PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Wisconsin: A bill (H. R. 17362) granting a pension to Charles Ball; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17363) granting a pension to Eliza Kinney; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 17364) granting an increase of pension to Mary D. Hatch; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 17365) granting a pension to Joseph P. McGreal; to the Committee on Pensions.

Also, a bill (H. R. 17366) to correct the naval record of Peter Hansen; to the Committee on Naval Affairs.

Also, a bill (H. R. 17367) to correct the military record of Fred Petersen; to the Committee on Military Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 17368) granting an increase of pension to Sarah Weidle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17369) granting an increase of pension to Laura H. Day; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 17370) for the relief of Noel G. D. Boissier; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7517. Petition of representatives of various church, beneficial, labor, musical, and social organizations of the city of Philadelphia, favoring repeal of that act of Congress which provides for "national origin" as the basis for the immigration quotas, because the "national origin" is uncertain and unjustly discriminating; to the Committee on Immigration and Naturalization.

7518. By Mr. BECK: Petition in favor of Civil War pension legislation, by citizens of Vernon County, Wis.; to the Committee on Invalid Pensions.

7519. By Mr. BRIGHAM: Petition of Mr. and Mrs. Blanchard and 20 other citizens of Underhill, Vt., favoring legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7520. By Mr. BURTNESS: Petition of 250 residents of Fargo, N. Dak., urging passage of legislation providing increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7521. Also, petition of 30 residents of Grand Forks, N. Dak., urging passage of legislation providing increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7522. Also, petition of 31 residents of Wahpeton, N. Dak., urging passage of legislation providing increase of pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7523. By Mr. CARSS: Petition of disabled veterans of the World War and patients of United States Veteran's Hospital No. 65, urging enactment of legislation as adopted by the disabled American veterans at their last national convention at Atlanta, Ga.; to the Committee on World War Veterans' Legislation.

7524. By Mr. CHALMERS: Petition against compulsory Sunday observance, signed by residents of Lucas County, Ohio; to the Committee on the District of Columbia.

7525. By Mr. CHRISTOPHERSON: Petition of Traveling Salesmen of America, asking for repeal of the surcharge on Pullman fares; to the Committee on Interstate and Foreign Commerce.

7526. By Mr. COOPER of Wisconsin: Memorial of County Board of Supervisors of Walworth County, Wis., urging the building of the St. Lawrence deep waterway; to the Committee on Rivers and Harbors.

7527. By Mr. DRANE: Petition signed by Mr. G. C. Whitmore, of Lakeland, Fla., and others, urging the passage of pension legislation for the relief of veterans of the Civil War and widows of veterans at the present session of Congress; to the Committee on Invalid Pensions.

7528. Also, petition signed by George H. Lynch, of St. Petersburg, Fla., urging the passage of pension legislation for the relief of veterans of the Civil War and widows of veterans at the present session of Congress; to the Committee on Invalid Pensions.

7529. By Mr. GALLIVAN: Petition of Cigarmakers' International Union No. 97, Boston, Mass., protesting against House bill 8997, regarding Cuban parcel-post rates on cigars; to the Committee on the Post Office and Post Roads.

7530. By Mr. GARBER: Letter from the National Association of Retail Druggists, by Paul Pearson, chairman legislative committee, and E. C. Brokmoyer, general attorney, protesting against the enactment of House bill 17130; to the Committee on Ways and Means.

7531. Also, letter from E. A. Boyd, general attorney for the Kansas City, Mexico & Orient Railway system, Wichita, Kans., protesting against the passage of House bill 4475; to the Committee on the Post Office and Post Roads.

7532. Also, letter from Roy Hoffman, department commander, the American Legion, Oklahoma City, Okla., urging support of House bills 16975 and 16976; to the Committee on World War Veterans' Legislation.

7533. Also, petition of the Enid Chamber of Commerce, Enid, Okla., in support of House bill 8708, a bill to reduce the interest rate on railroad indebtedness and to extend the time of payment thereof; to the Committee on Interstate and Foreign Commerce.

7534. By Mr. HOWARD: Petition submitted by T. S. Teas and 28 others of Fremont, Dodge County, Nebr., protesting against the passage of House bill 10311, or any other bill making the observance of the Sabbath compulsory under civil penalty; to the Committee on the District of Columbia.

7535. By Mr. WILLIAM E. HULL: Petition of Ralph C. Carroll and numerous other citizens of Chillicothe, Ill., urging immediate and favorable consideration of the Elliott pension bill for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

7536. By Mr. LITTLE: Petition signed by 71 residents of Kansas City, Kans., asking that Congress do not pass the compulsory Sunday observance bills; to the Committee on the District of Columbia.

7537. By Mr. MAPES: Petition of 139 adult citizens of Grand Rapids, Mich., protesting against the passage by Congress of the so-called compulsory Sunday observance bill (H. R. 10311), or any other legislation of a religious nature; to the Committee on the District of Columbia.

7538. By Mr. O'CONNELL of New York: Petition of the National Society of Scabbard and Blade, G Company, Sixth Regiment, Pittsburgh, Pa., protesting against further delay in bringing our Army up to the provisions of the national defense act of 1920 and our Navy up to its proper position under the 5-5-3 ratio; to the Committee on Military Affairs.

7539. Also, petition of the American Insurance Union of Columbus, Ohio, with reference to the work in survey and investigation of conditions on the poor farms of the country; to the Committee on Agriculture.

SENATE

TUESDAY, *March 1, 1927*

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

Our heavenly Father, ever ready to hear our requests and to know the difficulties of each situation, we humbly beseech Thee this morning so to influence every word and thought and act that the glory of Thy name may be advanced, and that there may be such a compensation in the fulfillment of duty that when the hour comes for separation it may be with the satisfaction of having done Thy will. We ask in Jesus Christ's name. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. REED of Pennsylvania. Mr. President, a point of order.

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

Mr. REED of Pennsylvania. I make the point of order that the reading of the Journal is not in order at this time, cloture having been ordered, which operates to exclude all other business.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. No debate is permitted on the point of order. The Chair will state what is involved, for the information of the Senate.

Mr. BRUCE. Do I understand the Chair to have sustained the point of order or to have overruled it?

The VICE PRESIDENT. The Chair has not ruled on the point of order. The Chair desires to make a statement.

Mr. CURTIS. I understand that the Chair is ready to rule?

The VICE PRESIDENT. The Chair is ready to rule and will do so in a minute.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The literal reading of Rule XXII is that after the cloture on a measure is voted under Rule XXII, that measure shall be the unfinished business to the exclusion of all other business until disposed of. The Chair in looking up the precedents finds that in 1919 the Vice President, Mr. Marshall, made this ruling:

The Chair holds that for the first time in the history of the Senate the Senate has made something the unfinished business. Before this time unfinished business simply was the business that was left undisposed of at an adjournment or a recess, and heretofore the Senate has interfered with the unfinished business by permitting morning business to be transacted, but this is the first time that unfinished business was ever declared to be such by the Senate to the exclusion of all other business.

The Chair has been unable to find any other precedent in connection with the matter. He requested the parliamentarian to look it up, and is informed that he did not find that Senator Cummins, President pro tempore of the Senate, had ever ruled on it, and has been unable to find any other ruling than that to which the Chair has just made reference. The Chair desires to make this statement.

In anticipation of the making of this point of order the Chair has made a study of the rules and the precedents thereunder. The infrequent occasions upon which the two-thirds cloture provision under Rule XXII has been invoked and the fact that it is so invoked in the closing days of this short session makes the decision at which the Senate is to arrive of great importance. In view of an apparent conflict in the strict interpretation of the rule and such precedents as the Chair has been able to find, with what may be the sense of the Senate upon the necessity of the morning hour continuing under the rule during these last days, the Chair will submit the point of order for settlement by the Senate.

He does this for one reason, in order that this important question may be decided without the interjection of irrelevant considerations suggested by the chairman's attitude upon reform of the Senate rules. The Chair will frankly state that in his belief the ruling of Vice President Marshall is in accordance with the rule. But he realizes also that the upholding of the point of order which would cut the Senate out of a morning hour during the closing days of a short session will result in great injury to the public business. Such a holding of the Senate would subject unobjected and routine business to the same jam the general legislative business of the Senate now encounters.

Generally the Chair feels that rules are framed for the purpose of facilitating and expediting the business of a parliamentary body, and he is unwilling to interject a decision on his part at this time which would have a contrary effect.

He therefore submits the point of order to the Senate.

The question is, Is the point of order made by the Senator from Pennsylvania [Mr. REED] well taken?

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

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

Mr. ROBINSON of Arkansas and Mr. WATSON addressed the Chair.

The VICE PRESIDENT. The Senator from Arkansas.

Mr. ROBINSON of Arkansas. Mr. President, I do not believe the point of order is well taken, nor do I believe that the precedents——

The VICE PRESIDENT. The Senator from Arkansas will pause. Rule XXII provides that—

Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer shall be decided without debate.

Mr. ROBINSON of Arkansas. This is not an appeal from the decision of the Chair. The Chair has submitted the point of order to the Senate, and, under the rules of the Senate and the precedents, debate is in order.

The VICE PRESIDENT. The rule does not make any distinction between the submission of a point of order and the Chair's ruling. It simply says "points of order." It reads:

Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. REED of Missouri. But this is not an appeal.

The VICE PRESIDENT. The rule does not say an appeal. It says "points of order." It may be a point of order submitted by the Chair or a point of order sustained by the Chair.

Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer shall be decided without debate.

Mr. BINGHAM. I ask unanimous consent that the Senator from Arkansas be permitted to proceed.

Mr. ROBINSON of Arkansas. No; I do not think it is necessary to have unanimous consent to discuss a point of order referred by the Chair to the Senate. The rule which the Vice President has cited relates to points of order submitted to the Chair, but when the Chair submits a point of order to the Senate by every precedent and practice of the Senate it is in order to discuss the point of order. Otherwise the Senate could never reach a conclusion.

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

Mr. ROBINSON of Arkansas. Certainly; I yield.

Mr. NORRIS. I would like to suggest that, in addition to that, the question now before the Senate is whether cloture applies during the morning hour.

Mr. ROBINSON of Arkansas. That is exactly what I want to discuss.

Mr. NORRIS. The Chair is assuming, if he holds in advance of the subject, that it has already been decided. Until that is decided I can see no reason why the point of order submitted to the Senate is not debatable. After 2 o'clock, of course, we all agree that the cloture applies, but there is a dispute whether cloture applies now or whether it does not apply until 2 o'clock. Until that is settled the rule ought not to be invoked, of course.

The VICE PRESIDENT. The Chair has stated that the question is whether the fact the Senate is now operating under cloture, under Rule XXII, excludes all business according to the rule, whether the reading of the Journal is in order, whether anything is in order at this time except the bill in behalf of which cloture has been invoked. Under the same rule points of order shall be decided without debate.

Mr. ROBINSON of Arkansas. Mr. President, notwithstanding the statement just made by the Chair, I think when a point of order is referred by the Chair to the Senate it is debatable, and I shall proceed to debate it unless some Senator raises a point of order against the right to debate it. In that connection I wish to point out the fact that under Rule VIII it is provided:

At the conclusion of the morning business for each day, unless upon motion the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the Calendar of Bills and Resolutions and continue such consideration until 2 o'clock.

And so forth.

And the objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "concurrent and other resolutions," and shall take precedence of the unfinished business and other special orders.

In the same connection, I desire to say that I think Rule IX should be considered. Referring to the provision in Rule XXII which the Chair has just discussed, I do not think Rule XXII has any application whatever to the morning hour. Notwithstanding the adoption of cloture, the Senate is not precluded from proceeding during the morning hour to the consideration of other business, and certainly it is in order to read the Journal of the previous day's proceedings, which reading can only be dispensed with by unanimous consent. That relates to the integrity of the record kept by the Senate. I believe to hold otherwise would be a perversion of the true meaning of Rule XXII, the whole question hinging about the interpretation to be given to the words:

Then said measure shall be the unfinished business, to the exclusion of all other business until disposed of.

In my opinion, the meaning of that language is that the prohibition bill, which is before the Senate, can not be superseded by another measure; that it is not in order, after a motion for cloture has been adopted, to move to proceed to the consideration of another measure.

Mr. LENROOT. After 2 o'clock.

Mr. ROBINSON of Arkansas. After 2 o'clock. The object of Rule XXII is to enable the Senate to force a vote on the measure concerning which cloture has been adopted. Under the general rule and practice of the Senate it is in order, after the expiration of the morning hour, after 2 o'clock, to displace the unfinished business with any other measure on the calendar, and the Senate has frequently displaced the unfinished business with other measures. The only purpose and effect of the provision of Rule XXII, quoted by the Vice President, is to safeguard against such action and make it impossible for the Senate to take up any other measure and make it the unfinished business so long as the bill as to which cloture has been invoked and adopted remains undisposed of. It does not make the cloture bill the unfinished business during the morning hour.

In order to do that it will be necessary to revise or eliminate the three rules to which I have referred. If we construe this Rule XXII and the particular provision quoted in connection with the other rules of the Senate, and give effect to all of them, we shall not disturb the morning hour; when the hour of 2 o'clock arrives the Senate will proceed with the consideration of the so-called prohibition enforcement bill, and can not then supersede that bill with any other measure. That bill remains the unfinished business until disposed of, "to the exclusion of all other business."

Mr. PITTMAN. Mr. President——

Mr. ROBINSON of Arkansas. I yield with pleasure to the Senator from Nevada.

Mr. PITTMAN. Rule XXII, the cloture rule, could have read in this way:

> And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the only business, to the exclusion of all other business, until disposed of.

The Senate, however, did not use the word "only," but used the word "unfinished," and the term "unfinished business" has a definite meaning under our rules.

Mr. ROBINSON of Arkansas. Yes; and it is our practice, the hour of 2 o'clock having arrived, for the Chair to lay before the Senate the unfinished business. The pending bill has the status of the unfinished business, and as such can not be displaced. That is the sole effect of the clause referred to by the Vice President.

Mr. SWANSON. Mr. President——

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

Mr. SWANSON. In order to emphasize what the Senator from Arkansas has stated—my attention was diverted for the moment and I do not know whether or not he alluded to it—if the contention that "all other business" must absolutely be excluded shall be upheld, what becomes of Rule III, which provides that the reading of the Journal shall not be dispensed with unless by unanimous consent? That is business. Rule III must be construed in connection with Rule XXII, and if Rule XXII is given the interpretation that is contended for, that all business is absolutely excluded until the matter pending under cloture shall be disposed of, it will nullify Rule III, which, as I have stated, provides that the reading of the Journal can not be dispensed with except by unanimous consent. If the interpretation is given to Rule XXII as contended by the Senator from Arkansas, Rule III continues in force and is not nullified by the provision of Rule XXII.

Mr. ROBINSON of Arkansas. Yes.

The VICE PRESIDENT. The point of order being pending, without objection, the Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 2729) to authorize the refund of $25,000 to the Columbia Hospital for Women and Lying-in Asylum, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had adopted a concurrent resolution (H. Con. Res. 60) in which it requested the concurrence of the Senate, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That during the remainder of the present session of Congress the engrossment and enrolling of bills and joint resolutions by printing, as provided by an act of Congress approved March 2, 1895, may be suspended, and said bills and joint resolutions may be engrossed and enrolled by the most expeditious methods consistent with accuracy.

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

H. R. 139. An act to provide for addition of certain land to the Challis National Forest;

H. R. 15343. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes;

H. R. 16206. An act to provide for one additional district judge for the northern district of California;

H. R. 16577. An act to provide for date of precedence of certain officers of the staff corps of the Navy;

H. R. 17072. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, to medical officers assigned to duty as personal physician to the President;

H. R. 17271. An act to extend the time for constructing a bridge across the Mississippi River between the city of Anoka, in the county of Anoka, and the village of Champlin, in the county of Hennepin, State of Minnesota;

H. R. 17295. An act granting the authority of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Lafayette County, W. Va.;

H. R. 17297. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana;

H. J. Res. 42. Joint resolution authorizing the erection of a tablet or marker to the memory of Sacajawea, or Bird Woman; and

H. J. Res. 355. Joint resolution to provide for the payment of an indemnity to the British Government to compensate the dependants of Edwin Tucker, a British subject, who was killed by a United States Army ambulance in Colon, Panama.

ENROLLED BILLS SIGNED

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

H. R. 15905. An act to authorize the Postmaster General to cancel a certain screen-wagon contract, and for other purposes;

H. R. 16770. An act granting the consent of Congress to the Starr County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River; and

H. R. 16800. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes.

THE JOURNAL

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

Mr. ROBINSON of Arkansas. I will yield in a moment. If the interpretation suggested by the Chair in referring the point of order to the Senate should be accepted by the Senate, it would be impossible for the Senate to receive a message from the House of Representatives or from the President of the United States, and we have just received numerous messages from the House of Representatives, and in all probability will receive during this cloture numerous messages from the President. I now yield to the Senator from Kansas.

Mr. CURTIS. Mr. President, I rose a moment ago to call the attention of the Senate to Rule III, which has been mentioned by the Senator from Virginia [Mr. SWANSON], and which provides that the Journal must be read unless, by unanimous consent, its reading shall be dispensed with. In the same connection I wish to call the attention of the Senate to clause 1 of Rule VII, which provides:

MORNING BUSINESS

> 1. After the Journal is read, the Presiding Officer shall lay before the Senate messages from the President, reports and communications from the heads of departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer shall then call for, in the following order:
>
> The presentation of petitions and memorials.
> Reports of standing and select committees.
> The introduction of bills and joint resolutions.
> Concurrent and other resolutions.

I particularly call the attention of the Senate to the last sentence of clause 1, which reads:

All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given.

In other words, the rule provides that certain things shall be done, and they can not be dispensed with except by unanimous consent.

A cloture motion is adopted by two-thirds vote and not adopted or agreed to by unanimous consent. I think the Senator from Arkansas is right in his contention that the measure mentioned in the cloture motion becomes only the unfinished business and does not interfere with the morning business.

Mr. ROBINSON of Arkansas. Mr. President, to carry the argument a little further, we have uniformly held in the proceedings of the Senate that an adjournment constitutes business. It would be impossible for the Senate to adjourn before disposing of the bill after it once adopted cloture if the opinion of the Vice President is to be written in the rules by the vote which the Senate is immediately to take on his interpretation of Rule XXII.

Mr. President, let me emphasize and repeat briefly the argument which I think is controlling on this subject.

Mr. MOSES. Mr. President, before proceeding to do that, will not the Senator amplify the assertion he has just made as to the inability of the Senate to adjourn?

Mr. ROBINSON of Arkansas. Yes. The Chair has indicated it to be his opinion that the Senate can do no business except consider the bill for which cloture is invoked. If the rule is applied in the meaning which the Vice President has given to it——

Mr. MOSES. I listened to the reading of the statement by the Vice President and I did not find in it any such sweeping declaration.

Mr. ROBINSON of Arkansas. Oh, well, I will explain to the Senator. The Vice President indicated his opinion that under the rule no business whatever can be done after cloture is voted except to consider the bill provided for in the cloture motion. We have held that an adjournment is business, and if that opinion is sustained we can not adjourn until we vote on the bill about which cloture has been invoked and adopted.

Mr. REED of Pennsylvania. Was not that just what the framers of the rule had in mind?

Mr. ROBINSON of Arkansas. Nobody in the Senate or anywhere else in the wide world has ever maintained heretofore that the rule of the Senate which makes a motion to adjourn pertinent and proper has been repealed by the cloture rule, Rule XXII. The Senate has always adjourned whenever a majority saw fit to adjourn after cloture has been adopted, and it would be the very climax of absurdity, in my opinion, for the Senate to take the position that no other business can be done whatever after adopting a cloture motion but consider the particular bill about which cloture is to be applied.

But I wish to make the statement I started to make just a moment ago when I was interrupted. The cloture rule does not expressly repeal any rule in the Manual; and if it repeals Rule III, Rule VII, Rule VIII, and Rule IX, that repeal is by implication. It is not an express repeal. Now, is the Senate going to put itself in the attitude of holding that Rule XXII impliedly repeals every other rule, including those rules which require a certain procedure, and forbid dispensing with that procedure except by unanimous consent?

The Senate, of course, can destroy the cloture rule by sustaining this point of order; but in doing so, in my judgment it will violate almost every maxim of interpretation which the courts have applied, and which the Senate has applied, and should apply.

Mr. BINGHAM. Mr. President, will the Senator yield before he takes his seat?

Mr. ROBINSON of Arkansas. I have concluded, but I yield if I may.

Mr. BINGHAM. The Senator yesterday took the position that Rule XXII was a very excellent rule to be applied in all cases.

Mr. ROBINSON of Arkansas. No; I did not say to be applied in all cases, and I do not now propose to enter upon a discussion of the merits or demerits of Rule XXII. I vote for cloture whenever I am satisfied that a bill ought to pass; that a large majority of the Senate wants to pass it; and that some Senator who is out of accord with others Senators is obstructing in every way that he can the Senate in its effort to register its will.

Mr. BRUCE. Mr. President, may I ask the Senator what evidence has been brought to his attention to show that any Member of this body intended to obstruct the passage of the prohibition reorganization measure?

Mr. ROBINSON of Arkansas. Mr. President, that is a matter I do not care to go into. I do not criticize any Senator for proceeding under the rule within his rights; but when I think a Senator is wasting the time of the Senate and of the country, I do not conceive that he can restrict my right to proceed under the rules.

Mr. BRUCE. But I ask the Senator what reason he had to believe that any Senator here designed to waste the time of the Senate?

Mr. ROBINSON of Arkansas. If I were to give a frank expression of my opinion on that subject, I might be offensive to my very dear friend the Senator from Maryland.

Mr. BRUCE. Not in the least.

Mr. ROBINSON of Arkansas. I am not going to do that. I am undertaking to discuss a legal question, and the Senator from Connecticut [Mr. BINGHAM] invited my opinion on that subject. I do not care to criticize the action of other Senators.

Mr. REED of Missouri and Mr. DILL addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. DILL. Will the Senator from Arkansas yield to me for a moment?

Mr. ROBINSON of Arkansas. I have concluded.

The VICE PRESIDENT. The Senator from Missouri is entitled to the floor.

Mr. REED of Missouri. Mr. President, I beg to suggest that the time of the Senate is very limited by law, and that we have certain matters which must be disposed of. The point has been stated by the Chair, and has been stated by various Senators. Can we not vote on it now, without interjecting here what really amounts to nothing more or less than another filibuster?

Mr. UNDERWOOD. Mr. President, in response to the suggestion made by my friend on my left [Mr. REED of Missouri], I shall occupy the time of the Senate but a moment.

It is not necessary for me to say that I believe in a cloture rule in the Senate and have always supported one. We have reached a point in the Senate where we are going to interpret the only cloture rule that the Senate has had within a hundred years; and the interpretation this morning means very much to the orderly procedure of business in the Senate in the future.

We must be governed in cloture to some extent by the precedents of the past in other bodies. Cloture is proclaimed by some to be merely a gag rule to drive something through over the heads of a minority; but I take it that real cloture is adopted for the purpose of transacting business in an orderly way. The important business of any legislative body is its unfinished business, because it is made the important business of the session; but there is always an exception to the unfinished business, and that is the morning hour to clean out of the legislative air certain accumulations of small business that can be attended to usually without objection.

Mr. WARREN. Mr. President, will the Senator yield to me for a moment while I ask unanimous consent to report an appropriation bill?

Mr. UNDERWOOD. Only to present the report? I will finish in just a minute.

Mr. ROBINSON of Arkansas. But it is impossible for the Senator to do that until we dispose of the bill to which cloture has been applied.

Mr. WARREN. I ask unanimous consent.

Mr. ROBINSON of Arkansas. I shall object.

Mr. UNDERWOOD. Mr. President, the rule in the House of Representatives, which has had cloture for many years, has always been that cloture does not interfere with the morning hour. Time after time a rule has been adopted in the House prescribing cloture; but, if an adjournment carried it beyond that point, nobody questioned that the next morning the Journal should be approved and that the incidental morning business should be attended to before the House proceeded to take up its unfinished business and proceeded under the cloture rule. There is no question about that.

I do not propose to take up any further time of the Senate in debating this question, because I know the time of the Senate is most valuable now; but I think, for the orderly and proper conduct of business and to have a cloture rule that will not harass business in the future, we must decide that cloture applies to the proposition to which it was intended to apply—the unfinished business of the Senate—and does not apply to the morning hour.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Alabama yield for a question before he takes his seat?

Mr. UNDERWOOD. I will.

Mr. REED of Pennsylvania. The Senator has said that we should pay regard to precedents. The only precedent that we have in the Senate is the decision of Vice President Marshall in November, 1919, to the effect that cloture prevents the transaction of morning business in the morning hour. How does the Senator explain away that precedent?

Mr. UNDERWOOD. I do not recall that I was in the Chamber when that decision was rendered. I was a Member of the Senate, of course; but I do not recall that I was in the Chamber, or I certainly would have made some suggestion with reference to it.

I do not think that decision rendered by Vice President Marshall would have held, possibly, if it had been viewed from this standpoint——

Mr. CURTIS. Mr. President, I understand that the question was not raised upon routine business in the morning hour; that it was raised upon something that came up after 2 o'clock.

Mr. UNDERWOOD. I do not recall the decision, and therefore I can not discuss it; but, of course, it applies when the unfinished business is before the Senate. To say, however, that it will even prevent the approval of the Journal is quite another matter. We have no legislative day until the Journal is approved.

Mr. FLETCHER. Mr. President, may I inquire of the Senator if his view is this: The rule itself says very clearly that the matter about which cloture is voted shall then be the "unfinished business."

Mr. UNDERWOOD. Undoubtedly.

Mr. FLETCHER. And it was perfectly well known in the Senate what the term "unfinished business" meant. It comes on at 2 o'clock.

Mr. UNDERWOOD. I agree with the Senator.

Mr. REED of Pennsylvania. Mr. President, the Senate has never been noted for its consistency; but it seems to me that it may be illuminating, at least, to call attention to the proceedings of the Senate the first time cloture was applied under this rule.

The Senate met after adjournment on Monday, November 17, 1919, and the Chaplain offered prayer.

Immediately thereafter, without regard to the routine business usually transacted in a morning hour, the Vice President laid before the Senate the treaty of peace with Germany. He did not call for petitions and memorials; he did not call for reports of committees, for the introduction of bills and joint resolutions, or for the submission of Senate resolutions. He immediately laid before the Senate the treaty of peace, which had been made the unfinished business to the exclusion of all other business.

Then the next business that was done was a request that a communication from the Department of Justice might be referred to a committee. The Vice President so referred it, there being no objection.

Then came the Senator from Utah [Mr. SMOOT] and asked unanimous consent to present certain petitions. That was the first business in the morning hour, but unanimous consent was asked that that might be done, and objection was made.

Then came the Senator from Iowa, Mr. Cummins, and asked unanimous consent to present a committee report on a bill—routine morning business, if you please, in the absence of cloture.

Then came the Senator from Kansas [Mr. CURTIS] and, in contradistinction to the position expressed by him to-day, asked unanimous consent to present several petitions for proper reference and some amendments to a railroad bill, and some bills to be introduced and referred to committees, and each time the Vice President asked whether there was objection to that routine business being transacted.

Then came the Senator from New Hampshire [Mr. MOSES] and asked unanimous consent to introduce a bill and to present several petitions, and the Vice President asked whether there was objection.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that all these things took place after the unfinished business had been laid before the Senate. They might have taken place without any unanimous consent if they had taken place in their regular order; but the Senators waited until the Vice President had laid the unfinished business before the Senate.

Mr. REED of Pennsylvania. But the Vice President did not call for the presentation of petitions and memorials. These were appropriate if he had so called; but instead of going through the ordinary routine of the morning hour, he assumed, and there was no objection, that the routine morning business was quite disposed of, excluded, by cloture.

So it went on to the next column; and I note that a quorum call showed the Senator from Alabama [Mr. UNDERWOOD] and not protesting to this.

Mr. UNDERWOOD. Mr. President, if my friend the Senator from Pennsylvania will allow me to interrupt him, I will say that I did not recall the precedent; and it shows conclusively, I think, if I did not say anything at that time—because, if I recall correctly, at that time I was the floor leader on this side of the Chamber—that it was not regarded as a real issue in the Senate.

Mr. REED of Pennsylvania. I will see whether or not it was regarded as a real issue.

Then Senator Poindexter asked leave, out of order, to introduce a bill and have it referred. It was a bill to protect the property and agencies of the Government from Bolshevism, and he asked unanimous consent to say a word in reference to his bill. He spoke two short paragraphs, and then the Senator from Wisconsin, Mr. La Follette, rose and called for the regular order; and the Vice President then ruled:

> There being objection, the Chair has held that nothing except by unanimous consent is before the Senate save the treaty of peace with Germany.

The Senator from Wisconsin again called for the regular order, and the Senator from Washington, Mr. Poindexter, was told by the Vice President that he was out of order. Senator Poindexter asked:

> What is the order, Mr. President?

The VICE PRESIDENT said:

> The question is on agreeing to reservation No. 14 to the treaty of peace with Germany.

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

Mr. REED of Pennsylvania. I yield to the Senator from Alabama.

Mr. HEFLIN. The Senator has raised the question that the Journal can not be approved after cloture is invoked. Suppose we had cloture upon two more bills, or enough bills one right after the other to run until Friday at noon. If the Senator's position is correct, Congress would adjourn by expiration of the session, and the Journal of the proceedings of four or five days would not have been approved. Therefore, as to the laws that were enacted by this body, there would be no legitimate, official record to show that those laws were enacted.

Mr. REED of Pennsylvania. My understanding is that that is always true of the Journal of the last day of a session. However, be that as it may, if the Senate does vote successive cloture, it ought to understand that it is completely muting itself.

Mr. BORAH. Mr. President, did we adjourn the night before the day of which the Senator has been reading in the RECORD?

Mr. REED of Pennsylvania. Yes, Mr. President; and the session opened with prayer, as it always does after an adjournment.

Mr. President, the Senator from Arkansas has argued that Rule XXII can not be interpreted to abbreviate the morning hour and the routine morning business. But he forgets that by its very terms it calls for a cloture vote at 1 o'clock, in the middle of the morning hour, and immediately after provides that thereafter, if cloture is voted, the subject of cloture shall be the unfinished business, to the exclusion of all else. There, by its very terms, it breaks into the morning hour, cuts it in half on the first day, and, in my judgment, abolishes the morning hour until the subject of cloture is acted upon.

The rule is in conflict with the earlier rules—Rule VII and Rule VIII—but the cloture rule was not adopted until 1917, and, of course, where it is in conflict, there is an implied repeal of the earlier rules. Had they all been adopted at the same moment, then by the well-known rules of construction, of course, we should do everything in our power to harmonize them, but where we find such a conflict as this it is obvious that the last rule adopted must dominate.

I call attention to the practical effect of sustaining or overruling this point of order. Those who believe in this prohibition reorganization bill have made it the unfinished business by cloture. If this point of order is sustained, then we will have 3 hours and 15 minutes to consider it before we must go into executive session. We can not consider it to-night. If this point of order is not sustained, the amount of time available for legislative action on the subject of cloture is reduced to two hours. We can not take it up until 2 o'clock, we must discontinue its consideration at 4 o'clock, and with 27 Senators opposed to cloture and apparently opposed to the bill, it is per-

fectly obvious to the friends of the pending measure that it can not pass at this time under such an interpretation of the rule.

Mr. BINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Connecticut?

Mr. REED of Pennsylvania. I yield.

Mr. BINGHAM. The Senator has just drawn an inference with regard to those who voted against cloture that I desire to protest against on behalf of myself and several other Senators who I know do favor the bill. I stated yesterday that I favored it, but that I voted against cloture on it because the cloture petition was forced on the Senate upon a bill which had never been debated at all, and because I believe that Rule XXII was never intended to apply to a measure which had not been debated at length and sufficiently.

Mr. REED of Pennsylvania. I am very glad to be corrected by the Senator.

Mr. DILL. Mr. President, I want to say to the Senator that I voted against cloture, and I am for the bill.

Mr. BRATTON. I want to say the same thing to the Senator. I do not propose to have him declare my position. I shall do that when the vote comes on the bill. I shall vote for it.

Mr. REED of Pennsylvania. Mr. President, the wonder is, then, that the bill has not been passed by unanimous consent.

Mr. BRATTON. I am willing to have that happen.

Mr. DILL. We want to have action on the passage of the bill.

Mr. SHIPSTEAD. Mr. President, I want to protest at the inference drawn by the Senator. There were other things involved here than the final passage of this bill. It was, first of all, the question of displacing the unfinished business by this bill. That was a very important question decided by the cloture vote.

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

Mr. REED of Pennsylvania. I yield.

Mr. DALE. I want to take exactly the same position. I have been for this bill all along, but there were considerations that I could not overcome which compelled me to vote against cloture.

Mr. REED of Pennsylvania. I am encouraged to think that the bill has a chance of passage.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. WALSH of Massachusetts. Just what we have seen in the Senate at this moment—practically everybody who voted against the cloture motion admitting he is for the bill—shows that the Members of this body who are against cloture on principle, together with a handful of men who may be against some measure, can block all legislation here, and are doing it.

Mr. BRUCE. Mr. President, I would like to ask the Senator from Massachusetts whether he means to imply that I am indulging in a filibuster on this bill. Does he mean to impute to me a design to filibuster against the bill?

Mr. WALSH of Massachusetts. I am not in the habit, as the Senator from Maryland did yesterday, of imputing motives to a Senator. I leave it to the Senator's own conscience to act as he sees fit on matters before this body, and I resent what the Senator attempted to say yesterday in imputing motives to the Senator from New York, to the Senator from Missouri, and to me. It would be better if he took care of his own conscience.

Mr. BRUCE. Mr. President, if I have to take care of my own conscience, I do not want to have on top of that the duty of taking care of the conscience of the Senator from Massachusetts.

Mr. WALSH of Massachusetts. As usual, the Senator from Maryland is insulting.

Mr. BRUCE. Mr. President, I should like to know whose manners provoked this colloquy.

Mr. WALSH of Massachusetts. The Senator's manner of yesterday and his assertion yesterday that Senators had betrayed their trust, declaring that men who are against prohibition ought to be against cloture and oppose a law-enforcement measure because they had publicly declared their opposition to the general principle of absolute prohibition.

Mr. BRUCE. Mr. President, I did not mention the Senator's name. It must have been an uneasy conscience that made him apply that observation to himself.

Mr. WALSH of Massachusetts. I have no uneasy conscience about voting for cloture to permit the Senate to function. I was elected by the people of Massachusetts to uphold the Constitution and the laws of the United States, and I took an oath of office to help enforce—not nullify—law, and to these principles my opinion of prohibition is secondary.

Mr. HEFLIN. Mr. President, I suggest that all five of these "wets" be permitted to have a caucus on this subject when Congress adjourns. [Laughter.]

Mr. REED of Pennsylvania. Mr. President, I had almost finished what I had intended to say, but I want to call attention to this fact: That to overrule the point of order, to limit the consideration of the prohibition reorganization bill to two hours to-day, and probably limit it similarly to-morrow, is going to mean not only the defeat of the bill but of other bills in which we are all intensely interested. I refer particularly to the alien property bill, which has been knocking at the door for consideration now for nearly three weeks, a bill that all of us believe in, that in common justice must be passed, a bill that probably will not have a vote against it in this Chamber.

Mr. DILL. Mr. President——

Mr. REED of Pennsylvania. I yield.

Mr. DILL. Is not that a consideration which should have been in the minds of Senators before they voted for this cloture?

Mr. REED of Pennsylvania. I think that is a point well taken.

Mr. ROBINSON of Arkansas. May I ask the Senator a question? Should not the same consideration have been in the mind of the Senator from Pennsylvania when he made this point of order?

Mr. REED of Pennsylvania. I am trying to get the business done. I have spoken only a few minutes. Most of the time since that point of order was made has been taken up by gentlemen across the aisle, gentlemen who were here and acquiesced when Vice President Marshall ruled as I am now asking the Senate to rule, who sat here and acquiesced in that when they were in favor of the League of Nations, but want to overrule it now, for reasons which they know better than myself.

Mr. President, I say that those Senators who have the business of the Senate at heart, who are interested in noncontroversial matters, like the alien property bill, the public buildings bill, the appropriations for public buildings, the Yugo-Slav debt settlement, on which there will not be a half a dozen votes in opposition—all those measures are being jeopardized by breaking down this cloture rule so that it does not mean real cloture.

Mr. NORRIS. Mr. President, it seems to me the rule itself settles what we ought to do. The rule reads:

> If that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of.

When that rule was adopted the term "unfinished business" had a definite meaning as it has now, and the Senate knew just what it meant; and the effect of this rule when applied was to make the measure to which it was applied the unfinished business by a rule of the Senate. Theretofore measures had become the unfinished business by reason of what the Senate did, as where the Senate took an adjournment with a measure under consideration.

Mr. MOSES. Mr. President, may I ask the Senator a question?

Mr. NORRIS. In just a moment. This rule made something the unfinished business of the Senate. As far as I know, there never was a time in the Senate when anybody even claimed that the unfinished business should by right be taken up before 2 o'clock. That was the law, that was the rule, and it could not be taken up before 2 o'clock unless, like any other bill or motion, there was unanimous consent.

So that all this rule did was to provide that something might be made the unfinished business, and then it added, "to the exclusion of all other business." That was the kind of unfinished business it was to be. It was to be unfinished business that could not be displaced by a motion, unfinished business that could be displaced only by unanimous consent. Theretofore unfinished business could be displaced by a motion, made at any time after 2 o'clock. The unfinished business was not in order until 2 o'clock. This rule did not make it in order before 2 o'clock. It did not change the nature of unfinished business, except to say it could not be displaced by any other measure, and that while a measure was pending as unfinished business, no other business could be transacted, in the way of taking up other items of legislation, except by unanimous consent.

Mr. MOSES. Mr. President, will the Senator yield now?

Mr. NORRIS. I yield.

Mr. MOSES. I am much interested in the historical recital which the Senator is making regarding the genesis and development of this rule. May I ask the Senator if he was one of the "12 willful men"——

Mr. NORRIS. I was one of the "12 willful men."

Mr. MOSES. Then the Senator will remember and recognize now——

Mr. NORRIS. And I am not ashamed of it. I have never apologized for it.

Mr. MOSES. I think the Senator did a great work for his country in carrying on that particular filibuster, if he will permit me to say so, but he must know that this rule was developed and brought forward and pressed to its passage in order to clamp the gag on Senators such as those who constituted the group of "12 willful men."

Mr. NORRIS. No; I do not agree with the Senator in that. I voted for this rule. I would not repeal it now. I think that, properly applied, according to its real meaning, it will have a healthy effect upon the Senate. I would like to modify it. If I were drafting the rule, I would not put it in the words in which it is framed, but I never found fault with anybody for doing anything which the rules of the Senate permitted him to do.

Mr. MOSES. The Senator is much more generous to his foes who developed this rule to be applied against him than his foes merit. My recollection of the episode is that the rule was developed and pressed to its passage solely for the purpose of clamping an immediate and permanent gag on men such as constituted the group of "12 willful men."

Mr. NORRIS. It was adopted to carry out what I think it plainly shows it means.

I want to say just a word in answer to the Senator from Pennsylvania about this particular bill. I voted against the application of this rule, because I knew it would displace the Boulder dam bill, and believing, as I do, right or wrong, that that is one of the most important pieces of legislation that has come before the Congress since I have been a Member of it, I was opposed to displacing it. I would have been willing to stay here all night in order to pass it and defeat the filibuster that was against it. But the Senate in its wisdom applied the cloture rule by a two-thirds vote and hence it becomes the unfinished business instead of the Boulder dam bill and has displaced that bill.

The Senator from Pennsylvania [Mr. REED] rather intimates, as did others who spoke, that those who voted against the cloture rule in taking up the bill must necessarily be opposed to the bill. There is no Member of the Senate, in my judgment, more in favor of the bill to which we are now applying cloture than am I. I have already on several occasions told the leader on this side of the Chamber that I thought we ought to hold night sessions, that we ought to continue in session, and we ought to pass the bill. I am willing to work that hard, but I am not willing to do what in my judgment would kill the cloture rule. If we are going to give it the strained application which is here sought to be applied, then it is a dead letter.

Senators will not vote for cloture on a bill which would cut them out of everything else, which would prohibit, except by unanimous consent, the transaction of any other business of any kind. That is what this move means. Nobody ever dreamed of any such thing when we adopted the rule. No man, in my judgment, who will give it an honest construction can give it that kind of meaning, although I want to say to my friend from Pennsylvania that when he refers to the decision of Vice President Marshall, I think he has done it fairly. I think Vice President Marshall made the decision as the Senator from Pennsylvania has said. There was no appeal taken from it. I can get relief from it because I was ill at that time and not present, but there was no question raised, although the Vice President did decide it, and in my judgment his decision was wrong and I think ought to be overruled.

Mr. MOSES. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. MOSES. That decision of Vice President Marshall arose during the first application of Rule XXII.

Mr. NORRIS. I think it did.

Mr. MOSES. The Vice President was a man whom we all recognized as a great parliamentarian. Few men ever presided over the Senate with a greater sense of fairness, with a better knowledge of the rules, with more courage and far-searching knowledge of the precedents of the Senate than Vice President Marshall.

Mr. NORRIS. I am not going to argue the ability of Vice President Marshall. I am not admitting or denying what the Senator said.

Mr. MOSES. He made the first application of Rule XXII in the Senate and he knew, of course, that he was making a ruling which would go into the precedents of the Senate and which would serve as a guide to the Senate for years to come.

Mr. NORRIS. I am not disputing that statement.

Mr. MOSES. And the Senate acquiesced in it.

Mr. NORRIS. Perhaps I did.

Mr. MOSES. I did not say the Senator; I said the Senate.

Mr. NORRIS. The Senate itself has never passed on it.

Mr. REED of Missouri. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Missouri?

Mr. NORRIS. I yield the floor.

Mr. REED of Missouri. Mr. President, I appeal to the Senate to vote on this matter. It has been fully discussed and every Senator understands it. Can we not take a vote on it and not waste this precious time?

Mr. DILL. Mr. President, I want to say a few words about the ruling. I have been wanting for several days to talk on cloture. The application of the cloture rule is becoming such a serious matter that I think we can well take a few minutes more to discuss it. I want to talk now about the ruling and about the cloture petition.

Mr. MOSES. Mr. President, does the Senator intend to address himself to the increasing application of the cloture rule as we have seen in the last few days?

Mr. DILL. I do.

Mr. MOSES. I hope the Senator will discuss it with great frankness.

Mr. DILL. I want to call attention, first, to the fact that the cloture rule was originally adopted as a war measure in the Senate. It was intended to be used only in extreme cases, and since its adoption until this session of Congress it was not used otherwise. But during this Congress the cloture rule has not only been used but it has been interpreted more and more in such a manner as to bring about gag rule in this body.

I want to remind Senators that the Senate first began to apply it in this Congress to small bills. It was attempted to be applied to the migratory bird bill, although it failed of application. Recently we had a ruling of the Vice President—and I do not criticize the Vice President for his ruling, because the Vice President is like any other man. He has a view regarding cloture and unconsciously and unintentionally, probably, he interprets the cloture rule in accordance with his personal view. The other day he permitted an application of the cloture rule to violate every other rule of the Senate when he permitted the Senator from California [Mr. JOHNSON] to take from the floor, temporarily at least, the Senator from Arizona [Mr. ASHURST]. Rule XIX of the Senate provides that no Senator shall be interrupted in debate without his consent.

There was no opportunity to discuss that ruling of the Vice President. We voted on it without discussion, and yet the effect of the ruling of the Vice President is that, no matter whether a Senator wishes it or not, another Senator with a cloture petition may walk down the aisle and take him off his feet and present the petition.

Mr. MOSES. Only temporarily.

Mr. DILL. I do not care whether it is temporarily or otherwise, the rule provides that a cloture petition may be presented at any time, and if the Senator will look up the meaning of the word "presented" he will find that it means that such a petition can not be filed with the clerk. It means that it must be presented to the Presiding Officer as any other motion is presented.

Mr. MOSES. I understand the cloture petition presented by the Senator from California was placed in the hands of the Vice President.

Mr. DILL. It was offered when the Vice President was not in the chair, and the Vice President later took the chair. The Senator from Ohio [Mr. FESS] was in the chair and ruled that it could not then be presented.

Mr. MOSES. But the Vice President physically took the petition into his hands, did he not?

Mr. DILL. I think he did.

Mr. MOSES. Of course, the Vice President has to be silent while this debate goes on, but, knowing something about the rules of the Senate, I want to say that the procedure of the Vice President on that day was absolutely in accordance with the rule and no one can object.

Mr. DILL. I disagree with the Senator, and shall proceed to give my reasons.

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

The VICE PRESIDENT. The Senator will state it.

Mr. SHIPSTEAD. I make the point of order that the appeal from the decision of the Chair is pending before the Senate.

Mr. BRUCE. Mr. President, I would like a moment. The Senator from Alabama——

The VICE PRESIDENT. The Senator from Maryland will desist. The Senator from Minnesota is raising a point of order. The question before the Senate is, Is the point of order made by the Senator from Pennsylvania [Mr. REED], which the Chair has submitted to the Senate, well taken? The Chair holds the debate all out of order under Rule XXII. The decision of the Chair has not been appealed from.

Mr. SHIPSTEAD. Is the point of order raised by the Senator from Pennsylvania the question before the Senate?

The VICE PRESIDENT. It is; and the Chair has held this debate out of order.

Mr. SHIPSTEAD. Mr. President, a point of order. I quote from Rule XXII:

> Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

The VICE PRESIDENT. The Chair holds the point of order well taken and so stated, but at the request of the Senator from Arkansas debate has proceeded.

Mr. WATSON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WATSON. Did the Vice President rule on the question or simply state his opinion?

The VICE PRESIDENT. He simply stated his opinion.

Mr. WATSON. He did not rule?

The VICE PRESIDENT. He did not rule. The Senate by tacit consent allowed the Senator from Arkansas to proceed, but the Chair holds this debate out of order under Rule XXII.

Mr. WATSON. The point I was trying to get at is this: The Vice President did not rule on the question involved.

The VICE PRESIDENT. He did not.

Mr. WATSON. But simply stated an opinion and submitted the question to the Senate.

The VICE PRESIDENT. That was on the point of order made by the Senator from Pennsylvania. That is what was submitted to the Senate. The Chair has held that debate under Rule XXII is out of order, but the Senate by tacit consent, at the request of the Senator from Arkansas [Mr. ROBINSON], allowed debate to continue. The Chair will hold, if the point of order is raised at any time, that debate is out of order under Rule XXII.

Mr. MOSES. In other words, everybody is to talk except the Senator from Washington [Mr. DILL].

Mr. DILL. I desire to take an appeal from the decision of the Chair and then I want to speak on it.

The VICE PRESIDENT. An appeal from the decision of the Chair is not debatable.

Mr. NEELY. The question is to be decided without debate.

The VICE PRESIDENT. Yes. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. FESS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. FESS. What is the decision of the Chair?

The VICE PRESIDENT. The decision of the Chair is that debate is out of order under Rule XXII, which provides that—

> Points of order, including questions of relevancy and appeals from the decision of the Presiding Officer, shall be decided without debate.

Mr. FESS. And the appeal is from that decision?

The VICE PRESIDENT. The appeal is from that decision.

Mr. ROBINSON of Arkansas. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ROBINSON of Arkansas. Is the vote that is being taken on the point of order made by the Senator from Minnesota [Mr. SHIPSTEAD]?

Mr. DILL. I did not appeal from that decision. I withdraw my appeal on the point of order raised by the Senator from Minnesota.

Mr. ROBINSON of Arkansas. Mr. President, a parliamentary inquiry. Is the question being submitted now upon the point of order raised by the Senator from Minnesota?

The VICE PRESIDENT. It is not. The Senator from Washington has withdrawn his appeal, so the question before the Senate is, Is the point of order raised by the Senator from Pennsylvania [Mr. REED] well taken?

Mr. DILL. That is the point of order which I thought I was appealing from; but I did not mean to appeal from the point of order made by the Senator from Minnesota.

SEVERAL SENATORS. Vote!

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ROBINSON of Arkansas. Let us have the yeas and nays.

The VICE PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. REED of Pennsylvania. The Senator from Minnesota [Mr. SHIPSTEAD] made the point of order that debate was not in order. I understood the Senator from Washington [Mr. DILL] to take an appeal from the ruling of the Chair.

The VICE PRESIDENT. The Senator from Washington withdrew his appeal.

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

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BINGHAM. May the question be restated?

The VICE PRESIDENT. The question is on the point of order made by the Senator from Pennsylvania [Mr. REED] that the reading of the Journal is not in order at this time, cloture having been ordered which would operate to exclude all other business. The Chair has submitted the question to the Senate, Is the point of order well taken?

Mr. MOSES. Mr. President, a further parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. MOSES. In the event that the point of order which is being submitted to the Senate is not sustained, then the Journal must be read?

Mr. ASHURST. I demand that the roll call proceed. Nothing is allowed to interrupt the roll call.

The VICE PRESIDENT. The Chair will decide that question after the vote is taken. The clerk will call the roll.

The Chief Clerk resumed the roll call.

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. GILLETT]. Not knowing how he would vote if present, I am compelled to withhold my vote. If I were permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. BLEASE. The Senator from South Carolina [Mr. SMITH] is ill and not able to be present. I ask that this announcement may stand until he returns to the Senate.

Mr. FLETCHER (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I believe, however, if he were present he would vote as I have voted on this question, and so I shall allow my vote to stand.

The result was announced—yeas 21, nays 61, as follows:

YEAS—21

Blease	Gooding	Metcalf	Shortridge
Bruce	Greene	Moses	Wheeler
Dale	Harreld	Nye	Willis
Deneen	Keyes	Reed, Pa.	
Fess	McLean	Robinson, Ind.	
Frazier	McNary	Sackett	

NAYS—61

Ashurst	Fletcher	McKellar	Sheppard
Bayard	George	McMaster	Shipstead
Bingham	Gerry	Mayfield	Simmons
Borah	Hale	Means	Steck
Bratton	Harris	Neely	Stephens
Broussard	Harrison	Norbeck	Stewart
Capper	Hawes	Norris	Swanson
Caraway	Heflin	Oddie	Trammell
Copeland	Howell	Overman	Tyson
Couzens	Johnson	Phipps	Wadsworth
Curtis	Jones, N. Mex.	Pine	Walsh, Mass.
Dill	Jones, Wash.	Pittman	Walsh, Mont.
Edge	Kendrick	Ransdell	Warren
Edwards	King	Reed, Mo.	
Ernst	La Follette	Robinson, Ark.	
Ferris	Lenroot	Schall	

NOT VOTING—13

Cameron	Goff	Smoot	Weller
du Pont	Gould	Stanfield	
Gillett	Pepper	Underwood	
Glass	Smith	Watson	

So the Senate decided that the point of order raised by the Senator from Pennsylvania [Mr. REED] was not well taken.

The VICE PRESIDENT. The clerk will read the Journal of yesterday's proceedings.

The Chief Clerk proceeded to read the Journal.

Mr. CURTIS. Mr. President, I ask unanimous consent that the reading of the Journal may be dispensed with.

The VICE PRESIDENT. Without objection, the reading of the Journal will be dispensed with.

Mr. MOSES. I object, Mr. President.

The VICE PRESIDENT. Objection is made too late. The Senate will receive a message from the House of Representatives——

Mr. MOSES. Oh, no, Mr. President. If we are to have the regular order, let the Journal be read.

The VICE PRESIDENT. Is there objection to dispensing with the reading of the Journal?

Mr. MOSES. I object.

The VICE PRESIDENT. The Secretary will read the Journal.

The Chief Clerk resumed the reading of the Journal.

Mr. HEFLIN. Mr. President, I make the point of order that the Senate has voted on the question raised as to whether or not the Journal should be approved. The Senate voted that it should be approved. That question having been settled, the Chair properly said, "The Journal will be approved." The Chair submitted the question to the Senate before the Senator from New Hampshire [Mr. MOSES] made his point of order.

Mr. REED of Pennsylvania. Does the Senator from Alabama think the Journal was approved before being read?

Mr. HEFLIN. The Journal does not have to be read. It never is read.

Mr. REED of Pennsylvania. Then why is the request made to dispense with the reading of the Journal?

Mr. HEFLIN. You want to kill time; that is what you want to do.

Mr. SHIPSTEAD. A parliamentary inquiry.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Pennsylvania [Mr. REED] yield for a question?

Mr. REED of Pennsylvania. Yes.

Mr. ROBINSON of Arkansas. What is the object of the filibuster that the Senator from Pennsylvania and the Senator from New Hampshire are now conducting?

Mr. MOSES. I will answer for the Senator from Pennsylvania. It is a perfectly proper object.

Mr. ROBINSON of Arkansas. If the Senator is satisfied with that explanation, his credulity amazes me.

Mr. REED of Missouri. I move that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. That request has been objected to, and the reading of the Journal must proceed.

Mr. REED of Pennsylvania. A point of order, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. REED of Pennsylvania. The motion of the Senator from Missouri [Mr. REED] is not in order.

The VICE PRESIDENT. The point of order is well taken. Under Rule III the reading of the Journal can only be dispensed with by unanimous consent. The clerk will proceed with the reading of the Journal.

The Chief Clerk resumed the reading of the Journal.

Mr. MAYFIELD. Mr. President, I ask unanimous consent to submit a resolution and have it referred.

Mr. MOSES. I object to anything being done until the Journal shall have been read.

The VICE PRESIDENT. The clerk will proceed with the reading of the Journal.

The Chief Clerk resumed the reading of the Journal, when,

Mr. HEFLIN. I ask unanimous consent that the further reading of the Journal be dispensed with, and that the Journal stand approved.

The VICE PRESIDENT. Is there objection?

Mr. DILL and Mr. WATSON. I object.

The reading of the Journal was continued, when,

Mr. REED of Missouri. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. REED of Pennsylvania. I object.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Objection is made.

The reading of the Journal was continued, when,

Mr. HEFLIN. I ask unanimous consent that the further reading of the Journal be dispensed with, and that the Journal stand approved.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection?

Mr. MOSES and Mr. REED of Pennsylvania. I object.

The PRESIDING OFFICER. Objection is heard, and the reading will proceed.

The reading of the Journal was continued, when,

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

Mr. REED of Pennsylvania. Mr. President, a point of order.

The PRESIDING OFFICER. The Chair holds that the reading of the Journal can not be interrupted with a quorum call. The reading will proceed.

The reading of the Journal was continued, when,

Mr. McMASTER (at 1 o'clock and 45 minutes p. m.). Mr. President, I move that the Senate take a recess until 2 o'clock.

The PRESIDING OFFICER. The Chair is of opinion that that motion is not in order at this time, during the reading of the Journal.

The reading of the Journal was continued, when,

Mr. CURTIS. Mr. President, I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. MOSES. Not before 2 o'clock.

Mr. CURTIS. It is only a minute or two of 2 now.

Mr. REED of Pennsylvania. Let us have two minutes more of it. It is very interesting.

Mr. CURTIS. Very well.

The PRESIDING OFFICER. Objection is made. The clerk will continue to read the Journal.

The reading of the Journal was continued, when (at 1 o'clock and 59 minutes p. m.),

Mr. REED of Missouri. Mr. President, I understand that a messenger from the House of Representatives is here with a message from the House. Are we to refuse to receive it?

Mr. REED of Pennsylvania. Mr. President, a point of order.

The PRESIDING OFFICER. It is the opinion of the Chair that the reading of the Journal can not be interrupted.

Mr. REED of Missouri. The unbroken precedents of the Senate are that when the House of Representatives sends a messenger here, we receive him then and there.

Mr. MOSES. Mr. President, I ask unanimous consent that the further reading of the Journal be dispensed with, and that the Journal stand approved.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4305) to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17243) to authorize appropriations for construction at military posts, and for other purposes.

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

H. R. 6235. An act to provide for the erection of a tablet or marker to Gen. Anthony Wayne at Defiance, Ohio;

H. R. 10977. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 11324. An act to establish a national military park at the battle field of Fort Donelson, Tenn.;

H. R. 13486. An act to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes;

H. R. 14703. An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels;

H. R. 15654. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 15664. An act to withdraw and reserve certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 16469. An act authorizing an appropriation for the repair and resurfacing of roads on the Fort Baker Military Reservation, Calif.;

H. R. 16472. An act granting certain lands to the State of California;

H. R. 16585. An act to amend the Code of Law for the District of Columbia in relation to descent and distribution;

H. R. 16693. An act amending the act approved August 30, 1890 (Stat. L. vol. 26, pp. 412–413), relative to condemnation of land for parks, parkways, and playgrounds;

H. R. 16771. An act to authorize the appraisal of certain Government property, and for other purposes;

H. R. 17024. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council, at which treaties were made with the Plains Indians in October, 1867;

H. R. 17091. An act 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;

H. R. 17111. An act to authorize an appropriation to rehabilitate the Picatinny Arsenal in New Jersey;

H. R. 17138. An act authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station;

H. R. 17201. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 17249. An act 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;

H. R. 17270. An act granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, and Robert Walker, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 17292. An act 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;

H. R. 17320. An act granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. J. Res. 324. Joint resolution authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall, for a city pound, animal shelter, and hospital;

H. J. Res. 350. Joint resolution to provide for the payment of claims of certain German nationals against the United States;

H. J. Res. 353. Joint resolution for the relief of the consulate general at Yokohama, Japan; and

H. J. Res. 356. Joint resolution to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps.

BUREAUS OF CUSTOMS AND PROHIBITION

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury.

Mr. SMOOT. Mr. President, on page 3 of the bill——

Mr. REED of Missouri. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED of Missouri. I want to inquire why the messenger from the House of Representatives was denied the door of the Senate, in substance and effect?

The PRESIDING OFFICER. It was the opinion of the Chair, an opinion in which he was confirmed by the parliamentarian, that the reading of the Journal having been commenced, it could not be interrupted for that purpose.

Mr. REED of Missouri. I want to protest against any such ruling as a high discourtesy to the coordinate branch of the legislative department of the Government. When a Senator has the floor and is addressing the Senate we invariably interrupt him, even in the middle of a sentence, to receive a message from the President of the United States or a message from the House of Representatives. The reading of the Journal is of no higher precedence than the right of a Senator to address the Senate.

I care nothing about what transpired here, for only a few minutes were lost, but I do insist that there should not be here made a record the effect of which would be to keep a messenger from the President of the United States or a messenger from the House of Representatives standing, perhaps for hours, cooling his heels, and waiting until the reading of the Journal is completed. I think it is a matter which might occasion in the future very embarrassing, not to say very grave, consequences.

I would like to have it always so that the courtesies between the Houses should be observed and that when the Senate sends its messenger to the House of Representatives he shall be immediately received, and if we are to maintain such a privilege as that, we must extend to the House of Representatives an equal courtesy.

Mr. JONES of Washington. Paragraph 1 of Rule XXVIII reads:

> Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing or while the Journal is being read.

Mr. MOSES. And also Rule III, Mr. President, provides that the reading of the Journal shall not be suspended except by unanimous consent.

Mr. REED of Missouri. Those are the technical rules, I suppose.

Mr. BINGHAM. Mr. President, a parliamentary inquiry.

Mr. REED of Missouri. Aside from the technical rule, there is a rule of common decency and common courtesy.

The PRESIDING OFFICER. The Senator from Connecticut will state the parliamentary inquiry.

Mr. BINGHAM. In whose time is the Senator from Missouri speaking?

The PRESIDING OFFICER. The Senator from Missouri is speaking in his own time.

Mr. REED of Missouri. But we have here this morning the spectacle of a demand for the Journal to be read for no purpose except to consume time, and a messenger from the House of Representatives is required to wait, not until the reading of the Journal is completed, but to wait two minutes until the hour of 2 o'clock has arrived in order that the morning hour may be consumed. It is a pitiable spectacle.

Mr. MOSES. Mr. President, I regret that the senior Senator from Arkansas [Mr. ROBINSON] is not present, because he might give us some light on reciprocal courtesy between the two Houses, inasmuch as the Senate was held at the door of the Hall of the House the other day for several minutes when we went there to attend the joint meeting.

The PRESIDING OFFICER. In view of the discussion, the Chair wants to read the two rules upon which the decision was based. They have been referred to by Senators but not fully read.

The first paragraph of Rule III provides:

> The Presiding Officer having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, and any mistake in the entries corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

The first paragraph of Rule XXVIII is as follows:

> Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing, or while the Journal is being read, or while a question of order or a motion to adjourn is pending.

In the opinion of the Chair, the provisions of the rule are perfectly clear.

The Senator from Utah [Mr. SMOOT] is recognized.

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

Mr. SMOOT. For what purpose?

Mr. REED of Pennsylvania. I want to send some amendments to the desk and have them printed and lie on the table, amendments to Senate joint resolution——

Mr. LA FOLLETTE and Mr. REED of Missouri. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMOOT. Mr. President, House bill 10729, the unfinished business——

Mr. BRUCE. Mr. President, will the Senator yield just a moment while I call up my amendment to the unfinished business? I had no chance to do it the other day.

Mr. SMOOT. I will be through in just a moment.

I find in the House text on page 3, line 23, after the word "directors" there is a comma. The Senate offered an amendment inserting the words "of the," but we did not take out the comma. Therefore I ask that the Senate committee amendment on line 23, page 3, be disagreed to so it will read as the House had it, and the comma will remain.

Mr. MOSES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MOSES. In what stage is the bill now?

The PRESIDING OFFICER. The bill is as in the Committee of the Whole and open to amendment.

Mr. MOSES. Have the committee amendments been disposed of?

Mr. SMOOT. With the exception of this one.

Mr. MOSES. Is this a committee amendment?

Mr. SMOOT. It is a committee amendment.

The PRESIDING OFFICER. The Chair is advised that a committee amendment is pending, which will be stated.

The CHIEF CLERK. On page 3, line 23, the committee proposes to insert the words "of the."

Mr. SMOOT. I want that amendment disagreed to.

Mr. DILL. Mr. President, before the amendment is acted on I want to make a statement.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. DILL. Mr. President——

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

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. SHIPSTEAD. I want to quote Rule XXII, on page 26:

Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time.

Mr. SMOOT. This is a committee amendment in the bill as reported by the committee.

The PRESIDING OFFICER. The Senator from Utah asks that the committee amendment be disagreed to.

Mr. SMOOT. I ask that the committee amendment be disagreed to because of the fact that the House had in it a comma after the word "directors," and the Committee on Finance amended it by inserting after the word "directors" the words "of the." I ask now that the Senate disagree to the committee amendment.

Mr. SHIPSTEAD. I withdraw the point of order.

Mr. DILL. Mr. President, I was in the midst of discussing the cloture question when the——

The PRESIDING OFFICER. The Senator will suspend while the Senate receives a message from the House of Representatives.

MESSAGE FROM THE HOUSE

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

H. R. 3858. An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes;

H. R. 12532. An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; and

H. R. 16461. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

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

H. R. 4040. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes;

H. R. 14701. An act to extend collect-on-delivery service and limits of indemnity to third and fourth class domestic parcels on which the first-class rate of postage is paid;

H. R. 15208. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 15347. An act to reorganize the office of the recorder of deeds of the District of Columbia, and for other purposes;

H. R. 15975. An act providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes;

H. R. 16173. An act to add certain lands to the Missoula National Forest, Mont.;

H. R. 16292. An act to appropriate treaty funds due the Wisconsin Pottawattomie Indians;

H. R. 16350. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 16555. An act authorizing the Secretary of the Interior to issue patent to the county of Del Norte, State of California, to Whaler Island, in the Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf;

H. R. 16655. An act to authorize the designation of persons to act for disbursing officers and others charged with the disbursement of public moneys of the United States;

H. R. 16918. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska;

H. R. 16920. An act granting permission for the laying of pipes for the transmission of steam along the alley between lots Nos. 5 and 32 in square No. 225;

H. R. 16998. An act to amend section 224 of the Judicial Code;

H. R. 17038. An act to amend section 71 of the Judicial Code, as amended;

H. R. 17182. An act authorizing construction of barracks at Fort Jay, Governors Island, N. Y.;

H. R. 17222. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 17227. An act providing for horticultural experiment and demonstration work in the southern Great Plains area;

H. R. 17268. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, and for other purposes;

H. R. 17333. An act granting the consent of Congress to the city of Youngstown to construct a bridge across the Mahoning River at West Avenue, Youngstown, Mahoning County, Ohio;

H. J. Res. 354. Joint resolution to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States; and

H. Con. Res. 56. Concurrent resolution for the appointment of a joint committee of the House and the Senate to join and participate in the celebration as representing the Congress of the United States in the observance of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, and for other purposes.

BUREAUS OF CUSTOMS AND PROHIBITION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury.

Mr. DILL. Mr. President, I was about to say——

Mr. WALSH of Montana. Mr. President, I ask leave to submit sundry reports from the committee——

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. Objection is made. The Senator from Washington will proceed.

Mr. DILL. Mr. President, I was in the midst of discussing the cloture ruling when the Senator from Minnesota [Mr. SHIPSTEAD] made the point of order and I was taken from the floor. I want to continue that discussion for a few minutes.

Mr. LA FOLLETTE. Mr. President, if the Senator from Washington will permit me for just a minute, in view of the fact that I am objecting to anything being done that is not in the line of regular procedure, and am objecting to the custom which prevails here of bills and resolutions being filed at the desk without being introduced in the Senate, I desire to state that while the cloture rule is in effect and while the filibuster against the continuation of the special committee investigating campaign expenses is being conducted, I shall object to everything that is attempted to be done out of order.

Mr. DILL. Mr. President, as I have tried to say several times, I was in the midst of discussing the development of the application cloture rule in this body step by step when I was taken from the floor. I was discussing the fact that the Vice President had ruled that the word "presented" gave him authority to interrupt a Senator, when he was speaking, without that Senator's consent. The Senator from New Hampshire [Mr. MOSES] disagrees with me. I want to read from Rule XIX, the rule which covers the privileges of Senators in debate:

No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer.

In the case stated of the Senator from California [Mr. JOHNSON] presenting the cloture petition, he did not have the consent of the Senator from Arizona [Mr. ASHURST], and that is a very important step in the development of greater strictness in the application of the cloture rule. In the making of motions it is of the highest privilege to make a motion to adjourn, yet no Senator can interrupt another when he has the floor without his consent, even to make a motion to adjourn.

The ruling of the Vice President makes the right of presenting a cloture petition the supreme rule of this body, overriding the privilege of any other motion ever known in parliamentary law. The ruling of the Vice President to the effect that under the rule of cloture, Rule XXII, a cloture petition may be presented at any time is not well founded. I have made some little study recently of the meaning of the word "presented" when used in a parliamentary way. It is a word that is used in the statute authorizing Senators elect to bring their credentials into this body. The law says that when the credentials of a Senator elect have been presented to the Senate, and so forth. In 1916 Vice President Marshall ruled that the credentials had not been presented until they had been read. The Chair refused to recognize that the matter offered had been presented until the credentials had been read from the desk. Why apply the word "presented" when used in the law to mean that a Senator must be recognized and what he offers read before it can be considered as presented, and yet say that a rule which uses the same word permits the Presiding Officer to interrupt a Senator occupying the floor without his consent long enough to have a petition presented? I say it is another step in the development of strictness, the cloture rule in the Senate leading to gag rule here.

Then we have developed another step by asking unanimous consent to lay aside the unfinished business long enough to get some bill before the Senate, and then before any Senator has even spoken for or against it, before it has become a disputed

question as the rule provides, before there is any evidence that there is any dispute about it, we have seen repeatedly in the last few weeks cloture petitions offered here, and then the bill laid aside, and we have proceeded with other business until time to vote on the cloture petition. That is another step in the development of cloture into gag rule in this body.

Then we have the procedure of offering any kind of amendment before the cloture petition is voted on. Such an amendment may, by unanimous consent, be submitted to the Senate and filed without being read, as the Senator from Connecticut [Mr. BINGHAM] pointed out on yesterday, and a quorum call is not required before that may be done. Thus when at 1 o'clock we vote on a cloture petition there may be amendments pending that can not be read from the desk, and the nature of which we do not know; and so while we may think we are voting to bring to a vote a pending bill, in reality, we are bringing to a vote amendments of which we know nothing, which we do not know are on file, and which no opportunity is afforded to consider. We have cloture by a two-thirds vote applying not only to a bill but to all the amendments which may be offered to the bill, and these amendments are sometimes whole bills on an entirely different subject.

What does that mean? It means that unless the Senate calls a halt to the interpretation being put upon this rule it will become a means of moving the previous question in this body. When we stop to think that there are only 96 Senators in this body, that the previous question can, in effect, be moved at any time and then bills offered as amendments may be passed by a majority vote, it will be seen that if cleverly and carefully planned such procedure may destroy this body as a great deliberative assembly.

I have never voted for a single cloture motion since I have been in the Senate. I would rather leave my seat in the Senate to-day and never return than to shut off free speech in this body. This is the only forum on the face of the earth that is left where a man really has free speech. We do not have it on the public platform, because if somebody disagrees with the speaker he may interrupt him; he may bring a libel suit against him; he may, in one way or another, make it impossible for him to speak; but a Senator can not be called to account for anything said in this body. Previous to the adoption of the cloture we have had here one free forum. If this rule were applied only in the way in which it was originally proposed, it might not be so bad, but when it has been interpreted time after time, each time a little more enlarged in its effects as cloture, the rights of Senators who come here as representatives of free States are gradually being destroyed and taken away.

For my part, I had rather that not another single bill would pass, I would rather see us called into special session whenever necessary, than to see this practice develop here whereby representatives of great States, sent here to defend the rights of those States, may be cut off by a cloture rule that is being used here as though it were an ordinary motion.

Ah, Mr. President, the cloture rule could not have been adopted even in war times—for it was a war-time rule—had it been thought that it would be applied and used as it has been applied and used here. My own opinion is that from the viewpoint of those who believe in cloture, and from the wording of the rule, the Vice President had much reason for ruling as he did rule to-day. I voted against the ruling, because I will vote against any ruling that tends to establish stricter cloture in this body.

Mr. BINGHAM. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. Yes; I yield.

Mr. BINGHAM. My impression is that—and I want to be corrected by the Chair if I am not correct—that the Chair declined to rule on the point of order and submitted it to the Senate.

The VICE PRESIDENT. The Senator from Connecticut is correct.

Mr. DILL. Then, I withdraw what I said. I was not in the Chamber before the roll was called. I am informed by my friend from Louisiana [Mr. BROUSSARD] that the Vice President requested approval of his opinion—which I can not criticize him for doing, he holding the views that he does hold—but that is different from making a ruling.

Mr. WILLIS. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. I yield.

Mr. WILLIS. I know the Senator from Washington desires to be fair, as he always is when he knows the facts. I do not think the Chair expressed any opinion, except that the matter was of such importance that he felt inclined to leave it to the Senate. I think the Senator from Washington ought to criticize the Senate rather than the Chair.

Mr. DILL. I withdraw what I said about the Chair on that particular point, but I do not withdraw my criticism of his ruling on another point which I know he made.

Mr. CARAWAY. Mr. President, the Senator from Washington has stated that the Chair had an opinion. Does the Senator from Washington want to withdraw that statement?

Mr. DILL. Oh, no; the Vice President's opinions are very definite.

Mr. CARAWAY. An opinion is all the Chair announced; and the Senator says he withdraws that statement, finding that he was mistaken.

Mr. DILL. Well, Mr. President, the Vice President is not able to answer on this floor, and so I am not going to discuss the matter further.

Mr. BINGHAM. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. I yield to the Senator.

Mr. BINGHAM. The Senator from Washington stated a few moments ago that we were growing more and more strict in the application of the cloture rule, and every time a question came up concerning it the severity of the rule was increased. Does he not think that the Senate this morning by refusing to apply the rule of cloture during the morning hour showed that it is ready to turn the corner, to go back, and allow a little more debate and a little more freedom of action?

Mr. DILL. Yes; I think that the decision the Senate made this morning was most timely, but, I repeat, that under the rule, if enforced according to its actual wording, there is much to be said for the other view, namely, that no other business can be transacted.

Mr. FESS. Mr. President——

Mr. DILL. I yield to the Senator from Ohio.

Mr. FESS. The Senator from Washington made a statement a moment ago that is interesting, but I think it is subject to a pretty severe criticism by those who believe in the cloture rule. The Senator said, if I understood him, that he thought the decision was fairly well grounded, but that he always votes in a certain way because he opposes cloture; in other words, the Senator votes on the merits of the issue rather than upon the interpretation of the rule.

Mr. DILL. When I first came to this body a venerable, able, and scholarly Senator from New England, Senator Lodge, for whom I had a very high regard, remarked that it had often been said that the rules of the Senate were made to be broken whenever the Senate desired; and in my experience here I have found that the Senate generally interprets a rule according to its desire at the time of the vote. I wish to say frankly to the Senator from Ohio that, generally speaking, I do try to vote my judgment on the rules, but on this question of cloture I feel so strongly about it that I interpret every word of the rule I can against strict cloture instead of interpreting every word in favor of strict cloture.

Mr. FESS. Mr. President, if the Senator will permit me further, I think the practice which the Senate has fallen into is most discouraging, that when a rule is invoked the Senate decides upon the merits of the question involved rather than in accordance with the rule. If we shall continue to do that—and it is becoming the practice—what will the rules amount to?

Mr. DILL. I repeat that in practice the rules seem often made to be broken rather than to be carried out. I think the Senate is open to that criticism, but I do not assume to set myself up as a judge on that question, because I think we are all consciously or unconsciously, and most often unconsciously, influenced by our desires and tendencies in the interpretation of the words of rules.

Mr. FESS. Mr. President, if the Senator will permit me to interrupt him further, he served in the other body?

Mr. DILL. Yes.

Mr. FESS. And he recognized the rigidity with which the integrity of the rules of that body was always maintained.

Mr. DILL. That is true.

Mr. FESS. I am of the opinion that he has been considerably pained mentally at the difference between the attitude assumed by this body regarding its rules and the attitude assumed in the other body.

Mr. DILL. I think there is much in what the Senator says. Mr. President, I am not going to delay the Senate further on the prohibition measure now before the Senate. I do want to say before I take my seat that I am in favor of this prohibition bill, and I want the bill passed, as I should like to see all prohibition enforcement legislation passed. I am not under any illusions as to the political troubles that may come to me as a result of the vote I cast yesterday, but I felt so strongly on the subject of the right of the Senators to express themselves fully and fairly and completely on any question before the Senate that I could not bring myself to vote for

cloture on this bill nor on any other bill, for that matter, that any Senator wishes to discuss.

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

Mr. DILL. I yield.

Mr. BINGHAM. Before he takes his seat will the Senator not express an opinion with regard to the ruling which was made a day or two ago that no amendment after being presented and once cloture has been voted could be perfected?

Mr. DILL. That, of course, is just another feature, I take it, of the strict interpretation of the language of the cloture rule. Personally, when I think a second time about it, I do not feel so badly as I might that the rule is being strictly interpreted, because if it becomes sufficiently burdensome and annoying to Senators we will modify it. There is some reason and justification, probably, for having some kind of a way to limit debate on a question that can not be brought to a vote in any other way; but, for my own part, I am not in favor of cloture, and I do not believe that any Senator can justify the practices that have gone on here in the last 10 days, namely, of laying a bill before the Senate by unanimous consent, and then, without a word of discussion, applying cloture, bringing it to a vote in the Senate, and having the cloture adopted simply because Members want to see the bill passed without giving full and adequate discussion to the Senators who wish to discuss it.

Mr. WHEELER. Mr. President——

Mr. DILL. I yield to the Senator from Montana for a question.

Mr. WHEELER. I wish to say that that is exactly what was done with reference to the banking bill. We were not permitted to offer any amendments to the amendments of the House of Representatives.

Mr. DILL. That is what the Senator from Connecticut was calling attention to only a moment ago. Now, Mr. President, I yield the floor.

Mr. WALSH of Massachusetts obtained the floor.

Mr. COPELAND. Mr. President——

Mr. WALSH of Massachusetts. Mr. President, the Senator from New York informs me that he has to attend a committee meeting at 3 o'clock, and he would like to have the floor for about six minutes. I do not wish to yield my right to the floor, but I should like very much to accommodate the Senator from New York.

Mr. CURTIS. What is the request?

The VICE PRESIDENT. The Senator from Massachusetts desires to take the floor and to yield to the Senator from New York for a short speech. Is there objection?

Mr. SMOOT. Is the speech of the Senator from New York to be taken out of the time of the Senator from Massachusetts?

Mr. WALSH of Massachusetts. No; I do not want it to be taken out of my time.

Mr. SMOOT. I have no objection.

Mr. JONES of Washington. What is the request?

The VICE PRESIDENT. The request of the Senator from Massachusetts is that, without losing the floor, he may be permitted to yield for a short speech to the Senator from New York, the time to come out of the time of the Senator from New York.

Mr. WALSH of Massachusetts. I think the Senator from New York had better not press the request at this time. There seems to be some confusion about it.

Mr. BRUCE. Mr. President, I note the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

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

The VICE PRESIDENT. Eigthy-nine Senators having answered to their names, a quorum is present. The Senator from Massachusetts.

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

Mr. McNARY. Mr. President——

Mr. WALSH of Massachusetts. I yield to the Senator for just a minute to present a request.

Mr. SMOOT. I ask unanimous consent to present certain amendments to the alien property bill.

Mr. DILL. I object.

Mr. CAMERON. Mr. President——

The VICE PRESIDENT. Objection is made.

Mr. WALSH of Massachusetts. Mr. President, it is quite evident that everything is to be objected to. Therefore I demand the right to proceed.

Mr. CAMERON. Mr. President——

The VICE PRESIDENT. The Senator from Massachusetts declines to yield.

Mr. WALSH of Massachusetts. Mr. President, there is one long-standing custom of the British Parliament that I have often thought we would do well to adopt, and for the adoption of which the need never seemed to me greater than it seems to-day.

From time to time the House of Commons, as every Senator is no doubt aware, sets apart a day for the consideration of "The State of the Nation." At such times the members of the cabinet, and the responsible heads of any and all administrative departments, are obliged, if called upon, to answer in person any questions that may be asked as to the policies they are adopting and the reasons for them, and as to the evidence in support of any statements put forth by the administration or its supporters for the purpose of influencing public opinion. It is a custom the value of which can hardly be overestimated, it seems to me, not only in deterring administrative officials from embarking on courses which they will find it difficult to justify, but also in affording a safer basis for the drafting of remedial legislation, and for the giving or withholding the confidence of the House of Commons and of the nation from the ministry of the day.

We are confronted in the closing hours of this short session with a situation that sorely needs such an unpartisan or bipartisan investigation as this custom of the British House of Commons provides. We are dispersing to our homes, and shall reassemble in December, the victims of confused and conflicting reports as to what the effect of the policies of the present administration upon the condition and prospects of the Nation really has been, and with no safe means of deciding whether all is going as well as we have a right to expect, or what if any legislative action should be taken to curb, stimulate, or direct administrative activities during the time that must elapse before the verdict of the voters themselves can be obtained.

On the one hand administration spokesmen and the administration press are broadcasting the assertion that our Nation is enjoying, and has every prospect of continuing to enjoy, a prosperity that has never been approached before in the history of this or any other people. Republican propagandists, the country over, are repeating an estimate said to be based on the income-tax returns, that the combined incomes of the people of the United States in the year just ended reached the amazing total of $95,000,000,000, or an average of about $2,000 for every head of a family and unmarried adult of either sex. And the growth of bank deposits, the quick absorption of vast issues of corporation stocks and bonds, and the immense sums that are seeking investment in foreign industries, are cited as unquestionable proofs of the reality, and auguries of the permanence, of this new age of gold. But when we turn from the fountains of partisan propaganda to more responsible and unbiased sources, to those whose knowledge of actual conditions comes from personal contact and individual experiences, we hear an undertone of dissent and complaint so widespread, and affecting so many of our fundamental industries, and so large a proportion of those who depend on them for the necessaries and comforts of life, that one is led to suspect that it may be the rapidly growing and dangerous concentration, rather than the healthful diffusion, of the national wealth that is evidenced by the widely advertised financial achievements of the year just elapsed.

Is not the prosperity which is so widely heralded the prosperity of monopoly? Is it not a prosperity that is discouraging individual initiative, driving the producer, the independent manufacturer, the small business man to the wall, and confining the accumulation of wealth to the monopolies of industry and finance? And is not this monopoly, which is the distinctive product of our age, aiming to extend and perpetuate itself through a skillfully devised plan to seek and maintain control

over both the legislative and the administrative departments of our Government?

We have heard much of late about the troubles of the wheat growers of the Middle West and the textile industries of the East, but perhaps we may find trouble in some section of the country other than the West, or the East, with its crowded industrial centers, passing through a period of unemployment that has been longer continued in many of the basic industries than any like period in our history. Let us turn to the South and see if the present alleged prosperity is filling the coffers of the southern planter with wealth. The speeches delivered upon this floor and at the other end of this building have disclosed the same sad story of depressed land values in the cotton States, of bank foreclosures, and of financial ruin to those engaged in this industry that has been so graphically told in Congress in regard to the Western States.

All that I might say is summed up in an editorial on the cotton surplus published in the Washington Post on February 4, in these words:

> Only through a drastic slash in the cotton acreage to be planted this spring can the cotton States hope for relief from the depression which has well-nigh bankrupted the South during the past year. The price of cotton in New York, New Orleans, and Liverpool remains below the actual cost of production, and there is little hope of better prices in sight. * * * The only hope for better conditions in the market, if acreage is not reduced, lies in increased activity by the boll weevil. But the planter can not afford to put his faith in the boll weevil. * * * It is up to the bankers and merchants of the cotton States to refuse credit to those planters, black and white, who insist upon attempting to raise more cotton than the market will absorb.

These startling situations in the West and South are represented as local and passing setbacks due to surplus production, under climatic conditions which can not be foreseen or controlled, but which may be offset by a comparatively small and inexpensive amount of governmental interference. But the farm census reports tell a different story. They show that in every State in the Union there has been in the last few years a steady shrinkage in farm population, notwithstanding the fact that in our farm population there are 400,000 more births than deaths, year by year.

They show also that in every State there has been a marked shrinkage in the value of farm implements and machinery, and in all except one or two a shrinkage in the value of the farms themselves, while in all without exception the amount of farm mortgages and the ratio of the mortgage total to the total of farm values has risen, in the latter case from an average ratio of about 25 per cent to around 45 per cent, and in one State to 78 per cent, of the still shrinking farm values. Are not these statistics indications of something more than a passing and sporadic interruption of a general prosperity? Depression of farm values and real estate generally, which is the condition throughout the country, has never before been an indication of the existence of real or lasting prosperity.

And what of the hundreds of thousands who are abandoning the farms to seek a living elsewhere? Are they finding a place in our manufacturing industries?

If so, these should show a corresponding increase in the number of their employees, beyond the increase corresponding to the country's annual growth in population. But is this really the case? We have in Massachusetts a department of labor and industries which, in my opinion, is unexcelled in painstaking thoroughness by any similar body in the United States, and this department, in a bulletin issued February 21, of the present year shows the decrease of employment in certain industries, by a comparison between the average number of wage earners employed during the five years between 1919 and 1923 and those employed in January of 1927, to be as follows:

In all industries taken together there were 15.6 per cent fewer persons employed than the average five years before:

In the boot and shoe industry there were 38.8 per cent fewer employees; in the cotton and textile goods industry there were 25.3 per cent fewer employees; in the textile machinery and parts industry there were 37.8 per cent fewer employees; in the woolen and worsted goods industry there was a reduction of 13 per cent. That the depression is continuing is indicated by the fact that statistics for all industries combined show that the number employed January, 1927, was 5 per cent smaller than in January, 1926. That the shrinkage in employment which has been noted in the 39 leading industries for several months still continues, is shown by the fact that from December 15 to January 15 the aggregate weekly earnings shrank also to the extent of $139,047; while the average weekly earnings per person employed dropped from $24.37 to $23.96—both figures, by the way, quite noticeably under the before-mentioned "average yearly income of $2,000." And lest the citizens of Massachusetts should be unduly depressed by this showing, the bulletin goes on to state that for the United States as a whole, for the corresponding period, the percentages of decrease in numbers employed and in aggregate weekly earnings were both twice as great as in Massachusetts.

The pay-roll statistics from the July number of the United States Labor Review show that employment in the manufacturing industries fell off 18.7 per cent from 1920 to 1925. This report reveals also that the pay roll of the industries show a shrinkage of 32.3 per cent from 1920 to 1925. The comparison of the 1920 pay-roll index for the month of May, with the 1926 pay roll from the same month, shows a six-year shrinkage of more than 40 per cent.

I shall not dwell upon the well-known decadence of the cotton textile industry in New England, where within the past few years nearly 40 factories have gone out of business altogether and several more have been absorbed by more successful competitors. So far as the cotton mills are concerned this situation may have passed beyond the reach of remedial legislation, since it is alleged to be due in the main to economic conditions for which no political organization and no party administration can justly be blamed. But it is a condition causing such great unemployment and loss of invested capital that the Government ought to determine the facts and find a remedy if one is to be found.

With the woolen mills the case is somewhat different. If the opinion of the Carded Woolen Manufacturers' Association is to be accepted, their main handicap lies in the 31-cent tariff on clothing wools, a tax which varies, they assert, from 40 to 100 per cent on their raw material, or from one to two and one-half times the total labor cost of converting the wool into cloth in the mills. To expect permanent prosperity under such a tariff burden is, of course, absurd.

I hold in my hand a list of the woolen mills which were forced out of business since the Fordney-McCumber tariff law of September, 1922. They are 39 in number. Eleven of them were located in New York State, 7 in Connecticut, 10 in Rhode Island, 9 in Massachusetts, and 1 each in Pennsylvania and Vermont.

But the main point that I wish to emphasize here is that the present and continuing shrinkage in employment and in weekly earnings is not confined to the textile industries, nor is it peculiar to New England alone. To a greater or lesser degree it pertains to all, or nearly all, our leading industries, and extends to nearly every State. The Federal Reserve Bulletin for January states that the output of the shoe industry in 1926 was 7½ per cent less than in 1923, and that in the same period the wage earnings in the Massachusetts shoe industry fell from $83,000,000 to $65,000,000, or nearly 24 per cent.

The automobile business has been referred to as an evidence of prosperity. As a matter of fact, it is one of the key industries that is shrinking. Statistics show the production of automobiles and trucks throughout the country in January, 1927, to be 249,506, which, compared with their production in January, 1926, of 388,220, is a reduction of 68,714, or 21.5 per cent. The reduction in the month of December, 1926, compared with December, 1925, was 45.6 per cent. But possibly this is not a fair comparison, as December is the month of readjustment of business in the automobile trade.

Statistics further show employment in the automobile industry in December, 1926, was 19.8 per cent under the 1925 level. The number employed in Detroit for the week ending February 2, 1927, was 48,019 less than that employed for the corresponding week in 1926.

In the financial papers generally are to be found, here and there, sanguine utterances (not editorial, however) like these: "With money plentiful and labor employed at the best wages ever enjoyed, and business picking up in the agricultural districts, everything seems to point to a good business year," and "In view of the huge accumulations of wealth that have piled up in the face of liberal public expenditures, the new year offers the promise of solid progress."

But when they descend to details the "promise of progress" quickly fades, and the outlook becomes even less reassuring than that of the Reserve Bulletin. Nation's Business for December, 1926, justifies the caution that "1927, at least for the first half, may see some shading off" by asking what else is to be expected after a year that witnessed "the record number of bank failures, the second largest number of business failures, and the fourth largest total of failure loss," and when "in the last five years 100,000 concerns have suspended, owing their creditors over $3,000,000,000." And the December number of Guaranty Survey of New York notes, as other financial summaries do also, "curtailment in the key industries of building and automobiles, diminishing export

trade balances, the outflow of capital, and increasing competition at home and abroad."

What conclusions are we to draw from this conflict between glittering generalities and sombre pictures of details? The usual barometers of Wall Street are all "set fair." Money is plentiful, savings deposits increasing, bank reserves ample, no feverish speculation in evidence, a complete absence of the conditions that indicate the approach of financial stringency or panics on 'change. But how are we to harmonize this halcyon outlook with the depressing situation that prevails in so many branches of industry and pervades all sections of the Republic? Who has any definite knowledge of the present extent of unemployment, or can even guess what has become of the hundreds of thousands of men and women who have forsaken agriculture, and who, instead of finding vacant places waiting for them in our leading manufacturing industries, have been joined by other thousands who have lost their jobs by the curtailment of these very industries; a curtailment, it appears, that even yet is not at an end?

For most of us, Mr. President, the long recess that we hope is so soon to begin will mean in the main a release from the pressure of legislative duties, and in this off year a relief also from the burdens of a political campaign. It will not, however, release us from the duty of caring to the extent of our opportunities for the welfare of the constituents who have honored us with their confidence and who continue our salaries whether Congress is in session or not.

Mr. President, I want to put the Senate on record to find out if its conception of the responsibility of its Members to the country justifies them in retiring from the National Capitol on the 4th day of March and absenting themselves for nine long months—with continuing salaries and four paid clerks—from any inquiry, study, or preparation of a plan of action, in view of the steady and constant decline in so many industries which furnish the sustenance of life to our working people, the deplorable state of the farmers of the West, the depression of the cotton industry in the South, the laying off of wage earners throughout the country, and the large number of bank suspensions and business failures throughout the United States. Are we to be content that all is well with our people and that economic conditions are sound because financial statements show the dominance of high finance in such striking contrast to actual conditions as they affect the individual wage earner, the agriculturist, and the cotton planter? The Congress can not avoid its responsibility by charging the President with failure to call an extra session and pointing to the fact that it has no power of its own initiative under the Constitution to call such a session. I know that extra sessions of Congress are burdensome, causing much personal inconvenience to Senators and Representatives, but I do not hesitate to declare that in my opinion the great legislative business of this country, with its many complex problems, can not be studied, debated, and settled in the same period of time that sufficed more than 100 years ago for the performance of the work of Congress, to wit, less than 70 days. The American people are not without the power to fix responsibility in such a case as this. The party in control of the Government must answer for its omissions as well as for its commissions.

Mr. President, Congress has become distinguished throughout the country in recent years for its large number of investigations of malfeasance in office, of corruption and incompetency of governmental departments, and also of flagrant abuses perpetrated by candidates for office in attempts to debauch the electorate by the excessive use of money in elections. It is time to have a constructive investigation—one that seeks to find sound and sane solutions of our economic problems, a remedy for conditions throughout the country which, despite our great wealth, appear to be rushing us headlong toward a course that can only end in the impoverishment of the many and the enrichment of a favored few.

The imperative need of such an investigation as I am urging upon the Senate has been impressively emphasized by the events of the past few days. All our protracted efforts to devise a measure of relief for the afflicted farmers and planters of the West and South have been brought to naught by a veto—which I can not but approve—on the ground that the measure is not only unconstitutional but ill-advised, and that in operation it would aggravate instead of relieve the hardships it was designed to correct.

Under these conditions, is not this the very least the Congress is bound to do, in justice to so many constituents to whom this fresh disappointment has come to intensify the pangs of hope so long deferred—can we in common humanity refuse to take every means in our power to provide the next Congress with all accessible evidence necessary to enable the discovery of a genuine remedy, the drafting of a measure that will be both constitutional and workable, the adoption of the best policy that human faculties can devise for the rescue of our basic industry from a depression which all our other industries can not fail to share?

I propose in the resolution which I have submitted that 15 Senators representing the agricultural, cotton, and manufacturing States be appointed to sit during the coming recess, and be equipped with all the powers and facilities required for a thorough study of the economic state of the Nation, to determine the real extent and the causes of the untoward conditions that are reported to exist in so many industries, and especially the extent and the social consequences of the increasing unemployment that has been their natural result. The committee should discover whether the methods of the governmental agencies employed in gathering industrial and economic statistics are sufficiently thorough and scientific, and whether, in gathering and collating their material and in publishing their results, they are free from partisan bias and immune from partisan control. And when the necessary data are collected, the committee should advise us, with the aid of the ablest economists that the country can afford, what steps should be taken by the Seventieth Congress to correct past errors, to avert impending dangers, and to make our prosperity in years to come the common heritage of all, not the envied perquisite of a favored few.

Resolution

Whereas it is constantly alleged that the country is enjoying a period of unparalleled prosperity and the large sums collected in taxes upon incomes and the increase in bank deposits are asserted to form a main evidence of this prosperity; and

Whereas, on the other hand, it is repeatedly asserted that the agricultural industry on the whole is in a depressed and struggling condition, especially in the corn-producing and wheat-producing States of the West and in those States where cotton is produced, causing bank foreclosures, mortgage foreclosures, and in some cases bank failures; and

Whereas in other parts of the country it is alleged that abnormal unemployment in industrial centers is existing, with the result of a great curtailment in the purchasing power of the American people, of itself sufficient to cause a dangerous lowering of normal industrial conditions: Be it

Resolved, That a committee of 15 be appointed to sit during the recess of Congress to make a constructive inquiry into the economic state of the Nation, in order that the country may be in a condition to demand, and the Congress which next reconvenes to enact, such legislation as may be helpful to these basic industries. That a thorough investigation be made by the committee:

First. As to the exact status of the general agricultural conditions in this country.

Second. To what extent does unemployment exist, and to what extent has there been curtailment of production, in various industries throughout the country; the causes of these conditions, and the remedies needed to restore prosperity to these industries.

Third. To what extent do existing tariff laws, either by excessive duties or the want of sufficient tariff protection, and the tax on corporation incomes affect these industries and their employees.

Fourth. To what extent is the prevalent consolidation and reconsolidation of industries and the issuing of watered stock increasing the cost of living and bringing about economic conditions that are unsound and insecure.

Fifth. Whether and to what extent the growth of business consolidation in the mercantile life of the country is increasing or decreasing the cost of living, and whether this movement is leading toward a sound or unsound economic status for the future.

Sixth. What measures will be helpful both in continuing the prosperity that may be found to exist in certain industries and in making that prosperity general by restoring good business conditions to the industries that have curtailed production and caused unemployment.

The committee to have full authority to issue subpœnas, compel the production of documents necessary to such inquiry, and to organize an administrative force sufficient to carry on the aforesaid work.

The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, but shall not include any allowance for traveling or other incidental expenses of members of the committee.

I ask that certain tables and memoranda and data referred to in my remarks should be printed in the RECORD in connection with my address. I now ask that that may be done, together with some letters received on this subject.

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

[From The Journal of Commerce, Wednesday, March 2, 1927]

INVESTIGATING "PROSPERITY"

Senator WALSH of Massachusetts has asked for the appointment of a committee or commission of Congress to consist of 15 Senators, who shall be charged with the duty of investigating the "economic state of the Nation." What is sought is a program of constructive action designed to overcome the agricultural depression of the West, the industrial sufferings and annoyance of the New England States and the bad situation caused by the overproduction of cotton in the South. It is a "large order," one which the 15 Senators are hardly likely to be able to fill.

And yet there is a good deal that could be done by a properly organized Government commission of inquiry toward bringing about a better understanding of the problems by which the Nation is now confronted. It is a long time since any such survey has been made. Since the war far-reaching changes in production and finance have occurred, and they have not, on the whole, been very closely harmonized with the corresponding changes in foreign countries. A survey of an impersonal and nonpartisan nature which should succeed in "sizing up" the present situation and bringing about a general reconsideration of events of the past eight or nine years might serve a very good purpose.

One thing that such an inquiry would probably do would be to show exactly what basis there is for the current "prosperity" in the United States. Undoubtedly this country is looked upon as a very successful and prosperous Nation. Most of the European countries have repeated this statement so often that they believe it, and we ourselves have taken it for granted so often that we no longer question it. In a sense, of course, it has a real basis of truth, else it would never have obtained the unquestioned acceptation that has come to it. We are prosperous in the sense that the Nation turns out immense wealth every year, in the sense that industrial employment is widespread, and in the sense that many business enterprises are making large profits and reflecting them in stock exchange values.

In another sense, the prosperity of this country is wholly illusory. We have large areas in which the farm population is undoubtedly in a serious condition, whether by its own fault or as the result of circumstances over which it has no control is a secondary matter. We have undoubtedly an enormous burden upon industry due to the high cost of Government and the interference of Government with industrial processes which otherwise would naturally be much more cheaply carried out. Our anti-trust laws are out of date, oppressive, and ineffectual, their only result being to hamper industry and interfere with legitimate developments. In all these ways the situation is unsatisfactory and much can be done to improve it, yet nothing is being attempted.

That any such commission would be likely to bring forward a new program for "curing" these evils we need not for a moment delude ourselves into thinking. There is no reason whatever to suppose that curative methods of any novel or extreme kind are wanted. Farmers suffer because they have to pay out too much for what they buy and get too little for what they produce.

The cotton farmer of the South is in difficulty because of his overproduction. Industrial managers have a somewhat more complicated situation to face, but are partly the victims of Government regulation, as seen in antitrust laws, immigration restrictions, and others, and partly the scapegoats for excessive trade-union restriction of output. These are obvious facts with which those who are well acquainted with the conditions are not likely to quarrel. The question whether the Government can or will do anything about them is another matter. Certainly it will not do anything without a very strong mandate from the public.

But it is just here that a nonpartisan investigation might do good—by clearing up some obscure facts and bringing the whole situation into an unmistakable light so that public opinion could express itself intelligently. Undoubtedly a good many members of the old political parties are at a loss to know what to do or how to vote. They feel that their former philosophies of action are not satisfactory, yet they hesitate to change because they are told by partisan leaders that the things they fear are the result of misrepresentation or distortion, Congress can not very long put off remedial action on essential questions which have to do with our foreign trade and our industrial structure. Present Government bodies show no signs of accumulating any materials that are likely to be of real value in that connection. The Trade Commission is a broken reed and perhaps Senator Walsh's plan would be the most available expedient, in a difficult situation.

UNITED STATES SENATE,
Washington, D. C., March 1, 1927.

MY DEAR SENATOR WALSH: My attention and interest was attracted by your proposal to the Senate to set apart a day for special consideration of the state of the country and to take steps for a proper survey of the causes which may explain the gigantic accumulation of wealth in the hands of a small number and the poverty and distress of so very great a number of the people.

One reason which you probably have in mind but which you do not seem to have enumerated, you might well put the microscope on in investigating the causes of widespread poverty. That cause is usury.

Usury is the most powerful of all agencies in making the rich richer and the poor poorer.

The sacred authorities from the days of Moses, David, and Solomon to recent times treated usury as a grave social crime for this very reason. Its present widespread prevalence has dulled the public and private perception of its baneful effects, and in the last few centuries it has been countenanced by law as "lawful interest," only calling the excess usury.

One dollar at 10 per cent compounding annually will make, in a century, $13,000. It will double itself in about seven years; but 10 per cent is a small example of what interest will do in taxing the labor of the borrower and the cost to the consumer who buys the products based on usury on top of usury. We know that the commercial finance companies extract by their methods 20 per cent and more from the business people who sell them their commercial bills. This charge goes onto the market price of such commodities sold the consumer.

Usury is practiced by some overly thrifty banks by lending money at the highest rate and requiring a part of it to be kept on deposit, or by having the loan negotiated through a broker attached to the bank who takes a large commission for negotiating the loan, or by discounting a note and buying it from another at a large discount from the face which already carries interest, etc., etc., etc.

Usury may be practiced and is practiced on a huge scale in the business of building houses for rent or sale. For example, A buys the land and sells it to A's land company at an advanced figure, on which A's construction company builds at an artificial figure, the improved property appraised by A's appraisal company at an artificial value permits a bond issue in excess of the actual value of the land and building. The bonds are sold to the public and A collects rents on the artificial values, thus taking from the tenants or from an unsuspecting purchaser a value which in effect is fraudulent. The rent charge is usurious, and the sale price is fraudulent.

In 1919 the Federal Reserve Board, under the influence of the forces in control of the Republican Party put on a policy of deflation—the wholesale deflation of credit and permitted the banks in New York to run the demand-loan rate up to 30 per cent on call loans. This injurious rate was permissible under the New York statute on collateral loans of stock-market collateral.

The reserve banks speedily followed suit and as a penalty on progressive loans where a bank asked for more than its proportionate share of reserve bank accommodations and these reserve banks charged member banks rates running above the legal rate to 20, 30 per cent, and even higher per cents, although established as Government agencies for the stabilization of credit.

With such examples we have no right to wonder if citizens and smaller concerns follow suit. General bankruptcy ensued, transferring property by billions from weak hands to strong hands. Intelligent men may be justly credited with intending what their policy accomplished. But even if the rates were legal, capital beginning to accumulate beyond the needs of the owner must grow into larger and larger volume until dispersed by death, and this is now prevented by corporation holdings where the corporations do not die.

Moreover, the drag to the cities of liquid capital by these interest charges payable by the smallest producers is unending. The flood is composed of interest on municipal, State, county, industrial, and other bonded indebtedness; railroad bonds, public utility bonds, etc., interest on mortgages, premiums on life insurance, fire insurance, etc., etc., etc.

One insurance company in New York reports over two thousand millions of assets; 25 fire insurance companies report an average of dividends for 10 years of over 43 per cent annually. It all pours to the centers and is reloaned to the county, where it adds to the flow of value taken from the producer and consumer.

The poor man who buys his bread pays usury on the mortgaged land that produced the wheat, usury on the railroad that hauls the wheat and flour, usury on the mortgaged mill that grinds the flour, usury on the bakery that bakes the bread, usury on the merchant's store that is mortgaged, etc. The loaf is smaller or of poorer quality because of usury.

