House bill 6465, to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

4363. Also, petition of Lars Anderson and 95 residents of Hector and Bird Island, Minn., protesting against enactment of the Box bill to place Mexico and Canada on a quota basis of immigration; to the Committee on Immigration and Naturalization.

4364. Also, petition of W. B. Carlson and several residents of Dassel, Minn., protesting against enactment into law of House bill 6465, providing for amendment of the immigration act of 1924 by placing Mexico and Canada on a quota basis of immigration; to the Committee on Immigration and Naturalization.

4365. Also, petition of John Genken and several residents of Kandiyohi County, Minn., protesting against enactment of House bill 6465, to make the quota basis of immigration applicable to Canadian and Mexican immigrants into the United States; to the Committee on Immigration and Naturalization.

4366. By Mr. MICHENER: Petition of sundry citizens of Lenawee and Wayne Counties, Mich., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4367. By Mr. O'BRIEN: Petition of the voters of Sand Run, Upshur County, W. Va., to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

4368. By Mr. O'CONNELL: Petition of the Queensberry Club, Washington, D. C., favoring the passage of the Updike bill (H. R. 7736) to legalize amateur boxing in the District of Columbia; to the Committee on the District of Columbia.

4369. Also, petition of the General Federation of Women's Clubs, Mount Vernon, N. Y., favoring the passage of the Capper-Ketcham bill (H. R. 9495) for "further development of agricultural extension"; to the Committee on Agriculture.

4370. By Mr. SWING: Petition of citizens of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4371. Also, petition of citizens of Banning, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4372. Also, petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4373. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4374. By Mr. VINCENT of Michigan: Petition of residents of the eighth congressional district of Michigan, urging that more liberal pension legislation be passed in behalf of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4375. Also, petition of residents of the eighth congressional district of Michigan, protesting against compulsory Sunday legislation; to the Committee on the District of Columbia.

SENATE

THURSDAY, *February 23, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, whose nature and property is ever to have mercy and to forgive, receive our humble petition; and though we be tied and bound with the chain of our sins, yet let the pitifulness of Thy great mercy loose us that with pure hearts and minds we may serve Thee without hindrance. And as we here invoke the agency of an impalpable influence, the comradeship of the like-minded, the example of our fathers gone before us, grant to us to feel the passion of a high resolve to cherish above all else the glorious destiny unto which Thou hast called us as a nation. Grant this for the sake of Him whose tender love enfolds us, Thy Son, our Savior Jesus Christ. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MADDEN, Mr. THATCHER, and Mr. BYRNS were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 9843) to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

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

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives on the appropriation bill which has just been received.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Vice President appointed Mr. WARREN, Mr. SMOOT, Mr. MOSES, Mr. OVERMAN, and Mr. HARRIS conferees on the part of the Senate.

WISCONSIN POTTAWATOMI INDIANS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1759) to appropriate treaty funds due the Wisconsin Pottawatomi Indians, which were, on page 1, line 3, after the word "hereby," to insert "authorized to be"; on page 1, line 6, to strike out the word "Pottawatomi" and insert "Pottawatomie"; on page 1, line 6, after the word "Indians," to insert a comma; on page 1, line 7, after the word "Michigan," insert a comma; on page 2, line 6, after the word "hereby," insert "authorized to be"; on page 2, line 11, to strike out the word "expenditures" and insert the word "expenditure"; and to amend the title so as to read: "An act to authorize appropriation of treaty funds due the Wisconsin Pottawatomie Indians."

Mr. LA FOLLETTE. I move that the Senate concur in the House amendments.

The motion was agreed to.

PETITIONS AND MEMORIALS

Mr. ROBINSON of Arkansas presented a letter from J. J. O'Hearne, district manager of the Southern Hardwood Traffic Association, at Helena, Ark., opposing the confirmation of Mr. Esch as a member of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

He also presented letters in the nature of memorials from sundry citizens in the State of Arkansas, remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. WALSH of Massachusetts presented telegrams in the nature of petitions from the presidents, governors, and sundry members of Artistides Chapter, No. 50, of Lynn, of Lord Byron Chapter, No. 57, of Brockton; of Lowell Chapter, No. 102, of Lowell; of Fall River Chapter and Marlboro Chapter, all of the Order of Ahepa, and of sundry citizens of Hellenic descent in the State of Massachusetts, praying for the adoption of the pending debt settlement between Greece and the United States as tending to result in better relations between both countries, which were referred to the Committee on Finance.

Mr. COPELAND presented a letter in the nature of a petition from Isabella McAllister, of New York, N. Y., praying for the passage of legislation providing for the registration of lobbyists, which was ordered to lie on the table.

He also presented telegrams in the nature of petitions from Albany Chapter, No. 140; Hudson Valley Chapter, No. 115; and chapters at Binghamton and Watertown, all of the Order of Ahepa, and sundry Hellenic societies, and citizens of Hellenic descent, all in the State of New York, praying for the adoption

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of the pending debt settlement between Greece and the United States as tending to result in better relations between both countries, which were referred to the Committee on Finance.

He also presented a letter in the nature of a memorial signed by officers of the League of Mothers' Clubs, of New York, N. Y., remonstrating against the adoption of the proposed enlarged naval building program, which was referred to the Committee on Naval Affairs.

He also presented a memorial numerously signed by sundry citizens of Buffalo and vicinity, in the State of New York, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Third Conference on the Cause and Cure of War, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Resolution passed by the Third Conference on the Cause and Cure of War, January 15–19, 1928

Resolved, That the Conference on the Cause and Cure of War deplores the policy of greatly increased naval armaments for the United States, at the same time that our State Department is offering treaties renouncing war as an instrument of national policy, and urges that in the adoption of any naval building program the President be authorized to suspend construction if circumstances warrant it.

MOTION-PICTURE REGULATION

Mr. SHORTRIDGE. I present memorials from the managers of the following moving-picture theaters: Glen City Theater, Santa Paula; California Theater, Richmond; Million Dollar Theater, Los Angeles; Carthay Circle Theater, Los Angeles; West Coast Theaters (Inc.), Fresno; Loew's State Theater, Los Angeles; St. Francis Theater, San Francisco; Strand Theater, San Francisco; Ritz Theater, Los Angeles, all in the State of California, protesting against the passage of the so-called Brookhart bill, S. 1667.

The VICE PRESIDENT. The memorials will be received and referred to the Committee on Interstate Commerce.

Mr. SHORTRIDGE. In connection with the memorials just presented, I hold in my hand an editorial from the Los Angeles Examiner concerning the proposed measure of the Senator from Iowa [Mr. BROOKHART]. It is respectful and thoughtful; I think it will be interesting to Senators. I request that this editorial, which advances reasons why this bill should not pass, be printed in the RECORD and referred to the Committee on Interstate Commerce.

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

The editorial is as follows:

[From the Los Angeles Examiner, February 15, 1928]

PICTURE REGULATION MEASURE IS NOT NEEDED BY INDUSTRY

The motion-picture industry is not ripe for Government regulations, as provided in the Brookhart bill before the Senate.

There is no monopoly and no danger of monopoly in the production, distribution, or exhibition of pictures. It is throughout a highly competitive business which threatens the public with no extortions.

Moreover, it is a fast-developing business which needs to be free of the shackles of Government supervision.

The Brookhart bill, to meet alleged abuses in the trade, prohibits "block booking" and "blind booking."

It forbids producers showing pictures first in their own theaters. Each picture in each town must be auctioned off to the highest bidder.

The bill directs the Federal Trade Commission to decide disputes as to prices, etc., and (sec. 8) it forbids anybody in the industry to violate any regulation made by the Federal Trade Commission.

No competitive industry in the United States is subject to any such drastic regulation by the Federal power. The American theory of government is for Government to keep its hands off except in cases where competition fails to protect the public.

In this case complaint is not made on behalf of the public, but on behalf of certain independent exhibitors.

It is claimed that block booking, wholesale purchase of a run of pictures, binds the exhibitor to buy inferior stuff in order to get the big hit. Any abuse in this direction is being eliminated by the industry itself. Block booking enables the theater to plan and advertise ahead with certainty, and it greatly decreases the cost of selling films.

Blind booking, buying pictures unseen and unmade, is nothing but selling ahead for future delivery, a practice universal with every leading business in the country. To abolish forward contracts would hurt independent producers more than the so-called affiliated interests.

Such contracts are the basis of the bank loans with which the independents meet their pay rolls. There are plenty of these independent producers, just as there are thousands of independent exhibitors.

The most unfair part of the bill is its attempt to deny producers the right to choose their exhibitors—for example, to prefer the theaters they own. It is an effort to set back the clock of economic progress by refusing to this one group of manufacturers the right to sell direct to the public.

The Brookhart bill would introduce expense and confusion into film distribution by forbidding the long-term contracts on which business is done. It would make production more uncertain and costly. Fewer films would be produced if none could be sold until completed—that is, if there could be no blind booking.

Finally, Government disapproval of our film industry would give foreign governments a fine new excuse to handicap American films by discriminatory legislation.

The Brookhart bill should not pass. It is an ill-considered proposal, based on ignorance of the motion-picture business. It will harm instead of help the interests it pretends to protect. It is an un-American interference with a great American industry which has done nothing to deserve this stigma and this handicap at the hands of the Government.

REPORTS OF COMMITTEES

Mr. TYSON, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon and moved that the bills be indefinitely postponed, which was agreed to:

A bill (H. R. 6438) for the relief of David Parrett; and

A bill (H. R. 8643) for the relief of William Taylor Coburn.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss. (Rept. No. 357);

A bill (H. R. 121) authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill. (Rept. No. 358);

A bill (H. R. 449) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La. (Rept. No. 359);

A bill (H. R. 5501) authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo. (Rept. No. 348);

A bill (H. R. 5502) authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo. (Rept. No. 349);

A bill (H. R. 5803) authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa (Rept. No. 354);

A bill (H. R. 5679) authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa (Rept. No. 355);

A bill (H. R. 6476) authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn. (Rept. No. 360);

A bill (H. R. 7199) granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across the Columbia River near the city of Hood River, Oreg. (Rept. No. 361);

A bill (H. R. 7371) to legalize a bridge across the Snake River near Heyburn, Idaho (Rept. No. 362);

A bill (H. R. 7375) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville, on the Guntersville-Huntsville road, in Marshall County, Ala. (Rept. No. 363);

A bill (H. R. 7909) to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota (Rept. No. 364);

A bill (H. R. 7914) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road, between Madison and Morgan Counties, Ala. (Rept. No. 365);

A bill (H. R. 7915) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road, in Jackson County, Ala. (Rept. No. 366);

A bill (H. R. 7925) granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania (Rept. No. 367);

A bill (H. R. 6639) authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo. (Rept. No. 371);

A bill (H. R. 8106) authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo. (Rept. No. 372); and

A bill (H. R. 8107) authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo. (Rept. No. 373).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

A bill (S. 3118) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss. (Rept. No. 350);

A bill (H. R. 66) authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill. (Rept. No. 353);

A bill (H. R. 7183) authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill. (Rept. No. 352); and

A bill (H. R. 7921) authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky. (Rept. No. 351).

Mr. DALE also, from the Committee on Commerce, to which was referred the bill (S. 2827) 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, reported it with amendments and submitted a report (No. 356) thereon.

Mr. KENDRICK, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2569) providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States, reported it with an amendment and submitted a report (No. 368) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry, reported it without amendment and submitted a report (No. 369) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 3325) for the relief of Horace G. Knowles, reported it without amendment and submitted a report (No. 370) thereon.

Mr. BLAINE, from the Committee on the Judiciary, to which was referred the bill (S. 851) to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal district court for the western division of the western district of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*," reported it without amendment.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on to-day that committee presented to the President of the United States the following enrolled bills:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes;

S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes;

S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the Bryce Canyon National Park, and for other purposes;

S. 1425. An act to remove a cloud on title; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. BRUCE:

A bill (S. 3331) for the relief of Mary S. Howard, Gertrude M. Caton, Nellie B. Reed, Gertrude Pierce, Katie Pensel, Josephine Pryor, Mary L. McCormick, Mrs. James Blanchfield, Sadie T. Nicoll, Katie Lloyd, Mrs. Benjamin Warner, Eva K. Pensel, Margaret Y. Kirk, C. Albert George, Earl Wroldsen, Benjamin Carpenter, Nathan Benson, Paul Kirk, Townsend Walters, George Freet, James B. Jefferson, Frank Ellison, and the Bethel Cemetery Co. (with accompanying papers); to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3332) conferring jurisdiction upon the United States District Court for the District of Oregon or the Court of Claims to hear and determine any suit or suits, actions, or proceedings which may be instituted or brought by the State of Oregon, and/or the Klamath irrigation district, a public corporation of the State of Oregon, by intervention or direct suit or suits, to set aside that certain contract between the United States and the California-Oregon Power Co., dated February 24, 1917, together with all contracts or modifications thereof, and to set aside or cancel the sale made by the United States Government, through the Secretary of the Interior, of the so-called Ankeny and Keno Canals and the Leavitt power site, and the lands embraced in the rights of way thereof, to the said California-Oregon Power Co., and to determine the validity of the disposition of surplus waters; to the Committee on Irrigation and Reclamation.

A bill (S. 3333) granting a pension to Francis H. Kearney;

A bill (S. 3334) granting a pension to Charles A. Parkwood;

A bill (S. 3335) granting a pension to Hubert L. Bassett;

A bill (S. 3336) granting a pension to Sarah R. Bates; and

A bill (S. 3337) granting a pension to Charles E. Finch; to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 3338) authorizing the sale of certain lands on Petit Jean Mountain near Morrilton, Ark., for use by the Young Men's Christian Association of Arkansas; to the Committee on Public Lands and Surveys.

Mr. FLETCHER. On behalf of my colleague [Mr. TRAMMELL], who is unavoidably absent, I introduce a bill for appropriate reference.

By Mr. FLETCHER (for Mr. TRAMMELL):

A bill (S. 3339) for the relief of Mrs. James Lee Pennington; to the Committee on Finance.

By Mr. SACKETT:

A bill (S. 3340) for the relief of W. L. Inabnit (with accompanying papers); to the Committee on Claims.

A bill (S. 3341) granting a pension to Sarah Kimball (with accompanying papers); and

A bill (S. 3342) granting a pension to Mary E. Sinclair (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3343) for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. SHORTRIDGE:

A bill (S. 3344) to extend medical treatment to retired officers and enlisted men of the United States Coast Guard; to the Committee on Commerce.

A bill (S. 3345) authorizing Lester Maynard to accept the decoration of the Order of the Nile tendered to him by the King of Egypt; to the Committee on Foreign Relations.

A bill (S. 3346) to correct the military record of Herbert Horrell; to the Committee on Military Affairs.

A bill (S. 3347) granting a pension to Richard T. Crean; and

A bill (S. 3348) granting an increase of pension to Marie B. Granger; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3349) granting a pension to Margaret Griffin; to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3350) granting an increase of pension to Amelia Applegate (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3351) granting a pension to Elizabeth Wentworth (with accompanying papers); and

A bill (S. 3352) granting an increase of pension to Abbie E. Emmons (with accompanying papers); to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 3353) granting an increase of pension to George E. Wykoff (with accompanying papers); to the Committee on Pensions.

(By request.) A bill (S. 3354) for the preservation and administration of the forests of the Colville Indian Reservation; and

(By request.) A bill (S. 3355) to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians; to the Committee on Indian Affairs.

By Mr. JONES:

A bill (S. 3356) to provide for the coordination of the public health activities of the Government, and for other purposes; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 3357) granting a pension to Matilda Wright; to the Committee on Pensions.

A bill (S. 3358) to amend the military record of Charles F. Stone; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 3359) granting an increase of pension to Hannah J. Vaught; to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3360) granting an increase of pension to Alice Nichols; to the Committee on Pensions.

By Mr. McNARY:

A joint resolution (S. J. Res. 96) to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act; to the Committee on Agriculture and Forestry.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 97) authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress (with accompanying papers); to the Committee on Foreign Relations.

By Mr. COPELAND:

A joint resolution (S. J. Res. 98) authorizing the selection of sites and the erection of monuments to John Bunyan and William Harvey in Washington, D. C.; to the Committee on the Library.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. TYDINGS submitted an amendment proposing to appropriate $132,300 for paving Sixteenth Street NW. from Kalmia Street to the District line, intended to be proposed by him to House bill 11133, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TULE RIVER INDIAN RESERVATION, CALIF.

Mr. SHORTRIDGE submitted an amendment intended to be proposed by him to the bill (S. 1662) to change the boundaries of the Tule River Indian Reservation, Calif., which was referred to the Committee on Indian Affairs and ordered to be printed.

CHANGES OF REFERENCE

On motion of Mr. HALE the Committee on Naval Affairs was discharged from further consideration of the bill (S. 148) granting a pension to Mary A. Brown, and it was referred to the Committee on Pensions.

Also, on motion of Mr. HALE, the Committee on Naval Affairs was discharged from further consideration of the bill (S. 1770) for the relief of certain officers of the Coast Guard, and it was referred to the Committee on Commerce.

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the following bills, and they were referred to the Committee on Civil Service:

A bill (S. 2115) to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928; and

A bill (H. R. 7908) to authorize the granting of leave to ex-service men and women to attend the annual convention of the United Spanish War Veterans and auxiliary in Habana, Cuba, in 1928.

HOUSE BILL REFERRED

The bill (H. R. 9843) to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va., was read twice by its title and referred to the Committee on Commerce.

CONTROL OF AIRCRAFT FOR SEACOAST DEFENSE

Mr. BINGHAM. I submit a concurrent resolution and ask to have it read.

The VICE PRESIDENT. The resolution will be read.

The Chief Clerk read the concurrent resolution (S. Con. Res. 11), as follows:

Whereas the problem of the control of shore-based aircraft intended for coast defense has long been a vexed question; and

Whereas in the airplane we have a truly amphibious instrument of national defense which crosses the coast line at will, and which can not be definitely confined either to the land where the Army is dominant or to the sea where the Navy has paramount interest; and

Whereas there exists the necessity for the establishment of a clear and indisputable line of demarcation between the proper air functions of the Army and those of the Navy, not only in the continental United States but also in the Panama Canal Zone and in the Territories and possessions; and

Whereas the national interest demands that the aeronautical strength of the Nation should always be employed where it will be most effective; and

Whereas the difficulty of reaching any satisfactory solution of this problem through negotiations between the representatives of the Army and Navy has been repeatedly described publicly by high-ranking officials of our armed forces: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of Congress, to consist of five Senators, to be appointed by the President of the Senate, and five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, is authorized and directed to make a full investigation of the problem of the control of aircraft for seacoast defense, and to recommend to Congress as soon as practicable such legislation concerning aerial coast defense as it shall deem necessary or proper.

For the purpose of this resolution such committee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The expenses of the committee, which shall not exceed $2,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Mr. BINGHAM. Mr. President, in view of the fact that this matter is one which concerns both the Military Affairs Committee and the Naval Affairs Committee, and in view of the fact that it is a matter of very great national importance that a decision be reached on these questions which have been going along without proper decision for more than 10 years, I ask that the concurrent resolution may be referred first to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, the concurrent resolution will be referred to the Committee on Military Affairs.

MISSOURI RIVER BRIDGES

Mr. HAWES. I ask unanimous consent for the present consideration of three bridge bills, which were reported to-day from the Committee on Commerce. They are House bills 6639, 8106, and 8107.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bills will be considered.

Mr. NORRIS. I have no objection to the consideration of the bills.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bills in their order.

The bills were severally reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, as follows:

A bill (H. R. 6639) authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

A bill (H. R. 8106) authorizing F. C. Barnhill, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.; and

A bill (H. R. 8107) authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.

NOMINATIONS FOR EXECUTIVE CALENDAR

Mr. BORAH. Mr. President, I ask unanimous consent, as in executive session, to submit three reports from the Foreign Relations Committee.

The VICE PRESIDENT. Without objection, the reports will be received and placed upon the Executive Calendar.

ROBERT W. STEWART—RECUSANT WITNESS

Mr. WALSH of Montana. Mr. President, I am advised that the Sergeant at Arms has a privileged report which he desires to submit.

The VICE PRESIDENT. The report will be received.

The SERGEANT AT ARMS (David S. Barry). Mr. President, I have to report that in the case of Robert W. Stewart, whom I took into custody on a warrant issued by the President of the Senate, Mr. Justice Bailey, of the Supreme Court of the District of Columbia, has denied the writ of habeas corpus for which he applied. Mr. Stewart immediately appealed the case.

Mr. WALSH of Montana. Mr. President, may I inquire of the Sergeant at Arms if the court directed the prisoner to be remanded to the custody of the Sergeant at Arms?

The SERGEANT AT ARMS. Yes; he was remanded to the custody of the Sergeant at Arms, and then, when he appealed the case, he was immediately released on bond.

Mr. WALSH of Montana subsequently said: I ask unanimous consent to have printed in the RECORD the opinion of Associate Justice Bailey in the matter of Robert W. Stewart, petitioner.

There being no objection, the opinion and order were ordered to be printed in the RECORD, as follows:

In the matter of Robert W. Stewart, petitioner. Habeas corpus No. 1488

It appears that the petitioner, Robert W. Stewart, having been subpœnaed to appear and testify before the Senate Committee on Public Lands and Surveys, appeared before that committee on February 2 and 3, 1928. He answered certain questions put to him by the committee but declined to answer certain others, and the committee reported his refusal to answer to the Senate.

The Senate thereupon directed that a warrant issue directing the Sergeant at Arms of the Senate to take the petitioner into custody and bring him before the bar of the Senate to answer such questions pertinent to the matter under inquiry as might be propounded to him and to keep him in custody to await the further order of the Senate.

The warrant was issued and executed and the petitioner now claims that he is being unlawfully detained by the respondents, the Sergeant at Arms of the Senate and his deputy. He rests his claim upon three propositions.

First:

"The Senate is without power to arrest and attach petitioner for the purpose of compelling him to attend as a witness before the Senate when at the time of the arrest the witness was in attendance before the Senate committee under and in obedience to a subpœna issued by it."

