	Smoot
Dale	Greene	Means	Stanfield
du Pont	Harreld	Norbeck	Underwood
Gerry	Jones, N. Mex.	Oddie	Wadsworth
Gillett	King	Pepper	Weller

So the bill was passed

Mr. REED of Pennsylvania. Mr. President, I move that the Senate insist upon its amendments, ask a conference with the House, 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. SMOOT, Mr. REED of Pennsylvania, and Mr. SIMMONS.

Mr. COPELAND. Mr. President, I had intended to go on at greater length, but since this matter has gone on so happily I leave the matter where it is.

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

Mr. COPELAND. Certainly.

Mr. ASHURST. I congratulate the Senate upon passing this bill. I was this afternoon the victim of a terrific flailing. The Senator from New York rose at 3 o'clock and charged me with attempting to pass this veterans' bill which has just been passed by the Senate, and for which the Senate has unanimously voted. The Senator's conscience hurt him so much because he voted against the bill on that vote that in order to extricate himself from the position in which his vote had plunged him, responding to the monitor within his breast, he came forward and manfully assisted in passing the bill.

Mr. COPELAND. I think, in view of the very happy ending, that we need not split hairs. If I hurt the feelings of the Senator from Arizona I am very sorry.

But, of course, there is a great difference between attempting to substitute a bill for the sole purpose of blocking legislation, as the Senator did, and passing a bill without setting aside the pending business. I am sure serious contemplation will cause him to see the difference.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that, under the unanimous-consent agreement previously entered into, the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 5 o'clock and 23 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.

THE CALENDAR

The VICE PRESIDENT. The Senate will proceed with the calendar under Rule VIII.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory-bird treaty with Great Britain by the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such areas, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as first in order.

Mr. BRUCE. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2808) to amend section 24 of the interstate commerce act, as amended, was announced as next in order.

Mr. WILLIS. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

TRUTH IN FABRICS

The bill (S. 1618) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven or knitted fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia, or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over!

Mr. CAPPER. Mr. President, the bill, known as the truth in fabrics bill, is supported by all the farm organizations and many of the consumers' associations throughout the country. I had intended to ask that it be brought before the Senate this evening for consideration and a vote. The senior Senator from Utah [Mr. SMOOT], who has given the proposed legislation a great deal of study, has been awaiting an opportunity to discuss it, as he stated on the floor a week or two ago. He specially requested me not to permit the bill to come before the Senate unless he could be present and have an opportunity to discuss it. He has a number of important amendments which he intends to offer.

The Senator from Utah is unavoidably detained on account of the serious illness of a member of his family; in deference to his request, therefore, I shall not press the bill for consideration this evening. I shall endeavor, however, to have it come to a vote in the Senate in the near future.

The VICE PRESIDENT. The bill will be passed over.

PROTECTION OF WATERSHEDS AND REFORESTATION

The bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, was announced as next in order.

Mr. OVERMAN. Mr. President, I do not want to stand in the way of the Senator from Oregon [Mr. MCNARY] bringing up the bill. I showed him an amendment which I desire to offer to it. If he will accept it, I have no objection to the passage of the bill.

Mr. MCNARY. I regret exceedingly to say that I could not accept the Senator's amendment. I have given it my best thought and study during the afternoon. I think the bill itself embodies all the features which are set forth in the Senator's amendment.

Mr. OVERMAN. I think the Senator is right about that; but it has been construed differently and the commission is now acting differently. The commission is buying lands everywhere in the United States, not for the protection of watersheds but buying other lands. It will take some time if we get into a discussion of the measure. The bill appropriates $40,000,000 and I do not think it ought to pass without some discussion. If the Senator wants to take it up and discuss it, I have no objection to doing that.

Mr. MCNARY. I am very earnestly anxious that the bill shall come up for consideration. It applies to the Great Lakes States, the Southern States, and the New England States, and not at all to the Western States, from one of which I come. I can not accept the Senator's amendment. If the Senator is not willing to have the bill come up by unanimous consent, I shall move that the Senate proceed to its consideration.

Mr. OVERMAN. The Senator knows that he construes the bill as I do in most respects. I ask him if he will not accept my amendment, which is for the purpose of protecting the headwaters of navigable streams. Why not put that language in the bill? That is all my amendment provides.

Mr. MCNARY. I have a very appreciative knowledge of the Senator's legal acumen; but his amendment, I think, is covered by what is called the Clarke-McNary Act, which covers the whole question of reforestation, and I do not believe it enlarges it at all or restrict it.

Mr. OVERMAN. If the Senator believes that, why not put my amendment in his bill?

Mr. MCNARY. Because I fear that some court not having general jurisdiction might hamper the work of the commission.

Mr. OVERMAN. The Senator knows that this measure was brought up some 14 years ago and was declared by a unanimous

report of the Committee on the Judiciary to be unconstitutional, and they reported that such a bill should not be passed. However, I do not want to stand in the way of the Senator. I know that he is anxious to get the bill through. I know he is a very able Senator. It is only proper that an appropriation should be made for the purchase of lands for the protection of the headwaters of navigable streams.

Mr. McNARY. That is true.

Mr. BRUCE. Mr. President, I rise to a point of order.

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

Mr. BRUCE. Consideration of the bill has been objected to. Of course, the Senator from Oregon can now move that the Senate proceed to its consideration.

Mr. McNARY. I appreciate the suggestion of the Senator from Maryland. I shall, in deference to him, if he thinks proper at this particular moment, move that the Senate proceed to the consideration of Senate bill 718.

Mr. BRUCE. That is what I supposed the Senator would do.

Mr. OVERMAN. The Senator knows that the bill authorizes an appropriation of $40,000,000 to buy land. I know the people in my State who are not really acquainted with the bill have been telegraphing me to vote for it. I hope the Senator can see his way clear to accept the amendment and let it go through.

Mr. McNARY. I want to be quite in order and follow the rules of the Senate. I feel that the Senator from Maryland has suggested the proper procedure and accordingly I move that the Senate proceed to the consideration of the bill. Then I shall discuss it very briefly, and I think effectively, from the point of view I entertain respecting the position of the Senator from North Carolina.

The VICE PRESIDENT. The motion is not debatable. The question is on the motion of the Senator from Oregon.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 718) authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended.

Mr. McNARY. I ask that the bill may be read.

The VICE PRESIDENT. The clerk will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the United States Treasury not otherwise appropriated, to be expended under the provisions of section 7 of the act of March 1, 1911 (36 Stat. L., p. 961), as amended by the acts of March 4, 1913 (37 Stat. L., p. 828, June 30, 1914 (38 Stat. L., p. 441), and the act of June 7, 1924 (Public, 270), $3,000,000 available July 1, 1926; $3,000,000 available July 1, 1927; $3,000,000 available July 1, 1928; $3,000,000 available July 1, 1929; $3,000,000 available July 1, 1930; $5,000,000 available July 1, 1931; $5,000,000 available July 1, 1932; $5,000,000 available July 1, 1933; $5,000,000 available July 1, 1934; $5,000,000 available July 1, 1935; in all for this period, $40,000,000, to be available until expended.

Mr. BORAH. Mr. President, is the Senator going to explain the bill?

Mr. McNARY. I should like to have an opportunity to proceed very briefly.

Mr. BORAH. I was going to ask a question, but I will withhold it until the Senator gets through with his statement.

Mr. CURTIS. Mr. President, may we not at this time have the amendment reported so that we may consider the bill and the amendment together?

Mr. McNARY. I shall be very happy to accede to the request of the Senator from Kansas.

The VICE PRESIDENT. The amendment is not on the desk of the clerk. Will the Senator please state it?

Mr. OVERMAN. My amendment proposes to include at the proper place in the bill the following proviso:

Provided, That no lands shall be purchased except those lands which are necessary for the protection of the headwaters of navigable streams.

Mr. McNARY. Mr. President, I shall first address myself very briefly to the general purpose of the bill. The purpose of the bill is simply to acquire large areas of forested, denuded, and cut-over lands in areas comprising the watershed of navigable streams in the Great Lakes States, the States of the South, and the States of New England, for the purpose of conserving the water supply and navigation under the section of the Constitution which is familiar to all of us.

Some years ago the National Forest Reserve Commission was created by this body, in cooperation with the House, and during the past 11 years they have acquired about 3,000,000 acres of land in the three districts or sections of the country to which I have referred. They have acquired during that period approximately 3,000,000 acres at an average cost of $4.93 per acre. This does not apply to the West or any of the section of the country west of the Mississippi River.

The thought of those who have framed the bill and placed it in my charge is to increase the national forests in the East in order that we may conserve the forests on the watersheds of navigable streams, and promote reforestation in the denuded areas in order that we might conserve the waters which flow in the navigable streams of the country.

The bill, as indicated by its reading, forms a national policy, appropriating $3,000,000 annually over a period of five years, making $15,000,000, and $5,000,000 annually over a period of five years, amounting to $25,000,000, making a total of $40,000,000. The thought and hope of those who are interested in conservation is that we may have better and purer water for the States; that we may in some degree take care of our annual rainfall; that we may conserve the forests and rebuild and replace them.

The East, as we all know, including, as I said, in that term a differentiation from the far West, and referring to the Great Lakes States, the Southern States, and the New England States, whose forests have been cut over, whose towns have been ill supplied with water, is in contemplation in order that we may have growing forests to take the place of the primeval forests upon a large and general plan. Hence I have offered the bill to cover a series of forests and the rebuilding of them.

The bill passed the House some months ago, but on account of the attitude of the Director of the Budget the sum was somewhat reduced. I am now proposing the larger sum, namely, $40,000,000, with hope and confidence that when it comes down to the question of the conference the Senate conferees will be successful in maintaining the amount of money provided for in the bill irrespective of the attitude of the House.

Mr. WARREN. Mr. President——

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

Mr. McNARY. I yield.

Mr. WARREN. Has the Senator submitted the bill to the Secretary of the Interior or the Chief Forester?

Mr. McNARY. The Department of Agriculture, speaking through the Bureau of Forestry, has reported on the bill favorably; but in all candor, as I said, the Bureau of the Budget has reduced the amount from $3,000,000 annually to $1,000,000 annually.

Mr. WARREN. What about the term of 10 or 15 years through which the appropriation is to continue?

Mr. McNARY. The program has not been reduced at all.

Mr. WARREN. Does the Senator think that the way to approach the subject is to undertake to provide a program covering such a long period of time?

Mr. McNARY. The bill provides for a 10-year program.

Mr. WARREN. I am only too anxious to aid in forestry and in what the Senator desires, except that I can not vote for any measure which deliberately ties us up for a specified sum per year for a long period of years. We can not tell what may be our circumstances or the amount of money we may be able to appropriate in the years to come. This is merely an expression of my personal opinion.

Mr. McNARY. If I may recall it to the mind of the able Senator from Wyoming, in nearly every appropriation bill there has been a commitment from either the Director of the Budget or Congress regarding the appropriation of money.

Mr. WARREN. Each year.

Mr. McNARY. And this is not a singular situation.

Mr. WARREN. Yes, it is; because these amounts are authorized for 10 years in advance, and the sums named are required to be appropriated annually.

Mr. McNARY. I quite agree with the Senator from Wyoming. I know that some of the matters appertaining to the Department of Agriculture were matters in which there have been commitments for periods of 5 or 10 years. I do not know about some of the other departments, but in this situation it is necessary to lay out a program in order to accomplish the big thing desired to be accomplished, namely, to preserve the watersheds of the navigable streams.

Mr. WARREN. Very well; I shall not detain the Senator further.

Mr. McNARY. If we are going to act upon a penny-wise plan by buying a few acres this year and none next year, we will find that the lands to-day which are susceptible of purchase by the Government and capable of retaining the moisture of the country will fall into private ownership in the next few years and be subject to decrees of condemnation. It is neces-

sary, if we are going into a large field to conserve our supplies of water for navigable streams, to enter into a program which extends over a period of years.

Hence, it is necessary, in my humble judgment, to prepare a plan that will comprehend at least a 10-year program.

Mr. McKELLAR. Before the Senator concludes, will he state why he is unwilling to accept the amendment offered by the Senator from North Carolina [Mr. OVERMAN]?

Mr. McNARY. It is my judgment, and the judgment of those who are better advised than I am, that that amendment, if adopted, perhaps, would restrict the operation of the National Forest Reservation Commission to forested areas. The Senator knows, he must know, that much of the land to-day is logged over and cut over. What is known as the reforestation bill, which is frequently referred to as the Clark-McNary bill, in section 6 provides that not only forested areas but cut-over and denuded lands shall be purchased. What we want to do is to build up those denuded lands, comprising watersheds, in order that they may conserve the water and add to the navigability of the streams of the watersheds. Hence, I think, the amendment of the Senator from North Carolina might limit the operation of the commission to purchasing forested areas, which would not meet the situation, in the great New England States, in States of the South, and a number of States along the Great Lakes; and if we are attempting to build up a national plan why should we look to the virgin forests that are nearly all destroyed? We should go out and try to preserve and build up areas that have been denuded and cut over. Now, I yield to the Senator from Idaho.

Mr. BORAH. I think the purpose of the bill is a very excellent one, but the only thing I was interested in was as to how much latitude and discretion is given to the commission in making purchases.

Mr. McNARY. Mr. President, the limitation is only upon the amount of money they may expend. We know that the future has always been judged by the past. I said a moment ago that the 3,000,000 acres which have heretofore been purchased by the commission have only cost the Government approximately $4.95 an acre.

Mr. BORAH. As I understand the amendment of the Senator from North Carolina, the Senator desires to confine the purchase to the protection of watersheds. Do I understand that the Senator from Oregon desires that they shall be privileged to go beyond that?

Mr. McNARY. Not at all.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I desire to say that I am on the commission with the Senator from New Hampshire [Mr. KEYES] which bought $50,000 worth of land in Michigan, which they said was not purchased for the purpose of preserving the headwaters of navigable streams. We had a meeting three weeks ago, at which I protested that lands were being acquired which were not for the purpose of protecting the headwaters of navigable streams. I made the stenographer take my statement down and Senators will find it in the record. Are we going to buy land all over the country without regard to the protection of the watersheds of navigable streams?

Mr. McNARY. Mr. President, I appreciate the concern of the Senator from North Carolina and I have read his notes with very much interest and some edification.

I think the Senator is not quite accurate in his statement—not purposely so, however. It is a physical impossibility to buy either cut-over or forested land that do not somewhere contribute to the navigability of a stream, because every stream has a watershed. Section 6 of the act to which I have referred enlarges the Weeks Act because it uses the words "cut-over or denuded lands" rather than "forested areas." I am conscious of the fact that if the money is appropriated it would be without the jurisdiction of the commission to purchase land that is not adapted to protect navigation interests.

Mr. CARAWAY. Mr. President, may I ask the Senator from Oregon a question?

Mr. McNARY. I am glad to yield to the Senator.

Mr. CARAWAY. The Senator may have discussed the matter about which I desire to ask him a question while I was called out of the Chamber; but if the Senator from Oregon and the Senator from North Carolina agree that the Constitution restricts the purchase of lands to those at the headwaters of navigable streams, what objection would there be to incorporating such a provision in the proposed act so that the commission would be compelled to confine purchases to lands the conservation of which would protect the navigability of rivers?

Mr. McNARY. There was a particular provision of that character, I will say to the Senator from Arkansas, in section 6 of the original Weeks Act, but section 6 of the act of June 7, 1924, enlarges the Weeks Act because it looks to the purchase not only of forested areas but also of denuded and cut-over lands. Under the Weeks Act all purchases were to be made of forested areas—standing timber—but much of the land which once was forested is now cut over and denuded, and the subsequent act allows the purchase of such land for the purpose of reforestation.

Mr. CARAWAY. If the Senator will pardon me, the amendment of the Senator from North Carolina would not restrict the purchase of cut-over lands; it would only confine the areas in which they were bought, not the character of the land.

Mr. McNARY. That is true; but the difficulty that I and those who are interested in the bill find in the matter is that it indicates that there is a doubt in the mind of Congress whether we can go beyond the Weeks Act, which we tried to enlarge in the other forestation act, which in section 6 provides for the acquisition of "forested cut-over or denuded lands within the watersheds of navigable streams." Is not that a satisfactory answer to the argument of the Senator from North Carolina?

Mr. CARAWAY. If the Senator will pardon me—and then I shall not interrupt him again—it appears to me that the very hesitancy that is displayed here in accepting an amendment of that kind would seem to indicate that the commission was invited to go out and purchase lands that would not naturally fall within the restriction.

Mr. McNARY. Not at all, because section 6 does not admit of that discretion. It attempts the enlargement of the Weeks Act, which limited purchases to forested areas. As one speaking for the interest of the South and the East and the New England States and the Great Lakes States, I fear that the amendment might be construed as a limitation upon the authority of the National Forest Reservation Commission.

Mr. CARAWAY. I am frank to say that I do not follow the Senator.

Mr. McNARY. I can not conceive of any reason for attempting to limit the authority granted in the conservation act. Without attempting further to discuss the matter, I will say that all of those interested in forestation, all of the organizations, have appealed to Congress to support the bill that has been heretofore offered so as to establish a national plan whose purpose is simply to establish in the Great Lakes section, in the South, and in the East the policy which has been carried on there in the West from the time statehood was granted. I speak most unselfishly and disinterestedly for those who are interested in this legislation.

Mr. OVERMAN. Mr. President, we have heard for years protests being made by western Senators against the Government owning so much land in their States; they want the Government to give it back to them so that it may not be removed from the taxing power of the States; but here is a proposition to extend the same system to the Southern and Eastern States, to acquire great bodies of land and take them out of taxation and put them under control of the Government.

This is not the first time this question has been up here. We appropriated two weeks ago $1,000,000 to buy lands, and we have been appropriating every year for a number of years from $1,000,000 to $3,000,000 with which to buy land to protect the watersheds of navigable streams. The Government owns millions of acres of land in Arkansas, Georgia, South Carolina, Pennsylvania, and the Appalachian Range, and we are buying more land. The Government owns 378,000 acres in my State.

When the term of former Senator Shields, of Tennessee, expired I was asked to go on the Forest Reservation Commission. I went on the commission. I found when I attended a meeting of the commission that they were buying lands away from navigable streams, old pine lands, cut-over land, and I said, "Gentlemen, you have no constitutional power to do that; we are acting under the Weeks law." That law was a compromise.

About 15 years ago, not knowing as much about the Constitution as I now know, I introduced a bill to buy lands for this purpose. The bill passed the Senate and went to the House. That was in 1914, and I have the RECORD here which sets forth that the House referred the bill to the Judiciary Committee to ascertain whether or not the bill was constitutional. Without a single exception the 17 great lawyers of the House of Representatives, then constituting the Judiciary Committee of that body, submitted a report in which they said that the bill was unconstitutional. Senator Weeks and myself and a few others got together and asked if the power to purchase were limited to land protecting the watersheds of navigable streams, would not that be constitutional? That question was taken under advisement, and we were informed that under the clause of the Constitution providing that the Government should have control of navigable streams, Congress had the power to keep the silt from going in and also had the power to provide for keeping the silt out. In accordance with that

idea, we frequently make appropriations to clean out rivers. In the Appalachian region, where there are few lakes, the waters are held by the rootlets of trees and when the spring rains fall they wash over the land and carry the silt down to the rivers. So we came to the conclusion that there ought to be some way by which the Government could acquire the lands at the headwaters of the streams. President Roosevelt sent a strong message to Congress asking that that be done.

Mr. President, I will ask the clerk to read the conclusion of the unanimous report of the Committee on the Judiciary of the House, which was one of the ablest committees that ever sat in the House of Representatives. Judge Jenkins was chairman and Wayne Parker and other Representatives of similar high ability were on the committee. I will not ask the clerk to read the whole report; it would take almost all night to read it, but to read the resolution of the committee showing its conclusion.

The VICE PRESIDENT. Without objection, the clerk will read as requested.

The Chief Clerk read as follows:

[From the CONGRESSIONAL RECORD, Senate, of May 16, 1908, page 6395]

Resolved, That the committee is of the opinion that the Federal Government has no power to acquire lands within a State solely for forest reserves; but under its constitutional power over navigation the Federal Government may appropriate for the purchase of lands and forest reserves in a State, provided it is made clearly to appear that such lands and forest reserves have a direct and substantial connection with the conservation and improvement of the navigability of a river actually navigable in whole or in part, and that any appropriation made therefor is limited to that purpose.

Resolved, That the bills referred to in the resolutions of the House (H. R. 10456 and H. R. 10457) are not confined to such last-mentioned purpose and are therefore unconstitutional.

Mr. OVERMAN. Mr. President, the committee were not unanimous in the opinion that we might buy the land for that purpose, but a majority of them were. Senator Weeks and I prepared a bill providing for the purchase of land at the headwaters of navigable streams for the purpose of protecting the watersheds of navigable streams. That bill passed, and under it we have been appropriating, as I have said, from one to three million dollars every year to purchase such lands. Then came along another measure, the Clarke-McNary Act, affecting the subject.

When it passed I thought it had the same object as the original act. The Senator from Florida [Mr. FLETCHER] told me he thought it had and I understood the Senator from Oregon [Mr. MCNARY] to say the same thing. I was astonished, however, when I went before the commission, of which I am a member, to find that they were buying pine land from a university in one State that could not avail for the protection of the watershed of a navigable stream. It looked as if land was going to be purchased here and there and everywhere without regard to the Weeks law. I called their attention to it, and I protested against it. Several members voted with me, but a majority overruled me, and the chairman said, "Well, I have some doubt about this, so I will recommend that the commission refer it to the Attorney General to see what he says about it." What do you suppose, Mr. President, the Attorney General said? He wrote back, "Follow the law." They had asked him for an opinion on this subject and his opinion was, "Follow the law."

Mr. KING. Was that Attorney General Sargent?

Mr. OVERMAN. Yes.

Mr. CARAWAY. I am glad that he recognized that there was such a law.

Mr. OVERMAN. Since that time, after I returned to Washington I attended another meeting at which a report was presented in which it was shown they were buying lands here and there. I asked the very question, "Are you buying this land for the purpose of protecting the watersheds of navigable streams?" and the reply was, "No."

Mr. MCNARY rose.

Mr. OVERMAN. Does the Senator wish to ask me a question?

Mr. MCNARY. Mr. President, I agree with the Senator in the proposition, of course, that we can not go out—and the bill does not contemplate such a course—and buy up forests as such. The power is limited both in the Weeks Act and the reforestation act and this bill to the conservation of watersheds of navigable streams.

Mr. OVERMAN. That is what the Weeks bill was for.

Mr. MCNARY. Why, certainly.

Mr. OVERMAN. That is what we ought to do, and I am as strong for it as my friend the Senator from Oregon; but when they go out here and there and buy land everywhere, old fields here and old fields there, I think they are going too far.

Mr. MCNARY. Mr. President, there is no intention whatsoever to do that. If the Senator will permit me to refresh his memory by speaking of the last act which was the product of the reforestation committee, section 6——

Mr. OVERMAN. I know what the act says. I know how they construe it.

Mr. MCNARY. All the members of the National Commission on Conservation, all of those who are interested in reforestation through the country, the great organizations, have construed it as it has been construed, happily, by myself; and the Senator from North Carolina has been alone in his own construction.

Mr. OVERMAN. I do not understand why the Forest Reservation Commission is buying these lands contrary to what, I think, is the law and what the Senator thinks is the law. I shall be satisfied if you will put on my amendment, which limits them to buying forested lands and cut-over lands. They are buying cut-over lands in my State now to protect the headwaters of navigable streams. It is the headwaters of navigable streams that they are trying to protect. What I am protesting against is buying land that does not protect the headwaters of navigable streams, unless the Senator contends that land a thousand miles away from the Mississippi River is required for the protection of a navigable stream.

Mr. MCNARY. Mr. President, anyone who has ever been in a forest knows that all the forests are found in the watersheds. Every forest in this country, every tree that grows in this country, is in some way connected with the watershed of a navigable stream.

Mr. OVERMAN. Mr. President, that reminds me of what is going on in another field. The other day there was a great development made in my State, and they were going to flood three acres that belonged to the Government. The power company offered them 100 acres for 3 acres, and they decided that they could not make the exchange, because it was the headwaters of Wilsons Creek, and Wilsons Creek was the headwaters of another creek, and another creek was the headwaters of another river, and another river was navigable. The Senator from Georgia [Mr. GEORGE] knows about it. He and I have both been up there trying to settle that question, and that is what they hold.

Mr. MCNARY. Does not the Senator realize that all of those tributary streams give their waters to some navigable stream?

Mr. OVERMAN. If they run a thousand miles, perhaps. In my State there are two springs. One is the headwaters of the Great Kanawha, and the other is the headwaters of the Peedee; and they are within a hundred yards of each other. That might be said to be the headwaters of a navigable stream, because the water ran into the Peedee and ran into the Great Kanawha.

Mr. MCNARY. Of course, Mr. President.

Mr. OVERMAN. Then, that takes in all the land of the United States, and you can buy a thousand acres in North Carolina; and if you can buy a thousand acres you can buy a hundred thousand, and you can buy 200,000, and take it out of taxation, and destroy my State.

Mr. CARAWAY. Mr. President, may I ask the Senator from Oregon a question? If the Senator is correct in his holding that every tree is on the headwaters of a navigable stream, what was the object of putting in the Weeks bill a provision that they could buy only timbered lands, only to protect the headwaters of navigable streams? If they are all on the headwaters of navigable streams it would seem to be perfectly useless language.

Mr. MCNARY. It may have been; but that was the idea of the author of the bill, who wanted to use the language thereof.

Mr. CARAWAY. What did they put it in there for?

Mr. MCNARY. Mr. President, every one knows, whether he is from Arkansas or elsewhere, that under the Constitution no bill of this kind can stand the test of the courts unless it is connected with navigability, which is also connected with the headwaters of a stream and the watershed.

Mr. CARAWAY. But I thought the Senator said there was not a tree that grew that was not growing on the watershed of a navigable stream. Therefore, since all of them are, what is the use of saying that only those that are within the watersheds of navigable streams shall be purchased?

Mr. MCNARY. Mr. President, we have to say some things in bills for those who construe the laws, but some of us know what they mean. That might apply very well to the Senator from Arkansas.

Mr. CARAWAY. I am frank to say that with the Senator's language and his explanation, I do not know. The law says the land can not be purchased unless it is on the watershed of a navigable stream, and the Senator says that all trees are on the watersheds of navigable streams. That may be a tremendously forceful argument, but the Senators must furnish the information, I presume, because I never heard of such a thing before. I presume that if he were to die, all wisdom would die with him.

Mr. McNARY. Mr. President, anyone who has thought seriously on this subject and is not a known jester——

Mr. CARAWAY. If the Senator thinks I am jesting about it, the Senator does not know what he is talking about. The Senator can make his statement in his own time or in any way he wants to, but I hope he will make his arguments without making offensive references to me.

Mr. McNARY. Mr. President, I have no desire to refer to the Senator from Arkansas at all, because we are now considering a serious matter.

Mr. CARAWAY. That is what I thought until the Senator made a joke about it by saying that all trees were on the watersheds of navigable streams.

Mr. OVERMAN. Mr. President, will the Senator tell me why he will not accept my amendment? If the Senator says that is what the law means, why not accept it?

Mr. McNARY. I will tell the Senator why I can not accept it. In the Weeks Act the attempt was made——

Mr. CARAWAY. I wonder how that "Weeks" is spelled.

Mr. McNARY. I have no doubt about that. In the Weeks Act it was attempted to limit the operations of this commission to the purchase of forested areas.

Mr. OVERMAN. The Senator knows that it is not limited to that, because they are buying cut-over land everywhere. They bought the Vanderbilt lands.

Mr. McNARY. That may have been a question of execution. Under the act, which was known as the reforestation act, there was an attempt by the Government to acquire denuded and cut-over lands. The objection I have to the Senator's proposition is that it might restrict the commission to purchasing land that was not forested area. I am anxious, Mr. President, to get property within the watershed which section 6 of the reforestation act——

Mr. OVERMAN. How far would the Senator go?

Mr. McNARY. I will not yield for a minute.

Mr. OVERMAN. I have the floor.

Mr. CARAWAY. No; the Senator lost it by the Weeks Act.

Mr. McNARY. Very well; if the Senator does not want me to explain, I will do so in my own time.

Mr. OVERMAN. I do not want to be discourteous at all. I want the Senator to say what he was going to say. I was asking why he would not accept my amendment.

Mr. McNARY. I was trying to distinguish between the Weeks Act and the reforestation act, all of which appertains to the South and the Great Lakes States and the New England States. It was thought by those who administered the act that they were restricted to forested areas. Section 6 of the reforestation act plainly provides that it applies not only to forested areas but to cut-over areas and denuded areas, all within the watersheds of navigable streams.

Mr. OVERMAN. How far would the Senator extend the watersheds—how many miles away?

Mr. McNARY. Mr. President, any one knows that a watershed is that part of the topography of the country that sends water from springs and streams and rainfall and melting snow to add to the water that is carried down into the navigable parts of the stream.

Mr. OVERMAN. That takes in the whole thing, then.

Mr. McNARY. Why, certainly. As I said a moment ago, there is no tree that grows in all the country——

Mr. OVERMAN. It takes in the whole United States.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. WALSH of Montana. Are we proceeding under Rule VIII?

The VICE PRESIDENT. Under Rule VIII; a motion was made to proceed to the consideration of the bill, and it was carried.

Mr. OVERMAN. Mr. President, I will ask the Senator if he will not permit to be done what was done 15 years ago in the case of a similar bill—let it be referred to the Committee on the Judiciary to say whether it is constitutional?

Mr. McNARY. I could not do that.

Mr. OVERMAN. I suppose not.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. OVERMAN. I shall be glad to yield.

Mr. HARRISON. Would not the Senator from North Carolina be satisfied and the Senator from Oregon be satisfied if the amendment should read:

Provided, That no land shall be purchased except cut-over, forested, or denuded lands within the watersheds of navigable streams.

That includes the language embraced in the act of 1925.

Mr. OVERMAN. If the Senator made it read "the headwaters of navigable streams," I should be satisfied with it.

Mr. HARRISON. I was merely quoting the exact language of that act.

Mr. McNARY. Certainly; I shall be very glad to accept that, because of this fact: The headwaters, in my opinion, is synonymous with the watershed; and that is the language of the reforestation act of 1924, which was the result of the work of a commission of the Senate. I shall gladly accept the amendment. It carries out my theory entirely.

Mr. OVERMAN. I have the floor. The Senator says the headwaters means all the land in the States and in the United States, and therefore under his bill appropriating $40,000,000, and maybe $40,000,000 more, if we start on this proposition, he can buy up the whole United States and destroy the States. Is not that so?

Mr. McNARY. Of course, that is perfect nonsense.

Mr. OVERMAN. The Senator admitted that it would take in a whole State.

Mr. McNARY. Not at all. I say that any tree that grows in this country is more or less associated with the watersheds of the country. Trees do not grow in the arid West. Trees grow in the South, where there is rainfall and snowfall; perhaps in the Great Lakes States and in the New England States, because of moisture; and any tree that grows more or less contributes to conservation of the navigability of the streams which have their sources in its watershed.

Mr. GEORGE. I should like to say to the Senator that many of them grow right down on the coast, right against the Atlantic and against the Gulf.

Mr. McNARY. That is true.

Mr. GEORGE. And they would be purchasable under this bill.

Mr. McNARY. Entirely so; and is it not true that they suspend the evaporation of water that finally percolates into the streams of the country; and does the Senator from Georgia object to the acquisition of those headwaters?

Mr. President, I am willing to accept the amendment offered by the Senator from Mississippi, because it entirely conforms to the spirit of the act of 1924. If the Senator from North Carolina, who stands alone among all of those who advocate this bill, would accept the amendment we could get together and pass the bill.

Mr. OVERMAN. Mr. President, I should like the Senator to carry out what he says is the policy; not go a thousand miles away from some navigable stream and buy land, but buy it on the headwaters of the stream. That was the provision of the Weeks Act. Under that act they have been buying cut-over land, and they are buying thousands and thousands and thousands of acres of land. Congress every year for 15 years has appropriated from one to two million dollars for that purpose. Why does the Senator want this other bill?

Mr. McNARY. Because it is a lot better bill for the country and the Senator's country, and everybody knows it but the Senator.

Mr. OVERMAN. That may be the Senator's opinion, but I know it is not.

Mr. McNARY. The Senator stands alone to-day in all those in the South against the South's interests.

Mr. OVERMAN. I am willing to do that, Mr. President. I opposed this bill four years ago, and was reelected by 50,000 majority.

Mr. McNARY. I appreciate that. I wish it had been 150,000.

Mr. OVERMAN. We had this matter up, and I know there is a propaganda going on for this bill. I know that your forest commission was a very extravagant body—one of the most extravagant bodies in this Government. We are now appropriating $8,000,000 to them, and they want $40,000,000 to go out and buy land everywhere in the headwaters of streams. That is what they did three weeks ago, away off from navigable streams.

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

Mr. OVERMAN. I will.

Mr. LENROOT. The Senator would not limit it, for instance, in the case of the Mississippi River, to only the headwaters of the Mississippi River, and say that no land could be purchased along the Mississippi River in the Southern States?

Mr. OVERMAN. No. We are buying land now on the headwaters that make the Mississippi River, the Kanawha River, the New River, the Ohio River, and all the great rivers.

Mr. LENROOT. But they are not all navigable streams.

Mr. OVERMAN. But the Senator from Oregon contends that they are navigable streams. Any water that runs into the Mississippi River, if it is from a spring or a creek a hundred miles away, is a navigable stream. That is what the Senator from Oregon contends.

Mr. McNARY. Mr. President, I do not take the narrow view that you have to buy a few acres of land on the Columbia River or the great Colorado River or the Mississippi River or the Missouri River to make it navigable. Every tributary stream carries its quota of water, and every tree along that stream in the watershed is a contributing and a valuable factor.

Mr. OVERMAN. If the Senator will confine it to watersheds, I will accept it; I will make no objection to his bill.

Mr. McNARY. Now the Senator is getting around to my viewpoint.

Mr. OVERMAN. Will the Senator accept my amendment, then?

Mr. McNARY. What is the Senator's proposition?

Mr. OVERMAN. Has the Senator my amendment? I showed it to him. I had hoped that we could settle this matter without any contest.

Mr. McNARY. I can not accept the amendment, Mr. President.

Mr. OVERMAN. The Senator will not accept it?

Mr. McNARY. No; not at all.

Mr. OVERMAN. All right.

Mr. KEYES. Mr. President, it seems to me that we are getting a little confused as to the question before the Senate. I did not understand that it was a question of amending our present law. The bill is simply to authorize appropriations to carry into effect law that we already have. In 1911 we passed the Weeks Act, providing for the acquisition of lands on the headwaters of navigable streams. In 1904 section 6 of that act was amended, enlarging the scope of the law. This bill before us to-night is simply to carry into effect the legislation we already have, nothing more.

Mr. OVERMAN. The Senator was present at the meeting when we considered this matter.

Mr. KEYES. Yes.

Mr. OVERMAN. The Senator will remember I asked the question, "Is this land to be purchased for the purpose of protecting the headwaters of navigable streams?"

Mr. KEYES. Yes.

Mr. OVERMAN. And they said "no."

Mr. KEYES. Yes. I may say that there are seven on the committee, of which the Senator and myself happen to be members. They said "no" because we had before us section 6 of the law, which provides in the very last clause in regard to the purchase of land what I shall read. I think perhaps I had better read the whole section:

SEC. 6. That section 6 of the act of March 1, 1911 (36 Stat. L., p. 961), is hereby amended to authorize and direct the Secretary of Agriculture to examine, locate, and recommend for purchase such forested, cut-over, or denuded lands within the watersheds of navigable streams as in his judgment may be necessary to the regulation of the flow of navigable streams, or for the production of timber, and to report to the National Forest Reservation Commission the results of such examinations; but before any lands are purchased by the commission, said lands shall be examined by the Secretary of Agriculture, in cooperation with the Director of the Geological Survey, and a report made by them to the commission showing that the control of such lands by the Federal Government will promote or protect the navigation of streams, or by the Secretary of Agriculture, showing that such control will promote the production of timber thereon.

Mr. OVERMAN. And yet the Senator says I asked whether the land was bought for the purpose of protecting the headwaters of a navigable stream, just as that law provides, and they said, "No; it is not." They had their men go out in a little place somewhere and report on cut-over pine lands that had nothing to do with any streams at all. The Senator remembers that?

Mr. KEYES. Yes. I do remember it very well; but I call the Senator's attention to the last words of the section, "That such control will promote the production of timber thereon." That is the law. The commission simply tried to carry out the law. I want to call the Senate's attention to the fact that there has not been one single acre of land purchased, in spite of what my good friend from North Carolina has stated here to the effect that we are buying land all over the United States, all kinds of land. There has not been one single acre purchased up to the present time.

Mr. OVERMAN. How about the Michigan lands?

Mr. KEYES. They have not been purchased.

Mr. OVERMAN. We paid $50,000 for a little tract out there, and that is the very land I was protesting about, and the Senator himself admits here that the witnesses said it was not for the purpose of protecting the timber.

Mr. KEYES. I maintain that not one acre of land has been purchased. The commission authorized the purchase of some 50,000 acres of land in Michigan at $1 an acre. The purchase has never been consummated, and the question of the constitutionality of this matter, it seemed to at least six members of the commission, was a matter that would be determined by the courts. The commission simply endeavored to carry out the law as it exists, and the bill before us to-night is nothing more than a measure to authorize appropriations to carry into effect existing law.

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

Mr. KEYES. I yield.

Mr. WADSWORTH. Will the Senator state what the purpose of the proposed Michigan purchase was?

Mr. KEYES. It was not to protect the headwaters of navigable streams. It was to be purchased under section 6, which was really for timber production on the waters of navigable streams, or lands about navigable streams.

Mr. WADSWORTH. Do I understand the Senator to say that the commission is authorized by the existing law to purchase land for either one of two purposes, first, to protect the watershed of a navigable stream; and, second, to encourage the growth of timber?

Mr. KEYES. Exactly. One is for stream protection and the other for timber production. I think that is the law.

Mr. WADSWORTH. If that is true, and that second alternative just described by the Senator is in the statute, then, of course, there is no limit on the purchases to be made by the commission, except the funds appropriated by Congress. They can go anywhere, in any State, provided they can assume to their own satisfaction that the land they are buying can be used for the encouragement of the growth of timber or the preservation of the timber supply. I am merely translating what the Senator himself has said in reply to my question.

Mr. KEYES. It refers to navigable streams.

Mr. WADSWORTH. I know; that is settled. But how about the other alternatives?

Mr. KEYES. I mean that the lands which are being purchased for timber production must be around navigable streams.

Mr. WADSWORTH. Were the 50,000 acres in Michigan around navigable streams?

Mr. KEYES. Some of it was.

Mr. WADSWORTH. What stream?

Mr. KEYES. I am unable to give the Senator the name of the stream, but it is my understanding that some of that land was around a navigable stream.

Mr. OVERMAN. Or tributary to the Great Lakes.

Mr. KEYES. Streams running into the Great Lakes.

Mr. WADSWORTH. Half the United States is tributary to the Great Lakes.

Mr. GOODING. It is just as important to protect the watershed of the Great Lakes as of any other body of water in the United States, and the object of a protective-forest cover is to hold the moisture.

Mr. WADSWORTH. Then, there is no limit at all. Why not say in the statute that the commission may purchase lands anywhere?

Mr. GOODING. The author of the bill said there was no limit.

Mr. CARAWAY. Mr. President, I do not subscribe to the theory that is being advocated by the people who want to take over all the streams and all of the woodland of this country, who claim that every drop of water that trickles is a part of some navigable stream, and that the Government may extend its jurisdiction to the very springs that flow out of the rocks, and take charge of them. If so, it can take charge of every stream in America, and if the explanation of the Senator from Oregon is correct, it can take charge of all the forest lands.

I am curious, then, to know what it is that the Federal Government does not own, what it is that the State has a right to control, what it is that lies outside of the jurisdiction of the Federal Government. I feel no particular interest in the legislation one way or the other; I am not pa ticularly friendly with this idea of extending the Federal ownership of lands.

I have heard the gentleman from the West complaining about so much of their lands being in Federal control. I have heard

it advocated upon this floor that the Federal Government ought to contribute toward the upkeep of some of the States by reason of the fact that most of the lands are in Federal control, and I have almost been persuaded that there was some justice in that claim.

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

Mr. CARAWAY. I yield.

Mr. GOODING. May I say to the Senator from Arkansas that the West, my State, and I think all the States in the West, as far as the timber is concerned, are cooperating with the Government now in reforesting. We think it is going to mean a great asset to the West in time as timber becomes valuable, and I can agree with the Senator from Oregon that practically every tree in this country that is on a watershed contributes to the watershed in conserving the moisture, making a forest bed so that the snows will not run off in great torrents and great floods. That is the object of forestation, conserving the watersheds, conserving the moisture.

Mr. CARAWAY. That is doubtless true.

Mr. GOODING. Improving the conditions not only of the streams but of the country generally.

Practically all the trees except the trees along the seaboard——

Mr. CARAWAY. The Senator is parting company with the Senator from Oregon, who assured the Senator from Georgia that every tree that grew along the sea was a part of the forest protection.

Mr. GOODING. It can be said that 97 per cent of all the forests are on watersheds or contribute to some river, to some stream, that makes up the Mississippi or one of the other great rivers of America.

Mr. CARAWAY. The Senator's contention is that the Federal Government could acquire all the forests in America?

Mr. GOODING. No; I would not put it that way; but the forests ought to be conserved wherever we can conserve them. In a few years we will not have any timber in America. We are wasting our forests faster than any other country on earth, and in 25 years we will be paying twice as much for lumber as we are now.

It is only the General Government and the States that can encourage forestry, because no individual can afford to pay taxes on a great body of land and wait for a forest to develop. So it is a necessity for either the States or the General Government to cooperate if we are to have forests in America.

Mr. CARAWAY. If that is the Senator's idea, that the Government ought to take over all the forest lands and all the streams, I have no fault to find with him, but as long as the Constitution does not warrant it I do not subscribe to it. That is all I care to say.

Mr. OVERMAN. Mr. President, the milk in the coconut is what the Senator from New Hampshire read about this law—that it was not for the purpose of protecting the headwaters of navigable streams, but was for the protection and production of timber. That is not a matter for the General Government. My State appropriated last year $2,000,000 for the purpose of buying land. If you want to protect the lands in a watershed, let the State do it. Do we want the Government to own all the land in this country? If that is a policy that is adopted, then the Government will own all the land everywhere. The Senator says my people are in favor of this bill. I have no doubt a thousand letters have been written to my State to try to get people to ask me to withdraw my opposition to the measure.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. OVERMAN. Certainly.

Mr. SHEPPARD. Under this bill can we acquire land in a State without the consent of the State?

Mr. OVERMAN. No; we can not. We can not condemn it without the consent of the State. My State has consented to the buying of land for the purpose of protecting the headwaters of navigable streams.

I was about to say that there has been considerable propaganda on this matter. The good women of my State and distinguished men and others have been writing to me asking me to give my support to the bill, but I can not be governed by that sort of thing when I know the Congress would be acting outside of the law. It is unconstitutional, as the Senator admits and as the Congress has stated and as I have tried here to show. It is not within the Constitution. Committees have time and again unanimously said we could not do it. People have asked me to vote for a bill proposing to go outside in the buying of lands for the protection of headwaters, here and there and everywhere, but I can not do it. No matter what the people say, I am going to stand by the Constitution as I see it and as I know it.

Mr. McNARY. Reference has been made by the distinguished Senator from North Carolina to a report of the House committee in 1917. That committee held that we could not go out and buy land disassociated from watersheds or streams. I yield to that argument. I am not impinging upon that argument. We are quite agreed on that point. I only take the view and the large view that we have a right not only to take forest areas but denuded areas and logged-off areas in all the watersheds of navigable streams.

Mr. OVERMAN. The Senator says it is unconstitutional. What is unconstitutional? Under the Senator's argument they could buy land a thousand miles away from a navigable stream.

Mr. McNARY. Oh, no; I have never argued for going out and canvassing where there are no streams, in the Mississippi Valley or the great Gulf States or the western divide of Colorado, for the purpose of buying up land and planting trees.

Mr. OVERMAN. According to the Senator's argument a little stream in Kansas, even a little branch in Kansas, is a headwater of a navigable stream.

Mr. McNARY. There are very few streams in Kansas which flow anywhere or go into a navigable stream.

Mr. OVERMAN. They must go into navigable streams if they go anywhere.

Mr. WALSH of Montana. Mr. President, I inquire if the Senator from Oregon and the Senator from North Carolina have not twice spoken on the subject?

Mr. OVERMAN. I have had the floor and have been interrupted. I am ready to yield the floor. I have offered an amendment and I do not see why it should not be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from North Carolina.

Mr. HARRISON. Mr. President, about two years ago the Senate appointed a committee to go out and study the question of reforestation. They traveled over the country and made certain recommendations. Those recommendations in part were written into law, and, as I recall it, the act of 1924 is a part of one of the recommendations.

There is nothing complicated about the question now before the Senate. It is merely a request to increase the appropriations for the purchase of the lands embraced in the present law, section 6, of 1924. Section 6, of 1924, gives to the Secretary of Agriculture power to "purchase lands, forested or cutover or denuded lands, within the watershed of navigable streams as in his judgment," and so forth. Under the present law we can expend so much money a year. We say this question is of such importance that the Congress ought to increase the appropriations annually for the purpose in order that we can conserve some of the forests, that we can purchase more of the lands and bring benefit to the people.

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

Mr. HARRISON. I submit the proposition ought to be agreed to. It is not changing any existing law. It is merely carrying out the law by asking for a larger appropriation annually.

I yield now to the Senator from Utah.

Mr. KING. I ask the Senator if it be a fact, as indicated by the Senator from North Carolina, that those administering the law perverted and misinterpreted it and purchased lands which were not within the contemplation of those who enacted the law, is it not proper, indeed, is it not imperative, that hooks should be put into their jaws and that they should be restrained to the legitimate exercise of constitutional power?

Mr. HARRISON. I do not know whether they perverted the law or not. I take it that they have done their duty. But we can hardly find any 160-acre tract of land on any navigable stream in the United States as to which everyone might agree that every part of it constituted a part of a watershed and that if we should purchase timber on every part of it, it would add to the protection of the headwaters of a stream. I submit it is not necessary to adopt the amendment offered by the Senator from North Carolina. If he insists on it being considered, I shall offer a substitute for it.

Mr. BINGHAM. Mr. President, in order to save the time of the Senate I ask permission to have inserted in the RECORD, without reading, portions of several letters from various Connecticut organizations, including the Connecticut Federation of Women's Clubs, the Connecticut Botanical Society, and others, showing a general interest in the bill throughout Connecticut. I should read them, but I merely ask unanimous consent to have them printed in the RECORD without being read in order to save time.

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

The letters are as follows:

CONNECTICUT FEDERATION OF WOMEN'S CLUBS,
New Haven, Conn., January 21, 1926.

Senator HIRAM BINGHAM,
Senate Chamber, Washington, D. C.

DEAR SIR: As chairman of conservation of the Connecticut Federation of Women's Clubs, representing 8,000 women, I am writing to ask your favorable consideration of Senate bill 718 to carry out adequately the provisions of the McNary-Woodruff bill.

Having been conservation chairman for 25 years, I can truly say that the women of your State have been very active workers, for constructive conservation, for several years—and wish to see our State in the vanguard of all work, which eventually will bring about a well-developed State policy. The New England Forestry Congress and the Connecticut Forestry Association have indorsed this bill.

Very truly yours,

JESSIE B. GERARD,
Chairman of Conservation Connecticut Federation of Women's Clubs.

THE FORTNIGHTLY.

Mr. HIRAM BINGHAM,
Washington, D. C.

MY DEAR MR. BINGHAM: At its three hundred and thirty-fourth meeting on January 13, the Fortnightly, a club of New Haven women, voted to make known to you and Mr. McLEAN the hope of its members that their Connecticut Senators would favor the passage of the McNary-Woodruff bill now pending in the Senate. The club is especially interested in the primeval forest of red spruce at Mad Run Notch, N. H., and understands that if this bill is passed its preservation will be assured.

Very sincerely yours,

ELIZABETH C. BEERS, *Secretary.*

NEW HAVEN, January 17, 1927.

THE CONNECTICUT BOTANICAL SOCIETY (INC.),
New Haven, Conn.

Hon. HIRAM BINGHAM,
Senator, Washington, D. C.:

At the annual meeting of the Connecticut Botanical Society, held at New Haven, Conn., January 29, the matter was brought up in reference to help save the forests in the Waterville Valley and Mad River Notch in New Hampshire, and the following resolution was passed unanimously:

Resolved, That this society is in favor of the Government purchasing this tract of land, and that a copy of this resolution be sent to Senator McLEAN and Senator BINGHAM.

Yours truly,

ARTHUR E. BLEWITT,
Corresponding Secretary.

P. S.—The McNary-Woodruff bill, S. 718, covers this situation.

THE CURTIS HOME,
Meriden, Conn., January 10, 1927.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SIR: My attention has been called, as a member of the Society for the Protection of New Hampshire Forests, to the opportunity of saving 16,000 acres of spruce timber in the township of Waterville, N. H., an area which includes the Notch of the famous Mad River, immortalized by Longfellow, provided the McNary-Woodruff bill shall pass the Senate at this session.

I earnestly hope that you will see your way clear not only to favoring its passage but to using your influence and good offices to bring this desirable action about.

Very respectfully yours,

FREDERICK W. KILBOURNE,
Secretary, Connecticut Chapter Appalachian Mountain Club.

THE STAMFORD CHAMBER OF COMMERCE (INC.),
Stamford, Conn., February 16, 1927.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

HONORABLE SIR:

* * * * * * *

We favor the McNary-Woodruff bill, S. 718. We are particularly anxious to see the National Forest Reservation Commission purchase additional land in New Hampshire for addition to the national forest in the White Mountains.

* * * * * * *

Yours very truly,

E. G. KINGSBURY,
Secretary, Stamford Chamber of Commerce (Inc.).

THE WOONSOCKET CHAMBER OF COMMERCE, INC.,
Woonsocket, R. I., February 16, 1927.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SENATOR: At a meeting of the board of directors of this chamber held Monday, February 14, extended consideration was given to the McNary-Woodruff bill, which has to do with the acquisition of additional forest lands in New England.

It is our understanding that the New England council and many other agencies interested in the welfare of New England are in favor of this legislation, and our board wishes to be recorded as being in favor also.

The opinion was expressed that Federal Government should begin at once to carry out a definite program of forestry in the New England States.

We hope that you will do all you can to assist in the passage of this legislation.

Very truly yours,

CHARLES E. SMITH,
Managing Secretary.

BRIDGEPORT CHAMBER OF COMMERCE,
Bridgeport, Conn., February 19, 1927.

Hon. HIRAM BINGHAM,
United States Senator from Connecticut, Washington, D. C.

MY DEAR SENATOR BINGHAM: At the meeting of our board of directors held yesterday resolutions were passed urging your support for the following measures: House bill 8902, "day labor bill," Government forest reservation in New Hampshire. The chamber went on record as favoring immediate action by Congress to purchase tract of some 22,500 acres of forests at the headwaters of the Merrimac River.

I know you will appreciate the fact that our board of directors have no desire to tie your hands in these matters, and the resolutions are submitted to you simply as an indication of the sentiment of the members of our board in regard to these matters.

In case you desire separate letters for presentation to committees, I would be very glad to supply them.

Very cordially yours,

BRIDGEPORT CHAMBER OF COMMERCE,
ROBERT A. CROSBY, *Executive Secretary.*

THE NEW HAVEN CHAMBER OF COMMERCE,
New Haven, Conn., February 21, 1927.

Senator HIRAM BINGHAM,
United States Senate, Washington, D. C.

MY DEAR SENATOR BINGHAM: The New Haven Chamber of Commerce has for a long time been interested in the preservation of the timberland in the White Mountains.

We understand that there is now a chance for the Government to acquire a tract of about 22,500 acres at the headwaters of the Merrimac River, and also that this tract will be cut over within the next year or two unless it is bought by the Government.

We further understand that the logging company is willing to sell at cost, plus interest for one year, and that the timber on it, if cut under Government supervision and according to the best forestry methods, would bring a return to the Government.

The McNary-Woodruff bill, if passed, will give the necessary protection. We hope that you will find it possible to support this bill or, if it fails of passage, to urge that an item be placed in the deficiency bill which will save this very valuable tract.

Very truly yours,

J. F. FERGUSON, *Secretary.*

The VICE PRESIDENT. The question is on the amendment of the Senator from North Carolina [Mr. OVERMAN] to insert, at the proper place in the bill, the following proviso:

Provided, That no lands shall be purchased except lands necessary for the protection of the headwaters of navigable streams.

On a division, the amendment was rejected.

Mr. KING. I desire to give notice that when the bill reaches the Senate I may offer an amendment.

The VICE PRESIDENT. The bill is still as in Committee of the Whole and open to amendment. If there are no further amendments to be offered the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. KING. I desire to offer an amendment.

The VICE PRESIDENT. The clerk will read the amendment.

Mr. KING. Preliminary to offering the amendment, if I may have the attention of the Senator having the bill in charge, I inquire why it was deemed necessary to increase the appropria-

tion above the $3,000,000 found in the first line of the bill and the $5,000,000 found in the latter lines of the bill?

Mr. McNARY. Under the present law, as contained in the annual appropriation bills for the Department of Agriculture, $1,000,000 is carried for this purpose. It was thought that for five years it would be well to expend $3,000,000 annually and later for a five-year period expend $5,000,000 annually in order to acquire all the necessary land to protect the watersheds of the navigable streams in a period of a 10-year program. That was the thought of the Secretary of Agriculture, the conservation commission, and those interested in the reforestation problem of the country.

Mr. KING. May I ask the Senator if, when the $40,000,000 shall have been expended, the commission has any program beyond that period?

Mr. McNARY. I have not the power of prophecy. I only know and I anticipate that those who are interested in the reforestation problem in the South, the Great Lakes States, and the New England States will want to keep forest replacement equal to the demands on the forests. I assume there may be a plan yet to be formulated which might be comparable with the needs of the country. I should hesitate to say anything less than that.

Mr. KING. The Senator's statement, for which I thank him, is very illuminating and shows of course the grasping character, shall I say, of the commission. This bill is merely an entering wedge to plans by which undoubtedly not only tens, but perhaps hundreds of millions of dollars will be sought to be expended, without limitation, by the organization charged with this responsibility.

It seems to me the bill is very loosely drawn. Section 6 as amended, as read to us by the Senator from New Hampshire, expands the powers of the commission and imposes no restrictions and no reasonable limitations upon their discretion. Any land which they conceive may possibly relate to navigation, which embraces the springs and the tops of the mountains, may be purchased, as well as lands along the seashore. Any land may be purchased without restriction, according to the interpretation placed upon the law as I understand it.

Of course it means, if Congress is unwise and foolish enough to respond to the demands of the grasping and ambitious organizations, that we shall be called upon to appropriate millions and tens of millions of dollars, and millions of acres of land now in private ownership will be purchased, and purchased as some lands have been purchased at prices very much more than the intrinsic value of the land.

My attention has been drawn to the fact that some cut-over lands have been purchased and efforts have been made to acquire others, and that the prices paid or contracted to be paid or tentatively agreed to be paid, were not justified by any demand in the market for lands of like character. It does seem to me that we are giving too much discretion to Federal officials, to bureaucracy. The power exercised here really is exercised by the Secretary of Agriculture, or such instrumentalities as he may set up. I am opposed to the bill in the present form and if I thought it would be of any avail I should move to restrict the appropriation. I shall not offer the amendment which I contemplated, in view of the vote just had upon the amendment offered by the Senator from North Carolina.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. WADSWORTH. Just a few words before the vote is had upon the passage of the bill. Of course, it is true that the bill may be said to be a measure to finance, for 10 years to come, existing law on the subject. That does not detract from its importance from a fundamental standpoint, because when we lay down this 10-year program of financing and purchase, we have taken the first step on a long, long journey, if I read the law aright and catch the spirit of the particular bill and all those people who support it.

I may be wrong, but I can not now recollect any executive department of the Government being authorized to purchase land without submitting estimates to Congress and securing authorization from Congress in each case. Congress has been very jealous in that respect, and I think wisely so. I know, for example, that the War Department is not permitted by the Congress under any circumstances to buy land out of a lump-sum appropriation, but is compelled under our practice here, to submit to Congress a description of the land, its estimated cost, and its description by metes and bounds, and to await the passage of an act authorizing that specific appropriation.

I think that is a wise policy for the Congress to pursue. In the passage of a bill such as this, Congress loses control over the purse strings, and we authorize a commission to spend $40,000,000 in 10 years buying land anywhere.

Mr. HARRISON. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I will.

Mr. HARRISON. Did the Senator from New York vote for the public buildings bill, giving the Secretary of the Treasury the authority to expend all the money which we therein appropriated?

Mr. WADSWORTH. I did.

Mr. HARRISON. The Secretary of the Treasury has the right to expend that money wherever he chooses; there is no limitation upon him in the appropriation carried in that law.

Mr. WADSWORTH. But in that law there were certain conditions and restrictions laid down, as I recollect.

Mr. HARRISON. The Secretary of the Treasury can select whatever place he chooses and he can expend whatever money he wishes to expend at that particular place.

Mr. WADSWORTH. But I do not think that bill laid down a 10-year program.

Mr. HARRISON. I may say that I voted against the proposition, but I thought the Senator from New York had voted for it.

Mr. WADSWORTH. I do not think the analogy is quite accurate. This bill, as I have stated, proposes a 10-year program, which will be followed by another 10-year program, and we shall not stop at $40,000,000 in the next program. The appropriation will then be $80,000,000 or more. If the intent of the Congress could be described in this particular bill with some degree of strictness to indicate very clearly that we want these lands purchased only where they may be of service in protecting the watersheds of navigable streams there might be a little difference; but, as the Senator from New Hampshire [Mr. KEYES] has explained the law which this bill is to finance the lands to be purchased need not be restricted to that category, but may be purchased for the purpose of encouraging or conserving timber growth, with no relation to watersheds or navigable streams.

There will be a very large number of owners of cut-over land anxious to sell as soon as this bill goes through, and unless, of course, it repeals this proposed act or amends it next year or the year thereafter, presumably the Congress for 10 years will have lost control, for there is no restriction, as I understand, on the discretion of the commission that is to spend the $40,000,000.

Mr. McNARY. Mr. President, if the Senator from New York would read the Weeks Act creating the National Forest Reservation Commission, he would see that there are certain restrictions and reservations and rules to which the commission must conform, and it must report to Congress before the purchase or acquirement of any of these lands.

Mr. WADSWORTH. This bill is an authorization.

Mr. McNARY. Entirely so, operating under the law that is now enacted in the Weeks Act of 1911.

Mr. WADSWORTH. I am perfectly aware that this bill does not actually appropriate the money; but my experience in the Congress thus far has taught me that once an authorization is put upon the statute books, Congress in the future follows it out. My fear is that an authorization of this kind, with scarcely any restriction, as I understand, from the description of the Senator from New Hampshire upon the discretion of the commission, actually embarks this Government upon a program without end. I do not say this as an enemy of conservation; but merely as one having some concern as to the extent of the growth of the Federal power.

Mr. TRAMMELL. Mr. President, will the Senator from New York yield for a question?

Mr. WADSWORTH. I will.

Mr. TRAMMELL. Along the line of the argument being made by the Senator from New York, I desire to say that it seems to me, under the provisions of section 6 of the act of 1924, it was contemplated that the Secretary of Agriculture would select these lands, locate them and report back to the commission. I do not think that that meant that he should report back merely generalities, but that he should report back the particular lands he thought should be purchased and the price. I should like to know if that has been done, or, are we going to make an appropriation, as suggested by the Senator from New York, to purchase lands which have not heretofore been selected?

Mr. WADSWORTH. Of course, I can not answer that question.

Mr. KEYES. Mr. President, will the Senator from New York yield to me?

Mr. WADSWORTH. I yield the floor. I merely wanted to voice my single protest.

Mr. KEYES. The procedure in the purchase of these lands is that the Secretary of Agriculture, when lands are offered, proceeds to make a very careful investigation through the Forestry Service of the land to ascertain what timber may be on it and to what extent it has been denuded. The work is done in very great detail. All of those details and data are submitted to the members of the commission. The commission, after considering each separate unit of the proposed purchase, acts upon the question as to whether or not the purchase shall be made.

Mr. TRAMMELL. Under the provisions of section 6 has the Secretary of Agriculture selected lands and recommended to the commission any particular land to be purchased?

Mr. KEYES. Yes.

Mr. TRAMMELL. I do not find a list of those properties included in the report made by the commission.

Mr. KEYES. Oh, no.

Mr. TRAMMELL. Why has not the commission let the Senate know what lands the commission propose to purchase for this $40,000,000, the price they propose to pay for them, and their location?

Mr. KEYES. The program is outlined so far as it can be by those who are interested in forestry conservation, and in asking for the $40,000,000 they contemplate carrying into effect the original plan of the Weeks Act, which contemplated the acquisition of certain forest reservations on the headwaters of navigable streams in the East extending from New England to the extreme South. That act had in view the purchase of about 6,000,000 acres of land. The Government has already acquired nearly one-half of that acreage, leaving about 3,000,000 acres still to be purchased. It also contemplated the purchase of about 3,500,000 acres of land in the Great Lakes region and about 2,500,000 acres of pine land in the South. The estimates which have been made of the cost of the acquisition of the 3,000,000 acres under the original Weeks Act, the land in the neighborhood of the Great Lakes and the pine land in the South, indicate an expenditure of about $40,000,000. It is to carry out that program that this bill before us is now believed to be desirable.

Mr. TRAMMELL. Mr. President, I am very heartily in favor of reforestation, and on account of my general attitude toward the subject, my general temper toward reforestation, I feel constrained to support the bill; but I think, as suggested by the Senator from New York, that there should be some additional safeguards thrown around the purchase of lands and the investigation of lands for purchase. It is proposed in this bill to authorize the expenditure of $40,000,000 by one of the departments of the Government, and no report is required to be made to Congress or to any committee of Congress so far as the details are concerned. Such a procedure is contrary to good-government policy. In dealing with public matters from the standpoint of the States and the interests of the States, I find that where a requirement is made that the transaction shall be carried on in a public way, that bids or offerings shall be invited through public advertisements, the Government always obtains better results.

One great trouble about this proposal is that many of the cut-over landowners are going to be dissatisfied, because there are going to be many of them who will not be able to sell their land. Take, for instance, States where there are perhaps 6,000,000 acres of cut-over lands, and there are only going to be in the neighborhood of 300,000 to 500,000 acres of such land acquired. In such cases the owners of the other five million or more acres of cut-over land are going to be dissatisfied, because they have not sold their land to the Government. In fairness and justice, I suggest to those who may administer the law that they should invite bids and offerings from owners who have cut-over lands for sale, so that they will all have an opportunity, at least, to offer to the Government the lands which they desire to get rid of in order to avoid taxation. Some systematic policy of publicity of that character ought to be pursued. If it is not pursued, a great many of the Senators are going to be severely censured by nine-tenths of the owners of cut-over lands who do not sell them or even have the opportunity of offering their lands. The owners will say that they did not have an opportunity to sell their lands; that those in charge of the matter went around and carried on star chamber or private negotiations; and they will say, "We found that Mr. A sold his land, but none of the rest of us had an opportunity to sell ours."

As a matter of course, I think that a great deal of the sentiment back of this bill is sincere and is actuated by a sincere desire to bring about reforestation and that is what influences me to support the bill; but, on the other hand, the bill has considerable support on the part of those who desire, it might be said, in a way to sell to the Government their lands. I hope that those who administer the act—and the chairman of the committee has a great deal of influence with the department—will manage the situation so that we will not have too many people in our States dissatisfied because they have not sold their cut-over land.

The VICE PRESIDENT. The bill is in the Senate and is still open to amendment.

Mr. OVERMAN. I offer in the Senate the same amendment which I offered as in the Committee of the Whole, and I ask for the yeas and nays on the amendment.

The VICE PRESIDENT. Is the request for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, I ask that the question be stated.

The VICE PRESIDENT. The amendment of the Senator from North Carolina is to insert at the proper place in the bill a proviso reading—

Provided, That no lands shall be purchased except those lands which are necessary for the protection of the headwaters of navigable streams.

The clerk will call the roll.

The Chief Clerk called the roll.

Mr. GLASS. I transfer my general pair with the senior Senator from Connecticut [Mr. McLEAN] to the senior Senator from New Mexico [Mr. JONES], and will vote. I vote "yea."

Mr. BRATTON. I desire to announce that my colleague [Mr. JONES of New Mexico] is absent on account of illness.

Mr. HARRELD. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote on this question, I withhold my vote.

Mr. JONES of Washington. I have been requested to announce the following general pairs:

The Senator from Colorado [Mr. MEANS] with the Senator from Utah [Mr. KING];

The Senator from Delaware [Mr. DU PONT] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

I also desire to announce that the Senator from Nevada [Mr. ODDIE] is absent on account of illness.

The result was announced—yeas 34, nays 25, as follows:

YEAS—34

Ashurst	Edge	McKellar	Steck
Bayard	Edwards	Mayfield	Stephens
Bingham	Fess	Neely	Tyson
Blease	George	Nye	Wadsworth
Bratton	Glass	Overman	Warren
Broussard	Goff	Phipps	Watson
Bruce	Harris	Reed, Mo.	Willis
Caraway	Howell	Robinson, Ind.	
Curtis	Jones, Wash.	Smith	

NAYS—25

Capper	Hale	Metcalf	Stewart
Copeland	Harrison	Pine	Trammell
Couzens	Hawes	Reed, Pa.	Walsh, Mass.
Deneen	Keyes	Sackett	Walsh, Mont.
Ernst	Lenroot	Schall	
Ferris	McMaster	Sheppard	
Gooding	McNary	Shortridge	

NOT VOTING—36

Borah	Gould	McLean	Robinson, Ark.
Cameron	Greene	Means	Shipstead
Dale	Harreld	Moses	Simmons
Dill	Heflin	Norbeck	Smoot
du Pont	Johnson	Norris	Stanfield
Fletcher	Jones, N. Mex.	Oddie	Swanson
Frazier	Kendrick	Pepper	Underwood
Gerry	King	Pittman	Weller
Gillett	La Follette	Ransdell	Wheeler

So Mr. OVERMAN's amendment was agreed to.

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

INVESTIGATION OF CAMPAIGN EXPENDITURES

Mr. REED of Missouri. Mr. President, I have been trying to get action by the Senate on Senate Resolution 364, which is the resolution authorizing the special committee to complete its work in the investigation which has been conducted.

I ask unanimous consent, out of order, to take up that resolution at this time. I think it will take only a few moments to dispose of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. REED of Pennsylvania. Mr. President, there are a number of matters in that resolution that, I think, deserve some consideration, and I am going to ask that it go over until we can consider it more at length.

Mr. REED of Missouri. Then, Mr. President, I give notice that at the earliest possible opportunity on to-morrow I shall call up this resolution, and, so far as I am able to do so, I shall endeavor to hold it before the Senate until final action.

BILLS PASSED OVER

The bill (S. 66) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I will ask that that bill go over. We could not complete its consideration at this evening session.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SALE OF COTTON AND GRAIN IN FUTURE MARKETS

The bill (S. 454) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. WADSWORTH. Let that go over.

Mr. CARAWAY. Mr. President, I hope the Senator who made the objection to the consideration of this measure will withdraw the objection. This bill has been on the calendar for a number of months, and is of very vital importance, and particularly so to people who grow cotton. If the Senator from New York wishes to object to the part of it that deals with grain I shall be willing to accept an amendment striking out all reference to grain, and let us legislate with reference to cotton alone.

Mr. JONES of Washington. Mr. President, I observe that the senior Senator from Louisiana [Mr. RANSDELL] filed a minority report on this bill. I do not see the senior Senator from Louisiana here. Does the Senator think it would be desirable to take up the bill when the Senator from Louisiana is not present?

Mr. CARAWAY. I should like to say to the Senator from Washington that I told the Senator from Louisiana that I intended to try to take up the bill; but I want to say this much, so that I shall be thoroughly understood:

The Senator from Louisiana had a bill on the calendar dealing with cotton. I told him that when it came up I purposed to move to attach this bill as an amendment to his bill. He came to me later and asked me to withdraw any objection to his measure, or not to try to amend it by attaching this, and I told him at the time that I expected to try to take up this bill.

I am particularly anxious that we pass this measure now, in view of the legislation recently passed which was designed to stabilize farm products. It seems to me to be wholly inconsistent to pass a measure with the avowed purpose of stabilizing prices, and then permit the sale in futures of many, many times over the amount of these products that are actually produced. The maximum amount of cotton that we can grow in America this year is estimated at 18,000,000 bales, which is the largest crop we ever grew. The actual amount of cotton that we ordinarily grow is about fifteen or sixteen million bales. They sell on the exchanges anywhere from 100,000,000 to 150,000,000 bales. The speculative market is controlled, or else those who have the best opportunity to know are not candid, because the Department of Agriculture with its experts before the committee during the last session of Congress admitted that the market could be manipulated.

I know from actually watching the cotton market that the future market can be manipulated and the spot market depressed. That has been done every year, and, as everybody who has watched the cotton market knows, it has cost the farmers hundreds of millions of dollars. The legislation that is proposed does not keep a man from selling his product for future delivery. It merely requires that he shall either have the product or have it in course of production. He may sell what he has, or what he expects he will have; but he is not permitted to sell that which he does not have, and which he knows he never will have.

I hope, therefore, that the Senator from New York will withdraw his objection and let us consider the bill without the necessity of voting on the question of taking it up.

Mr. WADSWORTH. Mr. President, I can not do that. I think the whole thing is utterly unsound.

Mr. CARAWAY. Does the Senator know anything about the cotton market?

Mr. WADSWORTH. Very little from personal contact with it; but I can not understand what is to be gained by the Government saying to a man that he shall not purchase a contract for sale, although he may not own the goods at the time.

Mr. CARAWAY. And never expects to own them?

Mr. WADSWORTH. It is not our function to explore his mind as to whether he expects to own something. He is obligated to deliver.

Mr. CARAWAY. No; he is not. The Senator is mistaken.

Mr. WADSWORTH. He must deliver his contract, if not the goods.

Mr. CARAWAY. Oh, no; the Senator is utterly without information as to this subject.

Mr. WADSWORTH. Then he has nothing to sell.

Mr. CARAWAY. Nothing in the world, more than a gambler has anything to sell. All he sells is the bet on the market, and he has depressed the price by it. Anybody knows that the Senator would not for an instant tolerate a man hawking off the stock of a bank that he never owned and never expected to own in order to destroy the confidence people might have in the bank. You can not sell railroad stocks in that way. You can not sell things that are not in existence except when you deal with farmers' products.

Mr. WADSWORTH. It is done again and again in the case of stocks. I can contract to deliver to the Senator from Arkansas stocks on a certain day at a certain price, although on the day when I make the contract I do not own the stocks.

Mr. CARAWAY. And never expect to own them?

Mr. WADSWORTH. I will have to own them in order to deliver on my contract.

Mr. CARAWAY. But you do not have to own cotton in order to deliver on your contract in dealing with futures. You settle on differences. That is what I am complaining about. All I say is that the man may sell as many contracts as he wants to if the goods are in existence and he expects to deliver and has either a contract for their purchase or has them in course of production; that is all.

The PRESIDING OFFICER (Mr. FESS in the chair). The Chair will state that the Senate is operating under the five-minute rule.

Mr. CARAWAY. I am conscious of that. I do not think I have had five minutes.

The PRESIDING OFFICER. Yes; the Senator has.

Mr. CARAWAY. Of course if the Chair, without anybody else calling attention to it, wants to take a Senator off the floor, I presume he can do so while he occupies the chair. Nobody else ever thought it was necessary to do it.

Before yielding the floor, Mr. President, I move to take up the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arkansas to proceed to the consideration of the bill, and that motion is not debatable.

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

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. CURTIS. I have a pair with the senior Senator from New Mexico [Mr. JONES] on this question. In his absence, not knowing how he would vote, I withhold my vote.

Mr. JONES of Washington. I desire to announce the following general pairs:

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 Colorado [Mr. MEANS] with the Senator from Utah [Mr. KING]; and

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Virginia [Mr. GLASS].

The result was announced—yeas, 30, nays 27, as follows:

YEAS—30

Ashurst	Goff	McNary	Steck
Bayard	Gooding	Mayfield	Stephens
Bratton	Harris	Neely	Stewart
Capper	Harrison	Nye	Trammell
Caraway	Heflin	Overman	Tyson
Couzens	Jones, Wash.	Robinson, Ind.	Walsh, Mass.
Ferris	McKellar	Schall	
George	McMaster	Sheppard	

NAYS—27

Bingham	Edwards	Keyes	Smith
Blease	Ernst	Lenroot	Wadsworth
Broussard	Fess	Metcalf	Walsh, Mont.
Bruce	Hale	Phipps	Warren
Copeland	Harreld	Pine	Watson
Deneen	Hawes	Reed, Pa.	Willis
Edge	Howell	Shortridge	

NOT VOTING—38

Borah	Frazier	Jones, N. Mex.	Norbeck
Cameron	Gerry	Kendrick	Norris
Curtis	Gillett	King	Oddie
Dale	Glass	La Follette	Pepper
Dill	Gould	McLean	Pittman
du Pont	Greene	Means	Ransdell
Fletcher	Johnson	Moses	Reed, Mo.

Robinson, Ark.	Simmons	Swanson	Wheeler
Sackett	Smoot	Underwood	
Shipstead	Stanfield	Weller	

So Mr. CARAWAY's motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 454) to prevent the sale of cotton and grain in future markets, and it was read as follows:

Be it enacted, etc., That certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows:

The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country.

The word "grain" shall include wheat, corn, oats, and barley.

The word "person" shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the board of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations.

And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

SEC. 2. It shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton or grain without intending that such cotton or grain shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privileges to demand in the future the acceptance or delivery of cotton or grain without being thereby obligated to accept or to deliver such cotton or grain; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $10,000 nor less than $1,000, or shall be imprisoned for not more than six months nor less than one month, or both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

SEC. 3. It shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton or grain to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton or grain and that he has the intention to deliver such cotton or grain; or that such cotton or grain is at the time in actual course of growth on land owned, controlled, or cultivated by him, and that he has the intention to deliver such cotton or grain; or that he is at the time legally entitled to the future possession of such cotton or grain under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton or grain, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton or grain; or that he has the intention to acquire and deliver such cotton or grain; or that he has the intention to receive and pay for such cotton or grain: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than $5,000 nor less than $500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And any prosecution under the provisions of sections 2 or 3 of this act the proof of failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton or grain called for in any contract for future delivery of cotton or grain shall be prima facie evidence that there was no intention to deliver or receive such cotton or grain when said contract was made.

SEC. 4. Any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like effect and force as officers having a seal, and such oaths shall be administered without any charge therefor.

SEC. 5. It shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication or any agent, officer, or employee of such person knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than $10,000 nor less than $500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 6. Every book, newspaper, pamphlet, letter, writing or other publication containing matter tending to induce or promote the making of such contracts as are described in section 2 of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited, for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the violation of any of the provisions of this section, may be proceeded against by information or indictment and tried and punished, either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed. And the punishment for the violation of this section shall be the same as the punishment prescribed in section 2 of this act for the sending or receiving of messages.

SEC. 7. The Postmaster General, upon evidence satisfactory to himself that any person is sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

SEC. 8. In any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

Mr. CARAWAY obtained the floor.

Mr. WALSH of Montana. Mr. President——

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

Mr. CARAWAY. I yield.

Mr. WALSH of Montana. May I inquire of the Senator from Arkansas if the word "requires" in line 21, on page 2, should not be "acquired"?

Mr. CARAWAY. Yes; "acquires" was the word I intended.

Mr. WALSH of Montana. If that should be "acquires," should not the word farther along in the line be "privilege"?

Mr. CARAWAY. Possibly so. I would have no objection to that amendment.

Mr. WALSH of Montana. I will ask the Senator to give his attention to the sentence, and determine whether it makes sense.

Mr. CARAWAY. Let us read the whole section. It is as follows:

It shall be unlawful for any person to send, or cause to be sent, any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton or grain without intending that such cotton or grain shall be actually delivered or received.

Mr. WALSH of Montana. Thus far it is perfectly plain.

Mr. CARAWAY. It continues:

or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privileges to demand in the future the acceptance or delivery of cotton or grain without being thereby obligated to accept or to deliver such cotton or grain;

I am free to say to the Senator that evidently I either wrote in the wrong word or somebody else got it wrong. It does not make good sense the way it reads.

Mr. MAYFIELD. There seems to be a word left out.

Mr. CARAWAY. I shall offer an amendment to cure that defect.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. CARAWAY. Just one moment. If I may have the attention of those Senators who feel constrained to oppose the passage of the bill, I would like to say that I think that all anyone ought to want is the right to sell one of the products covered by the bill which he himself owns or expects to own. Under the provisions of this bill there is nothing to prevent a man who expects to grow grain or expects to grow cotton from selling for future delivery the product that he expects to produce.

There is no inhibition against the man who buys a contract from reselling it. The only thing we try to do is to prevent a man selling that which he does not own and which he never expects to own, to somebody who does not expect to take it and never did intend to take it.

Under the present system of selling cotton I know it is true that hundreds of thousands of bales are sold that are not in existence, that never will be in existence, and are not to be delivered, and as to which there was never any expectation of delivery.