Usury impoverishes the poor and enriches the rich. No wonder the farmers are bitterly complaining. They get less for their labor and pay more for housing, clothing, furnishings, and farm implements because of universal usury.

Usury makes labor unnecessary for those who receive it and in degree as usury makes an idle or extravagant class it imposes a like burden added to the producing class.

My dear Senator, if you will look into this field and its allied and collateral artificies you will find a large part of the answer you seek. Do you remember Henry George's famous satire, "Let others work, be it our mission to take from them the proceeds of their labor."

The disease must be clearly exposed and then, perhaps, with tolerance and moderation a remedy may be found which is completely equitable to all.

Some one asked Henry George once in a hot campaign, "Who are you for?" He wisely and nobly said:

"I am for men."

With regards,

Yours very sincerely,

ROBERT L. OWEN,
Former United States Senator of Oklahoma.

Hon. DAVID I. WALSH,
United States Senator.

[From the Guaranty Survey, December 27, 1926]

MODERATE RECESSION POSSIBLE

A number of developments in the last few months have led to a rather general belief that some recession, or at least some slowing down in the rate of expansion, is likely to occur in the near future. Curtailment has, in fact, already appeared in some directions. The declines in building activity and automobile manufacture, the so-called "key industries"; the downward movement of commodity prices; the effects of low cotton prices and of unfavorable conditions in some agricultural sections; the extremely high level of stock prices and of speculative activity in the security markets; the diminishing export trade balance; political uncertainties; the outward movement of foreign capital which had taken refuge in this country during the period of inflation; increasing competition at home and abroad—these are among the factors that have been mentioned as indicating the approach of business reaction.

(Statement for the press)

FEDERAL RESERVE BOARD

The following is a summary of general business and financial conditions throughout the several Federal reserve districts, based upon statistics for the months of January and February, as contained in the forthcoming issue of the Federal Reserve Bulletin.

* * * * * * *

Building contracts awarded in 37 States during the first 7 weeks of the year were smaller in value than those for the same period of 1926. Decreases have been largest in New York and in the New England, Southeastern and Northwestern States, while increases occurred in the Middle Atlantic and Central Western States. By types of building, contracts awarded for residential and industrial building in January showed large reductions as compared with December and with January, 1926, while contracts for commercial buildings were larger than a month or a year ago.

TRADE

Retail trade showed more than the usual seasonal decline between December and January. Sales of department stores were in about the same volume as a year ago, while those of mail-order houses were 7 per cent smaller. Wholesale trade declined in nearly all leading lines in January and was considerably smaller than a year ago.

* * * * * * *

PRICES

The general level of wholesale prices declined fractionally in January, according to the index of the Bureau of Labor Statistics, considerable advances in prices of livestock being somewhat more than offset in the total by decreases in nearly all other commodity groups included in the index. Prices of nonagricultural products as a group declined to the lowest level since early in 1922. In February there were decreases in the price of iron and steel, nonferrous metals, bituminous coal, grains, and hides, while prices of cattle, sheep, cotton, and gasoline increased.

[From speech of Senator GOODING, CONGRESSIONAL RECORD, February 9]

BANK FAILURES AND FARM FORECLOSURES

If there is any doubt in the mind of any Senator that agriculture can continue under the present conditions, I hope he will listen while I tell the story of the mortgage indebtedness and other losses that have come to the American farmer. In 1920 the Government reports show that the mortgage indebtedness of the farms of this country was $3,500,000,000, while to-day the mortgage indebtedness on the farms in America is $12,450,000,000; and if we measure the losses that have come to agriculture in the decline in the value of farm lands and farm prices since 1919, the American farmer has suffered a shrinkage in the value of farm lands and a loss in the price of farm products of more than $32,000,000,000.

Since 1920 more than 2,000,000 farmers have lost their homes through foreclosure or are retaining them to-day through the leniency of their creditors, and between three and four millions of our farm population has been forced to leave the farm to find employment in the great cities. Nine per cent of the farm homes of America are vacant and stand out as silent sentinels of the tragedy that has overwhelmed agriculture during the last few years.

Mr. President, the farmers are not the only ones that have suffered since the deflation policy was forced upon this country in 1920. The number of bank failures that have occurred in the agricultural States since 1920 is appalling. I have a list here of the bank failures beginning with January 1, 1910, up to June 30, 1920, and also a list of the bank failures that have occurred since July 1, 1920, to December 31, 1926. This list I offer for the RECORD. It shows a total of 3,089 banks have closed their doors and not reopened. This number does not include the failures of State banks from July 1, 1926, to January 1, 1927. There have been more bank failures in six years than the total number of bank failures for half a century prior to 1920.

I want to call the Senate's attention to the fact that there were few, if any, bank failures in the agricultural States from 1910 to 1920. The bank failures in the agricultural States of the Union during that period was very much less in proportion than in the industrial States. But since 1920 this condition has been radically reversed; there have been fewer bank failures in the industrial States, while in many of the agricultural States the number of banks that have failed is staggering to any thoughtful American.

CONDITIONS IN COTTON STATES

(Senator SMITH of South Carolina, January 12, 1927)

Mr. SMITH. Mr. President, I shall not take up much of the time of the Senate, but I can not allow the general broad statement of the Senator from Louisiana [Mr. RANSDELL] in reference to the conditions in the South to go without an explanation.

The industrial features in the South, like all the others throughout the Nation, are, perhaps, as prosperous as or more prosperous than they ever have been. I think that is largely due to the fact that the raw material upon which they depend is, perhaps, cheaper than it has ever been so far as the relative values of things go.

I want to state that so far as the agricultural interests in the South are concerned, particularly in the State which I represent, I do not think they have ever been in a condition so deplorable as the condition which now exists. The strange anomaly has occurred that we have made, perhaps, the greatest cash crop of the South in its history and are bankrupt because of that fact. It is an imperishable product. Some of it 50 years old is now in warehouses as valuable commercially as the day it was gathered, and yet on account of the economic system which is operating in the country the production of an abundance of that material has practically bankrupted not only my State but the cotton-producing South.

One of the manufacturing processes dependent upon the production of cotton, the cottonseed-oil industry, is more prosperous, perhaps, than it has ever been. I am not speaking authoritatively, but I am judging by appearances throughout the State. This strange thing has happened. The edible fats derived from cottonseed are not only a substitute for but are as good as the edible fats derived from animals, and yet strangely enough, with animal products soaring and the cost of living thereby becoming almost intolerable, the price of the products out of which these edible fats are derived has gone down to where it scarcely pays for the hauling to market. In other words, cottonseed is largely not a substitute for but a competitor of the dairies.

Mr. SMITH. I want to state that even though we run counter to the traditions and precedents of the Government, it may be necessary for the Senator from Maryland and the Senator from South Carolina to break precedents, to break the rule of our Government up to the present time, in order to meet a condition which never existed before in the history of the world.

Mr. BRUCE. In other words, the Senator thinks the time has come, perhaps, when the Government should subsidize agriculture. Is that true?

Mr. SMITH. No; I am not saying that the Government should subsidize agriculture, but I am saying that we must find a way to bring about a better basis of comparative values between the finished product and the raw material than we now find. It may necessitate an amendment to our banking and currency law. It may necessitate the Government taking cognizance of the rate of interest and the methods by which money can be put into circulation. I understand that one of the banks in New York has on deposit a billion dollars. So far as security in the South is concerned, necessarily that security becomes vitiated if the products of the security are practically valueless. This is a problem to which the Senate and the Congress should address serious thought. It is not a theory. It is an actual appalling condition.

Mr. BRUCE. May I ask the Senator from South Carolina if ever before in the history of his State cotton has been down to 8 cents?

Mr. SMITH. Yes; and meat was down to 8 cents. Now cotton is down to 8 cents and meat is 35 cents. Cotton was down to 8 cents and 5 cents and a shirt cost 75 cents. Now cotton is down to 8 cents and a shirt costs $2.50. Beef on the hoof went down once to 3 and 4 cents a pound and the best shoes were selling at $5 the pair. To-day beef is down to 4 and 5 cents on the hoof and shoes are $12 to $15 the pair. That is the condition to which the Senator and I must address ourselves.

Mr. BRUCE. That is a bad condition, but it brings me back to my question. How is that to be corrected by legislation?

Mr. SMITH. The condition in agriculture is such that honest men, not familiar with the methods of trade, not familiar with the methods of combination, can not organize. The Senator from Maryland knows as well as I know that the logic of events to-day is combination. Facilities for transportation, facilities for communication, methods of getting together, are perfect, and the rewards are so great that the very logic of events is organization and combination.

Mr. BRUCE. Why do not the farmers get together? The farmers constitute a large proportion of the population of our country. The greater part of the political power of the country is lodged in the farmer. His Representatives in Congress are only too prompt to heed any suggestion that he makes.

Mr. SMITH. The Senator knows as well as he knows anything that the great manufacturing plant of nature, known as the farm, responds even to a mark in the ground, and that the lowest form of intelligence can keep the weeds away and stir the soil, and consequently the great mass of those who are not educated in the sense of the power of combination are those who feed the Senator and clothe the Senator, and they can not, in the very nature of circumstances, organize themselves into that compact condition, that almost irresistible phalanx, in which industry and capital have organized themselves.

[From the Journal of Commerce, March 30, 1926]

VALUE OF FARM LANDS SHRINKS—DECREASE, 31.1 PER CENT IN FIVE YEARS, AND FARM ACREAGE 3.2 PER CENT IN THE SAME TIME

WASHINGTON, March 29.—The total value of all farm property decreased about $17,000,000,000 from 1920 to 1925. The decrease was in the value of the land, according to a preliminary Census Bureau report for 1925. The figures were for all property $66,316,000,000 for 1920 and $49,546,000,000 for 1925.

Farm acreage stood at 955,883,715 acres in 1920 and at 924,889,000 acres in 1925. The decrease of about 31,000,000 acres was 3.2 per cent. The number of farms was 6,488,343 in 1920 and 6,371,617 in 1925. The intervening increase in the number of tenant farmers was just one-half of 1 per cent, to 38.6 per cent of the whole number of farmers in 1925.

The report places the value of farm buildings in 1925 at $11,767,000,000, an increase of approximately $281,000,000 over 1920. Farm-land valuation was $37,779,000,000 in 1925 and $54,829,000,000 in 1920. The decrease was 31.1 per cent.

Livestock on farms has decreased perceptibly over the five-year period, the total of all cattle dropping from 66,639,556 head in 1920 to 61,571,752 head in 1925. The report showed 19,767,000 horses in 1920 and 16,535,000 in 1925. The number of mules showed a slight increase, rising from 5,432,000 in 1920 to 5,730,000 in 1925.

[From the Amalgamated Journal, May 13, 1926]

FARM LAND VALUE SHOWS DECLINE

(By International Labor News Service)

WASHINGTON, D. C.—The farm land of the United States now has an average value of $62 per acre, the Department of Agriculture economists estimate. This marks a sharp decline from the first three years following 1920 and a small decline below last year and the year before.

In 1925 the average value of farm land was estimated at $63 per acre compared with $64 in 1924. In 1921 the estimated per acre value was $84. It dropped to $70 in 1922 and to $67 in 1923.

Farm values shot upward during the war, and stayed there through most of the year 1920. During this time farm products were selling at the best prices producers ever received. There came a slump and with it a drop in the value of land.

While this year and the two previous ones have seen a declining tendency, the movement has been very much retarded compared with the previous three years and this fact leads to the belief that the downward curve soon will touch the bottom and from that point turn upward.

[From the United States Daily, February 18, 1927]

INDUSTRY REPORTS LESS EMPLOYMENT AND PAY ROLL CUT—FORCES OF WORKMEN REDUCED IN JANUARY 3 PER CENT UNDER SAME MONTH LAST YEAR

Employment in manufacturing industries in January of this year fell off about 3 per cent as compared with employment in January, 1926, according to a statement February 17 by the Bureau of Labor Statistics, Department of Labor.

As compared to December, employment in January showed a 1.7 per cent decrease. The pay rolls fell off 4.9 per cent.

The automobile industry employed one-fifth less force in January, 1927, as compared with January, 1926. Other industries which showed decreases were: Agricultural implements, stamped and enameled ware, millwork, steam fittings, hardware, shirts, and silk goods.

REDUCED EMPLOYMENT

The full text of the statement follows:

Employment in manufacturing industries fell off 1.7 per cent in January, as compared with December, and pay-roll totals decreased 4.9 per cent, according to a preliminary report of the Bureau of Labor Statistics. Inventory taking and repairs customarily slow down factories in January and are accountable for a part of the declines in this instance.

Both employment and pay-roll totals were slightly over 3 per cent lower in January, 1927, than in January, 1926.

The bureau's weighted index of employment for January, 1927, is 89.4, as compared with 90.9 for December, 1926, and 92.3 for January, 1926. The weighted index of pay-roll totals for January, 1927, is 90.9, as compared with 95.6 for December, 1926, and 93.9 for January, 1926.

This report is based on returns from 10,318 establishments in 54 manufacturing industries, having in January 2,930,842 employees, whose combined earnings in one week were $74,489,880.

DECLINE IN WORKING PERCENTAGES

Cause for alarm or proof of prosperity was found by the National Industrial Board in the fact that the working percentage in the United States is declining.

Thus—	Per cent worked
In 1910	41.5
In 1920	39.4
In 1925	37.2

If were computed the steady decline in number of hours worked by each individual and the steady increase in the luxury to be had for an hour's work, it might be found that it took nearly 50 per cent more work to support a family (on the same scale) under President Taft than under President Coolidge.

Of the 42,910,000 people who were paid for work in 1925, the classification was estimated as follows:

	Per cent
Manufacturing and mechanical industries	29.9
Agriculture	24.5
Trade	10.7
Transportation	7.6
Clerical	8.9
Professional	5.5
Domestic and personnel	8.4

Clerical workers show the biggest increase during the last 15 years; farmers the biggest decrease.

DECLINE IN MANUFACTURING INDUSTRIES

(See Federal Reserve Bulletin, January, 1927)

Activity in manufacturing industries declined in November and December. Wholesale prices declined to the lowest level in two years.

Factory employment and pay rolls also declined in November, reflecting decreased activity in many important industries. Automobile production and allied industries declined sharply and the output of automobiles was smaller than in any month since August, 1925.

The general level of prices of farm products at the farm declined from November to December. (See table Federal Reserve Bulletin, p. 11.)

Mining and manufacturing activity as indicated by the physical volume of production and by employment and pay roll also declined during November and was lower than in any other month during the year.

Some of this decrease was due to seasonal declines in a number of industries, but there were also reductions of wage payments in industries not materially affected by seasonal influences.

For the month of December, 1926, the automobile industry reported losses of 5.6 per cent in employment and over 15 per cent in employee's earnings. The allied industries of the iron and steel dropped 2.3 per cent of its employees, while losses of considerable size occurred also in steam fittings, stoves, boots and shoes, confectionery, cane-sugar refining, paper boxes, fertilizers, cement, brick, glass, carriages and wagons.

While this may be due in some measure to these being seasonal occupations the volume of employment in December, 1926, was 2.6 smaller than in December, 1925, and pay-roll totals were 1.7 per cent smaller.

When compared to figures of a year ago (1925) the eastern central divisions, both North and South, also show a decline in employment of about 7 per cent each. In this regard it is interesting to note the variations from previous years—

In December, 1926, in New England the percentage of those employed was 95.2 per cent, as against 97.3 per cent in the December of 1925.

In the Middle Atlantic States in the same month (December, 1926) the percentage of employed was 95.4 per cent, as compared with 98.6 per cent employed in 1925.

The East North Central States also show a decline in the same month. In December, 1926, 92.6 per cent of wage earners were employed in the industries, as against 99.6 per cent in 1925.

REPORT FOR THE WHOLE UNITED STATES ON BOOT AND SHOE INDUSTRY, JANUARY 15, 1927

According to data collected at the biennial census of manufactures taken in 1926 for the whole United States for boots, shoes, and other footwear, made of leather and other materials, the total output was valued at $925,383,422, a decrease of 7.5 per cent as compared with $1,000,078,022 for 1923.

In 1923 the industry was represented by 1,606 establishments, and decreased to 1,460 in 1925, a loss of 204.

Wage earners numbered:	
1925	206,992
1923	[1] 21,606
Value of manufactures estimated at:	
1925	$443,751,458
1923	[2] 472,621,154

BOOTS AND SHOES IN MASSACHUSETTS

In 1923 there were 595 establishments employing 69,397 and earning wages of $82,916,416; this decreased in 1925 to 537 establishments and $65,496,971 to wage earners.

In New Hampshire the value of the products of the boot and shoe industry fell from $55,036,364 in 1923 to $52,631,681 in 1925.

New Jersey suffered an even greater loss.

In 1923 the value of her boot and shoe products was $10,618,431. This fell to $7,171,553 in 1925.

A decline in the number of establishments engaged in the boot and shoe industry is noted in other than New England States.

In the Middle West the decline in the value of the shoe industry amounted to nearly a million dollars in 1925, as compared with the output of 1923.

Exact figures in Michigan:

	Value of products
1925	$4,544,765
1923	5,411,101

In Ohio the value of this product in 1925 was only $51,546,890, as compared with $60,730,568, which was the value of the output in 1923.

In Pennsylvania another sharp decline is to be noted.

In 1923 this State employed 13,100 wages earners, the value of whose products is estimated at $50,056,066. In 1925 there were only 11,438 in this State in the shoe factories, and the value of their industry had fallen to $42,037,228.

With these few examples of the general decline in the boot and shoe industry it is interesting to note that in the whole United States only a few States have been able to break even in this industry, the large majority having sustained a decided loss.

(See summary by States.)

[From the Boston Globe, February 16, 1927]

MAY CALL MAYORS TO DISCUSS MILL CRISIS—GOVERNOR CONSIDERING MOVE IN ATTEMPT TO PREVENT MORE CLOSE-DOWNS AS RESULT OF TEXTILE DEPRESSION

By M. E. Hennessy

It was announced at the State House the other day that Governor Fuller was considering calling a conference of Massachusetts mayors to discuss the textile situation.

From all over New England comes word that the mills need legislation and lower taxation if they are to prosper.

Many of the older mills have been shut down, and in other cases have suspended business or have been merged with other mills.

That the New England textile industry has been hard hit has been known for some time. While mill men say there has been a slight improvement in the trade, in the same breath they assert that things can not go on as they are. They contend that unless something is done toward lowering cost of production, the procession of old-established mills going out of business will be appreciably lengthened.

LIST INDICATES SLUMP

Following is a list of New England mills that have gone out of business in the past few years, clearly indicating the seriousness of the situation:

Quidnick Manufacturing Co., Quidnick, R. I.
Windham Manufacturing Co., Willimantic, Conn.
Salmon Falls Manufacturing Co., Salmon Falls, N. H.
Nockege Mills, Fitchburg.
Slater Yarn Co., Pawtucket, R. I.
Parkly Mills, New Bedford.
Katama Mills, Lawrence.
Avon Mills, Lewiston, Me.
Pocasset Manufacturing Co., Fall River.
Hebron Manufacturing Co., Hebronville.
Seaconnet Mills, Fall River.
Anco Mills, Wilkinsonville.
Shetucket Co., Greenville, Conn.
Falls Co., Norwich, Conn.
Manhasset Manufacturing Co., Putnam, Conn.
United States Cotton Co., Central Falls, R. I.
Attawaugan Co., Attawaugan, Conn.
Totokett Manufacturing Co., Versailles, Conn.
Danielson Cotton Co., Danielson, Conn.
Manchaug Mills, Readville.
Lowell Textile Co., North Chelmsford.
Westville Spinning Mills, Taunton.
Reid Mills, Co., North Oxford.
North Scituate Cotton Mills, North Scituate, R. I.
Wright Manufacturing Co., Lawrence.
Fairhaven Mills, New Bedford.
Taunton Manufacturing Co., Providence.
Killingly Manufacturing Co., Killingly, Conn.
Corr Manufacturing Co., Taunton.
D. Goff & Sons, Providence.
William A. Slater Mills, Jewett City.
Mohegan Cotton Mills, New London, Conn.
Spencer Yarn Co., Adamsdale.
Putnam Manufacturing Co., Putnam, Conn.
Nightingale-Morse Mills, Putnam, Conn.
Eagleville Co., Providence.
Lawrence Manufacturing Co., Lowell.

Besides the above, the Ancona Mills, Fall River, closed January 25 and the bondholders have taken over the property.

The following mills have been absorbed: Tecumseh Mills, of Fall River, by the Davol Mills, of Fall River; Tremont and Suffolk Mills, of Lowell, by the Nashua Manufacturing Co., of Nashua, N. H.; Mechanics Mills, of Fall River, by the Weetamoe Mills, of Fall River; Hargraves Mills, of Fall River, by the Parker Mill, of Fall River.

Several New England mills have moved parts of their machinery to southern points.

REASONS FOR DEPRESSION

The mill situation was outlined in a recent article in the Globe, and the reason for the slump pointed out. Manufacturers generally agree that the chief reasons for poor business in this section are labor costs and falling off of demand for cotton goods for wear by women who insist on silk underwear and dress goods. Even the cotton-mill operatives themselves, it is claimed, refuse to wear cotton.

In one Massachusetts mill, where a demand was made for higher wages, it is said that the superintendent called in the women operatives, a majority of whom wore silk stockings, and informed them until they set the example and returned to cotton, thereby increasing the demand for the product of the mill, there was little chance for increasing their wage.

Southern competition also is playing havoc with New England mills.

Many old New England families whose all is invested in what was once gilt-edged mills securities to-day find themselves in straightened circumstances. Their stock has shrunk to a fraction of what they paid for it and they have not experienced the pleasure of a dividend for some time.

Take the case of the Pacific Mills, whose stock has dropped from 80 to 40. During the past two years these old famous mills have lost money.

Not long ago the Lockwood Manufacturing Co., of Augusta, Me., passed its dividend because the corporation was called upon to pay $137,000 excess-profit taxes of several years back, although the corporation had closed its account with the Federal Government, and the additional assessment was a surprise to its directors.

OTHER INSTANCES

It was announced recently in news dispatches from Lawrence that the Everett Mills of that city were facing a crisis and stockholders were called upon to make a choice of providing new capital of $700,000 or of liquidating, which would throw more than 1,800 employees out of work. The situation was placed before the shareholders by the treasurer, F. C. McDuffie, and a special meeting is called in this city February 23 to consider what shall be done.

From Adams comes word that the Renfew Mills, makers of cotton goods, an old-established concern, is in a bad way. According to the treasurer, Donald M. Hill, "unless additional capital can be raised, the company must liquidate, as the banks, the principal creditors of the concern, decline to continue as at present. The management called in Fred W. Steele, agent of the Tremont & Suffolk Mills of Lowell, to survey the situation. Mr. Steele reported that, in his opinion, the company could be put on a paying basis if money can be obtained to provide new equipment.

Early this month, Frederick L. Jencks, president of the Manville-Jencks Corporation of Woonsocket, R. I., spent three hours in conference with a committee of local business men to decide whether this $8,000,000 concern will continue in business in that city. President Jencks informed the conference that unless his company receives some substantial relief from local taxes, his three mills will close down and the business removed to some other State.

ACTUAL WANT IN MAYNARD

The great Amoskeag Co., at Manchester, N. H., has put it squarely up to the municipal authorities, that taxes must be reduced or the mills retrench expenses and weed out its help. Any curtailing at this plant affects the entire city.

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[1] Showing a decrease of 9.1 per cent.
[2] Showing a decrease of 6.1 per cent.

Less than a month ago, officials of the old Pocasset Mills of Fall River, established 106 years ago, voted to liquidate. Last year these mills lost $324,000. The plant consists of five big mills in the heart of the city, and for many years were among the best-paying mills in that city.

Another Fall River cotton mill which has decided to retire from business is the Ancona. A few days ago the Methuen and Pemberton Mills of Lawrence were sold at auction. Both were among the oldest cotton mills in that city.

The mills at Salmon Falls, N. H., are shut down and the town authorities have reduced the valuation one-half in the hope that the owners will see their way clear to starting them up again.

Lack of food and clothing among the mill workers in the once prosperous town of Maynard is felt, and Boston charities have appealed for contributions of clothing for the children of that village.

The Gleasonadel Woolen Mill of Stow, established more than 100 years ago, recently asked the town authorities for a reduction of taxes, and a cut of one-third has been voted. This mill employs 100 hands and has an annual pay roll of $200,000. Explaining the situation to a committee of business men of the town, the treasurer of the company, C. J. Fuller, said that while many concerns had left Massachusetts in recent years, he was not a pessimist, but he impressed upon his hearers that unless something was done to help the textile situation New England would soon be stripped of its mill business.

For months the affairs of the Hamilton Mills of Lowell have been in litigation, and some of its officers became involved in court proceedings of a criminal nature. This, too, was one of the old established mills. It lost a lot of money and its property, once valued at $3,000,000, now is to be sold for $700,000 to a group of mill men headed by Arthur L. Sharpe, former treasurer of the company. Not many years ago its stock sold above par, but to-day the shareholders will be lucky if they get a fraction of its cost to them.

THE CARDED WOOLEN MANUFACTURERS ASSOCIATION,
Boston, Mass., February 18, 1927.

DEAR SIR: We learn from to-day's papers that the governor has asked your opinion regarding the advisability of a conference of Massachusetts mayors and selectmen to consider ways and means to restore the textile industry to its former prosperity.

Regardless of whether this proposed conference is held or not, we ask you to use your influence, official and personal, to bring to the attention of Congress, the governor, and the public the necessity of relieving the woolen and worsted industry of the burden imposed on it by the present ill-adjusted and excessive tariff tax on raw wool.

Wool used for carpets is now on the free list. Wool used for clothing is taxed 31 cents per pound, regardless of the value, which varies from 25 cents to $1.30 per pound. This is like taxing every parcel of real estate a fixed amount, say $500, regardless of whether it is valued at $2,000 or $250,000.

This 31-cent tax on the great bulk of the raw material of the wool-manufacturing industry varies from 40 to 100 per cent of the value of the wool, or from one to two and one-half times the total labor cost of converting the wool into cloth in the mills.

Permanent prosperity can not be expected in wool manufacturing until this tariff burden is corrected by giving the American woolgrower and wool manufacturer reasonable protection and taxing wool at the customhouse as real estate is taxed; that is, by a uniform percentage of its value.

This tariff question is the main issue so far as wool manufacturing is concerned, and we ask you to insist that it be faced.

Yours very truly,

CARDED WOOLEN MANUFACTURERS ASSOCIATION,
——— ———, *Director.*

[From the magazine of Wall Street, October 23, 1926]

STATEMENT ON PROSPERITY, OCTOBER, 1927

(Statement by Senator JOE T. ROBINSON, of Arkansas, minority leader in the United States Senate)

Claims of rigid economy and that the Republican administration has brought an era of great prosperity to the country do not comport with the facts. In every year since the beginning of the Harding-Coolidge administration, the ordinary expenses of the Government have been increased. There is a degree of prosperity in the country, of course, but it is not general. It is enjoyed by certain special interests which have had special favors conferred upon them.

Prosperity has certainly not been enjoyed by the farmers, who since 1920 have suffered an economic loss in the value of their farm lands and buildings and in the annual value of their crops totaling $30,000,000,000.

As for the industrial workers, the most recent comparison by the Department of Labor shows that unemployment in 1926 is 20 per cent greater than in 1920, and total pay rolls 25 per cent less than in that, the last year of Democratic administration.

Deplorable increases in the number of bank and commercial failures, and in their liabilities, show, too, that conditions are constantly growing worse. They are in large part due to the serious plight of the farmer, whose average buying power is normally $6,000,000,000 and at present greatly under that figure, and whose inability to buy is always reflected in a slowing down of industry generally.

[Editorial, Philadelphia Record, Wednesday, September 8, 1926]

PROSPERITY

It was a happy inspiration of the President to select prosperity as the Republican campaign issue. An issue is a matter regarding which there is, or appears to be, a difference of opinion. If the President could only impress his idea upon all the people the issue would disappear, because nobody would vote against it and Congress would be unanimously Republican.

But prosperity is the kind of issue that virtue is, or honesty or enlightenment. There is no difference about the thing, but there is a great difference of opinion about the means of attaining it. If the President can convince the whole population that prosperity is due to the Republican party, then we should dispense with elections entirely, continue Mr. Coolidge in the Presidency for life, and perpetuate the present Congress.

How prosperous the country is the Federal taxes show. Twelve hundred corporations will make over $5,000,000,000 this year. What more conclusive evidence of prosperity could be offered than that? Three hundred and ninety-eight thousand corporations will not make quite so much in the aggregate, but most of them will make enough to contribute to Republican campaign funds. One hundred and sixty-eight corporations have made an average of $13,500,000 this year, an aggregate of $2,300,000,000. It is a great deal easier to get campaign funds from a few rich men than from a great many men in moderate circumstances. Although the administration has been obliged to antagonize a few trusts, in the main its attitude has verified the tip given by the President's friend, Senator Butler, last year to the textile manufacturers, that there would be no more "Paul-prying," and has explained last year's report on trust prosecutions made by Mr. Donovan, who is now posing as a mighty hunter of trusts, announcing that 50 cases had been stricken from the docket of the Department of Justice and the policy of the department had been radically changed. Only in gross cases would the Government interfere with the corporations.

The New York Journal of Commerce says of this characteristic notion of the President that prosperity can be treated as a political issue:

"But who, having thought at all carefully about the matter, supposes that the administration at Washington has had any particularly important part in all this? Who among such observers does not know perfectly well that what we so glibly speak of as 'prosperity' at the present moment has its roots in facts and conditions pretty largely entirely beyond the control of the politicians."

Of course, that is nonsense in the opinion of Mr. Coolidge. Very recently he was posing as the author of whatever improvement there has been in business since the death of President Harding. He then disclaimed being the cause of it, but if he was not the cause of it why should he and his associates claim popular support on the ground of prosperity? If Mr. Coolidge did not create the prosperity of the last three years, he can not claim it as a political asset. The Republican Party carried the country in 1908 when it was suffering from the Roosevelt panic, and Mr. Coolidge himself was reelected two years ago in the face of the prostration of the textile industry.

As to the present prosperity, the Journal of Commerce says:

"There is the highly inflated condition of consumer credit, for one thing, that ought not to be forgotten for a moment. Building activity is 'slipping' and without much question is destined to 'slip' a good deal more before it gets much better. The motor industry and several others have become distinctly overexpanded within the past few years, while 'prosperity' reigned. The meaning of these and similar facts is simply that at some time, almost certainly before we face another general election of the sort taking place this autumn, we shall find ourselves a good deal less 'prosperous' than is the case to-day."

NEW YORK, N. Y., *March 1, 1927.*

Senator WALSH of Massachusetts,
Washington, D. C.:

Heartily indorse your plan for economic survey. Be assured of the support of our research bureau without remuneration to us.

THE INDUSTRIAL DIGEST,
45 West Forty-fifth Street, New York City.

BOSTON, MASS., *March 1, 1927.*

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

Your resolution is a sound document. It shows an intelligent understanding of the real conditions. You are right. Prosperity is the child

of propaganda. It is a political fiction. Hope Senate accepts your suggestion. It is the most constructive proposed in years and the most needed to-day. If your colleagues are sincerly interested in the welfare of the people, they will pass it. Their rejection of it emphasizes either their ignorance of industrial conditions or disinterestedness in the people whose servants they are.

HENRY J. RYAN.

INTERNATIONAL ASSOCIATION OF MACHINISTS,
Boston, Mass., March 1, 1927.

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

DEAR SENATOR WALSH: I read with keen interest your statement contained in the Boston papers of yesterday, relative to the resolution which it was stated you was to introduce in the Senate, providing for a commission of Senators to investigate the economic state of the Nation. I want to congratulate you on your action in this matter, and earnestly hope your resolution will be agreed to and the commission appointed.

While I have no doubt the scope of the proposed investigation, as stated in the newspaper article, is fully justified, I am particularly interested in the situation here in New England. I have absolutely no political interest in this matter, but in view of the fact we are continually being told of the wonderful prosperity of the country, whereas I know from personal experience and observation there are an unusually large number of our men and women either totally unemployed or else working only part time, and it seems to me this situation after continuing over a period of many years justifies the most serious study and investigation by our Government.

I earnestly hope you may be successful in your efforts.

With best wishes, I am,

Cordially yours,

ROBERT FECHNER,
General Vice President.

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121 NEWTONVILLE AVENUE,
Newton, Mass., February 28, 1927.

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

DEAR SENATOR: Thank you for introducing the resolution reported in to-day's Boston Herald, calling for the appointment of a committee of 15 Senators to make a "sweeping inquiry into the economic state of the Nation," etc.

We surely need a sensible, comprehensible, and unified survey of present economic conditions, and, more than anything else, a "sound and sane solution" to them.

We trust you will succeed in getting your resolution adopted and the inquiry started at the earliest possible date.

Sincerely yours,

A. C. BANG.
MRS. ELEONORE E. BANG.
W. E. BIRDSALL,
118 Newtonville Avenue, Newton, Mass.
MRS. W. E. BIRDSALL,
118 Newtonville Avenue, Newton, Mass.

THE NORTH AMERICAN REVIEW,
OFFICE OF THE EDITOR,
New York, February 28, 1927.

Senator DAVID WALSH,
Senate Building, Washington, D. C.

DEAR SENATOR WALSH: This morning I was impressed by the report of your proposal to secure the appointment of a committee of the Senate to make a sweeping inquiry into the economic state of the Nation.

I agree with you that such an inquiry, if thoroughly undertaken and ably handled, would prove of the highest importance. There are conditions now present which would develop seriously and endanger our economic future unless recognition be taken in season so as to forestall a collapse.

It is the part of wisdom to bring about such a survey when upon the surface everything looks prosperous and sound.

Would you care to develop your ideas on this subject in an article of approximately 3,000 words for the North American Review?

Believe me.

Faithfully yours,

WALTER B. MAHONY.

VOSE & SONS PIANO CO.,
Boston, Mass., February 28, 1927.

Senator DAVID I. WALSH,
Washington, D. C.

MY DEAR SENATOR: It does the writer good to read of your trying to find the copious prosperity which the administration propagandists have been sending out through the press and radio for the last two years. However, I am afraid it will take a good-sized microscope to find it. The sad stories we get from all parts of the country do not support the claims of our good friends in the White House. I might add that the only example where there is exceeding prosperity is the use of the State's taxation funds which are more now than during the war and, last but not least, our own blessed State of Massachusetts.

Congratulating you for being representative of the times, fair and fearless in your efforts to bring about a true condition of affairs before the people, and of which your constituents are very proud, I remain,

Yours very truly, D. D. LUTHER, *Vice President.*

THE CENTRAL HOTEL,
Bainbridge, N. Y., February 28, 1927.

Senator WALSH of Massachusetts,
Washington, D. C.

HON. SENATOR: The New York Herald-Tribune prints to-day Associated Press dispatch under date of February 27, your proposed inquiry on United States economic ills.

That is the most forward step to come from your honorable body (the United States Senate) in a decade. Few people realize the present trend "toward a carouse that can only end in the impoverishment of the many and the enrichment of few."

I have been a successful salesman for 20 years—a student of business—and it is plain to me things are not what they seem.

All your suggested powers of committee are very timely. Consolidation of industries in particular needs consideration by your honorable body.

I have been a Republican all my life and my forefathers were too, but if Democrats will take up the real issues which are clearly pictured in your proposed inquiry, I am a Democrat.

Yours respectfully,

M. O. COOLEY,
107 Dryden Ave., Utica, N. Y.

UNITED TEXTILE WORKERS OF AMERICA,
New York, March 1, 1927.

Hon. DAVID I. WALSH,
Senator from Massachusetts, Washington, D. C.

MY DEAR SENATOR: I know that the sessions in Washington will be adjourned pretty soon, and I am wondering if it will be possible for me to see you relative to the investigation which you have asked about. I think we can give you data that will be of the greatest service to you.

Sincerely yours,

SARA A. CONBOY,
Secretary-Treasurer United Textile Workers of America.

NEW BEDFORD, *February 28, 1927.*

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

DEAR SENATOR: I have read with great interest your wonderful resolution which you are to introduce in the Senate to-morrow relative to the economic state of the Nation.

I think this is one of the biggest resolutions ever presented to the Senate for their consideration, because it touches the pursestrings of every man, woman, and child throughout the country.

* * * * * * *

I am at present working in New Bedford and I see at first hand the condition of the textile industry. It is a shame; the claim of the Republican Party that the country is prosperous is a joke. Not only is there a depression in the textile industry, but other industries in New England are hard hit. The telephone company is laying off men and girls every day; the Boston Elevated, Blake & Knowles Pump Works, and most every industry in Massachusetts is dropping help. No doubt you know this, but it is good for us to let you know that we notice such things.

I sincerely hope you will push this resolution through with all your energy; and no doubt it will bear fruit, and you will have the thanks of the rank and file of the people of the country.

* * * * * * *

E. WILLIAM MURPHY,
70 Park Street, Melrose, Mass.

1323 CLIFTON STREET NW.,
Washington, D. C., March 1, 1927.

Hon. DAVID I. WALSH,
United States Senate.

DEAR SENATOR: We were much interested in your speech in the Senate this afternoon and would like a copy of it with the statistics, etc., if one is available.

We believe, with you, that ours is not a real and substantial prosperity at the present time, and while there are other than political causes behind most of this lack, your challenge was a good one, that the Senators be willing to go into extra session, to study the peoples economic situation, and extend such help as is possible for their relief.

Respectfully yours,

EDWARD F. DICKINSON.

PHILADELPHIA, *March 1, 1927.*

Senator WALSH.

DEAR SIR: I see you are proposing a committee of 15 to make a sweeping inquiry into the economic state of this Nation.

Nearly all the papers, especially the "financial," are talking prosperity, but I know it to be at variance with the absolute facts. They may be right in a way; they would not want to be "calamity howlers," and they are only deferring a great panic.

I have been in the advertising-soliciting business for near 40 years; I get among all classes—manufacturers and retailers, textile and iron and steel; machinery, etc.; and I know whereof I speak. I know business is rotten, merchants in all lines also tell me that and say business is duller now, than at this time last year, etc.

Prohibition is doing it.

Yours truly,

JNO. H. MULLIGAN,
4441 North Nineteenth Street.

During the delivery of the speech of Mr. WALSH of Massachusetts,

Mr. WARREN. Mr. President, will the Senator yield to me to enable me to make a report?

Mr. DILL. I object, Mr. President.

Mr. WALSH of Massachusetts. I said a few minutes ago that we might as well adjourn now. Everything is going to be objected to from now on.

Mr. WARREN. I simply wish to report the second deficiency appropriation bill.

Mr. DILL. I object, Mr. President.

The PRESIDING OFFICER (Mr. FESS in the chair). Objection is made.

Mr. WARREN. What is the Senator's idea?

Mr. DILL. The rule says that there shall be no business transacted while cloture is in force, and I am simply helping to carry out the rule.

Mr. WARREN. So the Senator objects?

Mr. DILL. I do.

The PRESIDING OFFICER. The Senator from Massachusetts will proceed.

After the conclusion of the speech of Mr. WALSH of Massachusetts,

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16288. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 15476. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 17044. An act to provide funds for the upkeep of the Puyallup Indian cemetery at Tacoma, Wash.; and

H. R. 17334. An act 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.

BUREAUS OF CUSTOMS AND PROHIBITION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury.

The PRESIDING OFFICER (Mr. FESS in the chair). The question is on the amendment reported by the committee on page 3, line 23.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that I may send to the desk some amendments to Senate Resolution 364 and have them read, printed, and lie on the table.

Mr. LA FOLLETTE. I object.

Mr. REED of Pennsylvania. Then, in my own time, I will read them so that they may appear in the RECORD for the benefit of Senators who wish to consider the subject. I shall propose four amendments. The first one will be on page 2, line 4, after the figures "1926" to insert the following words:

And the said committee is directed to investigate whether in any primary or general election for United States Senator held during the year 1926, any voters have been denied the right to vote or to have their votes counted by reason of their race or color; and the committee is directed to report as soon as possible in the first session of the Seventieth Congress.

The next amendment which I shall offer, Mr. President——

Mr. REED of Missouri. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. REED of Missouri. Is the Senator from Pennsylvania now offering amendments?

Mr. REED of Pennsylvania. No, Mr. President. I asked unanimous consent to send them to the desk and have them printed and lie on the table, but that request was refused me, and now I am reading them into the RECORD so that the Senate may be advised of my intention.

The next amendment I propose to offer is on page 1, line 1, to strike out all after the word "Resolved" down to and including line 4 on page 2, which is the end of the resolution, and insert in lieu thereof:

That the Committee on Privileges and Elections is authorized and directed to take possession of and to open all ballot boxes and to examine and tabulate all ballots and scrutinize all books, papers, and documents, which are now in its possession or in the possession of any standing or select or special committee of the Senate, or any that shall come into its possession, concerning the general election held in the State of Pennsylvania on the 2d day of November, 1926.

The third amendment which I would offer in case the second were not agreed to would be on page 1, line 8, to strike out all after the word "is," and all of line 9, and to insert in lieu thereof:

authorized and directed to take possession of and to open all ballot boxes, and examine and tabulate all ballots.

The fourth amendment which I should propose would be to insert a new paragraph reading as follows:

That all subcommittees of the said special committee shall consist of not less than three members, and that no business shall be transacted by the said special committee or by any subcommittee thereof unless three or more members are present.

I have in mind a fifth amendment, Mr. President, which in effect would direct the committee to examine into the conditions surrounding any primary or general election in the year 1926, if a request directed to the special committee should be made by five Members of this body.

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

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. BLEASE. I should like to call his attention to the fact that he has overlooked the force bill and the antilynching bill.

Mr. COPELAND obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me to submit a request?

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

Mr. COPELAND. I yield.

Mr. ROBINSON of Arkansas. I ask unanimous consent that an evening session be held to-morrow, commencing at 8 o'clock, and that the unfinished business, if any, be temporarily laid aside, and that the Senate proceed to the consideration of the resolution of the Senator from Missouri [Mr. REED], Senate Resolution 364, and that not later than 10.30 o'clock to-morrow evening the Senate proceed to vote on all amendments that may be pending and upon the resolution itself.

Mr. REED of Pennsylvania. I am sorry, Mr. President, I can not agree to that.

Mr. ROBINSON of Arkansas. I thank the Senator from New York for yielding to me.

Mr. COPELAND. Mr. President, what is before the Senate?

The PRESIDING OFFICER. The reorganization bill; and the immediate question is the amendment of the committee on page 3, line 23.

Mr. COPELAND. Mr. President, the measure now pending in the Senate has no bearing upon the general principle involved in the eighteenth amendment or the Volstead Act. It has nothing to do with prohibition as such; it relates wholly to the question of enforcement. It proposes merely to take away from one division of the Treasury the functions of enforcement and administration and transfer them to another division.

The proponents of the measure say that such a transfer will make for more effective enforcement. They profess to believe that the manifold duties of the Internal Revenue Commissioner are such that he can not give proper attention to a matter of such importance.

Mr. President, I ask that at this point in my remarks the pending bill be printed with the amendments as contained in this print which is before us, Order of Business No. 1235.

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

Mr. COPELAND. I yield.

Mr. SMOOT. Does the bill contain all of the amendments that have been agreed to?

Mr. COPELAND. No; I ask simply to have it appear in my remarks as printed and found in Order of Business No. 1235.

Mr. SMOOT. Would it not be better to have all the amendments that have been agreed to printed with the bill?

Mr. COPELAND. No; I think not for this purpose. I do not think they would have any bearing on the discussion.

Mr. BRUCE. Mr. President, if the Senator will permit me just one minute——

Mr. COPELAND. I yield.

Mr. BRUCE. I think it would be unfortunate to print the bill and not print all the amendments that were offered to it. I am sorry; I should be only too glad to fall in with the request of the Senator if I could; but I feel bound to urge an objection to that.

Mr. COPELAND. Very well, Mr. President. I have no desire to have the French spoliations bill and all these other bills included in my remarks.

Mr. BRUCE. Will the Senator yield to me for a moment? I have not the slightest idea of offering any amendment that is not wholly germane to this bill. As other Senators know, I have lying on the table now an amendment to the pending bill striking out section 5, which, of course, is directly germane to the purposes of the bill.

Mr. COPELAND. Mr. President, objection having been raised to my request, I ask that the bill as it came from the House may be printed in my remarks at this point.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The bill (H. R. 10729) as passed by the House of Representatives is as follows:

An act (H. R. 10729) to create a bureau of customs and a bureau of prohibition in the Department of the Treasury

Be it enacted, etc., That there shall be in the Department of the Treasury a bureau to be known as the bureau of customs, a bureau to be known as the bureau of prohibition, a commissioner of customs, and a commissioner of prohibition. The commissioner of customs shall be at the head of the bureau of customs, and the commissioner of prohibition shall be at the head of the bureau of prohibition. The commissioner of customs and the commissioner of prohibition shall be appointed by the Secretary of the Treasury, and each shall receive a salary at the rate of $8,000 per annum.

SEC. 2. (a) The Secretary of the Treasury is authorized to appoint, in each of the bureaus established in section 1, one assistant commissioner, two deputy commissioners, one chief clerk, and such attorneys and other officers and employees as he may deem necessary.

(b) The Secretary of the Treasury is authorized to designate an officer of the bureau of customs to act as commissioner of customs, during the absence or disability of the commissioner of customs, or in the event that there is no commissioner of customs; and to designate an officer of the bureau of prohibition to act as commissioner of prohibition during the absence or disability of the commissioner of prohibition, or in the event that there is no commissioner of prohibition.

(c) The personnel of the bureau of customs shall perform such duties as the Secretary of the Treasury or the commissioner of customs may prescribe, and the personnel of the bureau of prohibition shall perform such duties as the Secretary of the Treasury or the commissioner of prohibition may prescribe.

SEC. 3. (a) The Secretary of the Treasury is authorized to confer or impose upon the commissioner of customs or any of the officers of the bureau of customs any of the rights, privileges, powers, or duties, in respect of the importation or entry of merchandise into the United States, vested in or imposed upon the Secretary of the Treasury by the tariff act of 1922 or any other law.

(b) The records, property (including office equipment), and personnel of the Division of Customs are hereby transferred to the bureau of customs.

(c) The Division of Customs and the offices of director of customs, assistant directors of customs, and director and assistant directors, Special Agency Service of the Customs, are hereby abolished.

SEC. 4. (a) The rights, privileges, powers, and duties conferred or imposed upon the Commissioner of Internal Revenue and his assistants, agents, and inspectors, by any law in respect of the taxation, importation, exportation, transportation, manufacture, production, compounding, sale, exchange, dispensing, giving away, possession, or use of beverages, intoxicating liquors, or narcotic drugs, or by the national prohibition act, as amended, or any other law relating to the enforcement of the eighteenth amendment, are hereby transferred to, and conferred and imposed upon, the Secretary of the Treasury.

(b) The Secretary of the Treasury is authorized to confer or impose any of such rights, privileges, powers, and duties upon the Commissioner of Internal Revenue, the commissioner of prohibition, or the commissioner of customs, or any of the officers or employees of the Bureau of Internal Revenue, the bureau of prohibition, or the bureau of customs.

SEC. 5. (a) The Secretary of the Treasury is authorized to transfer to the bureau of prohibition such records, property (including office equipment), and personnel of the office of the Commissioner of Internal Revenue as may be necessary for the exercise by the bureau of prohibition of the functions vested in it.

(b) The commissioner of prohibition, with the approval of the Secretary of the Treasury, is authorized to appoint such employees in the field service as he may deem necessary; but all appointments of such employees shall be made subject to the provisions of the civil service laws, notwithstanding the provisions of section 38 of the national prohibition act, as amended. The term of office of any person who is transferred under this section to the bureau of prohibition, and who was not appointed subject to the provisions of the civil service laws, shall expire upon the expiration of six months from the effective date of this act.

SEC. 6. Any action or decision of the Secretary of the Treasury under the national prohibition act, as amended, or of any officer upon whom the power to take such action or make such decision is conferred, shall be subject to the same review by a court of equity as the action or decision of the Commissioner of Internal Revenue under such act, as amended, prior to the effective date of this act.

SEC. 7. This act shall take effect on July 1, 1926.

Mr. COPELAND. Mr. President, for myself I do not believe that prohibition can be enforced. In the States where the process of public education has developed a sentiment for prohibition there will be a measure of success in the enforcement of the Federal law. In States where there has been no such sentiment created, enforcement will continue to be a vexing problem. I do not believe that any method short of public education will result in enforcement of the law.

However, if the advocates of prohibition feel that a transfer of the function of enforcement from one division to another division of government will make easier the enforcement of the law, who should object?

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

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

Mr. COPELAND. I yield.

Mr. SHIPSTEAD. I ask unanimous consent to have printed in the RECORD a report on the Western Maryland strike.

Mr. SMOOT. Mr. President, I can not hear a word the Senator is saying.

Mr. SHIPSTEAD. I ask unanimous consent to have printed in the RECORD a report made by the department of research of the Federal Council of Churches, the social department of the National Catholic Welfare Conference, and the social justice commission of the Central Conference of American Rabbis.

Mr. DILL. I object.

Mr. TYSON. Mr. President——

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

Mr. COPELAND. I do.

Mr. TYSON. I ask unanimous consent to have printed in the RECORD an address delivered by Hon. FINIS J. GARRETT, the minority leader of the House, at Knoxville, Tenn., on the 22d day of February.

Mr. SMOOT. Mr. President, I shall have to object. There is objection to everything else, and we might just as well have it understood that there will be objection, as the Senator from Wisconsin [Mr. LA FOLLETTE] has said, to everything.

Mr. TYSON. Will the Senator speak loud enough so that I can hear him?

Mr. SMOOT. I say that I shall have to object. The Senator from Wisconsin has stated that there shall be nothing done without objection, and therefore I shall follow that out exactly if he is not in the Chamber; so I object to the speech being printed.

Mr. COPELAND. Mr. President, I am the most yielding person in the world; but in view of the fact that at 4 o'clock we have a special order, and in view of the fact that there is a determined effort on the part of Senators to prevent anything except the regular order, I will ask them not to interrupt me while I am speaking.

The PRESIDING OFFICER. The Senator has control of his own time.

Mr. COPELAND. I thank the Chair—and a limited time at that, I take it.

I conceive it to be the duty—it is, indeed, the sworn duty—of every public official to enforce the law. I saw an amazing

statement in the press attributed to the Senator from New Jersey [Mr. EDWARDS] who declared that—

two incipient presidential booms caused closure to be placed on the prohibition reorganization bills.

When professed senatorial wets vote for dry measures—

Said Mr. EDWARDS—

of course it is useless to expect any encouragement from Senators who are neither wet nor dry. Closure on this message was decisively defeated until Missouri and New York presidential booms cowed before the Wayne B. Wheeler lash and forsook wet leadership.

I assume that the junior Senator from New Jersey refers to the junior Senators from Missouri and New York as temporary sponsors for the booms he refers to so sarcastically. I can not speak for Missouri. The junior Senator from that State is thoroughly qualified to speak for himself.

If the junior Senator from New Jersey implies by his comments that the governor of my State ever cowed to the lash of Wayne B. Wheeler, he states that which no other man in the United States would venture to say. If he refers to the junior Senator from the State of New York, I desire to say that my vote yesterday represents the sentiment of my party in the State of New York. I am glad to say that Governor Smith and the Democrats of New York State have never stood for nullification. We do not follow the junior Senator from New Jersey, who is so anxious to make the United States as wet as the Atlantic Ocean that he would interfere with and seek to block any legislation which has in it the slightest hope of the enforcement of a law which he and I both believe can never be enforced. We do not share the views of the New Jersey Senator, and, so far as New York Democrats are concerned, we stand for enforcement of law; and our chief advocate of that stand is the Governor of the State of New York.

On numerous occasions Governor Smith has pointed out the importance of law enforcement. I hold in my hand the speech which the Governor of New York made on the 20th day of February, 1924. President Harding had called a conference in this city of the governors of States and urged upon them the importance of cooperation on the part of State peace officers with the Federal officials in the enforcement of the Volstead Act. The governor of my State, Mr. Smith, was the first one of the governors to call a meeting of peace officers. He called a gathering at Albany on the evening of the 20th of February, 1924. I quote in part what the governor said at that time, and I ask that the parts of this address which I have indicated may be printed at this point in my remarks.

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

The matter referred to is as follows:

While we may disagree as to what may establish justice and what might promote the general welfare, or what may secure the blessings of liberty, there is one thing that we can not disagree on, and that is that unless the Constitution is obeyed and sustained in its every letter, it can serve no useful purpose. As the chain is no stronger than its weakest link, so also the Constitution means nothing if any person or group of persons be permitted to select that part that they are in accord with and dismiss the part that does not meet with their approval. When we as public officials swear to uphold the Constitution of the United States in our oath of office, it means every part of that Constitution, whether we agree with the principle involved in any one section or not.

The eighteenth amendment is a part of that Constitution, and just as sacred as any other part. The so-called Volstead Act, making operative that eighteenth amendment, is just as sacred as any other law in the country; and we are not here for the purpose of expressing our individual opinions as to the wisdom either of the amendment or the law sustaining it, but we are here to discuss the best and most practical way of enforcing the amendment and the laws sustaining it, so that our conference is one upon law enforcement and does not run to the principle involved. I think everybody will agree that the proper and vigorous enforcement of all laws is the corner stone of democratic government. When any man or group of men are permitted to respect and obey only such laws as meet with their approval we have not a democratic government form in perfect union; we can not establish justice, we can not insure domestic tranquillity, and we can not promote the general welfare and we can not secure the blessings of liberty to ourselves or our posterity, but we can bring about a state of anarchy that has its life and its being in disregard of all law.

* * * * * * *

No power to remedy this condition of enforcement rests any place except in the locally elected officials, to wit: the county board of supervisors, as far as sheriffs are concerned, and the town boards, as far as constables are concerned.

Some of our counties talk "dry," but do not act that way, because they seem to be unwilling to make the necessary appropriations for proper and adequate enforcement. Many of them, to cover up their own sins of omission, engage in the well-known political pastime of passing the buck by seeking more law. Let me say as emphatically as I can that we have all the law we need. No State enactment or no local ordinance could be more sacred to us as law than an act of Congress construing an amendment to the Constitution of the United States. The thing to do is to enforce it, and stop talking about it for political effect.

In conclusion, I call upon all the law-enforcement officials of the State here gathered in conference to coordinate their forces with the Federal forces for law enforcement. I further call upon the press to support prohibition law enforcement, and I ask them to stress law observance, and I ask them to treat the enforcement program commensurate with the gravity of lawlessness. I call upon district attorneys to confer with other State enforcement officials, pledging support with whatever facility they have at hand. I ask cooperation between all State enforcement agencies with the national authorities; and, finally, I ask all law-enforcement officials to adopt whatever means they possibly can within the law to cause lawless citizens and aliens to respect the majesty and sanctity of the law and to compel respect for the various agencies enforcing it.

Mr. COPELAND. It is clearly the business of governors and of peace officers to enforce every law; and that is the attitude of my State as regards this particular matter.

There is an old saying:

I'll take care of my enemies, but Heaven protect me from my friends.

I am free to say that yesterday the junior Senator from Maryland did the cause of modification irreparable harm. He stood here breathing out threatenings and slaughter. I quote his very language:

I say to those Members of this body who have been elected by constituencies hostile to the eighteenth amendment and the Volstead Act that if they prove faithless to the trust that has been committed to them, some of us propose to see that the pressure of our cause is brought to bear upon their political fortunes when the time comes. I, for one, shall see to it that the Association Against the Prohibition Amendment, and every other association that is enlisted in our cause, is duly informed of any lack of fidelity upon the part of any Member of this body to the professions he made before his election.

In the language of the street, this is "apple sause and bunk." It comes from the same lips that said in the Senate on February 14:

Unless my friend, the Senator from New Jersey [Mr. EDWARDS] is opposed to the bill even with the amendments I have suggested, I trust he will let the bill be amended and passed to-night. I suppose the Senator understands that if those amendments go into effect the only provisions of the bill will be those creating a separate bureau of customs and a separate bureau of prohibition. If he is opposed to each of those two organizations, of course, he will follow whatever course his judgment may dictate.

That is the language of Mr. BRUCE, found on page 3679 of the CONGRESSIONAL RECORD.

What were the amendments suggested by the Senator from Maryland? Were they anything having to do with the general principle of enforcement? They were not. They had to do simply with the question of placing certain ones of the officials under the civil service law, and so far as the debate proceeded on the 14th, it was apparent that the amendments proposed by the Senator from Maryland were acceptable to the proponents of the bill.

Apparently the Senator from Maryland had a change of heart during a period of a couple of weeks, and now seeks to read out of public office all who oppose his fanatical view regarding prohibition enforcement.

So pronounced a wet and a real leader of the wets in the Senator as the senior Senator from New Jersey [Mr. EDGE] said on the 14th of February:

Mr. President, I do not want to interrupt the effort of the Senator from Maryland to have his amendments considered, but before this bill reaches the voting stage I wish to say very frankly that I see no objection whatever to the enactment of this proposed legislation.

That will be found on page 3677 of the RECORD.

Mr. EDGE continued:

I repeat that I see no objection to the enactment of this proposed legislation. I agree with the Senator from Maryland that it will be a very helpful act on the part of Congress to separate the customs responsibilities from the prohibition bureau.

The Senator from Maryland rails on all those who venture to question his style of wet leadership. It is this sort of leadership which makes it impossible for sensible advocates of modification to make any progress. How can we expect to impress upon

the Congress and upon the country our ideas that there could be sold a beverage of higher alcoholic content than is now permitted under the Volstead Act, when the fanatical opponents of prohibition, men who froth at the mouth at the mere mention of the word "prohibition," show their fanaticism, their narrowness, their unreasonableness by taking so radical a stand on the measure presented here? They are the men who make it appear to the country that anybody in favor of modification is a nullificationist. They cause the country to believe that every "wet," so called, desires to nullify the Constitution and the laws of the country.

Mr. President, if those of us who are opposed to the present prohibition laws do not show our sincerity as supporters of every law, including the enforcement law, how can we expect to be trusted when we propose any sort of change in the prohibition law? At once we will be accused of seeking to undermine the Constitution and to place all laws in the discard.

I repeat that the statements made by certain Senators yesterday have done the cause of modification irreparable injury. For myself, and I believe for those I represent, I demand modification of the unworkable and unscientific Volstead Act, but there is only one way to do it, and that is by the orderly processes of the law. We can not make any change in the Volstead Act until we can impress the Congress with the honesty of our intentions and the sincerity of our belief that modification is essential to the highest welfare of the Nation. We can make no progress by using our bodies to stay the progress of law enforcement.

This country is a law-abiding Nation. It believes in the enforcement of law. We have no right to place our prejudice against prohibition and all of its machinery so long as that machinery is used for law enforcement. To do so is to place ourselves in a false position before the country; we represent ourselves to be nullificationists, seeking to embarrass the enforcement of law, if not actually to set the law aside.

For myself, I will follow any leader who really leads our forces in a forward direction instead of walking around a circle, which takes us nowhere. The two Senators who poured the vials of their wrath over us yesterday did more to harm the cause of modification and real temperance than any prohibitionists have done in the last decade. When this bill is brought to a final vote there will not be a half dozen Senators, in addition to themselves, who will be recorded against the measure. A leadership which can command no more recruits than this does not represent the modification sentiment of the Senate.

In closing, I desire to say again that in my judgment prohibition could not be effectively enforced if we called out the Army and Navy, the Marines, and the police departments of all the cities. It is only by public education that there can be created a sentiment such as will make possible the enforcement of laws seeking to control personal conduct. There must be instruction in the churches, in the homes, in the schools. It is that sort of teaching which will bring about the realization of prohibition, a thing which in my judgment can never be effected by the enactment of law.

However, the friends of enforcement believe that this minor change in the administrative functions will be beneficial to the country. I can see that it will help the Treasury Department by relieving pressure upon the tax department and the customs department, and in this respect, at least, the bill has real merit. If it does assist in law enforcement, in common with every other good citizen I rejoice and am glad to give it my vote.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was rejected.

Mr. BRUCE. Mr. President, I would like to call up an amendment I offered to this bill, and to have it read.

The PRESIDING OFFICER. The Chair asks, have all the committee amendments now been offered?

Mr. SMOOT. All of the committee amendments to the bill have been offered.

Mr. BRUCE. Have all been adopted?

Mr. SMOOT. They have all been adopted but one, and that we asked to have rejected.

Mr. BRUCE. Then I ask that my amendment be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On the 28th day of February, 1927, the Senator from Maryland offered the following amendment, which was read: Strike out in section 5, page 5, lines 1 to 18, inclusive, in the following words:

(b) The commissioner of prohibition, with the approval of the Secretary of the Treasury, is authorized to appoint such employees in the field service as he may deem necessary, but all appointments of such employees shall be made subject to the provisions of the civil service laws, notwithstanding the provisions of section 38 of the national prohibition act, as amended. The term of office of any person who is transferred under this section to the bureau of prohibition and who was not appointed subject to the provisions of the civil service laws, shall expire upon the expiration of six months from the effective date of this act.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

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 28, 1927:

S. 4287. An act amending section 3 of the act approved January 12, 1923, entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes";

S. 95. An act for the relief of Carlos Tompkins;

S. 1859. An act for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes;

S. 1413. An act for the relief of Eustacio B. Davison;

S. 1261. An act for the relief of William H. Grayson;

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;

S. 467. An act for the relief of Joseph B. Tanner;

S. 521. An act for the relief of August Michalchuk;

S. 1641. An act for the relief of Mary H. Dougherty;

S. 2094. An act for the relief of C. P. Dryden;

S. 2242. An act for the relief of Mark J. White;

S. 2722. An act for the relief of the Muscle Shoals, Birmingham & Pensacola Railroad Co., the successor in interest of the receiver of the Gulf, Florida & Alabama Railway Co.;

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. 5415. An act for the relief of Roswell H. Bancroft;

S. 5466. An act for the relief of the Citizens' National Bank, of Petty, Tex.; and

S. 5539. An act to authorize and direct the Comptroller General to settle and allow the claims of E. A. Goldenweiser, Edith M. Furbush, and Horatio M. Pollock for services rendered to the Department of Commerce.

On March 1, 1927:

S. 179. An act for the relief of J. W. Neil; and

S. 2348. An act for the relief of Nick Masonich.

SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia, fiscal year 1927, to remain available until June 30, 1928, in amount $18,000, for increasing the capacity of the brick plant at the District of Columbia Work House, which, with accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 228).

He also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by United States district courts in special cases, etc. (under inde-

pendent office: United States Shipping Board, $29,251.73; under the Navy Department, $2,500), in total amount $31,751.73, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed (S. Doc. No. 226).

He also laid before the Senate a communication from the President of the United States, transmitting a communication from the Secretary of the Treasury submitting an estimate of appropriation in the sum of $2,422.55, to pay the claims for damages to or losses of privately owned property, which he has adjusted under the provisions of the act of December 28, 1922 (42 Stat. 1066), and requiring an appropriation for their payment, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered printed (S. Doc. No. 227).

FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM (H. DOC. NO. 771)

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

To the Congress of the United States:

I transmit herewith a report by the Acting Secretary of State showing all receipts and disbursements on account of refunds, allowances, and annuities for the fiscal year ended June 30, 1926, in connection with the Foreign Service retirement and disability system, as required by section 18 (a) of an act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes, approved May 24, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 1, 1927.*

(Inclosure: From the Acting Secretary of State with accompaniment.)

PETITIONS AND MEMORIALS

Mr. OVERMAN presented a memorial of sundry citizens of Wilsons Mills, N. C., remonstrating against the United States severing diplomatic relations with Mexico or Nicaragua, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of New Hanover County, N. C., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

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

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

Mr. KENDRICK presented a memorial numerously signed by citizens of Rawlins, Wyo., remonstrating against modification of the existing immigration laws of the United States, and favoring the passage of the so-called alien deportation bill, which was referred to the Committee on Immigration.

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

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

Mr. WILLIS presented a memorial of sundry citizens of Canton and vicinity, in the State of Ohio, remonstrating against the passage of the bill (S. 4821) to provide for the closing of barber shops in the District of Columbia on Sunday, or any other legislation religious in character, which was referred to the Committee on the District of Columbia.

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

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 1, 1927, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 5722. An act to authorize the construction of new conservatories and other necessary buildings for the United States Botanic Garden;

S. 5744. An act authorizing the Secretary of the Treasury to sell certain land to the First Baptist Church, of Oxford, N. C.;

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 assigns to construct a bridge across the Ohio River at or near Gallipolis, Ohio," approved May 13, 1926, as amended;

S. 5791. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at the city of Mount Carmel, Ill.; and

S. J. Res. 171. Joint resolution correcting descriptions of lands granted to the State of New Mexico for the use and benefit of New Mexico College of Agriculture and Mechanic Arts by enrolled bill S. 4910, Sixty-ninth Congress.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 13486. An act to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.

H. R. 17268. An act to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the meeting of the Continental Congress at York, Pa., September 30, 1777, and for other purposes; and

H. J. Res. 350. Joint resolution to provide for the payment of claims of certain German nationals against the United States; to the Committee on Finance.

H. R. 16577. An act to provide for date of precedence of certain officers of the Staff Corps of the Navy; and

H. R. 16771. An act to authorize the appraisal of certain Government property, and for other purposes; to the Committee on Naval Affairs.

H. R. 15975. An act providing for the punishment of persons escaping from Federal penal or correctional institutions, and for other purposes;

H. R. 16206. An act to provide for one additional district judge for the northern district of California; and

H. R. 16998. An act to amend section 224 of the Judicial Code; to the Committee on the Judiciary.

H. R. 4040. An act granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes;

H. R. 14701. An act to extend collect-on-delivery service and limits of indemnity to third and fourth class domestic parcels on which the first-class rate of postage is paid; and

H. R. 14703. An act to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels; to the Committee on Post Offices and Post Roads.

H. R. 6235. An act to provide for the erection of a tablet or marker to Gen. Anthony Wayne at Defiance, Ohio;

H. R. 17024. An act authorizing the appropriation of $2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate the holding of the Indian peace council at which treaties were made with the plains Indians in October, 1867; and

H. J. Res. 42. Joint resolution authorizing the erection of a tablet or marker to the memory of Sacajawea, or Bird Woman; to the Committee on the Library.

H. R. 15476. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 16350. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 17138. An act authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station; and

H. R. 17227. An act providing for horticultural experiment and demonstration work in the southern Great Plains area; to the Commitee on Agriculture and Forestry;

H. R. 16173. An act to add certain lands to the Missoula National Forest, Montana;

H. R. 16472. An act granting certain lands to the State of California; and

H. R. 16555. An act authorizing the Secretary of the Interior to issue patent to the county of Del Norte, State of California, to Whaler Island, in the Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf; to the Committee on Public Lands and Surveys.

H. R. 10977. An act to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.;

H. R. 15654. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian

Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 15664. An act to withdraw and reserve certain lands for the Chippewa Indians in the State of Minnesota;

H. R. 16292. An act to appropriate treaty funds due the Wisconsin Pottawattomie Indians;

H. R. 16918. An act to authorize the city of Niobrara, Nebr., to transfer Niobrara Island to the State of Nebraska; and

H. R. 17044. An act to provide funds for the upkeep of the Puyallup Indian cemetery at Tacoma, Wash.; to the Committee on Indian Affairs.

H. R. 15208. An act to provide for the detention of fugitives apprehended in the District of Columbia;

H. R. 15347. An act to reorganize the office of the recorder of deeds of the District of Columbia, and for other purposes;

H. R. 16585. An act to amend the Code of Law for the District of Columbia in relation to descent and distribution;

H. R. 16693. An act amending the act approved August 30, 1890 (Stat. L., vol. 26, pp. 412–413), relative to condemnation of land for parks, parkways, and playgrounds; and

H. R. 16920. An act granting permission for the laying of pipes for the transmission of steam along the alley between lots Nos. 5 and 32 in square No. 225; to the Committee on the District of Columbia.

H. R. 11324. An act to establish a national military park at the battle field of Fort Donelson, Tenn.;

H. R. 17072. An act allowing the rank, pay, and allowance of a colonel, Medical Corps, to medical officer assigned to duty as personal physician to the President;

H. R. 17111. An act to authorize an appropriation to rehabilitate the Picatinny Arsenal in New Jersey;

H. R. 17182. An act authorizing construction of barracks at Fort Jay, Governors Island, N. Y.;

H. R. 17201. An act authorizing the erection of a sanitary fireproof hospital at the National Home for Disabled Volunteer Soldiers at Dayton, Ohio;

H. R. 17222. An act to authorize an additional appropriation for Fort McHenry, Md.; and

H. J. Res. 324. Joint resolution authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall, for a city pound, animal shelter, and hospital; to the Committee on Military Affairs.

H. R. 17249. An act 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;

H. R. 17270. An act granting the consent of Congress to R. A. Breuer, H. L. Stolte, John M. Schermann, O. F. Nienhueser, and Robert Walker, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River;

H. R. 17271. An act to extend the time for constructing a bridge across the Mississippi River between the city of Anoka, in the county of Anoka, and the village of Champlin, in the county of Hennepin, State of Minnesota;

H. R. 17292. An act 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;

H. R. 17295. An act granting the authority of Congress to the Kanawha Falls Bridge Co. (Inc.) to construct a bridge across the Kanawha River at Kanawha Falls, Fayette County, W. Va.;

H. R. 17297. An act granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana; and

H. R. 17320. An act granting the consent of Congress to O. F. Schulte, E. H. Otto, O. W. Arcularius, J. L. Calvin, and J. H. Dickbrader, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; to the Committee on Commerce.

H. J. Res. 353. Joint resolution for the relief of the consulate general at Yokohama, Japan;

H. J. Res. 354. Joint resolution to provide for the payment of an indemnity to the Chinese Government for the death of Chang Lin and Tong Huan Yah, alleged to have been killed by members of the armed forces of the United States;

H. J. Res. 355. Joint resolution to provide for the payment of an indemnity to the British Government to compensate the dependents of Edwin Tucker, a British subject, who was killed by a United States Army ambulance in Colon, Panama; and

H. J. Res. 356. Joint resolution to provide for payment of the claim of the Government of China for compensation of Sun Jui-chin for injuries resulting from an assault on him by a private in the United States Marine Corps; to the Committee on Foreign Relations.

EXECUTIVE SESSION

The VICE PRESIDENT. The hour of 4 o'clock having arrived, the Senate will proceed to the consideration of executive business under the unanimous-consent agreement previously entered into. The Sergeant at Arms will clear the galleries and close the doors.

Thereupon the Senate proceeded to the consideration of executive business. After 1 hour and 40 minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 40 minutes p. m.), under the order previously entered, 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.

Mr. MAYFIELD. Mr. President, I ask unanimous consent to introduce a joint resolution for appropriate reference.

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Objection is made. Pursuant to the unanimous-consent agreement, the Senate will proceed to the consideration of unobjected bills on the calendar, commencing with Calendar No. 1521.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that when the Senate concludes its consideration of the prohibition reorganization bill it shall then proceed to the consideration of the alien property bill.

Mr. LA FOLLETTE. I object.

The PRESIDING OFFICER. Objection is made.

EIGHTH PAN-AMERICAN SANITARY CONFERENCE

Mr. COPELAND. Mr. President, I desire to submit a unanimous-consent request, and I call the attention of the Senator from Utah [Mr. KING] to it. I ask unanimous consent that we may return to Calendar No. 1323, the joint resolution (S. J. Res. 330) to provide for the expenses of delegates of the United States to the Eighth Pan American Sanitary Conference to be held at Lima, Peru. I will state the reason why. There is a very important sanitary conference to be held at Lima. It was called by our own United States Health Service.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to return to Calendar 1323. Is there objection?

Mr. BRUCE. I object.

The PRESIDING OFFICER. Objection is made.

Mr. COPELAND. Mr. President, will the Senator withhold his objection for a moment?

Mr. BRUCE. I will state to the Senator that my objection is not captious, I assure him.

Mr. OVERMAN. Regular order!

The PRESIDING OFFICER. The regular order is demanded.

Mr. COPELAND. I hope the Senator will withhold his objection for just a moment.

The PRESIDING OFFICER. The regular order is demanded by another Senator.

Mr. COPELAND. I hope the Senator will withhold it.

The PRESIDING OFFICER. Is the demand for the regular order withheld?

Mr. OVERMAN. Regular order!

The PRESIDING OFFICER. The regular order is insisted upon.

Mr. COPELAND. We shall not make much progress in this way.

The PRESIDING OFFICER. Of course, it does not rest with the Chair. The regular order is demanded.

Mr. COPELAND. Mr. President, this is a matter which concerns our relations with these South American countries. Further than that, it is a matter of the greatest importance to various States of the Union, because when there was plague in San Francisco and when there was smallpox in Florida it cut off the commerce of those States with the South American countries. Our United States Public Health Service is leading the way in the adoption of a sanitary code which will bring about happy relations between those countries and our own country.

Mr. BRUCE. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York?

Mr. JOHNSON. I unite in the request of the Senator from New York, but I must deny that there ever was plague in the city of San Francisco.

The PRESIDING OFFICER. The Chair hears no objection. The clerk will report Calendar No. 1323.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res.

330) to provide for the expenses of delegates of the United States to the Eighth Pan American Sanitary Conference, to be held at Lima, Peru, and it was read, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 for the expenses of delegates of the United States to be appointed by the President to the Eighth Pan American Sanitary Conference to be held at Lima, Peru, including the compensation of employees, travel, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such miscellaneous and other expenses as the President shall deem proper, to be expended under the direction of the Secretary of State.

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

HAMPTON MITCHELL

The bill (H. R. 9030) for the retirement as ensign of Hampton Mitchell, was announced as next in order.

Mr. KING. Over.

Mr. SHEPPARD. Mr. President, will the Senator from Utah allow me to make a statement with reference to the bill?

Mr. KING. Yes; reserving the right to object.

Mr. SHEPPARD. This young man had the muscles of his side severely wrenched while engaged in exercise at the Naval Academy a few months prior to his graduation. Notwithstanding that condition, his superiors compelled him to participate in the very severe drilling exercises and after that in a most severe swimming exercise.

The result was that he developed a permanent case of tuberculosis. As a result of an examination, which took place about three weeks before his graduation, he was shown to have tuberculosis. If the examination had occurred three weeks later, he would have graduated and would have been retired automatically as an ensign. To all intents and purposes he had become an ensign, having been prevented from graduation through the disability accruing from the fault of his officers.

The bill does not require that he be retired. It provides that a board of officers or a court of inquiry be convened, and if the board should find that the disease which he now has, which has incapacitated him for life, was due to neglect of his superior officers, that he be retired as an ensign.

Mr. BRUCE. I would like to say, if the Senator would permit me, that the case has been brought to my particular attention, and I believe it to be a thoroughly meritorious claim in every regard.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. I have examined the report and it does not indicate a permanent tubercular condition.

Mr. SHEPPARD. Official physicians have found it to exist.

Mr. KING. I make no objection.

Mr. WADSWORTH. Mr. President, I feel that I can not refrain from making objection in this case. There may have been some action of Congress along lines like this in the past; I can not tell.

Mr. SHEPPARD. I have three precedents right at hand.

Mr. WADSWORTH. Nevertheless, this would be an exceedingly bad precedent. I join with the Senator from Texas in regretting that the young man had this hard luck while studying as a midshipman at Annapolis, but let it be remembered that he has never been a member of the naval service any more than a West Point cadet is a member of the Army until he has graduated and been commissioned. If we are going to put upon the retired list of the Regular Army and the regular Navy those cadets or midshipmen who incur physical disability at the Naval Academy or at West Point while they are receiving an education at the expense of Uncle Sam, and drawing pay while they are doing it, we are establishing a precedent which can not be maintained. I object.

Mr. SWANSON. Mr. President, this case is an isolated case. I made the report after making a thorough examination of the case.

Mr. WADSWORTH. The facts are undisputed.

Mr. SWANSON. He incurred his disability on account of the brutal treatment of an officer who compelled him, when he had a fever and when he was sick, to go through all these athletic exercises and that brought on this condition which was the fault of the naval officers themselves; so he certainly is entitled to this relief.

If he had not been injured he would have graduated and received his commission in three weeks. He was a splendid specimen of health. He was compelled to go through all the tremendous exercises in connection with athletics and everything of that nature, after he had asked to be reported sick. The doctor compelled him to do it, and it brought on tuberculosis. He graduated high in his class and had a good record. All the bill does is to allow a court of inquiry, composed of naval officers, to find if this is the true condition. If he was incapacitated on account of the gross negligence of his superior officers, who ought to have taken care of his health, then he should be treated as if he had taken his examination and been commissioned as an ensign.

Mr. WADSWORTH. But why use the retired list of the Navy?

Mr. SWANSON. He went into the Navy. There is no other way for the Government to right the wrong that was done him. We ask that naval officers, as a court of inquiry, shall pass on the question of whether his present condition was occasioned by the dereliction of the officers or not. We do not put him on the retired list.

The Senator makes a mistake in suggesting that that is proposed. The proposition is to authorize a court of inquiry, composed of naval officers, to ascertain the facts—whether this condition was caused by the wrong or neglect of the naval officer who compelled him when he had fever and when he was sick to go through these exercises, which brought on pneumonia and which prevented him from graduating. He graduated or passed in everything except the physical examination, and that failure was caused by this outrageous conduct on the part of the officers. He would have graduated in three weeks and then could have been retired automatically.

All we want to do is to prevent future wrongs like this. This is certainly a proper case for relief, and he ought to be allowed to be placed on the retired list.

Mr. WADSWORTH. The Congress has no right to put him on the retired list. Of course, that must be discretionary with the President.

Mr. SWANSON. All we ask is that a court of inquiry investigate the facts. If the facts are investigated and found to be as we have stated them, I am satisfied that there is no one here who would object to making amends to this young man and letting him go on the retired list.

Mr. WADSWORTH. I do not object to making amends. If he has been the victim of ill treatment at the Naval Academy, there are at least two ways to make amends. There may be a bill introduced in his behalf and referred to the Committee on Claims providing for payment to him for the damages incurred to his health. That is one way. Or we might, by special act, make him a pensioner under the Pension Bureau. But to put a young man on the retired list of the regular Navy or the Regular Army who has never been in either service is simply using the retired-list system as a device to pay pensions to men who have not served. This young man, deserving though he may be and entitled perhaps to all the sympathy we can give him and to compensation, should not be placed upon the retired list of the regular Navy, a service to which he has never belonged.

Mr. SWANSON. The old law provided that when a man graduated from the Naval Academy he became a midshipman. Later the law was changed and he was made an ensign upon graduation. If this young man had had his examination postponed until three weeks later, he would have become an ensign and would have been retired automatically. He never got before the board. There are precedents for the case. Here is a man who passed every mental examination. He was a picture of health when he went to the academy. The proof shows that he had fever and the doctor compelled him to go through the exercises which brought on pneumonia. He passed every examination except the physical examination. It seems to me he should be permitted to go on the retired list because of the wrong that was done him. It can not be corrected in any other way.

Mr. WADSWORTH. I repeat that wrong may have been done this young man. We have had cases emanating from the Military Academy of young men there who, owing to the severe regimen in athletics and otherwise, suffered heart failure and had to leave the academy. Shall such young men be placed upon the retired list of the Army for life as officers? I think not.

Mr. SHEPPARD. If the examination which showed that he had tuberculosis had been made just three weeks later, he would have been retired automatically, because by that time he would have become an ensign. He was virtually an ensign when the examination took place. He was qualified to be an ensign. He had passed all his mental examinations. It is not a question of retiring a man while he is a student of the Naval Academy. This man had virtually and morally become an officer, and all that was necessary to make him an officer was the formal act of tendering him his diploma. We ask for his retirment, because he is entitled to it.

Mr. WADSWORTH. The question of elapsed time does not affect the principle at all. Whether it was three weeks or

three months or three years, are we going to retire as officers men who have never been officers, who have been getting their education at public expense? If they are mistreated, and it is shown conclusively that they are, let us give them a pension or let us vote them damages, but let us not make an officer of a man who has never been commissioned.

Mr. SHEPPARD. It may be too late in this case, if we must wait till the next Congress convenes.

Mr. WADSWORTH. I object.

Mr. HOWELL. Mr. President, there are about 60 midshipmen who have previously been dismissed from the Naval Academy because of disability.

Mr. WADSWORTH. We must retire them, according to this bill.

Mr. HOWELL. Absolutely. It would establish the precedent.

The VICE PRESIDENT. The bill will go over under objection.

Mr. HEFLIN. Mr. President, do Senators object to this bill providing that this young man shall be placed on the retired list as a midshipman?

Mr. SHEPPARD. Yes; they do.

Mr. HEFLIN. What is the boy going to do in the meantime? I understand he is a very poor young man. What do Senators expect to have him do? How is he going to live? I submit, if the Senator from Virginia [Mr. SWANSON] has stated the facts correctly—and I am sure he has—and if the officials of the Government compelled this boy to do the things which brought on this disease, then Congress owes it to him to pay him something and to take care of him while he is lingering in the hospital or after he gets out.

It looks to me like the humane principle in this matter would cause the Senate to pause long enough to take care of this case. We have several other measures here that are being pressed for consideration which are not half as meritorious as this one. It would seem to me that we might take time enough here to-night to take care of this poor boy's case and not just cry out "over" and have the bill passed over in that way. I understand this is the only way the boy can be taken care of.

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

Mr. HEFLIN. I yield.

Mr. WADSWORTH. The Senator from South Dakota [Mr. NORBECK] has just reminded me that there is a pension bill on the calendar. This man can be taken care of by amending the pension bill, which will be reached on the calendar to-night, and giving him a straight pension instead of a commission in the Navy.

Mr. HEFLIN. If it can be done in that way, I would prefer it.

Mr. WADSWORTH. It can be done in that way.

Mr. ROBINSON of Arkansas. To what pension would he be entitled?

Mr. WADSWORTH. That is within the discretion of the Senate.

Mr. FLETCHER. Under the provisions of the bill, if he is allowed to retire he would get $1,125 a year.

Mr. ROBINSON of Arkansas. I shall offer the amendment when the pension bill is before the Senate.

Mr. SHEPPARD. I thank the Senator from Arkansas.

The VICE PRESIDENT. The bill will be passed over.

AGRICULTURAL EXTENSION WORK

The bill (S. 5263) 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, was announced as next in order.

Mr. CAPPER. Mr. President, I move that the bill (H. R. 17334) 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 supplemental thereto, and the United States Department of Agriculture, be substituted for Senate bill 5263. The House bill passed the House yesterday and is the same as the Senate bill, which has just been stated.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 17334) was read twice by its title and considered as in Committee of the Whole.

Mr. KING. Mr. President, in the agricultural appropriation bill passed some time ago I think we appropriated approximately $40,000,000—and if I am in error I ask to be corrected—a considerable portion of which was for agricultural extension work and a large amount appropriated for the agricultural colleges to aid them and to aid in agricultural development and agricultural extension work. I inquire of the Senator whether or not the subject was not comprehensively dealt with in that measure as well as in existing statutes, a number of which are found upon the statute books?

Mr. CAPPER. The appropriation carried in the regular appropriation bill is found to be insufficient. The Secretary of Agriculture reports on the bill that the legislation is very much needed, that there are 700 agricultural counties which are not receiving the benefits of the extension work contemplated in the Smith-Lever Act.

The bill now before us has been submitted to the Budget Bureau and has the unqualified approval of the Budget Commissioner. It has the strongest possible indorsement from the Department of Agriculture. The Committee on Agriculture and Forestry of the Senate put in an entire day holding hearings, all but one member of the committee being present, and the bill had the unanimous approval of the committee. The same thing happened in the House. The bill was reported unanimously by the House Committee on Agriculture and it passed the House yesterday without opposition.

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

Mr. CAPPER. Certainly.

Mr. STEPHENS. I merely wish to say that I know something of the splendid work done under this character of legislation in my State, and I know the great importance of the bill. I hope there will be no objection made to its passage.

Mr. CAPPER. Let me add that every national farm organization in the country was represented at the hearings before the Senate Committee on Agriculture and Forestry and urged the passage of the bill.

Mr. FLETCHER. It seems to be a very splendid measure, and I am in favor of it. I notice the committee reported the bill with certain amendments. Now that the House bill has been substituted, may I inquire if the House bill carries the Senate committee amendments?

Mr. CAPPER. The amendments suggested by the Senate committee were also submitted to the House Committee on Agriculture and appear in the bill which passed the House yesterday.

Mr. KING. Will the Senator state the amount involved in the bill?

Mr. CAPPER. It makes an appropriation for the first year of $480,000, which is a flat appropriation of $10,000 for every one of the 48 States. For the second year it makes an additional appropriation of $500,000. The appropriation, of course, does not go beyond the years 1929 and 1930.

Mr. KING. Why make the appropriation for two years? Why increase it?

Mr. CAPPER. It gives sufficient time for the Department of Agriculture to organize the 700 counties. It will take a year in some of the counties to get the work started.

Mr. KING. Is there any requirement that the States shall make contribution?

Mr. CAPPER. Yes. It is under the Smith-Lever Act, in which the States participate on the 50-50 basis.

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

Mr. CAPPER. Certainly.

Mr. REED of Pennsylvania. The Senator from Utah asked what appropriation the bill provided for. As I read the bill, it provides for $980,000 the first year, and $500,000 per year additional for 11 years—that is, increasing $500,000 in each year for 11 years—and thereafter indefinitely the sum of $6,480,000 per year, with no time limit on it. The report of the committee states that with that amount of money they will be able to establish a county agent in every county, who will superintend the club work among the boys and girls of the community. That is highly praiseworthy, but it is no business of the Federal Government to get into that. A number of other things are highly praiseworthy that we are not given power to do under the Federal Constitution. It seems to me that this is the most extreme extension of paternalistic aid to the States which has yet been brought into the Federal Congress.

I reserve the right to object, Mr. President, until I have heard some further explanation.

Mr. CAPPER. Mr. President, let me say to the Senator from Pennsylvania that the bill has been amended by the House in accordance with the recommendations of the Budget Bureau,

and does not carry an appropriation for a longer period than the year 1930. The bill as reported here did carry an appropriation for a period of 11 years, but that has been amended; and the bill now before us carries an appropriation of $480,000 for the year 1929, and an additional appropriation of $500,000 for the year 1930.

Mr. REED of Pennsylvania. Mr. President, that is not in the bill as reported out of the committee. There is no committee amendment.

Mr. CAPPER. Let me say to the Senator that I have moved to substitute the House bill which passed yesterday, and which is quite different in that respect from the Senate bill on the calendar.

Mr. REED of Pennsylvania. Then, ought we not to have copies of the House bill before we are asked to act on it, if it is so far different from the committee bill?

Mr. KING. Let it be read.

Mr. CAPPER. I ask the clerk to read the bill now before us.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That in order to further develop the cooperative extension system as inaugurated under the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of the cooperative extension work in agriculture and home economics and the necessary printing and distributing of information in connection with the same, the sum of $480,000 for each of the fiscal years 1929 and 1930, $10,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action of its legislature assent to the provisions of such act of May 8, 1914. The payment of such installments of the appropriations hereinbefore authorized to be made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. There is hereby authorized to be appropriated the sum of $500,000 for the fiscal year 1930, in addition to the sum of $480,000 hereinbefore provided. All sums appropriated under the provisions of this act shall be subject to the same conditions and limitations as the sums appropriated under such act of May 8, 1914, except that at least 80 per cent of all appropriations under this act shall be utilized for the payment of the salaries of men and women extension agents in equitable proportions in the counties of the different States. The restriction on the use of these funds for the promotion of agricultural trains shall not apply.

SEC. 2. The sums authorized to be appropriated under the provisions of this act shall be in addition to, and not in substitution for, sums appropriated under such act of May 8, 1914.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection to the consideration of this bill?

Mr. KING. I think I shall object until we have a chance to examine it further.

Mr. RANSDELL. Mr. President, will not the Senator withdraw that objection for a moment? I should like to say just one word.

The PRESIDING OFFICER. Does the Senator from Utah withhold his objection?

Mr. RANSDELL. Will the Senator withhold it long enough to let me say one word, please?

Mr. KING. Very well.

Mr. RANSDELL. This bill was carefully considered by the Committee on Agriculture and Forestry. We have just attempted to do something for agriculture, legislatively speaking; and I, as a representative in part of an agricultural State, and an agriculturist myself, say to the Senate seriously that in my judgment this bill would be as beneficial to agriculture in America as anything we could enact. It would be extremely helpful. It gives this considerable sum to our agricultural colleges throughout the land; and the States have to put up a larger sum than this every year to get the benefit of this appropriation. It would help us in training the farmers of the country, help them to be better farmers, and help in our home economics work. It would help in every way Senators. I hope there will be no objection to passing this magnificent piece of legislation. In my judgment, it is magnificent.

The PRESIDING OFFICER. Is there objection to the consideration of the House bill?

Mr. KING. For the present, I object.

Mr. CAPPER. Let it be passed over for a while.

The PRESIDING OFFICER. The bill will be passed over without prejudice. The Secretary will state the next bill on the calendar.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 5443) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. NORBECK. Mr. President, I do not think it is necessary to read this bill. Since it was reported to the Senate the House has passed a very similar pension bill which the Senate committee has reported favorably and which is on the calendar. I therefore move that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection to the consideration of the House bill?

Mr. HEFLIN. What is the number?

Mr. NORBECK. The House bill is Order of Business 1624, House bill 13450.

Mr. KING. Reserving the right to object, I should like to have the title of the bill read.

The PRESIDING OFFICER. The Secretary will read the title of the bill.

The CHIEF CLERK. A bill (H. R. 13450) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes.

Mr. HEFLIN. Mr. President, I understand that this is the pension bill referred to a little while ago by the Senator from New York [Mr. WADSWORTH].

Mr. NORBECK. No; that bill is two pages further along. That is an omnibus bill. This is a general pension bill.

Mr. HEFLIN. We have not reached the other one yet?

Mr. NORBECK. No; we have not reached the other one yet.

The PRESIDING OFFICER. Is there objection to the consideration of the bill just read?

Mr. KING. Reserving the right to object, I should like to have it read textually.

The PRESIDING OFFICER. The Secretary will read the bill.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the widow or remarried widow of any person who served in the Army, Navy, or Marine Corps of the United States during the Civil War for 90 days or more, and was honorably discharged from such service, or regardless of the length of service was discharged for or died in service of a disability incurred in the service and in the line of duty, such widow or remarried widow having been married to such soldier, sailor, or marine prior to the 27th day of June, 1905, shall be paid a pension at the rate of $40 per month, but nothing in this act shall be construed as decreasing the rate of pension granted by any other act.

SEC. 2. That the pension or increase of the rate of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the fourth day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions after the approval of this act in such form as may be prescribed by the Secretary of the Interior: *Provided*, That the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner.

SEC. 3. That no claim agent, attorney, or other person shall contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting claims for the increase of pension provided for in this act; and no more than the sum of $10 shall be allowed for such services in other claims thereunder, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall directly or indirectly otherwise contract for, demand, receive, or retain a fee for services in preparing, presenting, or prosecuting any claim under this act, or shall wrongfully withhold from the pensioner or claimant the whole or any part of the pension allowed or due to such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each and every such offense be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 4. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby modified and

amended only so far and to the extent as herein specifically provided and stated.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. NORBECK. Mr. President, this bill provides a $10 increase. Under the present law Civil War widows get a pension of $30. This bill will give them an increase of $10 a month. The total cost for the first year would be between twenty-three and twenty-four million dollars. The Senator from Utah and I have had quite a little discussion on these pension matters. We do not see them from the same angle. Therefore, I submit to him the question whether, if we cut it in two and have it carry $12,000,000, he will not withdraw his objection?

Mr. KING. Yes.

Mr. NORBECK. We can do that by offering an amendment which will make it apply only to those who have reached the age of 75 years. That will be almost exactly half of them. Perhaps it will be 51 per cent of them. With that amendment, the bill will cost about $12,000,000 for the first year.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. With that amendment.

The PRESIDING OFFICER. The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from South Dakota.

The CHIEF CLERK. On page 1, line 11, after the figures "1905" it is proposed to insert "and who has attained the age of 75 years."

The amendment was agreed to.

Mr. FLETCHER. Mr. President, may I ask the Senator one question? This bill takes care of married widows and remarried widows; it makes no difference how many times they have been married?

Mr. NORBECK. That is my recollection.

Mr. JONES of Washington. Mr. President, I want to ask the Senator whether the committee has given consideration to the proposition to raise the time from 1905?

Mr. NORBECK. The marriage date?

Mr. JONES of Washington. Yes.

Mr. NORBECK. The majority of the committee would be against changing the marriage date. A woman who married a soldier more than 40 years after the war closed can not get a pension. We think that is long enough after the war.

Mr. JONES of Washington. Mr. President, not very long ago I received a letter from a lady who put this matter in a little different light from the way I have looked at it. She said that these old soldiers are getting very old, and require much more care now than they did 20 years ago, and I think that is true. A woman who married a soldier 15 years ago has had considerable care to take of him.

Mr. NORBECK. In cases where they were married 15 years ago we might give them a special pension, though not a very large one. The committee is opposed to a general change of the marriage date.

Mr. JONES of Washington. But the committee would consider exceptional cases?

Mr. NORBECK. Exceptional cases; yes.

Mr. JONES of Washington. Very well.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 5443 will be indefinitely postponed.

BILL PASSED OVER

The bill (S. 5395) to provide for the construction of the Deschutes project in Oregon, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation with an amendment, on page 2, line 4, after the word "unit," to insert "south unit," so as to make the bill read:

Be it enacted, etc., That in accordance with the provisions of the act of June 17, 1902 (32 Stats. L. p. 388), known as the reclamation law, and acts amendatory thereof or supplementary thereto, the Secretary of the Interior is hereby authorized and empowered to construct at Benham Falls, on the Deschutes River in the State of Oregon, a storage reservoir and incidental works sufficient in size and the necessary canals and conduits for the delivery of water from said reservoir and said river to irrigate the lands requiring irrigation, and which he may find to be feasible for irrigation on the following units of the Deschutes project in the State of Oregon, namely: The north unit, east unit, Powell Buttes irrigation district, west unit, south unit, and Tumalo irrigation district.

SEC. 2. That no expenditures for the construction of said reservoir, incidental works, canals, or conduits shall be made until the lands to be irrigated thereby shall have first been legally obligated to pay their proper proportion as may be determined by the Secretary of the Interior of the total cost thereof to the United States in accordance with said act of Congress approved June 17, 1902 and acts amendatory thereof or supplementary thereto, but expenditures may be made hereunder at any time to cover the necessary expenses incurred by the United States on account of preliminary investigations and negotiations in connection with the execution of the contract or contracts providing for the repayment to the United States of the total cost of said project, or of any unit thereof.

SEC. 3. That to enable the Secretary of the Interior to continue surveys and investigations, to negotiate the necessary contracts for the repayment of the cost of said project, or the units thereof, and for the purpose of constructing said storage reservoir, incidental works, canals, conduits, and appurtenant structures, there is hereby authorized to be appropriated from any moneys in the reclamation fund such amounts as may be necessary to carry out the purposes of this act, to be appropriated from time to time upon estimates made by the Secretary of the Interior.

The amendment was agreed to.

Mr. BRATTON. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

BATTLE FIELD OF STONES RIVER, TENN.

The bill (H. R. 6246) to establish a national military park at the battle field of Stones River, Tenn., was announced as next in order.

Mr. BRUCE and other Senators. Let that go over.

Mr. McKELLAR. Mr. President, who was it that objected?

Mr. KING. Several of us.

Mr. BRUCE. I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. KING. I reserve the right to object.

Mr. McKELLAR. The Senator from New York has an amendment to offer.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WADSWORTH. Mr. President, I move to add at the end of the bill this sentence in the nature of a proviso:

Provided, That no obligation for the purchase of lands shall be incurred until the commission has fixed the boundaries of said park and reported the same to the Congress for approval.

Mr. McKELLAR. That amendment is satisfactory. I do not object to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

THORNTON JACKSON

The bill (H. R. 6847) to correct the military record of Thornton Jackson was considered as in Committee of the Whole.

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

SUITS RESULTING FROM SUBSIDENCE OF FIRST STREET IN THE DISTRICT

The bill (S. 5552) to authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and empowered to discontinue the prosecution of all claims and suits pending in the Supreme Court of the District of Columbia and entitled suits at law Nos. 63579, 63580, 63581, and 63582, to recover the sum of $58,198.80 expended from public funds in resurfacing, repairing, and restoring to grade First Street east, between B Street south and B Street north, which work was rendered necessary by the subsidence of said street occasioned by the construction of a railroad tunnel under the said street incident to the project of elimination of grade crossings and the establishment of a union railroad station in the District of Columbia, authorized by acts of Congress approved February 12, 1901, and February 28, 1903: *Provided*, That the Philadelphia, Baltimore & Washington Railroad Co.,

the Pennsylvania Railroad Co., and the Washington Terminal Co., jointly or severally, pay to the collector of Taxes of the District of Columbia a sum not less than $30,000 in compromise and settlement of said claim or claims: *Provided further*, That said sum shall be covered into the Treasury of the United States to the credit of the United States and the revenues of the District of Columbia in equal parts.

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

FARMERS' PRODUCE MARKET

The bill (H. R. 15668) authorizing negotiations for the acquisition of a site for the farmers' produce market, and for other purposes, was announced as next in order.

Mr. BLEASE. Let that go over.

Mr. JONES of Washington. Mr. President, I hope the Senator will reserve his objection for just a moment.

Mr. BLEASE. My objection is that the bill gives the commissioners authority to negotiate and purchase, and I object to that. Where are they going to put this market?

Mr. JONES of Washington. This bill does not provide for putting it at any place.

Mr. BLEASE. It leaves the commissioners free to purchase where they please.

Mr. JONES of Washington. No; this does not locate it at all. The bill is very materially amended.

Mr. BLEASE. I know; but it leaves it to somebody to put it at the wrong place.

Mr. JONES of Washington. No; they have to report to Congress, and Congress will then determine the matter.

Mr. BLEASE. Yes; and by the time Congress meets next year the market will be built, and then, of course, we will have to confirm it. I object to the consideration of the bill, Mr. President.

The PRESIDING OFFICER. The Senator from South Carolina objects, and the bill will be passed over.

GEORGE W. KELLY

The bill (H. R. 6422) to correct the military record of George W. Kelly was announced as next in order.

Mr. KING. Let that go over.

Mr. REED of Pennsylvania. Mr. President, will not the Senator hear an explanation?

Mr. KING. Mr. President, I have read the report. It seems to me that this man was a deserter. There does not seem to be sufficient extenuation to warrant the removal of the charge of desertion.

Mr. REED of Pennsylvania. He was a wounded soldier, was in a hospital, and was paid by a paymaster. He understood that his regiment had been mustered out. The paymaster, on his next return to the hospital, passed him over and declined to pay him anything. The man was advised by the attendants at the hospital, under the circumstances, to go home and await orders. There was no intention to desert from the active service. He made no effort to conceal himself or to change his identity. It seemed to me like a deserving case. The committee has been very strict in handling those cases, particularly this winter; but it seemed to us that this was a meritorious case and ought to be reported out favorably.

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

Mr. REED of Pennsylvania. I am glad to yield.

Mr. KING. Is that the unanimous report of the committee?

Mr. REED of Pennsylvania. That is my impression, that the committee was unanimous in its favor.

Mr. KING. Does the Senator understand that it was through illness that the charge of desertion was preferred against this man?

Mr. REED of Pennsylvania. Yes. If the Senator please, on the second page of the report, which one misses as he first looks at it, there is a full statement of those facts. The report from The Adjutant General is very brief, and it looks as if that concluded the report; but all that I have stated appears on page 2.

Mr. KING. The report which I read was from The Adjutant General, and showed a clear case of desertion.

Mr. REED of Pennsylvania. Yes; the Senator is quite right.

Mr. KING. My position was that if the man was a deserter, he was not entitled to a pension.

Mr. REED of Pennsylvania. I think the proof showed that he was not.

Mr. KING. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

FARMERS' PRODUCE MARKET

Mr. BRUCE. Mr. President, I desire to ask the Senate to revert to Order of Business 1529, House bill 15668, in order that I may ask my friend from South Carolina to permit me to make an explanation.

Mr. JONES of Washington. Mr. President, the Senator from South Carolina says he will withdraw his objection to that bill.

Mr. BLEASE. With an amendment to strike out the House bill and adopt this amendment I have not any objection. I do object to authorizing the commissioners to purchase this market site.

Mr. JONES of Washington. I ask that we may return to Order of Business 1529.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent that the Senate return to Order of Business 1529, House bill 15668. Is there objection? The Chair hears none.

The Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Commitee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to negotiate for the acquirement of a site for the farmers' produce market, at a cost not to exceed $600,000, and to report to Congress with their recommendations not later than December 15, 1927.

Mr. BLEASE. Mr. President, as I understand it, that gives them the right to negotiate, but not to purchase.

Mr. BRUCE. That is right.

Mr. BLEASE. And this bill does not carry with it an appropriation?

Mr. BRUCE. That is right.

Mr. BLEASE. I have no objection, of course.

Mr. KING. To make that doubly sure I ask that it be amended by inserting, in line 10, after the word "acquirement," the words "but shall not contract to acquire."