If the committee was seeking information as a basis for legislation by Congress and if the questions asked the petitioner were pertinent to such inquiry and did not invade any of his constitutional rights, it was his duty to answer, and his refusal to do so could be treated as an act of contempt of the Senate. The Senate might thereupon have had him attached to be brought before the bar of the Senate to answer for his contempt, as has been done in several cases, but instead took a more lenient course in having him brought before the bar of the Senate to answer such pertinent questions as might be asked him there. There was no question but that he had refused to answer as reported by the committee, and he has no ground to complain that he was to be given an opportunity to purge himself of his contempt by giving his testimony before the Senate instead of being brought before its bar for punishment. The attachment could properly be based on his recalcitrant conduct as a witness before the committee. The Senate is not necessarily controlled by the practice of the courts in similar cases.

Petitioner's second and third propositions are:

"Resolution 101 does not call for information essential for the exercise of the power of legislation, but is an attempt at exercising judicial function, beyond the powers of the Senate, and authorizes an inquiry into the private affairs of individuals."

"Petitioner answered every question put to him of public interest with respect to the disposition of the bonds held by the Continental Trading Co. The questions he refused to answer dealt with private and personal matters, the answers to which could in no way furnish information essential to the efficient performance of any legislative function of the Senate."

Resolution 101 authorizes an investigation supplementary to one theretofore authorized, and of which the committee had made no final report. The former investigation had resulted in legislation directing the prosecution of suits, one of which had resulted in the recovery of valuable property of the Government, and in other legislation, and it may be assumed that the Senate had in mind the possibility of the need of further legislation when the latest resolution was passed. The failure to specify such purpose is not fatal to the inquiry. Where the particular investigation has already formed the basis of legislation, the court will not assume that some particular phase of a later investigation supplementary to the former can not be made for the purpose of legislation and that the Senate is transcending its functions under the Constitution.

The petitioner states that he appeared voluntarily before the committee to give his testimony. He took an oath to tell "the truth, the whole truth, and nothing but the truth." He raised no general objection to the scope of the inquiry, but after he had proceeded to answer numerous questions he finally refused to answer as to his knowledge of anyone who received the Liberty bonds mentioned in the resolution or whether he had discussed any of the bond transactions with Sinclair, and other questions of similar character. He voluntarily testified in part, but refused to tell the whole truth, and a partial truth may be as misleading as a falsehood. These questions were clearly relevant to the inquiry and involved no question of privilege. They did not involve the private affairs of the witness, and the witness can not make such a claim on behalf of others when he does not appear to be acting in a representative capacity. But even such a ground would not be an excuse for failure to answer questions relevant to any matters which were the subject of proper inquiry.

In my opinion the grounds upon which the petitioner refused to testify were frivolous and without legal bases and his attachment was justified.

The writ of habeas corpus will be discharged and the petitioner remanded to the custody of the respondents.

——— ———, *Justice.*

In the matter of Robert W. Stewart, petitioner. Habeas corpus No. 1488

ORDER

This cause came on to be heard on the petition for the writ of habeas corpus, the writ issued thereon, the return of the respondents filed herein, and the traverse to return, and upon the said pleadings was argued by counsel for the respective parties and submitted to the court.

Upon consideration whereof, it is by the court this 23d day of February, A. D. 1928,

Adjudged and ordered, That said Robert W. Stewart be, and he is hereby, remanded to the custody and control of the respondents and the writ of habeas corpus be, and it is hereby, discharged.

JENNINGS BAILEY,
Associate Justice.

From the foregoing order the petitioner in open court notes an appeal to the court of appeals and the penalty of his bond for costs in said appeal is fixed in the sum of $100, or in lieu of said bond he may deposit the sum of $50 in the clerk's office, and the said Robert W. Stewart is ordered to be admitted to bail in the sum of $5,000 upon his giving bond in the said sum to answer for his appearance in said court of appeals.

REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 145), submitted by Mr. WALSH of Massachusetts on the 14th instant, as follows:

Resolved, That the standing rules of the Senate be, and they are hereby, amended by adding a new rule, as follows:

RULE XLI. REGULATION AND REGISTRATION OF LEGISLATIVE COUNSEL OR AGENTS

All persons employed for hire as attorney or agents to represent individuals, partnerships, societies, corporations, or foreign governments, to advocate or oppose pending legislation, shall register the fact of such employment, a statement of the particular legislation, and the name of their employer with the Secretary of the Senate before engaging in such employment.

Upon motion of any Member of the Senate, supported by a majority vote, any designated employee may be summoned to appear before the Committe on Rules and required to give the names of all persons for whom he is employed, or if an employer, the names of those who were employed by him to influence legislation during the current session of Congress and an account of all expenditures incurred or promised for the purpose.

The chairmen of the committees shall require all persons appearing before them to advocate or oppose pending legislation to state whether they are employed for the purpose, and if so, by whom employed. A list of employers so disclosed shall be kept by the committee, and upon motion of any member any designated employer shall be summoned before the committee and required to give the names of all persons employed by him to influence legislation during the current session of Congress, and an account of all expenditures incurred or promised for the purpose.

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that the Senator from Kansas [Mr. CURTIS], who is chairman of the Committee on Rules, has assured me that the Committee on Rules will have a hearing on the resolution in the very near future and report to the Senate, I ask that the resolution be referred to the Committee on Rules.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Rules.

STATISTICS RELATIVE TO UNEMPLOYMENT

The VICE PRESIDENT. The Chair lays before the Senate another resolution coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 147) submitted by Mr. WAGNER on the 15th instant, as follows:

Whereas it is essential to the intelligent conduct of private and public business enterprises, to the proper timing for the inauguration of public works by the Federal Government, and the encouragement of similar undertakings by the States, to the formulation of sound economic policy, and it is prerequisite to the provision of relief against the hardship of unemployment and to the ultimate solution of the unemployment that accurate and all-inclusive statistics of employment and unemployment be had at frequent intervals; and

Whereas it is apparent that the United States is now suffering from a decided growth of unemployment, and no nation-wide statistics of unemployment in the United States are anywhere available;

Resolved, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed in the United States and permanent statistics thereof may hereafter be had and made available, and make report thereon to the Senate.

Mr. CURTIS. Mr. President, I ask that the resolution may go over without prejudice.

The VICE PRESIDENT. It will go over without prejudice.

REGULATION OF IMMIGRATION

The VICE PRESIDENT. The Chair lays before the Senate another resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution (S. Res. 156) submitted by Mr. SHIPSTEAD on the 21st instant, as follows:

Resolved, That the President be, and he is hereby, requested to inform the Senate whether the estimates of immigration quotas, prepared by the Secretaries of State, Commerce, and Labor under section 11 of the act approved May 26, 1924, which were transmitted to the Senate by the President, together with two letters of the said Secretaries, on January 3 and 10, 1927, are still unsupported by responsible documentary evidence, as admitted in the second letter in question or in process of revision or improvement, and when in the latter case new figures will reach the Congress, accompanied by adequate and detailed explanation of the method of computation, or otherwise.

Mr. SHIPSTEAD. Mr. President, I ask for the adoption of the resolution.

Mr. CURTIS. Mr. President, I have no personal objection to the resolution if the Senator will amend it and put it in usual form, inserting the words "if not incompatible with the public interest."

Mr. SHIPSTEAD. I accept the amendment and modify my resolution accordingly.

The VICE PRESIDENT. Without objection——

Mr. WILLIS. Mr. President, just a moment. I wonder whether, in the absence of the chairman of the Committee on Immigration, the Senator desires to have the resolution adopted. It seems to be a little unusual to have no consideration of the resolution.

Mr. SHIPSTEAD. The chairman of the Committee on Immigration is not here.

Mr. WILLIS. That is just the point. I wonder if the Senator would not be willing to let the resolution go over until the chairman of the committee is here. So far as I know there is no objection to it; but it seems to be a little unusual to adopt a resolution of this kind without the slightest conference with the chairman of the committee.

Mr. SHIPSTEAD. It never occurred to me, in view of the language of the resolution, that there would be any objection at all. I have not been able to communicate with the chairman of the Committee on Immigration this morning.

Mr. WILLIS. If it would not interrupt the Senator's plan, I suggest as a matter of courtesy that that ought to be done. The proceeding is rather unusual, though not contrary to the rule, of course. It seems to me that the resolution ought to be considered by the chairman of the Committee on Immigration.

Mr. LA FOLLETTE. Mr. President, the resolution has been going over under the rule for a number of days. It merely requests certain information and it has now been amended by the Senator from Minnesota so as to contain the usual language, "if not incompatible with the public interest." It seems to me that the resolution should be adopted. I can not see how any Senator could have any objection to a resolution asking for information when couched in that language.

Mr. WILLIS. I do not desire to be understood as objecting, but I think it is rather an unusual proceeding to crowd a resolution of this kind through without consideration by the committee or at any rate by the chairman of the committee.

Mr. SHIPSTEAD. Does the Senator object?

Mr. WILLIS. I do not like to object. I suggest that the Senator let the resolution go over until the Senator from California [Mr. JOHNSON] is here. If he confers with him and there is no objection, it is certainly all right with me.

Mr. LA FOLLETTE. The resolution is not in a position where it can be thrown over on the objection of any one Senator.

Mr. WILLIS. I understand that.

Mr. LA FOLLETTE. The resolution came over from a previous day and is entitled to be considered.

Mr. WILLIS. I understand that. I am asking, as a matter of courtesy to the Senator from California, that the Senator from Minnesota let the resolution go over until there can be some conference about it. I do not think there will be any question about its passage.

Mr. LA FOLLETTE. It seems to be the resolution calls for very important information which the Senate and the Congress should have. I hope the Senator from Minnesota will insist on his right to have the resolution considered.

Mr. HARRIS. Mr. President, I should like to have the resolution read.

The resolution was again read.

Mr. COPELAND. Mr. President, the Senate will remember that last year concerning this subject two letters came to us and the figures contained therein did not agree at all; there was a serious conflict. I assume the purpose of the Senator from Minnesota [Mr. SHIPSTEAD] is to ascertain accurately what the figures are, and to put the material before the Senate. I can see no reason why we should not adopt the resolution and obtain this information, because we must have it if we are to deal intelligently with the problem which is pending before us and before the committee. I am sure that the Senator from California [Mr. JOHNSON] would not be at all resentful of the adoption of the resolution, but would be glad to have it adopted in order that the material referred to therein might be available for the consideration of the committee.

Mr. REED of Pennsylvania. Mr. President, I do not think that any action ought to be taken on this resolution without a challenge being made to the wording in line 7, which implies that the estimates of immigration quotas are "unsupported by responsible documentary evidence." I do not believe that that is the fact or that at any time it has been the fact; so I would not want the resolution to be agreed to without that statement or implication being challenged.

I will say that the national-origins quotas have been the subject of constant study; that we are now advised by the Census Bureau that they are confident of the accuracy of the quotas as last established by their study; and that it is quite incorrect to state that they are "unsupported by documentary evidence" or that they are unsupported by other kinds of evidence; and the letter which is mentioned in the resolution did not make that admission.

Mr. SHIPSTEAD. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. Would the Senator be satisfied if the language of the report of the Secretaries of Commerce, Labor, and State that accompany the President's transmittal letter of January 10, 1927, were substituted for the words to which he objects?

Mr. REED of Pennsylvania. I have never been satisfied with those letters. The Secretaries of Commerce and Labor and State joined in a letter of transmittal to the President, sending him those national-origins quotas. That letter was sent by the President to the Senate; it expressed no dissatisfaction with the quotas; but a few days later a second message came from the President, asking us to substitute for that letter another letter, in which there was a phrase stating, in substance, that the Secretaries had grave doubt as to the accuracy of the figures. It has never been explained to us how that "grave doubt" happened to arise between the time of the transmittal of the first message of the President and the few days that elapsed before the second message came.

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

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

Mr. WILLIS. It seems to me this is a matter of considerable importance. Why does not the Senator from Pennsylvania suggest that the resolution be referred to the Committee on Immi-

gration? It does not seem to me that we can very satisfactorily amend the resolution here on the floor.

Mr. REED of Pennsylvania. I was looking over the resolution in order to see if we might amend it by certain changes. I see no objection to the Senate having all the facts called for by the resolution.

Mr. WILLIS. Of course, no one is objecting to that.

Mr. REED of Pennsylvania. But the language of the resolution, it seems to me, ought to be revised. I would hope if it were referred to the Committee on Immigration that we might be able to report it out within two or three days. Certainly I would make no attempt to delay it in committee. I ask the Senator to let that action be taken on his resolution.

Mr. SHIPSTEAD. Mr. President, would the Senator from Pennsylvania have any objection to having the resolution adopted to-day if the words to which he objects were stricken out?

Mr. REED of Pennsylvania. If the Senator from Minnesota would modify his resolution by striking out——

Mr. SHIPSTEAD. I ask to modify the resolution by striking out in line 7, after the word "are," the words "still unsupported by responsible documentary evidence, as admitted in the second letter in question, or."

Mr. REED of Pennsylvania. I would have no objection to the resolution if those words were stricken out.

Mr. WILLIS. Mr. President, let the resolution be read as proposed to be amended, so that we may understand just what we are voting on.

The VICE PRESIDENT. The resolution will be read as modified by the Senator from Minnesota [Mr. SHIPSTEAD].

The Chief Clerk read as follows:

Resolved, That the President be, and he is hereby, requested to inform the Senate, if not incompatible with the public interest, whether the estimates of immigration quotas, prepared by the Secretaries of State, Commerce, and Labor under section 11 of the act approved May 26, 1924, which were transmitted to the Senate by the President, together with two letters of the said Secretaries, on January 3 and 10, 1927, are in process of revision or improvement, and when in the latter case new figures will reach the Congress, accompanied by adequate and detailed explanation of the method of computation, or otherwise.

Mr. REED of Pennsylvania. I see no objection to that.

Mr. WILLIS. That is all right.

The VICE PRESIDENT. Without objection, the resolution as modified is agreed to.

MISSOURI RIVER BRIDGES

Mr. HAWES. Mr. President, this morning there were reported from the Committee on Commerce two bridge bills, being House bill 5501 and House bill 5502. As I have said, they have been favorably reported; there is no objection to them, and I ask unanimous consent for their present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5501) authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.

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

Mr. HAWES. I now ask unanimous consent for the consideration of the other bill mentioned by me, being House bill 5502.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5502) authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near Washington, Franklin County, Mo.

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

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The Senate will proceed with the consideration of unobjected bills on the calendar.

VAN DORN IRON WORKS CO.

The bill (S. 624) for the relief of the Van Dorn Iron Works Co. was announced as first in order.

Mr. KING. Mr. President, when this bill came up the other day an explanation was asked for and the bill went over, as I recall, on the objection of the Senator from Washington [Mr. JONES] pending the receipt of certain information.

Mr. WILLIS. Mr. President, when the bill was before the Senate on a former occasion the Senator from Washington [Mr. JONES] desired very properly certain information which I have not as yet been able to obtain. I do not want to have the bill considered until I have that information. So I ask that it may be passed over.

The VICE PRESIDENT. The bill will be passed over.

ESTATE OF GEORGE B. SPEARIN

The bill (S. 1678) for the relief of the estate of George B. Spearin, deceased, was announced as next in order.

The VICE PRESIDENT. This bill was considered on January 14 and amended.

Mr. KING. I should like to have an explanation of the bill.

Mr. MOSES. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

LAND IN HERNANDO COUNTY, FLA.

The joint resolution (S. J. Res. 20) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes, was announced as next in order.

Mr. FLETCHER. Mr. President, as the matter referred to in the joint resolution is receiving further consideration, and I have introduced another joint resolution which has been referred to the committee, and I think probably will be acted on favorably by the committee, I think the joint resolution the title of which has just been read had better be placed on the calendar under Rule IX, and I ask that that order be made.

The VICE PRESIDENT. The joint resolution will be placed on the calendar under Rule IX.

STATE AND FEDERAL COOPERATION IN NAMING HIGHWAYS

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as next in order.

Mr. BRUCE. I ask that the bill go over.

Mr. BLAINE. Mr. President, I have no objection to the present consideration of the bill if it may be discussed and defeated.

Mr. FESS. The Senator from Maryland has asked that the bill go over.

Mr. BLAINE. Very well.

The VICE PRESIDENT. The bill will be passed over.

EXTENSIONS OF TIME UNDER OIL AND GAS PERMITS

The bill (S. 1155) to grant extensions of time under oil and gas permits was announced as next in order.

Mr. HAYDEN. Mr. President——

Mr. SMOOT. I understand that there is on the calendar a House bill dealing with the same subject.

Mr. HAYDEN. There is on the calendar a House bill which has been favorably reported to the Senate.

Mr. SMOOT. There is no need of passing the Senate bill, then. The Senator can ask to have the House bill substituted.

Mr. HAYDEN. I ask to substitute H. R. 5783, Order of Business No. 321.

Mr. LA FOLLETTE. Mr. President, before consent is given for the consideration of this bill, I should like to have an explanation of it. Will the Senator from Arizona explain the bill?

Mr. HAYDEN. I shall be very glad to do so. My desire is to substitute for the Senate bill 1155 House bill 5783, which appears upon the calendar, favorably reported to the Senate, as Order of Business No. 321.

The House bill as it passed the House and the Senate bill as reported to the Senate are identical. The Senate Committee on Public Lands and Surveys have amended the House bill to provide that——

Mr. LA FOLLETTE. Mr. President, if the Senator will yield, I am not objecting to the substitution. What I am asking the Senator to do is to explain the purpose of the bill.

Mr. HAYDEN. The purpose of the bill is to authorize the Secretary of the Interior to grant extensions of time to those who have been engaged in good faith in prospecting for oil and gas upon the public domain when the period of time within which they might discover oil has elapsed without its discovery. The Secretary of the Interior, upon a proper showing, would be authorized to grant a further extension of time to those who have theretofore secured prospecting permits.

Mr. LA FOLLETTE. It seems to me this is legislation of a pretty far-reaching character, and I feel constrained to object to its consideration.

Mr. SMOOT. Mr. President, I hope the Senator will not object. I just want to say a word on the subject.

Mr. LA FOLLETTE. I will withhold my objection for that purpose.

The VICE PRESIDENT. Without objection, the House bill is substituted for the Senate bill.

Mr. SMOOT. The decision as to whether or not the extension will be granted is entirely in the hands of the Secretary

of the Interior. I will say to the Senator that there are a few cases where men have spent, under the leasing act, hundreds of thousands of dollars, and the time is about to elapse. I know one or two such cases where they are down over 3,000 feet. It seems to me it would be unjust to say to those men, who have been diligent, and have spent hundreds of thousands of dollars to drill a well deeper than 3,000 feet, and are perfectly willing to continue to try to develop an oil section there, that that amount of money which they have expended must be thrown away. This bill simply says to the Secretary of the Interior, "If, in your opinion, that lease should be extended, you have the authority under this bill to extend it."

Mr. LA FOLLETTE. Mr. President, as the Senator puts the case of a specific instance in which certain facts are supposed to exist, it appeals to any one as being just.

Mr. SMOOT. There are other cases of the same kind.

Mr. LA FOLLETTE. Nevertheless, this bill is drawn in general terms, and permits the Secretary of the Interior to extend these permits not only for the period of two years but for such additional period or periods as he may deem reasonable or necessary. I feel that that is granting very large authority to the Secretary of the Interior; and, upon such information as I now have, I feel constrained to object to its consideration.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ASHURST. Mr. President, if the Senator from Wisconsin conceived the purpose of the bill I am sure he would withdraw his objection.

Mr. LA FOLLETTE. Up to this moment I have not been able to see the necessity for making a sweeping change in the existing law, and I shall have to insist upon the objection.

Mr. HAYDEN. Mr. President, will the Senator——

The PRESIDENT pro tempore. The Senator from Wisconsin maintains his objection, and the bill will be passed over.

Mr. ASHURST. Mr. President, as I was about to say, that if the Senator from Wisconsin had not misconceived the purpose of the bill he would not have objected. Some of us will try to make that purpose somewhat obvious. This bill is to facilitate the prospector who by his courage and labor will bring new supplies of oil and gas within reach of the consumer. This bill would also give to those who seek to develop new deposits or new supplies of oil and gas assurance that they shall have reasonable and necessary time within which to commence or to continue drilling operations.

Mr. BRATTON. Mr. President, will the Senator from Wisconsin withhold his objection until I supplement what the Senator from Arizona has said with just a word?

Under existing law, the period of exploration is a fixed one. It expires, and under existing law there is no power whereby that period may be extended. The result is that a permittee, in determining what his investment shall be and how far he shall go, is confronted with the uncertainty that he may prospect in good faith, he may expend a large sum of money in connection with it, and yet if he fails to discover oil within the period of two years his rights terminate and he must needs lose his entire investment.

Under existing law a prospector must discover oil within two years or his right terminates. He is compelled, in making his investment and in doing exploration work, to go forward with the knowledge that at the end of that period his entire outlay will be lost unless he has discovered oil and is in position to take a lease. That, of necessity, depresses exploration for oil and gas on the public domain.

This bill will give a permittee the assurance that if he proceeds in good faith during the two-year period, invests his money, and does the work required by law he will not necessarily lose the investment upon the expiration of the period if he can convince the Secretary of the Interior that he has proceeded in good faith and has endeavored to comply with the law.

Under the bill now before the Senate the Secretary of the Interior, upon a proper showing, could give the permittee additional time in which to develop the property. Obviously, that assurance will tend to inspire exploration rather than to depress it, as existing law does. The enactment of this bill into law is of immense value to the public generally and the public-land States. It is a splendid piece of legislation. I hope that upon the explanations which have been made the Senator from Wisconsin will see fit to withdraw his objection and allow the bill to pass.

Mr. LA FOLLETTE. Mr. President, it is a matter of great regret to me to be in the position of objecting to legislation which is sponsored and supported by the Senator from New Mexico and the Senators from Arizona and the Senator from Utah. Nevertheless, I feel constrained to object.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. LA FOLLETTE. If the Chair will permit me a very small portion of the time which has been had by others, I simply desire to say that it seems to me this is legislation of a sweeping character. It is not relief legislation, in that it is in broad, general terms; and, pending such time as it will take me to look into the matter, I feel constrained to insist upon my objection.

Mr. ASHURST. I thank the Senator; but at this juncture I ask the Secretary to read a letter addressed to my colleague the junior Senator from Arizona [Mr. HAYDEN] by the Secretary of the Interior indorsing this bill.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Chief Clerk read as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 20, 1928.