It is quite apparent to anybody who thinks a moment that no man would sell a hundred million bales of cotton when he knew there would not be more than one-eighth of that amount in existence unless he knew one of two things—that he could manipulate the price upon which he was to settle at the date of settlement, or could transfer the contract to somebody else who did not understand the nature of the contract.

It is quite apparent that nobody would obligate himself to deliver that which was not in existence, and never would be in existence, unless he had some way to manipulate the price under which he was to settle on deliverance day. Since the man who deals in the future market has some money, we must conclude that he is not an idiot, and he must be either an idiot or he must have some way of manipulating the market. As I said, the fact that he has money would exclude the idea that he did not have any sense, because there is an old saying that "A fool and his money are soon parted."

All we ask is that the farmer shall be permitted to sell what he has or what he expects to grow, and the man who buys that may sell it, but no man may invade his field and sell that against him which does not exist and never is expected to exist.

Anyone knows that we can sell and sell and sell a product until we break the market. Senators have seen that done. Everybody who has ever watched the cotton market has seen that done. Pick up the paper any day and you will see that the market broke under an avalanche of selling, not that a single spot bale was sold, not that a man sold a bale who ever had a bale, or ever expected to have a bale, but he simply sold and sold and sold and sold until the psychology of the selling broke the market.

Everybody here remembers when the Government estimates came out a year and a half ago. The futures market broke, and afterwards it responded, but the spot market never did respond, and the spot market never does respond as the futures market varies up and down. There is always a loss to the producer. He is carrying handicap enough, and all we ask is that the man who wants to sell his product shall own it. There is nothing unreasonable about it, there is nothing that is not honest about it, but there is something that is not honest in selling against a man who exists by the sweat of his brow.

Nobody, for instance, would for a moment countenance an avalanche of selling of bank stock in this city or anywhere else, selling it every day on the street corners until we could break the confidence of the people in the stock of that bank. It can not be done. Every State in the Union has what is called a blue sky law, providing that one can not sell anything unless he can show an ability to perform, except that he can go into the markets and sell and sell all day and all the year around the products of the farm, when everybody knows he can not perform and never expects to deliver and that the man who buys never expects to receive.

I do not know of a single producing farmer anywhere who is in favor of this kind of legislation. Its opposition comes from two sources, first, from those cities in which the stock markets are located and in which large numbers of people are engaged in selling that which they never produce and which comes from people who want to hedge, as they call it, on the market. They say the hedge is an insurance. It is not insurance. They want the farmer to carry the risk both ways, to let them beat down the market and then compel them to pay the hedge.

As the Senator from Kansas [Mr. CAPPER] will recall, the experts in the Department of Agriculture, talking about cotton before the Committee on Agriculture and Forestry at the last session of Congress, admitted that there could be a variation of $7.25 in the manipulation of a bale of cotton—more profit than any farmer ever got out of it.

I want to offer an amendment to meet the suggestion of the Senator from Montana. While I am preparing it I yield the floor to the Senator from New York, who, I believe, wishes to discuss the measure.

Mr. WADSWORTH. Mr. President, the Senator from Arkansas I am sure will agree with the statement that this is an extraordinarily important measure from many standpoints. As I understand it, though I may not understand it completely, it is to bring about a revolution in the method of marketing grain and cotton.

I note a very interesting report submitted by the Senator from Louisiana [Mr. RANSDELL], who, I fear, is not here this evening. I note incidentally that the Committee on Agriculture and Forestry do not recommend the legislation affirmatively. It is reported "without recommendation."

It would be well for Senators to read the report of the Senator from Louisiana, which is an exhaustive discussion of market practices, the constitutional side of the question and the practical operation of the bill should it become a law.

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

Mr. WADSWORTH. Certainly.

Mr. BINGHAM. Is the report of the Senator from Louisiana to be had in the document room?

Mr. WADSWORTH. I have a copy of it in my hand. I got it by sending a page for it to the document room. It is 108 pages long.

Mr. BINGHAM. I suggest that the Senator give us the substance of it.

Mr. WADSWORTH. The Senator from Connecticut suggests that I give him and other Senators the substance of the report of the Senator from Louisiana. That would be a rather difficult thing to do.

Mr. CARAWAY. It would be a very difficult thing to do, if I may say so with all due courtesy to the Senator from Louisiana, because it is made up of a report largely prepared by a firm which is engaged in the selling of contracts on the future market, and it has an absolute contradiction in it. I called it to the attention of the Senator from Louisiana and he told me at one time that he expected to correct it, but evidently he never did it.

Mr. BINGHAM. Is the Senator from Louisiana [Mr. RANSDELL] here at this time and place?

Mr. CARAWAY. I do not know; I do not believe that he is in attendance this evening.

Mr. WADSWORTH. I know nothing about the origin of the report. I know, however, that the Senator from Louisiana stands for it.

Mr. CARAWAY. He stands for it with the suggestion that he and I discussed. He said he never intended to convey the impression which I thought it did convey, and afterwards decided that it did not convey the impression which I thought was conveyed in the report.

Mr. WADSWORTH. The Senator from Arkansas a moment ago said that no producer of grain opposes the bill—I heard him say that—and no producer of cotton as well; that the only people opposed to it are those who deal in future contracts on the grain market. I dislike to inject a personal note into the discussion, but here is one producer of grain who opposes the bill.

Mr. CARAWAY. No; the Senator produces grain by staying in town. The man who grew it might have an entirely different opinion about it.

Mr. WADSWORTH. I thank the Senator for his intimate knowledge of my own affairs.

Mr. CARAWAY. I have seen the Senator every day during the crop-producing season.

Mr. WADSWORTH. We will proceed with Senator RANSDELL's report. I think it would be well if Senators had copies of it before them as I discuss it. I read:

The following minority report is presented by Senator RANSDELL, of Louisiana, in behalf of those members of the committee who, after careful consideration, are convinced that the proposed legislation is unwise—

It seems that there are other members of the committee who agree with Senator RANSDELL that the legislation is unwise—

and recommend that the bill lie on the table.

The purpose of this bill, broadly speaking, is to prevent contracts for the purchase or sale of cotton or grain for future delivery, unless the same shall be actually delivered or received, and imposes upon the purchaser of these contracts the obligation to accept delivery.

I had gathered from an observation made by the Senator from Arkansas a moment ago that the bill would not prevent the resale of a contract.

Mr. CARAWAY. It does not, and if the Senator will read the bill he will discover that it does not.

May I call the Senator's attention to another fact? The very fact that the report does not say the bill does not permit the resale of a contract when the bill itself does say so, of course, ought to carry very considerable weight when the Senator reads the report and the bill lies before him so he can read both of them.

As a condition precedent to such transactions, both the seller and buyer must make affidavit of their respective intentions actually to deliver and receive the commodity involved.

Just where the Federal Government is to get its constitutional jurisdiction over transactions of this kind I do not know. Certainly an overwhelming majority of them do not relate to interstate commerce.

Mr. COPELAND. Mr. President, will my colleague yield?

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

Mr. WADSWORTH. I yield.

Mr. COPELAND. May I call the attention of my colleague to the fact that three successive Secretaries of Agriculture, including the present one, representing both political parties, have unqualifiedly placed the seal of their disapproval on this measure.

Mr. WADSWORTH. I had already gathered that from a hasty perusal of the report. I was coming to that at a later moment.

An interesting part of the report is this:

Any person sending or causing to be sent a message in which an offer is made to enter into a contract for the future delivery of cotton or grain in contravention of the provisions of the bill is penalized in sums ranging from $500 to $5,000 and terms of imprisonment ranging from one month to two years, which also apply to the owner or agent of the telephone, telegraph, wireless telegraph, cable, or other means of communication used in making such offer.

That would be a rather widespread indictment, followed by prosecution.

Mr. CARAWAY. Mr. President, will the Senator permit me to interrupt him?

Mr. WADSWORTH. Certainly.

Mr. CARAWAY. I think possibly when he read that provision, he would find out where the constitutional authority might lie for the Government, because we can prevent people from using the mails for any kind of contract, advertisement or use where the Congress may declare that the purpose is to defraud.

Mr. COPELAND. It seems to me it goes further than that.

Mr. WADSWORTH. It goes away beyond that—"any kind of communication."

Mr. COPELAND. Yes; and any book or newspaper or pamphlet, or any publication.

Mr. WADSWORTH. Free press is destroyed entirely by the bill.

Use of the mails is prohibited for carrying any written or printed matter relating to the class of contracts prohibited by the bill, and penalty is provided for any person who takes such matter from the mails for the purpose of circulating or disposing of it.

This measure is merely a revamping of many similar bills that have gone into the legislative hopper since they made their first appearance in the Forty-eighth Congress (1883–1885), nearly 50 years ago, only to receive the invariable stamp of congressional disapproval, for it has always been realized that, if enacted, they would result in the strangulation of trading on the cotton and grain exchanges of the United States, where those great staple crops are finally marketed.

When this bill, in substantially the same language, was considered in the Sixty-third Congress (1913–1915) it was known as the Candler bill, in honor of the Member from Mississippi who sponsored it at that time, though it is difficult to name the original author of the idea. It was among the numerous cotton bills considered by the agricultural committees of that Congress while the Smith-Lever law to regulate trading in cotton futures was being whipped into shape, and after mature deliberation it was rejected as being unconstitutional as well as ill advised and so stamped by the adverse report made on it.

With the exception of very immaterial changes in phraseology and in the punishment for violations thereof, these bills are as much alike as the proverbial two peas in a pod, and it is doubtful if their creators could tell them apart. Therefore the bill under consideration being in all essential features a verbatim copy of the Candler bill, the report that was made on that measure by Secretary Houston, of the Department of Agriculture, to Mr. Lever, the chairman of the House Committee on Agriculture, under date of April 13, 1914, is still pertinent. After analyzing its provisions section by section, the Secretary at that time proceeded to a discussion of the constitutionality of the bill, in the course of which he said:

"Under the bill as drawn, the prohibition in section 2 extends to the sending of messages by telegraph, telephone, wireless telegraph, cable, and other means of communication. It is not clear just what the phrase 'other means of communication' would include. Under the rule of ejusdem generis it would probably be construed as confined to any possible agencies of communication other than three specifically mentioned, which are based on, or which apply the scientific principles of, the telegraph and telephone. But if the phrase be held to include such means of communication as railroads and boats, which carry corporeal objects instead of intangible messages, there is, at least, a doubt as to the validity of the proposed legislation when applied to such other means of communication. This doubt arises primarily out of certain statements of the United States Supreme Court in Paul *v.* Virginia and cases following it.

"It is firmly established that contracts of insurance are not transactions of interstate commerce which are subject to regulation by Congress under the commerce clause of the Constitution. Likewise, contracts for the sale of an article for future delivery are not, in themselves, transaction of interstate commerce if they do not oblige the transportation of anything from one State, Territory, or District, to another State, Territory, or District of the United States. However, in Paul *v.* Virginia, the court, in the course of its opinion, goes further than to hold that the contracts involved were not in themselves transactions of interstate commerce, and says:

"'These contracts are not articles of commerce in any proper meaning of the word. They are not subjects of trade and barter offered in the market as something having an existence and value independent of the parties to them. They are not commodities to be shipped or forwarded from one State to another and then put up for sale.'

"Because of what has been held in the cases referred to, and particularly because of what was said in the extract just quoted, there is some doubt as to whether the Supreme Court would hold that, under the commerce clause, Congress is empowered to regulate the physical transportation of a written or printed contract or offer to make such contract, which is not itself the subject of interstate commerce."

Mr. REED of Pennsylvania. I make the point of order that the Senate is in great disorder.

The PRESIDING OFFICER. The point of order is well taken. The Senate will be in order. This request applies to the occupants of the galleries as well as to Members of the Senate.

Mr. WADSWORTH. Mr. President, I would not attempt to hold the attention of the Senate one moment if it were not that I am convinced that this measure is one of extraordinary importance. In my humble judgment, should it ever become law, its effect upon the grain producers of this country will be calamitous. As I look upon it, it will destroy the life of the market, it will forbid and prevent that element in trade which injects life and elasticity into the market, upon which the prompt exchange of a great staple such as cotton or corn must be dependent.

Mr. GOODING. Mr. President, does not the Senator from New York think that that same element sometimes injects death also into the market and drives it down, even as the bulls and bears are always playing the market?

Mr. WADSWORTH. The markets must go down sometime; they can not always go up.

Mr. GOODING. But they go down without rhyme or reason, sometimes merely because the bears want to put prices down.

Mr. WADSWORTH. The conception prevails, I know, among a good many minds, that the bulls can force the market up at will and the bears can force it down at will and neither of them lose any money. The bulls can not force the market up except at the expense of loss on the part of the bears, and the bears can not force it down except at the expense of loss on the part of the bulls.

Mr. GOODING. Yes, Mr. President; but——

Mr. WADSWORTH. Neither side has complete control, and it is——

Mr. GOODING. Mr. President——

Mr. WADSWORTH. Just a moment until I finish my sentence. Neither side can have control. There is a contest going on all the time in all commercial life, in and out of great markets, between purchaser and seller. The purchaser wants to buy the article just as cheaply as he can, and the seller wants to obtain the biggest price for it that he can.

Those elements will always be present; and one of the things which make it possible in a corn exchange for the product to be dealt in evenly, constantly, with an ever-present market, is the fact that the element of speculation is always existent, and speculation in such commodities can be conducted on a very narrow margin. You can not drive speculation out of business entirely; there is no law on earth that will do it. If the Senator from Idaho plants an acre of wheat this spring he

is a speculator. He has no idea how many bushels of wheat he is going to raise on that acre, or what the price will be six months hence.

Mr. GOODING. Mr. President——

Mr. WADSWORTH. There is speculation in all these things; and any law of Congress which attempts to say to a citizen that he shall not sell and buy, not only products but evidences of obligations respecting those products, is merely a law which strangles trade.

Mr. GEORGE. Mr. President——

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

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

Mr. GEORGE. The Senator may be quite right in his remarks relative to speculation, but the speculation on a cotton exchange is the same sort of speculation which characterizes a poker game.

Mr. WADSWORTH. That is only an assertion, and I should like to have it proved. If it is true, everyone on the cotton exchange would be rich and no one would lose money who operated there.

Mr. GEORGE. Oh, no; every man in a poker game is not rich; somebody is going to lose.

However, let me submit this to the Senator from New York: How is it possible in a legitimate business transaction which is not a pure gambling transaction that cotton at 10 o'clock in the morning may be worth $5 a bale more than it is at 10.15 o'clock that same morning?

Mr. WADSWORTH. There is less demand for it at 10.15 o'clock than there was as 10 o'clock.

Mr. GEORGE. Yes; in that game.

Mr. WADSWORTH. On the cotton market.

Mr. GEORGE. But the value of cotton in the markets of the world can not have changed in 15 minutes; it is beyond any possibility that it could have done so. It changes in that game because the speculation in the game is precisely on all fours with speculation in a poker game.

Mr. GOODING. And there are only a few professionals in the game, who are called the bulls and bears.

Mr. GEORGE. Exactly.

Mr. GOODING. And the public generally suffers, not only those who deal in the grain and cotton or wheat exchange but the public itself.

I think it is a crime, Mr. President, that the vital necessities of life in this country should be made the subject of gambling. I am for any legislation that will cut it out. I quite agree, however, that we must do something to take care of the conditions before we can cut it out entirely. There might be something in that argument.

Mr. WADSWORTH. That is very interesting, Mr. President, but just what it means I do not know.

Mr. GOODING. Mr. President, you can not destroy all machinery without substituting something in its place.

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

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

Mr. GOODING. I do not care to occupy more of the Senator's time.

Mr. WADSWORTH. Mr. President, of course, when the price of a product goes down on an exchange a large number of people are heard to cry "fraud! manipulation! bulls and bears! terrible"! But when it goes up I have never heard the producer complain. The market may go up as the result of wicked speculation just as freely as it goes down as the result of wicked speculation.

Mr. GOODING. Mr. President——

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

Mr. WADSWORTH. I yield again.

Mr. GOODING. The Senator knows as well as I do that even the story of a frost up in Canada, when no frost exists, sends the market up, and that the story of a bumper crop, that may not exist, will send it down. Furthermore, fake telegrams constantly have their influence on the market, as we read in the wheat reports every day. Yet real, honest conditions have not been changed at all, but those controlling the exchange are merely playing a game to fool a lot of people; and they succeed mighty well in doing it. The Senator understands that just as well as I do.

Mr. WADSWORTH. No; I do not; I am sorry.

Mr. GOODING. The Senator never would change that old method. He loves it and he has been successful under the conditions that exist. Why should he change it?

Mr. WADSWORTH. Again, Mr. President, I regret the injection of the personal note. I may say to the Senator from Idaho that I never bought a bushel of wheat or of any other grain or products on a grain exchange.

Mr. GOODING. I was speaking of conditions generally.

Mr. WADSWORTH. I thought the Senator was talking about me. I beg pardon. [Laughter.]

Mr. GOODING. So far as the Senator is concerned, I am speaking of him, for since I have been in the Senate I have not seen him favor a change in present methods at all. They were all right and he was willing to take them as they existed. A lot of people believe in that, Mr. President, and they have been very successful in this life, too.

Mr. HEFLIN. Mr. President——

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

Mr. HEFLIN. I thought the Senator had concluded. I was going to address the Senate on the same subject.

Mr. WADSWORTH. I will yield in a few moments, if the Senator wishes to speak on this subject.

Mr. President, as to the last observation of the Senator from Idaho [Mr. GOODING], in all seriousness, let me say that grain exchanges and stock exchanges and the great bourses of Europe are the products of years and generations, and, indeed, of centuries of experience. They are a natural growth, an evolution, growing and "evoluting," if I may use such a word, from time to time to meet the changing and expanding demands of business, trade, and commerce.

There is a reason, and a sound reason, for the general practices which prevail in great markets, whether they be grain markets or cotton markets or securities markets or cattle markets. The human race has not just been stupidly foolish in evolving these practices, and the human race has not been stupidly dishonest in evolving them. These practices have been adopted as a result of age-long experience. Ever so often a group of people will rise and announce that a practice which is built upon generations of experience is all wrong and worse than wrong; it is dishonest; let us pick it to pieces and establish something completely new and different, and that is bound to be good because it is new, although there has been no experience upon which to base the contention for its adoption.

As I said a moment ago, I can not see anything intrinsically wrong in the practices denounced by this bill. There is no element of dishonor in them. The Senator from Idaho and the Senator from Arkansas seem to believe that as a result of them people are habitually fleeced through the dissemination of false information. Well, just how and when they are fleeced does not appear. People do lose money, Mr. President, upon occasions in business, and some people lay the blame on other persons who have been more successful. The thing that I dread in all these laws which seek to prohibit men doing things which are not intrinsically wrong is that they so cramp the style of human beings that the human beings will not submit to them; they evade such laws and become violators, intentionally or otherwise, and in the long run a huge injury is done to the overwhelming majority of honest people who are doing business in an honest way.

If there is one thing that is helpful to the agricultural interests of this country, it is the continued existence of a quick market, a market that is elastic in its nature, that responds to every influence of a legitimate character, to the law of supply and demand, to the conflicting judgments of men. So long as we have that kind of a grain market the farmer can sell his grain on a moment's notice; there is a demand for it at some price; but if we clamp restrictions upon those who deal in our markets and say they shall only deal in this way or that way, but never shall deal in that other way, the day will come when the dealing in that other way will be something really to be desired in the interest of the man who produces the product itself.

Mr. President, in this inadequate way, without having a chance to read Mr. RANSDELL'S report of 105 pages, I merely wanted to say something to the effect that I regard this bill as one of most extraordinary importance.

I yield the floor.

Mr. HEFLIN. Mr. President, I am in favor of this bill. It makes cotton the paramount and dominating thing in the contract, and that ought to be the case. Under the present law the cotton exchanges of the United States can sell, and they do sell, more than 200,000,000 bales of cotton in a year, while the farmers make about 16,000,000 bales. The cotton exchanges sell fictitious cotton. They do not possess the cotton; they never deliver the cotton; and they settle the difference between buyer and seller with money. I want the law so framed that when dealing in cotton the farmer who makes cotton must be called on for cotton with which to fill the contract. That is not the case to-day. The exchanges can sell hundreds of

millions of bales, as they do, without having to possess the cotton at all and without delivering the cotton at all. What does that do to the farmer who owns cotton?

Let me illustrate by saying that here is a farmer who has 100 bales of cotton. He does not want to sell. He wants to hold that cotton until the price will justify him in selling. The price, perhaps, is below the cost of production, as it is to-day. Now, get this point, Senators: He wants to hold his cotton because the price does not justify him in selling it. He does hold his cotton. What happens with the speculator? He is not helping anybody but himself. He goes on the exchange and he sells 100 bales without consulting the man who is holding off the market his 100 bales. The sale of this fictitious stuff on the exchange beats down the price; and the next day, in the market where that farmer lives, the price is down $5 a bale, not by the sale of actual cotton but by the sale of a fictitious stuff called "cotton." It is unfair; it is unjust; it is dishonest.

Why should these speculative interests in New Orleans and in New York and in Chicago feed upon the substance of those who make the stuff which clothes the world? It ought not to be. The bill of the Senator from Arkansas provides that those who deal in cotton must possess cotton, must be growers of cotton or men who are going to consume cotton. There is nothing in his bill to prevent a farmer from contracting in the springtime to deliver a hundred bales of cotton in the fall of the year. There is nothing to prevent the spinner from going to the farmer. The spinner consumes cotton. The farmer makes cotton. That is where the spinner ought to go. He ought to go to the farmer. The farmer should sell to the merchant and the buyer in his locality and to the spinner. These are people who really deal in actual cotton.

What objection can be had to that program, Senators? What do some spinners do now? They do not want to pay the price. They go upon the exchange. They sell, in unlimited quantity, a stuff that is not in existence. It is merely called cotton; and by throwing it on the market in unlimited quantity they keep down the price of actual cotton, and the farmer who is holding a crop that is really made, actual cotton, is hurt while he is holding it and keeping it out of the hands of the consumer. It is unfair, I repeat; it is not right to permit this speculative interest to feed upon the farmer in such a fashion.

What can they do, Mr. President? You take a hundred bales of cotton at $75 a bale. The farmer has $7,500 invested in it. He says: "I do not want to sell it until the price will justify me in selling it." The speculator-spinner says: "I will sell it for you." The farmer says: "You can not do it. I am going to hold the cotton." The speculator says: "I do not have to have cotton. I will sell what I call cotton in a contract. I am going to go in on the exchange and sell 100 bales." "Do you mean to tell me you are going to put up $7,500 against what I have invested in this cotton—$7,500?" "Oh, no; I am going to put up $10 a bale. That is all I have to put up; and I am going to use it to beat down the price of the actual cotton that you have"; and that is what happens on the exchange.

Mr. President, why should we permit these people in the United States to sell 50,000,000 bales of cotton on the exchanges, when we make only 15,000,000 or 16,000,000 bales? The bill of the Senator from Arkansas would confine the sale of cotton to the crop of cotton, and that is fair. There ought to be a bale of actual cotton behind every contract that is put upon the market. Nobody can gainsay that proposition.

What happens in the business of real-estate dealing? A man comes and sells me a lot. He makes me a deed to it. I sell the lot and make a deed to it, and the one to whom I sell it sells it again, and makes a deed to it. It is sold a hundred times in a month, and yet back of each sale is a bona fide piece of real estate—a lot, not a fictitious lot. You can not sell a hundred lots when you have only one lot. You would be put in jail for doing that; but that is what is done in the cotton business, Senators. It is unfair to the people of the Cotton Belt, who grow the American cotton crop, to permit such a thing.

In the transaction of this sale of real estate you can go to the records of the county and you can find who first sold that lot, to whom the lot was next sold, and trace it down to the last purchaser. You can trace the title back, and back of it all is real estate—a piece of land. There is not any cotton back of these contracts that are sold. They are fictitious things. They are merely chalk marks on the blackboard in the exchange room.

They are mere lines written on paper between a bull and a bear, the buyer and the seller. They do not represent real products; and yet you permit those who speculate in cotton to take $1,000 and beat down the price of that which the farmer has in his hand worth $7,500.

While you are talking about farm relief, let us have a measure like this, which will grant farm relief. Let all those who want cotton go to the cotton producer. What do they do now? They go to the cotton exchange, where they can sell millions of stuff called cotton by just putting up money. If you did away with these exchanges as they are run to-day, you would drive all those engaged in the cotton business to the cotton farmer, and the cotton farmer for once would have some price-fixing power; and he ought to have power to say something about the price which that which he produces shall bring in the market place.

What happens to the farmer? He goes into a store and he prices a hat. The merchant tells him exactly what he has to pay for it. He prices a suit of clothes made out of cotton—perhaps he produced the cotton—and they tell him what he must pay for that, and he pays it. Then he comes up in the market with a bale of cotton that he produced, and he says, "What is the price of cotton?" He asks somebody else. The other man turns and says, "We have not had a message from the New York Exchange yet; it is early in the morning," or "the New Orleans Exchange," or "the Chicago Exchange. We have to wait to see what the market did yesterday." What market? The market where they sell only paper contracts, chalk marks, fictitious stuff called cotton.

A telegram comes in with the market quotations. It says cotton is off half a cent a pound, $2.50 a bale. They turn to the farmer and say, "Cotton is off. We will pay you so much." He says, "It has fallen since yesterday?" "Yes; $2.50 a bale."

Who fixed that price? The gamblers in cotton in New Orleans, in New York, and in Chicago. Did they fix that price by selling actual cotton? Oh, no; they did not have any. What did they sell? They sold something they called cotton. How much do they sell in a year? Two hundred and fifty million bales, and the farmer is making 15 or 16 million bales in all!

It is outrageous. It can not be defended by anybody; and, Mr. President, I want to see some legislation enacted that will give the farmer a chance to stand up in the market place with his produce and not be the beggar that he is to-day, fast becoming an agricultural slave. I want to see him stand up and get a fair price for his produce, and become a prince in the kingdom of agriculture in America.

Mr. RANSDELL. Mr. President, I am sorry that I have not time to discuss this very important measure. In 20 minutes it is impossible to do so; and I believe that is all the time I have.

The purpose of this bill is to destroy completely, to put out of business, the exchanges in this country which deal in cotton and grain. That would be its effect.

Mr. President, I can not tell you exactly when trading on exchanges began in this country, but certainly it was many years ago. Certainly as far back as 1883 transactions on the New Orleans Cotton Exchange began. They were in existence prior to that on the New York Exchange.

If this bill is passed, Mr. President, the orderly, well-established business in the very important commodities of grain and cotton would be completely destroyed with the signing of this bill, the touching of a pen to it; and nothing, sir, would be established in its place.

It is a serious thing to discommode and wipe out the existing order of things. Of course, sirs, it is justifiable if the existing order be bad. No man should stand for what is bad under any circumstances.

It is not many years, Mr. President and Senators, since the Congress of the United States had a very thorough investigation and discussion of transactions in futures on the exchanges of the land. The resultant was what is known as the Smith-Lever cotton futures bill. It was a piece of legislation which was discussed very fully in both Houses of Congress for at least two years before it was enacted; and it was thought that that bill overcame a number of complaints, a number of things that were wrong or supposed to be wrong in transactions on the New York and New Orleans Cotton Exchanges. In my judgment, that great piece of legislation did correct such evils and inequalities as had grown up on those two exchanges.

Mr. President, what is the purpose of the exchange in cotton and in wheat? What function does it perform? Let me tell you that in one way it performs the extremely valuable function of insurance.

The insurance business throughout the world has for centuries been assuming very large proportions. It is said that the Lloyd's Insurance Association, in England, will insure any transaction in the world that people desire to have insured.

They will even, for a reasonable consideration, guarantee a man that his wife will not have twins. They will guarantee that it shall not rain when there is to be a game of baseball or football or any other great sport that calls for big preparation and the expenditure of considerable sums of money. The functions of insurance are very widespread.

One of the most important functions of the exchange in cotton and grain is to guarantee or insure transactions for the future. Let me illustrate: Suppose a mill in New England is seeking to sell a large quantity of certain brands of cotton goods to customers in India, China, South Africa, or some other country, a large quantity of goods to be manufactured in the future and delivered in the future 6 months, 8 months, 12 months in advance.

Do you not see how difficult it would be for that mill to buy the actual cotton and store it in its warehouses, to be manufactured by it at some future date six to eight months in advance? It would be extremely difficult. That mill could not say to its customers what price it would charge for goods to be manufactured in the future, unless it knew what cotton was going to cost it at the time of manufacture. So, in order to have the transaction, the mill goes to the exchange, it notes on the exchange the quotations in New York, Chicago, and New Orleans, that cotton for delivery six months or eight months in advance is costing, let us say, 15 cents a pound for middling. Middling cotton is the kind desired. It makes its contract, then, to deliver the manufactured goods on the basis that it will have to pay 15 cents for middling cotton, to be manufactured.

It goes on the exchange and enters into a contract on the exchange for the future delivery of enough bales of cotton to enable it to carry out its contract. It does not buy that cotton and store it in warehouses at enormous expense, but it enters into contracts to have what it desires delivered to it at the proper time, a future contract for a small money consideration. When the time comes, it goes into the spot market and buys the actual number of bales needed to carry out its contract for the manufacture of this cotton.

Suppose in the meantime cotton has gone up to 17 cents, 18 cents, or 20 cents per pound. That does not matter to the mill, because it has bought the cotton to be delivered to it at 15 cents per pound, and the guaranty of the future contract holds good, and it can get its cotton at the agreed price. That is the most important function of the exchange.

I am sorry I did not hear my friend the Senator from Arkansas when he spoke on the bill. The Senator from Alabama said that the effect of the exchange was to lower the price of cotton, that there were a lot of gamblers there pulling down the price of cotton. Senators, did you ever think that there can be no buyers unless there are sellers? How can one set of gamblers pull the price of cotton down unless there be another set of gamblers, if you choose to call them by that offensive term, to buy when one set offers to sell? It is a double transaction.

There are just as many buyers as there are sellers; no more, no less. You can not sell unless somebody will buy, and I have always contended, as an humble cotton grower myself, that the more demands there are for my products, the better price I will secure for the products. The more transactions there are in cotton as the result of these exchanges, the greater demand there will be for my product.

If there are no buyers in the real estate market, let us say, if there are no deals going on, no transactions, everything is dull, of course there is not much rise and not much fall, perhaps, in real estate. But if there be a number of transactions, then the real estate business will become pretty lively, and there are many transactions, I would say, in every kind of business.

Mr. President, this method of doing business is carried on throughout the world. There is not a single great business center anywhere on earth, so far as my information goes, where transactions of exactly this character are not carried on.

Suppose the enormous grain center of Chicago were forced to do away with its grain-exchange contracts. Would that stop dealing in grain? Not at all, for there is a very large grain exchange at Winnipeg, in Canada, there are great exchanges in England, in France, in Germany, both in grain and in cotton. You would not stop this method of doing business by stopping it on the Chicago market. It has been in existence for a long time throughout all of these countries, and if we attempt to stop it, we can not prevent it from going on in the other countries. That is one important phase of this business.

I have been in the cotton business all my life. I have had transactions with the New Orleans market and the New Orleans exchange all my life, and it is my sincere conviction that, so far from the exchanges being the enemies of the producer, the producers are beneficiaries of the exchanges.

There was quite a debate in the Senate two or three years age when Senator Comer was pressing his bill so strongly. Senator Comer at that time was a large manufacturer of cotton. He naturally desired to buy cotton just as cheaply as he could and with as little competition as possible.

If we do away with the exchange, with all these people who seek to speculate in cotton, how many buyers would there be for the products of the farm? The cotton farmer has nothing to sell but cotton. If we do away with the speculative element on the exchanges, then the buyers will be limited to the few hundred mills which use the cotton.

It would be entirely possible for those mills to form a kind of combination or understanding among themselves and say, "Well, there is a good big crop of cotton this year. We are satisfied the price will go down. We will not buy except from hand to mouth. We will force the farmers to sell. They are obliged to have money. There will be no buyers except ourselves, and we will get the cotton at a very low price."

Mr. HEFLIN. Mr. President, will the Senator yield right there?

Mr. RANSDELL. I yield.

Mr. HEFLIN. Suppose, while that is taking place, the spinners are saying, "We will not buy now. We will wait." Suppose the farmers then organize and say, "We will not sell unless cotton advances $5 a bale."

Mr. RANSDELL. It would be a very good thing, I will say to the Senator, if the farmers could organize. Unfortunately, we have hundreds of thousands of cotton farmers in the United States and only a few hundred spinners. It is entirely possible to have a few hundred men of the high degree of intelligence that these spinners have to organize. It is not practical, I will say to the Senator from Alabama, for the hundreds of thousands of farmers to organize, many of them not having the same degree of intelligence and many of them having as much or more. It is impossible for them to organize.

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

Mr. RANSDELL. I yield.

Mr. CARAWAY. I thought the Senator was saying that under a bill we recently voted for, the farm relief bill, they could organize. If they can organize, it would be a good thing, then, to get rid of the future market, would it not?

Mr. RANSDELL. No; it would not, under any circumstances, in my judgment, because it would take out of the market a great many men who now buy. It would reduce the number of buyers, and I, as a cotton seller, want all the buyers I can get.

Mr. CARAWAY. The Senator knows he never sold a bale of cotton to a gambler on the cotton market in his life, and never will, and nobody else does. They never buy it.

Mr. RANSDELL. The men who go into the market and deal in these contracts help to make the market active. They make business, and business makes activity, and business activity makes for success. I wish that I could believe all the farmers would organize under the farm relief measure. I voted for that measure, and I believe it will bring some degree of organization and some relief.

Mr. President, I have an elaborate report on this bill which was made on the 20th of April last.

Mr. HEFLIN. Mr. President, the Senator does not think he can read that in a minute, does he?

Mr. RANSDELL. I would not follow the wonderful example of the Senator from Alabama and consume four or five hours of the time of the Senate. In a very polite and dignified way I was about to call to the attention of my friends in the Senate, who desire some real information on this difficult subject, to the learned views of the different remarkably able men who are quoted herein, not my views; I do not claim any learning along this line, but I do say that some very able men have testified on this subject, and they are quoted in this report.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 11 o'clock p. m.) adjourned until to-morrow, Thursday, February 24, 1927, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 23 (legislative day of February 22), 1927

COMMISSIONER OF IMMIGRATION

John D. Nagle, of California, to be commissioner of immigration at the port of San Francisco, Calif.

REAPPOINTMENT IN THE REGULAR ARMY

ORDNANCE DEPARTMENT

To be assistant to the Chief of Ordnance with the rank of brigadier general

Brig. Gen. Colden L'Hommedieu Ruggles, assistant to the Chief of Ordnance, for the period of four years beginning March 28, 1927, with rank from March 28, 1923.

POSTMASTERS

CALIFORNIA

Elizabeth B. Tyler to be postmaster at Randsburg, Calif., in place of E. B. Tyler. Incumbent's commission expired January 11, 1927.

Meta C. Stofen to be postmaster at Sonoma, Calif., in place of M. C. Stofen. Incumbent's commission expires March 3, 1927.

Antionette E. Williams to be postmaster at Merced Falls, Calif., in place of J. H. McGregor, removed.

COLORADO

James F. Cohig to be postmaster at West Portal, Colo., in place of V. A. Kauffman, resigned.

FLORIDA

William H. Denmark to be postmaster at Carbur, Fla., in place of W. A. Parker. Incumbent's commission expired December 30, 1926.

Millard C. Sullivan to be postmaster at Pinecastle, Fla. Office became presidential July 1, 1926.

ILLINOIS

Blanche V. Anderson to be postmaster at Leland, Ill., in place of B. V. Anderson. Incumbent's commission expired February 19, 1927.

Russell Young to be postmaster at Rossville, Ill., in place of Russell Young. Incumbent's commission expired January 13, 1927.

William E. Thompson to be postmaster at Ferris, Ill., in place of H. G. Sherman, removed.

IOWA

Frank P. Rotton to be postmaster at Essex, Iowa, in place of F. P. Rotton. Incumbent's commission expired December 12, 1926.

Fred A. Hall to be postmaster at Van Wert, Iowa, in place of F. A. Hall. Incumbent's commission expires March 3, 1927.

William J. Campbell to be postmaster at Jesup, Iowa, in place of Margaret Wooff, resigned.

Merle B. Camerer to be postmaster at Oto, Iowa, in place of M. F. Sawin, resigned.

MAINE

Ralph T. Horton to be postmaster at Calais, Me., in place of R. T. Horton. Incumbent's commission expired January 30, 1927.

MARYLAND

Earle H. Ault to be postmaster at Accident, Md., in place of E. H. Ault. Incumbent's commission expired January 4, 1927.

James W. Friend to be postmaster at Friendsville, Md., in place of J. W. Friend. Incumbent's commission expired January 4, 1927.

MASSACHUSETTS

Albert Holway to be postmaster at Bournedale, Mass., in place of Albert Holway. Incumbent's commission expired August 30, 1926.

Edgar O. Dewey to be postmaster at Reading, Mass., in place of E. O. Dewey. Incumbent's commission expired January 24, 1927.

MICHIGAN

James W. Cobb to be postmaster at Birmingham, Mich., in place of J. W. Cobb. Incumbent's commission expired January 30, 1927.

Fred R. Griffin to be postmaster at Manistique, Mich., in place of F. R. Griffin. Incumbent's commission expires March 3, 1927.

MINNESOTA

William B. Stewart to be postmaster at Bemidji, Minn., in place of W. B. Stewart. Incumbent's commission expires February 24, 1927.

Carl G. Hurtig to be postmaster at Buffalo Lake, Minn., in place of C. G. Hurtig. Incumbent's commission expired December 27, 1926.

Charles C. Keller to be postmaster at Cloquet, Minn., in place of C. C. Keller. Incumbent's commission expired May 3, 1926.

Harry S. Gillespie to be postmaster at Virginia, Minn., in place of H. S. Gillespie. Incumbent's commission expired November 17, 1925.

Dwight M. Backman to be postmaster at Whalan, Minn. Office became presidential July 1, 1926.

MISSISSIPPI

Thomas F. Kirkpatrick to be postmaster at Hollandale, Miss., in place of T. F. Kirkpatrick. Incumbent's commission expired September 20, 1926.

John L. Kirby to be postmaster at Water Valley, Miss., in place of J. L. Kirby. Incumbent's commission expired February 14, 1927.

Howard H. Smith to be postmaster at Duncan, Miss., in place of Minnie Davis, resigned.

MISSOURI

David W. Puthuff to be postmaster at Bolivar, Mo., in place of D. W. Puthuff. Incumbent's commission expired February 23, 1927.

Catherine A. McSwiney to be postmaster at Normandy, Mo., in place of C. A. McSwiney. Incumbent's commission expired December 20, 1926.

MONTANA

Melvin W. Markuson to be postmaster at Dooley, Mont. Office became presidential July 1, 1926.

NEBRASKA

Edward T. Best, jr., to be postmaster at Neligh, Nebr., in place of E. T. Best, jr. Incumbent's commission expired February 9, 1927.

Myrtle L. Anderson to be postmaster at Republican City, Nebr., in place of M. L. Anderson. Incumbent's commission expires March 2, 1927.

Percy A. Brundage to be postmaster at Tecumseh, Nebr., in place of P. A. Brundage. Incumbent's commission expires February 24, 1927.

Dayle G. Stallman to be postmaster at Petersburg, Nebr., in place of E. R. Beers, resigned.

NEW MEXICO

Ona Tudor to be postmaster at East Vaughn, N. Mex., in place of Ona Tudor. Incumbent's commission expired March 2, 1926.

John N. Noryiel to be postmaster at Hatch, N. Mex. Office became presidential July 1, 1926.

NEW YORK

Lewis E. Fredenburg to be postmaster at Afton, N. Y., in place of L. E. Fredenburg. Incumbent's commission expired January 11, 1927.

William S. White to be postmaster at Oriskany, N. Y., in place of W. S. White. Incumbent's commission expired February 10, 1927.

William E. Mills to be postmaster at Rose Hill, N. Y., in place of W. E. Mills. Incumbent's commission expires March 1, 1927.

Francis D. Lynch to be postmaster at Stony Point, N. Y., in place of F. D. Lynch. Incumbent's commission expired February 19, 1927.

NORTH CAROLINA

Benjamin E. Atkins to be postmaster at Apex, N. C., in place of B. E. Atkins. Incumbent's commission expires March 2, 1927.

Giles B. Goodson to be postmaster at Lincolnton, N. C., in place of C. G. Mullen. Incumbent's commission expired January 10, 1927.

NORTH DAKOTA

Aloysius A. Allers to be postmaster at Garrison, N. Dak., in place of A. S. Loudenbeck. Incumbent's commission expired January 29, 1927.

OHIO

Anthony L. Stanchina, jr., to be postmaster at Laferty, Ohio, in place of James Azallion. Incumbent's commission expired December 30, 1926.

George R. Irwin to be postmaster at Upper Sandusky, Ohio, in place of G. R. Irwin. Incumbent's commission expires March 2, 1927.

Cora A. Emery to be postmaster at Gates Mills, Ohio, in place of R. L. Russell, resigned.

Otha C. Burris to be postmaster at London, Ohio, in place of J. B. Emery, deceased.

OKLAHOMA

Clyde O. Thomas to be postmaster at Arapaho, Okla., in place of E. M. Cowles. Incumbent's commission expired January 18, 1926.

Maud Cassetty to be postmaster at Calvin, Okla., in place of H. L. Wallace. Incumbent's commission expired July 18, 1926.

Clarence C. Werrell to be postmaster at Depew, Okla., in place of C. C. Werrell. Incumbent's commission expired December 22, 1926.

James H. Sparks to be postmaster at Healdton, Okla., in place of J. H. Sparks. Incumbent's commission expired December 12, 1926.

John P. Rookstool to be postmaster at Hominy, Okla., in place of G. H. Blackwood. Incumbent's commission expires February 24, 1927.

Lillian E. Whitman to be postmaster at Catoosa, Okla., in place of W. W. Whitman, deceased.

Ralph E. Bain to be postmaster at Hitchcock, Okla., in place of L. N. Hawkins, resigned.

PENNSYLVANIA

Ira B. Jones to be postmaster at Minersville, Pa., in place of I. B. Jones. Incumbent's commission expired January 22, 1927.

Eli F. Poet to be postmaster at Red Lion, Pa., in place of E. F. Poet. Incumbent's commission expired January 22, 1927.

Robert H. Harris to be postmaster at Tamaqua, Pa., in place of R. H. Harris. Incumbent's commission expires March 1, 1927.

Chestina M. Smith to be postmaster at Centralia, Pa., in place of L. A. Heffner, deceased.

Shem S. Aurand to be postmaster at Milroy, Pa., in place of W. E. Brown, resigned.

J. Ray Frankhouser to be postmaster at Newton Hamilton, Pa. Office became presidential July 1, 1926.

SOUTH DAKOTA

Bessie A. Drips to be postmaster at Gannvalley, S. Dak., in place of B. A. Drips. Incumbent's commission expired October 8, 1925.

TENNESSEE

Lulu M. Divine to be postmaster at Johnson City, Tenn., in place of L. M. Divine. Incumbent's commission expires March 1, 1927.

Thomas E. Byran to be postmaster at Lebanon, Tenn., in place of B. W. Burford, resigned.

TEXAS

Oliver S. York to be postmaster at Galveston, Tex., in place of O. S. York. Incumbent's commission expired January 9, 1927.

Herman L. Stulken to be postmaster at Hallettsville, Tex., in place of G. A. Young. Incumbent's commission expired April 28, 1926.

UTAH

William T. Boyle to be postmaster at Beaver, Utah., in place of W. T. Boyle. Incumbent's commission expires March 3, 1927.

VERMONT

Earle H. Fisher to be postmaster at Danville, Vt., in place of A. E. Currier. Incumbent's commission expired February 10, 1926.

WASHINGTON

Andrew J. Cosser to be postmaster at Port Angeles, Wash., in place of A. J. Cosser. Incumbent's commission expires March 3, 1927.

WYOMING

George J. Snyder to be postmaster at Glendo, Wyo., in place of G. J. Snyder. Incumbent's commission expired September 8, 1926.

Edward Bottomley to be postmaster at Kleenburn, Wyo., in place of Edward Bottomley. Incumbent's commission expires February 24, 1927.

James E. Hamilton to be postmaster at Meeteetse, Wyo. Office became presidential July 1, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 23 (legislative day of February 22), 1927

COMMISSIONER OF IMMIGRATION

John D. Nagle to be commissioner of immigration for the port of San Francisco, Calif.

UNITED STATES ATTORNEYS

Alexander C. Birch to be United States attorney, southern district of Alabama.

A. V. McLane to be United States attorney, middle district of Tennessee.

UNITED STATES MARSHAL

Stanley Borthwick to be United States marshal, southern district of Ohio.

REGISTER OF THE LAND OFFICE

Charles Gilbert Boise to be register of land office, Bismarck, N. Dak.

GENERAL OFFICERS IN THE ARMY—BY APPOINTMENT

To be brigadier general, reserve

Mortimer Drake Bryant.
Harold Montfort Bush.
George Rathbone Dyer.
Charles Irving Martin.
Edward Caswell Shannon.
Burke Haddan Sinclair.
Samuel Gardner Waller.

POSTMASTERS

ILLINOIS

Percy Gaston, Centralia.
Bahne E. Cornilsen, Chicago Heights.
Walter C. Yunker, Forest Park.

KENTUCKY

Charles A. Bickford, Hellier.

PENNSYLVANIA

George R. Steiger, Albion.
William D. First, Conneaut Lake.
Joseph A. Hanley, Erie.
Edwin W. Dye, Lawrenceville.

SOUTH DAKOTA

Claud I. Force, Clear Lake.
Leo D. Houk, Colome.
Ernest F. Roth, Columbia.
Israel R. Krause, Java.
Charles E. Smith, Lemmon.
Arnold Poulsen, Lennox.
Garfield G. Tunell, Mobridge.
James E. McLaughlin, Onida.
Albert P. Monell, Stickney.
Joseph Matt, Vivian.
Olof Nelson, Yankton.

TEXAS

James J. Dickerson, Paris.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 23, 1927*

The House met at 12 o'clock noon.

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

Lord God of Hosts, let Thy infinite love cast out all fear. We would have our prayer be the voice of gratitude, the voice of holy ambition to advance to higher degrees of knowledge and wisdom until the perfect day. Oh, let us serve Thee with the spirit of good cheer and our country with deep appreciation. Endow us with a wise, comprehensive outlook on the things of life. With hearty delight may we seek to do Thy will. May we be worthy to love, fortified to suffer, and courageous to persevere. Waken in all of us a sentiment of praise and manifest Thy self in that which we do to-day. In the name of Jesus. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15641) entitled "An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1928, and for other purposes," and that the Senate insists upon its amendments numbered 25 and 27 to the said bill.

The message also announced that the Senate agrees to the amendments of the House on Senate bills of the following titles:

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

S. 2849. An act to provide for an additional Federal district for North Carolina;

S. 4411. An act granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested; and

S. 4876. An act providing for the erection of a monument on Kill Devil Hill, at Kitty Hawk, N. C., commemorative of the first successful human attempt in history at power-driven airplane flight.

The message also announced that the Senate had passed without amendment House bill of the following title:

H. R. 11064. An act for the relief of R. W. Hilderbrand.

The message also announced that the Senate had passed Senate concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 28. Concurrent resolution to provide for the printing of 75,000 copies of address delivered to the American people in the House of Representatives on February 22, 1927, on the proposed celebration of the two hundredth anniversary of the birth of George Washington.

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

S. J. Res. 154. Joint resolution extending the provisions of the acts of March 4, 1925, and April 13, 1926, relating to a compact between the States of Washington, Idaho, Oregon, and Montana for allocating the waters of the Columbia River and its tributaries, and for other purposes.

The message also announced that the Senate had agreed to House concurrent resolution of the following title:

H. Con. Res. 57. Concurrent resolution inviting the full cooperation of the legislatures and the chief executives of the respective States and Territories of the United States in the celebration of the two hundredth anniversary of the birth of George Washington.

The message also announced that the Senate insists upon its amendments to the bill H. R. 13446, entitled "An act to restore the rate of postage of 1 cent each to private mailing or post cards," 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. MOSES, Mr. PHIPPS, and Mr. MCKELLAR.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the bill S. 2615, "An act to authorize common carriers engaged in interstate commerce to transport any blind person, accompanied by a guide, for one fare."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill S. 2141, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes."

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

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

S. 722. An act to authorize the selection of certain publicly owned lands by the State of Oregon;

S. 2714. An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States;

S. 4411. An act granting the consent of Congress to compacts or agreements between the States of South Dakota and Wyoming with respect to the division and apportionment of the waters of the Belle Fourche and Cheyenne Rivers and other streams in which such States are jointly interested;

S. 4812. An act amending the statutes of the United States as to procedure in the Patent Office and in the courts with regard to the granting of letters patent for inventions and with regard to interfering patents;

S. 4910. An act granting certain lands to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts, for the purpose of conducting educational, demonstrative, and experimental development with livestock, grazing methods, and range forage plants;

S. 4957. An act to amend section 129 of the Judicial Code, allowing an appeal in a patent suit from a decree which is final except for the ordering of an accounting;

S. 4974. An act to amend and reenact an act, entitled "United States cotton futures act," approved August 11, 1916, as amended;

S. 5082. An act authorizing an appropriation of $8,600,000 for the purchase of seed grain, feed, and fertilizer to be supplied to farmers in the crop-failure areas of the United States, and for other purposes;

S. 5585. An act to extend the time for construction of a bridge across the southern branch of the Elizabeth River, near the cities of Norfolk and Portsmouth, in the county of Norfolk, State of Virginia;

S. 5588. An act granting the consent of Congress to the Big Sandy & Cumberland Railroad Co. to construct, 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 city of Owensboro, Ky., and Rockport, Ind.;

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;

S. J. Res. 120. Joint resolution authorizing the acceptance of title to certain lands in Teton County, Wyo., adjacent to the winter elk refuge in said State established in accordance with the act of Congress of August 10, 1912 (37 Stat. L. p. 293);

S. 2849. An act to provide for an additional Federal district for North Carolina;

S. 4876. An act providing for the erection of a monument on Kill Devil Hill, at Kitty Hawk, N. C., commemorative of the first successful human attempt in history at power-driven airplant flight;

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

H. R. 11064. An act for the relief of R. W. Hilderbrand.

COMMITTEE ON ENROLLED BILLS

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval the following bills:

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

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

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

H. R. 16775. An act to limit the application of the internal-revenue tax upon passage tickets.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker and gentlemen of the House, the message which has just come from the Senate indicates that the Senate has approved the report of the conference committee on the Navy appropriation bill and insists upon its amendment carrying three cruisers into the bill. Your committee plans to take up the conference report on the House side to-morrow morning immediately following the disposition of preliminary business upon the Speaker's desk. There is so much interest in this subject that we have felt we ought to notify the House at this time so that everybody will be apprised of what our program is.

Mr. MILLER. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MILLER. Is it the gentleman's intention to disagree to the Senate amendment on the cruiser proposition and insist on the House attitude?

Mr. FRENCH. I will say that is embodied in the conference report.

Mr. MILLER. I noticed that in the conference report, but I did not know whether there was some later attitude on the proposition.

Mr. FRENCH. No.

NAVAL ACADEMY

Mr. VINSON of Georgia. Mr. Speaker, I am requested by the chairman of the Naval Affairs Committee to ask unanimous consent to take from the Speaker's table and put upon its passage Senate bill 5699, relating to the admission of candidates to the Naval Academy, a similar bill having been favorably reported by the Committee on Naval Affairs and being on the calendar. The committee authorized me to make this motion.

The SPEAKER. The gentleman from Georgia calls up Senate bill 5699, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to fix the age limits for candidates for admission to the United States Naval Academy," approved May 14, 1918, be amended by the addition of the following proviso:

"*Provided further*, That the foregoing shall not be held to exclude the admission of a candidate the twentieth anniversary of whose birth occurs on the 1st day of April of the calendar year in which he shall enter."

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

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

A similar House bill was laid on the table.

SURPLUS WAR DEPARTMENT REAL PROPERTY

Mr. JAMES. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 4305, to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property, and I ask for its immediate consideration.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate bill 4305, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. McKEOWN. Mr. Speaker, reserving the right to object, what does this bill involve?

Mr. JAMES. It involves the sale of posts no longer used, like Fort Wayne, in my State, and other places.

Mr. McKEOWN. How many are involved?

Mr. JAMES. I suppose about 10 or 12.

Mr. McKEOWN. Has it been reported favorably by the committee?

Mr. JAMES. It was unanimously reported by the committee. Most of the money comes out of my own State of Michigan.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, under the provisions of the act of March 12, 1926, the several tracts or parcels of real property hereinafter designated, or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance:

Name of reservation—Fort Wayne, Mich.; Fort Hayes, Ohio; Matanzas Military Reservation, Fla. (excepting approximately 1 acre on which is located an old Spanish fortification declared a national monument by proclamation of the President under date of October 15, 1924); Camp Upton, N. Y.; Lafayette Cemetery, Philadelphia, Pa. (lot in); Odd Fellows Cemetery, Philadelphia, Pa. (9,040 square feet); American Mechanics Cemetery, Philadelphia, Pa. (six lots); Washington Point, Norfolk, Va.; Fort McPherson Target Range, Waco, Ga.; Fort Moultrie Rifle Range, S. C.; Fort Hunt, Va.; Fort Washington, Md.

With the following committee amendments:

On page 2, in line 3, strike out "Fort Hayes, Ohio"; in line 8 strike out "Lafayette Cemetery, Philadelphia, Pa. (lot in); Odd Fellows Cemetery, Philadelphia (9,040 square feet); American Mechanics Cemetery, Philadelphia, Pa. (six lots); Washington Point, Norfolk, Va."; in line 14 strike out "Fort Moultrie Rifle Range, S. C.; Fort Hunt, Va.; Fort Washington, Md.," and insert "Coronado Beach Military Reservation, Coronado, Calif. (part, approximately 33 acres); Omaha Depot, Omaha, Nebr.; Springfield Armory, Springfield, Mass. (part, approximately 13 acres)."

Mr. McKEOWN. Mr. Speaker, I move to strike out the last word for the purpose of asking a question of the gentleman from Michigan. What protection has the Government as to the manner of the sale of this property, and has that been properly safeguarded?

Mr. JAMES. Yes.

Mr. McKEOWN. The matter of the sale will be properly cared for so that it will bring a fair and reasonable price?

Mr. JAMES. We have all the safeguards that were in the previous bill passed a year ago.

Mr. McKEOWN. Do the safeguards in that bill apply to this bill?

Mr. JAMES. They do.

The committee amendments were agreed to.

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

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

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I ask unanimous consent for the present consideration of H. R. 17243, to authorize appropriations for construction at military posts, and for other purposes.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of House bill 17243, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLANTON. We would like to know what is in the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $8,491,000; to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as, in the judgment of the Secretary of War, may be necessary, as follows: Schofield Barracks, Hawaii, hospital, $190,000; Camp Meade, Md., hospital, $150,000 (at an estimated total cost of $450,000); New Primary Flying School, San Antonio, Tex., barracks, $700,000; noncommissioned officers' quarters, $156,000; officers' quarters, $1,020,000; Fort Benning, Ga., barracks, $500,000; Fort Riley, Kans., officers' quarters, $126,000; Camp Lewis, Wash., hospital, $97,000; Fort Humphreys, Va., barracks, $160,000; Maxwell Field, Ala., officers' quarters, $40,000; Camp Devens, Mass., hospital, $100,000; Camp Lewis, Wash., barracks, $500,000; Fort Bliss, Tex., noncommissioned officers' quarters, $300,000; Brooks Field, Tex., officers' quarters, $200,000; barracks, $164,000; Selfridge Field, Mich., hospital, $50,000; Panama Department, Canal Zone, for the Air Corps barracks, $560,000; noncommissioned officers' quarters, $126,000; officers' quarters, $400,000; Bolling Field, D. C., barracks, $240,000; Fort Bragg, N. C., barracks, $262,000; Rockwell Field, Calif., barracks, $240,000; noncommissioned officers' quarters, $78,000; officers' quarters, $200,000; Scott Field, Ill., hospital, $100,000; Fort Jay, N. Y., barracks, $300,000; officers' quarters, Military Academy, West Point, $216,000; Kelly Field, Tex., barracks, $316,000; officers' quarters, $100,000; Camp McClellan, Ala., barracks, $300,000; Camp Meade, Md., barracks, $300,000; Camp Devens, Mass., barracks, $300,000: *Provided*, That any unexpended balances or combined unexpended balances of any of the above amounts shall be available interchangeably for appropriation on any of the hospitals, barracks, or noncommissioned officers' quarters herein authorized.

With the following committee amendment:

On page 2, in line 12, after the word "Zone" insert "for the Air Corps."

Mr. BLANTON. Will the gentleman yield for a question?

Mr. JAMES. Yes.

Mr. BLANTON. All of these amounts come out of the money that the War Department has on hand from the sale of property?

Mr. JAMES. Most of it; yes. However, I talked with the Director of the Budget and he wanted a bill sent up this time so that when he sends in his estimates next December he will know how much to authorize. A certain part of it the Director of the Budget will take out of the general Treasury.

Mr. BLANTON. But most of the money will come out of funds secured from the sale of surplus war property?

Mr. JAMES. Yes; that is correct. It is like the bill we just passed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

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

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

ABRAHAM LINCOLN

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD an address I made before the Lincoln Post No. 17, of the American Legion, at Washington, D. C., January 6, 1927.

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

There was no objection.

Mr. PHILLIPS. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address:

The honor you have conferred upon me by according me the privilege of addressing Lincoln Post No. 17 of the American Legion is appreciated, and I take this opportunity to pay my respects to your nationwide organization, which typifies and embodies the very best contained in American life and in American tradition.

The word "Legion" can not be separated from the word "American," for had there been no sacrifice on the field of battle there would be no American Nation of freemen.

Neither can we separate the word "American" from the great men that founded and preserved our Nation.

When you named your post you were indeed happy in the selection of the name "Lincoln," because he typifies the ideals for which you fought. He is the great champion of humanity and the great foe of tyranny.

In 1842, when Lincoln was 33 years old, he was invited to deliver an address on the one hundred and tenth anniversary of the birthday of Washington. He made no reference to Washington until the closing paragraph, when he paid him the following tribute:

"This is the one hundred and tenth anniversary of the birthday of Washington. We are met to celebrate this day. Washington is the mightiest name on earth—long since mightiest in the cause of civil liberty; still mightiest in moral reformation. On that name a eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on."

Little did Lincoln suspect that all he then said in regard to Washington can be applied with propriety to Lincoln himself now that more than a hundred years have passed since his birthday.

On occasions of this nature our minds revert to the two great historical documents which were instrumental, the one in procuring, the other in preserving our independence and our liberties—the Declaration of Independence and the Constitution of the United States, which, however, like Lincoln and Washington, must be contrasted, rather than compared.

The Declaration of Independence proclaims an equality that never did and never can exist. It was by nature revolutionary, and therefore destructive rather than constructive. It well served its intended purpose by stimulating patriotic instincts and crystallizing latent hatred against unwarranted interference with local government and the rights of the individual.

On the other hand, the Constitution makes no mention of equality, does not appeal to sentiment or seek to arouse popular acclaim, but it is supremely constructive. It set up a type of government for which there existed no precedent, and set forth, for the first time in all history in comprehensive and convincing form, the fundamental and primary purposes for which governments should exist:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

For clarity and common sense no language in all literature, unless it be found in Holy Writ, approaches the preamble to the Constitution. Here we find no intimation of aggression, oppression, or suppression, and when all nations adopt in good faith these principles we can beat our swords into plowshares and our spears into pruning hooks, neither learn war any more.

That a declaration of liberty, equality, and fraternity, even when theoretically established by a victorious war and when people are free from governmental restraint, can not produce prosperity or promote general welfare is clearly shown by statements of Washington written after the Revolutionary War, but prior to the adoption of the Constitution. On October 7, 1785, he wrote:

"We are descending into the vale of confusion and darkness."

On July 26, 1786:

"It is shameful and disgusting. We seem either not capable or not willing to take care of ourselves."

On August 1, 1786:

"Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own. What, then, is to be done? Would to God that wise measures may be taken in time to avert the consequences we have but too much reason to apprehend."

November 5, 1786:

"No day was ever more clouded than the present. We are fast verging to anarchy and confusion."

December 26, 1786:

"I feel, my dear General Knox, infinitely more than I can express to you for the disorders which have arisen in these States. Good God! Who could have foreseen or predicted them?"

The Constitution having been adopted, the clouds of uncertainty, confusion, and anarchy begin to dissipate.

On June 3, 1790, Washington wrote:

"You have doubtless been informed from time to time of the happy progress of our affairs. The principal difficulties seem in a great measure to have been surmounted."

On July 19, 1791:

"The United States enjoys a scene of prosperity and tranquillity under the new Government that could hardly have been hoped for."

On July 20, 1791:

"Our public credit stands on that high ground which three years ago it would have been considered as a species of madness to have foretold."

Bear in mind that Washington was writing about the same people in the same place, tilling the same soil and warmed by the same sun, but under different governmental conditions.

The Declaration of Independence, were it not for the conservative and constructive provisions of the Constitution, would be little more than a sounding brass or tinkling cymbal. Had the Constitution provided for a democracy rather than for a representative Republic, then students of history, with few exceptions, agree that the Revolutionary War would have been fought in vain, for it would have produced more and greater evils than it cured.

Lincoln, in his Cooper Institute address, said:

"Now, and here, let me guard a little against being misunderstood. I do not mean to say we are bound to follow implicitly in whatever our fathers did. * * * What I do say is that, if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive, and argument so clear, that even their great authority, fairly considered and weighed, can not stand."

In this connection it is well to remember that most, if not all of our major political ills have been caused by constitutional amendments and radical departures from the principles of government that were early sanctioned by custom and precedent. Perhaps there would have been no Civil War had it not been for the tenth amendment. Direct and unequal taxation, direct election of Senators, the primary system of nominations, the multiplicity of bureaus with their clerk-made laws, and the recent unprecedented extension of the police powers of the Federal Government are nothing less than the removal of the ancient landmarks so carefully placed by our forefathers.

A representative Republic such as was provided in the Constitution brought order out of chaos and has stood the test of time. It is one of the richest political heritages of the ages, and we of this generation will deserve and receive contempt and condemnation if we fail to protect it and preserve it in its essential principles, so that it may benefit and bless those who are destined to live in the days and years that are to come.

UNITED CONFEDERATE VETERANS

Mr. DRANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider Senate joint resolution (S. J. Res. 156) 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.

The Clerk read the joint resolution as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to lend, at his discretion, to the reunion committee of the United Confederate Veterans, for use in connection with the Thirty-seventh Annual Reunion of the United Confederate Veterans, to be held at Tampa, Fla., on April 5, 6, 7, and 8, 1927, such tents and other camp equipment as may be required at said reunion: *Provided*, That no expense shall be caused the United States by the delivery and return of said property, the same to be delivered to said committee at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and Sumter L. Lowry, sr., general chairman of said reunion committee: *And provided further*, That the Secretary of War, before delivering said property, shall take from said Sumter L. Lowry, sr., a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

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

There was no objection.

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

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

MRS. EMILY MARTIN

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, down in Wilson County, Tenn., Mrs. Emily Martin is to-day celebrating her one hundredth birthday. It is a fine thing to have attained such a venerable age. It is still more to have served throughout a long life as a brave, useful, and Christian woman and mother, as Mrs. Martin has.

Mrs. Martin was born in the village of Alexandria, Smith County, Tenn., on February 23, 1827. She is the daughter of William J. Bomar and wife, Elizabeth Terry. Her father was a Christian minister who had emigrated to Tennessee early in the 1800's from Essex County, Va., where he was born. At 4 years of age, her parents removed to a farm near the village of Gladeville, in Wilson County. The house in which they lived was a substantial one, built, as was common in that time, of hewn cedar logs. The farm subsequently passed into the ownership of her sister's husband, Samuel W. Sherrill, who built a new dwelling but preserved the old Bomar house. The latter, many years afterwards, was removed from the spot intact and is even yet in good condition and is the residence of a great-grandson, Tolbert F. Robinson, who owns a part of the old Sherrill farm.

On March 5, 1843, when only 16 years of age, Emily Bomar married Thomas Stacy Martin, and in 1849 she and her husband came to live on the spot where she now resides. A new dwelling was built a few years later, but the original dwelling was preserved as a part of it, and is still in good condition. Here the Martins lived and brought up their children. Here the husband died in 1903, and here the widow now lives in her green old age.

Mrs. Martin is the mother of four children—William L., who served as a brave soldier in the Confederate Army and died in 1924 at the age of 81; Frank and Thomas A., both of whom are now deceased, and Mrs. Victoria Atkinson, who is yet living. Mrs. Martin has 17 grandchildren living, 41 great-grandchildren, and 2 great-great-grandchildren.

Mrs. Martin's father, William J. Bomar, attained the age of 91. Of her full brothers and sisters, three lived until about 80, and one, Riley Bomar, died at San Saba, Tex., a few years ago, at the age of 99.

Mrs. Martin, despite her great age, remains in a good state of health and in full possession of her memory and other mental faculties. She goes to the family table for every meal and frequently performs little tasks about the house, greatly pleased to feel that she is still useful. Her appetite and digestion are good, and she sleeps like a child. She remains rather plump of person. Her complexion is clear, her eyes are large and blue, and holds even yet some traces of the unusual beauty of person and spirit which was hers in her prime.

Mrs. Martin has been a member of the Baptist Church for nearly 75 years. She is fond of conversation and yet retains her interest in neighborhood news and in public affairs. In 1920, when the vote was conferred upon women, she went several miles to the polling place to cast her first ballot.

Such are a few points of the life story of this grand old woman. Universally loved and respected, ripe in years, and full of faith in God and confidence in her fellow creatures—loving all and beloved of all, she is the model by which all good men and women might hope to shape their lives.

SENATE JOINT RESOLUTION 152

Mr. JOHNSON of Washington. Mr. Speaker, by direction of the Committee on Immigration and Naturalization I ask unanimous consent that the Senate joint resolution (S. J. Res. 152) be recommitted to the Committee on Immigration and Naturalization.

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, has the gentleman consulted the gentleman from Texas, Mr. Box?

Mr. JOHNSON of Washington. Yes; the committee voted upon the matter to-day. We will bring out a perfected bill later.

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

There was no objection.

OIL AND GAS MINING LEASES UPON UNALLOTTED LANDS WITHIN EXECUTIVE ORDER INDIAN RESERVATIONS

Mr. HAYDEN. Mr. Speaker, by direction of the Committee on Indian Affairs I call up and move to take from the Speaker's table the bill (S. 4893) to authorize oil and gas mining leases upon unallotted lands within Executive order Indian reservations, which is substantially the same as the bill H. R. 15021, already favorably reported to the House by the Committee on Indian Affairs, and pass the same.

The Clerk read the title of the bill.

Mr. SPROUL of Kansas. Mr. Speaker, I make the point of order that the bill——

Mr. TILSON. Mr. Speaker, is this claimed to be a privileged matter?

The SPEAKER. The gentleman from Kansas is about to make a point of order.

Mr. SPROUL of Kansas. I make a point of order that the bill is not a proper one to be considered by the House, but rather by the Committee of the Whole House, for the reason it involves the transfer of the property of the Government in the way of an alienation; and it involves a charge against the Treasury. Because of these two features of the bill it is one essentially to be considered in the Committee of the Whole House, where it has not yet been considered.

The SPEAKER. The gentleman from Kansas makes the point of order that the bill is properly on the Union Calendar and hence there is no matter of privilege concerned in calling it up, as has been done by the gentleman from Arizona. The Chair will be glad to hear argument, and the Chair would like to say to the House that in his opinion this is a very important matter and would like the attention of the House during the argument.

Mr. MADDEN. Mr. Speaker, I would like to be heard briefly.

The SPEAKER. Does the gentleman from Kansas desire to proceed now or the gentleman from Arizona?

Mr. SPROUL of Kansas. Mr. Speaker, would it not be in order for the gentleman now to show that his motion is in order?

The SPEAKER. The Chair thinks it would be now in order for the gentleman from Arizona to show that his motion is a proper one.

Mr. TILSON. Mr. Speaker, the gentleman from Illinois wishes to make a brief statement, if the gentleman from Arizona will yield.

Mr. HAYDEN. I yield.

Mr. MADDEN. I understand, Mr. Speaker, this is a case where interest has accumulated on money to the credit of the Indians in the Treasury. Am I right about that?

Mr. HAYDEN. No, sir. I will state to the gentleman from Illinois there is no such issue involved in this bill. No money has as yet accumulated in the Treasury.

The SPEAKER. The Chair would like to ask the gentleman, first, if he is authorized by direction of the committee to make this motion.

Mr. HAYDEN. I was directed by a vote of the Committee on Indian Affairs in regular session to make this motion. The authority was granted to me after the Senate bill had passed, a similar House bill already being on the calendar. Therefore I am acting wholly within the rule in every respect.

The SPEAKER. May the Chair suggest to the gentleman he would like particularly to hear argument as to whether this is property of the United States?

Mr. HAYDEN. Mr. Speaker, section 2 of Rule XXIV, which authorizes this procedure, reads as follows:

> Business on the Speaker's table shall be disposed of as follows:
>
> * * * * * * *
>
> House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

It will be observed that the rule says nothing about on what calendar the House bill may be placed. The sole and only question is whether the Senate bill requires consideration in Committee of the Whole. The bill S. 4893, which, in fact, is identical with H. R. 15021, does not require such consideration.

Bills which require consideration in Committee of the Whole House on the state of the Union are defined in section 3 of Rule XXIII, as follows:

> All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The first section of the bill merely provides that the same law which now authorizes the Secretary of the Interior, with consent of the tribal council, to make oil and gas leases on treaty reservations shall also apply to reservations created by Executive order. It can not be maintained that this section disposes of any property of the United States, because the Supreme Court has repeatedly decided that the right of the Indians to use and occupy the lands within an Executive-order reservation is the

same as within a treaty reservation. In each instance the lands are held by the United States in trust for the Indians.

On May 27, 1924, the then Attorney General, Hon. Harlan F. Stone, now a justice of the Supreme Court, rendered an opinion in which he said:

When, by an Executive order, public lands are set aside, either as a new Indian reservation or an addition to an old one, without further language indicating that the action is a mere temporary expedient, such lands are thereafter properly known and designated as an "Indian reservation"; and so long, at least, as the order continues in force, the Indians have the right of occupancy and use and the United States has the title in fee.

Attorney General Stone then quoted from the case of Spaulding *v.* Chandler (160 U. S. 394), which involved an Executive-order Indian reservation, in which the Supreme Court held:

It has been settled by repeated adjudications of this court that the fee of the lands in this country in the original occupation of the Indian tribes was from the time of the formation of this Government vested in the United States. The Indian title as against the United States was merely a title and right to the perpetual occupancy of the land, with the privilege of using it in such mode as they saw fit until such right of occupation had been surrendered to the Government. When Indian reservations were created, either by treaty or Executive order, the Indians held the land by the same character of title, to wit, the right to possess and occupy the lands for the uses and purposes designated.

Near the close of the Attorney General's opinion he states this final conclusion, based upon a review of all the applicable court decisions and acts of Congress:

The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of the Indian rights as between Executive-order reservations and reservations established by treaty or act of Congress.

On March 1, 1926, the Supreme Court canceled a patent, issued by the Secretary of the Interior over 50 years prior thereto to the State of Minnesota, for the reason that the land in question was within an Indian reservation. The decision of the court in the case of United States *v.* Minnesota reads:

While the grant as extended to Minnesota was a grant in praesenti, it was restricted to lands which were then public. The restriction was not expressed, but implied according to a familiar rule. That rule is, that lands which have been appropriated or reserved for a lawful purpose are not public and are to be regarded as impliedly excepted from subsequent laws, grants, and disposals which do not specially disclose a purpose to include them.

Since this entire bill relates to lands or the proceeds of lands which are not public but Indian lands it does not require consideration in Committee of the Whole under Rule XXIII. I refer to paragraph 846 of the House Manual (page 383) which reads:

Indian lands have not been considered "property" of the Government within the meaning of the rule.

The citations there given to volume 4 of Hinds' Precedents, sections 4844 and 4845, are as follows:

On August 12, 1890, the Speaker laid before the House the bill of the Senate (S. 4207) extending the time of payment to the purchasers of land of the Omaha Tribe of Indians in Nebraska, and for other purposes.

Mr. W. C. P. Breckinridge, of Kentucky, made the point of order that the said bill should receive its first consideration in the Committee of the Whole on the state of the Union. The Speaker, Mr. Reed, overruled the said point, on the ground that the bill on its face made no appropriation of money or property.

On March 12, 1890, Mr. Bishop W. Perkins, of Kansas, called up and the House proceeded to the consideration of the bill of the House (H. R. 856) to amend section 1 and section 9 of an act entitled "An act to authorize the Denison & Washita Valley Railroad Co. to construct and operate a railway through the Indian Territory, and for other purposes," approved July 1, 1886, reported with an amendment. This land was the property of the Indians and not public lands belonging to the Government.

Mr. Benton McMillin, of Tennessee, made the point of order that under the rule quoted the bill must receive the first consideration in a Committee of the Whole. "After debate on the point of order, the Speaker overruled the same on the ground that the bill granted the right of way and did not appropriate public land."

The second section of the bill deals with the disposal of the proceeds from lands belonging to Indians. The Supreme Court having decided that such lands are not public lands, then the proceeds thereof are not money or property within the meaning of rule 23. Neither does the section make any appropriation of money. The Speaker will note that the bill merely states that the sums derived from rentals, royalties, and bonuses shall be available for appropriation, but no actual appropriation is either made or authorized to be made. All that is accomplished by section 2 is the creation of a trust fund, and the House Manual, on page 378, states that a bill "relating to money in the Treasury in trust is not governed by the rule." Section 4835 of Hinds' Precedents is there cited as follows:

A bill relating to money coming into the Treasury in trust for specifically indicated purposes was held not to require consideration in Committee of the Whole. On April 24, 1878, the House proceeded to consider the bill (S. 15) to alter and amend "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean," etc.

The bill having been read, Mr. Benjamin F. Butler, of Massachusetts, made the point of order that the bill must be considered in Committee of the Whole House on the state of the Union, under rule 112.

The Speaker overruled the point of order on the ground that it did not apply to money coming into the Treasury of the United States in trust for purposes which are specifically indicated.

Section 3 of the bill provides a means whereby taxes may be paid to the States, but does not impose any Federal tax upon the people as mentioned in rule 23. The sums so levied and collected are not to be paid from any Federal money, but tribal funds or by the lessees. Therefore nothing in the section requires that the bill be considered in Committee of the Whole.

Neither does section 4 come within the rule because it is purely a legislative limitation upon the authority of the President to change the boundaries of Indian reservations.

The fifth and last section relates solely to the relief of those who made applications under the general leasing act of 1920. The section does not involve any tax or any appropriation of money or property. The bill consists of but five sections, in no one of which, either upon its face or actually, involves any public money or property. Such being the nature of the Senate bill it does not require consideration in Committee of the Whole, and under the authority granted by the Committee on Indian Affairs I am entitled to call it up from the Speaker's table for immediate consideration by the House.

Mr. MADDEN. Mr. Speaker, I would like to say a word on this to indicate what the viewpoint in the Committee on Appropriations has always been in matters of this sort. This bill provides in section 2 that the proceeds from rentals and royalties or bonuses of oil and gas and so on shall be deposited in the Treasury of the United States to the credit of the Indians and that upon the amount so deposited 4 per cent interest shall accrue. The accrued interest, of course, always is credited to the principal sum. It is true that it does create a contingent liability, but the language of section 2 of this bill does not make a charge against the Treasury in the sense that it appropriates, but does reserve to the Congress the right to appropriate out of the aggregate of the two sums, viz, the principal sum received for rents and the accumulated interest. The charge does not go against the Treasury until the appropriation made by the Congress at some future time is passed and signed by the President of the United States. So I think the bill is properly on the House Calendar and subject to the motion made by the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. I might further advise the Speaker that it has been customary for more than a half century to deposit Indians moneys in the Treasury in special trust funds at interest. Since the money is held for the Indians as an investment, interest is periodically credited by a bookkeeping arrangement. It was also the custom for many years for the Secretary of the Interior, through the Commissioner of Indian Affairs, to expend such trust funds without action by Congress. This procedure resulted in complaints from the Indians, and in some instances formed the basis for claims against the United States.

In order to provide for a better supervision of the expenditures of Indian funds Congress, section 27 of the Indian appropriation act of May 18, 1916 (39 Stat. L. p. 159), declared that—

On the first Monday in December, 1917, and annually thereafter, the Secretary of the Treasury shall transmit to the Speaker of the House of Representatives estimates of the amounts of the receipts to, and expenditures which the Secretary of the Interior recommends to be made for the benefit of the Indians from, all tribal funds of Indians for the ensuing fiscal year; and such statement shall show (first) the total amounts estimated to be received from any and all sources whatsoever, which will be placed to the credit of each tribe of Indians, in trust or otherwise, at the close of the ensuing fiscal year, (second) an analysis showing the amounts which the Federal Government is directed and required by treaty stipulations and agreements to expend from each of said funds or from the Federal Treasury, giving references to the existing treaty or agreement or statute,

(third) the amounts which the Secretary of the Interior recommends to be spent from each of the tribal funds held in trust or otherwise, and the purpose for which said amounts are to be expended, and said statement shall show the amounts which he recommends to be disbursed (a) for per capita payments in money to the Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney fees, and (d) for support and civilization: *Provided, That thereafter no money shall be expended from Indian tribal funds without specific appropriation by Congress except as follows: Equalization of allotments, education of Indian children in accordance with existing law, per capita and other payments, all of which are hereby continued in full force and effect: Provided further,* That this shall not change existing law with reference to the Five Civilized Tribes.