Mr. JONES of Washington. That is all right. That is what it means.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read "An act authorizing negotiation for the acquisition of a site for the farmers' produce market, and for other purposes."

HOT SPRINGS NATIONAL PARK

The bill (H. R. 6097) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes, was considered as in Committee of the Whole.

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

WITHDRAWAL OF PUBLIC LANDS FROM SETTLEMENT

The bill (H. R. 10612) to withdraw certain public lands from settlement and entry was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I would like to ask the chairman of the committee to explain that bill.

Mr. STANFIELD. Mr. President, this is a bill providing for withdrawal under the land laws of about 50,000 acres of land in the State of California. It is a House bill, introduced by the Representative from the district in which the land is located. There is no protest against the bill. The Department of the Interior has said it is unusual legislation and there is no precedent for it. However, the measure leaves the right in the hands of the Secretary of the Interior at any time to restore the land to public entry, if in his discretion it should be restored.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I would like to ask the Senator a question.

There is a disposition, particularly in the public-land States, to ask for a cession of the unappropriated public lands, a disposition to get the lands out of the control of the Government, so that they may go into the hands of private owners and be subject to taxation. This bill, if I understand it, restores to the public domain land which is now subject to entry, or, rather, maintains it in the status of public land instead of permitting it to become the property of private persons.

Mr. JOHNSON. Mr. President, it does not permit it to become the property of private persons. It withdraws it from entry. It is waste land entirely.

Mr. KING. It would not be subject to entry, then?

Mr. JOHNSON. No, sir; and the Secretary may restore it at any time he sees fit to do so.

Mr. KING. Would there be any advantage in having it withdrawn from entry?

Mr. JOHNSON. Yes. The fact is that it is waste land; that is, deer land, at present, and all of the authorities of the surrounding counties in the State of California, and the people thereabouts, want to preserve it from sportsmen who they fear will get the land if it is left in its present situation.

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

Mr. JOHNSON. Certainly.

Mr. BRATTON. May I inquire how much land is involved in this measure?

Mr. JOHNSON. About 50,000 acres, I think. It is mountainous land.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill.

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

VANCOUVER MILITARY RESERVATION, WASH.

The bill (S. 4977) to authorize and direct the Secretary of War to grant a perpetual easement for public highway purposes over and upon a portion of Vancouver Military Reservation, in the State of Washington, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of War be, and he is hereby, authorized to grant and convey to the city of Vancouver, a municipal corporation of the State of Washington, a perpetual easement for the construction and maintenance of a public highway, not exceeding 60 feet in width, paralleling the Columbia River on the Vancouver Barracks Military Reservation in the State of Washington, at such location and under such conditions as may be approved by the Secretary of War, with the right to grade, fill, or otherwise build said highway above the danger of overflow of the Columbia River, to surface, pave, illuminate, lay mains, conduits, and culverts, and to make other improvements necessary for public highway purposes: *Provided*, That the city of Vancouver shall perform at its own cost and expense such work as the Secretary of War may require for the protection of or to prevent interference with the use of any underground or other improvements on said reservation which may be affected by the construction and maintenance of said highway.

SEC. 2. No part of the property granted and conveyed by the Secretary of War for the purposes aforesaid shall be used for any other than highway purposes, and when said property shall cease to be so used it shall revert to the United States of America: *Provided*, That the United States at all times shall have the right to pass over or across said highway for gaining access to the Columbia River or for any other purposes, and in case of an emergency may assume control of, hold, use, and occupy, temporarily or otherwise, without consent or leave from the city of Vancouver, any or all of said property and highway for any governmental purposes. And the United States shall not be or become liable for any damages or compensation whatever to the city of Vancouver for any future use by the United States for the aforesaid purposes of any or all of said property and highway.

Mr. WADSWORTH. Mr. President, this amendment merely authorizes the Secretary of War to grant to the city a strip of land, not exceeding 60 feet wide, paralleling the Columbia River, on the Vancouver Military Reservation, to be used only for highway purposes, the city to bear all expenses of improving the property.

Mr. JONES of Washington. The Secretary may take possession of it whenever emergency requires.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill 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."

CITY POUND AND ANIMAL SHELTER, CHATTANOOGA, TENN.

The joint resolution (S. J. Res. 136) authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall, for the city pound, animal shelter, and hospital was announced as next in order.

Mr. McKELLAR. Mr. President, the House has already passed a similar measure—House Joint Resolution 324. I ask that the House joint resolution be substituted for the Senate measure and passed, and that the Senate joint resolution be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (H. J. Res. 324) authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall, for a city pound, animal shelter, and hospital was read twice by its title and considered as in Committee of the Whole.

Mr. BLEASE. Mr. President, I am not going to object to this measure, but I want it understood that I am not in favor of it.

Mr. McKELLAR. I will explain the measure to the Senator.

Mr. BLEASE. I was in the committee room when it was discussed, and I know all about it. I do not propose to say why I object to it unless the Senator wants to know.

Mr. KING. I would like to know.

Mr. BLEASE. I just want to put it on the record that I am not in favor of this measure, but I am not going to object to its consideration.

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

The PRESIDING OFFICER. Senate Joint Resolution 136 will be indefinitely postponed.

Mr. BLEASE. Mr. President, the reason why I voted against this measure was that I do not believe in establishing a dog pound near any place where people were buried, even though they were Yankee soldiers.

Mr. McKELLAR. Mr. President, if I may be permitted, I will state just what this is. It is a piece of land owned by the United States Government; it is outside of the cemetery and it is now being used in part as a National Guard drilling field. It is where the National Guard drill and where they practice. A part of it is not used by the Government for any purpose at all. The joint resolution simply authorizes the Secretary of War to let the commissioners of the city of Chattanooga use a part of it for an animal hospital. It seems to me that it is a very worthy use, and I am glad to know that the Senator, whatever his reasons were, was willing to have it go through. The ground has been so used for some time, but the city authorities desire to improve it, and before doing so they wish to have a more definite license.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a question?

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is the calling of the next bill on the calendar.

Mr. REED of Pennsylvania subsequently said: Mr. President, I would like to ask the Senator from Tennessee what he can say in reply to the criticism of the Senator from South Carolina. Is it the intention, in other words, to establish a city pound right next to the burial ground of Union soldiers?

Mr. McKELLAR. Oh, no.

Mr. REED of Pennsylvania. Then, why does the bill use the phrase "city pound"?

Mr. McKELLAR. Mr. President, it is to be used as an animal hospital, and it is being used by the city of Chattanooga for that purpose now. The pound has been there for some time. It has been used under an ordinary permit from the Secretary of War, and it was desired by the city to improve it and to make it a very efficient and commodious animal refuge and hospital. It will be very greatly improved with houses and yards.

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

Mr. REED of Pennsylvania. I yield.

Mr. NEELY. Does the Senator mean to say that they are going to build a dog and horse hospital in this soldiers' cemetery?

Mr. McKELLAR. No; it is not anything of the kind. The Senator could not understand it that way, and that is not the truth about it at all. This land is unused. It is a part of a tract outside of the cemetery.

Mr. SHEPPARD. Mr. President, will the Senator allow me to say just a word?

Mr. McKELLAR. It is at a considerable distance from the cemetery. It has no connection whatever with the cemetery.

Mr. HEFLIN and Mr. SHEPPARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. Does he yield?

Mr. REED of Pennsylvania. I have yielded to the Senator from Tennessee.

Mr. HEFLIN. Mr. President, there is a thick wall between this land and the cemetery.

Mr. McKELLAR. There is.

Mr. SHEPPARD. Mr. President, I want to say to the Senator from Pennsylvania that the buildings do not adjoin the cemetery. They are across the road from the cemetery, perhaps a hundred yards from it, on ground that can not be used at all for any other purposes.

Mr. OVERMAN. The joint resolution has passed.

Mr. LENROOT. The Senator from Alabama said there was a big wall; now there is a road.

Mr. McKELLAR. No; it is a wall. Mr. President, the Secretary of War has recommended this bill, and I submit as a part of my remarks the report of the committee containing the letter of the Secretary of War. This letter shows that this is a very proper and worthy use of the property. The letter is as follows:

WAR DEPARTMENT,
Washington, February 14, 1927.

Hon. JAMES W. WADSWORTH Jr.,
Chairman Committee on Military Affairs, United States Senate.

DEAR SENATOR WADSWORTH: In compliance with your request of February 5, 1927, I am pleased to submit the following report on Senate Joint Resolution 136:

The subject of the proposed legislation is joint resolution authorizing the use of a portion of that part of the United States National Cemetery Reservation at Chattanooga, Tenn., lying outside the cemetery wall for a city pound, animal shelter, and hospital.

The applicable provision of existing law on this subject appears in the act of October 1, 1890 (26 Stat. 685) and is quoted below:

"That permission be, and is hereby, granted to the city of Chattanooga, * * * to improve and beautify that portion of the military reservation lying outside of the national cemetery inclosure, situated in and adjoining the city of Chattanooga, for a public park; * * * with the right to said city of Chattanooga to make such improvements and fillings and erect and maintain such structures as the Secretary of War may, from time to time, approve: * * *."

The changes that will be brought about in existing law by the proposed legislation and the effect of such changes, stated briefly, are as follows:

It will authorize the Secretary of War, upon request made by the mayor and board of commissioners, city of Chattanooga, Tenn., to grant permission to the Humane Educational Society of Chattanooga, Tenn., to occupy and use for the purpose of establishing and operating thereon a city pound, animal shelter, and hospital, such portion of the national cemetery reservation at Chattanooga, Tenn., lying outside of the cemetery inclosure as he may designate and upon such conditions as he may prescribe.

I favor the passage of the resolution for the following reason:

It will permit the use of the property for humane and public purposes without prejudice to the interests of the Government.

If any additional information from the War Department is desired, I shall be pleased to furnish it.

If the Committee on Military Affairs wishes to have hearings upon the proposed legislation, the following-named officer is designated to appear before your committee: Gen. Francis H. Pope, Quartermaster Corps.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

POLICING OF MILITARY ROADS IN THE DISTRICT OF COLUMBIA

The bill (S. 5734) to provide for the policing of military roads leading out of the District of Columbia, was announced as next in order.

Mr. BAYARD. Mr. President, will not the Senator from New York explain the necessity for having military police upon roads running out of Washington?

Mr. WADSWORTH. The idea is not to have military police patrolling these roads. This bill would permit the Director of Public Buildings and Public Parks of the National Capital to police these roads with the help of his existing police force. It is not military police. There will not be martial law on the road to Fort Myer or the Conduit Road.

Mr. BAYARD. To whom will these soldiers or police be responsible?

Mr. WADSWORTH. They are not soldiers.

Mr. BAYARD. What are they?

Mr. WADSWORTH. They are the same policemen who police the highways around the Lincoln Memorial and the Speedway.

Mr. BAYARD. Are they part of the Metropolitan police force?

Mr. WADSWORTH. No; they are not. They are under the Director of Public Buildings and Public Parks of the National Capital. They are the National Capital park police. It is merely to extend their jurisdiction over a few roads which are owned entirely by the Government.

Mr. BAYARD. They are to be under the command of the Secretary of War, then, or under his department?

Mr. WADSWORTH. They will be under the Director of Public Buildings and Public Parks, as the bill fully recites.

Mr. BAYARD. That is a subbureau of the War Department, is it not?

Mr. WADSWORTH. No; it is an independent bureau.

Mr. SWANSON. Mr. President, does this extend to roads in Arlington County?

Mr. WADSWORTH. Their jurisdiction would extend over the road which leads from Long Bridge toward Fort Myer. That road is not policed by any authority to-day.

Mr. SWANSON. Yes; Arlington County polices it.

Mr. WADSWORTH. And certain conditions are alleged to exist there.

Mr. SWANSON. I must object until I consult the authorities of Arlington County, to see if they wish to have the bill enacted.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

RETURN OF FUNDS TO THE NATIONAL GUARD

The joint resolution (H. J. Res. 272) providing for the return of funds belonging to World War National Guard organizations that are reconstituted was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with an amendment on line 7, after the word "Guard," to insert the words "which have not been reconstituted," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized and directed to transfer to the governors of the respective States and Territories and to the commanding general of the District of Columbia such funds as he may now hold in trust for World War units of the National Guard which have not been reconstituted: *Provided*, That in the cases of States and Territories the legislatures thereof first pass acts enabling their respective governors to act as trustees for said funds.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "Joint resolution providing for return of funds belonging to World War National Guard organizations that are not reconstituted."

PICATINNY ARSENAL IN NEW JERSEY

The bill (S. 5725) to authorize an appropriation to rehabilitate the Picatinny Arsenal in New Jersey was announced as next in order.

Mr. EDGE. Mr. President, I believe there has been a House bill passed of the same tenor. I suggest to the Senator from New York that he substitute the House bill for this bill.

Mr. WADSWORTH. I have no objection. I ask that the bill be temporarily passed over.

The PRESIDING OFFICER. The bill will be temporarily passed over.

LAWRENCE F. NELSON

The bill (H. R. 11396) for the relief of Lawrence F. Nelson was considered as in Committee of the Whole.

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

WILLIAM J. BODIFORD

The bill (H. R. 6143) to correct the military record of William J. Bodiford was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from South Carolina if he has examined that bill.

Mr. BLEASE. The Committee on Military Affairs reported it unanimously.

Mr. KING. The Senator thinks this is a case where the charge of desertion ought to be removed?

Mr. BLEASE. It is not a case of desertion. It was really not believed to be a case of desertion.

Mr. KING. I shall not object.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

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

E. D. MACREADY

The bill (H. R. 2882) for the relief of E. D. Macready was announced as next in order.

The PRESIDING OFFICER. That bill has been reported with an adverse report, and will be indefinitely postponed.

Mr. HARRELD. Mr. President, I am informed that the Committee on Military Affairs was ready to report favorably on that bill or to withdraw the objection to it. Is that true?

Mr. BLEASE. Mr. President, the report made by the subcommittee was favorable, but the committee did not adopt a favorable report, and did adopt an unfavorable report. I do not know what action the Senate would take if the Senator should make a statement in reference to the matter.

Mr. BRUCE. Let the bill go over.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

JOHN RALSTON

The bill (H. R. 7874) to correct the military record of John Ralston was announced as next in order.

The PRESIDING OFFICER. This bill has been adversely reported and will be indefinitely postponed.

JOHN T. O'NEIL

The bill (H. R. 2787) for the relief of John T. O'Neil was announced as next in order.

The PRESIDING OFFICER. This bill has been reported adversely and will be indefinitely postponed.

COLVILLE NATIONAL FOREST, WASH.

The bill (H. R. 15826) to add certain lands to the Colville National Forest, Wash., was considered as in Committee of the Whole.

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

THOMAS P. M'SHERRY

The bill (H. R. 1690) for the relief of Thomas P. McSherry was considered as in Committee of the Whole.

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

SALES TAX IN THE PHILIPPINE ISLANDS

The bill (H. R. 16952) to ratify and confirm act No. 3243 of the Philippine Legislature, approved November 27, 1925, was considered as in Committee of the Whole.

Mr. KING. Mr. President, I should like to ask some Senator who is a member of the committee whether this has the approval of the Philippine Commissioners.

Mr. WILLIS. Mr. President, I know that it has the approval of the Philippine Legislature. I want to be absolutely truthful in my statement. There has been no objection made by the Philippine Commissioners. Let me state the facts in the case.

Mr. KING. Let me state this: If the Senator says that it has the approval of the legislature, I shall not object to its consideration, with the understanding that if, upon inquiry, it is discovered that the Philippine Commissioners object to it, I shall move to reconsider; and the Senator will join with me in that request.

Mr. WILLIS. Certainly. Let me say just a word as to what the measure is.

In the Philippine Islands there is a tax which is tantamount to a sales tax. There has been some question as to the legality of that tax. The Senator understands that the sales tax law was passed by the Philippine Legislature and approved by the Governor General. In 1925, I think it was, we passed a bill approving the sales tax law theretofore passed. Since then there has been an amendment to their law, and the question is as to its validity. The Supreme Court, in passing upon the other bill, rested its decision upon the approval by the act of Congress, and the legislature and the Governor General thought it very important that this be passed.

Mr. KING. The explanation of the Senator seems to warrant the legislation, and with the understanding implied in the statement I made a moment ago, I have no objection.

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

Mr. WILLIS. I ask that the report be printed at this point.

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

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

[S. Rept. No. 1539, 69th Cong., 2d sess.]

TO RATIFY AND CONFIRM ACT NO. 3243 OF THE PHILIPPINE LEGISLATURE

Mr. WILLIS, from the Committee on Territories and Insular Possessions, submitted the following report [to accompany H. R. 16952]:

The Committee on Territories and Insular Possessions, to whom was referred H. R. 16952, report the same back without amendment and recommend its passage.

The facts are clearly set forth in the report made by the Committee of the House of Representatives on Insular Affairs. This report is as follows:

[H. Rept. No. 2033, 69th Cong., 2d sess.]

The Committee on Insular Affairs, to which was referred the bill (H. R. 16952) to ratify and confirm act No. 3243 of the Philippine Legislature, approved November 27, 1925, having had the same under consideration, report it back favorably and recommend that the bill do pass.

The Philippine Legislature passed a law, which was approved by General Wood on November 27, 1925, continuing permanently in force an additional tax of one-half of 1 per cent on merchants' sales in the Philippine Islands from January 1, 1926.

The laws of the Philippine Legislature providing temporarily for this increased tax, which were approved by the Governor General on March 17, 1923, and November 27, 1924, respectively, were legalized and ratified by an act of Congress approved March 9, 1925.

The merchants' sales tax law has been in force in the Philippines since 1904. It has proven to be the most generally satisfactory manner of producing revenue and the one that meets with the least opposition among the people. When it has become necessary to increase the revenues of the Philippine government, to increase the sales tax rate is the method which has found greatest favor.

Congress has consistently approved the collections made under the previous alterations of the merchants' sales tax law, and it is deemed quite essential to have Congress ratify this act of November 27, 1925, so as to avoid any question of its validity in so far as it applies to sales of merchandise brought into or sent out of the islands due to a possible conflict with the laws of Congress, which on the other hand, have specified what duties should be laid on imports and, on the other, have prohibited the levying by the local legislature of export duties. In this connection it may be stated that the United States Supreme Court has ruled in favor of the validity of the tax mainly on the ground that the collections have been ratified by Congress.

It is to be noted that this legislation is necessary to carry into effect the act passed by the Philippine Legislature and approved by the Governor General. It is to be noted, also, that there is no difference of opinion in this respect between the two branches of the Philippine government. The War Department has made favorable report upon the bill. The following letter from the Secretary of War clearly states the attitude of the department toward the bill and its interest in its prompt passage. Failure to enact the legislation will lead to confusion in the taxation system of the Philippine Islands.

From every viewpoint it is believed that the proposed legislation is wise and should be enacted into law.

WAR DEPARTMENT,
Washington, February 17, 1927.

Hon. FRANK B. WILLIS,
Chairman Committee on Territories and Insular Possessions,
United States Senate.

MY DEAR SENATOR: My attention has been called to the fact that the House passed yesterday H. R. 16952, a copy of which I inclose, together with a copy of the report of the Committee on Insular Affairs on it. The report sets forth quite clearly the facts in the case. May I request your good offices in securing the passage of the act by the Senate before Congress adjourns?

Very sincerely,

DWIGHT F. DAVIS, *Secretary of War.*

WILLIAM H. SANTELMANN

The bill (S. 4731) for the promotion and retirement of William H. Santelmann, leader of the United States Marine Band, was announced as next in order.

Mr. KING. Let that go over.

Mr. ODDIE. Mr. President, I will ask the Senator from Utah if he will not withhold his objection.

Mr. KING. I will simply say that I have examined the report and examined the bill, and while I shall be happy to hear the Senator make an explanation, I am sure that his eloquence would not change my view. I object.

Mr. ODDIE. Mr. President, this bill provides for the retirement of William H. Santelmann.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator has not withdrawn his objection, and the Chair has no discretion in the matter when the regular order is demanded.

Mr. ODDIE. I understood the Senator from Utah to withhold his objection until I could make a statement.

Mr. KING. No; I said that the eloquence of the Senator from Nevada would not change my view. I have read the report and read the bill.

The PRESIDING OFFICER. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 16389) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, etc., was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, I wish to offer an amendment to the committee amendment, to be inserted at the end of the committee amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 40 insert:

The name of Hampton Mitchell, late midshipman at the Naval Academy, Annapolis, Md., to pay him a pension at the rate of $50 per month.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WADSWORTH. May I ask a question of the Senator?

Mr. ROBINSON of Arkansas. This is the case that was discussed a few moments ago, and it was suggested then that it would be better to pay Mr. Mitchell a pension than to place him on the retired list. I am offering the amendment at the suggestion of the Senator from New York, the Senator from Alabama, the Senator from Texas, and numerous other Senators.

Mr. WADSWORTH. Mr. President, I am in sympathy with the purpose of the amendment. Do I understand from Senators who have studied the case that the young man has tuberculosis?

Mr. SHEPPARD. He has.

Mr. WADSWORTH. If we are going to put him on a parity with other men who have suffered from tuberculosis in the World War, it strikes me that we should give him more than $50 a month.

Mr. ROBINSON of Arkansas. I myself suggested $100 a month, as the Senator will recall, and it was suggested to me that it would be better to make the initial pension $50 per month. I would be glad to increase it if the Senator from South Dakota would accept the increase.

Mr. REED of Pennsylvania. Mr. President, if the Senator will permit the suggestion, a soldier of the World War suffering with tuberculosis will receive $80 per month, and——

Mr. ROBINSON of Arkansas. I ask permission to modify——

Mr. REED of Pennsylvania. Will the Senator permit me to finish my statement? He will receive $80 per month while the disease is active and $40 per month when it is arrested. There is no way of equalizing these cases.

Mr. NORBECK. Mr. President, we are enacting permanent legislation here. Therefore we should not apply the maximum. If further relief is necessary, it can be granted at the next session of Congress. We are not sure that it is a permanent case of tuberculosis. I think $50 a month is as far as we ought to go at this time.

Mr. ROBINSON of Arkansas. Does the Senator object to making it $80 a month at this time?

Mr. NORBECK. I think it ought not to be done in that way.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

Mr. HOWELL. Mr. President, as I stated before, there were some 60 students at Annapolis who at the last semiannual examination were dropped because of physical disability. One young man was from my city. He was dropped because of the condition of his eyes. He had had inflammation of the eyes while at Annapolis, and as a result his sight was affected, and they would not even allow him to graduate. If we are going to begin this sort of thing with students at Annapolis and at West Point, there will be no end to it. Many young men of the age of this young man have gone out into civil life and have utterly recovered from the disease. Here is a proposition to put a man permanently upon the pension roll without an examination by a physician.

Mr. SHEPPARD. He has been examined, I will say to the Senator.

Mr. HOWELL. He has been examined heretofore, but that would not make any difference.

Mr. SHEPPARD. He is in the hospital now. He is subject to periodic examinations.

Mr. HOWELL. What hospital?

Mr. SHEPARD. The Fitzsimons Hospital at Denver, where he is under constant supervision and subject to regular examination.

Mr. HOWELL. In other words, he is now in a hospital owned by the Government?

Mr. SHEPPARD. He is allowed to remain there only until the 10th of March, when he must leave. We have requested that his leave be extended from time to time, hoping that we could get the bill through Congress. We can not keep him there after the 10th of March. Then he will be thrown out on his own resources, and he is without resources and afflicted with a fatal disease.

Mr. HOWELL. As I understand it, he has a family and his father is a practicing physician in Texas.

Mr. SHEPPARD. While his father is a practicing physician he is a poor man.

Mr. HOWELL. I have no objection to aiding the young man temporarily, but I do not think he ought to be put permanently upon the pension roll at his age under such circumstances, because if we are going to begin the practice with this young man there will be no end to it. There are three midshipmen for each Senator and each Member of the House of Representatives at Annapolis, and there are a certain number every year who are dropped for physical disability. If we are going to begin to pension these young men we shall have a very long pension list in a very short period of time. I think that something ought to be done for the young man in this case, but I do not believe he ought to be put on the pension roll permanently.

Mr. ROBINSON of Arkansas. Objection was made to placing him upon the retired list, and the suggestion was offered that he be pensioned.

Mr. WADSWORTH. Mr. President——

Mr. ROBINSON of Arkansas. I yield to the Senator from New York.

Mr. WADSWORTH. Would it not be possible, may I suggest to the Senator from Arkansas and the Senator from Texas, to draft an amendment making this young man amenable to the World War veterans' act with respect to his disability?

Mr. SACKETT. Mr. President, why not make all men eligible who have been dropped for disability from the Naval Academy and the Military Academy?

Mr. ROBINSON of Arkansas. I ask for a vote on my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas.

Mr. HEFLIN. How much does it provide?

Mr. ROBINSON of Arkansas. Fifty dollars a month.

Mr. HEFLIN. If that is all we can get now, let us vote on it.

Mr. HOWELL. I am willing to agree to that, provided the pension is limited to a period of years—say, five years—and then he can come back here if he still needs help; but in placing the young man at his age on the permanent pension roll I believe we are making a mistake.

Mr. HEFLIN. Let us pass the bill, or else we shall have the evening go by without accomplishing anything at all.

Mr. HOWELL. If we provide for this case, I shall have to come here at once and ask for aid in the cases of young men from my city.

Mr. HEFLIN. I shall not permit this case to become a precedent. I shall pass on each case on its own merits.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas.

Mr. HOWELL. I move as an amendment to the amendment that the pension be limited to a period of five years.

Mr. ROBINSON of Arkansas. Very well; I accept the amendment as a modification.

The PRESIDING OFFICER. The Senator from Arkansas modifies his amendment. The question is on agreeing to the amendment as modified, which will be stated.

The CHIEF CLERK. Add the following at the end of the bill:

The name of Hampton Mitchell, late midshipman at the Naval Academy, Annapolis, Md., and pay him a pension at the rate of $50 per month for a period of five years.

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendments will now be stated.

The first amendment of the Committee on Pensions was, on page 4, line 3, after the words "rate of," to strike out "$17" and insert "$12," so as to read:

The name of Joseph C. Petres, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 17, after the words "rate of," to strike out "$30" and insert "$20," so as to read:

The name of Edward H. Packer, late of Battery H, First Regiment Ohio Light Artillery, war with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 9, after the words "rate of," to strike out "$17" and insert "$12," so as to read:

The name of James M. Smith, late of Companies B, E, and H, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to strike out:

The name of George E. West, late of Company D, Fifteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to strike out:

The name of William H. Leroux, late of Troop H, Fourth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to strike out:

The name of Mathew Peterschell, late of Battery L, Fifth Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $8 per month.

The amendment was agreed to.

The next amendment was, at the top of page 15, to strike out:

The name of Vonny A. McClaren, late of Battery C, Ninth Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 28, line 21, after the words "rate of," to strike out "$15" and insert "$12," so as to read:

The name of Jesse P. Gaither, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 30, after line 13, to strike out:

The name of George W. Mead, late of Company A, First Regiment Vermont Infantry, war with Spain, and pay him a pension at the rate of $20 per month, the pension to cease and determine if at any time the soldier's name should be placed upon the Federal employees' retirement roll.

The amendment was agreed to.

The next amendment was, on page 31, after line 10, to strike out:

The name of Rosa Green, dependent mother of Harrison Green, late unassigned recruit, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 10, to insert:

The name of James S. Taylor, Nez Perce Indian war, Washington Territory, in 1877, and pay him a pension at the rate of $20 per month.

The name of Alfred Tureman, late of Company A, First Regiment Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma R. Morrison, mother of Dell A. Steen, late of Company D, First Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John T. Burriss, late of Company I, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $6 per month.

The name of Nettie Marshall, widow of Robert A. Marshall, late of Company E, First Regiment New Hampshire National Guard, and pay her a pension at the rate of $12 per month, and $2 per month additional for each minor child until they, respectively, attain the age of 16 years.

The name of Carl Enevoldsen, late of the United States Coast Guard, and pay him a pension at the rate of $20 per month.

The name of Lucy A. Tennery, widow of Edwin F. Tennery, late of Captain Sublett's company, Powell's battalion, Missouri Mounted Volunteers, Mexican War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Laura Barker, adopted mother of Frank S. Hicks, Troop A, Twelfth Regiment United States Cavalry, Spanish-American War, and pay her a pension at the rate of $20 per month.

The name of Alexander Lewis, formerly of Troop K, Ninth Regiment United States Volunteer Cavalry, Indian wars, and pay him a pension at the rate of $6 per month.

The name of Eldoris Y. Green, late of Company G, Seventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Cyrus G. Fox, late of U. S. S. *Harvard*, United States Navy, and pay him a pension at the rate of $20 per month.

The name of James Shaughnessy, formerly of the United States Navy, and pay him a pension at the rate of $6 per month.

The name of John Gaughan, late of Company F, Eighth Regiment United States Infantry, and pay him a pension at the rate of $10 per month.

The name of Margarete Weidlich, widow of Robert Weidlich, late of Troop I, Eighth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month and $2 per month additional for the minor child until it attains the age of 16 years.

The name of Thomas Glynn, late of Company C, Twenty-third Regiment United States Infantry, Ute campaign, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Solomon Johnson, late of Troop D, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Florence G. Brooks, widow of Lewis A. Brooks, late of Company H, Twentieth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month, and $6 additional per month for each minor child under 16 years of age until they, respectively, attain the age of 16 years.

The name of Annie R. C. Owen, widow of William Otway Owen, late a colonel in the United States Army, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of James Hogan, late of Company H, Sixth Regiment United States Infantry, and pay him a pension at the rate of $6 per month.

The name of Virginia Whiting, mother of Samuel B. Whiting, late of Company A, Fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Francis W. Mudd, late of United States Navy, and pay him a pension at the rate of $6 per month.

The name of Luke H. Morris, late of Company I, Eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Charles A. Swartz, late of Company B, Third Regiment Ohio Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Daniel J. Newell, late of General Custer's Black Hills expedition, 1874, and of General Terry's Sioux expedition, 1876, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Partain, late of Sixth Wagon Company, Third Division, quartermaster train, United States Army, and pay him a pension at the rate of $20 per month.

The name of William Sylvester Bartlett, late of Sixth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month.

The name of Robert Blake, late of Company G, Twenty-fifth Regiment United States Infantry, and pay him a pension at the rate of $10 per month.

The name of Grace I. Kunkle, widow of Henry Kunkle, late of Company L, Sixth Regiment Ohio Infantry, Spanish-American War, and pay her a pension at the rate of $30 per month and $6 per month for each of the dependent children up to 16 years of age.

The name of Martha E. Tilghman, widow of Richard A. Tilgham, late landsman, United States ship *Gettysburg*, and pay her a pension at the rate of $8 per month.

The name of Nicholas G. Penfound, late of Company I, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Mary Malvina White, former widow of Hardy C. Dixon, late of Company A, First Regiment North Carolina Volunteers, and pay her a pension at the rate of $12 per month.

The name of Mary Swift Horse, widow of Adam Swift Horse, late of Troop L, Third Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

The name of John G. Slate, late of One hundred and sixth Company, United States Coast Artillery Corps, and pay him a pension at the rate of $6 per month.

The name of John F. Joyce, late of Company H, One hundred and sixty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Nelson E. Bucknam, who served in the Virginius expedition in 1873–74, and pay him a pension at the rate of $6 per month.

The name of Charles V. Barr, late of Company I, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $10 per month.

The name of Myra Burnham, dependent mother of Henry S. Burnham, late of the Marine Corps of the United States, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary R. Nichols, widow of Allie M. Nichols, late of Company H, Nineteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of John S. Truscott, late of Company C, Fifth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The name of William D. Wood, late of Troop G, First Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of John F. Mossberg, late of Company D, Fifteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Andrew J. Lovelady, late of Captain Goff's Company K, Washington Territory Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur L. Williams, late of Company H, Twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Walter S. Cargill, late of Company H, Third Regiment Texas Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Martha E. Jones, dependent mother, of John T. Jones, late of Company K, Fourteenth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Louise Schmit, widow of Albert Schmit, alias Hugo Maier, late of Company H, Twenty-third Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Almon S. Hortop, late of Troop M, Third Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $6 per month.

The name of Evaline Blair, widow of Uriah Blair, late of Company C, Powell's battalion, Missouri Mounted Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following:

The name of Ella M. Pitts, dependent mother of Royal Harry Pitts, late of Company C, Second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was to add the following at the end of the bill:

The name of John Moursette, scout, United States Army, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. KING. Mr. President, a few moments ago we passed a bill appropriating over $12,000,000 for certain widows of soldiers of the Civil War. I am making no comments now upon that measure. I only want to call the attention of the Senate to the fact that we are appropriating this year for the Pension Bureau and for the Veterans' Bureau nearly $800,000,000. Next year we will appropriate, in my opinion, more than $800,000,000, and within five years we will be appropriating more than $1,000,000,000 per annum.

The Senator from Idaho [Mr. BORAH] three or four years ago, in commenting upon some of these expenditures, indicated, and I think he was correct, that we would spend within the next 50 years nearly $100,000,000,000 growing out of the World War. We are exceedingly liberal and generous.

Some American people and some of our friends here seem to think that Congress is not liberal in dealing with the World War veterans and the pensioners of other wars. When it is recalled that we will appropriate this year nearly $800,000,000, almost as much as it cost to run the entire Government in 1916, it is obvious that the Congress is generous in dealing with these cases.

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

Mr. KING. I yield.

Mr. McKELLAR. I call attention to the fact that we are almost, if not quite, as liberal to those who stayed behind, because we are pensioning, in the way of tax refunds, the profiteers of the war something like $300,000,000 or $400,000,000 a year. Our liberality is not confined to the soldiers. It applies just the same way to the profiteers of the country.

Mr. KING. I do not care to be diverted to a discussion of that matter. I only desire to say that many of the appropriations for refunds of taxes to which the Senator refers have been as the result of judgments rendered by the courts, which the Congress must, of course, satisfy.

Mr. McKELLAR. Oh, a very small proportion.

Mr. KING. Oh, no. I can only say that some taxes were collected illegally and that some of the refunds have been just. That some have been improper I am inclined to believe. I supported the able Senator from Tennessee in the gallant fight which he made to require some of the refunds to be adjudicated or passed upon by some appropriate officer of the Government.

Mr. FLETCHER. Mr. President, the Senator said $700,000,000 or $800,000,000 had been appropriated for the Veterans' Bureau and the pensioners of other wars. Will he separate the items?

Mr. KING. We appropriated this year over $200,000,000 just for the Pension Bureau. I am told by one of the officers of the Veterans' Bureau that the Budget for next year contemplates $590,000,000, and it is not yet completed, and I have not any doubt that it will exceed $600,000,000 for the next year. Every bill presented here which makes demands upon the Treasury of the United States is responded to, and there seems to be but little effort made, and I say that not by way of criticism, by this branch of Congress, and, of course, it would be unparliamentary to refer to the other branch of Congress, to try to protect the Treasury against the demands made not only for pensions and bounties and rewards but for many other purposes and demands made upon the Treasury of the United States. I only call attention to this to show that Congress is exceedingly liberal. It is not parsimonious, as so many people affect to believe.

The PRESIDING OFFICER. The question is, Shall the bill be reported to the Senate as amended?

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. NORBECK. I ask that there may be inserted in the RECORD a brief statement on the Ella M. Pitts case, which I send to the desk.

There being no objection, the statement was ordered to be inserted in the RECORD, as follows:

S. 4621. Ella M. Pitts, of 32 Orchard Terrace, Burlington, Vt., is the dependent mother of Royal Harry Pitts, who enlisted May 3, 1898, in Company C, Second Massachusetts Infantry, and was honorably discharged November 3, 1898. The soldier died June 3, 1899. He was never pensioned. The mother's claim was rejected by the Bureau of Pensions February 24, 1927, on the ground that the soldier's death from epidemic cerebrospinal meningitis could not be considered in any manner due to his military service in line of duty, and claimant has no title to pension as the dependent mother.

Claimant is 70 years of age.

She owns no property and has no income except $5 per week for her services singing in a church. It is shown by evidence on file that the soldier is the son of the claimant and Julius W. Pitts, who died in November, 1926. Prior to her husband's death, who was an invalid, she kept roomers and boarders until her health failed, and she is no longer able to aid in her support by any gainful occupation. Medical evidence shows that she is disabled in her limbs by reason of arthritis deformans and high blood pressure.

The committee recommends that she be allowed a pension at the rate of $20 per month.

CHARLOTTE CHAMBER OF COMMERCE AND CAPT. CHARLES G. DOBBINS

The bill (H. R. 13143) for the relief of the Charlotte Chamber of Commerce and Capt. Charles G. Dobbins, Army disbursing officer, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to cancel the indebtedness of the Charlotte Chamber of Commerce to the United States in the amount of $8,146.58, raised upon the books of the General Accounting Office by reason of an unauthorized payment made by Capt. Charles G. Dobbins, Army disbursing officer, in connection with a lease dated September 1, 1917, at an annual rental of $1 by the said chamber of commerce to the United States of land for occupation as Camp Greene, N. C., which lease was renewed for the period July 1, 1918, to June 30, 1919, but payment was made in the amount of $8,146.58 to the chamber of commerce for the period January 1 to June 30, 1919, and by it to the owners of the site, and the necessary credit in said amount is authorized to be made in the accounts of Capt. Charles G. Dobbins, Army disbursing officer.

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

HARRY CADEN

The bill (S. 4754) to allow credits in the accounts of Harry Caden, special fiscal agent, Bureau of Reclamation, Department of the Interior, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed, in the settlement of the accounts of Harry Caden, special fiscal agent, Bureau of Reclamation, Department of the Interior, to allow credit in the sum of $1,330 now standing as disallowances in said accounts on the books of the General Accounting Office and representing alleged liquidated damages which the Comptroller General has held should have been deducted from payments made to contractors.

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

JOHN S. CARROLL

The bill (H. R. 6006) for the relief of John S. Carroll was announced as next in order.

Mr. KING. Mr. President, I would like to have an explanation of the bill. It seems to be the purpose to give a utility man the retirement privilege. I reserve the right to object.

Mr. SHORTRIDGE. Mr. President, John S. Carroll is a very old and very humble but very faithful servant of the Government. He has served, it appears, for over 50 years. He is a very aged man. His case presumably was considered by the House committee, and presumably the House understood the merits of the matter. I assure the Senator from Utah that our Committee on Naval Affairs very carefully considered it. I think I am warranted in saying that the committee was unanimous in reporting the bill favorably.

Mr. KING. I have no doubt the committee gave it due consideration, but I am quite at a loss to understand why retirement privileges should be given to a utility man. If he was an officer, he might, by reason of his long service, be entitled to retirement. If he was a private and served 50 years, or if he were a warrant officer and served for a similar length of time, he would be entitled to certain retirement privileges. I am not sure of the exact amount he would receive, but he seems not to come within either of those two categories, and I was wondering upon what theory he was to be placed upon the retirement list.

Mr. SHORTRIDGE. If the Senator will have the goodness to look at the bill, he will see the manner in which we seek to recognize his long service; and it meets, I think, with the suggestion of opposition made by the Senator.

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

Mr. SHORTRIDGE. Certainly.

Mr. COPELAND. We felt in the committee, may I say to the Senator from Utah, that a man who had served as head waiter at the midshipmen's mess for 50 years was well entitled to a pension.

Mr. KING. I have no objection to a pension. The question I have raised is with reference to retirement. I have not the slightest objection, in view of his long and faithful services, to giving him a pension, in view of the pension system now in vogue, to which I am opposed. I am in favor of pensions for those who are found to have sustained disability, but I am opposed to a mere service pension. If the Senator desires to offer an amendment to give him a pension as we would pension others, I shall not object.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. The bill will go over.

SADIE KLAUBER

The bill (S. 5232) for the relief of Sadie Klauber was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, page 1, to strike out the words "during her natural life" and insert "so long as she continues to suffer with tuberculosis," and in line 7, after the word "month," insert the words "from and after April 16, 1926," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Sadie Klauber, so long as she continues to suffer with tuberculosis, the sum of $60 per month from and after April 16, 1926, as compensation for permanent physical disability resulting from disease contracted in line of duty while employed in the United States Veterans' Hospital No. 55, Fort Bayard, N. Mex. Such monthly payments shall be paid through the United States Employees' Compensation Commission.

Mr. REED of Pennsylvania. Mr. President, will not the Senator who reported the bill explain why we should compensate this person for the disease?

Mr. BRATTON. I will explain to the Senator from Pennsylvania if he will hear me a moment.

This woman was married to an ex-service man in New York on April 14, 1921. The very next day he left and went to the veterans' hospital at Fort Bayard. That was April 15, 1921. She followed him there in July of that year and took employment in the veterans' hospital as a nurse in the ward dealing with advanced cases of tuberculosis. She was employed there from July, 1921, until June, 1925, or practically four years. During all that time she was engaged in the work of spraying the throats of the tubercular patients. Her health failed her and she contracted tuberculosis, and was compensated by the the employees' compensation commission for some few months, when the commission discontinued her compensation on the theory that she may have contracted it from her husband.

The record shows, by five affidavits of men in the hospital, that during all of that time the couple occupied separate quarters, he with the patients and she with the female employees. There are statements in the report from five doctors to the effect, in substance, that it is their belief that she in all probability contracted the disease in line of duty. The suggestion that she contracted it from her husband is impossible. She was living separate and apart from him. She was daily spraying the throats of the ex-service men. The report shows that that is a very perilous occupation. To say that she may have contracted it from her husband is impossible. The possibility of contracting it from the ex-service men seems to be very reasonable.

I think it is a remarkable case justifying the consideration of Congress, and I hope the bill will pass.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. What is the amount?

Mr. BRATTON. Sixty dollars a month.

The PRESIDING OFFICER. The Chair hears no objection.

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

AMENDMENTS TO THE SECOND DEFICIENCY APPROPRIATION BILL

Mr. McKELLAR, by unanimous consent, presented the following notices, which were ordered to be filed:

I give notice that when the second deficiency appropriation bill (H. R. 17291) comes before the Senate that I will move to suspend paragraph 3 of Rule XVI, prohibiting general legislation on appropriation bills, and offer at the appropriate place the following amendment:

"To enable the Secretary of War to be on a fair basis in securing current generated at Muscle Shoals, Ala., the sum of $2,000,000 is hereby appropriated to be used by the Secretary at his discretion for building transmission lines from Muscle Shoals to such point, or points, as he may select."

I give notice that when the second deficiency bill comes up that I will move to suspend Rule XVI, paragraph 3, prohibiting general legislation on appropriation bills, and offer the following amendment:

Amendment to be offered to second deficiency appropriation bill (H. R. 17291) by Mr. McKELLAR:

"*Provided further*, The Secretary of War is hereby authorized to use any funds at his disposal for river and harbor work not exceeding $200,000 for the purpose of making investigations and borings to ascertain and report to the Congress the feasibility of building a dam on Clinch River at Cove Creek, Tenn., and in the event the Federal Power Commission shall issue either a permit or a license to any private company under the Federal power act, such company shall repay to the United States the money so expended by the Secretary of War."

JOINT RESOLUTION INTRODUCED

Mr. MAYFIELD asked and obtained leave to introduce a joint resolution (S. J. Res. 172) proposing an amendment to the Counstitution of the United States relative to intrastate commerce, which was read twice by its title, and referred to the Committee on Interstate Commerce.

PICATINNY ARSENAL, N. J.

Mr. WADSWORTH. Mr. President a short time ago there was passed over temporarily, at the suggestion of one or two Senators, Order of Business No. 1539, in order that a House bill which is a duplicate of this Senate bill might be looked up, and a motion made to substitute it for the Senate bill. I send a copy of the House bill to the desk.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to discharge the committee from the further consideration of the Senate bill, and consider this bill, House bill 17111, to authorize an appropriation to rehabilitate the Picatinny Arsenal in New Jersey.

Mr. BRUCE. Mr. President, in view of the frightful explosion that took place at this arsenal, I should like to ask why it should be rebuilt?

Mr. WADSWORTH. No explosion took place at this arsenal.

Mr. BRUCE. It was in this neighborhood. Is not Lake Denmark near Picatinny?

Mr. WADSWORTH. It is. If the Senator will permit me to explain, the Lake Denmark naval storage depot, at which a very large accumulation of high explosives and shells was stored, "let go," as they say, and the concussion and shock due to that explosion tumbled down the buildings at the Army's Picatinny Arsenal.

Mr. BRUCE. Is it proposed to store any explosives at Picatinny—I mean, on a large scale?

Mr. WADSWORTH. It was not a storage depot; it was a manufacturing establishment, largely devoted to the manufacture of small-arms ammunition for the Army. There is no objection from the people of New Jersey to the restoration and rebuilding of this ruined arsenal. The State of New Jersey has a very carefully devised code governing the storage and handling of explosives, and is entirely willing, as I understand—it has been so represented to me by the Senator from New Jersey [Mr. EDGE], and also through the War Department—that the Picatinny Arsenal, which is a manufacturing plant that has never been used to store vast quantities of high explosives, should be rebuilt and replaced in operation.

Mr. BRUCE. The reason why I asked the Senator the question is because sometime ago the President stated to me and to other citizens of Baltimore that the policy of the administration would be to move high explosives of every sort from the vicinage of great urban communities to remote points, in sparsely settled territory; and we are at the present time in a fearful state of apprehension that we may have a dreadful explosion at Curtis Bay, within the limits of Baltimore City, where there are $125,000,000 worth of high explosives, including T. N. T. and what not. That is the reason why I asked the Senator the question; but if this arsenal is to be rebuilt——

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

Mr. BRUCE. I do.

Mr. COPELAND. I think those are Navy stores, I may say to the Senator. The Naval Committee has recommended the purchase of a property in Nevada, and to that place will be taken all of these high explosives from the region of Baltimore.

Mr. EDGE. Mr. President, will the Senator yield for just a moment?

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

Mr. BRUCE. Yes.

Mr. EDGE. I am quite familiar with the situation. As the Senator from New York has stated, the Picatinny Arsenal is not, in the strict sense of the word, a storage arsenal. It is a manufacturing plant. As a matter of fact, long before the war this plant was established—20 years ago, as I recall—and I think due to the scientific development there the manufacture of smokeless powder was practically inaugurated. They have been manufacturing small-arms ammunition there for many years. The people of that neighborhood have no objection whatever to the rehabilitation of the manufacturing plant, and that is exactly what the appropriation is for.

Mr. BRUCE. Do they propose to manufacture any T. N. T. or tetral there?

Mr. EDGE. They propose to manufacture smokeless powder and small-arms ammunition. I might say, as a business proposition, that while the explosion at Lake Denmark, because of the proximity of the Army arsenal, did destroy some of the buildings, to-day the Government of the United States has probably in the neighborhood of $20,000,000 or more invested there. This appropriation is for the purpose of rebuilding those partly-destroyed plants, for the purpose of continuing the manufacture of powder and small-arms ammunition.

Mr. BRUCE. The Senator is aware that the storage of large quantities of smokeless powder may be a source of great danger?

Mr. EDGE. It is not stored there in great quantities at all. I have already introduced an amendment for the removal of storage of high explosives to the places that have been established by the Government for the purpose; but this is quite a different activity.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. HEFLIN. How much appropriation does it carry?

Mr. WADSWORTH. Mr. President, it is an authorization of $2,134,000, which is the estimated cost of restoring the buildings that were shaken down by the explosion next door. The plant to-day is utterly idle. It is just a waste of money to keep it in that condition.

Mr. BRUCE. Yes; but I think it is better to have a plant in one of these populous communities absolutely idle than to have it stored with explosives.

Mr. WADSWORTH. I have given the facts to the Senator from Maryland. The State of New Jersey has no objection. The communities around it have no objection. The War Department recommends it; the Director of the Budget recommends it; and if we are to have the Picatinny Arsenal, let us have it. If not, let us not have it.

Mr. BRUCE. Mr. President, I will say to the Senator from New Jersey that if I am opposed to this it is because I think that now that we are no longer living in a state of war there ought to be an entirely different policy adopted by the Government in relation to high explosives. We have stored within the limits of our city $125,000,000 worth of high explosives—T. N. T., tetral, and what not—and if they were all exploded at one time a large part of the whole city of Baltimore would be laid flat.

Mr. BORAH. I object to the consideration of this bill.

The PRESIDING OFFICER. Objection is heard, and the House bill goes to the calendar. The Secretary will state the next bill on the calendar.

Mr. EDGE. Mr. President, the Senator from Idaho withholds his objection for a few minutes while I ask the Senator from Maryland——

The PRESIDING OFFICER. The Senator from Idaho has objected.

Mr. EDGE. I have just asked the Senator from Idaho if he would withhold his objection for a minute while I answered the Senator from Maryland.

Mr. BORAH. I have no objection to passing the bill, but I have objection to discussing it all night.

Mr. EDGE. One minute, in answer to the Senator——

The PRESIDING OFFICER. Does the Senator from Idaho withdraw his objection?

Mr. BORAH. If we will vote on the bill, I have no objection.

Mr. EDGE. Will the Senator from Maryland withdraw his objection?

Mr. BORAH. The Senator from Maryland is not saying anything, so let us vote.

Mr. HEFLIN. I call for the regular order.

The PRESIDING OFFICER. Is there objection to the consideration of the House bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17111) to authorize an appropriation to rehabilitate the Picatinny Arsenal in New Jersey.

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

The PRESIDING OFFICER. The corresponding Senate bill is indefinitely postponed.

Mr. BRUCE subsequently said: Mr. President, I suggest that we revert to House bill 17111. The Senator from New York has just explained that bill to me.

The PRESIDING OFFICER. The Chair will advise the Senator that the bill has passed.

Mr. BRUCE. Then I hope I shall be permitted to say that it was irregularly passed, because it was passed right in the teeth of my objection, which I asserted in as clear and strong terms as I could.

The PRESIDING OFFICER. The Chair desires to advise the Senator that the Chair, in a rather loud tone of voice, inquired whether there was objection.

Mr. BRUCE. But I had objected. I will say that while I deplore such irregularity of procedure on the part of the Senate I cheerfully acquiese in the result.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

REPORT FROM COMMITTEE ON COMMERCE

Mr. JONES of Washington. Mr. President, I desire to submit a report from the Committee on Commerce.

Mr. LA FOLLETTE. I object to its being received, Mr. President.

The PRESIDING OFFICER. The Senator from Wisconsin objects. The Secretary will state the next bill on the calendar.

CLAIMS FOR PERSONAL INJURIES, ETC.

The bill (H. R. 10456) for the payment of claims for pay, personal injuries, loss of property, and other purposes, incident to the operation of the Army, was considered as in Committee of the Whole.

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

REPORTS FROM THE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. McNARY, by unanimous consent, from the Committee on Agriculture and Forestry, to which were referred the following bills, reported them each without amendment:

A bill (S. 5767) authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station; and

A bill (H. R. 16350) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture.

Mr. JONES of Washington. Mr. President, since no objection was made to submitting those reports, I ask again to present the report from the Committee on Commerce.

Mr. LA FOLLETTE. Mr. President, I object.

Mr. JONES of Washington. I hope the Senator will be impartial in his objections and not allow one to go in and object to others.

Mr. LA FOLLETTE. Mr. President, I have objected consistently all day. It is impossible for me to remain on the floor every moment.

Mr. JONES of Washington. Just a moment ago two reports were submitted and accepted.

The PRESIDING OFFICER. The Senator from Wisconsin objects.

Mr. WALSH of Montana. Mr. President, I announced to-day that I was instructed by the Committee on the Judiciary to present to the Senate four bills, including a bill——

Mr. LA FOLLETTE. I object, Mr. President.

Mr. WALSH of Montana. Just a moment—including a bill for an additional circuit judge for the second judicial circuit; but, in view of the attitude taken by the Senator from Wisconsin, I shall not offer them.

NATIVES OF BORONGAN, SAMAR, P. I.

The bill (H. R. 15252) to provide relief for certain natives of Borongan, Samar, P. I., for rental of houses occupied by the United States Army during the years 1900 to 1903 was announced as next in order.

Mr. KING. I should like an explanation of the bill.

Mr. MEANS. Mr. President, the four bills now being submitted—the one just passed I will not refer to, because it has been passed—are all Army bills, recommended by the Secretary of War. As to the second one, I will state that during the expedition in Samar the Government used the properties of various individuals—took them over as places to be occupied by the soldiers in that expedition—and the War Department wants to pay them for the properties at a value that they consider fair. That is the sum total of that bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

RELIEF OF OFFICERS AND FORMER OFFICERS OF THE ARMY

The bill (H. R. 15253) for the relief of certain officers and former officers of the Army of the United States was considered as in Committee of the Whole.

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

ALIEN PROPERTY ADJUSTMENT

Mr. REED of Pennsylvania. Mr. President, I desire to submit a unanimous-consent request for consideration of the alien property bill at an evening session to-morrow.

I ask unanimous consent that not later than 6 o'clock to-morrow evening the Senate take a recess until 8 o'clock to-morrow evening, and that at 8 o'clock it proceed to the consideration of the alien property bill, H. R. 15009, and continue in session until 11 o'clock, unless the bill is sooner disposed of.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Does the Senator propose that we shall have finished with the reorganization act?

Mr. REED of Pennsylvania. No; Mr. President.

Mr. ROBINSON of Arkansas. Mr. President, I believe the Senator from Pennsylvania will find that under the order we are proceeding with it is not in order to transact any business except the consideration of unobjected bills on the calendar.

Mr. REED of Pennsylvania. Mr. President, I make this request exactly as it was made last night for the evening session which we are having now. I take it that everybody here wants to see the alien property bill passed, and that we want to do it in such a way that it will not be used to the disadvantage of other bills. I do hope that the Senate will see fit to agree to this unanimous-consent request.

Mr. BRUCE. I suggest, if that is done, that the public buildings bill be associated with the alien property bill in the unanimous-consent agreement.

Mr. WALSH of Montana. Mr. President, if the Senator from Pennsylvania would only aid us in expediting some of the business before the Senate, there would be ample time to consider the bill of which he now asks consideration. Accordingly, I object.

The PRESIDING OFFICER. Objection is heard. The Secretary will state the next bill on the calendar.

RELIEF OF CERTAIN ARMY OFFICERS

The bill (H. R. 16058) for the relief of certain officers of the Army of the United States was considered as in Committee of the Whole.

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

JAMES HAWKINS

The bill (H. R. 4258) to credit the accounts of James Hawkins, special disbursing agent, Department of Labor, was considered as in Committee of the Whole.

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

JOHN A. BINGHAM

The bill (H. R. 531) for the relief of John A. Bingham was announced as next in order.

Mr. KING. Mr. President, I desire an explanation of this bill by the Senator from Illinois. There seems to have been a good deal of negligence in that case.

Mr. DENEEN. The appropriation involved is $500.

Mr. KING. Yes; I know that.

Mr. DENEEN. The former Postmaster General held that the theft occurred because of carelessness of the postmaster in not locking the door. On new investigation it appeared that the money was taken while the postmaster and his assistants were trying to save the building from destruction during a storm.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

INTEREST ON CERTAIN FOREIGN DRAFTS

The bill (S. 4383) for the relief of certain claimants for interest arising from delay in the payment of drafts and cable transfers of the American Embassy at Constantinople between December 23, 1915, and April 21, 1917, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the individuals and corporations, or their attorneys in fact in the United States, listed in the report of March 24, 1926, of the Secretary of State to the President, as set forth in Senate Document No. 86 of the Sixty-ninth Congress, first session, the amounts specified therein, representing interest at 4¾ per cent on drafts drawn on and cable transfers sent by the American Embassy in Constantinople between December 23, 1915, and April 21, 1917, payment of which was deferred, and amounting to a total sum of $108,971.12: *Provided*, That no payment hereunder shall be made by the Secretary of the Treasury, except at the direction of the Secretary of State: *Provided further*, That full authority is hereby vested in the Secretary of State to determine, in his discretion, whether payment in whole or in part should be made, withheld, or deferred.

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

LIEUT. COMMANDER GARNET HULINGS, UNITED STATES NAVY

The bill (H. R. 3253) for the relief of Lieut. Commander Garnet Hulings, United States Navy, was considered as in Committee of the Whole.

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

A. B. CAMERON

The bill (H. R. 8278) for the relief of A. B. Cameron was considered as in Committee of the Whole.

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

IMMUNITY TO CERTAIN WITNESSES

The bill (S. 5770) granting immunity to certain witnesses was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ADJUSTMENT OF CERTAIN ACCOUNTS

The joint resolution (H. J. Res. 207) directing the Comptroller of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the

act of February 24, 1905 (33 Stat. L. p. 777), appropriated for in the deficiency act of February 27, 1906, was announced as next in order.

Mr. WALSH of Montana. Mr. President, was an objection made to the consideration of Senate bill 5770?

Mr. BRUCE. Yes; I objected to it.

Mr. WALSH of Montana. May I engage the attention of the Senator?

Mr. BRUCE. Certainly; but, to be perfectly frank, I do not think the Senator's explanation is likely to have the slightest effect on my mind.

Mr. WALSH of Montana. Does the Senator feel that he is fully advised about the matter?

Mr. BRUCE. I do; absolutely. I think that bill could be very readily perverted to the purposes of the grossest tyranny, and I strongly suspect that it is part of a general system of tyranny of which I so often have had occasion to complain on the floor of the Senate.

Mr. WALSH of Montana. I want to say to the Senator that the bill simply makes general the law which is now found in the Interstate Commerce Commission act, the Federal Trade Commission act, and the act in relation to the procedure of congressional committees.

Mr. BRUCE. Yes; it grants immunity to the bootlegger at the expense of his patron; it grants immunity to the servant at the expense of his master—to one relation at the expense of another.

SEVERAL SENATORS. Regular order!

Mr. EDWARDS. I call for the regular order.

The PRESIDING OFFICER. The Chair has no choice in the matter. The regular order is demanded. The regular order is the consideration of House Joint Resolution 207.

Mr. WALSH of Montana. Mr. President, I address myself to that matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. WALSH of Montana. I am sure, from the statement the Senator from Maryland has just made, that he has misapprehended the purpose of the bill. It grants immunity to no one. It simply provides——

Mr. EDWARDS. I ask for the regular order.

The PRESIDING OFFICER. The Chair has stated that the regular order is House Joint Resolution 207, and the Senator from Montana states that he is addressing himself to that measure.

Mr. WALSH of Montana. The bill grants immunity to no one. It simply provides that a witness is not excused——

Mr. EDWARDS. I object, Mr. President.

Mr. WALSH of Montana. It simply provides that a witness is not excused from testifying upon the ground that his evidence may tend to incriminate him, but that that testimony shall not be used against him in case prosecution is instituted against him. No immunity is granted anyone for any offense. It simply denies him the opportunity to use his constitutional privilege for the purpose of shielding some one else. No immunity is granted to him at all. The designation is quite misleading.

Mr. BRUCE. I am very sorry, but my objections to that bill are absolutely insurmountable.

The PRESIDING OFFICER. Is there objection to the consideration of House Joint Resolution 207?

Mr. KING. Mr. President, I ask the Senator from New York for an explanation. As I understand this joint resolution, the matter is about a hundred years of age. I should like a little explanation as to its antiquity.

Mr. WADSWORTH. Mr. President, this joint resolution has been reported from the Committee on the Judiciary after investigation by a subcommittee of which the Senator from Idaho [Mr. BORAH] and the Senator from North Carolina [Mr. OVERMAN] were members. Here is the situation in general:

All those States which advanced moneys to the Federal Government in this category have been settled with. Their claims have been paid—notably, as I recollect, the States of Pennsylvania and Maryland.

The auditor of the Federal Government in settling with Pennsylvania and Maryland adopted a rule for computing the amount of the claim—the amount of money owed by the Federal Government to those respective States. The State of New York has a similar claim, with exactly the same merit behind it, but she has never been settled with in accordance with the method of computing adopted by the Federal Government in settling with Pennsylvania and Maryland. This joint resolution is to authorize the Comptroller General——

Mr. BORAH. To make the same settlement.

Mr. WADSWORTH. To reopen the case and make the same settlement with respect to New York as has been done with the other States.

Mr. BORAH. At that time it was understood that the settlement was made in accordance with general plans of the Government in settling that class of claims. Afterwards the Government established another method of computing and settled with Delaware and Pennsylvania on that basis. This joint resolution is to enable New York to have the settlement on the same basis under which the Government made the settlement with Delaware and Pennsylvania.

Mr. KING. Does it bear interest?

Mr. BORAH. Yes.

Mr. FLETCHER. How much does it involve?

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. KING. I shall not object, but I want to ask the Senator from New York if he is sure that there is no interest drawn.

Mr. McKELLAR. Mr. President, while the Senator is looking for that may I ask the Senator from Idaho whether there was any difference of opinion in the committee, or was there a unanimous report?

Mr. BORAH. There was no difference of opinion that I now recall. I am sure there was not in the subcommittee.

Mr. OVERMAN. Mr. President, I reported the measure to the full committee, and I do not think there was any difference of opinion.

Mr. WADSWORTH. The interest that is to be paid is exactly the same as was paid to the other States, computed on the same basis.

Mr. FLETCHER. Can the Senator say how much is involved?

Mr. WADSWORTH. As I gather from the computations made and recited in the report, the balance due to the State of New York on February 16, 1923, was $398,000.

The PRESIDING OFFICER. Is there objection to the consideration of this joint resolution?

Mr. STEPHENS. Mr. President, I have just come into the Chamber. Does this include interest on the original debt?

Mr. WADSWORTH. Yes; as has been done in the case of the other States, on exactly the same basis.

Mr. STEPHENS. As a general proposition, the Federal Government does not pay interest. When did this claim originate?

Mr. WADSWORTH. In the War of 1812.

Mr. BORAH. There is an exhaustive report by the Comptroller General, which is embraced in the report of the committee.

Mr. STEPHENS. Mr. President, I do not find here a copy of the joint resolution. I do find a copy of the report. I have not had time to read it, however.

I just want to say that this is a claim, as I understand, more than 100 years old. If it is a just claim, of course it should be paid. I am not rising to object. I have risen simply to say that practically every State in the Union is interested in a bill I have introduced. It has been favorably reported by the Committee on Claims, has a unanimous report from the subcommittee, and a unanimous report from the full committee. That claim is not one-half so old as is the claim in the measure now pending. Several Senators from time to time have objected to the consideration of my measure. I have risen simply to say that it is my idea that whenever a committee seriously and carefully considers a bill, that bill is entitled to be considered by the Senate in open session, when matters in controversy may be thrashed out on the floor.

I have been in the Senate several years, and I have never objected to any bill being considered in this body. It is not my purpose to object now, but I simply want to call attention to the fact that the bill to which I have referred comes before this body with a unanimous report from the committee, practically every State in the Union is interested in it, twenty-odd States, through their legislatures, have adopted resolutions authorizing the governor or some other State official to take the necessary steps in order to have taxes that were illegally collected from the States returned to the States and to individuals in the States; yet objection is heard to that bill.

I simply wanted to get it in the RECORD that the bill which I have advocated is unanimously favored by the committee, it is favored by most of the States of the Union, and I do feel that it should be considered by the Senate. I am rising now simply to give notice that later on, if possible, I shall bring the bill before the Senate for its consideration. I do not object to the consideration of this joint resolution.

The PRESIDING OFFICER. Is there objection to the consideration of House Joint Resolution 207?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on the Judiciary with an amendment.

The amendment was, on page 2, after line 5, to insert the following:

Be it resolved further, That the Comptroller General of the United States be, and he is hereby, authorized and directed to restate and readjust the claim of the State of North Carolina for and on account of advances and expenditures made by said State in the War of 1812 to 1815, and in so doing he shall adopt and apply the so-called Maryland rule as set forth in the act of Congress of March 3, 1857 (11 Stat. p. 229).

Mr. McKELLAR. Mr. President, may I ask the Senator from New York about what amount is involved?

Mr. WADSWORTH. The estimate, principal, and interest, if the claim is paid on the same basis as other States have been paid, is $398,000.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

Mr. BORAH. Mr. President, I ask to have inserted in the RECORD in connection with this joint resolution the reports of the Comptroller General upon it.

The PRESIDING OFFICER. Is there objection?

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 16, 1923.

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: There was received by letter of December 6, 1922, from the Secretary of the United States Senate, resolution of the Senate of the United States No. 378, passed December 6, 1922, in which the Comptroller General of the United States is "requested and directed to reexamine and restate the account of the State of New York, for which appropriation was made by the act of Congress approved February 27, 1906 (34 Stat. 29), on the basis of like claims of Pennsylvania and Delaware, with the same force and effect as though appropriation therefor had not been made and accepted by said State, and report to the Senate the result of such statement." In compliance therewith report is made as follows:

The resolution specifically requires the restatement to be "on the basis of like claims of Pennsylvania and Delaware." The claims of Pennsylvania were stated on the basis of computing interest according to what is known as the Maryland rule, as directed by the Comptroller of the Treasury upon request of him by Pennsylvania for revision of the settlement made by the auditor for the War Department. The auditor applied the Maryland rule in the settlement of the Delaware claim. Similar action as to the settlement of the claims of New York in 1905 was not taken for the reason no request for revision was made of the Comptroller of the Treasury until 1910, and was thus not requested within the statutory period of one year. Reconsideration of the claim by the auditor was denied under the rule effective at the time that appropriation for the claim having been made it must be regarded as a final settlement of the matter by Congress. The situation may be stated in more detail, as follows:

The account of the State of New York to be reexamined and restated in accordance with the present resolution is the claim settled by the Auditor for the War Department by which $118,585.84 was allowed the State by settlement No. 29790, dated June 30, 1905, under the provisions of the act of February 24, 1905 (33 Stat. 777), as follows:

"That the Secretary of the Treasury be, and he is hereby, directed to resettle and readjust all claims of the States of New York, Pennsylvania, and Delaware for and on account of advances and expenditures made by said States in the War of 1812 to 1815 with Great Britain; and in computing interest on said advances the Secretary of the Treasury shall apply the same rule as that which was applied in the settlement of the like claims of the State of Maryland under the provisions of the act of Congress approved the 3d day of March, 1857."

The act of Congress authorizing the settlement with the State of Maryland referred to in the foregoing act is the act of March 3, 1857 (11 Stat. 229), and reads:

"SEC. 12. That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to reexamine the account between the United States and the State of Maryland, as the same was, from time to time, adjusted under the act passed on the 13th May, 1826, entitled 'An act authorizing the payment of interest due to the State of Maryland,' and on such reexamination to assume the sums expended by the State of Maryland for the use and benefit of the United States and the sums refunded and repaid by the United States to the said State, and the times of such payments as being correctly stated in the account as the same has heretofore been passed at the Treasury Department; but in the calculation of interests due under the act aforesaid the following rules shall be observed, to wit: Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceed the interest due, the balance shall be applied to diminish the principal; if the payment fall short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed the State of Maryland on such sums only on which the said State either paid interest or lost interest by the transfer of an interest-bearing fund."

The settlements of the claims of the States of New York and Delaware by the Auditor for the War Department under the act of February 24, 1905, were accepted at that time by said States. But the State of Pennsylvania applied June 19, 1905, to the Comptroller of the Treasury for a revision of the settlement of its claim as allowed by the Auditor for the War Department June 13, 1905, in the sum of $16,966.64. Upon said revision the comptroller on October 6, 1905, certified an additional allowance to the State of Pennsylvania of $20,154.43. The State made application for reopening of the said last-mentioned settlement, alleging that the amount arrived at as due the State was the result of a miscalculation of interest under the provisions of the law authorizing the settlement, whereupon the Comptroller of the Treasury, per decision of November 23, 1905, reconsidered the said claim of the State of Pennsylvania, certifying an additional allowance of $199,641.58 in addition to the $37,121.07 theretofore allowed by the auditor and the comptroller, making a total allowance to the State under authority of the act of February 24, 1905, the sum of $236,762.65. The Comptroller of the Treasury in rendering said decision set forth different methods of calculation for determination of the amount due the State of Pennsylvania in accordance with the aforesaid act, and in connection therewith made the following statement:

"Because differences of opinion shown to exist as to the proper method of ascertaining the amount due the State of Pennsylvania on this account, I deem it proper that when this claim is certified to Congress for an appropriation that it have before it the conflicting calculations and decisions hereinabove mentioned. I will, therefore, take the liberty of forwarding copies of all the decisions and calculations hereinabove mentioned to the chairman of the Committee on Appropriations of the House of Representatives in order that such appropriation may be made as is right and proper under the law and facts."

Appropriation was made by the act of Congress approved February 27, 1906 (34 Stat. 29), for payment to the States of New York and Delaware of the amounts found due by the Auditor for the War Department, and to the State of Pennsylvania for the amount as certified by the Comptroller of the Treasury, supra.

In 1910, the State of New York requested a reconsideration of the action of the Auditor for the War Department, setting forth certain reasons therefor, claiming that in accordance with decision of the Comptroller of the Treasury of November 23, 1905, in the case of the State of Pennsylvania, that the State of New York was entitled to an additional allowance of $316,713.07. Said application for reconsideration was denied under the ruling then in force that the accounting officers were without authority to further consider a claim after an appropriation therefor had been made by Congress. (See 9 Comp. Dec. 467.) Other applications for reconsideration were rejected by the Comptroller of the Treasury as not within his jurisdiction without authority of Congress to act thereon. The settlement of the claim of the State of Delaware did not involve the controverted questions that arose in the case of the States of Pennsylvania and New York.

In accordance with the "Maryland rule," as stated in the act of March 3, 1857, and as used in determining the amounts allowed to and appropriated for the States of Pennsylvania and Delaware by the act of February 27, 1906, supra, the sums expended by the State of New York for the use and benefit of the United States, and the sums refunded and repaid by the United States to said State and the time of such payments, are assumed as being correctly stated as heretofore passed by the Treasury Department, but interest is required to be calculated up to the time of any payment made, and the payment is required to be applied first to the discharge of interest and any balance to be applied against the principal, but that interest shall not be added to the principal to produce interest, and that the State is to be allowed the interest on such sums only on which the State either paid interest or lost interest by the transfer of an interest-bearing fund. The total amount expended by the State of New York for the use and benefit of the United States as indicated by the sums refunded and repaid by the United States to the said State and the times of such payment under the provisions of the act of March 13, 1817 (3 Stat. 378) and the act of August 5, 1854 (10 Stat. 590), are as follows:

Feb. 3, 1819, warrant 3270	$80,000.00
May 6, 1819, warrant 3908	20,000.00
Mar. 24, 1821, warrant 7904	23,561.36
Apr. 25, 1822, warrant 9030	2,948.24
Dec. 28, 1822, requisition 599	6,000.00
Mar. 27, 1926, requisition 4259	6,615.02
Jan. 2, 1855, requisition 4317	11,929.45
Total	151,054.07

Further payments made to the State of New York in connection with this account are stated as follows:

"October 25, 1926, requisition 4927, $40,264.86, being amount of interest found due in accordance with the act of May 22, 1826 (4 Stat. 192).

"March 6, 1906, warrant 13041, $118,585.84, being the amount of interest found due by settlement of June 30, 1905, supra."

It appears from evidence on file in this office, as submitted in connection with the claim for interest under the provisions of the act of May 22, 1826, such evidence being certificates of the presidents of the respective banks, that loans were made to the State of New York during the War of 1812 and interest paid thereon at the rate of 6 per cent, as follows:

New York State Bank:	
July 23, 1812	$10,000
July 29, 1812	15,000
Aug. 12, 1812	15,000
Sept. 23, 1812	25,000
Nov. 10, 1813	25,000
Apr. 7, 1815	30,000
	120,000
Bank of New York:	
Aug. 21, 1812	50,000
Sept. 30, 1814	20,000
Sept. 29, 1815	40,000
Apr. 27, 1816	180,000
	290,000
Bank of Albany:	
Sept. 3, 1812	25,000
Nov. 23, 1812	40,000
	65,000

The State is thus shown to have incurred debts during the war largely in excess of the amount which was reimbursed. Therefore, in accordance with the acts cited, the State is entitled to interest on the full amount which has been acknowledged by settlements and reimbursed to the State as having been expended for the benefit of the United States at the rate of interest as paid thereon, being 6 per cent. In accordance with the provisions of the act cited, the time these loans were paid is not required to be considered, although it appears the State shows payments were made by issuance of certificates of stock bearing same rate of interest.

In the settlement for interest under the act of May 22, 1826, the computation was made not from date of loans but from date of expenditures on the equated date of the expenditures in each year. In the settlement under the act of February 24, 1905, the said dates as used in the settlement of 1826 from which to compute interest were used upon the assumption of doing substantial justice between the State and the United States.

In accordance with the method adopted by the Comptroller of the Treasury in the Pennsylvania case, supra, the State having borrowed for war purposes largely in excess of the principal amount refunded by the United States, is entitled to interest on the amount thus refunded from the date of earliest loans of the State by which said amount was secured for war purposes, as follows:

July 23, 1812, New York State Bank	$10,000
July 29, 1812, New York State Bank	15,000
Aug. 12, 1812, New York State Bank	15,000
Aug. 21, 1812, Bank of New York	50,000
Sept. 3, 1812, Bank of Albany	25,000
Sept. 23, 1812, New York State Bank	25,000
Nov. 23, 1812, Bank of Albany	40,000
	180,000

As the reimbursement to the State was $151,054.07, the portion of the loan of November 23, 1812, which is to be used in this calculation is $11,054.07, which, with the preceding loans just mentioned, makes the total of $151,054.07 upon which interest is to be computed.

The computation of interest in accordance with the requirements above set forth is as follows:

$10,000 at 6 per cent from date of loan, July 23, 1812, to date of first payment by the United States Feb. 3, 1819—6 years 6 months 10 days (interest)	$3,916.67
$15,000 at 6 per cent from date of loan, July 29, 1812, to date of first payment by the United States Feb. 3, 1819—6 years 6 months 4 days (interest)	5,860.00
$15,000 at 6 per cent from date of loan, Aug. 12, 1812, to date of first payment by the United States Feb. 3, 1819—6 years 5 months 21 days (interest)	5,827.50
$50,000 at 6 per cent from date of loan, Aug. 21, 1812, to date of first payment by the United States Feb. 3, 1819—6 years 5 months 12 days (interest)	19,350.00
$25,000 at 6 per cent from date of loan of Sept. 3, 1812, to Feb. 3, 1819—6 years 5 months (interest)	9,625.00
$25,000 at 6 per cent from date of loan of Sept. 23, 1812, to Feb. 3, 1819—6 years 4 months 10 days (interest)	9,541.67
$11,054.07 at 6 per cent from date of loan, Nov. 23, 1812, to Feb. 3, 1819—6 years 2 months 10 days (interest)	4,108.43
Total interest due Feb. 3, 1819	58,229.27

Principal due		$151,054.07
Total principal and interest due Feb. 3, 1819, date of first payment by United States		209,283.34
Deduct first payment		80,000.00
New principal		129,283.34
Interest Feb. 3, 1819, to date second payment by United States May 6, 1819—3 months 3 days		2,003.89
		131,287.23
Deduct second payment by United States		20,000.00
New principal		111,287.23
Interest May 6, 1819, to date of third payment by United States Mar. 24, 1821—1 year 10 months 18 days		12,575.46
		123,862.69
Deduct third payment by United States		23,561.36
New principal		100,301.33
Fourth, fifth, and sixth payments by United States, being less than interest due, are not applied until aggregate payments exceed interest due.		
Interest from Mar. 24, 1821, to date of seventh payment by United States Oct. 25, 1826—5 years 7 months 1 day		33,617.66
		133,918.99
Deduct total of fourth, fifth, sixth, and seventh payments:		
Apr. 25, 1822, fourth payment	$2,948.24	
Dec. 28, 1822, fifth payment	6,000.00	
Mar. 27, 1826, sixth payment	6,615.02	
Oct. 25, 1826, seventh payment	40,264.86	
		55,828.12
New principal		78,090.87
Eighth and ninth payments by United States being less than interest due, are not applied until aggregate payments exceed interest due.		
Interest from Oct. 25, 1826, to Feb. 16, 1923, 96 years 3 months 21 days		451,248.09
		529,338.96
Deduct total of eighth and ninth payments:		
Jan. 2, 1855, eighth payment	$11,929.45	
Mar. 6, 1906, ninth payment	118,585.84	
		130,515.29
Balance due State of New York Feb. 16, 1923		398,823.67

The foregoing statement is made on the basis used by the Comptroller of the Treasury in the settlement of the claim of the State of Pennsylvania referred to in Senate resolution of December 6, 1922, which appears to leave no discretion in this office in the determination of the amount due the State except in accordance with the basis therein indicated.

In this connection attention is properly invited to the fact that the State of New York is shown on the books of the Treasury Department to be indebted to the United States in the sum of $4,014,520.71 arising on account of amount deposited with said State per section 13 of the act of Congress approved June 23, 1836 (5 Stat. 55), amended by the act of October 2, 1837 (5 Stat. 201), postponing repayments until otherwise directed by Congress. The act of June 25, 1910 (36 Stat. 776), authorized credit to be given the Treasurer of the United States for the amounts with which he had been charged on account of the moneys advanced to various States under the act of 1836, but provided that said States shall be debited with the amounts of their indebtedness as provided in the act of June 23, 1836, until otherwise directed by Congress. The debt of the State of New York is therefore carried on the books of the Treasury Department as an outstanding indebtedness of said State in accordance with the aforesaid act. Whether there should now be an adjustment of these respective accounts between the State of New York and the United States is, of course, for the consideration and direction of the Congress.

Respectfully,

J. R. McCARL, *Comptroller General.*

OFFICE OF COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, February 27, 1923.

The PRESIDENT OF THE UNITED STATES SENATE,
Washington, D. C.

SIR: There was received by letter of July 24, 1922, from the Secretary of the United States Senate resolution of the Senate of the United States No. 324, passed July 22, 1922, in which the Comptroller General of the United States is requested and directed to reexamine and restate the account of advances and expenditures made by the State of North Carolina for military purposes in the War of 1812 to 1815 with Great Britain, computing interest on said advances and expenditures according to the rule which was applied in the settlement of a like account of the State of Maryland under provisions of the act of Congress approved the 3d day of March, 1857, and which was afterwards applied to like claims of the States of Massachusetts, Maine (July, 1870), New York, Pennsylvania, South Carolina, and Delaware, and report to the Senate the result of such statement. In compliance therewith report is made as follows:

The account of the State of North Carolina to be reexamined and restated in accordance with the present resolution is of loans obtained by the State of North Carolina for the benefit of the United States, on which it paid interest at the rate of 6 per cent, and payments made by the United States on account thereof, as follows:

Loans:		
Oct. 31, 1814—		
State Bank of North Carolina	$12,500	
Bank of New Bern	7,500	
Bank of Cape Fear	7,500	
		$27,500
Oct. 31, 1815—		
State Bank of North Carolina	22,500	
Bank of New Bern	2,500	
Bank of Cape Fear	12,500	
		37,500
Total		65,000
Payments made by United States on account of loans:		
Sept. 17, 1816, warrant 286		30,000
Nov. 30, 1817, warrant 1284		17,000
June 10, 1837, warrant 6948		30,000
Total		77,000

The act of Congress authorizing the settlement with the State of Maryland, referred to in the resolution, is the act of March 3, 1857 (11 Stat. 229), and reads:

"SEC. 12. That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to reexamine the account between the United States and the State of Maryland, as the same was, from time to time, adjusted under the act passed on the 13th of May, 1826, entitled 'An act authorizing the payment of interest due to the State of Maryland,' and on such reexamination to assume the sums expended by the State of Maryland for the use and benefit of the United States, and the sums refunded and repaid by the United States to the said State, and the times of such payments as being correctly stated in the account as the same has heretofore been passed at the Treasury Department; but in the calculation of interests due under the act aforesaid, the following rules shall be observed, to wit: Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and if it exceed the interest due, the balance shall be applied to diminish the principal; if the payment fall short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed the State of Maryland on such sums only on which the said State either paid interest or lost interest by the transfer of an interest-bearing fund."

As to the application of the Maryland rule in connection with other States, see report of February 16, 1923, on resolution of the Senate of the United States, No. 378, passed December 6, 1922, relative to the account of the State of New York.

The computation of interest in accordance with the requirements set forth is as follows:

$27,500 at 6 per cent from date of loan, Oct. 31, 1814, to date of first payment by the United States, Sept. 17, 1816, 1 year 10 months 17 days	$3,102.91
$37,500 at 6 per cent from date of loan, Oct. 31, 1815, to date of first payment by the United States, Sept. 17, 1816, 10 months 17 days	1,981.25
Total interest due Sept. 17, 1816	5,084.16
Principal due	65,000.00
Total principal and interest due Sept. 17, 1816, date of first payment by United States	70,084.16
Deduct first payment	30,000.00
New principal	40,084.16
Interest from Sept. 17, 1816, to date of second payment by the United States on Nov. 20, 1817, 1 year 2 months 3 days	2,825.93
Total interest and principal due on Nov. 20, 1817, date of second payment by the United States	42,910.09
Deduct second payment by the United States	17,000.00
New principal	25,910.09
Interest from Nov. 20, 1817, to date of third payment by the United States, June 10, 1837, 19 years 6 months 20 days, $30,401.18, being greater than such third payment, which was $30,000, can not, under the Maryland rule, be applied to reduce the principal.	
Interest from Nov. 20, 1817, to Feb. 28, 1923, 105 years 3 months 8 days	163,656.76
Total interest and principal to Feb. 28, 1923	189,566.85
Deduct third payment by the United States	30,000.00
Balance due State of North Carolina Feb. 28, 1923	159,566.85

The foregoing statement is made on the basis used by the Comptroller of the Treasury in the settlement of the claim of the State of Pennsylvania referred to in Senate resolution of July 22, 1922, and as referred to in Senate resolution of December 6, 1922, relative to the State of New York, which appears to leave no discretion in this office in the determination of the amount due the State, except in accordance with the basis therein indicated.

In this connection attention is properly invited to the fact that the State of North Carolina is shown on the books of the Treasury Department to be indebted to the United States in the sum of $1,433,757.39, arising on account of amount deposited with said State per section 13 of the act of Congress approved June 23, 1836 (5 Stat. 55), amended by the act of October 2, 1837 (5 Stat. 201), postponing repayments until otherwise directed by Congress. The act of June 25, 1910 (36 Stat. 776), authorized credit to be given the Treasurer of the United States for the amounts with which he had been charged on account of the moneys advanced to various States under the act of 1836, but provided that said States shall be debited with the amounts of their indebtedness as provided in the act of June 23, 1836, until otherwise directed by Congress. The debt of the State of North Carolina is therefore carried on the books of the Treasury Department as an outstanding indebtedness of said State in accordance with the aforesaid act. Whether there should now be an adjustment of these respective accounts between the State of North Carolina and the United States is, of course, for the consideration and direction of the Congress.

Respectfully,

J. R. MCCARL, *Comptroller General.*

The title was amended so as to read: "Joint resolution directing the Comptroller General of the United States to correct an error made in the adjustment of the account between the State of New York and the United States, adjusted under the authority contained in the act of February 24, 1905 (33 Stat. L. p. 777), and appropriated for in the deficiency act of February 27, 1906, and further directing the Comptroller General of the United States to restate and readjust the account between the State of North Carolina and the United States for and on account of advances and expenditures made by said State in the War of 1812 to 1815."

The preamble was amended on page 2, by inserting after the words "such award" the words "and whereas the Comptroller General of the United States, in response to Senate Resolution 324, passed July 22, 1922, reported to the Senate on February 27, 1923 (S. Doc. No. 325, 67th Cong., 4th sess.), the balance due the State of North Carolina on February 28, 1923."

The preamble as amended was agreed to.

ADDITIONAL DISTRICT JUDGE, NEW YORK

The bill (S. 4840) to provide for the appointment of an additional judge of the District Court of the United States for the Northern District of New York was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Northern District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judge of said district; and that the official residence of said judges shall not be in the same or adjoining counties.

Mr. JONES of Washington. Mr. President, may I ask the Senator from New York how many district judges there are in the northern district of New York?

Mr. WADSWORTH. One.

Mr. JONES of Washington. This will make two in all?

Mr. WADSWORTH. This will make a total of two.

Mr. JONES of Washington. The population is considerable?

Mr. WADSWORTH. It is about two and a half million.

Mr. COPELAND. Mr. President, there has been some criticism on this side of the Chamber regarding additional judges in the State of New York; but I want to say to my colleagues over here that this bill, introduced by the senior Senator from New York [Mr. WADSWORTH], is entirely acceptable to all of us, and I hope it will be passed.

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

BERT MOORE

The bill (S. 3882) for the relief of Bert Moore was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Bert Moore $5,000, in full settlement of all claims for injuries sustained by reason of being shot and seriously wounded by a military guard at Fort Logan H. Roots on the night of April 23, 1925.

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

WATER SUPPLY FOR SEQUOYAH ORPHAN TRAINING SCHOOL, OKLAHOMA

The bill (H. R. 16207) to authorize an appropriation to enable the Secretary of the Interior to provide an adequate water

supply for the Sequoyah Orphan Training School near Tahlequah, Cherokee County, Okla., was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from Oklahoma if that bill was not up for consideration at the last session of Congress and then opposed and rejected.

Mr. HARRELD. No; I think not. This is a new bill, coming over from the House. It has only recently been determined that the water supply of this school is polluted. This is a recent bill to correct that condition. I think it is an emergency measure, because the water supply at that school has become very badly polluted just recently.

Mr. KING. Is it a charge upon the Public Treasury, or upon the funds of the Indians?

Mr. HARRELD. I think it is a charge upon the funds of the Public Treasury. I am not sure about that, but I think it is.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

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

WILLIAM F. REDDING

The bill (H. R. 8932) for the relief of William F. Redding, was considered as in Committee of the Whole.

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

GEORGE BOIKO & CO. (INC.)

The bill (H. R. 6057) for the relief of George Boiko & Co. (Inc.) was considered as in Committee of the Whole.

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

PACIFIC STEAMSHIP CO.

The bill (H. R. 9804) for the relief of the Pacific Steamship Co., of Seattle, Wash., was considered as in Committee of the Whole.

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

WILLIAM J. O'BRIEN

The bill (H. R. 10422) for the relief of William J. O'Brien was considered as in Committee of the Whole.

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

WALTER B. AVERY AND FRED S. GICHNER

The bill (H. R. 12563) for the relief of Walter B. Avery and Fred S. Gichner was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, to strike out lines 11 and 12 and to insert "the sum of $2,043 is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FANNIE KRAVITZ

The bill (H. R. 1595) for the relief of Fannie Kravitz was considered as in Committee of the Whole.

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

M. F. SNIDER

The bill (H. R. 2718) for the relief of M. F. Snider was considered as in Committee of the Whole.

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

LIM TOY

The bill (H. R. 8739) for the relief of Lim Toy, of the city of Boston, Mass., was considered as in Committee of the Whole.

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

NIAGARA MACHINE & TOOL WORKS

The bill (H. R. 9150) for the relief of the Niagara Machine & Tool Works was considered as in Committee of the Whole.

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

ALBERT H. HOSLEY

The bill (H. R. 10035) for the relief of Albert H. Hosley was considered as in Committee of the Whole.

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

SHADYSIDE BANK

The bill (H. R. 12404) for the relief of Shadyside Bank was considered as in Committee of the Whole.

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

K. I. WARD

The bill (H. R. 12388) for the relief of K. I. Ward was considered as in Committee of the Whole.

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

SHOSHONE NATIONAL FOREST, WYO.

The bill (H. R. 9640) to add certain lands to the Shoshone National Forest, Wyo., was considered as in Committee of the Whole.

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

REGISTRATION OF TRADE-MARKS

The bill (S. 4811) to protect trade-marks used in commerce, to authorize the registration of such trade-marks and for other purposes, was announced as next in order.

Mr. METCALF. Mr. President, I find that the House has already passed a similar bill.

Mr. DILL. I object.

The PRESIDING OFFICER. Objection is made, and the bill will go over.

M. TILLERY AND MRS. V. D. TILLERY

The bill (H. R. 11852) for the relief of M. Tillery and Mrs. V. D. Tillery was considered as in Committee of the Whole.

Mr. KING. Mr. President, I would like to ask why this amount is not included in the deficiency appropriation bill which we passed carrying an appropriation of nearly $200,000,000. I do not recall that we have been in the habit of passing special bills for refunds. Refunds are included in general appropriation bills.

Mr. MAYFIELD. Mr. President, I can not state why this was not included, but I am sure that the Senator would not object to this bill on its merits, because this amount of money was overpaid and the claimant was denied the privilege of putting in a claim on account of the fact that he received a notice from the collector not to take any action until he was further notified. When he was notified, it was too late; the statute of limitations had run.

Mr. KING. How long ago was it?

Mr. MAYFIELD. In 1923.

Mr. KING. I will not object, in view of the statement of the Senator, but I confess that I think this is rather an irregular method of dealing with alleged overassessments.

The Treasury Department is permitted to deal with the claims of those who have been improperly assessed, and we are granting refunds at every session of Congress aggregating tens of millions of dollars. I reserve the right to move to-morrow to reconsider, after I consult the Treasury and find out whether this has the approval of the Treasury.

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

PURCHASE OF PUBLIC LANDS BY BOULDER, COLO.

The bill (H. R. 10467) authorizing the city of Boulder, Colo., to purchase certain public lands was considered as in Committee of the Whole.

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

GRANT OF CAMPUS TO UNIVERSITY OF UTAH

The 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, was considered as in Committee of the Whole.

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

GRANT OF LAND TO BOUNTIFUL, UTAH

The 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, was considered as in Committee of the Whole.

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

HENRY F. DOWNING

The bill (H. R. 1691) for the relief of Henry F. Downing was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $80.20 to pay Henry F. Downing as bounty due him for services rendered in the United States Navy during the Civil War.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES JAMES ANDERSON

The bill (H. R. 5263) for the relief of Charles James Anderson, former commander United States Naval Reserve Force, was announced as next in order.

Mr. KING. Mr. President, I ask for an explanation of that bill.

Mr. COPELAND. Mr. President, this is the case of Charles James Anderson, a commander in the Navy. He served with great distinction; he had charge of a number of ships, and when his time came for retirement he was asked by the Navy to continue in the service. He did so and was hurt, but the physicians in the Navy felt that his case was a curable one. On the strength of their decision he did not apply, as he should have done, for retirement on October 1, 1921. He struggled along for a year or so and became totally disabled. He is a wreck; he can hardly get about. This is to permit him to retire, as he should have done and could have done on the 1st of October, 1921. This measure has received most serious consideration by the committee this year, as it did last year.

Mr. TYSON. Mr. President, was this man ever in the regular Navy?

Mr. COPELAND. This man was in the Naval Reserves.

Mr. KING. I object.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

Mr. TYSON. Mr. President, I want to call attention to the fact that this is exactly the same kind of a bill as that providing for the emergency Army officers' retirement. We have been providing for the retirement of emergency officers in the Navy for several years, and yet not one single man among the emergency Army officers has ever been allowed to be retired. This is a similar case right here.

Mr. COPELAND. I will say to the Senator——

Mr. TYSON. I am not objecting to the consideration of the bill.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. Objection is made, and the clerk will report the next bill on the calendar.

Mr. COPELAND. Mr. President, let me say just this word: We understood perfectly well, I want to say to the Senator from Tennessee, that this case was one which would come under the bill which the Senator from Tennessee has tried so long to have passed, but it is such a meritorious case, that of a man totally disabled, that it is a shame to let it be passed over. This man's name should go on the pension list, if he is not taken care of by this proposed legislation, just exactly as we provided a little while ago in another case. This is for a man totally disabled, who should receive the consideration of his country.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

EDWARD A. GRIMES

The bill (H. R. 1840) for the relief of Edward A. Grimes was considered as in Committee of the Whole.

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

IMMUNITY OF CERTAIN WITNESSES

Mr. WALSH of Montana. Mr. President, I ask unanimous consent that we return to Order of Business 1565, Senate bill 5770, granting immunity to certain witnesses. I have agreed to offer an amendment to that bill which will obviate some of the objections urged against it.

The PRESIDING OFFICER. Is there objection?

Mr. CURTIS. I think that bill should go over. I ask for the regular order.

The PRESIDING OFFICER. Objection being heard, the bill will be passed over.

BILLS PASSED OVER

The bill (H. R. 4600) for the relief of Frederick D. W. Baldwin was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6697) for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

GARFIELD HANKINS

The bill (H. R. 14071) for the relief of Garfield Hankins was considered as in Committee of the Whole.

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

JAMES F. M'CARTHY

The bill (H. R. 7703) for the relief of James F. McCarthy, was considered as in Committee of the Whole.

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

ALICE BARNES

The bill (H. R. 5069) for the relief of Alice Barnes, was considered as in Committee of the Whole.

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

CHARLES O. SCHMIDT

The bill (H. R. 6584) for the relief of Charles O. Schmidt was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, to Charles O. Schmidt, the sum of $1,317.37, the same being for losses sustained by him resulting from an accident caused by an Army vehicle near Farmingdale, Long Island, N. Y., on or about November 11, 1919.

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

M. ZINGARELL AND MARY ALICE ZINGARELL

The bill (S. 4830) for the relief of M. Zingarell and Mary Alice Zingarell was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment on page 1, line 6, to strike out "$12,000" and insert in lieu thereof "$1,140," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. Zingarell and his wife, Mary Alice Zingarell, out of any money in the Treasury not otherwise appropriated, the sum of $1,140, to reimburse the said M. Zingarell and wife for the taking by the United States in September, 1917, of three certain lots, namely, lots 9, 10, 11, in block 502-B on Furnace Hill, Sheffield, Ala., and the loss sustained thereby, said lots being included in the site required in the building of an experimental nitrate plant, and which said three lots were taken without adequate reimbursement to the owners thereof, said M. Zingarell and wife, Mary Alice Zingarell.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF CAMPAIGN EXPENDITURES

The resolution (S. Res. 364) continuing during the Seventieth Congress Senate Resolutions 195, 227, 258, and 324, relative to senatorial campaign expenditures, and enlarging the authority of the special committee, was announced as next in order.

Mr. REED of Pennsylvania. Over.

The PRESIDING OFFICER. The resolution will be passed over.

SHERMAN P. BROWNING

The bill (H. R. 3295) for the relief of Sherman P. Browning was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sherman P. Browning, of Muhlenberg County, Ky., the sum of $500, out of any money in the Treasury not otherwise appropriated, on account of the theft of 100 United States war savings certificate stamps issued July 25, 1918, by the postmaster at Rochester, Butler County, Ky., to the said Sherman P. Browning, which stamps were in unregistered form due to the lack

of registration facilities at the said post office at the time of purchase and on various other occasions when the owner attempted to have the stamps registered.

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

NORTHERN PACIFIC LAND GRANT

The joint resolution (H. J. Res. 363) amending the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, reserving the right to object, I should like to ask some member of the committee to make an explanation of the joint resolution.

Mr. WALSH of Montana. Mr. President, it relates to an investigation conducted by the Committee on Public Lands and Surveys into the land grant of the Northern Pacific Railway Co. and asks the Attorney General for his advice as to what legal proceedings, if any, should be taken to maintain the rights of the Government of the United States in the premises and continues the present law forbidding the Secretary of the Interior to certify any of the lands of the Northern Pacific until further order of Congress.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

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

Resolved, etc., That the joint resolution entitled "Joint resolution directing the Secretary of the Interior to withhold his approval of the adjustment of the Northern Pacific land grants, and for other purposes," approved June 5, 1924, be, and the same is hereby, amended as follows: "That where in said joint resolution there appears the word and figures 'March 4, 1926,' the same shall be amended to read 'June 1, 1928.'"

SEC. 2. That the present members of the joint committee appointed under said resolution shall continue to act until the termination of the Seventieth Congress: *Provided, however*, That where a vacancy will occur among the Senate members of said committee due to their retiring from Congress on March 4, 1927, the President of the Senate may fill such vacancy.

SEC. 3. That the Attorney General of the United States be, and he hereby is, authorized and directed to advise the said joint committee as to what legal or legislative action should, in his judgment, be taken in the matter of the adjustment of the said Northern Pacific land grants.

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

GRANT OF PUBLIC LAND TO GOLDEN, COLO.

The bill (H. R. 16017) granting public lands to the city of Golden, Colo., to secure a supply of water for municipal and domestic purposes, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That for the purpose of securing an adequate supply of water for domestic and municipal purposes for the use of the city of Golden, Colo., there is hereby granted to the said city the lands described as follows: In Clear Creek County, Colo., township 4 south, range 72 west, of the sixth principal meridian; southeast quarter of the northeast quarter and east half of southeast quarter of section 8, and the southwest quarter of the northwest quarter and southwest quarter of section 9, and the northeast quarter of northeast quarter of section 18; total, 360 acres, more or less, on condition that the said city shall make payment for such lands at the rate of $1.25 per acre to the receiver of the United States land office of Denver, Colo., within one year after approval of this act: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the lands, and the right to prospect for, mine, and remove the same: *Provided further*, That the grant herein made is subject to any valid existing rights or easements on said lands, and that upon failure of the city to make use of the lands herein granted, in accordance with the purpose of this act, all rights hereunder shall cease and such lands revert to the United States.

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

CAPT. NORMAN D. COTA

The bill (H. R. 724) for the relief of Capt. Norman D. Cota was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to credit the account of Capt. Norman D. Cota, former paymaster of the Army at Langley Field, Va., with $2,784.79, this sum being a balance due the United States. The said Capt. Norman D. Cota on January 30, 1923, while transporting from Hampton, Va., the funds pertaining to the monthly payment of the command at Langley Field, was robbed by two highwaymen of the above-named amount of Government funds in his custody.

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

J. S. CORBETT

The bill (H. R. 780) for the relief of J. S. Corbett, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated to J. S. Corbett, of Bishopville, S. C., the sum of $28.50, duplicate payment of floor tax on tobacco products in March, 1919.

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

JOHN A. OLSON

The bill (H. R. 2329) for the relief of John A. Olson was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John A. Olson, of Olson, Wash., out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, the sum of $900 to reimburse and compensate him as owner of a house and contents destroyed by fire June 7, 1918, while the said house was occupied and used by employees of the United States Forest Service.

Mr. KING. Mr. President, I would like to have an explanation of the bill.

Mr. MEANS. Mr. President, the Forest Service took this man's house, and while they were occupying it it was burned down. The Forest Service therefore feel that they are obligated to replace the property, which they used without making any compensation even for its use.

Mr. KING. I have no objection.

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

FRANK J. DWYER

The bill (H. R. 8477) for the relief of Frank J. Dwyer, was considered as in Committee of the Whole, and was read as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank J. Dwyer, of Suffolk County, Commonwealth of Massachusetts, the sum of $68, in full compensation against the Government as a result of injury sustained by said Frank J. Dwyer, caused by negligence on the part of Corporal C. L. Jenkins in the operation of Army car No. 17111, owned and operated by the United States Government on June 30, 1921.

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

MARIE YVONNE GUEGUINOU

The bill (H. R. 9063) for the relief of Marie Yvonne Gueguinou was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marie Yvonne Gueguinou the sum of $2,000 for injuries received as the result of collision had on August 28, 1920, at Brest, France, between a truck belonging to and being operated under the direction of the United States Navy Department and a cart in which said Marie Yvonne Gueguinou was traveling, said collision having been found to be the result of negligence on the part of the operator of said truck.

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

TAX EXEMPTION OF DISTRICT OF COLUMBIA PUBLIC-SCHOOL EMPLOYEES

The bill (S. 5667) to exempt employees of the public-school system of the District of Columbia from the $2,000 salary limitation provision of the legislative, executive, and judicial appropriation act, approved May 10, 1916, as amended, was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of the bill. I reserve the right to object. My recollection is that we did not in the revenue act grant exemptions from taxation for municipal employees to the extent of their salary.

Mr. CAPPER. Mr. President, this has to do with the employment of persons engaged in the Government service in the public schools of the District of Columbia. The need for the

legislation is clearly stated in the letter from the District Commissioners, who ask for the passage of the bill, and who said in their letter:

The proposed legislation authorizes the employment in the night schools, vacation schools, and other similar activities of the public-school system of persons who are employed either by the United States Government or the government of the District of Columbia and are receiving salaries in their regular employment which together with the pay for the service in the public schools would exceed the $2,000 limitation prescribed by the act of May 10, 1916.

Under the present limitations it is impossible to secure the services in the various activities of the public-school system, other than the community centers, of any person who is receiving a salary in his regular position under the Government in excess of $800. The result is that the public schools are unable to avail themselves of the wealth of expert knowledge possessed by employees of the Government who might be employed in the night schools and other activities of the school service for the definite purpose of imparting this knowledge to students. Almost the entire burden of service in these school activities is, therefore, being borne by the regular day-school teachers supplemented by such persons as can be secured from private employment.

Mr. McKELLAR. Mr. President, if the bill is passed would there be any limitation on the amount to be paid? If so, what would be the limitation?

Mr. CAPPER. It is clearly stated in section 6 of the act of 1916.

Mr. McKELLAR. I understand that; but does it not take the limitation off of the amount which the commissioners may pay? If that is true, I do not think the bill ought to pass. What limitation is there?

Mr. CAPPER. Under existing law it is impossible to employ in the night schools or vacation schools any person holding a regular position with the Government at a salary in excess of $800 per annum.

Mr. McKELLAR. I understand that. The limitation is taken off, but is there any other limitation established?

Mr. CAPPER. The existing law exempts from the $2,000 limitation persons employed in the community center department, and the bill merely extends the exemption to employees of the schools mentioned.

Mr. McKELLAR. I understand; but there ought to be some limitation on it.

Mr. SACKETT. The trouble comes that in the night schools they want to teach accountancy, and they can not get a man out of the department because he receives a salary there under the limitation provision.