Hon. CARL HAYDEN,
United States Senate.

MY DEAR SENATOR HAYDEN: December 27, 1927, this department advised that it had no objection to the enactment of H. R. 5783, a bill to grant extensions of time on oil and gas permits for two years, in the discretion of the Secretary of the Interior. You now ask whether this department would object to the following amendment which is proposed to be offered to the bill: "or for such additional period or periods as he may deem reasonable or necessary for the full exploration of the land described in the permit."

The bill as amended would still leave the granting of extensions discretionary with the Secretary, but would permit of extensions in that discretion beyond the period of two years originally specified in the bill.

Such general authority is contained in the act of Congress approved March 3, 1927 (44 Stat. 1348), relating to Executive order Indian reservations, and if Congress desires to give the Secretary this discretionary authority, I have no objection to interpose to the amendment.

Very truly yours,

HUBERT WORK.

Mr. ASHURST. Mr. President, I do not wish to trespass on the rule, so I take it I am not in order until another bill is under consideration.

The PRESIDENT pro tempore. The Senator is quite right. The Secretary will state the next bill on the calendar.

HORACE A. CHOUMARD

The bill (S. 511) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. KING. Let that go over.

Mr. ASHURST. I shall have to wait, then, until another bill is laid before the Senate.

AGRICULTURAL EXTENSION WORK

The bill (S. 1285) 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. ASHURST. Mr. President, if I may claim the floor again.

The PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. ASHURST. Take, for example, the State of Arizona, which at this time is not producing oil or gas in large commercial quantities; we hope to do so, and our prospectors and developers require reasonable encouragement. The citizens of Arizona are now being severely penalized and mulcted by oil monopolists, who have recently fixed the price of gasoline higher in Arizona than in any other State of the Union; and if the local dealers in gasoline presume, forsooth, to sell gasoline to consumers at a lower price than the price fixed by the monopolists, or the combination, then such local dealers are arbitrarily cut off from the privilege and right to buy gasoline. The situation in Arizona is so acute and the conditions have been so unjust that I have introduced a resolution, which is now before the Senate Committee on Interstate Commerce, demanding an investigation of the oppressions which these oil monopolists by this combine are imposing upon the people of Arizona.

Many persons believe that under portions of the surface in Arizona, New Mexico, and other States are vast quantities of oil and gas, which the Creator, for the delectation of His children, has placed there. It is not always easy to enlist the

requisite capital, as capital is proverbially timid. Capital follows the prospector, and this bill would encourage the prospector.

The only way in which to meet a monopolist is to reduce his price, and when new deposits of oil are brought in we should expect the price to be reduced.

This bill has had the careful consideration of my colleague [Mr. HAYDEN], who for years served on the Public Lands Committee of the House. This bill has been carefully investigated by the House committee and has passed the House of Representatives. This bill is sponsored by Arizona's Representative in Congress [Mr. DOUGLAS], and no more able or sagacious man was ever in Congress.

I ask the Senator to withdraw his opposition.

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

Mr. ASHURST. I yield.

Mr. McMASTER. I want to ask just a question. I am very much interested in this bill, and would like to hear some further explanation with regard to it. But the arguments advanced by the distinguished Senator from Arizona hardly bear upon this measure. If there should be discovered in the Senator's State the greatest gusher of oil that was ever known in the country, it would not affect the price of oil one cent.

Mr. ASHURST. Does the Senator intend to print that statement? I can not argue with a man who talks that way; we are so far apart we do not conflict.

Mr. McMASTER. If the Senator can not argue with the Senator upon that proposition, if he will examine the report made by the Federal Trade Commission in 1923——

Mr. ASHURST. Do not talk to me about the Federal Trade Commission. I am in no humor to hear anything about it.

Mr. McMASTER. There is no use talking to the Senator about anything, then. Let his bill go over.

The PRESIDENT pro tempore. The bill has gone over. The clerk will report the first amendment to Senate bill 1285.

Mr. BAYARD. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. McNARY. Mr. President, I will ask the Senator from Delaware to bear with me for a moment.

This bill was introduced by the Senator from Kansas [Mr. CAPPER], who is absent from the Chamber at the present time. It is simply to carry into effect and accentuate and augment the Smith-Lever Act. It would take care of county agents and home-demonstration agents throughout the country. A general demand has been made for the bill, a hearing was held by the Committee on Agriculture and Forestry, it has the indorsement of all the farm organizations in the country, and nearly all of the States, acting through their county agents and county courts, have asked for the extension of the Smith-Lever Act, which is embodied in the measure to which the Senator has now objected. The committee had extensive hearings on it and reported it favorably, unanimously, and I really would like to see the bill enacted into law, on behalf of the agriculture of the country.

Mr. BAYARD. This is a very important bill, I agree. It calls for the expenditure of a great deal of money, and I would like to have further opportunity to consider it.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PRACTICE AND PROCEDURE IN FEDERAL COURTS

The bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. Let that go over.

Mr. CARAWAY. Just a minute. Is it the purpose of the Senator from Pennsylvania to object to any consideration of the measure?

Mr. REED of Pennsylvania. Under the five-minute rule; yes.

Mr. CARAWAY. The Senator is conscious of the fact that that is the only way we can get consideration of it. The bill was reported by the Committee on the Judiciary unanimously, and nobody objects to it who has had any experience in the Federal courts except those representing corporations, and now does the Senator propose to stand here perpetually objecting to consideration?

Mr. REED of Pennsylvania. No; but it is my purpose to object to the consideration of the bill when we are working on unobjected bills, as we are at this time.

Mr. CARAWAY. That is just what I want to know, whether it will be the policy of the Senator to object all the time.

Mr. REED of Pennsylvania. I am not going to try to filibuster against the Senator's bill——

Mr. CARAWAY. I am not talking about filibustering.

Mr. REED of Pennsylvania. Will not the Senator listen to me when he asks me a question? This bill is objected to by the American Bar Association——

Mr. CARAWAY. I want to correct the Senator. That is incorrect. The executive committee objected to it, but the Bar Association never had a vote on it. They tried to get one and could not do it.

Mr. REED of Pennsylvania. It has been objected to by a great throng of lawyers who are familiar with Federal court practice, who object to the judge being reduced to a mere puppet, as they think this will reduce him. They think the bill is very bad policy, and I think it should not be passed until the Senate knows what it is doing.

Mr. CARAWAY. The Senator himself, on the floor of the Senate, amended it, and the Senate passed it at one time in the language in which it is now before the Senate.

Mr. REED of Pennsylvania. I did not remember that that happened. I will look that up.

Mr. CARAWAY. The Senator offered an amendment, and the Senate accepted that amendment, and we passed the bill as amended without objection, without a single vote against it.

Mr. REED of Pennsylvania. I do not think it ought to be passed now.

Mr. CARAWAY. That is just what I want to know. The Senator can be powerfully effective, when one objection can kill legislation, and I just want to know if that is to be his policy.

Mr. REED of Pennsylvania. This morning that is my policy.

Mr. CARAWAY. It is to be every time the bill is up?

Mr. REED of Pennsylvania. I reserve the right to change my attitude on it after I have had a chance to look into it.

Mr. CARAWAY. The Senator one time approved it in this language.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

LOUISE A. WOOD

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF NAVAL RESERVE OFFICERS

The bill (S. 150) for the relief of former officers of the United States Naval Reserve force and the United States Marine Corps Reserve, who were erroneously released from active duty and disenrolled at places other than their homes or places of enrollment, was announced as next in order.

Mr. KING. Mr. President, I will be very glad to have my friend from California make an explanation of this bill, because I confess that from a casual reading there is not made quite clear the extent to which it would go or what the costs would be to the Government.

Mr. SHORTRIDGE. Mr. President, I shall ask that the bill may go over until we receive some information from the department, when I hope that the bill may be passed.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 459) for the relief of the city of New York was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

MORGAN MILLER

The bill (S. 2737) for the relief of Morgan Miller was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. BLEASE. I would like to have the bill passed, if there is no special objection. The Senator who introduced the bill is temporarily out of the Chamber.

Mr. KING. I make the request that it be temporarily laid aside until he shall return to the Chamber.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. FERRIS subsequently said: Mr. President, some one made objection to the consideration of Senate bill 2737, and I would like to know what the objection is.

The PRESIDENT pro tempore. Is there objection to recurring to Calendar No. 132, Senate bill 2737? The Chair hears none, and the Senator from Michigan is recognized.

Mr. JONES. Mr. President, I would like to have an explanation of this measure.

Mr. SMOOT. I would like to have the Senator from Michigan make a statement in regard to the bill. I have not had time to read the report.

Mr. FERRIS. Mr. President, the explanation lies in the report, it seems to me. If I remember correctly, a similar bill was passed in the Sixty-ninth Congress. It has been recommended by the committee that it be passed without amendment. I do not see any objection to it. I do not understand what objection can be raised to it.

Mr. SHORTRIDGE. What is the relief sought, in a word—not a speech, but just a word?

Mr. FERRIS. The report states that—

> The claimant, Morgan Miller, sustained injuries on February 3, 1920, while standing in the safety zone waiting for a street car at the corner of Fort Street west and Artillery Avenue, in the city of Detroit, Mich., by being struck by a United States mail truck, which was running at a rapid rate of speed and without lights, it being 6 o'clock and 10 minutes a. m. and quite dark. Mr. Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn. He was in the hospital about five days and was confined to his bed for three months.
>
> The facts are fully set forth in the following affidavits, which are appended hereto and made a part of this report.

Mr. SMOOT. Mr. President, the rule observed by the Senate, as well as the House, for years in relation to such claims for injury on account of accident, as affecting Government employees, was that the claims were never allowed for more than the salary which the injured person would draw from the Government during the year. I do not know Mr. Miller, and I do not know whether he was earning $3,000 a year or not. I do not think that a man outside the Government service struck by an automobile ought to have better treatment than an employee of the Government who may have received exactly the same injury. Does the Senator know Mr. Miller?

Mr. FERRIS. No; I am not personally acquainted with him.

Mr. SMOOT. Does the Senator think he was earning $3,000 a year?

Mr. FERRIS. I accept fully the statements made in the affidavits.

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

Mr. FERRIS. I yield.

Mr. ROBINSON of Arkansas. I suggest to the Senator from Utah that that was a matter for the consideration of the committee which reported the bill. The fact that the committee has reported the bill makes a prima facie case.

Mr. SMOOT. The committee may not have taken that into consideration.

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

Mr. FERRIS. I yield.

Mr. CARAWAY. The rule the Senator from Utah mentions no longer prevails about paying employees a year's salary. They are now compensated under an act which gives them a great deal more than that. The rule since I have been a member of the Committee on Claims is to allow really less than one would be likely to recover in a court, but somewhat approximating the extent of the injuries. The proof shows what was the probable reasonable compensation for the injury received. It is very much less than many other claims for injuries which have gone through the committee and have gone through the Senate since I have been a Member of this body and of the committee.

The PRESIDENT pro tempore. Does the Senator from Utah maintain his objection?

Mr. CARAWAY. I hope the Senator will not do so.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Michigan permit me to ask a question of the Senator from Arkansas about the bill?

Mr. FERRIS. Certainly.

Mr. REED of Pennsylvania. I would like to ask the Senator from Arkansas why the bill includes statements like this:

> Said Morgan Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn.

Then it contains the further statement:

> He was in the hospital about five days and was confined to his bed for three months, and as a result of the accident became almost totally incapacitated and has been since that time dependent upon relatives and friends for support.

That is not legislation; it is a recital of facts. Why does that language appear in the bill itself and not in the report?

Mr. CARAWAY. I am sure I do not know why. Of course, it is a pleading of the evidence. I am not recommending the bill for a model of bills of this kind; but since it contains the information that $3,000 is to be paid to Morgan Miller for an unjustifiable injury which he suffered, and that sum was thought to be reasonable, therefore I thought we would not quibble about the language. I would not have drawn it in that form.

Mr. REED of Pennsylvania. Does not the Senator think we ought to quibble about the language? This is going into the statutes to be there for a considerable time.

Mr. CARAWAY. If we were to appoint a committee on style for the statutes it would be the busiest committee the Senate has ever had. There are bills among those which I introduce which would need revision, and I rarely see one introduced by others that I could not improve on. I hardly believe the Government of the United States can afford to say that while this man had this injury, yet we are not going to pay him because the bill was inelegantly drawn.

Mr. REED of Pennsylvania. If that is the only alternative which occurs to the Senator I am going to suggest another one by proposing to amend the bill by striking out all of the unnecessary language.

Mr. CARAWAY. That will suit us. If the Senator from Utah will not object, we can strike out the language which has been called to our attention by the Senator from Pennsylvania.

Mr. SMOOT. Mr. President, from what the chairman of the Committee on Pensions of the House advised me yesterday I do not think there could be any danger in allowing it to pass the Senate in any form. I will withdraw my objection. I do want to say, however, that it does seem to me useless to keep on passing these bills year in and year out, flooding the committee of the House with bills when they never report them out. We ought, it seems to me, to reach some kind of rule like the House has reached as to these claims. Bills come here year after year and year after year, some of them I know have been here 10 years and have been passed eight or nine times, and yet they will never be considered in the House. It is simply an expense brought on the Government unnecessarily.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Pennsylvania. I move to amend the bill by striking out lines 7 and 8, and in line 9, the words "the city of Detroit, Mich.," as follows:

> While standing in the safety zone waiting for a street car at the corner of Fort Street west and Artillery Avenue, in the city of Detroit, Mich.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I now move to strike out all in line 10, page 1, after the word "truck," and all on page 2.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, in line 10, after the word "truck," strike out the following language: "which was running at a rapid rate of speed and without lights, it being 6 o'clock and 10 minutes a. m. and quite dark. Said Morgan Miller's head was badly injured, left shoulder and hip greatly bruised, right knee and ankle wrenched quite severely, and the ligaments badly torn. He was in the hospital about five days and was confined to his bed for three months, and as a result of the accident became almost totally incapacitated and has been since that time dependent upon relatives and friends for support," 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, out of any money in the Treasury not otherwise appropriated, to Morgan Miller, the sum of $3,000 for injuries sustained on February 3, 1920, by being struck by a United States mail truck.

The PRESIDENT pro tempore. Without objection, the amendment is 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.

SUBMARINE "S-4"

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S-4* was announced as next in order.

SEVERAL SENATORS. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 1939) 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. KING. Mr. President, I promised the able Senator from Indiana [Mr. ROBINSON] that I would examine the report. I have nearly completed the examination and will have done so during the day; and if to-morrow, or the next calendar day, he will ask to have the bill taken up, I shall not object.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

The bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

Mr. KING. The same applies to that bill, and I will ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

REGISTRATION OF ARCHITECTS IN THE DISTRICT OF COLUMBIA

The bill (S. 2660) 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, was announced as next in order.

Mr. SMOOT. The Senator reporting the bill is not present, and I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

SEPARATION OF RACES IN DISTRICT STREET RAILWAY CARS

The bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia, was announced as next in order.

The PRESIDENT pro tempore. That bill has been adversely reported and will be indefinitely postponed.

Mr. BLEASE subsequently said: Mr. President, what was done with Calendar 171, the bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia?

The PRESIDENT pro tempore. It was indefinitely postponed under an adverse report by the committee.

Mr. BLEASE. I ask that that motion be reconsidered and the bill again placed on the calendar.

The PRESIDENT pro tempore. The Senator from South Carolina asks unanimous consent to reconsider the vote by which the bill was indefinitely postponed and that it remain on the calendar. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the next bill on the calendar.

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

Mr. SHORTRIDGE. Mr. President, I hope the Senator will withdraw that suggestion.

Mr. BLEASE. No; I will not. I was perfectly willing to have the bill to go over, but I certainly object to having an adverse report adopted in my absence. I had stepped out of the Chamber for just a moment and the unfavorable report was adopted in my absence.

Mr. REED of Pennsylvania. The Senator's bill has been reinstated on the calendar.

Mr. BLEASE. I do not so understand it.

The PRESIDENT pro tempore. The bill has been placed back on the calendar. Calendar No. 171, the bill to which the Senator from South Carolina refers, retains its place on the calendar.

Mr. BLEASE. Very well. I withdraw the point of no quorum.

Mr. BLEASE subsequently said: I propose an amendment to Senate bill 781, which I ask may be read, printed, and lie on the table.

The amendment intended to be proposed by Mr. BLEASE was read, ordered to be printed, and lie on the table, as follows:

Add, at the end of the bill, the words: "*Provided*, That in case where a white person desires to ride with a negro, and the negro does not object, that the white person, upon request, be allowed by the person in charge of the car to ride with the negro."

BILLS PASSED OVER

Mr. SHORTRIDGE. Mr. President, there are three bills on the calendar, Nos. 175, 176, and 184, which I am not ready to take up this morning. I ask that they may go over, but remain on the calendar.

The PRESIDENT pro tempore. The titles of the bills will be stated.

The CHIEF CLERK. The bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army; the bill (S. 2053) to establish a military record for Daniel P. Tafe; and the bill (S. 141) for the relief of Felix Medler.

The PRESIDENT pro tempore. Those numbers will go over at the request of the Senator from California. The clerk will state the next bill on the calendar.

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BLACK subsequently said: Mr. President, I would like to ask that we recur to Calendar No. 181 and that it be considered at this time.

Mr. SMOOT. I still object to its consideration at this time.

The PRESIDENT pro tempore. The Senator from Utah maintains his objection.

The bill (S. 2335) for the relief of the National Surety Co. was announced as next in order.

Mr. KING. Mr. President, this is a very small amount, but there may be a principle involved. I should be very glad to understand the reason why, if a surety company bonded the postmaster and paid under the bond, it should be reimbursed. The reasons may be very persuasive.

The PRESIDENT pro tempore. The Chair will suggest to the Senator that neither the author of the bill nor the Senator who reported it from the Committee on Claims is present.

Mr. KING. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7553) for the relief of James Neal was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF IMMIGRATION ACT OF 1917

The bill (S. 2370) to amend section 24 of the immigration act of 1917 was announced as next in order.

Mr. REED of Pennsylvania. Mr. President, certain objections were made to this bill when it was last reached on the call of the calendar. To correct those objections I desire to offer a few amendments and I ask Senators to withhold their objection to it until we do so. Of course, objection can be made at any time before the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Pennsylvania. I send to the desk the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 5, to strike out the word "six" and insert in lieu thereof the word "five," so as to read:

Immigrant inspectors shall be divided into five grades.

Mr. KING. I have not yet consented to the consideration of the bill.

The PRESIDENT pro tempore. The Chair will say to the Senator from Utah that objection may be interposed at any time, even after the bill has been perfected by amendment. Without objection, the amendment of the Senator from Pennsylvania is agreed to.

Mr. REED of Pennsylvania. I offer the amendment which I now send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 8, strike out the words "grade 6, at such higher salaries as the Secretary of Labor may deem advisable."

Mr. SMOOT. Mr. President, I would like to ask the Senator having the bill in charge if, in assigning the immigration inspectors and the other employees as provided in the bill to certain grades under the present law, we will be increasing their salaries.

Mr. REED of Pennsylvania. It will result in an increase in the total.

Mr. SMOOT. To what extent?

Mr. REED of Pennsylvania. It is shown on the last page of the report, page 6, 834 inspectors, but in no case does the increase exceed $300 a year, and in most cases it is much less than that.

Mr. SMOOT. It increases the amount by $147,000.

Mr. REED of Pennsylvania. That is the maximum. It would not attain that amount, but that is the maximum if every inspector were given the maximum promotion in the discretion of the department.

If the Senator will permit me to have the amendments made, I can then in a word explain the effect of the bill as amended, and I beg him to let me do that now, as he can object at any time later to the consideration of the bill.

Mr. KING. Mr. President, when the Senator is making the explanation just suggested, I would be very glad if he would explain the reason why we should legislate as herein provided. We enacted a classification law a number of years ago which was supposed to incorporate within it all or substantially all of the civil-service employees of the Government. If we pass a classification act to deal with employees of the Government, it does seem to me it is unwise by a stepladder process to amend that law, because we can not tell what the result will be. We shall be called upon to make changes in that classification every time some person feels that he is a little better qualified than somebody else and that he should have an increase in his salary.

Mr. REED of Pennsylvania. The Senator made that point very forcefully the last time the bill was called for consideration and I think I can answer it. But may we not have the amendments first agreed to?

Mr. KING. Let the pending amendment be stated.

The PRESIDENT pro tempore. The pending amendment will be stated.

The CHIEF CLERK. In lines 8 and 9, page 1, strike out the words "grade 6, at such higher salaries as the Secretary of Labor may deem advisable."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. SMOOT. The Senator is not appointing any of them in grade 6?

Mr. REED of Pennsylvania. There will be no grade 6. In line 5, by an amendment just agreed to a few moments ago, we have changed the word "six" to "five."

Mr. SMOOT. We are in hopes of having a survey of all employees of the Government in the field service outside of the District of Columbia. It does seem to me that this legislation is going to hamper a clean-cut report when that work is finally accomplished.

Mr. REED of Pennsylvania. Will the Senator withhold his suggestion just a moment and let us discuss it a moment later? If we get the amendments made the Senator will see that the proposition is much more moderate than as stated in the bill.

Mr. SMOOT. I have no objection to the pending amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I now offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 10, strike out the word "grade" and insert in lieu thereof the words "grades 2 and," so it will read: "Inspectors shall be promoted successively to grades 2 and 3," and so forth.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 6, strike out the numeral "5" and insert in lieu thereof the numeral "3."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I offer another amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 2, line 11, after the word "another," insert the words "in a foreign country," so as to make the bill read:

Be it enacted, etc., That section 24 of the immigration act of 1917 is hereby amended by adding the following at the end of the section: "Immigrant inspectors shall be divided into five grades, as follows: Grade 1, salary $2,100; grade 2, salary $2,300; grade 3, salary $2,500; grade 4, salary $2,700; grade 5, salary $3,000; and hereafter, inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following one years's satisfactory service (determined by a standard of efficiency which is to be defined by the Commissioner General of Immigration, with the approval of the Secretary of Labor) in the next lower grade; not to exceed 50 per cent of the force to grades 4 and 5 for meritorious service after no less than one year's service in grades 3 and 4, respectively: *Provided further*, That promotion above grade 3 shall be at the discretion of the Secretary of Labor, upon the recommendation of the Commissioner General of Immigration: *Provided further*, That when inspectors or other employees of the Immigration Service are ordered to perform duty in a foreign country, or transferred from one station to another in a foreign country, they shall be allowed their traveling expenses in accordance with such regulations as the Secretary of Labor may deem advisable, and they may also be allowed, within the discretion and under written orders of the Secretary of Labor, the expenses incurred for the transfer of their wives and dependent minor children; their household effects and other personal property, not exceeding in all 5,000 pounds, including the expenses for packing, crating, freight, and drayage thereof: *Provided further*, That the appropriation of such sum as may be necessary for the enforcement of this act is hereby authorized."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. Mr. President, if the Senate will permit me, I should like in less than five minutes to make an explanation of this measure.