This change in the law in no manner affected the ownership of such funds. It still remained the property of the Indians, held in trust by the United States for their use and benefit. The fact that the Federal Government holds such money as a trustee is emphasized in section 2 of the bill by the proviso which requires the Indians through their tribal council to be consulted in regard to its expenditure.

Mr. SPROUL of Kansas. Mr. Speaker, the point of order which I make is that Senate bill 4893, now proposed to be substituted for House bill 15021, provides for appropriating the property of the United States and also contains a charge against the people and the Treasury. The material part of Senate bill 4893 reads as follows:

SEC. 2. That the proceeds from rentals, royalties, or bonuses of oil and gas leases upon lands within Executive-order Indian reservations or withdrawals shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created or who are using and occupying the land and shall draw interest at the rate of 4 per cent per annum and be available for appropriation by Congress for expenses in connection with the supervision of the development and operation of the oil and gas industry and for the use and benefit of such Indians: *Provided,* That said Indians or their tribal council shall be consulted in regard to the expenditure of such money, but no per capita payment shall be made except by act of Congress.

The rule of the House which I seek to invoke and have applied is as follows:

(Section 3, Rule XXIII, p. 385, House Manual)

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Section 2 of Senate bill 4893 provides for an appropriation of Government property in this—that it provides that rentals, royalties, or bonuses of oil and gas leases upon lands within Executive-order reservations or withdrawals shall be paid into the Treasury of the United States to the credit of certain tribes of Indians.

The bill further provides that when said money is placed in the Treasury to the credit of the Indians the Government shall pay 4 per cent interest thereon. The oil and gas in and under Executive-order reservations and withdrawals is the property of the United States. Why is it the property of the Government? The withdrawals have been made from the public domain which belongs to the Government. The President has no constitutional or legislative authority to transfer the oil and gas rights in the Government lands to Indians or other persons in the manner in which these withdrawals were made. And I herewith quote the wording of one withdrawal involving 250,000 acres of land included in this bill:

It is hereby ordered that the following-described lands in the Territories of Arizona and Utah be, and the same are, withheld from sale and settlement and set apart as a reservation for Indian purposes. (Chester A. Arthur.)

In this withdrawal it will be noted that no particular tribe of Indians was mentioned. In an action brought by the Government against permit holders on a portion of these reservation lands on which an oil well had been drilled and other moneys expended, the United States district court for Utah, in rendering a judgment against the Government, held as follows:

There is no question that rights were as much in the future, so far as the Indians were concerned, as they were on the 17th day of May, 1884, the day the Executive order was made.

The title, both legal and equitable, continued and was in the Government at the time this permit was issued. I shall hold against the contention of the Government.

And thus the United States district court held the title in these Executive-order withdrawals was and continued to be in the Government. This case was appealed to the circuit court of appeals, sitting at Denver, which court certified the case to the Supreme Court, where it is now pending. (Government *v.* Harrison and Midwest Oil Co.) It thus will be seen that the President had no constitutional or congressional authority to transfer the title to the lands in question to the Indians. And it appearing that no court has ever held to the contrary, we therefore submit that section 2 appropriates property of the United States.

That part of section 2 which obligates the Government to pay 4 per cent interest and which has to be appropriated out of the Treasury constitutes another charge against the people and the Treasury. And as to this there can be no question. Suppose the rate of interest which the bill obligates the Government to pay on the bonus, royalties, and money placed in the Treasury to the credit of the Indians was 25 per cent or 50 per cent, could it be said that such a rate of interest was not a charge against the people or the Treasury? The clearness of this proposition can be seen by every fair-minded person. It is our contention, therefore, that this point of order is well taken in this, that the bill not only appropriates property of the United States but involves a charge against the people and the Treasury, and for these reasons the point of order should be sustained.

Mr. CARTER of Oklahoma rose.

The SPEAKER. The gentleman from Oklahoma is recognized.

Mr. CARTER of Oklahoma. Mr. Speaker, I have not had the opportunity to look up the decisions in this case, but if the decisions cited by the gentleman from Arizona [Mr. HAYDEN] are the precedents by which this House is to be governed, then the only question here arising is whether or not the lands on Executive-order Indian reservations are Government lands or Indian lands.

Now let us go just a little into the history of the difference between a treaty reservation and an Executive-order reservation. A treaty reservation is one by which the Indians are placed on certain areas of land under an agreement with the Indians—land usually formerly occupied and owned by these same Indians under right of occupancy. An Executive-order reservation is that which is set aside for the tribe by Executive proclamation and this character of reservation is also usually composed of a portion of lands formerly occupied by such Indians. An Indian tribe has just as much right morally, and I believe legally, to an Executive-order reservation as in a treaty reservation. It is true those rights may not have been vouched for and guaranteed by a written agreement, but the Indians originally owned the land by right of occupancy which antedotes all other claims. That is the fact in connection with this case about the Navajos, of which complaint is made.

Mr. REED of New York. Did not the gentleman make a mistake when he repeated the second time the words "a reservation made by treaty," when he meant "by Executive order"?

Mr. CARTER of Oklahoma. If I did, it was a slip of the tongue. The gentleman from Kansas [Mr. SPROUL] argued that certain rights over these lands were exercised and other things done by the Government and cited those facts as evidence the Government owned the lands.

But I would remind my good friend that that does not go to the ownership of the land. That goes to the right of the Government to supervise and administer the affairs of the Indians, not to the right of ownership of the land.

I want further to remind my friend that the courts have held on numerous occasions that the Government may do as it wills with tribal property until it is individualized. That is clearly set forth in the Lone Wolf case, which involved a treaty reservation. The Indians had made a treaty by which it was stipulated that no part of the land should be sold without the whole tribe concurring in the sale.

A sort of rump convention was held by a few Indians and an agreement was made by which a portion of the lands of the Kiowas and Comanches should be sold. The Kiowas and Comanches contested that on the ground that they had not all been notified of the meeting and that not even a majority was there. The point was conceded by the court, but the court held that in its administration of Indian Affairs the Federal Government had plenary power to do as it willed with the funds, the lands, or any other property of the tribes. And so it was in the Cherokee baby case. In the Cherokee baby case they had

a treaty which provided that no name should be added to the roll after a certain date. Subsequent to that time Congress added to the roll the names of a number of newborn babies and Cherokee citizens contested that in the Supreme Court of the United States, but the Supreme Court again held that the power of Congress and the Government was plenary to deal with those matters as it saw fit. So the mere fact that the Government takes some action with reference to Indian lands or Indian funds does not argue in the least that the lands and the funds do not belong to the Indians, because the Government has that right as the guardian of the Indians.

Mr. HASTINGS. Mr. Speaker, the gentleman from Kansas [Mr. SPROUL] attempts to make a distinction between an Executive-order reservation and a treaty reservation. That is the only point he attempts to make. Now, the gentleman from Arizona [Mr. HAYDEN] cited one decision of a court, and I want to requote two or three lines from the opinion of the Attorney General, who carefully reviewed this question, and which I think is of more importance to the Speaker in ruling than any argument we may make here. He says:

The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of the Indian rights, as between Executive-order reservations and reservations established by treaty or act of Congress.

In other words, the Attorney General says that neither the courts nor Congress have made any distinction between them. I wanted to call that to the Speaker's attention.

The SPEAKER. The Chair is prepared to rule. This motion presents a very interesting question. It has been very ably argued, the Chair thinks, on both sides, by the gentleman from Arizona and others on the one side, and by the gentleman from Kansas on the other.

The question presented is this: Is the House bill properly on the Union Calendar or might it not be properly on the House Calendar? If it could be properly on the House Calendar the motion of the gentleman from Arizona is in order, but if it should be properly on the Union Calendar it is not in order. The gentleman from Kansas makes the point of order that the bill should be on the Union Calendar or that it should be considered in the Committee of the Whole under paragraph 3, of Rule XXIII, which provides:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The gentleman from Kansas makes the point of order on two grounds. First, that the bill disposes of property owned by the United States and not owned by the Indians; and, second, that section 2 of the bill provides for an appropriation of money.

Section 2 of the bill provides that the proceeds from rentals, and so forth, of this property—

Shall draw interest at the rate of 4 per cent per annum and be available for appropriation by Congress.

Query: Is this an appropriation?

Mr. SPROUL of Kansas. If the Chair will permit, the idea I advanced is that it is a charge against the people.

The SPEAKER. The Chair will put it in another way. Does section 2 on its face provide a charge on the Treasury?

The Chair thinks it is a little doubtful on its face, but in view of the statement made by the gentleman from Illinois [Mr. MADDEN], who knows more about practical questions relating to appropriations than any other living man, that under the rules and procedure of his committee this is not an appropriation, the Chair will so hold. As the Chair understands it, this is not a direct charge on the Treasury, but is a fund which is kept to the credit of the Indians and available for all sorts of uses by the Treasury. A mere book account is kept and 2 per cent semiannually is credited to this fund, and the fund is available for any proper use by the Treasury and probably draws interest at the rate of 4 per cent or perhaps more than 4 per cent. Under these conditions the Chair does not think that section 2 of this bill of itself and on its face creates a charge on the Treasury.

As to the question whether this is public land or Indian land, the Chair listened attentively to the argument of the gentleman from Kansas, but if it was doubtful in the past as to whether there is a distinction between lands given to the Indians by treaty or by Executive order, all doubt is removed by the opinion of the Attorney General, as follows:

When by an Executive order public lands are set aside, either as a new Indian reservation or an addition to an old one, without further language indicating that the action is a mere temporary expedient, such lands are thereafter properly known and designated as an Indian reservation; and so long, at least, as the order continues in force the Indians have the right of occupancy and use and the United States has the title in fee.

The following statement also occurs in his opinion:

The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of the Indian rights as between Executive-order reservations and reservations established by treaty or act of Congress.

Furthermore—

In Spalding *v.* Chandler, which involved an Executive-order Indian reservation, the Supreme Court said (pp. 402, 403):

"It has been settled by repeated adjudications of this court that the fee of the lands in this country in the original occupation of the Indian tribes was from the time of the formation of this Government vested in the United States. The Indian title as against the United States was merely a title and right to the perpetual occupancy of the land, with the privilege of using it in such mode as they saw fit until such right of occupation had been surrendered to the Government. When Indian reservations were created, either by treaty or Executive order, the Indians held the land by the same character of title, to wit, the right to possess and occupy the lands for the uses and purposes designated."

Under these circumstances the Chair thinks, first, that this bill does not create, on its face, a charge on the Treasury; second, that it disposes of lands which are held in trust for the Indians; and being convinced about these two propositions, the Chair thinks the bill does not require consideration in Committee of the Whole.

This being the case, the motion of the gentleman from Arizona is in order and the Chair overrules the point of order made by the gentleman from Kansas.

The Clerk read the bill, as follows:

Be it enacted, etc., That unallotted lands within the limits of any reservation or withdrawal created by Executive order for Indian purposes or for the use or occupancy of any Indians or tribe may be leased for oil and gas mining purposes in accordance with the provisions contained in the act of May 29, 1924 (43 Stat., p. 244).

SEC. 2. That the proceeds from rentals, royalties, or bonuses of oil and gas leases upon lands within Executive-order Indian reservations or withdrawals shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created or who are using and occupying the land, and shall draw interest at the rate of 4 per cent per annum and be available for appropriation by Congress for expenses in connection with the supervision of the development and operation of the oil and gas industry and for the use and benefit of such Indians: *Provided*, That said Indians, or their tribal council, shall be consulted in regard to the expenditure of such money, but no per capita payment shall be made except by act of Congress.

SEC. 3. That taxes may be levied and collected by the State or local authority upon improvements, output of mines or oil and gas wells or other rights, property, or assets of any lessee upon lands within Executive-order Indian reservations in the same manner as such taxes are otherwise levied and collected, and such taxes may be levied against the share obtained for the Indians as bonuses, rentals, and royalties, and the Secretary of the Interior is hereby authorized and directed to cause such taxes to be paid out of the tribal funds in the Treasury: *Provided*, That such taxes shall not become a lien or charge of any kind against the land or other property of such Indians.

SEC. 4. That hereafter changes in the boundaries of reservations created by Executive order, proclamation, or otherwise for the use and occupation of Indians shall not be made except by act of Congress: *Provided*, That this shall not apply to temporary withdrawals by the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to allow any person who prior to May 27, 1924, filed an application for a permit in accordance with the provisions of the act of February 25, 1920, to prospect for oil and gas upon lands within an Indian reservation or withdrawal created by Executive order who shall show to the satisfaction of the Secretary of the Interior that he, or the party with whom he has contracted, has done prior to January 1, 1926, any or all of the following things, to wit, expended money or labor in geologically surveying the lands covered by such application, has built a road for the benefit of such lands, or has drilled or contributed toward the drilling of the geologic structure upon which such lands are located, or who in good faith has either filed a motion for reinstatement or rehearing; or performed any other act which in the judgment of the Secretary of the Interior entitles him to equitable relief, to prospect for a period of two years from the date this act takes effect, or for such further time

as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in his application under the terms and conditions therein set out, and a substantial contribution toward the drilling of the geologic structure thereon by such applicant for a permit thereon may be considered as prospecting under the provisions hereof; and upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil and gas have been discovered within the limits of the land embraced in any such application, he shall be entitled to a lease for one-fourth of the land embraced in the application: *Provided*, That the applicant shall be granted a lease for as much as 160 acres of said lands if there be that number of acres within the application. The area to be selected by the applicant shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public land surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposit made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of 20 years upon a royalty of 5 per cent in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they may accrue for that year, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior. The applicant shall also be entitled to a preference right to a lease for the remainder of the land in his application at a royalty of not less than 12½ per cent in amount or value of the production, the royalty to be determined by competitive bidding or fixed by such other methods as the Secretary of the Interior may by regulations prescribe: *Provided further*, That the Secretary of the Interior shall have the right to reject any or all bids.

Mr. HAYDEN. Mr. Speaker, I yield 10 minutes to the chairman of the Committee on Indian Affairs, the gentleman from Montana [Mr. LEAVITT].

Mr. LEAVITT. Mr. Speaker and Members of the House, no long discussion of this bill should be necessary at this time. On the 16th day of last June, after a very extended and detailed debate with regard to the merits of it, this House passed a bill similar in its wording and identical in its intentions. That bill, however, contained some seeming discriminations between different applicants and permittees who had gone onto lands within the Navajo Indian Reservation, withdrawn under Executive order, and made applications under the general oil leasing act of 1920. For this reason largely the measure was disapproved by the President.

This present bill was introduced at the beginning of the present session by the gentleman from Arizona [Mr. HAYDEN], drawn in a form to meet those objections and to give to all of those who might have even the shadow of a right, under the filings or under the applications, an opportunity to establish such rights and to secure whatever equity they were entitled to.

There was before our Committee on Indian Affairs a delegation of Navajo Indians during the discussion of the bill, and the provision contained in section 5 that has to do with the applicants for oil permits and permittees was understood fully by the Indians. Six of their tribal council, in addition to Chee Dodge, the head of the tribe and the president of the tribal council, stated to the committee that this provision was entirely agreeable to them.

Briefly, the purpose, so far as the Indians are concerned, is to make sure by act of Congress that there can first be a development of possible oil resources on these Executive-order lands; and, in the second place, that with the development of the oil resources the Indians themselves—and the Navajo Indians who are occupying lands on their reservation have been occupying them from a time going back into the traditions of the tribe—shall have the benefit of the development of the natural resources of their reservation instead of having their lands considered to be public lands of the United States with the benefits of such development going to the white people.

Surely the Indians who once possessed all of this country and who now have in their possession only those portions that have been given to them by acts of Congress, Executive orders, and by treaties ought to be allowed to get whatever benefit there is from these remaining areas—the resources under the soil as well as above it—without having the white man come in and profit entirely by these developments.

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

Mr. LEAVITT. Certainly.

Mr. SNELL. As I understand it, no lease will be made until it has been made plain to the Secretary of the Interior that there are valuable deposits of oil or gas.

Mr. LEAVITT. That is true; no new lease.

Mr. SNELL. Lines 18, 19, 20, and 21, on page 4, provide that such leases shall be for a term of 20 years upon a royalty of 5 per cent in amount, and so forth. Why did you arrive at a royalty of 5 per cent? Is not the standard rate in oil leases 12½ per cent?

Mr. LEAVITT. The situation is that under an order of the Secretary of the Interior these lands had been held to be public lands and therefore subject to the oil leasing act of 1920. Twenty-two permits had been issued under that ruling. Then, at a later time, on the 27th of May, 1924, Attorney General Stone held that these were not public lands and therefore not subject to that particular act. No question of good faith has ever been raised with regard to these filings or with regard to these permittees.

Mr. SNELL. That is not the question I am trying to bring out.

Mr. LEAVITT. Just a moment; I want to make this full statement in reply to the gentleman.

Judge Kenyon, who specifically held in the case of the Teapot Dome leases that they were void on account of fraud, handed down a ruling with regard to this case, in which he certified there was no fraud involved.

That being the situation, the feeling of the committee has been that, with the full agreement of the Indians involved, the Indians would lose nothing if those who, when the Secretary held these Indian lands to be public domain, had made application or received permits were allowed to go ahead under the same condition as would be applied under the general leasing act.

Mr. SNELL. But in this bill you are changing the original provision and say that they are not public lands. If you are going to do that, why should not you change the 5 per cent royalty to 12½ cents, which is the prevailing proposition?

Mr. LEAVITT. The gentleman knows that in a new oil country on the public domain which has not been proven there are two or three stages. The first is the wildcat stage; and where wildcat lands have been entered and preliminary steps at considerable expense have been taken, the applicants may be allotted for development certain portions of what they have made application for at a 5 per cent royalty. But on the remainder they must pay a much larger per cent.

Mr. SNELL. That is the vital part of the whole bill. You must convince the Secretary of the Interior that there is existing valuable deposits of oil, and then he may lease it for 20 years. Twenty years is long enough to drain all there is there, and if that is so you are not able to lease any land for more than the 5 per cent royalty.

Mr. LEAVITT. The amount of land that is involved here, of course, is quite large, taken altogether, but only one-fourth of that part of it which prior to May 27, 1924, was applied for is involved in the 5 per cent royalty provision under this bill.

Mr. SNELL. Leases might be granted on all of this land.

Mr. LEAVITT. Not at 5 per cent; not more than one-fourth of his application to any one permittee.

Mr. SNELL. That might be a pretty good oil lease.

Mr. LEAVITT. The situation is exactly the same as on all public domain not developed, where it is not proven that it contains oil.

Mr. ARENTZ. As I understand, the gentleman is trying to find out how many acres in the aggregate are included in the 5 per cent.

Mr. LEAVITT. It can be only on one-fourth of those lands applied for prior to May 27, 1924.

Mr. LETTS. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. LETTS. The gentleman will say that there is a lawsuit pending in the Supreme Court of the United States involving this matter?

Mr. LEAVITT. Yes.

Mr. LETTS. In order to drop that suit is it not important that this should be a low figure, such as suggested by the gentleman from New York?

Mr. LEAVITT. As far as I am personally concerned, that does not enter into it.

Mr. LETTS. Is not it an element of the situation?

Mr. LEAVITT. The opponents of the bill will have an opportunity to state their position. This bill is agreed to by the Indians who own the land. These people were in good faith when the Secretary of the Interior held these areas to be public land, and their applications were made in good faith. The difference is that by this bill the royalties will go to the Indians instead of being distributed as under the public lands law of 1920.

The SPEAKER. The time of the gentleman from Montana has expired.

Mr. HAYDEN. I yield the gentleman from Montana two minutes for the purpose of inquiring of him whether this bill has the indorsement generally of the friends of the Indians of the United States.

Mr. LEAVITT. There is no organization of those interested in the welfare of the Indians, as far as I know, that has not indorsed this measure. It has been indorsed by such bodies as the Federation of Women's Clubs and the Indian Rights Association. Now, Mr. Speaker, I wish to have inserted as a part of my remarks a letter which I have received from Gen. H. L. Scott, who is perhaps considered by the Indians as their greatest friend, setting forth the reasons why this particular legislation should be enacted.

Mr. HASTINGS. Does it not have the indorsement of the Bureau of Indian Affairs?

Mr. LEAVITT. Yes; it has that indorsement and the indorsement of the Secretary of the Interior and a large majority of our committee which has considered it in great detail.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks by inserting a letter. Is there objection?

There was no objection.

The letter is as follows:

STATE OF NEW JERSEY HIGHWAY COMMISSION,
Trenton, February 1, 1927.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. LEAVITT: It is of vital importance for the welfare of the Indians that House bill No. 15021 become a law during the present Congress. This legislation provides that Indians shall receive the benefits derived from oil and gas produced from lands on their respective reservations which have been set apart for their use by Executive order.

The general allotment act of February 2, 1887, as well as subsequent legislation and the decisions of the higher courts have fully recognized and confirmed this right of the Indians to secure these benefits. The Indian department has recognized this Indian title for over 40 years.

To deny this right to the Indians will be to deny their title to their homes on more than 22,000,000 acres of land granted to them by Executive order, and will result in discouragement and retrogression of a race.

I earnestly request your aid in securing approval of this very important legislation.

* * * * * * *

Very respectfully,

H. L. SCOTT.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. LEAVITT. My time is up.

Mr. HAYDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Iowa [Mr. LETTS].

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

The SPEAKER. The gentleman from Kansas makes the point of order that there is no quorum present. Evidently there is no quorum present.

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

The motion was agreed to.

The doors were closed.

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

[Roll No. 38]

Andrew	Doyle	Knutson	Stevenson
Anthony	Ellis	Kunz	Strother
Appleby	Esterly	Kurtz	Summers, Wash.
Begg	Fredericks	Lea, Calif.	Sumners, Tex.
Berger	Gallivan	Lee, Ga.	Sweet
Bixler	Garrett, Tenn.	Magee, Pa.	Swoope
Boies	Garrett, Tex.	Manlove	Tillman
Bowman	Glynn	Mills	Tincher
Brand, Ga.	Golder	Montague	Tinkham
Brand, Ohio	Goldsborough	Morin	Updike
Britten	Graham	Newton, Mo.	Voigt
Christopherson	Hill, Md.	O'Connor, La.	Walters
Cleary	Hudspeth	Phillips	Wingo
Cooper, Ohio	Hull, Tenn.	Rayburn	Wolverton
Coyle	Hull, Morton D.	Schneider	Woodyard
Cramton	Irwin	Scott	Wurzbach
Crowther	Jenkins	Sears, Fla.	Wyant
Crumpacker	Kelly	Seger	Yates
Curry	Kendall	Spearing	
Dominick	King	Stedman	

The SPEAKER pro tempore (Mr. DARROW). On this call 354 Members have answered to their names, a quorum, and without objection further proceedings under the call will be dispensed with.

There was no objection.

The doors were opened.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LETTS] is recognized for 10 minutes.

Mr. LETTS. Mr. Speaker and gentlemen of the House, my opposition to this bill relates entirely to my disconnection with the subject with which it deals. I have not an Indian in my district and I know very little about Indian affairs. I have been attempting to labor with the other members of the Committee on Indian Affairs to bring out bills in the interest of the Indians, of course, but I have come to the conclusion that the time has been reached when we must remember as well that there are certain interests of the public which should at times appear on the surface. It is my impression that there is no reason why this bill should pass at this time. My reason for so asserting that opinion is that an action is now pending in the Supreme Court of the United States which deals with the essential facts upon which this proposed legislation is based. When the Supreme Court has passed upon that case and the issues therein involved decided we will know whether or not there is any difference between treaty lands and Executive-order Indian lands in their relationship to the United States Government. My sole reason for opposing the bill is to allow the Supreme Court of the United States to deal with the law points which are involved, so that we may move forward in the light of information which comes to us from that great body and that we may better protect the Indian in his rights and the public in its rights. We occupy the position of guardian of the Indian, and in doing that we must exercise care. Is there any reason for this legislation? To me it seems there is not. It would permit the leasing of these Executive-order lands to a very few who during the régime of Secretary Fall obtained permits and to some others who made applications at that time. These men under the terms of this bill will be given the major benefit of at least having the privileges that attach to the use of a third of the 3,000,000 acres that are involved. You have seen, as was pointed out by the gentleman from New York [Mr. SNELL], that the rate at which they are to pay for the first 20 years is only 5 per cent.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LETTS. Yes.

Mr. CARTER of Oklahoma. What is the total acreage of these lands that are involved in these leases?

Mr. LETTS. I understand that there are about 9,000,000 acres that are attached directly to the Navajo Reservation.

Mr. CARTER of Oklahoma. What I want to understand is how much of it is subject to this mandatory provision to lease the land for 5 per cent?

Mr. LETTS. I have understood perhaps about a third of it, but perhaps I am in error about that. There is stated to be 1,000,000 acres of that land.

Mr. FREAR. I think only about 20,000 to 30,000 acres are under the 5 per cent matter, according to the statements made. The rest of the land, of course, is not subject to the 5 per cent.

Mr. LETTS. I also call attention to the fact that the provisions of this bill were contained in the bill which passed the Congress at the last session and was sent to the President, and was by him very promptly vetoed. He gave two reasons for that veto. One involved what seemed to be the rights of some of the applicants who had not been included. My information is that that bill dealt only with the permittees. We have now strengthened the support of this bill by removing that objection which the President raised, by including a number at least of the applicants as well as the permittees.

Mr. JOHNSON of Texas. Is it the gentleman's contention that the bill would still be objectionable to the President in its present form?

Mr. LETTS. In my opinion, yes; and I shall try to explain that. The President made the further objection that the matter was pending in court and that legislation ought to be deferred until the decision is rendered.

There is no necessity for this legislation at this time. I say that because the condition of the Navajo Indians is such that they can well get along without any additional benefits for a great many years. There are something like 3,000,000 acres in treaty reservations; and to give you an idea of the affluence of that people I call your attention to statements made by the gentleman from New Mexico [Mr. MORROW] in a speech that he delivered on this floor on the 28th of June, 1926. In my judgment the gentleman [Mr. MORROW] understands the Indian question; and in that speech he said:

The Government entered into a treaty with the Navajo Indians and returned them to their reservation. They were granted 3,064,320 acres of land on the borders of New Mexico and Arizona. To-day that land is in an oil-developing territory. These Navajo Indians are destined to be, in my opinion, the richest Indians in the entire United States. Just

recently a sale and lease of these lands for oil purposes was made. Three years ago the sale and lease of a portion of these reservation lands was made. One tract of land which then sold for $1,000 has just recently been resold, a one-half interest in the same, for $3,500,000. These Indians are receiving this year from royalties upon oil a half million dollars; this is according to current reports.

What else are they receiving? I want to give you this idea, so that Congress will know that in a short time the Indians will be in a position to repay the Government for the appropriations made for them. The Navajo Indians own 1,000,000 head of sheep. There are about 31,500 Navajo Indians. They own more sheep upon their reservation than all the sheep contained in New England and New York combined. The Navajo Indians own 100,000 head of cattle and horses. They have personal property representing $15,000,000. * * *

* * * I will give you the value of the products of the Navajo Indians for the fiscal year 1925. They received from the production of wool, $519,040; cattle, $399,460; silverwork, $182,976; rugs or blankets, $591,979; sheep, $1,063,550; beadwork, $50,000; pinion nuts, $619,320; beef hides, $1,200; skins and pelts, $34,903; farm products, $11,311; baskets, $625; belts, $15; labor, $50,000; a grand total of $3,524,379 for the year 1925.

This did not include the royalty received from their oil lands, which will run to the sum of one-half million dollars.

Mr. Speaker, the representations made by the gentleman from New Mexico, to which I have referred, are not at variance with the facts presented to the committee and which will be found in the hearings. These facts indicate that the Navajo Indians are not in needy circumstances, as has been represented here. On the contrary, they are worth at least $6,000 per family. They are richer now than the families of many congressional districts. I have heard it frequently said by the friends of the Indians that the Osage Indians have been deprived of their natural aspirations by the ease of luxury which has come to them through the generosity of their guardian, the United States. Now we are told that the fruits of this bill will make the Navajos a richer people than the Osage Tribe. In my judgment, such is not desirable from the point of view of the Indian or of the Government of the United States, his guardian.

There are within the jurisdiction of the United States many needy Indians. Whole tribes of Indians are in need and distress. I suggest that it is more appropriate that we should withhold further bounty to the Navajo Indians until we know their legal rights and the obligations of the United States. That information will come to us with the decision of the United States Supreme Court in the Harrison case, concerning which much has been said in this debate.

It is my wish to do much for the Indian. I would give him every advantage which he is able to use, but I prefer to withhold the further favors of the United States, as guardian, for such Indians as may be shown before the committee and in this House to be needy and worthy of help. If the Supreme Court decides that these rights belong to the Navajo Tribe, I shall be entirely satisfied to abide by such decree. If the decision is otherwise, and it is within the gift of this Congress to bestow these further benefits, such bestowal should be based upon considerations not here involved.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. HAYDEN. Mr. Speaker, I yield three minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Speaker and gentlemen of the House, I want to say in the beginning that this bill, on the whole, contains many constructional features in Indian legislation. It contains much that is of a decided progressive forward movement. It sets out in its details the dealings of Executive-order Indian lands and the proceeds from such, and my whole objection to this bill and my reason for signing a minority report lies on one ground and on one ground only. As stated by the gentleman from Iowa [Mr. LETTS] a moment ago, a similar bill, with the exception of the recognition of this bill of perhaps 120 or 140 applicants, is the same as the bill passed in the last Congress which went to the President and received the President's veto; and may I read the reason as given by the President as one of the reasons for the veto of the bill of last session:

The fact also that this bill undertakes to decide by legislation a question which is pending in court brings the bill into a position of doubtful propriety. If the interested parties have rights under the law, they will be protected in their enjoyment by the decision of the court. If they have no such right, a great deal of reason for the legislation fails so far as they are concerned. Aside from a possible delay in securing a decision by which opportunity will be given for the development of these lands more quickly, it would not appear that any legal or equitable injury can accrue to the holders of these permits or to the section of the country interested.

And I want to insert in the RECORD right here, Mr. Speaker, the two questions that are cited and certified to the Supreme Court for answer, and not take up the time at this moment to read them. It seems to me that we have got just this before us: It is apparent that the legislation proposed is for the purpose of solving the legal problem which now is before the United States Supreme Court. It would seem the part of wisdom to await the action of the Supreme Court.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAYDEN. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker, the statement made originally by the gentleman from Arizona practically covered most of the questions involved in this bill. The difficulty in talking for three minutes you will all appreciate in trying to cover any reply to those who have preceded me except to say this, that the decision of the Supreme Court we are advised eventually in the Utah case will not determine the question of title at all when the same question is up again. Only the facts in that case are involved. That was stated to our committee repeatedly. This bill has been before the House three times. Twenty-two million acres of land, belonging to the Indians by Executive order, are dependent on this legislation. There are only 20,000 to 30,000 acres at the outside, I believe, that would be affected by this 5 per cent. That is an estimate made to me by the committee clerk. The veto was brought about by parties in Utah, interested, who went in under the Fall order but were not included in the former bill. I understand they are now all satisfied on that score. If the contention of those opposed to this bill is successful the Indians will get nothing from the land. It is their purpose to open it to public entry. That is frankly stated by the gentleman from Kansas [Mr. SPROUL]. They claim this is not Indian land. If they are right, then 22,000,000 acres reverts to the public land department. This is the only way in which we can have the interests of the Indians protected. Every Indian organization I know of in the country is supporting it. I opposed the bill originally because of the taxation feature, but that has been adjusted and in my judgment it is fair now. It seems to me there is no question but that this bill is the best that we can get. It will help the Indians of the country who are interested in Executive-order lands. I have been over the Navajo Reservation, that is, parts of it, and I saw the needs of the Navajos. A great deal of sickness is there and $900,000 to-day of reimbursable charges against the Navajo Indians are a lien against their lands. I can not think of any tribe needing help more than the Navajos, and there are other tribes left to benefit from this bill that covers 22,000,000 acres of land. I have no Indians in my district, but I believe that there should be some protection given to the Indians so that their lands can not be given away by any President on the advice of anyone but only by Congress. This bill protects them in that right.

I do not know the name of a single person or firm that has an oil well driven or to be driven on this land. Senator La Follette, sr., drew the resolution of investigation for the Teapot Dome frauds. Senator LA FOLLETTE, Jr., reported the bill now before us. I know that the Indians are all for it, and hope to get it. Every Indian defense association is for it. The Indian Bureau is for it. The people acquainted with the facts are generally for it unless they are opposed to Indian title to the 22,000,000 acres involved in the bill. The Supreme Court will not decide the question of titles because it is only involved in one phase of the question.

In my judgment the bill ought to pass because it will validate Indian titles to Executive-order reservations and settle the question for all time.

Mr. MILLER. Mr. Speaker, will the gentleman yield there for a short question?

Mr. FREAR. Certainly.

Mr. MILLER. I notice on page 3, line 7, in section 5 of the bill, the date "May 27, 1924." I was listening for some explanation as to the significance of that date.

Mr. HAYDEN. That was the date when Attorney General Stone rendered his opinion. The Secretary of the Interior, Mr. Fall, was wrong in his decision, that the oil leasing act applicable generally to the public domain was applicable to this reservation, so that anyone who at that time had performed any act did it under an opinion which was reversed by the Attorney General.

Mr. MILLER. Has any application since that time been recognized?

Mr. HAYDEN. There is no application made since that time that is recognized here at all.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield there?

Mr. HAYDEN. Yes.

Mr. CHINDBLOM. How will the Indians get the 4 per cent interest on the fund covered by this bill?

Mr. HAYDEN. It will be credited on the books of the Federal Government.

Mr. CHINDBLOM. Where does the money come from that is to be credited?

Mr. HAYDEN. The fund comes from the royalties.

Mr. CHINDBLOM. Where does the interest come from?

Mr. HAYDEN. I imagine that it is finally paid out of——

Mr. HUDSON. It comes from the Government using the royalties and paying for the use of the money.

Mr. CHINDBLOM. Then it comes through a loan from the Indians, and the Government pays for the use of those funds 4 per cent per annum?

Mr. HAYDEN. Yes.

Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. SPROUL].

The SPEAKER pro tempore. The gentleman from Kansas is recognized for five minutes.

Mr. SPROUL of Kansas. Mr. Speaker and ladies and gentlemen of the House, I would like, if I may, to have the undivided attention and interest of every Member of the House. I only wish that everyone could know the facts and the truth back of and concerning this proposed legislation. Senate bill 4893 provides for transferring the oil and gas rights in 22,000,000 acres of Government land, to the Indians. While this 22,000,000 acres of land is generally known as Executive-order reservations for the use of Indians, there is no title whatsoever in the Indians so far as the oil and gas in the land is concerned. This great body of land formerly was a part of the public domain. Different Presidents at different times without any constitutional or congressional authority, have withdrawn from the public domain certain areas and set it off for the surface grazing, and hunting, and other surface uses, for the Indians. The Presidents have at all times had the same power to restore the land back to the public domain. As I have said, the Presidents have never had any constitutional or legislative authority to make withdrawals of public domain for the benefit of the Indians. Their acts in this regard have at all times been without authority. In 1922 when Albert Fall was Secretary and was leasing the Elk Hills naval reservation to Doheny and the Teapot Dome to Sinclair, he issued a lot of oil leasing permits on Executive-order withdrawals, near the Navajo Indian treaty reservation, in northeastern Arizona. The particular Executive-order reservation involved was 250,000 acres which had been withdrawn from the public domain, merely for the use of Indians, not naming any particular tribe. Certain of these permits were taken over by the Midwest Oil Co. and a good oil well drilled thereon. About this time, Attorney General Stone prosecuted a suit against Harrison and the Midwest Oil Co., to cancel the leasing permits under which the oil wells had been drilled. About that time suits were begun also against Doheny and Sinclair. This particular suit, brought by Attorney General Stone, questioned the right of Secretary Fall to issue drilling permits on the Executive-order reservation in question. The District Court for Utah decided against Attorney General Stone, and in its decision, referring to the rights of the Indians in the Executive-order reservation, the court said:

> There is no question that rights were as much in the future, so far as the Indians were concerned, as they were on the 17th day of May, 1884, the day the Executive order was made. The title, both legal and equitable, continued and was in the Government at the time this permit was issued. I shall hold against the contention of the Government.

The Attorney General appealed the case to the circuit court of appeals sitting in Denver. That court certified the case to the Supreme Court, where it is now pending. It is said that at least two members of the court of appeals expressed approval of the decision of the district court. On the question of title to the minerals in Executive-order reservations, it is difficult to see how laymen even, much less lawyers, could have doubts. It is conceded that the Constitution does not give the President power to alienate Government lands in large tracts to Indian tribes, and it is also conceded that there never has been any congressional authority given him to do so, and it is also conceded further that the Congress has never ratified by legislation any such unlawful efforts to transfer and alienate the title to Government lands. No Federal court of last resort has ever held that the Indians had any title to the oil and gas in these lands or their like. And it seems preposterous to contend that any court would so hold.

Under an Indian oil leasing act of 1891 the Navajo Indian Reservation has been leasable and large areas have been leased for oil development. Within recent years about 20 very profitable oil wells have been drilled by the Continental Oil Co., a subsidiary of the Standard Oil Co. A pipe line has been built into that oil field and is now ready for operation in piping oil away from this valuable oil field. The Midwest Oil Co. involved in the suit last referred to, another subsidiary of the Standard Oil Co., together with the Continental Oil Co., are interested very materially in having the 9,000,000 acres of rich-in-oil Executive-order reservations transferred to the control of the Indian Bureau, so that it may be leasable in large areas and at such times and on such terms as those mammoth oil companies may desire. Under the general leasing act, providing for the development of the public domain, the land would be leasable only in small areas and on very undesirable terms and conditions, making it extremely difficult for big oil companies to procure desired areas and bodies of land. And in view of the very probable holding of the Supreme Court that Executive-order reservations were not Indian lands and not leasable under the Indian leasing law, a movement has been started by those big oil companies—the Continental Oil Co. and the Midwest Oil Co., Standard subsidiaries—to have this legislation enacted, transferring this 9,000,000 acres of rich oil lands from the Government to the Indians, ostensibly for the Indians, but really and truly and in fact for the benefit of the big oil companies.

The Navajo Indians, 30,000 in number, have personal property valued at $33,000,000. They also have a treaty reservation which is rich in oil and is now being leased for oil and on which 20 or more splendid oil wells have been drilled, which treaty reservation, consisting of more than 3,000,000 acres of land, rich in other minerals as well as oil, is reasonably worth some $300,000,000 to $500,000,000. This would certainly show that the Navajo Indians in no sense need a donation of 9,000,000 acres of rich oil lands, which is worth at least $100,000,000. But even though the Navajo Indians are already a rich tribe of Indians, being worth at least $10,000 per capita, and even though this extra donation or gift from the Government of another $100,000,000 would make them the richest people in the entire world, while the Government has many other tribes of very poor and needy Indians, what difference does that make to these two big Standard Oil companies—the Continental and the Midwest. Doheny had gotten his share of the Government's oil. Sinclair had gotten his share of the Government's oil and the Standard subsidiary must surely get the balance of the Government's known oil resources. This cleans up all of the Government's known rich oil reserves. And who is getting it and how?

Let me quote a part of the Constitution. Section 8, Article I, of the Constitution provides that the Congress shall have the power—

> To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It will be noted that power to regulate commerce with Indian tribes is given Congress in the same sentence with power to regulate commerce among the States. The Supreme Court has held this power to be plenary or all powerful. The Congress has created an agency known as the Interstate Commerce Commission, to specifically regulate foreign commerce and among the several States. The same Congress has created another agency to look after Indian affairs for it—a Commission of Indian Affairs to function as its agent in looking after Indian affairs. The Congress has the same constitutional power over the commerce between States as it has of Indian affairs. These respective agencies sustain the same relationship to the Congress. Now, let me ask this question: Do the members of the Interstate Commerce Commission ever come before the committees of the House or either branch of the Congress lobbying for the enactment of legislation especially beneficial to the railroads or their owners?

What kind of a spectacle would be presented to the Congress and to the country for the members of the Interstate Commerce Commission to begin lobbying for special legislation for special interests? Would not such lobbying conduct be inconsistent with the high duties imposed upon them by their offices? Would Congress tolerate such conduct from them? And should not the same regard be had for the duties of the Commissioner of Indian Affairs? He exercises great discretionary powers and is the agency of the Government. Does he not hold identically the same agency relationship to the Congress that the members of the Interstate Commerce Commission hold to the Congress? Is it not a fact that he should conscientiously regard and feel continuously that he is acting as the agent of the Congress?

And should not his activities with reference to legislation be limited to complying with requests from the Congress or its Members for information needed in the enactment of legislation? But let me contrast, if I may, the official deportment of our Commissioner of Indian Affairs. I undertake to say that instead of him acting as an involuntary agent of the Congress in furnishing the Congress called-for information to be used in the enactment of legislation he has been functioning, so far as appearances go and indicate, as the agent of big oil companies, which desire legislation for their special benefit. I now cite and herewith incorporate in my remarks copies of correspondence written by the general attorney for one of the big Standard Oil subsidiaries now operating for oil on the Navajo Treaty Reservation, together with others interested in this legislation:

CONTINENTAL OIL CO. (STANDARD SUBSIDIARY),
Denver, Colo., October 4, 1926.

Mr. A. M. EDWARDS,
Renehan Building, Santa Fe, N. Mex.

MY DEAR EDWARDS: The Indian oil bill will be up again at the next session of Congress, and I hope that it may not again get into the jam which seems to have been the fate of several other bills which have been introduced there. The parties who had the matter in charge heretofore did not, I believe, fully appreciate the history which lay back of this needed legislation. Had they done so, I am sure the bill could have been worked up into quite different shape, so that it would have been unobjectionable to anyone. I tried to be helpful in connection with the several bills introduced at the last session, but was unable to be present excepting at intervals, and then only for a short period of time; consequently the bill reached a final form which did not receive my complete approval, knowing as I did that it left unprotected many interests which I felt were entitled to protection; but the bill in its final form had gone so far that it was quite hopeless to attempt to modify it. I hope, however, that at the next session some of us who are more familiar with the whole situation will be in better position to be helpful than we have been heretofore.

I am inclosing herewith a draft of bill which I have assisted in preparing, which, it seems to me, can find no objection from any source. I believe it will have the approval of the Indian Bureau and the Department of the Interior, and so far as I can see the Indian-rights people should be completely in accord with its provisions.

I should be pleased to have you go over the proposed bill and write me your objections, if any, and add any suggestions which you may have for its betterment.

Yours very truly, JAMES G. STANLEY, *General Counsel.*

OCTOBER 8, 1926.

JAMES G. STANLEY,
General Counsel, Continental Oil Co., Denver, Colo.

DEAR MR. STANLEY: I have your letter of October 4, inclosing copy of draft of a bill which it is proposed to submit to the next session of Congress, relating to oil and gas prospecting permits upon proclamation lands. * * *

Yours very truly,

CONTINENTAL OIL CO. (STANDARD SUBSIDIARY),
Denver, Colo., October 13, 1926.

Mr. A. M. EDWARDS,
Renehan Building, Santa Fe., N. Mex.

DEAR MR. EDWARDS: I should be pleased to have you draft a section of the proposed Indian bill which will meet all of your objections and send it to me at an early date.

Very truly yours, JAS. G. STANLEY, *General Counsel.*

OCTOBER 15, 1926.

JAMES G. STANLEY, Esq.,
General Counsel, Continental Oil Co., Denver, Colo.

DEAR MR. STANLEY: I have your letter of October 13.

As suggested in both of your letters, I am inclosing a proposed amendment to section 5 of the bill as prepared by you. * * *

We are not, of course, interested in the disposition of the royalties, except that as citizens of New Mexico we would like to see the State derive some of the benefit from these royalties.

* * * * * * *

In the form of suggested amendments which I have prepared it was necessary for me to make a separate section covering permits which have already been issued. Of course, we have no interest in these permits, and, so far as we are concerned, there will be no objection if the recognition by the department of such permits is done in the way suggested in your bill.

I should be pleased to hear from you at your earliest convenience, with an expression of your views.

Thanking you for your interest in this matter, I am,

Yours very truly.

CONTINENTAL OIL CO. (STANDARD SUBSIDIARY),
Denver, Colo., October 18, 1926.

Mr. A. M. EDWARDS,
Renehan Building, Santa Fe, N. Mex.

DEAR MR. EDWARDS: I am in receipt of your letter of the 15th instant with inclosure of your redraft of section 5 * * *.

* * * * * * *

I am glad to have your views so that we may know what form of language will protect the interests of your clients. I will keep you advised.

Yours very truly,

JAMES G. STANLEY,
General Counsel.

A bill to authorize oil and gas mining leases on unallotted lands within Executive-order Indian reservations and withdrawals and for other purposes

Be it enacted, etc., That unallotted lands within the limits of any reservation or withdrawal created by Executive order for Indian purposes or for the use or occupancy of any Indians or tribe may be leased for oil and gas mining purposes in accordance with the provisions of the act of May 29, 1024 (43 Stat. 244).

SEC. 2. That the proceeds from rentals, royalties, or bonuses of oil and gas mining leases upon lands described herein shall be deposited in the Treasury of the United States to the credit of the Indians for whose benefit the reservation or withdrawal was created or for the benefit of the Indians who are using or occupying the lands, and shall draw interest at the rate of 4 per cent per annum; that such proceeds shall be available for appropriation by Congress for the use and benefit of such Indians and the Indians or their tribal council shall be consulted in regard to such expenditures. * * *

For brevity sake no more of the bill prepared by the oil company attorney is copied into the record. Suffice to say that the original Senate bill 4893 and the original House bill 15021 were, in form and substance, the same as the one which the oil attorney says he assisted in preparing, a portion of which is hereinbefore set forth.

I call attention also to a copy of the bill prepared by the general attorney of this oil company, which he says will meet with the approval of the Indian Bureau and which I am sure is identical with the form and substance of the original bills introduced in both the Senate and the House, and which are indorsed and approved by the Commissioner of Indian Affairs. Then we find our Commissioner of Indian Affairs coming before both the House and the Senate Indian Affairs Committee, urging and vehemently arguing for the enactment of this legislation which gives away from the Government, the oil rights in 9,000,000 acres of rich land worth $100,000,000; and then find the commissioner on the floor of the House when this legislation is being considered, by his presence and otherwise, lobbying for the passage of this legislation. The correspondence to which I have referred clearly shows where and in whose interest this legislation originated. It clearly shows that our Commissioner of Indian Affairs has gotten off of his agency for the Congress reservation, and has gotten entirely on to and in the big oil company reservations. It shows that instead of his acting as he should be acting, as the agent of the Congress in the discharge loyally of his official duties, that he is rather acting as the agent of the big oil companies. His special friends may say that in this he may be erring in judgment, but that he thinks he is doing the right thing. Be that as it may, there is no question but that he is entirely wrong. Admiral Robison erred in judgment, Doheny erred, Fall erred, Denby erred.

If he would read the Constitution giving Congress the plenary power to deal with Indian Affairs and think a moment of the loyalty that he should display to duty and to his country, he would not be so prone to understand the desires of and to act for the big oil companies. It seems that these big oil companies and other big interests have a wonderfully persuasive kind of logic and argument in convincing certain public officials holding influential positions concerning oil lands.

The reading of this correspondence, with copy of the bill, will tell you who is who, and why. Then think of the pending suit of the Government against Harrison and the Midwest Oil Co. in the Supreme Court, in which the title to all this Executive-order land is involved, and in which it has already been decided that the land is not owned by the Indians, but by the Government, and you will have no trouble whatsoever in deciding who are interested, both directly and indirectly, in these rich oil lands. We will be able to add 2 and 2, and so forth.

The enactment of this legislation is a travesty on justice and right dealing with the Government.

The Great Metaphysician was certainly right when he said we can not serve two masters. Why, they are having our

Commissioner of Indian Affairs and others push this legislation. If this bill becomes a law it will be interesting to see just how the Commissioner of Indian Affairs manages the leasing of these lands. It will also be interesting to see just who—in knowing just who—are the real parties in interest and why. These big oil companies know that the Supreme Court is very apt to decide that this rich oil land is the property of the Government, and in that event it will not be so easy for them to get it all. This is the big reason we can not serve our Government by giving away more than $100,000,000 worth of its rich oil lands.

In my opinion this legislation will be brought by, and will be the result of, malfeasance in the discharge of public duties. May the day be hastened when we shall have a different and better understanding of our duties to our Government.

Mr. HAYDEN. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. HOWARD]. [Applause.]

Mr. HOWARD. Mr. Speaker, in the brief period of five minutes it would not be possible for me to express my opinion of this legislation. However, I want to call the attention, ever so earnestly, of my fellows here to one particular phase of this proposed legislation. This legislation is admittedly—and I weigh my word when I speak it—launched for the very purpose of interfering with a cause now pending in the United States Supreme Court. Oh, my friends, I often hear so many of our patriotic citizens pleading with us that we shall do nothing to dim the halo that lies above and about the heads of our courts, and I am with them; I am with them to the extent that I do not dare vote for anything of this kind, which is a bold and a brazen attempt on the part of one branch of our Government to interfere with the functioning of another branch of our Government.

What is it that makes men act so peculiarly when they are dealing with these oil matters? Look what happened a few minutes ago. The chairman of our Indian Committee, a magnificent gentleman, and nobody has ever heard aught of ill with reference to his character, stands here answering the questions propounded to him by the Members of the House, and when they asked him who was in favor of the bill he boldly stated that a large majority of the committee was in favor of it.

Mr. LEAVITT. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. LEAVITT. The vote in the committee was 7 to 5 to report it out. We have already had a speech on the floor by the gentleman from Wisconsin, who was unavoidably absent that day, in favor of it. I have discussed it with many other members of the committee who did not vote, and I repeat my statement that a large majority of the members of the committee is in favor of this bill.

Mr. HOWARD. I now make the statement that the vote in the committee was a tie, and was decided by the vote of the chairman.

Mr. JOHNSON of Washington. Mr. Speaker, I make the point of order that the gentleman is discussing occurrences and votes in the committee.

Mr. LETTS. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. LETTS. Should it not also be stated that the gentleman from Wisconsin [Mr. FREAR] was on the other side of this question when the matter was up at the last session, and filed a minority report?

The SPEAKER. The Chair sustains the point of order made by the gentleman from Washington.

Mr. HOWARD. Mr. Speaker, I will have the Speaker understand that I sat in that executive session of the committee and by vote of the committee was absolved from allegiance to secrecy as to what happened there, and I claim the right now to speak.

The SPEAKER. If that is the case, the Chair will hold otherwise; but as a general rule, discussion of what occurred in the committee is out of order.

Mr. FREAR. If the gentleman will permit, I wish to state that the gentleman is quite correct in his statement made a moment ago. I did oppose the bill when it was originally before the House because it contained the 37½ per cent tax; but as the bill is now before the House I am supporting it, because I believe it will help the Indians, and I believe this help will all be taken away from them if you oppose the bill and are successful in your opposition.

Mr. HOWARD. The gentleman may make that statement when he comes to make his argument. I surrendered only for a question. I am very sorry, Mr. Speaker and gentlemen of the House, that I was compelled to speak of the conduct of my chairman as I did. I have been very fond of him. This serves as an opportunity for me to illustrate to you something that is ununderstandable to me, and that is as to what influence in the world it is that would transform a magnificent gentleman like the chairman of my committee has always been and make him stand before you to-day and make such a statement as he did. I am not speaking in anger; I am speaking in sorrow. [Laughter and applause.] I do regret that such things can be. I am very, very sure that if the gentleman from Kansas [Mr. SPROUL] might have opportunity under this gag rule to lay before the Members of the House the intense interest which friends of Fall, Doheny, and other Teapot Dome artists have in this legislation—the full meaning of what this bill contains to the country and to them—it would not receive very many votes.

I am not competent to speak of the legal phases. I am competent to interpret the Constitution of my country for my own satisfaction, and it tells me that if I would be a true and loyal citizen under that Constitution, I dare not lend my voice, my vote, my influence in any manner or direction looking to the usurpation of the functions of one department of the Government by another. [Applause.]

Mr. HAYDEN. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER of Oklahoma. Mr. Speaker, I do not know that I can say anything on this measure that will contribute to the elucidation of the subject or the gaiety of the occasion. The gaiety of this occasion has been amply elaborated by the impassioned appeal of my distinguished friend from Kansas [Mr. SPROUL], who has undertaken in some mysterious way to connect the bill under consideration with the leasing of Teapot Dome and the Elk Hills naval reserve.

The Teapot Dome and Elk Hills leasing proposal was a deplorable affair. No honest man will undertake to uphold them, no honest man will undertake to defend them. But let us not forget that the Teapot Dome and Elk Hills property were at the time of their leasing among the most valuable oil properties in the world fully developed and paying enormous profits. What remote connection there can be between the leasing of Teapot Dome with all its valuable oil content or the Elk Hills reserve, the most valuable perhaps of all, and poor old desolate Navajo Reservation, which at its best is nothing more than a wildcat proposition, is simply beyond the comprehension or even the machinations of my mind. [Laughter.]

I have traveled over the Navajo Reservation from end to end and from side to side. I am so familiar with it that I would know it upside down. Except where irrigated it is a barren waste from one end to the other and there is not any great amount of irrigation. To say that the Navajo Indian is wealthy is to make a man laugh who knows anything about their condition. They do not even have houses to live in, but camp about from place to place with their little flocks of goats and sheep, living in the rudest kind of hogans, eking out a paltry existence in a country and on lands where the most thrifty white man could not exist. So when these gentlemen become excited and enthusiastic, working themselves up into this sophistic logic to visions of Teapot Dome and Elk Hills on the Navajo Reservation, they simply get my goat. [Laughter.]

So much for this feature of the debate. In my limited time I want to confine my remarks to a discussion of just one phase of this question and that is the moral right of an Indian tribe to such royalties as may accrue from a development on an Executive-order reservation. Some gentlemen seem inclined to view this question in an entirely too narrow and technical way. They tell us that the Navajo Indians have no legal right to any of these royalties.

I am not so much concerned with the legal rights of these Indians as I am with the Government's moral obligation to them. They furthermore tell us that if the Navajos receive royalties, they will be made very rich by oil development under this bill and that excessive wealth is a menace and not a benefit to any man or set of men. There may be some virtue in this latter contention, but I have always cherished an insatiable yearning to test it out by having myself placed in the immensely wealthy class.

So far as I know, the courts have never passed upon the difference between the rights of the Indian in a treaty and Executive-order reservation. But let us go a little further into the question than mere legal technicalities and determine our moral obligation to our wards. There was a time when the will of the American Indian was supreme on this continent. He was monarch of all he surveyed, and when his sacred rights were infringed upon he boldly rushed out upon the bloody warpath to enforce those rights just as civilized nations are wont to do in this enlightened age. In fact, so far as this hemisphere was concerned, the American Indian owned the earth and was sitting on top of it, but he surrendered most of his hemisphere in order that his pale-face brother might build a strong and mighty nation. He has now been re-

duced and confined to a reservation, and it matters not whether it be a treaty or Executive order, he has been divested of the major portion of his patrimony.

There is a difference of opinion as to the exact duration of time that the Navajos have lived on their present reservation. Suffice it to say they have owned this reservation by right of occupancy since the time when the pen of history runneth not to the contrary. Since we have taken much of their lands for homes for white people, since great States have been carved and built from their domain, since they have responded to every call of their Government both during peace and war, since by our own act, without their consent, via et armis we have narrowed them down to a small reservation, can it now justly lie in our mouths to say that they are not entitled to all proceeds accruing or that may accrue from the small patrimony they have left? That is the question that must be answered by this House, and I repeat it is narrow, it is unbecoming of this great Government, acting in the capacity of guardian to a helpless ward, to exact that last pound of flesh, as we would be doing should we base our decision here on strictly technical legal grounds.

Mr. HASTINGS. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. HASTINGS. Is not the only question involved here whether or not to put an Executive-order reservation on the same footing with a treaty reservation?

Mr. CARTER of Oklahoma. Yes; that is the question, and I tried to make it plain in my earlier remarks on the point of order that no court had ever made any distinction between the two reservations, so far as the Indians' rights are concerned.

Mr. HAYDEN. Mr. Speaker, in my remarks on the point of order I described the general nature and purpose of the bill. It proposes to make applicable to Executive-order Indian reservations the same law which is now in effect on treaty reservations providing for the development of oil and gas. The bill gives the Indians 100 per cent of the royalties obtained from that source. It permits the State in which the leased lands are located to levy a tax on the production of oil and gas. It prohibits the President in the future from changing the boundaries of Indian reservations, and reserves that right to Congress. In the final section the bill grants relief to certain applicants who have acted in good faith.

Gentlemen opposing the bill say that if the measure is enacted it would take out of the hands of the Supreme Court a case now pending. I am frank to say that the case will probably be dismissed because the applicants are satisfied with the treatment accorded to them in the bill. However, if nothing was done with the bill the Supreme Court, in passing on the case, in my judgment, would decide just as Attorney General Stone has ruled, that the general laws of the country do not apply to Indian reservations. In that event Congress would still have to enact some law permitting mining on Indian reservations.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. ABERNETHY. This bill takes the case out of the court and gives the people who have no right, a prior right——

Mr. HAYDEN. Oh, no; the bill does nothing of the sort.

Mr. ESLICK. Is it not true that on wildcat operation one-eighth of the royalty goes to the owner?

Mr. HAYDEN. Under the general oil and gas leasing act, on the first quarter of the permit the royalty is 5 per cent, and on the remaining three quarters the royalty is 12½ per cent, which may be increased to 33⅓ per cent, according to the amount of oil produced. The greater the production, the higher the royalty; or in other words, the land itself as a producing field determines the amount of royalty; nothing is left to speculation or chance. Each applicant reinstated if he discovers oil on his permit will thereby create a revenue producer, which, if it pays at all, will pay a higher minimum than 12½ per cent; and the more it produces the greater will be the royalty.

Mr. LEAVITT. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. LEAVITT. Is it not true that all parties to the litigation in the courts are satisfied with this legislation and that the Attorney General stated in a letter to the President dated June 30, 1926, as follows:

> That the bill can not adversely affect pending litigation. On the contrary, it makes possible a settlement of the litigation advantageous to the United States. I can, therefore, see no objection to its approval.

Mr. HAYDEN. The gentleman is correct, he is reading from an opinion by the present Attorney General, Mr. Sargent.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. HAYDEN. I yield to my friend.

Mr. MOORE of Virginia. If you enact this legislation, the suit involving the permittees would at once, it seems to me, go out of court because the court would say that it is a moot question.

Mr. HAYDEN. The suit would be dismissed because both the Department of Justice and the permittees are willing to have it go out of court. This bill does not cancel litigation, but gives the Government what it contends for, a definite law covering these lands, and the permittees what they contended for, the protection of their equities which the Government admits. Nothing can be gained by anyone by court action, and this legislation does away with further needless expense and delay.

Mr. MOORE of Virginia. The court would say we will not consider the question any further. It was stated by the gentleman from Kansas, Mr. SPROUL, that there is another suit pending which involves a question whether the lands are Indian lands or public domain. Is that correct?

Mr. HAYDEN. I know of but the one suit, and that is the Harrison case.

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

Mr. HAYDEN. I yield to the gentleman from Utah.

Mr. COLTON. Is it not a fact that the suit pending before the Supreme Court need not decide at all the question that the gentleman from Virginia [Mr. MOORE] just raised?

Mr. HAYDEN. That is true, and Congress would still have to enact legislation along the lines contemplated in this bill both to enable development and to protect the innocent permittees who went on the land in good faith and made large expenditures.

Mr. SINNOTT. What was the date of the Executive order of withdrawal of the Navajo Reservation?

Mr. HAYDEN. The Navajo Reservation is made up of numerous withdrawals. They are spread over a long period of years. Originally 3,000,000 acres were included within a treaty reservation, and that acreage has been increased under various Executive orders up to 13,000,000 acres.

Mr. SINNOTT. Have the Indians claimed the land as their own?

Mr. HAYDEN. They have lived on it from time immemorial.

Mr. SINNOTT. Have they claimed it?

Mr. HAYDEN. Certainly; and occupied it continuously.

Mr. WINTER. And is not this the fact, that regardless of what the Supreme Court decides, Congress would have the same right to pass this legislation?

Mr. HAYDEN. This legislation is required, regardless of any decision of the Supreme Court.

Mr. BRIGHAM. Was the President's veto message subsequent to the opinion of the Attorney General cited by the chairman of the Committee on Indian Affairs?

Mr. HAYDEN. I am not sure about that.

Mr. BRIGHAM. I think it was.

Mr. HAYDEN. Perhaps so.

Mr. BRIGHAM. And that was on the ground that it decided a matter that was pending in the courts.

Mr. HAYDEN. I shall conclude my remarks by referring to the report on H. R. 15021, which is exactly the same as S. 4893. The report is as follows:

[H. Rept. No. 1791, 69th Cong., 2d sess.]

OIL AND GAS MINING LEASES UPON UNALLOTTED LANDS

Mr. HAYDEN, from the Committee on Indian Affairs, submitted the following report, to accompany H. R. 15021:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 15021) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 3, line 12, after the word "done" insert "prior to January 1, 1926."

Page 3, line 17, after the word "located" insert the following "or who in good faith has either filed a motion for reinstatement or rehearing, or performed any other act which in the judgment of the Secretary of the Interior entitles him to equitable relief."

The bill has the approval of the Interior Department as is set forth in letter from the Secretary of the Interior under date of January 5, 1927, which is attached hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, January 5, 1927.

Hon. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: Further response is made to your letter of December 14, 1926, submitting for report H. R. 15021, entitled "A bill

to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations."

The first four sections of the bill are identical with S. 4152, passed by both Houses of Congress last session. S. 4152 was adopted in lieu of S. 1722 and H. R. 9133, upon which reports were made January 28, 1926, and February 16, 1926, respectively. On March 10, 1926, I suggested, by letter to the chairman of the Committee on Indian Affairs of the House of Representatives, an amendment to H. R. 9133 to make it clear that royalties of operators would be taxable, and S. 4152 when it passed the Congress so provided. (See S. Rept. 768 and H. Rept. 763, 69th Cong., 1st sess.) The only difference between H. R. 15021 and S. 4152 as passed by the last session of the present Congress is in section 5, which places all applicants for permits under the act of February 5, 1920, on equal terms, whereas section 5 of S. 4152 made a distinction between an applicant who had been granted a permit and other applicants, the permittee being entitled to favorable consideration if he could show that he, or the party with whom he has contracted, has performed any of the following conditions: Expended money or labor in geologically surveying the land covered by such application, has built a road for the benefit of such lands or has drilled or contributed toward the drilling of the geological structure upon which such lands are located, while applicants were required to show that they had performed all of said conditions. In reports before referred to on S. 1722 and H. R. 9133 I stated:

"In addition to the applications upon which permits were granted, there were filed approximately 400 for which no permits were issued. Undoubtedly many of these applications were purely speculative and nothing expended by the applicants in attempted development, and it is not believed that they should be recognized or given any preference right for leases covering the lands for which they applied."

That opinion was based upon the belief that there is a distinction between a permittee and one who has only filed an application for a permit. One having received a permit would be clothed with a color of authority that an applicant would not possess. I am still of that opinion; but, if the Congress should conclude otherwise and should enact the legislation as now proposed by section 5, it is not believed it will do any material injustice to the Indians.

It is suggested that section 5 of the pending bill be amended by inserting in line 12, page 3, after the word "has" and before the word "done," the words "prior to May 27, 1924."

In his opinion of May 27, 1924, the Attorney General said:

"The important matter here, however, is that neither the courts nor Congress have made any distinction as to the character or extent of the Indian rights, as between Executive-order reservations and reservations established by treaty or act of Congress. So that if the general leasing act applies to one class, there seems to be no ground for holding that it does not apply to the others."

There is pending in the Federal courts the question of whether the general leasing law (act of February 25, 1920) is applicable to the unallotted lands within Executive-order Indian reservations. If the courts should finally decide that the general leasing law does apply to Executive-order Indian reservations, then 52½ per cent of the proceeds therefrom—i. e., the royalties, etc.—would be covered into the reclamation fund; 37½ per cent would go to the State in which the lands are located in aid of roads, public schools, etc.; and 10 per cent would be covered into the Treasury of the United States as miscellaneous receipts. The Indians would receive nothing. If by final decision of the Federal courts it should be held that the general leasing law does not apply to unalloted lands within Executive-order Indian reservations, then there can be no development of such lands for oil and gas purposes until there is legislation by Congress.

Very truly yours,

HUBERT WORK.

The history of this legislation is as follows: On February 9, 1926, a bill was introduced (H. R. 9133) providing for the leasing of Executive-order reservations for oil and gas purposes. This bill had the approval of the Secretary of the Interior, and after exhaustive hearings were held it was reported to the House with amendments. Later S. 4152 was substituted, and that bill passed both Houses of Congress at the last session, but was vetoed by the President on July 2, 1926.

The first four sections of the bill H. R. 15021 are identical with S. 4152, which the President stated he would approve if enacted as a separate measure, and to which there is no opposition from any source. Section 5 of the bill, as now reported, meets the objection of the President in that it eliminates the discrimination embodied in section 5 of S. 4152 as between applicants for permits and permittees by placing upon all the same requirements.

The enactment of this legislation will accomplish the following purposes:

1. Permit the exploration for oil and gas on Executive-order Indian reservations.

2. Give the Indian tribes all the oil and gas royalties.

3. Authorize the States to tax production of oil and gas on such reservations.

4. Place with Congress the future determination of any changes of boundaries of Executive-order reservations or withdrawals.

5. Extend relief to permittees and applicants who in good faith expended money in development looking to the discovery of oil and gas under the general leasing act of February 25, 1920, upon Executive-order Indian reservations, at a time when such lands were held to come within the terms of the said act.

The first section of the bill establishes a uniform policy for the leasing of all Indian reservation lands for oil and gas mining purposes, under the supervision of the Bureau of Indian Affairs. It simply applies existing law relating to treaty reservations to Executive-order reservations. The law of May 29, 1924, applicable to treaty reservations and herein extended to Executive-order reservations, is as follows:

"That unallotted land on Indian reservations other than lands of the Five Civilized Tribes and the Osage Reservation subject to lease for mining purposes for a period of 10 years under the proviso to section 3 of the act of February 28, 1891 (26 Stat. L. 795), may be leased at public auction by the Secretary of the Interior, with the consent of the council speaking for such Indians, for oil and gas mining purposes for a period of not to exceed 10 years, and as much longer thereafter as oil or gas shall be found in paying quantities, and the terms of any existing oil and gas mining lease may in like manner be amended by extending the term thereof for as long as oil or gas shall be found in paying quantities. (43 Stat. 244.)"

The proviso to section 3 of the act of February 28, 1891, is as follows:

"That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the council speaking for such Indians, for a period not to exceed 5 years for grazing or farming or 10 years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior."

Section 2 of the bill provides that the money received from oil and gas mining leases shall be deposited in the Treasury to the credit of the Indian tribes the same as the income derived from leases on treaty reservations. The proviso to section 2 will require the Bureau of Indian Affairs to state the desire of the Indians in submitting estimates of appropriations from such tribal funds to Congress through the Budget.

It is the opinion of your committee that unearned doles in the form of per capita payments are as demoralizing to Indians as like payments would be to an equal number of white people. In times of great drought or other severe and general hardship it may be desirable to make such payments, but the Bureau of Indian Affairs should not have authority to do so without the consent of Congress.

In general, the congressional policy toward the disposal of the wealth of Indian Executive-order reservations has been a uniform one for 50 years, the proceeds from the natural resources as well as the use of the surface having been allowed to the tribes or credited to them, and this policy, continued in the bill now reported, is in evident accord with equity and with the historical fact that the greater part of all the existing Indian reservation area has been created since 1871, the date when the treaty-making power with the Indians was ended.

The terms relating to taxation used in section 3 of the bill are taken from the proviso to section 32 of the general leasing act (41 Stat. 450) which has been construed by the Supreme Court in the case of Mid-Northern Oil Co. against Walker, Treasurer of the State of Montana, as follows:

"We think that the proviso plainly discloses the intention of Congress that persons and corporations contracting with the United States under the [general leasing] act should not for that reason be exempt from any form of State taxation."

In the latter part of section 3 a distinction is made between the State taxes which may be levied upon the property of lessees and upon the share obtained for the Indians by providing that State or local taxes may only be levied upon the rentals, royalties, or bonuses received by the Indians. The effect of this section is to permit the State to collect directly from the oil producer on Indian lands any and every kind of tax that may be assessed against others engaged in like operations elsewhere in the State. The State is not authorized, however, to collect such taxes directly from the Indians but the same are to be paid for them by the Secretary of the Interior, and a proviso is added which exempts the lands or other property of the Indians from any tax lien. The final result of this legislation will be that the entire output of oil and gas will be taxed by the States, the producer paying upon his share and the Indians upon the share obtained for them.

Since Congress has by the act of June 30, 1919 (41 Stat. 3-34), forbidden the further creation of Executive-order reservations, except by act of Congress, section 4 of the bill provides that no changes shall be made in the boundaries of existing Executive-order reservations except by act of Congress.

Section 5 of the bill is necessary to afford equitable relief to those who in good faith expended money in prospecting for oil and gas in accordance with the general leasing act of February 25, 1920 (49

Stat. 437). On June 9, 1922, the Secretary of the Interior promulgated a written opinion holding that land covered by the provisions of the proposed bill came within the terms of the said general leasing act and granted 16 permits to prospect for oil and gas in Utah and 4 in Arizona. A number of other persons made applications for oil and gas prospecting permits, but these permits were not granted, for the reason that on May 27, 1924, the Attorney General of the United States gave his opinion that the general leasing act did not apply to Executive-order Indian reservation lands. The said permits required that work of exploration and development should be diligently prosecuted, and the permittees, 20 in number, and some of the applicants immediately proceeded in the work of exploration and development of the lands covered by the permits and applications, and in so doing expended large sums of money aggregating between $300,000 and $400,000, a substantial part of which sum was expended by the permittees and applicants prior to the rendition of the opinion of the Attorney General, which was not promulgated until nearly two years after the permits had been issued and the applications made.

The bill H. R. 15021 gives relief to such applicants and permittees on the same basis and under the same conditions.

The lands covered by these permits and applications are comparatively barren, although stated by the Commissioner of Indian Affairs and other witnesses to be occupied by Indians. The story of the hardships endured in fulfilling the said obligations is graphically told in the record of the case of United States v. Harrison, Equity 8288, United States District Court of Utah.

Based upon the opinion of the Attorney General, the United States brought suits in the United States District Court of Utah to cancel the permits already issued. The court in the United States v. Harrison, just cited, refused to sustain the contention of the Government and dismissed the case, and the following language is found in the court's decision, viz:

"The equities are all in favor of the defendant, * * *. The right of the Government to insist upon and enforce what, in effect, is a forfeiture is too doubtful in my mind for the court to adopt that view and deprive the defendants of possible benefits to be derived from the large expenditures which they have made upon this ground in good faith."

The Government promptly appealed the case to the circuit court of appeals at Denver, which court certified certain questions to the Supreme Court of the United States. The questions certified were as follows:

"1. Was there authority in the Secretary of the Interior to issue, under the provisions of the leasing act of February 25, 1920 (41 Stat. L. 437, 441, Comp. Stat. 1923, Supp. sec. 4640¼ ss.) the permit which the United States now seeks to have canceled in this suit?

"If this question be answered in the negative, then we ask:

"2. Can this suit be maintained by the United States in equity to cancel the permit, it having been issued upon formal hearings by the Secretary of the Interior, no claim of fraud or bad faith being made, and the Government having brought no action to cancel the same for 1 year 10 months and 9 days after its issuance, appellees, Midwest Oil Co. and Southwest Oil Co., in that time having expended over $200,000 in developing the property for oil, which to them is a total loss if the permit is canceled?"

The questions certified involve no point of law with respect to the Executive-order reservations and withdrawals in general but exclusively points of law affecting the equitable rights of applicants and permittees whose filings were made within a certain limited area of the Navajo Indian Reservation. The enactment of this bill would not foreclose the court determination of any pending question or deprive any applicant or permittee of any right now assertable in law.

Determination of the certified questions will not even conclude the particular litigation, and final decision can not be expected for probably two years.

From the foregoing it is evident that the permittees and applicants who have made these expenditures and have done this work in good faith have substantial equities which require recognition, and the last section of the bill gives them the right to proceed with their work and, if discoveries result, to obtain leases in the manner provided by the said act of February 25, 1920, under which their applications were originally made. This section is principally a reenactment of the applicable provisions of the said act of February 25, 1920, so that development may proceed under the supervision of the Bureau of Indian Affairs and leases be granted under the provisions and regulations of the general leasing law by virtue of which these equities were created.

The committee amendments to section 5 are designed to grant equitable relief to a comparatively small number of applicants who in good faith have complied with the terms of the general leasing act of February 25, 1920, and have taken proper steps to preserve their interests.

It is believed that the bill is fair and equitable to the Indians, to the States where the Indian reservations are located, and to those who desire to prospect for oil and gas.

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

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. The Speaker will pardon my lack of knowledge, but does that mean that we will not have an opportunity to read the bill?

The SPEAKER. The bill has been read. The question is on the motion of the gentleman from Arizona to order the previous question.

The previous question was ordered.

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

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

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

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—ayes 115, noes 59.

Mr. SCHAFER. Mr. Speaker, I object to the vote upon the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-seven Members present, a quorum.

Mr. SCHAFER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-eight Members have risen, not a sufficient number, and the yeas and nays are refused.

So the bill was passed.

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

A similar House bill was laid on the table.

LIMIT OF COST OF CERTAIN NAVAL VESSELS

Mr. SNELL, from the Committee on Rules, reported a resolution for the consideration of the bill (H. R. 16507) to authorize an increase in the limit of cost of certain naval vessels, and for other purposes, which was referred to the House Calendar and ordered printed.

AUTHORIZING THE SECRETARY OF THE NAVY TO PROCEED WITH CERTAIN PUBLIC WORKS

Mr. SNELL, from the Committee on Rules, presented a resolution for the consideration of the bill (H. R. 16973) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, which was referred to the House Calendar and ordered printed.

BOULDER DAM

Mr. SNELL, from the Committee on Rules, presented a resolution for the consideration of the bill (H. R. 9826) to provide for the protection and development of the lower Colorado River Basin, which was referred to the House Calendar and ordered printed.

INLAND WATERWAYS CORPORATION

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5671) to amend paragraph (c) of section 4 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, a similar House bill having been reported favorably from the House Committee on Interstate and Foreign Commerce. I am authorized by the committee to take this action.

The SPEAKER. The Clerk will report the bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That paragraph (c) of section 4 of the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the transportation act, and for other purposes," approved June 3, 1924, be, and the same is hereby, amended to read as follows:

"(c) In addition to the six members, the Secretary of War shall appoint an individual from civil life, or (notwithstanding section 1222 of the Revised Statutes or any other provision of law, or any rules and regulations issued thereunder) detail an officer from the Military Establishment of the United States as chairman of the board. Any officer so detailed at the date of the passage of this amendatory act shall, during his term of office as chairman, have the rank, pay, and allowances of a major general, United States Army, and shall be exempt from the operation of any provision of law or any rules or regulations issued thereunder which limits the length of such detail or compels him to perform duty with troops. Any individual appointed from civil life shall, during his term of office as chairman, receive a salary not to exceed $10,000 a year, to be fixed by the Secretary of War. The Secretary of War may delegate to the chairman any of the functions vested in the Secretary by this act."

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, is this a unanimous report from the Committee on Interstate and Foreign Commerce?

Mr. DENISON. Yes; the bill passed the Senate unanimously and the Committee on Interstate and Foreign Commerce unanimously authorized me to take this action.

The SPEAKER. Is there objection?

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.

A similar House bill was laid on the table.

GENERAL DEFICIENCY APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17291) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1927, and June 30, 1928, and for other purposes. Pending that motion, I ask unanimous consent that the time for general debate be equally divided between myself and the gentleman from Tennessee [Mr. BYRNS], for the time being represented by the gentleman from Colorado [Mr. TAYLOR]. We are not going to try to fix the time of debate at this time.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17291, and pending that asks unanimous consent that the time for general debate be divided equally between himself and the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

There was no objection.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17291, with Mr. GREEN of Iowa in the chair.

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

The Clerk read as follows:

A bill (H. R. 17291) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1927, and June 30, 1928, and for other purposes.

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

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

Mr. MADDEN. Mr. Chairman, I yield one hour to the gentleman from Michigan [Mr. SOSNOWSKI].

Mr. SOSNOWSKI. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. SOSNOWSKI. Mr. Chairman and gentlemen, it was but yesterday the country at large bowed in prayer and paid tribute to the memory of our first President, George Washington, the Father of our Republic. It was but yesterday that our great President, Calvin Coolidge, delivered his message in this very House on the life of Washington. His voice was echoed not only to the hearts of millions of loyal Americans but also to thousands on foreign shores; not only to men and women, but to the youth of our land, in whose hands will lie the future and destiny of our Nation. How different this message and its effect upon our youth from those other "messages" which have so recently as during the past month been delivered from rostrums in the leading cities of the United States. We who listened to our President's inspiring address can not and must not fail to take notice of these enemies within our gates whose watchword is "Destruction" and whose paths are not those of peace. Mr. Chairman and gentlemen, it is high time that we tore the mask off this hidden viper which, with its poisoned fangs, is destroying the foundation of our Government. I feel I would be remiss in my duty not only as a Member of this House but as a loyal American citizen if I failed to present here the facts which I have uncovered.