Mr. McKELLAR. I understand that. The question I have asked is whether there is any limitation fixed.

Mr. SACKETT. No more of a limitation will be fixed on these employees than are fixed on employees in the regular public schools.

Mr. McKELLAR. Then, there are no limitations on the regular public-school employees?

Mr. SACKETT. Not as I understand it now.

Mr. McKELLAR. I think there ought to be a limitation; and I object.

The PRESIDING OFFICER. On objection, the bill goes over.

OFFICIAL TERRITORIAL PAPERS

The bill (S. 3725) to amend an act entiled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925, was announced as next in order.

Mr. BRATTON. Let the bill go over.

Mr. FESS. Mr. President, will the objection be withheld a moment?

Mr. BRATTON. Certainly.

Mr. FESS. The late Senator Ralston, of Indiana, got a resolution adopted by the Senate for the collection and editing of the Territorial papers. That work has been done. The manuscripts are now ready for printing. The bill simply is to carry out the purpose of the original resolution so there may be 4,000 copies of the Territorial papers printed, 600 for the Senate, 1,300 for the House, and 2,100 for the State Department.

Mr. BRATTON. I withdraw my objection.

There being no objection the Senate as in Committee of the Whole proceeded to consider the bill, which had been reported from the Committee on Printing with an amendment on page 2, line 2, after the word "publication" to insert "of which 600 copies shall be for the use of the Senate, 1,300 copies for the use of the House of Representatives, and 2,100 copies," so as to make the bill read:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States, now in the national archives," approved March 3, 1925, be, and the same is hereby, amended to read as follows:

"SEC. 2. That upon the completion of the preparation of the manuscript by the work of collecting, copying, arranging, and editing, as authorized in section 1 of this act, there shall be printed and bound an edition of 4,000 copies of this publication, of which 600 copies shall be for the use of the Senate, 1,300 copies for the use of the House of Representatives, and 2,100 copies for the use of the Department of State, and for this purpose there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $125,000, or so much thereof as may be necessary, to carry the provisions of this section into effect."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDEX TO FEDERAL STATUTES

The bill (H. H. 9173) providing for the revision and printing of the index to the Federal Statutes was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Librarian of Congress is hereby authorized and directed to have the index to the Federal Statutes, published in 1908 and known as the Scott and Beaman Index, revised and extended to include the acts of Congress down to and including the acts of the Sixty-ninth Congress, and to have the revised index printed at the Government Printing Office.

SEC. 2. There is hereby authorized to be appropriated for carrying out the provisions of this act the sum of $25,000, to remain available until expended.

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

USE OF PUBLIC LAND FOR HIGHWAY PURPOSES

The bill (S. 5708) authorizing the use of land owned by the United States in the District of Columbia for highway purposes was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That coincident with the widening of Reservoir Road and Forty-fourth Street NW. and the extension of South Dakota Avenue NE., the Commissioners of the District of Columbia be, and they are hereby, authorized to use for highway purposes 1,651 square feet of a tract of land known as parcel 17/93; 708 square feet of a tract of land known as parcel 18/52; 380 square feet of a tract of land known as parcel 18/23; 23,879.63 square feet of a tract of land known as parcel 28/12; and a strip of land 60 feet wide containing 258,750 square feet, more or less, lying immediately northeasterly of the southwesterly boundary of a tract of land known as parcel 173/23, all owned by the United States; and the said commissioners are further authorized to use for highway purposes 21,990 square feet, more or less, of a tract of land known as parcel 243/15, also owned by the United States, for the extension of Trenton Street and for the widening of Fourth Street SE. as shown on maps Nos. 1150, 1154, and 1314, on file in the office of the surveyor of the District of Columbia.

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

CLOSING OF STREETS AND HIGHWAYS IN DISTRICT OF COLUMBIA

The bill (S. 5732) to amend an act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, on page 2, line 5, after the word "authorized," to insert the words "after submitting the plans to the National Capital Park and Planning Commission"; on line 14, after the word "other," to insert the words "existing or proposed"; in line 18, after the word "become," to insert the words "or be"; in line 19, after the word "necessary," to strike out the words "by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of a street, road, or highway in the District of Columbia, by dedication, purchase, condemnation, or because of changes made in the said highway plan in accordance with law," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to authorize the Commissioners of the District of Columbia to close certain streets, roads, or highways in the District of Columbia rendered useless or unnecessary by reason of the opening, extension, widening, or straightening, in accordance with the highway plan of other streets, roads, or highways in the District of Columbia, and for other purposes," approved January 30, 1925, is hereby amended so as to read as follows:

"That the Commissioners of the District of Columbia be, and they are hereby, authorized, after submitting the plans to the National Capital Park and Planning Commission, to close Broad Branch Road between Jocelyn and Thirty-first Streets, Piney Branch Road between Spring Road and Blair Road, Pierce Mill Road between Tilden Street and Wisconsin Avenue, Belt Road between Wisconsin Avenue and Chevy Chase Circle, Colfax Street through square 712, Queen's Chapel Road between Bladensburg Road and Irving Street, Grant Road between Wisconsin Avenue and Connecticut Avenue, and such other existing or proposed streets, roads, or highways, or parts of streets, roads, or highways, whether or not they be part of the highway plan of the District of Columbia, as may, in the judgment of the Commissioners of the District of Columbia become or be useless or unnecessary; the title to the part or parts of the streets, roads, or highways so closed to revert to the abutting property owners: *Provided*, That the written consent of the owners of all the property abutting on the street, road, or highway, or on the part of street, road, or highway proposed to be closed be obtained.

"SEC. 2. That whenever a street, road, or highway, or any part of a street, road, or highway is sought to be closed in accordance with the provisions of this act, a plat showing the street, road, or highway or part of the street, road, or highway to be closed by the said commissioners, as provided herein, shall be prepared by the surveyor of the District of Columbia and approved by the Commissioners of the District of Columbia and ordered by the said commissioners to be recorded in the office of the surveyor of the District of Columbia, and the area to be apportioned to each property owner abutting on the street, road, or highway or part of street, road, or highway closed by the said commissioners, as provided herein, shall be determined by the said commissioners and shall be shown by plats and computations prepared by the surveyor of the District of Columbia, and said apportioned areas shall be assessed on the books of the assessor of the District of Columbia the same in all respects as other private property in the District of Columbia."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK D. W. BALDWIN

Mr. COPELAND. Mr. President, I ask unanimous consent to return to calendar 1592, the bill (H. R. 4600) for the relief of Frederick D. W. Baldwin, in order that I may make a brief explanation.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent to return to calendar 1592. Is there objection?

Mr. KING. Reserving the right to object, I shall be glad to hear the explanation.

Mr. COPELAND. The bill relates to a man who enrolled in the naval reserve and served for a period of one year. He was advanced to the position of lieutenant (junior grade). In 1920 he accepted a commission as ensign. He accepted the demotion in order that he might stay in the Navy. While in the service, on September 17, 1919, he was examined for promotion, and the physicians found him physically qualified for confirmation in grade in the United States Naval Reserve Corps. That was September 17, 1919. On May 10, 1921, he was examined by the doctors and found to have heart disease. It is therefore evident that the disease originated in line of duty between those two dates, 1919, when he was examined and found all right, and 1921.

Then he was sent across the Pacific to the Philippines and returned here later than the 1st of October, 1921, when he should have applied for retirement. The department says that after a careful consideration of the service record and medical record it appears that the case is meritorious. That was the report of the Secretary of the Navy, and I think clearly it is a matter upon which we ought to act now. It is not like the other cases which would come under the Tyson bill.

The PRESIDING OFFICER. Is there objection?

Mr. KING. I think I shall have to object.

Mr. WALSH of Massachusetts. I hope the Senator will not object.

Mr. KING. I object.

The PRESIDING OFFICER. Objection is made.

JOHN G. PAULEY

The bill (H. R. 1133) for the relief of John G. Pauley was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in the administration of the pension laws John G. Pauley shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Company G, Twenty-first United States Infantry, on the 20th day of December, 1899: *Provided*, That no back pay, bounty, pension shall accrue prior to the passage of this act.

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

M'KINLEY HIGH SCHOOL HEATING PLANT

The bill (S. 4905) relating to appropriations made for the construction of new McKinley High School was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That no part of the appropriations made for the construction of the new McKinley High School in the District of Columbia shall be used for the construction of a heating plant at or immediately adjacent to the intersection of Second and R Streets NE.: *Provided, however*, That such appropriations shall be available for the extension and expansion of the present heating plant of the Langley Junior High School to adequately serve the said new McKinley High School.

Mr. COPELAND. Mr. President, this is the matter which I presented to the Senate the other day. It has to do with the erection of a heating plant at the main corner of the property where the McKinley High School is to be built, at an expense of about $400,000. The bill is to prevent the expenditure of the money and to insist on the consolidation of the proposed heating plant with the Langley heating plant.

Mr. KING. I think it is a meritorious bill, and since the debate the other night I have discovered that instead of $1,300,000 being expended the amount will approximate $2,000,000. I think the conduct of some of the officers is reprehensible in connection with the construction of these buildings, and the expenditure of $300,000 for a heating plant, to my mind, is excessive. I hope the present bill will be passed.

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

THEODORE W. GOLDIN

The bill (H. R. 5275) for the relief of Theodore W. Goldin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Theodore W. Goldin shall hereafter be held and considered to have been honorably discharged from Troop G, Seventh Regiment United States Cavalry, November 13, 1877: *Provided, however*, That no pension, back pay, or bounty shall accrue prior to the passage of this act.

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

ANDREW M'LAUGHLIN

The bill (H. R. 15624) for the relief of Andrew McLaughlin was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER (Mr. McNARY in the chair). Objection is made.

Mr. WILLIS. Mr. President, will the Senator withhold the objection a moment?

Mr. KING. Very well.

Mr. WILLIS. I think I can explain it to the Senator's satisfaction. This is the case of a soldier who left his command because of the sickness of his mother. If the Senator will examine the report he will see that that fact is stated. He was absent five days without leave and, of course, violated a military regulation in so doing.

The Senator will notice, if he will read the report, that subsequently the soldier enlisted in the Spanish-American War and served with honor throughout that war. Subsequently he enlisted in the Philippine service and while in the Philippines the charge was brought against him that he had stated when he enlisted that he had never been dishonorably discharged.

Mr. BRUCE. Mr. President, the statement of the Senator from Ohio reminds me of something I read a short time ago. A soldier on the eve of battle asked for leave of absence on the ground of the sickness of his mother, the same ground the Senator states was set up in this case. His commanding officer said, "Oh, I see that you honor your father and your mother that your days may be long in the land." [Laughter.]

Mr. WILLIS. The request in this case was not made on the eve of any battle, but the soldier afterwards went back in the service and served with very great distinction.

Mr. SWANSON. Mr. President, the rest of us have bills on the calendar that we are anxious to have passed. I insist on the regular order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

Be it enacted, etc, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Andrew McLaughlin, who was a member of Troop I, Third United States Cavalry, and Company K, Twenty-first United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of those organizations on the 10th day of July, 1896, and the 20th day of January, 1900, respectively: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

RECLASSIFICATION OF SALARIES OF POSTMASTERS

The bill (S. 5314) amending the act of February 28, 1925, reclassifying the salaries of postmasters, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second paragraph under the heading "Reclassification of postal salaries," in section 1 of title 1 of the act of February 28, 1925, reclassifying the salaries of postmasters, be, and the same is hereby, amended to read as follows:

"First class—$40,000, but less than $50,000, $3,200; $50,000, but less than $60,000, $3,300; $60,000, but less than $75,000, $3,400; $75,000, but less than $90,000, $3,500; $90,000, but less than $120,000, $3,600; $120,000, but less than $150,000, $3,700; $150,000, but less than $200,000, $3,800; $200,000, but less than $250,000, $3,900; $250,000, but less than $300,000, $4,000; $300,000, but less than $400,000, $4,200; $400,000, but less than $500,000, $4,500; $500,000, but less than $600,000, $5,000; $600,000, but less than $1,500,000, $6,000; $1,500,000, but less than $3,000,000, $7,000; $3,000,000, but less than $7,000,000, $8,000; $7,000,000, but less than $10,000,000, $9,000; $10,000,000, but less than $20,000,000, $10,000; $20,000,000, but less than $40,000,000, $11,000; $40,000,000 and upward, $12,000."

Mr. KING. Mr. President, this is a very important bill. It seems to me we will not have time to consider it this evening, but I shall make no objection if an explanation may be made.

The PRESIDING OFFICER (Mr. WILLIS in the Chair). The Senator from Utah asks an explanation of the bill.

Mr. WADSWORTH. It will take me but a moment to state what the bill provides. If Senators will turn to it in their calendar file they will find that the bill classifies the postmasters of the United States in the principal cities and grades their salaries in accordance with the amount of business done at their respective offices.

I have before me a table which shows the present salaries of postmasters of the principal cities and which also shows the salaries which they would receive if the bill passed. I take the case of the postmaster in the city of New York. His salary is $8,000 a year. The post office of that city does $71,000,000 of business per year. The salary of $8,000 was fixed 50 years ago. That postmaster has 17,000 employees under his command. He is responsible for the efficiency of that immense system. In the period of 50 years since the salary was last fixed by statute we have added the postal savings system, we have added the parcel post, and we have added a Government-owned motor-vehicle service. The business has grown since 1875, when it amounted to $3,166,000, to $71,000,000.

Now, I think it will be conceded that any Government officer who commands, as it were, an army of 17,000 men located not only in the central post office of that city, but——

Mr. SWANSON. Mr. President, I will say that, owing to the limitation of time to-night, if anyone speaks more than five minutes on a pending bill I shall have to object. Other Senators have bills on the calendar which they are anxious to have passed to-night, and I shall not discriminate against anyone. I shall object to more than five minutes' debate on any bill by a Senator. We can not allow all the time to be consumed in debate when there are so many bills on the calendar that other Senators are anxious to have passed.

Mr. HEFLIN. Mr. President, I hope there will be no objection to the bill.

Mr. SWANSON. I have no objection to it.

Mr. DILL. Mr. President, may I inquire how much the bill would increase the salaries of postmasters?

Mr. WADSWORTH. I can tell the Senator. The two largest offices in the country are New York and Chicago. The bill provides that those offices, which do a business of more than $40,000,000 annually, shall each receive for the salary of the postmaster $12,000. The next grade would include Philadelphia, Boston, St. Louis, Kansas City, and Detroit. The postmaster at Philadelphia would receive $11,000.

Mr. JONES of Washington. What does he get now?

Mr. WADSWORTH. He gets $8,000 now.

Mr. SWANSON. What does the postmaster at Richmond, Va., get?

Mr. WADSWORTH. I thought we would come to that inquiry.

Mr. BRUCE. Why is Baltimore not included in that class? Baltimore is larger than Kansas City, Mo.

Mr. WADSWORTH. Baltimore in 1926 did a business of $6,729,000. The postmaster of Baltimore to-day draws $6,000. Under this bill he would draw $8,000.

Mr. SWANSON. Mr. President, the five minutes is up.

SEVERAL SENATORS. Vote!

Mr. FLETCHER. Let us pass the bill. That is the quickest thing to do.

Mr. WADSWORTH. The bill has the support of the Postmaster General, and my information is that it is not in conflict with the financial program of the President.

Mr. DILL. Mr. President, why does the committee single out the first-class postmasters and neglect the fourth-class postmasters? The fourth-class postmasters are practically starving to death, while these men are getting these big salaries; and yet it is not proposed to do anything to reclassify the salaries of the fourth-class postmasters.

Mr. SWANSON. I insist on the regular order.

The PRESIDING OFFICER. The Senator from Virginia objects, and the bill goes over.

Mr. WADSWORTH. Does the Senator from Virginia object?

Mr. SWANSON. I do not object. I submit that the Chair ought to ask if there is objection.

Mr. DILL. I will object until I say what I want to say about this bill. I am entitled to five minutes, even under the Senator's rule.

Mr. SWANSON. I am not going to sit here all night and have bills of this kind discussed and no action taken on them.

The PRESIDING OFFICER. Does the Senator from Virginia object?

Mr. SWANSON. I do not object.

Mr. DILL. I object, if necessary. I want to take five minutes.

Mr. COPELAND. I hope the Senator will not object.

Mr. DILL. I will not object; but I do not want to be taken off the floor.

Mr. SWANSON. I just asked for the regular order. The regular order is to ask whether or not any Senator objects when a bill is to be considered.

Mr. HEFLIN. The point of the Senator from Virginia is that this is probably the last night we will have when this bill could be considered.

Mr. DILL. I will reserve my right to object. What I want to say is that the first-class postmasters are already getting substantial salaries. The fourth-class postmasters are getting practically no salaries.

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

Mr. DILL. Just a minute. What I am objecting to is reclassifying the first-class postmasters, increasing their salaries, and letting the little fellows, who are practically starving to death, go on without getting the proper pay.

Mr. EDGE. Mr. President, I should like to answer the Senator's question. The fourth-class postmasters were taken care of in the salary-raising bill for all the postal employees about two years ago, and materially raised. The postmasters of every class were raised—second, third, and fourth—with the exception of first-class postmasters. This bill is simply taking care of the other class of postmasters.

Mr. DILL. I think the fourth-class postmasters ought to be raised.

Mr. McKELLAR. Mr. President, I happen to be on the Post Offices and Post Roads Committee, and what the Senator from New Jersey says is correct. All classes of postmasters except those of the first class have been raised.

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

HIGHWAY IN MONTANA

The bill (S. 5717) authorizing appropriation of funds for construction of a highway from Red Lodge, Mont., to the bound-

ary of the Yellowstone National Park, near Cooke City, Mont., was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. WARREN. I object to the consideration of that bill.

Mr. WALSH of Montana. Mr. President, I should like to state with respect to that bill that substantially the same bill has already passed the Senate. It has been twice recommended by the Committee on Post Offices and Post Roads. It has been recommended by the Committee on Appropriations. Substantially the same bill was passed by the Senate.

Mr. WARREN. I object to the consideration of the bill.

Mr. McKELLAR. That bill has passed.

Mr. WALSH of Montana. It has the approval of both departments.

Mr. McKELLAR. It has passed the Committee on Appropriations and passed the Senate.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. WARREN. I have objected, and I object.

The PRESIDING OFFICER. Objection is heard. The Secretary will state the next bill on the calendar.

CHRISTINE MYGATT

The bill (H. R. 5089) for the relief of Christine Mygatt was considered as in Committee of the Whole.

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

ARCHIE O. SPRAGUE

The bill (H. R. 2589) for the relief of Archie O. Sprague was considered as in Committee of the Whole.

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

JOHN A. THORNTON

The bill (H. R. 10496) for the relief of John A. Thornton was considered as in Committee of the Whole.

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

W. RANDALL SPURLOCK

The bill (H. R. 12334) for the relief of W. Randall Spurlock was considered as in Committee of the Whole.

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

EXCHANGE OF LAND BETWEEN THE UNITED STATES AND THE DISTRICT

The bill (H. R. 15541) to authorize the exchange of certain land between the United States and the District of Columbia was considered as in Committee of the Whole.

Mr. BRUCE. Mr. President, I should like to ask an explanation from the Senator from Kansas about that bill.

Mr. CAPPER. Mr. President, this bill provides for an exchange of about 16 acres of land near the Naval Observatory, now controlled by the Government, for which the Government will receive about 7 acres of land now owned by the District which is a part of the Industrial Home School.

Mr. BRUCE. The Senator is satisfied with the exchange?

Mr. CAPPER. It was carefully looked into by the committee; and both the District Commissioners, representing the District of Columbia, and the Secretary of the Navy, representing the Government, are anxious to have the bill passed.

Mr. BRUCE. Very well.

Mr. FLETCHER. It does not disturb the observatory, does it?

Mr. CAPPER. No; not at all.

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

REGISTRATION OF DENTISTS IN THE DISTRICT

The bill (S. 5709) to amend the act approved June 7, 1924, relating to the regulation of the practice of dentistry in the District of Columbia, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 20 of the act approved June 7, 1924 (Public, No. 237, 68th Cong.), relating to the regulation of the practice of dentistry in the District of Columbia, be, and the same is hereby, amended by striking out the symbol and figure "$1" and inserting in lieu thereof the symbol and figure "$2."

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Kansas [Mr. CAPPER] to explain that bill.

Mr. CAPPER. Mr. President, the Senator from New York [Mr. COPELAND] reported this bill. All that it does is to make the fee for the registration of dentists $2 instead of $1. It has been found that $1 is not sufficient to take care of the cost of maintaining that department. It means no additional cost to the Government or to the District of Columbia.

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

ALTERATIONS AND REPAIRS TO NAVAL VESSELS

Mr. HALE, from the Committee on Naval Affairs, reported back without amendment the bill (H. R. 16507) to authorize an increase in the limit of cost of certain naval vessels, and for other purposes, and submitted a report (No. 1693) thereon.

CONSTRUCTION OF PUBLIC WORKS FOR THE NAVY

Mr. HALE, from the Committee on Naval Affairs, also reported back without amendment 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, and submitted a report (No. 1694) thereon.

REGISTRATION OF NURSES IN THE DISTRICT

The bill (S. 5766) to amend the act of February 9, 1907, entitled "An act to define the term of 'registered nurse' and to provide for the registration of nurses in the District of Columbia" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 4 of the act of February 9, 1907, entitled "An act to define the term of 'registered nurse' and to provide for the registration of nurses in the District of Columbia," be, and the same is hereby, amended by striking out the word "five" in said section and inserting in lieu thereof the word "fifteen."

Mr. LA FOLLETTE. I should like to ask the Senator from Kansas to explain this bill briefly.

Mr. CAPPER. That is proposed for the same reason—that this department is maintained by the fees received, and the fee of $5 was not sufficient to meet the cost. Everybody has agreed to it—the nurses and the District government.

Mr. McMASTER. Mr. President, why should we charge a larger fee for the nurses than we do for the dentists?

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I should like an explanation of it.

Mr. COPELAND. Mr. President, both these bills are identical. There are so few applicants in these two professions of dentistry and of nursing that in order to carry the routine clerical work it is necessary to increase the fee a little on both. I think it is a perfectly proper thing, because the fee will still be very small, and I think no burden will be imposed upon anyone.

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

BILLS PASSED OVER

The bill (H. R. 9318) authorizing the President to appoint James B. Dickson a second lieutenant of the Air Service of the Regular Army of the United States was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over under objection.

Mr. KING. I ask that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

Mr. DENEEN. Mr. President, may I say a word on that bill? Notwithstanding the adverse report in the Senate committee, the House has passed the bill. This young man took the competitive examination——

Mr. KING. I will say to the Senator, to save him the trouble of discussing it, that in view of the adverse report I shall object to the consideration of the bill.

The PRESIDING OFFICER. Without objection, House bill 9318 will be indefinitely postponed.

Mr. DENEEN subsequently said: I ask unanimous consent that the order indefinitely postponing Order of Business 1628, House bill 9318, be reconsidered.

The PRESIDING OFFICER. Without objection, the bill will remain on the calendar.

The bill (S. 5745) to amend public law No. 254, approved June 20, 1906, known as the organic school law, so as to relieve individual members of the board of education of personal liability for acts of the board, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, reserving the right to object, will the Senator from Kansas explain why the members of the board should be relieved from personal liability for their acts?

Mr. CAPPER. There have been several instances where judgments have been rendered against members of the school board for matters in which they had no personal interest

whatever, simply because of their official relation to the District government.

Mr. FLETCHER. I object.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over under objection.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The bill (H. R. 13477) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. DALE. Mr. President, this bill may seem to be one of very little consequence, but, as the matter stands now, it causes all kinds of complications and difficulties with the Civil Service Commission.

Under the retirement act it is provided that an employee, when he reaches the retirement age, may be retained in the service, on certification of the Civil Service Commission as to his efficiency, for two years' more service. Under the same retirement act there is a provision that requires this certification to be made 30 days before the employee reaches the age of retirement. All kinds of complications come up, because in many cases the certification now is not made within the 30 days, when the man is afterward shown to be efficient and should be given two years more of service. This bill simply repeals that requirement and allows him to be retained in the service on certification at any time up to the date when he automatically is retired. It simply repeals the 30-day provision that causes all this difficulty.

Mr. KING. Mr. President, will the Senator permit an inquiry? As I understand the Senator, the employee may be retained for two years, notwithstanding the certification, automatically; but at the end of the two years he automatically retires from the service?

Mr. DALE. No; he may not be retained under the present law unless he is certified 30 days before he reaches the retirement age. This bill repeals the 30-day provision, and allows him to be retained on certification on any day up to the time when he would automatically be retired. It simply repeals the provision requiring a 30-day certification.

Mr. KING. Then it extends the time for 30 days?

Mr. DALE. It extends the time for 30 days.

Mr. KING. Is that the only purpose of the bill?

Mr. DALE. That is the only purpose of it. It does not extend the time after the employee has reached the retirement age. Now his efficiency is required to be certified 30 days before.

Mr. KING. Does not the Senator think that when a person approaches the time for retirement, and it is desired that his services shall be retained, he ought to be advised and the Government ought to be advised, and therefore that the 30-day provision is a very wise one, so that the Government will have 30 days to determine the matter, and he would know?

Mr. DALE. Yes; but he is not advised. There is no provision by which he may be advised. He asks to be retained, and he may ask 40 days before his time of retirement, but if the head of the department does not certify him then he can not be retained. The complaint is made repeatedly that the heads of departments take advantage of that provision, do not look into the case at all, let it run by 30 days, and then the employee is told, "You are automatically retired; there is nothing we can do for you."

Mr. SWANSON. I shall have to call for the regular order.

Mr. KING. I have no objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

EAST CHANNEL OF SWAN ISLAND, OREG.

The bill (S. 5757) authorizing the Secretary of War to grant permission to the Port of Portland Commission to close the east channel of Swan Island, Oreg., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to grant permission to the Port of Portland Commission to close the east channel of Swan Island, Oreg., upon condition that such commission shall open the west channel of Swan Island and that such operations shall be conducted under the supervision of the Chief of Engineers.

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

PAYMENT TO ROOSEVELT COUNTY, MONT.

The bill (S. 4825) authorizing the payment of certain sums to Roosevelt County, Mont., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is authorized and directed to pay to the county of Roosevelt, State of Montana, an amount equivalent to that expended by such county prior to November 9, 1921, for the construction of the Federal highway, known as the Roosevelt Highway, across unpatented Indian lands within the Fort Peck Indian Reservation, and to charge such amount against the Federal funds allotted or apportioned to the State of Montana under the provisions of the act of Congress approved November 9, 1921, entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," or all acts amendatory thereof and supplementary thereto.

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

Mr. CAMERON. I object to that bill.

The PRESIDING OFFICER. The Chair is advised that the bill was passed. The Chair heard no objection.

Mr. CAMERON. I objected.

The PRESIDING OFFICER. Does the Senator from Arizona object?

Mr. CAMERON. I do.

The PRESIDING OFFICER. The Senator objects.

Mr. WALSH of Montana. I understand that the bill was passed. It is too late to object; is it not?

The PRESIDING OFFICER. The Chair thinks that position is well taken.

Mr. CAMERON. I ask for a reconsideration of the votes whereby the bill was ordered to a third reading and passed. I objected to its consideration.

The PRESIDING OFFICER. The Senator from Arizona moves to reconsider the votes whereby Senate bill 4825 was ordered to a third reading and passed.

Mr. WALSH of Montana. Mr. President, I, perhaps, ought to say something about that bill, and I will take a few minutes to do so. I do not quite understand why anyone should object to it.

The bill provides for reimbursement to Roosevelt County, Mont., of moneys expended by that county in building a portion of the Roosevelt Highway over the Fort Peck Indian Reservation. That was done before the act of 1921 was passed. Under the act of 1921 the entire cost of building roads over Indian reservations is paid out of the Federal funds. This bill simply provides that hereafter, from any moneys that are allotted to the State of Montana for the construction of highways under the allotment, Roosevelt County shall be paid such amount as she has already expended in the construction of the Roosevelt Highway, which is one of the great transcontinental roads across the Fort Peck Indian Reservation. Nobody is interested in it except the State of Montana. It is simply to provide that moneys coming to the State of Montana are to be allocated to that particular purpose.

The PRESIDING OFFICER. The Senator from Arizona [Mr. CAMERON] moves that the votes whereby Senate bill 4825 was ordered to a third reading and passed be reconsidered.

The motion was rejected.

The PRESIDING OFFICER. The Senate declines to reconsider the votes whereby it passed the bill. The Secretary will state the next bill on the calendar.

ECONOMIC CONFERENCE, GENEVA, SWITZERLAND

The joint resolution (H. J. Res. 351) to provide for the expenses of the participation of the United States in the work of the economic conference to be held at Geneva, Switzerland, was considered as in Committee of the Whole.

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

PREPARATORY COMMISSION ON REDUCTION AND LIMITATION OF ARMAMENTS

The joint resolution (H. J. Res. 352) to provide for the expenses of the participation of the United States in the work of a preparatory commission to consider questions of reduction and limitation of armaments was considered as in Committee of the Whole.

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

Mr. BORAH. Mr. President, I simply want to say to those who have charge of the machinery of getting these measures

through that the joint resolutions should be sent to the President immediately in order that he may sign them, so that the appropriations may be made in the bill which is now pending before the Senate.

ALTERATIONS AND REPAIRS TO NAVAL VESSELS

Mr. HALE. Mr. President, I want to make a very earnest plea to the Senate to allow me to take up House bill 16507. This is a bill that passed the House of Representatives yesterday, came over here, was reported by me from the Naval Affairs Committee to the Senate, and is now on the calendar immediately after the printed bills.

Mr. FLETCHER. Let us proceed in the regular way. We will get to it after a while.

Mr. HALE. We can not get to it to-night.

Mr. FLETCHER. Let us wait until a little later.

Mr. HALE. There is no possibility of reaching it to-night. Will the Senator let me explain it just for a second?

Mr. FLETCHER. No; I do not think it is according to the unanimous-consent agreement.

Mr. HALE. Unless this bill goes through we can not get an appropriation in the deficiency bill to finish up the two aircraft carriers, the *Lexington* and the *Saratoga*. These two ships will have to lie idle all summer, and the delay will cost millions of dollars.

Mr. FLETCHER. I will consent that the Senator may take up the bill 5 minutes before 11 o'clock. Let us go on.

Mr. DILL. If that bill is taken up, I want the other one taken up and passed with it.

Mr. FLETCHER. I call for the regular order.

The PRESIDING OFFICER. Objection is heard. The Secretary will state the next bill on the calendar.

PER CAPITA PAYMENT TO FORT HALL INDIANS

The bill (H. R. 16744) to authorize a per capita payment from tribal funds to the Fort Hall Indians was announced as next in order.

Mr. COPELAND. Reserving the right to object to this bill and the next one, I ask a word from the Senator in charge of the bill.

Mr. FLETCHER. If Senators are going to discuss that, I shall object.

Mr. COPELAND. I withdraw any objection I have.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

The bill (H. R. 16287) for the irrigation of additional lands within the Fort Hall Indian irrigation project in Idaho, was considered as in Committee of the Whole.

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

SALARIES OF PARK FOLICE

The bill (S. 4651) relating to the Office of Public Buildings and Public Parks of the National Capital, was considered as in Committee of the whole, and was read as follows:

Be it enacted, etc., That section 5 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police, and the fire department of the District of Columbia," approved May 27, 1924 (U. S. Stat. L., vol. 43, p. 175), is hereby amended by striking out said section and substituting therefor the following:

"From and after January 1, 1927, the salaries of members of the United States park police force shall be the same as the salaries of the officers and members of the Metropolitan police force of the District of Columbia in similar or corresponding grades."

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

FORT PECK INDIAN RESERVATION

The bill (H. R. 10976) to amend the act entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment," approved May 30, 1908, as amended, and for other purposes, was considered as in Committee of the Whole.

Mr. KING. May I ask the Senator from Montana whether this meets the approval of the Indians on the Fort Peck Reservation?

Mr. WALSH of Montana. I understand it does.

Mr. KING. Then I have no objection.

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

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 163) providing for the completion of Dam No. 2 and the steam plant at Nitrate Plant No. 2 in the vicinity of Muscle Shoals, Ala., and for other purposes, was announced as next in order.

Mr. DENEEN. Let that go over.

Mr. NORRIS. Will the Senator reserve his objection until I can explain the joint resolution?

Mr. DENEEN. I have asked the Secretary of War for a report on this, and I expect it to-morrow morning.

Mr. NORRIS. Objection was made by the Senator from Illinois?

Mr. DENEEN. Yes.

The PRESIDING OFFICER. Objection is made, and the joint resolution will go over.

BILL PASSED OVER

The bill (S. 5819) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. May I ask the Senator from Utah if he is set in his objection to this bill?

Mr. KING. I am.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. REED of Pennsylvania. Mr. President, I am impelled by the urgency of the matter to renew my request for unanimous consent that we proceed to the consideration of the Alien Property Custodian bill to-morrow evening.

Mr. SWANSON. Regular order!

Mr. HEFLIN. Mr. President, I want to suggest to the Senator from Pennsylvania that unless we pass the prohibition bill to-morrow, he can not get unanimous consent to take up that other measure. If we do pass the reorganization bill, I think he can get his bill up to-morrow night.

Mr. REED of Pennsylvania. I hope so, because everybody is in favor of it.

Mr. SWANSON. Everybody is in favor of the public buildings bill. I would never consent to the alien property bill being taken up until the public buildings bill is disposed of.

CHARLES F. BOND, RECEIVER

The resolution (S. Res. 373) referring the claim of Charles F. Bond, receiver of the partnership of Thorp & Bond, to the Court of Claims for findings of fact, was read and agreed to, as follows:

Resolved, That the bill (S. 5723) for the relief of Charles F. Bond, receiver of the partnership of Thorp & Bond, on a contract for construction work, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled, "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

SQUARE NO. 225, DISTRICT OF COLUMBIA

The bill (S. 5692) granting permission for the laying of pipes for the transmission of steam along the alley between lots Nos. 5 and 32 in square No. 225 was announced as next in order.

Mr. ROBINSON of Arkansas. I understand that a similar bill has passed the House, and I ask that the House bill 16920, be substituted for the Senate bill.

Mr. COPELAND. Mr. President, there was an amendment made, I believe.

Mr. ROBINSON of Arkansas. Yes; there was an amendment made to the Senate bill, but the House bill was not amended.

Mr. SACKETT. It ought to be amended, if it is going to pass.

The PRESIDING OFFICER. The Chair is advised that the House bill was this day referred to the Committee on the District of Columbia. The Chair suggests that the Senator ask that that committee be discharged from the further consideration of the bill.

Mr. ROBINSON of Arkansas. If it is necessary to do that and if the Senator reporting the bill thinks it material to attach the amendment reported by the committee to the House bill, I ask unanimous consent that the committee be discharged from the further consideration of the House bill.

Mr. LA FOLLETTE. I shall be constrained to object.

Mr. BRUCE. Some of the rest of us have bills in exactly that condition, that are not on the calendar, which have been referred to committees.

The PRESIDING OFFICER. What is the desire of the Senator from Arkansas?

Mr. ROBINSON of Arkansas. Let us pass the Senate bill, if there is objection to the substitution.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 2, line 5, at the end of the bill, add a proviso as follows: "*And provided further*, That such permit may be revoked at any time by the District Commissioners without compensation to the permittee or any successor, and the commissioners may remove any pipes laid under the authority of this act," so as to make the bill read:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to grant permission for the laying of pipes for the transmission of steam across and along the alley between lots Nos. 5 and 32, in square No. 225, subject to the condition that the work shall be performed under the direction and inspection of said commissioners and all costs incident thereto, including the cost of replacing any pavement disturbed thereby, shall be paid by the permittee in accordance with the third paragraph of the act approved May 26, 1900 (U. S. Stat. L. vol. 31, p. 217): *Provided*, That the other conditions imposed by section 1 of said act shall not apply to any permit which may be granted hereunder: *And provided further*, That such permit may be revoked at any time by the District Commissioners without compensation to the permittee or any successor, and the commissioners may remove any pipes laid under the authority of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. SANTELMANN

Mr. KING. Mr. President, I ask unanimous consent to return to Order of Business 1549, Senate bill 4731, a bill which was offered by the Senator from Nevada, and to which I objected. Upon further investigation, I find that it is a proper bill, and I ask that House bill 14718, now pending, be substituted for the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14718) for the promotion and retirement of William H. Santelmann, leader of the United States Marine Band.

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

The PRESIDING OFFICER. Senate bill 4731 will be indefinitely postponed.

BEN WAGNER

The bill (H. R. 15305) for the relief of Ben Wagner was considered as in Committee of the Whole.

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

JAMES J. BURNS, JR.

The bill (H. R. 2722) to reimburse James J. Burns, jr., for damages to touring car by Government-owned motor truck, was considered as in Committee of the Whole.

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

WILLIAM J. DONALDSON

The bill (H. R. 5930) for the relief of William J. Donaldson was considered as in Committee of the Whole.

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

ALIEN CREWS IN THE PHILIPPINE ISLANDS

The bill (H. R. 7081) to authorize reimbursement of the government of the Philippine Islands for maintaining alien crews prior to April 6, 1917, was considered as in Committee of the Whole.

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

GILBERT B. PERKINS

The bill (H. R. 9427) for the relief of Gilbert B. Perkins was considered as in Committee of the Whole.

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

M'HAN UNDERTAKING CO.

The bill (H. R. 4361) for the relief of the McHan Undertaking Co. was considered as in Committee of the Whole.

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

J. C. HERBERT

The bill (H. R. 5787) for the relief of J. C. Herbert was considered as in Committee of the Whole.

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

WILLIAM H. LINDSAY

The bill (H. R. 16182) for the relief of William H. Lindsay was considered as in Committee of the Whole.

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

BUTLER LUMBER CO. (INC.)

The bill (H. R. 17108) giving jurisdiction to the Court of Claims to hear and determine the claim of the Butler Lumber Co. (Inc.) was considered as in Committee of the Whole.

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

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 164) to establish a joint commission on insular reorganization, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. Objection is made, and the joint resolution will be passed over.

QUALIFICATIONS OF VOTERS IN ALASKA

The bill (H. R. 9211) to prescribe certain of the qualifications of voters in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let the bill be read.

The PRESIDING OFFICER. The clerk will report the bill.

SEVERAL SENATORS. Over!

Mr. DILL. Mr. President, I wish Senators would withhold their objection for a moment. This bill simply requires the voters of Alaska to have the same requirements that we have in the State of Washington.

Mr. LA FOLLETTE. I withdraw my objection.

Mr. KING. I would like to ask the Senator what right we have to prescribe the qualifications of the voters of Alaska? They have a territorial legislature.

Mr. DILL. The territorial legislature, I think, is satisfied with this regulation. I hope the Senator will not object to the consideration of the bill.

Mr. KING. I think it is paternalism wholly unjustified, but I will not object.

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

ROBERT F. NEELEY

The bill (H. R. 16336) for the relief of Robert F. Neeley and Franklin E. Neeley, was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (H. R. 11658) to amend section 523 of the tariff act of 1922, was announced as next in order.

Mr. McKELLAR. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PLANT QUARANTINE

The bill (S. 5546) to amend section 10 of the plant quarantine act, approved August 20, 1912, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 10 of the plant quarantine act, approved August 20, 1912 (37 Stat. L. p. 315), as amended by the act of March 4, 1917 (39 Stat. L. p. 1165), be, and the same is hereby, amended by adding at the end thereof the following:

"That any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provisions of this act and furnished with and wearing a suitable badge for identification, who has probable cause to believe that any person coming into the United States, or any vehicle, receptacle, boat, ship, or vessel, coming from any country or countries or moving interstate, possesses, carries, or contains any nursery stock, plants, plant products, or other articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the provisions of this act, or by any quarantine or order of the Secretary of Agriculture issued or promulgated pursuant thereto, shall have power to stop and without warrant to inspect, search, and examine such person, vehicle, receptacle, boat, ship, or vessel, and to seize, destroy, or otherwise dispose of such nursery stock, plants, plant products, or other articles found to be moving or

to have been moved in interstate commerce or to have been brought into the United States in violation of this act or of such quarantine or order."

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

O. E. MOORE

The bill (H. R. 16957) granting patent to O. E. Moore was considered as in Committee of the Whole.

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

HOUR OF MEETING TO-MORROW

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-night it adjourn until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I object.

Mr. CURTIS. I move that when the Senate concludes its business to-night it adjourn until to-morrow morning at 11 o'clock.

The motion was agreed to.

IMPORTATION OF SUGAR FROM ARGENTINA

The bill (S. 5814) authorizing certain importers of sugar into the United States from the Argentine Republic during the year 1920 to submit claims to the Court of Claims was announced as next in order.

SEVERAL SENATORS. Over.

Mr. EDGE. Mr. President, 30 seconds ago we passed a similar bill, to allow a claimant to go before the Court of Claims and establish his right to sue.

Mr. WALSH of Montana. A case of this character? If so, I would like to move to reconsider. I know all about this. I have contested all these claims. I can not withdraw the objection.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

NEAR EAST RELIEF REPORT

The resolution (S. Res. 377) that the report of the Near East Relief for the year ending December 31, 1926, be printed as a Senate document was read and agreed to, as follows:

Resolved, That the "Report of the Near East Relief for the year ending December 31, 1926," be printed as a Senate document.

CROW INDIAN LANDS

The bill (H. R. 16845) to amend section 1 of the act approved May 26, 1926, entitled "An act to amend sections 1, 5, 6, 8, and 18 of an act approved June 4, 1920, entitled 'An act to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes,'" was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (H. R. 16074) to amend section 2 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RENO-SPARKS INDIAN COLONY, NEV.

The bill (S. 4998) to provide a water system for the Indians of the Reno-Sparks Indian Colony, Nev., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $6,000 to enable the Secretary of the Interior to provide a water system for the Indians of the Reno-Sparks Indian Colony, near Reno, Nev.

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

BILLS, ETC., PASSED OVER

The bill (S. 5795) to amend sections 57 and 61 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4927) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the military or naval forces of the United States during the World War was announced as next in order.

Mr. HOWELL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5580) authorizing the extension of the park system of the District of Columbia was announced as next in order.

Mr. BAYARD. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 5719) authorizing the acquisition of a site for the construction of a new building for the recorder of deeds, the municipal court, the juvenile court, and for other purposes, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 347) to inquire into the right of Thomas M. Reed to serve as United States district judge for the first district of Alaska was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The 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, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ALASKAN ENGINEERING COMMISSION

The joint resolution (H. J. Res. 243) for the relief of special disbursing agents of the Alaskan Engineering Commission or of the Alaska Railroad was considered as in Committee of the Whole.

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

RUSSELL J. NORTON

The bill (H. R. 2849) for the relief of the heirs of Russell J. Norton was considered as in Committee of the Whole.

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

LEROY STAFFORD

The bill (H. R. 11929) authorizing the Secretary of the Interior to sell to Leroy Stafford certain lands situate in Rapides Parish, La., was considered as in Committee of the Whole.

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

FEDERAL AID TO ROADS AND BRIDGES

The bill (H. R. 16551) to permit the granting of Federal aid in respect of certain roads and bridges was considered as in Committee of the Whole.

Mr. JONES of Washington. Mr. President, I have not had time to examine the report. Will not the Senator from Arkansas state briefly what this would do?

Mr. CARAWAY. Yes; I can tell the Senator what its effect would be. It would permit the Secretary of Agriculture to extend Federal aid to highways that are constructed to toll bridges if the toll bridges are constructed by States, counties, or municipalities.

Mr. JONES of Washington. I have no objection, with that statement.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

ALTERATION AND REPAIRS TO NAVAL VESSELS

Mr. HALE. Mr. President, I renew my request that we proceed to the consideration of H. R. 16507, and I will also include H. R. 16973, a bill for certain public works in connection with the Air Service. That is a very worthy bill and should go through. I hope the Senate will take those two bills up and consider them.

Mr. DILL. Does that include the Sand Point bill?

Mr. McMASTER. I object.

SEVERAL SENATORS. Regular order!

BILL PASSED OVER

The bill (H. R. 12813) for the relief of the Bethlehem Shipbuilding Corporation (Ltd.) was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

C. G. DUGANNE AND A. N. ROSS

The bill (H. R. 17063) for the relief of C. G. Duganne and A. N. Ross was considered as in Committee of the Whole.

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

FIRST NATIONAL BANK, SAVANNA, ILL.

The bill (H. R. 16311) for the relief of the First National Bank, Savanna, Ill., was considered as in Committee of the Whole.

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

OLOF NELSON

The bill (H. R. 17230) for the relief of Olof Nelson was considered as in Committee of the Whole.

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

DE WITT COUNTY NATIONAL BANK, CLINTON, ILL.

The bill (H. R. 16224) for the relief of the DeWitt County National Bank, of Clinton, Ill., was considered as in Committee of the Whole.

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

S. K. TRUBY

The bill (H. R. 15181) for the relief of S. K. Truby, was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (H. R. 16080) for the relief of Calvin H. Burkhead, was announced as next in order.

Mr. KING. I would like an explanation of that bill.

SEVERAL SENATORS. Over.

STEAMER "SQUANTUM"

The bill (H. R. 12623) for the relief of the owner of the steamer *Squantum* was considered as in Committee of the Whole.

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

SCOW "65H"

The bill (H. R. 12625) for the relief of the owner of scow *65H* was considered as in Committee of the Whole.

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

FRANKLIN MOTT GUNTHER

The bill (H. R. 6588) for the relief of Franklin Mott Gunther was considered as in Committee of the Whole.

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

IMPERIAL COUNTY, CALIF.

The bill (H. R. 11487) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes, was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (H. R. 15018) validating certain applications for and entries of public lands was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HOMESTEAD LAWS, ALASKA

The bill (H. R. 15650) to amend section 10 of the act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898 (30 Stat. L. p. 409), was considered as in Committee of the Whole.

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

BILL PASSED OVER

The bill (H. R. 16110) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land, was announced as next in order.

Mr. KING. I should like an explanation of that.

Mr. FESS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

HOMESTEAD SETTLERS ON MUD LAKE

The bill (S. 4239) for the relief of homestead settlers on the drained Mud Lake bottom in the State of Minnesota was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, to strike out all of page 1 and all of page 2 and lines 1 to 7 on page 6, and to insert, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate and ascertain the reasonable value of the improvements which prior to February 1, 1926, were placed on the lands included in the homestead entries on the area embraced in the drained Mud Lake bottom, located in township 156 north of ranges 41 and 42, in the county of Marshall and State of Minnesota, and to make a full and specific report to Congress on or before the first day of the next session in pursuance of the jurisdiction and duties imposed upon him by this act.

That a list of said homestead entries, with the names of the entrymen and a description of the land embraced in each entry, as listed by the Commissioner of the General Land Office, is as follows:

Township 156 north, range 41 west, fifth principal meridian

Subdivision	Section	Entryman	Crookston	Cass Lake
Lot 5	7	Grant I. Flakne	013577	
Lot 6	7	do	013577	
Lot 5	8	do	013577	
Lot 6	8	do	013577	
Lot 7	7	Clarence H. Christenson	013573	
Lot 8	7	Casper J. Dale	013524	
Lot 9	7	do	013524	
Lot 10	7	do	013524	
NE. ¼ SW. ¼	7	do	013524	
SE. ¼ SW. ¼	7	do	013524	
NE. ¼ SE. ¼	7	Engebret Norbeck	018214	013716
NW. ¼ SE. ¼	7	do	018214	
SE. ¼ SE. ¼	7	do	018214	
SW. ¼ SE. ¼	7	do	018214	
Lot 7	8	Knud O. Flakne	013578	
Lot 8	8	do	013578	
NE. ¼ NW. ¼	17	do	013578	
Lot 9	8	Grant I. Flakne	017146	
Lot 5	17	do	017146	
Lot 4	16	Ole Reierson	017436	013451
Lot 5	16	do	017436	013451
NE. ¼ SE. ¼	17	do	017436	013451
SE. ¼ SE. ¼	17	do	017436	013451
SW. ¼ SE. ¼	17	do	017436	013451
Lot 3	17	Olga C. Larson	013696	
Lot 4	17	do	013696	
NW. ¼ NE. ¼	17	do	013696	
SW. ¼ NE. ¼	17	do	013696	
Lot 7	17	Ole Maakstad	017946	
Lot 8	17	do	017946	
NE. ¼ SW. ¼	17	do	017946	
SE. ¼ SW. ¼	17	do	017946	
Lot 6	17	Andrew O. Spokely	016815	
SE. ¼ NW. ¼	17	do	013583	
NW. ¼ SE. ¼	17	do	013583	
Lot 1	18	Carl M. Ostby	013596	013424
Lot 2	18	do	013596	013424
Lot 3	18	do	013424	013424
Lot 4	18	do	013596	013424
Lot 4, 3	18	Ervin J. Dale	013595	013423
NE. ¼ SW. ¼	18	do	013595	013423
SE. ¼ SW. ¼	18	do	013595	013423
NE. ¼ NE. ¼	18	Sherman J. Talle	013597	
NW. ¼ NE. ¼	18	do	013597	
SE. ¼ NE. ¼	18	do	013597	
SW. ¼ NE. ¼	18	do	013597	
NE. ¼ NW. ¼	18	Carl M. Ostby	013596	013424
SE. ¼ NW. ¼	18	do	013596	013424
NE. ¼ SE. ¼	18	Tom Risdal	017739	013506
NW. ¼ SE. ¼	18	do	017739	013506
SE. ¼ SE. ¼	18	do	017739	013506
SW. ¼ SE. ¼	18	do	017739	013506
Lot 2	19	Andrew P. Haugen	017722	013503
Lot 3	19	do	017722	013503
NE. ¼ NW. ¼	19	do	017722	013503
SE. ¼ NW. ¼	19	do	017722	013503
Lot 4	19	Agnes Fosen	013613	013892
Lot 5	19	do	013613	013892
NE. ¼ SW. ¼	19	do	013613	013892
SE. ¼ SW. ¼	19	do	013613	013892
Lot 9	30	do	013613	013892
Lot 6	19	Vacant	013613	013892
Lot 7	19	do		
NE. ¼ NE. ¼	19	Olava Sollom	017753	013512
NW. ¼ NE. ¼	19	do	017753	013512
SE. ¼ NE. ¼	19	do	017753	013512
SW. ¼ NE. ¼	19	do	017753	013512
NE. ¼ SE. ¼	19	Vacant		
NW. ¼ SE. ¼	19	do		
N. ½ NW. ¼:				
Lot 6	20	Almond O. Snook	013615	013893
Lot 7	20	do	013615	013893
NW. ¼ NE. ¼	20	do	013615	013893
SW. ¼ NE. ¼	20	do	013615	013893
Lot 2	21	do	013615	013893
Lot 8	20	Hilmar Moberg	013614	013426
Lot 9	20	do	013614	013426
SE. ¼ NW. ¼	20	do	013614	013426
SW. ¼ NW. ¼	20	do	013614	013426
NE. ¼ NW. ¼	20	Mary Moberg	016152	
NW. ¼ NW. ¼	20	do	016152	
Lot 7	30	Vacant		
Lot 8	30	do		

Township 156 north, range 42 west, fifth principal meridian

Subdivision	Section	Entryman	Crookston	Cass Lake
Lot 5	12	Ralph O. Gresly	017856	013551
Lot 6	12	do	017856	013551
Lot 7	12	do	017856	013551
Lot 2	13	Alfred Newton	013629	013427
Lot 3	13	do	013629	013427
SE. ¼ NE. ¼	13	do	013629	013427
SW. ¼ NE. ¼	13	do	013629	013427
Lot 4	13	Arnold E. Talle	016983	
Lot 5	13	do	016983	
SE. ¼ NW. ¼	13	do	016983	
SW. ¼ NW. ¼	13	do	016983	
NE. ¼ SE. ¼	13	Elmer Erick Petterson	017786	013522
NW. ¼ SE. ¼	13	do	017786	013522
SE. ¼ SE. ¼	13	do	017786	013522
SW. ¼ SE. ¼	13	do	017786	013522
NE. ¼ SW. ¼	13	George E. Jensen	013630	
NW. ¼ SW. ¼	13	do	013630	
SE. ¼ SW. ¼	13	do	013630	
SW. ¼ SW. ¼	13	do	013630	
Lot 5	14	Fred Peterson	017821	013534
Lot 6	14	do	017821	013534
Lot 7	14	do	017821	013534
Lot 8	14	do	017821	013534
Lot 5	23	Karoline Johansen	013641	
Lot 6	23	Willard A. Silbaugh	013640	
Lot 7	23	do	013640	
Lot 8	23	do	013640	
NE. ¼ NE. ¼	24	Emil Bernet Simonson	015257	013430
NW. ¼ NE. ¼	24	do	015257	013430
SE. ¼ NE. ¼	24	do	015257	013430
SW. ¼ NE. ¼	24	do	015257	013430
NE. ¼ NW. ¼	24	Ole Wilhelm Moberg	017313	013441
NW. ¼ NW. ¼	24	do	017313	013441
SE. ¼ NW. ¼	24	do	017313	013441
SW. ¼ NW. ¼	24	do	017313	013441
NE. ¼ SE. ¼	24	Olf Torger Ness	013645	013428
NW. ¼ SE. ¼	24	do	013645	013428
SE. ¼ SE. ¼	24	do	013645	013428
SW. ¼ SE. ¼	24	do	013645	013428
NE. ¼ SW. ¼	24	Hilda Edith Brekke	016248	
NW. ¼ SW. ¼	24	do	016248	
SE. ¼ SW. ¼	24	do	016248	
SW. ¼ SW. ¼	24	do	016248	
Lot 5	25	Ed Furr	013654	014145
Lot 6	25	do	013654	014145
Lot 7	25	do	013654	014145
NE. ¼ NW. ¼	25	do	013654	014145
NW. ¼ NW. ¼	25	do	013854	014145
NE. ¼ NE. ¼	25	Matilda Furr	013652	
NW. ¼ NE. ¼	25	do	013652	
SE. ¼ NE. ¼	25	do	013652	
SW. ¼ NE. ¼	25	do	013652	
Lot 3	26	Ole Olson Garthus	013655	

And it shall be the duty of the Secretary of the Interior to investigate and ascertain the reasonable value of the land embraced in each entry included in said list and the improvements thereon as of the date of the passage of this act and to make a full and specific report to Congress on or before the first day of the next session in pursuance of the jurisdiction and duties imposed upon him by this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WHALER ISLAND, CALIF.

The bill (S. 5385) authorizing the Secretary of the Interior to issue patent to the county of Del Norte, State of California, to Whaler Island in Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue patent to the County of Del Norte, State of California, to Whaler Island, containing about three acres, in Crescent City Bay, Del Norte County, Calif., for purposes of a public wharf.

SEC. 2. That the Secretary of the Interior is hereby directed to take such action as may be necessary to carry out the purposes of this act.

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

ALTERATIONS AND REPAIRS OF NAVAL VESSELS

Mr. CURTIS. Mr. President, I ask that the Senator from Maine be recognized.

Mr. HALE. Mr. President, I think the next bill on the calendar is House bill 16507.

Mr. KING. That is a long bill with four or five provisions in it.

Mr. HALE. Unless it is passed now it will be impossible, in my opinion, to get an appropriation in the deficiency appropriation bill.

Mr. KING. Does that provide for the elevation of the guns?

Mr. HALE. It includes work upon the *Oklahoma* and *Nevada*, covering incidentally the elevation of the guns.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16507).

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

CONSTRUCTION OF PUBLIC WORKS FOR THE NAVY

Mr. DILL. Now, Mr. President, I want the other bill passed.

Mr. JONES of Washington. What bill is that, Mr. President?

The PRESIDING OFFICER. H. R. 16973.

Mr. JONES of Washington. That is all right, Mr. President.

The bill (H. R. 16973) was considered as in Committee of the Whole.

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

AGRICULTURAL EXPERIMENT STATION, S. C.

Mr. BLEASE. Mr. President, the House has just passed House bill 17138, authorizing an appropriation to enable the Secretary of Agriculture to cooperate with the South Carolina Agricultural Experiment Station.

A Senate bill covering the same matter, which was introduced by my colleague [Mr. SMITH], has been favorably reported from the Committee on Agriculture and Forestry. I ask that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

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

ADJOURNMENT

The PRESIDING OFFICER. In accordance with the motion heretofore agreed to, the Senate will stand in adjournment until to-morrow morning at 11 o'clock.

Thereupon the Senate (at 11 o'clock p. m.) adjourned until to-morrow, Wednesday, March 2, 1927, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 1, 1927

MEMBERS OF THE FEDERAL RADIO COMMISSION

William H. G. Bullard, of Pennsylvania, for the term of six years from February 23, 1927;

Orestes H. Caldwell, of New York, for the term of five years from February 23, 1927;

Eugene O. Sykes, of Mississippi, for the term of four years from February 23, 1927;

Henry A. Bellows, of Minnesota, for the term of three years from February 23, 1927; and

John F. Dillon, of California, for the term of two years from February 23, 1927.

UNITED STATES MARSHALS

Charles W. Cushing, of Illinois, to be United States marshal, southern district of Illinois, vice James E. McClure, term expired.

Osmund Gunvaldsen, of North Dakota, to be United States marshal, district of North Dakota, vice Charles F. Mudgett, appointed in recess.

APPOINTMENTS ON THE RETIRED LIST OF THE REGULAR ARMY

To be brigadier generals with rank from February 28, 1927

Col. Wilber Elliott Wilder, retired.
Col. William Dorrance Beach, retired.
Col. William Jones Nicholson, retired.
Col. William Carey Brown, retired.
Col. Lloyd Milton Brett, retired.
Col. Thomas Buchanan Dugan, retired.

PROMOTIONS IN THE NAVY

Lieut. Clifford H. Roper to be a lieutenant commander in the Navy from the 10th day of December, 1926.

Ensign Selden B. Spankler to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1926.

Pay Inspector Ellsworth H. Van Patten to be a pay director in the Navy with the rank of captain from the 1st day of July, 1926.

Pay Clerk Hugo H. Hofmann to be a chief pay clerk in the Navy, to rank with but after ensign, from the 29th day of November, 1926.

POSTMASTERS

ARIZONA

Chester A. Williamson to be postmaster at Willcox, Ariz., in place of H. O. Parks, resigned.

CALIFORNIA

Josephine M. Tomola to be postmaster at Downieville, Calif., in place of R. J. Wright, deceased.

GEORGIA

John W. Elder to be postmaster at Lumber City, Ga., in place of Alice Calhoun, removed.

ILLINOIS

William W. Renton to be postmaster at Wheaton, Ill., in place of W. W. Renton. Incumbent's commission expired January 3, 1927.

Michael J. Donahue to be postmaster at Streator, Ill., in place of J. R. Fornof, resigned.

INDIANA

Lester L. Wildman to be postmaster at Dupont, Ind., in place of L. L. Wildman. Incumbent's commission expired December 30, 1926.

Morton Lamb to be postmaster at Kokomo, Ind., in place of Ben Havens. Incumbent's commission expired December 4, 1926.

Lillian R. Stuck to be postmaster at Orland, Ind., in place of L. R. Stuck. Incumbent's commission expired April 10, 1926.

KANSAS

John F. Mitchell to be postmaster at Fort Dodge, Kans., in place of J. F. Mitchell. Incumbent's commission expires March 2, 1927.

Frank E. Chapin to be postmaster at Minneapolis, Kans., in place of Lewis Pickrell. Incumbent's commission expired February 8, 1927.

MAINE

Frank O. Wellcome to be postmaster at Yarmouth, Me., in place of F. O. Wellcome. Incumbent's commission expired February 24, 1927.

MINNESOTA

Patrick M. Dunn to be postmaster at Caledonia, Minn., in place of O. E. Burtness. Incumbent's commission expired April 25, 1926.

MISSISSIPPI

William L. Jansen to be postmaster at Okolona, Miss., in place of F. J. McDonnell. Incumbent's commission expired May 11, 1926.

NEW MEXICO

Samuel G. Hanna to be postmaster at San Marcial, N. Mex., in place of S. G. Hanna. Incumbent's commission expired December 21, 1925.

Claud W. Hopkins to be postmaster at Rodeo, N. Mex. Office became presidential July 1, 1926.

NEW YORK

Olin D. Beers to be postmaster at Freehold, N. Y., in place of O. D. Beers. Incumbent's commission expired January 11, 1927.

NORTH CAROLINA

Charles E. Boones to be postmaster at Blue Ridge, N. C., in place of J. P. Parker. Incumbent's commission expired June 4, 1924.

NORTH DAKOTA

Theodore A. Marquardt to be postmaster at Cooperstown, N. Dak., in place of H. J. Kolstad. Incumbent's commission expired September 22, 1926.

Roy W. Frazier to be postmaster at Crosby, N. Dak., in place of E. O. Larson. Incumbent's commission expired January 23, 1924.

Alfred B. Welch to be postmaster at Mandan, N. Dak., in place of A. B. Welch. Incumbent's commission expires March 1, 1927.

PENNSYLVANIA

Mahlon C. Cleaver to be postmaster at Girardville, Pa., in place of E. T. Davies. Incumbent's commission expired February 24, 1927.

Liola R. Thoman to be postmaster at Hatboro, Pa., in place of L. R. Thoman. Incumbent's commission expires March 3, 1927.

William N. Baker to be postmaster at Lewisburg, Pa., in place of W. E. Housel. Incumbent's commission expired February 1, 1927.

TENNESSEE

Robert W. Simmons to be postmaster at Sharon, Tenn., in place of J. A. Wilson, deceased.

TEXAS

Millard T. Jones to be postmaster at Chillicothe, Tex., in place of R. A. Jackson, resigned.

Mae Woodruff to be postmaster at Velasco, Tex., in place of Mary Featherhoff, resigned.

UTAH

Luke Clegg to be postmaster at Roosevelt, Utah, in place of J. R. Lambert. Incumbent's commission expired February 16, 1926.

WEST VIRGINIA

Nelle Mooser to be postmaster at Hendricks, W. Va., in place of J. H. Lambert. Incumbent's commission expired December 22, 1925.

Paul J. Davis to be postmaster at Keyser, W. Va., in place of E. E. Hood. Incumbent's commission expired January 30, 1926.

WISCONSIN

James W. Carlisle to be postmaster at Durand, Wis., in place of Henry Pattison. Incumbent's commission expired June 5, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1927

MEMBER FEDERAL TRADE COMMISSION

Abram F. Myers.

MEMBERS UNITED STATES TARIFF COMMISSION

Edgar Bernard Brossard for term expiring September 7, 1932.

Sherman J. Lowell for term expiring September 7, 1928.

Lincoln Dixon for term expiring September 7, 1938.

COLLECTORS OF CUSTOMS

Oscar E. Dahly to be collector of customs, customs collection district No. 36, Duluth, Minn.

Emery J. San Souci to be collector of customs, customs collection district No. 5, Providence, R. I.

DIPLOMATIC AND FOREIGN SERVICE

James G. Carter to be minister resident and consul general to Liberia.

PUBLIC HEALTH SERVICE

Langdon R. White to be assistant surgeon.

UNITED STATES DISTRICT JUDGE

Fred L. Wham to be United States district judge, eastern district of Illinois.

UNITED STATES MARSHALS

Richard J. White to be United States marshal, eastern district of Wisconsin.

Osmund Gunvaldsen, of North Dakota, to be United States marshal, district of North Dakota.

Arthur R. Clark to be United States marshal, eastern district of Illinois.

REAPPOINTMENT IN THE ARMY

Brig. Gen. Colden L'Hommedieu Ruggles, assistant to the Chief of Ordnance, Ordnance Department.

APPOINTMENT BY TRANSFER IN THE ARMY

Capt. Aubrey Haines Baldwin to Quartermaster Corps.
First Lieut. Robert Clyde Padley to Quartermaster Corps.
First Lieut. Thomas Dresser White to Air Corps.

PROMOTIONS IN THE ARMY

Frank Harold Burton to be colonel.
Thomas Fraley Van Natta, jr., to be lieutenant colonel.
Victor William Beck Wales to be major.
John Bellinger Bellinger, jr., to be captain.
Reginald Pond Lyman to be first lieutenant.
James Stuart Wallingford to be first lieutenant.
John Sharpe Griffith to be first lieutenant.

To be brigadier generals

Col. Wilber Elliott Wilder, retired.
Col. William Dorrance Beach, retired.
Col. William Jones Nicholson, retired.
Col. William Carey Brown, retired.
Col. Lloyd Milton Brett, retired.
Col. Thomas Buchanan Dugan, retired.

APPOINTMENTS BY TRANSFER

To Adjutant General's Department

Capt. Joseph Purnell Cromwell.
Capt. A. Pledger Sullivan.

To Quartermaster Corps

First Lieut. Edwin McCune Byles.

To Corps of Engineers

First Lieut. Oscar Alan Saunders.

To Signal Corps

Capt. James Couzens Van Ingen.

PROMOTION PHILIPPINE SCOUTS

To be first lieutenant

Pio Quevedo Caluya.

PROMOTION IN THE REGULAR ARMY

MEDICAL CORPS

To be colonel

Frank Cole Baker.

POSTMASTERS

ALABAMA

Walter T. Cowan, Orrville.

CALIFORNIA

Antionette E. Williams, Merced Falls.
Elizabeth B. Tyler, Randsburg.
Meta C. Stofen, Sonoma.

FLORIDA

William H. Denmark, Carbur.
James E. Queen, Eagle Lake.
Millard C. Sullivan, Pinecastle.
Maxfield Sellers, White Springs.

GEORGIA

Kate C. Knox, Lexington.

IDAHO

Guy I. Towle, Jerome.
Herbert L. Spencer, Paris.

KANSAS

Harry Kinney, Cherryvale.
David A. Nywall, Formoso.

KENTUCKY

Fred F. Gearhart, Wheelwright.

MICHIGAN

Fred R. Griffin, Manistique.

MINNESOTA

William B. Stewart, Bemidji.
Carl G. Hurtig, Buffalo Lake.
Charles C. Keller, Cloquet.
Harry S. Gillespie, Virginia.
Dwight S. Backman, Whalan.

MISSISSIPPI

Nicie R. Evans, Bassfield.
Holcombe H. McDonald, Lake.

MISSOURI

Edna C. Hunt, Clarksville.
Emmett R. Lindley, Stanberry.

NEW JERSEY

Clayton E. Green, Glen Gardner.
Lewis E. Matteson, Grantwood.
Caroline A. Cowan, Haworth.
George F. Moore, Oradell.
Joseph R. Forrest, Palisades Park.
George C. Reed, Park Ridge.
Charles Roeltgen, Rochelle Park.
John H. Kinkel, Stewartsville.
William F. Bodecker, Tenafly.

NEW YORK

Elmer A. Arnold, Burdett.
Elbert J. Eckerson, Cobleskill.
Ashmer R. Collins, Norwood.
Joseph R. Wilder, Painted Post.

NORTH CAROLINA

Edith E. Holton, Jamestown.
Giles B. Goodson, Lincolnton.

NORTH DAKOTA

Chapin Hayford, Casselton.
Burt E. Stewart, Minot.

OHIO

John R. Lloyd, Cambridge.
William C. Trace, New Concord.
Georgiana Pifer, Rock Creek.

OREGON

Godfrey C. Minsker, Cloverdale.
Vincent Byram, Gold Beach.
Emil F. Messing, Vernonia.

PENNSYLVANIA

Arthur J. Nagle, Allentown.
Irvin L. Romig, Mertztown.
Wade H. McKinley, Polk.
Robert H. Harris, Tamaqua.

SOUTH CAROLINA

Randal E. Haddock, Parris Island.

TEXAS

Sol Rubenstein, Laredo.
James R. Kersey, Ozona.

VERMONT

Earle H. Fisher, Danville.
George H. Millis, Groton.
Preston C. Skinner, Orleans.

WEST VIRGINIA

John White, Glen Rogers.
William R. Toler, Mullens.
W. A. Hatfield, Stirrat.
Willard E. Hatfield, Williamson.

REJECTION

Executive nomi..ation rejected by the Senate March 1, 1927

POSTMASTER

TEXAS

Ross A. Hooser to be postmaster at Irving, Tex.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 1, 1927

UNITED STATES MARSHAL

Ole Gunvaldsen, of North Dakota, to be United States marshal, district of North Dakota, to correct an error in name.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 1, 1927*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art our everlasting Father, full of grace and truth, our souls need altars to God. With modesty we would wear the white flower of loyalty to Thee. O stir our hearts to love and our wills to obey Thee. So often we see without mercy, speak without caution, and judge without charity. Bestow upon us the understanding heart. Just as men we come, either confessing our love or fear; be merciful unto us, Blessed Lord, and cause Thy face of approval to shine upon us. Always and ever truth at its best is redemptive. Run this tremendous fact into our lives: Heaven and earth shall pass away, but Thy words will not pass away. At the close of the day may manhood's brow be serenely high. In the name of the world's Savior we pray. 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 conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 4305) entitled "An act to authorize the sale under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property."

The message also announced that the Senate agrees to the amendments of the House of Representatives to Senate bills as indicated below:

S. 2081. An act placing certain noncommissioned officers of the first grade;

S. 2197. An act for the relief of Paul B. Belding; and

S. 4746. An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton.

The message also announced that the Senate had passed with amendments House bills of the following titles, in which the concurrence of the House is requested:

H. R. 3858. An act to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign-commerce service of the United States, and for other purposes;

H. R. 10178. An act to confer authority on the Court of Claims to hear and determine the claim of Lester P. Barlow against the United States;

H. R. 10238. An act for the relief of Josiah Ogden Hoffman;

H. R. 10465. An act granting the consent of Congress to the Mount Hope Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Mount Hope Bay between the towns of Bristol and Portsmouth, in Rhode Island;

H. R. 10857. An act granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing;

H. R. 12532. An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes;

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

H. R. 15344. An act to amend the act entitled "An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes"; and

H. R. 16461. An act granting pensions and increases of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and other wars.

The message also announced that the Senate had passed without amendment House bills and joint resolutions of the following titles:

H. R. 1130. An act authorizing the Secretary of War to donate to the Wayne County Council of the Veterans of Foreign Wars, of Detroit, State of Michigan, two obsolete brass cannons;

H. R. 2229. An act for the relief of John Ferrell;

H. R. 2320. An act for the relief of Delmore A. Teller;

H. R. 3069. An act for the relief of Charles O. Dunbar;

H. R. 3378. An act for the relief of Randolph Foster Williamson, deceased;

H. R. 3602. An act for the relief of Charles W. Shumate;

H. R. 3791. An act to purchase a painting of the several ships of the United States Navy in 1891 and entitled "Peace";

H. R. 5082. An act for the relief of David Barker;

H. R. 5264. An act for the relief of Ann Margaret Mann;

H. R. 6252. An act amending section 52 of the Judicial Code;

H. R. 7973. An act to provide American registry for the Norwegian sailing vessel *Derwent;*

H. R. 8852. An act for the relief of Thomas Maley;

H. R. 8894. An act for the relief of the Royal Holland Lloyd, a Netherlands corporation of Amsterdam, the Netherlands;

H. R. 9787. An act to correct the military record of Samuel Wemmer;

H. R. 10111. An act for the relief of D. Murray Cummings;

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

H. R. 10662. An act authorizing an appropriation for the construction of a roadway and walk leading to and around the Chalmette Monument, Chalmette, La.;

H. R. 11914. An act for the relief of the United States Fidelity Guaranty Co.;

H. R. 12217. An act relating to the appointment of trustees and committees;

H. R. 12218. An act amending sections 1125 and 1127, chapter 31, of the District of Columbia Code;

H. R. 12551. An act for the relief of the Fidelity & Deposit Co. of Maryland;

H. R. 12797. An act to authorize the sale of the Buckeye Target Range, Ariz.;

H. R. 13971. An act for the relief of Ruth J. Walling;

H. R. 14567. An act authorizing the Comptroller General of the United States to allow credits to disbursing agents of the Bureau of Reclamation, Department of the Interior, in certain cases;

H. R. 14881. An act to relinquish to its equitable owners the title of the United States to the land in the claim of A. Moro and of Anthony Campbell in Jackson County, Miss.;

H. R. 14925. An act authorizing the sale of the new subtreasury building and site in San Francisco, Calif.;

H. R. 15131. An act to authorize the Secretary of the Navy to modify agreements heretofore made for the settlement of certain claims in favor of the United States;

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

H. R. 15827. An act to amend section 2 of an act entitled "An act authorizing investigations by the Secretary of the Interior and the Secretary of Commerce jointly to determine the location, extent, and mode of occurrence of potash deposits in the United States, and to conduct laboratory tests";

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

H. R. 16183. An act granting relief to Thomas M. Livingston;

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

H. R. 16442. An act for the relief of Ira E. King;

H. R. 16703. An act authorizing the President to appoint Capt. Reginald Rowan Belknap, United States Navy, retired, a rear admiral on the retired list of the Navy;

H. J. Res. 96. Joint resolution to authorize the President to pay to surgeons employed on the Alaska Railroad such sums as may be due them under agreement with the Alaskan Engineering Commission or the Alaska Railroad; and

H. J. Res. 345. Joint resolution amending the act of May 13, 1924, entitled "An act providing a study regarding the equitable use of the waters of the Rio Grande," etc.

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

S. 1283. An act for the relief of Margaret I. Varnum;

S. 2886. An act for the relief of Barzilla William Bramble;

S. 3722. An act for the relief of the owner of the coal barge *Cad;*

S. 4602. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 4631. An act for the relief of Claude T. Winslow;

S. 4687. An act for the relief of Paul D. Carlisle;

S. 4795. An act for the relief of B. F. Cowley;

S. 5031. An act to provide for the creation of the Pan American people's great highway commission, and for other purposes;

S. 5230. An act for the relief of Kate Mathews;

S. 5353. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 5624. An act to provide for continued hospitalization at Liberty, N. Y., of certain beneficiaries of the Veterans' Bureau;

S. 5625. An act to provide for continued hospitalization at Saranac Lake, N. Y., of certain beneficiaries of the Veterans' Bureau;

S. 5634. An act to increase the efficiency of the Military Establishment, and for other purposes;

S. 5638. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenberg, Karl Behr, and Hans Dechantsreiter;

S. 5788. An act to extend the time for constructing a bridge across the Mississippi River between the city of Anoka, in the county of Anoka, and the village of Champlin, in the county of Hennepin, State of Minnesota; and

S. J. Res. 111. Joint resolution authorizing the Secretary of War to receive, for instruction at the United States Military Academy at West Point, two Chinese subjects to be designated hereafter by the Government of China.

CONSTRUCTION AT MILITARY POSTS

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (H. R. 17243) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17243) to authorize appropriations for construction

at military posts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed by the amendment of the Senate insert the following: "$7,115,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language stricken out by the amendment of the Senate insert the following: "Fort Sam Houston, San Antonio, Tex., barracks, $500,000"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the language stricken out by the amendment of the Senate insert the following: "Scott Field, Ill., barracks, $100,000"; and the Senate agree to the same.

W. FRANK JAMES,
JOHN PHILIP HILL,
JOHN J. MCSWAIN,
Managers on the part of the House.
J. W. WADSWORTH, Jr.,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17243) to authorize appropriations for construction at military posts, and for other purposes, submit the following written statement, explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On amendment No. 1: This amendment simply changes the total to agree with other changes in the act.

On amendment No. 2: An agreement was reached eliminating the new primary flying school at San Antonio because the land has not yet been acquired. However, it was decided some provision should be carried in the 1929 building program of the Army for construction at Fort Sam Houston, hence the agreement on an item for that post.

On amendment No. 3: Your conferees brought about an agreement with the Senate conferees that the item for Scott Field, Ill., should be retained in the act, but further agreed that the construction of barracks at that place is more essential than a hospital, hence the change.

W. FRANK JAMES,
JOHN PHILIP HILL,
JOHN J. MCSWAIN,
Managers on the part of the House.

The conference report was agreed to.

SALE OF SURPLUS WAR DEPARTMENT REAL PROPERTY

Mr. JAMES. Mr. Speaker, I call up the conference report on the bill (S. 4305) to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4305) to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property, 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 amendment of the House numbered 1, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the language stricken out insert the following:

"Lafayette Cemetery, Philadelphia, Pa. (lot in); Odd Fellows Cemetery, Philadelphia, Pa. (9,040 square feet); American Mechanics Cemetery, Philadelphia, Pa. (six lots); Kirkdale Cemetery, Liverpool, England (58 lots); Newport Cemetery, Lincoln, England (13 lots); Washington Point, Norfolk, Va.: *Provided*, That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, in the manner and upon such terms as he shall deem expedient, the several cemetery lots and Washington Point, Norfolk, Va., hereinbefore designated, 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: *Provided further*, That the expense of sale be paid from the proceeds thereof, and the net proceeds deposited in the Treasury of the United States to the credit of the military post construction fund."

And the House agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following:

"Fort Moultrie rifle range, South Carolina: *Provided*, That from the proceeds of the sale of Fort Moultrie rifle range, South Carolina, the sum of not more than $20,200 be applied to the purchase by the Secretary of War of those tracts of land commonly known as the Mount Pleasant Target Range, by exercising the option and right to purchase contained in the lease dated June 25, 1919, effective July 1, 1919, ending December 31, 1929, and signed by George F. Goblet, of Mount Pleasant, S. C., as the lessor; Coronado Beach Military Reservation, Coronado, Calif. (part, approximately 33 acres); Omaha Depot, Omaha, Nebr.; Springfield Armory, Springfield, Mass. (part, approximately 13 acres)."

And the House agree to the same.

W. FRANK JAMES,
JOHN PHILIP HILL,
JOHN J. MCSWAIN,
Managers on the part of the House.
J. W. WADSWORTH, Jr.,
FRANK L. GREENE,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 4305) to authorize the sale, under provisions of the act of March 12, 1926 (Public, No. 45), of surplus War Department real property, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: The Senate agreed to the elimination of Fort Hayes, Ohio, as agreed to when the bill passed the House.

On No. 2: The House agreed to the amendment giving the War Department authority to sell the cemetery lots at Washington Point, Norfolk, Va., the explanation of which is carried in the following excerpts from the letter of the Secretary of War urging the legislation:

* * * * * * *

That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, in the manner and upon such terms as he shall deem expedient, the several cemetery lots and parcels of land hereinafter designated, 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:

NAMES OF CEMETERIES IN WHICH LOTS ARE LOCATED AND PARCEL OF LAND

American Mechanics Cemetery, Philadelphia, Pa. (6 lots).
Kirkdale Cemetery, Liverpool, England (58 lots).
Lafayette Cemetery, Philadelphia, Pa. (1 lot).
Newport Cemetery, Lincoln, England (13 lots).
Odd Fellows Cemetery, Philadelphia, Pa. (9,040 sq. ft.).
Washington Point, Norfolk, Va. (0.51 acre).

Provided, That the expense of sale be paid from the proceeds thereof, and the net proceeds deposited in the Treasury of the United States to the credit of the "Military post construction fund."

Section 2 of the proposed legislation should be enacted into law for the following reasons:

(a) The lots acquired by the United States in the cemeteries at Philadelphia have been vacated by exhumation of the bodies and their reburial in the Philadelphia National Cemetery. The lots acquired by the United States in the cemeteries in England have also been vacated by the exhumation of the bodies and their return to the United States, or reburial in the permanent American cemetery at Brookwood, England. The lots were conveyed to the United States for the uses and purposes of sepulture only, and for no other use, intent, or purpose whatsoever; and subject to all the rules, regulations, conditions, and restrictions contained and set forth in the charter, constitution, and by-laws of the associations.

In view of the circumstances outlined above, the location of the lots, and the further fact that the cemetery companies have expressed a willingness to repurchase these lots, their sale under the act of March 12, 1926 (44 Stat. 203), is not practicable, owing to the restrictions contained therein, viz:

"SEC. 7. After 90 days from the date of the approval of this act, and after the appraisal of the lands hereinbefore mentioned shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract is located as to such lands not to be turned over to other departments, and such State, or county in which such land is located, or municipality in or nearest which such land is located, shall, in the order named, have the option at any time within six months after such notification to the governor to acquire the same or any part thereof which shall have been separately appraised and approved upon payment within such period of six months of the appraised value thereof: *Provided, however,* That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought. * * *

"(b) Title to the property at Washington Point, Norfolk, Va., is vested in the United States by deed dated September 19, 1803, from James Herbert and wife to the President of the United States. However, from an examination of the records of Norfolk County, it appears that a State grant was made to Lycurgus Berkeley in 1871 under a Virginia patent. Since that year the property has changed hands several times and is now improved with 18 one-story frame buildings.

"Inasmuch as these improvements were made in good faith, the occupants being under the impression they had title to the land, it is believed they should receive prior consideration in the disposal of the property by the War Department. With this object in view, the proposed bill is so worded as to authorize its sale to the owners of the improvements at a fair market value."

On amendment No. 3: This amendment will permit the sale of the Fort Moultrie Rifle Range and the purchase of another rifle range in South Carolina in lieu thereof. On June 25, 1919, a lease was executed to the United States for the period of 10 years by George F. Goblet, of Mount Pleasant, S. C., to four separate parcels of land aggregating about 100 acres, on which there were constructed barracks and other buildings for military and encampment purposes at a cost of about $80,000.

The lease contained a clause to the effect that at the expiration thereof the lessor should have the right to purchase all the buildings thereon for the sum of $1,000; but if he did not want to exercise such right the Government should remove such buildings and place the property in condition for farming. A recent appraisal by three disinterested and experienced real estate men of the city of Charleston, S. C., places a value on these buildings alone at the present time of $21,500, and a value on the land of $20,000.

The lease also contains a clause stipulating that the lessee, the Government, should have the right at any time during the 10-year period of the lease to purchase the land at the stipulated price of $10 per front foot, and recited that there is a frontage of 2,020 feet. This would aggregate $20,200. The recent appraisal indicates the land is worth approximately $20,200.

This Mount Pleasant rifle range is needed for use by the National Guard of the city of Charleston, S. C., by the Reserve Officers' Training Corps of the South Carolina Military College, a military school high on the list of the honor schools of the War Department, and by the citizens' military training camp. In addition, it is used by the garrison of the Regular Army at Fort Moultrie.

The value of the old Fort Moultrie rifle range is fixed by the appraisers at $32,100. After the sum of $20,200 is taken from the proceeds of the sale of the Fort Moultrie rifle range, which is no longer needed, and applied to the purchase of the Mount Pleasant rifle range, which is needed, there will be a net gain to the United States of $21,300, by reason of the fact that the United States Government acquires the land on which it has expended money for buildings to the amount of $80,000, while, if this option is not exercised, at the end of the lease term in 1929 the buildings will go to the lessor upon the payment of $1,000 by him. It seems proper that in such event it would be better for the Government to purchase the land than to try to salvage the buildings and endeavor to condition the land for farming purposes. In addition, there will be covered into the Treasury of the United States cash to the amount of $11,900 if the Fort Moultrie rifle range sells for its appraised value. But at any rate, both parcels of property were appraised at the same time by the same men, so that the relative values are maintained.

Letters explaining the situation are made a part of this statement as follows:

WASHINGTON, D. C., *December 17, 1926.*

Hon. JOHN J. MCSWAIN,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN MCSWAIN: Reference our conversation on Fort Moultrie target range, and in accordance with your request the following is for your information:

1. The old artillery-target range on the eastern end of Sullivans Island has been listed for public sale; the target range now being used by the Regular Army, Reserve Officers' Training Corps, Citizens' Military Training Camp, National Guard and Civilian organizations, is on the mainland adjacent to Fort Moultrie, and is at present held under a Government lease which expires in 1929, and is known as the Mount Pleasant target range; should the target range on Sullivans Island be sold, it would be to the advantage of the Government, North Carolina, and South Carolina, if provision were made to purchase the Mount Pleasant target range for the stipulated price of $20,000, whereby this 100 acres would remain a part of the Fort Moultrie reservation.

2. For your information, Mount Pleasant target range has on it buildings constructed during the war which are worth approximately $80,000 at present, and it is believed that the owners of the Mount Pleasant target range would be pleased to have the Government's lease terminate and their property returned to them for their own use.

3. By placing a clause in the sale of the Fort Moultrie rifle range on Sullivans Island which would provide $20,000 for the purchase of the Mount Pleasant target range, it would be to the distinct advantage of the Government and State and would be an additional reason for returning Fort Moultrie as a training center for the troops of the southeastern section of the United States.

4. The Chamber of Commerce of Charleston is particularly interested in this question of the target range and its retention for the use of troops in the territory adjoining Charleston.

Very respectfully,

R. JOHN WEST,
Lieutenant Colonel, Eighth Infantry.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE MILITIA BUREAU,
Washington, February 15, 1927.

Hon. THOMAS S. MCMILLAN, M. C.,
Washington, D. C.

DEAR MR. MCMILLAN: Your letter in regard to the proposed bill to authorize the sale of the target range on Sullivans Island, near Charleston, S. C., has been received and duly noted. Also your remark in regard to the purchase of the rifle range at Mount Pleasant, S. C., has been noted with interest. This rifle range is now being used by a Reserve Officers' Training Corps unit at the Citadel, by National Guard units stationed in Charleston, and by the Regular Army garrison at Fort Moultrie, and by the citizens' military training camp held annually at Fort Moultrie.

Inasmuch as this matter concerns the housing program, an approved project of the War Department, I am referring your letter to the Secretary of War with appropriate remark. The lease is not on file in this bureau, but is understood to be on file in another bureau of the War Department.

Yours very sincerely,

C. C. HAMMOND,
Major General, Chief Militia Bureau.

W. C. WILBUR & CO.,
Charleston, S. C., February 7, 1927.

CHARLESTON CHAMBER OF COMMERCE,
Charleston, S. C.

GENTLEMEN: The undersigned committee have at your request inspected the properties of the Government located at the eastern end of Sullivans Island, comprising some 107 acres of land, and beg to report that in their opinion this property as a whole is worth $32,100.

They also inspected the property known as the rifle range, and now under lease to the Government and located on Mount Pleasant, consisting of 100 acres. In their opinion this property is worth, exclusive of the buildings, $20,000, and the committee put a value of $21,500 as the worth of the buildings thereon.

Hoping this will give you the information desired, we beg to remain,

Yours very truly,

W. C. WILBUR.
C. GEO. GADWIN.
EDWARD WHICKNEY.

W. FRANK JAMES,
JOHN PHILIP HILL,
JOHN J. MCSWAIN,
Managers on the part of the House.

The conference report was agreed to.

FARMERS' COOPERATIVE ASSOCIATIONS

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2965) to prevent discrimination against farmers' cooperative associations by boards of trades and similar organizations, and for other purposes, a similar bill having been reported by the House committee.

Mr. CHALMERS. Mr. Speaker, I reserve the right to object.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHALMERS. I object, Mr. Speaker.

FOREIGN COMMERCE SERVICE OF THE UNITED STATES

Mr. HOCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3858) to establish in the Bureau of Foreign and Domestic Commerce of the Department of Commerce a foreign commerce service of the United States, and for other purposes, with Senate amendments, and move to agree to the Senate amendments.

The Clerk read the title of the bill.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I notice a number of amendments were adopted by the Senate, but I have not had opportunity to figure out just what they mean. I want to ask this question. Do these amendments of the Senate provide for a lot of salary increases?

Mr. HOCH. They do not. They increase no salaries and make no substantial changes in the bill, and I am directed by the unanimous vote of my committee this morning to make this request.

Mr. CRAMTON. The Senate amendments involve no additional charge on the Treasury?

Mr. HOCH. None whatever.

The Senate amendments were read.

The Senate amendments were agreed to.

GOVERNOR SMITH IN THE WEST

Mr. O'CONNELL of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an editorial in the Times of to-day about Governor Smith, of New York.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. O'CONNELL of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

GOVERNOR SMITH IN THE WEST

Just returned from the Middle West, President Butler "everywhere found people eager to know more about Governor Smith and kindly disposed toward him. His personality has attracted them. They are eager to learn anything they can about him."

He would have found the same kindly interest if he had gone to the Pacific. Obscurer travelers, even "automobile campers," have been surprised to find themselves not only forgiven but actually welcomed for coming from New York. The taboo is off. New York characters remain severely local usually and are suspiciously regarded in the West. It was the governor's election in a year when President Coolidge got an incredible majority in this State that sharpened the curiosity of the West. How did he do it? What makes him so invincible at the polls?

We would not say that these inquiries arise at present from political reasons. As Doctor Butler says, it is the governor's personality that attracts. Of course, many western Democrats are impressed by his popular strength from many sources and his genius for success, but Republicans seems as inquisitive about him as the Democrats. In a time of flat figures he stands out in sharp relief. The working men and women, the "common people" of the cities, have already learned to love him. His conquest of iron fortune, his rise from poverty, his honesty and fearlessness, his incomparable knowledge of State affairs, his putting of his political opponents to rout, his gayety and humor, his adaptability to all societies, have made him the hero of the urban populations.

Roosevelt, the urban patrician, was pardoned for not being born in a log cabin. Al Smith, the urban plebeian, is the first great representative of the millions of "plain, ordinary folks" of the cities. No "legend" has to be invented for him. His true history speaks for him. His abilities and achievements speak for him more sufficiently; but he is fortunate in his background. The University of Hard Knocks remains the favorite American institution of learning. The western country people can't help being stirred by this graduate of it. Politics apart, this growing western liking of Governor Smith is good to see. In his homely, hearty ways, his grasp of the vernacular, his large instinctive democracy and feeling for the "common man," he has the characteristics which used to be deemed peculiarly Western.

The more the West studies him as man and as governor, the fonder it will be of him. There was never anybody just like him. He is a noble American product. Here, as Emerson said, is "a man and not a cockade."

PENSIONS AND INCREASE OF PENSIONS FOR CERTAIN SOLDIERS AND SAILORS OF THE CIVIL WAR AND CERTAIN WIDOWS AND DEPENDENT CHILDREN OF SOLDIERS AND SAILORS OF SAID WAR

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 16461) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and other wars, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SNELL. Is this a general pension bill?

Mr. ELLIOTT. It is the omnibus pension bill.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, how many House items were stricken out in the Senate?

Mr. ELLIOTT. I will be pleased to give that information. There are three cases cut from $30 to $20 per month, one case from $30 to $25, and one case cut from $50 to $40 per month.

Mr. BOX. Will the gentleman state what cases they are?

Mr. ELLIOTT. I can not do that offhand. One case was cut because the widow was drawing $50 under the last pension act. Two cases were increased from $40 to $50, 16 cases were cut out on account of death, and 476 Senate cases were added. I may say, gentlemen, that the cases that were cut from $30 down are cases where the widow was married to the soldier after June 27, 1915.

Mr. CRAMTON. Among the 476 Senate cases, how many gave the larger amount in the same kind of cases?

Mr. ELLIOTT. I do not know of any. The examiners have gone through this thoroughly, and we have also gone over it.

Mr. CRAMTON. And you think the Senate has applied the rule which they laid down for the House?

Mr. ELLIOTT. I think the Senate cases are meritorious.

Mr. BLACK of Texas. Reserving the right to object, the gentleman has stated the Senate added 476 cases; how many cases were carried in the bill as it passed the House?

Mr. ELLIOTT. One thousand three hundred and sixty-seven.

Mr. BLACK of Texas. Do the Senate cases all conform to the rule of the committee as to the maximum amount?

Mr. ELLIOTT. Yes.

The Senate amendments were read.

The Senate amendments were agreed to.

PRESIDENT'S VETO—M'NARY-HAUGEN BILL

Mr. BRAND of Ohio. Mr. Speaker, the President's veto leaves the farmer in the hole—the hole of unequal legislative treatment.

Industries have their tariff; railroads have their transportation act; banks have their Federal reserve act; labor has its immigration law and the 8-hour day law, and those laws work to lift those groups above world conditions; but the farmer, for the most part, is competing with the world and trying to buy from those groups whose prices have artificially been raised by legislation. We have worked hard for four years writing a measure to bring about equality, and we have answered every argument that has been offered by the President in a way so satisfactory that a majority of the Members of Congress have been convinced and converted to approval of the bill.

The President offers no constructive recommendation except a loan to the cooperatives and we all know that the cooperatives will be ruined by such a law, if they attempt to use it for the purpose of raising prices, and there is no solution to this problem except to raise the prices of farm products as other products have been raised. No cooperative composed of a small part of the people producing an article can afford to pay the losses sustained in handling the surplus of that article thereby securing a fair price for all those, both in and out of the cooperative.

The bill above described is on a par with the many gestures which have been made during the last six years which were not intended to raise the price of farm products, and may be classed as political relief rather than farm relief.

The McNary-Haugen bill will raise the prices of farm products, and that is its weakness and its strength.

If we could present a bill which would secure equality for agriculture and at the same time guarantee no advance in food prices, all the objections would be waived and everybody, including the President, would be favorable to the bill.

I think farm prices can be raised to the extent of the tariff without advancing the price of food, but I can not prove that until the bill is in operation; but if food prices were raised, it

would be absolutely fair, because the prices of other things have already been artificially raised by legislation. The battle of the farmer to save himself from this unequal situation will be intensified by the veto, and all those who believe in equality of treatment will join the farmers and all those directly or indirectly affected by farm conditions.

Although only six basic commodities are considered in the beginning, yet all agricultural products would have been affected by the operation of the bill, because the products of agriculture are largely interchangeable and substitutes for each other. The six basic commodities mentioned in the bill are the ones suffering most from surplus conditions and are the ones most needing the operation of the measure. Others may be added by Congress upon the request of the agricultural board.

The veto is a sectional decision, because a map of the vote shows that only the northeastern section of the country is to any great extent opposed.

On February 23, four days before vetoing the McNary-Haugen bill, the President of the United States used his authority vested in him by the last tariff act and increased by 50 per cent the tariff on pig iron, which action will increase the profits of the United States Steel Corporation, which is paying satisfactory dividends on all its stock, both common and preferred, including all the water that has been poured into this stock from time to time, and which also declared a stock dividend this year amounting to $200,000,000.

On February 27 the President vetoed the farm bill, which was intended to give to the farmers of the United States the benefit of the tariff on their surplus products, incorporated in that act.

On the same day, the President approved the bankers' bill, which extends the life of the Federal reserve act indefinitely and the Federal reserve act is, in principle and effect, the same thing for the bankers as the McNary-Haugen bill is for the farmer.

"Them that has, gets."

This question will gradually become bigger than the farm question, and the people in the cities and the people in the country will gradually see that it is the issue of equality rather than a farm issue.

VALEDICTORY

Mr. COYLE. Mr. Speaker and my colleagues in the Congress, recognizing the fine spirit of America which you bring to your service here, believing that your vote in all matters in relation to our Navy has been recorded with an eye single to the good of the country we love, I am taking this opportunity to record the successful completion in this Congress of the submitted legislation for the good of our first line of defense. I can not let this occasion pass without expressing to you in this, my final appearance before the Sixty-ninth Congress, something of thanks and appreciation for the many friendly courtesies which have been extended to me by the Members on both sides, as well as by our responsible elected officers and the employees of the Congress. In many walks in life, from early beginnings as a boy in an engineer's camp on the western frontier, through many different tasks, in many lands, my association has been with men working before all for America.

In no other work have I found higher ideals of public service and more continued and unselfish work in the public interest than I have found in the Halls of Congress.

In this congressional life, as in many others, however, it is most often the unusual that is accorded the headline. As many know, to their sorrow, it is the loudest voice that gets the most notice in the public press and in the public eye.

No poet has yet arisen to sing the praise of the great number of modest, quiet gentlemen, who do the day's work for their God and country. Here in Congress a man is quickly appraised, and his value to his constituency depends on his honesty and integrity of thought, word, and act.

Early in my own experience here it was determined by my colleagues that my work should be in connection with the Navy, due, perhaps, to my experience with the marines, a part of the Navy. I was pleased at being assigned to Naval Affairs, one of the major committees, and have endeavored to show my appreciation of your confidence in me by working continuously and hard under the leadership of my long-time friend, to whom you are all devoted, the dean of our State delegation, and, perhaps, the best-loved man in Congress, Hon. THOMAS S. BUTLER, of West Chester.

I would be untrue to myself did I not acknowledge that the part I have had with him in working for the best, if not the biggest, Navy has come as a joy and a privilege that will remain with me always.

To the constituency in Northampton, Carbon, and Monroe, who have honored me by election to this Sixty-ninth Congress, my thanks are due in a measure that can be met only in part. For them and in their name as their Congressman I have had from the President, the Cabinet Members, and the various departments, courtesies and friendly expressions which have gained favorable action on all legislation requested by me and approval of all requests for service for them.

My pride is in the work that has been accomplished with your help for labor, for farmer, for service man and woman.

The reward has come manyfold in the satisfaction of some small measure of justice done and help extended where it was needed and in friendships made and renewed with Republicans and Democrats here and at home with whom and for whom I have had the privilege of working for our one common aim to make America, because of our life and work, a better place to live.

To you, my colleagues, my thanks are due for many favors and courtesies, and I were, indeed, wanting in appreciation did I not find this opportunity to say my thanks and express my feeling of admiration for the fine, unselfish work being done by each one of you for the country whose service is our pride.

FEDERAL BUILDING PROGRAM

Mr. GRIFFIN. Mr. Speaker, this bill embodies the first attempt of the Secretary of the Treasury to designate Federal building projects. It is quite obvious from the protests filling the air that the plan is a bitter disappointment. Congress heretofore had vigilantly guarded its right to control the allocation of public buildings, but by the act of May 25, 1926, it surrendered that power and delegated it to the Secretary of the Treasury. The bill before us is an example of how the departure in policy may reasonably be expected to work. Under the old plan the passage of a building bill invariably provoked the newspaper wits to titillate the public fancy by raising a hue and cry about the "pork barrel." In some cases it might have been justified. Logrolling seemed to be inevitable. Indispensable public buildings in important places were obliged to suffer inconvenience and endure the impairment of efficiency in the public service until country crossroad towns were provided for. Therefore the suggestion that Congress waive its rights and delegate its powers to an impartial Cabinet officer was to some extent justified and welcomed.

The first trial of this method of allocation does not seem to be encouraging, and the Machiavellian hand of the political wire puller is indicated with as much certainty as under the old system of "logrolling." The only difference between the old and the new seems to be that instead of a Congressman having to go before a congressional committee with his prayer for relief, he must now kotow to the "head of a bureau," a rather disconcerting thing for a Representative of the people to have to do, particularly when the "master of the situation" happens to be of a different political belief.

It does not become any self-respecting Congressman to utter a futile howl or indulge in a gnashing of teeth. But it is not out of place to make a few observations on the absurdities in the present bill.

On pages 124 and 125 of the hearings on this measure there is a table of places recommended for Federal buildings, giving the population for 1926 and the postal receipts for 1925:

Place	Population, 1926	Postal receipts, 1925
Alexandria, Va	20,000	$82,180
Bellows Falls, Vt	5,000	34,521
Canton, Ga	6,000	23,465
Conway, Ark	6,500	33,554
Corinth, Miss	7,000	36,767
Corsicana, Tex	20,000	79,021
Greenville, Tex	17,000	64,895
Hanover, N. H	2,500	49,461
Hartsville, S. C	[1]3,624	24,956
Mitchell, S. Dak	10,200	93,332
Newark, Del	3,500	21,757
Newton, Iowa	9,000	91,274
Paris, Tenn	7,500	44,913
Price, Utah	4,000	20,303
Pullman, Wash	20,052	40,167
Rushville, Ind	5,900	28,120
Santa Fe, N. Mex	12,500	58,852
Scotts Bluff, Nebr	8,500	38,461
Wooster, Ohio	10,000	90,109

[1] 1920.

Not one of these places, it will be noticed, has postal receipts over $100,000 per annum, yet the Bronx, with a population of nearly a million inhabitants and having annual postal receipts of nearly $2,000,000, is not even mentioned in the preliminary survey and recommendation, although all of its Representatives pleaded its cause as convincingly as they could.

Nor can blame be attached to Postmaster Kiely, of New York City. He is deserving of the thanks of the people of the Bronx for his hearty advocacy of the claims of our borough. He wrote a fine letter to Postmaster General Harry S. New "strongly" urging the consideration of the Bronx project, and I can render no better testimonial of our appreciation of his cooperation than by printing it herewith in the RECORD.

LETTER OF POSTMASTER JOHN J. KIELY

JANUARY 6, 1927.

Hon. HARRY S. NEW,
Postmaster General.

MY DEAR SENATOR: I recently received a letter from the Bronx Board of Trade with reference to the matter of obtaining an appropriation from Congress for the construction of a Federal building in the Borough of the Bronx, this city, on the Government-owned plot at Mott Avenue and One hundred and forty-ninth Street.

Congress recognized the need for a Federal building in Bronx Borough by making an appropriation, act of May 30, 1908, for the purchase of a site. The property at Mott Avenue, One hundred and Forty-ninth to One hundred and Fiftieth Streets and Spencer Place, comprising a ground area of approximately 42,200 square feet, was acquired and has been in the possession of the Government for about 17 years. No provision has since been made for the construction of the required building.

The Borough of the Bronx of New York City has an area of over 41 square miles, and its population in 1926 was estimated to be about 1,000,000. There are 13 carrier post office stations located in that territory. A force of nearly eleven hundred regular clerks, laborers, and carriers are assigned to the Bronx postal stations. The population and business of the Bronx shows great increases year by year, as indicated by the following statement:

	Population	Postal receipts
1908	308,256	404,129.00
1910	430,980	483,921.76
1915	592,480	714,487.67
1920	732,016	1,060,237.63
1925	902,560	1,814,881.99
1926	933,568	1,948,862.50

The postal receipts of 1926 show an increase of $1,544,733.50, or 382 per cent over 1908, when Congress appropriated for the Bronx Federal building site. The increase of 1926 over 1925 is 7.38 per cent.