Mr. KING. Mr. President, before that is done, I wish to offer an amendment to the amendment just stated, since I understand its significance, unless the Senator in his explanation will show that there is a limitation. To allow expenses without limitation and without restriction, it seems to me, would be unwise and quite improvident.

Mr. REED of Pennsylvania. The provision follows the language providing allowance for expenses of transportation in the Army, which limits the number of pounds that may be transported. As the Senator will see, in line 18, page 2, the weight of household effects which may be transported is limited by that provision. It is difficult to put in a money limitation, because the transfer is sometimes expensive. The purpose of the last amendment was to make sure that traveling expenses should be allowed only in cases of transfer in foreign stations and not be allowed for travel within this country. That question had been raised and we wanted to make it plain.

Now, if Senators will look at pages 2 and 3 of the report they will see a picture which shows the whole necessity for this bill. These inspectors are really charged with duties calling for high skill and great discretion. In most cases they are required to speak more than one language. In the New York office some of them speak a half dozen or more languages.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Maryland?

Mr. REED of Pennsylvania. I yield.

Mr. BRUCE. For information, I should like to ask whether these immigrant inspectors are appointed under the Federal civil service law?

Mr. REED of Pennsylvania. Yes, Mr. President, they are. Their duties correspond in exactingness with those of inspectors who are employed by the Post Office Department and the special

agents of the Department of Justice. Upholding the immigration restriction laws of the United States depends on the fidelity of these men.

The examination of the incoming immigrants must be made with the utmost skill, intelligence, and tact. We call on these men not only for that kind of ability but we call on them to work long hours overtime. When ships come in on Sundays we call on them to work on Sunday, and there is no provision of which I know that gives them any allowance for such overtime.

Now, if Senators will look at pages 2 and 3 of the report they will see what these men get for that work. The average post-office inspector gets $3,700 per year; the average special agent of the Department of Justice gets $3,200 a year; the average internal-revenue inspector gets $2,966 a year; the average prohibition investigator gets $2,300 a year; the average examiner and special agent in the customs service gets $2,200 a year; but in the Immigration Service, which guards America against the greatest menace that confronts it—much worse than the cheating of the customs or the theft of mail or the evils against which the other inspectors protect us—the average inspector of immigrants in the Immigration Service gets only $2,130 a year. The senior patrol inspectors get $1,921 a year, the ordinary patrol inspectors get only $1,739 a year, but we call on those men for a much higher quality of service, in my opinion, than any of the other inspectors in the other departments are called upon to perform.

They are not in the classified service, to answer the junior Senator from Utah [Mr. KING], because they are in the field service. I understand they can be put in the classified service by an order of the President, but that has not been done in this case, as I understand that it has not been done in the case of practically all other employees in the field service. If they were in the classified service, I agree with the Senator from Utah, it would be unwise to amend the law piecemeal, but as they are not in that service and as they are wholly dependent upon just such legislation as this for adequate pay, and as they never have had an adequate increase since the increase in the cost of living brought about by the World War, it seems to me that they deserve this increase more than does almost any other class of Government employees.

Mr. KING. Mr. President, I was about to ask the Senator from Pennsylvania, with his permission, why could we not place these employees by legislation, if legislation is required, under the classified service or relegate them to the provisions of that act?

Mr. REED of Pennsylvania. If we did that, as a practical matter, I understand that the men who would get an advantage out of it would be principally the seniors and the higher classes that are getting greater pay now than the men at the bottom; the ordinary immigration inspector would get no benefit at all out of that; and if we are going to do it for one, as in this case, we ought to do it for all; and it would have the effect of reducing the salaries to a very great extent if we did it for all.

Mr. KING. Mr. President, may I observe, in the Senator's time, that the classification act, in my opinion, is too considerate of the "higher ups," if I may be permitted that expression. It looks as though they dictated the classification act, and they have gotten too much, but some of the subordinates, down at the foot of the ladder, oftentimes have not had sufficient.

Mr. REED of Pennsylvania. That is just the trouble here.

Mr. KING. But the Senator knows that this is bad legislation and its effect is going to be bad; it is going to encourage other governmental agencies and their personnel to appeal for the rectification of what they conceive to be disadvantages and disparities that exist in their cases.

Mr. REED of Pennsylvania. I would agree with that if the bill brought these men above any other class of inspectors, but it only brings them up to the lowest corresponding class in any other department.

Mr. SMOOT. Mr. President, in my opinion this is not the way to reach the difficulty. The Senator will remember, I think, that either two or three years ago we provided in the appropriation bill for an increase in the compensation of these employees. I pleaded then for a greater appropriation to take care of these employees, they not being in the classified service. I would a hundred times prefer to provide for them in an appropriation bill and secure what we originally endeavored to secure than now to enact this character of legislation. It will have the effect of upsetting that whole program.

I will say to the Senator from Pennsylvania that I am perfectly willing to try again to increase the appropriation for these employees in the appropriation bill. It ought to be done; the discrepancy was only half corrected when we made the additional appropriation two years ago, as I recall, although it may have been three years ago. However, I am hopeful that it will not be very long until all of the employees outside of those in the District of Columbia shall be classified exactly as are all employees in the District, and when that is done even the group covered by the pending bill will fall under the classification act. I am quite sure that under that method of procedure they would receive higher salaries than they are drawing to-day.

I agree with every word the Senator from Pennsylvania has said as to the work these men are called upon to perform, as to the intelligence required of them, and the extreme hard work that is placed upon them, especially those in the lower grades. Anybody who will go to New York and visit the receiving room and see how they have to work there will realize that their duties are arduous. I want to say right now that there is no place in the United States where employees are called upon to labor harder than they are there. Not only that, but they are called upon to work overtime, day and night, whenever there is a call for their services. But I repeat this is not the way to legislate. If we pass this bill, it is going to return to plague us when we try to do the proper thing by all of the employees concerned.

Mr. REED of Pennsylvania. The Senator will see that this bill merely brings these employees up to the lowest corresponding pay of other inspectors.

Mr. SMOOT. On page 2 of the bill, beginning in line 5, I call the Senator's attention to the clause—

> That promotion above grade 3 shall be at the discretion of the Secretary of Labor—

And so forth.

If we shall enact legislation of that kind and the field service is classified, we will either have to repeal this measure, if it should become a law, or else there will be no harmony at all under the classification act.

Mr. REED of Pennsylvania. If the Senator please, that is exactly what I would hope to do—to repeal this bill in the event it shall become a law as soon as there may be accomplished a general classification of the field service. I will not offer one word of objection when that time comes to a complete repeal of what we are doing here. The Senator is exactly right. The field service ought to be classified, but, as he knows, it is not classified now, and this is just to take care of this group of inspectors until such time as that wise classification shall be made. That is all I ask.

Mr. SMOOT. Would the Senator be satisfied not to pass this bill or enact legislation on the subject at this time, but in the appropriation bill do what we did two years ago and increase the salaries of this group, in order that they may be taken care of in that way?

Mr. REED of Pennsylvania. The trouble is that the appropriation bill has passed, as the Senator knows, and has gone to the President.

Mr. SMOOT. There are a number of other appropiration bills that are coming along.

Mr. REED of Pennsylvania. We can not change the pay scales in the Labor Department, as a practical matter, by an amendment to any other appropriation bill.

Mr. SMOOT. I wish I had known that this measure was on the Calendar prior to the time when the bill making appropriations for the Department of Labor was passed.

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

The PRESIDENT pro tempore. The time of the Senator from Utah has expired, and the Senator from Wisconsin is recognized.

Mr. BLAINE. Mr. President, it is evident that this bill is going to require further consideration, and I think that it should go over. I therefore make that request.

Mr. REED of Pennsylvania. I think the bill is about to pass and I hope the Senator will not ask that it go over.

Mr. LA FOLLETTE. Mr. President, I hope my colleague will withdraw his objection. As one of those who objected to the consideration of this bill when it last came up, I should like to explain for the RECORD that my objection was to the language in line 8, which has now been amended by the Senate, because I felt that it was too broad and did not carry out the intention of the proposed act. I should like to say now that I agree with the Senator from Pennsylvania as to the necessity for the enactment of this proposed legislation, and I trust that my colleague will withdraw his objection.

The PRESIDENT pro tempore. Does the junior Senator from Wisconsin succumb to the blandishments of his colleague?

Mr. BLAINE. I do; if it is understood that all of the calendar day is not going to be consumed in discussion of this bill.

Mr. REED of Pennsylvania. I have nothing more to say.

The PRESIDENT pro tempore. If there be no further amendment, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS MOONEY

The bill (S. 134) for the relief of Francis Mooney was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. SHORTRIDGE. Mr. President, addressing myself to the Senator from Utah, I invite attention to the closing sentence of the report of the committee, and for the RECORD I read:

> Your committee feels, in view of the fact that this soldier enlisted in the United States forces three times subsequent to his recapture from the Confederates, receiving an honorable discharge each time, and that there is no definite record that he ever took an oath of allegiance to the Confederate government, that the relief requested should be granted.

But, Mr. President, Mr. Francis Mooney, brave soldier, willing to die for his country, is past all human aid; since the introduction of this bill he has sought, and I am sure will receive, his reward in heaven; in other words, he is dead. Wherefore I ask that the bill may be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, that order will be entered.

GOVERNORS OF PROVINCES IN PHILIPPINE ISLANDS

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. WILLIS. Mr. President, there is another bill which the Committee on Territories and Insular Possessions has under consideration relating to this same general theme. It is proper that this bill should go over until that bill can be considered. For that reason I ask to have it passed over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. KING. Mr. President, may I say to the Senator that when he anticipates calling up either of these bills I hope he will do me the courtesy to advise me, because I am opposed to this bill.

Mr. WILLIS. My own thought is that the bills are of enough importance to ask for a special time for their consideration. I think it not practical to consider either of them in a session of this kind.

Mr. KING. I want to say to the Senator that I intend to offer as a substitute for these bills, or one of them, a bill which grants the Filipinos independence.

Mr. WILLIS. Of course, I hope that substitute will be defeated; but it is of enough importance to warrant full discussion, and we will seek to have a day fixed for it.

BILLS AND JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. This joint resolution, being the unfinished business, will be passed over.

The bill (H. R. 3145) for the relief of Willis B. Cross was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

NONSECTARIAN CHAPEL AT ARMY MEDICAL CENTER

The bill (H. R. 6991) authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, that project will not cost the United States a cent. It is for the donation of a chapel to Walter Reed Hospital.

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

OHIO RIVER BRIDGE AT ASHLAND, KY.

The bill (S. 2731) granting the consent of Congress to the Rogers Bros. Co. to construct, maintain, and operate a bridge across the Ohio River at Ashland, Ky., was announced as next in order.

Mr. SACKETT. Mr. President, I should like to ask the substitution for this bill of House bill 5722, which has already passed the House, on the same subject.

The PRESIDENT pro tempore. Has the House bill been reported from the committee of the Senate?

Mr. SACKETT. No; but it is the same bill as the bill which is on the calendar. The House amended it slightly, in accordance with the form of the House. It is a bridge bill.

Mr. SMOOT. Is the House bill on the calendar?

Mr. SACKETT. No; the House bill is not on the calendar.

Mr. SMOOT. Has the Senator the bill there, and does he offer it as an amendment to this bill or as a substitute?

Mr. SACKETT. I have the bill here. I desire to substitute it for this bill.

The PRESIDENT pro tempore. The Chair will state, for the information of the senior Senator from Utah, that this bill is in the hands of the Committee on Commerce. Are the bills identical?

Mr. SACKETT. They are not quite identical, because the House bill was amended slightly in the House.

The PRESIDENT pro tempore. But the Senate bill was reported with amendments. Do the amendments make them identical?

Mr. SACKETT. Not quite.

Mr. SMOOT. Is the House bill in regular form?

Mr. SACKETT. The House bill is in regular form, and was reported by the House committee.

The PRESIDENT pro tempore. Without objection, the House bill will be substituted for the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5722) authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.

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

The PRESIDENT pro tempore. Without objection, Senate bill 2731 will be indefinitely postponed.

AMENDMENT OF IMMIGRATION ACT OF 1924

The bill (S. 2450) to amend the immigration act of 1924, entitled "An act to limit the immigration of aliens into the United States, and for other purposes," was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, this is the bill upon which the Members of the Senate have been hearing so much from the professors of all the colleges through the country.

The present immigration law does not permit a professor to come in unless he has been actively engaged in teaching for two years immediately preceding his entrance. The colleges find that that bars them from getting men who have been doing special research work, and professors who have left off their teaching in order to take further teaching courses, equipping themselves better for progress; and it also bars the admission of the scientists who are desired by the technical schools. They made a request for the general admission of all such scientists; but it seemed to the committee wise that we should not give them promiscuous permission to come and stay. That is the reason why we have added amendments which, in substance, will require these teachers to leave the United States when they cease to teach here, so as to prevent their coming in and using their profession merely as an excuse for permanent immigration here, without intending to continue in their profession.

With the amendments that we have offered, the bill will not make any substantial change in the effect of the law, and will be of great service to all of the universities and colleges of the country.

Mr. WILLIS. Mr. President, I desire to submit an interrogatory. I was not able to be present the day the committee considered this bill. Just what is the provision of the amendment?

Mr. REED of Pennsylvania. The amendment strikes out the words "or professor of a college, academy, seminary, or university" from that part of the bill which deals with ministers of religion. It puts the professors in a separate class, as the Senator will by page 2 of the amended bill, and limits that very definitely to those who are professional instructors who come here under a contract to teach for a definite term with a university or college which is approved by the Secretary of Labor—we do not want any imitation colleges importing people—and provides that the institution must make continuous reports to the Secretary of Labor of the employment and the termination of employment of the professor, and that if they fail to make that report their mere failure to report will cause the withdrawal of the approval under which the alien is here.

Mr. WILLIS. The Senator feels, then, that the general principle of the restrictive immigration law is sufficiently preserved and guarded as amended?

Mr. REED of Pennsylvania. I think it is even strengthened, because it requires these continuous reports to be made so that the Secretary of Labor can keep check on these people; and when the approval is withdrawn and the employment terminated they must leave the country.

Mr. WILLIS. Mr. President, I am very glad to have the Senator's statement on that point, because, frankly, I have not been very greatly impressed with the necessity for the legislation unless it is carefully restricted as the Senator indicates. I have wondered, sometimes, whether we did not have too many foreign professors in our colleges and universities anyhow. I wondered whether our college students are not going out with too much of the international viewpoint of things and too little of the American viewpoint. Personally, I wish we had more American professors and fewer foreign professors, but with the Senator's statement as to the care with which this bill has been guarded I shall not offer objections and shall support the measure.

Mr. SHORTRIDGE. Mr. President, as I understand, when the report is not made promptly the approval theretofore granted is automatically withdrawn?

Mr. REED of Pennsylvania. Absolutely.

Mr. SHORTRIDGE. Then what does the bill provide in respect of that particular professor, his wife, and unmarried children?

Mr. REED of Pennsylvania. Of course, he would be in this country illegally. He would be expected to take his departure from it, and if he did not take it it would be taken for him.

Mr. SHORTRIDGE. And that applies to all that are covered by the language of the bill?

Mr. REED of Pennsylvania. That is my understanding; and the further effect would be that the approval for that institution would be withdrawn, and they could not bring in any other professors in the future.

Mr. SHORTRIDGE. For further clearing up of the law, perhaps, the man comes in as a professor; he may bring his wife and his unmarried children under 18 years of age, "if accompanying or following to join him."

Mr. REED of Pennsylvania. That is the present law, also.

Mr. SHORTRIDGE. Precisely; and in the event that he ceases to be entitled to remain he must go, as well as all who have come with him covered by the law?

Mr. REED of Pennsylvania. That is my understanding.

Mr. SHORTRIDGE. Even though the unmarried children shall have married? Must they still go?

Mr. REED of Pennsylvania. That is my understanding.

Mr. SHORTRIDGE. Of course, if children are born here, they are citizens.

Mr. REED of Pennsylvania. They are American citizens.

Mr. SHORTRIDGE. And they are not required to depart.

Mr. REED of Pennsylvania. I am not absolutely certain as to the status of those people, and I should have to look it up. My impression is that they would have to go.

I have an amendment to offer, Mr. President, to the last committee amendment.

The PRESIDENT pro tempore. The first amendment reported by the committee has not yet been agreed to. The Secretary will read the bill.

The Chief Clerk proceeded to read the bill, which had been reported from the Committee on Immigration with amendments.

The first amendment was, on page 2, line 7, after the word "university," to insert "approved by the Secretary of Labor," so as to read:

Be it enacted, etc., That the immigration act of 1924 entitled "An act to limit the immigration of aliens into the United States, and for other purposes," be, and the same is hereby, amended as follows:

"SECTION 1. Subdivision (d) of section 4 is amended by striking out the words 'or professor of a college, academy, seminary, or university.'"

SEC. 2. There is hereby added to section 4 a new subdivision to read as follows:

"(f) An immigrant who is qualified to teach as may be by regulations defined, who seeks to enter the United States solely for the purpose of teaching in, and who shall have a written contract to teach for a definite term with, a college, academy, seminary, or university approved by the Secretary of Labor; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him."

The amendment was agreed to.

The next amendment was, on page 2, line 10, after the word "him," to insert:

Provided, That such institution of learning shall have agreed to report to the Secretary of Labor the termination of the employment of such teacher, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn.

Mr. REED of Pennsylvania. Mr. President, that language is an exact copy of the language appearing in a subsequent section of the bill with regard to the entry of foreign students; but I think we can make it even stronger by requiring them to report also the continuance of the employment as well as its termination. Therefore I suggest the amendment which I have sent to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment proposed, on page 2, line 11, after the word "the" and before the word "termination," it is proposed to insert "continuation and," so that if amended it will read:

Provided, That such institution of learning shall have agreed to report to the Secretary of Labor the continuation and termination of the employment—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. Mr. President, just one word in connection with the observations made by the able Senator from Ohio [Mr. WILLIS]. I know that he is a man of broad sympathies, and I am sure that nothing he said was intended to indicate that he believed that art and science and truth and the great geniuses who have manifested themselves in literary productions are to be confined to national lines. Art rises above boundaries and climes, and we are glad to welcome to the United States the great truths—scientific, political, and otherwise—that come from beyond the seas.

I have been glad to see some of the great scientists and great teachers and instructors from other countries come to our universities, and I am glad to see the reciprocity which exists. Many American teachers have gone to the universities and colleges and schools of the Old World, as well as some from Latin-American states. I think that those interchanges are auguries of better internationalism and a better spirit, producing amity and good will and peace throughout the world.

One of my young friends has received a scholarship and is now in Seville, Spain, learning the Spanish language, learning the art and literature of that country, which once almost dominated the world. Many of our fine young men are being educated in Oxford; they go to Heidelberg; they go to the great universities of the world and receive benefits, as students who come from other countries of the world to our universities are benefited. Moreover, Mr. President, by this interchange of views and by associations the narrow, bitter spirit which has actuated so many people, provocative of international strife, will be broken down, and a broader spirit of world unity and fellowship will unite the world together.

Mr. COPELAND. Mr. President, I find myself in full accord with the views expressed by both the Senators. It is a very interesting fact in my experience that many persons in my State who have advocated absolute restriction of immigration have indicated to me their desire to have this particular measure enacted into law. I hope there may be no hesitation on the part of the Senate and that it will be favorably acted upon.

The PRESIDENT pro tempore. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIS. Mr. President, I wish to make an observation. I did not desire to delay action upon this bill, which I have supported, nor do I desire that my position shall be misunderstood. I quite agree with the observation made by the able Senator from Utah [Mr. KING] that there are certain lines of culture and information that range far beyond national limitations; and yet I feel strongly inclined to maintain my thesis, namely, that it is of the greatest importance that the graduates from our colleges and universities shall have the American viewpoint of things; and, for one, I feel that it would be as well if there were a larger degree of Americanism and a smaller degree of internationalism in the teachings had in our colleges and universities.

MARTHA HENSON

The bill (S. 1637) for the relief of Martha Henson was announced as next in order.

Mr. KING. Let that go over.

Mr. BAYARD. Will not the Senator withhold his objection for a moment?

Mr. SMOOT. Mr. President, I object to the passage of this bill, giving $5,000 to Martha Henson, when I find in the report from Secretary Davis this language:

The party injured, therefore, has no legal claim against the United States.

We have just passed a bill appropriating $3,000 for an injury to a lady, and now here is one for $5,000 for a person who has no claim against the United States. I object to the passage of the bill.

Mr. TYDINGS. Mr. President, will not the Senator yield for just a moment? The claimant in this case is a woman who was struck by a Government truck. The investigation has clearly proven—and it is not contradicted—that the truck had no brakes on it, was operating in the middle of Baltimore city going down a hill, ran into a street car, and injured this claimant.

Mr. SMOOT. That is claimed. I have read the report, and on the report, I shall object.

The PRESIDENT pro tempore. The Senator from Utah makes objection, and the bill will be passed over.

Mr. TYDINGS subsequently said: Mr. President, I ask that we recur to Calendar No. 244, Senate bill 1637, for the relief of Martha Henson. I would like to offer an amendment to the bill.

The PRESIDENT pro tempore. Is there objection to recurring to Senate bill 1637?

Mr. SMOOT. I have no objection, providing the Senate now will agree, before we take up the bill, that the $5,000 will be cut to $2,500.

The Senate as in Committee of the Whole proceeded to consider the bill.

Mr. TYDINGS. I offer an amendment to strike out "$5,000" and insert in lieu thereof "$2,500."