When I returned to my home from the last session of Congress I found not only the business interest, but all interests alike, aroused and fearful—aroused because of the ever-increasing activities of communistic forces in the industrial field and fearful lest apathy on the part of those who refuse to look the facts in the face, and apathy on the part of those who sit here in Washington, with the destiny of the Nation in their hands, would permit these forces to gain a position that would mean the ultimate overthrow of our Government, and with it the confiscation of all property rights.

I was importuned from all sides to make a study of the situation, to find out for myself the true conditions. This I did to the best of my ability. I talked with workingmen and I talked with industrial leaders. I interviewed ministers and I interviewed the small business men of Detroit. I found them all apprehensive. I was persistently told that the communists of the United States, acting under direct orders from Russia, were organizing the workmen of the automobile factories of Detroit, with the intention of producing in that important city, that city of prosperity and wealth, the greatest of all "lessons in revolution," all to the end that the industry might be ruined, the Government weakened, and that the hatred implanted in the minds of the workers might later be employed to overthrow the Government of the United States.

Gentlemen, you are not going to meet this situation in the United States by a shrug of the shoulder, by a gesture of contempt, by scoffing at the idea that we have such a thing as communism in the United States, or that it is dangerous. It is here. It is serious. Insidiously it has gained strength in many places. It has won the support and aid of a large number of well-meaning individuals because it has approached them through deception. It is said to be a labor movement. It is to labor what strychnine is to a dog. It is death. Within the past few weeks the head of the American Federation of Labor has denounced the communist move and informed the American people that the American Federation of Labor will rid itself of all who are teaching this false theory. The United Mine Workers almost unanimously voted only the other day to expel every communist from the organization. Gentlemen, do you believe if communism were not a danger, that if it were not active, these organizations would have wasted their time or planned to spend much of their money to destroy the germ?

Within the past four weeks Lenin memorial meetings have been held at many places in the United States. Such a meeting was held right here in Washington under your noses, gentlemen. Probably none of you attended, but a lot of others attended. The man who addressed the gathering, pleading for the overthrow of the Government and the installation of communism in the United States, was C. E. Ruthenberg, now under conviction and sentence to the penitentiary in my State for violating our criminal syndicalism law. He is out on bond pending a decision by the Supreme Court of the United States. The Detroit Free Press, one of the leading papers of this country, under date of January 24, reporting two gatherings in my city which were addressed by William Z. Foster, a man who boasts of the fact that he takes his orders from Soviet Russia, and whose open efforts to arouse violence in industrial struggles is known to everyone, states that 3,500 attended the gathering. Among other things, the Free Press says:

The speeches made no secret of the subversive character of the party, though in the presence of Government stenographers posted in the halls rhetoric was limited to generally abstract terms, such as the overthrow of capitalism and the substitution of a proletariat dictatorship.

Audiences were composed mainly of men, but there was also a considerable number of women and children. The latter wore red kerchiefs about their necks and were made to sing party songs the general exhortation of which was to keep the red flag flying.

Foster described current events in China as being directly attributable to a small band of Lenin-inspired communists who were determined to overthrow the exploitation of their country by foreign capitalists. He said the description of Canton's "red army," as applied to the Chinese rioters, was not entirely true, but was becoming more true every day. The communists, he said, had a fertile field of endeavor among the 400,000,000 people of China.

Gentlemen, I here desire to call attention to a pamphlet distributed to our schools in the city of Detroit announcing that meeting. [Exhibiting, see Exhibit V.] The words are "In memory of Lenin; mass meeting and revolutionary concert."

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SOSNOWSKI. I will.

Mr. JOHNSON of Washington. Is that pamphlet in reference to this communistic meeting in English?

Mr. SOSNOWSKI. Yes; it is.

But recently, under the persistent hammering of a certain element in the Congress, Secretary Kellogg appeared before the Foreign Relations Committee of the Senate and presented evidence that the occasion for the trouble in Mexico and Nicaragua was due to communist activities. This was answered by a laugh. As yet the committee has not permitted the confi-

dential information supplied by the Secretary to be made public. No one has presented a scintilla of evidence to show the documents furnished by the Secretary were not authentic. Nor has any one presented a bit of evidence to show that the charges made by the Secretary were not true. The only answer yet received by the apologists for the communists, either in or out of Congress, has been "the very idea is absurd."

On March 4 I am retiring from Congress. On my return to Detroit I shall enter the fight with the sound working man, the sane minister, the conservative business man, the conscientious manufacturer, to wipe from our midst that which is far more dangerous to human happiness than the worst of pestilences. I am saying to you now that we will succeed so far as our own community is concerned. That is but one city in hundreds. Michigan is but 1 of the 48 States. Our national salvation lies in wiping this thing called communism from the continent. That task, gentlemen, is up to you. Scoffing at the suggestion that there is such a thing as communism, or asserting that because the known number of the followers is small it can make no progress, will not do. I recall that it was but a few short years ago when it was said by an obscure individual living in an obscure town in Ohio that he was going to obtain a Federal amendment to the Constitution making the manufacture and sale of intoxicating liquors illegal. The answer to his claim was a shrug of the shoulder, a gesture of contempt, sarcastic remarks. Well he did it, did he not? Now look at the Nation!

Gentlemen, I have not the time at my command to go fully into this subject. No man could do it in an hour, or in 10 hours. The documentary and indisputable evidence is extensive and available to every Member of this House who is not mentally too lazy to look into it.

EXHIBIT A IN RE YOUTH MOVEMENT

In Unity for September 6, 1926, Rev. Sidney Strong had an article under the heading "Summer gathering led by radicals." Doctor Strong is one of the "impartial" investigators who recently went to Mexico and who are now engaged in an organized propaganda effort in the United States to prevent the President and his Secretary of State carrying out a policy for protection to American citizens. He is also the father of Anna Louise Strong, whose activities in the aid of communism are well known. The following is quoted from the article:

"Tens and tens of thousands of Americans—especially the younger ones—are attending conferences and camps at this season. These are being promoted chiefly by the churches, the Young Men's Christian Association, and the Young Women's Christian Association, though by no means confined to these summer conferences that the most liberal, even radical ideas are being sown. Outdoor life, with companionship, encourages freedom of thought and speech. A progressive pastor, under the spell of the sea, or lake, or forest, pours out his soul in a way that would startle his deacons who provide the financial support at home. These, however, are safe at home, busy at their tasks. Social and political and industrial ideas of revolutionary character get their innings as these tens and tens of thousands are gathered about the camp fire. If one has a 'gospel,' which would be too progressive for the pews, which he wishes to preach to the people, I should advise him to go to the summer camps and conferences of the American young people.

"To illustrate, I spent a half a day in an Epworth League institute, where gathered 500 young people, who, in tents, were spending a week together. I found that truth had pretty free range. People will converse with truth out in the woods who would not recognize her next day on the street or in the church. The pastors—and the youngest and most progressive pastors are the most popular at such camps—were going around without their clerical labels, either of dress, tone, or speech. The pulpit air had been left at home. So, such conferences become breeding grounds of future reforms of creeds. At one meeting a speaker was referring to war and the attitude young people should take toward it. He gave them a picture of the 'Ponsonby plan for peace' that is being carried forward in England. He said:

"'Do you know that it is expected that 1,000,000 English people, above 16 years of age, will by next November have put their signatures to a letter to the Prime Minister? And they are getting these signatures in the market places, in the work shops, in the homes, in the churches. * * * And these English people are saying in the peace letters to the Prime Minister: "We, the undersigned, convinced that all disputes between nations are capable of settlement either by diplomatic negotiations or by some form of international arbitration, hereby solemnly declare that we shall refuse to support or render war service to any government which resorts to arms."'

"And when these Epworth Leaguers heard what the English were doing in the peace letter to the Prime Minister they broke out into cheers."

EXHIBIT B IN RE YOUTH MOVEMENT

The following quotation is from a communist book, which can be purchased in most any radical bookstore, called Manual for Leaders of Children's Groups:

"Experience has proven the correctness of the principle on which the formation of the groups is based—that the organization and leadership of the children's groups is a task belonging particularly to the young communist leagues. Except for a few individual instances the members of the young communist leagues have proven themselves to be the best fitted for the leadership of the children's groups. * * *

"The Young Workers' League of America has reported to the executive committee of the young communist international that 23 groups of children have been formed in a total of 16 cities of the United States to further the 'class struggle' within capitalism. * * * The Moscow headquarters has instructed the Young Workers' League of America to secure a collection of all textbooks used by the children in the public schools in this country to be sent to Moscow for study as to how the tests can be interpreted to teach communism and to be used to invite the children to actually engage in the 'class struggle.' The report cited asks the young communists international of Moscow to send on a large amount of money for the purchase of these books or to wait a little while until the children can purloin them from the schools and turn them in. * * *

"The communist children's groups * * * must be live organizations to counteract the poison of bourgeois 'education.' * * *

"There is nothing that is unimportant, nothing that is without significance, in the proletarian class struggle. We form the communist children's groups not for the sake of the children alone but for the sake of the whole working class. In them we not only prepare for the future struggle; we also serve the present struggle. Our work in the groups is not confined to use of revolutionary phrases. In them the children are imbued and permeated with the spirit of the proletarian revolution. * * *

"Nothing in the world is easier than to attract children. Youths, boys and girls, of the young communist league, go to the places where children are—on the streets, in the parks, public playgrounds, or some outdoor celebration. Watch the children at play. * * *

"After a time when the children are a little tired say, 'Shall we learn a new song?' At first the little ones may be suspicious, then they will be shy, but eventually they will all join in the 'Red Flag,' 'The International,' or some other revolutionary song. * * * Meanwhile, distribute our paper, inform them that this is the children's paper, and that there are children's meetings. 'Would you like to come?' The children will beg their parents for permission to attend and they will bring their friends and playmates. Children are naturally excellent agitators.

"We communists assert that the child must be enrolled as a fighter in the struggle of its class and must share the fate of its class. * * * Respect for the adult is one of the first things to be removed in communist education. * * *

"The communist groups must show the children how to convert secret hatred and pent-up anger into a conscious struggle * * * against military school discipline * * * for the right of the children to establish their own system of discipline, for the abolition of rigid curriculum. * * * Most important is the struggle against the tyranny of school discipline. Over and over again we hear how children were * * * punished by being given special work to be done or by being prevented from speaking. The child is hurt not only by suppression of his own personality, but he feels as well the injustice when a schoolmate is punished. Children revolt against this and hate the teacher. * * *

"The will of the teacher must retreat before the collective will of the children. * * *

"The opposition to the teaching of national history * * * is an important matter to our young comrades. * * * In order to counteract the nationalistic history which is taught in the schools we have to deal with the historic matters in the groups. We tell the story of the development of human society from the primitive communism up to the present stage. * * * Read to the children such stories as Gorky's Comrades, Jack London's People of the Abyss, or The Iron Hell, Upton Sinclair's Jungle or King Coal, or Jimmy Higgins. * * * Nor dare we shrink from emphasis upon individuals and the part they played in history—such individuals as Spartacus, Marat, Robespierre, Jim Larkin * * * in short, in the teaching of history we must give our lessons a live character by the use of objects. * * *

"The communist children's groups are a class organization, and they do not pretend to be anything else, existing for the purpose of training the children for the class war. * * *

"Let us rid ourselves of all pacifist nonsense and sentimentality. The ultimate victory of the proletariat depends even more upon the soldiers who will fight its battles than upon the politicians and theorists who will discuss its issues. * * * The Red Army needs women fighters as well as men. * * *

"In the realm of physical training we have to deal with the movement which we have too much ignored up to this time—the scout movement. The scout system is the organization of children's games into a uniform system which is to serve the educational purposes of patriotism. Some of our comrades hold to the view that we should reject everything pertaining to scout methods. This conception is fundamentally wrong. It is true that the scout movement educates the

children of the working class in a militaristic spirit and drills them to become soldiers of imperialism. But it is not the method which we reject and oppose; it is only the aim which the leaders and heads of this movement, the military clique, are striving for that we must oppose.

"We dare not ignore the fact that this military clique has succeeded in establishing a great and powerful movement, including hundreds and thousands of children * * * and that it is using this movement to influence the children in the interest of the ruling class. * * * We must utilize the valuable features of them even as we utilize their basis—the tendency of children to herd together for play—and give them a proletarian content. Bearing in mind that the working class struggle requires soldiers, we must use the best method of training soldiers."

EXHIBIT C IN RE COMMUNIST ACTIVITIES IN THE UNITED STATES

(Report made by person attending a Lenin memorial gathering at Turner Hall, Gary, under communist auspices, Saturday evening January 22, 1926. Similar reports from other gatherings show the same kind of utterances as expressed below and in Exhibit D.)

"A Lenin memorial meeting was held last Saturay evening at Turner Hall, Fourteenth and Washington Streets, Gary, under communist auspices. It is estimated that about 400 people were present, the great majority being foreign-born Europeans and Mexicans and negroes. The police department of Gary was represented by several plain-clothes men and two policemen. The hall was decorated in red, with a large picture of Lenin draped in black crêpe over the speaker's stand. A funeral march was played, and the audience was asked to stand during the rendition. Thereafter a number of children were called on the stage to repeat a pledge to the red flag, which pledge stated: 'I pledge allegiance to the red flag and the workers' party, for which it stands.'

"The chairman of the meeting, B. Borisoff (Shklar), a local communist leader, then remarked how necessary it was to get the children into the Communist movement, and asked the parents to see that their children join the young pioneers, a branch of the communist youth movement, that they may be taught the principles of communism.

"Borisoff then announced that those present were honoring the greatest teacher, leader, and revolutionist the world has ever known, after which he discussed the activities of the United States in sending warships to China, Nicaragua, and Mexico to protect the interests of American capitalists. He said that the workers in China were in revolt against foreign capitalists and were fighting their oppressors, and that their victory would be a victory for all workers. He stated that Judge Gary does not like to read about revolts in China; that he trembles when he reads about them, as he is looking forward to the day when China will supply him with cheap labor; that he has been using negroes and Mexicans, and how he has his eyes on China. He said that one of the purposes of this meeting was to raise the voice of the worker in protest against sending ships to foreign countries, such as China, Nicaragua, and Mexico.

"The first speaker introduced was James Ford (colored), of Chicago, an organizer for the American Negro Labor Congress. Ford spoke from prepared notes, and spoke of the greatness of Lenin. States that he himself had been in the Army and fought in France for what he thought was his country, until he got his eyes opened to the fact that it was not his country at all, that it really belonged to the capitalists; that it was the capitalists who were sending ships to South America, China, and other places; and they were exploiting these countries in order to obtain outlets for their products and to invest their surplus wealth, for foreign markets, and for sources of raw materials. He said that the capitalists had found cheap raw materials and cheap labor in Central America, Mexico, the West Indies, and China, and they desired to subjugate the different races inhabiting these lands. He asked the people, and especially the colored people, to learn all the lessons taught by Lenin; that nothing had ever been done for the submerged and oppressed peoples of the world until it was done by Lenin. He also called upon the negroes to protest against sending ships to Mexico, South America, and China, charging that it was being done for such men as Gary; that no ships were ever sent out to protect the American working class. He spoke of steel as the basic product of industry, mentioning numerous things that are made of steel, from the hands of his watch to the tracks of railroads. He urged all men of the Negro race who work with their hands to join the Communist Party to gain their rights, and remarked that the negroes were brought over here 300 years ago against their will as workers. He also urged them to join the American Negro Labor Congress, and said he felt sure that when all the workers of the world, irrespective of creed and color, joined into one great world organization it would be possible to reach hands across the sea and call all the workers comrades. The capitalists' class, he said, does not want to see this consummated, as capitalism thrives by keeping one race fighting another; and when they do this men like Judge Gary and his crowd are always happy.

"After some music, N. Kaplan, of Chicago, who is connected with the Young Workers' League of America, a branch of the Communist Party, was introduced. Kaplan was the most radical of the speakers and vilified everyone. He referred to President Wilson as the champion liar, who advocated peace with one hand and declared war with the other. He stated that when Wilson, 'Silent Cal,' J. P. Morgan, Lloyd George, Clemenceau, and others of World War fame were forgotten a thousand years the name of Lenin will still be cherished. He referred to Secretary of State Kellogg as 'nervous Nellie Kellogg,' who does not know what to do in the execution of the duties of his office from time to time. He stated that 'Silent Cal' was silent because he dared not open his mouth until J. P. Morgan told him what to say. He said that Morgan and William Randolph Hearst were advocating war with Mexico because they had large holdings in that country, and that Mexico was merely making an attempt to enforce its own constitution and laws; that Morgan from time to time got on the telephone and called up 'Nervous Nellie Kellogg' and told him that American lives were in danger and he had better send ships and troops, whereupon 'Nervous Nellie Kellogg' would do as he directed; that President Coolidge got his information from the Department of Justice, which is operated by a lot of dime-novel detectives, who keep him all excited about American citizens being murdered in Mexico and China. The speaker stated that these stern measures were not taken in behalf of workers, because there were no American workers killed in Mexico or China. He then asked any of the workers present who had made trips to China during their vacation period to please raise their hands. Kaplan stated that what has really aroused the capitalistic government of America is that the Mexicans and the Chinese have given their foreign bosses a 'kick in the pants' and have established revolutionary governments. He predicted that the Chinese revolutionists would soon capture Hankow, where the large steel mills are located, and that is the reason the capitalists are yelling that American citizens and American interests are in danger. He suggested that the American workers should follow the example of the Chinese workers, who do not go after their bosses through the ballot box. The Chinese, he said, are too wise for that, and do not waste any time voting. He said that the only Americans who go to China are 'sky pilots' (ministers and priests) and business men, and these classes do not mean a d——— thing to the American working class. The speaker further vilified Judge Gary and all capitalists, and said that he would not be surprised any morning to find big signs up calling upon the American workers to protect the possessions of Gary and other capitalists in these foreign countries. He said: 'Some day, however, the revolution will be in this country, the same as in the past in Russia, and right here in Gary you workers will be fighting to better conditions that exist to-day.' Kaplan closed by saying that if Lenin had lived, how happy he would be to see that his ideas were being adopted and his plans were materializing.

"A letter was read announcing that a Mexican scheduled to speak had found it impossible to be present.

"Max Bedacht, of Chicago, a member of the central executive committee of the Workers' Party, was next introduced. His remarks consisted mainly in eulogizing Lenin and Russia. He advised the people of America to follow the Russian idea and free themselves from capitalism by overthrowing the capitalist system. He stated that Russia was not recognized by this country because the workers of Russia owed money to the American capitalists which they refused to pay.

"He said that while the Czar of Russia was in control and kept the workers and farmers in subjugation he borrowed considerable money from New York banks to finance the wars he waged against the workers and farmers of that country; that the workers printed a paper at that time and warned the American capitalists that if they loaned money to the Czar it would be at their peril; that Morgan and his interests did not believe the workers would get control, so they continued to lend money, which they will never get back. That is the real reason, he said, why the United States will not recognize the present Soviet Government of Russia. Bedacht warned the workers not to let themselves be drawn into another war 'to make the world safe for democracy'; not to let Judge Gary enslave the workers in the steel mills and to refuse to be cannon fodder for Morgan and the rest of the capitalist crew in any future war. Bedacht spoke of race prejudice, and charged that the capitalists encouraged race prejudice and 100 per cent Americanism to keep the workers hostile to one another, because if they did not hate one another they would not fight one another. He stated that while he was in Russia not long ago he was shown copies of the New York World carrying pictures of riots, revolution, and lawlessness in the streets of Moscow, and that the reports and pictures were all untrue, as he was in Moscow at the time, and all was quiet and peaceful and the streets were safer than those of most American cities. He closed with a plea to the Communist Party to make comrades of all men of all races.

"The last speaker was Maximo Lira, of Indiana Harbor, a Mexican who spoke Spanish. I was informed that his remarks were in substance that everyone should join the Workers' (Communist) Party, especially citizens of the Latin-American countries.

"A collection was then taken up, amounting to about $60.

"Paul Glaser was present and made his presence known by being very conspicuous. I am informed that he intends to start a school in Chicago to educate radicals in the fundamentals of communism."

EXHIBIT D IN RE COMMUNIST ACTIVITIES IN THE UNITED STATES

Report made by an adviser attending a Lenin memorial meeting at Chicago, Sunday night, January 23, 1927 (see also Exhibit C):

"The communists of Chicago held a meeting Sunday night, commemorating the third anniversary of the death of Nicolai Lenin. The meeting was held at the Ashland Auditorium, Van Buren Street and Ashland Avenue, and about 3,000 people attended. Arne Swabeck, organizer of Communist District No. 8, was chairman.

"Swabeck, in opening the meeting, eulogized Lenin and stated that the communist movement suffered a great loss when that great leader died. He referred to Lenin as the champion of champions of the workers, not only in Russia, but throughout the world.

"The first speaker was a man named D'Arcy, representing the Young Workers' League. D'Arcy stated that this league for young workers was the vanguard of the communist movement in every country, that the organization had 6,000,000 workers in the movement, that wherever there were any signs of revolution, the members of the Young Workers' League were always taking the lead. For example, in China to-day all the young students that are leading the fighting are members of the Young Workers' branch of the Communist Party, and are a part of the Communist International of Moscow. He said that all the strategy is worked out in Moscow, and he urged every young worker in this country to enroll his name in the Young Workers' League, in order to combat the capitalists of Wall Street. He stated that if the workers of this country were again called upon to go to war, they should refuse to take up arms against the workers of any other country.

"Jay Lovestone, a member of the central executive committee of the Workers' Party, was the next speaker. He stated that only a day or two ago Secretary of State Kellogg paid him a high compliment by reporting that he (Lovestone) had just returned from Mexico, and that all the trouble in Mexico was due to communist propaganda. By inference, Lovestone stated, Kellogg gave him credit for all the turmoil in Mexico. As a matter of fact, Lovestone said, Kellogg was "talking through his hat," as he (Lovestone) was not in Mexico at all, but had just returned from Russia, where for the last two months he was attending the Russian congress in Moscow as a delegate from the Workers' (Communist) Party of America. Lovestone said that he had been in Russia a good many times, and every time he goes there, he finds conditions greatly improved. He notices, especially in Europe, that the revolutionary movement is growing stronger every day, and by the looks of things at the present time, he would not be surprised if the year 1927 would be the best year yet for revolutionary propaganda among the workers. He said trouble was brewing in nearly every country in Europe and Latin America, and that the communist international was back of every bit of the propaganda, including that being circulated in Mexico. He said that if a revolution came in America, the communist international would also be back of it. He said that if the workers of China, or of Latin America take up arms against capitalism in their respective countries, the workers of the United States should do all they can to see that their fellow workers in these foreign countries win the revolution; that eventually the workers will prevail, as Soviet Russia and China can raise 55,000,000 soldiers, whereas the rest of the capitalist countries of the world could not raise more than 40,000,000.

"Chairman Arne Swabeck read a resolution reciting that the Workers of America had no concern in Nicaragua and Mexico and that the capitalistic Government of the United States keep out and not interfere with these countries or with China. This resolution was unanimously adopted.

EXHIBIT E IN RE COMMUNIST SYSTEM OF ORGANIZING AND OPERATING SHOP NUCLEI

Taken from the Daily Worker of May 2, 1926:

"Propaganda in shops: The shop nucleus form means that every member of the party becomes an active member and a propagandist among the nonparty workers with whom he comes in contact in the shop. Propaganda ceases to be the function of a few leading individuals and becomes a function of the entire party.

"Methods of work: There are two incorrect extremes in work in the shop. The comrade who gets a job at 8 a. m. and is called 'Trotsky' by his companions at 10 and is fired by the boss at 12 His spirit is good, but he does not know how to carry on communist work. Then there is the comrade who works 30 years in the shop and even the other party members do not know that he is a party member. He is much worse than the first type. Our work must be done in such a way that it is not easy for the boss to discover who is doing it, and fire him, but at all costs the work must be done.

"Methods of approach: Connect all your propaganda with the shop problems. Utilize everything that comes up in the shop for your propaganda. Start with the particular happening in the shop, and then gradually broaden out the issue. In your personal propaganda with each worker make it your business to know his personal life, his experiences, feelings, interests, etc. Individuals differ greatly, and the same abstract propaganda can not be used for all. For example, even the love of music that a worker may have, and there are very many such, can be utilized. When the party arranges a mass meeting that has an attractive musical program get him to attend the meeting on the basis of the program.

"Distribution of literature: Circulars, leaflets, and factory papers should be distributed with caution. If the boss sees you handing them out, that is the end of your work in the shop. There are many ways to overcome this. For example, leaflets, shop papers, can be dropped into lockers, stuffed into overcoats, posted up in the toilets, left lying around where they will be picked up, and they can be distributed by outsiders at noon hour and at closing time.

"Members of the international branch of your subsection or workers of other factories can be used in front of your factory for this purpose. Another way to distribute circulars so that you shall not be reported as a 'bolshevik' is to come in with a circular and say that it was handed to you in the street.

"Pamphlets: In selling or distributing pamphlets they should be selected for their simplicity, timeliness, and interest to workers. Talk to the workers on current topics of interest, then volunteer to get him a phamphlet that will tell him more about the subject. Become a literature agent to him by always offering to get him any literature he may desire. If he says he has no money, tell him he will pay you on pay day.

"Party press: The proper way to distribute the party press in the shop is to make it interesting to the workers. The key to that is workers' correspondence. Some one in the shop must write an article dealing with the shop in the Daily Worker and other party papers, then order enough copies and tell the workers you have just discovered an article about your shop in the Daily Worker. He will be interested in the paper and the article that deals with his shop.

"Meetings: An important advantage of the shop nucleus form is that we no longer need have meetings where we speak to the same audience—the convinced communist. The shop nucleus should bring the nonparty worker from the shop to the meeting. At the same time care must be exercised in inviting workers to meetings, and a worker to be invited to an open nucleus meeting must be invited with the approval of the entire nucleus. Invite nonparty members to all mass meetings.

"Union organization: The shop and the shop committee are the best organization centers. In urging organization explain how the union can remedy the abuses and help in the particular problems found in your shop. If your shop is already unionized and there is a right and left wing in the union, do not wait until you get to the union meeting to talk about them. Talk about the left-wing issues in the shop and tie them up with shop problems.

"Shop committees: Where you have a shop committee do as much as possible through the shop committee. Initiate problems; be the first to point them out and the first to suggest practical remedies. Work through your shop faction (the nucleus) in the shop meeting and through your party faction in the shop committee. Take up shop problems first. Do not omit party campaigns but base them on and connect them with the concrete problems in the shop. Distribute literature at the shop meetings. Where there is no shop committee point out the advantages and agitate for it. Take the most reliable workers from all departments and discuss with them the shop problems and tell them to discuss in their departments. Thus you will form an unofficial shop committee which in need will become a real shop committee.

"Recruiting: Select the best elements in the shop and invite them to study at the workers' school or section classes in the neighborhood. Try to recruit the best elements into the party.

EXHIBIT F, SHOWING SYSTEM EMPLOYED TO CORRUPT LABOR UNIONS

[Extracts from a resolution of the Workers (Communist) Party of America adopted at its convention held in Chicago, August, 1925]

The main tasks of the party in the trade-unions are—

1. The revolutionizing of the existing unions through strengthening and organizing the left wing of the unions by bringing all the proletarian elements of the party into the unions, by the organization of trade-union factions, the building up of the Trade Union Educational League, and the stimulation of the organization of the progressive opposition bloc.

2. The organization of the unorganized by the strengthening of the existing organizations, the creation of new unions in industries where none exist, the building of shop committees, and the utilization of the shop nuclei as points for inaugurating campaigns to organize the unorganized.

3. The unification of the trade-union movement by the stimulation of the campaign to amalgamate the craft unions into industrial organizations.

The party organization for the carrying on of the trade-union work is still in a primitive and undeveloped state. Considerable improvement has been made during the past year or so. The industrial department has been definitely organized. The district organizers are sub-

mitting regular monthly reports and are devoting more and more attention to the work in the trade-unions in their respective localities. But only a start has been made. Our system of party factions in the unions is still weak and scattering. The Trade Union Educational League groups exist only in the more important industrial centers. The situation must be remedied, and for this purpose a whole series of organizational measures are necessary. We must look forward to the creation of effective factions and Trade Union Educational League groups in all unions and in all industrial centers.

While putting into effect the following organizational measures and in carrying out the trade-union program of the party generally a constant campaign must be prosecuted to awaken the membership to the vital importance of winning over the masses of workers now organized in the trade-unions. Any tendency to consider work in the trade-unions as in some way secondary or unimportant must be ruthlessly liquidated. Likewise, all tendencies such as to consider party work in the trade-unions a function of a specially selected section of our party or the labeling of party activities in the trade-unions as syndicalistic must be vigorously fought against. Because of an insufficient understanding of its importance, the trade-union work has often suffered in the factional fighting in the party.

(A) BRINGING THE MEMBERSHIP INTO THE UNION

The party shall require all its proletarian members to join trade-unions, using the sharpest disciplinary measures, if necessary, to bring this about. To facilitate this there shall be in each nucleus, branch, C. C. C., D. E. C., and other party units specific comrades charged with the responsibility of supervising the trade-union work of the party in their respective spheres.

(B) TRADE-UNION FACTIONS

While building and strengthening the unions, educating the rank and file, fighting the corrupt bureaucracy, and the employers, the Communists must not fail to thoroughly organize themselves to secure leadership over the trade-union masses. This is to be accomplished through party factions. At present the factions in trade-unions are weak and inadequate. The party must devote major attention to their extension and strengthening. The district organizers shall be held directly responsible, in conjunction with the industrial department, for the building of the trade-union factions in the various industrial centers and unions.

EXHIBIT G, SHOWING COMMUNIST SYSTEM OF GAINING CONTROL OF LABOR ORGANIZATIONS

The following is extracted from a Communist document issued in the spring of 1926 entitled "Trade-union Problems and Reorganization":

"The question of drawing the party members into the trade-unions is before every party committee, before every party unit, every party conference. It has been before the party membership for a considerable time, but the progress of 'unionizing' the party is a slow one. Some of the comrades are getting impatient and suggest the adoption of drastic disciplinary measures. 'Ideological preparation of membership—we had enough of it,' they say, 'it's time some other measures be adopted.' Correct. But not measures of mechanical compulsion.

"With the reorganization of the party the problem of drawing the party membership into the trade-unions assumes a new aspect. The reorganization placed before the party the question of activities in the shops among the masses of the unorganized workers. And the first word that the party naturally speaks to these workers after analyzing their conditions is, 'Organize!' In this situation the demand to join the trade-unions becomes for the party members a concrete one, a question of action, a question of participating in the struggles of the unorganized workers for organization. An illustration? Passaic. The textile workers, members of the party in Passaic, hardly needed any disciplinary measures to compel them to participate in the struggles for better conditions and for organization.

"Another illustration: At the recent organization conference of the party in Chicago, in the course of discussion of the trade-union question, one of the comrades related how recently some of the party members in Chicago, millinery workers, enthusiastically joined the trade-union during a drive to unionize the millinery shops. While this interesting experience did not arouse any discussion, yet, in our opinion, it touches the very heart of the problem of the 'unionization' of the party.

"The campaign for drawing the party members into the trade-unions will become a real and a live issue for the membership only when connected with the struggles of the workers, with the struggles of the unorganized workers for better conditions and for organization.

"The reorganization of the party was a revolutionary change; it shook up the party; it placed the membership face to face with new and increased responsibilities, with new problems, new methods of activity. But it is becoming ever clearer that as the party overcomes the difficulties and gradually solves the problems of the reorganization, and especially as it succeeds in drawing the membership into mass activities in the shops, it is becoming ever clearer that because of the reorganization and through it many vexing problem (which in the past appeared almost unsolvable) will be solved the problem of drawing the membership into the trade-unions. The party is an inseparable part of the working class; its every problem is related to the problems of the entire working class and must be solved as related to the problems and struggles of the entire working class. The reorganization of the party has made this exceedingly clear.

"We can, therefore, look forward with confidence to the solution of the problem of drawing the party members into the trade-unions and trade-union activities.

"Our methods of solving the trade-union problem must be: Activization of the shop and street nuclei, demand discipline and activity on the part of every member of the party, develop the organization campaigns of the trade-unions, increase pressure on the trade-union bureaucracy for the organization of the unorganized."

EXHIBIT H

To use women in all forms of subversive and radical activities has long been the program of such movements. The communists have not overlooked the women whom they are using to the limit of their ability. The following is a resolution of the Workers (Communist) Party of America at its last convention, held in Chicago in August, 1925:

"1. In order to unite the work of the women factory circles and the housewife circles, conferences of working-class women shall be called.

"2. These conferences shall be held periodically at least once a month, and shall discuss and act upon all problems arising out of the lives of the working women.

"3. The conference of working women shall consist of (a) women employed in shops, factories, stores, etc.; (b) local trade unions consisting wholly or partly of working women; and (c) organizations of working-class housewives.

"4. These conferences shall elect executive committees to carry on the work between the meetings of the conferences. These committees shall be known as committees of working women.

"5. The following is to be the basis of the program of the conferences of working women:

"(a) To carry on an active campaign to unionize the working women

"(b) To fight for equal pay for equal work.

"(c) To combat child labor.

"(d) To encourage and assist working women to become citizens of the United States.

"(e) To fight for Government maintenance of working mothers for a specific period of time before and after childbirth.

"(f) To develop political consciousness and activity among working women.

"(g) To participate in all struggles of the workers jointly with other labor organizations.

"(h) To provide for the educational, cultural, and social needs of the working-class housewives.

"(i) To render material and moral support to workers engaged in struggles against capitalists. (Relief in time of strikes, lockouts, etc.)

"(j) To combat the high cost of living.

"(k) To fight for better housing facilities for the workers.

"(l) To fight for better sanitary, fire-prevention, and educational facilities for working-class quarters.

"(m) To fight for Government maintenance of the school children of the workers.

"(n) To participate in all struggles of the workers jointly with other labor organizations.

"6. These conferences shall be called in each locality by a special committee to be known as the provisional committee of the conference of working women. The provisional committee is to be made up of men and women engaged in or otherwise connected with the struggle of the working women.

"7. Such provisional committees shall be established immediately. Before calling the conference, a widespread agitation must be carried on among women in the shops, factories, stores, and in the unions, popularizing the task of these conferences."

EXHIBIT I, SHOWING THE COMMUNIST PROGRAM AGAINST PREPAREDNESS AND TO BREAK DOWN THE MORALE OF THE SOLDIERS AND SAILORS

[Extracts from a communist doctrine entitled "Immediate Demands for Soldiers and Sailors," first circulated in the United States early in 1925]

Political demands: (a) The right to join trade-unions and the right to form and join soldiers' and sailors' unions.

(b) The right to elect regimental battalion and company committees to represent soldiers' and airmen's grievances on questions of legal rights, punishment, leave, working hours, and barrack accommodations.

(c) Lowering of the voting age from 21 to 18 years for soldiers of all ranks. Right of all soldiers over 18 years to be elected to Congress and public bodies.

(d) The right to join political parties and to organize branches of these parties in the Army and the right to attend political meetings and demonstrations.

(e) No compulsory church attendance.

Legal rights: (a) No military intervention during industrial disputes.

(b) Abolition of court-martial; military courts to be organized on the basis of an elected jury composed of three soldiers, one noncommissioned officer, and one officer. Right of appeal to civil courts. Abolition of death penalty.

(c) Drastic modification of punishments. Right of appeal to the military court (above mentioned) in cases of all punishment exceeding three days c. b., or equivalent.

Pay: (a) Pay must be fixed according to actual living expenses. Immediate proportionate increases for all noncommissioned grades.

(b) All married soldiers to receive marriage allowances. Abolition of regulation which only entitles soldiers of 26 years of age and over to this allowance.

(c) Special pay for Sunday or general holiday duties, for compulsory or necessary fatigues, for special ceremonial parades and guards occurring outside the ordinary duties.

(d) Increase in overseas-service allowances.

Leave: (a) Right to proceed on pass—without ration allowance—once every week end when not actually detailed for duty. Right to an "early Friday to late Monday" pass at least once a month.

(b) Right to wear civilian clothes outside barracks or camp, whether on leave or "walking out."

Terms of service: (a) Much shorter terms of service with the colors, which will allow soldiers to return to civil life.

(b) Time of service limited to eight hours per day, covering all duties.

(c) Time served in detention barracks to be included in service period.

Trade training: (a) All trade training to be thorough and complete and conducted by qualified civilian instructors and to be under the control of the trade unions.

(b) Full trade-union rates for soldiers in the military workshops.

Food and accommodation: (a) Elected representatives of soldiers to participate in control of food supplies, with facilities for obtaining the advice of medical experts. Military canteens to be controlled in the same way. Control of the central Navy, Army, and air-force institute to be in the hands of an elected board in the ratio of one officer, one noncommissioned officer, and three other ranks.

Cultural demands: (a) Right to form clubs and organizations for enjoyment of spare time. Provision of commodious reading rooms and libraries. Abolition of Y. M. C. A., church, Army, and other propaganda institutions.

(b) Right of military sports organizations to affiliate with whatever organizations they choose.

Pensions: (a) An all-around increase of pensions and provisions of pensions for widows.

EXHIBIT J, SHOWING COMMUNIST CONNECTION AND BACKING OF THE PROPAGANDA OF "IMPERIALISM"

[Resolution of the central executive committee of the Communist Party of America, adopted at a meeting November 11–12, 1926, in which reference is made to its "anti-imperialistic" policy]

The tasks of our party at the present time, as set forth in the resolution of the political committee, are those presented by the conditions of imperialism. American imperialism is able to win over large sections of the American workers by sharing with them a small part of superprofits and continues to extend its hegemony in foreign fields. However, the steady expansion of American capitalism upon an imperialist basis is accompanied by the enormous extension of the vulnerable surface which it presents to attack. Recent months have furnished striking evidence of the widespread movement for Latin-America unity against Wall Street. We cite particularly the present attitude of the Calles government in Mexico—its general Latin Americanism, its policy in Central America, its tendency toward cooperation with the All-American Anti-Imperialist League, and the decision of President Calles to send a personal representative to the Brussels world conference against imperialism.

Significant also are the developments of the Chinese national revolutionary movement, with its undoubted revolutionizing influence upon the Philippine independence movement, all the growth of the tendency toward an intercapitalistic front, with signs of a European debtor bloc coming into being against the United States.

The comintern has repeatedly indicated that a basic task of any party situated in an imperialist country is to stimulate and give aid to the nationalist and national revolutionary movements in the colonial and semicolonial countries under the heel of imperialism. This, together with the work among the American masses, form the basis of our party work. While our party has made considerable progress in anti-imperialist work, it is still far from a proper realization of the importance of this work. A far greater proportion of the party's resources must be utilized in anti-imperialist activities. District executive committees must have standing subcommittees on anti-imperialist activity, and these must be directed by capable comrades. The party machinery on a district, as well as a national scale, must be drawn into this work.

The anti-imperialist work has been greatly hampered by lack of sufficient comrades. The party must take measures to create and train a corps of comrades engaged directly in anti-imperialist work.

In spite of many handicaps we have done much to build the All-American Anti-Imperialist League into an organization engaged in actual struggle against imperialism. We have carried on systematic work inside of the Pan American Federation of Labor and have achieved some valuable results there. We have participated in work against United States imperialism in a number of Latin-American countries, notably Mexico, Porto Rico, Cuba, Panama, and Peru. We have also established some contact with the Philippine independence movement, although we have yet to establish our own nucleus there.

The main task for the period immediately ahead is the building of a substantial section of the All-American Anti-Imperialist League in the United States itself. This will be accomplished through the affiliation of groups organized around specific issues, such as hands-off-Mexico committees, etc. The Workers (Communist) Party must remain the central factor in the United States section of the All-American Anti-Imperialist League, grouping around itself as closely as possible other working-class organizations.

No effort must be spared to make successful the conference for Filipino independence, which is to meet at Washington, D. C., in accordance with the call sent out by the All-American Anti-Imperialist League in collaboration with other groups. With the cause of Filipino independence facing a serious crisis, and the communists appearing for the first time as the leaders of the whole movement in the United States for unqualified independence of the Philippines, the conference presents a valuable opportunity which, if followed up, will lead to direct results for us in the Philippine Islands.

The importance for our party of contact with the world-wide movement against imperialism can not be overestimated. Our party must make every effort to insure the sending of an appreciable delegation from the United States to the World Congress Against Imperialism, which is to meet in Brussels in January, of 1927.

EXHIBIT K, SHOWING THE WORKERS (COMMUNIST) PARTY OF AMERICA TO BE MERELY A BRANCH OF THE COMMUNIST INTERNATIONALE

The following is quoted from the "Program and Constitution of the Workers (Communist) Party of America," issued under the direction of the central executive committee of that organization, 1926:

"The Communist Internationale is an organization for waging class warfare for the liberation of the working class; there can be no reservation in the indorsement and affiliation with it. * * * Indorsement and defense of Soviet Russia with failure to advocate the soviet form of proletarian dictatorship in the United States is hypocrisy. * * * The Communist Internationale alone conducts the struggles of the proletarian for its emancipation. * * * The proletariat must destroy the bourgeois state.

"The Communist Party of America, the revolutionary vanguard of the proletarian movement, calls upon those of the toiling and exploited masses who accept the principles and tactics to join the ranks. * * *

"By the use of force the proletariat destroys the machinery of the bourgeois state and establishes the proletarian dictatorship based on soviet power. * * *

"The object of the class struggle, which inevitably develops into a civil war, is the conquest of political power. * * * The Communist Party of America section of the Communist Internationale is that part of the working class which is most advanced, intelligent, self-sacrificing, and class conscious. It is, therefore, the most revolutionary part of the working class. * * *

"The revolutionary epoch upon which the world has now entered forces the proletariat to resort to militant methods—mass action, leading to direct collision with the bourgeois state. Mass action culminates in armed insurrection and civil war. * * * There can be nothing else but a direct struggle between the armed forces of the capitalist on the one hand and the armed forces of the proletariat revolution on the other. In these mass strikes and demonstrations large masses of workers are united. New tactics and a new idealogy are developed. As these strikes grow in number and intensity they acquire political character through the unavoidable collision and open combat with the capitalist state which openly employs all its machinery to break their strikes and crush the workers' organizations. The final result is aimed directly at the destruction of the capitalist state and the establishment of the proletarian dictatorship. This object can not be obtained unless the entire management is under the control and guidance of the Communist Party.

"The Communist Party will keep in the foreground the idea of the necessity of violent revolution for the destruction of the capitalist state and the establishment of the dictatorship of the proletariat, based on soviet power.

"The Communist Party will systematically and persistently propagate the idea of the inevitability of, and necessity for, violent revolution, and will prepare the workers for armed insurrection as the only means of overthrowing the capitalist state."

EXHIBIT L IN RE COMMUNIST PROPAGANDA ON "IMPERIALISM" AND AGAINST AMERICAN DEFENSE

The below is a copy of a circular issued and widely distributed by the Workers (Communist) Party of America and the Workers League of America in June, 1925, against Defense Day:

"Don't mobilize for Morgan.

"This is anti-imperialistic week.

"America's Independence Day is not to be surrendered to the capitalists and the militaristic freebooters after all.

"A new factor has appeared upon the scene, the All-America Anti-Imperialistic League, which has answered President Coolidge's proclamation of 'mobilization day' by a counter proclamation declaring the week of June 29 to July 4 to be 'anti-imperialistic week' throughout America. Representing predominantly national liberation, labor, and student organizations of Latin America, the league has issued a call to all anti-imperialist elements to unite in making 'anti-imperialist week' a mighty demonstration of international solidarity against American imperialism.

"Especially to you, exploited workers of the United States, is the call directed. Let us respond as one man in the name of the common exploitation that weighs us down.

"This week ending July 4 is anti-imperialist week!

"As our great 'national holiday,' the Fourth of July, approaches, we have less and less reason to make it an occasion for glorifying American capitalistic rule, in accordance with the proclamation of President Coolidge. The conditions of the working class are far from what might be expected from the fact that in the vaults of the American bankers lies more than half the gold in the world.

"Insufficient wages and long hours of toil are the rule of the day in every field; all pretense of maintaining an 8-hour work day has been laid aside. But that is not the worst. Unemployment has again laid its dread hand on the industries of the United States. More than 2,000,000 workers are walking the streets in a vain search for a job which will pay them enough to get food and shelter for their families. Moreover, the unemployment roll is swelling. Men who are working to-day live in constant fear that they will be laid off to-morrow.

"The uncertainty is the mark of wage slavery. It is due to the fact that though the worker is the backbone of industry the factory does not belong to him, even after he has given the better part of his life to it. It belongs to the capitalist, who 'provides work' only so long as it is profitable for him to do so.

"What we are now witnessing is a permanent increase in the army of unemployment.

"The profits of the bosses are greater than ever. At the beginning of 1925, 81 industrial corporations reported undivided surplus profits of $1,652,057,381. Monopoly profits may be realized, because every important industry in the land is dominated by a handful of individuals. There is the Oil Trust, the Steel Trust, the Copper Trust, the Electric Trust, the Sugar Trust, the Meat Trust. All that is left of competition on a large scale is the competition of the workers for jobs.

"When the workers combine to improve their conditions, they are greeted with police clubs. If they initiate a big strike, the militia may be called out against them. Injunctions are issued. Meetings are broken up. Strike leaders are arrested.

"For the Government is on the side of the bosses. This means that a handful of monopolists, who control American industry, also control the Federal Government. The policy of the Government is their policy. The power of the Government is theirs to utilize as they see fit—now in West Virginia, against the striking coal miners; now in far-off China, against the natives who revolt against foreign profit intervention.

"It is they who are behind the scheme of general mobilization on July 4. The real decision was reached, not in Washington but in Wall Street.

"Most powerful of all the trusts is the Money Trust, the narrow ring of bankers who control the flow of capital to modern large-scale industry and who make up the ruling obligarchy in our country. If the profits of ordinary monopoly are large, those of the important bankers are truly fabulous. Only a few days ago it was officially announced that the First National Bank of New York is on a dividend basis of 25 per cent quarterly, which means that the fortunate holders of bank stocks are to receive dividends equal to 100 per cent on their capital each year.

"In fact, the capital of the financial kings is increasing so rapidly that they can not find place in the United States to reinvest all of it.

"They cast their eyes abroad, to the so-called backward countries, where raw materials abound, where labor power is dirt cheap and land can be had for next to nothing. Confirmed monopolies, they seek to monopolize the oil of Mexico and Venezuela, the nitrates of Chile, the metals of Bolivia, as well as the virgin investment areas themselves. They even stretch their hands out for Europe through the medium of the Dawes plan.

"The natives (of foreign countries) must be 'colonialized'; that is, they must be virtually enslaved. Wall Street has the armed might of the United States Government at its disposal for this purpose. Many a Yankee soldier has been sent out to Haiti or Central America to fight and die for the National City Bank.

"In China to-day American troops are taking a leading part in the latest outrages against the Chinese people, which have as their purpose the redivision of China among robber imperialists. This is the capitalism of to-day. It is imperialism.

"Imperialism is the final stage of capitalism, resting on the system of wage slavery in the home country and bringing with it new and greater sufferings for the workers.

"Imperialism forces down the standard of living of the workers of the United States, because of the competition with the labor of more backward countries.

"It increases the insecurity of the working class family, makes unemployment a permanent plague.

"It allows bosses to ignore the demands of the workers by simply shutting down plants and shifting production to some other territory.

"It greatly intensifies the class struggle, at the same time opposing the poorly organized workers to a powerful, closely knit ring of finance—monopolists.

"It increases the size and mobility of the military forces to be used against the workers in industrial struggles.

"It results in devastating wars—the bloodiest and most tremendous wars the world has ever seen—tearing the workers from their families and sending them to kill and be killed on foreign battle fields, for the sake of the money kings.

"War is one of the regular forms of competition between the great militarized imperial trusts of modern capitalism. The imperialists of the United States, eagerly striving to force open the already closed door to the treasure house of China, come into open contact with the Japanese imperialists and the British imperialists. In making use of the Monroe doctrine to keep the door closed upon Standard Oil's domination of the petroleum resources of Latin America, they clash directly with the British imperialists who also want to monopolize this petroleum for their own purposes. There are a hundred and one other points of conflict, all of them leading the way to inevitable war.

"The next war is just around the corner.

"Wall Street wants war, and wants it soon, because it feels that it is now in a position to annihilate its strongest rivals.

"Hence the great propaganda against the 'yellow peril' and for 'white supremacy' in the Pacific. Hence the 'friendly' maneuvers of the United States fleet in far off Eastern waters. Hence the widespread development of military training camps. Hence the drilling and training of workers' children in the public schools.

"Hence President Coolidge's call for a general mobilization on July 4, the innocent 'defense test'—to test the willingness of the American workers to defend Morgan's investments in Europe, Latin America, and the Far East.

"The American workers must answer this call with a loud 'No'!

"We must refuse to 'mobilize' for Morgan's next war!

"Let us mobilize, not for Morgan, but against Morgan!

"The proclamation of the All-American Anti-Imperialist League points the way.

"The American trade-unions should be the first to take up the vital struggle of the workers against imperialism. Many of them have already shown their determination to do this. But the bureaucratic officialdom of the trade-unions is not anti-imperialist, but proimperialist. The complacent $10,000-a-year labor leaders are themselves enjoying the fruits of imperialism; the extravagant profits wrung from the toil of colonial and semicolonial peoples enables the imperialists to share a small portion with the so-called aristocracy of labor, a form of bribe money of which the labor fakers are the first to take advantage.

"These 'labor leaders' do not live the lives of workers. They do not represent the interests of the workers. They interfere with every attempt to strengthen the unions by amalgamation.

"They sabotage the movement for the formation of a labor party to give political expression to the workers against the political parties of the bosses.

"They lead the workers to the slaughter whenever a new imperialist profit war breaks out.

"It is from the rank and file of the trade unions that the struggle against capitalist exploitation gets its urge.

"The American workers have one staunch ally, Soviet Russia, which has already vanquished capitalist rule over one-sixth of the surface of the earth and which is bound by ties of revolutionary solidarity to the working-class movement everywhere.

"Another trustworthy ally is the oppressed colonial and semicolonial peoples, the victims of American imperialism in Hawaii and the Philippines, in Porto Rico, in Haiti and Santo Domingo, in Cuba, in Mexico, in Central America, in Venezuela, in Bolivia and Peru.

"These people pay toll to Wall Street no less than we. They are the worst exploited of all. And they are struggling to be free.

"The separate struggles for national liberation have now been united, through the formation of the All-America Anti-Imperialist League, which the American workers have also been invited to join.

"It has put the workers of the United States before a test which is far more direct than President Coolidge's 'election test.' With the United States troops actually occupying foreign territory, the supreme test of the sincerity of every class-conscious worker in this country is militant opposition to American imperialism.

"The week of June 29 to July 4 will be anti-imperialist week throughout the American continent. There is to be a solid week of protest and propaganda in every Latin-American country.

"'Anti-imperialist week' must be celebrated still more widely, still more militantly in the United States itself by American workers.

"The revolutionary working class must be the champion of every oppressed people. Our dead comrade, Lenin, emphasized time and again that no people can be free that oppressed others. The struggle of the American workers and that of the oppressed nations is one.

"The capitalists realize this full well, as is shown by their treatment of the brave soldiers, Paul Crouch and Walter Trumbull, who dared to form a communist organization in the imperial domain of Hawaii.

"The Workers (Communist) Party of America takes up the call of the All-America Anti-Imperialist League in a spirit of comradeship and revolutionary duty. Our party will do everything in its power to make the anti-imperialist week a real mobilization of anti-imperialist forces in this country. Every unit of the party will take part in it. Our publications will issue special 'anti-imperialist' editions. To all working-class organizations we appeal to unite with us in joint mass meetings and demonstrations during anti-imperialist week. We invite the trade-unions, the Socialist Party, the Industrial Workers of the World, the Proletarian Party, and all Farmer-Labor Parties to present a common front with us on this issue.

"We invite negroes and representatives of negro organizations to speak with us from the same platform.

"They are fighting our enemy, American capitalism, on the 'foreign front.'

"The paid press agents of imperialism tell us that the United States has entered these territories 'for their own good,' that American rule is beneficial, that the natives like it, and that 'only a discordant minority' opposes. This is the hypocritical language of imperialism—the same as that used by the British imperialists in India and by profit-seeking imperialists everywhere. What are the facts?

"The Filipino voters have time after time demanded immediate independence from the United States. Both Houses of the Filipino Congress are completely in the hands of the Independence Party, led by Manuel Quezon, who has just scored another overwhelming victory at the polls; Porto Rico has already forced the recall of one American Governor General, and against the open hostility of American officials, has kept in office a legislature elected on a platform of national independence.

"The people of Haiti and Central America have used every means to free themselves.

"And especially do we extend our fraternal appeal to all members of the Chinese Kuo-Min-Tang Party and to Filipinos and Latin-Americans in the United States.

"A united struggle of the working class with all the oppressed peoples of the world will put an end to capitalist rule and usher in the dawn of a society free from oppression of class by class, or race by race, or nation by nation.

"We call upon the American workers to demand:

"Unconditional independence for the Philippines, Hawaii, and Porto Rico!

"Withdrawal of all American military and naval forces from China!

"Withdrawal of all American military forces from Latin-America!

"Hands off Mexico!

"Down with the Dawes plan, Wall Street's scheme for enslaving American and European workers alike!

"Equal rights for negroes with whites!

"Unconditional release for Crouch and Trumbull, victims of American imperialism!

"Enter the American political struggle as a class and form a labor party.

"WORKERS' PARTY OF AMERICA,
"WILLIAM Z. FOSTER, *Chairman*,
"C. E. RUTHENBERG, *Executive Secretary*.
"YOUNG WORKERS LEAGUE OF AMERICA,
"JOHN WILLIAMSON, *Secretary*."

EXHIBIT M IN RE "HANDS OFF" PROPAGANDA

The following is an account of a meeting of communists held at Cleveland late in July, 1925. (See also Exhibit N.) The Ben Gitlow mentioned as the speaker was convicted of criminal syndicalism in New York, but pardoned by Governor Smith. Gitlow is a director of the Garland fund, to which reference was made in the address.

Introducing Gitlow, Swabeck, in part, said:

"'I now have the best part of this program to announce. We have with us to-day a man who is in every way a real communist—a communist in deed and action, a comrade who, though bitterly persecuted by a ruthless government, has never stopped fighting; a comrade who, when sentenced to a long term in Sing Sing Penitentiary, served that sentence and never dropped the red flag of the workers, but kept up the fight and was still fighting when he came from prison; a comrade who has again been sentenced to that same hell-hole for another long term; and a comrade who, in spite of the fact that he must go back to prison, is still fighting and will go on fighting until he dies! Comrade Gitlow.' [Long and sustained applause.]

"Gitlow took the stand amid cheers and vigorous applause. He started to speak, when a group of Jews stood up and started singing the International in Jewish. Everybody stood up until the song was finished. The high lights of Gitlow's speech follow:

"'As I look on this audience to-day and note the fact that at least 18 races are represented here, and see a white man, a colored man, and a Chinese on the speakers' stand, my greatest wish is that the House of Rockefeller, the House of Morgan, and Czar Mellon, of Pittsburgh, might be here and realize just what is happening; that they might see this example of true international communism. They would see represented here all the downtrodden and oppressed races. * * *

"'A representative of the colored race spoke. Do you know that there are 12,000,000 colored people in the United States, and that they are denied all rights due them? Twelve million! Just think what they could do if they were solidified into one militant organization. That time is coming. The big labor organizations are being forced to recognize them and are making a bid for their support. They will be a big factor in the coming revolution. * * * They are learning a bitter lesson now, where, in West Virginia, in company with white workers, they are being thrown into jail for peacefully picketing scab mines. * * * In the Pittsburgh district Czar Mellon has said, "If you will not work, you can starve," and proceeded to close down 52 mines, throwing out of work 14,000 miners with wives and children to support. * * * This Government which claims to be the champion of the oppressed people sends its warships and troops to China, but do they send them to aid the oppressed workmen in China? The Chinese coolies lying in their own blood in the streets of Shanghai is the answer to that question. * * *

"'They "spout" about their territorial rights; their rights—what rights have they in China? Who gave them any rights? Did China ask them to come? No. There are over 100,000,000 people in this country, and 99 per cent of them will never see China. I am sure I have no rights there. * * * The other foreign powers have no rights in China, and when they are talking of rights—the only right thing to do is for all foreign powers to withdraw from China and keep their hands off China. * * *

"'The tide of rebellion is relentlessly arising in China and the Kuo-Min-Tang Party is leading it. The only nation that is not demanding any rights in China, the only nation that is truly a friend of China, the only nation that stands to help China in this crisis is the Soviet Republic of Russia—the Soviet Republic of Russia with 160,000,000 of militant workers. * * * China has 500,000,000 people, and when the Kuo-Min-Tang Party, backed by the communists in Russia, come into power, and those 500,000,000 people become militant, disciplined workers and soldiers, then will the rest of the world look out, for communism will rule the world, and we will have a real proletarianism of the workers of the world. * * *

"'The conditions which exist in China we find all over the world; in Morocco, France is vainly trying to force her imperialism down the throats of the militant Riffs; in Africa and India millions slave under the ruthless heel of British imperialistic domination; in Haiti, Santo Domingo, the United States marines force the helpless natives to bow by force of arms to the dictates of Wall Street. What right has this Nation to dictate to Haiti or Santo Domingo? None. In this vast country there is room for all, and there is no need for us to attempt to acquire extra territory or to infringe on the rights of the workers of other nations; and I say, Haiti for the Haitians, Morocco for the Moroccans, China for the Chinese; let the imperialistic nations keep their hands off China, hands off Morocco, hands off Haiti, hands off Santo Domingo; down with imperialism and up with the red flag of the Soviet Republic of the World.'"

EXHIBIT N IN RE "HANDS OFF" PROPAGANDA

The propaganda of "hands off" China, Mexico, Nicaragua, and other countries where the communists have been sowing their seeds of revolution is not new. The below is a report of a communist gathering in Pittsburgh late in July, 1925. The report follows:

"Among the speakers was a Chinese communist. Chairman Arne Swabeck, a well-known communist leader, in introducing him said:

"'For the first time in the history of the Communist Party in Pittsburgh, we have with us a representative of the Kuo-Min-Tang Party of China. This comrade is the local organizer of the Pittsburgh branch, and is a student here. He will give us a first-hand account

of the terrible condition which exists in China under the imperialist powers.'" [Loud applause greeted Chang as he took the floor.] He said in part:

"'I am very grateful for this most enthusiastic reception, and in return for the sympathy which you are showing, I do not know what to say or do, for I did not expect such sympathy. * * * I will tell you about the conditions as I know them in my own country. Confucius, our great Chinese philosopher, once stated in effect that "all men are brothers," and this is my belief—that all peoples are brothers and sisters, regardless of color or creed, and the students and workers that are being shot down in China are your brothers and sisters. * * *

"'Eighty-five years ago the Chinese door was opened to foreigners, and at that time exploitation of the Chinese people began. The imperialist powers were satisfied with little concessions at that time, but have increased their demands until they became so oppressive that they caused the condition which exists in China to-day. * * *

"'At first the Chinese people thought that the wrongs inflicted on them were not due to the governments involved, but to those in authority representing them in China. But as conditions grew worse and no attention was paid to the protests of our Government, we realized that the foreign powers were to blame. The Chinese are a very patient people, a very patient people. And we have been patient 85 years. * * * We are going to be patient no longer, and the organization of the Kuo-Min-Tang Party is proof. * * * The time has come when we must fight, fight, fight. [Loud applause, especially from the negroes, one behind shouting, "Yes; we will fight like h—."] Give us liberty or give us death. The Chinese worker must have liberty to-day. Men and women work in the foreign factories in the Shanghai district for periods of 12, 14, and 16 hours, for a wage insufficient to live on, and children 8 and 10 years of age work the same hours for half that wage. * * *

"'Under the leadership of the illustrious Dr. Sun Yat Sen the Kuo-Min-Tang Party was organized in China, and through this party the Chinese workers were educated in the principles upon which the party was based, and when the textile workers in the English factories struck for a living wage and the students showed their sympathy for this movement, the foreign powers became alarmed and took steps to put down this so-called rebellion. Students and workers were shot down in the streets of Canton and Shanghai. * * *

"'These events have turned the eyes of the world toward China where, under the leadership of the Kuo-Min-Tang, the Chinese workers are preparing to throw off the yoke of servitude they have borne for the last 85 years. * * * The Chinese are greatly misunderstood. It is thought that we do not like foreigners. We do like them and extend our hand in sympathy to them when their aims and ideals are the same as ours. The allied powers have abused our friendship. They have failed to give us, as you say, a "square deal," and the only answer to their actions is through the Kuo-Min-Tang Party who say to them—"Hands off China—Down with imperialism—Liberty and equality for all races."'" (A profound bow from the speaker, and prolonged and vigorous applause from the audience.)

EXHIBIT O IN RE COMMUNIST PURPOSES

The following are extracts from remarks of prominent Russian communists made public through official papers shortly after the printed announcement, in November of 1926, that the Soviet Republic would slow up on its program of confiscation and commence to recognize private property rights:

"Bukharin: Our revolution is the constructive part of the great international revolutionary process, which includes colonial wars and national revolutions, proletarian risings and incomplete proletarian revolutions, victorious revolutions and all the revolutions yet to come. These will come, for we have finally entered the era of wars and revolutions. * * * We are all here actual international revolutionaries, and we therefore do not shrink from a discussion of an attack against the capitalist countries. * * * For us our revolution is simply the center of a world revolution."

"Molotoff: We have always said, and we repeat to-day, that the ultimate victory of socialism is possible only on an international scale. * * * On the other hand, however, we must realize that the U. S. S. R. is surrounded by countries which are on a higher economic level than ourselves, and therefore the growth of socialism in our country is a powerful factor in encouraging revolution in other countries. With each new success in our own country we are helping the world revolution. * * * And, as a matter of fact, we are combining all our efforts in creating a socialist state here with the interests of the workers of the rest of the world and the proletarian revolution. This can be specially seen from the fact that we are combining our work in a real revolutionary manner with such basic movements in the world revolution as in Britain and in China. * * * The U. S. S. R., the rising British workers, and China's revolutionary forces are the three roads upon which world revolution is traveling toward victory. * * * The policy of the party is the policy of the victory of socialism in our country and at the same time a policy for the final victory of socialism on an international scale. The workers in other countries know that we are not bad internationalists; they know that we are Bolsheviks and that we work only in the interests of the international workers' revolution."

"Osinsky: It is correct to say that we are building socialism in one country not for ourselves alone, but that we are doing this in our country for all, for the whole world. We are building it on an economic basis, and therefore we are taking into consideration the needs of the proletariat in the rest of the world. All our experience will come in useful to them and they will make use of it. But not only in the economic sense, but in the political and military sense, everything that we are doing here and now will be of immense value to the world revolution. Even our military work will assist the world's workers in a practical sense. Who can thus without hesitation proclaim that we have erected here in Soviet Russia a fortress of socialist culture and that we are building socialism in our country, and that we are fighting for world socialism, and therefore we are doing a great work for the world revolution and for the world's proletariat."

"Pravda: We are building socialism in the U. S. S. R. because it is our first international duty. The victory of socialism here is the most correct and the most reliable means of carrying revolution by way of victories in the other countries of the world. Our peaceful gains may become the decisive factors in the most acute class battles for power which are being prepared in the west. This we must never forget. * * * The gigantic globe of world revolution is turning slowly but surely, year after year, toward us. The cataclysm in front of the capitalists is becoming blacker and blacker. The blows that are breaking the chains of slavery are becoming louder. And it is becoming clearer that the world is taking the road shown to it by our revolution."

EXHIBIT P, SHOWING CONDITIONS IN MEXICO AT THE PRESENT TIME

The letters below, sent out of Mexico City on the dates indicated, give a rather perfect picture of certain conditions in that country. The writer must, of necessity, keep his identity buried. He, however, is known to be reliable and his statement would be accepted as true by anyone knowing him:

MEXICO, *January 23, 1927.*

The news on the international situation, as published here, has caused doubt and confusion among foreigners. No one knows what to believe. The action of the Senate Foreign Relations Committee seems incredible to us here, as does the stand taken by some of the large newspapers and prominent men up there. It looks as though it were now obligatory upon President Coolidge to lay his hand upon the table and show all the cards. The mass of evidence and proof his Government possesses, when shown to Congress, will gain him unquestioned support and it were well he publish the main evidence even though this outfit down here took it as an insult and declared war. The people of the United States should be made acquainted with facts and proofs when they also would back up the President, notwithstanding the stand of the opposition—both questionable newspapers and politicians.

It has been rather discouraging to receive such news as has been presented here the last few days. Beyond doubt these have caused the court decisions against granting of amparos to the oil companies. The news fits in nicely with the decisions. They believe that their propaganda in the United States has developed such formidable opposition to the administration's Nicaraguan and Mexican policies that President Coolidge is checkmated and can do nothing but bow to the will of President Calles, of Mexico, and who immediately proceeds to shove ahead the plan for confiscation of oil lands and rights by having the courts refuse the demands for amparo. They persist in their intervention in Nicaragua and only to-day assert that the usurper Diaz is about to be defeated and deposed by Sacasa—the creation of Calles.

They don't relent nor modify any of their projects—be it confiscation through legal forms or establishment of soviet methods and governments to the south. From these court decisions it looks the confiscation process is to be hastened and why should they delay when they are informed that the United States Congress will not permit the President to use any force with Mexico during the recess of Congress. Why, they can't help believe but the whole of the United States is with them and against the President. And in view of their supposed almost unanimous support by the people of the United States they will go ahead a little faster with their intentions and have even taken a renewed persecution against the clergy and church. The clergy are openly accused of instigating the present revolution and the Minister of Interior infers what they will now do to the clergy—and we know what that means.

The churches are being denuded of the buildings attached to the main churches, which are being confiscated for public uses of different kinds. Now comes the famous Patriarch Perez—lately ordained archbishop of the Mexican Apostolic Catholic Church—another creation of Calles's—who petitions the Government for 50 per cent of all the churches for the use of his own church. It's a farce but involves tragedy and the outraging of the soul of an entire nation. It shows to what extremes these men go in their hatred and odium and that

there is nothing they are not capable of doing. We can only trust that President Coolidge will convince Congress and the people that he knows best and while slow to take open and final attitude on questions between Calles and the United States, that when he did do so he did what is right and the only thing to do as President.

As things stand to-day Calles and his group stand before the Mexican people as heroes who have defied the great United States—and won out—that their oppression of the people—confiscation of properties and liberties of the people—their ruinous laws of all kinds bringing disaster and property upon the race—are justified and right, else the great American people would not have accorded him their support as against their own President. That's the flowery position enjoyed to-day by Calles. Hunger and desperation of a nation counts for little when he can show the support of the American people in opposition to their President and in his favor. The Government press insidiously presents news and comments daily to convey this impression and belief. There is no other press.

The Controversia, the only opposition paper being published, has suddenly gone out of existence. Toleration is unfamiliar to the Turks. To-day they make capital out of the New York World's article, "The birth of a new Mexico." It may mean a "new Mexico" hunger ridden, dying industry, unproductive agriculture, mines and furnaces shutting down, no work, no employment, hunger, suffering, deprivation of religious consolation, the only inheritance of the people, revolution, revolts, Yaqui wars, crime waves exceeding all others as a result of conditions, flight of native and foreign capital from the country to the United States for safety, persecutions of all kinds, imprisonments, official assassinations, and what not else; all this on one side of the "birth of a new Mexico," while on the other is the sudden wealth of the official class, the congressmen, the governors of States, and their proselytes, and an army of grafters, exploiters of the people's taxes, the Bolshevik labor leaders and their hangers-on, all flashing their wealth, jewels, automobiles, mansions and flashy clothes, while the afflicted nation suffers, and suffers without the right to their religious and spiritual consolation of their church. There is but one result to all this, which the World does not depict, and that is revolution. Desperation reaches that point where men prefer to die fighting than by slow torture. And revolution there is, notwithstanding the declaration of Minister Tejeda that it had been completely suffocated. Wait and see.

The woman, Madam Kollantay, from Russia published several articles in the Universal Grafica, a virtual propaganda against the United States—irony, satire, and ridicule were her arms. But the Government organ, Yunque, protested against her open methods as being too offensive even for a Government paper. She closed up—at least in print—but no one believes she has desisted from her propaganda. She added to the immoral examples the revolution has been placing before the people for 16 years an even greater immoral advice to women—married, single, of age, or under age—and that is, that the ceremony of marriage is not indispensable for a woman to practice matrimony. Of course, such as this tickles the vanity and coincides with the moral status of almost all the great revolutionists, leaders, and saviors of the fatherland, whose strong point is young girls and more young girls, and then some more. Sensuality to the point of bestiality is the virtue that goes to make up a real man—in the minds of most of the men of the day—controlling the destinies of the nation.

The law permitting reelection has been published, therefore is now in vigor and will permit the reelection of Obregon without question later of legality. There is many a slip, etc., and O. had better have a care, as the people will have none of him, and this reelection business has broken the ranks of the revolutionary group into fragments and promises to divide them into two parties that will take arms up, one against the other. No one believes that this government will last long enough for it and O. to decide who shall be President after C. The delay in raising the embargo on exportation of arms and ammunition from the United States has hampered the more rapid growth of the revolution. But conditions are such that the people must get out and fight or be gradually strangled to death in one way or another, and fight they must with whatever arms God can furnish them, as God is surely on their side. It will take longer for them against modern rapid firers of the army, but they will get them also somehow, mostly from the army itself, unless the embargo is lifted.

They have let it out that this embargo talk has precluded the lifting of the embargo. So it goes; but desperation will know no limit to possibilities, and in the end the people must reign and not an insignificant minority through monetary force. Now comes the announced visit of Obregon to the capitol. It is said he will take back some five millions with which to buy off the Yaquis and thereby release the large army that is up in Sonora trying to hold them down. Such would be bad for the revolution, but others say it would but delay matters. Their determination seems to be unbreakable.

The Government has now refused every petition of the railroad men, and there is reason to believe a real strike will result within the next week or so. There are 50,000 railroad men who have refused to align themselves with the C. R. O. M., and the whole affair is the manipulation of the C. R. O. M. to destroy the union composing the railroad confederation of railroad workers. The C. R. O. M. stops at nothing and has intrigued for years to force the railroad unions into subjection or destroy them. Now comes the rub. This contest may be final, may help overturn the Government itself, or, to the contrary, the C. R. O. M. may impose its will and laws on the railroad operators. The C. R. O. M. is Calles and Morones.

MEXICO, *January 22, 1927.*

The First Federal Court of the Federal District has refused the petition for amparo made by four of the oil companies. These decisions are inspired by the Government, and in this case it is believed to be the direct result of the action taken by the Committee on Foreign Relations of the United States Senate in approving the re-formed resolution of Senator Robinson and the supposed weak position of President Coolidge in his attitude toward Mexico as a consequence of the resolution. The attitude of the Committee on Foreign Relations, the several Senators and Representatives and the newspapers like the World have contributed to the conviction by Calles and his Government that President Coolidge has been checkmated and made impotent to carry out his intention to prevent the confiscation of American-owned oil lands and rights in Mexico.

It is the conviction that had the resolution of Senator Robinson been refused that the court's decision here would have been different and the amparos or injunctions would have been granted and the petitions passed to the Supreme Court for final decision. Every indication is that President Calles shows no intention of relenting, but by his court decision means to persist in the execution of the laws in question, which have been termed as legalized thievery by those interested in such properties. It is also the belief of foreigners here that the play of politics in Washington has caused President Coolidge to keep secret the proofs his Government possesses of the secret Bolsheviki procedures of the Mexican Government in connection with Nicaragua and the oil laws here, and that it is time that President Coolidge took the Senate into his confidence and showed his full hand, which would gain him the united support of Congress and consequently of the American people in his stand against the action of Calles both in Nicaragua and Mexico.

As a proof that Calles does not relent in any of his anticapital policies it is announced that he is to call an extra session of Congress to take final action on the pending labor laws. These laws are in harmony with all his previous legislation and are radical and so favor labor as against industry and capital that the finishing touches will about be applied to these through the passage of the pending legislation.

It is announced that ex-President Obregon is to arrive in Mexico City the coming week. It is also said he is coming for some 5,000,000 pesos with which to bribe the Yaqui Indians into submission and thus free the main nucleus of the army now detained in Sonora by the Yaqui war, and enable the transfer of that army to the interior sections of the country now overriden by revolution.

Mexicans take for granted that the arbitration between the United States and Mexico is an accepted fact and no doubt exists in their minds on that point, due to the propaganda effected in the local press during the last few days and the manner of presenting to the public the information and comments. Arbitration means for Mexico that the legality of their radical constitution would be decided by a third party—some stranger. It is inconsistent that any country should submit its own constitution to such a criticism. It is rumored around that the arbitration agreement as proposed has precluded the possibility of the United States raising the embargo against the exportation of arms and ammunition. This rumor is also inspired. It is intended to discourage the rapidly growing revolution.

MEXICO, *January 24, 1927.*

With the realization that the President of the United States will not permit the confiscation of property and rights of its citizens by foreign governments and that arbitration, which the Government press has led them to believe was settled matter, would not be adopted as a means for settling the questions pending between the two countries, the usual tactics in such cases have been inaugurated for exciting the people and arousing their ire. Yesterday was notable for its two mass meetings, where fire-eater orators vilified and condemned the United States, its Government, its classes and citizens, and quite successfully excited the audiences to the point of passion and hatred desired.

One meeting was organized by the famous Bolsheviki Crom, and the other by residents here from all other Spanish-American countries. In the first meeting the deputy to congress and prominent labor leader, Jose F. Gutierrez, made the principal speech, which is noteworthy only for his insults and defamation of the United States, and in the object of arousing the audience to passion and odium. The other meeting was even worse in vile denunciation and vilification of the United States, its President and Government. The two main orators were Hernan Robleto, subsecretary of education in the so-called government of Sacasa, of Nicaragua. His talk was of an indignant vein, marked by its intense insults toward the United States and a complete defama-

tion of the President and his government. The other was Lawyer Isidro Fabela, ex-secretary of foreign relations for Mexico. This speech was even more violent and offensive than the several predecessors, and resulted in the most insulting and defamatory accusations and virtual blackguardism, and in exciting the audience to the degree of passion aimed at, and the meeting terminated with the mass of followers of Bolshevism flowing into the streets shout death to Coolidge and Kellogg and to the gringo in general.

These tactics are understood by the foreigner here, but not by the native. They are intended to incite the public to passion, hatred, and odium and thereby support the government in the subsequent events that may occur. The audiences were composed almost entirely of the syndicate classes, those influenced by the Russian Bolshevik and Soviet teachings and the classes that are controlled by passion and hatred and not by reason and intelligence. Under excitement there is no crime they will not commit. On such as these the words of Fabela, "It shall not happen; but the day Mexico falls, woe be to Latin America," and others even worse can easily be imagined. With such inciting we may say that in case of a serious break between the two countries woe be to the unprotected and isolated American down here.

It is high time that the Washington Government take due notice of these vile orators, who incite their people to crime, and who are usually but currying favor with the Government for personal benefit. All of them, after insulting and vilifying the United States, its President, Government, and people, on one of many occasions, will at some time either flee to the United States for protection as a refugee or to spend there in opulence the ill-gotten gains, result of theft, graft, or exorbitant gains from politics or the nation's coffers. Without exception, each and every one of them at some time goes to the United States for personal aims. It is due time such should be blacklisted and not permitted at any future time to enter the United States. The dignity of the United States demands such a black list, and such men not be permitted to step on the soil they so bravely insult down here on occasions like yesterday's. The United States embassy and consulates can furnish names of those who in the past have merited exclusion from the United States and from day to day report those who continue to vilify our President, Government, and people.

It is realized to-day that President Coolidge has enlightened the Senate and obtained their support and that the confiscation of American property and rights will not be subjected to arbitration. The people will soon realize matters and support him also. The effect of this is already observed in the treatment of court decisions for amparo or injunction against the Government's acts by the oil concerns. The latest decision refuses the injunction suspending the Government's acts, but opens the way for "revision," which means the petitions will eventually reach the supreme court for final ruling. The decision also grants that part of the petition regarding acceptance of denouncements by others on the lands in question and suspends the right of the Government to accept such denouncements until final decisions are reached. These court decisions are a reflection of the international thermometer.

Few reports of rebel activity get into print, but it is known that in every part of the country there is no abatement in revolutionary movements. No report is published of an all-day and yesterday engagement beyond San Angel, suburb of the capitol, and the sound of which was audible from most parts of the city.

It is stated that machinery purchased in Germany will be installed during this month that will enable the Government to manufacture all its own ammunition. Also said that it is already manufacturing rifles with machinery brought from the same country.

The Crom organ, El Sol, continues its attack on R. Capitran Garza, denouncing him in violent language, and including the clergy along with him.

MEXICO, *January 25, 1927.*

The international situation occupies all minds with increasing interest, and foreigners, especially American residents, are laboring under considerable anxiety. Many conjectures are made about what may be expected and the different versions are interesting. The majority of Americans are inclined to expect the sudden withdrawal of Ambassador Sheffield. The news announcing the cancellation of the drilling permits to those concerns which did not file their titles on December 31 and ultimo is looked upon as inviting the final break between the two countries. Others state they believe Ambassador Sheffield will not leave unless given his passports by the Calles government, but that he will remain even in the event the United States lands marines to occupy lands confiscated or ordered to be by the courts or by the government.