According to a statement issued early in December, 1926, by the superintendent of buildings of the Bronx, a city department, the building activities in the Bronx for 1926 will exceed $200,000,000, an increase of $50,000,000 over 1925. The advance in apartment houses alone, excluding one and two family houses, means additional housing facilities for more than 100,000 new residents.

The astounding growth of Bronx Borough clearly demonstrates the urgent need for the Post Office Department to now adopt measures for the future development of the Postal Service in the Bronx territory. I believe the first consideration should be the construction of a suitable Federal building on the site now owned by the Government, this building to contain adequate space for postal activities and office room for other Federal agencies that are concerned with business in the Bronx and are now occupying rented space or crowded quarters in other parts of the city.

For the handling of the mails the Government-owned site at Mott Avenue and One hundred and forty-ninth Street is advantageously located. It is adjacent to the main lines of the New York Central and New York, New Haven & Hartford Railroads. Consequently mails for the Bronx, the upper part of Manhattan, and mails for large towns in Westchester County could be expedited in distribution, dispatch, and delivery by being handled in the proposed building. There is a large volume of mail originating in the Bronx. Many large manufacturing plants are located there, and these firms are large users of the mails, sending and receiving great quantities of parcel post.

The establishment of a postal terminal unit in the Bronx will aid in relieving some of the crowded conditions now existing at Grand Central Post Office Station, as much incoming and outgoing mails could be diverted to the proposed building and handled with advantage.

Because of the fine rail facilities that are present and adjoin the property, outgoing mails originating within the territory of the Bronx, Washington Heights, Harlem, and Westchester County could be centralized at this point and worked for dispatch over the New York Central & New Haven lines on suburban and through trains instead of being transported in the motor-vehicle service to Grand Central Station for that purpose, and similar arrangements made for incoming mails from the north, west, and east, resulting in improvement of the mail service.

I strongly urge that consideration be given to this proposition, and action secured looking toward the early construction of the proposed Bronx Federal building.

Sincerely yours, JOHN J. KIELY, *Postmaster.*

PENSIONS TO SOLDIERS WHO FOUGHT IN THE INDIAN WARS

Mr. LEATHERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12532) granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

AMENDING PLANT QUARANTINE ACT

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 16172) to amend section 10 of the plant quarantine act, approved August 20, 1912. This is a matter of great emergency.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill H. R. 16172, which he states is a matter of great emergency.

Mr. HAUGEN. It is; absolutely.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of the plant quarantine act, approved August 20, 1912 (37 Stat. L. p. 315), as amended by the act of March 4, 1917 (39 Stat. L. p. 1165), be, and the same is hereby, amended by adding at the end thereof the following:

"That any employee of the Department of Agriculture, authorized by the Secretary of Agriculture to enforce the provisions of this act and furnished with and wearing a suitable badge for identification, who has probable cause to believe that any person, vehicle, receptacle, boat, ship, or vessel, coming from any country or countries or moving interstate, possesses, carries, or contains any nursery stock, plants, plant products, or other articles the entry or movement of which in interstate or foreign commerce is prohibited or restricted by the provisions of this act, or by any quarantine or order of the Secretary of Agriculture issued or promulgated pursuant thereto, shall have power to stop and without warrant to inspect, search, and examine such person, vehicle, receptacle, boat, ship, or vessel, and to seize, destroy, or otherwise dispose of such nursery stock, plants, plant products, or other articles found to be moving or to have been moved in interstate commerce or to have been brought into the United States in violation of this act or of such quarantine or order."

With the following committee amendment:

Page 2, line 2, after the word "person," insert "coming into the United States, or any."

Mr. GARNER of Texas. Mr. Speaker, I understand this to be a request for unanimous consent.

The SPEAKER. It is.

Mr. GARNER of Texas. Mr. Speaker, for the time being I object. This bill gives authority to an employee of the Agricultural Department to arrest a man, take his property and destroy it without any court action whatever.

Mr. LAGUARDIA. And to seize an automobile without a warrant.

Mr. GARNER of Texas. Yes. I object.

Mr. HAUGEN. Mr. Speaker, the House recently authorized an appropriation for $10,000,000 to eradicate the corn borer. Unless we have this bill passed we will not be able to thoroughly eradicate the corn borer.

Mr. GARNER of Texas. Mr. Speaker, I am very anxious to see the corn borer eradicated, but I am not willing to give to the gentleman or to anyone else power or authority to arrest everybody that he may think has a corn borer about him.

The SPEAKER. Objection is heard.

BRIDGE ACROSS MISSISSIPPI RIVER AT LANSING, IOWA

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10857) granting the consent of Congress to the Interstate Bridge Co., of Lansing, Iowa, to construct a bridge across the Mississippi River at Lansing, with a Senate amendment thereto, and I move to concur in the Senate amendment.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 10857, with a Senate amendment thereto, and concur in the Senate amendment. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is concurrence in this amendment agreeable to the Interstate Commerce Committee, in accordance with their rules?

Mr. HAUGEN. I think so.

Mr. JONES. The Senate unanimously passed the bill at the last session.

Mr. GARNER of Texas. Both States are in favor of it.

Mr. CRAMTON. But we have certain rules as to bridge bills, and while I am not going to object, I think the gentleman

ought to consult the gentleman from Illinois [Mr. DENISON] before he brings up his bill.

Mr. HAUGEN. The bill was passed by this House.

Mr. CRAMTON. I am talking about the Senate amendment.

Mr. HAUGEN. That has no reference to the bridge act. It has reference to the extension of railroads intrastate.

Mr. CHINDBLOM. It is an interstate commerce matter?

Mr. HAUGEN. No; it is intrastate.

Mr. MAPES. Mr. Speaker, has the gentleman consulted the chairman of the subcommittee of the Committee on Interstate and Foreign Commerce [Mr. DENISON], who has charge of the bridge bills, in regard to the amendment?

Mr. HAUGEN. I have not.

Mr. MAPES. Mr. Speaker, I think Members who desire to call up these bridge bills ought to consult with the chairman of the subcommittee on that subject before doing so. Mr. DENISON has made a special study of this class of legislation and is endeavoring to secure uniformity in the language of these bills, and gentlemen should consult him before they ask to have Senate amendments agreed to. For the present, I object.

The SPEAKER. Objection is heard.

MEDICINAL SPIRITS BILL

Mr. HAWLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill (H. R. 17130) to conserve the revenues from medicinal spirits and provide for the effective Government control of such spirits, to prevent the evasion of taxes, and for other purposes.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 140, nays 14.

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote on that ground.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirty Members present, a quorum.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the medicinal spirits bill, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17130, of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 17130) to conserve the revenues from medicinal spirits and provide for the effective Government control of such spirits, to prevent the evasion of taxes, and for other purposes.

The Clerk, reading the bill, read as follows:

Be it enacted, etc., That as used in this act—

(a) The term "person" means an individual, partnership, association, or corporation.

(b) The term "distilled spirits" means whisky, brandy, rum, gin, and other distilled spirits, except alcohol.

(c) The term "warehouse" means any bonded warehouse, including any general, special, distillery, concentration, or customs bonded warehouse and any tax-paid warehouse.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, it seems to me we have before us this morning in the consideration of this bill one of the most important pieces of legislation that has been brought before the present Congress or even the Congress preceding this. I am frank to say that at first it appeared to me that this might be a Trojan horse, and I looked askance on the proposed legislation, and felt some anxiety as to the speed with which it must be introduced and considered.

I am frank to say that I think there are two pieces of legislation pending before this body through the entire two sessions that in many ways are more important for law enforcement than this legislation. I refer to the Stalker bill before the Judiciary Committee, and also to the so-called United States border patrol bill before the same committee.

But I want to read this morning in my time a statement from the Department of Prohibition, made before the Alcoholic Liquor Traffic at the hearings in the Sixty-eighth Congress.

Mr. CHINDBLOM. Who made it?

Mr. HUDSON. The audit division of the Internal Revenue Department, as reported by Mr. Jones, Assistant Prohibition Commissioner:

TAX-PAID WITHDRAWALS FOR MEDICINAL USE

During the past fiscal year the withdrawal of whisky for tax payment and consumption amounted to 1,813,178.2 gallons. This whisky was tax paid for distribution under permits, the major part of it being dispensed by druggists on physicians' prescriptions. This consumption of whisky compares with previous years as follows: During the fiscal year ended June 30, 1921, 8,671,860 gallons were tax paid, this being the first full year of prohibition under the eighteenth amendment to the Constitution. The amount of 2,645,506 gallons were tax paid during the fiscal year ended June 30, 1922, and the amount of 1,754,893 gallons during the fiscal year ended June 30, 1923. The average annual consumption of whisky during the 10 years prior to prohibition was approximately 130,000,000 gallons. The high point of whisky consumption in the country was reached in the fiscal year ended June 30, 1917, in which year 164,291,294 gallons of distilled spirits were tax paid. The present consumption of whisky officially released on permits is a little more than 1 per cent of whisky consumption prior to prohibition.

The tax-paid withdrawals for the fiscal year 1924 are as follows: Whisky, 1,813,178.2 gallons; rum, 11,673.2 gallons; gin, 3,084.1 gallons; brandy, 26,054.1 gallons; alcohol and cologne spirits, 9,382,302.4 gallons. Similar figures for the fiscal years 1901 to 1923 will be found on page 2, Table 4, of the attached pamphlet "Statistics concerning intoxicating liquors."

TREASURY DEPARTMENT,
BUREAU OF INTERNAL REVENUE,
Washington, February 14, 1925.

Memorandum for Mr. Jones, Assistant Prohibition Commissioner.

On December 31, the last date for which the records are complete, there were 28,437,342.1 gallons of whisky in distillery, general and special bonded warehouses in the United States. This amount represents the original contents of the packages when produced and deposited in warehouse.

Recent withdrawals of whisky indicate that the packages now contain about 70 per cent of their original contents. Therefore, the actual amount of whisky in bonded warehouses on December 31, 1924, would appear to be slightly less than 20,000,000 gallons. Assuming that the withdrawal of whisky for nonbeverage purposes continues at the present rate and that the present rate of losses from natural causes is maintained, the supply of such spirits on hand should last seven or eight years.

Since under the law distilled spirits, such as whisky, may be bottled in bond at the age of 4 years, it would not appear that the production of such spirits should be authorized before 1928.

——— ———,
Acting Head, Audit Division.

Withdrawals of whisky from bonded warehouses during fiscal years 1920 to 1924, inclusive

[Statement in tax gallons]

	1920	1921	1922	1923	1924
Withdrawals tax paid [1]	5,484,125.2	8,671,860.4	2,654,506.7	1,754,893.9	1,813,178.2
Withdrawals for export	5,486,224.2	177,214.2	97,479.6	302,195.0	111,800.1
Withdrawals for use of the United States	432.4	590.3	1,547.9	310.8	878.9
Withdrawals for transfer to manufacturing warehouses for export	78,002.0	0	0	0	0
Withdrawals by foreign legations	1,517.7	0	0	0	0
Total	11,050,301.5	8,849,664.9	2,753,534.2	2,057,399.7	1,925,857.2

[1] Includes spirits used for medicinal purposes.

Now gentlemen of the committee, I have read that to you to show that there has been brought upon my own mind a reaction that this is not so recent a demand as I thought it was. I am frank to say that the statements about it by the department, without being modified, are misleading.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDSON. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HUDSON. I would prefer to wait until I get through.

Mr. CHINDBLOM. The gentleman made a statement that the production would not be necessary until 1928. If this bill is not passed at this session authorization could not be had until 1928.

Mr. HUDSON. This statement is in harmony with the statement made two years ago. I said the average statement put out by the department to the average layman is misleading. On February 21 I asked Doctor Doran for the amount of distilled spirits in bond. He sent back a table saying there were 23,814,140 gallons of whisky. Now he did say at the top in small letters that that was the entry gauge. The layman does not understand that. All over the country it would seem

that we were rushing the manufacturer of medicinal whisky without any reason, but it clears it up when we know that probably there is not more than 50 per cent of that amount in bond. If we do not begin to manufacture until next year it will all be practically wiped out.

Distilled spirits, by kinds, remaining in bonded warehouses June 30, 1925, and June 30, 1926 (entry gauge)

[Table received from the Prohibition Unit February 21, 1927]

Year	Whisky	Rum	Gin	Brandy	Alcohol	Aggregate
1925	26,840,953.5	327,379.1	819,599.3	1,229,141.7	9,641,420.9	38,858,494.5
1926	23,814,140.2	289,344.6	802,433.2	1,133,057.7	6,249,064.2	32,288,039.9

On February 24, 1927, Dr. J. M. Doran sent the following:

The number of gallons of whisky in bonded warehouses July 1, 1926, was 23,814,140.2 entry gauge, which means the contents noted on the barrels when originally placed in the warehouse. Practically all the whisky is now over 9½ years old. Some is 14 and 15 years old. There has been a shrinkage of almost one-half in every barrel. We know what this is by the figures of the present regauged contents, as whisky is now tax paid and bottled. It averages 27 gallons present actual contents, whereas the entry gauge was 48 to 50 gallons.

Since July 1 there has been withdrawn the equivalent of 2,000,000 gallons entry gauge, which would leave 21,000,000 gallons entry gauge in the warehouses. Based on current regauge figures it is probable that there are not over 12,000,000 gallons of actual contents in the warehouses. It should be borne in mind that empty packages and watered packages will inevitably be found, and hence the above estimate is an outside estimate. Current withdrawals at the present rate of consumption, together with further evaporation losses, indicates that by the time the present supply is bottled less than 10,000,000 gallons can be actually placed in glass. The above figures are, of course, estimates, but they are based on absolutely reliable experience, and take into account all known factors affecting the storage of whisky.

J. M. DORAN,
Head Technical Division.

Mr. BLANTON. Will the gentleman yield?

Mr. HUDSON. Yes.

Mr. BLANTON. The gentleman knows that section 8 gives the Secretary of the Treasury, immediately after the passage of this bill, the power and authority to designate just as many importers as he wants to import all the distilled liquor from Europe that is needed.

Mr. HUDSON. I will discuss that when I come to it.

Mr. BLANTON. That section alone ought to cause the House to defeat the bill.

Mr. HUDSON. Now, I want to introduce into the RECORD at this time the other tables given me by Doctor Doran at this time. While I am for the bill, I want you to understand it is sectional legislation. Twenty-two States of the Union prohibit the sale of distilled liquors other than pure grain alcohol, and the latter in only 11 of the 22:

STATES IN WHICH NO PROVISION IS MADE FOR PRESCRIBING OF ALCOHOL OR INTOXICATING LIQUOR

In the following States, either because of no provision being made for the prescribing of alcohol or intoxicating liquor or because of the requirement that such liquor be so medicated as to be unfit for beverage use, no such liquor may be prescribed: Arizona, Idaho, Maine, New Mexico, North Dakota, Georgia (pure alcohol may be prescribed but required to be so medicated as to be unfit for beverage use), Kansas, Nebraska (may prescribe intoxicating liquor provided other ingredients are such as to prevent its use as a beverage), North Carolina, Utah, Washington, and West Virginia.

STATES IN WHICH PURE ALCOHOL ONLY MAY BE PRESCRIBED

Alabama, Arkansas, Oklahoma, Delaware, Oregon, Florida, South Carolina, Indiana, Tennessee, and Mississippi.

STATES IN WHICH SPIRITOUS LIQUOR ONLY MAY BE PRESCRIBED

Illinois, Montana, New York, Ohio, and Wyoming.

STATES IN WHICH SPIRITOUS OR VINOUS LIQUORS MAY BE PRESCRIBED

South Dakota and Iowa.

STATES IN WHICH INTOXICATING LIQUOR MAY BE PRESCRIBED UNDER LIMITATIONS

Colorado, Michigan, Minnesota, Missouri (save malt liquors), and New Hampshire.

NO REGULATION UNDER STATE LAW

Pennsylvania, Louisiana, and Massachusetts.

NO STATE CODE

Maryland, Nevada, New York.

MEDICINAL PROVISIONS IN NATIONAL PROHIBITION ACT

Not more than a pint of spiritous liquor to be taken internally shall be prescribed for use by the same person in a period of 10 days. No physician shall prescribe, nor shall any person sell or furnish on any prescription, any vinous liquor that contains more than 24 per cent of alcohol by volume, nor shall anyone prescribe or sell or furnish on any prescription more than one-fourth of 1 gallon of vinous liquor, or any such vinous or spiritous liquor that contains separately or in the aggregate more than one-half pint of alcohol, for use by any person within any period of 10 days. Physicians are required to obtain a permit and keep a record of all prescriptions. Prescriptions must be written upon prescribed forms except in emergency cases. No physician shall be provided with more than 100 prescription blanks for use in any period of 90 days unless he shall make it clearly to appear to the commissioner that for some extraordinary reason a larger amount is necessary.

I want to insert also at this point a second table received from Doctor Doran, showing the great bulk of the medicinal liquors are consumed in five States of the Union and in that many cities in the Union. I want to insert in the RECORD the table showing that in 1926 there is an increase of only 522 permits for medicinal liquor, showing no great increased demand for medicinal liquor.

Number of class I permits in force year ended June 30, 1925, and year ending June 30, 1926

[Table received from Prohibition Unit February 20, 1927]

	1925	1926
Alabama		
Alaska		
Arizona		
Arkansas		
California		1,887
Colorado		28
Connecticut		479
Delaware		1
Florida		
Georgia		
Idaho		
Illinois		2,124
Indiana		
Iowa		86
Kansas		
Kentucky		354
Louisiana		332
Maine		
Maryland		375
Massachusetts		818
Michigan		108
Minnesota		434
Mississippi		
Missouri		753
Montana		193
Nebraska		
Nevada		38
New Hampshire		58
New Jersey		1,189
New Mexico		
New York		3,347
North Carolina		
North Dakota		
Ohio		817
Oklahoma		
Oregon		
Pennsylvania		2,869
Porto Rico		34
Rhode Island		195
South Carolina		
South Dakota		2
Tennessee		2
Texas		642
Vermont		49
Virginia		217
West Virginia		1
Wisconsin		726
Wyoming		65
Hawaii		13
Total	17,895	18,417

Mr. Chairman, I will also put in the statement at this time of the number of prescriptions issued in the United States, which shows that there is a decrease of more than 2,500 over last year's prescriptions issued. I also put this in the RECORD and show where they come. The tables are as follows:

Number of physicians' prescriptions issued, by States, during the fiscal years ended June 30, 1925, and June 30, 1926

[Table received from Prohibition Unit February 21, 1927]

	1925	1926
California	1,036,031	1,044,573
Colorado	23,135	21,385
Connecticut	181,636	212,254
Hawaii	7,045	5,162
Illinois	2,371,567	2,188,941
Iowa	90,306	82,856

Number of physicians' prescriptions issued, by States, during the fiscal years ended June 30, 1925, and June 30, 1926—Continued

	1925	1926
Kentucky	359,882	382,805
Louisiana	200,252	192,248
Maryland and District of Columbia	449,389	454,768
Massachusetts	659,911	717,711
Michigan	48,828	57,297
Minnesota	291,013	307,064
Missouri	699,190	670,379
Montana	135,338	116,620
Nevada	28,401	28,779
New Hampshire	33,404	40,511
New Jersey	205,343	239,076
New York	3,761,772	3,125,184
Ohio	420,701	515,664
Pennsylvania	1,111,325	1,194,755
Porto Rico	115	90
Rhode Island	73,114	86,356
South Dakota	734	731
Tennessee	127	102
Texas	443,422	487,184
Vermont	41,608	45,955
Virginia	224,972	261,934
Wisconsin	549,884	497,000
Wyoming	14,652	18,943
Total	13,463,097	12,996,327

Mr. KINDRED. Mr. Chairman, will the gentleman yield there?

Mr. HUDSON. Yes.

Mr. KINDRED. Is it not probable that the decreased number of prescriptions to which the gentleman has referred is due to the fact that a great many legitimate physicians, rather than to have to meet the undue restrictions of the Treasury Department, have given up the practice of prescribing whisky, even though when they need it gravely in such cases?

Mr. HUDSON. No. "The gentleman" does not believe that that is the fact at all. The fact of the matter is that if you will continue the enforcement of the law and the eighteenth amendment another seven years there will not be one-third of the prescriptions issued prescribing medicinal liquors.

Mr. KINDRED. Does not that reflect the attitude of the physicians?

Mr. HUDSON. I do not yield further.

This bill does intend to do three things as I see them in the bill. It does bring into the concentration warehouses the amount of liquor in bonded distilleries and warehouses, and then it provides that that liquor when thus concentrated shall be put into receptacles and those sold to retail druggists, thereby eliminating the wholesale druggists. Now, in order to have a place where these liquors are concentrated, it licenses from three to six places.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. HUDSON. Mr. Chairman, will the gentleman from Oregon yield to me another five minutes?

Mr. HAWLEY. I am sorry, but owing to the early adjournment I must object.

Mr. HUDSON. I hope the gentleman will yield it to me. You have taken time on another bill to talk for an hour.

Mr. LAGUARDIA. The gentleman is giving us information that the committee did not give us.

Mr. HAWLEY. I shall have to object.

Mr. BLANTON. Mr. Chairman, I move to strike out the enacting clause, which is a preferential amendment.

Mr. CELLER. Mr. Chairman, I offer a substitute amendment.

Mr. HUDSON. I hope to find time to offer an amendment to this bill before it passes. Mr. Chairman, may I have leave to revise and extend my remarks?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Michigan?

Mr. BLANTON. No; I regret that I can not yield now. The gentleman from Michigan may get that permission later.

The CHAIRMAN. The gentleman from Texas declines to yield.

Mr. BLANTON. Mr. Chairman, everyone who has studied the Mellon bill, which was introduced by our dry friend from Iowa [Mr. GREEN], admits that that bill is bad. When that Mellon-Green bill was analyzed in the RECORD the man who introduced it [Mr. GREEN] voted against it, and 16 members of the Ways and Means Committee voted against it and killed it, and only 8 members of the committee voted for the bill. And this vote occurred several days after I had discussed and analyzed this Mellon-Green bill from the floor of this House on January 31, 1927. This Mellon-Green bill is H. R. 15601, introduced in the House by Mr. GREEN of Iowa, chairman of said Committee on Ways and Means, on December 22, 1926.

HEARINGS ONLY ON GREEN-MELLON BILL (H. R. 15601)

Regardless of contentions to the contrary, the Committee on Ways and Means will admit that all of its hearings are printed and are embraced in two pamphlets; one is designated "Part 1," and the other is designated "Supplement, Part 2." The said Part 1 has the following printed on its front page, to wit:

MEDICINAL SPIRITS CORPORATION

Hearings before the Committee on Ways and Means, House of Representatives, Sixty-ninth Congress, second session, on H. R. 15601, a bill 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, January 11, 12, 13, 15, 18, and 20, 1927. Part 1.

There never was a more deceptive description given to any bill. And note that said hearings were held on only six days, namely, January 11, 12, 13, 15, 18, and 20, 1927. The second pamphlet, called "Supplement, Part 2," has the following on its front page, to wit:

MEDICINAL SPIRITS CORPORATION

Hearings before the Committee on Ways and Means, House of Representatives, Sixty-ninth Congress, second session, on H. R. 15601, a bill 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, January 21, 1927 (supplement), part 2.

Note that such hearing was held on only one day, January 21, 1927, and was on H. R. 15601, which is the Mellon-Green bill, and by that is meant that the bill was prepared by Secretary Mellon, who got Chairman GREEN to introduce it for him.

The Hawley bill is H. R. 17130. Mr. HAWLEY is a prominent Republican, is a ranking majority member of the Committee on Ways and Means, and did not introduce his bill until February 14, 1927, it being H. R. 17130. And his committee favorably reported it to the House promptly on February 16, 1927. And note that it has the identical deceptive description that was given to the Mellon-Green bill, H. R. 15601, to wit:

H. R. 17130 (Rept. No. 2127)

A bill 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. By Mr. HAWLEY. February 14, 1927, referred to the Committee on Ways and Means and ordered to be printed. February 16, 1927, committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Now, keep in mind that the Mellon-Green bill is H. R. 15601 and was introduced on December 22, 1926, and that the present Hawley bill is H. R. 17130 and was not introduced until February 14, 1927.

NO ADDITIONAL HEARINGS

To be absolutely certain of being correct, I went to see the clerk of the Committee on Ways and Means, Miss Rode, and she informed me that there were no separate hearings on the Hawley bill, H. R. 17130, but that the hearings on the Mellon-Green bill, H. R. 15601, in two pamphlets, "Part 1" and "Supplement part 2," embraced all of the hearings, and were considered by the committee when reporting the Hawley bill. So it can not be denied that there were no separate hearings on the Hawley bill.

DENOUNCED MELLON-GREEN BILL JANUARY 31, 1927

On January 31, 1927, from the floor of this House I analyzed the vicious provisions of said Mellon-Green bill, H. R. 15601. Let me quote from that day's RECORD the following excerpts from my speech, to wit:

Mr. BLANTON. But I not only want to know that it comes properly branded, I want to know that it comes from real prohibition sources, and that it is to help, not hinder, prohibition.

Why, every prohibitionist in the land—I don't care whether he is an orthodox Republican or not—knows that the main thing that has stood in the way of enforcement of the prohibition law is the fact that enforcement is placed in the charge of the present Secretary of the Treasury, Mr. Mellon, who is not a prohibitionist and does not believe in it. We all know that he does not believe in it. It has been admitted from the floor many times, and never denied, that the Secretary of the Treasury is financially interested in the business. He has been a large owner of distillery stock; he has been a large owner of stock in bonded warehouses; and under the present law they can not sell that stuff. If they could sell it, it would bring an enormous price, but they can not sell it, because the Volstead law and the eighteenth amendment stops them, except for medicinal purposes. And this "Mellon bill" is to make it lawful for them to sell it.

I am in favor of preventing doctors from issuing prescriptions for straight whisky.

One of the greatest surgeons known in the United States, Doctor Mayo, of Rochester, Minn., in the Nation's Capital here the other day indicated that in his honest judgment it was not needed.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LOWREY. And so did Dr. Howard Kelly, of Baltimore.

Mr. BLANTON. Certainly. Some of the best minds in the United States from a medical standpoint—physicians and surgeons—say it is not necessary; but we are not deluding ourselves when in this legislative body we call whisky designed for beverage "medicinal whisky." We know that 99 per cent of it is gotten for beverage purposes. This bill from Secretary Mellon provides for a Government corporation to act as a monopoly in the liquor business.

I wonder if our distinguished friend from Iowa [Uncle BILLY GREEN] is proud of this measure that bears his name? I know it is inconsistent with his own personal belief, it is inconsistent with his legislative career here, it is inconsistent with his lifelong tenets of faith and procedure, but he had to introduce it because it comes from the Secretary of the Treasury. I wonder if the Secretary of the Treasury is going to be strong enough to put this bill down the throats of the Members of Congress, and I wonder if he is going to be strong enough to get it out of the Committee on Ways and Means. He will do it if they do not get up there and do some fighting. Let me read you just a provision or two from this bill. Here is one of the powers that this corporation is to have—

"to hold, sell, bottle, transport, and distribute medicinal spirits owned by it for medicinal and other nonbeverage purposes, and for no other purpose."

"Medicinal and other nonbeverage purposes!" If medicinal were a nonbeverage purpose, it would not be so bad, but when we know that the great bulk of the so-called medicinal liquor is bought by well men from doctors and drug stores when they do not need it for medicinal purposes, when they are strong, well, able-bodied citizens and merely want a drink, then such a phrase sounds ridiculous.

Let me read this other power that you are asked to give them:

"To provide for the necessary replenishment of the supply of medicinal spirits by manufacture by the corporation or by importation for sale by the corporation, in accordance with law and regulations thereunder; and for the purpose of such manufacture to acquire by purchase, lease, or construction, and to operate and maintain not more than two distilleries and to so acquire and maintain a tax-paid warehouse in connection with each."

Note that you are asked in this Mellon bill to grant this liquor corporation the right to import liquors. It is now against the law to import it. But this quasi-governmental liquor corporation is to be given the exclusive right to import it.

Note that you are asked in this Mellon bill to grant to this liquor corporation the exclusive right to operate and maintain two distilleries for the manufacture of intoxicating liquor, pure and undefiled, pleasing to the palate, and this is a boon that none of the big liquor men in the United States smaller than Mr. Secretary Mellon himself would ever dare even to suggest to the Congress of the United States.

And note that you are asked in this Mellon bill to grant to this quasi-governmental liquor corporation the exclusive right to acquire and maintain a tax-paid liquor warehouse in connection with each of its said distilleries. Oh, what an opportunity for distributing this wholesome, palatable, so-called "medicinal whisky" to every thirsty man in every State of the Union by increasing the present number of bootleggers to handle it.

Mr. HUDSON. Will the gentleman yield?

Mr. BLANTON. In just a second. I promise you there will be more liquor floating around in all of the 48 States if you pass this law than you ever dreamed of, and I wonder if the prohibitionists of Michigan are going to be hoodwinked.

Mr. HUDSON. This gentleman never answers except for himself.

Mr. BLANTON. I wonder how this legislation appeals to the gentleman? If my friend is standing with Mellon, why I have not any time to yield to him.

Mr. HUDSON. The gentleman has not said he is standing with Mellon. I rose to ask a question. I wanted to ask the gentleman if he does not think this is the opening wedge for Government ownership and control of the liquor traffic?

Mr. BLANTON. It is an opening wedge for thirsty men all over the United States to get all the liquor they want—that is what it is—in every State in violation and in spite of the eighteenth amendment and in spite of the Volstead law.

Let me quote from this Mellon bill just three more rights you are asked to confer by law upon this monopolistic governmental liquor corporation:

"(3) In accordance with law and regulations thereunder, to hold, sell, bottle, transport, and distribute medicinal spirits owned by it, for medicinal and other nonbeverage purposes and for no other purpose.

"(4) To acquire by purchase, lease, or construction, and to maintain, not more than six concentration internal-revenue bonded warehouses (consisting of one or more buildings or parts thereof) including land necessary therefor; and to so acquire and maintain a tax-paid warehouse in connection with each.

"(5) To provide for the necessary replenishment of the supply of medicinal spirits by manufacture by the corporation or by importation for sale by the corporation, in accordance with law and regulations thereunder; and for the purpose of such manufacture to acquire by purchase, lease, or construction, and to operate and maintain, not more than two distilleries, and to so acquire and maintain a tax-paid warehouse in connection with each."

I do not see how any real prohibitionist can support that bill. The Ways and Means Committee should not report it. And if they do, we must kill it here.

HAWLEY BILL YET UNBORN

When I made the above speech on January 31, 1927, there was then no Hawley bill. It had not yet been conceived or born. The hearings on the Mellon-Green bill—H. R. 15601—had been concluded 10 days before, to wit, on January 21, 1927. My speech was directed against the Mellon-Green bill H. R. 15601. And within a few days after January 31, 1927, the Committee on Ways and Means by the vote of 16 against to only 8 for killed the Mellon-Green bill H. R. 15601.

BUT IT DID NOT DIE

The 16 to 8 vote, however, did not kill the bill. Like Banquo's ghost, it would not down. As a valentine for Hon. Andrew W. Mellon, Secretary of the Treasury, the gentleman from Oregon [Mr. HAWLEY] on February 14, 1927, introduced his bill, H. R. 17130, now before us, known as the Hawley bill, and which does for Mr. Mellon just what he wanted done in his own Mellon-Green bill.

TITLES IN BOTH BILLS IDENTICAL

Remember that I have already shown you that the title in the Mellon-Green bill is identical with the title in the Hawley bill.

DEFINITIONS PRACTICALLY IDENTICAL

If you will compare subdivisions (a), (b), and (c) under "Definitions" in the Mellon-Green bill with subdivisions (a), (b), and (c) under "Definitions" in the Hawley bill you will ascertain that they are practically identical.

MAIN PURPOSES IN BOTH BILLS IDENTICAL

In the Mellon-Green bill Mr. Secretary Mellon provided a ready-cash market for the millions of gallons of intoxicating liquors now in bonded warehouses owned by himself and his friends, which they can not now sell lawfully at any price, but which under his bill they could sell immediately at a big price they never before ever dreamed of getting. And in this Hawley bill the same ready-cash market for all of such liquor is provided, and Mr. Mellon himself is allowed to fix his own price. And we all know that he will fix it high enough. This is the first time I have known of the seller being allowed to fix his own price.

ALLOWING ONLY TWO DISTILLERIES

The Mellon-Green bill authorized Secretary Mellon to grant permits to two distilleries only, thus creating the greatest monopoly ever dreamed of in the United States. The papers announced that Secretary Mellon planned to have one manufacture rye whisky and the other one manufacture Bourbon whisky. Does the Hawley bill change that plan? Why no; it does not. While the Hawley bill provides that permits may be issued to as many as six distilleries, the number is left to Secretary Mellon to decide, and we all know that he will issue only two permits, just as he originally planned to do—one to manufacture rye whisky and one to manufacture Bourbon whisky. To show that the committee realizes this, let me remind you what our friend from Oregon [Mr. HAWLEY] said in his speech he delivered on this whisky measure on Washington's Birthday. I quote from Mr. HAWLEY's speech of February 22, 1927, page 4472 of the CONGRESSIONAL RECORD, the following:

The bill limits the number of distilleries to not less than two nor more than six. If only two permits are given, it is understood that one will be for Bourbon and one for rye.

But let me quote further from Brother HAWLEY.

SUPPLY IS NOT EXHAUSTED

From his speech Mr. HAWLEY made on Washington's Birthday I quote further:

Mr. HAWLEY. * * * When prohibition went into effect there were about 69,000,000 gallons of liquor in the country known as medicinal spirits. This was authorized to be concentrated in 37 warehouses, which number has been reduced to 31. There are now about 10,000,000 gallons of medicinal spirits. No one can tell the exact gallonage until a regauge has been made.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

Mr. HAWLEY. Yes.

Mr. BARKLEY. I am informed that last July it was reported that there were 46,000,000 gallons of medicinal whisky on hand.

TERRIBLE LEAKAGE UNDER MELLON

Remember that Mr. HAWLEY admitted that after prohibition went into effect the check up showed that we had on hand in bonded warehouses 69,000,000 gallons of whisky. Where has it all gone? This is what he says doctors prescribe:

Mr. LINTHICUM. What is the annual consumption of liquor?

Mr. HAWLEY. The annual consumption of medicinal spirits is about 2,000,000 gallons a year.

Mr. SABATH. That is, for medicinal purposes?

Mr. HAWLEY. Yes.

If we had 69,000,000 gallons in 1919 and doctors prescribe only 2,000,000 gallons annually, then we ought to have on hand now 53,000,000 gallons. But Mr. HAWLEY claims we have only about 10,000,000 gallons, though he admits that nobody knows exactly. If he were correct, then Mr. Mellon, our "wet" prohibition enforcer, has let 43,000,000 gallons of whisky get away from him somehow.

And he wants to get authority to run two distilleries to manufacture more, for fear he will run out.

THIS HAWLEY BILL

So that no one may deny this controlling absolute power given to Secretary Mellon by this Hawley bill, I now quote some of its provisions, to wit:

MANUFACTURE

SEC. 2. (a) To the extent necessary in the opinion of the Secretary of the Treasury to maintain stocks of distilled spirits suitable for medicinal and nonbeverage purposes in a quantity sufficient in each year to supply the requirements therefor, the Secretary of the Treasury is authorized to issue permits for the manufacture of such distilled spirits by such persons as he may select, and for such periods, in such quantities, and subject to such other requirements as he may prescribe; except that—

(1) Not less than two and not more than six permits shall be outstanding at any one time.

(2) Each permit shall require manufacture according to formulas prescribed by the Secretary of the Treasury.

(3) A permit may be issued for any period expiring not more than 10 years after the 31st day of December next succeeding the issuance thereof. Such permit shall provide for manufacture in each year of such quantities as the Secretary of the Treasury shall from time to time prescribe.

And this Hawley bill provides that these distilleries may have their permits renewed.

And this Hawley bill provides that Secretary Mellon shall be the only one who fixes the price at which this whisky is to be sold.

ALLOWS MELLON TO IMPORT

The Mellon-Green bill gave Secretary Mellon the right to import foreign liquors. Some of Secretary's Mellon's exclusive friends prefer to drink only foreign liquors imported from Europe. So he must provide for them. And this Hawley bill carries practically the identical provision that Secretary Mellon wrote on his own Mellon-Green bill. Let me quote from this Hawley bill this provision:

IMPORTATION

SEC. 8. If the Secretary of the Treasury at any time finds that the available stocks of distilled spirits, suitable for medicinal purposes of any class or kind, are insufficient to meet the demand for distilled spirits of such class or kind for use for medicinal purposes, he is authorized to issue permits for the importation of such distilled spirits by such persons, for such times, in such quantities, and subject to such other requirements as he may prescribe.

Note that it is Secretary Mellon, and him only, who decides when and how much foreign liquors he will import from Europe.

SALE FOR EXISTING STOCK

Remember, that Secretary Mellon provided in his Mellon-Green bill for an immediate cash market for all existing liquors, which now can not be lawfully sold, by requiring the permittees to acquire such existing liquors from present owners at a price approved by him.

And this Hawley bill provides this same identical cash market. Let me quote from the Hawley bill the following provision:

ACQUISITION OF EXISTING STOCK

SEC. 5. (a) Permittees under section 2 shall acquire distilled spirits only at a price which is the fair and reasonable value of the spirits, and in no case at a price in excess of the sum of (1) the fair market value at warehouses on December 1, 1926, of distilled spirits of like kind, age, and quality, and (2) the charges and expenses necessary for carrying the distilled spirits from December 1, 1926, to the date of acquisition. Such acquisition shall be made without discrimination between the owners of such spirits. All contracts for the acquisition of such spirits shall, before performance in whole or in part, be submitted by the permittee to the Secretary of the Treasury for his approval—

And so forth.

No matter what the price is, or how high it is, if Secretary Mellon approves it, it sells for that price.

GOVERNMENT'S STAMP OF APPROVAL ON EACH BOTTLE

This Hawley bill provides that Secretary Mellon must put our Government stamp on each bottle so that thirsty drinkers will not be afraid to consume it. Let me quote the following from this Hawley bill:

DISTINCTIVE BOTTLES—LABELING

SEC. 7. (a) All distilled spirits bottled under section 4 and all distilled spirits manufactured under section 2 and bottled—

(1) Shall be placed in distinctive bottles made under permit of, and in accordance with a design approved by, the Secretary of the Treasury;

(2) Shall be tested as to their character and quality at the time of bottling in accordance with regulations prescribed by the Secretary of the Treasury;

(3) Shall bear upon the bottles in which contained a label, made under permit of, and in accordance with a design approved by, the Secretary of the Treasury, certifying that the spirits are medicinal spirits bottled under the medicinal spirits act of 1927, and stating such other facts in such manner as the Secretary of the Treasury may by regulation prescribe.

That is the main purpose of this bill. Drinkers and rounders have been getting hold of bad liquor, and so many have been poisoned that they are afraid to drink it. They want good liquor. They want palatable liquor. And they want the Government to guarantee it, so they may drink all they want without fear. In my speech on February 22, 1927, when I answered Mr. HAWLEY, I then contended that his bill should be called "the plenty of good whisky easily gotten bill," because its main purpose is to do that very thing.

In his speech on February 22, 1927, Mr. HAWLEY said the following for his bill, and I quote again from page 4472 of the RECORD:

It also assures the purity and soundness of the medicinal spirits.

That is what the drinkers of the country want, to be assured of the purity and soundness of their whisky. Then they will buy more. Then they will drink more.

AUTHORITY NOW TO CONCENTRATE

I will prove that Secretary Mellon has now, and has always had, the authority to concentrate all existing bonded liquor in six warehouses, or in one warehouse, or in just as few as he desires. For who in this House knows more about it than Mr. HAWLEY and Mr. GARNER. They are the ranking Republican and Democrat, respectively, on said Ways and Means Committee.

During Mr. HAWLEY's speech on February 22, 1927, the following colloquy occurred:

Mr. GARNER of Texas. Under the present law you can reduce it to six without further authority of law. The Treasury Department now can reduce it to six without an act of Congress?

Mr. HAWLEY. I believe so; but that it may be definitely settled the bill fixes the number at six.

Mr. GARNER of Texas. It seems to me strange they have not done it, if they have the authority.

So when Members intimate that it requires this bill to compel concentration, they speak without authority, and are not correct in their statements. Yet section 3 of the Hawley bill proposing concentration in six warehouses has won several prohibitionists over to giving this bill their support. And I want to call their attention to the fact that even after this bill is passed, Secretary Mellon will not concentrate for two years, as the bill gives him two years before he has to do it. Let me quote this provision of the Hawley bill, to wit—

all the existing stocks of distilled spirits held in warehouses shall, within two years from the approval of this act and under regulations to be prescribed by the Secretary of the Treasury, be concentrated in not more than six concentration internal-revenue bonded warehouses consisting of one or more buildings or parts thereof, with land necessary therefor (including a tax-paid warehouse in connection with each), owned or leased by permittees under section 2 and authorized by the Secretary of the Treasury to be maintained by such permittees.

When Secretary Mellon now has the authority already to concentrate all existing stocks of liquors in six, or in one, warehouse and has not concentrated, and he has had this authority for years, why has he not concentrated? It is because he did

not want to do so. Let me quote again what Mr. HAWLEY said in Washington's birthday speech—

When prohibition went into effect there were about 69,000,000 gallons of liquor in the country known as medicinal spirits. This was authorized to be concentrated in 37 warehouses, which number has been reduced to 31. There are now about 10,000,000 gallons of medicinal spirits. No one can tell the exact gallonage until a regauge has been made.

He shows that without any express direction as is contained in this bill, there were 6 warehouses discontinued, because at first the liquor was housed in 37 warehouses and then reduced to 31 warehouses. And Secretary Mellon could have discontinued 30 more and concentrated it all into 1 big warehouse, which could be easily guarded by the Government and no waste or leakage allowed.

NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION

It is contended that the National Woman's Christian Temperance Union is in favor of this Hawley bill. I deny it. It is true that the splendid president of that organization, Mrs. Ella A. Boole, of Evanston, Ill., and the incomparable matchless worker for prohibition, Mrs. Ellis A. Yost, the legislative representative of said organization, have approved certain features of the Hawley bill; still it has not been approved by the organization. The National Woman's Christian Temperance Union embraces Christian women from every State in the Union, and they know nothing about this bill. Neither Mrs. Boole nor Mrs. Yost have had time to fully digest and analyze this bill. Note what Mrs. Boole said:

FEBRUARY 18, 1927.

Hon. W. C. HAWLEY,
House of Representatives, Washington, D. C.:

The National Woman's Christian Temperance Union desires to express its interest in H. R. 17130, and particularly indorses the following provisions in revised medicinal spirits bill: Those preventing diversion medicinal spirits for beverage purposes, providing severe penalties for imitation labels, for stronger Government supervision, and for further concentration of existing supplies. We believe these provisions will very greatly help law enforcement.

ELLA A. BOOLE,
President National W. C. T. U., Evanston, Ill.

She wrote that from Evansville, Ill., on February 18, 1927. Mr. HAWLEY did not introduce his bill in the House until the afternoon of February 14, 1927. It was not printed until February 15, 1927. It took some time to mail it to Mrs. Boole at Evansville, Ill., yet she wrote her approval of certain provisions only as early as February 18, 1927. She did not have much time to study or digest it. And she had no time to hear from the officers of the Woman's Christian Temperance Union in the 48 States to see what they thought about it.

MRS. YOST'S STATEMENT CONCERNED THE MELLON-GREEN BILL

The statement of Mrs. Ellis A. Yost concerned the Mellon-Green bill (H. R. 15601) and not this Hawley bill (H. R. 17130), and all prohibitionists now condemn the Mellon-Green bill as bad and vicious. Here is what Mrs. Yost said:

Mrs. YOST. This statement which I am about to read is signed by our national president, Mrs. Ella A. Boole, and myself as legislative representative.

The eighteenth amendment prohibits the manufacture and sale of intoxicating liquors for beverage purposes, but the national prohibition law provides for the sale of medicinal spirits and charges the Treasury Department with the responsibility of supervision of supply, sale, and distribution for medicinal purposes, except in States where it is prohibited by State enactments.

House bill 15601 has been prepared to meet the recommendations of the Treasury Department, whose duty it is to prevent the diversion of such liquors for beverage purposes and provide unadulterated medicinal spirits to be sold by druggists on prescription by duly recognized physicians.

Because the bill provides for the concentration of all whisky now in 37 warehouses into 6, because it designates two distilleries to manufacture medicinal spirits, neither one of which shall be located in a State which prohibits the sale of liquors for medicinal purposes, and because it would eliminate the competition that arises through many manufacturers, the National Woman's Christian Temperance Union favors the enactment of these provisions, believing they will aid in the better enforcement of the law. To all the detailed provisions of the bill our organization is not committed.

Note that she distinctly stated that—

To all the detailed provisions of the bill our organization is not committed.

I do not call that "approving the bill."

PROHIBITION'S WORST ENEMIES STRONGLY FOR BILL

But I do know this, that the worst enemies of national prohibition are strongly for this bill. In his speech on February 22, 1927, Mr. HAWLEY quoted a letter from W. H. Stayton, national chairman of the Association Against Prohibition, which maintains its main office in Baltimore, Md., and has a branch office here in Washington, strongly urging the passage of the Hawley bill. Mr. HAWLEY said:

The Association Against Prohibition indorses the bill.

And from its letter he printed—I quote the following excerpts:

THE ASSOCIATION AGAINST THE
PROHIBITION AMENDMENT (INC.),
Washington, D. C., February 16, 1927.

Hon. WILLIS C. HAWLEY,
House of Representatives, Washington, D. C.

DEAR MR. HAWLEY: We have just received a copy of your bill (H. R. 17130) providing for the manufacture of medicinal spirits.

I think I may fairly say that our organization is the only important wet organization doing work in the District of Columbia, and if we can do anything concrete to aid in securing the passage of this at the present session, you have only to call upon us and we will work with you.

Unfortunately, my business office is here in Baltimore, but if you will get in touch with our offices in Washington (709 Lenox Building, phone Main 997), our Mr. Hempstead will be glad to come to see you at any time and will then communicate with me, and our whole organization will do anything that you want done.

* * * * * * *

* * * We are against the eighteenth amendment as being governmentally bad; we are against national prohibition as being impracticable; and we are against the Volstead Act as being in many respects a usurpation of power and as defeating the cause of real temperance through its fanatical clauses. * * *

Sincerely yours,

W. H. STAYTON, *National Chairman.*

LEVI COOKE

Mr. Levi Cooke is one of the leading attorneys of Washington. He was one of the attorneys who represented former Commissioner Frederick A. Fenning when through a hearing I forced his resignation. Mr. Levi Cooke now represents as attorney most of the big owners of bonded liquor now in existence. In his speech on February 22, 1927, Mr. HAWLEY quoted Levi Cooke and his organizations as being in favor of his bill. Here is what Mr. HAWLEY then said:

Favorable statement is made by the representative of the operators of concentration warehouses and the present owners of considerable quantities of medicinal spirits.

WASHINGTON, D. C., *February 18, 1927.*

Hon. W. C. HAWLEY,
House of Representatives, Washington, D. C.

DEAR SIR: H. R. 17130, relating to medicinal spirits control, has come to my attention as counsel for concentration warehouse operators and owners of distilled spirits under existing law. My clients are, of course, deeply interested in this subject, as they are responsible as warehousemen for not less than 80 per cent of the existing medicinal spirits in bond and are large owners of medicinal spirits.

* * * * * * *

Medicinal spirits are truly a pharmaceutical product, and any failure of the public authority either through action or nonaction to secure supplies of this pharmaceutical product is in itself a negation of the constitutional provision.

* * * * * * *

The prime topic in this matter is one of means of production of medicinal spirits, the necessity for a supply of which is already sanctioned by the constitutional amendment and existing general statutes.

Respectfully,

LEVI COOKE.

WILLIAM L. CROUNSE

From the hearings, page 113, held by the Committee on Ways and Means, I quote the following excerpts from the testimony of William L. Crounse, general attorney and Washington representative of the National Wholesale Druggists' Association, to wit:

Soon after the Volstead Act became effective, Prohibition Commissioner Kramer, who had issued some 4,000 permits to wholesale liquor dealers, as such, became convinced that these permits were illegally granted, and in accordance with an opinion of the Attorney General such permits were revoked.

There was no question about the illegality of the issuance of those 4,000 permits to those wholesale liquor dealers.

Upon revocation of these permits a considerable number of these wholesale liquor dealers thereupon attempted to obtain permits as wholesale druggists, whereupon the bureau, in conjunction with the National Wholesale Druggists' Association, adopted a definition, which appears in section 1205 of regulations 60, embracing the qualifications of a wholesale druggist, as follows:

"The term 'wholesale druggist' means a person who is engaged in the business of selling at wholesale a representative assortment of pharmaceuticals and other articles and materials such as drugs, oils, chemicals, proprietary medicines, and druggists' sundries, and who carries a stock of representative pharmaceuticals and such other articles and materials in such assortments and quantities as will enable him regularly to supply from stock, from day to day, the usual and immediate medical requirements of retail druggists, pharmacists, physicians, hospitals, and dispensaries, and who is duly qualified under the laws of the State in which he does business to carry on his business."

(b) The department will consider the education and experience of the management, the length of time during which a wholesale drug business has been conducted as such, the amount of capital, the value of the stock in trade, and the volume of the business as material in determining whether the applicant is a bona fide wholesale druggist within the above definition.

Now, assuming that a wholesale druggist or anyone else secured a permit as a wholesale druggist, section 1252 further provides that—

A wholesale druggist will be permitted to procure or withdraw or sell potable spirits, not including high-proof alcohol, to an amount equal to 10 per cent (measured in dollars and cents, computed at $8 per wine gallon as to such liquors) of his bona fide drug business sales exclusive of the sale of alcohol and potable spirits during his past year.

You will see, gentlemen, that under those conditions, a party posing as a wholesale druggist would be obliged to sell ten times as much drug merchandise as he got liquor, in order to fulfill the requirements of that legislation.

Now, I want to quote a few doctors on drink to show that medicinal spirits are not a necessity:

DOCTORS ON DRINK

Doctor Bevan, long prominent in American Medical Association, says that 99 of every 100 whisky prescriptions are bootleg prescriptions. We presume that Doctor Bevan is expressing an opinion as to the value of whisky as a medicine rather than commenting upon the ethics of the medical profession. Dr. J. H. Musser, ex-president of the American Medical Association, said the same thing in a different way some years ago: "The physician should have blazoned before him, 'If you can do no good, do no harm.' If this rule is adhered to, in 99 cases out of 100, the physician will give no alcohol."

Years ago the Board of Temperance, Prohibition, and Public Morals collected from various sources quotations indicating the opinions of physicians as to use of alcoholic liquor as a beverage or medicine. It is possible, but not probable, that some of these physicians may have changed their opinions, and some of them may be no longer living, but nevertheless their words are of the greatest value. Part of this concentrated testimony is given:

"Liquor in all its forms and used for any purposes whatever I believe to be an unmitigated evil."—Dr. Howard A. Kelly, of the Johns Hopkins University.

"Alcohol is not a medicine; it aggravates diseases and hastens death; it is productive of physical and mental degeneracy, and should be no longer prescribed by intelligent physicians. It is the best possible persuader of diseases and damaging even in small quantities."—Dr. DeWitt G. Wilcox.

"I am not aware of any medical connection in which alcohol is necessary nor of any in which it could not with advantage be replaced by some less dangerous drug."—Sir Arthur Chance, M. D.

"All the alcohols are irritant, narcotic, anesthetic poisons. Alcohol is a poison in the same sense as arsenic, prussic acid, or chloroform."—Dr. Norman Kerr, of England.

"The light of exact investigation has shown that the therapeutic value of alcohol rests on an insecure basis, and it is constantly being made clearer that, after all, alcohol is a poison, to be handled with the same care and circumspection as other agents capable of producing noxious and deadly effects upon the organism. * * * The facts brought out by the researches of Abbott and Laitinen and others do not furnish the slightest support for the use of alcohol in the treatment of infectious diseases in man."—Journal of the American Medical Association.

"It seems to me that the field of usefulness of alcohol in therapeutics is extremely limited and possibly does not exist at all."—Dr. Reid Hunt, Public Health and Marine Hospital Service, Washington, D. C.

"It is time alcohol was banished from the medical armamentarium; whisky has killed thousands where it cured one."—J. N. McCormack, M. D., secretary, Kentucky Board of Health, and organizer for the American Medical Association.

"The medical profession is learning that alcohol has been much abused in the treatment of the sick and is largely discarding it. I hardly find occasion to prescribe it once a year."—W. A. Plecker, M. D., secretary State board of health, Hampton, Va.

"Many physicians prescribe alcohol only because it is the desire of the patient, and because patients refuse medicine which the physicians would rather use."—Everett Hooper, M. D., Boston, Mass.

"In the 13 years I have taught in Michigan I have not used alcohol in the treatment of disease in a routine way."—Dr. George Dock, formerly professor of medicine, University of Michigan Medical College.

"I think the medical profession could get along perfectly well without the use of alcohol, except, of course, as it is used in the manufacture of drugs. I do not suppose I have used a pint of alcohol in the last 10 years."—Dr. Matthew D. Mann, dean of the Medical College of Buffalo, N. Y.

"My belief is that there is very little need for the medical use of alcohol."—Dr. E. G. Cutler, Harvard, Boston.

"Alcohol is rarely helpful in the treatment of disease."—Dr. Elliott P. Joslin, instructor in the theory and practice of physics, Harvard Medical School, Boston, Mass.

"I believe that alcohol is the greatest foe to the human race to-day. I feel that it would not be a serious harm if its use as a medicine were totally discontinued."—Dr. Walter E. Fernald, clinical lecturer in mental diseases, Tufts Medical College, Boston, Mass.

"Alcohol is distinctly a poison, and the limitations of its use should be as strict as that of any other kind of poison."—Sir Frederick Treves, surgeon to King Edward.

"If during the last quarter of a century I have prescribed almost no alcohol in the treatment of disease, it is because I have found very little reason for its use."—Sir James Barr, dean of the Medical School of Liverpool University.

"I never order alcohol, because I believe patients recover better without it."—Sir Victor Horsley, late surgeon at London Hospital.

"The public should learn from us that there is mighty little, if any, place for alcohol in medicine. They should learn that alcohol is a poison in the same class with opium, cocaine, and other deadly drugs."—Lieut. Col. J. W. S. McCullough, chief sanitary officer of the Second Division and secretary of the provisional board of health, before the Toronto Academy of Medicine.

"Alcohol is now scarcely ever used by physicians as a medicine, and its moderate use as a beverage should be discouraged."—Dr. A. McPhedran.

"Whisky and other forms of alcohol have caused more deaths after snake bite than the venom of the snake."—Dr. L. K. Hirshberg, of Johns Hopkins University.

"There is no scientific justification for the employment of alcohol in medicine. Alcohol is a virulent poison and as such should be placed in the list with arsenic, mercury, and other dangerous drugs."—Dr. B. W. Carpenter, the eminent physiologist.

"The children of drinking fathers are very much more liable to tuberculosis. The results of my investigations are as follows: 149 occasional drinkers, 8.7 per cent tuberculous children; 169 habitual drinkers, 10.7 per cent tuberculous children; 67 moderate drinkers, 16.4 per cent tuberculous children; 60 confirmed drunkards, 21.7 per cent tuberculous children."—Prof. A. von Bunge, Basel, Switzerland.

"The abuse of alcohol commences with its use."—Robert Koppe, M. D.

"Alcohol is the pathological fraud of frauds."—Dr. Norman Kerr, England.

"Alocohol, like chloroform, is a narcotic poison."—Sir B. W. Richardson, M. D.

"For every real drunkard there are 50 others suffering from the effects of alcohol."—George Harley, M. D., England.

"Trying to cure consumption with whisky is like trying to put out a fire with kerosene."—John E. White, M. D., medical director Nordrach Ranch Sanitorium, Colorado Springs, Colo.

"Until a few years ago only isolated physicians ventured to attack the position of alcohol, deemed so secure in medical practice; but now the literature against alcohol is very extensive, while the voices defending its use are very scarce."—J. E. Colla, M. D., physician in Finkelwalde.

"I have not prescribed alcohol to my patients for more than 10 years."—Max Kassowitz, M. D., professor in the University of Vienna, Austria.

"I believe that in the scientific light of the present era alcohol should be classed among the anesthetics and poisons, and that the human family would be benefited by its entire exclusion from the field of remedial agents."—Dr. J. S. Cain, dean of the faculty, medical department, University of the South, Sewanee, Tenn.

"I do not think you will meet with very many medical men in America who favor alcohol and its use."—Dr. A. Van der Veer, professor of surgery, Albany, N. Y.

"Cancer is twice as frequent among boozers and London publicans as among clergymen. It is more rapid and more distressing among those who take alcohol."—Sir A. Pearce Gould, K. C. V. O.

And yet with at least 26,000,000 gallons of booze now on hand, according to the last gauge, we are preparing by this bill

to put Mr. Andrew W. Mellon, Secretary of the Treasury of the United States Government, back into the distilling business, with authority to run as many as six distilleries, and with further authority to import as much foreign liquors from Europe as he thinks wise. And we are doing this, too, when we know that according to his own figures he has let 43,000,000 gallons of bonded booze get away from him in some way and can not now account for it.

I have just this morning received a communication from a leading Republican of Missouri, Col. Herman P. Faris, of Clinton, who once was the nominee for President of the United States on the National Prohibition Party's ticket, and he says:

Stay with 'em until you all not only defeat the Hawley bill but put enforcement where it rightly belongs.

He is one of the leading lifelong prohibition workers of the United States. And there are several million of them scattered over our districts who are going to be heard from later on about this bill.

Such prohibitionists as the gentleman from Michigan [Mr. HUDSON] may vote for it. I will not do it.

Mr. JOHNSON of Texas. Mr. Chairman, will my colleague yield right there?

Mr. BLANTON. Yes.

Mr. JOHNSON of Texas. I know that my colleague is an earnest and sincere advocate of the enforcement of these laws. Does the gentleman believe it is necessary to pass this bill in order to enforce the liquor laws?

Mr. BLANTON. No. There is only one section of the bill that appeals to the prohibitionist, and that provides for the concentration of the liquor in six warehouses. The Secretary of the Treasury has that power now. He can concentrate in one warehouse now if he wants to, and he can concentrate in six. But he does not want to. He never will want to. That is the main provision in this bill that appeals to Wayne B. Wheeler.

Let me tell you what this bill will do. It will make about fifty to one hundred million dollars for Secretary Mellon and his friends, and it will make plentiful good whisky for all drinkers now afraid to drink the liquor that is now on the market. [Laughter.] They are afraid now of getting poisoned, and this Hawley bill will make them safe with liquor that has the Government stamp on it, with Mr. Mellon's 100 per cent pure mark on it; and it will be more palatable, and it will be easier to get good whisky for the drinkers of this country than ever before in the country's history. Every real prohibitionist ought to vote against this vicious bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask leave to extend and revise my remarks and insert the exhibits I have.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection?

Mr. WELLER. I object.

The CHAIRMAN. Objection is heard.

Mr. BANKHEAD. Mr. Chairman, I desire to ask the parliamentary status of the bill. Has the first section been read for amendment?

The CHAIRMAN. It has.

Mr. BANKHEAD. I desire to offer an amendment.

The CHAIRMAN. There is an amendment now pending. The gentleman from Texas has moved to strike out the enacting clause.

Mr. GREEN of Iowa. Mr. Chairman, I move to close debate on this amendment.

The CHAIRMAN. There are only five minutes remaining.

Mr. GREEN of Iowa. Very well, I will take my time now. I desire to say a word, since the gentleman from Texas [Mr. BLANTON] has again brought me into the matter in a personal way. I am really obliged to the gentleman from Texas for opposing this bill. I was a little afraid he might be for it. The gentleman is so in the habit of making careless and reckless statements that everyone knows about what the effect of those statements will be. The gentleman from Texas knows perfectly well that the bill I introduced was introduced on behalf of the Treasury Department and not on behalf of myself. The statement has been made a number of times, and everyone knows that I did not advocate that bill and that that bill is not before the House for discussion at this time.

The statements which the gentleman from Texas has made with reference to section 8 are very misleading. Section 8 provides that only in the case of an actual shortage can the Secretary of the Treasury do any importing. That situation can not arise for many years.

This particular bill, Mr. Chairman, has been indorsed by the Senate committee. That committee has already reported a similar bill, and that is a complete answer to the statements which were made in general debate as to whether this bill was getting any support in the Senate and would be likely to pass the Senate if it were passed by the House. The bill has been reviewed there and it is in such good form that it commended itself instantly to the judgment of the committee of the Senate, composed, as far as a large majority of it is concerned, of drys, and, as I understand, it received practically the unanimous support of that committee, both from the drys and wets.

This is a bill which has been indorsed by all the medical societies of the country, as well as the health societies. It has been indorsed by the Woman's Christian Temperance Union; it has been indorsed by the Anti-Saloon League; and it has received the support of everyone who has been willing to carefully and fairly consider its provisions; and it ought to pass. The motion to strike out the enacting clause should be voted down.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken, and the motion was not agreed to.

Mr. CELLER. Mr. Chairman, I offer a substitute for the first section.

The CHAIRMAN. The gentleman from New York offers a substitute, which the Clerk will report.

Mr. CELLER. Mr. Chairman, I reserve the right to strike out the entire bill after section 1 if this motion prevails.

The CHAIRMAN. The gentleman gives notice that if his motion is agreed to he will move to strike out the sections as they occur. The Clerk will read.

The Clerk read as follows:

Amendment offered by Mr. CELLER: Strike out section 1 and insert: "*Be it enacted, etc.*, That as used in this act—

"SECTION 1. (a) The term 'person' means an individual, partnership, association, or corporation.

"(b) The term 'distilled spirits' means whisky, brandy, cordials, rum, gin, and other distilled spirits, except alcohol.

"(c) The term 'warehouse' means any bonded warehouse, including any general, special, distillery, concentration, or customs-bonded warehouse and any tax-paid warehouse."

Mr. TREADWAY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TREADWAY. Has section 2 been read?

The CHAIRMAN. No; it has not. The Chair understands this is a substitute for section 1 of the bill.

Mr. CELLER. This is in the nature of a substitute bill.

Mr. TREADWAY. A further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TREADWAY. Can a substitute bill be offered until the entire bill has been read?

Mr. CELLER. I reserved the right to strike out the balance of the bill after section 1.

The CHAIRMAN. There are two ways in which a substitute can be offered. At the end of the first section a substitute may be offered, with notice that as the sections are reached a motion will be made to strike them out, or——

Mr. TREADWAY. Has that notice been given?

The CHAIRMAN. It has.

Mr. TREADWAY. The gentleman has offered a substitute for every section; is that the idea?

The CHAIRMAN. The gentleman from New York offered a substitute to section 1 and gave notice that if his motion was adopted he would move to strike out the succeeding sections as they were reached.

Mr. TREADWAY. I did not hear that notice.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. (a) To the extent necessary in the opinion of the Secretary of the Treasury to maintain stocks of distilled spirits suitable for medicinal and nonbeverage purposes in a quantity sufficient in each year to supply the requirements therefor, the Government of the United States of America is hereby authorized to distill spirits.

(b) The Secretary of the Treasury, within 30 days after the passage of the act, shall appoint five persons, two of whom shall be practiced distillers and one of whom shall be an Assistant Secretary of the Treasury, which five persons shall be designated committee on distillation. Said committee, under the control of the Secretary of the Treasury, shall do all things lawful and needful for the manufacture of distilled spirits for medicinal and nonbeverage purposes. Said committee shall have the power, under the control of the Secretary of the Treasury, to purchase an existing distillery or distilleries or to acquire a site or sites and erect thereon a new distillery or distilleries, with the further right to purchase all raw materials, machinery, and equipment required for distillation. Said committee, under the control of the Secretary of the

Treasury, may purchase or lease and hold such additional real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of any property held by it, and may appoint and fix the compensation of such officers, employees, attorneys, and agents as are necessary for the transaction of its business, define their duties, require bonds of them, and fix the penalties thereof, and dismiss at pleasure any such officer, employee, attorney, or agent. Said committee shall have such additional and implied powers as may be necessary for the exercise of powers specifically conferred herein.

(c) Members of said committee on distillation shall receive a reasonable compensation, to be fixed by the Secretary of the Treasury, but not exceeding $25 per diem and traveling and other actual expenses while engaged on the business of the committee.

(d) The Secretary of the Treasury shall prescribe all regulations necessary and proper to carry out the provisions of this act.

(e) Distilled spirits manufactured by the said committee shall remain in bonded warehouses the period lawfully required for aging and then shall be distributed under the permit system now operative by virtue of the national prohibition act, as supplemented by the Willis-Campbell Act, same being Public Law No. 96, Sixty-seventh Congress, approved November 23, 1921, and all other acts amendatory thereof.

(f) After the effective date of this act no person may be permitted to manufacture distilled spirits except the committee on distillation under the control of the Secretary of the Treasury.

(g) All distilled spirits, except as may be provided by the Secretary of the Treasury, shall be placed in distinctive bottles and in accordance with a design approved by the Secretary of the Treasury and shall be tested as to their character and quality at the time of bottling, in accordance with regulations prescribed by the Secretary of the Treasury, and shall bear upon the bottles in which contained a label with a design approved by the Secretary of the Treasury, certifying that the spirits are medicinal spirits bottled under the medicinal spirits act of 1927, and stating such other facts in such manner as the Secretary of the Treasury may by regulation prescribe.

(h) If the Secretary of the Treasury at any time finds that the available stocks of distilled spirits suitable for medicinal purposes of any class or kind are insufficient to meet the demand for distilled spirits of such class or kind for use for medicinal purposes, he is authorized to empower the said committee on distillation to import such distilled spirits at such times and in such quantities and of such grade and quality and subject to such other requirements as he may prescribe. Such imported distilled spirits shall be held in warehouse and there distributed in pursuance of the terms of this act.

(i) The provisions of this act shall not apply to the manufacture of grape brandy for fortification of sweet wines, or of rum for denaturation, or for export for nonbeverage purposes, or for use for nonbeverage purposes in customs-bonded manufacturing warehouses, nor to the concentration, bottling, or distribution of such brandy or rum.

(j) There is hereby appropriated the initial sum of $100,000 for the purpose of this act and there is further authorized subsequent appropriations as may be necessary from time to time.

(k) This act may be cited as the "Medicinal spirits act of 1927."

During the reading of the amendment the following occurred:

Mr. BLANTON. Mr. Chairman, a point of order. The reading of the amendment shows that one of the purposes of the gentleman's amendment is to have the Government itself distill liquor. That is not germane to the present bill, and I therefore make the point of order it is not germane.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. CELLER. Yes. I think it is germane, Mr. Chairman, because we are here dealing with the general topic of manufacture of medicinal spirits. The so-called Hawley bill has two branches to it. One is for the concentration of whisky now in the various bonded, special, and general warehouses, and the other branch of the bill refers to the future, and that is what shall be the policy of the legislature at present as to future manufacture and future importation of distilled spirits for medicinal and nonbeverage purposes. My substitute provides that with reference to the future manufacture of distilled spirits as defined in section 1, as has been read, for medicinal and nonbeverage purposes, the Government, through the instrumentality of the Secretary of the Treasury and those whom he may appoint as indicated in the bill as read, shall have the exclusive power—that is, exclusive with reference to every other permittee or distiller that has heretofore been granted the right to distill—that this committee appointed by the Secretary of the Treasury for the Government shall have the exclusive right to manufacture whisky for the purposes indicated. Since we are on the general topic of manufacture for the future, this bill provides one method and my substitute provides another, and I think, therefore, the substitute is perfectly germane to the purposes and the principles underlying this bill.

The CHAIRMAN. The Chair is ready to rule.

While the bill under consideration deals in a general way with the subject of medicinal spirits, yet it provides specifically for the issuing of permits, and so forth, controlling the manufacture, and does not provide for such manufacture directly by the Government. The general purpose of the bill and the amendment is the same, but the method of procedure is entirely different. The substitute of the gentleman from New York would put the Government into the business of manufacturing medicinal spirits, and the bill does not contemplate anything of that sort, but regulates existing agencies.

Therefore the Chair feels that the substitute is not germane and the point of order is sustained.

Mr. HAWLEY. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

Mr. BANKHEAD. Mr. Chairman, I hope the gentleman will not insist on the motion. We have had no opportunity to offer any amendments to this section, and I have one which I want to offer and would like to discuss.

Mr. HAWLEY. Then, Mr. Chairman, I amend my motion and move that all debate on this section and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: On page 1, line 7, strike out all of line 7.

Mr. BANKHEAD. Mr. Chairman, it seems there is an apparent effort here to indulge in unusual expedition in the passage of this bill. I hope those who are in charge of the bill will at least give those of us who are opposed to it a reasonable opportunity to discuss its merits under the five-minute rule.

Mr. Chairman, I offer this amendment mainly for the purpose of calling the attention of the committee to the fact that under the terms of this bill the Secretary of the Treasury, when he sets up his two or six distilleries, will have the authority under this bill not only to manufacture so-called medicinal whisky, but also he will be authorized, under formulas prescribed by him, and in unlimited amounts, to manufacture brandy, rum, gin, and other distilled spirits.

Mr. BEGG. Will the gentleman yield right there?

Mr. BANKHEAD. Yes.

Mr. BEGG. The gentleman, of course, is familiar with the fact that under the Volstead law as it is now the Director of Prohibition has the right and the power to grant permits to, say, 30 or 35 distillers, and this bill, if passed, would curtail that authority and reduce the number to a maximum of 6.

Mr. BANKHEAD. Oh, we all understand that.

Mr. BEGG. Then why the opposition? We are curtailing it. If you are honestly in favor of a curtailment of it, it would seem to me to be right in line with the purpose of the dry cause.

Mr. BANKHEAD. Oh, yes; anything that the Treasury Department suggests is right in line with the gentleman's judgment; but some of us do not agree with the necessity for the passage of this bill. [Applause.]

Mr. BEGG. It is a curtailment.

Mr. BANKHEAD. I do not yield all my time to the gentleman. There are some of us on this side who have been rather consistent in our espousal of the eighteenth amendment and of the Volstead law and of all measures looking to reasonable prohibition who believe that this bill at this time is absolutely unnecessary for the purpose of enforcing the eighteenth amendment and the Volstead law. [Applause.] Upon the contrary, we believe there is concealed under the terms of this bill the opportunity for the Secretary of the Treasury and his favorites to set up for at least a period of 10 years an absolute Government monopoly in whisky which is not justified by the real purposes of temperance.

Here you are proposing to create some new schools of doctors in the United States. You will have the rum doctor, you will have the brandy doctor, and you will have the gin doctor. I do not know whether you are going any further or not.

Mr. BEGG. Will the gentleman yield there?

Mr. BANKHEAD. Yes.

Mr. BEGG. You can do that right now under the law.

Mr. BANKHEAD. Well, if you can, I am in favor of stopping it.

Mr. BEGG. That is exactly what we are contemplating.

Mr. BANKHEAD. No; you are giving continued authority to make all these various mixed drinks.

Mr. BEGG. With a maximum of 6 distilleries where now there can be 35.

Mr. BANKHEAD. I will say to my friend from Ohio that we can all read the English language, and we know it gives him authority to establish as many as six distilleries.

I want to ask the gentleman if under existing law the Secretary of the Treasury is not already clothed with ample authority to concentrate the liquors in a few warehouses?

Mr. BEGG. No; he is not.

Mr. BANKHEAD. That is the first time I have heard of that. I am sure the gentleman is absolutely incorrect.

Mr. BEGG. I do think that he has absolute authority to lessen the 35 or more distilleries if he wanted to; what he wants Congress to help him is to curb the licensing of so many.

Mr. BANKHEAD. That is what we are talking about; you are seeking to create a Mellon monopoly for the manufacture of all distilled spirits. That is one reason why I am opposed to it. If under existing law you can authorize other distilleries, why should you favor a few distilleries?

Mr. BEGG. We want to lessen the number.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD and insert certain exhibits. The gentleman from New York [Mr. WELLER] has withdrawn his objection, hence I am renewing my request made heretofore.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama?

The question was taken, and the amendment was rejected.

The Clerk read as follows:

MANUFACTURE

SEC. 2. (a) To the extent necessary in the opinion of the Secretary of the Treasury to maintain stocks of distilled spirits suitable for medicinal and nonbeverage purposes in a quantity sufficient in each year to supply the requirements therefor, the Secretary of the Treasury is authorized to issue permits for the manufacture of such distilled spirits by such persons as he may select, and for such periods, in such quantities, and subject to such other requirements as he may prescribe; except that—

(1) Not less than two and not more than six permits shall be outstanding at any one time.

(2) Each permit shall require manufacture according to formulas prescribed by the Secretary of the Treasury.

(3) A permit may be issued for any period expiring not more than 10 years after the 31st day of December next succeeding the issuance thereof. Such permit shall provide for manufacture in each year of such quantities as the Secretary of the Treasury shall from time to time prescribe.

(4) Permits may be renewed unless the permittee has failed to carry out in good faith the provisions of this act, the regulations issued thereunder, or the terms of the permit, or has violated any provision of law relating to intoxicating liquors.

(5) Each permit shall require that the permittee shall sell distilled spirits manufactured thereunder at a price not in excess of a fair and reasonable price, based on cost of manufacture, carrying charges, preparation for market, distribution, and a fair profit to the manufacturer; and the permittee shall at all reasonable times keep his books open for inspection by the Secretary of the Treasury or his representatives.

(6) The permittee shall be required to comply with the provisions of section 5, relating to the acquisition of existing stocks of distilled spirits.

(b) The Secretary of the Treasury may revoke any permit issued under this section if the permittee has violated the provisions of this act, the regulations issued thereunder, the terms of the permit, or any provision of law relating to intoxicating liquors.

(c) No permit shall be issued under this section for the manufacture of distilled spirits in any State the law of which prohibits the manufacture, sale, or use of distilled spirits for medicinal purposes.

Mr. DOUGHTON. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes. I was a member of the subcommittee that prepared the bill and was unable to get any time in general debate.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Chairman and gentlemen of the House, I shall support the pending bill for what seems to me two very important reasons:

First. Because those in charge of the enforcement of the prohibition law say it will greatly aid them in a more efficient enforcement of that law.

Second. For the reason that General Andrews, prohibition enforcement director, testified before the Ways and Means Committee again and again that it is his duty under the existing law—not the proposed law—to supervise the distribution of the present stock of medicinal spirits and to make sure there is furnished the country an adequate and continuous supply of pure medicinal spirits. Now, I favor giving those in charge of the enforcement of prohibition—in substance, if not in form and words—just what they request for law enforcement and then holding them strictly responsible for results.

I was a member of the subcommittee that prepared this bill, giving weeks of time in holding hearings and taking testimony, permitting everyone who so desired full opportunity to present his views, the statement of Mr. Brookmyre to the contrary notwithstanding.

In my 16 years in Congress I have never heard so many misstatements as to the purposes of any bill as have been made by the opponents of this proposed legislation. This is strictly a committee bill, prepared to meet what has been described by the Treasury Department and General Andrews as an emergency.

Mr. BLANTON. The gentleman says that it is not an administration bill, but is a committee bill. If Secretary Mellon had not sent his bill up to Mr. GREEN to introduce what is known as the Green bill, this committee bill would never have been evolved.

Mr. DOUGHTON. Oh, I suppose if the Treasury Department and General Andrews had been satisfied with the legislation they have, of course, we would not have introduced this legislation.

Mr. BLANTON. This is the natural corollary and sequence of the Green bill.

Mr. DOUGHTON. Not at all. The gentleman does not understand the bill.

I request and recommend that you read the report very carefully in connection with this bill. The report sets forth as the emergency, first, exhaustion of the present supply of spirits by consumption and evaporation. Second, loss of taxes through failure to conserve the present supply. Third, impurity of present supply. Fourth, diversion of medicinal spirits for beverage purposes contrary to law.

It has been stated on this floor again and again that the Secretary of the Treasury can, under the present law, accomplish all of the purposes that this bill is intended to accomplish, and therefore there is no need for any new law.

Based upon the testimony contained in the hearings, this is certainly not true.

Under the present law the Secretary can not compel the bottling of the present supply of medicinal spirits, which would prevent evaporation, loss of taxes, and diversion.

Under the present law the Secretary can not compel successfully further concentration.

Under the present law the Secretary of the Treasury can not insure the purity of medicinal spirits to the ultimate consumer.

Under the present law the Secretary of the Treasury can not prohibit the diversion of spirits for beverage purposes.

Under the present law the Secretary of the Treasury can not limit the number of permits for the manufacture of new medicinal spirits; nor can he in any way protect the price of such spirits to the sick of the country for whose benefit medicinal spirits are prescribed.

Mr. CRISP. Will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. CRISP. Did not General Andrews say that if nothing was done he would be forced to issue permits for the manufacture?

Mr. DOUGHTON. Yes; and under very unsatisfactory conditions.

Mr. GREEN of Florida. Did he not say he thought the sale of light wine and beer would help prohibition?

Mr. DOUGHTON. I did not hear that.

Mr. BARKLEY. Why has he not been forced in the past to do it if he had authority under the statute?

Mr. DOUGHTON. Because there has been an adequate stock on hand up to this time that has not been exhausted.

Mr. BARKLEY. Ninety per cent of it has been diverted to bootleg purposes.

Mr. DOUGHTON. They had no such testimony as that before the committee.

Now, let us see why he can not accomplish these things under the present law, and how the proposed bill will help the situation.

Under the existing law if the Secretary of the Treasury should order that medicinal spirits be bottled for the purposes aforestated those who own the spirits would laugh at him. In any event, court action with the corresponding expense, uncertainty, and confusion would result.

Under the proposed bill bottling can be compelled through the provision of the permit issued to the proposed concentrated warehouses, and the Secretary is authorized to cause the bot-

tling of all medicinal spirits which will not only conserve the present supply by preventing evaporation as well as saving the Government about $4,000,000 of taxes, but will cause the medicinal spirits to be put in distinctive bottles with distinctive labels which would guaranty to the ultimate consumer a pure product.

Under existing law concentration has been made by the Secretary of the Treasury, by persuasion and by agreement, from about 300 warehouses into now 31. When he attempted to make this concentration he found that, while he was authorized under the present law to make such concentration, if the warehouse should refuse to do so, and said to the Secretary of the Treasury—

if you want to concentrate you do it, but do it at your own expense; I am not interested.

The Secretary had no appropriation to pay for guarding, shipping, and storing the medicinal spirits, and there was no law by which he could compel the owners to pay such expenses. He was, therefore, virtually helpless, and it was only by agreement with the owners of the warehouses where the stock was to be concentrated that the results were accomplished, and then by the owners of the warehouses agreeing to advance such money as was necessary to those unwilling to furnish the funds to concentrate the spirits. Evidence before our committee shows that the owners are not agreeable to carrying any further expense for concentration. By the provision of this bill, teeth are put into the law and the concentration will be compelled not only with no expense to the Government but a possible saving estimated by the Secretary of $1,000,000 per year in the elimination of various intermediate movements.

Under the present law a serious situation has been created in the diversion and dilution of spirits after reaching the concentration warehouses and prior to reaching the retail druggists, which not only results in diversion for beverage purposes but to a large extent in impure medicinal spirits being sold on prescription by retail druggists. It is imperative that medicinal spirits be pure and that diversion cease, which will not be done until the spirits are sent direct from concentration warehouse to the retail druggists. So long as they go through the hands of so many middlemen, being shipped from warehouses to various wholesalers, and then to retail druggists, diversion, adulteration, and dilution will continue and at the same time it is impossible to place the responsibility therefor.

Under the proposed law, while the wholesaler may take orders for medicinal spirits, they must in all cases be shipped direct from the concentration warehouse to the retail druggist. It will in this way be possible, if diversion is made, to place the responsibility directly on the only place it could have occurred—in the hands of the retail druggists. It has been established, the statements of Mr. Sellers to the contrary, that the Secretary can not limit the number of permits issued for the manufacture of new medicinal spirits; but even granting there is some doubt with reference to this conclusion, to attempt to carry it out would certainly lead to court action, confusion, and unsatisfactory results, hence it is necessary to enact a law which sets all questions of this kind at rest and cures the deficiency of the present law.

Under the proposed law the price at which the new medicinal spirits would be manufactured is safeguarded, and in connection therewith I wish to explain the statements made on this floor that all stocks are to be purchased by permittees under the proposed law is not correct. The warehouseman may either purchase, or the owner, if he elects to do so, may place his spirits in the concentration warehouse on consignment for sale by the warehouses. If, however, the warehouseman does purchase, the bill limits the price at which the spirits may be purchased to the market value as of December 1, 1926, a date prior to the introduction of any legislation on this subject at the present Congress, which is a price lower than the present price at which medicinal spirits are being sold.

Another reason for my supporting this bill is that it not only regulates the price at which the manufacturer or warehouseman may charge for the spirits but it also gives protection to the sick by providing that the retail druggists may not charge above a fair and reasonable price; and in event they should do so, the Secretary is authorized to revoke their permits.

In conclusion, gentlemen, permit me to say that I believe the question of a better enforcement of the prohibition law and the eighteenth amendment is the most important problem with which the country is at present confronted. I believe those charged with the responsibility of the enforcement of this law should be given every facility for the successful prosecution of their work. I believe not only in the enforcement of this law, but I believe it is the highest duty of those who make laws to set a good example by law observance. Liquor in any form is, in my opinion, an unmitigated evil; and if I had my way it would be completely outlawed; but so long as the Constitution and the laws of our country provide that it may be used for therapeutical purposes only, I favor stringent legislation limiting its use to such purposes. [Applause.]

Mr. BARKLEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 2, at the end of line 12, after the words "except that," add the following:

"In making the designation of persons to whom permits may be issued, the Secretary of the Treasury shall designate only persons who, during the past three years, have established the largest distribution of medicinal spirits under Government permits, such designations to be in the order of the volume of distribution: *Provided*, That no permit shall be issued to any person who has been convicted of any violation of the prohibition or internal revenue laws, or has been penalized for any such violation since the adoption of the eighteenth amendment to the Constitution of the United States."

Mr. BARKLEY. Mr. Chairman, I am frank to say that I do not quite understand why, at this late hour of the last session of the Sixty-ninth Congress, an effort is being made to railroad this bill through the House, when everyone recognizes that it has not a ghost of a chance to pass the Senate. [Applause.] The first plan was to offer this bill as an amendment to the reorganization measure now pending in the Senate. My information is that they adopted cloture over there yesterday on that bill with the understanding that this bill was not to be offered as an amendment to that bill, and that without that understanding they could not have adopted cloture on the reorganization measure.

But be that as it may——

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. BARKLEY. No; I regret I have not the time, and I may have to ask for more.

I do not suppose that I have to defend my record in this House on matters of legislation on this subject. I am not persuaded yet that there is any need for the enactment of this bill. Certainly I am not persuaded that there is any occasion or any emergency that would require the bill to be brought in here at the last moment and railroaded through here without opportunity afforded to gentlemen to understand it and study the question, which none of us have had thus far.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. CRAMTON. What does the gentleman mean by "railroaded"? The bill has been pending here for two weeks.

Mr. BARKLEY. By "railroaded" I mean that the bill has been brought up here within two days of adjournment with a deliberate effort to prevent debate on the measure and amendments offered in good faith. When the eighteenth amendment was voted there were 70,000,000 gallons of spirituous liquors in the United States. That quantity has been reduced to 10,000,000 gallons. I think I am safe in saying that 90 per cent of the liquors withdrawn for medicinal purposes have been actually diverted into bootlegging purposes. [Applause.] It is proposed, according to the Committee on Ways and Means, with four or five years' supply on hand, that we are to leave it to the Secretary of the Treasury to begin immediately to produce more. If he is given the power to begin the manufacture, we are to be given more liquor to be diverted in the same proportion to the bootlegging trade in the United States.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman allow me to answer that?

Mr. BARKLEY. If the gentleman can give me more time, I will yield.

Mr. GREEN of Iowa. I will say to the gentleman that it will be five years before any new liquor will be sold.

Mr. BARKLEY. That does not convince me that we ought to begin the manufacture of liquor now for any purpose. The law allows the Secretary of the Treasury to use his own discretion in designating those who are to manufacture this liquor. He has the power under the bill to select some one who has had no experience and has never been engaged in the manufacture of liquor and has no knowledge of its manufacture. I do not assume that he would do so, because he is a man of capacity in a business way. But I contend that Congress ought to say that in the designation of these permittees the Secretary of the Treasury shall select only those who have had experience and who in a legitimate and lawful way have built up a trade in

medicinal liquors in the designation of those who are to be allowed to manufacture liquor under the bill you are considering.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. Can the gentleman from Oregon give me five minutes more?

Mr. HAWLEY. I regret I can not. If I may be permitted to make a statement, I will say that there is a great deal of public business in which a great many Members are interested and in which the country is interested. It was suggested that we conclude the consideration of this bill as early as it may be proper to conclude it. I shall not object at this time, but I shall hereafter.

Mr. BARKLEY. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BARKLEY. Under this bill the provision is that if one of these permittees shall violate the permit, or violate the law, or violate any regulations that have been promulgated or which are being promulgated or may be promulgated, in fixing the terms of the permit the Secretary of the Treasury shall have the power to cancel the permit. But there is not a line in this bill that would prevent him from designating the most lawless concern in the United States as the permittee under this authorization to manufacture medicinal spirits. I challenge any member of the committee to point out a single sentence or a line in this bill that prevents the Secretary of the Treasury from designating a person who in the past has violated the law as a permittee under this bill. It only goes to violations of the law in future. I do not believe the Secretary should be allowed to issue such permits without an affirmative direction on the part of the Congress of the United States. He should be directed in making these selections, and it should be provided that he can not select any one who has heretofore been guilty of a violation of the Volstead Act or of the eighteenth amendment. Certainly no friend of the enforcement of the Volstead Act or of the eighteenth amendment can object to anything of that sort.

Mr. GREEN of Iowa. I do not object to that kind of provision, but it is a kind we do not put in any of these bills. We might insert a provision to the effect that the Secretary must not appoint a man who is guilty of murdering his mother.

Mr. BARKLEY. We are providing for those who can manufacture liquor under license, and if it be wise to provide that a man can not do such and such a thing in the future, why should it not include those who violated the law in the past? If there is any necessity of providing against violations in the future, it certainly should provide that no one who has been guilty of violations in the past should be eligible.

Mr. UPSHAW. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. UPSHAW. I should say to the gentleman from Iowa in response to his suggestion that the same reason is not necessary in other appointments because they do not deal with liquor. Liquor is so devilish and insidious a thing that we ought to hedge it about so that no one can manufacture it who has not obeyed the law.

Mr. BARKLEY. I think we ought to hedge about the issuance of these permits with every possible safeguard. I do not believe that anyone who has heretofore violated the law ought to be allowed to manufacture liquor for medicinal purposes. I contend that those who have built up a legitimate trade in the manufacture of medicinal liquors ought to be given the preference over men who have had no experience or men who have violated the laws of the United States heretofore.

Mr. W. T. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. W. T. FITZGERALD. What would be the bad effect if this bill should be defeated and we should run short of medicinal whisky, so-called?

Mr. BARKLEY. We are not going to run short, according to the committee, for the next five years.

Congress will be here in December and the Members of Congress will have more time to study the real needs of this situation rather than to have to vote here, almost under whip and spur, at the last moment of the session, when half the Members on the floor of this House do not understand the ramifications and effect of the passage of this law.

Mr. W. T. FITZGERALD. Can not the Government buy this liquor or import it if they run short?

Mr. BARKLEY. The Government is under no moral or legal obligation to manufacture or import liquor for medicinal purposes. Of course, the Constitution permits it, but there is no obligation. The Government now, or whenever it deems it necessary, can provide for the manufacture of liquor for medicinal purposes.

Mr. HAWLEY. Mr. Chairman, the amendment proposed by the gentleman from Kentucky intends to do two things. First, to direct the Secretary of the Treasury—that is, to limit his discretion—so that he must select certain concerns for the purpose of issuing permits for the manufacture of further medicinal stocks. The second part provides that he shall not issue permits to anyone who has violated the law heretofore. To the latter part I have no objection. We have not modified the existing law on that subject. Such permits have not heretofore been issued and such permits will not be issued. As to the first part of the amendment this is the situation: The concerns which are to be permitted to manufacture new stocks must acquire the outstanding existing stock. They must necessarily be of some considerable financial strength; they are to be distributing agencies finally, and to say that we would limit the Secretary to any two or three persons who just at this time might be able to manufacture more than anybody else, when there is very little of the liquor being manufactured anyhow—to say that they should be the ones exclusively to be selected might tie, and it would, in my judgment, tie, the hands of the Secretary in such a way that it would make the proposed legislation ineffective, and it seems to me that is not what the House intends.

Mr. GREEN of Iowa. If the gentleman from Kentucky would withdraw the first part of his amendment and simply confine it to the latter part, providing that no permit shall be issued to anyone who had violated the law, as I understand it, the gentleman from Oregon would not object to the amendment?

Mr. BARKLEY. I do not feel I should withdraw the first part of the amendment, because it is offered in good faith. I have not the slightest idea whom it will affect, because I do not know who would qualify.

Mr. GREEN of Iowa. Will the gentleman accept a division of the amendment?

Mr. BARKLEY. That is for the Chair to decide.

Mr. GREEN of Iowa. I shall ask the Chair for a division of the amendment.

Mr. BARKLEY. I will say to the gentleman from Oregon that these two propositions go together. The company or corporation which has operated in accordance with the law and not in violation of it, and has established its right to distribute this liquor under Government permit, certainly ought to be given some consideration.

Mr. CRAMTON. Will the gentleman yield for this suggestion? The effect of the first part of the gentleman's amendment would be that the department, perhaps, had not secured evidence on which to convict a certain concern, but such concern might have conducted its business in such a way as to satisfy the department it was highly undesirable, and if a conviction had not been secured it might be that under the gentleman's amendment they would be forced to give a permit to that concern.

Mr. HAWLEY. That is true, and the gentleman has just stated he does not know anything about these concerns that might be among the first three. They might be small concerns; they might be weak financially and they might not be suitable for the handling of this work. It seems to me that by limiting the discretion of the Secretary of the Treasury in this matter we are and would be doing a very unwise thing. I hope the amendment will be voted down.

Mr. O'CONNOR of New York. I am interested in the gentleman not dividing the amendment. There have been many convictions of corporations since prohibition where no moral turpitude was involved, where an individual employee has done an act for which the corporation was liable and the corporation has pleaded guilty. I do not know of any offhand, but there have been many cases of that kind, where a technical conviction did not mean anything and did not affect the standing of the corporation in the community. The second part of the amendment is as unfair and dangerous as the first part.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask a division of the amendment, if it is possible. I have not examined the amendment to know whether it can be divided, but if that part which relates to persons who have violated the provisions of the law by the sale of intoxicating liquors can be divided, I would like to have it divided.

Mr. HAWLEY. Mr. Chairman, I move that all debate on this amendment do now close.

The CHAIRMAN. The question is on the motion of the gentleman from Oregon, which is, that all debate on this amendment do now close.

The question was taken, and the Chair announced he was in doubt.

The committee divided; and there were—ayes 72, noes 59.

So the motion was agreed to.

Mr. WELLER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The count has just established a quorum. A quorum is present. The gentleman from Iowa has propounded a parliamentary inquiry, which was whether or not the proposed amendment submitted by the gentleman from Kentucky was divisible. The Chair is of the opinion that it is divisible. It embodies two propositions, each of which is a distinct and separate limitation.

Mr. GREEN of Iowa. Mr. Chairman, under the ruling of the Chair, I demand that the amendment be divided and a separate vote taken.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

In making the designation of persons to whom permits may be issued, the Secretary of the Treasury shall designate only the persons who, during the past three years, have established the largest distribution of medicinal spirits under Government permits, such designations to be in the order of the volume of distribution.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BARKLEY), there were—ayes 41, noes 85.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

No permit shall be issued to any person who has been convicted of any violation of the prohibition or internal revenue laws or has been assessed or penalized for any such violation since the adoption of the eighteenth amendment to the Constitution of the United States, and

The amendment was agreed to.

Mr. WILLIAM E. HULL. Mr. Chairman, I offer an amendment which is at the desk.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM E. HULL: On page 3, line 3, strike out the word "each" and the following, down to an including the word "manufacture" in line 7, and insert in lieu thereof the following:

"Permits shall be awarded to the applicants possessing the most advantageous qualifications on the basis of information secured by the Secretary of the Treasury as to plant equipment, warehousing, and shipping facilities, location for distribution purposes, and low cost of production and margin of profit: *Provided*, That no permit shall be awarded to anyone whose margin of profit for manufacture shall exceed 10 cents per gallon net and for bottling shall exceed 50 cents per case net, and charges for storage not to exceed 10 cents per barrel per month.

Mr. WILLIAM E. HULL. Mr. Chairman, may the Clerk report the next amendment which I have to this section?

The CHAIRMAN. For the information of the committee, the Clerk will report the proposed amendment.

The Clerk read as follows:

Amendment proposed by Mr. WILLIAM E. HULL: On page 3, line 15, after the word "permittee" insert the following:

"Has made any false statement or failed to carry out representations made in any application for a permit or".

Mr. WILLIAM E. HULL. Gentlemen, in reference to this bill I wish to say at the outset that I can see the necessity of passing such a bill, having in mind the purpose for which the bill was written. I have gone through this bill carefully. While it is not the kind of a bill I would have written, upon the whole I believe it is a pretty well thought out bill. However, I believe the Congress should put a provision in this bill that will preclude just the thing that you are arguing about here to-day, and that is creating a monopoly in the manufacture of whisky and leaving it in the power of the monopoly to establish the price. That is what this bill does, with the exception that it provides for a reasonable price, which, in my judgment, means absolutely nothing.

I have prepared three amendments, which I shall offer to the bill. The first amendment, which has been read to you, will preclude the distiller from making over 10 cents a gallon profit on the manufacture of whisky. Then, I have another amendment, which I will offer later, that will preclude the druggist from making over 100 per cent on the whisky he buys. In other words, the price of the whisky can be put on the bottle just as you would find it on a bottle of medicine that you buy in a drug store to-day. In this way the patient, when he comes to buy his whisky, will know exactly what he should pay for it.

I want to say to you now that you can pass this bill as you have it, and I will probably vote for it, because we ought to open up the distilleries for the manufacture of medicinal whisky, but I think my amendments should be agreed to.

The Government does not need over two or three distilleries for the quantity that will be used. I would suggest three instead of two. This would mean 20,000 barrels for each distillery, and they can not afford to run to any extent unless they have about that many barrels to manufacture. Therefore, if you would establish three distilleries and give them each 20,000 barrels and then adopt the amendment which I have offered, you will know that you will not be overcharged for the whisky and that the people who have to buy it will be in a position to buy it at the proper price.

Mr. CELLER. Will the gentleman yield?

Mr. WILLIAM E. HULL. In just a moment.

I have here some figures, which I will read into the RECORD. I have a price made by one of the largest distillers in the United States, the American Distilling Co., of Pekin, Ill., and based on the present price of grain, with rye at $1.10 and malt at $0.90, this would make the cost of good rye whisky 42½ cents a gallon, and the cost of good Bourbon whisky, on the basis of 25 bushels of rye, 10 bushels of malt, and 65 bushels of corn, 37½ cents a gallon.

The carrying charges are 5 cents a year; and consequently, on this basis, you can get tax-paid whisky when it is four years old at 70 cents a gallon, plus the tax, $1.10, making a total of $1.80, or $5.40 for whisky by the case, plus the other charges for casing and then adding the express charges of 10 cents a bottle. You can produce whisky of the very highest quality and put it in the retail drug store at an average cost of 40 cents a bottle.

Another provision I am going to offer is that the druggist, when he gets this whisky, shall not charge over 100 per cent gross profit. In other words, if this whisky costs him 40 cents a bottle in his drug store, we will then have the right to label it before it leaves the distillery at 80 cents a pint, including the freight, which is what you paid for it before the war, and I hope you will all think this over, and this applies to both the wets and the drys.

I am not making any rash assertions here. I know what I am talking about. If you do not accept these amendments, some day or other the very men who vote for this bill as it is written to-day, as loosely as it is written, will regret the day they voted for it, because I know what will happen—two or three men will get the opportunity to make this whisky, and they will put on a price of 70 cents or 80 cents or 90 cents a gallon and it will be a monopoly.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GREEN of Iowa. Mr. Chairman, the provision in the bill with reference to the price goes further than as stated by the gentleman from Illinois [Mr. HULL] and is, in fact, much stronger and more enforceable than his amendment. It is as follows:

(5) Each permit shall require that the permittee shall sell distilled spirits manufactured thereunder at a price not in excess of a fair and reasonable price, based on cost of manufacture, carrying charges, preparation for market, distribution, and a fair profit to the manufacturer; and the permittee shall at all reasonable times keep his books open for inspection by the Secretary of the Treasury or his representatives.

All of these things have to be taken into consideration under the gentleman's arrangement in order to arrive at a fair price.

Mr. WILLIAM E. HULL. Sure; I am starting at the starting point.

Mr. GREEN of Iowa. And there is no way to carry out the provision in his amendment. It provides that the permit shall not be issued to anyone who charges more than 10 cents per gallon.

Mr. WILLIAM E. HULL. He will be allowed to charge 10 cents a gallon above the actual cost of manufacture. It is easy to determine what that cost is.

Mr. GREEN of Iowa. The amendment does not specify that.

Mr. WILLIAM E. HULL. Taking it my way, you know what they will charge; taking it your way, they can charge anything they please.

Mr. GREEN of Iowa. The gentleman imposes conditions on granting the permit that you can not determine until after the

permit is granted. It is impossible to make the amendment work.

Mr. WILLIAM E. HULL. I take exception to that. There is not a distiller in the United States who does not know exactly what the whisky is going to cost him before he makes it. He knows the price of corn, he knows the price of rye, he knows the price of wheat, and he can figure it up in 15 minutes and can make the price accordingly.

Mr. GREEN of Iowa. If that is correct, all the distiller would have to do would be to tell the Secretary of the Treasury that it has cost him so much, and the Secretary of the Treasury would have to accept it. It only adds to the difficulty of carrying out the provision in the gentleman's amendment.

Mr. BARKLEY. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BARKLEY. I do not know as this amendment ought to be adopted, but under the bill nobody has the power to say what a reasonable price to the public shall be.

Mr. GREEN of Iowa. This is not a sale to the public.

Mr. BARKLEY. I understand that. It provides that the distillers, after they have concentrated 5,000,000 gallons, and after they have made the additional liquor, they shall sell it at a reasonable price to the retail trade. Now, who has the power to say what a reasonable price is?

Mr. GREEN of Iowa. If it is not a reasonable price, the Secretary can revoke the permit.

Mr. BARKLEY. He might revoke it for a violation of the law, but not for selling at a larger price.

Mr. GREEN of Iowa. Yes; he can revoke the permit for that. It is one of the conditions of the permit, and the bill provides that the permit may be revoked for any violation of its provisions.

Mr. BARKLEY. The bill does not contain any provision where it provides that anybody is authorized to say what a reasonable price shall be for the liquor after they begin to distribute it.

Mr. GREEN of Iowa. That is in the subsequent paragraph. I am afraid that the gentleman has not read the bill:

(5) Each permit shall require that the permittee shall sell distilled spirits manufactured thereunder at a price not in excess of a fair and reasonable price, based on cost of manufacture, carrying charges, preparation for market, distribution, and a fair profit to the manufacturer; and the permittee shall at all reasonable times keep his books open for inspection by the Secretary of the Treasury or his representatives.

Mr. BARKLEY. The provisions with reference to the permit does not fix the price.

Mr. GREEN of Iowa. Yes; the terms of the permit fixes them at a reasonable price.

Mr. GREEN of Florida. Why are there not more safeguards placed around this?

Mr. GREEN of Iowa. The gentleman assumes that the officials are going to be dishonest. Moreover, we have provided every workable restriction.

Mr. GREEN of Florida. No; but the safeguards ought to be placed around it.

Mr. GREEN of Iowa. You can not put all the restrictions in a bill of this kind without rendering it impractical to carry out the provisions. The provisions of the amendment do not require the costs to be reasonable. No matter how badly managed the business might be, what salaries were paid, and in general what costs are incurred, the manufacturer would get 10 cents a gallon above all costs.

Mr. LAGUARDIA. Mr. Chairman, I can not understand why every amendment that is offered seeking to put safeguards around the manufacture and distribution of this whisky is so stubbornly resisted by the committee.

Mr. GREEN of Iowa. We just accepted one, which shows how accurate the statement of the gentleman is.

Mr. LAGUARDIA. You were shamed into accepting it; you could not do anything else but accept it. Anyone who wants to be frank about the proposition knows that the minute you start handling whisky you need all the safeguards that are possible to prevent diversion, if you do not desire to violate the intent and purposes of the Constitution and the law. I shall support the Hull amendments, even though I do not support the bill.