The PRESIDENT pro tempore. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 1, line 6, strike out "$5,000" and insert in lieu thereof "$2,500," so as to make the bill read:

That the Treasurer of the United States be, and he is hereby, authorized to pay to Martha Henson, of Baltimore City, Md., out of any money not otherwise appropriated, the sum of $2,500 as compensation for injuries received by her on November 25, 1918, when a street car of the United Railways & Electric Co., of Baltimore, Md., on which the said Martha Henson was a passenger, was struck at or near the corner of Patterson Park Avenue and Fleet Street, Baltimore, Md., by a motor vehicle belonging to and owned by the United States and operated by a soldier of the United States Army.

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.

AGRICULTURAL EXPERIMENT STATIONS IN HAWAII

The bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii was considered as in Committee of the Whole.

Mr. KING. Mr. President, I would like to have an explanation of that bill.

Mr. BINGHAM. Mr. President, the Territory of Hawaii has not shared equally with the States, save in one case, in the benefits conferred by the several acts passed by Congress for the advancement of agriculture in the States and Territories, notwithstanding the apparent intent that all organized Territories should participate with the States on an equal basis.

Hawaii's needs in this respect are set forth in a statement by Dr. D. L. Crawford, president of the University of Hawaii, which was before the committee, and from which the following facts are deduced.

Of the several acts passed by Congress for the advancement of agriculture in the States and Territories, Hawaii shares directly in only one. The second Morrill Act and the Nelson amendment provided $50,000 per year for the support of agricultural colleges, "appropriated to the States and Territories." In 1907 Hawaii's right to participate in this appropriation was officially recognized on the basis of its political status as a Territory, and from that time Hawaii has received the annual grant for its university as do the States for their land-grant colleges.

The Hatch Act and the Adams Act were intended to supplement and augment the work of the land-grant colleges by providing Federal funds for maintaining agricultural experiment stations "under the direction of the college of agriculture in each State or Territory" established under the Morrill Act.

The Adams Act made additional appropriations for the same object, "to each State and Territory for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the act of Congress approved March 2, 1887" (the Hatch Act).

Throughout these two acts the reference is to State and Territories and would seem to indicate that these benefits are to be applied in the same manner as the Morrill Act in connection with the college of agriculture in each State and Territory. Inasmuch as Congress has for many years included the Territory of Hawaii within the scope of the second Morrill Act and the Nelson amendment, it seems reasonable that the same interpretation should be made of the Hatch and Adams Acts in relation to Hawaii. This, however, has not been done.

It seems to me it is an act of justice for the Territory of Hawaii to put them on the same basis with the States and other Territories as to these other acts.

Mr. WILLIS. Mr. President, I shall not object to the consideration of this bill, but I would not feel that I was doing my duty if I did not call attention to some facts which have developed. This bill was rather fully considered by our committee, with a goodly attendance of the committee, and we were of the opinion that the objects sought were proper and we voted to report the bill.

Soon after the bill was introduced I had sent a copy of it to the department for report, as is the practice of the chairman of the committee, and the department was rather dilatory in replying; so we went ahead and acted on the bill without receiving the report.

Subsequent to the action of the committee and the filing of the report, I received a letter from the Secretary of Agriculture approving the general principle but not approving this bill. I do not think I would be doing my duty as chairman of the committee if I did not have this letter of the secretary, with the accompanying suggestions, printed in the RECORD. I am perfectly willing to let the bill pass and be amended in the House.

Mr. BRUCE. I object.

The PRESIDENT pro tempore. Under the objection of the Senator from Maryland the bill be passed over. Without objection, the letter referred to by the Senator from Ohio will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, February 11, 1928.

Hon. FRANK B. WILLIS,
Chairman Committee on Territories and Insular Possessions,
United States Senate.

DEAR SENATOR: Your letter of January 11, 1928, transmitting a copy of S. 757 and requesting this department's views concerning the advisability of this legislation, has been received.

This bill proposes to extend to the Territory of Hawaii the benefits of the act of March 2, 1887, commonly known as the Hatch Act, and supplementary acts, Adams Act and Purnell Act, providing for the establishment and maintenance of agricultural experiment stations, and the act of May 8, 1914, the Smith-Lever Act, which provides for cooperative agricultural extension work between the agricultural colleges receiving the benefits of the act of Congress approved July 2, 1862, the Morrill Act, and acts supplementary thereto.

The department has given special consideration to this proposed legislation, as it would change the policy hitherto pursued in providing for agricultural investigations in the outlying Territories and would establish a precedent which might subsequently lead to similar movement on the part of other Territories and possessions having colleges of agriculture. Hence the form of the proposed legislation is believed important, in order that, if enacted, it might serve as a basis for action in other similar cases.

You probably know that Congress has made special provision from time to time for the establishment of experiment stations in the outlying Territories and possessions. In no case has this been based on the experiment station acts applicable to the States, but it has taken the form of special legislation authorizing appropriations for the conduct of experiment stations under the immediate direction of the Secretary of Agriculture. This procedure is considered to have been particularly adapted to the pioneer stages of experiment-station work in the Territories. It has given a continuity to the work and the carrying out of a fixed policy, which otherwise might not always have prevailed, and it has enabled the department to address itself to what seemed the more important outstanding needs of the respective localities.

With the coming of agricultural colleges in these Territories, the experiment station work has assumed increasing importance as a basis for sound teaching and as a point of contact with the farming public. The association of experiment station work with the colleges of agriculture has proved highly advantageous in the States, and as rapidly as the colleges in the outlying Territories develop sufficient strength

and facilities it is believed that provision for such work in close cooperation and association with them is very desirable. I therefore favor such a measure as will afford the funds for organized agricultural investigation and place the colleges in position to develop in that line.

The maintenance of an experiment station in Hawaii for over 20 years has given a background and impetus to agricultural investigation which did not exist in the States at the time of the passage of the Hatch Act, and which it is felt should be taken advantage of. The Federal station in Hawaii has developed a plant and facilities, including land, which are now valued in the neighborhood of $5,000,000. The station has valuable collections of plant materials, a library, laboratories, office buildings, and other facilities which would be a very important asset to a new institution, and it has under way numerous lines of uncompleted investigation which it would not seem wise to relinquish or turn over to another agency. Furthermore, the Federal station is serving a very useful mission as a tropical station for the Pacific, for the introduction of plant materials, and the testing and developing of them for special regions. It is essential, therefore, that provision be made for continuing the existing Federal station and retaining possession of its valuable property and equipment; but through cooperation these facilities and its experienced working force could be made available to the college in conducting research; and the two agencies could be merged so as to furnish an effective working unit in carrying on investigation for Hawaiian agriculture, while leaving the existing agency free to continue, in addition, the special service of broader application to tropical agriculture in the Pacific.

The department's views of the form which this legislation might take in extending the benefits of the experiment station acts to the Territory of Hawaii are embodied in the inclosed tentative draft of a bill.

In explanation of this it may be pointed out that Federal aid for the establishment and maintenance of experiment stations in the States came gradually, in recognition of the fact that an effective station must be a matter of studious development. The wisdom of this provision has been abundantly attested, and it is believed to apply with no less force in the outlying territories, where a considerable period of preparation is inevitable. In view of this it is felt that an initial appropriation of $15,000, such as is provided under the Hatch Act of March 2, 1887, would be an appropriate beginning. Under the plan suggested, this would be followed the second year by the increase of $5,000 granted by the Adams Act of March 16, 1906, to increase by $2,000 a year until it matured at $15,000. This amount would then be followed by the increases, year by year, provided under the Purnell Act of February 24, 1925. Such a gradual increase would give opportunity for normal growth and for working out the cooperative relationships with the Department of Agriculture. While some 12 years would thus be required for the realization of the full amount, this increase is far more rapid than occurred in the States, where over 40 years from the initial appropriation will be necessary to reach the full appropriation authorized under existing legislation.

The expense of extending to the Territory of Hawaii the benefits of the experiment station acts for the fiscal year ending June 30, 1929, as proposed by S. 757, would be $80,000, and the estimated expense of extending the benefits of the act of May 8, 1914, for agricultural extension work would be about $27,000, or a total of $107,000. The estimates for the Hawaii station, maintained by this department, for 1929 are $54,940, of which sum $10,000 is for agricultural extension work. Under the substitute plan, as proposed, the initial cost of applying these experiment station and extension acts would be $32,000 over the present appropriations. This would increase with the annual increment under the experiment station acts and with any subsequent legislation.

Sincerely yours,

W. M. JARDINE, *Secretary.*

Submitted to the Bureau of the Budget, pursuant to Circular 49 of the Bureau of the Budget, and returned to the Department of Agriculture under date of February 3, 1928, with the advice that the legislation proposed in S. 757 would be in conflict with the financial program of the President.

Mr. BINGHAM subsequently said: Mr. President, I understand the Senator from Maryland is willing to withdraw his objection to the consideration of Senate bill 757.

Mr. BRUCE. I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to recurring to the consideration of Senate bill 757?

Mr. KING. Mr. President, I do not object to the consideration of the bill, but I should like to have the Senator from Connecticut reconcile his views as to passing this bill with the opposition of the Secretary, as evidenced by the letter, which we have not had an opportunity to read, presented by the Senator from Ohio.

The PRESIDENT pro tempore. Does the Senator from Utah desire to have the letter read?

Mr. KING. I will be satisfied to have an explanation.

Mr. BINGHAM. Mr. President, the letter, which was received after the committee acted, was accompanied by a complete redrafting of the bill. This redraft, which the Department of Agriculture prepared, has been introduced in the House by the Delegate from Hawaii as a substitute bill. My suggestion was that the Senate pass the bill as recommended by the committee; it will then go to the House; they will consider the redraft prepared by the Department of Agriculture, will probably amend the bill in accordance with the suggestions of the department, and then we can accept the amendments as agreed to by the House.

Mr. SMOOT. Why not offer the amendment now?

Mr. BINGHAM. I should be very glad to offer it now.

Mr. SMOOT. That would be very much better than to have the bill pass the Senate with the understanding that it is to be amended in the House.

The PRESIDENT pro tempore. By unanimous consent, the Senate having recurred to the consideration of Senate bill 757, the Senator from Connecticut offers a certain amendment, which will be reported.

Mr. BINGHAM. I move to strike out all after the enacting clause and to insert the bill prepared by the Department of Agriculture.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment in the nature of a substitute, which will be reported for the information of the Senate.

Mr. KING. Does that meet the opinion of the Secretary of Agriculture?

Mr. BINGHAM. This was drawn by the Department of Agriculture.

Mr. WILLIS. Mr. President, let me ask the Senator a question. I have just had inserted in the RECORD a certain letter, with which the Senator is familiar. Is this bill identical with that bill which accompanied that letter?

Mr. BINGHAM. They are identical.

Mr. WILLIS. And the Senator is now proposing——

Mr. BINGHAM. To substitute the suggestion of the Department of Agriculture for the pending bill.

Mr. WILLIS. I think that is wise.

Mr. SMOOT. Let the substitute be reported.

The PRESIDENT pro tempore. The clerk will read.

The LEGISLATIVE CLERK. The Senator from Connecticut proposes to strike out all after the enacting clause and to insert:

That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of Agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: $15,000 for the fiscal year ending June 30, 1929; $20,000 for the fiscal year ending June 30, 1930; $22,000 for the fiscal year ending June 30, 1931; $24,000 for the fiscal year ending June 30, 1932; $26,000 for the fiscal year ending June 30, 1933; $28,000 for the fiscal year ending June 30, 1934; $30,000 for the fiscal year ending June 30, 1935; $50,000 for the fiscal year ending June 30, 1936; $60,000 for the fiscal year ending June 30, 1937; $70,000 for the fiscal year ending June 30, 1938; $80,000 for the fiscal year ending June 30, 1939; and $90,000 for the fiscal year ending June 30, 1940, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out

the provisions of this act but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.

Mr. KING. Mr. President, I object to the consideration of the bill. There are some amendments needed. This appropriation for an indefinite period I do not approve of. Moreover, we have before us the Capper-Ketcham bill, which I think will cover some of the provisions in this measure. I think we ought to consider the two together.

The PRESIDENT pro tempore. Does the Senator from Utah object to the substitute?

Mr. KING. I do not object to the substitute.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Connecticut.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill as amended will go over, under objection.

STATUE OF ALEXANDER HAMILTON STEPHENS

The concurrent resolution (S. Con. Res. 6) to print and bind the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, of the statue of Alexander Hamilton Stephens, presented by the State of Georgia, was read and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Alexander Hamilton Stephens, presented by the State of Georgia, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Georgia.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, and shall procure suitable illustrations to be bound with these proceedings.

WALTER W. JOHNSTON

The bill (S. 2711) for the relief of Walter W. Johnston was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

The PRESIDENT pro tempore. Neither the author of the bill nor the Senator reporting the bill is present in the Chamber

Mr. KING. Let it be temporarily laid aside.

The PRESIDENT pro tempore. The bill will go over.

ESTATES OF JOHN FRAZER AND OTHERS

The bill (S. 2855) for the relief of the estates of John Frazer, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vansandt, deceased, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ADMINISTRATION OF OATHS

The bill (S. 2781) to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same hereby is, amended, so as to add a new section thereto, to be known as section 932 (a), and to read as follows:

"SEC. 932. (a) The corporation counsel for the District of Columbia and his assistants are empowered to administer oaths or affirmations to witnesses in criminal cases and in any and all matters and things connected with the performance of their official duties; and if any person to whom such oath or affirmation shall be administered shall willfully and falsely swear or affirm touching any matter or thing material to the point in question whereto he shall be examined, he shall be deemed guilty of perjury, and upon conviction thereof shall be sentenced to suffer imprisonment at hard labor for the first offense for not less than 2 years nor more than 10 years, and for the second offense for not less than 5 years nor more than 15 years."

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

AMERICAN INSTRUCTORS OF THE DEAF

The resolution (S. Res. 135) to print the report of the twenty-fifth meeting of the convention of American Instructors of the Deaf as a Senate document was read and agreed to, as follows:

Resolved, That the report of the twenty-fifth meeting of the convention of American Instructors of the Deaf be printed, with illustrations, as a Senate document.

NATIONAL SURETY CO.

Mr. COPELAND. Mr. President, I ask unanimous consent to return to Calendar No. 185, Senate bill 2335, for the relief of the National Surety Co. I have satisfied the Senator from Utah, and he has withdrawn his objection.

Mr. SMOOT. What is the bill?

Mr. COPELAND. It is a bill to reimburse the National Surety Co. for a loss incurred by a postmaster. The bond was dated six months after the loss, so, of course, the surety company paid the money by mistake, and Mr. McCarl has recommended that the money be returned.

The PRESIDENT pro tempore. Is there objection to recurring to the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KING. Mr. President, I do not object to returning to the bill, but I shall vote against it. The surety company made the payment, they were unwise enough to make the payment, and they ought to bear the loss.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$157.98" and to insert in lieu thereof "$157.89," 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, out of any moneys in the Treasury not otherwise appropriated, the sum of $157.89 to the National Surety Co., which sum represents a payment by the National Surety Co. of that sum to cover a shortage arising in the accounts of H. C. Lewis, late postmaster at Creech, Ky., which shortage occurred prior to the effective date of the bond written by the said surety company covering the above-named H. C. Lewis, and was not due or owed by the National Surety Co.

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, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. McKELLAR. Mr. President, I want to make just a short statement in regard to this bill. I notice that this is the case of the surety company asking for the payment of a claim arising from a shortage in the funds of a postmaster.

There is now pending before the Committee on Claims a measure of this kind, where an individual registered a letter to New York containing $2,000 of bonds. He was just a private citizen; he was not a surety company. When that letter and those bonds got to New York City they were stolen.

Mr. KING. From the post office.

Mr. McKELLAR. From the post office. Thereupon an effort was made to sue the postmaster on his bond to recover the amount of the loss, for which he was clearly liable. The department declined to sue, and thereupon a bill was introduced here for the relief of the man who registered the letter. The bill has passed the House two or three times, has come to the Senate, and the Senate Committee on Claims has refused, up to this time, to report it.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. The joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. NORRIS. Mr. President——

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

Mr. McKELLAR. I shall be through in just a moment. I merely want to say that I do not think the Senate ought to lay down one rule for surety companies and restore funds embezzled or stolen where the surety company has to pay the loss, and lay down another rule for the private citizen who loses money.

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

Mr. McKELLAR. I yield.

Mr. COPELAND. In this case the loss occurred before the surety company had written its policy and by misapprehension.

Mr. McKELLAR. I think where a Government agent steals money or other things of value from the mails the Government, as a bailee for hire, ought to make it good, and uniformly it is done. I think the only case I know of where it was not done is

the case to which I have referred, which arose in the case of private citizens of Tennessee.

I wanted to make the statement at this time to show that it is perfectly proper, apparently, to pass bills here for the relief of surety companies; but when a private citizen loses through the mails, relief is denied him.

Mr. BAYARD. Mr. President, I can not let the statement of the Senator from Tennessee pass without some challenge. I happen to have been a member of the subcommittee which reported adversely the bill to which he referred. I want to say that in that particular case the adverse report was made upon the ground that the securities in question were put in a registered letter, a registry fee was paid, and, the registry fee having been paid, a contract arose between the sender and the Government that in the event of loss, the loss would be limited to $50. That amount of loss was paid, and on that ground the committee, for several sessions of Congress, made an adverse report on a bill providing for paying anything more on the claim in question.

THE CALENDAR—ADJOURNMENT FROM FRIDAY TO MONDAY

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of morning business to-morrow the Senate shall proceed to the consideration of unobjected bills on the calendar beginning with the calendar number where we left off to-day.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. That will apply only until 2 o'clock?

Mr. CURTIS. Yes.

The PRESIDENT pro tempore. The Chair hears no objection, and the unanimous-consent agreement is entered into.

Mr. CURTIS. I now ask further unanimous consent that when the Senate concludes its business to-morrow it shall adjourn to meet on Monday next at 12 o'clock noon.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

CONSTRUCTION OF RURAL POST ROADS

Mr. DILL. Mr. President, I desire to offer and have printed an amendment to Senate bill 2327, authorizing appropriations for the construction of rural post roads during the two years following the present current year. My amendment proposes that 25 per cent of the money thus authorized to be expended shall be expended on rural mail routes not intercounty or interstate roads. The only authority under the Constitution for making appropriations for roads is to build and maintain post roads. The real post roads of the country to-day are the rural mail routes that reach out into the farming districts of every State. I think the road program has gone far enough in America, I think the automobile highways have been developed sufficiently that a part of this money should hereafter be expended for rural route roads which are used by the people out in the back-country districts. I shall discuss the amendment more fully when the good roads bill comes before the Senate for consideration.

I ask that my amendment may lie on the table until the bill to which I have referred comes up for action by the Senate. The amendment proposed and to be offered by me reads as follows:

On page 2, line 2, after "amended," insert a comma and the following: "except that at least 25 per cent of the sum apportioned to any State, to be deducted from the amount heretofore authorized to be expended upon interstate highways, shall be expended in the construction and reconstruction of rural post roads not interstate or intercounty in character, and the Federal-aid highway system of such State shall be extended to include such roads, as selected and designated by the State highway department, in addition to the mileage heretofore authorized."

The amendment intended to be proposed by Mr. DILL to the bill (S. 2327) 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, was ordered to lie on the table and to be printed.

CONDITIONS IN HAITI

Mr. KING. Mr. President, now that the Habana conference has terminated, I desire to offer a resolution which I had prepared some time ago, but which I have amended to bring down to date and which I now desire to read.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent to present a resolution which he desires to read. Is there objection? The Chair hears none. The Senator from Utah will proceed.

Mr. KING. The resolution (S. Res. 158) which I submit reads as follows:

Senate Resolution 158, Seventieth Congress, first session

Whereas it is claimed that the following statement contains some of the important facts relating to the occupation of Haiti by the military forces of the United States, and also some of the important occurrences following such occupation, together with facts relating to the present conditions in Haiti:

More than a century ago the Haitian people achieved their independence and established a republican form of Government, under which they controlled their political affairs without interference from foreign powers until the United States seized and occupied their country in July, 1915, accomplishing the same by employing war vessels of the Government, which entered the ports and harbors of Haiti and landed large military forces upon Haitian shores;

That said military forces of the United States seized the public buildings in Haiti and important military positions; that the Haitian people were opposed to the invasion of their country by the armed forces of the United States, and some of them attempted to repel such invasion, as a result of which more than 2,500 Haitians were killed in conflicts with the armed forces of the United States;

There was no sufficient reason for sending war vessels to seize Haitian ports or to land American troops upon Haitian soil, whatever disturbances there were in said country being purely of an internal character and in no wise affecting the liberty of Americans or foreigners;

That after the seizure of Haiti the admiral in charge of the American forces declared martial law, took control of the Government of Haiti, interfered with the election, and exerted military pressure and all influences at his command to secure the election of Dartiguenave as President of Haiti.

The United States then presented to said Dartiguenave and to the National Assembly of Haiti, which consisted of two legislative bodies—the Chamber of Deputies and the Senate—a proposed convention, giving the United States control of the revenues, police, public works, and sanitary administration of Haiti, which the assembly was unwilling to ratify; whereupon the admiral in command of said American forces cut off the salaries of the opposing members of the assembly and announced that if the tendered treaty was not ratified the United States "has the intention to retain control in Haiti until the desired end is accomplished, and that it will forthwith proceed with the complete pacification of Haiti," under pressure of which threat the National Assembly accepted such convention in September, 1915.

That in 1916 a new National Assembly of Haiti was elected, pursuant to the Haitian constitution, and upon the convening of the same there was submitted to it by the United States a new constitution, prepared in the Navy Department of the United States, which, it was declared, was to supersede the constitution under which Haiti had been governed for many years. This new constitution materially changed the constitution of Haiti, among the changes being one which authorized foreigners and foreign corporations to hold Haitian lands, contrary to the Haitian constitution, which sought to protect the Haitian people from foreign domination and to preserve Haitian territory for the Haitian people.

This new constitution was not acceptable to the National Assembly of Haiti, whereupon the military forces of the United States summarily and forcibly dissolved the assembly, took possession of the legislative chambers, and locked the same against members of the assembly; and when the two branches of the assembly met in other places they were summarily and forcibly dispersed by American forces.