The conviction is now unanimous among Americans here that there will be no arbitration on this point. The menaced oil companies are fast closing down their work camps and throwing thousands of labor out of work. From the highest sources it is learned to-day that nearly all the oil industry will be closed down within the next week. The action of the courts in making decisions on the oil petitions for injunctions is watched anxiously. No sign of relenting or modifying his policies can be observed by Calles or his government. The press has renewed its method of propaganda to create the belief that the opposition and majority of the people of the United States will checkmate President Coolidge's determination and that he will be forced into arbitration. To-day's action by the United States Senate on the Robinson resolution is awaited with great interest, and most Americans are convinced the Senate will back the President at this stage of the proceedings. Naturally little else is talked about among foreigners.

Mexico of to-day is not that of 20 years or even 10 years ago, and the immorality of the revolution and the governing class emanating from it during these years has demoralized, degenerated morally the whole race, and with the teachings of the Bolsheviki and soviet methods and history—propagated through the labor syndicates—nearly all social classes have yielded to these influences. To-day unbridled passion rules them, and under excitement any and all crimes are committed that in former times was so only in minor degree. On Sunday last the practice of exciting the people to crime was inaugurated at the two mass meetings held for that purpose.

The incendiary speeches are but the beginning of what may be expected as the tension grows or a break occurs. Passion, hatred, and odium will run rampant and dominate a large percentage of the masses in the larger cities especially, and the great danger to American lives is foreseen unless they are withdrawn in advance by the Washington Government. While the people almost as a whole are bitterly against the Calles government, yet under the scientific agitation and propaganda already foreseen masses of them will be aroused to vengeance against the unprotected and indefensive American found here. This is meant as a forewarning to our Government.

The government continues to announce the coming submission of the Yaqui Indians, which few believe, but understand as meant to discourage the new revolution. It also publishes a list of defeats of rebels in many sections of the country. Yet the revolution continues to grow and many reports of rebel activity continue. On Sunday the 23d an all-day engagement took place on the limits of the Federal district and the firing was distinctly heard from many points of the city. To-day it is reported on excellent authority that Gen. Gustavo Salinas, one of the most respected army officers and late defeated candidate for the municipal presidency of the capital, has joined the rebel forces.

MEXICO, *January 26, 1927.*

The news to-day of the passage of the Robinson resolution by the United States Senate is the sole topic of conversation. Contrary to the expected, the opinion is almost general that the action of the Senate will have little weight in the solution of the questions pending between the two Governments. The Government-controlled press presents the news in the usual manner to convey the idea that the action of the United States Senate is entirely favorable to Calles. However, close reading reveals that there is no exuberance manifested and plenty of room for doubting the effect of the resolution.

Foreigners continue in their former belief and state that the action of the Senate can not alter the stand taken by President Coolidge to protect property rights of Americans from confiscation, and that the action was one of policy on the part of Senators to prove to the world at large that the United States was employing the limit of tolerance and patience with this Government, which has made war upon all capital, especially on foreign, in all its legislation during the last few years.

The belief prevails that the Washington Government can not avoid action to prevent confiscation in view of the judicial action now under way here to consummate the confiscation in question. These will have been affected during the process of time necessary for arbitration, if such were possible, and that the Senate well knew this, but went on record before the world as a policy to prove to the other nations the spirit of tolerance on the part of the United States.

The statement of the Minister of Industry and Commerce regarding the cancellation of drilling permits, in which he states that all such permits were conditional, strings tied to them, whereby the Government could cancel them at any time, merits no consideration, in view of this statement admitting deception in the wording of the permits, and to the fact that the minister signing is one whose word merits no respect from foreigner or native. He is the creator of the Crom and all the Bolshevik labor syndicates that have ruined the industry of the country. Nothing said over his signature should receive any attention. He is mentioned here merely because he admits that the permits granted the oil concerns were tricky.

Deception has been employed from the start of the arbitration proposition. Calles announced that he would welcome arbitration in a speech to the visiting tourist he had brought here to study conditions and broadcast in the United States the purity and patriotic efforts of this Government to build up a new Mexico. But neither he nor his Government has made any official proposition. Nor can it be seen how they dare do such a thing, which would be submitting their own constitution to the opinion of strangers as to its legality. Nor can the United States witness the confiscation of the property of Americans, pending any attempt to arbitrate its constitutional duty to prevent such confiscation. No such proposition can come from the United States, nor has Calles made any official proposition to that end.

The deception is clear. Effort is evidently being made to have Chile, Argentine, or Brazil make friendly advances to both Governments, whereby they may bring about an agreement for arbitration. The whole thing is full of deception and trickery, and in the meanwhile the court process continues whereby the properties will be confiscated—with or without arbitration.

No one is paying any attention to other news, such as the probable submission of the Yaquis, the surrender of hundreds of rebels in different parts, the political disruption of the controlling party in the Federal Congress, nor any other matter that at other times would cause comment. Little of the news is given credence, but there is satisfaction that the Bolshevik group that controlled this congress has lost the majority, even though a worse group takes its place, which is very likely, and rebel movement continues and the country is in a state of insecurity. Executions of reported-to-be rebels continue on wholesale scale. Persecution of the clergy is even more intense and priests are hiding out, sleeping in different places at night, as large numbers of them have quietly been captured and disappear not to be heard of up to the present time.

MEXICO, *January 27, 1927.*

It is persistently repeated that the Minister of Finance Pani will leave his post the end of this month and be succeeded by Señor Mones de Oca, the present national controller, and who but recently returned from a visit to Washington and other centers of the United States where he investigated government modern methods of accounting with the object of effecting reforms and economies in this Government's methods of conducting accounts and systems. Considerable interest is felt regarding the separation of Mr. Pani, who is looked on as the one competent member of the Calles cabinet.

Notwithstanding the effort made to make capital out of the Senate passage of the Robinson arbitration proposal and the presentation of the news and criticism adverse to President Coolidge in a manner to lead public opinion to believe that Calles has checkmated President Coolidge in his Mexico policy, there is shown no optimism but rather considerable skepticism over the relations between the two countries.

After more mature thought the conviction seems to be general that the arbitration proposition is not practical and quite impossible. The cancellation of the drilling permits and the court refusals to grant permanent injunctions against the Government, judicial proceedings toward confiscation of the properties in question, indicate there is no relenting on the part of the Calles Government, but that the intention is to go right ahead and confiscate no matter what the stand may be by the Washington Government. The courts are complying with the Government's desire, if not orders.

In refusing the injunctions, they sustain the Government's international policy and confirm the legality of the constitution and laws regulating same. However, the door is left open whereby the supreme court can decide the point as it should do if permitted by the Government. This open door is the right to demand of revision, the cases then going to higher courts and eventually to the supreme court. The supreme court is known as revolutionary and a supporter of the constitution and all the laws passed regulating same.

However, if necessity were such and to avoid not only a break in international relations with the United States or prevent armed intervention, the supreme court could or might or may rule that the laws are retroactive as regards all land leases and titles previous to May, 1917, and therefore illegal as far as such are concerned, and which would grant Washington its contention, or it could rule that the laws were confiscatory and only through cash indemnity of values could the Government expropriate the lands.

As stated, the door is left open as an ultimate recourse should the Calles Government desire to work out of the mess in that manner. At the present moment there is no idention other than the continuance of the confiscation process by the courts.

No interest is manifested in other news, such as the fights between rebels and federals, the deaths reported of many rebels in daily engagements, the execution of rebels and prisoners captured, all these said to be caught with arms in hand, but most of whom are known or supposed to be enemies of the Government and are taken from homes or elsewhere and executed. The usual methods employed by all the governments during the past 15 years. It is but adding fuel to the fire and hastens the end.

EXHIBIT R, SHOWING COMMUNIST MEETINGS IN THE UNITED STATES AT WHICH OUR GOVERNMENT WAS ASSAILED

The following list of meetings and speakers is taken from the Daily Worker, a communist daily paper formerly printed in Chicago, now in New York City, of January 22, 1927.

WORKERS! TURN TO LENIN!

From the reports that are coming in from every part of the country it is becoming apparent that the Lenin memorial meetings organized by the Workers' (Communist) Party will be real demonstrations against American imperialism and of the determination of the American workers and farmers to stand together under the flag of Lenin in the bitter struggle against Wall Street and its government.

JANUARY 22

New York City: Madison Square Garden; Ruthenberg, Engdahl, Nearing, Foster, Olgin, and Weinstone.
Toledo, Ohio.
Cincinnati, Ohio: Odd Fellows' Temple; Ben Gitlow.
Norwood, Mass.: J. P. Cannon.
St. Paul, Minn.: Labor Temple, 416 North Franklin; Jay Lovestone.
Hammond, Ind.: 8 p. m., Labor Temple; Shipley and Oakley.
Gary, Ind.: Turner Hall, Fourteenth and Washington, 7.30 p. m.; Max Bedacht.

JANUARY 23

Washington, D. C.: Playhouse; C. E. Ruthenberg.
Pittsburgh, Pa.: Labor Lyceum, 35 Miller Street; W. F. Dunne.
Passaic, N. J.: 8 p. m., 27 Dayton Avenue; A. Markoff.
Buffalo, N. Y.: 2.30 p. m., Workers' Forum Hall.
Perth Amboy, N. J.: 7.30 p. m., 308 Elm Street; Pat Devine.
Minneapolis, Minn.: Jay Lovestone.
Chelsea, Mass.: J. P. Cannon.
Chicago, Ill.: Ashland Auditorium; Max Bedacht.
Bridgeport, Conn.: 8. p. m.
New Haven, Conn.: 2 p. m.
Detroit, Mich.: 2.30 p. m., Finnish Labor Temple, 5969 Fourteenth Street, and New Workers' Home, 1343 East Ferry Street; W. Z. Foster.
Cleveland, Ohio: Moose Hall; Ben Gitlow.
Milwaukee, Wis.: Eric Gemeinde Hall, Eighth and Walnut, 8 p. m.; John Williamson and John Edwards.
Waukegan, Wis.: Workers' Hall, 517 Hemholz Avenue, 2.30 p. m.; Oliver Carlson.

JANUARY 24

Chisholm, Minn.

JANUARY 25

Superior, Wis.

JANUARY 28

Philadelphia, Pa.: C. E. Ruthenberg.
Paterson, N. J.: 8 p. m., Carpenters' Hall; Bert Wolfe.
Newark, N. J.: 8 p. m.; J. J. Ballam.
Duluth, Minn.
Hancock, Mich.

JANUARY 30

Elizabeth, N. J.: 7.30 p. m., Labor Lyceum, 515 Court Street; Charles Krumbein.

EXHIBIT S, SHOWING FEELING AGAINST APOLOGISTS FOR COMMUNISTS IN THE UNITED STATES

The following two quotations are taken from the Detroit Free Press of January 4, 1927. The first, a news item, gives something of the record of Sherwood Eddy, and the second, an editorial, expresses common sentiment:

DECLARES EDDY URGES SEDITION, DR. W. H. HOBBS, OF U. OF M., VOICES OPPOSITION TO "Y" MAN'S VISIT TO CAMPUS

(Special to the Free Press)

ANN ARBOR, MICH., February 3.—Sherwood Eddy's scheduled appearance before the student body of the university, opposition to which is rapidly growing on the campus, is opposed "because Mr. Eddy is to-day the outstanding, though thinly disguised, teacher of sedition," Dr. William Herbert Hobbs, professor of geology and director of the geological laboratory and geological museum of the university, declares in a statement issued to the press.

Opposition to Eddy, self-styled "fact finder" to the Russian Soviet régime, has been voiced by the Army and Navy Club, and many members of the faculty and student body. In his statement, Doctor Hobbs quotes extracts from Eddy's book and declares that wherever Eddy has delivered an address he has stirred up feeling and has advocated "defiance of government in connection with our national defense system."

STIRS UP PACIFISM

"In Indianapolis, following his address," Doctor Hobbs's statement declares, "400 young men took the stand that they would defy the Government in a possible future call to the colors. Within a few weeks Mr. Eddy stirred up to action another body of young men assembled in Milwaukee."

In opening his statement, Doctor Hobbs said:

"It is right and proper that the public should know the grounds for the opposition to the appearance of Sherwood Eddy on the campus of the university. There is of course much that could be said in opposition to the propaganda which he is spreading, as a result of the 'impartial' report of the Eddy-Page-Davis 'fact-finding commission,' to the Soviet Government. I think that it is not well known that one member of the commission, the son of Julius Rosenwald, of Chicago, objected to the personal direction of the trip by the Soviet officials and especially by Mr. and Mrs. Skvirsky, the former the head of the Russian information bureau in Washington."

ONE OF MANY

Doctor Hobbs declares that Eddy's commission is only one of many "impartial" commissions which were arranged by the Soviet officials, and which are now flooding the country with literature "glorifying the Soviet régime."

"I feel sure," says Doctor Hobbs, "that the Army and Navy Club shares with me the feeling that it is not well to bring men of the type of Mr. Eddy to disseminate propaganda on the campus unless the student body has some opportunity to hear counter arguments presented.

"The ground of our objection to Mr. Eddy's appearance here is neither his extreme views on sovietism nor his ultrapacifism. In general, we believe that it is far better to allow vociferous advocates of any extreme policy to state their views freely, rather than to have them choked off. It is because Mr. Eddy is to-day the outstanding, though thinly disguised, teacher of sedition, that we object to his appearance here."

QUOTES FROM BOOK

Doctor Hobbs then quotes several extracts from Eddy's book which are as follows:

"Is a student justified in refusing to participate in compulsory military training? I can not answer this question for any other person. I can only say that if I were a student in secondary school or college and held my present convictions concerning the whole war system, I would be compelled to refuse to participate in military training and would be willing to take the consequences of such a refusal. In giving this answer I am assuming that the military training under discussion is under the War Department and is a part of the war system" (p. 208).

"In the last war a few score of genuine conscientious objectors went to prison for their faith. It is only fair to tell the Government frankly in advance that in the next war, not a few score, but many thousands will gladly go to prison or to death rather than take any destructive part in what they believe, with the Federal Council of Churches, 'is the world's chief collective sin'" (pp. 98–99).

Concluding his statement Doctor Hobbs says:

"The Christian association is well understood by the Army and Navy clubs to have been long using the influence by the methods above pointed out to break down our system of national defense and to discourage young men from attendance upon the Citizens' Military Training Camps and the Reserve Officers' Training Corps. It is the intent of the Army and Navy clubs that hereafter this attitude shall be more widely known with a view that red-blooded citizens will withhold their support when it appeals for funds unless its practice is to be materially changed."

[Editorial from the Detroit Free Press of January 4, 1927]

PROFESSOR HOBBS IS RIGHT

Prof. William H. Hobbs has good reason for criticizing those University of Michigan officials who have sanctioned an address in Hill auditorium by Dr. Sherwood Eddy of the Young Men's Christian Association national board of directors.

Doctor Eddy is scheduled to appear in Ann Arbor as an apologist for the Moscow Soviet Government and as an advocate of Russian recognition, and whether he is, or is not, a "thinly disguised preacher of sedition," as Professor Hobbs insists, he certainly is championing the cause of an exceedingly disreputable régime, which through its subsidiary organization, the Third International, has openly and directly declared war against the United States and is carrying on active hostile work against this Republic. Under such circumstances Doctor Eddy certainly should not be given the use of public building for the delivery of a propagandist oration.

President Little has attempted to smooth things over by suggesting that a member of the faculty of the university precede Doctor Eddy on the Hill auditorium platform and "explain to the student audience that the speaker would represent only one side of the question." We can not see how this would help matters. Such an announcement would be no news, and it would not in the least justify or excuse turning over a building of the State university to the champion of an enemy of the Nation, so that he might pursue his activities as special pleader for a hostile government and for a social order that has declared war to the death against American institutions.

As to the question of free speech which has been raised, it isn't involved. There is nothing to prevent Doctor Eddy and his sponsors from hiring a private hall and going to it to the top of their lungs.

EXHIBIT T

The following is a booklet issued by the National Society, Daughters of the American Revolution, as information to its members. In a concise form it presents the relationship of the various "isms" which go to make up the radical movement in the United States and gives reliable information to those who are seeking such information. It further illustrates the fact that this great American organization is fully alive to the situation.

[From the writings of Adam Weishaupt, the real founder of present-day socialism and communism]

"Through women one may often work the best in this world. To insinuate ourselves with these and win their confidence should be one of our cleverest studies. More or less they can be led by vanity, curiosity, sensuality, and inclination. * * * They should consist of two classes, the virtuous and the free-hearted. They must not know each other and must be under the direction of men but without knowing it."

THE COMMON ENEMY

[Written from data supplied by the Key Men of America, a national bureau of information on radical and subversive movements, forces, organizations, and individuals. Every statement of fact contained in this booklet can be substantiated by documentary evidence.]

THE GOAL OF THE WORLD REVOLUTION

The goal of the world revolution is not socialism or even communism, it is not a change in the existing economic system, it is not the destruction of civilization in a material sense; the revolution desired by the leaders is a moral and spiritual revolution, an anarchy of ideas by which all standards set up throughout nineteen centuries shall be reversed, all honored traditions trampled under foot, and above all the Christian ideal finally obliterated. * * *

Socialism with its hatred of all superiority, of noble virtues—loyalty and patriotism—with its passion for dragging down instead of building up, serves the purpose of the deeper conspiracy. If the Christian intelligentsia can be destroyed, or won over, the nation deprived of all its natural leaders, the world revolutionaries reckon that they will be able to mold the proletariat to their desires. This being so, the thing we now call Bolshevism forms only one phase of the movement which is carried on by countless different methods, apparently disconnected but all tending to the same end. * * * I do not believe all this is accidental. * * * The heart of the people is still sound, but ceaseless efforts are made to corrupt it. (Nesta H. Webster in Secret Societies and Subversive Movements.)

Communism, Bolshevism, socialism, "liberalism," and ultrapacifism, tend to the same end.

Those classed under the last two groups are very largely dupes of the world revolutionary movement, a movement which proposes to destroy civilization and Christianity. Those in the first three groups, especially the first two, are largely adepts carrying out the program of the leaders of the world revolutionary movement under the direction of leaders who are not citizens of the United States.

The six objectives of communism, Bolshevism, socialism, "liberalism," and ultrapacifism are the same. They are—

1. The abolition of government,
2. The abolition of patriotism,
3. The abolition of the property right,
4. The abolition of inheritance,
5. The abolition of religion, and
6. The abolition of the family relations.

These six principles were laid down as objectives of the world revolutionary movement many years ago, and they have never been changed. (The World Revolution, Nesta H. Webster.) In the United States, and some other countries, the last two objectives are more or less concealed, although in every country, within the last few years, they have been rather cleverly stressed through the formation of many atheistic movements and the organized scheme to break down morals, as evidenced by the continual growth of the "free love" idea which, if continued, will certainly accomplish the sixth objective.

The communists and Bolsheviki on the one hand and the socialists, "liberals," and pacifists on the other, in seeking to obtain these objectives, differ only on the question of tactics. Those in the three latter groups protest vigorously when charged with advancing communism. At times there appear in the press accounts of an open break between the communists and the socialists. This is to deceive the people and to keep in line the vast and obedient army of dupes among the "liberals" and pacifists.

The communists contend the only way to attain the six objectives stated is through the use of "force, violence, and acts of terrorism." They insist their first work is to carry on an intense propaganda campaign designed to create a bitter class feeling, then to organize all wage earners into "one big union," bring about the "general strike" which will lead to civil war—the much-talked-of revolution.

ONE REVOLUTIONARY MOVE

Those who follow the teachings of communism produced a revolution in Russia and took possession of all the wealth. In that country they have put into operation the six objectives. In Great Britain the communists secured control of labor organizations and brought about the general strike, which did not develop into the revolution as they had planned because in London, the center of activities, the great mass of the people are native born, and when they found the strike was an attack on their Government they displayed their patriotism. Do not forget, in this connection, that should these forces be able to produce

in the great cities of the United States—New York, for instance—a similar situation, with the large number of foreigners, well educated in revolutionary doctrines, the outcome might be quite different.

Further illustrations of the tactics of the communists and Bolshevists will be found in their activities in France, Japan, the Philippines, many Southern and Central American countries, Mexico, and China. In all these countries, and in others not mentioned, the communists, using money taken from the people of Russia, have carried on extensive work to bring about revolutions. In both China and Mexico the communists to-day are seeking to become the dominating force.

Those who belong in the socialist, "liberal," and pacifist groups—again we refer to the guiding spirits, not the rank and file—insist that the only tactics to be employed is "legislative action." "Legislative action" means the adoption of constitutional amendments and laws, both federal and state, on the theory that these amendments, or laws, will cure some alleged political, moral, social, or economic ill, but which, as a matter of fact, when in operation merely centralize government, or in some manner destroy the proper functioning of the constitution. When the desired legislation has been obtained—and in most cases the enforcement of the amendment or law requires the setting up of some new board, bureau, or commission—the next step is to secure the appointment of socialist adepts in strategic places on such boards, bureaus, and commissions.

The appointment of a dupe whose actions can be easily directed is obtained when it is impossible to secure the appointment of an adept. This same system is employed in many organizations. The heads are persons of high standing, well meaning, sincere, but they are directed in their actions by destructive influences "boring from within." It is not necessary to illustrate how this is done. You have only to know the system and then personally survey conditions familiar to you.

To understand the full purpose of the "legislative action" branch of the world revolutionary movement, one has but to read the Declaration of Principles of the Socialist Party, found in many authoritative socialist books, which follow:

"Its purpose is to secure a majority in Congress and in every State legislature, to win the principal executive and judicial offices, to become the dominant party, and when in power to transfer the industries to ownership by the people, beginning with those of a public character, such as banking, insurance, mining, transportation, and communication, as well as the trustified industries, and extending the process to all other industries susceptible of collective ownership.

"It also proposes to socialize the system of public education and health and all activities and institutions vitally affecting the public needs and welfare, including dwelling houses."

In the constitution of the Socialist Party, is this:

"The Socialist Party of the United States * * * is a party of the international working class movement."

The great majority of those who call themselves liberals or pacifists are in harmony with these principles.

This system of "legislative action" has been going on in the United States for many years. It has already attained a degree of success that has brought much harm and will bring still more unless the system is exposed and destroyed. In the employment of these tactics, the socialist-radical-ultra-pacifist groups have secured the aid of a large number of well-meaning persons, some of them men and women of high standing whose loyalty and patriotism no person would think of questioning. We have already written into our Federal and State constitutions amendments which have done much to centralize government, and we have adopted a large number of Federal and State statutes which have gone much further in that direction. These statutes have brought into existence a large number of boards, bureaus, and commissions, which have taken from the constitutional branches of the Government—executive, judicial, and legislative—their proper functions.

USED LEGISLATIVE ACTION

The most perfect illustration of success of the "legislative action" system will be found in Mexico. There it was put over in a very clever manner by a group of Socialists and "Liberalists" before the Lenin-Trotski revolution in Russia, but no sooner was the change made than the Communist leaders, ever militant and wholly without regard for decency or fair play, stepped in and took control.

The Mexican Government, as it existed, has been destroyed, the sentiments of patriotism are being weakened; the private property rights of all excepting Mexicans—and few Mexicans own any property—have been abolished; the right of inheritance by the legal heirs of property owners who are not Mexican citizens has been taken away. The initial step to the complete abolition of Christianity has already gone far beyond the initial stage. (See Constitution of Mexico; Sidney Sutherland, Liberty Magazine.)

Now seated in Mexico City as the recognized ambassador of Communist Russia is Alexandra Kollontay, the world's most notorious woman in the teaching of "free love" and the abolition of the family relations. Alexandra Kollontay is said to practice what she preaches. She has been a world revolutionist for over 27 years. She has been arrested in Russia, Germany, and Sweden for her revolutionary utterances and acts. She was denied permission by the State Department of the United States, which department is well acquainted with her purpose on the Western Hemisphere, to pass through this country (Associated Press Report, November 4, 1926), and she was denied the right to land in Cuba when her boat docked at Habana.

THE SITUATION IN MEXICO

Mexico has about reached the position of Russia in the establishment of the six objectives of the world revolutionary movements and this without invoking the communist tactics of force and violence—a bloody revolution—but rather through the deceptive system of "legislative action."

Under the able direction of Alexandra Kollontay communism will be extended. She is a believer in the "nationalization" of children, a scheme devised to destroy the last remnants of the family relations held sacred by every civilized country on the face of the globe, the foundation rock upon which Christianity rests, and a part of the teachings of every religion, ancient and modern.

From her stronghold in Mexico City, Alexandra Kollontay is to direct the activities of her kind in the Central American States and in the United States. Adepts from these countries will find it exceptionally easy to confer with her and her communist chiefs, who get their instructions direct from Russia, and taking their orders will return to their respective homes to set in motion their hordes of dupes, all swayed by some emotional appeal.

Since we have a country influenced by communism to the south of us, and since activities there and in the United States are now to be directed by a clever woman saturated with the theories of the "world revolution," all to the end that the six objectives first stated may be put into complete operation here, it is important at this time that the people grasp the truth and understand the situation.

IS "BORING FROM WITHIN"

The world revolutionary movement—and it matters little under what name it is working—encouraged by its advancement in Russia, Mexico, and other countries, firm in its belief that it can and will destroy the Government of the United States by the slow yet certain "poison of liberalism," is working here through every possible agency. It is "boring from within"—

The schools and colleges.

The churches and educational organizations.

The labor unions.

The farmers' organizations.

The women's organizations, and others.

This system is set forth in detail in a document which reached the United States in 1921, signed by N. Bucharhin, now head of the Third (communist) International and for a time manager of "Novy Mir," a radical publication issued from New York. Leon Trotsky was one of the editors. In that document, among other instructions to gain the support of dupes, appeared the following:

"Nuclei shall be established in all existing organizations, such as fraternal, religious, and labor organizations, cooperatives, tenant farmers' leagues, etc.

"Organizers and speakers shall be sent among the people in order to inform and win their confidence.

"Newspapers and publications shall be established, or when this is not feasible, news services shall be established by friendly cooperation with newspapers of liberal tendencies.

"Friendship of liberal-minded ministers shall be sought, as these men are at the present time the leaders of the masses, and many of them are earnest but lack scientific knowledge.

"Conferences on the economic conditions among the people shall be held from time to time with these ministers, educators, and other liberal elements, and through their influence the party shall aim to secure a more favorable hearing before the people.

"By means of its membership the party shall penetrate the existing forums, literary societies, lyceums, schools, colleges, teachers' institutes, and establish forums of its own for the enlightenment of the population."

Now do a bit of investigating for yourself. You will find that the "nuclei" have been formed as directed; that organizers are constantly in the field; that newspapers and publications have been established; that radical press bureaus are at all times active; that the friendship of "liberal-minded ministers" and educators has been overworked; that conferences "on the economic conditions" have appeared in your community; and that "forums, literary societies, lyceums, schools, colleges, and teachers' institutes" have been invaded.

ARE REWRITING OUR HISTORIES

A new theory of economics has sprung up almost overnight. It is the theory of Marx, hailed as the founder of modern socialism, communism, Bolshevism, "liberalism," and pacifism. The school histories are being rewritten, omitting the names of those who appeal to the sentiment of national loyalty and patriotism. You will find, if you investigate, that those who are "rewriting" history are following the socialistic or communistic theory, although the majority merely call themselves "liberal."

Cooperative organizations of every kind are used as "centers" through which socialist or communist agents operate. The recent national convention of a group of cooperatives, largely made up of

farmers, which met at Minneapolis, was dominated by the communists. The great majority of the delegates were ignorant of this control, and yet the communists, in their publications, have proudly boasted of it. (Daily Worker, Chicago.)

The world revolutionary movement circulates in the United States over 600 publications—the number is constantly changing because of the disappearance of some and the establishment of others—every one of which is carrying on a set program of propaganda designed to weaken the Nation, and enable the employment of either the socialist or communist tactics to put into effect the six objectives stated. It makes little difference what system may be used to win—force and violence were employed to gain control of Russia, and the "legislative action" was used to gain control of Mexico.

SOME OF THE ORGANIZATIONS USED

The world revolutionary movement operates through more than 200 different organizations, many of them national in scope with large memberships, others merely local in operation, designed to meet the requirements of some one particular group or community. But a few of these organizations are openly communist or socialist. In most instances the purpose is well concealed. The best known communist organizations are:

The Workers (communist) Party.
The Trade Union Educational League.
The International Labor Defense Council.
The Anti-Imperialist League.
The Council for the Protection of the Foreign Born Worker.
The American Negro Labor Congress.
The Young Communist League.
The Young Peoples Communist League.
The Young Pioneers.

There are, however, many others, with new ones appearing in some section of the country almost daily.

The best known of the open socialist organizations are:

The Socialist Party of the United States.
The League for Industrial Democracy (formerly the Intercollegiate Socialist Society).
The Workingmen's Circle.
The Young Peoples Socialist League, commonly known as the YPSEL.
The Pioneer Youths.

Although there are many others.

Among the most prominent "liberal" and pacifist organizations are:

The American Civil Liberties Union (which in a measure might come under a combined classification of the communist and socialist since its national committee is made up, in addition to so-called liberals, of both communists and socialists).
The Fellowship of Reconciliation.
The Fellowship of Youth for Peace.
The War Resisters' League.
The Women's International League for Peace and Freedom.
The Woman's Peace Party.
The Fellowship for a Christian Social Order.
The Foreign Policy Association.
National Council for the Prevention of War.
Public Ownership League.
The Peoples' Reconstruction League.
The Conference for Progressive Political Action.
The People's Legislative Service.
The Federated Farmer-Labor Party, and others.
(The last five named operate particularly in the political field.)

USE EMOTIONAL APPEALS

Among the "liberal" and pacifist groups there may be many well meaning, conscientious Americans who have been duped into becoming members because of some emotional appeal—never by a frank statement of the truth, or by logical reasoning.

These emotional appeals are designed to gain the attention of people with different points of view. One of the most effective has been "no more war," the emotional appeal of all organizations directed by the "liberals" and pacifists, although originated by the world revolutionary movements and spread to the two last-named groups through the socialists and communists. This is an appeal which has naturally gained the attention of women, ministers, professors, teachers, and the young people. No one wants war. Everyone abhors war, but there are things worse than war. The establishment of the six objectives named would be far worse. This appeal has brought to the support of the world revolutionary movement a large respectable support and this support is now being extensively used.

"Production for use, not for profit," is another enticing appeal. "The new social order," painted as a "social order" where there will be neither poverty nor riches—a sort of heaven on earth—has gained the attention of a large number, especially ministers, professors, and college students. "Industrial democracy" is still another appeal. Just what "industrial democracy" is has never been defined, but it rolls from the tongues of adepts so smoothly that it has enticed a large number of people.

ONLY TO PRESENT THE TRUTH

This little pamphlet is designed merely to carry a few fundamental truths to the members of the Daughters of the American Revolution. Your ancestors engaged in war—a war for human rights and liberties—and they established here, on the American Continent, the most wonderful Nation on the face of the globe. Our form of government—a republican form of government by which the people speak through selected agents—has proven the most desirable for the advancement of the individual and for human happiness. Under that form of government administered and sacredly watched by a sound people, the United States to-day 150 years after the Declaration of Independence, stands forth as the richest, the finest, and the greatest Nation on earth, spiritually, morally, and physically.

The Daughters of the American Revolution would be sadly derelict in their duty, supine and cowardly in their action, devoid of gratitude to their ancestors, if now, having the facts, they did not join with all other good, loyal, patriotic Americans and present a solid phalanx against the open attacks of communism, and the insidious attacks of socialism, "liberalism," and pacifism.

EXHIBIT U

Letter head of the League for Industrial Democracy, formerly the Inter-Collegiate Socialist Society, showing the nature of its work in the schools and colleges and a list of prominent radicals who are among its advisers on the board of directory and on the national council:

LEAGUE FOR INDUSTRIAL DEMOCRACY (INC.),
NEW YORK CITY, *January 10, 1927.*

To friends of the League for Industrial Democracy:

Here are some facts about the League for Industrial Democracy in 1926 which you won't want to miss. Blanshard and Lindsay, Thomas and Laidler, addressed some 52,000 students in 136 colleges and college conferences from the Atlantic to the Pacific, from Maine to Texas. The attendance at noncollege meetings, public forums, labor unions, and all sorts of gatherings would run to much higher figures. We have maintained and increased our editorial news service which now goes to 130 labor, farm, and college publications. We have added, as you know, to our pamphlet literature. Directly and through autonomous committees which we have set up we have cooperated with the Passaic strike and other industrial struggles. We have fought American imperialism in China and elsewhere and we have worked for a solution of the problems of coal and superpower.

All this we have done on a budget not much in excess of $30,000. Our audit has not yet been made, but we know that, thanks to your generosity, we close the year without deficit. But we also close it without financial reserves, and with our college and other work in full swing. We have to pay as we go. We do not plan any particular increase in budget this year but the American Fund's appropriation for field work has been reduced in accordance with its "tapering off" policy. Some generous givers will not be able to renew their gifts of last year so that our financial problem for this year will be substantially more difficult.

As a matter of economy in office work and of information to you this letter is going to practically our entire list of members and contributors. To you all it bears personal thanks for what you have done. To a few it bears extra thanks—and no further appeal—for pledges already renewed for 1927. To many it carries with it dues notices. It will help if they can be promptly paid and it will be greatly appreciated if in addition something extra can be given by way of contribution. Unfortunately dues alone are by no means enough to keep us going. Nevertheless, we understand very well how hard it often is to give, and most of all we want your friendship. With that assured we believe we can also obtain the immediate gifts and pledges which must provide the essential financial basis for any effective work in this huge country.

With the season's greetings, believe me

Sincerely yours, NORMAN THOMAS.

EXHIBIT V

(Sample of communistic literature distributed in public schools)

IN MEMORY OF OUR LENIN, 1870 TO 1924

(Mass meeting and revolutionary concert, Sunday, January 23, at 2.30 p. m., Detroit Armory, Brush and Larned Streets. Admission, 25 cents)

PROGRAM

Opening remarks by chairman, R. Baker.
Finnish Workers Band, F. Vilen, conductor.
Young Pioneer chorus.
Unveiling of portrait of Lenin.
Pioneer pledge, joint recitation.
The builders, song.
The young guards, song.
Finnish Workers Band.
Walter M. Trumbull, representing Y. W. L.

Ukrainian Workers chorus (in native costume), Ivan Atamanec, director; Revolutionary Funeral March; Ukrainian folk songs.

Stefan Kozakevich, baritone, Volga Boatmen Song, Dubinushka, Red Army Marching Song.

Rebecca Grecht, "Lenin's Contribution to the World Revolution."

William Z. Foster, principal speaker, "Lenin, His Life and Work."

Singing by audience, International.

Adjournment.

Auspices Workers (Communist) Party and Young Workers (Communist) League.

THE INTERNATIONAL

(To be sung by the audience at end of meeting)

Arise, ye prisoners of starvation!
Arise, ye wretched of the earth,
For justice thunders condemnation,
A better world's in birth.
No more tradition's chain shall bind us;
Arise, ye slaves! No more in thrall!
The earth shall rise on new foundations;
We have been naught; we shall be all.

Refrain

'Tis the final conflict;
Let each stand in his place.
The international soviet
Shall be the human race.

(Repeat)

—Eugene Pottier.

For further information about the Workers (Communist) Party or the Young Workers (Communist) League write or call at 1967 Grand River Avenue.

THE PIONEERS

This is an organization of working-class children ranging from 10 to 15 years of age. Its purpose is to give the children a working-class education and viewpoint. The activity consists in meetings, recreation, singing, and education, which is conducted under the supervision of responsible members of the Young Workers (Communist) League. The groups meet Saturday afternoons and Sunday mornings in labor halls. If you wish to give your children a working-class training, call at 1967 Grand River Avenue for further information.

NICOLAI LENIN

(Vladimir Ilyitch Ulianoff)

(Born April 10, 1870; died January 21, 1924)

Hundreds of millions of workers in all countries of the world to-day are paying homage and honor to the memory of Lenin, the greatest leader and teacher of the working class the human race has known. Lenin not only established the first victory and the impregnable fortress of the proletariat, the Soviet Republic of Russia, but he laid down the iron program and the immutable law by which the workers of all countries shall seize power.

"All power to the workers through the proletarian dictatorship" is the inspiring slogan of untold millions of class-conscious workers under the leadership of the Communist International.

Lenin formulated the program of the communists.

The Communist International is the world party of Lenin.

Lenin is dead. Leninism lives and thrives and vibrates in the hearts and minds of millions of members of the Communist Parties in all countries.

In America the party of Lenin is the Workers (Communist) Party.

Mr. SOSNOWSKI. We have in the city of Washington a radical book store run by one Lynn Gale who spent his time in Mexico while dodging the draft. You can go there and buy communistic literature, literature which will make your blood boil. And it has that effect on those who buy and read it, but their blood boils in hatred against you, gentlemen, here on on the hill who represent, in part, the law-making body of the Nation, and their blood boils against our Government which this literature seeks to teach them is designed wholly for the benefit of the rich, and for the exploitation of the poor working man. You know this to be untrue. I know it to be untrue. That it is untrue is such a self-evident fact that you think the statements do not require refutation.

Turn your eyes for a few minutes to the land south of the Rio Grande. That the Government of Mexico is communistic in its purpose, certainly no sane man who has read its constitution—or rather its alleged constitution—or knows the character of the men who are really directing affairs down there, can deny. The same communistic agencies that finally gained complete control in Russia were busy in Mexico even before the Kerensky revolution. Yucatan has long been communistic in everything. We Americans appear to have mighty short memories. Revolutions in Mexico have become so common that we give little heed to what is back of them. In 1920 a Senate committee made a rather extensive investigation of conditions there. During that investigation a vast amount of information was secured which should be interesting in the light of present day events. Let me read you extracts from some of the evidence found in the hearing before a subcommittee of the Committee on Foreign Relations, United States Senate, No. 22, in 1920:

Conditions in Yucatan: Socialism of a more radical character has invaded the State of Yucatan and is destroying order, law, and wealth. The authorities now controlling the situation in Yucatan are carrying their radical campaign in the name of the Mexican Government, but it is in reality they themselves who are looking for their own interests. The abuses have assumed such a degree of violence that the Federal Government of Mexico is considering the federalization of the Port of Progreso in order to close up that source of infection. Louis Cabrera has been sent by the Government of Carranza to Yucatan to improve the situation there. Robert Haberman is a prominent socialist worker of Merida, Yucatan.

Independent Workers of the World activities in Mexico: Propaganda is spreading to precipitate strikes in that Republic, and also in other Latin-American countries. Mexican workmen in Tampico, following suggestions from Independent Workers of the World organizations in New York, have appointed a committee to plan out strikes in the various oil-producing camps.

Information has been received from Mexican labor headquarters that they have received requests from various American labor groups asking the moral support of Mexican labor unions to aid in securing freedom of socialists held in prison in the United States for opposing the draft and obstructing military operations of the United States.

Influence of the Rand School of Bolshevism: The workers' proamnesty committee of United States has asked funds from Mexico labor committees with the purpose of continuing their propaganda to obtain the freedom of the socialistic leaders now in prison in the United States. The Mexico labor committees, following suggestions from above-mentioned American labor organization, have named a commission to organize sympathetic strikes in the petroleum camps. The petroleum companies have refused to pay workers according to the new labor law. The labor unions of Vera Cruz, Tamaulipas, Orizaba, etc., are in sympathy with the intended strike movements.

The above-mentioned workers' proamnesty committee is really an Independent Workers of the World defense union, constituted of 170 union committees under the auspices of the Rand School, 5 East Fifteenth Street, New York, in December, 1918. This sympathy of Tampico workers is illustrative of the influence of the Rand School of Bolshevism.

Bolsheviki propaganda: Socialist propaganda of the most radical character is steadily increasing in Mexico. Among the men who are spreading revolutionary propaganda the following are widely known: Ezequiel Salcedo, Ignacio Rodrigues, Juan Rico, Rosendo Salazar, Sr. Decuina, Ricardo Trevino, P. Nacho, and Thomas Valenzuela.

There is a continuous stream of dangerous literature being sent from Mexico to South American countries. It usually comes into this country through the ports of Eagle Pass and Laredo, some little amount coming through El Paso, and is intended to proceed to New Orleans or New York for transmittal to destination. Apparently there is a close tie binding the agitators in the Latin-American countries with these in Mexico, and they are all united in their conclusions that the Government and the people of the United States have decided to exploit the peoples of the Latin-American countries for their own use and profit, and that therefore it is the clear duty of all Latin Americans to fight the activities of the United States with all their strength.

El Democrata, of Mexico City, published a cartoon of a great American octopus seated at the Capital of Washington and stretching its tentacles throughout all the Americas, and an article, by Ramon Sanchez Arreola, of the Mexican consulate, at Los Angeles, Calif., containing a hymn to La Raza, explaining that La Raza (the race) represents the Spanish and 20 Latin-American countries all joined together in opposition to the United States. They intend to oppose a Spanish-American solidarity against Pan Americanism of the Monroe doctrine.

It is apparent that the drift in Mexico is toward radical legislation, the confiscation of property, and the repudiation of foreign debts.

The man, Robert Haberman, there mentioned is now known as Roberto Heberman. He is said to be in the city of New York at the present time engaged in radical activities, and to have been the guiding spirit for the activities of a large number of pacifist organizations that have been sending broadcast literally millions of letters and circulars to men and women, asking them to write or wire their Senator and Congressman to prevent war with Mexico, to stand for arbitration, to oppose the foreign policy of the administration. Every member has received such letters and telegrams. Some are signed by individuals and some by organizations, the organization ones usually stating a certain large number of persons are represented by them. If the signers could be brought before this

House and questioned you would find that not 5 per cent of them knew what it was all about, that they thought the sending of marines into Nicaragua was a declaration of war, and that it was the determination of the President and his Secretary of State to cover Mexico a foot deep with soldiers of the United States.

This man Haberman, known in 1920 to have been engaged in subversive activities against the United States—he dodged the draft and went to Mexico when we were thrown into war with the Central Powers—is the founder of an organization in New York City known as the Civic Club which, because of the deceptive character of the name, can put over and does put over a lot of mighty dangerous propaganda.

The record shows that Mexico is communistic in its purpose and its activities. I am not charging the President of that country with being a member of the Communist Party. Probably he is not. As a matter of fact, he is not the boss of things down there. The controlling force is the Confederación Regional Obreras Mexicano, better known as the Crom, the name being taken from the initials. At the head of this organization is one Louis Morones, who is generally credited with being a communist. Mexico has distinctively a government for but one class called labor. Nothing else is given the slightest attention. The Crom is as vicious in its demands and its practices as is the Third International in control of Russia. That the Crom directs the actions of the President and that he dare not act contrary to the demands of this organization, should he even want to act contrary to them, is proven by an agreement into which he entered, and which I wish to read to this body. It follows:

General Plutarco Elias Calles contracts the following obligation with the Confederación Regional Obreras Mexicano:

First. To respect in every way the movement of the workers' organizations belonging to the Confederación Regional Obreras Mexicano, always providing that these are made in accord with the corresponding authority.

Second. To provide all facilities and expenses as the Confederación Regional Obreras Mexicano shall require for its organization.

Third. To generally dissolve the national army within a year, or when he shall have taken possesion of the presidency of the Republic, and to replace it with battalions of workmen's syndicates belonging to the Confederación Regional Obreras Mexicano.

Fourth. To accept the general staff selected by the Confederación Regional Obreras Mexicano, which will take charge of creating the new organization of the proletariat army, whose appointments shall be communicated to the secretary of war when it is deemed necessary.

Fifth. To mediate with governors of the States by means of special commissions for a good understanding in case of a difference arising between them and the workers' organizations belonging to the Confederación Regional Obreras Mexicano or when an organization of distinct purposes should propose to invalidate this agreement.

Sixth. To appoint Luis N. Morones, secretary of industry, and commerce, and labor, in order to organize the workers under the program of the Confederación Regional Obreras Mexicano.

The Confederación Regional Obreras Mexicano obligates itself through its central committee, to Comrade Plutarco Elias Calles:

First. To inform with priority the general government of that of the states as to any movement of the workers that may be planned by the workers' syndicates against capitalistic organizations.

Second. To render a monthly statement of sums of money received and expenses incurred by the workers' organizations.

Third. To organize as a military the workers syndicates in order that when the moment arrives they may supersede the national army.

Fourth. To select 20 persons who shall form the staff of the new proletarian army.

Fifth. To uphold by means of workers movements, all rulings, provisions, and decrees emanating from his government and most especially when taxpayers attempt to avoid any payments to the federation of the states.

MEXICO, *November 29, 1925.*

PLUTARCO ELIAS CALLES.
LUIS N. MORONES.

Now, let me read just a few extracts taken at random from an authentic confidential report which recently reached the United States and, lest our friends at once begin a tirade against Secretary Kellogg for propagandizing in favor of his own country, let me add I did not get this through the Secretary or any other official department:

Two years ago Calles caused the permanent suspension of the Mexican paper Omega for predicting accurately the course of the presidential succession. The paper at that time said Calles had been installed as the Mexican ruler by the machinations of his predecessor and against the will of the people. It predicted that at the expiration of Calles' term he would so maneuver that Obregon would be his successor, a fact now accepted by every informed person in Mexico, and that the process of reciprocation might continue ad infinitum.

But revolution is now rife throughout the country and it is possible that the property-owning class, together with the sorely oppressed religious people, will rise in their might and upset the well-laid plans of these two communists. That will mean bloodshed, barbarous warfare, and a repetition of all the horrors that a succession of Mexican revolutions has imposed upon the world during the past decade and a half.

Is the humanitarian Calles, staunch advocate of the slogan "Mexico for the Mexicans," doing anything to forestall this calamity? Let his acts since January 1 be the answer. He has persistently oppressed both business and religion, and his savage animosity to civilization in his own country has brought about a condition that makes some sort of an upheaval inevitable. He has offered neither compromise nor any softening of his barbarous oppression in the face of the rising tide that is inevitably flowing toward a cataract of blood.

To deny that communism is the ruling interest of the Calles government is to persevere in a fallacy. If it is not the pawn of Moscow it has unquestionably patterned its form so closely after that of the Russians as to invite a holocaust similar to that on which Lenin and Trotski rode to bloody power over 10,000,000 corpses of their compatriots, mostly women and children.

The pacifists and our own parlor Bolshevists say the United States has no concern with all this. But more than 16,000 of our nationals have property rights in Mexico that are about to be confiscated, as have the nationals of many other countries, entitled under the Monroe doctrine to protection by this country. Also, there is incontrovertible proof that the Mexican Government has sought to extend its theory of social revolution to the smaller countries to the south of it and to establish over a substantial area on this continent a proletarian reign of terror.

And in all this direction from Moscow is palpably visible. Mexican deputies have sojourned in Russia studying the Soviet systems and returned to apply the knowledge thus acquired to the formation of new laws for Mexico.

Alexandra Kollontay, one of the most ardent and capable advocates of the doctrine of revolution, has been made Russia's accredited ambassador to Mexico. Under the auspices of the Government she has spread her destructive teachings throughout the land, shamelessly debasing morality with her assaults upon matrimony and her open advocacy of free love.

There is plenty of documentary evidence to prove that the so-called "liberal" party in Nicaragua is communistic in its purpose and its direction. It came into being wholly to gain control of Nicagarua that its government might be made a breeding place for activities in other Central American States.

The objective of the communists, who propose in time a great world conflict—one nation against another, with the communist like the jackal ready to feast on the dead—is control of the Panama Canal and its destruction if it can not be used to advantage in the world revolutionary movement. I need not dwell on this. Certain Members of Congress who have taken their oaths to support the Government of the United States can learn the facts as easily as I have learned them. All they need to do is to put aside their apathy, listen not to the siren cry of the radical, "Oh, there is nothing to this communist cry," and spend a few hours—only a few hours—getting the facts.

And I am speaking to my friends on the Democratic side of this House as well as on the Republican side. This is not a partisan question. It is a question of whether our Government shall endure, and when it comes to that patriotism does not divide along party lines. You Democrats of the South, especially, have not come in contact with certain subversive activities as have we of the northern industrial cities, but your industrial sections are growing. You may be the next to suffer.

Gentlemen, if you will read one of the exhibits which I will have in the CONGRESSIONAL RECORD, I will prove to you gentlemen of the South that this movement has hit you as well as us, because they are organizing in communistic groups your colored race.

When Mexico recognized the so-called "liberal" or revolutionary organization in Nicaragua, after we had recognized the constitutional party as legally in power, it did so well knowing it was directly and intentionally insulting the United States. The object of that insult was to cause trouble here. If by any hook or crook the present controlling forces in Mexico could embroil us in war, the communists would dance with glee. If there comes such a war—which I believe will not come with Coolidge as President and Kellogg as Secretary of State—it will come wholly and entirely because of the interference of the

many so-called peace organizations in the United States which are meddling in affairs concerning which they have little or no knowledge.

Only recently a crowd of "liberal" ministers, educators, lawyers, and others went to Mexico to make an "impartial survey" of conditions there. They stayed 10 days and then returned to the United States. So far as I am able to learn, not one of the members of this unofficial gang of meddlers had the slightest fundamental knowledge to equip him to make any kind of an investigation. Moreover, from the information I gain of them, not one of them could have written an unprejudiced report. They, knowingly or unknowingly, are agents for the world revolutionary movement. They have done great harm. Their activities, and the misinformation, to say nothing of the malinformation, they are now peddling to the people of the United States, is doing more to cause an open breach with Mexico, more finally to result in war, than all other agencies. I note that among those in this group is one, Sidney Strong, of Seattle. If I mistake not, his daughter, Anna Louise Strong, has frequently visited Soviet Russia, has lectured extensively in the United States on the beauties of sovietism, is a writer for the communist papers in this country, and is connected with the Federated Press, a propaganda bureau of the radicals, vigorously denounced by the late Samuel Gompers, whose patriotism has never been even questioned.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SOSNOWSKI. I can not yield.

Recently there came to Mexico as the ambassadress from Soviet Russia one Alexandra Kollontay. She is said to be clever. According to the radical book The American Labor Who's Who? I find that Kollontay has been a leader in the world revolutionary movement for 28 years; that she has been arrested in three different countries because of her efforts to bring about revolutions in those countries; that in the fall of 1916 and spring of 1917 she visited the United States, speaking from coast to coast. She was under the management of Ludwig Lore, now a prominent communist in the United States. The object and purpose of the visit of Kollontay to the United States in 1916–17 was to so incite the socialists of this country to hamper our activities if the United States entered the war through a system of nonresistance and open sabotage. That she gained her point is evidenced by what took place.

Alexandra Kollontay is the world's greatest exponent of free love and the nationalization of children. She is in Mexico for a purpose and that purpose bodes no good to the people of the United States.

Recently the National Society, Daughters of the American Revolution, one of the many patriotic organizations in this country, issued a little booklet which has gone to its entire membership. This contains so much valuable information in a brief form that I will file it as addenda to my remarks.

I have dwelt more at length on conditions south of the Rio Grande than I had intended because what is going on there is but a part of what is taking place in my own city of Detroit and because it appears that the strategy of the communists is to center attention afar from points where their attacks are to be made. I am not one of those who belittle the seriousness of communism. My enemies may call me "Red" if they wish. I have a name which sounds so foreign that many who do not know me may think I am "another of those trouble-breeding foreigners;" but as everyone in this House knows, I was born in the United States and have served my country and now stand ready to serve it again, serve it, if need be, by cutting myself off from home ties and shouldering a gun in the ranks as a buck private.

It is the foreign born, or American-born workmen of foreign parents, the agitators against our Government seek as allies. We have many of them in Detroit. Thousands who are not yet fully acquainted with our language are being deceived and mislead by the clever agents of communism who tell them this country is for the rich only, and that it is necessary for the workers to unite and through the force of a bloody revolution, arise and destroy the "capitalist class." Nine out of ten of those being deceived are honest in intentions. They want to do the right thing. They are not permitted to do that which they would like. They are being made dupes for a dangerous movement and, strangely enough, this system of deception is given aid and support by well-meaning Americans who want to think they are "liberal" or who feel they are doing a great thing to help "the poor working man."

In the city of Detroit—and the same thing will be found in every industrial city of the United States—there is a well-organized communist movement. At the present time a number of trained and clever communist agitators are organizing the employees of the automobile industry to force a great strike which will make the recent "lesson in revolution" in New Jersey look like a Sunday school picnic. In this work of organization they are employing deception. I am attaching to my remarks a copy of instructions issued by the central communist organization on the system to be employed to carry on agitation work. It is clever.

Aiding in this are a large number of organizations that appear not to be communist, and yet which are guided in their activities by communists. Among them I wish to mention two because you will hear more of them in the near future. They are the Council for the Protection of the Foreign-Born Worker and the All-American Anti-Imperialist League.

The name, Council for the Protection of the Foreign-Born Worker, is cleverly deceptive. It does not claim any affiliation with Moscow. But those who formed and direct it got their directions from Moscow and report to Moscow regularly on progress. It gains the attention of the foreign-born workers with the claim that its purpose is to aid and protect them. Every measure presented in Congress looking toward restriction or a humane way of dealing with immigrants is at once turned into a terrifying bogey-man by the propagandists. The foreigners are told by speakers who know their language that the measure is designed to destroy them; that it is some scheme of the capitalist to enslave them; that their very families are in danger, and that it becomes their duty as a matter of self-preservation to join the organization and prepare to battle, by the use of force if necessary, the Government that is seeking to crush them—that is, the Government of the United States.

I need not tell you the effect this sort of harangue has. I have read reports of a number of such meetings. I know the foreign mind and the system of reason, or rather lack of reason, employed by a lot of these poor people whose hearts are honest enough. They join this organization, are handed communist literature in their own language which they read and attempt to digest. It is not long until these poor but well-meaning souls are out-and-out communists and are ready to fight the Government of the United States. I am not making a charge against all foreign publications by any means. We have a number of high-class, loyal, patriotic papers printed in foreign languages, which papers are doing all they can to educate their readers to the merits of pure Americanism. We have, however, unfortunately, a large number of foreign papers that do not have the welfare of the country at heart and are working to aid and advance communism.

The All-American Imperialistic League is soon to hold a conference in Washington. Subversive conferences in Washington appear to be the rule rather than the exception. It is a pure communist movement. Its head is one Manuel Gomez, a distinctly Mexican appendage, but the man happens not to have been born with that name. His right name is Phillips. He was born in the United States. He was educated in the United States.

When we went into the World War he became an objector to the draft. He was arrested and in part punished for his seditious actions. He then departed for Mexico, the haven of many of our draft dodgers, and took up active communist work there. An open enemy of constitutional government, yet American born, hiding his purpose under an assumed Mexican name, he will be handing "releases" to the press which will go to the whole Nation and you, Members of Congress, foresworn to protect the Government and the people of the United States, will say nothing, do nothing, because there will be held before your eyes that great bogey of "free speech."

That brings me to another dangerous organization with which, through congressional investigations, you ought to be acquainted, the American Civil Liberties Union. This organization proclaims in loud terms its purpose to protect the citizen in his right of free speech and free assemblage. A careful survey of its work indicates that it has never sought to give protection save to agitators who are seeking to subvert the Government. Its members are denied the right to speak in public-school buildings in New York City. It has defended the most pronounced agitators. It has been condemned in severest language by the American Federation of Labor and many other organizations. It has been exposed by the Lusk committee of New York State. It has been condemned by a Senate committee. Its members have openly defied the police power of more than one State. Its former head served a term for obstructing the draft. Its members have been arrested and convicted for the violation of laws intended to prevent activities against the Government. Its former head, Roger Baldwin, is responsible for this statement:

> Language that is part of an overt or criminal act is part of the act itself and has nothing to do with the issue of free speech; but the language unaccompanied by such act, even if the logical consequences of it lead others to the commission of the act, is legitimately within our conception of free speech. For instance, the advocacy of murder,

unaccompanied by any act, is within the legitimate scope of free speech. * * * I would say on behalf of the entire committee that all of them disbelieve in the legal theory of constructive intent, and that all of them believe in the right of persons to advocate "the overthrow of government by force and violence."

Roger Baldwin further stated before the Lusk committee:

There should be no control whatever in advance over what any persons desire to say. * * * There should be no prosecution for mere expression of opinion on matters of public concern, however radical, however violent. Laws purporting to prevent the advocacy of the "overthrow of the government by force and violence" are all violations of the right of free speech.

The Supreme Court of the United States, in several decisions, has held the exact contrary to be the fact, and yet in the face of these decisions this subversive organization continues its assaults on constitutional government. Through its many affiliated bodies, it fires the ignorant and misled to overt acts, and when the overt acts are committed furnishes bail, bond, and supplies attorneys. Further, to attempt to create public opinion in its favor, it constantly threatens libel against all who express their honest views concerning it, and eggs on others whose subversive activities are made public to bring libel suits.

The American Civil Liberties Union, through its affiliations, has been, and is right now, active in advancing propaganda in the United States against the Government, against the administration, and in favor of foreign governments. It has known communists on its national committee.

The Daily Worker, a communist paper printed in Chicago, but recently moved to New York, during the month of January, many times carried a six-column streamer across the front page, which read:

Get your union to telegraph Congress to-day!—Withdrawal of all warships from Nicaragua!—No intervention in Mexico!—Hands off China!—Don't delay!

Simultaneously organizations affiliated with the American Civil Liberties Union, through a most remarkable and dangerous interlocking directorate, began sending letters to people all over the Union with similar requests.

In my city of Detroit, in connection with the communist agitation and attempt to perfect an organization among the automobile workers that will precipitate a "lesson in revolution," the American Civil Liberties Union is exceptionally active. It is prepared to furnish bond for every man who indulges in force and violence and is arrested. It has its attorneys retained to give legal aid and support to communists and others who openly defy constituted authority. It has established itself with a group of so-called "liberal" ministers, who, from their pulpits, are presenting communistic theories carefully sugar-coated.

And, gentlemen, that brings me down to this group of ministers. In the Saturday Evening Post of January 15, Garet Garrett had an article on propaganda. Every Member of this House, every good American citizen, should read it. It might help to arouse you and the people from your apathy. Let me read an extract from this article:

The Carnegie Endowment for International Peace devotes an income of more than $500,000 a year to educational internationalism, to the subvention of societies and periodicals and to the spread of propaganda for the World Court and the League of Nations.

The Church Peace Union, also endowed by the late Andrew Carnegie, has a budget of approximately $150,000 a year. It works chiefly by means of the World Alliance for Promoting International Friendship through the Churches. It created this organization and supports it with funds. The World Alliance has an international committee with representatives from 25 nations.

A pamphlet on principles and methods says: "The fullest advantage will be taken of the possibilities of influencing public sentiment through the printed page," and among the phrases to be emphasized is "the cultivation of a large number of the editors of the great daily papers and magazines."

The chairman of the executive committee of the American branch of the World Alliance for Promoting International Friendship through the Churches is Fred B. Smith. On October 18 last he addressed the Presbyterian Synod of New York at Elmira, and, according to the Elmira Star-Gazette's report of his speech, he said:

"Americans are crying out nationalism like was heard in Germany some years ago. It is possible that such a spirited nationalism was never heard in Germany. The spirit of the people who are shouting that they are 100 per cent American is that spirit which will start a war. Lord Pomeroy stated that America will provoke the next war. If America demands every farthing which she has loaned to European nations, there will be a war. Those debts can never be paid. The politicians know this, but they are keeping it quiet because a presidential election will be here soon."

The Federal Council of Churches of Christ in America, incorporated under a special act of the New York Legislature, is perhaps the most aggressive of all organizations for internationalism. It has a budget of more than $300,000 a year, and its annual report is a book of 265 pages. Like the World Alliance, with which it cooperates, it devotes painstaking attention to organization and method. In a pamphlet entitled "What Pastors and Churches Can Do" it is suggested that each church shall have a peace cabinet, and that the peace cabinet shall teach the people, among other things, how to write short personal letters to Members of Congress and to the President, how to get up petitions, how to write letters to the newspapers, how to circulate literature, and so forth. Once a year the pastor shall invite the congregation, at the end of special peace services, to repeat in unison the "international creed."

The federal council is very definite in its aims. It is for the World Court. On armistice day, 1925, it circulated among the churches a two-color eight-page document entitled "America's Choice," and the choice was the World Court or another war. It is for the League of Nations. It is against preparedness. The study conference, in its message to the churches, recently said: "We deplore and regard as unnecessary the proposed organization of industry under the Government in preparation for possible war." This from the minutes of the executive committee: "Doctor Gulick * * * spoke also in detail * * * of the vicious propaganda which has recently been widespread in suppport of a bigger navy."

Political, economic, and financial matters touching in any way the good will among nations are moral problems, and the federal council faces them. On page 127 of the 1925 annual report: "It must be confessed that the feeling of some of the people of Europe in general toward the United States is that we are a selfish, mercenary people, due to unwise procedure in the way of handling the debts."

It proposes to be debated such questions as these: Has a nation the right to regulate its tariffs regardless of the disasters its rates may inflict on other people? Is the question of immigration strictly domestic? Has a nation absolute right to the mineral or food resources within its territory?

On the subject of the free-trade manifesto issued last October by a European group of bankers and industrialists, with some American signatures—a document regarded at Washington as foreign propaganda against the American policy of protection—the information service of the federal council said: "There are many who believe that the tariff question is a fundamentally ethical question, just as truly as war is an ethical question, and who see in tariffs and trade barriers a permanent bar to world peace and fellowship."

It is not for any ethical reason that the governments, the bankers, and the industrialists of Europe aim their propaganda at the tariff walls of the United States. They want free access to the richest market in the world, for profit. No matter. The Federal Council of the Churches of Christ in America says: "The most subtle and sinister causes of war are national monopolies of materials, transportation, and markets essential to modern industrial nations."

It follows that it is wrong for us to monopolize our own market. We ought to share it.

"The fact is," says the federal council's commissioner to Europe, page 126 of the annual report, 1925, "that within every nation, America included, there are two elements among the people, two types of spirit and ideal, the progressive and humanitarian on the one side and the selfishly national and socially reactionary on the other, and the real struggle to-day is far less a struggle between nations and peoples than it is a struggle between these two forces within each nation."

IDEALISM THE GRAND AMERICAN PASSION

The amount of money that can be raised for any kind of propaganda, provided it represents itself as idealism, is practically unlimited. Its sources are extremely varied. In 1919 a Senate committee interesting itself in Bolshevik propaganda examined John Reed, a brilliant magazine writer who became a revolutionary socialist in Russia and returned to this country as a soviet agent to spread revolutionary propaganda. He was asked how he got the funds to print and circulate his matter. He answered, "You know, there are some wealthy women in New York who have nothing to do with their money except something like that."

EVEN IDLE IDEALISM

So according to the parable. The intention of wheat and the intention of tares grow up together, and it is impossible to know which is which until the poisonous grain turns ripe. What a crazy seed plot we keep!

You hear a lot to the effect that the Army and Navy comprise our first line of defense. To a degree that's true; but, in my opinion, there's another "first line" quite as important—the youth of the land.

The parents of the United States need awakening to the fact that communistic teachings are being inculcated into the philosophies of their children through various activities, undermining their morals and their patriotism. These teachings are in all instances of foreign origin.

The communists envy the American Government or any other government with high ideals. Subtle and keen of perception, they realize that in order to attain their objectives they must attack, weaken, and demoralize an important line of a country's defense—its youth.

If one studies the printed documents of Soviet Russia, the organizations closely affiliated with it, and those who consciously or unconsciously are "playing the game," it will be readily seen there is a well-defined plan of attack upon the world and America in particular.

Consider the words of Zinoviev, former president of the Third International, recorded in its own publication, International Press Correspondence, reporting a session of the "enlarged committee." Without going into the details of Zinoviev's speech of July 15, 1923, I quote as follows:

The youth movement is the best section of the Third International, and that is as it should be, because they are the heralds of the future.

The youth movement had its origin on the Continent and its originators had lofty and legitimate ideals. Soviet Russia, recognizing its possibilities by its "boring from within" process, applied it to their world-demoralization plan.

The underlying principles of the youth movement under communistic direction, fully approved by its leaders in the United States, are revolt "against home restraint" and abolition of property rights; in fact, carrying "freedom" to an extreme, the cult of nudity and promiscuous sex relations that threaten moral disintegration.

Gentlemen of the House, if you doubt the menace of these libertine teachings, I refer to the book called "What I Believe," by one Bertrand Russell, and ask you to read the third chapter. This book is suggested for reading in some girls' schools. This is just a part of the youth movement. There are other phases of it.

Let me point out to you a few of the organizations that are abetting the communist scheme for the demoralization of youth from one viewpoint or another.

I am filing as an exhibit a letter dated January 10, this year, from the League of Industrial Democracy, originally known as the Intercollegiate Socialist Society, which states as its object "to promote an intelligent interest in socialism among college men and women." The change in name of this organization came after we entered the war, for the people then began to understand what socialism really was.

In this letter it is stated that four of its speakers, all well-known socialists—

addressed some 52,000 students in 136 colleges and college conferences from the Atlantic to the Pacific, from Maine to Texas. The attendance at noncollege meetings, public forums, labor-union halls, and at all sorts of gatherings would run to a much higher figure. We have maintained and increased our editorial news service, which now goes to 130 labor, farm, and college publications. We have added, as you know, to our pamphlet literature. Directly and through autonomous committees which we have set up we have cooperated in the Passaic strike and other industrial troubles. We have fought American imperialism here and elsewhere.

In this letter it is stated that $30,000 was spent for this kind of propaganda, and an appeal is made for funds to continue the work.

The National Student Conference met in Milwaukee December 28–January 1. In commenting on the conference discussion "In case of war," the New Student, voice of the youth movement, said—

to the proposition—I am ready to support some wars but no others—740 voted "yes," while 327 declared they would support no war. Eight hundred believed that the present economic system based on production for profit and not for use is "wrong." As a substitute for the present economic system, 392 voted for a cooperative system wherein the workers share in control. Communism appeared preferable to the present system to 47.

This same stripe of youth demoralizers, a comparatively short time ago, opened an offensive against compulsory military training in the schools and colleges. The use of the word compulsory was used for deception, for, as a matter of fact, the fight was against all military training, and it is easily provable that they were working hand in hand with the communists in this country. I refer you to the recognition of Russia hearing taken before the Subcommittee of the Committee on Foreign Relations (U. S. Senate, 68th Cong. pt. 2, p. 325), in connection with the Second National Convention of the Young Workers' League of America (controlled by Soviet Russia) held at Chicago, May, 1923. We read:

Propaganda amongst the youth likely to be recruited for military training student corps and the like national campaigns against participating in military training when the camps are opened * * * every attempt must be made to reach as large a section of the proletarian children and present membership in the boy and girl scout organizations.

From the Daily Worker, the paper of the Communist Party, then published in Chicago, now in New York City, this is taken from the editorial page of the issue of November 11, 1925.

Fight against the militarization of the youth in public schools disrupt and destroy as far as possible the military training camps established for the purpose of preparing for the time when the working class can be led to the imperialistic slaughter house; perfect organizations that can stifle production of war materials, thereby crippling the so-called national defense at its most vulnerable point.

While this damnable doctrine was being preached in America, aided and abetted by a large number of liberal organizations, some of which I have already mentioned, a dispatch of February 3 shows that in communist Russia they are training the youth of even 16 years of age to military service, the Associated Press report reads, as follows:

Moscow, February 3.—Regular military instruction will be extended to the high schools in Soviet Russia beginning February 5.

Like the university students who already are receiving such training, boys between 12 and 16 will receive theoretical instruction and drill in military science, including rifle practice, aeronautics, tank attacks, and chemical warfare. They will spend three months in summer camps for field drill.

Last spring representatives of some of the organizations I have mentioned appeared before the Military Affairs Committee of this House. One of these representatives, John Nevin Sayre, a secretary of the Fellowship of Reconciliation, and very active, possibly unconsciously, in aiding the communist scheme to impotent our national defense as well as to prostitute the patriotism of youth, in answering questions put to him by members of that committee, admitted that financial support for that class of work came from the notorious Garland fund. This fund is controlled by well-known radicals, a number of whom are members of the American Civil Liberties Union, the objectives of which have already been stated. And three of the directors of this fund are well known and self-admitted communists.

At a student conference held at Far Rockaway, Long Island, not long ago, attended by nearly a score of representatives from youth organizations, among which were the Young Men's Christian Association and Young Women's Christian Association, one Stanley High, an officer of the Methodist Church, stated that the youth of the land should declare for their slogan, "Go to Leavenworth, rather than fight." I wonder how many people in this Nation appreciate the danger of this kind of teaching?

Similar activities and propaganda are corrupting youth through women, labor, farmers, church, school, and other organizations. This well organized and sufficiently financed movement to undermine the morals of your children is one of the most menacing phases of our national life. It is not so much the numerical strength of our so-called enemies to-day, but the activities of the pacifists and the pacifity of the patriots that threaten disaster to constitutional government, the property right, religion, and the family relation.

Organized propaganda by such societies as I have mentioned—there are something like 200 of them in this country—against the Government of the United States and American institutions, will in time destroy unless the truth is brought to the people. This cry of "imperialism" and "militarism" as applied to the United States is pure, unadulterated propaganda and finds its genesis in Moscow. This is not merely an assertion. It is a fact. The documentary evidence to sustain it is overwhelming.

Mr. LINEBERGER. Will the gentleman yield?

Mr. SOSNOWSKI. I will.

Mr. LINEBERGER. How many members does the gentleman estimate there are in these 200 organizations to which he has referred? Has the gentleman any figures?

Mr. SOSNOWSKI. There are unlimited numbers. Those who pay dues directly and are contributing members number thousands, while those who are indirectly members of the communistic organization in the United States will run more than one million.

Mr. LINEBERGER. I am very glad to have those figures because the gentleman has given it very full and elaborate study, and I am sorry there are not more Members to hear his speech.

Mr. SOSNOWSKI. As recently as the last Sunday in January a prominent citizen of Montana before a group of "noninterventionists," some of whom were rather prominent among

the anti-Americans during the World War, expounded at length on our desire to become a great "imperialistic" nation, making many statements which he and no one else could prove; but they sounded nice, got applause from the un-Americans who sat in the audience, and gained first-page space for this Senator in the New York papers the next morning.

Gentlemen, do a bit of reasoning for yourself. How many years ago was it when you first heard these words "imperialistic" and "militaristic" applied to the United States? Seldom, certainly, before the World War. Then slowly but with increased frequency, they began to appear in the American press. An ever-increasing number of speakers began using them. Every form of propaganda and publicity was used to create the impression in the minds of the American people that we as a nation were both "imperialistic" and "militaristic." Need I say that this was all for a purpose? Now go back to the First, the Second, all other resolutions of the Third (communist) International. Read the literature of the communists and socialists. Listen to their speakers, and you will learn the genesis of a false, utterly and absolutely false, idea.

Mr. TYDINGS. Will the gentleman yield?

Mr. SOSNOWSKI. I can not yield now.

In other words, gentlemen, the words "imperialistic" and "militaristic" as applied to the United States are bogeymen of communist inception. They are nice things to play with. They appeal to the emotional and the idealistic. They enable blatant and limelight-seeking men and women to gain publicity. The most interesting thing about all this is that the nation which inspired this propaganda is the greatest, most dangerous, and vicious "imperialistic" and "militaristic" nation on the face of the globe. Russia openly, frankly, and candidly insists it will take over all the balance of the world and wipe out all present civilized government. And it openly, frankly, and candidly states that it proposes to maintain the strongest army in the world and accomplish its ends by persistent and continual revolutions in all the countries of the globe.

While this prominent citizen from Montana, from the rostrum in New York, was denouncing his own Government and lauding that of a foreign nation which, at the present time, is seeking to confiscate the property of American citizens, the cable was carrying an Associated Press dispatch to be printed Monday morning, January 31, which in part reads as follows:

Moscow, January 30 (Associated Press).—Declaring that since its foundation the Third International has "proclaimed the necessity of war against the insolent and mightiest capitalist régime and imperialism of the United States," the Red Communist organization, which was founded by Lenin in the Kremlin, March 5, 1919, and is closely identified with the Soviet Government, bitterly arraigns the United States for its Latin-American and Mexican policy.

In a manifesto issued to-day, which is addressed to "the workers and peasants of the oppressed nations of the world," it "invites all anti-imperialistic forces to support the people of Nicaragua in their struggle against the base designs of American imperialism."

"The American Secretary of State," it says, "finds no better excuse for sending battleships to Nicaragua, borrowed a pitiful maneuver from the fascist bandits of Lithuania, Bulgaria, and other countries, and announced that it was the Bolshevist danger that caused American intervention.

"The whole world is laughing at Mr. Kellogg's attempts to distract attention from the real motive of American intervention in Central America, namely, ratification of the American oil magnets and bankers exploiting and pillaging Central America. American imperialism is becoming bolder and cruder in trying to colonize the whole Latin America, whose recurring revolts menace the interests of American exploiters."

Declaring that the United States must subdue the entire country in order to accomplish its design to build in Nicaragua a second canal, the proclamation says:

"That is why the mask has been thrown away and the country occupied under the pretense of protecting the lives and property of American citizens. From the Rio Grande to Terra del Fuego the populations must organize a powerful movement against the exploitation and spoliation of the United States."

I know what will follow these remarks. I will be the subject of abuse from our radical friends. They will not refute a single statement of fact I have made, because they can not refute them. They will not undertake to present any evidence that I am wrong in my contentions, because there is no such evidence. But they will scoff. They will grow sarcastic. They will invoke all the irony at their command. They will belittle. They will shout, "Oh, another man seeing red." They will possibly say, as did the prominent citizen a few nights ago in New York of Secretary Kellogg, "He sees a Bolshevik under every sagebrush between Washington and Mexico City." To this I might reply: Had the gentleman who made that slurring remark seen more Bolsheviki, then known as Industrial Workers of the World, in the mining camps of Montana when we were at war, and at a time when Bolsheviki were engaged in openly seeking to cripple our war activities, he might have avoided for himself some trouble which he encountered with the President of the United States at that time.

But I care not what they say. I see this menace at home in my own city. I see well-meaning workmen being deceived and made to hate the Government that gives them liberties they could not obtain elsewhere and enables them to earn wages unknown in any other country. I see a well-designed plan laid in an unfriendly foreign country at work in my home town. When I leave this body on March 4 I am going back to the city of Detroit, the city I love, a wonderful city in a wonderful State. It was the Governments of Michigan and that of this Nation which enabled me, a poor son of a poor foreign workman, to gain a position in the world. I credit whatever success I may have attained not to myself but to the opportunities afforded by a fair, a liberal, and a just Government, which has permitted me unobstructedly to apply whatever initiative and ability a kind God gave me for my individual benefit and profit.

And back in the city of Detroit I will join hands with every true, loyal American citizen and organization to fight to the bitter end the forces which I know aim to destroy my Government, take from me whatever little property I have acquired, corrupt my home, and prevent me from worshiping God according to the dictates of my own conscience.

And you gentlemen who remain here have still a greater task. That task is to inform yourselves as to the nature, origin, character, and extent of these enemies of government, of home, and of religion, and deal them the finishing blow.

Mr. CONNALLY of Texas. Mr. Chairman, I make a point of order——

Mr. SOSNOWSKI. I do not yield.

Mr. CONNALLY of Texas. The gentleman does not have to yield for me to make a point of order. I make the point of order that the gentleman is violating the rules in discussing here in the House a Member of another body.

Mr. SOSNOWSKI. I have not mentioned any Member by name.

Mr. CONNALLY of Texas. We will see whether the gentleman did that or not. I ask that the words be taken down. The gentleman has just referred to what President Wilson did in reference to a Senator during the war.

Mr. SOSNOWSKI. Is the gentleman afraid to hear the truth about communism?

Mr. CONNALLY of Texas. The gentleman is not afraid of the truth, or the gentleman from Michigan, either.

The CHAIRMAN (Mr. CHINDBLOM). The Chair will confess he did not observe the language and would like to inquire whether the speaker referred to a Member of a past Congress?

Mr. CONNALLY of Texas. Of the present Senate. If the gentleman will strike out the statement referred to, I will not make the motion; but unless he does I shall have to do it.

Mr. RANKIN. Mr. Speaker, permit me to call the attention of the Chair to this precedent: Two or three years ago a former Speaker of this House, Mr. GILLETT, made a speech—I think it was in New Haven, Conn.—and he was criticized for that speech on the floor of the Senate. That question was taken up here on the floor of the House, and it was held, if I remember correctly, that a United States Senator on the floor of the Senate criticizing a Member of the House for utterances made elsewhere was violating the rule of the Senate.

Mr. CONNALLY of Texas. There is no question about the rules. A Member has no right on this floor to refer to a Member of the other body. That is exactly what the gentleman from Michigan has been doing, and doing repeatedly.

Mr. SOSNOWSKI. That means a question of taking something out of my remarks for the good of the country. If so, I will strike them out of my remarks. But the speech that I referred to was carried in every newspaper in the United States.

The CHAIRMAN. The gentleman from Texas [Mr. CONNALLY] demands that the words referred to be taken down.

Mr. CONNALLY of Texas. The rule is that the gentleman must take his seat while that is being done. If he wants to retract his remarks I will withdraw my motion. That is all the House can do—to strike them out. Of course, if the gentleman takes them out I shall not make the motion.

The CHAIRMAN. There is nothing pending before the Chair until the words are taken down.