The gentleman from Kentucky, the Senator elect from Kentucky [Mr. BARKLEY], who is very careful in what he says, stated that 90 per cent of the whisky withdrawn for medicinal purposes is used for other than medicinal purposes—used for beverage. There is no use to try to conceal that fact. The gentleman from Georgia [Mr. CRISP] the other day said that 95 per cent of the liquor that was withdrawn for medicinal purposes is diverted and used for beverage purposes. The gentleman from Illinois [Mr. WILLIAM E. HULL], who offered an amendment, knows conditions and knows that the minute that you designate a concentrated warehouse under existing conditions, the owners of whisky, who do not intend to violate the law and who are compelled to store their whisky in these concentrated warehouses, are at the mercy of these permittees and the charges made by such warehouses, and that their liquor will be eaten up by storage charges. I want to point out to the gentleman that I have right here in my hand a photostatic copy of a contract bearing the signature of one of the largest distillers and permit holders in this country, to obtain a large quantity of whisky that was diverted unlawfully. The attention of the department was brought to this case, yet they still hold the permit and are doing business at the old stand. This bill concedes the necessity for whisky. It admits the medicinal properties of whisky. That is a great concession from the dry leaders. Personally, I agree with the figures given by the gentlemen whom I have mentioned and the figures given by the gentleman from Michigan [Mr. HUDSON], that there is not a large demand for medicinal spirits. I call it whisky, because that is all it is. It is either whisky or brandy. It is the same kind of stuff that you drink for beverage purposes. The sick patients take it by the spoonfuls and the general public in highballs. That is all the difference between medicinal "spirits" and whisky.

Mr. O'CONNOR of New York. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. In a moment. Calling it medicinal spirits does not change the character of it. It is just plain, ordinary whisky—booze. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. This bill is commonly known and always will be known as the whisky bill.

Mr. LAGUARDIA. Absolutely. We talk of it right here as the whisky bill. "What is coming up?" "The whisky bill." It will always be known as the whisky bill.

Mr. CELLER. Would not this bill have the effect of allowing the distilleries to unite and make a gigantic monopoly for the sale and distribution of this whisky?

Mr. LAGUARDIA. Yes. Here is the bait they hold out. They say to the drys, "Oh, this is a bill to limit the production of whisky and put it under better control." Then they come to us wets and they say, "This is a bill that will give you cheaper and better whisky." You can not get away from that. Somebody suggests that the bill, therefore, ought to carry. As a matter of fact, it ought to be defeated if we are honest and sincere about it. I want legal liquor, not a sham and a subterfuge. If you want to try prohibition, let us try it, and let us stop the manufacture and importation of whisky absolutely. [Applause.] I am willing to try it with you, but do not camouflage by calling it nonbeverage medicinal spirits and come to us and say, "It is going to give you better and cheaper whisky," and then go to the drys and say, "We are going to limit the production and put it into a few hands and control the distribution." When you talk about charges and limitations, as I said the other day, you are simply concentrating the "surplus" and all you need now is to tack onto the bill an equalization fee and make the bootleggers pay the fee. [Laughter.] That will take care of the surplus, surely. This bill simply carries out the vice of prohibition one step further and extends the habit of legalized hypocrisy.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. UPSHAW. Mr. Chairman, I move to strike out the last two words.

Mr. HAWLEY. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. UPSHAW. Mr. Chairman and gentlemen, when this bill was brought out the other day, it came without opportunity for consultation among those who have been most active in the cause of prohibition enforcement and without our having an opportunity to study it carefully; and two or three provisions in it hit some of us who are opposed to liquor in every form right between the eyes. One of them was the very section that the Hull amendment now proposes to remedy, and here it is—"a fair and reasonable price."

In the brief speech that I made I opposed the bill as it now stands, and said I hoped it would be so amended that I, with many other sincere drys, could support it. Because the words "fair and reasonable" would leave the interpretation to somebody who might not be fair and reasonable, and that would allow any and all kinds of abuse. I had prepared an amendment providing for a profit not in excess of 25 per cent to the manufacturer. It would have meant about the same net profit as the Hull amendment; but inasmuch as you might pad the bases of accounting, I believe the Hull amendment is better

than mine, because you can not pad gallons. They have to be counted by Government inspectors, and a maximum profit of 10 cents a gallon is not excessive. It is certainly far better than to leave the door open so the suffering public who feel that they must have whisky in sickness will have to pay outrageous prices.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. BLANTON. Does the gentleman base his opposition on a question of profit?

Mr. UPSHAW. I am opposed to the thing from every standpoint.

Mr. BLANTON. Levi Cooke, who represents the owners of bonded liquor, now is fighting for this bill, and the organization at Philadelphia, with its Washington branch against the enforcement of prohibition, is fighting for this bill. There is the basis for my opposition to the bill.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Pardon me, but I prefer to finish my statement before I yield.

Mr. CELLER. Is the gentleman for cheaper whisky?

Mr. UPSHAW. I am fundamentally opposed to all whisky. I can not yield further. Let me make my position clear. I am opposed to the bill as it now stands without this amendment. If I had my way I would destroy all liquor now in existence and not allow any more made, even for medicine; but as the present law allows medicinal whisky I am in favor of the amendment that does not allow more than 10 cents a gallon profit by the distiller. The next point is this: That we are anxious—those of us who believe in the dry cause, to find ourselves in harmony with our friends and comrades who have long been represented by their respective organizations here in Washington, but they expect conscientious men like we are to think for ourselves. However, when we remember that the Woman's Christian Temperance Union—that pioneer white ribbon host who have so long been the moral and spiritual inspiration of America, when we remember that the Anti-Saloon League that has so long borne the brunt of legislative battle—when we remember that the flying squadron and the Methodist and Presbyterian boards of temperance and morals and the Good Templars of America are all in favor of this bill, I naturally want to give them the benefit of the doubt; and if you will trim up this bill and remove some of these objectionable features—especially this elastic and dangerous feature which the Hull amendment proposes to remedy, it will mean, I believe, at least 50 votes on my side of the House. [Applause.]

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. KINCHELOE. If the Hull amendment be adopted, that will not keep the permittees from cleaning up millions of dollars when they buy these 10,000,000 gallons now available.

Mr. UPSHAW. That can be handled from another standpoint and with another amendment.

I am opposed to leaving the matter of the price open, so that unspeakable abuses may come in; somebody in power might regard $20 a gallon as "a fair and reasonable price." We simply can not stand for such a monopolistic possibility. Take the profit out of the devilish thing and you remove the temptation toward corruption.

Mr. HILL of Maryland. Make it cheaper! [Laughter.]

Mr. UPSHAW. Not so the public will be tempted to buy medicinal whisky as a beverage, which is forbidden by law, but so those who do legally buy for medicine will not be robbed nor their robbers allowed to grow rich through an unguarded monopoly.

Long ago I declared, what I declared a few days ago—my everlasting opposition to any sort of private gain by law through the manufacture of intoxicants—if medicinal whisky must be manufactured, as allowed by the eighteenth amendment, I am in favor of letting the Government make it absolutely without profit. But that can not be done without new and exclusive legislation. It is not contemplated in this bill, although I would wish it had been. But we face a condition and not a theory. We can not change the basic law that only outlaws beverage liquors, and, since the manufacture of medicinal liquor is authorized by the supporting statute of the eighteenth amendment, I am heartily in favor of restricting the procedure in every possible way.

Another thing that makes me anxious to see this bill amended so I can conscientiously vote for it is because the "wets" are too solid in opposing it. At the other end of the Capitol they are resorting to cloture to pass remedial "dry" legislation which "wet" Senators have long and viciously opposed.

I refuse to gratify their "wet" designs. I want my last vote on this question in Congress to hold up the hands of our valiant "dry" leaders, who honestly seek this legislation. [Applause.]

Mr. GREEN of Florida. I am preparing a bill for introduction that will take the enforcement of prohibition away from the wicked wets and turn it over to the honest drys. I regret that the gentleman from Georgia [Mr. UPSHAW] will not be here to help me clean out that bunch.

Mr. UPSHAW. I am not in favor of giving any wet man the power to enforce a dry law.

Mr. GREEN of Florida. As we have now.

Mr. ROBSION of Kentucky rose.

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. ROBSION of Kentucky. Mr. Chairman and Members of the House, this bill purports to provide for the concentration of alcoholic liquors and the disbursement of such liquors for medicinal purposes, and also provides for the making of alcoholic liquors and the distribution thereof, and some claim that this bill will aid in the enforcement of prohibition.

I believe in the eighteenth amendment and the measures adopted by Congress for its enforcement. I never fail to vote for those measures that I believe will strengthen the enforcement of the prohibition laws. I represent a district that believes in the enforcement of the laws. I have always been dry in Congress and out of Congress, but, my colleagues, I can not go with you in the support of this measure, which has been called the whisky bill. [Applause.]

I honestly believe that this measure will weaken rather than strengthen the prohibition laws.

The Secretary of the Treasury, under present laws, has the authority to concentrate all of the distilled liquors of the Nation into one place, and this measure is not necessary to give him the right to concentrate the distilled liquors of the Nation.

WETS AND DRYS FOR IT; WETS AND DRYS AGAINST IT

I realize that there are many sincere dry men of this House who are supporting this bill, and there are some sincere dry men who are opposing it. Some of the wets are for this measure and some of them are against it, and we can truthfully say that the advocacy for or the opposition to this measure is no test of whether a man is wet or dry.

I am opposing this bill because in my honest judgment it will weaken rather than strengthen the cause of prohibition, and there is no need of this legislation at this time.

CREATES A MONOPOLY

It has been charged on the floor of this House and elsewhere, and not denied, that about seven men or firms in the United States have bought up and now hold something like 80 per cent to 90 per cent of the distilled liquor in this country. These seven men or firms, as I understand, are very earnestly supporting this bill. I have been informed that they have never favored the eighteenth amendment or the Volstead Act, and do not favor them to-day.

Mr. WEFALD. Who are they?

Mr. ROBSION of Kentucky. I have been informed that the names of these persons and the amount of distilled liquors held in stocks by them are as follows:

	Barrels
Sid Klein	60,000
Louis Rosensteel	25,000
Dan Weiskopf	15,000
Julien Simon	15,000
Louis Rosenfield Bros	25,000
Sol Rosenbloom estate	20,000
A. Schulte	35,000

It is claimed by the proponents of this measure that there are about 10,000,000 gallons of distilled liquors in the Government warehouses of the Nation to-day.

You will observe that these seven men or firms have nearly 200,000 barrels of this liquor, and in the neighborhood of 80 to 90 per cent of all the distilled liquor in the warehouses in this country.

These persons have bought up all of this liquor, evidently for speculative purposes, and I understand they have been very much interested in the passage of this bill and have been doing what they could to secure its passage.

This bill gives the Secretary of the Treasury the power to designate not less than two nor more than six men or firms in whose hands this liquor must be concentrated, and they will distribute this, and they will in a short time begin making more whisky, brandy, and other distilled liquors.

I feel sure if we pass this bill we will make it possible for these seven persons or firms who have a monopoly of the whisky of the United States to make millions of dollars in profits which they could not possibly make if we did not pass this bill, and, of course, they will make other millions in the manufacture and distribution of other liquor. If Congress is to declare that alcohol is a medicine to be taken internally, I do

not think it wise for the Government to place the business in the hands of two to six persons and give to them a monopoly in this business.

If the manufacture and sale of liquor is denounced by the Constitution and laws as being against the health, morals, and public policy, and it is to be made and sold at all, I think it should be made and sold without profit by the United States Government to those who are entitled to buy it and use it. If this bill passes you put the liquor business of America in the hands of two to six of the seven persons or firms whose names I have given. In the very nature of things the Secretary of the Treasury will have to designate from two to six of these persons or firms as the persons or firms who are to make and distribute the so-called medicinal liquor of the Nation.

They will disburse the twelve to fourteen million gallons that are now in stock, and they will be authorized to make and disburse other millions of gallons in the future, and in the plan provided in this bill, I think the time will soon arrive when there will be two drug stores dispensing liquor where there is now one. And I can not help but believe that this bill will greatly weaken rather than strengthen the prohibition laws and the cause of temperance in this country.

MEDICINAL LIQUOR

Of course, this bill is predicated upon the idea that distilled liquor is a medicine. More than half of the medical profession has, I have been informed, taken the position that distilled liquor is not a medicine and is not good for the treatment of diseases or ailments of the human body.

I am also advised that not over 30 per cent of the doctors of the Nation prescribe distilled spirits as medicine for their patients.

This bill is declaring the policy of this Government in two important respects as to distilled liquors. In the first place, we are declaring that distilled liquor is a medicine necessary for the treatment of diseases and ailments; and, in the second place, we enter upon a program of manufacture and sale of distilled liquors.

We are now in the closing days of this session. Is any Member of this House so optimistic as to believe this bill will be considered or can be considered in the Senate, although we pass it to-day?

It can not be considered by the Senate this session. That being true, why rush it through the House to-day? But some one urges that we must get busy and make more liquor for medicine.

We have twelve million or more gallons of distilled liquors in these concentrated warehouses, and which all agree is the very best liquor for medicine. These liquors can not be used except for medicine. The Nation consumes about two million gallons annually as medicine on doctors' prescriptions. We have enough liquor already on hand to last at least five years. I see no good reason why we should rush madly into declaring the policy of this Government to be that distilled liquor is necessary as medicine, and that the Government should at once enter upon a program of manufacturing and selling liquor through from two to six firms that may be designated by the Secretary of the Treasury.

It seems to me that the wise course would be for this question to go over until the December session of Congress. That will be the long session. This question has been brought up and brought to the attention of the Nation. The whole country will have an opportunity in the next nine months to make a study of this problem and to formulate a proper policy in keeping with the Constitution and best interests of the people of the Nation, and after mature reflection if it should be the judgment of the American people and the Congress that distilled spirits are necessary as a medicine then a very carefully worked-out plan should be adopted to confine the manufacture and sale of distilled liquors for this purpose only.

Recently reliable statistics were submitted which showed that more than 80 per cent of all the liquor dispensed through drug stores while on prescriptions was in fact for beverage purposes, and as an evasion of the Constitution and laws of the country.

I do not think we ought to create a whisky monopoly for the benefit of a few distilleries or liquor dealers of this country. This bill will do that very thing, in my judgment.

If Congress and the American people declare that whisky is necessary as a medicine, then I want the United States Government to make it and distribute it with all the necessary safeguards and without profit. I am opposed to Government ownership and operation of any business, but liquor is outlawed, and if it is made at all it should be under the most careful supervision.

While there are many honest people who think that whisky is really a necessary medicine, there are many others who seem to know that it is not a medicine. In my own home we have kept house now more than 25 years and reared two children and we have never felt that it was necessary to have intoxicating liquors as a medicine at any time.

Most people who think that intoxicating liquors are necessary as a medicine give preference to beer and wine, but this bill does not include beer or wine. It confines us to distilled spirits, hard liquors, corn and rye whisky.

I think we ought to delay as long as possible beginning again the manufacture and distribution of whisky. My colleagues, I feel sure that this law will not help prohibition enforcement—it will hurt prohibition enforcement, and I am, therefore, constrained to vote and speak against this measure. [Applause.]

Mr. BLACK of New York. Mr. Chairman, I have an amendment.

Mr. HUDSON. Mr. Chairman, it seems to me this amendment of the gentleman from Illinois ought to carry. If we pass this bill without the language of a fair and reasonable profit, just so sure as you are alive it will come back to plague you. If we need this legislation, let us in God's name put safeguards around it. I trust the amendment will pass. [Applause.]

Mr. WEFALD rose.

The CHAIRMAN. The gentleman from Minnesota is recognized for three minutes.

Mr. WEFALD. Mr. Chairman, I do not know whether I shall support this bill or not; but I know one thing, and that is if the bill is passed it will create a monopoly. There is no other way to regulate a monopoly than to regulate profits, and I am going to offer three amendments. One will be to the effect that the permittees under this bill shall be limited to a net profit of 5 per cent on the cost of the manufacture of the liquor. I am going to offer another amendment that will limit the profit on the liquor to be taken over from the seven men, whose names were read by the gentleman from Kentucky [Mr. ROBSION], who now hold the stock of liquor in this country, to 10 per cent, and I am going to offer still another amendment to limit the profit to the retail druggist to 50 per cent. If there is any excuse in the world for passing this bill, the excuse is that we want to give poor people who are in need of medicinal liquor, if they need it, such liquor at a reasonable price. I, for one, shall not vote for this bill unless some provision is written into it by which profits shall be regulated. If the six permittees who would be empowered to manufacture under this bill the liquor of America can not make a profit at 5 per cent on the cost of manufacturing, then I say the United States Government should take it over.

This bill is possibly a step in that direction. If we create a monopoly, we must regulate it; and if the profits are limited to 5 per cent, something along the level of the profit we allow railroads to earn, the time is not far distant when the men in this business will want the Government to take it over, and that is where it will finally land.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. WEFALD. Yes.

Mr. WILLIAM E. HULL. The amendment I have offered stops all monopoly, because it permits everybody to put in their bid, and the one who has the lowest bid and can produce the whisky will get his price and nobody can go above that.

Mr. WEFALD. But the amendment I offer limits it absolutely, and I do not believe a single man on the floor of this House will want to go home to his constituents and say he voted for a bill that created a monopoly and was not willing to regulate the profit and limit the profit to the amount which we allow the railroads. [Applause.]

Mr. Chairman, under the privileges of extending my remarks I wish to make a few observations. I have always supported temperance legislation and always shall support sane legislation. In spite of all that is said against this bill, I believe it is offered in the interest of better enforcement of the laws now upon the statute books. The less permits we issue under the law the closer we bring the control of the liquor business into the hands of the Government. With the great number of permits now in force, it is manifestly much easier to violate the law than if only six concerns, at the most, are allowed to distil liquor. All others so engaged will then become such notorious outlaws that it should be easy to detect them.

Men engage in the unlawful selling and manufacture of liquor because there are great profits to be made in the violation of the law. The law has given a legal status to medicinal spirits, but due to the exorbitant profits to be made in the sale of liquor for beverage purposes, unlawfully, the poor man, who may occasionally need it as medicine for himself or his family, can not afford to buy it, even if his druggist is able to supply it, which druggists in many parts of the country have not been able to do because the liquor-beverage market absorbs so much of what, under the law, is allowable to be sold for medicinal

purposes. The rich have their wine cellars full of liquors, and because they had a supply on hand when the Volstead law went into effect they can keep their stock up to its erstwhile volume without serious danger of detection. The rich drink for the sake of sociability, and out of sensuous craving they can pay the price and get their liquor pure. The bulk of the poor use liquor for medicinal purposes. Liquor so used by the poor should be as pure as what the rich drink as a beverage in violation of law. The fact that the poor can not afford to pay the price asked for medicinal liquor drives them often to patronize the bootleggers selling poison; therefore I believe that if the poor can get pure medicinal liquor when they honestly need it, this bill, if a law, will be an aid toward temperance. I am not a fanatic. I do believe that under certain circumstances and in certain cases liquor is of medicinal value. Therefore I shall weigh closely every amendment that will be proposed to this bill.

Mr. Chairman, it is hard to understand the line-up for and against this measure in the House to-day. The wets that have raised such heart-rending cries on the floor of this House because of the poison liquors sold, legally and illegally, in this country and who have decried the great number of fatalities due to poison liquor are to-day against this measure that will at least assure pure liquor in case of medicinal need at a fair price. Many of the dry leaders are opposing the measure also. I act on my own initiative and pick my own way. Dry leaders are not agreed on whether or not the Anti-Saloon League is in favor of this bill. For that reason I submit for the RECORD letter sent out by this organization analyzing this bill. It seems to me that no other construction can be placed on this letter than that this organization is favorable to its enactment.

If the amendment of the gentleman from Illinois [Mr. WILLIAM E. HULL], which is a price fixing amendment, carries, my first amendment will have no chance of adoption and will not be presented. But I shall present the other two amendments and also one forbidding the use of sales agents in soliciting business. Personal solicitation in extending business is the most effective way of carrying on the business. I do not believe that the business of selling liquor should be so extended.

The Anti-Saloon League letter follows:

WASHINGTON, D. C., *February 19, 1927.*

Hon. WILLIS C. HAWLEY, M. C.,
Washington, D. C.

DEAR MR. HAWLEY: We have looked over your bill (H. R. 17130) relating to medicinal spirits, and find a number of helpful provisions in it relating to a better control of the distribution of such liquors. As an organization we are interested in those provisions of the bill which we believe make for better enforcement of the prohibition laws.

The national prohibition act, which prohibits the manufacture and sale of intoxicating liquors for beverage purposes, but does not prohibit them for medicinal purposes, places the responsibility upon the Treasury Department for the supervision of the supply, sale, and distribution of liquors for such medicinal purposes except in States where it is prohibited by State enactments.

H. R. 17130 sets forth methods proposed to meet this responsibility and to prevent the diversion of such liquors to beverage purposes, as follows:

The reduction of the cost of administration; the providing of heavy penalties for the unlawful use of various labels, brands, and trade-marks used by the bootleg industry; the concentration of all whisky from 37 bonded warehouses into 6; the limiting of replenishment of medicinal whisky supply to the operation of not more than six distilleries, whereas under the present law as many as might apply would have to be considered; the elimination of the bootleggers' supply of domestic bonded whisky from flavoring and coloring his alcoholic beverages; the provisions for the maximum of supervision of the distribution of medicinal spirits; the provision for the direct distribution of medicinal whisky from concentration warehouses to the retail distributer; and other eliminations which prevent opportunities for diversion and will aid law enforcement.

We suggest that you consider the advisability of reducing the number of distilleries that may be authorized to manufacture medicinal whisky so as not to exceed four. There is no question that six is more than sufficient to make the needed supply. Also a provision to eliminate sales agents by distilleries to drum up trade, confining solicitation to correspondence by mail with retail druggists holding permits to sell.

If there is any doubt that the distiller should be required to give bond, this should be added. It is not mentioned, but is authorized, under existing law.

A provision penalizing the forging, uttering, or possession of forged prescriptions would also be helpful in confining the distribution to strictly medicinal use, if such a provision would be germane to the bill. No adequate penalty for this offense is provided by existing law.

It would be helpful also to require that the whisky on hand, not already gauged, be regauged before manufacture is renewed in order to determine accurately the amount on hand.

We suggest these amendments in the interest of strengthening the bill, which seems to us, as a whole, will be an aid in law enforcement.

Yours cordially,

F. SCOTT MCBRIDE,
General Superintendent.
WAYNE B. WHEELER,
General Counsel and Legislative Superintendent.

The CHAIRMAN. The time of the gentleman from Minnesota has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. WILLIAM E. HULL].

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 123, noes 19.

So the amendment was agreed to.

The CHAIRMAN. The gentleman from Illinois offered another amendment, which was read for the information of the committee.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. Would a motion to strike out all after the enacting clause take precedence at this time?

The CHAIRMAN. A motion to strike out the enacting clause has been made and that has been determined. It would not be in order to move to strike out all after the enacting clause.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. That has already been determined. Without objection the Clerk will again read the amendment offered by the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. Did I understand the Chair to say it would be in order to move to strike out all after the enacting clause?

The CHAIRMAN. That it would not be in order at any stage.

Mr. BLACK of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLACK of New York. Does the Chair think it is worth while to waste any more time on this bill——

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. BLACK of New York. I wish the Chair would permit me to finish my statement, because it is in the interest of expedition of business. Does the Chair think it is worth while to waste any more time on this bill after the Hull amendment makes it a price fixing bill and after the President vetoed the Haugen bill on the ground that it was a price fixing bill?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. O'CONNOR of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR of New York. Is not the Chair bound to take judicial notice of the decision yesterday of the Supreme Court holding that price fixing was illegal?

The CHAIRMAN. That is not a parliamentary inquiry. The Clerk will report the Hull amendment.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM E. HULL: On page 3, line 15, after the word "permittee," insert the following: "Has made any false statement or failed to carry out the representations made in any application for a permit or."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. WILLIAM E. HULL].

The amendment was agreed to.

Mr. McKEOWN rose.

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. McKEOWN. Mr. Chairman, I move to strike out section 2.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment which the Clerk will report.

The Clerk read as follows:

Mr. MCKEOWN offers an amendment to strike out section 2.

Mr. McKEOWN. Mr. Chairman, I would like some time to discuss my amendment.

The CHAIRMAN. All time is exhausted.

Mr. McKEOWN. I ask unanimous consent to proceed for five minutes on this matter.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection?

Mr. HAWLEY. Mr. Chairman, I object.

Mr. McKEOWN. I will say to the gentleman that he will not make any time by doing this.

Mr. BANKHEAD. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The gentleman from Alabama offers a perfecting amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 2, line 16, after the word "by," strike out "The Secretary of the Treasury" and insert in lieu thereof the following: "United States Pharmacopœia and National Formulary."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 30, noes 81.

So the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma to strike out section 2.

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 7, noes 86.

So the motion was not agreed to.

The Clerk read as follows:

SEC. 3. In order to conserve the revenues, prevent the evasion of taxes, and provide for the more effective enforcement of national prohibition, all the existing stocks of distilled spirits held in warehouses shall, within two years from the approval of this act and under regulations to be prescribed by the Secretary of the Treasury, be concentrated in not more than six concentration internal-revenue bonded warehouses consisting of one or more buildings or parts thereof, with land necessary therefor (including a tax-paid warehouse in connection with each), owned or leased by permittees under section 2 and authorized by the Secretary of the Treasury to be maintained by such permittees. Such warehouses shall be located at such places as the Secretary of the Treasury may determine. After the expiration of such two-year period, no permit shall be issued for the maintenance, and no permit then in force shall authorize the maintenance, of any warehouse other than those authorized under this section. As a condition to the issuance of the permit for any warehouse authorized to be maintained under this section, the permittee shall comply with such regulations as the Secretary of the Treasury may prescribe as to the bottling, storing, and handling of distilled spirits in, and the conduct of, the warehouse, including maximum rates to be charged for bottling, storage, and other services. Any concentration internal-revenue bonded warehouse authorized to be maintained under this section, including the tax-paid warehouse in connection therewith, is referred to hereinafter in this act as an authorized concentration or tax-paid warehouse.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent that the word "necessary," in line 7, be spelled correctly.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. CELLER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen of the committee, I believe it was the gentleman from New York [Mr. CAREW] who last week said this bill was absolutely unnecessary. That contention is still sound. Supplementing his remarks and addressing myself particularly to the gentleman from Massachusetts [Mr. TREADWAY], a member of this committee, I want to call attention to the fact that the gentleman from Massachusetts attempted to give a reason for the necessity of this bill by placing in the RECORD of February 22 last, an opinion of the Attorney General, which was given back in March, 1921, wherein the then Attorney General, Mitchell A. Palmer, justified his opinion that the Commissioner of Internal Revenue could not limit permits, by these remarks:

I am constrained to the view that the commissioner and the Secretary are without authority to limit the number of permits to be issued for the manufacture or sale of liquor for medicinal purposes within a particular section of the country upon the sole ground that the given number will be sufficient. It may be assumed that Congress, for the purpose of making the prohibition law effective, could have placed some limit upon the quantity of liquor that should be either manufactured or sold for medicinal purposes, and that it might have indicated, in general terms, the character of such limitation and authorized the executive officers to carry out the purpose thus expressed by proper regulations. I can find in the act, however, no purpose either to directly impose such a limitation or to confer upon the executive officers any power to do so.

With respect to persons who may receive permits to manufacture, there does not seem to be any limitation as to the class of such persons. On the whole, I am of opinion that there is no authority to limit the number of permits, either locally or for the country as a whole, because the commissioner and Secretary may be of opinion that a larger number are not necessary.

Because of this opinion of the Attorney General, recourse was had to the passage of a bill by a previous Congress to the end that a limit might be placed on the amount of spirits to be distilled and upon the number of permits to be issued. The bill in question was the Willis-Campbell Act, which passed the House June 27, 1921, a few months after the date of the opinion of Attorney General Palmer. The Willis-Campbell Act became a law November 23, 1921. I shall later read you these limitations contained in that act which render unnecessary the passage of the Hawley bill.

Now, gentlemen, keep in mind the fact there are two branches of the Hawley bill. One is for the concentration of stocks already existing into not more than six warehouses, and the other branch refers to the future manufacture of whisky and says there shall be no less than two nor more than six permits for the manufacture of whisky.

As to the first branch of the bill, there is absolutely no necessity for such legislation, because the Treasury Department has been reducing the number of warehouses every single year until now we only have 31, whereas prior to prohibition and just at the time of prohibition we had over 200 warehouses. The Treasury Department already has the power of concentration. What need is there for repeating a grant of power? Only confusion would result.

As to the second proposition, the members of the committee sponsoring this bill say that the Secretary has no power to limit the permits for future manufacture and cite the aforesaid decision of the Attorney General. I shall now read to you, gentlemen, the opinion of Mr. Volstead, given not so very long after the opinion of the Attorney General was rendered, who reported for the Committee on the Judiciary, of which he was chairman, under date of June 27, 1921, when he came forward with the Willis-Campbell Act, which was voted upon favorably by the Judiciary Committee and which sets a limit on the number of permits that may be granted for the manufacture of whisky. Mr. Volstead had this to say in justifying the Willis-Campbell Act:

Some time ago the Attorney General (A. Mitchell Palmer) rendered an opinion, in which he held that beer and wine might be prescribed for medicinal purposes under the national prohibition act. He not only held that these liquors might be prescribed, but he practically held that the Commissioner of Internal Revenue has very little control over the subject of permits. It was to meet that situation that the bill was introduced and also to take care of some other matters.

Mr. Volstead goes on further to say that the second section of the Willis-Campbell Act gives the commissioner power to decrease the supply of spirits and vinous liquors that may be manufactured and imported. But, says Mr. Volstead, a limit must be set, and therefore the commissioner shall have power to set this limit on permits. Thereupon the Willis-Campbell Act was adopted by the House, which sets an absolute limit on the amount of goods that might be manufactured in distilleries. It was passed to meet the questions raised by the former Attorney General.

The limitations of the Willis-Campbell Act are in section 2 and are—

No spiritous liquor shall be imported into the United States, nor shall any permit be granted authorizing the manufacture of any spiritous liquor, save alcohol, until the amount of such liquor now in distilleries or other bonded warehouses shall have been reduced to a quantity that in the opinion of the commissioner will, with liquor that may hereafter be manufactured and imported, be sufficient to supply the current needs thereafter for all nonbeverage uses.

I submit that that shows that there is no necessity for this bill, because the words just read cover the very situation.

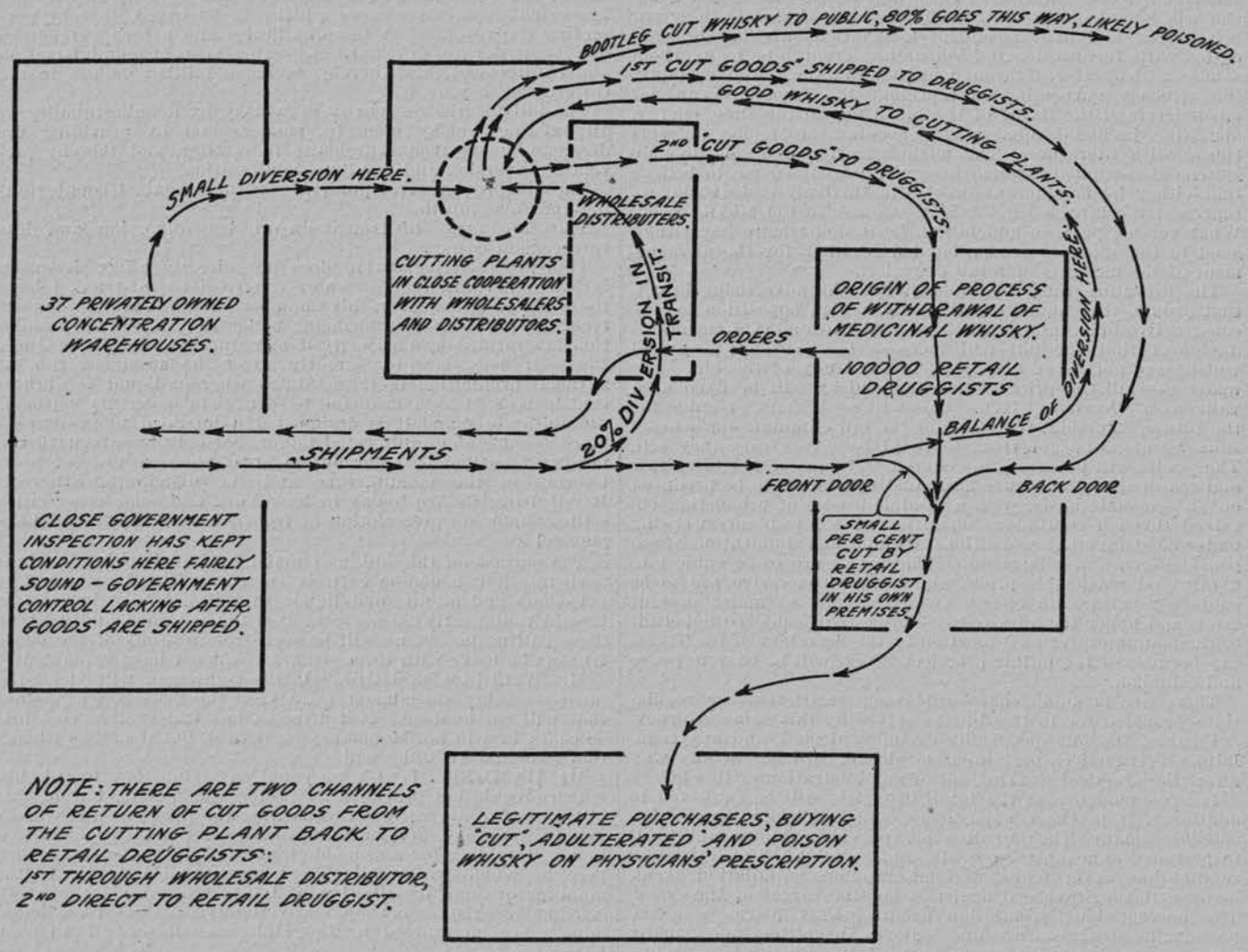
It may be that the administration can force passage of this bill in this Chamber, but in the Senate, where apparently there is more deliberation, it will have hard sledding. We are informed that the rare provision of cloture is to be successfully invoked on the prohibition reorganization bill upon the express condition that the Hawley bill would not be tagged on as a rider and would be considered separately and upon its own merits. The Hawley bill will never pass the Senate. There is consolation, therefore, that the bill will die aborning. It will again be considered in the next House and will have to be refashioned and refurbished. It will have to be more like the Green bill, which was throttled in committee. I yield to no man in my desire to have pure, unadulterated medicinal whisky.

This bill will not give it to us any more than the present law will. Its main vice is that it would empower the Treasury

to set up two distilleries—one rye and the other Bourbon. Those two distilleries would in turn control the six warehouses which are to contain the whisky already manufactured. There would be made possible a monopoly of the worst sort, that would coerce and jeopardize the interests of independent warehouse-receipt holders. About 80 per cent of all whisky extant is controlled by the distillers and 20 per cent controlled by warehouse receipts held by druggists and banks holding same for collateral security, and by private individuals. Under the terms of the Volstead Act these warehouse receipts can be legally traded in. They are negotiable and assignable. This bill would put these independent holders in the grip of a monopoly. The Green bill at least gave them a chance for their "white alley." They at least got half stock in that huge corporation which was to control all whisky now made and to be made. They would at least have a 20 per cent control in that corporation, and by cumulative voting would have been represented on the board of directors of the so-called medicinal spirits corporation.

to cause all or any part of the distilled spirits suitable and intended to be used for medicinal purposes in any warehouse to be bottled at such times and under such terms and conditions as he shall by regulation prescribe and as shall be in accordance with law. In case any distilled spirits are unsuitable for use for medicinal purposes solely by reason of the fact that such spirits are not of standard strength as to proof, the Secretary of the Treasury may by regulation provide for the raising of the proof of such distilled spirits to 100 per cent proof by the addition of spirits of the same kind and season's production and produced by the same producer, or, if such spirits are not available, then by the addition of other spirits of the same kind, in order to raise such spirits to 100 per cent proof. Such mixing of distilled spirits for the purposes stated shall not be held to be rectification, and the mixture may be bottled in bond under regulations of the Secretary of the Treasury.

Mr. HAMMER. Mr. Chairman, I move to strike out the last word. I have prepared a chart that shows the manner of distribution of spirituous liquors from the privately owned concentration warehouses. I have spoken to the chairman of



Under the Hawley bill they get no control, no representation, and would be at the mercy of a "rye and bourbon combination." I willingly supported the Green bill before the Ways and Means Committee, and at length outlined my views. (See hearings before Committee on Ways and Means on H. R. 15601, pp. 53–66.) I can not, however, support the Hawley bill, and ask that it be voted down.

Mr. HAWLEY. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

BOTTLING OF EXISTING STOCK

SEC. 4. In order to conserve the revenues, prevent the evasion of taxes, and provide for the more effective enforcement of national prohibition, the Secretary of the Treasury is authorized, in his discretion,

the Printing Committee and have his permission to insert it in the RECORD.

Briefly explained, it is this:

A small amount of whisky is diverted to the cutting plants from the 37 privately owned concentration warehouses, but the greater part of it is shipped upon orders from the 100,000 druggists in the United States by the concentration warehouses, 20 per cent being diverted through wholesale distributers to the cutting plants where the whisky is split and increased to four or five times the amount received, while 80 per cent goes on through the druggists and in that way reaches the cutting plants, only a small per cent of it being retained by the druggists that cut the liquor on their own premises.

From the cutting plants 80 per cent, much of it poisoned, goes direct to the public. The remaining 20 per cent of "cut goods" returns in two channels to the retail druggists, first

through the wholesalers to the druggists, and second direct to the retail druggists, and this "cut," adulterated, and poison whisky is sold on physicians' prescriptions.

MEDICINAL SPIRITS ACT OF 1927

This legislation I consider of great importance and have given the matter considerable study and attention, and may I say that for a considerable time the Members of the House and of the Senate have been the targets of a lobby, which in the intensity and insidiousness of its attack and in the misinformation spread around far exceeds anything I have ever experienced. The attorney signing all the propaganda and literature purports to represent the great retail drug and pharmaceutical associations, but also, he has as a client one of the largest wholesale whisky distributers in the Middle West. Under the terms of the Hawley bill, H. R. 17130, now before the House, all legitimate retail druggists will be benefited because its provisions are aimed directly at the retailer who has stooped to unscrupulous practices in association with bootleggers; and hence, only the crooked and bootlegging retail druggist will be put out of business by the bill. Certainly the great retail drug and pharmaceutical associations are not in sympathy with the bootlegging which has crept into many thousands of drug stores throughout the country. And certainly the attorney purporting to represent the druggists can not misunderstand the terms of the bill after all the time, energy, and study he has devoted to it in flooding the Members of this House with literature. The misinformation and questionable statements supplied through his guidance causes me to believe that either he is ignorant or else is furtively endeavoring to represent the largest wholesale distributer in the Middle West. Whatever his purpose and intent, he is doing more harm than good to the splendid groups banded together for the advancement of the interests of retail druggists.

The literature thus far supplied and the advertising broadcast around the country by this attorney in opposition to this constructive bill contains much misinformation. Statements to the effect that the bill will increase the price of medicinal whisky are not borne out by a careful study of the bill. For under the bill the price of existing whisky will be fixed at a value as of December, 1926. This will set a mark or guide for the future. Further, the terms of the bill eliminate the whisky sales agents, who get from $5 to $7 for every case they sell. The public will be saved this charge. The prices are to be fair and reasonable, and future medicinal spirits are to be produced on an economic basis, with a minimum cost of production obtained through continuous operation of a few plants working under most favorable conditions, without any duplication of expense, effort, and competition. The prices are to be subject to a fair and reasonable profit, and if made excessive are to be subject to attack in courts (which is not so under present law), and under the bill excessive prices will subject the permit of the manufacturer to revocation by the Secretary of the Treasury because of the unfair practices which will be easy to prove and establish.

There are no additional burdensome restrictions or regulations provided for in this bill as stated by this same attorney.

Further, the bill specifically excludes alcohol, and any regulations or practices pertaining to alcohol will not in any way affect the practical working out or administration of this law.

It is contended that the retail druggists will be subjected to additional inspections, annoyances, and conditions which indicate blackmail. The bill does not provide for any additional inspections, annoyances, records, and so forth. The legitimate retailer has never feared the unscrupulous prohibition agent, because the legitimate druggist is not the target of the crook. The unscrupulous prohibition agent quickly learns who the bootlegging druggists are and believes in getting, and usually does get, so I am informed, part of the illegitimate profits. Hence, only the illegitimate drug store need fear the enactment of this bill.

The last edition of the United States Pharmacopœia specifies what is standard for medicinal whisky, and the prohibition unit, in its regulations, expressly specifies that the standards of the United States Pharmacopœia prevail.

The Hawley bill (H. R. 17130) does not create any corporation, as stated in one of the latest outbursts of this same attorney.

While it is true the Secretary of the Treasury or his agents can exercise discretion in the issuance of permits; nevertheless, when substantial applicants of good character and qualifications apply for permits the Secretary is subject to mandamus. General Andrews so testified at the hearings on this bill. Hence, the Secretary is given the power to limit permits by this bill. It makes no difference to a retail druggist how many distilleries or warehouses exist so long as he can obtain his supply of whisky at a fair price. Why should the retailer be interested in the number of permits? It looks as if the opponents have gone out of their way to fight this bill. Notwithstanding the powers vested in the Commissioner of Internal Revenue under the concentration act, about 37 concentration permits have been issued, and the law is that these can not be revoked except for cause, and to arbitrarily limit them in number without cause requires legislation.

True, there are real penalties provided for in the bill. But what honest retailer fears these penalties? It is only the unscrupulous retailer who need fear these penalties. The retail drug associations should cooperate with the Government in helping to drive out the crooks and not oppose the Government in its attempts to do so.

Hence, it is apparent that the lobby initiated by this attorney convicts itself as to what it really stands for and is purporting to do.

The bill constructively provides for conservation of medicinal whisky by bottling, prevention of loss by evaporation, and hence makes or saves more whisky to be taxed, thereby conserving the revenue. A few distilleries and a few warehouses will be easier to safeguard, lessening cost of administration and enforcement, and thereby saving a million dollars to the Government a year.

The bill insures the purity of whisky by defining quality of all existing whisky upon its passage and by providing for direct shipment from warehouse to retailer, and thereby preventing diversion and resultant adulteration.

The bill provides real punitive measures against counterfeiting and false labeling.

The safeguards in transit insure less diversion and less enforcement costs.

This proposed legislation does not directly affect druggists in North Carolina, one of whose congressional districts I have the honor to represent in this Chamber. North Carolina has not recognized whisky as a medicine under the State-wide prohibition law ratified by a majority of more than 44,000 votes in June, 1908. It does, however, greatly affect the administration of national prohibition in those States wherein liquor is authorized to be sold as a medicine by druggists under the national prohibition act and it is designed and intended to prevent so much impure and adulterated liquor, not only to safeguard the purity of medicinal liquor but in great measure prevent profiteering in the manufacture and the distribution thereof. Retail druggists are to-day in New York and some other cities selling liquor on prescription at from $5.50 to $7 a pint. [Applause.]

The purpose of this bill, as I understand it, is to correct in a measure—it can not be entirely corrected—the distribution of poisonous and adulterated liquor that is now distributed. It is said that nearly 90 per cent is being poisoned and split by these cutting places, as will be seen from a study of the chart I insert by leave with these remarks, which I have explained.

Mr. WILLIAM E. HULL. If the gentleman will yield, the purpose of my amendment is to keep the price down so that that will not be done. If a druggist has whisky that cost him 40 cents, he will not be monkeying with it, but if he has whisky that cost him $1.50, he will.

Mr. HAMMER. I wish we could enact into law in this bill a price-regulation provision to protect the public, but in this bill we are to a great extent guarding the purity of the whisky and in some measure guaranteeing lower prices for medicinal liquor, providing for reasonable profits. I wish there was some plan by which we could prevent unreasonable profits in the manufacture and distribution of liquor recognized as a medicine under existing law. Greatly reduced prices of medicinal liquors are guaranteed by the Hull amendments, if adopted. [Applause.]

Mr. MACGREGOR. Mr. Chairman, I move to strike out the last word. I am heartily in favor of medicinal whisky, but I do not think the Government ought to place a tax on medicinal whisky. I think the bill ought to be amended all the way through and cut out all reference to a tax by the Government. We should derive no revenue from it, because the people who need the whisky ought to get it at the lowest possible price. It would also stop the bootlegging and the cutting referred to by the gentleman from North Carolina. I think it is absurd for the Government to place a tax on medicine. [Applause.]

Mr. HAWLEY. Mr. Chairman, I move that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Oregon moves that all debate on this section and all amendments thereto be now closed.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

ACQUISITION OF EXISTING STOCK

SEC. 5. (a) Permittees under section 2 shall acquire distilled spirits only at a price which is the fair and reasonable value of the spirits, and in no case at a price in excess of the sum of (1) the fair market value at warehouses on December 1, 1926, of distilled spirits of like kind, age, and quality, and (2) the charges and expenses necessary for carrying the distilled spirits from December 1, 1926, to the date of acquisition. Such acquisition shall be made without discrimination between the owners of such spirits. All contracts for the acquisition of such spirits shall, before performance in whole or in part, be submitted by the permittee to the Secretary of the Treasury for his approval or disapproval of the terms thereof. In case any such contract submitted by the permittee is not approved, the contract may be submitted to a board of arbitration selected as provided in subdivision (b). The Secretary of the Treasury shall approve or disapprove the contract in accordance with the decision of the board of arbitration. No permit shall be issued to purchase distilled spirits covered by such contract unless such contract has been approved under this section.

(b) Each board of arbitration shall be constituted as follows: The contracting party proposing to sell shall select one member, the Secretary of the Treasury shall select a second member, and the individuals so selected shall select the third member. Members of such boards shall receive a reasonable compensation, to be fixed by the Secretary of the Treasury, but not exceeding $25 per diem, and traveling and other actual expenses incurred while engaged on the business of the board. The seller and purchaser under the contract shall each pay one-half of such compensation and expenses. The Secretary of the Treasury may prescribe all needful regulations in respect of such boards of arbitration.

Mr. BLACK of New York. Mr. Chairman, I move to strike out the last word. We are coming to the close of the session. Prior to the beginning of this session of Congress the President announced that there would be a tax cut. The Secretary of the Treasury edged him out of the picture by saying that there would be a tax credit, and now the great Committee on Ways and Means, the President's operating machinery on tax matters, in this House, comes in with its sole tax proposition, this whisky bill, and this is what it submits to the people in fulfillment of the promise of the President that there should be a tax cut at this session. The ghastly part of this is that the Prohibition Unit comes here and tells us that this is in the interest of public health—the Prohibition Unit, that has been charged consistently from the beginning of this session with causing the infusion of poison into alcohol, which has brought about a great number of deaths, according to report of Doctor Norris, of New York. The true reason for this bill, first of all, is because the administration has been criticized for alcoholic poisoning; and, second, there is a hidden motive for it. I think the bill should be called an act for the relief of two unknown friends of Andrew Mellon. However, there is one healthy thing about the bill, and that has happened here to-day. It is gratifying and, indeed, gives promise of better and nobler things to find our friends, Mr. UPSHAW et al., deserting the leadership of Wayne B. Wheeler and following that of the distinguished dry from Peoria, Ill., Mr. WILLIAM E. HULL. That is the healthiest thing that has happened so far as this bill is concerned.

Mr. Chairman, I am going to vote against this bill because I am a friend of the President. I am not going to embarrass Cal. I was carried away with the philippic which he uttered the other day against price fixing in the Haugen bill. How he can ever sign this bill after that veto message is beyond me, but, as my friend from New Mexico said when I put it up to him, "Love will find a way," and I suppose that Cal will also.

Mr. HAWLEY. Mr. Chairman, I move that all debate upon this section and all amendments thereto do now close.

The motion was agreed to.

Mr. HUDSON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HUDSON: Page 6, line 13, strike out "Secretary of the Treasury" and substitute "Federal Trade Commission," and on page 6, line 14, beginning with the words "in case any," strike out lines 15, 16, and 17, down to the letter "(b)," and on line 19 strike out "Board of Arbitration" and substitute "Federal Trade Commission."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. HUDSON) there were—ayes 25, noes 54.

Mr. HUDSON. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. HAWLEY and Mr. HUDSON to act as tellers.

The committee again divided; and there were—ayes 63, noes 72.

So the amendment was rejected.

Mr. WEFALD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Mr. WEFALD moves to amend by striking out of the bill on page 6 from and including the figure 1 in parentheses all of line 5, all of lines 6, 7, 8, and all of line 9 to and including the word "acquisition"; and to insert in lieu thereof the following: "the cost of manufacture, the carrying charges, and a profit of 10 per cent of the cost of manufacture."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. WEFALD. Mr. Chairman——

The CHAIRMAN. Debate is closed.

Mr. WEFALD. I ask unanimous consent to speak for three minutes.

The CHAIRMAN. Debate has been closed. The question is on the amendment offered by the gentleman from Minnesota.

Mr. O'CONNOR of New York. But, Mr. Chairman, the gentleman is entitled to ask for unanimous consent.

The CHAIRMAN. The Chair will recognize the gentleman to do that.

Mr. WEFALD. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

Mr. HAWLEY. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. WEFALD) there were—ayes 19, noes 48.

So the amendment was rejected.

Mr. MACGREGOR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 6, at the end of section 5, add a new paragraph, as follows:

"(c) No distilled spirits authorized to be manufactured shall be distributed until all existing stocks available for purchase shall have been exhausted."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 6. (a) Whenever the Secretary of the Treasury finds that distilled spirits in the amount of 5,000,000 gallons have been concentrated in authorized concentration or tax-paid warehouses, he shall by order promulgate such finding. Commencing 30 days after the date of such order, distilled spirits shall not be acquired by any person, other than a permittee under section 2, except (1) from stock in authorized concentration or tax-paid warehouses, or (2) from stock forfeited to the United States, or (3) in retail quantities from retail druggists.

(b) The Secretary of the Treasury may by regulation require the transportation of distilled spirits acquired from an authorized concentration or tax-paid warehouse to be made in whole or in part direct by railway express from the warehouse to retail druggists or other persons authorized under existing law to receive and use distilled spirits for nonbeverage purposes.

(c) If the Secretary of the Treasury finds that any person authorized to sell distilled spirits at retail has, after the approval of this act, sold any distilled spirits for more than their fair market value, he is authorized to revoke the permit of such person.

Mr. LEHLBACH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 7, line 20, after the word "or (3)," insert "from wholesale druggists or (4)."

Mr. LEHLBACH. Mr. Chairman, the bill provides for the distribution of these medicinal spirits by from two to six warehouses, to be located within the United States, to the thousands of retail druggists, a direct distribution. If this bill is to be enacted into law, we ought to have a workable, practicable measure. It is impracticable to supply thousands and thousands of retail druggists throughout the length and breadth of the United States by from two to six distributing centers. In the first place, if these two to six warehouses are in different zones, there would be tens of thousands of druggists in each one of these zones, and the orders of each would go to that bonded warehouse. It would take as long as it takes the Pension Bureau to reach a claim to reach an application for the filling of an order for medicinal spirits.

Mr. SUMMERS of Washington. But you eliminate 22 States that do not permit the sale of it.

Mr. LEHLBACH. Those in the remaining States are scattered throughout the country.

Mr. CHINDBLOM. How many distributers of pharmaceutical products are there in the United States to-day?

Mr. LEHLBACH. In the States where medicinal whisky is permitted there are 75 to 100 drug jobbers or wholesale druggists who handle whisky. Now, the elimination of the wholesale druggist would make it easier for this whisky to reach bootleg channels, and the retention of the distribution system through the jobbers prevents, so far as possible, the whisky, before it reaches the retail druggist, from getting into bootleg channels, because you would have transported in interstate commerce continually thousands of shipments from the warehouses to places elsewhere. These numerous shipments of small quantities would inevitably be subjected to pilfering and larceny. Furthermore, the wholesaler knows personally those who trade with him and present the permits. It is the practice of reputable wholesale druggists, before they honor a permit and fill an order for whisky, to verify the permit from the local prohibition unit in the area in which the druggist is located. That would be frustrated by this amendment providing distribution from two or three or four centers. You also require the druggist to order larger lots in consequence of uncertain and delayed deliveries. They have to stock up because of the difficulty of having the stock renewed. These retailers have not the facilities to safeguard the goods from larceny that wholesalers have. Consequently, you would have subject to diversion ten times the quantity that you would have under the old system. There being no good reason for the elimination of the wholesale druggist—because, so far as I know, there has been no charge of diversion against the wholesale druggist—I deem the provision ill-advised, and the amendment I have offered, together with others I will offer, will, I think, restore a safe, workable system of distribution.

Mr. HAWLEY. Mr. Chairman, the committee gave careful study to this subject of distribution, and we selected what was, in our judgment, the best method by which the goods could be transported for distribution to the places where they were to be used. It was testified before the committee that the transportation to a jobber or wholesaler rather than to a direct customer was the largest source of diversion and cutting, and therefore the elimination of the wholesale druggist and of the jobbers and all solicitors and all drummers up of trade would remedy the situation. It was therefore provided that the medicinal spirits should go directly from the bonded warehouse to the place where they were to be dispensed.

Now, to adopt the pending amendment would be to undo the work we have been attempting to do and would open the door to greater opportunity of diverting and cutting. Complaints have been serious on that subject, and I think the language of the bill as provided by the committee should be retained. It greatly reduces the cost of handling. It gives ample control of the spirits in the hands of the retail druggists after the spirits are in their hands. If there is any adulteration or diverting, he would know the name of the man who did it. Otherwise it would not be possible to be done.

I move that the debate on the pending section and all amendments thereto be now closed.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Oregon.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LINTHICUM. Mr. Chairman, I ask for a division on that.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 84, noes 6.

Mr. LINTHICUM. Mr. Chairman, make the point that the vote shows that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and forty-eight Members present—a quorum. The Clerk will read.

Mr. LEHLBACH. Mr. Chairman, I call for a vote on my amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

Mr. LEHLBACH. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from New Jersey offers another amendment, which the Clerk will report.

Mr. LINTHICUM. Mr. Chairman, I have an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH: Page 8, line 1, after the word "to" insert "wholesale or."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I now offer my amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 7, line 16, strike out "thirty" and insert "ninety."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. HUDSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Amendment offered by Mr. HUDSON: Page 7, line 16, strike out all after the period down through line 21, and insert in lieu thereof the following:

"Commencing 30 days after the date of such order, no person other than a permittee under section 2 may acquire distilled spirits except (1) from stock in authorized concentration or tax-paid warehouses, or (2) in retail quantities from retail druggists; and distilled spirits forfeited to the United States shall not be sold by or on behalf of the United States to any person other than a permittee under section 2."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. WEFALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. WEFALD moves to amend by striking out on page 8, in lines 6 and 7, the words "for more than their market value" and insert in lieu thereof the following: "at a higher rate of profit than 50 per cent of the wholesale purchase price, including transportation."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. WEFALD. A division, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota demands a division.

The committee divided; and there were—ayes 18, noes 98.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. (a) All distilled spirits bottled under section 4 and all distilled spirits manufactured under section 2 and bottled—

(1) Shall be placed in distinctive bottles made under permit of, and in accordance with a design approved by, the Secretary of the Treasury;

(2) Shall be tested as to their character and quality at the time of bottling in accordance with regulations prescribed by the Secretary of the Treasury;

(3) Shall bear upon the bottles in which contained a label, made under permit of, and in accordance with a design approved by the Secretary of the Treasury, certifying that the spirits are medicinal spirits bottled under the medicinal spirits act of 1927, and stating such other facts in such manner as the Secretary of the Treasury may by regulation prescribe;

(4) Shall, when withdrawn from an authorized concentration or tax-paid warehouse pursuant to a permit to purchase, bear upon the label of each bottle a statement, in accordance with regulations prescribed by the Secretary of the Treasury, of the price at which the bottle of spirits has been sold to the permittee holding the permit to purchase. The term "price," as used in this paragraph, means that part of the total price under the contract of sale which is attributable to such bottle of spirits upon a basis of delivery in a deliverable state to the permittee at the authorized concentration or tax-paid warehouse from which withdrawn; and

(5) Shall not bear upon the bottles in which contained any label, brand, mark, trade-mark, or trade name, except such as are required by law or may be authorized hereafter by the Secretary of the Treasury. This paragraph shall apply only to distilled spirits manufactured under section 2.

(b) Commencing six months after the approval of this act, no permit shall be issued for the purchase, and no permit then in force shall authorize the purchase, of distilled spirits by any retail druggist or physician, unless such spirits are medicinal spirits bottled under this act.

(c) Any person (1) who knowingly forges, counterfeits, or falsely makes any label approved under this section, or uses, attempts to use,

possesses, distributes, obtains, accepts, or receives any such label knowing it to be forged, counterfeited, or falsely made, or to be used unlawfully, or to have been procured by fraud or unlawfully obtained, or (2) who, except under permit of the Secretary of the Treasury, knowingly designs, engraves, sells, or has in his control or possession any plate in the likeness of a plate used for any such label, or makes any plate, photograph, or impression of any such likeness, or has in his possession, a distinctive paper for use for any such label, shall, upon conviction thereof, be fined not more than $2,000 or imprisoned for not more than two years, or both.

(d) Any person who with intent to defraud, alters, mutilates, destroys, obliterates, or removes any label required under this section to be placed upon any bottle containing medicinal spirits bottled under this act, so long as such spirits are held for resale, shall upon conviction thereof be fined not more than $1,000 or imprisoned for not more than one year, or both.

(e) Any person (1) who, except as permitted under regulations prescribed by the Secretary of the Treasury, knowingly sells, or holds, or offers for sale except in the original unopened bottle, any distilled spirits bottled under this act, or (2) who knowingly counterfeits or falsely makes any distinctive bottle approved under this section, or uses, attempts to use, possesses, distributes, obtains, accepts, or receives any such bottle knowing it to be counterfeited or falsely made, or to be used unlawfully, or to have been procured by fraud or unlawfully obtained, or (3) who, except under permit of the Secretary of the Treasury, knowingly designs, sells, or has in his control or possession any mold in the likeness of a mold used for any such bottle, or (4) who, except under permit of the Secretary of the Treasury, knowingly refills, in whole or in part, with any liquid any distinctive bottle approved under this section and sells, or holds, or offers for sale such liquid in such bottle, shall, upon conviction thereof, be fined not more than $2,000 or imprisoned not more than two years, or both.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 9, line 21, after the word "any," insert the words "wholesale druggist."

Mr. SABATH. Mr. Chairman and gentlemen of the committee, if there ever was a doubt in the mind of anyone as to the power wielded over Congress on the part of the prohibition generalissimo, Wayne B. Wheeler, surely the debate and the vote that will be taken on this bill shortly will completely dispel it. He is the czar. He is the king, and he is the law, and his commands will and must be obeyed. It is indeed amazing the influence this man Wheeler, the chief of the discredited Anti-Saloon League still possesses. Last week while this bill was under consideration, and again to-day, I have heard many Members pointing out the defects of this bill and what a tremendous power it will give to Secretary Mellon, and what a strong monopoly it will create. The leading professional prohibitionists like the gentleman from Georgia [Mr. UPSHAW] and others who attacked this bill last week have been ordered into line and with very few exceptions all will vote for it.

The fact that the Anti-Saloon League has been discredited and proven guilty, and as some of its officials openly boast of falsehoods and intrigues in bringing about the enactment of the prohibition act, that they should still be able to wield this tremendous power is beyond my comprehension. However, I am satisfied that the country is gradually being aroused and will not much longer tolerate the arrogance and the control of this House on the part of the fanatical pay-roll prohibitionists under the name of the Anti-Saloon League, who while this country was at war devoted its time to raise funds with which to build up its organization, and with their contemptible propaganda created sentiment among the unsuspecting, well-meaning, churchgoing men and women and thereby succeeded in using them for their nefarious schemes and activities and utilized them to fill their coffers. Of course, there are some professional prohibitionists who are going to vote against this bill, having stated their reasons, namely, that this legislation may interfere with their home production, and I believe that it will. It is bound to reduce the price of the medicinal whisky, and thereby will reduce the price of the "moonshine" or the "white mule" which is manufactured in their States and congressional districts which are now in a great measure, as the prohibition chief charged, supplying the South and southwestern markets. Another reason why some shall vote against it, as given by the gentleman from Oklahoma, is that they are all making it at home. Mr. Chairman, why should these highly patriotic gentlemen who vote and advocate prohibition buy whisky on which there is a tax if they can and do manufacture it at home and they can avoid the payment of the tax, as they have before, are now, and will continue to do, regardless of prohibition? [Applause.]

Mr. Chairman, I have no serious objection for these gentlemen to manufacture their own medicinal whisky, nor to the Government sanctioning its manufacture. But why should we permit the manufacture of medicinal whisky and prohibit the manufacture of medicinal beer, when the majority of physicians of recognized standing concede that beer possesses much more curative ingredients than whisky, and I am sure that it would cure more ills than the whisky manufactured even under the direction of Doctor Mellon.

If the southern gentlemen were as familiar with the values of beer as they are with "white mule" and "moonshine," I know they would support me in my efforts to permit the manufacture of wholesome beer, because beer, unlike whisky, does not cause drunkenness and it would bring about a sober Nation. Of course, the prohibition czar recently permitted the manufacture of medicinal malt by two special breweries. This bill will sanction the manufacture of medicinal whisky by two favored distilleries, so that it will be easier controlled, as they say, on the part of the Prohibition Unit, but also on the part of certain gentlemen very close to and strong with the administration.

Mr. Chairman, although I have nothing against this bill and though I strongly feel that beer and wine should also be permitted to be prescribed, not only prescribed but permitted to be used, both as medicine and as beverage, I can not help voting against this bill, because it creates a monopoly and gives to a few men the absolute control of the manufacture and sale of whisky and malt, creating to my mind an extremely dangerous trust in this country. Were it not for this fact, I might have voted for the bill, as I have at all times voted for every measure since the enactment of the Volstead Act, so as to prove and demonstrate that it is absolutely impossible to enforce this foolish prohibition law. In that I am borne out by men like District Attorney Buckner and by General Butler who three years ago with the aid of the Governor of Pennsylvania was positive he could bring about its enforcement within a few months. After two years he was obliged to concede that the law can not be enforced. The same thing applies to Colonel Green, the former prohibition director on the Pacific coast. This is the view of every honest enforcement official, including such men as Mayor Dever, of the city of Chicago. Yes; the people of the United States realize the intolerable conditions now existing under prohibition, and in every State where the question has been submitted to the people the great majority have gone on record for its modification and repeal.

Mr. Chairman, realizing the dissatisfaction and destruction and the wave of crime that prohibition has brought about, I give notice now, knowing nothing can be done at this time, that the very first moment of the next session of Congress I shall make and continue to make every effort to secure the repeal or at least the modification of this crime-breeding law, which is recognized, though not admitted, by even prohibitionists, as a dismal failure and is responsible, as stated by Winifred Black, according to the last survey made, in this country for over 4,000,000 dope fiends.

The prohibition law was passed under false pretenses, and it is defended by false pretenses. The most appalling increase of alcoholic addiction is admitted even by most of the prohibitionists. They call for constantly more and more funds, more and more men, for the Navy, the Army, for alliances with foreign nations, for boycott of nations that will not help us enforce our laws. They call for more and more invasions of the liberties on which this alleged Republic was supposed to have been founded.

I am against prohibition because I believe the legislation has been a curse to the Nation. It has penetrated every section of our country with spies and snoopers; it has robbed the American people of their trial by jury; it has deprived the people of their constitutional rights, made our homes insecure, and legalized the wholesale poisoning of thousands upon thousands of American citizens, and has made America the laughingstock and the joke of the world. [Applause.]

Mr. HAWLEY. Mr. Chairman, I move that all debate on this section and on all amendments thereto close in 10 minutes.

The question was taken; and on a division (demanded by Mr. BARKLEY) there were—ayes 92, noes 40.

So the motion was agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. LEHLBACH].

The amendment was rejected.

Mr. WILLIAM E. HULL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. WILLIAM E. HULL] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAM E. HULL: On page 9, line 5, after the word "Treasury" strike out the word "of" and the following words down to and including the word "withdrawn" on line 12, and insert in lieu thereof the following:

"A suggested resale price to be fixed by the Secretary of the Treasury, at which such distilled spirits shall be sold to the public, which price shall not exceed the price to the retail druggist, plus 100 per cent gross profit."

Mr. WILLIAM E. HULL. Mr. Chairman, this provision is legal, and I have had good lawyers pass upon it. Every drug store in the city of Washington to-day has 80 per cent of its drugs on its shelves with the prices marked on them, so that there is nothing wrong about putting a price on a bottle of medicinal whisky. I have made a scale which I might show you that gives the actual charges by express. For instance, in California it is 30 cents a bottle; in Colorado, 25 cents a bottle; in the central portion of the United States, 10 cents a bottle; and in New England it is 12 cents a bottle. All that it is necessary to do at the distillery is to zone the country and add the price of the whisky and put the price on the bottle, plus the express. For example, we will say that whisky in Toledo costs a druggist 40 cents a bottle; then all he has to do is to put 80 cents plus express 10 cents on the bottle, and everybody then will know the price of the whisky, which brings whisky back just about where it was before the war.

It gives the people this whisky at the right price, and what is more important than the price is that we all know at the present time, with the extreme high prices they are charging for whisky, the druggist is taking half of the whisky out of the bottles where it is bottled in bond and putting in colored alcohol and making two bottles of whisky out of one. It would not pay him to do this with whisky at a price of 40 cents per pint. Consequently this will preserve the quality of the whisky, because if the whisky is low in price there will be no incentive to adulterate it.

Under this amendment I am allowing the druggist 100 per cent profit. This means that when the druggist gets the whisky in his house he sells it for 80 cents plus express, provided it cost him 40 cents. If it costs him 45 cents, he sells it for 90, or if it costs him 50 cents, he sells it for $1. One hundred per cent may seem to be too much, but when you consider the risk that the druggist has in protecting this whisky within his store, because to-day everybody wants to steal it, it is not an exorbitant profit, and it practically puts the price of whisky back to what it was.

I think, my colleagues, this is the most important amendment I have introduced to-day. I know this is enough profit for the druggists to receive, and I know it is a protection to the whisky and a protection to the person who buys it, not only from the standpoint of price, but also from the standpoint of getting pure, medicinal whisky.

In offering all these amendments I have tried to give you something that is practical. I have no interest in the whisky business. I have no interest in whether you pass this bill or not, but if we are going to pass a bill through the House, let us not make a mistake by passing a bill that we will afterwards be sorry for.

With these three amendments in the bill I am sure it will stand muster and suit the people of the country. [Applause.]

Mr. WEFALD. Will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. WEFALD. I want to ask the gentleman this question. With his amendments in the bill, how much will a poor man have to pay for this medicinal whisky?

Mr. WILLIAM E. HULL. Eighty cents a pint, plus express, which is what was paid before the war.

Mr. BARKLEY. Will the gentleman's amendment make this a price fixing bill?

Mr. WILLIAM E. HULL. No; it will not.

Mr. BARKLEY. So that the President will refuse to sign it for that reason?

Mr. WILLIAM E. HULL. No; it is not a price fixing bill. This is a suggested price.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. O'CONNOR of New York. The gentleman has not overlooked the fact, has he, that, while we have been talking about getting pure whisky under this bill, at several places in the bill the Secretary of the Treasury is permitted to prescribe the formula?

Mr. WILLIAM E. HULL. That is true, and he should prescribe them.

Mr. O'CONNOR of New York. He has already prescribed some formulas which were not pure whisky, and he can do that same thing under this bill.

Mr. WILLIAM E. HULL. Prescribing the formula simply means that if he wants a Bourbon whisky he will state that he wants it 25 per cent rye, 10 per cent malt, and 65 per cent corn.

Mr. O'CONNOR of New York. Oh, no.

Mr. WILLIAM E. HULL. I wrote that provision and I know what it means.

Mr. O'CONNOR of New York. The formulas are in existence to-day and could be referred to.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. WILLIAM E. HULL].

The amendment was agreed to.

Mr. UPSHAW. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. UPSHAW: On page 10, line 11, after the figures "$2,000," strike out the word "or" and insert "and"; in line 19, after the figures "$1,000," strike out "or" and insert "and"; on page 11, line 12, after the figures "$2,000," strike out "or" and insert "and."

The amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I offer an amendment, on page 9, to strike out subsection 5.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: On page 9, beginning at line 13, strike out all of subsection 5.

Mr. BARKLEY. Gentlemen, I offer this amendment for your consideration for this reason: Under this subsection, if it is adopted, all medicinal whisky will presumably bear the same brand or the same label, which is to be prescribed by the Secretary of the Treasury.

Of course, I have no way of knowing what sort of label or brand he will prescribe to be put on the bottles, but I see no necessity for prescribing necessarily a uniform label to be put on all medicinal whisky, no matter where it is made. There are certain brands of liquor recognized by the public as being of a high degree of purity and of value from a medicinal standpoint, and when a patient goes into a drug store and calls for that particular liquor he knows precisely what he is getting, because it has established its reputation over a period of years as a medicinal liquor; and it strikes me we ought not to legislate that situation out of existence by providing here that there shall hereafter be no distinction whatever as to labels.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. CHINDBLOM. Those labels or trade-marks are owned by the old established distilleries. They will be out of business. You do not want to say that you are selling Old Crow when there is no Old Crow being manufactured.

Mr. BARKLEY. Not all of them are out of business. Some of them may be designated under this law by the Secretary of the Treasury as manufacturers of medicinal liquor.

Mr. CHINDBLOM. If they are, they are not manufacturing the whisky they used to manufacture.

Mr. BARKLEY. They might.

Mr. CHINDBLOM. They have been idle for a dozen years.

Mr. BARKLEY. They might do it. The Secretary of the Treasury might adopt the formula of one of those distilleries.

Mr. CHINDBLOM. Then the Secretary of the Treasury would have the authority to permit them to use such labels.

Mr. BARKLEY. He could do that, but he ought not to have the authority to compel some other distiller to use that same label.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. LAGUARDIA. Of course, we would have to put on the label "nonbeverage" and "for medicinal purposes only," so that no one might make a mistake.

Mr. BARKLEY. But that would not go to the question of the formula.

Mr. LAGUARDIA. But that is very necessary.

Mr. BARKLEY. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was rejected.

Mr. WEFALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 14, after the paragraph (e), add a new paragraph, as follows:

"(f) No permittee shall employ traveling sales agents for the purpose of soliciting business."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. HUDSON. Mr. Chairman, I offer the following amendment as a new section.

The Clerk read as follows:

Page 11, after line 13, insert the following:

"SEC. 8. Any person (1) who knowingly forges, counterfeits, alters without lawful authority, or falsely makes any writing or instrument whereby any intoxicating liquor may be obtained or withdrawn (including any application, permit, permit form, physician's prescription, physician's prescription blank, physician's prescription book, physician's prescription blank book, or letter of confirmation); or (2) who knowingly uses, possesses, distributes, obtains, accepts, or receives any such writing or instrument, knowing it to be forged, counterfeited, altered without lawful authority, or falsely made, or to be used unlawfully, or to have been procured by fraud or unlawfully obtained; or (3) who, except under permit of the Secretary of the Treasury, knowingly designs, engraves, sells, or has in his control or possession any plate in the likeness of a plate used for any such writing or instrument, or makes any plate, photograph, or impression, of any such likeness, or has in his possession a distinctive paper for use for any such document or instrument, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than two years, or both."

Mr. HUDSON. Mr. Chairman, I trust that this amendment may prevail.

Mr. HAWLEY. Mr. Chairman, I thought debate had been exhausted on this section.

The CHAIRMAN. Debate was exhausted on section 17, but under the ruling that motion does not apply to an amendment offered as a new section unless the motion so provides.

Mr. CHINDBLOM. This is an amendment to paragraph (f).

The CHAIRMAN. It is a new section, and the Chair holds that the gentleman from Michigan is recognized.

Mr. HUDSON. Mr. Chairman, I trust the committee will bear with us in this amendment; it is a perfecting amendment to the bill. It has the entire sanction and was drawn under the favor or consideration of the department. It is a very important piece of legislation in perfecting and safeguarding the handling of these liquors. It takes care of the prescription, and General Andrews has said that they have more trouble with forged permits and prescriptions than anything else. This safeguards it as far as it can be done.

Mr. GRIFFIN. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman and colleagues, I am going to put my arguments against this amendment to the bill in the following lines, which I have entitled "Mark Him Down":

MARK HIM DOWN

I

The man who drinks because he's sick
Might well a better reason pick;
  But a poor excuse is better than none.
The man who claims good fellowship
Induces him to take his nip—
  Just mark him down a paragon.

II

The man who can and takes a nip
In moderation will not slip
  Into subjection to his grog.
The man who can and drinks his fill
Does to himself the only ill—
  Just mark him down a stupid hog.

III

The man who can't, of course, won't drink—
To drunkenness he can not sink—
  He owes his virtue to his fate.
But such as he will get no thanks,
Except perhaps from zealous cranks—
  Just mark him down an addle-pate.

IV

The man who can enjoy his nip
Yet bravely spurns it from his lip
  A martyr surely will be writ.
But he who can and drinks his fill
Yet won't let others share his still—
  Just mark him down a hypocrite.

[Applause.]

Mr. HAWLEY. Mr. Chairman, I move that all debate on this section and this amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. HUDSON].

The question was taken, and the amendment was agreed to.

Mr. HOWARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 12 strike out all of lines 16 and 17 and insert in lieu thereof the following:

"SEC. 11. This act may be cited as an act for the relief of Andrew Mellon and associates."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. HOWARD) there were—ayes 44, noes 86.

Mr. HOWARD. I demand tellers.

The question of ordering tellers was taken, and 19 Members arising, tellers were refused.

So the amendment was rejected.

Mr. MACGREGOR. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 12, line 9, after the word "regulations," strike out the period, insert a comma and the words:

"*Provided*, That no distilled spirits embraced within the provisions of this act shall be subject to any internal revenue tax."

Mr. MACGREGOR. Mr. Chairman, I offer this in order to furnish medicinal liquors to sick people at a fair price. I do not think the Government should impose a tax on medicine.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken and the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, 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. 17130) to conserve the revenues from medicinal spirits and provide for the effective Government control of such spirits, to prevent the evasion of taxes, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HAWLEY. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BANKHEAD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 150, answered "present" 3, not voting 69, as follows:

[Roll No. 43]

YEAS—210

Abernethy	Browne	Crowther	Frear
Adkins	Buchanan	Crumpacker	Free
Aldrich	Bulwinkle	Dallinger	Freeman
Allen	Burdick	Darrow	Furlow
Allgood	Burtness	Davenport	Garner, Tex.
Almon	Burton	Deal	Gifford
Andresen	Butler	Dempsey	Green, Fla.
Andrew	Canfield	Denison	Green, Iowa
Arentz	Carpenter	Dickinson, Iowa	Griest
Ayres	Carss	Dickinson, Mo.	Hadley
Bacharach	Carter, Calif.	Doughton	Hale
Bachmann	Chindblom	Dowell	Hall, N. Dak.
Bacon	Christopherson	Drewry	Hammer
Bailey	Clague	Dyer	Hardy
Barbour	Cole	Eaton	Hawley
Beedy	Collier	Edwards	Hayden
Begg	Colton	Esterly	Hersey
Bell	Connally, Tex.	Fenn	Hickey
Bowles	Cooper, Wis.	Fitzgerald, Roy G.	Hill, Ala.
Bowman	Cox	Fitzgerald, W. T.	Hoch
Briggs	Coyle	Fletcher	Holaday
Brigham	Cramton	Fort	Hooper
Britten	Crisp	Foss	Houston

Hudson	McLaughlin, Mich.	Rankin	Tucker
Hull, Morton D.	McLaughlin, Nebr.	Ransley	Underhill
Hull, William E.	McSweeney	Rathbone	Underwood
Jacobstein	MacGregor	Reece	Upshaw
James	Magee, N. Y.	Reed, N. Y.	Vaile
Jeffers	Mapes	Robinson, Iowa	Vestal
Jenkins	Martin, La.	Rogers	Vincent, Mich.
Johnson, Ill.	Martin, Mass.	Sanders, N. Y.	Vinson, Ga.
Johnson, S. Dak.	Menges	Sandlin	Wainwright
Johnson, Wash.	Michener	Scott	Wason
Kearns	Miller	Shreve	Watres
Kelly	Moore, Va.	Sinclair	Watson
Kemp	Morgan	Smithwick	Weaver
Kerr	Morin	Snell	Wefald
Ketcham	Morrow	Spearing	Welsh, Pa.
Kiess	Murphy	Sproul, Ill.	White, Kans.
Kopp	Nelson, Me.	Stalker	White, Me.
Kunz	Nelson, Wis.	Steagall	Whitehead
Kurtz	Newton, Minn.	Stobbs	Williamson
Kvale	Newton, Mo.	Strong, Kans.	Wilson, La.
Lankford	O'Connell, R. I.	Sweet	Wilson, Miss.
Larsen	Oldfield	Swing	Wingo
Lazaro	Peery	Taber	Winter
Lea, Calif.	Perkins	Taylor, Colo.	Wood
Leatherwood	Phillips	Temple	Wright
Leavitt	Pou	Thompson	Wyant
Letts	Pratt	Tilson	Yates
Luce	Ragon	Timberlake	Zihlman
Lyon	Rainey	Tolley	
McFadden	Ramseyer	Treadway	

NAYS—150

Ackerman	Elliott	Lindsay	Rowbottom
Arnold	Englebright	Linthicum	Rubey
Aswell	Eslick	Little	Rutherford
Auf der Heide	Fisher	Lowrey	Sabath
Bankhead	French	Lozier	Sanders, Tex.
Barkley	Fulmer	McClintic	Schafer
Beck	Gambrill	McDuffie	Schneider
Beers	Garber	McKeown	Sears, Nebr.
Black, N. Y.	Gardner, Ind.	McLeod	Shallenberger
Black, Tex.	Garrett, Tenn.	McMillan	Simmons
Bland	Garrett, Tex.	McReynolds	Somers, N. Y.
Blanton	Gilbert	McSwain	Speaks
Bloom	Golder	Magrady	Sproul, Kans.
Bowling	Goodwin	Major	Stevenson
Box	Greenwood	Manlove	Summers, Wash.
Boylan	Griffin	Mansfield	Sumners, Tex.
Browning	Hall, Ind.	Michaelson	Swank
Busby	Hare	Montague	Taylor, Tenn.
Byrns	Hastings	Moore, Ky.	Taylor, W. Va.
Cannon	Hill, Md.	Morehead	Thatcher
Carew	Hill, Wash.	Nelson, Mo.	Thomas
Carter, Okla.	Hogg	Norton	Thurston
Celler	Howard	O'Connell, N. Y.	Tillman
Chalmers	Huddleston	O'Connor, La.	Tydings
Chapman	Hudspeth	Oliver, Ala.	Updike
Cochran	Hull, Tenn.	Oliver, N. Y.	Vare
Collins	Johnson, Ind.	Parks	Vinson, Ky.
Connery	Johnson, Tex.	Peavey	Voigt
Corning	Jones	Perlman	Warren
Crosser	Kahn	Porter	Weller
Cullen	Keller	Prall	Welch, Calif.
Davis	Kincheloe	Purnell	Wheeler
Dickstein	Kindred	Quin	Whittington
Dominick	Kirk	Reed, Ark.	Williams, Tex.
Douglass	LaGuardia	Reid, Ill.	Woodrum
Doyle	Lampert	Robsion, Ky.	Wurzbach
Drane	Lanham	Romjue	
Driver	Lehlbach	Rouse	

ANSWERED "PRESENT"—3

Fairchild	O'Connor, N. Y.	Patterson

NOT VOTING—69

Anthony	Fredericks	Lee, Ga.	Sosnowski
Appleby	Frothingham	Lineberger	Stedman
Berger	Funk	Madden	Strong, Pa.
Bixler	Gallivan	Magee, Pa.	Strother
Boies	Gasque	Mead	Sullivan
Brand, Ga.	Gibson	Merritt	Swartz
Brand, Ohio	Glynn	Milligan	Swoope
Brumm	Goldsborough	Mills	Taylor, N. J.
Campbell	Gorman	Montgomery	Tincher
Cleary	Graham	Mooney	Tinkham
Connolly, Pa.	Harrison	Moore, Ohio	Walters
Cooper, Ohio	Haugen	Parker	Williams, Ill.
Curry	Irwin	Quayle	Wolverton
Davey	Johnson, Ky.	Rayburn	Woodruff
Ellis	Kendall	Sears, Fla.	Woodyard
Evans	Kiefner	Seger	
Faust	King	Sinnott	
Fish	Knutson	Smith	

So the bill was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Wolverton (for) with Mr. Cleary (against).
Mr. Brand of Georgia (for) with Mr. Sullivan (against).
Mr. Woodruff (for) with Mr. O'Connor of New York (against).
Mr. Parker (for) with Mr. Merritt (against).
Mr. Sinnott (for) with Mr. Quayle (against).
Mr. Cooper of Ohio (for) with Mr. Patterson (against).
Mr. Fish (for) with Mr. Gallivan (against).
Mr. King (for) with Mr. Gasque (against).
Mr. Moore of Ohio (for) with Mr. Mooney (against).
Mr. Connolly of Pennsylvania (for) with Mr. Mead (against).

Until further notice:

Mr. Faust with Mr. Milligan.
Mr. Graham with Mr. Rayburn.
Mr. Williams of Illinois with Mr. Stedman.
Mr. Strong of Pennsylvania with Mr. Harrison.
Mr. Madden with Mr. Davey.
Mr. Seger with Mr. Goldsborough.
Mr. Mills with Lee of Georgia.
Mr. Ellis with Mr. Evans.
Mr. Smith with Mr. Sears of Florida.
Mr. Anthony with Mr. Johnson of Kentucky.
Mr. Frothingham with Mr. Berger.

Mr. O'CONNOR of New York. Mr. Speaker, did the gentleman from Michigan, Mr. WOODRUFF, vote?

The SPEAKER. He did not.

Mr. O'CONNOR of New York. I am paired with the gentleman from Michigan. If he were present, he would vote "yea" and I would vote "nay." I vote "present."

Mr. MONTGOMERY. Mr. Speaker, had I been present when my name was called, I would have voted "nay." I vote "present."

Mr. CROSSER. Mr. Speaker, I am requested to say that my colleague, Mr. MOONEY, is unavoidably detained elsewhere; and if he were present, he would vote "nay."

Mr. PATTERSON. Mr. Speaker, I withdraw my vote of "nay" and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed Senate bills and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 4328. An act to authorize the appointment of an additional judge for the district court of the United States for the northern district of California;

S. 5352. An act to provide for one additional district judge for the eastern district of Michigan;

S. 5454. An act authorizing the establishment of a migratory bird refuge at Bear River Bay, Great Salt Lake, Utah;

S. 5479. An act to authorize the Secretary of the Navy to dispose of certain parts of the frigate *Constitution*, to be used as souvenirs;

S. 5144. An act to amend section 215 of the Criminal Code;

S. 872. An act for the relief of George A. Robertson;

S. 1909. An act for the refund of estate tax erroneously collected;

S. 2788. An act for the relief of Joseph Jameson;

S. 3570. An act for the relief of O. H. Chrisp;

S. 3688. An act for the relief of Elizabeth Lynn;

S. 4247. An act to amend and reenact sections 3, 20, 31, 33, and 38 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," as amended by an act approved June 7, 1924, and for the insertion of a new section in said act between sections 5 and 6 of said act, to be designated as "5a" of said act;

S. 4380. An act for the relief of Allen Nichols;

S. 4495. An act for the relief of Gustav E. Boettcher;

S. 4530. An act 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;

S. 4557. An act for the relief of Charles H. Niehaus, sculptor, for losses in connection with Francis Scott Key Memorial at Baltimore, Md.;

S. 4729. An act for the relief of Peter S. Kelly;

S. 4739. An act for the relief of Harry C. Ford;

S. 4875. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes;

S. 4882. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act as amended;

S. 5006. An act to repeal the last proviso of section 7 of an act to establish the Mount McKinley National Park, in the Territory of Alaska, approved February 26, 1917;

S. 5200. An act to authorize a per capita payment from tribal funds to the Kiowa, Comanche, and Apache Indians of Oklahoma;

S. 5449. An act to authorize a permanent annual appropriation for the maintenance of the Gorgas Memorial Laboratory;

S. 5533. An act to regulate the height and exterior design and construction of public and private buildings in the National Capital fronting on or located within 200 feet of a public building or public park;

S. 5548. An act to credit the accounts of Richings J. Shand, United States property and disbursing officer, Illinois National Guard; and

S. J. Res. 65. Joint resolution to provide for an agricultural day.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred as indicated below:

S. 4631. An act for the relief of Claude T. Winslow; to the Committee on Claims.

S. 5624. An act to provide for continued hospitalization at Liberty, N. Y., of certain beneficiaries of the Veterans' Bureau; to the Committee on World War Veterans' Legislation.

S. 5625. An act to provide for continued hospitalization at Saranac Lake, N. Y., of certain beneficiaries of the Veterans' Bureau; to the Committee on World War Veterans' Legislation.

MESSAGE FROM THE PRESIDENT

A message, in writing, from the President of the United States, was communicated to the House by Mr. Latta, one of his secretaries, who also announced that the President had on dates as indicated below, approved and signed House bills of the following titles:

On February 26, 1927:

H. R. 5823. An act to amend the Code of Law for the District of Columbia in relation to the qualifications of jurors.

On February 28, 1927:

H. R. 5028. An act for the promotion of certain officers of the United States Army now on the retired list;

H. R. 10485. An act for the relief of William C. Harllee; and

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

On March 1, 1927:

H. R. 14831. An act to amend section 107 of the Judicial Code.

FARM RELIEF LEGISLATION

Mr. GARNER of Texas. Mr. Speaker, I desire to present a request for unanimous consent. I ask unanimous consent to have printed in tomorrow's RECORD the farm relief legislation that came over from the Senate, so that the House may have full information as to what it is.

The SPEAKER. Is there objection?

There was no objection.

CREATING A "WHISKY TRUST"

Mr. COCHRAN. Mr. Speaker, the question before the House is whether Representatives in Congress propose to be a party to the demand of the administration in authorizing a monopoly to control and distribute distilled spirits for medicinal purposes. I decline to lend any aid to pass this bill, which will create what has well been termed a "whisky trust."

I received many telegrams and letters during the past two weeks urging me to vote against this measure. To-day, however, when the bill is under consideration, I am in receipt of nearly a hundred telegrams, many from senders of the previous messages, stating the bill as amended meets with their approval. Where did they get the information concerning the amendments? They had not even been offered at the time. I have investigated and learned a conference was held for the past three days in Washington and that certain interests had been satisfied. I propose to protect the many and not a few. Every wholesale and retail druggist and the many citizens who own but a small quantity of whisky will approve of my opposition to the bill when they read it with the amendments adopted this afternoon.

One of the purposes of the bill, according to the Treasury Department, is to guarantee to the purchaser pure whisky to be used for medicinal purposes. Because a few druggists have been found who adulterated whisky, Members indict the entire profession by stating it is almost impossible now to secure from druggists pure whisky to be used for medicinal purposes.

On behalf of several hundred honorable chemists and pharmacists who conduct drug stores in St. Louis, I resent such an accusation. The arraignment is not based on facts, but is for the purpose of hoodwinking Members of Congress into believing such violations are general throughout this honorable profession and in the expectation of securing their support for this iniquitous measure.

The existing law provides that druggists must keep records of all liquor received, and I know that prohibition inspectors, in fact a special squad, spend their entire time in my city going from drug store to drug store checking up on the prescriptions and stock. If it is found the druggist is short, or over, he is immediately advised that his permit is suspended, and he is notified to appear before the State director to show cause why his permit should not be revoked.

The majority of the druggists who handle medicinal liquor do not desire to engage in this business, but they find it necessary in order to fill the prescriptions issued by physicians. I know of cases where the druggists have found it to their interest to purchase large safes in which to store this whisky, and they use every means at their command to safeguard their supply. They also spend considerable time making out reports and keeping their records in the form prescribed by the Prohibition Unit. They have told me it is a nuisance.

You might ask, if it is a nuisance, why do they handle it? In reply, I say the neighborhood druggist is forced to extremes in order to compete with the so-called chain stores. All of these chain stores handle whisky, and the neighborhood druggist would be inviting his customers to patronize his competitor if he were unable to fill their prescriptions. The neighborhood druggist is a servant of the people. He rises at any hour of the night to fill a prescription for the sick, completes his task with a smile, and dismisses his customer with kind words.

Such men as these do not deserve to be classed as violators of the law.

General Andrews, in charge of prohibition enforcement, it is stated in the public press, will resign if certain additional enforcement legislation is not passed.

I would dislike to see General Andrews leave the employ of the Government at this time. I want him to continue at the head of this unit, because in the end he is that class of man, in my opinion, who will not hesitate to proclaim to the world that it is impossible to enforce the eighteenth amendment and Volstead law in the United States, for ultimately he will be forced to come to that conclusion. Much as I would like to see General Andrews remain in office, I can not and will not cast my vote to create a "whisky trust" in this country.

The first bill, and administration measure, which was so obnoxious that it early suffered defeat in the committee, provided that the Government was to advance $35,000,000 to purchase and manufacture distilled spirits, clearly putting the Government in the whisky business.

This bill was followed by others equally objectionable, which were also defeated, until the pending bill was agreed upon by the committee. It does not provide for the Government advancing the money, but it will put the control of all whisky in the country in the hands of a few men, to be selected by the Secretary of the Treasury. The measure will reduce the number of concentrated warehouses to six, making it necessary to remove the millions of gallons of whisky now stored in over 30 other warehouses to these favored supply depots. Who is to pay for the removal of this whisky to these special warehouses?

No one but the owners of the whisky; and it is common knowledge that thousands own the whisky now in storage, for they hold the warehouse certificates. Many bought it in the expectation that they would be allowed to withdraw it. They owned these certificates prior to the enactment of prohibition, but failed to exercise their right to pay the tax and remove it before the eighteenth amendment was adopted. Since that time they have paid to remove it to the concentrated warehouses provided for in the existing law, have paid storage and insurance, and there is not one man who will not suffer a financial loss on his original investment when he finally disposes of it.

You seek to inflict further financial punishment upon these men, several hundred of whom reside in my city. Their whisky is stored under Government supervision in two concentrated warehouses in St. Louis. Suppose the nearest warehouse selected under this bill would be 500 miles distant; the owners of the whisky or the corporations selected to purchase it would be required to pay the railroads or express companies the cost of removing it to the designated place. Then, again, the railroads and express companies will greatly benefit by the reshipment of this whisky when it is sold for medicinal consumption.

The section which refers to replenishing the stock by authorizing the manufacturing of distilled spirits provides that not less than two nor more than six distillers are to receive permits. As the administration asked in the original bill that only two distillers, selected by the Secretary of the Treasury, be granted this concession, is it not reasonable to assume, if it is left to his discretion, he will name two and not six? Thus the many distillers who have kept their plants in condition, feeling that under existing law they would eventually be permitted to use

their equipment in replenishing the stock of medicinal whisky, will, if this bill becomes a law, find their plants absolutely useless.

The measure is so dangerous that we find some of the leading drys in the House in opposition. They have used harsh language, insinuated that certain officials would take undue advantage of its provisions, and have openly stated they would not trust this power to the Secretary of the Treasury.

The gentleman on the Republican side, Doctor CROWTHER, of New York, in the course of his defense of the bill sounded the following warning to his colleagues:

> But I say to my Republican friends that if we expect to be successful in this coming national election, the only thing for the Republican Party to do is to stand foursquare in favor of the eighteenth amendment, the Volstead Act, and say to the people of this great Nation that we have an enduring faith in the Constitution of the United States.
>
> This we must do, without any side-stepping, ducking, or dodging of any kind or description.

This is typical of the attitude of the drys. Coming, as he does, from a State which by a recent referendum voted overwhelmingly wet, the gentleman from New York refuses to yield to the majority but insists that the minority view must rule.

Of course, I have no right to speak for the Democratic Party, but I want to say in reply that I hope my party will accept this challenge, go before the country in November, 1928, with a provision in its platform providing for the repeal of the eighteenth amendment and the Volstead law.

Let prohibition be the issue in 1928, and let the party which has always stood for the common people take the lead in demanding that personal liberty be restored and declare for all time to the world that this free country, the greatest Government in the universe, does not propose to regulate the personal habits of its people. Let us rise or fall defending the rights of the individual.

The gentleman from Massachusetts [Mr. TREADWAY] has seen fit to attack the legal representative of the retail druggists. In his speech in defense of the bill he assails Mr. E. C. Brockmeyer, their general attorney, for presenting their objections to this measure.

Mr. Brockmeyer happens to come from my home city. He needs no defense from me. The druggists have exercised their right to employ legal counsel, and in selecting Mr. Brockmeyer they have chosen a reputable lawyer who thoroughly understands government procedure and is capable of properly presenting his clients' cause.

The gentleman from Kentucky [Mr. JOHNSON], who not only votes dry but is personally dry, stated he did not know Mr. Brockmeyer, the general attorney of the retail druggists, and added:

> I venture the opinion that his reputation for integrity will compare most favorably with a concern that, in my opinion, is to be designated as one of the manufacturers of whisky if this bill should pass. That concern, which, I believe, is to be designated as one of the manufacturers, is a Kentucky distillery, and it has paid to the United States Government one of the biggest fines ever assessed for fraud against a distillery in the United States since the manufacture of whisky was commenced.

Owners of concentrated warehouses in the United States were put to tremendous trouble and expense to qualify as such, and in procuring suitable storerooms as well as properly equipping the warehouses in compliance with the law and regulations for bottling and for proper protection. Some secured long-term leases and they say it will be difficult, if not impossible, to obtain release from these leases or sublet the property for other purposes.

I am unable to estimate the amount invested by these citizens in establishing these legal warehouses but no doubt it runs into the millions. The bill creates a monopoly for the control and distribution of whisky. It will give a handful of selected men an opportunity to make millions at the expense of 100,000 citizens now possessing the liquor and the general public who purchase whisky for medicinal whisky. It will not in my opinion benefit prohibition enforcement as its supporters claim. It should be defeated.

PROHIBITION

Mr. CHRISTOPHERSON. Mr. Speaker, a fair and unprejudiced statement of the wet and dry situation in this country is so rarely met that I wish to present to the Members of this House, and through them to the Nation, the recently published article by Viscount Astor, setting forth what he saw and heard of his recent visit to our country. Under the title "Why prohibition will win," Lord Astor writes:

> I have just paid my second visit to the United States and Canada since the war. I did not set out to make a special inquiry into temperance on either occasion, but used every opportunity to ascertain people's views on this question.
>
> I have been interested in the question ever since I was put on the British liquor control board during the war. This body was set up by the Government to control drink—the objective being to increase national efficiency. When I got this appointment I had no views on or special knowledge of the temperance question and so was able to approach it with an unprejudiced mind. The board tried a variety of experiments, such as diminishing the hours during which intoxicants could be sold, reducing the amount of pure alcohol in whisky, encouraging canteens where workers could get better meals than those provided in the public houses. (In England saloons—i. e., places where intoxicants are sold retail for consumption on the premises—are called public houses. They are usually owned by breweries, which forbid the sale in their houses of beer made by any rival firm.) The board also in one town (Carlisle) bought out the whole liquor business—breweries and public houses—established there a system of disinterested public ownership under Government supervision and a monopoly for the manufacture and sale of drink. Since then no trading in alcohol for private gain has been permitted in Carlisle. There ceased to be any private capital demanding dividends or investors clamoring for increased sales.
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> In Carlisle no money is spent on advertising drink, on hoardings, railway stations, newspapers, etc. Those who sell behind the counter, who work in breweries, or who bottle imported spirits are employed by a public body and are not responsible to investors for keeping up profits; their income is not dependent on the quantity of liquor sold to customers. The sale of food and nonintoxicants is encouraged. A system of public audit of accounts has been established. No money made out of intoxicants in Carlisle can be given to political associations or as subsidiaries to politicians to protect the interests of "booze" in the legislature. This Carlisle experiment differs in many respects from the Quebec and other Canadian methods of government control. It has shown both the advantages and the limitations of complete public control. It has taken the liquor traffic in Carlisle itself entirely out of politics—a gain which if spread over the whole country would be immense. Whether the social and physiological gains are sufficient is still being violently debated. Prohibitionists rightly point out that intoxicants intoxicate even when sold under public control. The liquor trade attack it continuously and unscrupulously. They realize that in England this system is at least as great a danger to their future prospects of making money out of the community as prohibition.
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> The control board also set up a committee of medical and scientific experts to survey existing knowledge and acquire new information by original experiments on the physiological effects of alcohol.
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> Later I was at the Ministry of Health, where I had a further opportunity of studying the effects of alcohol on health and life. I was also one of the Prime Minister's secretaries when the cabinet was considering legislation suggested to them by the control board for a drastic reform of the liquor business during the war. I then realized to the full the political power of this industry. As Mr. Lloyd-George once rightly observed, it has frequently beaten the Government, the people's representatives. When my wife entered Parliament, the liquor trade used the whole of their power to try to drive her out of public life because she was a temperance reformer. They have descended to depths which one would not have imagined anyone would have countenanced. Naturally, in order to protect her, I have had to study their methods.
>
> I mention these personal details to indicate that I am not unqualified to write about the drink problem—that I have had special opportunities for studying its physiological, social, industrial, and political aspects. I have also devoted time to the religious aspect—to thinking out whether the use of alcohol impedes the attempt all should make to be more unselfish, to develop one's higher and spiritual as distinct from one's lower and animal nature, and whether its effect on the brain and mind enables one to get a clearer apprehension of God and of His creation.
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> The real difficulty in dealing with prohibition in the United States lies in the fact that its results vary enormously in this vast country; so does sentiment about it. This is only natural, but it is too often forgotten. There are large tracts of country (mainly in the interior) where the law is welcomed and respected and where beneficial results are generally admitted. But there are also communities (particularly large cities on the coast) where there is admittedly a considerable amount of drinking, although apparently the total volume consumed is less than before the war. Without doubt the law is resented by a large proportion of the inhabitants of certain towns; and unless a law which affects the social habits of men is approved by a decided majority, it is likely to create those distinct and very real evils which have arisen and are causing anxiety to many who hitherto have backed prohibition.
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> Since local option (i. e., the right of communities to vote on the use of alcohol) has been replaced by the eighteenth amendment the chance of clear self-expression has been taken away from the people.

Certain results follow. Both camps can claim, but neither can prove, that they have popular opinion on their side. It is quite possible that large cities now have a system which is disapproved of by a majority of their inhabitants. The discontents are usually more vociferous than the contented supporters of the law when they are in a majority. Lastly, people are no longer forced to face their responsibility toward the community and by their vote, as at a referendum under local option, to show approval or disapproval of the use of intoxicants. A new generation is rising which knows not the evils of the old days, which has not had to study the effects of alcohol, but which only hears abuse of the present system and sees a certain amount of dissipation and disorder. This new generation has not been forced to think out matters and decide upon specific alternatives after having heard both sides.

What are the main criticisms one hears? They are that the Nation's morale is suffering through law breaking and lawlessness, and that this lawlessness is mainly due to prohibition; that the machinery of Government is being corrupted; that the rich can get intoxicants, and so have an advantage over the poor; that there are drinking orgies among poor as well as rich; that the taxpayer spends millions in a vain attempt to enforce the law; that the use of drugs had increased; lastly, that the use of alcohol is constantly before people's minds, because prohibition forms such a frequent topic of conversation.

These criticisms might be true, and still the country, taken as a whole, be no worse than it used to be or than wet nations are. How do the gains and losses in the American national balance sheet compare with those of the drinking epoch? How does the dry United States compare with drinking countries? Does her balance sheet show a net loss and theirs a net gain? Does prohibition create all the evils which are alleged to accompany this attempt at national total abstinence?

No complete investigation into the economic and social aspects of the problem has yet been made. Such a survey by impartial, trained men of of standing and experience is much needed. We know that most large European cities have their "orgies," which are not to be explained as a by-product of prohibition. Since the war both wet Britain and wet France have had to legislate against the increased use of drugs.

The use of alcohol may not form so frequent a topic of conversation in the Old World, but it is constantly thrust before men, women, and children by commercial advertising. In England, for instance, over $10,000,000 is spent annually in advertising—i. e., in trying to induce people to drink. Was there no political corruption in the United States before prohibition? Did distillers, brewers, and saloon keepers never control votes, buy influence in newspapers, spend money to dominate municipal government, or manipulate politicians? In Canada I met critics and supporters of the alternative systems of prohibition and government control. But I found practically no responsible people who wanted to reestablish the sale of drink for private profit under a competitive commercial system. Their previous experience of the liquor traffic in politics has made them determined never to have it back. In Britain three Prime Ministers have condemned the vast political power and the debasing influence on public life of the brewers and other drink organizations. This industry in England spends annually on its caucus more than any of the regular political parties. Its aim is to increase drinking and turn out any government or public person who attempts to reduce it. So it is not only the American bootlegger who is a menace to clean politics.

The more I discussed the question of crime in the United States with experienced thinkers and trained investigators, the less did I feel its present dimensions to be attributable to prohibition. A spirit of lawlessness has bothered most countries since the war. We see Bolshevism in Russia; no one could say that the populations in the Balkans have been peaceful or that Italy has not had difficult corners to turn; industrial and social troubles have disturbed Britain; there is unrest in Egypt, the Philippines, China, India; European cities have had waves of crime—only recently it was reported that in Paris crimes of violence had increased. Further, this lawlessness is not limited to crime or to the criminal classes.