That thereupon an election was ordered by those representing the United States, for the alleged purpose of having said new constitution submitted to the people for ratification; that it was known that the people of Haiti opposed the so-called new constitution, but a few votes were cast under the supervision and control of military forces and under conditions that indicated pressure and intimidation of the Haitian people, as a result of which it is claimed that no election or true expression of the people was had and that said new constitution was not in fact ratified by the people of Haiti.

Upon the dissolution of said national assembly, said Dartiguenave, by dictatorial decree, set up a so-called council of state (appointing all the members thereof), which was an extraconstitutional and illegal body and which pretended to take over and exercise the legislative powers of the national assembly; and it has continued from that time until the present to exercise said usurpatory authority in defiance of the will of the Haitian people. In its acts and proceedings it is claimed said council of state has been merely the instrument to register the will of the President of Haiti who has been and is controlled by the United States.

The term of office of said Dartiguenave expired August 12, 1922, and thereupon, as is claimed, the United States selected Louis Borno to be his successor; that said council of state had no power or authority to act in the premises, but the members of said illegal organization, with the support of the American military occupation, pretended to elect as President of Haiti said Louis Borno, although he was not eligible to the Presidency of the Haitian Republic because he is not the son of a Haitian citizen, as prescribed by the constitution of Haiti;

That under the constitution of Haiti, as well as the void and unratified new constitution, the two legislative bodies of the Haitian Government were empowered to meet as a national assembly and to elect, at the times designated in said constitutions, respectively, the President of the Haitian Republic;

That said council of state, in the matter stated, and in defiance of said provisions, pretended to elect said Borno for the term of four years, the period prescribed in the so-called new constitution, which the National Assembly of Haiti had refused to accept;

That the constitution of Haiti, as well as the new constitution, sought to be imposed on the Haitians, provides for the election of the members of the two legislative bodies of the Haitian Republic, but since the suppression of said bodies no elections, except as hereinafter stated, have been held, or permitted to be held, by those in control of Haiti, as a result of which no national assembly existed to choose the President of Haiti, as provided in said constitutions;

That under the terms of the new constitution a President of Haiti was to have been chosen by the national assembly on the 12th day of April, 1926, but said assembly having been abolished by the military forces of the United States and the dictatorial decree of Dartiguenave, said council of State, with the approval and support of the military forces of the United States, pretended, on said day, to reelect said Borno as President for a further term of four years; that it was understood for many months prior to said date that Borno aspired to another term as President and was supported for such position by General Russell, who commanded the military forces of the United States in Haiti and who also bears the title of the American high commissioner, if not the Department of State of the United States. To bring about that result said Borno shortly prior to April, 1926, appointed 18 of the 21 members of the council of state from among his relatives, personal friends, and retainers in order that he might be assured of his reelection on April 12 of this year;

That the term of said convention of September, 1915, expired on September 15, 1926; that if the United States had any right under convention to occupy Haiti and control its Government and the people of Haiti, such right no longer exists and the further presence of the United States in Haiti means the continued unauthorized control of Haiti and her people by superior military forces;

That said new constitution contained substantially the same provision as the Haitian constitution with respect to freedom of speech and the press and the guaranties of personal liberty, and also with respect to the judiciary and the powers and functions of judicial officers;

That those in control of Haiti have been dissatisfied with the independence of members of the judiciary and their interpretations of the constitution and the laws and the protection which they have accorded to the personal and property rights of the Haitian people. This situation resulted in the demand, upon the part of those controlling the political and governmental affairs of Haiti, for a suppression or repeal of said constitutional provisions, and notwithstanding said officials had declared that the people of Haiti were unfit to vote, an election was called for the 12th of January, 1928, to repeal said provision of the constitution;

That the proposed amendments to the constitution are for the purpose of legalizing the denial of freedom of the press and personal liberties, including the right to trial by jury, and for the purpose of placing the judiciary under the control of those dominating Haiti;

That it is claimed that the de facto Government of Haiti is the United States acting through General Russell, who is supported by the military forces of the United States, and that Borno and said council of state act in accordance with the directions given to them, that the liberties of the people are restricted, the freedom of the press destroyed, the independence of the courts interfered with, the voice of the people in the matter of levying taxes and expending them silenced, the right of franchise denied, and the people of Haiti subjected to a foreign control which attempts to screen its power behind Haitian agencies which have been set up and through which it operates;

That there will be no correction of these conditions and no restoration of civil government and constitutional authority in Haiti until the chamber of deputies and the senate shall be elected by the people of Haiti, and shall, in turn, as an electoral body, elect the President of Haiti under the terms of the Haitian constitution;

That the suppression of civil authority by military power is contrary to the Constitution of the United States and those principles of political and civil liberty which are professed by the Government and the people of the United States: Now therefore be it

Resolved, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth, and to make such investigations as are necessary to ascertain the reason for the seizure and continued occupation of Haiti by the United States, the reasons why the constitution of Haiti was superseded, the election suppressed, the rights of the Haitian people interfered with, the guaranties of liberty, freedom of speech and of the press under said constitution impaired; and also to inquire into the present conditions in Haiti and report their findings to the Senate, together with such measures as shall permit the Haitian people to set up and establish a government of their own choice and assume control of the same and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

Mr. President, I ask that the resolution may lie upon the table. I shall seek an opportunity at an early date to discuss it.

The PRESIDENT pro tempore. The resolution will lie on the table and be printed.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes.

Mr. NORRIS. Mr. President, before I begin to address the Senate, I should like to have a correction made in the joint resolution of what I believe is a misprint. I desire to amend the resolution, on page 5, line 7, by striking out "Dam No. 1" and inserting in lieu thereof "nitrate plant No. 1."

The PRESIDING OFFICER (Mr. McNARY in the chair). Without objection, the amendment is agreed to.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Dill	Keyes	Schall
Barkley	Ferris	King	Sheppard
Bayard	Fess	La Follette	Shipstead
Bingham	Fletcher	McKellar	Shortridge
Black	Frazier	McLean	Simmons
Blaine	Gerry	McMaster	Smoot
Blease	Gillett	McNary	Steiwer
Borah	Glass	Mayfield	Stephens
Bratton	Hale	Moses	Swanson
Brookhart	Harris	Neely	Thomas
Broussard	Harrison	Norris	Tydings
Bruce	Hawes	Oddie	Tyson
Caraway	Hayden	Phipps	Walsh, Mass.
Copeland	Heflin	Pittman	Walsh, Mont.
Couzens	Howell	Ransdell	Warren
Curtis	Johnson	Reed, Pa.	Willis
Cutting	Jones	Robinson, Ark.	
Deneen	Kendrick	Sackett	

Mr. COPELAND. I desire to announce that my colleague the junior Senator from New York [Mr. WAGNER] is engaged with the coal-investigation committee in Pittsburgh and is to be absent for the day.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably detained from the Senate, and I will let this announcement stand for the day.

Mr. FRAZIER. I have been requested to announce that the Senator from North Dakota [Mr. NYE], the Senator from Vermont [Mr. DALE], and the Senator from South Dakota [Mr. NORBECK] are absent from the Chamber engaged on public business in the Committee on Public Lands.

Mr. GERRY. I wish to announce that the Senator from Montana [Mr. WHEELER] is absent on business of the Senate in attendance upon the committee investigating the coal industry in Pittsburgh.

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

Mr. NORRIS. Mr. President, the joint resolution which is now before the Senate will, if passed, dispose at least for 10 years of Muscle Shoals. This joint resolution comes before the Senate with almost a unanimous report of the Senate Committee on Agriculture and Forestry. It is very similar to a joint resolution which that committee reported at the last session of Congress. The only changes that have been made in it have been made at the request of the Department of Agriculture.

The joint resolution provides, in brief, that the Secretary of War shall complete Dam No. 2 at Muscle Shoals by installing the machinery originally contemplated, being a part of the plans and specifications of that dam. The places for the machines are already there; all provision is made for them in every way, excepting the purchase and installation of the generators that are necessary according to the original plans and specifications of that great dam.

The joint resolution also provides that the Secretary of War shall complete the steam plant located at nitrate plant No. 2 in the vicinity of Muscle Shoals by installing there the machinery, boiler, and engine capacity originally contemplated, being a part of the original plans and specifications of that great steam plant. The foundations, the building, and everything are there, ready to make this installation.

The joint resolution then provides that the Secretary of War shall sell the electricity developed at the dam and at the steam plant to persons, partnerships, States, counties, and corporations, giving preference in such sale to counties, municipalities, and such public organizations not existing for profit.

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

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

Mr. NORRIS. I yield to the Senator; yes.

Mr. COPELAND. When the Senator speaks of selling to a municipality, does he mean to a municipality as such?

Mr. NORRIS. Yes, sir.

Mr. COPELAND. For the use of the city itself?

Mr. NORRIS. For the use of the municipality.

Mr. COPELAND. But not for the municipality to sell in turn?

Mr. NORRIS. The municipality, of course, would sell to its people.

Mr. COPELAND. For power purposes?

Mr. NORRIS. If there were power concerns in the municipality or in that vicinity, they could sell to them.

Mr. COPELAND. I thank the Senator.

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

Mr. NORRIS. I will.

Mr. KING. Would the Government be subjected to the same rules and regulations that may be prescribed in the various States into which the power is taken?

Mr. NORRIS. No; there is not anything in the joint resolution about any rules or regulations to which the Government shall be subject.

Mr. KING. Let me see if I understand that. Then this power may be taken into the States and not be subjected to the control of the public-utility commissions of those respective States? It may be sold or delivered at a price which would destroy the private plants?

Mr. NORRIS. I take it that the public-utility commissions of the various States into which it might be taken would have the same control over it after it is disposed of to corporations, individuals, or municipalities that they now have; but the public-utility commissions of the different States, as I understand the joint resolution, would not have any power to control the Government of the United States or to fix the price at which the Government of the United States should sell this electricity to municipalities or private corporations.

Mr. KING. Then—and I am asking only for information—the Government of the United States in its activity is acting as a sovereign, not in a proprietary capacity?

Mr. NORRIS. I think so.

Mr. KING. It is not amenable, then, to the rules and regulations and laws of the States?

Mr. NORRIS. I do not think it is.

Mr. TYSON. Mr. President——

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

Mr. NORRIS. I yield to the Senator.

Mr. TYSON. In my State of Tennessee the public-utilities commission has to give a certificate of convenience and necessity before a transmission line is erected. I should like to ask if that would apply in this particular case. Would the United States Government have the right to build transmission lines without the consent of or a permit from the State utilities commission?

Mr. NORRIS. I should think it would; yes, sir. There is nothing about it in the joint resolution; but I go on the theory that the Government of the United States could do that without obtaining the consent of any State or municipality.

Mr. TYSON. And could sell the power to whomsoever it pleased, at any price it chose?

Mr. NORRIS. I think so; yes, sir.

Mr. TYSON. Without regard to the public-utilities commission?

Mr. NORRIS. I think so.

Mr. President, it is provided in the joint resolution that the Government as nearly as possible shall distribute this power among the States within transmission distance equitably as between the different States. It is provided that in order to put the Secretary of War upon a business basis with anybody else, so that he can deal in a business way with any municipality or corporation, he shall have authority to build transmission lines. It is not made mandatory that he shall and it is probably not contemplated that he shall unless it becomes necessary. I think it is absolutely necessary to give the Secretary that power, because, as matters stand at Muscle Shoals, there is only one concern that has physical connections with that dam or with that steam plant, and that is the Alabama Power Co.; so that without this provision the Secretary of War could be held up. He would not be on an equal basis, so that he could deal as a business man could with his own property.

It is provided in the joint resolution that the revenue obtained from the sale of this electricity shall be turned into the Treasury of the United States, segregated there, and held as a special fund for the purpose of experimentation in fertilizer and for the development of fertilizer with a view of cheapening fertilizer to the American farmer. The Secretary of Agriculture has charge of the fertilizer, under the joint resolution. He is authorized to construct fertilizer plants anywhere in the United States, and is specifically directed to construct one such fertilizer plant at Muscle Shoals; and it is provided that steam plant No. 1, located at Muscle Shoals, and nitrate plant No. 1, shall be turned over to the Secretary of War, and enough houses and other buildings there to house the force and the employees that he may desire to put in charge at Muscle Shoals. In order that the Secretary of Agriculture may not be delayed in this fertilizer proposition, there is an authorization in the joint resolution of $2,000,000 that can be appropriated at any time by Congress for the immediate beginning of any building or the buying of any machinery that may be necessary to carry out the experimentation on fertilizer.

The Senate will remember, I am sure, that the original act that Congress passed, providing for the building of this dam and this steam plant—in fact, all of the property that the Government owns there—stated in one of its sections very explicitly that this dam should be used, that it was the idea of Congress and the purpose of the act to use this plant, for the manufacture of explosives in time of war and fertilizer in time of peace. It was further provided in the act that under no circumstances should this plant or anything connected with it ever be sold or leased to any private person or corporation.

We have had that original act in mind in framing this joint resolution. The committee is of the opinion, and I think I shall be able to demonstrate, that to carry out literally the statement of the original act in regard to the manufacture of fertilizer there by the use of nitrate plant No. 2 would be a useless waste of public money, because, as I think I shall demonstrate, the cyanamide process for the extraction of nitrogen from the air used in nitrate plant No. 2 is, for the purposes of fertilizer at least, obsolete; and that we will get much better results, much more fertilizer, and in fact enable the Secretary of War to improve and cheapen the production of fertilizer, if we use the income from this property down here for the purpose of experimentation with fertilizer. The amount of the appropriation authorized in the preceding joint resolution in the last Congress was $10,000,000, as I remember. In this joint resolution we have fixed it at $2,000,000. That reduction was made at the suggestion of Doctor Cottrell, the representative of the Secretary of Agriculture, who also suggested, and there are included in the joint resolution, several provisions in regard to what shall be done by the Secretary of Agriculture in the fertilizer business.

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

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

Mr. McKELLAR. I desire to ask the Senator, if he will turn to section 2, whether, in his judgment, under that section the Secretary of War could enter into the proposed contract, say, with the Cyanamid Co., except to cut down the period of the lease to 10 years? In other words, under the terms of this joint resolution, could he lease the properties to the Cyanamid Co. for a period of 10 years?

Mr. NORRIS. In a technical sense he might lease part of the property. As a practical proposition he could not do it, because in section 3 it is provided that—

> It is hereby declared to be the policy of the Government to distribute the current generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

It is also provided in another section that he shall give preference to municipalities, States, and so forth.

Mr. McKELLAR. Then under section 2 could he, for instance, accept the offer made by the Associated Power Cos. for a period of 10 years?

Mr. NORRIS. I think not; no.

Mr. McKELLAR. Why not?

Mr. NORRIS. Because that would violate the section I have already read. Assuming that any municipality anywhere within transmission distance applies for electricity, it would violate that provision of the joint resolution.

Mr. McKELLAR. Suppose before the municipality could make an application for it the Secretary of War should lease it, say,

to the Associated Power Cos. or to the Cyanamid Co.; would not that end the matter for 10 years?

Mr. NORRIS. In the first place, Mr. President, section 3 would obviate that. If there is any danger of such a thing happening, I am perfectly willing to agree to any amendment that will prohibit it. Of course, the Senator knows that I have not any such idea in my mind. The committee has not any such idea. The committee turned down the Cyanamid Co.'s bid in the committee, where it was offered as a substitute for this joint resolution. It received only two votes in the Agricultural Committee, and I believe the wisdom of that action can be demonstrated, and if the Senate will listen to me I will demonstrate it so that in the Senate it will not get a single vote.

Outside of all that, let me say to my friend from Tennessee that while the Secretary of War is given a broad discretion—and that is done purposely, because if you tie him up with conditions he will be in all kinds of difficulties and trouble—the Secretary of War certainly would not go so far astray from the real intent and purpose of this joint resolution as to lease that power to the Alabama Power Co., let us say, in a block or to the Cyanamid Co. in a block.

In the first place, it would be a violation of this joint resolution. In the next place, I can not conceive how he would do that even if it were not a violation, because in the last session of Congress the power people had their bid here; they had had it here in other Congresses; and it has never received the approval of the Senate, at least, in any case. The Cyanamid people have been before the Agricultural Committee ever since this thing commenced, years ago; they were before the joint committee that was appointed in the last session; and they have not received favorable action anywhere. So I can not conceive of the Secretary of War going to the extreme of violation of the real intent of Congress and doing such a thing, even if he had authority.

Mr. McKELLAR. Then the Senator thinks that under this joint resolution municipalities, States, and counties would be given every opportunity to purchase the property, even if the Government had to help to build the transmission lines?

Mr. NORRIS. I think so.

Mr. McKELLAR. One other question, if I may, while I am on my feet, about a different matter. As I take it, while the joint resolution does not say so in words, the effect of it would be to repeal that provision of the law of 1916 under which the dam was built, providing for the manufacture of nitrates at the plant.

Mr. NORRIS. It really carries out the intention of that law, but it has to be modified in order to do it.

Mr. McKELLAR. Modified to the extent of making it purely experimental, rather than providing for the manufacture of fertilizer?

Mr. NORRIS. The experiment is provided for, and the money given to the Secretary of War to carry on the experiment will be equivalent to that necessary to operate the plant on a manufacturing scale.

Mr. McKELLAR. I thank the Senator for the information.

Mr. COPELAND. Mr. President——

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

Mr. NORRIS. I yield.

Mr. COPELAND. May I suggest to the Senator that in putting down his foundation, he tell the Senate how much was invested in the plant?

Mr. NORRIS. I will go into all that before I get through.

Mr. COPELAND. I think that will be very enlightening.

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

Mr. NORRIS. I yield.

Mr. BLACK. Along the line suggested by the Senator from Tennessee [Mr. McKELLAR], suppose the municipalities of Alabama or Tennessee have already granted franchises to power companies over a long period of years and therefore are incapable, by reason of these contractual obligations, of taking advantage of this part of the resolution. Would or would not the inevitable result of the passage of the resolution then be to sell the plant to the Alabama Power Co. or other power companies?

Mr. NORRIS. If no municipality, no State, or no county makes application for this power, then, of course, it will have to be sold to the Alabama Power Co. or some other power company. The Alabama Power Co. probably will be one of the bidders.

Mr. BLACK. One other question. The law now provides that municipalities shall be given the preference with reference to the distribution of power, as I understand the law.

Mr. NORRIS. Yes.

Mr. BLACK. I appeared with a delegation before the Secretary of War last summer in an effort to obtain power from Muscle Shoals for the city of Muscle Shoals. That request was submitted by a delegation of from 25 to 50, perhaps some eight months ago. As yet there has been no reply; there has been no acceptance; there has been no rejection. Would this provision give to that same department the right to determine in the future whether or not the municipalities should get power?

Mr. NORRIS. Mr. President, I want to discuss that proposition.

Mr. BLACK. I am asking because I want to get the Senator's opinion.

Mr. NORRIS. It is a perfectly fair question. I am not finding fault with it at all, and I want to answer it; but before I answer it I want to say to the Senator from Alabama that while I would like to see the municipalities within transmission distance of Muscle Shoals get all the power developed there, if they do not want it and will not try to get it, of course nobody can make them take it. We are doing nothing in this resolution but giving them the first chance. It would be unfortunate if a municipality that wanted the power had tied themselves up so that they could not take the power.

Since I reported this joint resolution I have received a telegram from the Senator's own State, from the city of Athens, in Alabama. Most of us know about the city of Athens, I think. In what county in Alabama is Athens situated?

Mr. BLACK. In Limestone County. I have the same telegram.

Mr. NORRIS. I have a telegram saying that the city of Athens and that county will, immediately, upon the passage of this joint resolution, build a transmission line to Muscle Shoals. That sounds pretty good to me.

Mr. BLACK. That is one of the few that the Alabama Power Co. has not yet gotten.

Mr. NORRIS. Of course, if the State of Alabama and its municipalities have mortgaged their souls and their lives to the Alabama Power Co. in such a way that they can not get out from under, there is no way I know of by which we can give them power, except through the instrumentality of the Alabama Power Co.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. ROBINSON of Arkansas. The Senator has referred to transmission distance. What is reasonable transmission distance applicable to this plant?

Mr. NORRIS. I think about 300 miles. The power can be transmitted farther, but there will be somewhat of a loss. There is some loss at 300 miles. Of course, there is always a loss, no matter how far power is transmitted, but the Province of Ontario transmits electricity for practically 300 miles to supply the city of Sarnia and the city of Windsor, which sells it for homes at 2 cents a kilowatt-hour. So the transmission loss is comparatitvely small, even at that great distance.

Mr. McKELLAR. Mr. President, it is rapidly becoming smaller, as scientific methods are being used in order to transmit the power without loss.

Mr. NORRIS. Oh, yes; there is no doubt but that new inventions and improvements in transmission are going to increase the distance to which electricity can be transmitted without loss.

For fear some one may read some other things I have said at different times about the relaying of electricity, I want to say to the Senate that there is a method of transmitting electricity much farther in a rather indirect way. For instance, in the State of North Carolina, which has some very fine hydroelectric properties, and where there is a very large concern that distributes power over a large portion of the State, I think it was in 1922 that the weather was dry, they had no rain, the creeks and the rivers commenced to dry up, and it became apparent that they were going to have a water famine; that the power plant was going to close down; that some of the cities that were supplied would be in darkness, and some manufacturing concerns would have to get steam or some other means to run their machinery. They were unable to get electricity from another large distributing company over the line in Georgia.

The Georgia company had all they needed over there, but none to spare. In the western part of Georgia there was another transmission company that had a large distributing system, but they did not have any electricity to spare. Across the line in Alabama was the Alabama Power Co. They had enough for themselves, but none to spare.

On the west or the northwest of the Alabama Power Co.'s territory was this big steam plant at Muscle Shoals, owned by the Government. This is what happened: They fired up that steam plant, with a capacity of 80,000 horsepower, and they gave to the Alabama Power Co., on the west side, some electricity. The Alabama Power Co., on the east side of its system,

by pushing a button, gave the same amount of electricity to the Western Georgia Co., and on the eastern side of that company they in turn pushed another button and gave some electricity to the distributing system in the eastern part of Georgia. They in turn gave the same amount of electricity from their western side to North Carolina, and the industries of North Carolina continued to function. In reality, it was exactly the same as though they had transmitted electricity from Muscle Shoals to North Carolina, although that is beyond the transmission system. I think it is about 800 miles.