Mr. CRAMTON. Mr. Chairman, may I make this suggestion? I sympathize entirely with the attitude of the gentleman from Texas [Mr. CONNALLY]. I think each body owes it to the other, in the interest of orderly parliamentary procedure,

to guard against any remarks which might lead to recrimination. I think it may interest the House, however, to know that on a very recent occasion when in another body the rule was flagrantly transgressed against and remarks were made that not only criticized one Member of the House, but criticized all the Republican Members of the House, and while the matter was called to the attention of the House by a resolution which I offered and which the House unanimously voted, couched in very mild language calling the attention of the Senate to the proceeding referred to and asking it to take the proper procedure in reference to it, the Senate has up to this date entirely ignored that request of the House, and thereby in my judgment has committed against the House a much more flagrant discourtesy than was constituted by the original remarks made in the Senate, and of much more flagrancy than the remarks just made by the gentleman from Michigan [Mr. SOSNOWSKI].

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I will yield.

Mr. CONNALLY of Texas. Does not the gentleman think he was right then in demanding a retraction, and that I am right now?

Mr. CRAMTON. Yes. I was right then, and right in my saying now that it was an increased discourtesy to the House in the failure of the Senate to act.

Now, as the gentleman states, I am not sure that under the rule the remarks of the gentleman from Michigan are subject to question, because the remarks which the gentleman from Michigan [Mr. SOSNOWSKI] has called in question were remarks made in a speech delivered in New York. But I am so much of a stickler for the proper spirit of comity that should exist between the two bodies that I rose primarily to suggest to my colleague from Michigan, in order that the House at least might demonstrate to the fullest its desire to work with the Senate in harness, as two parliamentary bodies should, and show its disposition to respect to the fullest degree the rights of the Senate, whether the Senate respects the rights of the House or not, I want to appeal to my colleague that he remove any opportunity for question and any necessity for a great waste of time at this time in the session by such modification of his remarks as would make it impossible for anybody to take exception to them. I think if the gentleman from Michigan would merely strike out the title of the office referred to, and refer to "a prominent official," or something of that kind, his speech would lose nothing, but possibly gain something by reason of the attention that we have given it.

The CHAIRMAN. The Chair will say that there is nothing for the Chair to rule upon except the demand that the words be taken down. If that is insisted on the words will be taken down, and then the Chair will have something before him on which to rule.

Mr. CONNALLY of Texas. I demand that they be taken down.

Mr. DEMPSEY. Mr. Chairman, may I rise to a parliamentary question?

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. DEMPSEY. I find, on referring to the rules, that they do not provide for an inhibition of what has been done here. The rule reads simply in this way.

The CHAIRMAN. On what page?

Mr. DEMPSEY. Section 363 of the Manual, at the right hand bottom of the page. I read:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majority on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

So that while I am in sympathy with the gentleman from Michigan [Mr. CRAMTON] in what he has said, I am speaking now simply of the technical rule in force and the reasons underlying it.

The CHAIRMAN. The Chair is of opinion that the purpose of the gentleman from New York, in the matter of procedure, can be carried out only when the words objected to have been taken down.

Mr. DEMPSEY. That is it exactly.

The CHAIRMAN. The Chair will, however, call the gentleman's attention to the notations under the rule on the next page, page 144 of the Manual, the second paragraph:

> While the Senate may be referred to properly in debate, it is not in order to discuss its functions or criticize its acts or refer to a Senator in terms of personal criticism or read a paper making such criticism.

That is an expansion of the rule as made by the rulings of the Presiding Officers in the House and in the committee.

Mr. DEMPSEY. I will send for those authorities, but I think the Chair will find on reading the authorities that they refer to the acts of a Senator as such in the body of which he is a Member and that they do not refer to the acts of a Senator outside the Senate.

Mr. CONNALLY of Texas. Mr. Chairman, I make the point of order that the only thing to be done now is to have the words taken down.

Mr. DEMPSEY. I do not believe any Member has the right to have words taken down unless they are within the rules, and it clearly appears from a reading of the rules themselves—and I believe it will appear from the authorities as well as from the rules—that these words are not within the rule which the gentleman from Texas invokes.

The CHAIRMAN. Theoretically, at least, the words are not before the Chair until they have been taken down. The Chair therefore is unaware of the objectionable language.

Mr. SOSNOWSKI. Mr. Chairman, I will withdraw that language.

The CHAIRMAN. The gentleman from Michigan indicates a desire to withdraw the words, and without objection, the gentleman from Michigan will be permitted to make a statement as to what he purposes to do.

Mr. SOSNOWSKI. Mr. Chairman, I ask permission to strike out that language.

Mr. RANKIN. Mr. Chairman, since this question has been raised, there is more than one paragraph in the gentleman's speech, and if he wishes to strike out all reference to a speech made by a Senator in New York, I will be entirely satisfied; if not, I renew the objection made by the gentleman from Texas.

The CHAIRMAN. The Chair suggests that the gentleman be permitted to go back to the beginning of the matter to which objection has been raised and start to deliver his speech at that point; then the members of the committee will know whether any objectionable language remains in the speech.

Mr. CONNALLY of Texas. But, Mr. Chairman, we might have to stay here until to-morrow in order to permit the gentleman to read all of his speech again.

The CHAIRMAN. If the gentleman omits the reading of the objectionable language, then the gentleman from Texas will know what the gentleman from Michigan has left in his speech.

Mr. DEMPSEY. Mr. Chairman, if the gentleman from Texas has any right, does it not begin at the time he made his demand to have the words taken down? He certainly has no right to go back and have the whole speech reread. If he has no right to go back and have it all read, then he has no right to have any part of it reread except from the point where he made his demand.

Mr. CRAMTON. Mr. Chairman, the gentleman from Texas took exception to certain language, but it was not an extensive portion of the speech. There was about one section to which the gentleman from Texas took exception.

Mr. CONNALLY of Texas. The gentleman means the gentleman from Texas took exception publicly to that particular part, but, as a matter of fact, the gentleman from Texas took exception to most of the speech.

Mr. CRAMTON. But that is not a matter which is open to debate at this time.

Mr. CONNALLY of Texas. The gentleman directed his remarks at me, and I have a right to reply.

Mr. CRAMTON. I am trying——

Mr. CONNALLY of Texas. I know what the gentleman is trying to do.

Mr. CRAMTON. I am trying to get the situation ironed out in order to save the time of the House.

Mr. CONNALLY of Texas. The gentleman from Michigan said the gentleman from Texas did not make any objection to the earlier language and in that statement the gentleman from Michigan is technically correct. The gentleman is technically correct in saying that I only objected to the latter statement, and if the gentleman desires to do the right thing by revising his speech and not make it offensive I shall not press the point of order. However, I will say to the gentleman from Michigan that there were many other portions of the gentlman's speech which were offensive and subject to the point of order I have made.

Mr. CRAMTON. I had not noticed those other portions.

The CHAIRMAN. The only question now before the committee is whether the gentleman from Michigan may withdraw the remarks to which objection has been made. The gentleman

from Michigan has indicated to the Chair upon his copy the place where he proposes to begin to eliminate from his manuscript and the Chair thinks he has marked the point where the language begins which was objectionable in the view of the gentleman from Texas.

Mr. CONNALLY of Texas. I will say to the Chair that if the gentleman withdraws that language, technically, I can not object any further; but I want to serve notice on the gentleman now that if in the morning or at any other time there appears in the RECORD language that transgresses the rules of this House with reference to a Member of the Senate, I am going to move to have such language expunged from the RECORD.

Mr. RANKIN. Mr. Speaker, I desire to make a point of order against all the objectionable and unparliamentary language used by the gentleman with reference to a United States Senator.

The CHAIRMAN. Does the gentleman object to the withdrawal of his remarks by the gentleman from Michigan?

Mr. RANKIN. No; I prefer to have the gentleman withdraw all the language that is objectionable from a parliamentary standpoint.

The CHAIRMAN. The gentleman from Michigan will proceed in order and, without objection, leave is granted the gentleman to withdraw the objectionable language.

There was no objection.

Mr. SOSNOWSKI. I would suggest that some of you gentlemen read a book published by Blair Coan, entitled "The Red Web." I would also suggest you read the documentary evidence which I am going to introduce to back up every statement I have made. I am making this statement as a Member of Congress, and I realize the responsibility upon me, and which is backed by documentary evidence.

I want sincerely to thank both sides of this House. I have soldiered with a great many boys of the South for years. I have always loved and respected them. There is not a better class of people in the United States when it comes to loyalty, and I want to thank the gentlemen on the Republican side who have been kind to me for the last two years. If I have gained nothing more than their good friendship, if I have gained nothing more than the privilege of presenting my views to this House, I feel I am amply rewarded for the services I have given to my district, to my State, and to my country. [Applause.]

I thank you; and, Mr. Chairman, I yield back the remainder of my time.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 30 minutes to the gentleman from Arkansas [Mr. OLDFIELD]. [Applause.]

Mr. OLDFIELD. Mr. Chairman, Mr. WOOD, of Indiana, Chairman of the Republican National Congressional Committee, made a speech on this floor some days ago, in which he took me to task for stating that the Democratic Party won a real victory in the last November elections. In reply to this criticism I desire to state again that I feel that the people of the country generally looked upon the November elections as a real Democratic victory. We increased the Democratic membership in the House by 13 and decreased the Republican majority to the same extent. In the Senate we gained seven seats and reduced the majority of the Republicans there almost to the vanishing point. However, Mr. WOOD says that the election of Members of the House is more indicative of the national sentiment than the election of Members of the Senate. Of course, if we had made greater gains in the House than we did in the Senate, then probably Mr. WOOD would have said the reverse. However, in the election of United States Senators last fall every Republican nominee, I think with few exceptions, went before the people of their States on the slogan "That Coolidge needed him in the Senate." Coolidge needed ERNST; he needed Butler; he needed VARE; he needed SMITH and nearly all of the rest of them, and yet in spite of this great need the people returned Democrats at the election. While we are talking about the national aspect of the election I take it that there is no clearer indication as to this aspect than the election in Massachusetts.

Senator Butler was the ideal proponent and beneficiary of the Fordney-McCumber tariff law and of the control of Government by a small group of big business. Senator WALSH had the opposite viewpoint with regard to the Fordney-McCumber tariff law and privilege-controlled government. In addition to this, President Coolidge not only wrote a strong letter telling what a splendid man Senator Butler was and how indispensable he was to the Republican Party and the Chief Executive, but he went to Massachusetts to vote, and during the day saw many thousands of Massachusetts voters. Yet Senator WALSH won by some sixty thousand votes. It seems to me that this is the best index of what the Republicans of the Nation were thinking than any other election. The President himself being from Massachusetts, thoroughly in sympathy with the Forney-McCumber tariff law and other high tariff laws, was defeated in Massachusetts by Senator WALSH, because the President threw himself into the breach, and it can not be construed in any other way than an anti-Coolidge and an anti-Republican victory. Of course, there were some senatorial elections where the slogan was not "Stand by the President." Brookhart, of Iowa, for example; Blaine, of Wisconsin; Senator WILLIS, of Ohio; Senators WATSON and ROBINSON of Indiana. It also may be called to the attention of the people of the country that Col. FRANK L. SMITH of Illinois, chairman of the Public Utilities Commission of the State of Illinois and the Republican candidate for the United States Senate, while being very much criticized not only by Democrats but by Republicans, for accepting large contributions from Mr. Insull, the biggest public utilities man in Illinois and one of the biggest in the country, stated that it was no worse for him to accept campaign contributions from an interested party like Mr. Insull than it was for the President and other Republicans to receive large contributions from tariff barons who were interested in writing tariff laws. Whatever else Colonel SMITH said in his campaign there is no doubt that he told the literal truth in that statement.

The gentleman from Indiana would make light of the results of the November election. He professes not to see the handwriting on the wall. He professes to believe the party to which he belongs, the forces for which he contends, the forces of reaction, won a great victory. The gentleman from Indiana refuses to see any significance in an election result that decreases the Republican Party control of the Senate to a mere nominal control, a majority so small that during the next two years the distinguished Presiding Officer of that body dare not take even a cat nap without placing his party in jeopardy. He sees no significance in the result that decreased his party's majority in this body by 13 votes and increased the Democratic membership by that number. He sees no significance in a result that so frightened the old guard in both Houses, so reduced the likelihood of its control that, hats in hand, the party leaders in the two Houses went to their recalcitrant brethren of the progressive wing and begged them to return to the fold on any old terms under which they would agree to come in. Though they were outcasts, the fortunes of politics were such that these gentlemen whose very names were anathema to the old guard, suddenly became saintly and no price was too great to pay to get them to come back into the ranks of the old guard and vote with the majority to organize the two Houses. Nor does the gentleman from Indiana see any significance in an election result that, almost as soon as the ballots were counted, brought from the occupant of the White House a declaration for immediate tax relief. Some have been so unkind as to doubt the sincerity of the President's expression. Others have been so unkind as to scoff at the proposal. But whatever we may think of it, we at least know the President saw the light and by his move sought to deprive the Democratic Party of the righteous issue of a just and equitable downward revision of Federal taxes, which the people are demanding, to which they are entitled, and which at least the President knew would play havoc with the Republican plans in 1928. The fact is that whatever majority the Republican Party will have in the Senate when Congress convenes next December will be based upon a corrupted electorate in Pennsylvania and Illinois, assuming that they have any majority at all in that body, because they have no majority without the votes of VARE and SMITH.

Further on in his speech the gentleman from Indiana speaks of his party's fiscal record. Let us briefly examine that fiscal record. He refers to reduction of the public debt. At its peak, the Federal debt was $26,596,701,648.01. This was on August 31, 1919. Between that date and June 30, 1921, under the administration of Democrats, the debt was reduced $1,507,055,608, or a little more than three-quarters of a billion dollars a year. From June 30, 1921, to June 30, 1926, the debt was further reduced by a little more than $4,000,000,000. This was over a period of five years, a yearly average reduction of about the same amount as made during the two years of debt reduction under Democratic administration. But of this somewhat more than $4,000,000,000 of debt reduction under Republican administration down to the last June 30, nearly two and a half billion dollars of assets used in the reduction were inherited from the Democratic administration. This included three-quarters of a billion dollars in back taxes levied by a Democratic administration but not finally collected until after the opposition party came into power. It included more than a quarter of a billion dollars' worth of surplus war property which was sold off and the proceeds applied to the debt. It also included about $400,000,000 of assets of the War Finance

Corporation and Railroad Administration accumulated under a Democratic administration.

It also included a Treasury surplus of $186,000,000 turned over to the Republican administration. In addition it included $773,000,000 of interest and principal on the foreign debt. Thus credit for reduction of the debt by use of these assets, amounting to nearly two and a half billion dollars, rightfully belongs to the Democratic administration. The Republican administration is entitled to no credit for it. It makes the amount of reduction for which credit should go to the Democratic Party nearly $4,000,000,000 out of a total reduction up to last June of around $6,000,000,000.

Mr. WOOD also makes some reference to prosperity. It is difficult to determine just what he means by prosperity. Prosperity in order to be real must be general. Does the gentleman from Indiana really believe that whatever prosperity we have in this country is general? Mr. MILLS made the statement on the floor only a few days ago that we have unexampled prosperity in America at this time. Secretary Mellon made the same statement and President Coolidge makes the same statement. Each of these gentlemen knows, or ought to know, that they are simply trying to mislead the American people, because everyone knows that prosperity in America lacks a great deal of being general. Do these gentlemen contend that the farmers, who compose about one-third of the population of America, are prosperous? Do not they know that the value of farm property in America is to-day $30,000,000,000 less than it was when the Republican Party came into power on March 4, 1921? Everybody, except the gentleman from Indiana, the President, Secretary Mellon, and Undersecretary of the Treasury Mills knows that the farmers in America are in dire distress and are rapidly being forced to the level of European peasantry as a direct result of the policies of this administration. But it is not only the farmers of America that are in dire distress. The textile mills of the East and Southeast are also in distress. Notwithstanding the fact that the textile industry has the highest tariff rates under the Fordney-McCumber tariff law they have ever had, and notwithstanding the further fact that the textile industry pays lower wages than most other industries in America, yet the textile industry is in dire distress, and Mr. WOOD suggests, in the latter part of his speech, that Republican leaders should begin now to think about revising the tariff upward. Those representing the textile industry appeared before the Ways and Means Committee at the hearings on the Fordney-McCumber tariff law and made the statement that it was impossible to reduce wages; therefore, they must have higher tariff rates. Of course, they got these higher tariff rates and immediately began reducing wages in the industry. No man can truthfully deny this fact. Mr. Thomas F. McMahon, international president of the United Textile Workers of America, recently made the following statement:

> The wages before the present tariff law went into effect, viz, 1922, were, of course, higher than they are to-day, due to the war-time conditions. With the increased number of machines or spindles added to the worker during the past two years, with a reduction in wage per spindle and machine because of this increase in machinery, the condition of the workers in the cotton mills to-day and some of the worsted mills is worse than at any time in my memory.
>
> The strike at Willimantic, Conn., took place because of a reduction of 10 per cent. The American Thread Co., which controls this plant, had been doing business with us for 10 years, and during that period had declared 250 per cent cash dividends. The reason given for the 10 per cent reduction was because the cotton mills of Fall River were so doing. The cotton mills of Fall River and many other places, because of mismanagement, gross neglect, and ancient machinery, were compelled to cut wages or close down. Some of them have closed since, which proves that reductions in wages, when such wages are already as low as humanly possible to bear, will not save the situation. The thread company, on the other hand, declared its usual dividend the year prior to the strike and placed in reserve $1,380,000 from the net earnings of 1924, one of the worst years in the history of the industry.
>
> We tried for six weeks with the assistance of the Federal Department of Labor to avoid this strike. Mr. Robert Kerr, the president of the American board of directors, was adamant.
>
> The American Thread Co. is controlled by the English Sewing Cotton Thread Co. (Ltd.), of Manchester, England.
>
> The strike has now been on since March 9, 1925. The mill that usually employed 2,500 is employing less than 800 to-day. Three hundred of these people were formerly strikers; the others are out-of-town strike breakers.

The textile industry has reduced wages and laid off thousands of its employees, yet it has the highest tariff protection of any industry in America but this is not all. According to a recent report of R. G. Dun & Co., there were 2,465 failures by business concerns in the United States during January, 1927. This number was 396 more than occurred during December, 1926. I mention this comparison to show you that "prosperity" under Republican policies is progressive. The number is the greatest occurring during any one month in the country's history with the single exception of January, 1922—also under Republican rule—when there were 2,723. In January, 1925, there were 2,296 commercial failures. You can put your finger on almost any month under Republican rule and find that it is a record month in some respects of bankruptcies. During the year 1926 the total number of commercial failures in this country was 21,773, involving liabilities totaling $409,232,278. Compare this with the last Democratic year, 1920, when there were only 8,881 failures with liabilities of $295,000,000. The figures I have just quoted relate to commercial failures; that is, business concerns of one kind or another.

Of course, I assume that Mr. Wood will try to make the people believe that this is not the fault of the Republican administration, but if you are going to claim any credit for that which you claim to be good you can not escape the responsibility for that which is undoubtedly and admittedly bad. [Applause.]

While business conditions in this country have been growing continually worse, what of our neighbors to the north? In Canada during January of this year, when failures in this country were showing such an alarming increase, there were 234 commercial failures, as compared with 270 during the corresponding month of 1926, a decrease of 36. If the policies in force in this country are so benign, so wise, so conducive to prosperity, why is it that commercial conditions here grow worse as they grow better across the northern border? Let one of the "best minds" on the Republican side answer that question.

Now, let us examine the figures of bank failures for a moment. Surely, there is no better criterion of prosperity of a community or a country than the stability of the banking fraternity. During 1926 there were 608 bank failures in the United States, with liabilities amounting to $212,074,999. During the preceding year—1925—there were 464 bank failures, with liabilities amounting to $164,698,510. If, according to President Coolidge, Secretary Mellon, Mr. Hoover, and Republican leaders on this floor, business is growing progressively better, how do you account for the increase of 144 bank failures during the last year, and an increase in their liabilities of nearly $50,000,000? Now, let us compare these bank failures with the bank failures of 1920, the last year of Democratic control. During the year 1920, when the Republican spellbinders were telling the people that conditions were terribly bad and appealing to them to elect a Republican administration in order to help business conditions, there were only 119 bank failures in the United States, with liabilities of only $40,000,000. The increase in liabilities of bank failures during last year under Republican rule was more than the total liabilities of all the bank failures in America during the last year of the Wilson administration. And to carry the comparison a little further, during the eight years under President Wilson's administration there were only 578 bank failures in the entire country, as compared with 3,019 bank failures, with total liabilities of $969,276,000 during only six years of Republican rule, while commercial failures in five Republican years outnumbered the total for eight years under Wilson, with liabilities nearly twice as great. Republicans do some things at least in a "big" way. If you will consult the reports of R. G. Dun & Co. and take the Federal Reserve Bulletin, you will find that these figures are absolutely correct. If you will consult the Federal Reserve Bulletin, you will find that during the first three weeks of 1927 the Federal Reserve Board makes the statement that there were 93 bank failures in this country, with deposits of $25,600,000. Evidently 1927 is out to beat 1925 and 1926 records. Yet administration propagandists continue to repeat daily the false statement that we have "unexampled prosperity" in America.

Secretary Mellon in opposing farm-relief legislation opposed such legislation on the ground that it would increase the price of food products in this country. He forgot to tell us, however, that the Fordney-McCumber tariff law was written for the purpose of increasing the price of manufactured articles to American consumers. He also forgot to tell us that the Fordney-McCumber tariff law increased the duty on aluminum 3 cents per pound and that 60 days thereafter Mr. Mellon's aluminum trust increased the price of this product to the extent of the increase in duty.

The President and Secretary Mellon and others like them who believe a small segment of big business interests ought to run the Government, tell us that we have unexampled prosperity because of the large amount of income taxes paid last year by individuals and corporations. If you will investigate carefully you will find that the great corporations and individuals connected with them who seek and secure special privileges through

legislation and executive favor, are the only ones that are prosperous. Surely no one will claim that the hundreds of thousands of corporations that made no profits last year and the thousands that failed were prosperous. What is happening in this country to-day is that under privilege-controlled Government the small banks and the small business men are being continually and surely put out of business and the field of business is being monopolized by a small group of big business interests which controls the Government; and I might add our agricultural population is being forced into peasantry. Secretary Mellon and the President also make the point in their opposition to farm-relief legislation that it will enable the foreign consumers to secure American food products cheaper than our own consumers. Yet the President and Secretary Mellon both forget to tell us that this is one of the purposes of the Fordney-McCumber tariff law and this is the effect that the Fordney-McCumber tariff law has had on the consumers of our manufactured products in our country, and the consumers of our manufactured products abroad. If you will get the foreign edition of the Exporters and Importers' Journal of October 15, 1926, you will find a splendid illustration of this fact. In many of the articles the Journal advises that they will give the foreign prices on application. I assume that is on application by some foreigner who wants to buy American manufactured goods. The following are but a few of the outstanding illustrations. Surely there are many others.

Harrows and plows that are made by American manufacturers and sold to Americans for $108 are sold to foreign purchasers for $72. Harrows and plows manufactured in America and selling to American consumers for $165 are sold to foreign consumers for $110. Gas stoves sold in America for $100 are sold to foreign consumers for $70. Baking powder, price per dozen cans of 2 ounces each, 95 cents; price to foreign consumers, 86 cents. Dozen cans of baking powder 5 pounds each, $31.20 to American consumers and $28.08 to foreign consumers. Hammers, price to American consumers, $20.34 per dozen and to foreign consumers, $15.26 per dozen. When Americans buy coffin and casket trimmings made in America they pay 30 per cent more than the foreigner has to pay. They pay for blacksmiths' tools 25 per cent more than the foreigner has to pay. Auger bits, the American consumer pays 60 per cent more than the foreign consumer pays. Steel rules and gauges, the American consumer pays 20 per cent more than the foreign consumer. Screw drivers, the American consumer pays 33⅓ per cent more than the foreign consumer. Hence, you will see clearly that the effect of the Fordney-McCumber tariff law enables American manufacturers to sell to foreign consumers cheaper than they sell to their home consumers; and they do it. Yet proponents of high tariff laws very carefully guard the people against these facts.

Mr. Chairman, when the Democratic administration ended on March 4, 1921, every nation in the world was our friend. Many of the South American Republics entered the great war on our side not because they expected to furnish soldiers in the contest but to show their appreciation of the great American Government. To-day, after six years of Republican control, we have not a friend in the world, largely because of our tariff walls and other restrictions upon commerce. To-day the European nations are getting together and are writing tariff laws which will prevent our exports of farm and factory to those countries, largely because we have written tariff laws to keep their products from our shores. The people may just as well understand now as later that they can not sell if they are not willing to buy. No Democrat wants to write a tariff law that will injure business conditions in this country, and we have never done so; but we are unalterably opposed to prohibitory tariff laws. We want honest competitive tariff laws that will encourage legitimate international trade and commerce. [Applause.]

Another great question confronting the American people today is honesty in elections as well as honesty in Government. We have seen a veritable saturnalia of dishonesty in government within the last six years. Dishonesty in government is a natural corollary of corruption in politics. We should never hesitate to hit, and hit hard, corruption when it shows itself, either in elections or in office. It has been said that it is impossible to have honesty in government until we have first had honesty in elections; hence we invite men and women everywhere, regardless of party, who desire to assist in putting down corruption, both in elections and in office, to join us in this fight. [Applause.]

We have within the last few days seen the sickening spectacle of high Government officials go on the stand to certify to the good character of a former Attorney General who was afraid to go on the stand in his own defense. We have also seen this same former Attorney General and a former Alien Property Custodian of this administration, surrounded by relatives and friends at the conclusion of a former trial, being congratulated, not on being acquitted of the terrible charge of graft in high office, but on securing a hung jury. Yet some people wonder at the wave of crime in this country. The ordinary criminal has been encouraged by the example of crime committed in high office within the last six years.

Mr. Chairman, with the headless, spineless, and heartless leadership we have at the head of our foreign affairs, I think it would be wise for this House to pass a resolution before we adjourn declaring it to be the sense of the House that the President do not during the recess of Congress, between March 4 and December 5, involve the country in war with Mexico without first calling Congress in extraordinary session. My friends, this is especially necessary when we contemplate the controlling influence exercised by Mellon, Doheny, and Sinclair, who, it is stated, own more than 80 per cent of the oil lands in Mexico and who are the only interests refusing to comply with the land laws of that country. [Applause.]

Mr. Chairman, in conclusion permit me to suggest to Democrats in order to win in 1928 we must deserve to win. There is not room enough in this or any other country for two special-privilege, ultra-conservative, plutocratic parties. We can not hope to compete with the Republicans for the support of the despoilers of the people. Neither can there be two ultra-radical parties in the country. We must represent that great body of our citizenship who in their hearts and consciences desire a government which treats every man, woman, and child in the country just like it treats every other man, woman, and child when they come in contact with government. We must remain democratic; we must represent sound liberalism in America; we must protect the average citizen against the aggression of the corruptionist in politics; we must remain loyal to and fight the battle of the average citizen, the great common people. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 30 minutes to the gentleman from Texas [Mr. CONNALLY]. [Applause.]

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, the Navy Department, under the direction of the State Department, is at war in Nicaragua. The Congress has not declared war, neither has the President as commander in chief of the Army and the Navy announced the existence of a state of war; but war is being made by the armed forces of the United States in the Republic of Nicaragua.

The people of Nicaragua at the last time that people expressed themselves officially indicated by a 2 to 1 vote they did not want to be governed by the Chomorro-Diaz régime. After the chosen servants of the people of Nicaragua had taken office, Chamorro instituted a military revolt and seized the reins of power. The State Department and the Navy Department, though they did not diplomatically recognize his régime, did not intervene with armed forces and put down his usurpation of power, but allowed him to exercise control of that Republic for a number of months in defiance of the will of its people.

When American marines were first landed in Nicaragua late in 1926, it was predicted then that slowly and by degrees the marines would be utilized not for the primary purpose of protecting American lives and American property, but it was predicted then on this floor that as events developed American marines would be utilized to keep the Liberal revolution headed by Sacasa from overcoming Diaz and driving him from power. Diaz, who to-day is recognized as President of that Republic by the United States, the day after he went into power publicly stated that unless the United States sent armed forces into Nicaragua his own people would overthrow him and put him out of power; and it was in response to that request that American marines were landed there.

My friends, what is the reason assigned by the Department of State and the Navy Department? They say that American marines have been landed in Nicaragua for the purpose of protecting American lives and American property. That is a worthy cause, and if American lives and American property were in truth endangered there might be some foundation for the course of these departments of government; but I challenge you and I challenge the Department of State to tell the American people of one American life that has been imperiled or one dollar of American property that has been endangered or damaged. The departments from day to day hand out statements that it is for the purpose of protecting American life and American property that marines are in Nicaragua. It was predicted here on this floor that the program of the State Department and of the Navy Department would be to gradually take control of the whole country through a process of neutralization, and what did they do? The first act of neutralization that took place was to seize Puerto Cabezas, the headquarters of the revolution.

They landed marines, took charge of that territory, and told the revolutionists that no fighting could take place in the neutral zone. Wherever there was a city or a point which the revolutionists threatened with any show of being able to capture it, marines were landed and that point was neutralized. At the city of Chinandega the liberals were in a threatening position. A battle took place, and shortly the marines were dispatched there and the territory declared neutral. Leon, a liberal center in Nicaragua, has been neutralized and the marines have taken their position there. Corinto, on the coast, has been neutralized, and when the liberals tried to cut off communication by railway between Corinto and the capital marines were landed and patrolled the railroad from Corinto for the purpose of doing what? For the purpose of perpetuating in power the usurper Diaz, recognized by the United States Government on the second day after his supposed election.

There are only two kinds of authority to be recognized in a State. The President is either a constitutional de jure officer or he secures his position by force and is a de facto officer. Diaz is neither. He is neither the constitutional President of Nicaragua, nor is he able to seize power in Nicaragua by force, because his rule is absolutely dependent on the force exercised and exerted by the marines of the United States.

You can have a certain admiration for a revolutionist or an insurrectionist who is strong enough, who has character enough, to overpower the existing régime by force and who becomes a de facto officer. If Diaz were such a character there would be at least the color of right of recognition. But in the case of Diaz he was not able to maintain himself, he could not seize the reins of power by force, nor was he the constitutionally elected President; he has neither the title to the office de jure, nor has he title to the office de facto by reason of the strength of his power.

It was stated publicly in the other end of the Capitol a few days ago that 17 days before he was supposedly elected by the Nicaraguan Congress the first secretary, the American chargé d'affaires, Mr. Dennis, had made a public statement that Diaz would be acceptable to the United States Government in case he should be elected by the Congress. Seventeen days after that statement he was elected, and two days later he was recognized by the State Department. A short time afterwards, in response to his urgent appeal, United States marines were landed there to maintain his authority at the point of the bayonet.

What did the press tell us this morning? It announced the following headlines. This is from the Washington Post, recognized as having access to the backstairs of the administration:

LATIMER PROHIBITS ANY FIGHTING NEAR LINE OF RAILROAD—DIAZ TREATY PLAN PUTS UNITED STATES OVER NICARAGUA FOR 100 YEARS—CONTROL OF FINANCES IN AMERICAN HANDS—CREATION OF NATIONAL GUARD OFFICERED BY UNITED STATES ARMY ALSO IS PROPOSED

In exchange for the American guarantees of sovereignty and independence, offering to guarantee the Bryan-Chamorro treaty on canal rights and naval bases, President Adolfo Diaz this week will submit to the Nicaraguan Congress a proposal for an alliance with the United States over a period of 100 years.

"In exchange for American guarantees of sovereignty and independence!"

Think of it, gentlemen, guarantees of sovereignty and independence are what we are going to give Nicaragua. Independence! In control under this proposed treaty, in control of her finances, in control of the customhouses, in control of her police, officered by the United States Army officers. And in exchange, gentlemen, for that kind of independence Diaz is going to have his tools in the Nicaraguan Congress promise to protect American rights to build an interoceanic canal.

The State Department among others gives as a basis for its action that the United States must land marines in order to protect our rights to build the Nicaraguan Canal. Mr. Chairman, the canal is as yet a mere figment of the imagination, as yet it is only a channel in the mind, as yet the Nicaraguan Canal is only a dream. Nothing that Nicaragua can do, nothing that Diaz can do, nothing that Sacasa can do can imperil our rights. We have the right to build it when we elect to build it, and the excuse that it is necessary to take over the Government of Nicaragua, not for 100 years or for 1 year, in order to protect the Nicaraguan Canal is the flimsiest of pretenses, and is unworthy of the Department of State. [Applause on the Democratic side.] The trouble with our Department of State is that it is presided over by a man with an eighteenth century mind. He acts like a diplomat of the eighteenth century. He reminds us of the diplomacy of Metternich. He suggests that type of Old World diplomacy that is devoted to commercial exploitation and to the spread of the dominion of some great ruler. Let me read from an editorial in the Brooklyn Daily Eagle of February 22, 1927:

[From the Brooklyn Daily Eagle, February 22, 1927]

TWO YEARS OF MR. KELLOGG

Mr. Kellogg has now been Secretary of State of the United States for two years. As a record of complete, unmitigated failure his administration sets a new standard. No previous Secretary has ever done more harm and less good in so short a time.

He has scored failures in these important negotiations:

On the Tacua-Arica issue.

On the treaty with Panama.

On the World Court.

In the Nicaraguan revolution.

In the oil and land dispute with Mexico.

On the Lausanne treaty.

In the preliminary disarmament conference.

On the American invitation to an arms conference.

In China.

No Secretary of State has ever had so many fine opportunities. None has ever failed so completely in everything he undertook.

What are we going to do about Nicaragua? We have already intervened. People speak of "going to intervene" in Nicaragua. We have already intervened. We have taken military control of the Republic of Nicaragua, over the protests of two-thirds of the people of that Republic, and for what? To protect American lives, to protect American property! That is the slogan under which the State Department claims to act. It will be noticed that I do not use the words "United States." I do not say that the United States is at war, because the United States and the people of the United States do not believe in the course of conduct that the State Department, usurping the rights of the American people, is carrying on in Nicaragua. [Applause on the Democratic side.] The people of the United States are not at war, and they do not want to be at war, but the State Department has usurped the functions of governments and is placing the United States in a position from which it is going to be difficult to recede and in which it is still more difficult to justify our actions.

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

Mr. CONNALLY of Texas. Yes.

Mr. MOORE of Virginia. I hope the gentleman will refer to the fact that the President of the United States, in his message on January 10, said that we had no purpose to intervene in Nicaragua.

Mr. CONNALLY of Texas. Here is what the President said. The President said, in his message on January 10:

I am sure it is not the desire of the United States to intervene in the internal affairs of Nicaragua.

If the President meant what he said in his message and if he still believes that the Government of the United States does not desire to intervene in Nicaragua, why does he not send a messenger over to the State Department and summon his Secretary and ask him how it is that he is embezzling the power the President placed in him by running contrary to the President's explicit expression in that respect?

Whenever we land troops in a country, whenever we take armed possession of the cities of a country—and we have already taken possession of all of the important cities in Nicaragua except two—whenever we take charge of a railway traversing a country and issue orders to the revolutionists that they must not come within 2,000 yards of either side of the railway with their troops, whenever we issue an edict to the revolutionary commander and tell him that he must not bring his troops within 2,000 yards of any city in Nicaragua, then we commit acts of war. It is not necessary to spill blood to wage war. It is not necessary to spill blood to conquer a country. To conquer a country is to take armed possession of it and establish your authority over it, and that is what Admiral Latimer has done. He has taken over sovereignty along the railroad and around every city. His answer is that Diaz, this puppet; Diaz, this paper President; Diaz, this theoretical President, has asked him to do it. Mr. Chairman, if I were the President of a country with an army, I would not ask any other nation to come in and exercise the functions of my office for me; and the only reason that Diaz asked Admiral Latimer to perform these functions is because he can not perform them himself, because the minute American marines are withdrawn from Nicaragua, Diaz will be ejected from office by the wrath of the people of Nicaragua. Diaz says that as long as he is President he wants the marines in Nicaragua. He says:

So long as I am President, and under subsequent administrations, I think the United States marines should remain in Nicaragua. This is the only means of preventing revolutions and guaranteeing the uninterrupted progress of the coast-to-coast railroad which I planned, paved highways, educational system, allowing the Nicaraguans to realize their natural physical advantages and possibilities of development during peace times. I always opposed removing the marines from Nicaragua, and I welcome their return to aid our nation.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. O'CONNOR of New York. Will the gentleman give us the benefit of his judgment as to the real reason why the State Department is intervening there, by what motive it is inspired?

Mr. CONNALLY of Texas. It is a difficult matter to conjecture or judge of the motives of other people, but so far as we are able to ascertain the facts with reference to the action of the State Department——

Mr. O'CONNELL of New York. We could not get them directly in the committee.

Mr. CONNALLY of Texas. We had no opportunity in the Committee on Foreign Affairs to have a representative of the Department of State come before the committee and give us information. The committee of which I happen to be a member absolutely refused to invite the Secretary of State or any of his subordinates to appear before the committee. The committee simply got behind that mouth-filling phrase "to protect American lives and property," but I rather suspect that the American lives and the American property that the State Department is so anxious to protect in Nicaragua are a few American-owned corporations that have loans in Nicaragua and corporations holding mahogany concessions, and interests that are now planning to acquire the railroad which the marines are now protecting.

This man Diaz says he planned the railroad. Well, I am not able to vouch for this information, but the best information I can obtain is that there is a group of financiers in New York who are planning to take over the railroad from the existing Government of Nicaragua, and I am informed that the day following the Diaz inauguration he borrowed $300,000 from a banking concern in New York. I am not able to vouch for that. I regret we have not available information on this subject. The Department of State has not vouchsafed to the committee the information, and there is such a prejudice in the Committee on Foreign Affairs against information that we were unable to get any from the department.

Let us see what we are going to do for 100 years. They are going to propose a treaty for 100 years. Thank the Constitution, however, a treaty to be effective must be ratified, and, thank the Constitution, there is a Senate over at the other end of the Capitol. Before the treaty can become effective the Senate must approve it. Yet the Department of State and the Department of the Navy as soon as Congress adjourns can go on putting into practical effect the terms of that treaty without the ratification of the Senate. We predicted more than a month ago what is transpiring now in Nicaragua. Wait until Congress adjourns, wait until the Senate adjourns, wait until its return home, and the Department of State and the Navy Department will have a free rein. They will have the marines at their disposal; they will have the Navy at their disposal. I hesitate to predict what will happen in Nicaragua and Mexico when the administration and State Department are free without Congress being in session to let the country know what they propose. Do you know how many marines there are in Nicaragua now? The New York World of this morning states there are already in that territory and on the way over 5,000 marines—5,000 marines! Why, my friends, you could give every American citizen in Nicaragua a corporal's guard to protect him, and to do that we would not need half as many marines as there are there now.

Mr. MOORE of Virginia. Will the gentleman allow me to interrupt him?

Mr. CONNALLY of Texas. I will.

Mr. MOORE of Virginia. At the time the President sent in his message there were marines to the extent of 20 officers, 400 enlisted men, and 15 naval vessels off the coast of Nicaragua, including cruisers, destroyers, and a mine sweeper—enough to protect all the property as well as the person of every American citizen in Central America, and yet, forsooth, we are sending an additional force.

Mr. CONNALLY of Texas. I will say to the gentleman from Virginia that his statement, so far as I know, is absolutely accurate, and as the days go by, and as the press reports come every day chronicling the increased number of warships and increasing numbers of marines the departments are dispatching to Nicaragua, not one American has suffered any personal peril so far as we are informed, and the reports fail to state that a dollar's worth of American property has been injured or harmed. I yield to the gentleman from Alabama.

Mr. ALLGOOD. The census of 1920 reports 521 Americans in Nicaragua.

Mr. CONNALLY of Texas. They have 10 for each American citizen in Nicaragua now—a guard of 10 marines—that is the quota! He may not have it, but he has a quota of 10 marines to which he is entitled.

Now, what is to be the policy of the United States? Here is what the President said in a public statement on the 20th of January. This is the voice of the President, who is supposed to control the Secretary of State. This is the voice of the President, who is Commander in Chief of the Navy and the Army.

The President on the 20th of January said:

Least of all we have no desire to interfere in the internal affairs of Nicaragua or dictate in any way.

Yet, gentlemen, in the face of that statement, these servants of the President, the Secretary of State and the Secretary of the Navy, in defiance of the President's own words, have interfered in Nicaragua. Have they interfered? They have told the citizens, the supposedly free citizens of a sovereign republic, that they can not come within 2,000 paces of a single city in their own republic. They have told them that they must not approach within 2,000 yards of the railway. Our naval commander has told them that they can not fight within certain areas. Our forces have neutralized completely, with the exception of two cities, every important point in Nicaragua.

Mr. Chairman and gentlemen of the House, on yesterday in this Chamber the President of the United States stood before one of the most distinguished gatherings that could be convoked on this earth, embracing the diplomats of foreign countries, the Senators of the United States, the Representatives of the people of the United States, the members of the greatest court that sits on this revolving globe, and delivered an eloquent and inspiring address on the life of George Washington. I would commend to you and to the President the following from George Washington's Farewell Address. In speaking of a weaker nation becoming attached to a greater nation, as we are seeking by this arrangement with President Diaz to attach Nicaragua, or at least the interest of one faction in Nicaragua, to the United States, President Washington said:

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity; gilding with the appearance of a virtuous sense of obligation a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Washington's words were wise 100 years ago. They are wise now. The President of to-day may profit by the example of our first President.

Mr. Chairman and gentlemen of the committee, we are in a state of war in Nicaragua; not perhaps with all of the people, but we are at war with the dominant faction in Nicaragua. We are at war with the majority of the people of that Republic, according to the last official expression of that people. We have neutralized all of the zones where any fighting was imminent. We have taken over the independence and sovereignty of Nicaragua to all intents and purposes.

Congress has not declared war. The President has not announced the existence of a state of war. But two departments of this Government, not responsible to anybody except the President, have created a condition of war yonder in the Republic of Nicaragua.

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

Mr. CONNALLY of Texas. Can the gentleman give me another minute?

Mr. TAYLOR of Colorado. I yield to the gentleman three minutes.

The CHAIRMAN. The gentleman is recognized for three minutes more.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the House, I want here to register my solemn protest against that action. I protest against it as a representative of the American taxpayers, who will have to foot the bill. As the representative of mothers and fathers whose unwilling sons must carry on war when it is waged, I protest against it. In the name of the rights of small nations as well as of great I protest. As a representative of the American people I protest against it. In the name of justice and fairness to the people of Nicaragua I protest against it. Above all, as an American citizen who loves his country and who glories in its traditions I protest against it, because it is wrong. [Applause.] I protest against it in the name of the Monroe doctrine, a doctrine that was enunciated for the protection and independence of the nations of Central and South America and not for their exploitation and destruction. [Applause.] I protest against it in the name of international good will and fellowship. I protest against it because, by the course which these two departments of the Government are pursuing, we are alienating the respect and confidence of Europe and stirring up the hatred and bitter passions of every people in South and Central America. I protest against it in the name of American business, because the course we are now following will drive the people of South and Central America into European markets for the purchase of goods. I protest against it because it increases the number of our enemies and lessens the number of our friends.

What are we going to do about it? Is there no way by which the American people can have their voice registered? We know and you know that the American people do not believe in that high-handed course. You all do know that the American people believe in what the President said he believed when he said the United States did not want to intervene in Nicaragua.

Is there no way, gentlemen, by which the great submerged voice of the American people can find utterance? Is there no forum where their voice can be heard? Is there no place in this Government where, when their voice is heard, it can be registered and its crystallized opinion can be translated into action? [Applause.]

Oh, Mr. President, who stood here yesterday and lifted up your voice in praise of the life of Washington, I would remind you that that great American's greatest fame clusters about the years when he warred here on these shores to make independent a struggling people and that he wrote his name where time can never efface it because he stood for the rights of a people to govern themselves without outside interference. [Applause.]

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

Mr. TAYLOR of Colorado. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. CONNALLY of Texas. And it was because Washington, along with other citizens of the Colonies, was able with his sword to write those beliefs and those principles into law and into fact that his name has been handed down to the generations that shall come after him. It was because George Washington, with his little, ragged Continental Army, was able to drive from these shores forever the royal standard that Washington was Washington. [Applause.]

The Central and South American countries to-day are in existence because a great leader arose in the southern continent. Under the inspiration of Washington, the patriot Bolivar rose against the might and power of Spain and secured the independence of Central and South America. He was fascinated by the example of Washington. The exploits of Washington had seized upon his imagination. He raised the same battle cry in South America that Washington raised here, and those struggling people threw off the thralldom of Spain and became independent nations after the fashion of our own. And then the great country of the north, the home of Washington, when it saw the sovereignty and the integrity of South American countries imperiled, when it saw the threat of the Holy Alliance extended across the Atlantic, when it saw the covetous eyes of Spain looking with hunger and with greed upon the rich possessions that had been rudely ravished from its grasp, America said to Europe, "You shall never establish to the south of us any part of your system. Our people and our treasure are pledged to the protection of the independence and sovereignty of South and Central America." [Applause.]

Mr. Chairman and gentlemen of the committee, I protest against staining that splendid chapter of American international nobility by writing a new chapter which shall abase the independence of even one Central American State while it exalts the dollars of a few corporations. [Applause.]

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

Mr. CRAMTON. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. KETCHAM].

Mr. KETCHAM. Mr. Chairman and members of the committee, in the closing days of this session of Congress the high pressure under which we have been working and the great interest nearly all Members take in particular measures coupled, of course, with some cross currents of divided interests have produced a state of mind among the Members that led one newspaper to call this Congress the "Battling Congress."

I am happy to say, Mr. Chairman, that the proposition I advance at this time is not calculated to increase this stress or strain to a greater extent, but on the contrary is advanced with the exactly opposite idea in mind. So far as I know no word of opposition has been expressed to the Capper-Ketcham bill (H. R. 16295), which has for its purpose supplementing the appropriations now made under the Smith-Lever bill, particularly in behalf of county club agents for the organization of boys' and girls' club work and also an increase in number of home demonstration agents.

The clear-cut delineation of the life and service of the Father of our Country delivered in this Chamber by President Coolidge yesterday emphasized particularly the value of business training and experience in the making of a noteworthy life and in the development of the extraordinary qualities of leadership which George Washington exemplified.

He was a practical and successful surveyor at 16, a joint executor of his brother's estate at 20, owner of Mount Vernon at 22, and one of the largest land holders of the Old Dominion at 26. Emphatically the Father of our Country learned "by doing." The great 4-H boys' and girls' club movement in the United States is a practical and successful application of this "Learning to do by doing principle."

There are in the United States 11,000,000 rural boys and girls between the ages of 10 and 18 years of age, 6,000,000 of whom live upon the farms. The common school course of study is usually completed at the age of 14 and unless the young people from the country go on to high school and college the remaining years between 14 and 20 are years of discovery and experiments, and in many cases mere drifting.

These years are, therefore, of the greatest consequence, not only to the individuals themselves but also to the country from the standpoint of public welfare. A substantially high percentage of the criminals of large centers of population are young men between these ages. This fact emphasizes the necessity of early and definite training for some worth-while occupation.

The boys' and girls' club movement in the open country is one of the most practical and successful means of meeting constructively this problem. In the twelve-year period covering the operation of the Smith-Lever law under which these clubs have been developed, nearly 6,000,000 different boys and girls enrolled in these clubs in every State of the Union, and a very high percentage of those enrolled completed the various projects undertaken and submitted written reports upon the results achieved.

The extension service set up under the Smith-Lever Act has been the motive power back of this tremendous club movement. Its efforts have been supplemented by nearly 40,000 local club leaders who for the most part rendered purely voluntary service in supervising and directing the various club projects.

There are in the United States at the present time practically 2,800 agricultural counties. Of these 2,800 counties, approximately 2,150 have agricultural agents, 945 of the counties have home-demonstration agents, and 160 have county club agents. It is the purpose of H. R. 16295 to supplement the appropriation now granted by the Smith-Lever Act by providing an increased amount, 80 per cent of which is to be used principally in the employment of additional boys' and girls' club and home-demonstration agents.

Probably every member of the committee is fully advised as to the general character of the work done by these boys' and girls' clubs and the primary purposes that are sought to be served. The Department of Agriculture summarizes them as follows:

1. By means of farm home and community demonstrations and club activities, carried on by the young people themselves, they are shown how to improve rural farm and home practices and to organize the social life of their home communities.

2. The larger possibilities of rural life are developed.

3. Those who are planning to become farmers and home makers are trained in the most efficient methods, and finally the young people are shown the advantages of leadership in rural affairs, and trained for these responsibilities.

The public interest in the clubs lies in the degree in which the young people themselves are developed into public-spirited and useful citizens.

The particular lines of work which are made the medium by which certain results are obtained are as follows: Growing an acre or more of cotton, corn, or potatoes in accordance with the latest and best directions and instructions; raising pigs, calves, sheep, and chickens according to the latest approved methods; growing fruits and vegetables to meet the needs of the ordinary family, canning the surplus in the latest approved method, and a few other lines of farm and home work that especially appeal to young folks.

The average period of training for these young people is about two years, although numbers of them continue longer, and thereby train themselves for leaders of local clubs or for further high-school and college work.

Probably the practical question that will be raised in the minds of most members of the committee is the necessity for additional funds for this purpose in view of the progress already quoted. This necessity arises out of the fact that the Smith-Lever funds have reached their limit and the field for boys' and girls' club work has just fairly been opened up. Both the county agricultural agents and home demonstration agents give every possible encouragement and supervision to the work of these clubs, but naturally the demands upon their time in other directions curtail their activities in club work and they can not do their best when such club work is a minor, rather than a major activity.

Proof of this fact is shown in the comparative results achieved where county agricultural agents and county club agents have worked at the problem. The latest figures indicate that the average number of boys' and girls' club members in counties where work is done under the supervision of the agricultural agent is 119, under the home demonstration agents, 196 club members per county, but where a county club agent gives his whole time to this work the average enrollment is 507.

While these enrollment figures show undoubtedly the advantage of having a county club agent, yet the real test of the success of their work is in the number of boys and girls who complete their projects and make reports. Very naturally the percentage of such completion is very much higher where the county club agent is able to give his whole time. The average of such completion is 75 per cent in contrast with 60 per cent by the county agricultural agent alone, or 50 per cent where the home demonstration agent alone has charge.

To indicate that the field is nowhere near occupied it may be stated that there are on the average 960 rural boys and girls between the ages of 10 and 18 years in each rural county of the United States. It will readily be seen then what a small percentage of those who ought to have the privilege of enrolling in boys' and girls' clubs are actually reached under the present arrangement. The supplementary appropriation carried in House bill 16295 when it becomes fully effective in 13 years would extend this service undoubtedly to all who could be attracted to it.

Agriculture and its problems have been very much before us in recent years, and while emergency legislation has just received a good deal of consideration, yet a matter of public policy that does not take a long look ahead fails to meet the situation fully.

There are approximately 6,400,000 farms in the United States and the average tenure on them is 16 years. Under normal conditions 400,000 new farmers take up the task every year. Under the most favorable circumstances, at present, but a small fraction of them have had as full training as they should for the very important responsibility they assume.

Certainly it is sound public policy to meet this situation more adequately than we are able to do under the limitations of the Smith-Lever Act. Endless illustrations could be given from every section of the country showing individual boys and girls who have developed very wonderfully under operation of boys' and girls' club work. The stories of some outstanding accomplishments will be found in the brief hearings on the bill that have been, and are to be held, by the Senate and House Committees on Agriculture.

In the remaining few moments of the time alloted to me I want to read one story, which is but typical of thousands, that will indicate what has been done by one boy out in the open country between these two critical ages of 14 and 18 years. I refer to Mr. Ford Mercer, of the State of Oklahoma. This young lad took a prize in 1924 for junior leadership of clubs. This is a very brief summary of the things accomplished by that young lad leading up to the winning of this club championship:

(1) He won his father to 4-H club work through corn demonstrations.

(2) He has been a demonstrator in all the club projects in his community.

(3) He enrolled additional members in his home community and helped them to succeed.

(4) He put himself through high school.

(5) He was State pig-club champion in 1921.

(6) He was coach of judging and demonstration teams during 1923-24.

(7) He won the sweepstakes championship in open classes in corn for five successive years.

(8) He has completed 16 club demonstrations with a net income of $1,317.70.

(9) He has made 42 exhibits and won $314 in prizes.

(10) He has taken part in 30 club-judging contests and won first place in 25 of them.

(11) He was president of the county federation of clubs and assumed a large part of the responsibility for the organization work in his county.

All of these indicate how splendidly he used the fine opportunities that were given to him under the provisions of this very fine bill. I would likewise like to include the statement of a like accomplishment on the part of a Michigan boy by the name of Donald Shepard. He lives in the congressional district of my friend and colleague, Mr. HOOPER, and likewise his inspiration and training came from the work that was done under the leadership provided by the terms of the Smith-Lever Act.

The statement referred to follows:

DONALD SHEPARD, EATON COUNTY, MICH.

Farmers of Eaton County, Mich., are beginning to lead visitors around to the Shorthorn herd of Donald Shepard, pointing it out as one of the county's leading herds and telling of the long list of prizes won at county and State fairs by this string of cattle.

A fine Shorthorn herd is no unusual sight in central Michigan; but for a young man barely past 21 and a comparative newcomer at cattle raising to get together a string of blue-ribbon winners such as Shepard's is a feat which has attracted the attention of an entire countryside.

Six years ago Don Shepard, then a boy of 15, joined a county calf club, under the boys' and girls' club organization, and bought two Shorthorn calves—a male and a female. From this start he has built the herd referred to above.

Shepard has just entered the Michigan Agricultural College as a freshman, the money for his entire first year having been won on his Shorthorns during a six-weeks fair circuit last summer.

He has won county and State championships in club work, and a scholarship which will help to pay his way through college. He has been a member of Michigan club stock-judging team at the Chicago International and at the Atlanta (Ga.) contest, is secretary of the Eaton County Shorthorn Breeders' Association, treasurer of Michigan Association of Club Champions, assistant superintendent of the Eaton County Fair Association, and a local leader of calf club work.

For three years Shepard has been winning his share of prizes at county and State fairs, topping off his successes with the awards this summer, which totaled enough to send him to college.

Mr. KETCHAM. Summarizing the arguments in support of H. R. 16295, I would say that I can do no better than to include the words of the Department of Agriculture, which is charged with the administration of this law, after 10 years' experience with it:

4-H club boys and girls are doers. They are taught high ideals and standards. They meet together, work together, play together, cooperate, achieve. They play the game fairly. They demonstrate, work, earn money, and acquire property. They learn and teach the better way on the farm, in the home, and in the community. They build up their bodies and their health through right living. They train their hands to be useful, their minds to think clearly, and their hearts to be kind.

The indorsements of club work are nation-wide in their scope and enthusiastic to an unusual degree. They include all the outstanding farm organizations, likewise livestock and breeding associations, the American Bankers' Association, the National Federation of Women's Clubs, and many others both from organizations and representative citizens.

Mr. Chairman and members of the committee, I have asked for time in which to make this very brief statement this afternoon because of the fact that the Senate Committee on Agriculture has already held hearings upon this measure, and at the conclusion of the first day's hearings the committee unanimously reported the measure favorably to the Senate, and it is now on the Senate Calendar. To-morrow morning at 10 o'clock

before the House Committee on Agriculture hearings upon the bill will start, and in view of the fact that many Members of the House have expressed their interest in the measure, I take this opportunity of extending you an invitation to be present and hear not only from those directly in charge, but from the boys and girls themselves, who will be present to give testimony as to the very excellent character and far-reaching results in training these boys and girls in the practical things which shall make them leaders in their communities in the days that are ahead. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 15 minutes to the Resident Commissioner from Porto Rico [Mr. DAVILA]. [Applause.]

Mr. DAVILA. Mr. Chairman, I have received a communication from the University of Porto Rico, which I would like to have read by the Clerk in my time.

The CHAIRMAN. Without objection, the Clerk will read the communication.

There was no objection.

The Clerk read as follows:

GOVERNMENT OF PORTO RICO
UNIVERSITY OF PORTO RICO,
OFFICE OF THE CHANCELLOR,
Rio Piedras, P. R., February 9, 1927.

HON. FELIX CORDOVA DAVILA,
Resident Commissioner of Porto Rico,
Washington, D. C.

MY DEAR MR. CORDOVA DAVILA: The University of Porto Rico, as you know, aspires to be a sympathetic and understanding cultural interpreter between the Americas and a factor in bringing together and correlating the streams of learning and wisdom that flow from the northern and southern continents. Located on an island lying midway between North and South America, Porto Rico is linked by language, race, and four centuries of common tradition to the southern continent, while to the northern it is bound by increasing contacts as a territory of the United States. A free public-school system, representing government, United States citizenship, are all powerful factors in our civil life. The English language side by side with the mother tongue is taught in our schools. Our trade is overwhelmingly with the north.

Because of these things we believe that Porto Rico is equipped as is no other community in the Western Hemisphere to be the seat of an inter-American university. We feel that our ideal is based on a solid and permanent foundation and that when it shall be achieved our contribution to American peace and good will will justify the efforts it will have required.

With this aspiration in mind, we as members of the faculty and board of trustees of the University of Porto Rico appeal to you, our Representative in the Congress of the United States, to do everything in your power to assist those intrusted with the leadership of the Government of the United States in a course of conciliation and peace in their dealings with the Republics of Mexico and Nicaragua. We do not doubt that our Government is moved by a purpose to deal justly with its neighbors, but we submit that this purpose will be more happily accomplished if the sacred cause of inter-American amity and understanding be kept ever before our eyes. We feel that too often in the past it has been treated as a vaguely idealistic theme, to which it was easy and pleasant to pay lip homage but which deserved little consideration when "practical" and "material" questions were involved. As teachers of young men and women, who perhaps better than any other student group are being equipped to appreciate and assimilate the highest thought and feeling of both continents, we are eager to have our Government choose a course that shall permanently vitalize a program of good will for the Americas.

Some of us are natives of the northern continent, with the English language and Anglo-Saxon tradition as our birthright; the rest of us are natives of Porto Rico, whose heritage is the Spanish speech and Latin culture. All of us are loyal citizens of the United States and fervent believers in a future in which the Americas are predestined to become the center of the world stage, for good or for evil, as inter-American friendship or inter-American hatred will determine.

ANTONIO R. BARCELÓ,
President of the Board of Trustees, University of Porto Rico, and others.
THOMAS E. BENNER,
Chancellor University of Porto Rico.

Mr. DAVILA. Mr. Chairman, of course the University of Porto Rico knows that the Representative of Porto Rico in Washington in his official capacity can not intrude himself in our foreign relations by offering his services to the administration in matters of international character, which are under the exclusive jurisdiction of the President and the Department of State. But as American citizens and citizens of a country of Latin origin the Porto Rican people are especially interested in the peaceable solution of all the difficulties originating in our relations with the Latin-American people, and they avail themselves of this opportunity to express their views on so vital a problem.

This wonderful country has nothing to fear from our neighbors of Central and South America. They are weak, while this Nation is powerful; they are poor, while America is rich. They are fighting desperately in their struggle of life, while this Nation is enjoying the blessings of an unusual prosperity. Uncle Sam's position is unique in the history of America and in the history of the world. Safeguarded by her traditions and institutions and the marvelous development of her vast resources, America certainly can afford to be generous and altruistic in her dealing with other countries, and especially with our neighbors to the south. [Applause.]

The right of the United States to protect the life and property of its citizens in foreign countries is beyond question. This is a principle of international character accepted and recognized by all the powers of the world. It is a right and an obligation, but let us hope that no steps will be taken by this country to go further than assert it. Protection can be extended American citizens without interfering with the sovereignty of a foreign country. It is a duty to protect the right of property, but let us not overlook the fact that a drastic policy toward the Latin-American countries may represent a loss of millions of dollars to the commerce of the United States.

The Monroe doctrine does not allow any further invasion of the Western Hemisphere by Europeans or non-American powers. But while under this doctrine the integrity of the American countries is properly protected against outside intervention, Europe is nevertheless invading commercially the Latin-American fields and reaping a harvest at the expense of the United States.

The acquisition of territory in America by foreign powers is a matter of supreme concern to this Nation. But it seems that the leaders of this country do not attach sufficient importance to the monopoly of the Latin-American commerce by the European powers. There is a Monroe doctrine to safeguard the American sovereignty against European and non-American invasion. But nothing is being done to protect American commerce in Latin America against foreign commercial expansion. And there is an explanation for this. The enforcement of the old doctrine is an easy task for this Nation, since behind its principles stand the American Army and Navy and all the national resources. But the promotion and development of American commerce in Latin America in competition with foreign commercial expansion can only be secured by amity, sagacity, diplomacy, and statesmanship.

Let us have peace; let us abolish the misgivings and prejudices which have existed in the past between the North and South American Continents. Let us make one family of the two families who inhabit this hemisphere. Let us make one America of the two Americas, and let us see that the spirit of Christ and not the spirit of Mars shall be the guiding influence of the peoples of the two Americas. [Applause.]

Mr. Chairman, I ask unanimous consent to print in the RECORD an address delivered by me on the Monroe doctrine at the Spanish-American Atheneum in December, 1922, at this city.

The CHAIRMAN. The gentleman from Porto Rico asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The address is as follows:

ADDRESS DELIVERED BY HON. FELIX CORDOVA DAVILA BEFORE THE SPANISH-AMERICAN ATHENEUM AT WASHINGTON, D. C., DECEMBER, 1922

Mr. DAVILA. This is the second time that I have the honor of addressing this atheneum. Since this is a social center having for its primary purpose the establishing, developing, and strengthening of cordial relations between Saxon and Latin Americans, it is natural that we should gather from time to time in order to become better acquainted, and to strengthen the ties that bind us by means of interchange of ideas and sentiments.

For this reason I have not hesitated to accept this atheneum's invitation, although I realize my insufficiency and although the honor thus conferred on me is undeserved.

It happens that important conferences among the five Central American Republics and the United States are being held in Washington. The purpose of these conferences could not be nobler or loftier. One word condenses everything—peace—and another word clears away and levels the road—love. Only on a foundation of love and harmony can we build the temple of peace. And it is beautiful and encouraging to behold these five small Central American Republics and this great Republic of the north amicably discussing transcendental problems and frankly and openly moving toward a firm and complete solidarity.

Many causes have contributed to keep apart these two great families of the Western Hemisphere who have been separately laboring for

years for their individual happiness in spite of the fact that we are all convinced of the necessity of collective labor of such a nature as to restore tranquillity to our minds and assure peace to all in a frank and sincere fraternity. Undoubtedly grave mistakes have been made, as undeniably there have been happy understandings in the mutual relations which these countries have necessarily maintained. This is not, however, the time to dwell on former errors or to stir up the ashes of mutual grievances which might have burned in times less propitious to the fostering of cordial feelings, since the new tendencies follow a different path, which seems destined eventually to lead us into an era holding forth flattering promise, the forerunner of universal happiness and good will. Let us banish distrust from our minds; let us endeavor to approach each other without misgivings, inspired in a mutual faith.

The words of the Secretary of State, Mr. Hughes, in his admirable inaugural speech before the Latin-American representatives deserve close study and profound meditation. The Monroe doctrine, which has given rise to numerous commentaries and various interpretations, seems to stand out boldly (bathed in a flood of light) in the phrases of the illustrous American statesman. As a matter of fact, the most eminent statesmen of the American people have for some time past been making manifestations which justify, and make clearer and broader the principles enunciated by Monroe in 1823.

Take, for example, the words of Theodore Roosevelt in the city of Rio de Janeiro, Elihu Root's speech at the Pan-American Conference held in that city in 1906, the statements of Woodrow Wilson and ex-President Taft, and the phrases of President Harding at the unveiling of Bolivar's statue in New York. The statements of these prominent public men in the past few years tend to do away with any doubts which may have arisen as to the interpretation of President Monroe's message.

It is well known that the Latin-American countries received this message with marks of approbation and satisfaction. Brazil, Argentina, Colombia, Chile, and other Latin-American countries expressed their conformity with the Monroe doctrine and made known their gratitude to the American Government for the declarations therein contained.

This Government's attitude was received in Europe by marks of disapproval and disgust. By means of the proclamation, the United States effectively curbed European ambition, and the independence of the Latin-American countries was guaranteed against external aggression.

There are those who would question the altruism of the American Government in proclaiming this doctrine, and there are those who go so far as to maintain that it was inspired from purely disinterested feelings. Both contentions are exaggerated. The doctrine is based primarily on the right to self-preservation, which no one can deny the American people, and secondarily on the desire to help the then small nations of America to develop without the danger of external aggression.

Whatever the motives behind these principles, it is impossible to deny their utility and efficacy, in view of the beneficial results which all the Republics in America have derived since their adoption. Notwithstanding the general approval which marked its proclamation, this doctrine has since awakened suspicion and misgivings in the Latin-American nations, which, in the absence of a guaranty imposing mutual limitations and based on mutual cooperation, must necessarily rely on the good faith of the American people and on a declaration which, besides lacking sufficient explicitness, has the weakness of being a one-sided promise. However divorced the mind of the American may be from imperialistic ambitions and desire for territorial expansion, and however unquestioned the good faith of the American people, it would be highly desirable to reach a satisfactory understanding among all the nations peopling this hemisphere over the signification and reach of the Monroe doctrine. That an understanding of this nature is not impossible is demonstrated by the conclusive statements of the most conspicuous North American statesmen. These statements, impelled by the prodigious force of ideas, have penetrated both continents; the atmosphere seems saturated with feelings of harmony; the soil is ready, and once the seed is dropped in the furrow there shall break out prolific shoots, precursors of a luxurious vegetation, heralds of variegated flowers, forerunners of seasoned fruit. Thus far we have been too prone to become involved in beautiful language, breathing the perfume of sentiment, and having a marked taste of open and frank sincerity. Let us crystallize these words in the field of the practical; let us change into a continental doctrine what has heretofore been but a one-sided declaration. The day that this is accomplished the prejudice, mistrust, and uneasiness which now stand in the way of the union of our Republics in complete solidarity will disappear, the peace of America will be assured, and we shall have taken a most important and transcendental step toward universal peace. Our work in Europe can be fruitful, useful, and beneficial, and it is but natural that we should lend our aid, whenever we can, to the benefit of humanity; but we must give preferential attention to the settling of our domestic affairs in order thereby to offer a salutary example, to realize our happiness, and to obtain the moral strength necessary for intervention in other problems of world-wide importance. Who knows but that destiny has reserved to our America the lofty mission of pointing out to the other peoples of the earth the only way which will lead us to our common salvation? The America of Washington, Jefferson, and Lincoln holds the standard in its hands, and will know how to wave it in defense of justice and truth. What was in the past an Utopia might perhaps some day be converted into a beautiful and tangible reality. It will be a happy day when we can tell the world: Jano's temple is closed and shall never open again.

The solution of any problem where there exist differences of opinion and supreme interests to defend generally demands, of course, mutual concessions and sacrifices on the part of the interested parties. In this case there do not seem to exist to-day any serious difficulties, since the opinions of Latin-American statesmen and writers coincide with the conciliatory tendencies so admirably set forth by eminent North-American statesmen and writers.

South America has strong reasons to feel devoutly inclined toward Pan American tendencies. It was in Latin America that the first sparks of this luminous idea of continental unity were struck. Latin-American thinkers limited themselves at first to advocate the union of the Latin-American Republics, but the illustrious Chilean, Juan Martínez Rosas, went much further in his statements, and insinuated timidly, yet in a prophetic strain, the union of the Northern and Southern continents. Simon Bolívar was an enthusiastic and fervent advocate of Latin-American union. At times the idea seemed to grow in his brain to extend over all America, as when he says:

"Only an intimate and fraternal union of the sons of the New World, and an unalterable harmony in the operation of their respective governments will be able to make them formidable to our enemies and respectable in the sight of other nations."

And in a letter written from Jamaica, in September 6, 1815, the great liberator has this to say:

"The consolidation of the New World into a single nation with a single bond uniting all its parts is a grand conception. Since the different parts have the same language, customs, and religion, they ought to be confederated into a single state; but this is not possible, because differences of climate, diverse conditions, opposing interests, and dissimilar characteristics divide America. How beautiful it would be if the Isthmus of Panama should become for us what the Isthmus of Corinth was for the Greeks! Would to God that we may have the fortune some day of holding there some august congress of the representatives of the republics, kingdoms, and empires of America, to deliberate upon the high interests of peace and of war not only between the American nations, but between them and the rest of the globe."

We must bear in mind, however, if we would respect historical truth, that Bolívar, in his efforts to establish a league of American nations, referred exclusively to the Latin-American countries without mentioning the United States. The apocalyptical words which we have just quoted, however, are in the character of a revelation. Genius sometimes surprises us with mysterious presentiments which in time become beautiful realities.

The great statesman, Henry Clay, was the first North American to foster the Pan American movement. There are men who have the privilege of sensing luminous visions of the future. Henry Clay belongs to the select number of these privileged characters. As a Member of Congress first, and later as Secretary of State he became an ardent champion of the independence of the Latin-American Republics, and, by developing a policy of attraction, fraternity, and harmony, took the first steps toward continental unity.

Then came the Monroe doctrine, necessary in its origin and wise in its ends, although, unfortunately, later the object of erroneous and twisted interpretations. Since this doctrine had its birth in North America, we should abide by the exposition thereof and the opinion of North American statesmen, to a large extent, because of the authority which accompanies their words and the effect which they themselves produce.

John Quincy Adams, Secretary of State at the time of the announcement of the doctrine, and believed to be its author, said:

"Considering the South Americans as independent nations, they themselves, and no other nation, had the right to dispose of their condition. We have no right to dispose of them, either alone or in conjunction with other nations. Neither have any other nations the right to dispose of them without their consent."

Theodore Roosevelt, in a speech at Rio de Janeiro, expressed himself as follows:

"All the nations which are sufficiently advanced, such as Brazil and the United States, should participate on an absolute equality in the responsibilities and development of this doctrine so far as the interests of the Western Hemisphere as a whole are concerned. It must be made a continental and not a unilateral doctrine."

Beautiful words, those, inclosing a great idea, and outlining the way toward that unity which we all desire, within the greatest possible equity.

Elihu Root said, among other things, before the third Pan American convention at Rio de Janeiro:

"To promote this mutual interchange and assistance between the American Republics, engaged in the same great task, inspired by the

same purpose, and professing the same principles, I understand to be the function of the American conference now in session. There is not one of all our countries that can not benefit the others; there is not one that can not receive benefit from the others; there is not one that will not gain by the prosperity, the peace, the happiness of all. These beneficent results, the Government and the people of the United States of America greatly desire. We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem to observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together."

These statements from the lips of a distinguished Secretary of State agree with the declarations of another worthy statesman who now holds the same office. Secretary Hughes, speaking at Rio de Janeiro, said:

"You, my fellow countrymen of the United States, know full well how sincerely we desire the independence, the unimpaired sovereignty and political integrity, and the constantly increasing prosperity of the peoples of Latin America. We have our domestic problems incident to the expanding life of a free people, but there is no imperialistic sentiment among us to cast even a shadow across the pathway of our progress. We covet no territory; we seek no conquest; the liberty we cherish for ourselves we desire for others; and we assert no rights for ourselves that we do not accord to others. We sincerely desire to see throughout this hemisphere an abiding peace, the reign of justice, and the diffusion of the blessings of a beneficent cooperation. It is this desire which forms the basis of the Pan-American sentiment."

No American statesman, with the exception of Woodrow Wilson, has spoken with more enlightenment or expressed himself more wisely in appreciating the problems of America than this illustrious figure who, fortunately for us, occupies to-day an official position of such exceptional importance. His words, having the ring of sincerity, the foresight of the statesman, and the strength of conviction, are sowing the seed of love in Latin-American hearts, and indicate the dawning of a new era in the relations of the two great families that people the Western Hemisphere.

Ex-President Wilson's phrases to the Mexican newspapermen also deserve special mention. Said Wilson:

"The famous Monroe doctrine was adopted without your consent, without the consent of any of the Central or South American States. If I may express it in the terms that we so often use in this country, we said, 'We are going to be your big brother, whether you want us to be or not.' We did not ask whether it was agreeable to you that we should be your big brother. We said we were going to be. Now, that was all very well so far as protecting you from aggression from the other side of the water was concerned, but there was nothing in it that protected you from aggression from us, and I have repeatedly seen the uneasy feeling on the part of representatives of the States of Central and South America that our self-appointed protection might be for our own benefit and our own interests and not for the interests of our neighbors. So I said, 'Very well, let us make some arrangement by which we will give bond. Let us have a common guaranty, that all of us will sign, of political independence and territorial integrity. Let us agree that if any one of us, the United States included, violates the political independence or the territorial integrity of any of the others all the others will jump on her.'"

Wilson's words in his message to Congress of December 7, 1915, and in his message to the Senate of June 22, 1917, are also deserving of mention, as is his admirable speech delivered at the Second Pan American Scientific Congress, discussing the Monroe doctrine. In this speech Wilson points out that this doctrine holds out no promise whatever as to what the United States proposed to do with the protectorate which was apparently to be established on this side of the Atlantic, and argues that this absence of a guarantee, this lack of clearness, has given rise to suspicion and fears which have prevented the existence of a greater degree of confidence and intimacy between the Americas. This doubt, says Wilson, should be eliminated, first, by means of a mutual guarantee of political independence and territorial integrity; second, by adopting a covenant guaranteeing amicable settlement of all pending frontier disputes and agreeing further that all other differences which might arise be submitted to arbitration and investigated patiently and impartially.

According to the views expressed by Woodrow Wilson in addressing the Senate in 1917, no nation should seek to extend its policy over any other nation or people, but that every people should be let free to determine its own policy, its own way of development, unhindered, unthreatened, unafraid, the weak along with the great and powerful.

President Harding, speaking at the unveiling of Bolívar's statue at New York, on April 19, 1921, said:

"The doctrine proclaimed under Monroe, which ever since has been jealously guarded as a fundamental of our own Republic, maintained that these continents should not again be regarded as fields for the colonial enterprises of old war powers. There have been times when the meaning of Monroeism was misunderstood by some, perverted by others, and made the subject of distorting propaganda by those who saw in it an obstacle to the realization of their own ambitions. Some have thought to make our adhesion to this doctrine a justification for prejudice against the United States. They have falsely charged that we sought to hold the nations of the Old World at arm's length in order that we might monopolize the privilege of exploitation for ourselves. Others have protested that the doctrine would never be enforced if to enforce it should involve us in actual hostilities.

"The history of the generations since that doctrine was proclaimed has proved that we never intended it selfishly; that we had no dream of exploitation. On the other side, the history of the last decade certainly must have convinced all the world that we stand willing to fight, if necessary, to protect these continents, these sturdy young democracies from oppression and tyranny."

Let us close fittingly this series of quotations which adorn my humble and unauthorized phrases by copying some words pronounced by Secretary Hughes at the conferences being celebrated now among the representatives of Central America and the United States. Says Mr. Hughes:

"You will find here the most friendly atmosphere, the helpful spirit of cooperation, and an intense desire to aid you in the furtherance of your own wishes for an abiding peace and a constantly increasing prosperity. The Government of the United States has no ambition to gratify at your expense, no policy which runs counter to your national aspirations, and no purpose save to promote the interests of peace and to assist you, in such manner as you may welcome, to solve your problems to your own proper advantage. The interest of the United States is found in the peace of this hemisphere and in the conservation of your interests."

It is unnecessary to mention here the opinions of the Latin-American statesmen and writers, who have naturally manifested their accordance with these theories which tend to dissipate uneasiness and to fix in a clear and definite manner the only policy to be followed in order to reach the noble ends which we all pursue. The Monroe doctrine broadened, modified, and clarified in accordance with the ideas which prevail among the Americans would perforce guarantee peace and happiness. Had there existed in Europe a doctrine similar to Monroe's, with mutual obligations which would have safeguarded the principles of sovereignty and territorial integrity, we should perhaps have avoided suffering the horrors of the Great War, and the anxieties, disturbances, and conflicts which have followed in its wake.

The satisfactory solution of this important problem will pave the way to the bridging of other difficulties related with intricate problems of common interest, such as, for example, commercial relations, arbitration, frontier disputes, intervention, and mediation.

The idea of a federation of Central American Republics has been alive for some time. It is possible that the question may not be brought up for the consideration of the present conferences, but as a matter of fact the plan has many backers both in Central America and in the United States. May God grant that success crown the efforts of these representatives who have gathered in Washington at the initiative of President Harding, and that something transcendental to the security of America and the peace of the world issue from these conferences which have commenced under such encouraging auspices.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and Members of the House, about two years ago I was requested by Gill Hyatt to make a trip to Hagerstown. Gill Hyatt is a modest, unassuming American who has been a hero in every strife where human rights are involved. For years he has devoted his splendid talent and his wonderful energy untiringly for the benefit of the postal and other employees of the Government. He is now rendering a great service upon Labor, the great weekly which is read by millions of men and women who find the wisdom of multum in parvo compressed in its columns. He is associated with another great American, Edward Keating, who is the editor of Labor. "Ye shall know the truth, and the truth will make you free," is the inspiration that has made Labor a national institution. To railroad men from ocean to ocean Labor is a "cloud by day and a pillar of fire by night," whose influence will lead toilers out of the wilderness and "into a land flowing with milk and honey."