In the United States, for instance, many people with the advantages of social position and education, who are the loudest in condemning the lawbreaking associated with the sale and purchase of drink, are not making themselves conspicuous by setting an example of law observance. It is evident that since the war there has been a spirit of unrest everywhere. It is a world phase. Nor can this seem strange to anyone who realizes what a vast upheaval in thought is going on. Every nation is readjusting its outlook on absolutely fundamental issues. No wonder the world is disturbed.

Let us take another point. One is constantly told that wine solves all difficulties, that wine-drinking peoples are the best, the happiest, the soberest peoples of the world, and that their habits should be copied by all less fortunate nations. Examine this claim. For instance, are the wine-drinking countries leading the world morally? The position given to women is a pretty fair indication of a people's spiritual and moral status, i. e., of its true civilization. Have France, Italy, Spain, and the Balkans, where all are habitual users of wine, a higher conception of morality and of the relation of the sexes than dry America? Is not the answer clear? The reason is complex and entangled in the history of race, politics, and religion. But probably the fact that the appeal of wine is purely physical, sensual, contributes to the answer. Is it not possible that, if a people set out to pander to the flesh in one way, the flesh will demand gratification by further emotions in other directions? Materialists go into ecstasies over "wine, women, and song," but these same people are also those who try to get so-called enjoyment out of "the world, the flesh, and the devil." No; the wine-drinking countries are not ahead of North America.

Money enables American millionaires to purchase liquor. But formerly the purchase of liquor by those with small earnings often prevented savings and reduced the standard of their homes. In the Old World to-day many manual workers are only reconciled to the squalor of the slums they live in, to their low standards of life, to the underfeeding of their families, by the blunting effects of drink upon their manhood, ideals, and self-respect.

One of the difficulties in the United States to-day is to know, first, how much of the agitation is financially disinterested; and, secondly and more particularly, what alternative policy is proposed. Many of the best citizens who condemn the present position are actuated by the highest motives. But much of the agitation is stimulated and financed by those who in the past made money out of the liquor business or who hope to do so in the future if the law can be changed. The Anti-Saloon League has been criticized for having taken large subscriptions from a rich American. Is this worse than having French brandy and wine merchants spending money in the United States and in Canada to impede the temperance movement there and interfere in an essentially American domestic question? The liquor interests are speculating and spending money in the hope of recouping themselves by future profits when private brewing and trading are reestablished.

Now, what of the future? Prohibition has plenty of critics, but one is struck by the absence of any agreed alternative. Straw votes, referenda, and other methods have been tried or advocated to ascertain the people's wishes. But a referendum to be of real value should put before the public the clear alternative to prohibition. They should know exactly what alternative they are invited to vote for. This has not been the case hitherto.

A few people claim that the eighteenth amendment, which prohibits the sale of intoxicants, can be reversed. Most critics, however, believe this change in the Constitution impossible of achievement. They wish to concentrate on the Volstead Act, which defines intoxicants, and to legalize the sale of the less intoxicating or even nonintoxicating beverages. Can this be done? Those who want to drink desire something with a kick. Is it possible to provide alcoholic beverages which have a kick and yet could not be defined as intoxicating? The eighteenth amendment prohibits the sale of intoxicants. So long as it remains a part of the Constitution, any modification of the Volstead Act which raised the alcoholic content of beverages sufficiently to give it a kick—even quite a gentle kick—would surely be overthrown by the Supreme Court as an infringement of the Constitution. Under the Volstead Act any beverage with more than one-half of 1 per cent is intoxicating. This figure was not selected arbitrarily by Mr. Volstead. Congress accepted it because it had previously been adopted by a large number of State legislatures when under local prohibition they had had to define intoxicants.

Congress would have to reverse not only its own decision but the considered judgment of many State governors if it decided to repeal the Volstead Act. This is not all. Merely raising the legal standard from one-half to 1 or even 2 per cent would not satisfy those throats which want a kick. The Supreme Court would be asked to declare constitutional a definition of intoxicants with a very much higher alcoholic content. This reversal must prove not only that the Federal and State legislatures had been wrong in their original definition but that they had been ridiculously wrong—had, in fact, been outrageously far from the mark in their conception of intoxication and intoxicants.

But apart from this substantial legal and constitutional difficulty it is obvious that a law authorizing the sale of certain light beers and wines would be as difficult to administer as prohibition.

Conceive the predicament of a policeman who suspected that the contents of a glass rapidly slipping down someone's throat exceeded the new maximum by 1 or more per cent. Would he seize the unfinished glass and taste the contents? Would his palate be sufficiently trained to enable him to decide whether he was justified in taking further steps? Most supporters of the light wine and beer policy who have thought the matter out realize the administrative difficulties and consequently have dropped the idea of legalizing only "light" kickless beverages. They favor the unrestricted sale of all wines and all beers, though not spirits. But usually they have not appreciated the constitutional difficulty. Could the Supreme Court conceivably declare legal a new act permitting the sale of champagne, porter, burgundy, or in fact any wine which had enough alcohol to satisfy those who must have a kick?

There is another disadvantage. The sale of beer and wine would not stop bootlegging in spirits. It might even increase the demand

for spirits, for people who get the taste for alcohol frequently demand it in ever-increasingly strong forms.

Lastly, unless a monopoly for the manufacture and importation of beers and wines were granted to some public commission the liquor interests would be reestablished in politics and work for more and more drinking facilities.

Many believe that the law will not be changed in any way but that the inhabitants of cities—even of States—will indicate either openly or indirectly whether they desire local enforcement or not. Finally, others favor Government control. Here, as with a beer and wine policy, the practical legal difficulty would be encountered. Unless the eighteenth amendment is repealed, how can the Supreme Court sanction as legal a sale—even by a public commission—which the Constitution declares to be illegal?

As soon as the critics of prohibition decide upon and announce their alternative, one will be able to estimate its chances of success. At the moment, prohibition as a national policy is supported by the business community, by all the Protestant churches, by the women's organizations, by the farmers * * * all together a very powerful combination for any political party to challenge successfully. In Europe we are constantly told that American labor desires to reestablish the liquor interests. Even if this were true, labor is not so universally organized in America as in Britain and does not take the same part in politics. But it is not true. Manual workers in the United States belong to labor, but not to the lower classes. These men are often associated with church and chapel. These would be against drink. Then also, too many wives of manual workers attribute to the prohibition the comforts of their homes to make at all universal the pro-liquor views of a limited number of labor leaders in districts where there are foregn-born workers.

Alcohol is the alternative to effective performance. America is going forward and means to continue doing so. In spite of the formidable constitutional difficulties I have indicated, some modification may be devised to improve matters in those large cities where a decided majority oppose the present law, but the people of the United States are unlikely to reestablish the liquor traffic as an industry. The business instincts and commercial expansion of this industry of necessity conflict too obviously with national welfare. Nor will the American people start again the general use of intoxicants, for science and experience have proved that these take the edge off efficiency, blunt ideals, and are always on the side of the flesh in its war against the spirit.

Viscount Astor is right in his statement that prohibition will win. But it will win only after defeating the agencies that are deliberately hampering enforcement, propagandizing against the eighteenth amendment, and raising immense funds for this fight. Under the camouflage of "The Voluntary Committee of Alumni, Association Against the Prohibition Amendment," the wet group have been spreading misrepresentations of prohibition and what they term "enforcement by poison," although it has been officially declared that poison is not used as a denaturant and that the use of wood alcohol in denaturing industrial alcohol began in 1906, long before national prohibition, and was then opposed by the prohibition and temperance people. It has further been officially declared that the leaders of the prohibition forces have never suggested the use of any poisonous elements in denaturing alcohol. The truth is that alcohol, whether called whisky or any other name, is itself a poison and that the drinker of the stronger intoxicants would die of excessive drinking long before he could consume a sufficient quantity of denaturants to prove fatal.

It is on the basis of such misrepresentations of the truth that the wet group are appealing for funds to-day. One such letter was recently sent to a prominent attorney of Des Moines, Iowa. His reply is so filled with the spirit of truest Americanism that I append it to this article by Lord Astor as an example for others who may be approached by the emissaries of the liquor group:

FEBRUARY 26, 1927.

Admiral W. W. KIMBALL, *Washington, D. C.*

DEAR SIR: I have your second letter of February 23 on the subject of the liquor question. I thought I made it plain to you before, but having failed, I am going to try to make it plain to you now that I am well satisfied with prohibition.

Forty years ago Iowa was in the same situation that the frontiers of our country occupy now, except that some of our frontiers are not making the battle for prohibition that we were then. Surrounding States, Illinois, Wisconsin, Minnesota, Nebraska, and Missouri, were daily violating our frontiers, but we kept up the battle. Now they have prohibition all over the interior of the country which is exceedingly effective and we are enjoying the fruits of our early battles.

The alcoholic liquors consumed in Iowa to-day are less than 1 per cent of what were consumed when the saloons were wide open. We are hoping that those of you who are on the frontiers will keep up your courage and like good citizens fight for the enforcement of our Constitution and laws; and we know that if you quit your squalling and keep fighting, you will win.

Your ignorance as to the matter of "Enforcement by poison" is monumental. No one is trying to enforce prohibition by poison. It is essential that we have a great quantity of industrial liquor. All we are trying to do is to furnish a cheap alcohol to the industries, and in order so to do we have to make it unfit to drink. There is just as much necessity for nondrinkable alcohol as there is for carbolic acid, strychnine, arsenic, or other essential poisons.

I have not the slightest criticism to allege against the administration for its laudable efforts to furnish cheap industrial alcohol, and I have faith enough in the administration to believe that no method will be adopted which is not reasonable.

So far as Iowa is concerned, the deaths from alcoholic poison and from the use of intoxicating liquor are not 10 per cent of what they were when the saloons were wide open.

I hope I make myself plain.

Your invitation to contribute to your infamous cause is respectfully refused.

Sincerely yours,

FRANK S. DUNSHEE.

THE SENATE AND THE STATES

Mr. LEHLBACH. Mr. Speaker, under leave granted, I insert the following editorial from the Washington Post of February 28, 1927:

THE SENATE AND THE STATES

The refusal of Samuel Insull to answer questions concerning his campaign contributions in Illinois throws a sinister light upon the Smith case, now under consideration by the special Senate committee of which Mr. REED of Missouri is chairman. The citation of Mr. Insull for punishment for contempt is expected. Senator REED is asking for an extension of the life of his committee until the end of the Seventieth Congress for the purpose of investigating all allegations of corruption in the senatorial elections. No doubt the committee intends to go fully into the Vare case.

The wide difference between the Smith case and the Vare case is beginning to be apparent to all. There is no charge of improper contributions to the Vare campaign fund. Mr. VARE was not a State officer as Mr. SMITH was when the Insull contributions were made to his cause. The Vare fund was very large, upward of $700,000, but it was exceeded by that of his opponent, Mr. PEPPER, whose right to hold his seat in the Senate is not challenged. Mr. VARE spent individually about $71,000, but it was his own money, and it was expended solely for the circulation of campaign literature among nearly 4,000,000 voters. The returns show that he was elected with 180,000 votes to spare. His election is challenged by his opponent, William B. Wilson, and the Senate committee will inquire into the validity of the election.

Although the Senate in the Newberry case deprecated the expenditure of large sums of money in Senate primaries, no law was enacted by Congress to limit expenditures, and the Supreme Court decision in the Newberry case indicates that the Senate has no jurisdiction over primaries, which are party nominations and not elections. There is no law in Pennsylvania limiting campaign expenditures. Hence, Mr. VARE violated no law in the primary contest. Had he been defeated, it goes without saying that his disbursements would have occasioned no more criticism than the large disbursements of Governor Pinchot.

Was Mr. VARE elected by purchased votes? His great plurality seems to preclude the idea. In order to give the election to Mr. Wilson the Senate committee would have to find 180,000 Vare votes invalid. Few individuals can be induced to believe that 180,000 spurious votes will be found in the Pennsylvania ballot boxes. Allowing that all "watchers" were bought up, which is a most violent assumption, the number would fall far short of the Vare plurality.

The plain truth seems to be that VARE was legitimately nominated at the primary and legitimately elected Senator from Pennsylvania. He possesses all the constitutional qualifications of a Senator. Upon what ground, then, would the Senate deny him his seat?

The more the Vare case is studied the more clearly will it appear that the Senate can exclude him only by raising a new barrier not permitted by the Constitution and invasive of the right of a State to choose two Senators. This barrier would be a decision by the Senate, applied retroactively in the Vare case, that the expenditure of large sums of money in a primary contest disqualifies an individual for the senatorship, notwithstanding his election by a majority of the voters of his State.

This decision would be nothing else than an attempt to amend the Constitution by making the election of United States Senators subject to the consent of the Senate. Under that rule any State in the Union would be liable to lose its representation in the Senate at the pleasure of a combination of other States. Before the States would consent to the execution of such a rule they would revolt and destroy the Union.

The Senate has already made a serious mistake by denying admission to Mr. Smith, whose appointment by Governor Small to fill the vacancy

caused by the death of Senator McKinley was undeniably valid. This mistake has caused disquietude in the public mind, since it gives some warrant to the apprehension that a vital mistake may be made later, committing the Senate to an irrepressible and most dangerous conflict with the States. The people instinctively feel that any attempted encroachment upon the fundamental right of each State to elect two Senators of its own choosing, without dictation from the Senate, is a step toward the dissolution of this Union.

MY EIGHT YEARS IN CONGRESS

Mr. UPSHAW. Mr. Speaker, and now that these eight years of official life are behind me, I am human enough to take pride in remembering that during my four terms in Congress I have honestly tried to redeem my every platform pledge. Proof is abundant on every side, with actual thousands to testify, that I have worked hard and effectively for my constituents. And I rejoice to remember that I have never done one ignoble, one dishonorable thing in any political effort or any official act. That I have never betrayed a principle and have never gone back on a friend.

Mr. Speaker, when a man has been honored by his constituents with only one term in the Congress of the United States, it is an expression of confidence which he should gratefully cherish all the remaining years of his life. But when, after he has been tried one term, he is elected for three succeeding terms and, indeed, for the fifth time against fearful odds, he receives an emphatic vote of confidence from such a great city as Atlanta, the capital of Georgia, the "Empire State of the South," it is enough to put a song of gratitude in his heart and bring to him evermore a sacred and inspiring challenge to worthy personal and public endeavor.

A GOOD FRIEND'S WARNING

I remember distinctly that during my first campaign for Congress my good friend, W. A. Parker, a prominent merchant in Atlanta, who was a consecrated Christian man—now in the better world—said to me:

UPSHAW, I am going to vote for you under protest. First, I don't feel like you ought to be in this race; second, you are going to be defeated; and, third, you will come out of politics poorer spiritually than when you went in.

Whereupon I looked my good friend in the face and said: "Parker, I am grateful for your support, even though given under protest. First, I feel that I ought to be in this race, for my Christian father taught me around a family altar the sacredness of citizenship and public service; second, I honestly believe in my soul I am going to be elected; and third, I am asking God every day in my campaign that my hands shall be as clean the day I close my political activities as the day I began." And now as I look back through the vista of these exciting, eventful years I rejoice to testify, not only for my own satisfaction of soul but for the sake of worthily ambitious youth whom I would inspire toward clean, active political life, that my varied political experiences which many have called sensational have not hurt but have really helped my spiritual life. My closest political associates and supporters will testify that in every public platform utterance, in every secret conclave, in every confidential conference I have said: "Boys, I want to be elected, but I want it clean; I don't want one soiled ballot in the box for me."

And although a very sacred memory I feel that I ought to tell it, especially for the sake of the youth who may read these words—at 1 o'clock in the morning—the night of my first election, after we had made the rounds of the polls so as to be sure there was no mistake, I went to the home of my noble kinsman, E. N. Upshaw, who first touched the button that started me toward Congress, and as we knelt together to pray that night I thanked God, not for the election of W. D. UPSHAW, personally, but for the election of a man who, for 25 years in that city and section had tried to stand fearlessly and aggressively for the cause of God and the right. And when at high noon on the 4th of the following March I witnessed the solemn death of the Sixty-fifth (war time) Congress and realized myself a Member of the great law-making body of my country, it was an hour—a day not only of patriotic purpose but of spiritual dedication.

EVERY PLATFORM PLEDGE REDEEMED

And now that these eight years of official life are behind me, I am human enough to take pride in remembering that during my four terms in Congress I have honestly tried to redeem my every platform pledge. Proof is abundant on every side, with actual thousands to testify, that I have worked hard and effectively for my constitutents.

And I rejoice to remember that I have never consciously done one ignoble—one dishonorable thing either in political effort or official act—that I have never betrayed a principle and have never gone back on a friend.

NO VARYING STANDARDS OF HONOR

It is the tragedy of our American political life that many public men who are ethical and honest in personal dealings with their fellowmen, seem to have the idea that "anything is fair in politics." I thank God for the abiding influence of my Christian parents who taught me that there are no varying standards of honor—that it is just as wrong to misrepresent facts in a political campaign as it is to lie in personal dealings with men. And yet, in face of the fact that fabulous money was spent to defeat me in the last campaign—furnished largely in Atlanta, at least, by men and corporations of "scofflaw" ideals—men who count the American flag a glorious emblem to protect their fortunes and their families but most inconvenient when they want a drink of outlawed liquor—in face of the fact that men—and alas, some women, were paid to go over the district and not only attack my official record but my personal character. I was able to look in the glass the morning after the election and see a man looking at me who said: "UPSHAW, I know you. I have been with you in five hot campaigns, and I have never known you, in public speech or private word, to lie about any living man to get a vote!"

Thus my political career began—thus, in honor, for a time, at least, it has ended. And I would rather be able to carry this record unsullied to my Christian parents, by God's grace, in the better world, than to be elected a thousand times by methods that God and honor could not approve.

A NEW LAW NEEDED IN GEORGIA

The election law in Georgia does not allow anybody to vote whose poll tax was paid after May 2—or less than six months before the general election; but in the last primary investigation revealed that about 500 voters in the three smaller counties alone were registered the week before and even on election day. Clearly, if the ballot box had been purged of these illegal votes and a recount made, I was elected by a safe majority; but the clumsy law demanded that each illegal ballot must be attacked by name before getting into court. All fair-minded citizens must agree that, irrespective of all personalities, the law should be such as not only to keep illegal votes away from the polls, but certainly to purge the box of palpably illegal votes after they are cast in violation of the law.

But in face of these facts there is grim comfort in the contemplation that a change of only 59 votes in Campbell and Douglas Counties combined would have elected me; and there is positive exhilaration in the fact that, despite campaign methods of misrepresentation which honest and venerable citizens declared they had never known equaled in the effort to defeat a sober, decent, God-fearing man, I still carried Atlanta for the fifth consecutive time.

Everybody knows that Asheville, in the North Carolina mountains, is a health resort to which people come for health from all over the Nation. For more than eight years—even before I was elected to Congress the first time—for reasons as sacred as life and death my wife and children have stayed there the greater part of the time.

The doctor has declared that mountain atmosphere best for the precarious health of our baby girl. But through all these years my citizenship has never been changed, and the record shows that I am and have been all along a registered voter in Fulton County; yes, and a property owner in Douglasville, in the fifth congressional district for 25 years; and yet in face of these facts and the fact of my long identity with the district and my loyal work for actual thousands of my constituents from every possible angle of service, my citizenship was constantly attacked, and I was further charged with doing nothing but ride his hobby of prohibition oratory to the neglect of all other duties.

Of course, everybody who has come to me for service and got it promptly and efficiently knows that that charge is untrue; but for the final RECORD I think it is only fair that a brief review of my official service should be made, and I am printing here the declaration of my headquarters campaign committee, dealing only with the high points of my record:

SOME OF CONGRESSMAN UPSHAW'S OFFICIAL ACTIVITIES AND ACHIEVEMENTS

* * * * * * *

Congressman UPSHAW'S first important act after entering Congress was his vote for the nineteenth amendment, being the only Member of the Georgia delegation who supported the political freedom of women.

On Flag Day—June 14, 1919—when the "wets" staged a demonstration on the steps of the Capitol, he arose in Congress and protested against such a prostitution of the Star-Spangled Banner on Flag Day,

and declared in the name of the Constitution that they should never again pour lager beer and liquor on the American flag.

He secured in committee the appropriation for the Protestant Chaplain's Home at the Federal Prison, Atlanta, Congressman Joseph BYRNS, ranking Democrat on the Appropriations Committee, testifying: "I know of no other Member of Congress with influence enough to have won such a victory in face of a fixed adverse policy of the committee."

In October, 1919, he invited his colleagues to the Confederate reunion, declaring in a speech on the floor of Congress: "Atlanta is the most remarkable city of a quarter of a million people on the American continent." This speech, because of its wide press quotation, made valuable publicity for Atlanta.

He helped to pass the Anderson substitute in the railroad transportation act, thus defeating the antistrike clause and preserving the fundamental freedom of American citizens.

He vigorously protested against the dedication of the Arlington Amphitheater in Washington without the names of Robert E. Lee, Stonewall Jackson, "Fighting Joe" Wheeler, John B. Gordon, and other southern heroes; and when MADDEN, of Illinois, arose and branded these southern leaders as "traitors," UPSHAW's impromptu reply, which brought a storm of applause from the galleries, was the sensation of Washington. Dr. Len G. Broughton, formerly of Atlanta, and Doctor Collins, now school superintendent of Campbell County, sat in the galleries and heard that loyal defense of the South.

In a published statement in the Campbell News, Doctor Collins declared that a few nights after that speech he saw Congressman UPSHAW enter the Metropolitan Baptist Church in Washington, where an audience of a thousand broke into applause as soon as they caught a glimpse of the new defender of the South. Seems he is appreciated in Washington.

He voted and spoke against the so-called antilynching bill, which proposed to penalize all the innocent people in any county through which the lynching party might pass. While deprecating the crime of lynching, he protested against this insincere effort to humiliate the South for political purposes.

He established free mail delivery in College Park and East Point, and finally secured the opening of the old Newton Road through Camp Jesup, which had been closed ever since the war and which had been refused four times by the War Department.

He also established new post offices at Morgan Falls and Brookhaven. And after a petition of several thousand requesting a substation in the Atlanta Arcade had been turned down by the Post Office Department, Mr. UPSHAW went to Washington during the vacation of Congress, reopened the case and established the Arcade post office, the largest substation in the South, doing last year over $400,000 worth of business—more than the city of Macon.

He introduced a bill to establish a branch of the farm loan bank in the capital of every State, so as to not make it necessary for Georgians to go to Columbia, S. C., to transact farm-loan business, this bill receiving enthusiastic indorsement from Congressman CHARLES H. BRAND, of the Committee on Banking and Currency. Real prospect for passage if the Democrats win the next House.

He has voted for every tax-reduction measure that has been brought before Congress by the Ways and Means Committee, giving active support to the Democratic contention which forced the famous compromise revenue bill in the last Congress.

He prevented the deportation of the worthy sister of Pete Angelos, the former patriotic editor of the Greek-American Herald, one of General Pershing's confidential scouts, when her home town and family had been wiped out by Turks and return to Turkey would have been worse than death.

He also prevented the deportation of the widowed sister of Jacob Curlatt, whose husband had been shot down by Russian bandits and whose return to Russia, with her infant child, would have brought barbarous cruelties upon her. Secretary of Labor James J. Davis made a special dispensation in favor of this unfortunate Hebrew woman.

He secured through the State Department every possible courtesy in England for Dr. Thornwell Jacobs, and Doctor Jacobs openly thanked Congressman UPSHAW for his efficient service at the banquet in honor of the Oglethorpe president at the Capital City Club. Among other things, Doctor Jacobs declared: "Our Congressman has proven himself strongest where he was first thought to be weakest, and he is known as a 'go-getter' after official business in Washington."

He cooperated personally with J. Carroll Latimer in a fact-finding investigation, which resulted in an order from Washington for digging a sewer from Hospital 48 to protect the lake of the Capital City Club.

He stopped the efforts of certain prejudiced officials to declare surplus Miss Helen Wheeler, for seven years an expert stenographer and office woman at Hospital 48; and she is now on the job at that hospital, testifying to the truth of Congressman UPSHAW's long and successful fight.

After a month of hard fighting in Washington he secured for McTyerre Lewis, son of Dr. Walker Lewis, former pastor of Trinity Methodist Episcopal Church, over $4,000 due to this brave, suffering war veteran; he secured a like amount for the afflicted son of "Uncle Billie" Sills, veteran street-car conductor; and this is only a sample of similar work in several hundred cases of worthy ex-service men for whom compensation, hospitalization, and vocational training were secured by persistent personal attention after all other efforts through usual channels had failed.

At the request of a committee of the Atlanta Federations of Woman's Clubs he went before General Hines, Director of the Veterans' Bureau in Washington, and demanded in the name of 15,000 club women of Atlanta that the negro patients should be removed from Hospital 48 to the negro hospital at Tuskegee, so as to avoid threatened racial trouble. Although efforts through other channels had failed for several months, these negroes were removed in less than 30 days after the committee from the Woman's Club put the case in Congressman UPSHAW's hands and the order given that no other negro patient should ever again be placed in a white hospital in Georgia. This required some influence.

After J. Howell Green, of DeKalb, and Hollins Randolph, president of the Stone Mountain Memorial Association, had tried through usual channels to get the Federal and State highway departments to complete the rough and exasperating piece of road between the town of Stone Mountain and the Confederate memorial, the case was placed in Congressman UPSHAW's hands; discovering the trouble, he made a special trip to Atlanta at his own expense, brought all interested parties together, and the contract was promptly let. The road is now nearing completion. This required shrewd handling and influence.

When Governor Walker and the Stone Mountain Granite Corporation wrote Congressman UPSHAW, asking his influence in securing the Stone Mountain and Lithonia granite in the Arlington Memorial Bridge, he got busy and used his influence to help to land a contract for $207,000 for the basic part of the bridge. If the color of the Dekalb County granite had fit into the white color scheme of the Lincoln Memorial the contract for a million dollars could have been secured.

After President Harding's message to Congress declaring that the violation of our prohibition law is the most demoralizing factor in our American life, and announcing that he had called to the White House a conference of governors on the subject of law enforcement, Congressman UPSHAW made a brief but fearless speech that startled Congress and the Nation and went around the world, declaring, among other things:

"If these governors, Congressmen, Senators, Cabinet officers, and judges want to get anywhere with prohibition enforcement let them remember the words of the immortal Sam Jones, 'If you want to reform the world begin on yourself, and you will have one rascal out of the way.'"

This fight for sober leadership started the investigation of "leaking embassies, legations," and other "high-life" places in Washington, which investigations reached their tentacles so closely into the "high financing" and graft of the "high-ups" that the world was shocked with the disclosures made. Several of these are paying the penalty. Does your knowledge of Mr. UPSHAW's opponents make you believe that either of them would have had the strength of character to make the exposures and the demands for sober officials on the floor of Congress that Mr. UPSHAW made?

And when President Harding made his famous "water-wagon" speech in Denver, Raymond Clapper, brilliant correspondent of The United News in Washington, declared in a widely published story, "This utterance and position of President Harding is the climax of Representative UPSHAW's fight for sober leadership." And the Literary Digest, after reviewing our Congressman's fight in its nation-wide aspects, declared, "To Congressman UPSHAW belongs the credit of awakening the conscience of America on the question of sober officials."

These are only an outline of the many practical official acts which Congressman UPSHAW has performed for his constituents. His files show several thousand who have gone to him and received from him prompt, official service—passports expedited, discharges from Navy and Army secured by every conceivable effort—and yet his opponents say, "UPSHAW has done nothing."

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WHAT OTHERS SAY

Congressman James Byrnes, of South Carolina, a leader on the Agricultural Committee, said: "As an illustration of Congressman UPSHAW's strong personal influence in the House, I saw him go over on the Republican side and capture enough votes to save a boll-weevil appropriation which had been voted down in committee. It was a wonderful tribute to his tact, energy, and influence."

Paul F. Callahan, formerly editor of The Dekalb New Era, Decatur, Ga., who has been in Washington for several days, said: "I have kept in close touch with affairs on Capitol Hill, and I have never known a Representative, in so short a time, to equal Congressman UPSHAW in winning the respect of his colleagues and in getting results for his constituents."

Congressman JOSEPH BYRNS, of Tennessee, said: "The new chaplain's home at the Federal prison in Atlanta is now going, purely as the result of UPSHAW's personal standing with the Committee on Appropriations. They had determined to cut to the bone on new appro-

priations, but UPSHAW got them to reopen the case, and one of the committee remarked that he did not know another man in Congress who would have been able to win such a victory."

Thomas P. Hickman, vice president Franklin National Bank, to Col. J. C. Woodward, president G. M. A., College Park: "Your Congressman is reflecting honor on the State of Georgia. Congressman UPSHAW is the most tireless worker for his constituents I have ever seen, and the best loved man the South has sent to Congress during my 23 years in Washington."

He has made good—he never betrayed a trust.

He has worked hard for his constituents, regardless of creed or station.

For evidence of his promptness and efficiency, ask those whom he has officially served.

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PROTECTING SUNDAY IN THE NATION'S CAPITAL

Mr. LANKFORD. Mr. Speaker, the bill which I introduced at the beginning of this Congress to provide Sunday as a day of rest in the District of Columbia was accorded most extensive hearings and was reported favorably by a vote of 2 to 1 by the Judiciary Committee of the Committee on the District of Columbia The subcommittee made its report to the full committee only a few days before the adjournment of Congress, but in the rush incident to the closing days of the session no final action was taken.

I purpose reintroducing the bill as soon as Congress convenes next December and am very hopeful of its passage.

The enemies of Sunday observance are, and will continue very active in their fight and the friends of Sunday legislation can not afford to be less alert. I feel that the good citizens of Washington and the Nation should make the Nation's Capital not only a city beautiful but a city of righteousness.

Those opposing Sunday legislation are extremely busy wiring, writing, and petitioning Members of the House, the Senators, and members of the various committees objecting to the passage of any sort of a Sunday law for the District of Columbia. It is therefore quite proper for those who favor Sunday legislation to see their Representatives, if possible, and urge upon them the necessity of a Sunday law in the Nation's Capital. If you can not see your Congressman or Senator personally, then be sure and write or wire him. This is fair to him. He represents you and desires to serve you and wants to know how you feel about various matters. If he does not hear from you, he may decide that you do not care about the matter and may let the telegram or letter from some one who does not live in his State or district influence him to vote against providing a Sunday law in the Nation's Capital.

The city of Washington is, and should be, looked to as a model for the rest of the country. It should be a model of righteousness rather than a Sodom of ungodliness. The disregard for law and the opposition to decent regulation here is being felt throughout the length and breadth of our country. No wonder there is a crime wave among the young manhood and womanhood of our Nation. Many suggest that the parents are losing control over their children and that parental influence for good should be strengthened. But, pray, how is this to be done, with the movies, theaters, magazines, press, many of the schools and even some of the churches derelict in their duty and struggling hard to drag the youth away from father and mother and into lives of sin and crime. These forces are tearing down all the splendid work of the parents and oftimes secure even the help of the parents in their crusade against law, decent regulations, governmental authority, the Bible and the God of our Fathers. Is it any wonder that children are becoming criminals? Can muddy water be poured into clear without the clear water becoming foul? Can the slush, dirt, and filth of the movies, theaters, magazines, the press, and of ungodly men and women in the schools, churches, and elsewhere be poured into the clear stream of innocent childhood without producing criminal young men and women, and eventually a debauched manhood and womanhood? Can men be so ignorant or so unpatriotic as to injure our children and not know they are striking at the country's foundation and that they themselves are the vilest of traitors?

Corrupt the children and you corrupt all. Unless our children have high ideals our jury system will fail, our lawmakers become corrupt, our officials purchaseable, and our Government a failure. We can only save our Nation by saving our institutions, our great principles, and our noble citizenship, and we can only save these by saving our children. We can only save the children by teaching them obedience to law, respect for constituted authority, and love for humanity and humanity's God. The fathers and mothers can neither save their children nor themselves from lives of sin and crime with the opposition which is now prevalent on every side. I feel that a reasonable Sunday law, properly enforced in the Nation's Capital, is in accordance with the best interest of the children of the city of Washington and the whole country, and will inure to the benefit of the whole Nation.

It is urged that Sunday laws are ancient; so is the Bible, our Constitution, the Declaration of Independence, and the principles upon which our Government is founded.

The great fight on Sunday laws is not in behalf of our children and a better citizenship, but is in behalf of selfish purposes, financial interests, and the desire of some to destroy Sunday as a day of rest and worship. No one can successfully contend that the observance of Sunday as a day of rest and worship will not help the fathers and mothers instill in the children respect for law and constituted authority, and thus create a greater citizenship and a more noble people.

It is urged that my bill to protect Sunday as a day of rest in the District of Columbia should not pass because it is a religious measure. I am thoroughly convinced that it does not infringe any right of religious freedom guaranteed by the Federal Constitution. Its opponents would be delighted if it did, for then if enacted it could be promptly set aside by the Supreme Court. The bill does not seek to force anyone to be religious or to deprive anyone of the right to worship God according to the dictates of his or her own conscience. It really provides for a greater freedom of religion. Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie or theater, and the obscenity of the ordinary dance hall on every Sunday in the year.

I realize that religious sentiments of a person ofttimes enter into his action not only in regard to bills like mine, but in regard to many bills—in fact, into his entire course in life. Most Members of Congress are led in their support of measures by their higher and better natures rather than by their lower and baser selves. Their higher and better selves are the net results of many influences, such as proper parental training, moral education at home, in school, at church, and so forth. So I am convinced that most of our splendid civilization, noble institutions, and great fundamental laws and principles of government are the results of religious influences. The support of these influences should recommend a bill or law rather than condemn it.

I am anxious for the best that is within me to dominate in all matters, whether legislative or otherwise, rather than my weaker, baser self.

It is true that a large part of the opposition to my bill to provide a Sunday law for the District of Columbia comes from people prompted by religious motives or antireligious motives. Some oppose the bill because they do not believe Sunday is the true Sabbath. Others oppose the bill because they do not believe in any Sabbath and furthermore believe the Bible is untrue and that there is no God. Others oppose the bill because to them money is the all-dominating force. Others fight the measure bitterly because they would like to destroy the Sunday as a day of rest and also because they see in its desecration a financially profitable advantage for them.

The bill is not at all objectionable as a religious measure or as being at variance with our traditions or Constitution. It is true that its entire support comes from those that believe in the Bible and in the existence of a supreme architect of the universe. It is likewise true that probably every infidel in the country opposes the bill. Every infidel that testified at the hearings was loud in his opposition to the bill and in his demands for nothing that would in any way recognize the Bible or the existence of the Father Almighty.

For my part I am willing and glad to line up with those that believe in God. I have no patience with those who talk about religious freedom and yet do not believe in religion or a supreme being. We can not go far wrong if we fight shoulder to shoulder with those who believe in the brotherhood of man and the fatherhood of God.

Mr. Speaker, I wish very much for the Congress and the country to have the benefit of a splendid statement of Dr. R. H. Martin, of Pittsburgh, Pa., which is as follows:

COMMERCIALIZED AMUSEMENT INTEREST AND THE CHRISTIAN SABBATH

By Rev. R. H. Martin, D. D., director of the Bureau of Sabbath Observance of the Department of Moral Welfare of the Board of Christian Education of the Presbyterian Church, United States of America, Columbia Bank Building, Pittsburgh, Pa.

There is an institution which our forefathers built into the foundation and superstructure of our Republic which is vitally related to the welfare both of our people and institutions. It is the institution of the Christian Sabbath, the Lord's Day, more commonly called Sunday. Its great purposes are rest, religious education, and worship.

What an inestimable blessing this institution is to the poor and to the laboring classes! Lowell said, "He who ordained the Sabbath loves the poor." Henry George said, "Moses was the first labor reformer and his chief labor reform was the fourth commandment." What a boon this day is to our business men, giving them relief from the rush and drive of business of the other six days of the week. It is the great day of the week for the home, giving its members opportunity for the fellowship of home life. It is the one day of the church's opportunity. It has been said that without this day the church would not be able to maintain her visable organization in the world. Of its blessings to the Nation Lloyd-George said, "This Sunday question is not merely a religious one; it is a question of the permanence of our free institutions and the stability of the Nation." Justice McLean, of the Supreme Court of the United States said, "Where there is no Christian Sabbath there is no Christian morality; without it free institutions can not long endure." Of its value to civilization Henry Ward Beecher said, "I think that it can be shown that an abiding civilization has always gone with the Christian Sabbath and I believe it always will go with it."

This institution has always had its enemies. Selfish and short-sighted persons and interests have sought to destroy it or to so change its character that it could be used to promote their selfish ends. Never were its enemies more numerous and aggressive than at present.

COMMERCIALIZED AMUSEMENT INTERESTS—THE GREATEST FOE OF THE SABBATH

Having investigated and studied the situation in the United States for a number of years, the writer has come to the settled conviction that the commercialized amusement and sport interests are the most outstanding and dangerous foe of this institution in America.

It used to be that the American people largely provided their own recreations and amusements. Of late, the entertaining and amusing of the people has become a business, a gigantic and highly commercialized business. Hundreds of millions of dollars are made every year by those engaged in this business. A high authority in moviedom recently announced that the 20,000 motion-picture houses in the United States collected in box receipts from the American people in the year 1925, $1,000,000,000. More and more this commercialized amusement business is going into the hands of a few great corporations of tremendous wealth and power, rivaling such corporations as Standard Oil and United States Steel. It is said that at least 85 per cent of the movie industry is either owned or practically controlled by considerably less than a dozen men.

THE COMMERCIALIZED AMUSEMENT INTERESTS OUT TO CAPTURE THE SABBATH

For some time these interests have had a covetous eye upon the Sabbath. Throughout America the vast majority of our people are free on this day from the labor and business which so largely engage them on the other days of the week. This release of the people from toil affords these interests their greatest opportunity for crowding their places of amusement and making the Lord's Day the golden harvest day for them, if they can only break in upon the rest and sacredness of the day with their business. Success here would mean hundreds of millions, if not billions, to their business. For this reason they favor a "yellow Sunday" as against what they call a "blue Sunday."

The temptation was greater than they could withstand. So these commercialized amusement interests, those conducting the motion picture and theatrical, the base ball, public dancing, outdoor park and amusement, boxing and prize-fighting business, and other similar businesses, set out upon a campaign to take over the Sabbath Day and make it the big day of the week for their business. The campaign began in an organized way about seven years ago, and has been carried forward with unabating vigor up to the present time.

CAMOUFLAGING THE ISSUE

Knowing that they would be strongly opposed by Christian and patriotic forces and that their purpose was selfish, they realized that they must camouflage the issue. To turn attention away from their money-making motives and cast discredit upon those who would oppose them, they set out upon a campaign of misrepresentation, ridicule, and abuse. They caricatured and misrepresented the Pilgrim Fathers, to whom, more than any others, we owe this Republic, with its liberty and freedom. They sent out over the country statements to the effect that they had laws "which forbade a man to kiss his wife on Sunday," the far-famed "blue laws" of Connecticut, which, the historian Fiske states, were the fabrication of a renegade Tory who wanted to discredit the New England Colonies in England. Then they heralded over the country that the present-day "reformers" who opposed them were out to bring back a puritanical Sunday throughout America, that they were endeavoring to secure the enactment of Sunday laws that would stop railroad trains and street cars, close restaurants, and shut things up so tight that about all a person could do on Sunday was to go to church and breathe.

I have access to the trade magazines of the motion-picture industry, to the Film Daily, the Exhibitor's Herald, the Moving Picture World, the Exhibitor's Trade Review (now the Exhibitor's Daily Review), and to literature put out by other organizations fighting for an "open Sunday." From these I have collected some of the names and statements they use, which show how they ridicule and misrepresent both the Sabbath laws and those who seek to maintain them.

CONTEMPTUOUS TERMS APPLIED TO SUNDAY LAWS

The following are culled largely from motion-picture magazines of the last two years:

"Tyrannical blue laws," "blue Sunday bill," "Sunday gag bill," "bluer than indigo bill," "obnoxious," "obsolete," "antiquated," "intolerant in the full sense of the word," "Sabbath whiskers," "as obsolete as the dodo," "the most ridiculous and antiquated law on our statute book," "blue laws that should be relegated to the ash can along with horse cars, hoopskirts, and mustache cups," "a law which prohibits almost everything but breathing," "a law written on our statute book so long ago that it was considered time and the mosquitoes had obliterated its legibility."

THEIR MISREPRESENTATION OF PROPOSED SUNDAY LEGISLATION

In their attempts to prejudice the people against all attempts to strengthen existing Sabbath laws so as to prevent the commercialization of the day, they do not hesitate to misrepresent the provisions of the proposed laws, and to give the impression that they would prevent many things which every one admits are necessary and proper on this day.

In the 1925 session of the Indiana Legislature Representative Kissinger introduced a bill covering more specifically only about what the Indiana law already forbade under more general terms, increasing the penalty for its violation and making it less difficult to enforce its provisions especially against commercialized Sunday amusements. The Moving Picture World of February 7, 1925, says: "The Kissinger Blue Sunday bill would make it a crime to do almost everything but sleep on the Sabbath."

A reasonable bill to stop the commercialism of the Sabbath in New York State was before the legislature of that State in 1925. Of this bill the same magazine issue February 14, 1925, says:

"Back to the days of the Puritans and a step farther. If you should die in New York after September 1 and sorrowing relatives should decide to hold your funeral on Sunday, well and good. Perhaps if a bill introduced into the legislature were passed and signed by the governor, you would be perfectly willing to have your funeral occur on Sunday, or in fact any other day of the week, for in death there would be no sting." Enumerating things the bill would prohibit the article continues:

"Framers of the bill, however, would permit persons to live on Sunday, that is if they could stand things as the Lord's Day Alliance would have it. Or if they didn't like it they would still have the right to die. Meals could be served on Sundays and milk might also be sold as well as drugs and medicines and surgical instruments. The height of one's enjoyment on Sunday might be to buy a glass of milk, or if he had a little more money left to spend he might go on a veritable tear and buy a surgical instrument."

In connection with the hearings on the Lankford Sunday rest bill for the District of Columbia last year, the daily press joined with the magazines of these industries in misrepresenting the provisions of this bill. So great was this misrepresentation that it became a subject of discussion in the subjudiciary of the Committee on the District of Columbia which conducted the hearings. Several members of the committee criticized the newspapers for their misrepresentation of the provisions of the bill, Judge Gilbert going so far as to say: "This is the first time I have ever criticized the press * * * but it is subject, in my humble opinion, to very severe censure for misleading the people as to what the bill provides."

CONTEMPTUOUS TERMS APPLIED TO THOSE WHO OPPOSE COMMERCIALIZED SUNDAY AMUSEMENTS

As examples showing the respect, magnanimity, and Christian courtesy of these interests toward those who oppose them the following, gathered from the motion-picture magazines, where they are applied to opponents of a commercialized Sunday, are humbly submitted:

"Fanatics," "blues," "blue-law folk," "blue-law fanatics," "fanatical reformers," "blue noses," "bigotry lobbyists," "spokesman for a puritanical observance of Sunday in the District of Columbia."

MISREPRESENTATION OF THOSE WHO OPPOSE THEM

The writer was present at a recent hearing on the Lankford Sunday rest bill in Washington. Some trouble arose between members of the committee and those who were opposing the bill which resulted in some acrimonious discussion and turmoil. The proponents of the bill, those against the commercialized amusement interests, however, had no part whatever in this except that one of them, who only sought to aid in preventing further trouble, intervened. Yet one would be led to conclude from reading the account of the hearing in the motion-picture magazine, the Exhibitor's Herald, that the proponents of the bill were a bunch of wild desperadoes who had gone to Washington to put the bill through by a show of force. It says:

"The 'bigotry lobby' in Congress won its first round when the Judiciary Subcommittee of the District of Columbia of the House of Representatives voted to report favorably on the amended Lankford 'district "blue law" bill' * * *

"No more shameful and violent scenes have been witnessed in Congress in recent years than those attending the hearings. The spirit of fanaticism saturated the very atmosphere * * * the whole day up to midnight was characterized by rancor and disorder * * * the venom and malice of the sinister figures dominant in the Lord's Day Alliance participation was especially evident, * * * a day marred by disorder and ruffianism of champions of blue laws."

BREAKING DOWN SABBATH LAWS AND SENTIMENT AGAINST SUNDAY COMMERCIALIZED AMUSEMENTS

Two things stand in the way of these interests attaining their goal—the Sabbath laws and the sentiment against commercialized Sunday amusements.

Forty-four of the forty-eight States of the Union (forty-seven if three with very weak laws are counted) have Sabbath laws. Only the State of California and the District of Columbia are without such laws. I have recently made a study of these laws in relation to commercialized Sunday amusements. While there are a very few States in which the Sabbath law is stated in general terms where I have not been able to find Supreme Court decisions interpreting the law in relation to these amusements, in nearly every State the findings as stated below are without question correct.

SABBATH LAWS RE SUNDAY MOVIES

The laws of the following 30 States prohibit commercialized Sunday movies: Maine, New Hampshire, Vermont, Massachusetts, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, Ohio, Indiana, Michigan, Wisconsin, North Dakota, South Dakota, Iowa, Colorado, Kansas, Missouri, Texas, Arkansas, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, and Kentucky. The laws of 16 of these States also prohibit noncommercialized Sunday movies. These 30 States have a population of 76,000,000.

The laws of Connecticut, Rhode Island, New York, and Idaho grant local option to cities and towns on Sunday movies. Their population is 13,750,000.

While the State laws of the remaining 14 States and of the District of Columbia contain no prohibition of Sunday movies, many towns and cities in these States have enacted local ordinances against Sunday movies which the courts in test cases have declared to be constitutional. The population of these States is 24,000,000.

The laws of the 30 States mentioned above, together with those of New York, Connecticut, and Rhode Island, prohibit commercialized Sunday theatrical performances. Seventeen of them also noncommercialized Sunday performances.

SABBATH LAWS RE SUNDAY BASEBALL

The laws of the following 23 States prohibit commercialized Sunday baseball: Alabama, Arkansas, Delaware, Florida, Georgia, Iowa, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. The laws of 15 of these States also prohibit noncommercialized Sunday baseball.

The laws of 4 States grant local option on Sunday baseball: Connecticut, New York, Nebraska, and Rhode Island.

The laws of the 21 remaining States and the District of Columbia permit commercialized Sunday baseball.

There is ample proof that these interests, especially the motion-picture interests, are engaged in a campaign, both educational and legislative, to break down these laws which prohibit them from operating throughout the greater part of America on the Lord's Day, and also the sentiment against Sunday amusements. As evidence of this we submit the following:

Under the heading "The Sunday closing evil—and how to combat it" a two-page article appeared in the January 3, 1925, issue of the Exhibitor's Trade Review, which calls itself the "business magazine of the motion-picture industry." This article outlines a comprehensive and subtle campaign for Sunday opening. A few extracts follow:

"Many exhibitors are being faced with the terrifying problem of closing their doors as tight as a drum on Sundays, simply because certain organizations, whether they be church or civic, feel that entertainment should be banned on the Sabbath. * * * The exhibitor, individually, has a few weapons, beside the aid of his theater owners' associations, to use in fighting this 'brain-child' of fanaticism.

"1. Very good advice has come from fellow exhibitors and organization heads among which making yourself as friendly as possible stands at the head of the list. Churches, schools, libraries, and other community properties, at regular intervals, become showman and present nontheatrical programs and quite often regular film productions. Wise is the showman who will offer to manage these shows, presenting to his community his superior knowledge of showmanship. He can not only make it financially profitable for the church or the school and himself but the prestige gained from these presentations should embed him so deeply in the hearts of the townfolks that it should take a tremendous effort on the part of the 'blue-law folks' to get a feeble footing.

"2. It is also good to bear in mind that besides enlisting the friendship of the local civic organizations by cooperating with them in presenting Saturday or Sunday morning shows for the kiddies or orphans, it is well to know that such sects as the Seventh Day Adventists, the Jews and the Universalists are in full sympathy with you against Sunday closing. They, it is highly probable, will in most cases gladly lend you assistance and little time should be lost in enlisting their aid. * * * This is just an idea of what such sects mean and the stronger they are in the town the better chance one has of defeating 'the blue-law crowd.'

"3. In certain parts of Connecticut years ago the communities were not certain whether they wanted Sunday theaters. So the theaters opened their doors on Sunday nights and admitted the townsfolk free, obtaining some of their expenses by the use of collection boxes. This was continued over a period of a year or more and at the end of that period the people had been educated in the natural order of events in desiring Sunday night entertainments. Thus a law was easily passed making Sunday opening legal."

"4. In other parts of the country the exhibitors have refused to stay closed, bringing their case and grievances to court.

"Be prepared, and when the time comes use each and every weapon at your disposal with vim and vigor."

NATIONAL PRESIDENT OF MOTION PICTURE THEATER OWNERS OF AMERICA OUTLINES CAMPAIGN FOR SUNDAY OPENING

It is a most significant fact that M. J. O'Toole, president of the Motion Picture Theater Owners of America, in his annual report to the national convention of this organization, held in Milwaukee, Wis., in May, 1925, gave 900 words to reporting on the "Sunday opening move." Extracts from this report follow:

"In the matter of Sunday opening, substantial advances have been made in bringing the people generally to a more sensible view of this situation." * * *

"Theater owners can readily generate a sentiment favorable to Sunday shows by popularizing their theaters and themselves through community service. Where one gives to the community in time and service, return favors may be expected. Hence, in several territories, where they are now seeking to open the theaters on Sunday, preliminary service campaigns are under way * * *."

"In Ohio special moves were made to bring about a more extended opening of the theaters on Sunday. Conferences were held in which your national president participated for the purpose of devising a plan so to amend the Ohio statutes as to give such city and town local option on the Sunday shows proposition.

"Your national president outlined a course of procedure for theater owners in Ohio which met their approval in this connection. It comprehended intensive public-service activities on the part of the theater owners."

* * * * * * *

"We pointed out where the cooperation of all the labor bodies in the State, especially the United Mine Workers, could be obtained and how all or nearly all of the newspapers could be brought into line to sustain the movements of the theater owners."

POLITICAL ACTIVITY OF THESE INTERESTS AGAINST SABBATH LAWS

There is ample evidence of extensive political activity by these interests in opposition to Sabbath laws.

The general secretary of the Lord's Day Alliance of the United States, Dr. H. L. Bowlby, informs me that his organization has knowledge of 150 bills which the motion-picture industry has had introduced into State legislatures within the past seven years to legalize Sunday movies.

HOW TO GET SUNDAY MOVIES IN OHIO

In an article in Exhibitor's Trade Review on "What'll you do about Sunday," the late Sam Bullock, for many years field secretary of the Ohio motion-picture theater owners, tells local exhibitors what they must do to get rid of the law which prohibits them from giving Sunday shows in that State.

"There is only one way to make legal the exhibition of motion pictures on Sunday and that is by individual exhibitor appeal to all State legislative candidates, followed where necessary by slide appeals to patrons to force the issue.

"The exhibitor is really the spokesman for his patrons. He should, with his investment at stake, take the trouble to personally interview the representative and senator candidates on both tickets. The personal touch is necessary.

"Exhibitors must take matters quietly into their own hands and where candidates deny their request they must promptly carry the appeal to patrons on the screens and the results will surprise you without mortgaging your screens to any one.

"A simple slide—'Patrons in favor of a local option law for Sunday exhibitions will please sign a petition in the lobby'—will prove wonderfully effective with misinformed and uninformed statesmen."

WHO OPPOSED THE LANKFORD SUNDAY REST BILL FOR THE DISTRICT OF COLUMBIA

Most people throughout the United States are surprised when they are told that at the Capital of our Nation there is no law to protect the Lord's Day; that there are few spots in America where there is more public Sabbath desecration than at Washington; that it is the big day of the week for commercialized amusements in the Capital City of what the Supreme Court of the United States says is "a Christian Nation."

Recently Mr. Brylawski, operator of the Earle Theater, of Washington, stated that "the average attendance at the Washington theaters on a winter Sunday was from 60,000 to 65,000 people and that this was 25 per cent of the business done during the entire week." Our people are just as surprised when told that they are responsible for this condition, because Congress governs the District of Columbia, and its Members are chosen not by the people of the District but by the people of the 48 States.

For the last year a bill has been before Congress to secure a reasonable protection of the Lord's day in the District of Columbia. It was introduced by Mr. LANKFORD, of Georgia, and is known as the Lankford Sunday rest bill, H. R. 10311. It is a very reasonable bill, being more liberal in its provisions than the Sabbath laws of a majority of the States. The bill would prohibit all commercialized Sunday amusements and sports. Who have been the most strenuous opponents of this bill? Excepting the Seventh Day Adventists, the chief end of whose existence seems to be to fight all kinds of Sabbath laws, the commercialized amusement interests.

PROTEST OF MOTION PICTURE THEATER OWNERS OF AMERICA

R. F. Woodhull, president of the Motion Picture Theater Owners of America, appeared before the subjudiciary of the Committee on the District of Columbia, which conducted some 12 hearings on this bill, in opposition to it. He stated that telegrams from theater owners throughout the country had come to him urging him to oppose the bill; that because Washington was a pivotal point, and what was done there would establish a precedent throughout the country, at the national convention of his organization a resolution was adopted that any effort to close the theaters in the District of Columbia be combated. "So I am here to-day to register a protest against the passage of this bill in the name of the Motion Picture Theater Owners of America and the retailers of motion pictures."

PROTEST OF THE NATIONAL ASSOCIATION OF AMUSEMENT PARKS

Frank M. Darling, of New York, president of the National Association of Amusement Parks, appeared before this committee and protested against the bill on behalf of this organization. He stated this association had 1,000 active members and an invested capitalization in amusement parks of over half a billion dollars. His association, he said, "would fight to the last ditch against anything that is to prohibit the laboring man from having his wholesome amusement on Sunday."

PROTEST OF ASSOCIATION OPPOSED TO BLUE LAWS

Four representatives of the Association Opposed to the Blue Laws appeared before the committee against this bill. Evidently there is a very close cooperation between this organization and the motion-picture industry. The Exhibitor's Herald of December 4, 1926, contains an account of the organization and work of this association. It was organized in Washington, D. C., July 6, 1925, and later incorporated under the laws of the District of Columbia, and already has national committeemen in a good number of States. It sends its representatives up and down the country to aid in local contests for Sunday opening, and recently sent its representatives throughout the South to put on Sunday movies and Sunday baseball games in States where the law clearly prohibits them. The article is careful to state that none of the members of the association "owns or manages theaters or has any stock in theaters," but it does not say that they do not receive financial support from the theatrical interests.

Representatives of the organized baseball interests also appeared before the committee opposing the bill.

COMPARATIVE FAILURE TO REPEAL LAWS AGAINST COMMERCIALIZED SUNDAY AMUSEMENTS

Notwithstanding all this political activity and this propaganda, these interests have had but little success in breaking down our Sabbath laws. Of the 150 bills introduced into State legislatures to legalize commercialized Sunday motion-picture shows, I know of only three that have been enacted into law—the bills to secure local option on Sunday movies in Connecticut and Rhode Island and the repeal of the amusement section of the Utah Sabbath law. On the other hand, in 1923, Tennessee enacted a law specifically prohibiting commercialized Sunday movies. The efforts to legalize Sunday baseball have met with more success, but in 1923 laws prohibiting Sunday public dancing were enacted in Georgia and North Dakota.

DISREGARD OF LAWS THEY CAN NOT REPEAL

Failing, as these interests in large measures have failed, to secure the repeal of these laws, wherever possible they have trampled them underfoot. This is not true of all those engaged in the amusement business, but it is largely true of them as a whole and especially of the great corporations which so largely dominate the amusement business. Where the sentiment for these laws is not strong, as in some of our large cities, they do what the bootleggers do with reference to the prohibition law—pay no attention to it. Where the sentiment is stronger, they often defy the law and attempt to defeat it by taking advantage of the technicalities of the law and resorting to tedious and expensive court procedure. Out of many cases that might be cited in proof of this, the following are selected as characteristic:

In Ohio, where the supreme court has given decisions making it clear that the law of the State prohibits Sunday movies, in 36 of the 88 counties of the State the movies are running on the Lord's day.

In Wisconsin, whose law prohibits "dancing, public diversions, shows, and entertainments on the first day of the week" and whose supreme court ruled that this applied to theatrical and motion-picture shows, after the Motion Picture Exhibitors Association had failed in their efforts to repeal this law, this association held a meeting at which it was announced in the public press they declared their purpose to break down this law which interfered with them in conducting their business seven days a week.

This information I have from the Rev. S. Paterson Todd, secretary of the Wisconsin Lord's Day Alliance. A letter from him under date of March 2, 1927, gives an example of how they proceeded to carry out their purpose:

"In a case for violating the Sunday closing law in Lancaster, Wis., lately, Robert Hess, attorney for the Wisconsin Motion Picture Exhibitors Association, appeared for the defendant, a motion-picture operator at Platteville, Wis., and made this statement in his address before the court, 'We have a million dollars back of us to fight this case.' He was so insulting in his language toward some of the leading Women's Christian Temperance Union women of the county, that he was compelled to ask for protection of the sheriff until train time. The Exhibitors Association found that this procedure was calculated to produce enemies throughout the State, and so Mr. Hess was withdrawn from this form of service, and now we have evidence that they pay attorney fees for violators, selecting the attorney from the city where the violation takes place."

Excepting the bootlegging industry, if there is a more lawless industry in America than the commercialized amusement industry, the writer does not know what it is.

THEY SHALL NOT PASS

If these interests succeed in accomplishing their purpose, irreparable injury will follow. The Lord's Day in America will become less and less a holy day and become more and more a holiday. It will cease to be dominantly a day for religion and become dominantly a day for pastimes and amusements. The stamp of the dollar will be written upon it. The American Christian Sabbath will be supplanted by the continental Sunday of Europe. The hallowed influence of a quiet, restful day dedicated to God and the spiritual life will be no more. The commercialized amusement interests will come into direct and powerful competition with those institutions upon which we rely to teach morals and religion and which function chiefly on the Sabbath Day, and their task in building and upholding the moral foundations of society upon which the Republic rests will become increasingly more difficult.

I have such faith in God, such confidence in the future mission of my country, and in the common sense of the great body of our citizenship that I do not believe these things shall ever come to pass.

In the dignity and strength of loyalty to their country and their Christian faith the Christian patriots of America will say to these interests, "You shall not pass."

HOW REPEL THE ATTACK OF THESE INTERESTS UPON THE SABBATH

I. TURN THE LIGHT UPON THEM

Tell the Christian people of America who they are; how they have camouflaged the issue; disclose their real purpose; unmask their selfishness and greed; proclaim their anarchistic spirit in trampling underfoot laws they have failed to have repealed; show their contempt and ridicule of the founders of the Republic and of the church folk who oppose them; uncover their deceit in their "service campaigns" by which they try to spike church opposition to an open Sunday, and the defeat of these interests is assured. Some one has said that "publicity is the best Dutch Cleanser." Let Christian leaders make a liberal use of it in this matter and a public sentiment will be created against these interests which will bring about their defeat.

II. SHOW THEM TO BE SPECIAL PRIVILEGE INDUSTRIES

Those engaged in practically every other line of business, except business regarded as a work of necessity on the Sabbath, are limited to six days a week in carrying on their business—by law, by common consent, and by their own choice. But those engaged in the amusement business are not willing to be confined to six days in carrying on their business. They loudly demand the seventh day as well, and demand the repeal of the laws which prevent them from using this day for financial gain. In other words, they are demanding that they be made a "special privilege" industry. Are they fair in this?

Either they should demand that all Sabbath laws be repealed and every kind of business be given full liberty to run seven days a week or else they should cease their demand to run their amusement business seven days a week.

III. SHOW THE INSINCERITY OF THEIR PLEA FOR AN "OPEN SUNDAY" FOR THE SAKE OF THE WORKINGMAN

In reading their literature and hearing them speak before legislative committees on behalf of an open Sunday one would think they were actuated by deep concern for the welfare of the workingmen and that profit for themselves was farthest from their thoughts. "The workingman has no joy in life six days of the week, no opportunity for recreation and amusement. When Sunday comes we want to put on our amusements to bring joy and sunshine into the lives of the poor workingmen."

How much do they really care for the workingmen apart from gathering them in great crowds into their places of amusement and getting their money? They remind me of a man who went to Atlantic City to have a good time, leaving his wife and children at home. He found a place of amusement where you pay 10 cents for three baseballs to throw at the baby dolls. If you knock over one baby you get a quarter. This man threw away a dollar's worth but did not hit one baby doll. He went to his room in the hotel and wrote a letter home to his wife, telling her how "he missed the babies." There is just as much sincerity in what he said as in what these amusement interests say about the workingman. As I write, a motion-picture magazine is laid upon my desk in which there is an announcement that a bill is before a State legislature to prevent these amusement interests charging an extra price for admission on Sunday.

SUNDAY AMUSEMENTS MEAN SUNDAY LABOR FOR THE WORKINGMAN

Commercialized Sunday amusements require Sunday labor. Open theaters and moving-picture houses on Sunday, the buildings have to be kept in order, tickets sold and collected, the moving-picture machine operated, the acting done; put on Sunday outdoor amusements—league baseball games, etc.—in addition to work required on the grounds, extra street cars and railroad trains will have to be run to get the people to and from these places. Who will do this work? The poor workingman! The slavery of seven-day toil for a vast number of workingmen is involved in a commercialized amusement Sunday. Not only these amusement interests but others who are demanding an open Sunday should remember this.

WORKINGMAN'S OPPORTUNITY FOR AMUSEMENT ON OTHER DAYS OF THE WEEK

Is it true that the workingmen are denied the opportunity for amusements on other days of the week? In the last 15 years there has been a very material reduction in the hours of labor for the workingman throughout the country. A Government document was recently printed which shows this reduction in all the manufacturing trades. At least one-half of all those engaged in labor in these trades are now on a 48-hour week, or less, with a Saturday half holiday, and of late the demand is being made for a five-day labor week which would give Saturday in its entirety for recreation and amusement. The workingman has opportunity for recreation and amusement on other days than the Lord's Day.

IV. SHOW THE TRUE PURPOSE AND VALUE OF THE SABBATH LAWS WHICH THESE INTERESTS RIDICULE AND DISREGARD AND WHICH OUR COURTS HAVE SUSTAINED WITH A UNANIMITY WHICH IS TRULY REMARKABLE

In opposing these laws these interests say, "You are trying to make people moral by law. This is futile; the only way to make people good is by getting the love of God into their hearts."

We are not trying to make people moral by law. What we are trying to do is to give them a fair chance to be moral by law. What is a garden fence for? Not to make the garden; the gardener does this. But to make the garden possible, to keep out the animals that would otherwise come in and destroy the tender plants. What are the dikes of Holland for? You know that Holland, with its beautiful scenery and fruitful fields, lies below the surface of the sea. They have built there great dikes which put their shoulders against the sea and prevent its waters from coming in to destroy Holland. Do the dikes make Holland? No; the Dutch do this. But the dikes make Holland possible.

That is all these Sabbath laws do. They do not make the people go to church, or pray, or read their Bibles, but they do say to these greedy commercial interests, "You stand back, and give the preacher, the Sunday-school teacher, and the Christian father and mother an opportunity on this day to teach the people the Bible, which will make them good."

As we travel the highways with their heavy traffic we are supposed to keep to our own side of the road. The other half is for the people traveling in the other direction. Most travelers keep to their own side. But now and again you meet those who are not satisfied with their own side, and they crowd over on your side and sometimes crowd you into the ditch. We have an ugly name for them. There are time hogs in America as well as road hogs. Not satisfied to make money six days in the week, they would crowd in on the other day—the day for rest, home life, the church, and spiritual interests—and they would put the home and church and spiritual interests into the ditch that they may have the day for money-making. Shall we not say to them, "Keep on your own side of the road"?

PERSONAL LIBERTY AND SABBATH LAWS

These interests demand the repeal of our Sabbath laws in the name of personal liberty. "If you church folk want to go to church on Sunday, go; but the people who want to go to the movies and the baseball games on Sunday have a right to have these things. We demand an open Sunday for them and ourselves in the name of personal liberty."

As I see it, just as we advance from barbarism toward civilization, we have to give up our "personal liberty" whenever its exercise interferes with the rights of others or the general good. A man going down the crowded street, filled up on bootleg whisky, was swinging his arms about in the crowd. Some one said to him, "You had better be careful; you are interfering with other people." He replied, still swinging his arms around, "This is a free country, and I propose to exercise my personal liberty." "You had better look out," said the other man, "if your fist lands on my nose, you will find your liberty ends where my nose begins." A man had a dog which he thought so much of that when it died he refused to bury it, and kept it lying in his back yard. His neighbors sent a delegation to remonstrate with him. They said, "Aren't you going to get that dog out of there?" He said, "This is none of your business. This is my dog and my back yard." "Yes," they said, "that is true, but the odor is ours."

Whenever our so-called personal rights interfere with the rights of others or the public welfare, they must be given up if we are to have a civilized society.

COURTS FAVOR SABBATH LAWS

On this basis our courts have sustained the constitutionality of these Sabbath laws, almost without exception, and declared them essential in protecting the rights of the people and the welfare of society. The Supreme Court of the State of Washington in a test case to determine the constitutionality of the Sabbath law of the State (28 Washington Reports 628) said, "Counsel for defendant seems to suggest that Sunday laws are not within the general police powers of the State."

"It is appropriate to observe here of this contention that the uniform expression of judicial opinion in an unbroken current for centuries, with apparently a single exception, classes these laws peculiarly within the police powers of the State. The learning and industry of the counsel have favored the court with one case entertaining this exceptional view (Ex Parte Newman, 9 Cal. 502) which has subsequently been overruled in that jurisdiction in Ex Parte Andrews, 18 Cal. 502.

After citing a long list of decisions in support of its decision the court concludes, "It may be concluded that the power of the legislature to enact these laws, as an appropriate exercise of the police power, is set at rest by judicial authority."

PROTECT THE RIGHT TO REST ONE DAY IN SEVEN

Our courts say these laws protect the right to rest one day in seven, and that this right requires the protection of the law. As the laborer's livelihood and that of his family is dependent upon his job, he is practically compelled to labor on Sunday when his employer requires it. The Supreme Court of Minnesota stated that "labor is in a great degree dependent upon capital and unless the exercise of power which capital affords is restrained, those who are obliged to labor will not possess that freedom for rest which they would otherwise exercise."

PROTECT THE RIGHT OF PUBLIC WORSHIP

Practically all our State constitutions guarantee the "right of every man to worship God according to the dictates of conscience."

In Europe this right was denied—but only in public worship. In the privacy of their own homes the people could worship as they chose. But when it came to public worship the king said, "You must use this prayer book, receive the gospel at the mouth of this minister whom the king appoints." Our forefathers refused to submit. They said, "No king, no authority, shall come between us and God on matters of public worship." That they might exercise this right they crossed the sea and established this Republic and wrote this right into our Constitution of government. What is involved in this right of freedom of public worship? We have stressed "according to the dictates of conscience." But before we can worship God in public worship according to the dictates of conscience, we must worship him in public worship. What is involved in the exercise of this right?

A time, a day. What freedom have the people generally on week days with all the engagements of labor and business to come together for the public worship of God? Our forefathers said, "We must have a day for public worship." And by civil law they said to labor and business, "Suspend on the Lord's Day that the people may have liberty—freedom on this day to come together for the worship of Almighty God."

Here is a right that is being increasingly trampled underfoot in our country. What "freedom to worship God" have the 5,000,000 Sunday toilers in America? The time has come when we should stand upon

this right, proclaim it, and let it be known that it will mean more for America's future to safeguard our people in the exercise of this right than to license certain interests to make money seven days a week.

PROTECT THE PUBLIC WELFARE

Our courts also declare that these Sabbath laws are of great value in contributing to the general welfare of society and the stability of the Nation; that one day in seven spent, not only as a day of rest, but also as a day of religious instruction and worship, that this day on which vast multitudes of our people attend the services of public worship and study the precepts of God's word, means more for the peace and good order of society than all our policemen and our Army, and does not cost the Government one cent; that this day so spent makes an essential contribution to public morals.

I have at hand many Supreme Court decisions sustaining the Sabbath laws in test cases in the last few years in which the issue involved was whether the law prohibiting Sunday commercialized amusements was constitutional. The following is a representative case. In sustaining the constitutionality of a city ordinance prohibiting Sunday theatrical and motion-picture exhibitions in Ames, Iowa, the Supreme Court of Iowa, in the year 1922, all judges concurring had this to say:

"Much is said in this connection about the unreasonableness of all Sundays laws and ordinances in these modern and more enlightened days of freedom of thought and action and of religious liberty. It is unnecessary that we discuss in this opinion the propriety of statute laws prohibiting the breach of the Sabbath. This is a Christian Nation. The observance of Sunday is one of our established customs. It has come down to us from the same Decalogue that prohibited murder, adultery, perjury, and theft. It is more ancient than our common law or our form of government. It is recognized by constitutional and by legislative enactment, both State and Federal. On this day legislatures adjourn, courts cease to function, business is suspended, and, nation-wide, our citizens cease from labor. The observance of the Sabbath is regarded as essential to the proper upbuilding of the mental and physical, as well as the moral life of a great people. Laws and ordinances respecting its observance are clearly with the genius of our institutions and the spirit of our national life."

V. SHOW THAT THE SUCCESS OF THESE INTERESTS IN ACCOMPLISHING THEIR PURPOSES WOULD BE A SERIOUS BLOW TO THE GREAT MORAL AND SPIRITUAL ENDS WHICH IT IS THE CHIEF PURPOSE OF THE DAY TO PROMOTE

It is the day for rest. Never was it more needed for this purpose than in our twentieth century high-tension life.

It is the day for fellowship in the home. Never was it more needed for this purpose than now, when under the strain and stress of our modern life the home is breaking down.

But its greatest purpose is realized in worship, religious instruction, and meditation upon the spiritual. It is here above all other places we will suffer if these amusement interests win.

"Sunday morning for religion; Sunday afternoon and evening for amusements"

These interests say, "People can't worship and study their Bibles all of Sunday. We concede the morning to the church and religion. But we should have the afternoon and evening."

What will result if we agree to this proposal? Will those who give the afternoon and evening of the Lord's Day to pastimes and sports long retain a deep interest in the religious services of the morning? Sir Walter Scott said, "Give the world one half of Sunday and religion will not long retain any strong hold on the other half."

But the church needs the entire day to carry out a religious program adequate to meet the need of our times. What of its afternoon and evening services? There is abundant testimony that where these amusement interests have gotten their demands the results have been most disastrous to church attendance. Many surveys have been made and the findings are all similar to those which follow, which I obtain from Rev. M. Wayne Womer, general secretary of the Lord's Day Alliance of Michigan:

"In a town of 4,500 population, with five Protestant churches, the date being the first Sunday in May, two churches were closed. Of the remaining three, one had an attendance of 60, one 33, and one 7. A total of 100, or about 1 out of each 45 of the population, attended church. How about the moving-picture house? There were 109 autos parked about it and an audience of 600 inside at the first show. In a small town of 1,200 population the Sunday amusement interests came in and in four years each of the three local churches had closed their doors."

But perhaps the greatest injury done by commercialized Sunday amusements is in breaking down in the minds of the people the sense of the sacredness of the Sabbath. A successful college president said, "The atmosphere of the college is the most important thing about the college!" So we can say of the Sabbath. The atmosphere of the day, its all-pervading spirit of quiet and rest, of reverence for God and the spiritual, this is the most important element in realizing the blessedness of the day. This, these commercialized Sunday amusements would destroy.

VI. TEACH THE DIVINE AND SACRED CHARACTER AND PROPER USES OF THE DAY

The Sabbath is a divine institution. It originated not with man, but with God. It rests not upon human authority, but upon the will of God. It was made "for man," but not by man. Therefore not man but "the Son of Man is Lord of the Sabbath." It is for Him, not for man, to say how the day shall be used. By example and precept He has taught the day is not for commercialism nor secular amusements, but for worship, for religious instruction and meditation, and for deeds of mercy and love. The Divine command is "Remember the Sabbath Day to keep it holy."

These great truths must be taught; they must be kept alive and burning in the consciences of men to maintain the Sabbath in America. No public sentiment built solely on a humanitarian basis will be able to withstand the attack of these forces of selfish pleasure and organized greed. We must build public sentiment by going down to bedrock and by keeping alive in the consciences of men the sense of the sacred character and proper uses of the day. This is the impregnable defense of the Sabbath.

LET THE CHURCH RISE TO HER TASK

This is a task which devolves upon the Christian church, and particularly upon her ministers. Shall the church, shall her ministry, rise to this task? Upon the answer to this question, under God, depends the future of the Sabbath in America. I am not so much concerned about the activity of these commercialized amusement interests in opposition to the Sabbath as I am about the inactivity and apparent indifference of so many churchmen in the face of the peril of Sabbath day desecration that confronts the Nation to-day. Let the church awake! Let her teach anew the sacred character and true uses of the Sabbath day. With a courage born of faith in God, let her go forth to the battle, and drive back these forces that would rob America of her Sabbath.

WHAT IS BEING DONE TO PROTECT SABBATH LAWS

One million six hundred and twenty thousand pages of literature have been sent out by the Bureau of Sabbath Observance of the Presbyterian Church within the past four months in carrying forward the campaign for Sabbath observance authorized by the general assembly. Among the documents for which there is a great demand are Jesus and the Sabbath, The Lord's Day or Movie Day, Sabbath Desecration at Our Nation's Capital, and the Government document, Protecting Sunday at Our Nation's Capital.

Great interest has been awakened by the Government document, Protecting Sunday at our Nation's Capital, which Congressman LANKFORD has had published in the interest of the bill he introduced in Congress to secure a Sunday law for the District of Columbia, as evidenced by the commendation it is receiving and the demands for it from religious leaders throughout the country.

An Illinois pastor to whom a copy was sent had his Congressman secure through Mr. LANKFORD 300 copies for distribution among the members of his congregation. Writing to Mr. LANKFORD this minister says: "Reports indicate the speech was read by an unusually large number and it has met with hearty approval." A national associate director of Sabbath Observance of the Woman's Christian Temperance Union, who secured 1,000 copies to send to State and local directors, writes: "I never sent out anything that has been more instructive or created more interest." Others write: "A masterly array of facts." "It is timely and much needed. I have filed it for future reference."

This document contains an address which Congressman LANKFORD made before Congress, showing the need of a Sabbath law at the seat of our National Government and answering the objections of opponents to his bill; two leaflets by Doctor Martin, director of the Bureau of Sabbath Observance, Presbyterian Church, Our Sabbath Laws, and The Basis of our Civil Sabbath Laws; and a remarkably strong sermon by Doctor Sizoo, of the New York Avenue Presbyterian Church, Washington, D. C., on What is Sunday for? all of which Mr. LANKFORD had introduced into the CONGRESSIONAL RECORD.

A spirited skirmish took place in the House as the result of an effort to strike Doctor Sizoo's sermon from the RECORD. In the midst of the skirmish the point of order was made that a quorum was not present. The gong was sounded and the absent Members came pouring in upon the floor of the House to learn that a battle was on over a sermon on Sabbath observance. Nearly every Congressman got his RECORD and began to read the sermon. In all the history of Congress, it is said, never were as many Congressmen known to be reading a sermon at the same time as read this sermon that morning. Mr. LANKFORD says that at least 20 Members of the House came to thank him for placing the sermon in the RECORD, declaring it to be the best on this subject they had ever read. The effort to expunge it from the RECORD was an utter failure.

The Bureau of Sabbath Observance of the Presbyterian Church has purchased this document in large quantities from the Government at small cost, and sent a copy to every Presbyterian minister, many other Presbyterians, and to most of the Protestant ministers of the United States. Anyone desiring a copy can secure the same free by addressing the bureau at Columbia Bank Building, Pittsburgh, Pa.

Christian Endeavor Societies in and about Pittsburgh have been rendering valuable assistance to the bureau of Sabbath observance of the Presbyterian Church by addressing the Government document, Protecting Sunday at our Nation's Capital, to Protestant ministers. As the cost of employment of office help to address these documents would be as much as the cost at which the bureau obtains them from the Government, the help rendered by these societies has doubled the number the bureau would otherwise have been able to send out. They have addressed 65,000 copies.

The Bureau of Sabbath Observance of the Presbyterian Church recently sent about 10,000 letters to Presbyterians in the interest of the campaign for Sabbath observance authorized by the general assembly, and including efforts on behalf of the passage of the Lankford Sunday rest bill for our Nation's Capital. That these letters have stirred many to action is evident from such information as follows which comes back to the bureau: The Bethlehem Presbyterian Church of Philadelphia sent in to Congress a petition on behalf of the bill 15 feet in length signed by 381 persons; George H. Prime, of Robinson, Ill., prepared a petition with strong reasons for the passage of the bill, secured to it the signatures of the mayor, city council, and leading business men of the city, had resolutions on behalf of the bill acted upon by the churches of the city, and all sent to their Congressman.

The office force of the Christian Statesman recently forwarded to Congressman LANKFORD a petition that had the sheets been attached end to end would have been 20 feet long. They were bound together and made a considerable package. There were nearly 700 names.

Mr. Speaker, since the above article was penned it has become known that my bill to provide for a Sunday observance law for the District of Columbia will not pass at this session. It is my purpose to reintroduce the bill just as soon as Congress convenes next December, and I am confident, with the support of the people both in Washington and throughout the Nation who believe in a reasonable Sabbath law for the Nation's Capital, that the passage of the bill is assured before the adjournment of the Seventieth Congress.

ADDITIONAL DISTRICT JUDGE EASTERN DISTRICT OF MICHIGAN

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5352) to provide for one additional district judge for the eastern district of Michigan and consider the same at this time.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

DAM ACROSS THE POTEAU RIVER, ARK.

Mr. DENISON. Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 2164) granting the consent of Congress to the city of Fort Smith, Sebastian County, Ark., to construct, maintain, and operate a dam across the Poteau River, which I send to the desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill.

Mr. CARTER of Oklahoma. Mr. Speaker, I understand this is not a matter of unanimous consent. If it is, I shall object to it. I want to be heard on the bill.

The SPEAKER. The Chair did not understand that there was to be debate upon this bill.

Mr. DENISON. If there is any misunderstanding, I shall be very glad to withdraw my request. The gentleman from Oklahoma [Mr. CARTER] is opposed to the bill. I agreed to yield him 5 or 10 minutes.

Mr. CARTER of Oklahoma. I shall want at least 10 minutes.

The SPEAKER. The Chair can not recognize these requests for unanimous consent if they are to provoke debate. The Chair misunderstood the gentleman from Illinois.

Mr. DENISON. There will be 5 or 10 minutes debate.

The SPEAKER. The Chair would not have recognized the gentleman for this purpose if he had not misunderstood him.

Mr. DENISON. I am quite willing to withdraw my request.

Mr. WINGO. Mr. Speaker, I hope the gentleman will not do that. This is for relief in my district and has been pending here for two years. I would like the matter to be disposed of this afternoon when I am here. I thought I had expressed to the Speaker and to the gentleman from Connecticut [Mr. TILSON] just what the situation is and the amount of time it would take. All I want is five minutes.

The SPEAKER. If important business comes before the House, the Chair will not recognize requests for unanimous consent if there is to be discussion.

Mr. DENISON. I was not proceeding on the theory that this was by unanimous consent. This is a matter of right. I would not have called it up had I not had the understanding that the Speaker would recognize me for that purpose.

The SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER of Oklahoma. Mr. Speaker, I will be just as brief as I can, for I realize the value of the time of the House at this time. I would not burden the House at all but for the fact that it is a matter of such vital consequence to some of my constituents that I can not permit it to pass except over my vigorous protest. It might even be possible to prevent the passage of this bill if I should undertake to use every parliamentary advantage at my command. But in view of a recent occurrence and the congested condition of the business of the House I hardly feel justified in resorting to that extremity.

This bill ought not to pass, first, because it will result in destroying thousands of acres of the most valuable land that there is in the southwestern part of this country.

Second. Because it will injure and perhaps destroy some of the most valuable industrial institutions in the State of Oklahoma.

Third. It ought not to pass, because this land and these industrial institutions are owned largely by the wards of this Government, and it is the Government's duty to protect those wards.

Fourth. It ought not to pass, because if this property is destroyed as the result of the passage of the bill, it will inevitably result in the bringing of many suits by the wards of the Government against the Government, which may cost the Government millions of dollars.

Fifth. It ought not to pass, because it unjustly shifts the burden of proof.

Sixth. If it is passed, it will furnish no adequate water supply for the city of Fort Smith.

The Poteau River is nothing but a sluggish slough coming down out of the mountains, and then within 12 or 15 miles of where it reaches the point where this dam is to be built it is just a little stream, across which a man could step, but when the floods come down from the mountains to where the dam is proposed, they would flood this land and completely destroy it.

The water-works engineer of the city of Fort Smith says the water supply furnished by this proposed procedure will be inadequate and the building of this dam will be disastrous to the settlers, to these institutions, and to the city of Fort Smith. Let us read what this engineer has to say in his open letter, published in the Southwest American, one of the leading daily papers of Fort Smith:

POTEAU DAM BILL IS DEAD, ENGINEER H. S. PECK CLAIMS, CITING EXPENSE OF PROJECT—WHOLE PLAN BASED UPON FALLACY, OFFICIAL DECLARES—WOULD COST $1,000,000 TO BUY LAND AFFECTED

The Poteau dam bill is dead, in the opinion of Engineer H. S. Peck, of the water department, and he advises the board of improvement of the Fort Smith waterworks district to abandon the project or "set aside at least $4,000 to determine its effect, so as to be ready should it ever get so far as the courts."

The whole plan of using the Poteau River as a source of city water supply was based upon a fallacy, the engineer declared in a statement drawn up to "review the case and consider what we are facing." The fatal error, Peck pointed out, was the "strange assumption" that the drainage area behind the proposed dam was only 800 square miles, whereas in fact it is 2,000.

It would, he contends, cost approximately $1,000,000 to buy the land affected.

Assuming, however, that the Poteau dam bill does pass, Peck insists that the courts will allow from 3 to 10 years to gather data on floods, and the city will be helpless to plead for faster action, as it can not show an emergency "after waiting for 15 years."

The statement follows in full:

LETTER EXPLAINS PROPOSAL

"BOARD OF IMPROVEMENT,

"Fort Smith water works district, Fort Smith, Ark.

"GENTLEMEN:

* * * * * * *

SAYS INFORMATION IS LACKING

"The whole plan of using the Poteau as a source of supply, building a dam in it, and using the channel as a storage reservoir without flooding the adjoining lands was founded on the strange assumption that the drainage area was only 800 square miles, while it is actually nearly 2,000 square miles. This ignorance was inexcusable, as the correct data could have been calculated in an hour from maps which the board had in their possession years before the plant was designed. The fatal error was not discovered until it was too late to back up. This city has paid a terrible price for this lack of information.

"After the discovery of the error, one hour's reflection should have told any engineer that the dam never could be built without a cost of approximately a million dollars to buy the land affected. * * *

DELAY WILL BE CAUSED

"Though repeated reports have been made to the board urging the construction of the dam, I have never seen any such report advising the gathering of the data which must be collected before construction can be possible or even advisable.

"Let us assume that the bill will pass, as the opposition has been advised to allow it to do. What then will happen? They will undoubtedly be allowed time by the courts to gather data on floods. This will take from 3 to 10 years, judging by the past history of the Poteau. The city can show no emergency as they have waited here 15 years while trying to get a bill through Congress, without even putting a gauge in the river or taking a reading on the current by which they could determine the flow of the stream. Their failure to collect this data is, on its face, evidence that they do not want to know what the dam will do. This will make a poor showing in court. Since the construction of this dam has been urged the Poteau has been at all stages at which it will be necessary to gauge it.

REAL OPPOSITION TO DAM

"This is the only engineering problem which I have ever watched develop in which ignorance of the forces applied to it has been considered a virtue and knowledge a thing culpable.

"We may as well admit that instead of a 'few ignorant farmers,' as they have been repeatedly called, there is real opposition to the dam—that they have a foundation for their cause, and up to the present time they have had the best of the argument.

"I suggest, therefore, that the board either abandon any further attempt to build a dam in the Poteau or that they effect it so as to be ready should it ever get so far as the courts.

"Respectfully,

"H. S. PECK."

The SPEAKER. The time of the gentleman from Oklahoma has expired.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

NEW HOUSE OFFICE BUILDING

Mr. ELLIOTT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9009) to provide for the acquisition of a site and the construction thereon of a fireproof office building or buildings for the House of Representatives, with amendments.

The SPEAKER. The gentleman from Indiana moves to suspend the rules and pass the bill H. R. 9009, with amendments. The Clerk will report the bill as amended.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $800,000, or so much thereof as may be necessary, for the acquisition of a site embracing one or more of the squares bounded by B Street south, C Street south, New Jersey Avenue east, and Delaware Avenue west, as the commission in control of the House Office Building shall determine.

SEC. 2. There is hereby authorized to be appropriated the sum of $6,500,000, or so much thereof as may be necessary, for the construction, on the site selected, of a fireproof office building or buildings for the House of Representatives, to include necessary office rooms for Members, including folding rooms and such other rooms as may be necessary and proper. Such building or buildings shall be constructed substantially in accordance with plans prepared under the direction of the Architect of the Capitol in accordance with the provisions of an act of Congress approved March 4, 1925, with such modifications as may be necessary or advantageous. For any part or all of the sum authorized to be appropriated by this section contracts are authorized to be entered into. The construction of such building or buildings and the letting of contracts, including the necessary traveling expenses and the employment of all necessary skilled architectural and engineering personnel and other services, and purchase of necessary technical and other books, shall be under the control of the Architect of the Capitol, subject to the direction and supervision of the commission in control of the House Office Building.

SEC. 3. The commission in control of the House Office Building shall, within 30 days after the date of the enactment of this act, determine which part or parts of the area described in section 1 shall be acquired and used for a site for the building or buildings herein provided for and shall proceed to acquire such site by purchase or by condemnation, and, in the latter event, the condemnation proceedings shall be conducted in the same manner as provided in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes," approved July 1, 1898, for the acquisition of a site for an addition to the Government Printing Office. The appropriations made pursuant to this act shall be disbursed by the disbursing officer of the Department of the Interior, such officer being designated by law as the disbursing officer of the Architect of the Capitol.

The SPEAKER. Is a second demanded?

Mr. WOODRUM. I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WOODRUM. I am.

Mr. ELLIOTT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The gentleman from Indiana [Mr. ELLIOTT] has 20 minutes, and the gentleman from Virginia [Mr. WOODRUM] 20 minutes.

Mr. ELLIOTT. Mr. Speaker, I wish to be notified when I have spoken five minutes.

Mr. GARNER of Texas. Mr. Speaker, I desire to ask the gentleman a question. If I understand aright, if this bill passes, it only makes an authorization, and no appropriation can be made until the Seventieth Congress. Is that correct?

Mr. ELLIOTT. I presume so.

Mr. GARNER of Texas. Why does the gentleman insist upon coming into a so-called "dead" Congress to provide buildings for the new Congress when we can not get appropriations therefor until the Seventieth Congress? Why not wait until the new Congress convenes?

Mr. ELLIOTT. In answer to the gentleman, I will say this: For a long time there has been an insistent demand from the Members of this House that additional quarters be provided for the Members, so that each one of them could have two office rooms. In the committee we have had hearings on this matter, and we have brought this bill before you, authorizing the construction of a new House Office Building which will enable each one of the Members of this House to have two rooms in his office and have some additional room for other purposes evidently needed by the Congress.

This bill, as it has been reported, provides $800,000 of an appropriation to purchase the site. The site is a block of ground immediately west of the present House Office Building; a block which is now occupied by Government buildings on the north side and by Congress Hall Hotel and Potomac Hotel on the south side. It is also provided in this bill that they can take over a block on the west side of South Capitol Street, which will be taken over at this time for any purposes that the Government may have in view in the future.

This building, it is estimated, will cost $6,500,000. As I said before, this bill is brought before you gentlemen to-day for your determination because of the insistent demand that has been made on our committee for this building.

Mr. BYRNS. Will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. BYRNS. I do not understand that the gentleman has answered the question propounded to him by the gentleman from Texas. It is very evident you can not make an appropriation at this session. It would not delay the matter at all to go over until next December and let the new Congress pass on it, when we would have ample time to discuss it and consider it, and not have to take it up in the closing days of the session, with a limited debate of 40 minutes. Why should it be forced through now rather than to wait until the next Congress?

Mr. ELLIOTT. All the answer I care to make to that is this: The Members of this House know just as well whether it is necessary for the House to have more room than it now has as will the Members of the Seventieth Congress, and if they want to vote for this bill they can do so because of the knowledge they have of existing conditions. I am not here for the purpose of forcing this bill on the House at all, but have come here with it because of the insistent demand of Members of this Congress that something be done. [Applause.]

Mr. WOODRUM. Mr. Speaker, I yield myself five minutes.

Mr. Speaker and gentlemen of the House, I am not disposed to take issue with the statement that Members need more office room. I think we all realize that fact. Certainly those of us who represent districts that are located near the District of Columbia realize that fact. There is not a day passes that constituents do not visit me, and oftentimes they have to wait in the hall before they can see me. But, gentlemen, I take the position here that I took in the committee. Our need for additional office room is not comparable to the needs that our constituents have for post offices and Federal buildings all over this Nation. [Applause.] I think the Congress will miss a magnificient opportunity to-day to show to the people of America that they really can do an unsefish thing when they agree to set aside their own interests and their own convenience and wait a due season and until they have first taken care of the needs of their constituents.

What is the situation, gentlemen? It is proposed here to double the capacity of the House Office Building and to authorize in this bill $6,500,000 for a new building. Of course, you have not started when you do that, because you have got to furnish it. You have got to have additional help. I think it costs something like $100,000 a year for looking after the House Office Building, so you are just doubling the cost which you saddle on the taxpayers of the country for the House Office Building.

But let us look again. What is the situation that Congress finds itself in to-day? Important legislation that your constituents are interested in is going to fail to pass because it can not get through the jam in this House and in the Senate; and yet here in the closing days of the Congress the Members can find a way, if you please, when they want to do something for their own convenience, to grease it up, slide it through, and pass it. I say to you I think it would come with poor grace from the House and Senate of the United States to pass a bill of this kind and allow to die in the pigeonholes and archives of this Government other legislation that would add to the relief of our constituents.

I can not understand why the gentleman from Indiana wants to insist upon passing this authorization to-day. If the signs of the times are true, it would stand no chance of getting through the other body, although I presume it would be greased up and go through there like it is prepared to be passed through this House.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. JACOBSTEIN. Does not the gentleman think that if we increase the efficiency of our own work we are thereby working for our constituents? [Applause.]

Mr. WOODRUM. Oh, yes, I think that; but I call the gentleman's attention to the fact that 20 years ago, when you had no House Office Building, the business of this Government was carried on in an efficient manner; I call his attention to the fact that a few years ago, during the World War, when Congress was in session day and night almost 12 months in the year, the business of this country was carried on efficiently. [Applause.] I will say to my friends that your constituents are going to ask you some embarrassing questions when you go back to them and report on your inability to get legislation passed in this Congress, and yet you can, with perfect ease, pass a bill for your own relief. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. ELLIOTT. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. TILSON. Mr. Speaker, I take sharp issue with my friend from Virginia when he says that this is a bill for the relief of ourselves. It is not. It is a bill to increase the efficiency of each Member of this House in the official work he does for his constituents and for the whole country. [Applause.] If it were simply to add to our own ease or comfort, that would be a different matter entirely, but it is not so. Let us picture the situation. Each Member has one room. He has with him in this one room at least two clerks, with typewriters. Sometimes a Member has three clerks.

You can imagine the scene with the Member sitting in one corner and two or three clerks clattering away with typewriters. You can also imagine the kind of work he is able to do.

Furthermore, suppose a constituent wishes to come in and confer with him. He must talk with him in the presence of these clerks, with the typewriters going, or take the constituent out into the corridor to confer with him. The same thing is true if a fellow Member wishes to confer with him. There is no privacy at all, and what is worse, there is no place where a man can do constructive work. There is not a $10,000 corporation in the country that would attempt to carry on a small business with such office facilities for its managing director or president. [Applause.]

We are not doing anything for ourselves. It is not a selfish act voting to provide proper facilities for the Members of Congress to transact the public business. [Applause.] And if your constituents knew the circumstances under which you must do your work here, with one single room, I am sure they would appreciate the situation and would approve your vote to provide a remedy for it.

If a constituent or a fellow Member or a lobbyist or an office seeker or what not comes to see you, he opens the door and comes in upon you so that there is no way by which you may shield yourself in order to go on with your work. Whether you are ready or not you must drop your work, perhaps at the most inconvenient moment, and meet him. We all know that it is impossible to do our best constructive work unless there be some way in which we may shield ourselves from constant interruption.

Mr. WEFALD. Will the gentleman yield for a question.

Mr. TILSON. Yes.

Mr. WEFALD. The Senators have more than one room each, does the gentleman concede that a Senator does better work than a Member of the House?

Mr. TILSON. Most of them have three rooms and need them. Is the country complaining because the Senators have these rooms?

Mr. WEFALD. But do they do better work than the Members of the House?

Mr. TILSON. There is no way of making a comparison of this kind and the gentleman knows it. What I know is that we could do better work if we had better facilities. [Applause.] I am willing, gentlemen, to go before my constituents, I am willing to go before the entire country, and say that I vote for this authorization for a new building simply because I feel that better work will be done; that the interests of all our constituents will be better taken care of by giving the Members of this House the proper facilities for doing their work.

I hope that nobody will be frightened by any newspaper criticism or anything else to the effect that we are handing out something to ourselves. It is not so. We are simply providing adequate and quite reasonable facilities for doing the work for which we are sent here by our constituents. [Applause.]

Mr. WOODRUM. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. ESLICK.]

Mr. ESLICK. Mr. Speaker, H. R. 9009, providing for the acquisition of a site and the construction of a new House Office Building carries with it an authorization of $7,300,000. I appreciate that among the membership of the House there is an overwhelming sentiment in favor of this bill. It is not my purpose to criticize any Member who sees fit to support this measure. This bill came from the Committee on Public Buildings and Grounds, but it was not by the unanimous vote of the committee. Some of us opposed it, as the public hearings will show. We did not submit minority views because this House Office Building affects every Member of the House. Every Member knows his own situation with reference to office space better than any other person can know it. The best witnesses to the need of a new building are the Members, and they are to be most affected by this improvement, and, so far as this House is concerned, are the sole judges of the propriety and necessity for a new office building.

I only want to state my reasons for opposing this project at this time. In very recent years much has been done for the District of Columbia in the way of public buildings and public improvements. The Memorial Bridge, the $25,000,000 triangle purchase, under the new building program act, $50,000,000; the Botanic Gardens, Supreme Court site, parks, the purchase of the lands in front of the Union Station, and other appropriations of like nature, and inclusive of the bill now pending, the total authorization will approximate the staggering sum of $120,000,000. The country at large in a six-year building program in new authorizations gets $215,000,000—$200,000,000 for the new program and $15,000,000 in supplement to the 1913 authorization.

The country will get but little relief under the general building program, because the most of the money authorized will be spent in the larger cities. That there is a general need of public buildings throughout the country can not be questioned. There is hardly a congressional district in this Republic that does not need from one to a half dozen public buildings. This is not a fancied need but a genuine necessity. We can make out with the space now allotted to each Member of Congress. I know that some of the Members need more room—need two offices—but my view is that the new office building is not a real necessity but would be a very great convenience, and it would come in the beginning to the American taxpayers at approximately $17,000 for each Member of Congress.

I know these are public offices. The general public has business dealings and transactions with their Representatives, but primarily it is for the benefit of the Representative and his clerical help, while the buildings for public uses back home would serve many thousands of people. A building in a large number of places could be built, each of them not to cost more than three times the money that would be spent in providing each Member of Congress the desired rooms. We should not forget "Main Street" for "New Jersey Avenue." I shall first ask for buildings for my people, who need them badly; then, so far as I am concerned, will be time for a new office building.

I told my people that I believed in economy in Government. The people of the land are staggering under the burdens of taxation. The old adage, "Take care of the nickels and the

dimes, and the dollars will take care of themselves," applies here. In Government expenditures, if we will take care of the dollars, the thousands of dollars and millions of dollars taken by the Government from the pockets of taxpayers will be taken care of in the reduction of taxation. The Government has no money of its own. It is taken from the taxpayers of the land, and, as I view it, we owe to our people a system of rigid economy that there may be a tax reduction warranted by spending less money. I know, in the way that Government expenditures are reckoned, $7,500,000 is not a large amount of money, but enough of this kind of expenditures soon run into large sums of money. Real economy means the spending of only such money as is absolutely necessary in administering the affairs of Government. I do not view this House Office Building as an absolute necessity, and I shall vote against it.

There is a further reason. This bill provides:

> Such building or buildings shall be constructed substantially in accordance with plans prepared under the direction of the Architect of the Capitol in accordance with the provisions of an act of Congress approved March 4, 1925, with such modifications as may be necessary or advantageous.

In the plans of the allied architects of Washington, submitted to the Architect of the Capitol, Mr. Lynn, in the details of the arrangement—and it seems that this plan has found favor—it is provided that 266 suites of offices for Representatives, with all necessary features in the way of desk space, coat and lavatory space, office storage, and so forth, will be provided. It is further provided that 80,000 cubic feet of additional storage space for Representatives be provided:

> A gymnasium 45 by 70 feet.
> A swimming pool 28 by 124 feet.
> Ample locker and shower facilities in connection therewith.
> Space for lounge on roof.
> Superintendent's room.
> Clerk's room.
> Folding room and storage space for same, totaling 250,000 cubic feet.

Can it be said that a gymnasium is a necessary adjunct to the Representative's office? Will the additional space of 28 by 124 feet, providing for a swimming pool, become a necessity to the future Representatives? Does ample locker and shower facilities in connection therewith add to the necessity for additional office room? Will it be contended that space for lounge on roof is necessary to bring out the most efficient service in a Member of Congress? I do not believe this. Some day the American taxpayer in his might will rise up and resent this kind of expenditures, and Members will not go to the swimming pool, but will go back to the old "swimming hole," and the lounge will be in the little office back home that ex-Congressmen know so well.

Again, Mr. Speaker, this bill carries with it an authorization of $800,000 to buy the property west of New Jersey Avenue and South Capitol Street and between B and C Streets, not now owned by the Government. It means really the buying of Congress Hall Hotel and the Potomac Hotel properties and to buy that portion of the block immediately west of South Capitol Street not now owned by the Government. No part of this building will be on the block or parcel of land west of Delaware Avenue, but will be built on the block immediately west of New Jersey Avenue, on which is located the hotel properties and Government buildings. The lands west of South Capitol Street are assessed for $70,812, the buildings on the same are assessed at $4,400, making $75,212; the Congress Hall Hotel land is assessed at $53,358, the hotel building at $340,000, making a total of $393,358; the Potomac Hotel land is assessed at $17,094 and the building at $59,100, or $76,094 for both land and building, or a total assessment for taxation on all these properties of $544,794. These properties are supposed to be assessed at their real value. But the bill provides an authorization of $1,070,000. The committee reduced this to $800,000, and the bill as reported carries with it an authorization of more than 40 per cent above the assessed valuation of these properties for taxation, supposed to be their actual worth.

I understand that experience has taught the lesson when an authorization is made to buy property it means that is the price finally paid for it. If this be true, then the Government is to pay more than 40 per cent above the real values of these properties—at least the assessed values—and I think no prudent business man would so invest his individual money. And in addition to this, there is no present need for that part of these lands lying to the west of South Capitol Street. There is no necessity to buy this land, and nothing is cheap unless the purchaser has a genuine requirement and it is a necessity. The building starts with $6,500,000—the cost of the land $800,000—a present outlay of $7,300,000. The Government must get other quarters for activities now housed on a part of the land to be used. Then will come the upkeep of the new office building. I am informed it costs about $107,000 for the upkeep of the present House Office Building. It must be furnished. So when you count 4 per cent interest on the costs of the grounds and buildings, additional rents in housing bureaus removed by this project, with additional upkeep costs, you will have an annual call on the Public Treasury of not less than $500,000. But this bill only authorizes the initial cost, and when the building is completed and furnished it will have cost about $15,000,000—and with interest, additional rents, and operating expenses, it will take three-quarters of a million dollars annually. This is an additional burden laid upon every taxpayer in the land.

The majority leader, the gentleman from Connecticut [Mr. TILSON], said this new office building would promote the efficiency of the Members. I do not know about that. I do know it promotes a big appropriation of the people's money upon 40 minutes' debate and without due consideration.

This expenditure is unnecessary, because it is not for a public necessity, only a convenience. My friends, Members of the House, practice economy as well as proclaim it.

Mr. Speaker, I have talked economy to the people who have honored me. I will keep the faith with them. I shall practice economy by voting against this bill. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield two minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, no one believes more in true genuine economy than I do. I believe in economy in the home; I believe in economy in the Government, but I do not believe in false economy. I do not criticize anyone for voting against this bill. I voted against the bill to increase our salaries as a matter of economy. I do not feel that I can do as good work for my constituents when crippled and handicapped by lack of office facilities as I could if better facilities were provided. My own experience teaches me that with small, narrow, cramped quarters with two clerks in them we can hardly get along at all and can not do good work.