The Senator from Alabama asked me another question that I was going to answer, and if I have not answered it I will be glad to do so now.

Mr. BLACK. The question was as to what limitation there is on the exercise of discretion, and how long do the municipalities have before the Secretary of War can sell this power to the power companies?

Mr. NORRIS. There has been considerable criticism of the Secretary of War for the way he has handled the power down at Muscle Shoals. I have never joined in the criticism. I do not know that I would have handled it in the way he did; it seems to me the way of handling it might have been improved a little; but the Secretary was terribly handicapped. Congress had made no disposition of Muscle Shoals, or the power that developed there. The Secretary had on his hands that steam plant, capable of producing 80,000 horsepower. He had the Wilson Dam, capable of producing, in round figures, primary power to the extent of 100,000 horsepower, and at other times of the year 200,000 horsepower. We had passed no law providing for any disposition of the property and of the power produced.

Mr. McKELLAR. Mr. President, the Senator says that there was no law regulating it. As I recall, the law of 1916 provided that it must not be turned over to a private corporation.

Mr. NORRIS. Yes; it did.

Mr. McKELLAR. In my judgment, certainly in turning it over to the Alabama Power Co., as the Secretary has been doing, he violates at least the spirit if not the exact letter of that law.

Mr. NORRIS. It may be that he does. But none of us would have the Secretary of War do nothing with power that is capable of doing so much good, and bringing in an income to the Government of the United States. But since Congress has not legislated, he always had to lease that power on condition that he could terminate the lease at any time. I understand he leased it so that he could terminate the lease on 30 days' notice. If I had been Secretary of War, I would not have given much longer time than that to terminate the contract, if any longer, because he never knew when Congress was going to pass legislation that would direct him what to do.

That was not all. The Secretary was confronted with this proposition: The Alabama Power Co. was the only concern that was physically connected with the transmission machinery at Muscle Shoals. He was in the predicament that he could not lease it to anybody, we will say, for longer than 30 days, and we would not expect anybody to build a transmission line there if he could not be sure of a longer term than 30 days. So, while the Secretary may have done differently from what I or any other Senator would have done, I think under the circumstances he can not be criticized. He could not get as much for it as if he had been able to lease it for a term of years. Everybody knows that. No one could build a transmission line, or erect a building, on the theory of being able to get this power for only 30 days at a time. No business man would think of doing it.

It does seem to me, I want to say to the Senator from Alabama, that every one of the cities right within the sound of the roaring waters down at Muscle Shoals should be supplied with electricity and power from that dam. There is no question in my mind but that the city of Florence, located right there, and the other cities in the vicinity, ought to have the right to use that power, and I think they ought to have it in preference to giving it to the Alabama Power Co. But if I were confronted with the problem now, without any law, and wanted to lease the plant, I would probably be compelled to accept the terms which the Alabama Power Co. laid down to me, because they could easily say, "We will take it all, or none, and we will pay you such and such a price for it." There is no way to get more or to extend the terms of the lease.

If the Senator from Alabama or any other Senator thinks this joint resolution will not properly protect a city like Florence in getting its share of this electricity, if it is not protected as the resolution stands now, and there is any way to make it more certain, I would be glad to see the resolution amended so as to accomplish that purpose.

Mr. BLACK. Mr. President, I felt sure the Senator would. I do not want to be placed in the attitude of having risen a moment ago to criticize the Secretary of War. I do think that there has been considerable delay, when he has waited eight months to give a reply to the town of Muscle Shoals.

Mr. NORRIS. I think so, too. I do not understand why there has been that delay. I can not explain it.

Mr. BLACK. There is surplus power going over the dam for which the Alabama Power Co. has not contracted. They are paying 2 mills per kilowatt and selling at 10 cents per kilowatt-hour right within a hundred yards, practically, of the place where the power is generated.

Mr. NORRIS. I agree with that proposition, too. I am in entire sympathy with it.

Mr. BLACK. I am wondering, if the joint resolution should pass, how long a time the municipalities would have before the Secretary of War would consider that the time had passed within which to obtain power and before he would pass it on to the power companies. I am wondering if the joint resolution provides for that contingency?

Mr. NORRIS. The Senator has called my attention to what I am inclined to think right now might be a weakness in the joint resolution. It does not fix any time. It leaves the matter entirely in the hands of the Secretary of War. It seems to me if I were Secretary of War and were trying to carry out the mandate of the Congress, as given to me if the joint resolution shall be passed, and the city of Birmingham, Ala., said to me as Secretary of War, "We have to vote some bonds to get a distributing system. We have to vote bonds to build a transmission line. It is going to take us three or six months. But we do not want to be placed in the attitude of doing all that work and then find that the electricity has all been disposed of to somebody else." I would say at once to the city of Birmingham, "If you start these steps I will hold out enough electricity, if there is such a demand that it is liable to be all gone, to supply your needs." I would not have any hesitancy in feeling that I was carrying out the real spirit of the joint resolution by doing that. If it goes across the line into Tennessee, and there are a great many cities in Tennessee within transmission distance of Muscle Shoals, and some city there said, "It will take us some time to do this," I would wait for them if they acted reasonably and fairly.

I want to say to the Senator from Alabama now that if the language is not explicit enough on that point, and it may be that it is not, I would welcome an amendment to make it explicit. If the Senate thinks best, let us have such a provision. If a municipality anticipates that it would take some time to get ready to do this work, let us fix the time in which they may do it.

Mr. McKELLAR. That is, fix the time in the joint resolution?

Mr. NORRIS. Yes.

Mr. McKELLAR. The reason why I say that is that cities in my own home State; Memphis, for instance, may desire to make a contract of this kind with the Secretary of War. The legislature does not meet until next January and, of course, it can not get the money to build the transmission lines or to build a distributing system, if that might be necessary, in order to take advantage of the provisions of the joint resolution. It seems to me probable that it would be better to have a limitation fixed in the measure within which these cities might take advantage of its provisions.

Mr. NORRIS. I have no objection to such a limitation. The only thing is that when we commence to curtail the discretion of an officer who has charge of a matter of this kind we may get him into difficulty of some kind that we do not imagine exists when we pass the joint resolution.

Mr. McKELLAR. The mere fixing of a time limit would not have that effect, because as soon as it expired he would then have the powers which he would have now.

Mr. NORRIS. The Secretary of War has authority to build transmission lines. If we were going to build a transmission line to Memphis, Tenn., as I remember my geography, if as a business proposition, which this is, we were going to build a transmission line to connect Muscle Shoals with Memphis, I would try to connect several other cities at the same time. Perhaps I would go over into Mississippi and come up that way. Perhaps I would go up the other way. If I were Secretary of War and if these municipalities were going to take the current, and if they did not have the money to build a transmission line, I would enter into a contract with them, if I had the assurance that it was legal, that they should pay for a transmission line as soon as they could, and I would then build it. If they did not pay, then I, as Secretary of War, would charge more for the electricity, because we would have to get something in the way of a return on the investment in the transmission line.

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

Mr. NORRIS. Certainly.

Mr. TYSON. I would like to ask the Senator what idea he has in regard to the way the power would be equitably distributed among the States within transmission distance. Three hundred miles from Muscle Shoals would reach St. Louis. There would be at least a dozen States that would be affected by this matter. How would we manage to determine how much power should be given to each State and how much power should be given to each municipality so we would have some left for those who want a little more?

Mr. NORRIS. For who that wants a little more?

Mr. TYSON. Anybody that could get it at the price the Senator speaks of would want more of it.

Mr. NORRIS. I am met on the one hand by a Senator from one State who says, "My municipalities have tied themselves up with the Alabama Power Co. and can not take any of this power. We had better let the Alabama Power Co. have it."

Mr. BLACK. The Senator did not understand me to say we should let the Alabama Power Co. have it, I hope. [Laughter.]

Mr. NORRIS. No; but the Alabama Power Co. is the only way it could be obtained in some instances. If your cities and your villages have tied themselves up and made a contract with the Alabama Power Co. for 10 or 15 or 20 years, and if they want to get some of this electricity, how can they get it except through the instrumentality of the Alabama Power Co.?

Mr. BLACK. I do not think they can very easily, and that is why I favor using that power, even though it cost something, for the manufacture of fertilizer.

Mr. NORRIS. The Senator can not get into any argument with me on the fertilizer proposition; but the Senator would not favor using the power to make fertilizer if fertilizer made with this power was going to cost a great deal more than it would to use the power for other purposes and to manufacture fertilizer in another way?

Mr. BLACK. I will answer that suggestion in this way: The Senator said "if it would cost more than to use the power for other purposes." If the power has got to be used by selling it to power companies at 2 mills, or anything like that, and letting the profit go to them instead of to the people, then I prefer to give the profits to the farmer instead of to the Alabama Power Co.

Mr. NORRIS. I would rather give it to the farmer anyway; but we are concerned with the proposition that there is no profit in it for the farmer. It is going to be a loss to the farmer. I do not want to take up that subject now, because before I get through I am going into detail, and I will convince any man, I think, who will give it fair and square consideration, that if we are going to use the Cyanamid Co.'s bid and use nitrate plant No. 2 to make fertilizer, we will have burdened the farmer with a useless expense, and we will have increased its cost to him. If he will buy the fertilizer after we get it made, we will have increased its cost to him and damaged him in every way and lost all the power besides. Later on I expect to discuss that feature of the question, and when I do I shall be glad to have anyone ask me any questions that may occur to him as pertinent.

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

Mr. NORRIS. Certainly.

Mr. HARRIS. I have not yet had time to study the bill carefully. I want to know if, under the joint resolution, all the power would be used that is necessary for the development of fertilizer? After the use of nitrates for munitions in time of war our people are principally interested in it for the manufacture of cheaper fertilizers for the farmers.

Mr. NORRIS. I would not expect it all to be used for the manufacture of fertilizer if the joint resolution passes, I will say frankly. If we use it all for the manufacture of fertilizer, we have done just what I said a moment ago. We have not given the farmer cheap fertilizer. We have not manufactured fertilizer and reduced its price one single cent. We can not use nitrate plant No. 2, I assert, and use 100,000 horsepower to operate it and make fertilizer that will be as cheap as the farmer can buy it to-day on the open market. If we can not do that, what is the use of piling up a lot of nitrate there?

But, again, I say I do not want to be led into a discussion of that feature of the matter now because I have a sort of outline in my mind of the way in which I want to take up these questions.

I did not finish answering the question of the Senator from Tennessee [Mr. TYSON], and it is a very proper question. I am not finding fault with it. He said, if we can get power so cheap or electricity so cheap, all of these cities will want it. If every city within transmission distance of Muscle Shoals applied for power the Secretary of War could not supply them. I want to admit that frankly. There is not enough power generated at Muscle Shoals, even if we run the steam plant and Dam No. 2 to capacity, to supply every city within 300 miles of Muscle Shoals with all the electricity that they use. It is a good deal like a bank. If everybody went into a bank to-day to get their money, the bank could not pay it. The bank is operated on the theory that that will not be done. If it does happen the bank fails. That will not happen here.

We have all heard this said, and I know that is true of two States within transmission distance—at least the Senators from those States have told me so. One of them asked if I would consent to an amendment that we should give municipalities no preference whatever, and his reason for it was that so many of the municipalities in their State had been "gobbled up," as he put it, by the Alabama Power Co. and tied up with contracts so that they are not free to contract now. It is unfortunate if that is true, but I do not know how to remedy that situation.

The only way to give them electricity would be to give it to the Alabama Power Co.; but if we did that and wanted them to get a reduction in price we would have to put it in the joint resolution now before us, or they would not get it. We could adopt an amendment, and I would not object to such an amendment, providing that where the power is sold to a corporation distributing it over a territory as the Alabama Power Co. does, the Government official who made the contract would have a right to stipulate in that contract that, in consideration of his giving them the electricity, they were not to charge above a certain price named in the contract by the Secretary. I think the authority ought to go to some other official than the Secretary of War. In every bill I have had relating to Muscle Shoals I have had such a provision.

Mr. TYSON. How could he do that and how could it be applied to a corporation required to sell power at a price not fixed by any decision of the public utilities commission in the States?

Mr. NORRIS. I take it that the public utilities commission would not object to a reduction of electricity rates to the people of that State. I can not conceive if the Alabama Power Co. said to the public utilities commission of Alabama "We want to reduce our electricity rates to the consumers here from 10 to 5 cents," that anybody could believe that the Alabama Public Utilities Commission would say, "Oh, no; you must not do that. You might lose money. You would be selling it too cheap." I do not believe that would happen.

Mr. TYSON. Is it not a fact that the Interstate Commerce Commission has not allowed a certain railroad in this country to lose money? Have not cases arisen where they did not permit railroad companies to reduce rates?

Mr. NORRIS. Yes; but without admitting that the powers were right when they would not permit Mr. Ford to reduce rates, I want to say it does not seem to me that proposition applies to this case. Here is a public utility corporation of Alabama or Tennessee which wants to reduce rates. It is proposing to reduce rates to all its customers. I can not conceive of a public utilities commission objecting to that.

Mr. McKELLAR. If the Congress were to provide a maximum rate at which the current should be resold, say at 5 cents per kilowatt-hour, it would be very persuasive with both State commissions, I should think.

Mr. NORRIS. Yes. I do not seriously object to it, but the reason why I think it would be unwise to do it is that from my study of electricity and the prices charged the consumers in the United States I am convinced that in a place like Alabama or Tennessee and some other Southern States, but referring to those in particular which I know more about and to whose power possibilities I have given more attention, there ought to be no home which to-day should pay more than a maximum rate of 2 cents per kilowatt-hour for electricity in the home.

I believe it can be supplied and good money made at that rate; but I do not want at the present time to be led into that character of debate. Later on it may be that I myself shall take that up.

It is the theory of the joint resolution to put the Secretary of War in a position where he may act on a business basis, to put him on an equality with the individuals and corporations with whom he will have to deal in the disposition of electricity, and to give him every power and every discretion that a business man would have if he himself owned the property privately. If the Congress does not want to do that, then this joint resolution ought to be amended, I admit, but I believe it must be apparent to business men that we ought to put the Secretary of War on that kind of a basis.

It is not for the purpose of running anybody out of business; it is not for the purpose of any unfair or any unjust competition with any private concern; but if the power at Muscle

Shoals shall be distributed equitably, as this joint resolution provides—and there is quite a ground for dispute as to that, I admit, but we can not settle it; the Secretary of War will probably have some difficulty sometimes in carrying it out—but if the power be equitably distributed in a radius of 300 miles around Muscle Shoals not only those who will obtain this particular electricity will be benefited but also those who are supplied by the Alabama Power Co., or the Tennessee Power Co., or the Georgia Power Co., or the Arkansas Power Co., or the Mississippi Power Co., all of which will come in competition with the power developed at Muscle Shoals in localities which they are supplying. If as a consequence the people in that region shall get cheaper electricity—and I think they will—that fact will be as a shining light, and every other municipality and every other community, seeing what is going on, will then demand and obtain concessions from whomsoever is supplying them with electricity.

Mr. TYDINGS. Mr. President, in order to prevent abuse by the Secretary of War—for, as the Senator says, there will be a great deal of difficulty in working this problem out—I was wondering if the Senator would object to an amendment to the joint resolution which would provide that in respect to States where the power is bought and sold the public utilities commission in those States should have the right to regulate the rates for the power sold at Muscle Shoals just as they regulate the rates of the private companies engaged in business in those States?

Mr. NORRIS. I think the public utilities commissions would have such power. I do not want to take it away from them; I would not want to give them the power to regulate the Government of the United States.

Mr. TYDINGS. The situation I have in mind is this: A private concern has invested its money and is now serving a certain community. It is easy to conceive of a state of affairs where the Government would be in competition with privately invested capital. If such privately invested capital is regulated by the State utilities commission, is it fair for the Government to go down there and say, "We can compete with that private capital and not be regulated"?

Mr. NORRIS. But it would not be competing; the Government of the United States would not be selling as a retailer. It would be selling to the municipality. The commission is regulating the rates there now, we will say, under the law. If this measure were passed, it would continue to regulate them just as it now does.

Mr. TYDINGS. Suppose a private concern is selling current to a municipality and that the municipality should buy the unit of some other private concern and run its own selling company. Then if the Government attempted to sell current to that municipality, it would be competing with a private concern, would it not?

Mr. NORRIS. Yes; if it did that. If the municipality wanted to do that, and have two concerns selling electricity in the same town; of course, that would be for them to consider.

Mr. TYDINGS. But does not the Senator concede that it would be pretty hard on the invested capital that is already there?

Mr. NORRIS. No; I do not think it would be an injury to invested capital. It would be regulated and the municipality with its electricity would be regulated. The public utility commission in control over the municipality would have the same jurisdiction that it now has, and if it thought putting the rate of electricity down to 2 cents a kilowatt would be unfair to the private company, it could compel a charge of 4 or 5 or 6 cents.

Mr. TYDINGS. The private company would have no competition except from the Government; perhaps no other group of men would want to go in there and invest capital to compete; but the Government would come along and say, "Here, we have already got this money invested"; and the private company would have competition with the Government, competition which was not regulated. It seems to me if I had my money invested in a transmission line serving some town and the Government came along in competition with me and sold current to that town, say, at a cheaper rate than that for which I could make it, simply because it was the Government, I would feel that it would be an indirect confiscation of my property.

Mr. NORRIS. But the Government is not going to do that under this joint resolution.

Mr. TYDINGS. How do we know the Government will not do that?

Mr. NORRIS. Does the Senator see anything anywhere in the resolution that indicates to him that the Secretary of War is going, let us say, to the city of Florence and put in a distributing system and set up the necessary machinery so as to sell electricity to citizens of that town or to the power users of that town?

Mr. TYDINGS. No; I do not; but the Senator must consider this situation: Suppose the city of Florence owns its own distributing plant and buys current from an electric company that is already established, and then the Government comes along and attempts to sell electricity to the city of Florence. In that case would not the Government be in competition with the people who were already on the ground?

Mr. NORRIS. In the first place, let me——

Mr. BLACK. I should like to make a statement to show that that is not so in Alabama.

Mr. TYDINGS. I may be in error about it, but I am asking for information.

Mr. NORRIS. Mr. President, I wish to take the Senator's own statement as he gave it, and let us see how it would work out. The Senator asked, Suppose the city of Florence owns its own distributing system and buys its electricity from the Alabama Power Co. and the Government comes along and sells electricity to the city of Florence, enabling the city to sell it to its citizens, we will say, cheaper than it is now selling the power obtained from the power company.

Why should not that be done Are we going to put anything in the way of the city of Florence using its own distributing system, if it can do so legally—if it has not leased it so that it can not recover it—and saying to the Alabama Power Co., "We are going to get electricity cheaper and we, therefore, quit patronizing you." That happens in every man's business life.

Mr. TYDINGS. Let us put the shoe on the other foot. Suppose that the city of Florence owns its distributing system and that the Senator owns a company which he has built up with his money to serve the city of Florence with electricity, and, after he has all his money invested and all his transmission lines up to the city and is only charging a sufficient rate to yield him 7 or 8 per cent on his investment, then the Government comes along in competition with him and sells electric current at a rate which he can not meet; what becomes of the Senator's property then?

Mr. NORRIS. If I should consider that case technically, I would say, probably, that the Government was not treating me right.

Mr. TYDINGS. Yes.

Mr. NORRIS. But that is not the case.

Mr. TYDINGS. Why is it not?

Mr. NORRIS. Because the Government does not come along and compete. The city of Florence comes to the Government and says, "We want so much electricity," and it agrees with the Government as to how much it shall pay for it and then takes it. Suppose, now, that I, owning a power company somewhere, with a line that leads to that city, can not compete under the new arrangement; that is my misfortune; it is to the benefit of the city of Florence. Suppose the Senator and I were engaged in making cradles with which to harvest wheat and along comes an ingenious Yankee and invents a self-binder, and he goes out to the farmers that are using our cradles and sells them self-binders; are we going to be in a position to object? That is human progress; that is civilization; that is going on everywhere in the whole world. If I am engaged in selling electricity and somebody else comes along and sells it cheaper, I have got to suffer the consequence, unfortunate though it may be.

Mr. TYDINGS. But the Senator will concede that there is a great deal of difference between two individuals who struggle against one another in competition and an individual who is up against the competition of the United States Government. The situation is entirely different. If some individual has the ingenuity and the enterprise to defeat me in business, that is one thing; but if the Government of the United States, with all its taxing power and money and absence of regulation, comes along and defeats me in business, that is an entirely different thing. It was that situation to which I was calling the Senator's attention.

Mr. NORRIS. I do not think that situation exists.

Mr. TYDINGS. I do not know why not.

Mr. NORRIS. Suppose the city of Florence did that very thing; suppose it had its distributing system and I was supplying it with electricity under the term of a contract limited to 10 years, and the 10 years expired on the 1st day of January. I do not own the distributing system. If the city of Florence can go somewhere else and get electricity cheaper, no matter where, or if it can itself make it cheaper, it is under no obligation to deal with me. If the Government of the United States went into the business and competed directly, I would feel differently about it; but I do not want it to do that.

Mr. TYDINGS. Will the Senator let me interrupt him right there?

Mr. NORRIS. But the utilities commission of Alabama in the case the Senator puts would regulate, as I understand its authority and jurisdiction, the charges made by the municipality should pay as well as by the private concern. Suppose the municipality said, "We can reduce our charges for electricity from 10 cents"—I will inquire of the Senator from Alabama if he knows what the rate at Florence now is?

Mr. BLACK. It is about 10 cents per kilowatt-hour.

Mr. NORRIS. Ten cents a kilowatt-hour. Any private company that has had a monopoly of the business at that rate for a few years can afford to be put out of business, because if it saved its money it will not need to work any more.

Mr. TYDINGS. Will the Senator let me interrupt him once more?

Mr. NORRIS. Let me go on with this illustration. If the city of Florence wants to reduce the rates for electricity, I assume it has got to get the consent of the commission to do so. If the commission may say, "No; that would not be fair; you have got to let this individual who has been charging 10 cents, which is twice at least what he ought to have had all these years, keep on gouging you and charging you 10 cents; we will not let you charge any less." It is practically necessary to do that in order to protect that individual, whoever he may be; I do not see any escape from it.