The purpose of the trip to Hagerstown was for Gill and me to say a few words to the locked-out employees of the Western Maryland; words which we hoped would be encouraging to the men who were steadfastly standing by their guns and pursuing lawful means to bring about and crystalize a public opinion which would be a judgment of approval. We

made the journey to Hagerstown amid difficulty as a snow storm of great fury broke over our route that evening, putting out of commission the bus which we had taken, and delaying us in reaching Hagerstown by five hours. We arrived at the hall in which the meeting was held at 10 o'clock.

The railroad men had patiently awaited our coming. It was there that Gill Hyatt made one of the greatest speeches I ever heard. He drew a picture of the miseries, heroically endured by locked-out families, and contrasted that sorrowful situation in human existence with what might be. He sketched in luminous words what it meant to the manufacturing interests of the country to maintain at all times the vast purchasing power of the masses by keeping men and women constantly employed at good wages. He showed most eloquently that factory wheels would cease revolving and great chimneys from sending columns of smoke skyward if lockouts were put into effect throughout the land. The click of machinery would cease, that industrial music would be as silent "as the harp that once through Tara's Halls." Factory grounds would be deserted, windows darkened, and buildings in ruins, that were once the hives of busy men and women. The laughter of boys and girls would be hushed and the scenes that knew happiness, thrift, and industry would know them no more. Vast unemployment permanently continued makes for the end of a country. The soul of it sickens and dies. Under such melancholy circumstances, men who love their country have only the mournful reflection which comes with the thought so well expressed in the lines—

So sleeps the pride of former days, so glory's thrill is o'er,
And hearts that once beat high for praise now feel that throb no more.

Eloquently and fervently he pictured what might be if all were bound by ties of fraternal love and a desire to distribute the fruits of civilizations so broadly and so generously that every American might stand up proudly and say, "This is my own, my native land." For no civilization is worthy of the name nor can it endure where all are compelled to work for the maintenance of an order that benefits the relatively few, that gives royal raiment, purple and fine line, to the high priest of the financial and industrial temple while millions who have worked and toiled and moiled as hewers of wood and drawers of water know not where to lay their heads. Gill showed the glories of the coming day, for he saw them with the eye of the prophet, when every family would own a home, when every household would be furnished with fine furniture, with carpets, musical instruments, pictures on the walls, and an automobile, making for such a demand upon our manufacturers as to keep them whirling with enterprise and buzzing with activity the year around and unlimited employment for everyone that asked for work. Listening to him, I felt that if it were a dream it was so beautiful that we might all pray for its fulfillment and translation into an actuality. He expressed the gripping thought through an interrogatory directed to the world of industrialism. His question was, If we have made so much progress in every direction notwithstanding the many antagonisms between capital and labor, what must our accomplishments be when capital and labor will dwell in amity and accord and walk arm in arm to the many brilliant conquests of mind over matter that are yet to be won? It was Gill at that meeting who suggested not a grand jury probe but an inquiry into the lockout for the sake of truth by churchmen. The balance of the story is found written by Gill himself. He will be surprised indeed to find that a friend who values him for his sterling Americanism has taken the liberty of perhaps mutilating a story which shows his fairness, for he unhesitatingly prints from the report of the churchmen that which may be a criticism of those who are affectionately enshrined in his heart. [Applause.]

Mr. Chairman, I ask unanimous consent to extend these brief remarks by incorporating in the RECORD at this point that wonderful story of Mr. Hyatt upon this investigation by the Federal Council of Churches, rabbis, and priests. [Applause.]

The CHAIRMAN. The gentleman from Louisiana 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:

MINISTERS, RABBIS, AND PRIESTS JOIN IN STRONG REPORT—EVERY IMPORTANT CHARGE MADE BY STRIKERS ON THE WESTERN MARYLAND IS SUSTAINED—LOCKOUT, NOT A STRIKE—BYERS'S IMPOSSIBLE ATTITUDE FORCED MEN TO CEASE WORK, SAY IMPARTIAL INVESTIGATORS

By Gilbert E. Hyatt

The report of the research department of the Federal Council of Churches, the social service department of the National Catholic Welfare Conference, and the social justice commission of the Central Conference of American Rabbis on the strike of engineers and firemen on the Western Maryland has been given to the public.

The three organizations, representing practically all the religious bodies in the United States, state that it is the first time they have joined in a study of this character.

They were led to make this united investigation, according to their joint statement, because of the fact that, "although the number of men involved is comparatively small, the controversy is of much significance, both because it presents all the elements typical of American industrial controversies, and because the Western Maryland is the only class 1 railroad in the United States that has refused the requests of the enginemen's brotherhoods for the 'standard wage increase,' which was initially granted on the New York Central in January, 1921."

MINISTERS REQUESTED PROBE

They state that the investigation was requested by the Ministers' Association of Cumberland and Hagerstown and by business men and leading citizens, and that "influential and representative citizens of the two cities served on committees appointed to facilitate the inquiry" and to raise the funds necessary for its conduct.

The material used in this exhaustive report was collected principally by F. Ernest Johnson and Miss Agnes Campbell of the Federal Council and the Rev. Robert A. McGowan, of the Catholic Welfare Conference.

Covering every phase of the dispute, not only as between the management and the brotherhoods, but as it affected the public, the stockholders and the directors of the road, it confirms every charge brought by the men against the officers of the company.

SAY IT WAS A LOCKOUT

Referring to the notorious Bulletin 54, which forced the walkout of the engineers and firemen, the churchmen say:

"The order was, in fact, a lockout order, and the men discharged under it on October 13 and 14 were locked out. A strike is the act of the employees. A lockout is the act of an employer.

"While the distinction is not always clear, there seems to be no question about it in this case. The Western Maryland was locking out—refusing to work—those of its employees in engine service who would not agree as individuals to work under new conditions. As the Railroad Labor Board said later, the company 'struck first,' so to speak.

"If the present situation on the Western Maryland is called a strike, rather than a lockout, it is only because the men struck before the lockout order was made fully effective.

"The position taken by the management on practically every question involving labor union is typical of 'open-shop' theory and practice."

The charge that the management hired strike breakers while ostensibly negotiating with the men's committee is fully substantiated.

DEMANDS OF THE MANAGEMENT

In respect to the drastic demands for changes in working rules, which the management insisted upon, the report says:

"What the management asked, then, was that the men run more miles and stay at work 10 or 11 or 12 hours. This would obviate the need of calling new men to work, who would be paid for a new day, but the old men already at work would be paid overtime. Yet the company, it appears, would save very little in wages.

"The gain would come from the steadier use of equipment and a reduction of overhead costs. Even this gain might all be lost in one accident caused by fatigue after long hours of work."

In dealing with the plea of poverty, which the road used as an excuse for its systematic labor baiting, a careful analysis of the financial structure and condition of the Western Maryland is made, resulting in the point-blank assertion that "the financial condition of the Western Maryland puts it in a position where it can not continue to plead poverty as a reason for not adjusting wages."

COULD HAVE PAID WAGES

While pointing out that calculations of wage increases to meet standard rates could not be figured on the amount going to the engineers and firemen alone but that the trainmen and conductors must also be included, it is stated that—

"The cost of a settlement with both enginemen and trainmen could have been met sixteen times over, and still the great mortgage interest could have been paid. In 1925 it could have been met fourteen times over.

"The conflict is not between a wage settlement and bankruptcy," the report continues, "but between a wage settlement and dividends on stock."

Including the maintenance of employees, "it appears that even a 10 per cent increase in wages of all classes of labor would not have wiped out the net income reported for 1925."

The past history of the railroad, especially under its present management, is thoroughly discussed, disclosing the disgraceful attitude taken toward the shopmen and other classes of employees prior to the outbreak of the strike of engineers and firemen.

BYERS'S PROMISE EXPOSED

Another plea made by the management to excuse its repulse of all overtures from the public and the employees for a settlement was that a promise of permanent employment had been given to the "scabs."

This position, which is commonly taken by union-busting employers, is blown galley-west by the churchmen.

It is extremely doubtful, they say, whether an unconditional promise given at the beginning of a strike that employees engaged to break the strike shall have permanent positions rests on a solid foundation.

"It is certainly arguable, and with a strong presumption of truth, that the new employee should be considered as taking the plain risks involved and as holding a position whose permanence is contingent upon the outcome of the strike."

NOT GIVEN IN GOOD FAITH

That such promises, which are also threats against the strikers, are not even made in good faith even to the "scabs," is shown by the following paragraph:

"The employer who gives his word to a strike-breaker that he shall have undisputed seniority is deliberately putting himself in a position that the logic of events and the justice of the case may prove untenable.

"If he elects to stake his case on the issue of a battle, it would seem that he is bound to abide by that issue, without seeking extraneous support by an appeal to the sanctity of promises which were in reality conditional and which there is always a chance that he may be forced to break."

That Byers manned the road largely with the riffraff and offscourings of the railroad world is clearly proven by the evidence collected.

CHURCH VIEW OF THE "SCABS"

With very few exceptions the "scabs" were found to be all and more than the strikers had charged. On this point the churchmen say:

"Of the men who formerly worked for the road and were hired again, some were steady and not able; others were able but not steady. Some had been discharged for drunkenness, for refusing to pay their bills, for accidents, for disobeying signal orders. Others had 'resigned' under fire.

"Some of those whom the company reemployed had been, for one reason or another, among the worst of the company employees. And since some of them were public characters, the reputation of the strike breakers became instantly bad. This probably would have happened even if the Western Maryland communities had not had experience with strike breakers during the shop strike."

The report excoriates the treatment of the pensioned employees and points out the brutal unfairness with which the management used their dependance to break down their loyalty to their fellows.

ENGINEMEN AND THEIR WORK

One of the most interesting sections of the report is that dealing with the character of the men and the work they perform. It is in part as follows:

"Enginemen make their homes in the cities and towns where their work calls them. They are a steady class of men. They marry and rear families and educate their children. They are 'settled' men, following a skilled and responsible occupation, proud of their craftsmanship and the responsibilities placed upon them, and deeply interested in their work. Many years pass before they reach the rank of regular engineer.

"During their whole working life they live under rules that require steadiness. When after a successful examination they become engineers of full rank, they consider it the diploma of their profession. They have succeeded in attaining the responsible occupation toward which they have been striving.

"Upon such men the loss of their positions has a most serious effect. A discharged engineer rarely secures a chance to follow his occupation on any other road. The loss of his job is a tragedy in his life and in the life of his family."

LOYALTY TO THE BROTHERHOOD

The following warm tribute is paid to the engine service brotherhoods and the men's loyalty to them:

"But the union is more than an agent; it is a brotherhood of craftsmen. It symbolizes their occupation and the honor due it, the honor due themselves as craftsmen, and the fellowship of all the men who drive the engines that haul the traffic of the Nation.

"When the crisis came the enginemen, therefore, stood by their union in a battle with the management; but they conceived this battle to be against the management rather than against their railroad, which is still the object of a strong sentimental attachment, and which they still want to serve if they can recover their positions consistently with their loyalty to the union."

PUBLIC WITH THE STRIKERS

The following statement is typical of those found in a detailed discussion of the attitude of the public:

"An impressive fact disclosed by the present study is the strength of sentiment friendly to the strikers within the business community of the cities affected."

SOME CRITICISM FOR LABOR

The report does not hesitate to criticize the men as well as management.

"The men showed themselves somewhat obdurate in the negotiations and unwilling to concede points which afterwards they did concede," is one comment.

The investigators also suggest that the strikers should have made greater efforts to win the nonunionists from the company, and they urged labor unions to devote more attention to the best method of appealing to public opinion.

However, they found nothing in the strikers' conduct, either before or after the strike, to condemn.

Mr. CRAMTON. Mr. Chairman, I yield one minute to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Chairman, the matter of the Colorado River is one which is engaging the attention of both branches of Congress and I would like unanimous consent to extend my remarks on that subject by inserting in the RECORD an article by a former attorney general of the State of Colorado concerning the constitutional aspects of the question and also a short article containing a historical review of it.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. VAILE. Mr. Speaker, pursuant to the leave granted me for extension of remarks I desire to insert in the RECORD an article prepared for the American Bar Association Journal by Hon. Wayne C. Williams. Mr. Williams was formerly attorney general of the State of Colorado, and in that capacity had occasion to conduct important water litigation on behalf of the State affecting interstate streams. He is an able lawyer of wide experience on this and similar questions, and his contribution to the subject of the legal aspects of the Colorado River problem is a valuable one.

His statement, which follows, was published in December, 1926, and is now subject to one slight change. Mr. Williams says:

The upper States are strenuously objecting to the passage of the Swing-Johnson bill.

He authorizes me now to correct this in accord with the present situation by saying that—

Whereas the upper States did oppose the bill in its original form, since amendments have been made to protect their rights they now, save Utah, favor it.

This refers, of course, to the official action of those States; that is, the action of their legislatures.

THE COLORADO RIVER AND THE CONSTITUTION—DEADLOCK OF STATES OVER AGREEMENT—HISTORY OF CASE—ATTITUDE OF ARIZONA AND CALIFORNIA—MOVE FOR A SIX-STATE COMPACT BLOCKED—SUGGESTION FOR SUIT IN UNITED STATES SUPREME COURT TO ADJUDICATE RIGHTS OF VARIOUS STATES—QUESTION OF JURISDICTION

By Wayne C. Williams, member of Denver (Colo.) bar

The Colorado River situation has reached an impasse, and the seven States which have rights in the great stream that flows across southwestern America are hopelessly deadlocked in a controversy as to their relative rights in the river.

There is now presented to the Nation a tangled situation partaking of the elements of politics, law, diplomacy, and economics; and the solution must be a legal one, for there is really no hope that any other remedy will solve the problem.

But before this remedy is proposed we must first understand the history of the controversy and the nature of the conflicting claims. This recital of facts gives us a picture of the way the deadlock has developed and furnishes the ground work for a true conception of the application of certain constitutional principles and the interpretation of those principles by the Supreme Court of the United States.

HISTORY OF THE CASE

In the first place, the controversy was settled once—or everybody thought it closed—when the seven States through their chosen representatives met at Santa Fe, N. Mex., and agreed upon a seven-State compact dividing all the waters of this river. In 1922 came the origin and development of this compact, and the States involved were all congratulated on the adjustment of what promised to be a serious dispute. The Federal Government came in for praise, too, for that wizard of adjustment and conference—Herbert Hoover—represented Uncle Sam and all went well. Hoover steered the conference over many a perilous shoal, and finally the waters of the river were all divided, everybody was happy, and the delegates went home to ratify.

This proceeding is somewhat unusual in the constitutional practice under the Constitution of the United States. It takes its authority from Article I, section 10, paragraph 2, which provides:

"No State shall without the consent of Congress enter into any agreement or compact with another State."

The right of the States to enter into a compact with consent of Congress has been very rarely exercised. The exercise of that right in this instance seemed to be a happy one and to eliminate and avoid interstate controversy; Congress had previously given its consent to the formation of such a compact by the seven States concerned. President Harding named Herbert Hoover as a representative of the Federal Government, but as the compact had been agreed upon it then went back to the several States for ratification by the various States.

Then trouble began.

As we follow the delegates home we must look at the map, for geography and physical alignment now become vital. The seven States involved include Colorado, where the river chiefly rises among the eternal snows of the Continental Divide; Utah and Nevada and Arizona, through which it flows; with Wyoming and New Mexico, which contain some of its tributary streams; and California, whose eastern boundaries are washed by the river and from which the enterprising Californians hope to make storehouses of electric power to supply their growing millions.

The States roughly group themselves into the northern and southern groups, the upper and lower States, the latter group including Arizona, Nevada, and California. But this alignment did not trouble the waters of the river—not at first.

The delegates went home, and six States promptly ratified. The Federal Government also ratified; it looked as if the compact was a certainty; that one of the greatest interstate controversies had been agreeably and sensibly settled without suit or heat or any sort of strife. The entire West was congratulating itself upon the division of the waters; and everyone breathed easier, for there would now be water for all, with no delays, no litigation, and no unnecessary expense.

Then something happened—Arizona refused to ratify. In place of Arizona it might be well to use the name of her governor, W. P. Hunt, for he was the personal obstacle which held up ratification. In 1922 the governor made the ratification of the water pact a State issue—and won on it. Since then Arizona has stoutly refused to ratify; she continues to refuse, and all the persuasive powers of a Hoover have failed to budge her. This is not the place to elaborate or discuss Arizona's refusal. The enemies of Governor Hunt (even in his own State) speak harshly enough of his stand; they say Arizona could have been reasonable and have entered into the compact and be done with it; that Hunt made a nonpolitical question of economic policy a football for politics. Indeed their language is far harsher than any that may be used here. But this does not seem to annoy the governor, and Arizona is "off the reservation"; she will not ratify. That is quite clear.

Speaking from the standpoint of constitutional law, it seems clear that the compact is not yet done for, since, if the others have accepted and as long as the pact is not formally withdrawn, any State may reopen the question and ratify where formerly it refused to do so. But in the present state of mind of Arizona a ratification now seems hopeless.

Then came step No. 3: The three lower States tried to arrange a three-power compact among themselves to divide their share of the waters of the river. California, Nevada, and Arizona met twice to do this, but failed to agree each time. California twice ratified the pact, the first time without reservation and the second time with certain reservations which were intended to give her more use of water for power from the river.

Meanwhile a new plan was offered—that of having the six States that had first ratified to ratify again as a six-State compact and leave Arizona out of it. This looked feasible, but California spoiled the new plan by attaching new conditions to her ratification, thus ending the movement for a six instead of a seven State compact.

The next step in the history of the case came on October 22, 1926, when the California Legislature again called an extraordinary session. Th governor refused to ratify the six-State compact. The Assembly of California was in session scarcely two hours, and the vote against ratification was almost unanimous. This leaves the compact unratified with the Johnson-Swing bill pending before Congress. California favors the Johnson-Swing bill, but the upper States are against it. This bill provides for the construction of the great Boulder dam on the river in Arizona, and from this dam water will be taken for use in the cities of California and electric power generated for use throughout the Southwest. The upper States are strenuously objecting to the passage of the Johnson-Swing bill, and the Federal Power Commission has so far rejected applications for the right to impound water on the Colorado River and its tributaries. These rejections have come largely because of the protests of the upper States.

Thus the entire situation respecting the Colorado River has developed into a deadlock.

THE LAW OF THE CASE

There remains one other course of action which would now seem to be apparent, and that is a lawsuit in the Supreme Court of the United States under its original jurisdiction. The objections which have been made to a lawsuit are that it will require too much time and not prove satisfactory to the States, but there is now apparently no other course of action left open. So long as the States, left to themselves, might have agreed among themselves and formed a compact embodying that agreement, Congress and the courts would undoubtedly have refrained from interference; but with the States hopelessly at odds with each other there is but one other place to turn, and that is to the Supreme Court of the United States, which, under its original jurisdiction and as expressed in its previous decisions and under the provisions of the Constitution of the United States, may and should adjudicate the relative right of the various States in this river. Congress has no power in the premises and can pass no law respecting or affecting the rights of the States in interstate streams. The Supreme Court alone, when its power is properly invoked, may adjudicate these rights.

This question of constitutional power and jurisdiction was never fully nor satisfactorily settled until the great case of Kansas *v.* Colorado (206 U. S. 46). The opinion by Mr. Justice Brewer is statesmanlike and far-reaching; it is one of the greatest cases of constitutional interpretation among all the decisions of the court. In this decision will be found ample authority for invoking the jurisdiction of the Supreme Court to settle the controversy, and so important is the matter to the seven States and so acute has the controversy now become that an appeal to the courts seems the only probable course left to the State.

In Kansas *v.* Colorado, the State of Kansas complained in the Supreme Court of the United States that Colorado was using more than her share of the water of the Arkansas River. There were two questions to decide—one of law and one of fact. The question of law involved the jurisdiction of the Supreme Court; the question of fact was a plain one as to whether the State of Kansas had suffered in the use of the water of the Arkansas River by Colorado. Constitutional lawyers will recall that on the question of fact the court held that Kansas had not made out a case against Colorado.

On the constitutional questions Judge Brewer went deeply into the whole matter, basing the jurisdiction of the court fundamentally upon the peculiar language of the Constitution which grants judicial power to the Supreme Court. He points out that the grant of judicial power was different from the grant of legislative power, in that the grant of legislative power merely enumerates the subjects upon which Congress may act and that it is not a general grant of power. The grant of judicial power is an unlimited grant. Article III, section 2 of the Constitution, provides "that the judicial power extends to all cases of law and equity under the Constitution." This language, says Judge Brewer, is neither a limitation nor an enumeration; it is a definite declaration; "is an unrestricted general grant of the entire judicial power." It is worth noting as incidental to this decision that Judge Brewer here laid down a rule of constitutional construction which will have far-reaching consequences in the years to come upon the development of certain governmental powers, for the same language is used in granting the executive power that is used in granting judicial power.

But we are concerned primarily with the assumption of the jurisdiction by the Supreme Court in a controversy between two States over the water in an interstate stream. This particular language of Judge Brewer should be quoted:

"Speaking generally, it may be observed that the judicial power of a nation extends to all controversies justiciable in their nature, the parties to which or the property involved in which may be reached by judicial process, and when the judicial power of the United States was vested in the Supreme and other courts all the judicial power which the Nation was capable of exercising was vested in those tribunals, and unless there be some limitation expressed in the Constitution it must be held to embrace all controversies of a justiciable nature arising within the territorial limits of the Nation, no matter who may be the parties thereto.

"As finally adopted, the Constitution omits all provisions for the Senate taking cognizance of disputes between the States and leaves out the exception referred to in the jurisdiction granted to the Supreme Court. That carries with it a very direct recognition of the fact that to the Supreme Court is granted jurisdiction of all controversies between the States which are justiciable in their nature.

"Clearly this controversy is one of a justiciable nature. The right to the flow of a stream was one recognized at common law, for the tresspass upon which a cause of action existed.

"Now the question arises between two States, one recognizing generally the common law rule of riparian rights and the other prescribing the doctrine of the public ownership of flowing water. Neither State can legislate for or impose its own policy upon the other. A stream flows through the two and a controversy is presented as to the flow of that stream. It does not follow, however, that because Congress can not determine the rule which shall control between the two States or because neither State can enforce its own policy upon the other, that the controversy ceases to be one of a justiciable nature, or that there is no power which can take cognizance of the controversy and determine the relative rights of the two States. Indeed, the disagreement, coupled with its effect upon a stream passing through the two States, makes a matter for investigation and determination by this court.

"But the appropriation of the entire flow of the river would naturally tend to make the lands along the stream in Kansas less arable. It would be taking from the adjacent territory that which had been the customary natural means of preserving its arable character. On the

other hand, the possible contention of Kansas, that the flowing water in the Arkansas must, in accordance with the extreme doctrine of the common law of England, be left to flow as it was wont to flow, no portion of it being appropriated in Colorado for the purpose of irrigation, would have the effect to perpetuate a desert condition in portions of the Colorado beyond the power of reclamation. Surely here is a dispute of a justiciable nature which must and ought to be tried and determined. If the two States were absolutely independent nations, it would be settled by treaty or by force. Neither of these ways being practicable, it must be settled by decision of this court."

These extracts from the opinion of Judge Brewer in the case of Kansas *v.* Colorado are quite sufficient to show that the Supreme Court has jurisdiction over the controversy.

The suggestion for such a suit came from Colorado through its attorney general, the actual proposal being made by Hon. Fred S. Caldwell, at that time assistant attorney general of the State.

The proposal was broached to the other States, but no action has been taken. Should Colorado or any one of the six States go into the Supreme Court of the United States on an original bill of equity and plead the compact originally agreed upon between the seven States, it would certainly seem to follow that five of the States to the compact could do nothing but accept its terms. They would undoubtedly be barred by the operation of an equitable estoppel. This would leave Arizona alone refusing to agree to the division of the water, which the compact had made. It would remain for the court to appoint a referee to take testimony and determine what share Arizona has in the water of the river subject to the compact as ratified by six of the States. May it not also be said that the very best place to settle this controversy is in the Supreme Court of the United States. It is the one great, impartial tribunal to which the citizens may look for justice. It has settled other and more serious controversies between States, and it can certainly adjudicate this controversy in less time than the warring States have occupied in debating about it.

Moreover, a final decree by the Supreme Court of the United States would be a complete and definite adjudication of the whole matter not subject to new diplomatic negotiations nor to the whim of popular vote or legislative ratification.

Every consideration of law and of fact and of sound public policy points toward a judicial settlement of the dispute over the Colorado River in the highest court in the land.

I also desire to insert in the RECORD an article prepared by Anna Wolcott Vaile, of Denver, formerly a regent of the University of Colorado. Mrs. Vaile has been prominent in educational and civic work in Colorado for many years. She is at present the Republican national committeewoman for the State of Colorado. Her address on this subject puts its consideration upon a lofty as well as a practical plane. It is as follows:

THE COLORADO RIVER COMPACT

By Anna Wolcott Vaile

Rivers and civilizations have gone hand in hand since the beginning of history. The Garden of Eden was in the valley of the Euphrates. Egyptian civilization grew up around Father Nile. Every great national capital is associated with a river. Rome and the Tiber, London and the Thames, Paris and the Seine, and so on through a list too long to relate. Often, also, those rivers literally sustained the countries through irrigation. Mesopotamia fell to ruin when its canals were overwhelmed. Irrigation in India is not so old but is very extensive, as it is also in Italy and Spain.

The Colorado River is said to be 1,700 miles long from the source of its most distant tributary to the place where it reaches the Gulf of California. With the streams that flow into it seven States are traversed. These are Arizona, California, Nevada, New Mexico, Colorado, Utah, and Wyoming. It flows through different climatic zones and along its banks the crops vary from the hardy grains and fruits and sugar beets down to the products of the semitropic regions—citrus fruits, dates, and cotton. Part of its source is in glaciers and it reaches its end through desert lands in the warm waters of the Gulf of California. It rises in the snowy mountains of Colorado, Utah, and Wyoming, and, tumbling down from an altitude of 14,000 feet, discharges to its lower reaches a great volume of water. It is capricious, however, the amount each year varying from 9,000,000 to 25,000,000 acre-feet. It is also very changeable at different seasons of the same year, coming down at times in flood amounts and at other times running so low as to be of little value. All these variations suggest at once to the thoughtful mind the marvelous advantage to be gained by storing the water and giving it out as needed. This is true not only for its use in irrigation but for what might be called domestic use, since there are a large number of cities eager to secure the water for their daily use. The list includes the two large cities of Denver and Los Angeles.

The Colorado is a mighty builder, and as it passes through the great plateaus of its middle reaches it gathers quantities of silt which it carries on to deposit lower down, enough to cover each year a 640-acre farm to the depth of 137 feet, or, as some one else has said, to cover each year 100,000 acres of land a foot deep, an amount equal in volume annually to the total excavations made by the United States in constructing the Panama Canal.

People have rushed to the Colorado Valley to build homes and develop farms, but the river which lured them on by its fair promise is not constant. Owing to its marked habit of carrying silt, it builds barriers, when left to its own devices, which change its course, and the farmer wakes to find the river abandoning his fields, or it may even be in other places threatening to wash everything away in flood, and so not only ruin his farm but endanger the lives of his family. There are at present thousands of people living in this double danger who will have an assured occupation and a safe home when the river is placed in control by the splendid plans that have been made by skilled engineers for protective construction, in which nature seems to wish to help, since she has provided more than one ideal location for dam and reservoir.

Naturally the fact that in the present inadequate and temporary irrigation system the canal that carries the water to the valley flows through the neighboring country of Mexico, gives rise to international difficulties, and when this great undertaking is carried through there should also be built, as demanded, an all-American canal.

The great dam, which is a first requisite in the Colorado River project, suggests also the opportunity for the development of the great enterprises which the modern use of electricity requires. The development of power sites is not a direct motive with the Government, but since it appears as a by-product from the building of the great dam the question naturally arises if the Government may not take advantage of benefits so arising. Even persons most opposed to Federal control in general, among whom I count myself, might well consider this project an exception.

Realization of the following pressing and increasing needs and opportunities: (1) Flood protection, (2) an all-American canal, (3) water storage for irrigation and for domestic uses of cities, (4) water power, has been growing year by year. It was difficult for seven States with their different relations to the problems to forget their rights and requirements and conditions sufficiently to act together with the necessary compromises for the common good, but they did appoint a commission of representatives from all seven States to consider a mutual plan. The members met together during a period of many months, and in different places so as to have every benefit of all types of public opinion, and with great care and devotion they drew up a plan called the Colorado River compact, and this they all signed. The commission was not empowered to act, however, so the members all went back to their State legislatures for indorsement. Arizona has refused to sign. California signed with a condition of flood protection and Utah is at this late day suddenly reversing her consent. This failure to agree reveals an unfortunate situation in that the commission was not made a permanent one. It is very evident that there should be such commission serving continuously partly because the whole matter is in its infancy and partly because by its very nature new conditions and new problems will continually arise. Also if the commission were permanent many problems now up for decision could wait their actual coming and be better settled than in anticipation.

Notwithstanding the fact that six of the seven States in the watershed of the Colorado River favored the compact, yet the fact that one did not make the matter serious, for, according to the conditions under which the compact was made, it was to be effective only if indorsed by all, and since the commission was not a permanent one, a sort of impasse seemed to exist whereby the States seemed likely to lose the momentum that the project had acquired and the valuable labor that had been done. In this emergency the Swing-Johnson bill was brought forward. It was based in large measure upon the recommendations of the Colorado River Commission. It requires the consent of six States, the number that favored it at the time it was drawn. Regarding this last point Secretary Hoover said, March 3, 1926, "I have felt that the whole of this enormous work should not be held up because of this last remaining fraction of opposition."

The Swing-Johnson bill has been reported out by the Senate committee as S. 3331 and by the House committee as H. R. 9826, and with increasing anxiety waits its place on the calendar to come to a vote. It is indorsed by President Coolidge and by Secretary Work, who says: "The Colorado River is now a local menace. It may be converted into a public utility of first importance, particularly to southwestern United States. Its possibilities rank with those of the Panama Canal." It has been indorsed by Secretary Hoover who says: "Storage of flood waters in Boulder dam and utilization of the dam's power potentialities would add to national wealth a sum equal to that of an average State," and further suggests that creation of this new wealth from sources now not only wasted but threatening life and property, will lessen the national tax burden on wealth now existing.

Often when plans fail of indorsement one may well feel that perhaps the effort is premature and that matters can wait. In this case, however, there lurks a danger in waiting that requires a little understanding of the laws that govern water rights in order to be fully under-

stood. When this country was first settled and land was abundant those who located along the streams used them freely. In this they followed the usage prevailing in Europe, and to which they were accustomed before coming to America. If a piece of property along the river bank was sold, the use of the water went to the new owner and it mattered not whether he had long owned his land or whether he was a recent purchaser. His right to the use of the water was recognized by his ownership of the land along its banks. This system is called the riparian-water system.

When, however, settlers began moving west the conditions were so different that usage changed, and this change was greatly intensified in regions where little rain fell, and the water was often wanted at a distance from the stream. It thus came about that the right to the water was allowed through the courts, not to the man who owned the land adjacent to the stream but to the man who first applied the water to a beneficial use. This is called the priority system, and in six of the seven States under discussion the priority system prevails. In California both are in use.

It is not to be supposed that the power privileges which alone in the enterprise possess a high money-making value have not been sought by private corporations. One such instance known as the Girand case has been regarded as a sort of test case and there are said to be a score of others waiting its decision to press their wants. The courts have required the Girand people, in view of possible action on the Colorado River question, to wait "a reasonable time." This time of waiting some people think already borders on the unreasonable, and the danger that exists if the Swing-Johnson bill does not come to a vote lies in our prevailing priority water rights whereby if these powerful corporations are allowed first rights in the Colorado River the Government will be hampered in action and the communities will lose part or all of their birthright.

The West has been built up largely by private initiative which it encouraged in the early days of our national growth. As our population increases, however, and spreads over our vast area and our resources are needed by whole communities, the situation changes somewhat and private exploitation is replaced by national conservation. The appreciation of this change was one of the glories of President Roosevelt's administration, and conservation of our natural resources has ever since been one of the fixed policies of the United States.

This is one of the greatest conservation enterprises of the world. Doctor Mead names its possibilities, and among them we quote a few; a great dam for which nature has prepared an ideal location, a great reservoir to enable the water to be turned out as needed, cities to have thousands of cubic feet of water a second without interfering with the rights of irrigators above or below, power generation that will enable farm homes to be lighted at less cost, more wheels of industry to be turned, more than a million acres added to the irrigated area, 6,000,000 horsepower to be generated, all of which and more, mark it, he adds, as in the truest sense a national enterprise, entitled to the "interest and support of all people, no matter where they live." It is not in any sense a second Muscle Shoals, as its detractors sometimes assert but never prove, but is the very reverse in its financial value and in the pressing need that it aims to remedy.

The responsibility of those who will underwrite the cost is beyond challenge, and the bill calls for its complete financing without cost to taxpayers in advance of the work. The plan has been indorsed by Secretary Mellon, who says it is "workable."

The Colorado River project presents a bewildering array of questions of rights, international and Federal, interstate and State rights, corporation and individual rights, water rights and power rights, city and farm and community rights, all to be adjusted with due regard to precedent, not forgetting the march of progress and our obligations to the future, but perhaps after all the greatest point involved is an ethical one. It would seem that those interested in making the Colorado River compact have been most fair and just, as all must desire, and tried conscientiously to make only such compromises as would injure none but would help all, to which we might add another example. When St. John saw in vision the beautiful river flowing from the throne of God, he seems not to have seen fences around it. It watered the ground on both sides and the tree which bore 12 manner of fruits every month, not privately claimed, and whose leaves were for the healing of the nations. Beatific vision, but not impossible even for us; and we to be not recipients only but promoters.

Mr. CRAMTON. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. PHILLIPS].

Mr. PHILLIPS. Mr. Chairman, it was my privilege on December 21, 1925, to address this body on the subject of constitutional innovations, and I then discussed the eighteenth amendment at some length. Our experience with Federal prohibition since that time has substantiated my position. Many people who were then its advocates are now seeing and saying that the eighteenth amendment was a misfit and a mistake, or are upbraiding the administration for its failure to enforce an unpopular and unenforceable law. Prohibition has become the paramount political issue of our time not only because it is a symptom of a serious constitutional disorder, but also because it is a concrete manifestation of the rapidly increasing centralization of government and concentration of unlimited power in Washington. I have received more than 800 unsolicited letters in regard to that speech, 78 per cent of which were favorable. Most of the latter were from judges, lawyers, doctors, educators, political, social, and industrial leaders, men and women presumably capable of giving intelligent thought to age-long and world-wide problems—of which temperance is one. Very few of those who took exception to my position made any attempt to meet the issue in a reasonable, sensible, logical manner, but for the most part resorted to anonymous communications, personal abuse, or absurd insinuations. In marked contrast to these are hundreds of commendatory letters, which discuss the question in both its narrow and broad aspects with candor and moderation. It is becoming quite evident that those in the best position to observe conditions are in rapidly increasing numbers looking upon prohibition as one of the worst forms of intemperance, and many of its former proponents are no longer of the opinion that their personal habits should be made a matter for Federal concern simply because the licensed saloon was permitted to exist quite unnecessarily where it was not the lesser of two evils and to become a political and social menace. Just as rapidly as their prejudices yield to reason and conscience, the people are refusing to longer give their silent consent to a system that has resulted in the wholesale corruption of public officials and has been degrading, debasing, and debauching to an alarming degree—a system that has made illegal, without eliminating, one of the most extensive businesses in the country, the liquor traffic, so that those now engaged in it are left without any legal means of enforcing agreements or securing redress for a breach of faith, or for the breaking of an illegal contract, and, living in a state of anarchy, resort to violence and murder in order to protect their property and enforce the covenants of the underworld.

My objective a year ago was to set forth clearly, concisely, and, where possible, specifically the evil consequences and potential perils of some of our constitutional amendments, especially the eighteenth. My purpose in this address is to further demonstrate the inherent iniquity of Federal prohibition under the present state of the public mind and to suggest a practical method whereby we may extricate ourselves from an intolerable situation and make it possible for us not only to regain speedily the ground that has been lost to the cause of temperance, but also to advance to the position we now would have occupied, had it not been for the rash and premature work of fanatical zealots. Therefore, I have introduced the following resolution, which is intended not only for the consideration of Congress, but also and more particularly at this time for the consideration of the people of the United States, because it is well known that arguments often change the opinions of legislators, but seldom their votes, and that it is public opinion that eventually determines the course of legislation.

Resolution

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution, in lieu of the eighteenth amendment thereto, when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"The Congress shall have power to prohibit or regulate the manufacture, sale, transportation, importation, and exportation of intoxicating liquors but the several States by this article are not deprived of any of their regulatory or prohibitory power."

Any proposition which contemplates an amendment to the Constitution or basic principles upon which our Government rests and in accordance with which laws may be enacted, relations existing between the several States and the Federal Government altered and the liberties of individual citizens extended or restricted, should be submitted only after careful consideration and the reasons therefor should be clearly and candidly set forth.

My proposition is to (1) abolish the eighteenth amendment, because it places Congress in a strait-jacket and therefore does not permit it to exercise its judgment in dealing with one of the most perplexing problems that has ever confronted mankind; (2) grant Congress full power to regulate, restrict, or prohibit the liquor traffic throughout the United States, a power that it did not possess prior to the eighteenth amendment; and (3) not interfere with the power the several States now possess in regard to dealing as drastically with liquor problems as local sentiment may dictate, for Congress would

not be granted the exclusive power to legislate on them. Under the conditions herein proposed, some States would continue to prohibit beer, wine, and spirits; others might permit beer and prohibit wine and spirits, or permit beer and wine and prohibit spirits; or permit beer, wine, and spirits with or without an alcoholic limit, provided in each case the Federal laws were more liberal than the State laws. Congress could make wet States drier than their own laws contemplated, but could not make dry States wet. The fact that Federal prohibition has not proved satisfactory now does not preclude the possibility that it may be advisable to try it again at some future time, and it is better to experiment with a law that can speedily be repealed or modified than with a constitutional amendment that contemplates carrying with it mandatory instructions. This would permit Congress to divert into the public coffers millions that are now creating a powerful and sinister bootleg aristocracy. It would permit Congress and the States to provide those who want to drink, who will drink, or who must drink, with pure liquors, properly matured and made under sanitary conditions, without forcing them to turn their homes into distilleries, breweries, or wineries. This authority, if properly exercised, would reduce the death rate and drunkenness and tend to restore order and respect for law, and permit the officers of the law to devote more time to the protection of life and property. It would permit Congress at any time to enact a strict prohibition law, if no better solution is found.

It can not be gainsaid that the Protestant church people and the powerful political organizations identified or closely affiliated with them hold the key to the prohibition situation, and no proposition, such as I have submitted, can be considered upon its merits unless or until the strangle hold they have on legislation is relinquished voluntarily or broken forcibly. It was the intention of the founding fathers to form a representative republic whose legislators were to be more than mere delegates selected to do the bidding of the mob or of powerful organizations. They were, indeed, to be representatives in the highest sense of the word, chosen because of their ability to legislate for the whole country; they were to be permitted to use and were expected to use their best judgment in the light of the exceptional opportunities that their experiences, their contacts, and their broadened vision would afford. Today it would be political suicide for the representatives from many of the very districts which pride themselves upon their thorough Americanism to act in their truly representative capacity.

There was a fear, almost a foreboding, in the minds of those who bequeathed our Constitution to a somewhat unappreciative posterity that it might become altered so as to fail to preserve the liberties of individuals, protect the rights of minorities, or observe the prerogatives of the sovereign States and thus fail in the primary purposes for which our Government was created, which were to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty.

Washington, in his Farewell Address, cautioned us to:

> * * * resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown.

Lincoln, in his Cooper Institute address, said:

> Now and here, let me guard a little against being misunderstood. I do not mean to say we are bound to follow implicitly in whatever our fathers did. * * * What I do say is that, if we would supplant the opinions and policy of our fathers in any case, we should do so upon evidence so conclusive, and argument so clear, that even their great authority, fairly considered and weighed, can not stand.

Since the adoption of the Constitution 19 amendments have been added, most of which, although unnecessary or harmful, were nevertheless designed and intended to aid and protect the individual in maintaining the rights and liberties which had been secured in the course of age-long controversies and struggles against tyrannical despots, political autocrats, and religious bigots.

The eighteenth or prohibition amendment is the only amendment that seeks to regulate or restrict the individual or invade his personal dominion, and, therefore, not only does it not harmonize with the other amendments but it is quite inconsistent with the spirit and intent of the Constitution as originally adopted.

Neither did we heed the warning of Washington, nor did we proceed cautiously according to the advice of Lincoln, when we supplanted the opinions and policy of our fathers by transforming the Constitution into a vehicle for carrying legislative material.

The dire consequences that have resulted from the eighteenth amendment and the several enforcement acts relating thereto, and from the unprecedented extension of the Federal police power, have not been equaled or approached since the days when slavery was the disturbing issue.

During the seven years of Federal prohibition there has in all probability been more law-breaking and more corrupting of public officials than in all our previous history, excepting, perhaps, lawlessness caused directly or indirectly by the Civil War. But more serious, perhaps, than the fact that increasing millions of our citizens continue to break the spirit or the letter of the prohibition laws and the fact that prohibition has corrupted a very large percentage of all officers that have come in contact with it, is the ugly mood and the defiant attitude of a large minority, if not an actual majority of our citizens toward these particular laws, together with their growing disrespect for all laws, for all legislatures, for all courts, and for all rightfully constituted authority.

When a people becomes lawless, the government becomes corrupt, which encourages greater lawlessness and, in turn, begets more corruption. Lawlessness that is created by unwise laws should be laid at the door of the lawmaker rather than at the door of the lawbreaker and can speedily be reduced by removing the cause. Lawlessness that trespasses upon long-established and generally recognized rights and privileges may be restrained to a large extent by developing the innate sense of honor and honesty, but when such lawless spirit manifests itself overtly it must be met by punishment commensurate with the offense or crime.

When the duty of preventing alcoholic beverages from satisfying a well-nigh irrepressible demand, inherited through generations so countless that the knowledge of man runneth not to the contrary, was placed primarily upon the Federal authorities, their machinery was strained to the breaking point and many unforeseen conditions were encountered.

The dignity and sovereignty of the United States were at once challenged by rum runners, who infested the high seas and lurked along the borders. The enormous quantities of alcohol necessary for the arts and industries promised a rich harvest to those who might succeed in diverting some of it to illegal purposes. The suppression of surreptitious manufacture and sale of alcoholic beverages presented difficulties quite beyond the ability of the Federal Government to meet even by the expenditure of much money and the employment of many spies.

In its attempt to prevent the importation of foreign liquors, forestall the diversion of industrial alcohol, and curb the manufacture and sale of alcoholic beverages, the officials or enforcers seem to have been constrained to resort to methods that have discredited themselves and lessened both at home and abroad the prestige of the Government they represent.

When the Government secured a large portion of its revenue from taxes on alcoholic beverages there was little or no demand for industrial alcohol for beverage purposes, and whether it was denatured by adding wood alcohol or other poisons was of little consequence. When, however, the Government undertook to legislate alcoholic beverages out of existence, but was unable to legislate a change in human nature, or in the appetites, the customs, and the habits of its citizens, it had no moral right to continue to place poison in alcohol which it was unable to prevent from being diverted to beverage purposes. When the Government created a previously nonexistent inducement to redistill industrial alcohol it should have ceased immediately the use of poisonous ingredients.

Recently the large number of deaths attributed to alcohol denatured by poison has caused much comment. Although Wayne B. Wheeler is reported to have made the callous statement that "the victims of poison alcohol have simply committed suicide," all normal men must concede that such an expression could come only from one who either never possessed the rudiments of Christianity or from one whose fanaticism has completely submerged the last flickering spark of humanity. The San Francisco News remarks: "Many States in this country have abolished the death penalty even for murder. Wayne B. Wheeler would have the death penalty applied to any man who takes a drink."

The following headlines will indicate that there are extremes to which the Government can go only at its peril, even if backed by the generalissimo of the military arm of the Protestant Church:

> Legalized Murder.—Bridgeport (Conn.) Post.
> The Government as a Poisoner.—Hartford (Conn.) Courant.
> Nietzsche-Wheeler.—Denver (Colo.) News.

Stop These Murders by Poisoning.—Washington (D. C.) Herald.
Poisonous Alcohol Returns to the Limelight.—Des Moines (Iowa) Capital.
Prohibition's Poison Casualties.—Chicago (Ill.) Journal.
The Death Penalty and Prohibition.—Louisville (Ky.) Courier-Journal.
Poisoning of Alcohol is Very Close to Deliberate Murder.—Baltimore (Md.) American.
Poison, Uncle Sam's Gift.—Boston (Mass.) Advertiser.
Deadly Denaturing.—Boston (Mass.) Traveler.
Wheeler an Insistent Poisoner.—Springfield (Mass.) News.
Accessory to Crime.—Springfield (Mass.) News.
Ineffective as a Deterrent.—Detroit (Mich.) Free Press.
Barbarous Law Enforcement.—St. Louis (Mo.) Star.
Law Enforcement by Poisoning.—St. Louis (Mo.) Post-Dispatch.
God of the Drys Insane.—Newark (N. J.) Star-Eagle.
Stop It Now!—Albany (N. Y.) Knickerbocker Press.
Stop Alcohol Poisoning.—Albany (N. Y.) News.
Indefensible.—Albany (N. Y.) News.
Murder by the Government.—Brooklyn (N. Y.) Citizen.
Government Puts Poison in the Alcohol.—Brooklyn (N. Y.) Citizen.
Do the Nation's Revenues Require Murders?—Brooklyn (N. Y.) Standard Union.
No More Poisoning.—Buffalo (N. Y.) News.
Truly Infernal.—Buffalo (N. Y.) Times.
Stop Poisoning the People!—New York Graphic.
Kill to Cure.—New York Herald-Tribune.
Halt the Poisoners.—New York (N. Y.) News.
Suicide or Murder?—New York Evening Sun.
No More Borgia Cocktails.—New York Telegram.
Uncle Sam a Murderer.—New York Telegraph.
The State as Poisoner.—New York Times.
The Resort to Poison.—New York World.
The Government as Poisoner.—New York World.
Government Murder Must Stop.—New York Evening World.
Blind Fanaticism.—Columbus (Ohio) State Journal.
A Black Chapter of Our History.—Cincinnati (Ohio) Times-Star.
The Protest Against Liquor Poisoning.—Philadelphia (Pa.) Public Ledger.
Stop Poisoning American People.—Philadelphia (Pa.) News.
Volstead and the Death Penalty.—Pittsburgh (Pa.) Sun.
Cruel and Unusual.—Providence (R. I.) News.
The Method of the Borgias.—Providence (R. I.) Tribune.
Prohibition's Death Penalty.—Milwaukee (Wis.) Journal.
Extra Legal Executions?—Milwaukee (Wis.) Sentinel.

The revelations of the poison methods apparently found necessary to enforce prohibition naturally have created little pulpit comment from those who fain would make men moral by law rather than by love, who have replaced the cross of Christ with the policeman's club, and who, to all appearances, rejoice more in sending their fellow men to the penitentiary than in drawing sinners to the church. The most superficial Bible student, or even the non-Christian, must perceive that the spirit that engenders prohibition and the spirit that should animate Christianity are decidedly antagonistic and quite irreconcilable. By what mental process the fanatical prohibitionist imagines himself to be a Christian or follower of Christ would require an examination by a psychoanalyst. If he still "follows in His train," he is both limping and out of step and has lagged so far behind that he has lost sight of his Leader.

Certainly not since the witches were put to death on Gallow's Hill, at Salem, Mass., while Cotton Mather was assuring the faithful that it was God's will, or perhaps not even since the days of the inquisition, when the church forced the civil authorities to exterminate heretics, has the church appeared in a more unlovely, un-Christian attitude than since it started to wield the cudgel in its crusade for prohibition. Metaphorically speaking, it has become drunk with power and it is high time to inquire, "What meat is this our Cæsar feeds upon that he has become so great?" The majority of people in this country are Christians in the sense that they either believe in Jesus as the Christ, an historic person of divine origin who, while He tabernacled among men, lived the purest life, taught the highest ethics, and spoke with the authority of the only begotten Son of God the Father; or they, rejecting the miraculous, believe that Jesus was quite human and, although of illegitimate birth, or at least born out of wedlock, yet was a philosopher, a moral leader, a religious teacher without a peer, a man who not only loved mankind most deeply, but understood human nature most thoroughly. It will, therefore, be conceded that whether Jesus is divine or human, whether he is God or man, hundreds of millions of people throughout the world to-day recognize Him as the final, or, at least, as the highest authority in all matters pertaining to human wants, weaknesses, and conduct. Jesus "came eating and drinking" and turned water into wine at the marriage feast. That his wine was good wine, the best wine at the feast, and that Jesus established no precedent for prohibitionists such as Mohammed, Volstead, and Wheeler, is clearly indicated in the following passage:

> When the ruler of the feast had tasted the water that was made wine and knew not whence it was (but the servants who drew the water knew); the governor of the feast called the bridegroom and saith unto him: "Every man at the beginning doth set forth good wine; and when men have well drunk, then that which is worse; but thou has kept the good wine until now."

True, other great and good Biblical characters took a different view of life. John the Baptist was an ascetic; but John confessed that he was not worthy to unloose the shoes of Jesus. Let not the orthodox lightly cast aside the teaching, the example, and the authority of Jesus. We read in the account of the Transfiguration that it was not Moses the law-giver, nor Elias who represented the prophets that Peter, James, and John were admonished to hear, but the voice from the cloud said:

> This is my beloved Son, in whom I am well pleased; hear ye Him.

Perhaps we can learn something of Christ's attitude toward personal conduct that primarily concerns the accused individual. A woman taken in adultery was brought to Jesus. The law of Moses provided stoning for this sin. But when he said, "He that is without sin cast a stone at her," none responded, and he added, "Neither do I condemn thee; go and sin no more."

The two points I wish to emphasize are that our Great Teacher and Exemplar certainly did not classify the making, selling, or moderate using of intoxicating beverages as an offense, and also that He was compassionate to a remarkable degree in dealing with those whose sins were primarily against themselves. He did, however, say:

> Woe unto you also, ye lawyers! for ye lade men with burdens grievous to be borne.

Perhaps it would not be taking undue liberty with the sacred Scriptures to paraphrase this sentence by substituting "lawmakers" for "lawyers." Not only does the Bible state that "the Son of Man came eating and drinking," but the account of the Last Supper contains the following stanza:

> But I say unto you, I will not drink henceforth of this fruit of the vine until that day when I drink it new with you in my Father's kingdom.

Evidently heaven is not a prohibition paradise. The irreconcilable and constitutional dry, beyond question, would be uncomfortable in a heaven thus visualized. Therefore beneficent wisdom has provided another eternal abode where liberty is restricted and prohibition unlimited—a place for everyone and each one in his proper place.

If it is to be the future policy of the Federal Government to correct personal morals, then we need a new amendment to prohibit the social evil and the sanction of those who presume to speak for the church and direct the affairs of the State to employ prostitutes, solicitors, spies—the scum of the lowest strata of society—and set traps to apprehend the unwary.

In a statement from prohibition officials published January 30, 1927, it is claimed that under-cover men are necessary for enforcement of prohibition, and I think the officials are fully justified in making this statement; but in order to prevent graft and blackmail by the wholesale it will be necessary to employ subunder-cover men to spy on the under-cover men and then some supersubunder-cover men to spy on the next lower in rank, and about the time the system is perfected the pressure and temptation would become too great for some of the directing officials and the whole system would collapse.

No under-cover work is necessary that is degrading to those who may be assigned to perform it. The Government can not enjoy the respect of its citizens nor can its agents preserve a decent self-respect if they are directed or permitted to operate speak-easies in order to seduce people into breaking the law.

For some time after the adoption of the eighteenth amendment I was inclined to the opinion that it could and would be enforced, but for more than two years I have been of the opinion that it can not and will not be enforced. The purpose and intent of the prohibition amendment was to prevent the drinking of alcoholic beverages, and to equitably, impartially, and fully carry out this purpose would overthrow any administration and speedily lead to the downfall of the Government itself. It would require billions of money and hundreds of thousands of spies, sneaks, snoopers, and smellers to prevent the farmer from making his cider and the city dweller from making his wine and his home brew. Seven years have demonstrated that

this Nation is undoubtedly strong for temperance, but does not want prohibition.

The eighteenth amendment has been weighed in the balances and found wanting because—

1. It causes crime and creates criminals.
2. It is intemperate, intolerant, and intolerable.
3. It does not insure domestic tranquillity, promote the general welfare, or secure the blessings of liberty, and, therefore, fails in three of the primary purposes for which laws and constitutions and governments exist.
4. Its advocates testify to its failure when they demand more police, greater penalties, larger penitentiaries, bigger appropriations and additional courts to enforce it.

Many sponsors for prohibition have taken the position that with the passing of the present generation, and especially the speedy elimination of alcoholic addicts by means of poison liquor, the country will soon be free from drinkers for all time. However, the elimination of those having undesirable characteristics or characters certainly is not possible in 2,500 years, possibly not in 25,000, and certainly not in 25 years, or the space of one generation, as the optimists would have us believe. If, for example, elimination were simple and rapid, there would to-day be no prostitutes, for that class would have eliminated itself during the hundreds and thousands of years it has been known to exist. Their elimination would probably be more rapid than that of alcoholic addicts, because their occupation is abnormal, their environment unhealthy, they are peculiarly subject to disease, their average life is short, and they leave few descendants to inherit their inclination or moral infirmity. Nevertheless, regardless of handicaps that would seem to make survival almost impossible, we find that the law of supply and demand has not in this instance been abolished. It is just as impossible and, of course, impractical to eliminate the drinkers from the next generation by creating conditions that hasten their departure as it is to settle the social evil for all time by making disease more likely and life more precarious for those who overstep the bounds of virtue. Temperance, chastity, and morality should be implanted in the child at home, safeguarded in the school, and cultivated in the church.

History teaches that the white race can not be indefinitely restricted either by the church or State, or by a combination of both. Notable examples are the conditions preceding the French Revolution and the overthrow of the Czar of Russia. The future welfare of civilization demands that individuals shall be given all liberty compatible with public and private safety. Liberty is a natural safety valve which, if properly set, will prevent a violent explosion.

As before noted, the eighteenth amendment strikes the principal note of discord in the Constitution, yet the millions who are inclined to disregard it and who have disobeyed its letter and its spirit have frequently been denounced as nullificators and traitors. What epithet should then be applied to those who disregard, circumvent, or defy other sections of the Constitution? Article I, section 2, paragraph 3:

> Representatives * * * shall be apportioned among the several States * * * according to their respective numbers. * * * The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of 10 years.

No reapportionment of Members has been made since the census of 1920, and therefore some States have a smaller and some a larger proportion of Representatives than was clearly intended and provided for in the Constitution.

The fifteenth amendment reads as follows:

> SECTION I. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.
>
> SEC. II. The Congress shall have power to enforce this article by appropriate legislation.

I am not quoting these articles for the purpose of criticizing either sins of omission or sins of commission, but rather to show the inconsistency, the absurdity, the impudence of those who, having a beam in their own eyes, point to the mote in another's eye.

Many people seem to be of the opinion that the present situation can be remedied by modifying the enforcement laws without disturbing the eighteenth amendment. I have never given this method of procedure very careful thought, because I knew that during my tenure of office Congress would not seriously consider any such relief measure, and, furthermore, I am not at all sanguine that it would prove so much as a halfway successful method of dealing with our most serious domestic problem. It is quite true that the Volstead law has proved a failure of colossal proportions, and if it were repealed to-day the evil forces it has set in motion would continue to operate beyond the life of the present generation. Disrespect for law and its attendant corruption has become so widespread and so deep seated that it has well-nigh permeated every bone and sinew of our body politic, and therefore convalescence must be slow at best, and unless the condition is met promptly and fearlessly it may well be doubted whether normal health will ever be fully restored. In any event the eighteenth amendment should be abolished, because neither it nor any other sumptuary provision belongs in the Constitution.

Whether or not the prohibition laws can be sufficiently liberalized under the eighteenth amendment to automatically eliminate the bootlegger and prevent further contamination of public officials is a matter of opinion, but I do think the solution of our present difficulties can be best met by a Congress and the several States that are not unduly restrained or restricted by any amendment, so that legislation can be liberalized to the point where we can, with assurance of success, call upon the American people for better cooperation and reasonable observance, rather than follow out our present methods, which will eventually lead to military tactics and a reliance upon the sword to compel servile obedience.

I wish to speak especially to those who take the position that the eighteenth amendment can not be removed or modified, for I believe that, unless prohibition is justified by its works to such an extent that a large majority in each section of the country will favor it, the eighteenth amendment will either be removed or modified or become more and more a dead letter. The promoters of prohibition, while admitting that large numbers of the people in all sections and a majority in some sections of the country are opposed to prohibition, claim that a majority of the people favor it, and therefore by applying the doctrine of majority rule consider it a closed issue, unless or until a majority favor its repeal. They furthermore boast that a small minority of the people strategically located in not more than 13 States having few cities and a population of perhaps less than one-tenth of the total population of the United States can and will under any and all circumstances keep the eighteenth amendment in the Constitution forever. It is quite true that the Constitution can not be changed as long as more than one-fourth of the States withhold their assent, but it is also true that a constitutional provision of a sumptuary nature, which is not self-enforceable, can not remain effective for any considerable length of time without the approval and support of a large majority. Anyone who thinks otherwise knows little of history or human nature; neither does he comprehend the genius of our Constitution, the spirit of our institutions, the purpose of our Government, nor the necessity of having our Government respond to popular will if it is to remain a government "of the people, for the people, by the people," a government "which derives its just powers from the governed." If the Constitution is to be made an instrument whereby a minority can restrict the social liberty of the majority, it becomes the constitution not of a republic but of a tyranny, an oligarchy, a soviet.

The Constitution strongly reflects one of the purposes that was in the minds of those who drafted it, which was to safeguard the minority against the possible encroachment of the majority. It would be an anomalous situation, ridiculous if not so serious, for the minority to attempt to make use of powers that were primarily intended for its own protection, to coerce and suppress the majority. Certain provisions were placed in the Constitution for the express purpose of protecting a minority from the possible enroachment of the majority, and for the minority to attempt to use powers for suppression that were intended for protection would be both repugnant and reprehensible. If the time should ever come when a considerable majority of the people decide that the eighteenth amendment is causing more harm than good, that the purposes for which it was enacted can not be realized, that it is enriching the bootlegger at the expense of the Public Treasury, common sense and a decent respect for humanity will demand that the liquor business be placed on a more satisfactory and, incidentally, on a revenue-producing basis; for the only other alternatives would be to continue to waste money in a futile attempt to enforce it, or follow the precedent which the unfortunate adoption of the fifteenth amendment forced the Federal Government to create. It will, I am sure, be generally conceded that a majority would not long permit a minority to unduly encroach upon what it considered its vested rights or its individual prerogatives.

In certain sections of the country the people refused to voluntarily observe or obey the fifteenth amendment and it was found difficult to enforce. In time it became a dead letter wherever the local sentiment was strongly antagonistic to it. When it was determined that it was inexpedient, impractical, or impossible to enforce the fifteenth amendment, and that it

failed to "insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty," it would have been wise, as subsequent events have demonstrated, to have acknowledged the mistake and forthwith amended the article by permitting each State to determine the qualifications of its voters in accordance with local conditions. Such action, no doubt, would have been taken had the adoption of the fifteenth amendment, like the adoption of the eighteenth amendment, deprived the Government yearly of several hundreds of millions of revenue.

Many people in all sections of the country and most people in some sections of the country refuse to voluntarily observe or obey the eighteenth amendment, and similar to the fifteenth amendment, it has been found difficult to enforce. A better way to handle the liquor problem and its attendant evils can surely be found if more leeway than the eighteenth amendment permits is granted to Congress and the several States.

We must not overlook the fact that neither the fifteenth amendment nor the eighteenth amendment is self-enforceable. At one time the Dred Scott decision was strictly in accordance with the solemn reading of the Constitution by the Supreme Court and was therefore, to all intents and purposes, as much of the Constitution as the eighteenth amendment is to-day. Horace Greeley's New York Tribune then declared that the real and final interpreter of the Constitution was the people, and that their reading of the Constitution would be final. In this connection, it should be observed that later Horace Greeley was nominated by the Democrats for President of the United States.

The prohibitionists having forced the legislative, the executive, and the judicial branches of the Government to go to unprecedented extremes in order to test out a theory that was foredoomed, if not foreordained, to failure, now heap abuse upon an administration that has leaned so far toward the side of prohibition that if it has not directed or condoned, it has permitted its enforcement agents to break the laws of the land many times for each conviction secured. In its efforts to drive the rum vessels from the coast it has gone so far as to permit the foreign vessels, in direct violation of the law, to enter and leave our ports with stocks of liquor in exchange for an extension of our search and seizure rights from the 3-mile limit to a 12-mile limit. Which simply means that in order to make prohibition more effective the administration has gone so far as to permit the law to be broken by some in order to facilitate the capture of others.

In plain language, this is a permit to violate for a consideration, and serves to illustrate to what an extent prohibition has caused the resurrection of the old doctrine that "the end justifies the means." Under these circumstances a call for law observance resounds like hollow brass or tinkling cymbal. While any criticism of the administration from prohibitionists is wholly gratuitous, those who have been railroaded to the penitentiary by hand-picked and, therefore, not impartial juries, those who have been jailed without a jury trial, those who have seen the autocratic powers of the judges reach excesses that have been unknown since the days of Cromwell, those who have seen the prohibition laws extended so as to be quite consistent with the Dred Scott Decision, which was one of the factors in precipitating the Civil War, so that now a man may be compelled to act as policeman in order to prevent his place of business from being padlocked; these people and many others may have cause to criticize the administration, but not so the prohibitionists. Would that we had a James Otis to draw an indictment against the present methods invoked in behalf of prohibition, for it would make King George and his Tory cohorts look like petty pikers. Again, if Patrick Henry could arise from his grave, he would, upon seeing the States stripped of sovereignty, point his finger of scorn at Washington, at Madison, at Hamilton, and say, in effect: "I foresaw and foretold what would become of your nice coordination of State sovereignty and Federal supremacy in the hands of some future generation that might look upon liberty as a free and unfading gift of the gods."

In referring to James Otis's great speech on "Writs of Assistance," President Adams said:

> American independence was then and there born. The seeds of patriots and heroes * * * were then and there sown. Every man of an immense crowded audience appeared to me to go away as I did, ready to take arms against writs of assistance. Then and there was the first scene of the first act of opposition, to the arbitrary claims of Great Britain. Then and there, the child Independence was born. In 15 years, i. e. in 1776, he grew up to manhood and declared himself free.
>
> I do say in the most solemn manner, that Mr. Otis's oration against writs of assistance, breathed into this Nation the breath of life.

A few sentences quoted from Otis's speech will serve to show how nearly parallel the conditions that brought forth the Revolutionary War are to the conditions which the insane efforts to enforce prohibition have created in our day. To quote:

> Your honors will find in the old books concerning the office of a justice of the peace precedents of general warrants to search suspected houses. But in more modern books you will find only special warrants to search such-and-such houses, specially named, in which the complainant has before sworn that he suspects his goods are concealed, and will find it adjudged that special warrants only are legal. In the same manner I reply on it, that the writ prayed for in this petition, being general, is illegal. It is a power that places the liberty of every man in the hands of every petty officer. * * * In the third place, a person with this writ, in the daytime, may enter all houses, shops, etc., at will and command all to assist him. Fourthly, by this writ, not only deputies, etc., but even their menial servants, are allowed to lord it over us. What is this but to have the curse of "Canaan" with a witness on us; to be the servant of servants, the most despicable of God's creation? Now, one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle, and whilst he is quiet he is as well guarded as a prince in his castle. * * * Customhouse officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way, and whether they break through malice or revenge no man, no court, can inquire.
>
> Every man prompted by revenge, ill-humor, or wantonness to inspect the inside of his neighbor's house may get a writ of assistance. Others will ask it from self-defense; one arbitrary exertion will provoke another, until society be involved in tumult and in blood.
>
> I will to my dying day oppose with all the powers and faculties God has given me all such instruments of slavery on the one hand and villainy on the other, as this writ of assistance is.
>
> If the King of Great Britain in person were encamped on Boston Common, at the head of 20,000 men, with all his navy on our coast, he would not be able to execute these laws. They would be resisted or eluded.

It required men such as Otis to create American liberty, and it will require other men of like patriotism to restore it. How ridiculous King George would have appeared if he had appealed to men like Otis for law observance. Doubtless he would have been told that honor was in the breach rather than in the observance of such laws.

When we approach the question of prohibition legislation, it is of the utmost importance that a distinction be drawn between that which is legal and that which is moral, between that which is possible and that which is expedient, between that which is practical and that which is impractical, between that which is temperate and that which is intemperate. The problem that always has and probably always will be the most preplexing for statesmen in republics and democracies, is how to maintain a workable balance between law and liberty, and how to provide for the rule of the majority and at the same time compel or induce it to have a due respect for the minority. The founding fathers came about as near solving the fundamental problems of government as was humanly possible, but we have found that an amended and mutilated Constitution no longer fully serves the purposes for which it was intended. If it is a legitimate function for the Federal Government to correct the personal conduct of its citizens in regard to the use of liquor, it becomes the possible duty for the Federal Government to enter further into the field of sumptuary legislation. To-day many people believe that dancing is demoralizing, card-playing corrupting, theater-going sinful, golf a waste of time, hunting brutalizing, and that Sunday amusements interfere with church attendance. Therefore, given a few anti-leagues adequately financed at a time when there is a widespread wave of hysteria and it is not impossible that prohibitions will be extended, and logically extended, into the fields above mentioned. Such amendments once incorporated in the Constitution would add materially to the army of so-called criminals, nullifiers, and traitors. Furthermore, if the Federal Government intends to embark in earnest on a moral crusade, in order to be consistent, it must ban, bar, and outlaw everything that contributes directly or indirectly to moral delinquency, and, of course, such a policy would lead to the confiscation and junking of all automobiles, or at least of such automobiles as are used by petting parties.

How futile it is for the Federal Government to usurp the functions that properly belong to the State, the city, the county, the school, the church, the neighborhood, and the home. It will, I think, be generally conceded that the proper way for a majority to treat minorities is to meet them part way, as long as no principle is jeopardized and no demand made for the withholding of protection for life and property. Any other

course will lead to discord. Furthermore, the larger the minority the more nearly the majority should strive to meet it on a 50-50 basis.

Upon the executive branch of the Government rests the duty of enforcing the laws, whether wise or foolish, popular or unpopular, but upon the legislative branch of the Government and upon those who inflame public sentiment must be placed the responsibility for laws that unnecessarily create discord and dissension, that provoke enmity between neighbors, hatred between sects, and hostility between sections. The Federal Government should permit harmony and concord to prevail between city and country, North and South, East and West by interfering as little as possible with local likes and dislikes, prejudices, and preferences.

Jefferson was a champion of the rights of the individual. Believing that it was just as possible to have a tryanny of the people as it was to have a tyranny of a king, he stated:

> Wherever the real power in a government lies, there is the danger of oppression. In our Government the real power lies in the majority of the community, and the invasion of private rights is chiefly to be apprehended not from acts of government contrary to the sense of its constituents but from acts in which the Government is the mere instrument of the major number of the constituents.

He believed in a minimum of government and a maximum of freedom and said:

> Our country is too large to have all its affairs directed by a single Government. I deem as an essential principle of government the support of the State governments in all their rights, as the most competent administration for our domestic concerns and the surest bulwarks against antirepublican tendencies.

The Lincoln platform of 1860 contained the following plank:

> That the maintenance inviolate of the rights of the States, and especially the rights of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends.

In the light of recent history, we can but marvel at the wisdom of those statements. The wise men of the past rise up in condemnation of the overthrow of State rights and the invasion of personal rights, and join with the experience of the present in denouncing Federal prohibition as the antithesis of Americanism.

The whole political system becomes degraded when we remove from the home community its control over the intimate affairs of life and concentrate enormous powers in Washington. Questions are now decided by mass appeal, and the individual voter, being lost in the multitude, feels that his vote does not count, and, in increasing numbers, ceases to take the trouble to vote. The futility of an individual attempting to counteract by voice or vote the effect of an emotional or mass appeal must be apparent to anyone who has observed the hypnotic influences of some of the present-day popular evangelists. Whether or not emotional hypnotism is justified in the realm of religion, it has no place in deciding the plain serious problems of everyday life with which governments must deal. Furthermore, when we look to Washington to correct all our ills and lean on Washington for help in every time of need, we fail to develop adequate local leadership. The county, the city, the State, should be the real training ground and testing ground for statesmen. The Constitution and Federal statutes should not be cluttered with experimental legislation.

That prohibition has had quite the opposite effect from that intended or expected is shown by the following table of governmental statistics covering the whole United States, which were compiled by E. Clemens Horst, San Francisco, Calif. The comparisons are between the years 1919, which was the year immediately preceding Federal prohibition, and the year 1924, the last year for which statistics are available:

> United States deaths from—
>
> Alcoholism, increased 14 times more than the increase of population.
>
> Gonorrhea, increased 2.9 times more than the increase of population.
>
> Syphilis, increased 0.7 times more than the increase of population.
>
> Auto accidents, increased 11.6 times more than the increase of population.
>
> Diabetes, increased 2.4 times more than the increase of population.
>
> Bright's disease, increased 2 times more than the increase of population.
>
> Excessive heat, increased 14 times more than the increase of population.
>
> Homicides, increased 2.6 times more than the increase of population.
>
> Suicides, increased 1.7 times more than the increase of population.
>
> Illigitimate births, increased 2.8 times more than the increase of population.
>
> Divorces, increased 3.8 times more than the increase of population.
>
> Federal penitentiary commitments, increased 8.8 times more than the increase of population.
>
> State penitentiary commitments, increased 7 times more than the increase of population.
>
> In States "wet" until Federal prohibition, increased 4.1 times more than the increase of population.
>
> In States "dry" before Federal prohibition, increased 11.2 times more than the increase of population.
>
> Arrests for intoxication, increased 10 times more than the increase of population.
>
> Wine-grape acreage, increased 5.3 times more than the increase of population.
>
> Denatured alcohol released by United States Government, increased 46.4 times more than the increase of population.

Due to the fact that medical science has, during the last few years, greatly reduced the percentage of mortality from venereal diseases and also that contraceptive measures have become more widely known, it is indeed remarkable that deaths from these causes and illegitimate births show a relative increase as compared with the population. This condition, in all probability, is due to the dens of iniquity that have sprung up since the vendors and vendees of liquor have been driven farther and farther into the underworld. The United States Department of Agriculture recently published a bulletin showing that the wine-grape acreage of California in 1919 was 97,000 acres, and in 1926, 156,000 acres. Prior to 1919, California produced practically all the wine grapes grown in the United States, but since 1919 a number of Eastern and Middle-Western States have entered or enlarged their field of wine-grape growing. No doubt the number of stills and the amount of high-powered liquor being produced at present in the United States is enormous, and I dare say that the time and expense involved in the manufacture of alcoholic beverages for home consumption approaches, or may even exceed that of the preprohibition days.

So recent as February 21, 1927, the New York State Commissioner of Health, Doctor Nicoll, suggested a national conference to consider the alarming increase of deaths from alcoholism and called attention to the fact that alcoholic deaths have risen swiftly since 1920 and that—

> for the whole United States registration area the rate in 1925 was over three and a half times what is was in 1920.

Doctor Nicoll said that the records of one insurance company reveal that alcoholism accounted for 2,270 deaths in 16,000,000 insured policyholders in this country, while of the million policyholders residing in Canada only 25 deaths occurred from this cause. These figures indicate that the deaths from alcoholism in dry United States are more than five and a half times greater proportionately than in wet Canada!

Is it merely a coincidence that the drink evil and crime have so greatly increased since preachers and paid-professional reformers have become our political bosses? Or does it serve to establish as a maxim the old adage, "Shoemaker, stick to your last"?

Inasmuch as the Christian religion is not a religion of negation or prohibition and if the prohibitionists fail to recognize this fact and refuse to withdraw and form an anti-Christian but propolitical church, or if the church is not content to confine itself within its legitimate field, then it would seem that the natural result will be for those who believe in temperance, but consider total abstinence a matter for individual determination, to gradually lose interest in the church and withdraw their support from the church, so that the church with its thus concentrated ignorance, intolerance, and bigotry would be left free to accomplish its own destruction.

Many extravagant statements have been made as to the great benefits that the working classes have derived from prohibition and proof offered in the recital of individual cases and the increase in savings accounts. Most of these benefits, I dare say, are due to the passing of the licensed saloon, but the elimination of the saloon was rapidly taking place before prohibition, and its final passing was coincident with prohibition rather than entirely due to prohibition. Many of the individual cases that have been cited pertain, no doubt, to men and women of weak character and low mentality, who might almost be considered wards of the Government or of society; and, of course, the Government or organized society does not exist primarily or exclusively for the incompetent. The Government should, however, make it as easy as possible for every citizen to make good and not permit the unfortunate to suffer through neglect.

The increase in the savings accounts may be due, in part, to Federal prohibition, but is largely because: First, a dollar to-day is equivalent to only 60 or 70 cents a few years ago;

second, for some years past wages have been higher and work more plentiful than during any previous time in our history, caused by an abundance of capital and the restriction of immigration; third, a high tariff that has preserved our markets, the greatest in the world, for our own industries; and fifth, during the war the Government undertook through a most intensive campaign to educate the people in habits of thrift, which, no doubt, has had considerable effect on the number and amount of savings accounts.

On the other side of the equation, it has been claimed, and seldom, if ever, denied by those in a position to know the facts, that drinking of hard liquor is far more prevalent than at any time in our history among the boys and girls of the so-called upper classes. This condition and the heretofore-mentioned graft, corruption, and disrespect for law are of serious consequence to the whole people, while the maintenance of prohibition is of serious consequence only to the bootlegger, the grafter, the blackmailer, the paid professional reformer, the politician who can hold his job without expense or effort so long as he votes dry, and to the prestige of the sponsors for prohibition, as well as to our friendly neighbors and hospitable hosts across the Canadian border.

Drinking among the class of young people whom I have just mentioned may be more serious than is commonly supposed. Where promiscuous drinking of hard liquor prevails immorality is not likely to be unusual, and when those who are naturally expected to set a high standard are careless as to their personal conduct, their bad example is widespread.

No highly developed civilization such as we enjoy can be carried forward, or even maintained, by morons or by mediocres, however numerous or however well protected by a beneficent government. Obviously a dearth of leadership of proper quality and liberal quantity is most serious in a republic or democracy. When those who almost exclusively are capable of producing leadership fail to fulfill their mission, either because of dissipation, indifference, refusal to assume responsibility, or neglect to reproduce their kind, the downfall of civilization is imminent.

Prof. William McDougall, of Harvard, who has a reputation second to none on Social Psychology, takes the position that—

the upper social strata, as compared with the lower, contain a larger proportion of persons of superior natural endowments. * * *

He says:

History seems to show that in the rise and fall of peoples economic factors are of secondary importance; no advantages will save a people from decay when it loses its natural superiority. The higher races and classes are using the resources of scientific knowledge to reduce the death rate of the inferior and the birth rate of the superior. * * *

Civilizations decay because they die off at the top, because they cease to produce in sufficient numbers men and women of the moral and intellectual caliber needed for their support. * * *

But there remains to be answered the all-important question: Is it possible by improved and extended education adequately to prepare the rising generations for the immense responsibilities they must bear? Are their innate qualities such as will enable them to rise to a level required by the increasing complexity and difficulty of the tasks that will be laid upon them? Will the human qualities which have carried our civilization upward to its present point of complexity—will they suffice to carry it further or even to maintain it at its present level? Does not progressive civilization, while it makes ever greater demands on the qualities of its bearers, does it not tend to impair, has it not always impaired the qualities of the people on whom it makes these increasing demands?

Every human being, and therefore every community of human beings, every populace, inherits from its ancestry a stock of innate qualities which enable it to enjoy, to sustain, to promote, a civilization of a certain degree of complexity. As a civilization advances, it makes greater and greater demands on these qualities, requires their exercise and development in ever fuller degree, until it approaches a point at which its complexity outruns the possibilities of the innate qualities. At the same time it tends positively to impair those qualities, so that as the demands increase the latent reserves of human quality are diminished. Therefore, a time comes when the supply no longer equals the demand. That moment is the culminating point of that civilization and of that people, the turning point of the curve from which the downward plunge begins. This downward tendency may be gradual and difficult to discern at first but history seems to show that it is apt to be an accelerating process. * * *

The operation of the social ladder tends to concentrate the valuable qualities of the whole nation in the upper strata, and to leave the lowest strata depleted of the finer qualities. This provides the leadership and ability required for the flourishing of national life in all its departments, and so far is good and beneficial. But the working of the social ladder has further and less satisfactory results. The upper strata, which contain in concentration the best qualities of the nation, and which are capable of producing a far larger proportion of men fitted for leadership than the lower strata become relatively infertile. The causes are varied and complex, and in the main psychological; late marriage, celibacy, and restriction of the family after marriage are the main factors. This is not a new phenomenon or peculiar to any or a few countries. It is not confined to the topmost stratum. In Britain it has reached the skilled artisan class, the pick of the wage-earning class. Meanwhile the lowest strata continue to breed at a more normal rate; the birth rate remains highest among the actual mental defectives.