Mr. WOODRUM. Will the gentleman yield?

Mr. DOUGHTON. Yes.

Mr. WOODRUM. The gentleman has an office on the fifth floor of the Office Building.

Mr. DOUGHTON. Yes.

Mr. WOODRUM. He has an office with a partition in it and an extra room across the hall?

Mr. DOUGHTON. Well, it is so small that we can not work satisfactorily in it. When I have a visitor, either the stenographers and clerks have to stop work or I must retire myself, one or the other. I go to my office at 7 o'clock in the morning, and I stay there and work until 8 or 9 o'clock at night. I shall vote for the bill. [Applause.]

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. WOODRUM. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks that I made on the bill passed yesterday by including some matter, and also on this bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. EDWARDS. Mr. Speaker, I can not hope to say much in two minutes. This is a proposition I can not support. I hate to differ with my colleagues as to the urgent necessity of the building. On yesterday a bill passed carrying over $19,000,000 for public buildings in the United States, and only $35,000 of it goes to the State of Georgia, where we have many pressing needs for public buildings. I can not get my consent to vote for this proposition when I know that in my State the post-office and court facilities are sadly lacking. The work of the courts is absolutely handicapped for lack of space at Savannah and other places. In my home city of Savannah there are crowded conditions, and the service of the Federal agencies are handicapped. Of course, I know the machine is working to-day like it was yesterday. I want to register my protest against this appropriation for an office building for Representatives and all other appropriations in this district and elsewhere for public buildings until they can be meted out fairly and impartially through the States of the Union.

I agree there is some excuse in asking for more office space, but we are getting along pretty well as it is, and all of us seem pretty well satisfied to stay here. We should erect buildings where more badly needed. I hope the proposition will be defeated. It carries $7,300,000, which I do not believe is justified.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. WOODRUM. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Speaker, I can not hope to say anything in two minutes, but I am not content to register my position against this bill by my vote alone. I wish to register it by my protest upon the record against this piece of extravagance brought up without notice, without opportunity for debate, merely to meet the convenience and not the necessity of the Congress of the United States. I would get along more comfortably with two offices and with more conveniences, but I am not willing to duplicate the extravagance that we had in constructing the building now occupied by the Members and sidetrack a $100,000,000 public buildings bill. With the money heretofore expended there ought to have been given us two handsome and convenient rooms. Now, you propose to expend $7,500,000, when we know that in the end it will cost $12,000,000 or $15,000,000. I am not willing to go back to my constituency and say that I desire to work more conveniently when Congress has been withholding from them for 13 or 14 years a public building which will give these employees the means of greater efficiency in their work and adequate buildings to meet the needs, the crying needs, of a large city. We are willing to serve ourselves, but not the public. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. ELLIOTT. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, I doubt if there is a mayor of a third-class city in the United States who does not have at least two rooms in which to transact his business for the public. I have found many occasions where, in order to consult with my constituents or the constituents of other Members who had public business here and had a right to confer with me about things, that I had to go out into the hall to find a place to talk to them about matters in which they were interested. We can not solve this problem by criticizing the architect who designed the building where we are now located. It is a matter of common knowledge that we do not have enough room. If the telephone rings on public business and we are required to converse over it, we have to ask two or three typewriters to stop while we are engaged in a telephone conversation with the departments about public matters.

This is not a matter that affects me at all. I do not believe there is any ground for opposition to this building upon the ground of economy. I believe the public interest will be served by the erection of this additional office building for the Members of the House. I voted against the increase in salaries of Members of Congress, and after I got back to my district the only inquiry or question that was propounded to me on the subject was "Why did not you make it more while you were at it." The people of this country are perfectly willing to pay their public servants a decent salary; and they are not afraid, if we are, to provide a decent place in which to transact public business. I hope this bill becomes a law. [Applause.]

Mr. WOODRUM. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, there are more than twice 100 worthy Members of this House, at least, who have neither promise nor hope of securing a public building in their districts. With this $7,300,000, even if it does not cost more, we could build 100 post-office buildings at $73,000 each and give 1 each to 100 of our Members. I have a promise of some buildings. Many of my colleagues have not. I think it will be wiser to spend this money——

Mr. MONTAGUE. How did the gentleman get a promise?

Mr. BLANTON. I have a promise.

Mr. MONTAGUE. I would like to know how the gentleman got it, and I think the public also would like to know how the gentleman got a promise.

Mr. BLANTON. I got it from Governor Bartlett, the First Assistant Postmaster General, from an authority in the Treasury Department, and Chairman ELLIOTT.

I think it would be wiser to build 100 more buildings at $73,000 each with this $7,300,000 than to spend the money in the construction of an office building, which we can get along without for several years. You can build a pretty good, substantial post-office building in a city whose receipts are not more than $25,000 for $73,000, one that will last for 40 or 50 years and be adequate for the needs of the people. Why not spend it for that, where the people will get the benefit of it, instead of spending it here?

Just think of what this would mean to the people in these 100 cities. Is not it a little selfish on our part to deny the people in 100 cities in 100 different congressional districts in the United States a Government building for their post office and spend this money to better convenience ourselves? I would much prefer to put up with inconvenience myself in my office and give 100 new post-office buildings costing $73,000 each to 100 congressional districts than to spend this $7,300,000 for more adequate office facilities.

In my office I have three employees. Mrs. Louise K. Benton is my secretary. Miss Elizabeth Johnson is my assistant secretary. And with my own funds, out of my own pocket, I am employing Mrs. Edith Cardd as an extra clerk in order to get my work done. And it is crowded, with typewriters going all the time. But I can stand it. And fully as many, if not more, people come to see me on business as go to any office here; and I manage to carry on without additional rooms.

I know that this bill will be forced through without a record vote, as all such measures are passed, and I wanted to register my protest against it. It should not be passed, and I hope that there is such a jam that it will die during adjournment.

Mr. WOODRUM. I yield one minute to the gentleman from Mississippi [Mr. LOWREY].

Mr. LOWREY. Like the gentleman from Virginia [Mr. MONTAGUE], I am not willing to register my opposition simply by my vote. I want to register it by my protest. I feel as other gentlemen who have spoken, that we will add much more to the efficiency of Government by supplying buildings in our districts, where they are needed much more than we need this additional office building.

Understand; I agree with the statements made by the gentlemen on the other side that our convenience and perhaps our efficiency in service would be somewhat promoted by giving each of us a double office. It is sometimes difficult for me to talk over the telephone when a few feet away on each side there sits a secretary clicking away on a typewriter. I, too, have more than once had the embarrassment of trying to talk some private matter with a constituent or a colleague when my secretary and assistant were both in the room, and of having either to send my secretaries out of the office or to take my visitor and stroll down the corridor for the sake of privacy. Yet I am hardly ready to admit that these troubles are serious enough, or that they come often enough to justify our spending these millions for the sake of giving to each Member a double office room.

Much has been said in this House of late about the need of post-office buildings and other Federal structures in so many of our districts. I venture the opinion that five out of six of the Members of this House have some town or community in their districts which needs some kind of Federal building worse than we need additional office room. The amount of money which it will finally cost to erect and equip this new House Office Building would perhaps give post-office buildings to 150 towns where the needs of the community and the mail service are more acute than is our need for more office room. For these reasons I wish to register my protest against our committing ourselves to this large expenditure for this purpose and at this time.

And with some of my colleagues I raise the question, Why this hot haste to pass this bill with less than an hour's time for consideration here in the rush of our closing days? It would at least be fairer to ourselves, to our successors, and to our constituents if we left this matter open for full and free deliberation during the long session of the Seventieth Congress.

In the closing hours of the last Congress this House passed in this same hasty way the bill to increase the salaries of the membership. And now under the same conditions we are asked to rush through this large appropriation for the purpose of increasing our conveniences. That kind of legislation does not inspire the confidence of the people in their Government and is not for the public good. Many of our constituents will resent it, and in my opinion they have good reason for doing so.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. WOODRUM. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Speaker and gentlemen of the House, I want to register my opposition to this bill. If it becomes a law, it will ultimately cost the American people at least $15,000,000. I say to you in all frankness that if you vote away this sum of money, the administration, the party in power, the newspapers of this country, and the Republicans and Democrats who vote for this bill ought to quit talking about economy, because you are not practicing economy when you vote for this bill. We have been talking loudly about economy in the administration of public affairs when every student of public expenditures knows that the peace-time activities of this Government are increasing in cost every year.

Mr. MANLOVE. Mr. Speaker, will the gentleman yield?

Mr. LOZIER. I regret that I can not yield to my genial friend from Missouri, as I have only three minutes' time. The peace-time activities of our Government are costing the American people more and more every year, and yet the newspapers of this Nation and the proponents of this administration boast that this is a period of economy in public expenditures. Millions and millions of dollars are extravagantly and needlessly voted at the request or by the approval of the President at every session of Congress. When are we going to begin the practice of real, honest-to-God economy? This bill, as a beginning, authorizes the appropriation of $7,300,000, and there is not a Member of the House who is so unsophisticated as to believe that the cost of the new office building will not be double the amount authorized in this bill. You have waited until the closing hours of this session, until bills of this character could not be reached on the calendar and be given proper consideration, and you have called up this bill under suspension of the rules in order to railroad it through without debate and proper consideration. The construction of a new office building is not necessary at the present time and should be indefinitely postponed. The masses of the American people will not approve this legislation. The bill violates our professions of economy and should be defeated. [Applause.]

I voted against increasing the salary of Members of Congress because I believed that until prosperity came to the rank and file of the American people Members of Congress should be willing to serve at the old salary. I believed then, and I believe now, that such increase violated the principle of economy about which so much has been said in recent years. I contended then, and I contend now, that Congress could not consistently vote for such increase of salaries without abandoning our demands for an economic administration of public affairs.

I am actuated by the same reasons in opposing the pending bill, which did not come before Congress in the usual manner, but was brought before the House on a motion to suspend the rules and pass the bill. Under this procedure only 40 minutes' debate—20 minutes on each side—is permitted. Here is a bill that on its face authorizes an initial expenditure of $7,300,000, and it is to be railroaded through this House practically without debate in the closing hours of the session. Why was this bill not placed on the calendar early in the session and considered by the Committee of the Whole House on the state of the Union like other measures involving large expenditures? I am opposed to this method of slipping legislation through Congress on the eve of its adjournment.

While the bill on its face only authorizes the appropriation of $7,300,000, everyone knows that this proposed building will ultimately cost at least $15,000,000, and yet the majority party, professing devotion to the cause of economy, is rushing this bill through the House without batting an eye or giving it any worth-while consideration. And, I am sorry to say, a number of my Democratic colleagues are going to vote with the Republicans to put this bill over.

I admit that our offices are small. In my law office at home I had at least five times as much space as I have here in the House Office Building. But, while our offices here are small, they are still sufficiently large to enable us to do our work efficiently. No constituent of mine has ever suffered by reason of the limited office space the Government allots to me. No work has been left undone and no duty I owe to my constituents has been neglected by reason of my only having one room in which to transact my official duties. I have been willing to work, if necessary, under difficulties, because I believe in economy in the expenditure of public funds, and we are not practicing economy by expending ten or fifteen million dollars for a new office building. The mass of the American people are not prosperous. The agricultural classes are in great distress and facing economic disaster. Until the rank and file of our people get on their feet financially, the Members of Congress should be content to use their present quarters.

Where is this reckless expenditure of public funds going to end? Gentlemen, the administration and Congress are spending public money like drunken sailors. All these appropriations must be paid out of the Public Treasury. The funds in the Public Treasury are secured by taxation. And every time we vote away ten or fifteen million dollars we are voting a tax burden of that amount on the American people. Unless we are willing to practice economy, we ought to quit talking about it. I shall vote against this bill. [Applause.]

Mr. ELLIOTT. Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, this is a rather difficult question to argue, because each Member knows for himself what he is going to do. Each Member knows his convenience and his inconvenience. Of course, the argument that is made that this money should not be expended here but should be devoted to the construction of public buildings in the districts is not a sound argument, because the defeat of this bill will not add a single public building anywhere in the United States.

When the Congress itself surrendered to the Treasury Department and the Postmaster General the question of the selection of sites for public buildings, it destroyed all the point of that argument for at least five years in the matter of public buildings in our districts. [Applause.]

Now, Mr. Speaker, I live in a small town, a town of about 1,200 people. I have a law office there. I practiced law before my clients died. [Laughter.] I had two offices. I could not get along without them. I do not see how the Members, consulting not their own convenience in the way of personal comfort but their convenience in the way of the discharge of their official duties can refuse to give to the Members of this House the opportunity of having two offices in which to do their public work. [Applause.]

However, I do not wish to persuade any gentleman against his will to place himself in a more efficient situation. That is a matter that each gentleman will have to determine for himself. The thing means nothing to me personally. Really it means nothing to the next Congress, so far as that is concerned, because if history repeats itself it will be four years before this office is built, if it repeats itself with regard to the construction of the last building. But I know and I am sure every Member here knows of the inconvenience and the interference with his public work resulting from having to work in one office, many with two typewriters, all with at least one. When I was in the House Office Building I frequently, when it was necessary to have a private conference, had to go into the corridor to do it, or else send my secretary from the room to stand in the corridor while I was consulting with a constituent.

I can not believe that there can be any sort of public complaint concerning the construction of this building. I think it will add not to the personal convenience of Members, so far as they are personally concerned, but to their convenience in discharging the public duties which they are elected to discharge. [Applause.]

Of course gentlemen can vote as they please. If they do not want this convenience for themselves or for their successors, of course they can vote against it. So far as I am concerned, I am going to vote to give this convenience in the interest of the public service. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. ELLIOTT] to suspend the rules and pass the bill.

The question was taken.

The SPEAKER. Two-thirds having voted in the affirmative——

Mr. WOODRUM. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. A division, Mr. Speaker.

The SPEAKER. The Chair put the question and waited a reasonable time.

Mr. BLANTON. Mr. Speaker, we were going to ask for a division.

The SPEAKER. Nobody asked for a division. In the opinion of the Chair, the rules are suspended and the bill is passed. [Applause.]

PRESIDENT'S MESSAGE—FOREIGN-SERVICE RETIREMENT AND DISABILITY SYSTEM (H. DOC. NO. 771)

The SPEAKER laid before the House the following message from the President of the United States, which was read and with the accompanying papers referred to the Committee on Foreign Affairs and ordered printed:

To the Congress of the United States:

I transmit herewith a report by the Acting Secretary of State showing all receipts and disbursements on account of refunds, allowances, and annuities for the fiscal year ended June 30, 1926, in connection with the foreign-service retirement and disability system, as required by section 18 (a) of an act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes, approved May 24, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 1, 1927.*

[Enclosure: From the Secretary of State, with accompaniment.]

THE COLORADO RIVER

Mr. PARKER. Mr. Speaker, I wish to call up from the Speaker's table Senate Joint Resolution No. 4, and ask for its immediate consideration.

The SPEAKER. What is that about?

Mr. PARKER. That is a resolution to stop any diversion of the Colorado River until the Colorado River compact is approved, or until March 5, 1929. It is agreed to by both the proponents and opponents of the Boulder dam.

The SPEAKER. The Clerk will report it, omitting the various whereases, and also report the amendments.

The Clerk read as follows:

Joint resolution (S. J. Res. 4) to suspend until February 1, 1928, the jurisdiction, power, and authority of the Federal Power Commission to issue licenses on the Colorado River and its tributaries under the Federal water power act, approved June 10, 1920

Resolved, etc., That the Federal Power Commission is hereby directed not to issue or approve any permits or licenses under the provisions of the act of Congress approved June 10, 1920, known as the Federal water power act, upon or affecting the Colorado River or any of its tributaries, in the States of Colorado, Wyoming, Utah, New Mexico, Nevada, Arizona, and California until and unless the Colorado River compact, signed at Santa Fe, N. Mex., November 24, 1922, pursuant to act of Congress approved August 19, 1921, has been approved by the Congress of the United States, or in the event that said compact is not sooner approved, until March 5, 1929.

Amend the title so as to read: "Restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. Without objection, the preamble will be stricken out and the title amended.

There was no objection.

The SPEAKER. The question is on the third reading of the resolution as amended.

The resolution as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the resolution was passed was ordered to be laid on the table.

POSTAL RATES BILL

Mr. GRIEST. Mr. Speaker, I present for printing, under the rule, the conference report on the bill (H. R. 13446) to restore the rate of postage to 1 cent each for private mailing or private post cards.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13446) to restore the rate of postage to 1 cent each for private mailing or private post cards 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 amendment numbered 9.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 5, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: On page 3, strike out all of lines 4 to 13, inclusive, and insert in lieu thereof the following:

"(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

"For the first and second zones, 1¾ cents.

"For the third zone, 2½ cents.

"For the fourth zone, 4 cents.

"For the fifth zone, 4¾ cents.

"For the sixth zone, 5½ cents.

"For the seventh zone, 7 cents.

"For the eighth zone, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 7¾ cents.

"On page 3, in line 19, strike out '1¼' and insert in lieu thereof '1½.'"

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: On page 5, strike out all of lines 16, 17, and 18 and insert in lieu thereof the following:

"(b) The rate of postage thereon shall be 1¼ cents for each 2 ounces or fraction thereof, up to and including 8 ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding 8 ounces in weight, shall be 1 cent for each 2 ounces or fraction thereof."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: On page 6 strike out all of lines 14 to 18, inclusive, and insert in lieu thereof the following:

"(b) On fourth-class matter the rate of postage shall be by the pound as established by and in conformity with the act of August 24, 1912, and amendments thereto, and in addition thereto there shall be a service charge for each parcel, except upon parcels or packages collected on rural-delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General, for delivery within the eight postal zones established for fourth-class matter, as follows:

"For the first, second, and third zones, 2 cents.

"For the fourth, fifth, sixth, seventh, and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 1 cent."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: On page 10, at the end of line 6, strike out the period, insert a colon, and add the following proviso: "*Provided*, That this act shall become effective on July 1, 1927"; and the Senate agree to the same.

The committee of conference agree to the Senate amendment to the title.

W. W. GRIEST,
C. W. RAMSEYER,
A. D. SANDERS,
THOS. M. BELL,
A. B. ROUSE,
Managers on the part of the House of Representatives.

GEO. H. MOSES,
L. C. PHIPPS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13446) to restore the rate of postage to 1 cent each for private mailing or private post cards submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On amendment No. 1: Corrects the language in the title of the act amended, namely, the act of Congress approved May 19, 1898. The provision restores the rate of 1 cent on private mailing or post cards. The decrease in revenue by this reduction in rate is estimated at $1,200,000.

On amendment No. 2: Authorizes a new feature of service, providing for transmission in the mails of private reply cards, the postage thereon to be collected from the advertiser, together with a fee for such service, to be fixed by the Postmaster General, upon return of the card from the customer. The additional revenue to be derived from this service is estimated at $4,000,000. The language of this provision is identical with the language of the bill (H. R. 13448) which passed the House on the 20th of last December.

On amendment No. 3: Provides for the payment and collection of additional postage upon first-class mail matter which is short-paid more than one rate of postage. The additional revenue to be derived from this source is estimated at $75,000. The language of this provision is identical with the language of the bill (H. R. 13447) which passed the House on the 20th of last December.

On amendment No. 4: Restores the postage rates in effect during the fiscal year ended June 30, 1921, prescribed in section 1101 of Title XI (Postal Rates) of the revenue act approved October 3, 1917 (40 Stat. L. 327), on second-class matter consisting of magazines and newspapers mailed by the publishers thereof. The decrease in revenue by this reduction is estimated at $4,150,000, as against $8,389,180 decrease in revenue involved in this amendment as it came from the Senate.

The proposal to reduce the existing rate of 1½ cents a pound or fraction on newspapers or magazines (periodicals) maintained by and in the interest of religious, educational, scientific, philanthropic, fraternal, etc., organizations or associations to 1¼ cents is not agreed to.

On amendment No. 5: Reduces the revenues on transient second-class matter consisting of magazines and newspapers mailed

by others than the publishers thereof in the estimated sum of $100,000. The present law puts such matter into the fourth-class, subject to zone rates, if it exceeds 8 ounces in weight, which rate has been found to be prohibitory. The rate adopted by the conference is 1 cent for each 2 ounces or fraction thereof, regardless of weight or distance. The language of this provision is identical with the language of the bill (H. R. 13449) which passed the House on the 20th of last December.

On amendment No. 6: Reduces the rate on third-class matter from 1½ cents for each 2 ounces to 1¼ cents for each 2 ounces or fraction thereof, as adopted in conference, and continues the preferential rate of 1 cent for each 2 ounces or fraction thereof on books, catalogues, seeds, plants, etc., up to 8 ounces. The Senate amendment proposed a rate of 1 cent for each 2 ounces or fraction thereof, involving a decrease in revenue estimated at $11,770,000. The estimated reduction in revenue as agreed upon in conference is $2,500,000.

On amendment No. 7: Reduces the service charge of 2 cents on each parcel to 1 cent in the fourth, fifth, sixth, seventh, and eighth zones. The present service charge is 2 cents on each parcel in all zones. The reduction of the service charge from 2 cents to 1 cent in all the zones involved a decrease in revenues estimated at $19,000,000. The change adopted in conference involves a decrease in revenue of $2,500,000.

Paragraph (d), under the title "Fourth-class matter," provides for special handling of parcels without special delivery at an estimated decrease of $600,000 in revenue.

On amendment No. 8: Revises the existing rate for special delivery, increasing the rate from 15 to 20 cents on parcels weighing more than 2 pounds and not more than 10 pounds, and from 20 cents to 25 cents on parcels weighing more than 10 pounds, and provides for a combined service of special handling and special delivery at postage rates of 15 cents for mail matter other than first class weighing not more than 2 pounds, 25 cents for such matter weighing more than 2 pounds but not more than 10 pounds, and 35 cents for such matter weighing more than 10 pounds. The additional revenue to be derived from this service is estimated at $800,000.

The proviso at the end of the section, as adopted in conference, makes the act effective July 1, 1927.

On amendment No. 9: Contemplated crediting the Postal Service for the carrying of the franked and penalty mails, which was not agreed to.

Recapitulation

	Net increase in revenue	Net decrease in revenue
Post cards—reduction in rate from 2 cents to 1 cent each		$1,200,000
Private reply cards—collect on delivery	$4,000,000	
Deficiency in postage—penalty for	75,000	
Second class—1921 rates		4,150,000
Second class—transient matter		100,000
Third class—reduction to 1¼ cents for each 2 ounces or fraction thereof		2,500,000
Fourth class—reduction of service charge from 2 cents to 1 cent on each parcel in the 4th, 5th, 6th, 7th, and 8th zones		3,800,000
Special handling—exclusively		600,000
Special delivery with special handling	800,000	
	4,875,000	12,350,000
		4,875,000
		7,475,000

W. W. GRIEST,
C. W. RAMSEYER,
A. D. SANDERS,
THOS. M. BELL,
A. B. ROUSE,
Managers on the part of the House.

ADDITIONAL JUDGE FOR THE WESTERN DISTRICT OF NEW YORK

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1490.

Mr. CAREW. Mr. Speaker, that bill is not on the Speaker's table.

The SPEAKER. The gentleman from New York calls up the bill S. 1490, which the Clerk will report.

The Clerk read as follows:

A bill (S. 1490) to provide for the appointment of an additional judge of the District Court of the United States for the Western District of New York

Be it enacted, etc., That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, an additional judge of the District Court of the United States for the Western District of New York, who shall reside in said district and who shall possess the same powers, perform the same duties, and receive the same compensation as the present district judge of said district; and that the official residence of said judges shall not be in the same or adjoining counties.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the third reading of the bill.

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 ordered to be laid on the table.

The SPEAKER. Is there a similar House bill?

Mr. DEMPSEY. Yes; there is a similar House bill.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

ADDITIONAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to call up Senate bill 5352, to provide for one additional district judge for the eastern district of Michigan, objected to a short time ago. I am advised that the gentleman objecting withdraws his objection.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table Senate bill 5352 and pass the same. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one district judge for the eastern district of Michigan in addition to those now authorized by law. He shall be entitled to receive the same salary, payable in the same manner, as is now provided for district judges in said district. This additional district judge shall reside within said district and shall be subject to the general provisions of law relating to district judges of the United States.

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.

KATHERINE SOUTHERLAND

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 1339, for the relief of Katherine Southerland, insist on the House amendment, and agree to the conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table Senate bill 1339, insist on the House amendment thereto, and agree to the conference. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees: Messrs. UNDERHILL, VINCENT of Michigan, and BOX.

SIOUX TRIBE OF INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 13503, authorizing and directing the Secretary of the Interior to investigate, hear, and determine the claims of individual members of the Sioux Tribe of Indians against tribal funds or against the United States, disagree to the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table House bill 13503, disagree to the Senate amendment and ask for a conference. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees: Messrs. LEAVITT, SPROUL of Kansas, and HAYDEN.

MIGRATORY BIRD REFUGE

Mr. VAILE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 5454, authorizing the establishment of a migratory bird refuge at Bear River Bay, Great Salt Lake, Utah, and consider the same.

The SPEAKER. The gentleman from Colorado asks unanimous consent to take from the Speaker's table Senate bill 5454 and consider the same. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I hope the gentleman will not press that bill at this time.

Mr. VAILE. I will withdraw the request.

SOLDIERS' LOAN CERTIFICATES

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER of Texas. There was a conference committee appointed to confer with the Senate on what is known as the soldiers' loan certificate bill. We are now very near to the close of the session. I was appointed a member of the conference committee, but I have heard nothing about the matter, and I was wondering whether we are going to let the bill die in conference and without taking some action. I would like to inquire what the status is of that matter. I call it to the attention of the House so the Members may understand about it. It was passed by the House unanimously and passed by the Senate on a record vote unanimously. I am wondering whether such a bill as that can die in conference without action on the part of the House.

The SPEAKER. The Chair thinks the gentleman should consult his own conscience.

Mr. GARNER of Texas. I give notice that my conscience will compel me to do this: I give warning now that unless some gentleman on the Republican side takes action I shall undertake to move to concur in the Senate amendments and make that bill a law. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I will say to the gentleman from Texas that I have been endeavoring to make an arrangement for a conference with the conferees on the other side. I have already told the gentlemen on this side and gentlemen on that side that the bill was not going to die; that I would make a report to-morrow with reference to the matter, and in such form that the House might take such action as would be proper under the circumstances.

Mr. GARNER of Texas. I am very glad to hear the gentleman say that; but the gentleman had not told me about that.

Mr. GREEN of Iowa. I have been trying to find the gentleman in order to tell him that fact.

Mr. GARNER of Texas. I was appointed one of the conferees, and wanted to know about the matter.

BRIDGE ACROSS MOUNT HOPE BAY, R. I.

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 10465, granting the consent of Congress to the Mount Hope Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across Mount Hope Boy, between the towns of Bristol and Portsmouth, in Rhode Island, and agree to the Senate amendment. It is a bridge bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House bill 10465 and agree to the Senate amendment. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendment was agreed to.

BRIDGE ACROSS THE CANEY FORK RIVER IN TENNESSEE

Mr. DENISON. Mr. Speaker, I have one more bridge bill which is a matter of great importance to several Members from Tennessee and I ask unanimous consent for the present consideration of the bill (H. R. 17371) granting the consent of Congress to the construction of a bridge across the Caney Fork River in Tennessee.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the construction by the county of DeKalb, State of Tennessee, of a free bridge and approaches thereto, across the Caney Fork River at the head of Hurricane Island, in said State, which bridge is now in the course of construction, provided the plans therefor are approved by the Chief of Engineers and the Secretary of War before further construction work is done. If said bridge be completed in a manner satisfactory to the Secretary of War and the Chief of Engineers it shall be a lawful structure, and shall be maintained and operated under and in accordance with the pertinent provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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 by which the bill was passed was laid on the table.

THE PITTMAN ACT

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Pittman bill by inserting in the RECORD a short pamphlet entitled "Uncle Sam—Silver Miner."

Mr. BEGG. Mr. Speaker, reserving the right to object, what is it?

Mr. ARENTZ. A short pamphlet entitled "Uncle Sam—Silver Miner."

The SPEAKER. Is there objection?

There was no objection.

Mr. ARENTZ. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article from the National Magazine (Boston), June, 1922, by Frank H. Norcross, president of the National Silver League:

UNCLE SAM SILVER MINER

Silver in all history has been one of the greatest assets of any nation that was fortunate enough to produce it in quantity. Its power in advancing civilization is no less potent than that of gold. The nation that possesses great mines of silver and fails to fully appreciate that the same are a great national resource, to be fostered and protected by all the power the government possesses, must inevitably pay dearly for its lack of foresight. This Nation has so failed and has suffered the penalty.

Uncle Sam is the world's greatest silver miner. His mines have produced two and one-half billion ounces—a fifth of the world's production since the discovery of America. From compulsion or lack of comprehension, or a combination of both, he has permitted the precious metal to be discredited and sold to his direct loss in an amount approximating a billion and a quarter of dollars—a sum sufficient to have built three Panama Canals, several transcontinental railroads, a dozen or so concrete highways across the United States, encircled the earth with cables, reclaimed the arid West, or numerous other things of similar magnitude. That amount, unfortunately, represents the principal of the loss only, and does not include the earning capacity of that amount of permanent wealth for an average of a score of years. Five billions of dollars will not exceed Uncle Sam's real loss to date, and the damage is a continuing one.

If one is looking for romance, he can find it in the story of silver. Always in the problem of economics silver has ever been the subject of selfish political manipulation and intrigue. Its tremendous power for good in the world has ofttimes been minimized, but the truth in respect to silver must ultimately prevail. When the truth does prevail, then silver will take its rightful place, equal to that of gold in the economic development of the world. When Uncle Sam awakens to a comprehension of the real value to himself and to the world of his silver mines, then he will, because he has the power, make the truth triumphant. It was the great statesman, the late James G. Blaine, speaking of gold and silver in the Senate of the United States, who said:

"The two metals have existed side by side in harmonious, honorable companionship as money ever since intelligent trade was known among men. * * * The dethronement of each has been attempted in turn, and sometimes the dethronement of both, but always in vain."

The single gold standard, forced upon the world for the last time in the seventies by English and German influences for their own peculiar selfish purposes, has prevailed so long that it has become a sort of fetish with many, they know not why. In the greatest crisis in the world's history the gold standard has failed to function and its failure is written in international exchange. All the gold of all the nations is not sufficient to pay one year's interest on the national debts left as one of the heritages of the World War. The commerce of the world is paralyzed because the money of half the world is so nearly worthless or of such fluctuating value that it scarcely functions as money in international transactions.

Silver was struck down as a money metal when its value, as compared with gold, was unquestioned and when scarcely a decade had elapsed since the fact had been established that Uncle Sam was the possessor of great silver mines and about to reap the benefit of their production. The gold standard was forced on the world by England and Germany, not only closely following the discovery in the United States of great silver mines, but at a time when this Government was burdened with the debt of the Civil War and absorbed with the problem of reconstruction.

"The German Empire," said Senator Blaine, "passed a law destroying, so far as lay in its power, the value of silver as money. I do not say that it was specially aimed at this country, but it was passed regardless of its effect upon us. * * * Thus, by one move the German Government enhanced consequently the value of gold, and then got into position to draw gold from us at the moment of their need, which would also be the moment of our sorest distress."

"England," said Senator Henry Cabot Lodge in a speech delivered in the Senate April 6, 1894, "is governed in her attitude toward silver solely by her own interest. She is not engaged in maintaining the gold standard because she is in love with what some persons declare to be an economic truth. She is engaged in maintaining it because her bankers and her capitalists believe it pays. The rest of the world stands either ready or anxious to do something for silver."

Whatever may be said for the gold standard, it can not be said that it had its inception in any spirit of altruism.

For a score or more of years Uncle Sam has been supplying 40 per cent of the world's silver output. It would seem that he has failed to comprehend the importance of that fact. For a recent illustration—Uncle Sam produced 75,000,000 ounces of silver in 1915. That year the ratio of production of silver to gold was the lowest of record—seven to one. With war prices on other products prevailing, Uncle Sam, without protest, permitted British influences to drop the price to the lowest figure in the history of the metal—a price ratio of 40 to 1. Great Britain needed silver badly for her East Indian Colonies, where it was transferred at a profit of 300 per cent. A couple of years later more silver was required for India than the regular market afforded. Uncle Sam was offered $1 an ounce for his whole Treasury stock. Apparently delighted over the opportunity, he shipped to India nearly 300,000,000 ounces—all he had. Great Britain only made a trifle less than $100,000,000 on that deal and still owes us for the silver.

For many years four London brokers chartered by the Crown have arbitrarily fixed the price of silver, solely in the interest of a part of the British Empire. Uncle Sam has been treated like a rube playing a shell game at a country fair. That is how he lost his billion and a quarter of dollars and its earning power for all time. It is now of historical interest only, whether the action of Congress in demonetizing silver was deserving of the appellation "The crime of '73," whether it was a mere blunder, or whether Uncle Sam was in a situation in which he was forced to follow the lead of then more powerful nations in the financial world. True it is, however, that silver was worth $1.33 an ounce the world over when the legislation was enacted, and had been substantially of that value for centuries of time. True it is, also, that if that price had been permitted to continue, it would have added billions of dollars to the wealth of this Nation.

In so far as the United States may be said to have any declared monetary policy, it is for bimetallism by international agreement. The act of Congress of November 1, 1893, over which the last great congressional battle for silver was fought, contains this declaration:

"It is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money, * * * such equality to be secured by international agreement * * * the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetallism as will maintain at all times the equal power of every dollar," etc.

The act of March 14, 1900, fixing the gold dollar as "the standard unit of value," also provides:

"The provisions of this act are not intended to preclude the accomplishment of international bimetallism * * * by concurrent action of the leading commercial nations of the world."

As a matter of actual practice Uncle Sam has never been diligent to protect the value of his silver product. His negative attitude has enabled the consumers of silver to fix its price for their own benefit. True, Congress in 1918 passed the Pittman Act providing for the purchase of silver produced in this country at a minimum of $1 an ounce until there is returned to the Treasury an amount equal to that sold to Great Britain during the war. It is a temporary measure representing no fixed policy. What is essential is a measure which will permanently stabilize the value of silver.

As early as 1836, when the struggling Republic needed all the basic money it could get, Uncle Sam was persuaded somehow to adopt the ratio of 16 to 1, while the European nations coined all the silver they could get at a ratio of 15½ to 1. That fixed the price of silver at $1.29 an ounce at the United States mints, while it was worth $1.33 an ounce the world over. Hence, Europe absorbed the silver production of the world, including that of the United States, and Uncle Sam was left holding the sack.

America is now in the position of the greatest creditor nation of the world. Uncle Sam doesn't have to take the dictation of Europe. He can turn the tables and be the "squeezor" instead of the "squeezee" if he wants to be. The world owes him so much money, however, that he is forced to be generous even if that were not his natural disposition. He has got to refinance a bankrupt Europe for his own protection. That's the biggest problem he's got right now. Is he going to try to do it on a gold standard, or is he going to insist that his own silver shall help out the situation?

There are about $9,000,000 of gold in money or bullion available as money in all the world. That's about $5 per capita for the world's population. Assuming there was an equal amount of silver now available (which there is not), it would not make a very large amount of basic money per capita even then. It would have to be augmented by a large amount of paper for the nations to do business. Gold, in fact, will never circulate as money in any country, nor will silver, except in minor coins, outside of the Orient and in portions of the Americas. All the silver that has been produced during the last 500 years, if it were now available for monetary purposes, would only make about $6 per capita for the world's population, but 70 per cent of it has been consumed in the arts or lost.

Silver answers every requirement as a basic money. True, it is a little more cumbersome than gold, but all the silver that has been produced in the world could be put in one cube 100 feet square. The old "scare cry" about a "flood of silver" was and is a myth. Most of the silver in existence has been produced since the discovery of America, and the total production during all that time bears a ratio to gold of almost precisely 15 to 1. For many years last past, silver has been produced on a ratio of only about 10 to 1. It is impossible that there may occur any sudden change in the quantity ratio of the two metals.

Ninety per cent of the silver of the world is produced on the American continent, and about 80 per cent of the amount comes from North America. That is one reason why European financiers have been in favor of the gold standard. It was easier to keep the financial center of the world in Europe. America should have something to say in the future about what is to be done with its own product. Mexico, as well as the United States, is a great producer of silver. Mexico is our next-door neighbor. It would be more profitable to this country to have the Mexicans busy mining silver with the aid of American capital than in hatching revolutions.

After England and Germany had forced the world to adopt the gold standard in order to put a crimp in Uncle Sam and deprive him of the great advantage of his recently discovered silver mines, there were spasmodic efforts in this country to restore silver to its historical place as a money metal, but the European money power had then too much of a strangle hold on Uncle Sam. The fight to restore silver culminated in the presidential campaign of 1896. That campaign was an unfortunate occurrence for silver, not because of the result of the election, but because of the false conception engendered in the minds of more than half the American people in respect to one of America's greatest assets.

The issue in that campaign was not a gold standard, but as to the method bimetallism should be accomplished whether by the United States alone or by international agreement. The financial interest of the Nation, however, became frightened as to what might happen if the United States broke away from the money standard fixed by Europe. Money is the most timid thing on earth. The March hare is as brave as a lion in comparison. The banking and moneyed interests of the United States became frightened for fear the United States alone could not maintain the double standard and disaster might follow. It was deemed necessary to make every kind of extravagant assertion imaginable in order to pass the scare on to the people. Various and numerous were the expressions invented for the occasion—"50 cent dollar," "dishonest money," "flat money," "intrinsic value," "silver craze," ad infinitum. Millions of voters were made to believe that every dollar was short 50 per cent in "intrinsic value," and a fraud on the people. It was the poison thus engendered in the minds of the people which was so injurious to silver, resulting in such loss to the Nation in general. Thereafter it was easy for a few London brokers to fix the price on American silver at half or less of its real value.

For decades the price of silver has been fixed utterly regardless of its relative production compared with gold. The silver-mining industry has thereby been rendered extremely hazardous and its path strewn with countless disasters. Uncle Sam has shared in every such disaster and his loss can only be expressed in billions.

Uncle Sam, as the greatest silver miner in the world, ought now to turn over a new leaf and insist that this great product of his should have fair treatment by the world, himself included. If there were any good reason on earth why he should go on indefinitely losing $50,000,000, or more, annually on his silver production, it would be a different matter. There is no such reason.

Before the war the world was proceeding mainly on confidence. Uncle Sam himself fought the war largely on Federal reserve notes—Uncle Sam's promises to pay. The people accept Uncle Sam's paper without knowing or caring whether he is prepared to meet it at any given time. That is very properly conceded on faith. This, however, is not true of the paper of other Governments. They must have enough gold, or gold and silver, which they have not now, to form a basis for confidence and regulate international exchange.

There is probably only one nation that would now stand out to retain the gold standard—Great Britain. Even the British Empire may see the light differently now, and it is probable that the influence of Canada and Australia would be thrown into the balance for silver. That Eng-

land should consider that she is still in a position to reap an undue advantage from the gold standard is no reason why the silver-producing nations of the world should not avail themselves of the benefits that would accrue to them by using their silver production to increase their credit and financial power.

If the world again returns to bimetallism, Uncle Sam should insist that the ratio of silver to gold should not be greater than 15½ to 1, which would permanently fix the price of silver at $1.33 per ounce. If bimetalism is not adopted, Uncle Sam should endeavor to stabilize the price of silver as near that figure as possible. One way in which this might be accomplished would be to invite all the American silver-producing nations to act in concert. Stability in the price of silver is essential to success in the silver-mining industry.

Why, some will ask, is the United States as a nation interested in a high valuation for silver when comparatively few are interested directly in its production? Some foolish ones will say it is an injustice to allow the silver producer so great a price on his product, not comprehending that the nation as a whole prospers in proportion to the value of its mineral products and particularly that of its precious metals, and not comprehending the further fact that great profit in gold or silver mining rarely occurs and that the industry is beset with hazards and disappointments. It is a few capital prizes now and then which makes the industry as a whole run at slight profit or even at a loss.

The discovery of gold in California in 1848 and silver in Nevada a decade later made Uncle Sam a real world power, and the increasing product of his mines advanced civilization in relative proportion.

Mines which produce silver alone rarely occur. Gold and silver are usually found together, and silver is nearly always found in copper ores, and frequently with lead and other of the base metals. The value of the silver in gold, copper, lead, and other ores frequently makes it possible that such mines can be worked at a profit. An increase in the price of silver adds to the permanent wealth and prosperity of the Nation and injures no one. John Mackay walked into Virginia City, in 1864, with no capital other than health, courage, and ability. He left worth millions, but he took the wealth from Mount Davidson, not from his fellow men. With that wealth he laid the Pacific cable and built the Postal Telegraph. Put silver back to the price it held before England and Germany conspired to scuttle Uncle Sam's Treasury and there will be more John Mackays who will inject some of the elixir of life into the now sluggish veins of Uncle Sam, and awaken him to the realization that he is a great silver miner, and responsible to the world as such.

Silver, stabilized at $1.33 an ounce, means the discovery of new mines and the profitable working of others long since idle. It means the stimulation of every industry. It means more railroads, more telegraph and cable facilities, more power lines, more ships, more factories, more demand for the products of agriculture and labor. In short, it means an added vitalizing force now needed by this Nation and the world. It is now up to Uncle Sam as the world's greatest silver miner to call the nations again into conference to "deliberate anew over the problem which comes down to us from Abraham's time—'the weight of the silver that shall be current money with the merchant.'"

NEW HOUSE OFFICE BUILDING

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the House Office Building bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RAINEY. Mr. Speaker, the bill we are considering authorizes an initial expenditure of $800,000 for the purpose of purchasing a site for a new office building for the use of Members of the House of Representatives. It also carries an authorization for the expenditure of $6,500,000 for the purpose of constructing the building. The bill carries a total authorization of $7,300,000. My observation in these matters leads me to the conclusion that this will ultimately mean an expenditure of $10,000,000 or $11,000,000 for the purpose of providing additional conveniences for Members of the House of Representatives, an indefensible proposition, in my judgment, at the present time. I shall vote against the bill. I realize that it is impossible to defeat the proposition. It seems impossible to defeat any proposition in this Congress which involves the expenditure of money in the District of Columbia. We have authorized during the life of the present Congress, which is now rapidly drawing to a close, an absolutely unnecessary memorial bridge across the Potomac River, which we are now constructing to cost at least the sum of $18,000,000, and probably much more than that before the bridge is completed. There are two other perfectly good bridges within a mile of this bridge. One of them was recently constructed at a cost of $5,000,000 or $6,000,000.

The triangle purchase will cost $25,000,000 more. Under the new building program $50,000,000 is to be expended in the construction of public buildings in the city of Washington. To this amount will probably be added before the buildings are completed fifteen or twenty million dollars. In addition to this we have provided millions for enlarging the Botanic Garden, for a Supreme Court site, for the purpose of additional parks, and for a perfectly unnecessary arboretum along the Anacostia River, all in the District of Columbia. These park extensions and the proposed arboretum will of course greatly enhance the value of privately owned property in the neighborhood of the proposed extensions. This Congress is "running away" on the subject of buildings and parks for the city of Washington. The authorizations we have made in this Congress for these purposes will approximate the staggering sum of $120,000,000, and before these buildings are completed we will probably add to that sum twenty-five or thirty million dollars more.

THE PROPOSED HOUSE OFFICE BUILDING

The plans for the proposed House Office Building have already been submitted. The building is to contain 266 suites of offices for Representatives in Congress, with all necessary fixtures in the way of desk space, coat and lavatory space, and office storage. In the building there will be 80,000 cubic feet of additional storage space provided for Representatives. The building is to contain a gymnasium 46 by 70 feet, a swimming pool 28 by 124 feet, with ample locker and shower facilities in connection therewith, a space for a lounge on the roof, a superintendent's room, a clerk's room with a folding-room attachment and storage space for the same. It is seriously contended that Representatives in Congress need all these facilities and all these luxuries at the expense of the taxpayers of the country.

We already have an ample office building, constructed 12 or 14 years ago at an expense of five or six million dollars. Every Member of Congress at the present time is supplied with a large office either in this building or in the Capitol Building. The offices they now occupy are completely furnished by the Government with desks, chairs, bookcases, rugs, lavatories with hot and cold running water, and in addition to that running ice water. These offices are furnished and maintained for Members of Congress at the expense of the Government, and it is contended now that in order to supply Members of Congress with at least two rooms it is necessary to build this large additional House Office Building. This Congress has already passed a public buildings bill which carries a six-year building program, at an expense of over $200,000,000 to the taxpayers of the country. Buildings constructed under this program are to be erected only in the large cities; a few of them, however, in towns where the post-office receipts exceed $20,000. The Government acquired under the last public buildings bill passed, 12 or 14 years ago, 165 sites for public buildings in as many towns in the United States. These towns all have receipts of less than $20,000 a year, and under the public-building program authorized by this Congress not one of these towns will receive a public building.

CARROLLTON, ILL., AND HAVANA, ILL.

Eight of these sites are in Illinois. Two of them are in my congressional district in Illinois. A site at Havana, Ill., was acquired by the Government on November 14, 1916. It cost the Government $9,000. A site at Carrollton, Ill., was acquired by the Government on September 14, 1918. It cost the Government $7,000.

The site at Carrollton has been growing up in weeds since that time, the buildings on it having all been removed, and the weeds are cut for the Government by public-spirited citizens living in the vicinity of the site so acquired. Nothing whatever has been done with the site at Havana by the Government except to pay for it. I voted against all these bills providing for improvements in the District of Columbia. I shall vote against the bill we are now considering, and I shall continue to vote against all these propositions for the District of Columbia and for the country at large until funds are provided for the construction of buildings on the 165 sites now owned by the Federal Government.

THIS OFFICE BUILDING NOT NEEDED

I am not impressed with the proposition to build gymnasiums, swimming pools, showers, and so forth, at the expense of the taxpayers for the convenience of Members of Congress. I am not impressed with the necessity for a new office building for Members of Congress constructed with a magnificent lounge on the roof. The amount we are now authorizing will mean an ultimate expenditure of at least $11,000,000. Every one of the 165 towns having sites owned by the Government in as many different towns in the United States could be furnished with an ample standardized public building to cost $70,000 for the amount we are about to expend for an office building for the accommodation of Members of Congress. If every Member of Congress representing a district where a site for a public building has been authorized should vote against this bill to-day, the bill could not pass. If the districts where these sites have been

authorized should in unmistakable terms demand of their Representatives in Congress that they vote against such authorizations as this and that they vote against the authorizations in the six-year building program until the comparatively small amounts of money necessary to be appropriated to build buildings on the 165 sites, the 165 towns in the United States where sites have been authorized would get their buildings in short order. I know this bill will pass. It will be impossible to defeat it. The life of this Congress will end in three days. The bill comes up now under a suspension of the rules. It is not possible for Members of Congress to "hear from home" and get the reaction of the country on a bill so indefensible as this. I realize that the only thing I can do is to vote against it.

Mr. HARE. Mr. Speaker, for nearly two years I have been endeavoring to secure an appropriation for the erection of a post-office building at Bamberg, S. C., and provision for a courthouse at Aiken, S. C., where the officers of the court, jurors, and people charged with the administration of justice and enforcement of the laws could meet and discharge their official duties with as much convenience and efficiency as possible, but so far I have been unable to secure these appropriations; and only yesterday, by action of the House, I was advised, in effect, that the Government would be unable to erect a single building in my district for the next several years. Now the Public Buildings Committee brings in a bill asking for an appropriation of approximately $7,000,000 with which to erect an office building for Members of Congress. I am not prepared to say that such a building could not be used to some advantage, but I am prepared to say that, in my judgment, there is a greater necessity for the buildings referred to above than for this building; and I am therefore going to vote against this bill, and I am now placing myself on record as protesting against its passage.

WORK IN CONGRESS

Mr. PATTERSON. Mr. Speaker and my colleagues in the House, before completing my service in the House of Representatives, I wish to thank you, Mr. Speaker and my colleagues, both Republican and Democratic, and especially the Members of the delegation from New Jersey, for the uniform courtesy shown me during the seven years I have been a Member of this distinguished body. I have been a Member of the Sixty-sixth, Sixty-seventh, Sixty-eighth, and Sixty-ninth Congresses and had hoped to finish my career in the Seventieth Congress, but a factional fight in my party at home prevented the achievement of that ambition. During that period I have made many warm friendships and shall carry many fond memories with me to my home. Naturally I regret to leave the scene of so many activities of the declining years of my life, because it has been a real pleasure to serve with such distinguished men as Presidents Harding and Coolidge and the various members of their Cabinets, and Speakers GILLETT and LONGWORTH, and to have enjoyed the friendship and confidence of Leaders JOHN Q. TILSON and FINIS J. GARRETT, as well as such brilliant statesmen as James R. Mann, MARTIN B. MADDEN, James R. Good, Senator THEODORE L. BURTON, Joe Walsh, THOMAS BUTLER, BERT SNELL, JAMES BEGG, JACK GARNER, TOM CONNALLY, DAVID KINCHELOE, and a host of other talented and patriotic men who have been and many still are Members of this representative body.

We often hear through the press that Congress is deteriorating. The problems that now confront us are manifestly different from what they were 150 and even 50 years ago. We have grown from infancy to a giant among nations, and the problems of manhood are totally different from those of childhood. My experience in Congress has shown me that we have as many intellectual giants engaged in guiding the destinies of this Nation at present as we had in the days of our forefathers who charted our course on the sea of politics.

Since I have been a Member of Congress I have helped in my humble way in the program of reconstruction that was found necessary after the great World War. We have reduced the national debt from $25,000,000,000 to $19,000,000,000 and reduced annual expenses from $6,000,000,000 to $3,000,000,000 and cut in half the burden of taxation on the people.

We have adopted the Budget system; enacted the Fordney-McCumber tariff bill; restricted immigration; made liberal financial provisions for enforcing the eighteenth amendment and the Volstead law; established the Veterans' Bureau and spent $2,000,000,000 for those who suffered from the effects of the Great War; provided adjusted compensation for those who participated in that conflict; made settlement with our allies for the payment of the $11,000,000,000 that they owe us; aided the farmers by defeating the McNary-Haugen bill and providing for cooperative marketing; helped banking with the McFadden bill; provided $215,000,000 for new post offices and public buildings, in addition to $75,000,000 for needed public buildings in Washington and the beautification of this great city; provided for settlement of railroad disputes by establishing the Railroad Labor Board; passed the radio bill to clear the air for broadcasting; increased pensions for veterans of the Civil and Spanish-American Wars and their dependents; established the Post Office air mail service; provided for a five-year program for expansion of the Army and Navy air service; provided Federal aid for highways; increased the salaries of postal employees and provided better retirement provisions for civil-service employees; made uniform bankruptcy laws; and provided monuments for colored soldiers killed in action; besides many other important and constructive pieces of legislation.

Futile attempts have been made to solve the Muscle Shoals problem, what to do with our merchant marine, and to pass the Dyer antilynching bill, but undoubtedly those questions will be solved when the opportunity presents. Such legislation clearly proves that Congress has worked for the benefit of the country and the people.

Personally, I have made two trips to the Pacific coast and Hawaii at my own expense—except the transportation on a Government vessel—as a member of subcommittees of the Naval Affairs Committee to investigate and study the needs and conditions of our defenses at Panama and our island possessions and along the shores of California, Oregon, and Washington. Reports of our work have been submitted by our chairman, the late-lamented A. E. B. Stephens, and many of our recommendations have been adopted as the policy of Congress.

Partly through my efforts, $40,000,000 has been appropriated to convert the battle cruiser *Saratoga* to an airplane carrier, and this means that that money has been spent by the New York Shipbuilding Co. and its successor, the American Brown-Boveri Co., in my district for wages and material and the subsequent benefit of the business men of that community. Many other Government vessels have been built in Camden through my efforts, and I helped to secure the sending of two battleships to the Philadelphia Navy Yard for reconditioning at a cost of $6,000,000. I also helped to secure the keeping open of the Lakehurst (N. J.) naval air station and the spending of $1,000,000 annually to keep the navigable streams in the first New Jersey district open to navigation. Recently the Federal district engineer in charge of harbor improvements, under authorization of a survey bill introduced by me, reported favorably on a project for a 30-foot channel in the Delaware River, along the water front at Camden, at an estimated cost of $330,000. Bills of mine for surveys of Cooper River and Newton Creek, with the idea of connecting them by canal, and for the deepening of Mantua Creek, at Mantua, and for the straightening of the Salem River at a cost of $130,000 are also among the minor legislation enacted. None of these measures was in any sense a raid upon the Treasury, and each was justified by the need existing; besides, the first internal-revenue district in Camden is one of the great producers of revenue for the Government in the way of income and other taxes, and some of that revenue should be spent at its source.

The crowning work of my career was the securing of a new post office at Camden, N. J., at a cost of $1,200,000 under the provisions of the Elliott bill. I had been working for this for six years and originally asked for $500,000 for an extension of the present building. But a survey showed the necessity for a new building in a new location and this structure will always remain as a monument to my work in Congress.

A new post office at Woodbury, N. J., has also been erected, at a cost of $50,000, through my efforts, but I have been unable to get a much needed new building at Salem, N. J., where the Government owns a site that became a public nuisance until cleaned up and turned into a small temporary park with my help and the aid of leading citizens and civic bodies of that historic city.

With such a record of work without talk you ask me why I am not to come back. The answer is easy. At the behest of two multimillionaires I refused to vote against adjusted compensation and for the repeal or modification of the Volstead Act. They threatened to get me, and did after four years' effort. In 1924 they furnished the sinews of war and induced a political protégé of mine to run in the primaries. It was a lively and gruelling contest but I won by less than 500 majority, and a recount demanded by my opponent failed to change the result, and at the general election I won out by over 40,000 majority. In 1926 the same opponent was selected against me and a slush fund of $100,000 was dumped into the fight by certain corporations and bootleggers, and with the aid of 10,000 Democrats allowed to vote in the Republican primaries, I was defeated for renomination. The figures of that contest are significant. In

the primary the combined vote of my opponent and myself was 67,000, of which I polled 30,000 straight Republicans. The total vote for my opponent in the general election was 57,000, clearly proving that 10,000 Democrats voted for his nomination. During the primary campaign I was ill most of the time and therefore unable to do much work, but not being a squealer I made no effort to inaugurate a contest or recount. It would have made no difference anyhow as the cards were stacked against me. In the eighth ward of Camden the fraud against me was so evident that the Democratic court ordered the removal of all election officers, both Republicans and Democrats, but no indictments followed.

The same conditions prevailed throughout Camden City, and the expenditure of money was greater in comparison than prevailed at the Republican primaries in Pennsylvania and Illinois. It would prove a most fertile field for a congressional investigation.

Nearly 40 years ago, when a star reporter on the old Baltimore Herald, I was writing a scoop story on the return of Jake Kilrain after his memorable battle with John L. Sullivan, and was admonished by the night editor to cut it short, as the forms were about to go to press. The forms of the Sixty-ninth Congress are about to close, and it is time that I wrote finis to my swan song, but not as a lame duck. I refuse to be put in that category. The only jobs I have applied for have been in a humorous vein. I asked my colleagues, Messrs. BACHARACH and LEHLBACH, to have Speaker LONGWORTH appoint me parliamentarian or boxing instructor on the ground that there was no Member in the House who knew less about such matters than myself. The Speaker said he would consider the matter, as he thought my common sense would at least result in 50-50 decisions being made.

So I will say, "Hail and farewell, my colleagues." Our associations have been most pleasant, and I trust that the paths of each and all of you may lead to pleasant places and perfect peace. I will sit by the roadside happy and content to see you go by to further fame and glory, with the thought uppermost in my mind that I have stood by my party and principles and that there is no sting or disgrace in defeat when you can retire with a clear conscience and a clean record.

NEW HOUSE OFFICE BUILDING

Mr. McSWEENEY. Mr. Speaker, I have asked leave to extend my remarks on the bill that provides for an appropriation with which to erect a new office building for the Congressmen of the United States.

I hope I am not taking a narrow-minded attitude toward this subject, but I feel that it is unfair to pass this bill at this time. I find that I have an enormous amount of mail coming into my office daily, and find it difficult to take care of visitors and people who are here on business, to dictate letters, and so forth, with one or two typewriters constantly in use. I would like an extra room, and feel that it is necessary for a Congressman to have it; and as Congressman JACOBSTEIN well said, it would add to the efficiency of each Representative; but I could not bring myself to vote for this measure when we were unable to appropriate enough money to care for the real urgent needs that our Post Office Department has for Federal buildings throughout the country. In two or three cities of my district post offices are needed very badly; probably the ones whose cases are the most urgent are Canton, New Philadelphia, and Millersburg.

When speaking of efficiency I feel that we are hindering the operation of men in the post offices when we make them stand, as we do in the Canton post office, on the mezzanine floor, with the hot electric bulbs almost in their faces, with the ceiling so close that they can not stand erectly, and with other conditions so bad that it is almost inhumane to demand men to work under them.

I find New Philadelphia suffering in the same way, and yet the plea was put forth that the Government's business would be handled by Congressmen more efficiently if they had added space; and I feel that this other important function of the Government could be handled more efficiently if the postal employees also had a suitable place in which to discharge their important tasks.

The $7,300,000 which this bill provides would have taken care of several of the larger cities of Ohio and some of the smaller cities throughout the country.

I earnestly hope that my stand on this question will not be misinterpreted and that both the Congressmen and postal employees will be provided ample space in which to discharge their respective duties.

Although Canton will be taken care of in a few months, we could have hastened the consideration of her needs had money been available now.

AGRICULTURAL HOLIDAY

Mr. BLACK of New York. Mr. Speaker, the Senate bill providing for an agricultural holiday should be amended in the House to arrange for appropriate ceremonies.

At 5 a. m. the day appointed, preferably April 1, the cows should be assembled in every farmyard and salaam to the east in honor of Allah Coolidge and Mahomet Mellon, his prophet. The chickens, the pigs, and the Ford tractors should get down on their knees in prayer for observance of the Constitution as interpreted by Grand Vizier Sargent.

At 12 o'clock noon in every village square four-hour men from the Rotary Clubs, led by Elbert Gary, should read the veto message of Calvin the conservative on the McNary-Haugen farm relief bill. The music should be the "Dead March of Saul," furnished by the bankers' brass bands under the auspices of the United States Chamber of Commerce.

At sundown the farmers should listen in on the radio to the heart of the President breaking for the farmer while the high-tariff glee club gathers round him singing:

Calvin Coolidge is a good old soul.

Then, before they retire, the farmers should salute the campaign picture of Cal for farm-vote purposes—then he is for a surplus—in which he appears with a sap bucket under one arm and the bull under the other and a smile on his face like Tex Guinan as she stands at the door of her New York night club greeting the latest delegate from the big butter-and-egg cooperative associations.

ADDRESS OF ARCHBISHOP MICHAEL J. CURLEY

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered last night at the New Willard Hotel by the Archbishop of Baltimore.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, under leave granted by the House of Representatives I am herewith inserting in the RECORD an address delivered by Most Rev. Michael J. Curley, Archbishop of Baltimore, last night at New Willard Hotel at the banquet given in his honor by the Knights of Columbus.

The address is as follows:

Mr. Toastmaster, officers, and brother knights, going back 20 centuries to the beginning of Christianity, we find its divine Author and Founder, Jesus Christ, teaching tolerance and uttering prophetic words about the intolerance of which His own followers in the church He established would be the victims. The tolerance He taught does not mean approval of error, any seconding of sin, any condoning of hypocrisy, any encouragement of evil, or any denial of Christian principles. No man ever condemned sin, error, and hypocrisy with the withering vehemence with which Jesus Christ assailed them. Yet no mere man ever had or could have a fraction of that infinite love with which the divine lover of mankind, like a "hound of heaven" pursued sinners to win them and catch them in the net of that love that went out to them from His sacred heart. His tolerance was an all-embracing charity, a love for all men, for sinner and saint, for His own and others not of His fold. He epitomized His whole law in one short sentence: "Thou shalt love God, and thou shalt love thy neighbor." He tells us that we shall fulfil the law if we love our neighbor. He emphatically declares that love for one another must ever be considered an essential mark of His disciples, His followers. Jesus Christ was tolerant then in the sense explained because He was the God of love. He never taught intolerance in the sense in which that word is understood to-day. For intolerance to all of us means hate, contempt, unfounded accusations, desire to injure, to deprive others of rights. It means a readiness on the part of the intolerant to murder, to destroy wantonly human life when, as often happens, intolerance becomes a mania. There is no need to label those characteristics of intolerance. Americans know them. They hear them voiced every day. They have seen religious intolerance drive men to murder, sacrilege, crime of every sort even in this supposedly free land of ours.

Looking down the arches of the years Our Blessed Lord foresaw the bitterness, the hatred, the fierce opposition which men would bring to bear upon His followers. He saw with prophetic eye the torrents of Catholic blood that would be shed by the enemies of the church, the haters of the cross. He foretold it all. He, Calvary's victim, knew full well that His enemies would make a noise and would lift up their heads; that they would take malicious counsel against His people and would consult against His saints; that they would contrive with one consent, and would make a covenant—the only one binding them together—against His church. "But beware of men," He said, "for they will deliver you up in the councils, and they will scourge you in their synagogues. And you shall be hated by all men for My name's sake.

They shall deliver you up to be afflicted, and shall put you to death. The servant is not above the Master. If they have persecuted Me, they will persecute you. Yea, the hour cometh that whosoever killeth you will think that he doeth a service to God." In those words you have a prophecy spoken by lips divine 20 centruies ago. Every Catholic knows how it has been verified. The story of the Catholic Church, founded not by man but by Jesus Christ Himself, is a story of continuous martyrdom.

Between the life of that church and the life of its divine founder there is a remarkable parallel. The church is but a continuation, a perpetuation, a replica of the divine life of Christ in every way, but particularly in suffering, the shedding of her blood. Pagan Rome left no stone unturned in its determined efforts to destroy Catholicism. The empire that ruled the then known world failed to conquer the seemingly helpless infant church. From the day when a mighty Emperor was forced to cry out, "Galilean, Thou has conquered," to another day many centuries later, when a French atheist, at the height of his power and prestige, used as his anti-Catholic campaign slogan "Ecrasez l'infame"—"Wipe out the infamous One," meaning Christ.

The Catholic Church has met with opposition and persecution daily. Her life has been in a large measure a continuation of her catacombs and coliseum. Yet she has never bent the knee to Baal. She has never bartered principle. She has never acknowledged, nor will she ever acknowledge, the right of king, emperor, president, or legislature to trespass unduly on the domain of conscience to deprive men of God-given rights to subject God and His church to Cæsar. She has never failed to uphold the rights of Cæsar, but she has ever had the courage to tell Cæsar "Thus far and no farther." She saw the grave of Nero dug. She passed on and prospered. She witnessed the mad, murderous rage of Henry VIII, Elizabeth, and Cromwell against her. They went down to oblivion; the church survived and gathered strength. She looked into the eyes of Bismarck as he threatened to destroy her and make her a mere appendage of his state. Bismarck is no more; the little man's rage is spent; the Catholic Church is ever young despite her 20 centuries of years. Well, indeed, can that church stand serenely, calmly, and courageously before the hating Bolshevist President of Mexico and his followers and defy them. She shall not surrender her right to worship God, to educate her little ones, to care for God's poor, to preach Jesus Christ crucified, despite the diabolical efforts of Calles in Mexico and of his paid hirelings in the United States. Archbishop Orozco, Bishop Zarete, Bishop Diaz, every member of the Mexican hierarchy in fact, have declared their readiness to die in defense of their rights. Death before dishonor. The church's bishops, priests, and laity know how to die for their faith.

When the grass shall be growing green over the corpses of Carranza and Calles, Villa and Obregon and the present unprincipled agents of the Mexican Bolshevists, the Catholic Church will be flourishing in the land of our Lady of Guadalupe. Bishop Diaz, the intrepid exile, shall be back in his diocese doing God's work with the same kindly zeal that has ever marked his work and that of his brothers in the episcopate. Mexicans, brothers in the faith, to you we send to-night from 20,000,000 Catholics of this country a message of sympathy. You have edified us by your courage, your faith, your patience, your cheerfulness in facing martyrdom.

The defiance you have hurled into the face of your modern Nero is the defiance of faith, not of hate. The so-called laws which deprive you of God-given rights, proscribing your religion, robbing you of your churches, seminaries, hospitals, and orphanages, and attempting to force the church into a veritable state of slavery are no laws, have no binding force on any Mexican's conscience. Keep up your fight for right, Mexican Catholics. Victory will yet perch on your banners. Better death than slavery to Bolshevist atheists.

The story of tolerance in America is largely the story of intolerance. We are not interested in Colonial intolerance. That was of the European and, particularly, British brand of the seventeenth and eighteenth centuries. The Moores and Oglethorpes of Georgia did to the Catholics of Florida what their British masters were doing to Catholics in Ireland where the same price was set on the head of a priest as on the head of a wolf. New England tolerance meant hatred and intolerance for Catholics.

There is one bright spot in the clouded sky of intolerance: It is Catholic Maryland. The banner of religious tolerance was raised in 1634 by Lord Baltimore. Yet the subsequent story furnishes us with one of the most shameful pages in all American history. The Protestant beneficiaries of Maryland's generous measure of tolerance when once in power in the "land of sanctuary" became the most intolerant persecutors of their Catholic benefactors. Here we have black ingratitude added to the bitterest brand of intolerance. English penal laws were introduced into the Maryland colony. Catholicism was proscribed. Priests were hunted, public churches were forbidden, Catholic property was confiscated, and that condition lasted practically up to the time of the Revolution. This Nation was born out of a passion for freedom. Its fathers understood the pernicious effects on national life of religious strife. Hence national provision was made for the free exercise of religion. Despite that fact the States of the Union took a long time to doff the garb of bitterness and intolerance so long worn by the non-Catholic element. Hence we find intolerance legalized for years in many State constitutions.

To-day religious freedom is recognized by every State constitution. Yet, notwithstanding all our professions of freedom, the fact remains that here in the United States religious intolerance seems to have found a congenial home. There is no truth in the statement that it is confined to a few and the ignorant few. It is to be found in the minds and hearts of men occupying honored places in the learned professions; it can be met with among preachers and presidents, lawyers and legislators, scientists and senators, judges and juries, poets and professors. We find it in every level of life. As a rule religious intolerance in our country is intolerance to one religion—the Catholic religion. A man may be a foot-wash Baptist, a two-seed-in-the-shell Presbyterian, a broad-church Episcopalian, or a Unitarian, or any one of the hundreds of different brands of non-Catholicism, without finding his particular brand ever questioned by his fellow countrymen at any time or considered as any obstacle to his advancement or success in American life. It is only when he is a member of the church founded by Christ, a church that has a glorious record of 20 centuries of unequaled achievement in Christianizing and civilizing the nations of the earth, that has seen the beginning and the end of so many different governmental forms through the years; it is only then that a man in our country of freedom, scientific progress, and general culture falls under suspicion. It is only then that he becomes an object of intolerance. It is only then that his loyalty is questioned in the face of proofs of loyalty pyramided one on the other during a century and a half of our Republic's life and written in blood on every page of her inspiring story.

Catholics who fought for American freedom in the last quarter of the eighteenth century felt the sting of intolerance. The Know-Nothing movement, the A. P. A., and Guardian of Liberty societies, the pillow-case and bed-sheet organization of to-day—all of those and many others are but intolerance, ignorance, and hate cast into systematic shape in direct contradiction to the principles of Christ and the Constitution of our country. Whilst one might say that intolerance in the United States is an unexpected paradox, it is true, nevertheless, that intolerance, bitter and narrow, is so much at home amongst us that it might be regarded as one of our well-defined national traits.

There are millions of broad-minded and charitable Protestants in this country. They are very many fair and just ministers, but, after 17 years in the Southland and 6 on the fringe of the North, I must say, in all frankness, that the bitterness of the bigotry of the klan preacher and the legion character of his number are a standing disgrace to Protestantism, a flagrant mocking of the spirit of Christ, and a menace to our national well being. The ministers who have aligned themselves with the forces of intolerance must bear their share of the responsibility for the murders, mutilations, floggings, and other assaults which have taken place in this country during the past five years in public defiance of law and order. Preaching love of Christ on Sunday and hatred of our neighbor on Monday is a negation of all Christianity. This ratio agendi on the part of so many non-Catholic ministers has brought religion into disrepute and alienated from its benign influence millions of thinking men.

Much of our American anti-Catholic intolerance is due to ignorance of everything Catholic on the part of the intolerant. Much of the ignorance is due to the ignorance of blind spiritual guides whose stock in trade is abuse of Catholicism and bitter invective against fellow men and fellow Americans. This went on all over the country, but particularly in the Southland in the years gone by. There are people here to-day who are firmly convinced that the Pope is ready to invade the country and oust Calvin Coolidge from the White House. They look for cornutal projections on the foreheads of priests and see whole arsenals, containing everything from big Berthas to poison gas, in the basements of churches that have no basements at all. Tell them anything, no matter how stupid and outlandish, against the Catholic Church and they will accept it. This ignorance of and consequent bitterness against the church is deliberately fostered by many of the ministerial quasi illiterates, whose leadership is securest where ignorance and hatred of Catholicism are deepest.

Much of the intolerance is fostered by unprincipled politicians who will stop at nothing to acquire votes and power. They are ready to appeal to ignorance and bigotry if they can profit by them. Those moronic and dishonest politicians are not interested in religion, Protestant or Catholic. They are egomaniacs, fit subjects for psychoanalysts of the Freudian school to work on. In national or State legislatures they supply the clown element for the amusement of galleries and are usually harmless. They waste time and paper, but make a tremendous appeal to other morons of their own kind. The political charlatan swells up with importance. His superiority complex expresses itself in a passion for active generalship of a wild, howling army of morons who will follow him as he goes forth to fight the Knights of Columbus or cross seas to storm the Vatican. He imagines himself dead on the field of glory. He arranges beforehand for 10,000 lives to be sacrificed to avenge his own death. Then he struts about, mentally and otherwise bizarre, inviting admiration whilst he has but contempt for the littleness of Alexander the Great, Cæsar, and Na-

poleon. Even an embryonic alienist would be justified in consigning him to the Government hospital for the insane.

There is a species of intolerance far more dangerous than that encouraged by ignorant minister and crooked little politician. It is the intolerance that hates all Christianity and strikes at Catholicism as the only expression of it which it fears. It is the intolerance of those who have designs on society as a whole, who are intent on upturning it, on destroying all civil government, all private property, all human rights as now recognized. It is the intolerance of Lenin and Trotski, of Obregon and Calles, of the radical communists of our own country. They feel that they must first destroy the Catholic Church before they can proceed with their further program of Bolshevism. They are clever and shrewd enough to pay little attention to weakened and divided non-Catholicism. The only real religious force they recognize is the Catholic Church. Hence their bitter destructive attitude toward it. If they do not endeavor to cripple it, they can not make much headway.

The Mexican Bolshevists are a good example of the system. There is no denying their cleverness, no denying their diabolically destructive zeal. They have spent $9,000,000 in anti-American and pro-Mexican propaganda in this country. They are attempting to do, and with some show of success, what Soviet Russia is trying to accomplish in India, China, and many other eastern countries. The agents of Calles have succeeded in pulling the wool over the eyes of the American Federation of Labor, they have won by clever and crooked methods the sympathy of university professors, of poor half-baked preachers who are only too glad to have a chance to show their anti-Catholicism, and, of course, of all the radical groups of the Nation. The money of the Mexican Bolshevists has found its way into the hands of many American newspaper owners and has as a result dictated the editorial policy of some of the most influential newspapers in the country. Ever since 1925 Mexican spies and propagandists have been at work creating radical sentiment in favor of Bolshevism in our midst. They have succeeded. There can be no question about it. As the result of this patent Mexican propaganda strong public sentiment has been aroused against both our President and our Secretary of State with regard to their policy toward Mexico. Mexico City papers were able to boast that United States citizens were in favor of Calles and against their own Government. The whole spirit of the propaganda carried on by Mexican agents is anti-Catholic. Whilst the Bolshevist President of Mexico is intent on confiscating the property of Americans, he is sagacious enough to appeal to the bigots of this Nation, currying favor with them by his persecution of the church, in order to silence their protests against his injustice to American citizens. Calles and Obregon and their hirelings in America have had American bigots jumping through their hoops during the past four years. Bigotry is stupid at best. That stupidity has been taken advantage of by the clever Christ haters across the Rio Grande. Methodist bishops, Presbyterian assemblies, Baptist ministers, the Rand School of Socialists, the Ferrer School of ultraradicals, all gave expression to their approval of the detructive program of Calles against the church. No matter what he did it was right. He hated the Catholic Church. That was enough to make him a hero in the eyes of our ignorant and intolerant American bigots. Such is the situation to-day. Yet in spite of it the Catholic Church in America is flourishing and stands out prominently in our national life as the one great moral force, resting that force, that power, on the distinctly spiritual and supernatural life within her. She was here before her enemies were heard of; she shall be here when they are gone. She is here and shall be here ever serving mankind, preaching Jesus Christ, guiding her children in the way of good living, aiding the orphan and homeless, ready to assist in their hour of need Jew and Gentile alike. She is here no moral bankrupt, but staunchest friend and supporter of the Nation our fathers founded on principles of religious freedom, justice, and equality of rights.

PERMISSION TO INSERT CHART

Mr. HAMMER. Mr. Speaker, I ask unanimous consent to extend my remarks made earlier in the day and to include therein a small chart.

Mr. BEGG. Reserving the right to object, Mr. Speaker, whose chart is it?

Mr. HAMMER. It is a very small chart which shows the amount of liquor that goes from the concentration warehouses to the bootleggers and to the public. It is the chart which I described and explained to-day.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, who prepared the chart?

Mr. HAMMER. I had the chart prepared in part myself and also had an expert work on it, but not in the Prohibition Unit of the Government.

Mr. MILLER. It was not an expert bootlegger?

Mr. HAMMER. Oh, no.

The SPEAKER. Is there objection?

There was no objection.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 370, increasing the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers and appointing certain members of the board.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I am very sorry to be obliged to object to the request of my friend from Maryland, but I feel obliged to do so. Possibly about 11 o'clock Friday morning I may feel differently.

Mr. HILL of Maryland. I thank the gentleman.

THE FRIGATE "CONSTITUTION"

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5479) to authorize the Secretary of the Navy to dispose of certain parts of the frigate *Constitution*, to be used as souvenirs, and consider the same.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of the bill S. 5479, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to give or to sell, under such regulations as he may prescribe, such parts or pieces, including rigging, of the frigate *Constitution*, as are suitable for use as relics, souvenirs, or mementoes, and which can not profitably or advantageously be used in restoring this vessel to original condition, to clubs, associations, or individuals that have made or shall make donations or contributions for the preservation of the frigate *Constitution* referred to in the act approved March 4, 1925 (43 Stat. L., p. 1278): *Provided*, That the cost of converting the aforesaid materials into relics, souvenirs, or mementos shall be charged against, and the proceeds of such sales shall be added to, the fund created by authority of said act.

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.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to consume to-morrow morning, immediately after disposition of matters on the Speaker's table, one-half of the time hitherto courteously voted to me by the House, but which was not consumed by me. I was granted a half hour.

Mr. BEGG. Reserving the right to object, would not the gentleman permit some motions for suspension of the rules before he makes his speech?

Mr. HOWARD. To-morrow morning?

Mr. BEGG. Yes; during the afternoon.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that to-morrow morning——

Mr. BEGG. I object, Mr. Speaker.

FRANKLIN ICE CREAM CO.

Mr. HOWARD. Mr. Speaker, would I have to procure recognition to move that the House do now adjourn?

The SPEAKER. The Chair thinks the gentleman would have to have recognition.

Mr. HOWARD. I am appealing now for recognition.

The SPEAKER. The Chair is looking toward the gentleman from Connecticut. [Laughter.]

Mr. TILSON. Will the gentleman from Nebraska allow me to call up a bill which will take very little time?

Mr. HOWARD. Oh, I yield.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to call up the bill (S. 4330) authorizing the Secretary of War to make settlement of the claim of Franklin Ice Cream Co.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to reopen and make such settlement as he thinks just and proper of the claim of the Franklin Ice Cream Co., a lessee, who erected buildings under a five-year lease with renewal clauses on or in the immediate vicinity of the zone of Camp Funston activities and amusements at Camp Funston, Kans.; the buildings having been erected under the authority of the War Department and at the invitation of the department of Camp Funston activities under leases which were properly approved but which were canceled before the expiration of any of such leases and over the protest of the holders. In no case shall the amount, if any, paid in settlement exceed the losses sustained as established or shown by credible evidence. If the original books or papers have been lost or destroyed without the wrongful act of the claimant, the Secretary of War in making his findings shall consider secondary evidence, if it be credible and convincing.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TILSON, a motion to reconsider the vote was laid on the table.

ADDRESS OF HON. MARTIN L. DAVEY, OF OHIO

Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent to extend my remarks by publishing a speech made by my colleague [Mr. DAVEY].

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McSWEENEY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. MARTIN L. DAVEY, before the International Underwriters' Convention in Atlantic City, September 16, 1926.

LIFE INSURANCE AS AN EVIDENCE OF THE BEST HUMAN QUALITIES

Mr. DAVEY. There are certain larger aspects of life insurance that I would like to discuss because of their bearing on American life and modern thought. It would be presumptuous of me to attempt a technical discussion of this subject before a group of life-insurance experts, but there are certain phases of the subject which might more readily occur to an interested layman than to most of those who are deeply engrossed in the more technical side of it. I have so great a respect for life insurance as an institution of great public service that I want to present certain thoughts with reference to its larger aspects from a public standpoint, because to me they are unmistakable evidences of great value.

Let me say first that the enormous amounts of life insurance carried by the American people, and the increasing amounts that are being bought every year, constitute one of the most powerful answers to the alarmists who claim that America is jazz crazy. What is jazz? It is a refusal to assume responsibilities. It is a defiance of proper restraints. It is an abandonment to moral laxity and against moral obligation. Life insurance is the antithesis of all these. It shows a willingness to accept responsibilities. It is an evidence of thrift, of self-respect. It shows restraint and self-control. It manifests a positive recognition of moral obligations and responsibilities.

The jazz victim thinks of to-day only, with its questionable pleasures and moral abandonment. The man who buys life insurance is thinking not alone of his own future, but of the future well-being and protection of those who are dear to him. He recognizes the obligation to protect his family in case of his own death more than anything else, but he also recognizes the obligation to protect his own old age from want and dependency. It is a positive evidence of self-reliance and sturdy character. It represents not only the serious side of life, but its finer side also. The first principle of life insurance is unselfishness. It is a practical demonstration of love and devotion.

In everything life insurance is the direct opposite of jazz. The tremendous and increasing amount being carried by the American people is unmistakable proof that the overwhelming majority of Americans are not infected with jazz, but are sound of heart and mind, representing a great solid anchor for our civilization and good Government.

As a matter of fact, jazz is merely the expression of a reckless and irresponsible and unimportant minority. It is the froth and foam of society. It is the excrescence of American life that is more conspicuous to-day because it is more bold. We have always had a small minority of people who were jazz crazy, and we probably always will have them. The great army of Americans who are buying life insurance are necessarily serious minded, thoughtful, and substantial people, who willingly accept responsibilities, exercise self-restraint, and assume without question their moral obligations.

Why is there so much talk about the manifestations of jazz? Because there are so few people involved in it; because it is unusual, and not the everyday life of the great majority. Why is there so much talk about crime? Because, relatively speaking, so few crimes are committed. We never see anything in the papers about the tens of millions of Americans who go about their daily tasks without any noise or commotion, who attend their churches and lodges without any unusual conduct that makes news, and who accept and discharge the responsibilities of life in a perfectly normal and regular way. They are the backbone of America, the great, solid foundation of society and Government. They are the people who are buying life insurance. And life insurance is a practical evidence of fine character and sturdy citizenship.

Another thing has impressed itself upon me with increasing force. It is the fact that life insurance is a powerful answer to the philosophy of paternalism, whose followers believe that the state should do everything, be everything; who would rob the individual of all the glorious fruits of individuality. Life insurance is the product of the philosophy that the individual should do things for himself. It is a natural result of self-reliance and an evidence of it. It is a manifestation of the wish and the will to be personally independent. It is an evidence of that stability of individual character from which the endurance of the Nation springs. It is one of the great guaranties of the lastingness of stable and just government.

Therefore, it would seem self-evident that all government in the United States, both State and national, should show kindly consideration and grateful appreciation to this worth-while institution. This means that all laws relating to it should be favorable. It means, above everything else, that the taxes on insurance premiums should be reduced to the lowest amount necessary for proper regulation in the interest of the public. It seems to me that it is both unwise and unjust to tax life insurance premiums for vast amounts that go into the general revenues.

Still another great fact with reference to life insurance in this country, it seems to me, deserves special comment. While it is true that the extraordinary position of life insurance in the United States can be accounted for to some extent by the liberalizing features that have been written into the policies in the last 15 or 20 years, yet this of itself would not be sufficient to explain it. It is also true that it may be explained in part by the increasing national wealth; but this could not be the main reason, because wealth of itself has a tendency to demoralize, unless there go with it certain great steadying influences of real and lasting significance.

Perhaps the outstanding reasons for the marvelous success of life insurance in our own country is the unusual status of womankind and a higher regard for childhood. Women enjoy a finer position in America than in any other part of the world. They are accorded greater rights, greater opportunity, and greater respect than anywhere else. The protection and development of childhood is a national characteristic. Many Americans are passionately devoted to social betterment, and this is reflected in the individual lives of countless people.

It is all a part of that great American philosophy which offers equal rights, equal opportunities, and equal blessings to all within our borders, and it accords to women their rightful place in society. Women have been given a higher and finer status in America than anywhere else, and when I say America I include Canada, because there is not very much to differentiate these two great peoples.

Where women are given that higher and finer status, there you find the greatest volume of life insurance sold. Likewise where childhood is regarded with fine consideration and solicitude, there you will find life insurance bought in staggering totals. And that's America.

Life insurance in its fundamentals is a practical evidence of love and unselfish devotion. It is bought by the men who would guarantee to their families the necessities and comforts of life if they should be taken away. It is bought by those who would protect their loved ones against want and dependency, who would do, so far as possible, after death what they are happy and proud to do in life. Life insurance is the voice of love speaking in eloquent fashion through the trying years that follow after the hand of death strikes down the breadwinner.

Sometimes pessimists ask what has become of the American home? And yet we see increasing numbers of our people buying and paying for homes, a large per cent of them with the help of money loaned by life-insurance companies. Life insurance is a positive expression of the great home instinct. It is founded on the desire not only to provide homes but to protect them. Love is the great motive power that makes possible the larger portion of the tremendous and impressive volume of life insurance that we see in force among our people. Life insurance is a material evidence of something fine and wonderful in the character of America. So long as that something remains, America is safe, and her future is assured.

I can not let this opportunity pass without paying a tribute to the Nation, of which we are a part and to which we owe an everlasting obligation of gratitude. Your business is rendering a great and wonderful service. It is at once a blessing and a benediction, and yet you, like all the rest of us, owe the major portion of your success to the matchless institutions of America.

When we say America we do not mean the physical land. The same sun shines upon us to-day that shone upon America in the dim and distant pass. The same stars twinkle in the nighttime that the savages looked up and wondered at ages ago. A hundred thousand years ago and more the same mountains lifted their majestic forms. The same rivers were flowing to the sea long before civilization began. No; it is not physical America whose greatness and glory we proclaim. America is a great people, a human force. It is a philosophy of life and government—a spiritual and not a physical thing.

To illustrate what I mean, let me tell you the story of my good old father. He was born in England at a time when there were no public schools. He was 21 before he knew his A B C's, and he started in as a full-grown young man with a little copy of the New Testament and a little dictionary to learn to read by the slow and painful process of self-education, picking out one word at a time. Then he acquired a grammar so that he might learn to put the words together properly.

As a relatively young man he heard the call of America, this great land of freedom and opportunity, and like millions of other sturdy sons of Europe, he came here to work out his destiny. He pursued his education still further, studying by night and working by day until he

acquired an education that would do credit to the average college graduate.

He became a full citizen at the first opportunity under our laws, and he told me one time not so long before he passed away of that sacred day when he raised his right hand and forswore allegiance to the British Crown and swore allegiance to the Constitution and the flag of America, and his eyes filled with tears as he described to me that most sacred day of his life.

He learned every word of our Constitution—every word. He learned every word of every verse of America and every word of the Star-Spangled Banner, and before old age laid its heavy hand upon him he could sing those songs with a zeal and a fervor that was good to see. From the time I was a little fellow, and long before I could comprehend its significance, I saw him every time he passed by Old Glory tip his hat in veneration.

He made a great contribution to America in the creation and development of a new science for the saving of trees. He taught the American people to think in terms of the living tree. While I honor his great achievement and revere his memory, I must say in simple justice that his success probably would never have been possible anywhere else except in America.

You and I, who are the fortunate beneficiaries of these great institutions, have an everlasting obligation resting upon us. You who are selling life insurance are rendering a tremendous service in protecting and fostering those things of basic value. We all of us have a larger obligation than the faithful performance of our daily tasks. We do not own America. We have it only on a life lease. Even though the land stands in our names at the courthouses all over the country, we hold it only so long as the breath of life is in us. We received it as a great priceless heritage. We are stewards so long as we may live. It is ours for safe-keeping. And then, according to the laws of nature, we must pass it on to other generations. It is our fundamental and lasting obligation to keep this, our America, as great and as wonderful and as worth while as it was when we received it, and to pass it on better, if possible, to those who are to follow us.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled House bills of the following titles, when the Speaker signed the same:

H. R. 15129. An act granting the consent of Congress to the Indiana Bridge Co. to construct, maintain, and operate a bridge across the Ohio River at Evansville, Ind.;

H. R. 15905. An act to authorize the Postmaster General to cancel a certain screen-wagon contract, and for other purposes;

H. R. 16770. An act granting the consent of Congress to the Starr County Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River: and

H. R. 16800. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1928, and for other purposes.

The SPEAKER also announced his signature to the following Senate bills and joint resolution:

S. 70. An act for the relief of Charles A. Mayo, T. S. Taylor, and Frank Hickey;

S. 105. An act for the relief of Arthur E. Colgate, administrator of Clinton G. Colgate, deceased;

S. 111. An act for the relief of the owners of the ferryboat *Oregon*;

S. 115. An act for the relief of the owner of the steamship *Neptune*;

S. 118. An act for the relief of all owners of cargo aboard the steamship *Gaelic Prince* at the time of her collision with the U. S. S. *Antigone;*

S. 227. An act to provide for the appointment of an additional district judge for the district of Connecticut;

S. 1642. An act to provide for the appointment of an additional district judge for the eastern district of Pennsylvania;

S. 1914. An act directing the resurvey of certain lands;

S. 2081. An act placing certain noncommissioned officers in the first grade;

S. 2197. An act for the relief of Paul B. Belding;

S. 2594. An act for the relief of Odelon Ramos;

S. 2597. An act authorizing the President to appoint and retire certain persons first lieutenants in the Medical Corps, United States Army;

S. 3403. An act to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913;

S. 3418. An act to create an additional judge in the district of Maryland;

S. 3888. An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes;

S. 4069. An act to authorize the Secretary of the Interior to exchange for lands in private ownership in Gunnison County, Colo., certain public lands in Delta County, Colo.;

S. 4851. An act authorizing the Secretary of War to convey to the city of Springfield, Mass., certain parcels of land within the Springfield Armory Military Reservation, Mass., and for other purposes; and

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.

LEAVE OF ABSENCE

Mr. FROTHINGHAM, by unanimous consent, was given leave of absence on account of sickness.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 2, 1927, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 2, 1927, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To extend the benefits of the World War veterans' act as amended to Jerry Tarbot (H. J. Res. 237).

COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the Federal farm loan act (H. R. 15540).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SWING: Committee on the Public Lands. H. R. 16891. A bill granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes; with amendment (Rept. No. 2280). Referred to the Committee of the Whole House on the state of the Union.

Mr. NELSON of Maine: Committee on Interstate and Foreign Commerce. S. 2320. An act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce; without amendment (Rept. No. 2281). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. S. 3286. An act to amend the interstate commerce act and the transportation act, 1920, and for other purposes; with amendment (Rept. No. 2282). Referred to the House Calendar.

Mr. BARKLEY: Committee on Interstate and Foreign Commerce. H. R. 17371. A bill granting the consent of Congress for the construction of a bridge across the Caney Fork River in Tennessee; without amendment (Rept. No. 2283). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. Res. 439. A resolution 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; without amendment (Rept. No. 2284). Referred to the House Calendar.

Mr. LEA of California: Committee on Interstate and Foreign Commerce. S. J. Res. 4. A joint resolution restricting the Federal Power Commission from issuing or approving any permits or licenses affecting the Colorado River or any of its tributaries; with amendment (Rept. No. 2285). Referred to the House Calendar.

Mr. FORT: Committee on Agriculture. H. R. 16433. A bill authorizing certain importers of sugar into the United States from the Argentine Republic, during the year 1920, to submit claims to the Court of Claims; without amendment (Rept. No. 2287). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS: A bill (H. R. 17371) granting the consent of Congress for the construction of a bridge across the Caney Fork River in Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. BRAND of Ohio: A bill (H. R. 17372) to amend sections 8, 11, and 12 of the Federal highway act as amended; to the Committee on Roads.

By Mr. SCHNEIDER: A bill (H. R. 17373) to establish Indian day schools in the State of Wisconsin and in the State of Michigan for the education of the Indian children of the Pottowattomie Indians residing in the said States, and for other purposes; to the Committee on Indian Affairs.

By Mr. GIBSON: A bill (H. R. 17374) to provide funds for the National Capital Park and Planning Commission; to the Committee on the District of Columbia.

By Mr. LINEBERGER: A bill (H. R. 17375) to authorize the designation of depositories for public documents, and for other purposes; to the Committee on Printing.

By Mr. WHITE of Maine (by request): A bill (H. R. 17376) for the transportation of the foreign mails of the United States, the creation and maintenance of auxiliaries for the use of the Army and Navy, the defense of the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. ANDREW: A bill (H. R. 17377) to reduce duplication of governmental agencies by transfer of the functions of the Children's Bureau; to the Committee on Labor.

By Mr. FENN: A bill (H. R. 17378) for the apportionment of Representatives in Congress; to the Committee on the Census.

By Mr. CURRY: A bill (H. R. 17379) adjusting payments of certain income taxes which have been paid on the income of a marital community, and for other purposes; to the Committee on Ways and Means.

By Mr. GIBSON: Resolution (H. Res. 448) to permit subcommittee making survey of the District government to conduct inquiry during recess to Seventieth Congress; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII memorials were presented and referred as follows:

By Mr. SCHNEIDER: Memorial of the Legislature of the State of Wisconsin, Great Lakes-St. Lawrence waterway project; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 17380) for the relief of O. A. Alfson; to the Committee on Claims.

By Mr. COCHRAN: A bill (H. R. 17381) granting a pension to Frederick Howeler; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 17382) authorizing the President of the United States to appoint Robert H. White to the position and rank of major surgeon in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 17383) granting a pension to Mary I. Irvin; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 17384) granting an increase of pension to Mary E. Rankin; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 17385) granting a pension to Nellie Over; to the Committee on Pensions.

By Mr. MILLIGAN: A bill (H. R. 17386) granting a pension to Frances E. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17387) granting a pension to Nancy Sparks; to the Committee on Invalid Pensions.

By Mrs. NORTON: A bill (H. R. 17388) for the relief of Elizabeth Lynn; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 17389) granting an increase of pension to Margaret A. Clark; 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:

7540. By Mr. CRAMTON: Petition of William A. McLachlan and eight other residents of Michigan, opposing the compulsory Sunday observance bill; to the Committee on the District of Columbia.

7541. By Mr. CURRY: Petition of constituents of the third California district against all Sunday legislation; to the Committee on the District of Columbia.

7542. By Mr. DAVEY: Petition of citizens of Ravenna, Ohio, protesting against passage of Sunday observance bills; to the Committee on the District of Columbia.

7543. Also, petition of citizens of Summit County, Ohio, against compulsory Sunday observance; to the Committee on the District of Columbia.

7544. Also, petition of citizens of Lorain, Ohio, against compulsory Sunday observance; to the Committee on the District of Columbia.

7545. Also, petition of citizens of Summit County, Ohio, in behalf of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7546. Also, petition of citizens of Oberlin, Ohio, in behalf of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7547. Also, petition of citizens of Kent, Ohio, in behalf of increased pensions for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7548. By Mr. HALL of North Dakota: Petition of 12 members of Seglvester Hill Relief Corps, No. 24, and citizens of Granville, N. Dak., urging the enactment of further legislation by Congress for the benefit of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7549. Also, petition of 102 voters of Bismarck, N. Dak., urging the further enactment by Congress for the benefit of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7550. By Mr. HUDSON: Petition of citizens of the sixth congressional district of Michigan, protesting against the passage of House bill 10311, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

7551. By Mr. JOHNSON of Indiana: Petition of Mrs. Leola Britton and others, for increase of Civil War pensions; to the Committee on Invalid Pensions.

7552. By Mr. KVALE: Petition of patients at the United States Veterans Hospital No. 65, St. Paul, Minn., urging passage of legislation adopted by the Disabled American Veterans at their last national convention at Atlanta, Ga.; to the Committee on World War Veterans' Legislation.

7553. By Mr. MANLOVE: Petition of L. E. Higgs, L. L. Barnes, R. F. Banner, and 100 other residents of McDonald County, Mo., urging legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7554. Also, petition of P. D. Stokes, John F. Sigle, Mr. and Mrs. Roy Swimm, and 62 other voters of Jasper County, Mo., urging legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7555. Also, petition of L. B. Pickens, Abbie Breeden, Geneva Jackson, and 110 other residents of Jasper County, Mo., urging legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7556. Also, petition of Mary M. Armitage, N. T. Holbrook, G. W. Miller, Mark Peters, and 150 other residents of Jasper County, Mo., urging legislation for the relief of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7557. By Mr. MOORE of Ohio: Petition recommending increase of pension for Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7558. Also, petition of members of the Reformed Presbyterian Church of Muskingum County, Ohio, requesting certain amendment to the Constitution; to the Committee on the Judiciary.

7559. By Mr. MORROW: Petition of Kiwanis Club of Albuquerque, N. Mex., asking for action on Muscle Shoals bill; to the Committee on Military Affairs.

7560. By Mr. MORGAN: Petition of citizens of Richland County, Ohio, urging the passage of Civil War increased pension legislation; to the Committee on Invalid Pensions.

7561. By Mr. O'CONNELL of New York: Petition of Marshall O. Trivelli, adjutant, Disabled American Veterans of the World War, Saranac Lake, N. Y., favoring the passage of House bill 16975, continuing Saranac Lake tuberculosis contract center under the Veterans' Bureau after June 30, 1927; to the Committee on World War Veterans' Legislation.

7562. By Mr. PATTERSON: Memorial of Republican State Conference of New Jersey, composed of colored Republican clubs, urging legislation to suppress lynching and to enforce the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States; to the Committee on the Judiciary.

7563. By Mrs. ROGERS: Petition of citizens of Wilmington, Mass., in favor of Civil War pension bill; to the Committee on Invalid Pensions.

7564. By Mr. SHALLENBERGER: Petition of sundry citizens of Nebraska, opposing the passage of the Sunday observance law; to the Committee on the District of Columbia.

7565. By Mr. SHREVE: Petition to Congress against compulsory Sunday observance bills, signed by citizens of Erie, Pa.; to the Committee on the District of Columbia.

7566. By Mr. SINCLAIR: Petition of 96 residents of Williston, N. Dak., and vicinity, protesting against the passage of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

7567. By Mr. SWING: Petition of certain residents of San Diego and vicinity, California, protesting against the passage of House bill 10311 or any other compulsory religious measures which may be introduced; to the Committee on the District of Columbia.

7568. Also, petition of certain residents of San Bernardino, Calif., protesting against the passage by Congress of House bill 10311 or any other legislation upon the subject of religion; to the Committee on the District of Columbia.

7569. Also, petition of certain residents of Santa Ana, Calif., urging the passage by Congress of a bill granting increased pensions to Civil War veterans and the widows of Civil War veterans; to the Committee on Invalid Pensions.

SENATE

WEDNESDAY, *March 2, 1927*

The Senate met at 11 o'clock a. m.

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

Our heavenly Father, we bless Thee for Thy constant care. We bless Thee for the continuous evidence of multiplied favors from Thy hand of love, and we ask that this day may be to us a day of triumph for best things and the realization of hopes, giving fruition to high endeavors. We ask that Thou wilt be with us. Help us the better to understand the obligations of great duties and be near unto us. For Jesus' sake. Amen.

THE JOURNAL

The VICE PRESIDENT. The reading of the Journal.

Mr. CURTIS. I ask unanimous consent to dispense with the reading of the Journal and that the Journal stand approved.

Mr. MOSES. I object.

The VICE PRESIDENT. The clerk will read the Journal.

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

Mr. REED of Pennsylvania. Mr. President, a point of order. The reading of the Journal can not be interrupted.

The VICE PRESIDENT. Under the rule the Journal will have to be read.

Mr. REED of Missouri. I ask unanimous consent that the reading of the Journal be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. MOSES. What is the request?

The VICE PRESIDENT. The request is for unanimous consent to dispense with the reading of the Journal.

Mr. MOSES. I objected when the request was made before.

The VICE PRESIDENT. The Journal will be read.

The legislative clerk proceeded to read the Journal, and having read for 15 minutes,

Mr. COPELAND. Mr. President, I move that the further reading of the Journal be dispensed with.

Mr. REED of Pennsylvania. The motion is not in order, Mr. President.

Mr. COPELAND. I ask unanimous consent that that may be done.

The VICE PRESIDENT. Is there objection to dispensing with the further reading of the Journal?

Mr. REED of Pennsylvania. I object.

The VICE PRESIDENT. Objection is made, and the clerk will continue the reading of the Journal.

The reading of the Journal was continued, when,

Mr. HEFLIN. Mr. President, I ask unanimous consent that the further reading of the Journal be dispensed with, and that it stand approved.

Mr. MOSES. I object, Mr. President.

The VICE PRESIDENT. The clerk will continue the reading of the Journal.

The reading of the Journal was resumed, when,

Mr. COPELAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COPELAND. Is there any way by which this absurdity can be done away with?

Mr. MOSES. Oh, yes, Mr. President. Just what is the status of the reading of the Journal? Has it been temporarily suspended by unanimous consent?

The VICE PRESIDENT. The clerk will continue the reading of the Journal.

Mr. HEFLIN. I call for the regular order.

The VICE PRESIDENT. The regular order is the reading of the Journal.

The reading of the Journal was resumed, when,

Mr. OVERMAN. Mr. President, I ask unanimous consent that the reading of the Journal be temporarily suspended in order that I may make a motion to reconsider the vote by which an amendment was adopted last night.

Mr. MOSES. I want to be very sure of the status of matters before my consent is given, Mr. President.

Mr. OVERMAN. I ask that the reading be temporarily suspended.

Mr. WADSWORTH. Mr. President, may I ask the Senator from North Carolina a question? I understand that the motion he desires to make has to do with a bill in which my State of New York is very deeply interested, which passed last night with a certain amendment on it affecting the State of North Carolina.

Mr. OVERMAN. Yes.

Mr. WADSWORTH. The purpose of the Senator from North Carolina is to reconsider the votes by which the bill was ordered to a third reading and passed, strike out the amendment, and repass the bill?

Mr. OVERMAN. Yes; that is it.

Mr. WADSWORTH. Mr. President, I do not want that bill to be reconsidered here and then an objection made on its repassage.

Mr. SMOOT. I shall have to object if there is going to be discussion.

Mr. MOSES. I want to reserve all my rights about having the Journal read, Mr. President.

Mr. WADSWORTH. I am not afraid of discussion. There will be none. I am afraid of an objection.

Mr. OVERMAN. I will just have the amendment disagreed to.

The VICE PRESIDENT. Is objection made?

Mr. OVERMAN. I withdraw my request if there is any objection.

The VICE PRESIDENT. The clerk will continue the reading of the Journal.

The reading of the Journal was resumed, when,

Mr. OVERMAN. Mr. President, I renew my request that the reading of the Journal be suspended, and that after action shall be taken on a motion I intend to make for the reconsideration of a bill passed last night that the reading of the Journal be resumed. There will be no debate on my motion.

Mr. MOSES. Temporarily suspended.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the reading of the Journal temporarily be dispensed with until he makes a motion, and after his motion shall be acted upon, that the reading of the Journal be resumed. Is there objection?

Mr. DILL. I object.

Mr. REED of Pennsylvania. Reserving the right to object, will the Senator state what the nature of his motion is?

Mr. WALSH of Montana. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. WALSH of Montana. Objection having been made, I insist on the regular order.

The VICE PRESIDENT. The Chair heard no objection.

Mr. DILL. I objected.

The VICE PRESIDENT. The Senator from Washington objects. The clerk will proceed with the reading of the Journal.

The reading of the Journal was resumed and concluded.

The VICE PRESIDENT. Without objection, the Journal will be approved.

INVESTIGATION OF CAMPAIGN EXPENDITURES

Mr. REED of Missouri. Mr. President, I move that the Senate proceed to the consideration of Senate Resolution 364, and I suggest the absence of a quorum.

Mr. WARREN. With the leave of the Senator from Missouri, I submit a report from the Committee on Appropriations, to go to the calendar.

Mr. MOSES. Regular order!

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.