In making Army tests the young manhood of the American people were divided into classes ranging from A to E. A men are of the grade which has the intelligence to make a superior record in college; B men capable of making an average record; C men rarely capable of finishing a high-school course. It is, of course, not that which has been acquired by an individual but the capacity for acquirement that is the important factor in heredity. Our civilization obviously depends upon A men and B men, but they now comprise only 4 per cent and 9 per cent, respectively. What will become of our civilization when these classes drop to 1 or 2 per cent? The A men and B men do not maintain their numbers, although population is rapidly increasing, and the lower strata are constantly becoming less capable of replacing the deficiency. Whether it is a matter of centuries or only of decades until this critical condition becomes acute, it is the preservation and propagation of the best prospects rather than the worst that should be uppermost in the minds of those who believe that ours is a Government, a civilization, a race worth perpetuating.

Our future safety lies in the direction of more wholesome homes, typically American, well stocked with happy, healthy children nurtured and reared according to the best American traditions, rather than in prohibitions and restrictions which prevent the development of originality, independence, and individuality—characteristics which were instrumental in our development and which are indispensable if we are to avoid decay.

The passing of class distinction and the opportunity for all to obtain an education has opened the door for the cream of the working classes to enter the professional classes, which latter are relatively sterile classes. Furthermore, the feminist movement and the higher education of women have resulted in making intellectual women disinclined to marriage and motherhood. To-day the professional classes, the intellectual classes, the people of superior natural endowments are numerically passing into a relative and probably an actual decline. Students of heredity and biology will agree that the constant drafting of the best from the lower classes will render them more and more impotent to supply the dwindling ranks of the upper classes and that the lower classes as a body can not in any measurable length of time fully replace those whose capacity is a result of severe selection, segregation, and intermarriage.

If, therefore, prohibition is proving detrimental and demoralizing to the comparatively few young men and women who are especially endowed by nature and who are essential for the advancement—even the perpetuity—of civilization, then it must be condemned and discarded, regardless of all other considerations.

It requires no argument, only a roll call of the great men of all time, to establish the fact that the best and brainiest of our race are and long have been prone to indulge in alcoholic stimulants and that their individuality is so strongly developed that they will not accept the edict of fanatics which seeks to suppress it. Prohibition and the vile concoctions that accompany it are particularly demoralizing to and destructive of the health and lives of the potential leaders of the future, those on whom the white race must rely for advancement if it is to remain the dominant race.

With respect to the common and ultimate good of all, nothing could be more shortsighted or fatal on the part of the Government than the adoption or continuation of any policy, whether it be political, social, economic, or industrial, that decimates the prospective potential leaders.

The socialist who believes that man and all he possesses belongs to the state, and the master mind of big business who looks upon man as a mere mechanism, as well as the professional reformer who pretends to believe for an honorarium that man can and should be remolded in accordance with a man-made pattern, may look upon prohibition with equanimity, but the individualist believes that the individual must be accorded the largest freedom of choice, compatible with the rights of others, if he is to develop the one all-inclusive, worth-while human trait—character.

Professor Turner writes:

The transformations through which the United States is passing in our own day are so profound, so far-reaching, that it is hardly an exaggeration to say that we are witnessing the birth of a new Nation

in America. * * * It is with a shock that the people of the United States are coming to realize that the fundamental forces which have shaped their society up to the present are disappearing. * * * The old pioneer individualism is disappearing. * * *

Prof. G. W. Burgess in his Reconciliation of Government with Liberty says:

All parties are now declaring themselves to be progressives, and all mean in substance the same thing by this claim, viz, the increase of governmental power over the constitutional immunities of the individual, the solution by force of the problems of the social relations heretofore regulated by influence, by religion, conscience, charity, and human feeling, the substitution of the club of the policeman for the crozier of the priest; the supersession of education, morals, and philanthropy by administrative ordinance. * * *

In the face of this consideration it is time, high time, for us to call a halt in our present course of increasing the sphere of government and decreasing that of liberty, and inquire carefully whether what is happening is not the passing of the Republic, the passing of the Christian religion, and the return to Cæsarism, the rule of the one by popular acclaim, the apotheosis of government and the universal decline of the consciousness of, and the desire for, true liberty. The world has made this circuit several times before. Are we making it again or is it only a step backward in order to get a better foothold for another advance in the true direction? Let us hope it is the latter and make it so by keeping always consciously before us as the goal of political civilization, the reconciliation of government with liberty, so that, however, the latter shall be seen to be the more ultimate, shall be seen to be both end and means, while the former is only means. This is fundamental in the profoundest sense, and there can be no sound progress in political civilization without it.

At the rate we are now going we will soon arrive, indeed, if we have not already arrived, at a point in our history when we will have neither free speech nor free press, when property will be searched and seized without warrant, and when citizens who have incurred the ill-will of the dispensers of justice will be framed and jailed without trial. The disconcerting feature of the present situation is that every protest, every criticism, seems to be met by a diabolical attitude on the part of semi-public organizations who forthwith demand and usually force a further extension of governmental powers. When Solomon died the people plead with Rehoboam for a lighter yoke. He answered them: "My little finger shall be thicker than my father's loins. And now whereas my father did lade you with a heavy yoke, I will add to your yoke; my father hath chastised you with whips, but I will chastise you with scorpions." The sequel was a rebellion and a divided kingdom. It is not my intention to infer that the downfall or division of the Republic is imminent, but I do wish to call attention to the parallel between the young hot heads who advised Rehoboam to extend his authority over his subjects to the point of humiliation and the advice of those powerful personages who would have our Government, a free Republic, imprison, poison, and shoot its citizens for committing a so-called crime that was not even an offense under the harsh law of Moses.

As a public servant I am disturbed with every manifestation of unrest, resentment, or resistance to rightfully constituted authority and am especially interested in effecting a cure by removing the cause. During the last decade practically every candidate for public office has adopted the slogan "law enforcement," but for any practical effect it has done no more to cope with crime than if they had written on a piece of paper, "people should be good" and had then thrown the paper in the waste-paper basket. The direct and indirect cost of crime is variously estimated at from $5,000,000,000 to $10,000,000,000 per year. We now have more than 10,000 murders per year, and more than a hundred thousand murderers walk our streets daily, unmolested and unafraid. All over the country, the average age of criminals grows younger. In one city, for example, the average of robbers has decreased from 28 to 21 years, burglars from 29 to 21 years, and murderers from 35 to 25 years.

Many seek a solution by advocating merciless severity in dealing with a convicted offender, but experience has demonstrated that undue severity defeats its purpose. When 12 jurymen are placed in a position where they must either violate their oath or do violence to their human nature, to their inherent sense of justice, and to their feeling of mercy, one or more of them will refuse to become an instrument of persecution. While the criminal is glad to profit by our system of legal immunity, he is not the product of it. The remote fear of prison or capital punishment will not prevent the seeds of sedition against the moral aims of society from being planted and nourished in the child or youth of impressionable age.

It would be difficult, indeed, to draft our prohibition laws and, incidentally, our white slave laws more adroitly if their express purposes were to encourage graft, bribery, and blackmail.

Any condition created by environment, by example, by neglect, by teaching, by law or otherwise, that tends to undermine the moral nature, or offers great rewards for dereliction, or presents special opportunity to profit through bribery, graft, or blackmail, is a potential source of social sin, political pollution, and all the crimes in the category.

It has been repeatedly stated by prominent men high in the councils of the prohibitionists that obedience to the Constitution is of more importance than prohibition. If they are honest and sincere in this declaration, then it is obviously their patriotic duty to join with all other good citizens and purge the Constitution of the eighteenth amendment.

As to the morality of young people to-day compared with that of former generations opinions may differ; however, if we so much as mention suggestive movies and plays, automobiles, and hip-pocket flasks it will be conceded that temptations, opportunities, and inducements are greater now than formerly. As to the extent to which bootleg liquor is used, the court records and alcoholic deaths indicate that conditions are bad and growing worse; and we must admit that heretofore no such opportunities existed for profit through bribery, blackmail, and dereliction. As long as such statutes as the Volstead Act remain the law the door is wide open for the police to collect toll, the district attorneys to levy tribute, revenue and prohibition agents to get their rake-off, judges to create a reign of terrorism, and mayors and political leaders to apply coercion. Present laws and enforcement methods readily lend themselves to crime and corruption.

If home brew is as prevalent, stills as numerous, and bootlegging as general as is commonly supposed and conceded by many connected with prohibition enforcement, then the time, work, and expenditure of money directly and indirectly for liquor must now place a greater drain on our resources than was the case when the liquor business was legalized.

The eighteenth amendment and its enforcement acts are the culmination of the radical departures from the legitimate function of our Federal Government, as set forth in the Constitution, as accepted by those who knew first hand the mind and purpose of its framers, and which with few exceptions was adhered to for more than 100 years. Prohibition laws take precedence over State rights, over individual rights, and have reduced the bill of rights to a scrap of paper. Those who sanction these laws indorse bureaucracy. When Congress passes a regulatory law it provides that an autocrat in charge shall have authority to enforce its provisions by providing rules and regulations which have the force and effect of statutory laws, and by much regulation we have all but become a clerk-governed people. Our rights will be restored only when all are impressed with the fundamental fact that the Government exists for the people rather than the people exist for the Government.

Federal prohibition was proposed as a penacea, a cure-all, for all our ills, but after seven years of experiment we are dazed and dumbfounded. Seven years ago the liquor business might be likened to a fire fairly well under control. It was in plain view, its danger was apparent and understood, much water was being turned on it, and it was slowly dying. Seeking to destroy it suddenly a bomb was hurled into its midst, but instead of having the desired effect, the fire was scattered, and is now burning in the garret and garage, in homes, and behind hedges, in cellars, and secret places. The greater the evil that one considers liquor, the greater should be his condemnation of prohibition, because instead of confining it, restricting it, exposing it, regulating it, or prohibiting it, prohibition has scattered it. Its advocates do not now refer to their former predictions, but demand more police, greater penalties, larger penitentiaries, bigger appropriations and additional courts in order to enforce it.

Mr. CRAMTON. Mr. Chairman, at the recent conference of the Woman's Christian Temperance Union at the Mayflower Hotel in Washington a brief but interesting paper was presented by Dr. J. M. Doran, head of the technical section of the Bureau of Internal Revenue on the industrial alcohol problem. I desire to place that in the RECORD, including a letter which it contains, to which I direct special attention, from the National Paint, Oil & Varnish Co. I ask unanimous consent to extend my remarks in the RECORD by inserting the article by Doctor Doran.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, under the leave granted me, I present the following article by Dr. J. M. Doran:

THE INDUSTRIAL ALCOHOL PROBLEM

It is quite difficult to give in a few words the complete scope of the industrial alcohol problem. All informed people know that alcohol,

as a chemical, has uses that are beneficial to mankind. The public generally, however, has a very hazy notion of the widespread necessary and beneficial uses of alcohol. The use of alcohol for rubbing sick people, and the use of alcohol in winter to keep radiators of automobiles from freezing, is about the extent of the ordinary person's knowledge on the subject. There may be a vague understanding that alcohol has other uses, but unless the person himself is intimately associated with some manufacturing enterprise, the extent and importance of its industrial use is hardly appreciated. The membership of this organization, however, are presumably well informed on the general aspects of the problem of alcohol control, but it will not be amiss to point out briefly the course of events of the development of the use of alcohol for other than beverage purposes.

In the first place, alcohol was known and used as a chemical reagent and in medicine for the last two or three centuries. The use of purified high-proof alcohol, however, as an industrial raw material, has been a development of the last 65 years. In the United States it may be said to have been a development of the last 20 years. Science has taken hold of alcohol, as it has taken hold of many other natural products and forces, and has gradually developed it into a useful servant. This work has been going on during all the years that this organization has kept up its battle for the elimination of the use of alcohol as a beverage. The two movements were, to a large extent, unrelated and often lacked understanding of each other's viewpoint, but it is becoming clearer that both converge toward a common point, namely, the elimination of abuse and the upbuilding of forces that are helpful and beneficial.

It was early apparent to those who gave the matter study that the first real test of prohibition enforcement in this country would come when the overhanging supply of preprohibition liquor was exhausted and pressure was brought to divert a part of the large supply of industrial alcohol that was continually moving to commercial activities. This problem has been intensified in the last two years and has passed through several distinct stages. First the large proportion of alcohol that was released for industrial purposes went out in a pure state, tax paid. This alcohol offered a ready field for operation of crooks. All that was necessary was the addition of water and a little flavoring or coloring in order to make the mixture salable as whisky or gin or some other spirituous liquor. This difficulty was met in part by the introduction of many specially denatured formulas, which reduced the necessary distribution of pure alcohol to a comparatively small figure. Mr. Bootlegger countered by starting distilling plants and so-called "cooking" operations which had comparatively little difficulty in denaturing these formulas. This was followed on the part of the Government by a tightening up of the permit system under which these special formulas were withdrawn. This tightening up process has been continuous over the last year and a half, with a result that large supplies of specially denatured alcohol have not been readily secured for cooking or cleaning purposes, and consequently the drive was on to manipulate completely denatured alcohol, which is distributed in commerce with as little red tape as necessary.

It has been the theory of all countries, including our own, that completely denatured alcohol should, after being prepared at the denaturing plant and sold in commerce, be no longer surrounded with permit restrictions other than the penalties for reconverting it or attempting to reconvert it into beverages. The period that we are now in finds the Government taking necessary steps to protect the public from the abuse of completely denatured alcohol, and I can assure you that substantial progress has been made.

There has been much discussion in the public press of late as to the denaturing of alcohol. Let me say right here that industrial alcohol is not intended for human consumption and as it leaves the denaturing plant is not capable of human consumption, but only after it has been criminally manipulated. The country produced and consumed over 105,000,000 gallons of industrial alcohol last year. This was produced largely from molasses drawn from tropical countries. The supplies of raw material for industrial alcohol production, at a reasonable cost, are not overabundant and diversion of this alcohol into channels other than commerce, lays an economic burden on all users of industrial alcohol and for that reason alone it is not surprising to see these users, large and small, take a position that this industrial supply should be adequately safeguarded. I offer it as my opinion that the weakening of industrial alcohol policy in this country would reduce the industries to a virtual state of doing business on a physician's prescription and would be totally destructive of these innumerable uses without which our present civilization would not function at its highest point. It is hardly conceivable that this situation could come about for it would be destructive of the policy of prohibiting liquor for beverage purposes in that the country would be face to face with a situation the direct opposite of that which prohibition was assumed to promote; that is, social welfare, which is intimately associated with the soundness of our industrial machinery. I can not take the time necessary to elaborate in detail the specific problems faced in the denaturing of alcohol but I can put it in a few words. It is a great industrial and scientific problem with many ramifications and can be met only by having the most complete knowledge of all of these ramifications. A denaturant might be ideally adapted for one use and likewise of no value in a thousand other applications. It may be very good for certain purposes but be of only limited supply.

In all of these special problems there arises the general consideration that the denaturing substance must render the alcohol unfit for beverage purposes, must be adapted to the lawful use for which the alcohol is intended, must not be easily removed by illegal manipulations, and above all must in a broad sense be a material which may be used with a reasonable degree of protection to the general public.

The chemists of the Prohibition Unit are continually addressing themselves to these problems. We are in the middle of what seems to us a worthwhile enterprise and do not intend to relax our scientific work in the slightest degree. On the other hand these difficulties which we have always ourselves known and acknowledged, but which from time to time only come to public attention, are a part of the day's work, and I ask that the membership of this organization exercise toward the problems, with which we contend, the same degree of patience that has marked their own particular efforts during the past 52 years.

To illustrate the stand taken by industrial interests against the demand to weaken the Government policy of denaturing industrial alcohol I will read a letter from the National Paint, Oil & Varnish Association, one of the largest trade groups in the United States, which speaks for itself. The letter follows:

NATIONAL PAINT, OIL & VARNISH ASSOCIATION,
INDUSTRIAL ALCOHOL COMMITTEE,
New York, January 26, 1927.

To the EDITOR:

There is being sent to you under separate cover United States Senate Document No. 195, entitled "Denaturization of Industrial Alcohol." In it the Secretary of the Treasury submits a comprehensive statement on the subject, which industrial users of that commodity heartily indorse.

Denatured alcohol was authorized in 1906, nearly 14 years before prohibition. It furnishes the arts and sciences with an essential tax-free raw material which has been made unfit for use for beverage purposes.

The tremendous progress of chemical industry in this country during the past 20 years would not have been possible without an ample supply of cheap industrial alcohol. It has been available to foreign competitors for nearly three-quarters of a century, and constituted the very foundation of their achievements in the development of fuels, dyes, munitions, solvents, and countless other commodities. In the World War the production of industrial alcohol was rated by the Allies as one of the "key" industries.

The agitation for the elimination from industrial alcohol of proved efficient denaturants is based upon the monstrous proposition that the Government should abandon formulas favored for over two decades by lawful business interests because, perchance, criminals may succeed in diverting the product to beverage purposes! The principal object of attack seems to be methanol (wood alcohol), which chemists the world over unite in proclaiming as the ideal denaturant. The present satisfactory formulas used in the manufacture of paints, oils, varnishes, polishes, and innumerable other articles of commerce call for pure alcohol denatured with methanol.

Those who argue that industrial alcohol should be made less impure are, in effect, asking that the Government go into partnership with criminals in breaking its own laws. Expressed differently, they would glorify lawlessness at the expense of legitimate industry.

All that the situation requires is for the Government to apprehend and punish the bootleggers who make illegal use of an indispensable commercial necessity.

We bespeak your editorial comment in support of our attitude.

Yours respectfully,

H. S. CHATFIELD,
Chairman Industrial Alcohol Committee,
National Paint, Oil, and Varnish Association.

Mr. CRAMTON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having taken the chair as Speaker pro tempore, Mr. GREEN of Iowa, 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. 17291, the second deficiency bill, and had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. SPROUL of Kansas. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made to-day and include in it some correspondence in connection with that speech.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. GARNER of Texas. I am not going to object, because of the example set at the other end of the Capitol in giving consent to what we ordinarily would object to.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CONGRATULATIONS ON PRESIDENT'S SPEECH

Mr. ENGLEBRIGHT. Mr. Speaker, I ask unanimous consent to print in the RECORD a telegram from the citizens of McCloud, Calif., congratulating the President of the United States on his speech of yesterday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The telegram is as follows:

McCLOUD, CALIF., *February 22, 1927.*

Hon. HARRY E. ENGLEBRIGHT,
358 House Office Building, Washington, D. C.

Out here on the western frontier of the Nation many of your constituents, including McCloud High School students, have heard the wonderful address on Washington by our President. May his message and the realization of Washington as the guiding star of the Republic be an inspiration to our citizens and lead them to a deeper sense of civic responsibility.

W. W. MARTIN.

THE PATRIOTIC EDUCATION OF OUR YOUTH

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to reprint in the RECORD an address that I made on the school republic, with a few brief additions.

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

There was no objection.

Mr. UPSHAW. Mr. Speaker and Members of the House, under leave granted me to extend my remarks, I wish to discuss the school republic, as originated by Wilson Gill, the unique veteran educator, for the building of our boys and girls into patriotic, efficient citizens.

I recently came across this wonderfully practical moral and civic force in its inspiring operation.

As a means for the stabilized protection of our Government under the Constitution of the United States it should rank far above the Army and the Navy combined if put to work daily in every school in America.

As a means of protection against banditry and every other form of criminality it should almost put out of business the police force, the courts, and the prisons.

It is well calculated to check crime and the development of disloyalty to the ballot at their very source.

All of this, of course, is defensive and preventive, but, on the other side, it is constructive of good character among the whole people.

It is loyalty and the golden rule in action.

It visualizes the highest goal of civilization.

President Roosevelt wrote of this plan:

Nothing could offer higher promise for the future of our country.

President Harding wrote:

If proper interest can be developed, it ought to be productive of very valuable public results, and I hope that may be possible.

President Coolidge's secretary has written:

President Coolidge will give careful consideration to this matter.

DR. FRANK CRANE INDORSES THIS PLAN

Dr. Frank Crane has written many editorials on the school republic, and says that—

It is the biggest idea in the world.

Rev. Dr. Charles Stowe, son of Harriet Beecher Stowe, wrote:

If our dream of the Kingdom of God on earth is to be realized, and it can be realized, we must begin with the boys and girls. But how shall we begin? There is no practical way except Mr. Gill's plan.

Mr. Gill says:

Autocracy in the schools must be replaced by training in democracy; and if that had been done as soon as the Constitution was adopted, it might have prevented the Civil War, it would certainly have saved our people many millions of dollars, and the present distressing conditions could never have developed.

Democracy can be made fully successful by a people who, as a whole, live in accord with the golden rule, but not otherwise. "Do to others as you would have them do to you" is the magic key to the highest civilization.

The greatest problem of civilization throughout all the ages has been how to get the people of every nation to put the golden rule into operation in their daily life, and Mr. Gill declares further:

This problem has been solved, and through it practically all the difficult problems of human contact and conduct have been solved in the homes, in education, at the mines, in the industries, between individuals, and between nations.

It will make an end of war. Peace can not come by enacting laws, either national or international. It can come through improving the character of all individual men and women and in no other way.

It will enable all persons, while children, to develop fine and strong character.

COMPELLED WITHOUT EXPERIENCE

"As the twig is bent, so the tree is inclined." Children are compelled without experience or information to determine what their adult life shall be, and at best it is apt to go far astray; but when the way shall have been found to induce all of them to be guided by the golden rule, they will be able to build good, firm foundations for their adult life. They will develop pure, stalwart, conquering character.

THE SCHOOL REPUBLIC IS THE WAY

This will render all schools more efficient for every good purpose. It will at the same time give the teachers better pay and reduce the cost of maintaining the schools.

Naturally, then, it will greatly reduce the cost of maintaining prisons, courts, and police and reduce the people's loss of property through theft and other dishonesty.

Our Government has used this solution in Cuba, among the Indians, and in Alaska. It has been sanctioned by several governments and put into operation in several countries.

What is the solution of this greatest of all problems? It is simplicity itself, very easy to put into operation, and a daily joy to all concerned. It is to give the privileges and responsibilities of citizenship, under instruction, to citizens all through their school life instead of having them wait till they are 21 years of age.

The process is called the school republic.

THE FRANKLIN INSTITUTE AWARD

The famous old scientific society, the Franklin Institute, awarded Wilson Gill, the inventor of the school republic, the Elliott-Cresson gold medal, which is their highest honor. The trustees of the medal fund refused to deliver the medal. They said:

This is a spiritual matter and not a discovery or an invention. It is not practical or tangible. It is neither science nor art. The institute has no right under its charter to make an investigation of such a matter.

The institute brought suit in the Philadelphia court of common pleas.

The case was heard by a bench of three judges. It was in court six months. The decision of the court declared that child citizenship in the school republic is spiritual, and both a discovery and an invention, that it is practical and tangible, and both science and art, and that the Franklin Institute has the right to make such an investigation and to award the Elliott-Cresson gold medal, and the trustees were ordered to deliver the medal.

The presiding judge said:

In addition to this official decree, my associates on the bench wish me to state our further private opinion, which is that so important a matter was never before submitted to the institute for investigation, and it is probable there never will be again.

CIRCLES OF AMERICAN GOVERNMENT

THE CHILDREN'S CIRCLE

Mr. Gill describes the status and processes of the school republic as follows:

The Government of the United States can be likened to a series of circles, the first of which is that of the National Government. Within this are 48 State circles. Inside of these are those of counties and cities. Inside of the city circle is that of the school board, superintendent, principals, and teachers. The last circle is the governing of the children. This circle, in our country and every other country except Cuba and Argentina, is an autocracy of which the teacher is the monarch. This has been and is tolerated by the ignorance of statesmen and educators, and is the basis of most of the crime and disloyalty in our country and other lands. By means of the school republic this evil is rectified. Though the school republic is the smallest and last of the circles, it is the most important of all, as this is not only real government and its citizenship actual and true American citizenship,

but it determines the character of the citizenship in all of the other circles.

If any one of the circles inside of the national circle fails to maintain order and to protect the rights of American citizens a larger circle may invade a smaller one, as was the case when President Cleveland sent troops into Chicago and quelled a railroad strike, and Gov. Rutherford B. Hayes sent State troops into Cincinnati and quelled the courthouse riot. In the same way the teacher may invade the school republic if the child citizens fail to maintain the required order. This practically never happens, as the children are most eager to have the advice and help of the teacher.

Although citizens of the school republic are under observation and instruction, their citizenship is as real as that of their parents, and as has been said, is more fundamental.

SUPREME HUMAN LAW

The Constitution of the United States is the supreme human law of government and of conduct for every American citizen from birth till death. Our Government ought to recognize this and to protect its citizens in their rights as such, while they are too young to know that they have any rights and too weak to protect themselves from the ignorant and demoralizing autocratic tyranny that is forced on them. It should require of every school over which it has any authority to treat every American citizen in it as an American citizen and not as a helpless child and subject of a monarchical school government.

WHAT CONGRESS SHOULD DO

The Congress of the United States should go as far in this matter as it has the right to go; and if it has not the right to defend itself and the rights of the little citizens in the schools of the State, then the State legislatures and the governors should do whatever is necessary to get rid of monarchy in the schools, which demoralizes the morals and the loyalty of its people to the ballot.

The Congress of the United States should not delay its recognition of this great invention; nor should it lose an unnecessary day in giving the advantages of it to our people and to the world.

The engineer who set about to invent a means to solve this great problem strikingly makes the following claims:

Trouble at the mines, antagonism in the industries, prevalence of crime, the horrors of war, and the failure of education to conquer these enemies of the human race can be solved by a discovery and invention so simple, so easy, so practical and inexpensive, and so full of common sense that it is in the reach of this Congress to understand it without discussion and to put it into operation immediately in our country—and by our example, in every other country—for the peace and general welfare of all mankind.

This builder of citizen patriots further declares:

AUTOCRACY IN THE SCHOOLS

Autocracy in the schools, the monster which has developed with our great school system, is destroying the foundation of our Government and is gnawing at the vitals of civilization.

This is a matter for consideration by statesmen and the people and only secondarily by educators, except as they, too, are responsible citizens.

THE AMERICAN REVOLUTION IS NOT COMPLETE

THIRD ACT

(This will complete the Revolution)

Between the end of the War of the Revolution and the convening of the convention to make a constitution for the governing of the people, one of the signers of the Declaration of Independence, Dr. Benjamin Rush, of Philadelphia, made the following remark in one of his speeches:

There is nothing more common than to confound the term "American Revolution" with that of the "American war."

The American war is over, but this is far from being the case with the American Revolution.

(1) On the contrary, nothing but the first act of the great drama is closed. It remains yet—

(2) To establish and perfect our new forms of government; and

(3) To prepare the principles, morals, and manners of our citizens for these forms of government after they are established and brought to perfection.

The first act of the Revolution, as we have seen, was ended by the surrender of Lord Cornwallis and the signing of the treaty of peace.

The second act was completed by the adoption of the Constitution by the thirteen States.

The third act of the American Revolution has scarcely begun, though nearly a century and a half has passed since the completion of the second act.

The Constitution set up a new kind of government, founded on principles which are totally different from those which were ever the basis of any government in the Old World.

To make this new kind of government fully operative and successful, it was and still is necessary that the whole people should adopt "principles, morals, and manners" such as had never been adopted by the people of any nation on earth, and have not yet been adopted by the people of our Nation.

The American Revolution will never be successfully ended and the Constitution of the United States become fully operative till this shall have been attended to.

Putting into constant practice by children in and out of school hours "the principles, morals, and manners," to which Doctor Rush refers, is the only possible way to make the Constitution completely operative, and by which it can be made safe and permanent. This is "the third act of the American Revolution," and the process is called the school republic.

THE PEOPLE NOT THE EDUCATORS

The citizenship of the people is, or should be, as much a part of the Government of the United States as is the Congress, the Supreme Court, or the Army or the Navy, yet it has never been prepared to perform its functions efficiently or intelligently as a part of the Government, although the maintenance and defense of the Government is dependent on this arm of the Government as much as upon the Congress and the Army and the Navy. No other branch of the Government has been so entirely neglected and so unprepared to perform its proper functions.

THE SCHOOL REPUBLIC OFFERS THE REMEDY—WHAT IS THE GILL METHOD?

It is the same citizenship, rights, duties, spirit, and practices applied before the age of 21 as is desirable after the age of 21, under encouragement and instruction by the regular school teachers, by the plan made by Washington, Franklin, Jefferson, and their coworkers and embodied in the Constitution of the United States.

Any vital, permanent improvement in civilization must rest on an improvement in the habits and character of the whole people.

This method has been producing good results for a quarter of a century.

Is it not time that American citizenship should be approved and adopted by all schools?

It is practically impossible to reform the habits of a great body of adults.

Now that the public-school system is rapidly developing throughout the world, it is entirely practicable to enable the children from the very beginning to form the habits which are necessary for universal peace, honesty, cleanliness, health, kindness, and cooperation for every good purpose.

Mr. Gill believes that this work among the children can not be accomplished by the old-fashioned academic method alone. To this must be added, he says, the laboratory method by substituting democratic government for the monarchial or absolute authority of the teacher.

In the work for universal peace, without disparaging anything that may be proposed, it is evident that however valuable any particular endeavor, or all endeavors together may be, they can never accomplish their full purpose until there is added this element of forming the habits of morality (which is peace) by the laboratory method, beginning with the youngest children in the schools and keeping it up through the individual's entire school life.

How the school republic can be introduced into every school is told in the following words by Mr. Gill, its inventor:

ORGANIZING A SCHOOL REPUBLIC—THE WHOLE SCHOOL

I organize the whole school as a national democratic republic, in the spirit of the Constitution of the United States, which is friendship and kindness, and expressed by the golden rule, and by the plan made by Washington, Franklin, Jefferson, and their associates, and embodied in the Constitution. All the pupils, from the eldest to the youngest, have equal rights.

I explain to the children assembled, with more or less explicitness, according to their age and other circumstances, some conditions in our country which need correction, such as that which is exhibited by the fact that in the Harding election 26,000,000 of our people voted and 27,000,000 were disloyal to the plan of the Constitution to the extent that they failed to vote.

I make it as clear to them as I can that there can be no true loyalty to our Government and to our flag except through a daily life of friendship and kindness such as is expressed by the golden rule. I tell them that there can be no reasonable hope that they will after the age of 21 live in the spirit and by the plan of the Constitution of the United States unless they do so before then, while they can have the help of their teachers and schoolmates. Then I say, "All of you who wish to begin your citizenship this minute and to help organize your school as a little American republic, in the spirit and by the plan of the Constitution of the United States, raise your right hands—high as

you can, so that I can see how you are voting." They invariably vote unanimously in favor. The request, "high as you can," is a factor in their interest.

Then I have them raise their right hands again and repeat after me a pledge of loyalty to the Constitution: "I solemnly promise that I will support and defend the Constitution of the United States and that I will perform the duties of my American citizenship to the best of my knowledge and ability."

ALL KNOW THE CHARACTER OF EVERYONE IN THEIR CLASS

The children, except the youngest, have been living together in their classes for years, and each one knows the moral and intellectual strength of every other one in the class without stopping to consider. This fact makes it possible to organize very rapidly. It is not necessary to use ballots or to have more than one candidate at a time.

When this work was begun in 1897 we did not know these facts, and the process of organizing was long and tedious. For various reasons, it is desirable to make the process of organizing as simple and short as is compatible with a clear understanding by the children. If one is elected unanimously, or by an evident majority, no time need be wasted in taking a negative vote, or by making any other unnecessary moves, just because they are customary.

ELECT A PRESIDENT AND VICE PRESIDENT

I ask those who are ready to name some one for president to raise their right hands. A few hands are raised, and I call on one of the older pupils for a nomination. To guard against any mishap—which is not apt to occur—I ask the principal if he approves. Almost invariably he replies to the effect, "It could not be better." If it is the principal who is organizing, of course there would be no question.

Many times I, a stranger, can not understand the name of the nominee, and to save time, I do not wait to find out, but say: "All in favor, raise your right hands." Almost invariably she or he is unanimously elected. In just a twinkle the vice president is elected in the same way. Before the voting I have the candidate come to the front so the little ones of the kindergarten and first and second grades may see who the candidate is.

Immediately I administer the oath of office to the president and vice president, the same as the pledge of loyalty, except that the word "office" takes the place of the words "American citizenship."

PRESIDENT APPOINTS OFFICERS

Instantly the president, with the approval of the principal, appoints a chief justice, secretary of state, secretary of general welfare, and four general traffic officers. The vice president says to the assembly, acting as the congress of the republic, "The president has appointed ——— ——— to be the chief justice. All in favor raise your right hands." Generally, all the right hands go up, and the vice president says, "Approved." The other officers are appointed in the same way, and they immediately take their oath of office. In future elections, ballots and all desired formalities may be used.

ORGANIZING A SCHOOL CITY

While they are still assembled, the pupils of one classroom are organized as a typical American city, with a mayor, president of the city council, all of the children being the council to make regulations for their own conduct and to approve the appointments of traffic officers and commissioners for every good purpose that can be found. A judge, three clerks—city clerk, clerk of council, and clerk of court—and a sheriff to attend to the decrees of the court are elected. This can generally be accomplished in from three to five minutes and serves as a pattern for all the other rooms in the building.

CHARTER OF THE SCHOOL CITY

PREAMBLE OR KEY

This charter is granted and accepted with the understanding that the spirit of the Constitution of the United States is expressed by the golden rule; that all laws and processes of government must be in accord with this spirit; that voting judicially in every election by all who have the right to vote is necessary for the full developing of civilization according to the plan of the Constitution; that life habits are begun and developed in childhood; that responsibility accepted and discharged under competent instruction is the most forceful educational means that exists; that a principal problem of moral and civic training is to provide responsibilities to be carried by the pupils; that to provide that all who will have the right to vote shall do so habitually, loyally, and judicially, it is desirable, if not necessary, that the habit shall be started in early childhood and developed and confirmed throughout the school and college career; that teaching is a chief function of most of the transactions of human life, and should be taught practically from the beginning to the end of every person's educational course; that frequent repetition of right thoughts and actions is a necessary element in producing right habits and good character.

ARTICLE I. OBJECT, NAME, TERRITORY, CITIZENS, POWERS

SECTION 1. The object of this school city is to train the citizens in the practice of the golden rule, independence of character, teaching, cooperation for every good purpose, and all duties of citizenship in school, at home, and everywhere.

SEC. 2. The name of the school city shall be determined by a majority of the citizens at the time this charter is adopted, or as soon after as convenient.

SEC. 3. The territory of this school city is the school, and so much of the district in which the pupils live as is not otherwise provided for.

SEC. 4. All individuals who are or shall be pupils in this schoolroom division shall be citizens of this school city, with equal rights. If two or more divisions occupy the same room, but at different times, each may be a separate school city.

SEC. 5. All citizens shall make the following pledge of loyalty: "I solemnly promise that I will support and defend the Constitution of the United States, and that I will perform the duties of my American citizenship to the best of my knowledge and ability."

SEC. 6. Citizens shall have the right to nominate and elect officers, to make laws for their own conduct, and to work and play without unlawful interruption.

SEC. 7. Citizens shall have the right, but shall not be required, to provide for themselves textbooks relative to the school republic, and badges for themselves and their officers.

SEC. 8. It is the duty of the city to protect the rights of all citizens and promote the general welfare, and of citizens to practice the golden rule and to be obedient to every lawful authority.

SEC. 9. The city shall have the right to make, to enforce, and to adjudicate laws.

SEC. 10. Term of office is one month, unless otherwise provided. An officer shall not be reelected to the same officer for two whole terms in succession.

SEC. 11. Before the close of each school year, an election of officers shall be held, whose term of office shall continue through the vacation, and until their successors are elected.

SEC. 12. The teacher is not a citizen or officer of the school republic, but instructor, guide, and friend, whose authority is not changed by the granting of this charter, and whose sanction is needed to validate every action of the school city.

ARTICLE II. OFFICERS, NOMINATIONS, ELECTIONS

SECTION 1. There shall be a mayor to see that the laws are obeyed, a judge to decide what is right and what is wrong, and a president of the city council to preside over the meetings of the city council. All the citizens shall be members of the council. Except among children who can not write, there shall be elected a clerk of the council, a city clerk for the executive department, and a clerk of the court.

SEC. 2. There may be health, police, and any other officers that the council shall authorize to be elected by the citizens or to be appointed by the mayor.

SEC. 3. There may be departments of Red Cross, Boy and Girl Scouts, Campfire Girls, Knights of Youth, Children of the Revolution, Good Citizens' Clubs, savings bank, manufacturing, publishing, games, athletics, and other industrial, educational, social, patriotic, and philanthropic work.

SEC. 4. Every officer shall make the following affirmation before entering upon the duties of his office: "I solemnly promise that I will support and defend the Constitution of the United States and that I will perform the duties of my office to the best of my knowledge and ability. So help me God." [Required by United States law.]

ARTICLE III. READERS

SECTION. 1. The mayor shall appoint five readers who shall lead all the citizens in reading slowly and thoughtfully once each week on different days, the following documents: First reader, Preambles of the Constitution of the United States and of this Charter and Code of Conduct, Monday; second reader, Ten Commandments of American Citizenship, Tuesday; third reader, Declaration of Principles, and The Biggest Idea in the World, Wednesday; fourth reader, Pledge of Loyal Citizenship and It Can Be Done, Thursday; fifth reader, International Pledge and The Good Citizens' Creed, Friday.

ARTICLE IV. DAILY READINGS

PREAMBLE OF THE CONSTITUTION

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

CODE OF CONDUCT

CHAPTER I—CONSTRUCTION AND PROHIBITION

SECTION 1. "Whatsoever ye would that men should do to you, do ye even so to them." All laws and regulations must conform to this law.

Do no wrong to any one.

Order

SEC. 2. Peace, order, and cooperation for every good purpose must be maintained.

Anything which disturbs the order in halls, classrooms, or in any place within the jurisdiction of this government is prohibited.

SEC. 3. The expression of good, pure, kind, and constructive thought must be encouraged.

Anything which is profane, rude, immodest, impure, impolite, or unkind to any living creature is prohibited.

Cleanliness

SEC. 4. Cleanliness, neatness, beauty, and orderly appearance must be encouraged.

Anything which detracts from the neat and orderly appearance of our community is prohibited.

Health

SEC. 5. Healthful conditions and actions must be encouraged.

Anything which detracts from the healthful condition of our community is prohibited.

Public and private property

SEC. 6. Protection of private and public property from theft, injury or interference must be encouraged and enforced.

Anything which mars, destroys, or interferes with property rights is prohibited.

SEC. 7. All reasonable protection shall be given highways. Breaking glass is prohibited.

CHAPTER II—DUTIES

SECTION 1. Every citizen is in duty bound to call the attention of the authorities of this Government to all known violation of the laws.

CHAPTER III—PUNISHMENTS

SECTION 1. Any citizen violating any law of this Government shall be subject to punishment not less than a reprimand and not greater than the withdrawal of the rights of citizenship. Punishments must be inflicted to discourage wrongdoing, not to produce unhappiness or disgrace.

SEC. 2. No punishment shall be carried into execution before it has been approved by the teacher or principal of the school, and then it must be put into effect promptly.

THE GOOD CITIZEN'S CREED

(By Frederic R. Kellogg)

To be good citizens of the United States and of our school republic,

WE MUST KNOW

First. That the Government of our Nation, our State, and our city is our Government.

Second. That we are responsible and are bound to see that every branch of our Government is good, clean, honest, and intelligent.

Third. That we can not expect good government of any kind unless we, the people, make it so.

Fourth. That graft in any form is a blow against the life of democracy.

Fifth. That we must see to it that good laws are made.

Sixth. That we must obey all laws, whether we like them or not, as long as they are valid.

Seventh. That the Constitution of the United States is the supreme human law of government and of conduct for every American citizen from birth till death.

WE MUST VOTE

First. In every election for which we are qualified.

Second. For honest persons only.

Third. For ablest and best persons only.

WE MUST FIGHT

First. Graft and dishonesty in every form.

Second. Every kind of disloyalty to the Constitution and our form of government.

Third. The habit of neglecting to vote.

Fourth. The idea that citizens need to obey only such laws as they approve.

Fifth. That the thought that if we neglect our duties as citizens, others will see that our Government is well carried on.

Sixth. Stupidity in carrying on public business.

Seventh. Wastefulness in spending the people's money.

WE MUST VENERATE

The memory of Washington, Franklin, Jefferson, Lincoln, and of all true American patriots.

WE MUST LOVE

Our country's flag, the symbol of the golden rule, which is the spirit of our Constitution, as well as the law of God.

INTERNATIONAL PLEDGE

We, the new citizens, builders of the world of to-morrow, wish to have our world at peace.

We wish for all people health, happiness, and intelligence, good manners, good morals, and good fortune.

We join hands from land to land and promise to do our best to serve the world, each in our own abiding place, each in our own, dear country, and all together in the children's international state, and to help support and develop this movement in every way in our power.

PLEDGE OF LOYAL CITIZENSHIP

Recognizing in some measure how great a privilege it is which has been granted to us that we shall be trained as responsible citizens of a democratic Republic under the Constitution of the United States, rather than as irresponsible subjects of a monarchy, we solemnly promise that we will be loyal, obedient, and faithful to every branch of our Government from that of the United States of America, and our State or other established government, to our own local school republic, and to all authority that is lawful; that we will endeavor to make good laws and to obey them; that we will use our best judgment in choosing officers; that we will perform the duties of office to the best of our knowledge and ability when chosen to any office; that we will encourage and help our officers without reference to the way our individual votes may have been cast; that if summoned to appear in court we will comply and give every reasonable assistance to enable the judge to discover the truth and to arrive at a just decision, whatever our relation may be to the case; that we will abide by the judgment of our court when approved by the teacher or other authorized adult officer of our school; and that we will, to the best of our ability, perform faithfully all the duties of citizenship.

THE BIGGEST IDEA IN THE WORLD

(By Dr. Frank Crane)

The school republic is the biggest idea in the world.

It is the last word in democracy.

It is the very root of democracy.

It is that without which democracy can not persist.

I believe in democracy, as the best product of the slow growth of evolution. It means the redemption of the race.

Jesus Christ was its first great exponent, and America is its most conspicuous example.

Democracy means self-government.

Democracy is a thing that has to be learned. It does not come by nature. Therefore the place to begin is in the public school.

It is much more important that children learn how to govern themselves, to obtain in lawful ways what the majority of them want, to select their own governors and obey them, to understand voting and take an interest in politics, than that they learn how to bound Uruguay or do sums in arithmetic.

As it is at present, children are trained in little autocracies. Thus when they graduate from school they despise politics.

The remedy is to teach democracy from the very kindergarten, so that the children coming out of the school will be experts therein.

Every school ought to be a republic. School children should be taught self-government. Every school should be a little United States and not a little imperial Germany.

The only reforms that are permanent steps forward are those that begin in the schoolroom.

Humanity advances through its children, not through its adults.

Train children in self-government!

Train them in citizenship!

Make every school in the United States a hotbed of democracy.

That is your answer to nine-tenths of your problems, moral, economic, and civil.

IT CAN BE DONE

Somebody said that "it couldn't be done,"
  But he with a chuckle replied,
That "maybe it couldn't," but he would be one
  Who wouldn't say so till he'd tried.
So he buckled right in with the trace of a grin
  On his face. If he worried he hid it,
He started to sing as he tackled the thing
  That couldn't be done—and he did it!

Somebody scoffed: "Oh, you'll never do that—
  At least no one ever has done it."
But he took off his coat and he took off his hat,
  And the first thing we knew he'd begun it.
With the lift of his chin and a bit of a grin,
  Without any doubting or quiddit,
He started to sing as he tackled the thing
  That couldn't be done—and he did it!

There are thousands to tell you it can not be done,
  There are thousands to prophesy failure;
There are thousands to point out to you, one by one,
  The dangers that wait to assail you.
But just buckle in with a bit of a grin,
  Then take off your coat and go to it;
Just start in to sing as you tackle the thing
  That "can not be done"—and you'll do it.

EDGAR A. GUEST.

Let nothing discourage you; never give up!

WILLIAM D. UPSHAW.

TEN COMMANDMENTS OF AMERICAN CITIZENSHIP

I

Thou shalt love good with all thine heart, for this is the law of God and a necessary condition of successful democracy.

II

Thou shalt obey the Constitution of the United States, for it is the supreme human law of government and conduct for every American citizen from birth till death.

III

Thou shalt do to others as thou wouldst have them do to you, for this is the law of God and the spirit of the Constitution.

IV

Thou shalt live in accord with the Constitution in childhood, in the same way that is desirable in adult life, for child life is the real life and determines what adult life shall be.

V

Thou shalt vote in every election for which thou art qualified, as this is necessary for the defense of our Government.

VI

Thou shalt assist in making good laws and in enforcing them, as long as they are laws, whether thou likest them or not, as this is necessary for the preservation of our Government.

VII

Thou shalt assume responsibility, whenever practicable, for responsibility is the most forceful means of education which exists.

VIII

Thou shalt learn to teach, for this is salesmanship, which is a necessary element of successful life.

IX

Thou shalt not say unto any child, "Thou art a tattletale; tell on thine own self, but not on others," for this foolish phrase protects and develops criminal tendencies and causes the prisons to overflow with criminals.

X

Thou shalt not tolerate graft or any other form of dishonesty, as this is a deadly enemy to civilization; and

Thou shalt fight the enemies of our country and of our civilization.

DECLARATION OF PRINCIPLES

The spirit of love and helpful kindness is in all normal young children. We must encourage and help them to develop this spirit for their own welfare and happiness and for the good of all.

All must work together to make an end of tyranny and of crime of every sort, to put restraint upon all that is wrong, to give encouragement to all that is good, and to maintain equal rights for all and special privileges for none.

We are responsible citizens, and the flag of our country is our symbol of service and cooperation for the good of all mankind. We want to be true to the citizenship of our country, and will show our love and loyalty by our industry, our efficiency, our friendliness, by looking on the bright side of things and not on the dark (except to help correct them), and by our good works.

Our country asks us to live for her and the good of all, and so to live and so to act that her citizenship and her Government shall be pure, her officers honest and efficient, and every part of her territory safe and fit for the best of men, women, and children.

Our country asks that we cooperate with our brothers and sisters in every land to make an end of tyranny and crime and advance the cause of good will, good manners, and best conditions in our homes and neighborhoods and throughout the world.

ENEMIES

These are the chief enemies: Failure to obey the golden rule; graft and dishonesty of every kind; the habit of neglecting to vote; the idea that citizens should obey only such laws as they approve; the thought that if we neglect our duties as citizens others will see to it that our Government is well carried on; stupidity in public affairs; and, worst of all, monarchy in school administration or Government, which develops disloyalty to the Constitution and fosters criminal tendencies.

ARTICLE V

SECTION 1. This charter having been granted by competent authority, and accepted by a majority of the citizens, takes effect immediately.

Date ———

——— ———, *Mayor.*
——— ———, *Teacher.*

CONCLUSION OF MR. UPSHAW'S REMARKS

I am sure that my thoughtful colleagues and all others who have studiously followed this remarkable compendium of patriotic, civic, and ethical principles of faith and action, as laid down by Wilson L. Gill, who has given three decades of his noble life to the founding of the school republic, will agree that seldom, if ever, has the CONGRESSIONAL RECORD carried to the public a richer contribution to the basic building of our national life.

School boys and girls should be encouraged to study and assimilate these principles with even more eagerness than they do to their daily lessons.

Having spoken myself to over 4,000,000 students in school since I got off the bed, where I stayed for seven years, teaching them to stand up and repeat the daily motto of my life, "Let nothing discourage you; never give up," I feel that I now have for the youth of America a new impact of inspiration for them to become builders and guardians of the Nation through the thrilling constructive influences of the school republic.

Verily, there is no material out of which to grow intelligent, patriotic citizens except boys and girls; and teachers, parents, and preachers have the biggest job on earth building citizens for time and eternity.

THE WORK OF THE BUREAU OF COMMERCIAL ECONOMICS

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the work of the Bureau of Commercial Economics.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RAINEY. Mr. Speaker, the Bureau of Commercial Economics has its offices at No. 1108 Sixteenth Street NW., Washington, D. C., and the service it renders is valuable indeed. It furnishes free film service throughout the country. I can personally testify to the value of visual instruction. I recall that in Illinois a number of years ago, when it became necessary to amend the constitution of Illinois in order to permit the building of a waterway connecting the Chicago Ship Canal with the Illinois River, in connection with others, I made a campaign throughout that State, using a set of pictures I made myself, showing scenes along the waterway commencing with the Soo, extending all the way down through the Lakes, the canals, the rivers, the Gulf of Mexico, and then across the Gulf of Mexico and the Isthmus of Panama, insisting in the speeches I made that the Lakes to the Gulf deep waterway commenced with the Soo and ended in the Pacific Ocean. I made over 200 speeches, using slides constructed from the pictures I had made myself along the entire route. We carried the proposition by a majority of 750,000 votes, and I have been advised all over the State that this visual presentation of the subject assisted materially in carrying the proposition.

During the session of Congress now drawing to a close the completion of the deep waterway from Utica to the mouth of the Illinois River out of funds contributed by the Federal Government was authorized and construction will soon commence. The Illinois waterway connecting the Chicago Ship Canal with the Illinois River, at an expenditure of $20,000,000, is now being built by the State of Illinois, and in two years and a half the entire waterway will be completed from the Southern terminus of the Chicago Ship Canal to the Mississippi River. I therefore firmly believe in visual instruction, and it gives me great pleasure to indorse the educational work now being accomplished through the medium of free films by the Bureau of Commercial Economics.

Representatives should avail themselves of this free film service, both personally and for their constituents, to learn of our great industries of America, its resources, and the way the Government is spending the taxpayers' money.

The Bureau of Commercial Economics during the last season has shown its invited guests of Congress and the diplomatic corps films of Germany, Egypt, Latvia, Austria, Belgium, United States territory, Samoa, and of Newfoundland, and they have many additional new subjects ready for release.

The House of Representatives and the Senate, as well as the members of the diplomatic corps and official Washington, have had the opportunity and privilege during the present session of Congress of attending the series of diplomatic evenings given by the Bureau of Commercial Economics at the Carlton Hotel in Washington, when American or foreign films have been shown and eminent speakers of the foreign Governments or our own have given us the latest information pertaining to the subject presented.

The Bureau of Commercial Economics renders an extraordinary service to the people of the entire United States. Its

films, gathered from all parts of the world, entirely educational in character, are available to any responsible organization simply for the carrying charges. If the organization is able to afford the very low membership fee or make a donation to the carrying on of the work, well and good. If the organization is unable to do more than pay the carrying charges, the films are sent free, as evidenced by this letter I quote:

CANEY CREEK COMMUNITY CENTER,
Caney Creek, Ky.

DEAR MISS BOGGS: This settlement has been in your debt for the joy of light and moving pictures—the latter have literally brought the world into this wilderness. * * * The picture machine that you and Doctor Holley secured for us is still doing excellent service. It was scorched through our fire, was almost thrown out the window of the booth, and though it doesn't shine outwardly any more, yet it brings light to the souls of these deprived hill folks.

Yours sincerely,

ALICE SPENCER GEDDES LLOYD.

For nearly 14 years the bureau has been bringing the world to the American people by means of films and speakers—free. That this service is deeply appreciated is proven by the thousands of letters that the bureau has received from institutions and organizations who have used its service and who are most wholehearted in their praise.

For the information of the Congress I here enumerate a list of cities and towns where this bureau's speakers have addressed important clubs, educational institutions, civil organizations, and so forth, in the last six months. I have listed the cities, not the number of times lectures have been given in each place:

BUREAU OF COMMERCIAL ECONOMICS

[Partial list of cities served with speakers and films during 1926]

Arkansas: Fort Smith.

Connecticut: Bridgeport, Hartford, Middlebury, Naugatuck, Norwich, Storrs, Torrington, South Willington, and Waterbury.

Delaware: Wilmington.

District of Columbia: Washington.

Florida: Lake Worth, Longwood, Miami, Orlando, and West Palm Beach.

Georgia: Atlanta.

Illinois: Alton, Blue Island, Cairo, Champaign, Chicago, Decatur, Danville, East Aurora, Evanston, Jackson, Joliet, Kewanee, Normal, Oak Park, Ottawa, Peoria, Peru, Princeton, Quincy, Rockford, Rock Island, Springfield, Urbana, and Virden.

Idaho: Pocatello and Roxburg.

Indiana: Elkhart, Hammond, Indianapolis, Gary, Kendallville, Lafayette, La Porte, Muncie, Richmond, and Terre Haute.

Iowa: Ames, Burlington, Cedar Rapids, Council Bluff, Davenport, Dubuque, Eldora, Fayette, Fort Dodge, Grundy, Harlan, Iowa Falls, Lamoni, Manchester, Marshalltown, Muscatine, Sheldon, and Spirit Lake.

Kansas: Emporia, Horton, Kansas City, Manhattan, and Ottawa.

Kentucky: Covington.

Maryland: Annapolis and Baltimore.

Massachusetts: Attleboro, Beverly, Boston, Brockton, Danvers, Dorchester, Fall River, Fitchburg, Holyoke, Lexington, Lowell, Malden, Melrose, New Bedford, Newtonville, Rowley, Springfield, Watertown, and Worcester.

Michigan: Adrian, Ann Arbor, Battle Creek, Bay City, Detroit, Grand Haven, Grand Rapids, Marquette, Midland, Pontiac, Saginaw, St. Louis, Sault Ste. Marie, Watersmeet, and Wyandotte.

Minnesota: Austin, Bemidji, Duluth, Ely, Faribault, Mankato, Minneapolis, St. Paul, and Tracy.

Montana: Belgrade, Big Timber, Billings, Bozeman, Butte, Deer Lodge, Dillon, Glendive, Missoula, and Whitehall.

Missouri: Independence, Kansas City, and St. Louis.

Nebraska: Freemont, Lincoln, and Omaha.

New Hampshire: Keene, Newport, Portsmouth, and Wolfeboro.

New Jersey: Atlantic City, Camden, Edgewater, East Orange, Glassboro, Hoboken, Jersey City, Lakewood, Maplewood, Montclair, Newark, Newton, Perth Amboy, Orange, Riverside, Riverton, Rumson, Summit, Trenton, Union City, and Weehawken.

New York: Albany, Auburn, Aurora, Binghamton, Brooklyn, Buffalo, Chatham, Clinton, Cohoes, Dobbs Ferry, Dunkirk, Elmira, Falconer, Fulton, Geneseo, Lockport, Medina, Newburgh, New Rochelle, New York City, Ogdensburg, Oneonta, Oswego, Peekskill, Philmont, Plattsburgh, Port Jervis, Potsdam, Poughkeepsie, Richmond Hill, Rochester, Rome, Schenectady, Syracuse, Troy, Unadilla, Watertown, and White Plains.

North Dakota: Fargo, Grand Forks, and Valley City.

Ohio: Akron, Ashtabula, Canton, Cincinnati, Cleveland, Columbus, Cuyahoga Falls, Elyria, Findlay, Hiram, Kent, Lima, Lorain, New Philadelphia, Sandusky, Springfield, Steubenville, Zanesville, and Wooster.

Oregon: Portland.

Pennsylvania: Allentown, Ambridge, Bethlehem, Bustleton, Easton, Germantown, Greenville, Hummelstown, Jenkintown, Lancaster, Lebanon, Lock Haven, Mansfield, Meadville, Mont Alto, Mt. Pleasant, Munhall, Myerstown, Philadelphia, Pittsburgh, Pottstown, Punxsutawney, Reading, Roxborough, Scottsdale, Sharon, Uniontown, Warren, Washington, West Chester, and Wilkes-Barre.

Rhode Island: Pawtucket and Providence.

South Dakota: Brookings, Huron, and Springfield.

Tennessee: Jackson.

Vermont: St. Johnsbury.

Virginia: Fredericksburg, Harrisonburg, Hopewell, Richmond, Sweet Briar, and Winchester.

Washington: Wenatchee.

Wisconsin: Appleton, Beloit, Bloomer, Delavan, Eagle River, Ellsworth, Eau Claire, Green Bay, Janesville, Kenosha, La Crosse, Manitowoc, Menominee, Milton, Milwaukee, Oshkosh, Racine, Sheboygan, Stoughton, Superior, Waupaca, Wausau, and Whitewater.

A real service can be rendered by calling attention to the work of this bureau; all communities should enjoy the benefits of its service. This bureau renders a purely altruistic service; it is operated without profit through the unflagging zeal and self-sacrificing efforts of its director, Dr. Anita Maris Boggs, and its dean, Mr. Randolph M. Boggs.

The real purpose of the bureau is to teach men and women and children all over the world to think, to compare, to judge in the light of full knowledge, and to realize that under all appearances—all external differences—there is a fundamental unity of humanity. As the Greek poet, Aristophanes, wrote during the Peloponnesian War—

From the murmur and sublety of suspicion with which we vex one another
Give us rest.
Make a new beginning,
And mingle again the kindred of the nations in the alchemy of love,
And with some finer essence of forebearance
Temper our minds.
Aristophanes Peace.

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled House bill of the following title, when the Speaker signed the same:

H. R. 15547. An act to authorize appropriations for construction at military posts, and for other purposes.

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. 10485. An act for the relief of William C. Harllee.

ADJOURNMENT

Mr. CRAMTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Thursday, February 24, 1927, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following list of committee hearings scheduled for Thursday, February 24, 1927, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture (H. R. 16295).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Public buildings bill.

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10.30 a. m.)

To authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the services, sacrifices, and patriotism of the American women of all wars in which the United States has participated, which was the inspiration of their sons and daughters in carrying on their part of the various conflicts (H. R. 16916).

COMMITTEE ON ELECTION OF PRESIDENT, VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS

(10.30 a. m.)

To amend the penal laws of the United States (H. R. 17186).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To provide for the cooperation of the United States in the erection in the city of Panama of a monument to Gen. Simon Bolívar (S. 2643).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To provide for the coordination of the public-health activities of the Government, and for other purposes (H. R. 10125).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To authorize advances by disbursing officers of the Treasury Department (H. R. 17205).

EXECUTIVE COMMUNICATIONS, ETC.

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

1010. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the fiscal year 1927, to remain available until June 30, 1928, for the Department of the Interior, Bureau of Indian Affairs, for reconnaissance work on lands of several Indian pueblos in New Mexico, $50,000, and for the purchase of land for the Indians of the Jicarilla Reservation, N. Mex., $10,000; in all, $60,000 (H. Doc. No. 745); to the Committee on Appropriations and ordered to be printed.

1011. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Department of Justice for the fiscal year 1924–25, amounting to $44.75 (H. Doc. No. 746); 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. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the proceeds received from sales of useless papers in the various departments during first session of Sixty-ninth Congress (Rept. No. 2209). Ordered to be printed.

Mr. SNELL: Committee on Rules. H. Res. 436. A resolution providing for the consideration of H. R. 16507, a bill to authorize an increase in the limit of cost of certain naval vessels, and for other purposes; without amendment (Rept. No. 2210). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 437. A resolution providing for the consideration of H. R. 16973, a bill to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; without amendment (Rept. No. 2211). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 438. A resolution providing for the consideration of H. R. 9826, a bill to provide for the protection and development of the lower Colorado River Basin; without amendment (Rept. No. 2212). Referred to the House Calendar.

Mr. WURZBACH: Committee on Military Affairs. S. 5112. An act to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War; without amendment (Rept. No. 2213). Referred to the House Calendar.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 17141. A bill to amend the World War veterans' act, 1924; without amendment (Rept. No. 2214). Referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. S. 5762. An act to amend sections 4 and 5 of the act entitled "An act granting the consent of Congress to the Gallia County Ohio River Bridge Co. and its successors and asigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio," approved May 13, 1926, as amended; without amendment (Rept. No. 2218). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 17136. A bill granting the consent of Congress to the Baton Rouge-Mississippi River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at Baton Rouge, La.; with amendment (Rept. No. 2219). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 17249. A bill granting the consent of Congress to the States of South Dakota and Nebraska, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 2220). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17264. A bill to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.; without amendment (Rept. No. 2221). Referred to the House Calendar.

Mr. BURTNESS: Committee on Interstate and Foreign Commerce. H. R. 17292. A bill granting the consent of Congress to the States of North Dakota and Minnesota to construct, maintain, and operate a bridge across the Red River of the North; without amendment (Rept. No. 2222). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 17298. A bill granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a free highway bridge across Lake Champlain; with amendment (Rept. No. 2223). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 15538. A bill to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State; without amendment (Rept. No. 2224). Referred to the House Calendar.

Mr. VESTAL: Committee on Patents. H. R. 16808. A bill to amend sections 27, 42, and 44 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; with amendment (Rept. No. 2225). Referred to the House Calendar.

Mr. YATES: Committee on the Judiciary. H. R. 17091. A bill to transfer Willacy County, in the State of Texas, from the Corpus Christi division of the southern district of Texas to the Brownsville division of such district; without amendment (Rept. No. 2226). Referred to the House Calendar.

Mr. WURZBACH: Committee on Military Affairs. S. 4692. An act to amend the act approved June 1, 1926 (Public, No. 318, 69th Cong.), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes; without amendment (Rept. No. 2227). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. H. R. 5471. A bill for the relief of Josephine Thibodeaux; with amendment (Rept. No. 2215). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 11231. A bill to correct the military record of John Strevy; with amendment (Rept. No. 2216). Referred to the Committee of the Whole House.

Mr. VINSON of Kentucky: Committee on Military Affairs. H. R. 16597. A bill to correct the military record of Charles Robertson; without amendment (Rept. No. 2217). Referred to the Committee of the Whole House.

Mr. FISHER: Committee on Military Affairs. H. R. 14664. A bill for the relief of Dennis W. Scott; without amendment (Rept. No. 2228). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. S. 95. An act for the relief of Carlos Tompkins; without amendment (Rept. No. 2229). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. S. 1413. An act for the relief of Eustacio B. Davison; without amendment (Rept. No. 2230). Referred to the Committee of the Whole House.

Mr. VINSON of Kentucky: Committee on Military Affairs. S. 1859. An act for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes; without amendment (Rept. No. 2231). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 17305) to eliminate the renewal of oath of office of Government employees under certain conditions; to the Committee on the Judiciary.

By Mr. EATON: A bill (H. R. 17306) to establish a national military park at Middlebrook Heights, near Bound Brook, N. J., commemorating the spot where George Washington was in camp at the time of the adoption of the United States flag by Congress, June 14, 1777; to the Committee on Military Affairs.

By Mr. GIBSON: A bill (H. R. 17307) providing for acquisition of land, by purchase or condemnation, within the District of Columbia, for erection of buildings and parking and approaches thereto, by the Government of the United States, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Washington: A bill (H. R. 17308) to authorize the Secretary of War to grant and convey to the city of Vancouver a perpetual easement for public highway purposes over and upon a portion of the Vancouver Barracks Military Reservation, in the State of Washington; to the Committee on Military Affairs.

By Mr. LUCE: Concurrent resolution (H. Con. Res. 58) providing for the printing of 5,000 additional copies of House Document No. 357 of the Fifty-ninth Congress, being "The Federal and State Constitutions, Colonial charters, and other organic laws of the States, Territories, and Colonies now or heretofore forming the United States of America"; to the Committee on Printing.

By Mr. PHILLIPS: Resolution (H. J. Res. 368) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. McDUFFIE: Resolution (H. Res. 439) directing the Federal Trade Commission to investigate the operations and activities of those persons, firms, or corporations who purchase cottonseed for the purpose of crushing cottonseed and refining and marketing the same; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Oregon, requesting an appropriation from Congress of $25,000 to assist the Spanish War Veterans in erecting a memorial statue to Theodore Roosevelt at and on Battle Rock, State of Oregon; to the Committee on Appropriations.

By Mr. EVANS: Memorial of the Legislature of the State of Montana, regarding the depression due to agricultural interests in the State of Montana; to the Committee on Agriculture.

By Mr. GARBER: Memorial of the Legislature of the State of Oregon, urging funds for a further continued development of the nucleus of a naval base already established at Tongue Point, near Astoria; to the Committee on Naval Affairs.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, requesting agriculture relief in the State of Minnesota; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Minnesota, requesting favorable action on legislation providing for the retirement of disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 17309) granting a pension to Martha Snyder; to the Committee on Invalid Pensions.

By Mr. AYERS: A bill (H. R. 17310) granting an increase of pension to Susan Smith; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 17311) granting a pension to Bertha M. Freeze; to the Committee on Pensions.

Also, a bill (H. R. 17312) granting an increase of pension to Margaret A. Curtis; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 17313) granting a pension to William O. Cooper; to the Committee on Pensions.

By Mr. MORROW: A bill (H. R. 17314) granting a pension to Victor Pineda; to the Committee on Pensions.

Also, a bill (H. R. 17315) granting an increase of pension to Lottie A. Rice; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 17316) granting an increase of pension to Kate E. Putnam; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 17317) granting a pension to Elizabeth Smith; to the Committee on Invalid Pensions.

By Mr. WAINWRIGHT: A bill (H. R. 17318) to authorize Capt. Royden Williamson, United States Army, to accept a medal of honor and merit and a diploma tendered him by the Republic of Haiti; to the Committee on Military Affairs.

By Mr. WOLVERTON: A bill (H. R. 17319) granting an increase of pension to Carrie L. Barnes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7305. Letter from C. S. Longacre, general international secretary of the Religious Liberty Association, Tacoma, Park, Washington, D. C., transmitting a petition from 35 citizens of the United States who are temporarily residing in India protesting against the passage of the Sunday bill (H. R. 10311); to the Committee on the District of Columbia.

7306. By Mr. ARNOLD: Petition from 227 citizens of Centralia, Ill., favoring the Civil War pension bill; to the Committee on Invalid Pensions.

7307. By Mr. BACHMANN: Petition of Rev. J. J. Phillips, president, and all members of the Fairmont Ministers Association, of Fairmont, W. Va., urging that the West Virginia Senators and Representatives use their ballots and influence in support of Senator Borah's resolution toward the outlawry of war; to the Committee on Foreign Affairs.

7308. By Mr. BROWNE: Petition of citizens of Knowlton, Marathon County, Wis., against the Sunday observance law (H. R. 10311); to the Committee on the District of Columbia.

7309. By Mr. BROWNING: Petition of Mrs. Martha J. Wilhelm and others, for increase of Federal pensions; to the Committee on Invalid Pensions.

7310. By Mr. BRUMM: Petition of citizens of Tamaqua, Schuylkill 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.

7311. By Mr. CONNERY: Resolution of Cigarmakers' Union, No. 97, protesting the passage of House Resolution 8997; to the Committee on Ways and Means.

7312. By Mr. COOPER of Wisconsin: Petition of certain residents of Waukesha County, Wis., protesting against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

7313. Also, petition of certain residents of Waukesha County, Wis., urging passage of bill to increase pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7314. By Mr. CRAMTON: Petition of Mrs. William Hicks and 29 other residents of Croswell, Mich., urging favorable action upon a more liberal Civil War pension bill; to the Committee on Invalid Pensions.

7315. By Mr. CULLEN: Letter from the Chamber of Commerce, Brooklyn, N. Y., urging reclassification of the salaries of postmasters; to the Committee on the Post Office and Post Roads.

7316. By Mr. DAVIS: Resolution of various patriotic societies and organizations against the Wadsworth amendment permitting admission into this country of aliens in excess of the national quotas provided for in the immigration act of 1924; to the Committee on Immigration and Naturalization.

7317. Also, resolution adopted by the Central Labor Union of St. Petersburg, Fla., protesting against further aggression on the part of the armed forces of the United States in the internal affairs of the Republics of Central and South America, and demanding that the armed forces of the United States be immediately withdrawn from Nicaragua, and that the matters in dispute with Mexico be submitted to a board of arbitration for adjustment; to the Committee on Foreign Affairs.

7318. By Mr. DENISON: Petition of various citizens of Jackson County, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows of veterans; to the Committee on Invalid Pensions.

7319. By Mr. FISHER: Petition of 40 citizens of Memphis, Tenn., protesting against the passage of House bill 10311; to the Committee on the District of Columbia.

7320. By Mr. GALLIVAN: Petition of Massachusetts State Pharmaceutical Association, protesting against the Hawley medicinal bill (H. R. 17130); to the Committee on Ways and Means.

7321. By Mr. GARBER: Telegram from W. J. Hughes, chairman patients' body, of Johnson City, Tenn., urging support of legislation repealing that part of World War veterans'

act which would reduce compensation of veterans in hospitals after June 30; to the Committee on World War Veterans' Legislation.

7322. Also, telegram from American Steamship Owners' Association, by R. J. Baker, secretary, of New York, urging the inclusion of American seamen in any bill for workmens' compensation for maritime workers; to the Committee on Naval Affairs.

7323. Also, letter from Deppe Motors Corporation, of New York City, N. Y., protesting against the misleading of the American public on the motor fuel question; to the Committee on Ways and Means.

7324. Also, letter from Bernth K. J. Eenberg, commander of the Disabled American Veterans of the World War, of Chapter No. 6, at Liberty, N. Y., urging consideration and support of House bill 17157, known as general hospital bill; to the Committee on World War Veterans' Legislation.

7325. Also, letter from John B. Andrews, secretary of American Association for Labor Legislation, New York City, urging support of Senate bill 3170 and protesting against any proposed amendment to fix a definite maximum amount in death cases; to the Committee on Labor.

7326. Also, letter from Harry A. Austin, secretary of United States Beet Sugar Association, Washington, D. C., showing the farmer's interest in the beet-sugar industry; to the Committee on Agriculture.

7327. Also, petition of the National Manganese Mining Co., urging support of Senate bill 3641; to the Committee on Mines and Mining.

7328. By Mr. HADLEY: Petition of a number of citizens of Arlington, Wash., protesting against the Sunday bill (H. R. 10311); to the Committee on the District of Columbia.

7329. Also, petition of a number of citizens of Everett, Wash., urging further relief for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7330. Also, petition of voters of State of Washington, urging further relief for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7331. By Mr. HAUGEN: Petition of 96 voters of Decorah, Iowa, urging that immediate steps be taken to bring to a vote a Civil War pension bill, that relief may be accorded the needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7332. By Mr. HICKEY: Petition of Mrs. E. E. Reese and other citizens of Rolling Prairie, Ind., urging the passage of a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7333. By Mr. HOGG: Petition of Herman Haskins and other veterans and widows of the Civil War, asking that immediate steps be taken toward liberalization of the Civil War pension laws; to the Committee on Invalid Pensions.

7334. By Mr. HOOPER: Petition of A. M. Griffin and 44 other residents of Quincy, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

7335. By Mr. JOHNSON of Texas: Resolution of Texas Legislature, indorsing the Tyson-Fitzgerald bill (S. 3027 and H. R. 4548); to the Committee on World War Veterans' Legislation.

7336. By Mr. KIESS: Petitions from citizens of Clinton and Lycoming Counties, Pa., favoring the passage of the Elliott pension bill; to the Committee on Invalid Pensions.

7337. Also, petition from citizens of Tioga County, Pa., opposing the passage of Senate bill 4821; to the Committee on the District of Columbia.

7338. By Mr. KVALE: Petition of Legislature of the State of Minnesota, urging the passage of Senate bill 3027 and House bill 4548, for the relief of disabled emergency officers; to the Committee on World War Veterans' Legislation.

7339. Also, petition of Central Cooperative Association of South St. Paul, Minn., indorsing the Great Lakes-St. Lawrence waterway; to the Committee on Rivers and Harbors.

7340. By Mr. LEA of California: Petition of 131 residents of Eureka, Calif., and four residents of Sonoma County, Calif., favoring passage of a Civil War pension bill; to the Committee on Invalid Pensions.

7341. By Mr. LINEBERGER: Petition protesting against any compulsory religious measures now pending, by J. R. Slavin, of Santa Monica, Calif., and approximately 400 other constituents of Los Angeles and surrounding cities; to the Committee on the District of Columbia.

7342. By Mr. MANLOVE: Petition of Mark Patton, R. L. Hickman, Wayne E. Hickman, Ethel Cox, Cora Young, George K. Hoffmeister, and 250 other residents of Barton County, Mo., urging legislation to increase the pensions of Civil War widows and veterans; to the Committee on Invalid Pensions.

7343. Also, petition of L. E. Bandy, Mabel Bandy, Sam McCormack, N. F. Pruitt, and 10 other citizens of Lawrence County, Mo., urging that legislation be passed to increase the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7344. By Mr. MORROW: Petition of certain citizens of Stanley, N. Mex., indorsing bill for increase of pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7345. Also, petition of certain citizens of Guadalupita, N. Mex., indorsing the Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

7346. Also, petition of New Mexico State Convention of the American Legion, indorsing the bill for the retirement of disabled emergency officers; to the Committee on World War Veterans' Legislation.

7347. By Mr. NELSON of Missouri: Petition signed by J. J. Hilgert and many others, Tipton, Mo., in behalf of Civil War increased pension bill; to the Committee on Invalid Pensions.

7348. Also, petition signed by L. B. Nelson and many others, Cooper County, Mo., in behalf of the Civil War increased pension bill; to the Committee on Invalid Pensions.

7349. By Mr. O'CONNELL of New York: Petition of the New York State Pharmaceutical Association, opposing the passage of the whisky trust bill; to the Committee on Ways and Means.

7350. By Mr. PHILLIPS: Petition of citizens of Beaver County, Pa., urging an amendment to the Constitution of the United States wherein acknowledgment is made of the authority of Christ and the law of God; to the Committee on the Judiciary.

7351. Also, petition of citizens of Lawrence County, Pa., urging the passage of House bill 10311, known as the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

7352. Also, petition of citizens of New Castle, Lawrence County, Pa., urging that Congress take immediate steps to bring to a vote a Civil War pension bill that additional relief may be afforded needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7353. By Mr. RAINEY: Petition of Harry W. Sandberg and 26 others of Jacksonville, Ill., favoring passage of legislation for the benefit of the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7354. Also, petition of Mrs. L. J. Lemon and others, of White Hall, Ill., urging the passage of legislation for the benefit of the veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

7355. By Mr. ROBINSON of Iowa: Petition from the sewing-machine operators in the H. B. Glover factory in Dubuque, Dubuque County, Iowa, urging the enactment of the Walsh-Cooper bill; to the Committee on Labor.

7356. Also, petition from citizens of Manchester, Delaware County, Iowa, urging immediate action be taken on the Civil War pension bill; to the Committee on Invalid Pensions.

7357. By Mr. ROUSE: Petition of citizens of Kenton County, Ky., opposing a modification of the immigration law; to the Committee on Immigration and Naturalization.

7358. By Mr. SANDERS of Texas: Petition from numerous citizens of Kaufman County, Tex., asking for an increase in pensions to Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7359. By Mr. SHALLENBERGER: Petition of sundry citizens of Nebraska, protesting against the passage of House bill 10311, Lankford Sunday law; to the Committee on the District of Columbia.

7360. By Mr. SINNOTT: Petition of a large number of citizens of Harney County, Oreg., against passage of House bill 10311, the Sunday bill, or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

7361. Also, petition of numerous citizens of Redmond, Oreg., protesting against the passage of House bills 10311, 10123, 7179, and 7822, compulsory Sunday observance bills; to the Committee on the District of Columbia.

7362. By Mr. SWING: Petition of certain residents of San Diego, Calif., protesting against the passage by Congress of House bill 10311, or any other religious measures which may be introduced; to the Committee on the District of Columbia.

7363. Also, petition of certain residents of San Diego County, Calif., protesting against the passage by Congress of House bill 10311, or any other religious measures which may be introduced; to the Committee on the District of Columbia.

7364. By Mr. TAYLOR of Colorado: Petition from citizens of Collbran, Colo., protesting against the Sunday observance bill; to the Committee on the District of Columbia.

7365. By Mr. TAYLOR of West Virginia: Petition of C. E. Byers and others, of Charleston, W. Va., protesting against the passage of House bill 10311, Sunday observance bill; to the Committee on the District of Columbia.

7366. By Mr. THATCHER: Petition of Henry W. Sauer and numerous other citizens of Louisville, Ky., for early enactment of legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7367. By Mr. TINKHAM: Resolution of Boston Central Labor Union, protesting against passage of House bill 8997; to the Committee on Ways and Means.

7368. Also, resolution of Cigarmakers' International Union No. 97, Boston, protesting against passage of House bill 8997; to the Committee on Ways and Means.

7369. By Mr. UNDERWOOD: Petition of W. H. Ditrich et al, of Commercial Point, Ohio, and vicinity, favoring Civil War legislation; to the Committee on Invalid Pensions.

7370. By Mr. VESTAL: Petition of Frances S. Hapner, et al., of Randolph County, Ind., urging passage of pension legislation; to the Committee on Invalid Pensions.

7371. By Mr. WASON: Petition of Elizabeth W. Burbank and 23 other residents of Warner, N. H., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and widows of veterans; to the Committee on Invalid Pensions.

7372. By Mr. WOOD: Petition signed by residents of Valparaiso, Ind., asking that the Civil War pension bill be enacted into law at the present session of Congress; to the Committee on Invalid Pensions.

7373. By Mr. ZIHLMAN: Petition of citizens of Mount Lake Park, Md., urging immediate action and support of Civil War pension bill, providing relief for needy veterans and widows of veterans; to the Committee on Invalid Pensions.

7374. Also, petition of Henry Ortliff, Mrs. S. C. Freed, Mrs. Ida Wadsworth, and other residents of Phoenixville, Pa., and Takoma Park, D. C., protesting against the enactment of compulsory Sunday observance bills; to the Committee on the District of Columbia.

7375. Also, petition of Harold B. Hannum, R. L. Runk, M. M. Glee, and other residents of Takoma Park, Md., in opposition to compulsory Sunday observance bills or other religious legislation; to the Committee on the District of Columbia.

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