Mr. TYDINGS. The Senator will concede that under some circumstances the Government might be competing with private electric companies. It was my purpose, inasmuch as there is a possibility of that kind of competition, to make the Government subject to everything that the individual is subject to, and, therefore, I think that we ought to amend this particular provision, if it shall pass, by providing that the Government shall have its rates regulated just as in the case of the competitor. I do not think it is fair to compel a private concern to take on a handicap on the one hand and then have the Government come out and compete with it. If the Government is going into the electric-light business, it ought at least to go into it on no higher plane than the individual goes into it. I do not know whether that will be possible, but I am arguing the theory of the unfairness of that kind of competition.

Mr. NORRIS. It had not occurred to me, I will say to the Senator, that the Government of the United States ought to subject itself to regulation by the State commission; I do not believe that would be proper; but I wish to say to the Senator that one of the things I have in view is competition. I want to reduce for the consumer the price of electricity.

Mr. TYDINGS. I realize that.

Mr. NORRIS. I realize, and I think every man who has studied the question realizes, that it is not practicable to bring about what is desired through public utilities commissions, as able and as competent as they are and as much good as they have often accomplished. The only way to secure reduction in rates is by competition of the municipality. That has brought about a reduction in every case where I have had occasion to look into the matter. I know from reductions which have taken place that the private concerns—there may be exceptions, of course—which are supplying electricity are charging, as a rule, more than twice what they ought to charge and what would be a sufficient compensation.

I did not intend to discuss this question now, but I have been led into it. In the first place, engineers when they are installing electric plants often say there is not anybody to take this electricity; it has no market; it is supplied now. I know there is a letter on file from the Secretary of War to the Senate—I think it was addressed to the Senate—in answer to a resolution of mine that the city of Washington was already supplied with electricity at a very reasonable rate by the corporation then engaged in furnishing it, and at that time the corporation was charging 10 cents a kilowatt-hour.

I do not question the honesty of the Secretary of War. At that time I did not know so much about the matter. He said it would be wrong to interfere with this corporation's business; but when I commenced to study it I found, and I know now, that that corporation that was charging 10 cents a kilowatt-hour was getting more than twice what it ought to have received; and upon the agitation of this question, upon its discussion in Congress and in magazines and in newspapers and elsewhere, that corporation recently, of its own volition, has reduced the cost of electricity.

I saw the same thing happen in the city of Omaha, where, even upon the threat of competition by a municipally-owned plant under the management of my colleague [Mr. HOWELL], the private plant cut down its electricity to 5 cents a kilowatt-hour.

The country is full of such illustrations.

Mr. TYDINGS. I did not mean to interrupt the Senator, and I just want to make this statement and then I will retire. I did not mean to say that the State was to have the authority to regulate the Government; but what I was trying to present to the Senator was the theory of the unfairness of competition unregulated as against competition regulated. I did not want to be put in that position without clearing up the matter.

Mr. NORRIS. All right. The Senator does not seem to get my viewpoint, that we are not putting anybody in competition unregulated. The State regulation is going on just the same, except that I do not believe that we ought to permit the State regulation to regulate the Government of the United States.

Mr. HARRIS. Mr. President——

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

Mr. HARRIS. If the United States had sufficient power to supply all that section, then it would in a way confiscate the property; but the power is limited, and it would supply only a small per cent of the demand. I think that makes quite a difference between the two cases.

Mr. NORRIS. Mr. President, Muscle Shoals is not going to supply one-tenth of the electricity that is needed within transmission distance. It is not going to put anybody out of business. As a matter of fact it will be a benefit, as history has demonstrated many times, to the fellows who are objecting to a reduced rate.

This is what happens when the rate is reduced: The consumer takes twice as much, three times as much, four times as much. It was stated on the floor of the Senate the other day that the average consumption of electricity in the city of Niagara, Ontario, just across from our city, was, as I remember—and I am speaking only from memory and may be wrong—298 kilowatt-hours per month. Right across the river on this side it was a good deal less than 100 kilowatt-hours; I have forgotten the exact amount.

I used to live in an eight-room house in the city of Washington, and my consumption was from 40 to 50 kilowatt-hours a month. If electricity had been reduced from 10 cents, as it was then, down to, let us say, 4 cents, the amount of electricity I consumed would have been four times as great. I would have cooked by electricity, I would have had an electric washing machine and an electric ironing machine and all the inventions known, because I could have afforded it. It would have been a good financial investment for me, if I were a poor man, to do it. But when electricity is 10 cents or 8 cents, or something of that kind, you can not afford to do it. It costs too much money and a poor man can not use it.

What happens? Here you have, we will say, a thousand customers. They use from 30 to 40 kilowatt-hours each a month. You collect a bill ranging from $1 to $2.50 a month from each one of them at a high rate of charge for electricity. You have to keep your books, you have all the overhead expenses, you have to go around and read each meter, you have to collect each individual bill, and it costs you just as much to read your meters and to collect your bills as though the amount were four times as great. When you reduce the cost of electricity the consumption goes up, and instead of collecting from the Senator from Alabama a bill of $1.50, he uses 300 kilowatt-hours instead of 40, and although the price has been cut in two his bill is greater. He keeps house by it. It is a hired girl if he keeps house. It is a hired man if he is running a farm. It does all the work and the labor about the house and the farm. If it is furnished cheaply enough so that he can afford it, he pays more money directly, and it does not cost a cent more to collect it, to keep the books, and everything.

It has often happened that that very thing has occurred. It has occurred in a contest between the regulatory body of a State and an electric corporation, where the corporation carried to the supreme court of the State the case of an order reducing the price, and the supreme court in passing upon it—and, I have no doubt, in the best of faith—held that the regulatory body could not cut down the rate at all, and nullified the order of the commission cutting it down, because they said the company could not afford to furnish the electricity any cheaper; that it was confiscation of property. Then, after that happened, the municipality in a very small way started to supply that city with electricity, and we saw the private corporation cut its own price right in two in the middle; and it has been making money ever since.

That has happened in hundreds of instances, both in the United States and in Canada.

So this reduction does not necessarily mean that we are going to put somebody out of business. My contention is, and I say frankly that that is what I think is in this joint resolution, that we will bring about a competition in the South by the distribution of this electricity over a radius of 300 miles that will cut down everybody's bill, whether he is getting it from the Government or from anybody else, and there will be no difference in the income of the private concerns.

I have in mind now a city that started in, as I remember, at 10 cents a kilowatt-hour in Canada. When a public plant was put in it cut down the rate to 6 or 7 cents the first year. The private company met it. The public plant cut down the rate again the next year, and the private plant met it. They kept on every year reducing the rate until they have got it down now to a point where the maximum is 2 cents a kilowatt-hour, and then it decreases so that everybody's average rate is less than 2 cents a kilowatt-hour, and the private company has met it; and I saw, not long ago, a report of the manager of the private corporation to the stockholders giving a glowing account of the wonderful prosperity they have been having in the last year. If you had proposed such a thing to them 15 years ago, when they were charging 10 cents, I suppose the manager would have honestly said, "If we go down to 2 cents a kilowatt-hour we shall be ruined"; but they have gone down, and they are still happy, they are still prosperous, and they are still making money and satisfied.

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

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

Mr. NORRIS. I do.

Mr. BLACK. The hypothetical case put by the Senator from Maryland perhaps would not happen, for the reason that the power company in Alabama does not sell in bulk to the municipality. Athens, the city from which the Senator had the telegram, has endeavored in vain to get that privilege.

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

Mr. NORRIS. Yes; I yield.

Mr. TYDINGS. The Senator will not maintain that because they do not do it to-day, next year or two years from now or three years from now they may not be doing that very thing. We are passing this law for all time, and not just for the present.

Mr. BLACK. This law could be changed in two years or four years. I think it could be changed easier than you could get the Alabama Power Co. to sell in bulk to a city.

Mr. TYDINGS. But the hypothetical case I stated is a case that may come into existence at any moment.

Mr. BLACK. In line with that thought I wanted to make one other suggestion. I simply explained that to make it clear that they do not sell in that way. The suggestion is this:

In Alabama we have what is known as a tonnage tax on coal. When it is taken out of the ground, the producers pay a tax. The last legislature, after much effort, succeeded in imposing a tax on power that comes from the plants of the Alabama Power Co. There is a good deal of sentiment down there, expressed by the governor and others, that if this plant is operated for the distribution of power, and is diverted from what we conceive its original plan to have been—the manufacture of fertilizer—if it does go into the business of distributing power, the State should not lose the taxes which it should receive from any enterprise which comes from its own natural assets. I am just wondering, therefore, if under that provision the Senator would think it fair or just, if this joint resolution should pass, that the State should receive from this institution the taxes which it imposes on private enterprises?

Mr. NORRIS. Personally, Mr. President, if it were not for the principle involved, I should not have any objection. I remember that in a fight that was taking place in a western city over the question of municipal ownership, while I do not think you could provide by law for direct taxation of a plant owned by a governmental authority, I suggested to them that if I were engaged in it I would provide for the payment of a percentage of the gross income into the treasury, and let it be divided the same as though it were taxes.

It is of no consequence whether you pay it out of this pocket or whether they pay it out of that one. In the end it is just the same; but I can not conceive of the Government of the United States submitting its property to taxation by a State or a municipality.

Mr. BLACK. I, of course, understand that, and understand that that would be directly contrary to principle. I was here, however, a few days ago when a bill was passed at the instance of the Senator from Oregon [Mr. McNARY], if I am not mistaken, in which it was provided that certain money should be paid to the State of Oregon, as I recall, by reason of the fact that that State had lost taxes from some public enterprise of the Government. If I am not mistaken, it was something about reforestation. Of course, a plan could be devised, if it was thought fair—and I think it would be fair—by which the State would receive its part of taxation, under whatsoever name called, of any enterprise which operates in the State. Of course, it could not be in the nature of taxation, because the State can not tax the Federal Government.

Mr. NORRIS. I have been down to that great Dam No. 2, and I have seen the lock worked, and have seen ships pass through it. I rode across it in an automobile when it was first opened up. Then I came back and listened to the Governor of Alabama when he made an argument in which he practically said, as I understood, that that was their property. He claimed that we had no right even to sell a kilowatt of electricity generated there. We did have a right, he said, to make explosives for the use of the Government, but we could not go into business, and we could not sell electricity.

The question of taxation is presented now by the Senator's question; but I remember that across the Tennessee River there for a distance of, as I remember, practically a mile, the Government of the United States has built one of the finest bridges in civilization—a broad, macadamized, solid concrete bridge—right on the top of that great dam. The Lee Highway, the famous highway of the South, passes over it. The automobiles and the teams and the horses and the men and the women and the children are using it every day, in business and in every other way; and I am wondering if Alabama is willing to pay the Government for that bridge that we built across the river.

Mr. BLACK. Mr. President, I am just simply submitting that matter to the Senator, because if this property should be leased for the manufacture of fertilizer the State would receive taxes, and if the Government manufactures power and distributes it as a business it would not.

I have not understood that the Governor of Alabama has ever claimed that they own the dam. I have studied his claim to some extent, and while I am not capable of expressing a legal opinion on it, there is certainly some basis in Supreme Court opinions for the claim which he made.

Mr. NORRIS. That may be.

Mr. BLACK. They say this, that for purposes of navigation the Government owns the river, but for other purposes the Government does not own it.

Mr. NORRIS. That is right.

Mr. BLACK. But it has the right to use it for purposes of navigation.

Mr. NORRIS. That is the theory. I do not see how the Supreme Court can uphold that theory. But suppose they do. Then they will hold that while the Government of the United States has a right to build a dam in a navigable river for purposes of navigation, putting locks in it, to use it for any other purpose is illegal. You can not put a bridge over it for the people of Alabama to drive on. You have to go down and knock the bridge off the top. You have to go down and stop these machines that are making electricity. You have to stop that, unless you make explosives or use it for some other governmental purpose. I can not help thinking of a play of Shakespeare, in which Shylock was given, by order of court, his pound of flesh, but after he had sharpened his knife upon the sole of his foot to cut out his pound of flesh he was told by the judge that the law did not give him any right to draw blood, and that if he did then all his lands would be confiscate to the State of Venice.

The Government of the United States, says one side of this controversy, has a right to build a dam in a river for the purpose of navigation. Then it has a right, I suppose they will admit, to build that same dam for the purpose of flood control. That is all right. But they have not any right to put a bridge on top of that dam for people to use, they have no right to generate a single kilowatt of electricity, an incident to the governmental power. It is just an incident, it is a by-product, but we have not any right to do it. I do not believe any court in our land is going to cut in two governmental powers, divide those two propositions.

If we have a legal reason for building a dam in a navigable stream, either for flood control or for navigation, we have a right to utilize that dam for any purpose and for every purpose consistent with the civilized age in which we live. Those are matters that will all be settled by the courts, I suppose, in due time, and I doubt whether we can accomplish much by a discussion of them here.

I want to say just a word about the history of Muscle Shoals as it is connected with legislation. When this question first came to the Senate, it was referred to the Committee on Agriculture and Forestry, of which I happened to be the chairman. If Senators will examine the RECORD they will find that I did not ask that that matter be referred to the Committee on Agriculture. I stated on the floor of the Senate that the House had sent a similar bill to the Committee on Military Affairs. It seemed to me very appropriate to send the Senate bill to the Committee on Military Affairs of the Senate. I did not want the job. I knew that ahead of us there would be a terrible contest, or I thought I could see it anyway, and it has turned

out as I thought. I knew that it meant a burden we would have to bear for some time. I did not think it would last so long as it has lasted, but it has been with us for years.

At that time I knew nothing about the subject. I was not an expert on power, or electricity, or fertilizer. I would have been glad to have the burden taken off my shoulders. I knew that if it came to the Committee on Agriculture, being chairman of that committee, I would have a difficult problem to solve, and that it would be a difficult thing to handle.

So far as I know now, I had no prejudice, I had no preconceived ideas about it, I had not any pet thing I wanted to put over. I would have been glad to be left out of it. But the Senate put it on me, and I accepted it, as I thought it was my duty to do, and I went into it with the best of faith. There has never been a time when my people had any direct interest in it, and yet, after I had studied it, I went contrary to what the people down in that great section of the country thought ought to be done with Muscle Shoals. I was pilloried and criticized for quite a number of years because the people there thought, and honestly, I think, that I was standing in the way of human progress. But as time went on, I studied the matter more, and met what was then a wonderful propaganda in the name of the American farmer, what to-day is propaganda mainly in the name of the American farmer, and what I believe to be erroneous, and I took the position that I am now taking, but not on the same theory.

I had a vastly different plan. This bill before us is a compromise. I have compromised on most of my plan as to what I thought was the thing that ought to be done with Muscle Shoals, because I realize that legislation can only be reached by compromise. It will be remembered that the several bills, modified in some respects, which I have been trying to have passed through the Senate, provided for the development of the Tennessee River and all its tributaries from the mouth to the source of every one of the rivers.

It provided for a complete survey of the entire Tennessee Valley and all the tributaries of the Tennessee River, and the building and location of the dams wherever, in the judgment of the officials making the survey, they should be placed in order to produce three things—the maximum amount of navigation, the maximum amount of flood control, and the maximum amount of power.

The development of the maximum amount of navigation on any stream is conceded to be a governmental function. Flood control is likewise, I think, conceded to be a governmental function. Electricity comes as a by-product of those two, as an incident.

If we had carried out my plan—and I hope nobody will think I am taking an attitude of "I told you so"—if we had adopted the plan I first advocated, we would now have under construction a system for flood control that would be as complete and as scientific as can be devised by the ingenuity of man, that would fit into the national scheme for flood control as though it were made to fit. In fact, when you develop flood control and navigation and power, and coordinate the three, they will dovetail into each other as though they were made in the same mold.

We would have had navigation down there on the Tennessee River, and some of its tributaries, that would have been second to no other system of navigation anywhere on this globe. We would have had power, we would have had the maximum amount of power throughout the Tennessee Valley at the minimum cost, and the cost would have been divided among the three. It would have been the most complete, the most scientific, and the cheapest system for the generation of power in the world. There would not have been anything to compare with it anywhere. There is no reason why, if you take the Tennessee River and its tributaries and intelligently and scientifically build the dams where they will hold back the flood waters, where they will make the navigation and produce the power, you can not have the cheapest power in the world. Ontario could not compete with it. But you can not do it if you go at it haphazard. You can not do it if you let somebody pick out a place to build a dam, and he picks the best there is, and you let another build another dam, and he picks the best place left. They will not coordinate. They will not necessarily coordinate even in navigation.

Take, for instance, Cove Creek Dam, 250 miles from Muscle Shoals. I am going to discuss that at some length when I reach the proposition of the Cyanamid Co. I have never been there. It will hold back several million cubic feet of water. Nature has, I understand, provided a wonderful place for the building of a dam about 25 feet high that will hold back an immense quantity of water, and will produce a good deal of power. Suppose I as an individual take that for power, not caring anything about navigation, not caring anything about flood control, but wanting only power. Let us see how I would operate.

I would let out as near as I could a continuous flow, so as to give me as much primary power as possible, because that is the valuable power, good the year around. The result would be that I would be letting it out when, if I were considering flood control, I ought to hold it back. The result would be that I would let it out when, if I were considering navigation, I would hold it back, and when you wanted to increase the flow for navigation below I would not let enough out to help you out in your navigation proposition.

Suppose the Government owned it and it wanted to make navigation secure, wanted to make flood control secure, wanted to make Dam No. 2, and if we build Dam No. 3 make Dam No. 3 and all other dams down the Tennessee River more valuable. What would it do? It would put in the machinery to generate electricity, more of it than a private party would, because when it let the water out it would let it out at a more rapid rate. There would be times when there would not be any power developed. If the river were down in the summer time, if it were extremely dry, they would let out more water. When the water was let out, my water wheels would not be worth a cent the balance of the year. I would have a lot of secondary power and very little, if any, primary power.

If I were trying to dovetail these three things—power, flood control, navigation—then I would operate that dam at Cove Creek, so as to help navigation out when it needed more water, and hold the water back when there was too much, and hold back the flood when there was danger in the Mississippi Valley of flood. I would cooperate with the power proposition on Dam No. 2 and Dam No. 3. Dam No. 2, as I will show in a few minutes, will develop, in round figures, about 100,000 primary horsepower. Yet there are times in some years when there is enough water going over that dam to make a million horsepower. Unless there is some way to regulate the stream, unless there are large steam plants as stand-bys, that vast amount of power, most of it secondary, is almost valueless; but if I had Cove Creek and I controlled it I would let the water out so as to help out Dam No. 2 and the other dams when the water was low, so as to hold back the water when the water was high and doing damage rather than good. It would all coordinate. It would all work together. By having a complete system under one control we would get the maximum amount of flood control, of navigation, and of power.

If you take Cove Creek Dam, which I have mentioned, and operate it in connection with Dam No. 2, to make the same amount of power the year around, you would get more power out of it, more primary power, even though Cove Creek Dam were out of commission three months in the year, and had no water whatever, because you would be using that surplus water over and over again. Of course, if you had only Dam No. 2, you would use it only once. Instead of having primary horsepower at No. 2 of 100,000, we would probably have 200,000 horsepower. We would have more than that primary power, much more, if in addition to Cove Creek we constructed other dams of a similar nature.

So, Mr. President, I want to make the point that to have a scientific development of any stream, particularly like the Tennessee, which is so long and has so much water at times and so little water at others and so many tributaries, if we make a scientific development of it, we will at the same time, all at once, get the maximum amount of power, of flood control, and of navigation, and that is what we want. God has so arranged it that everyone of these things works in with the others. To get the most power we get the most navigation; to get the most navigation we get the most flood control.

That is the dream that I had for the South. The former Senator from Alabama [Mr. Underwood], who used to be here, my close friend, I hope, for whom I have always had the highest regard, did not agree with me at all. He said I was a dreamer and that I was dreaming something. Now, flood control is prominent and we have lost the opportunity, at least to one of the greatest units in the Mississippi Valley, to have complete flood control. We are not able to get what I thought we ought to have, what the committee as a rule has stood for. We have come here with this joint resolution which is a compromise and does nothing but take care of the steam plant and Dam No. 2. It is not what I want. It is not what I think that country ought to have. So far as I am able to see, it is the best we can get. It is even now suggested that even this compromise measure will not pass.

What is Dam No. 2? The weakest point in the power possibilities at Muscle Shoals, and this is true of particularly every southern stream where the throw-off is rapid, is the immense variation in the flow of the stream. The flow of the river at some seasons of the year at Muscle Shoals is sufficient to pro-

duce more than 1,000,000 horsepower, while at its minimum flow the horsepower is less than 100,000. Gauge readings of the river had been carefully taken for a period of 50 years, and those readings show that the dam will produce power as follows:

Ninety-nine and four-tenths per cent of the time, 87,300 horsepower.

Ninety-seven per cent of the time, 100,000 horsepower.

Eighty-three and three-tenths per cent of the time, which is about 10 months, 141,000 horsepower.

Sixty-six and sixty-seven one-hundredths per cent of the time, about eight months, 205,000 horsepower.

Fifty per cent of the time, or about six months, 306,500 horsepower.

Twenty per cent of the time, or about two and one-half months, 600,000 horsepower.

Seven per cent of the time, or a little less than one month, 1,000,000 horsepower.

It will be seen at once that the power possibilities of this dam are dependent to a great extent upon some means by which either the flow of the river can be equalized by the construction of storage dams or by the use, in connection with the dam, of auxiliary steam plants, or both. It is quite evident that the cost of power is greatly decreased by any means that has a tendency to equalize the flow or the use of other power like a steam plant, to be used whenever the river is low to keep up the development of power.

The Government already has a steam plant at nitrate plant No. 2 capable of developing 120,000 horsepower; that is, it will be capable of doing that if the pending joint resolution is passed and the additional unit erected. As I understand it, it is 80,000 horsepower now.

Mr. TYSON. It is 60,000.

Mr. NORRIS. I think the Senator is thinking of kilowatts. I am speaking of horsepower. The steam plant at nitrate plant No. 1 is capable of developing 6,000 horsepower. By the use of those steam plants in connection with the water power developed at Dam No. 2, a great deal of secondary power can be converted into primary power at a very low cost.

Dam No. 2, as it is completed now, is the largest concrete dam in the world. There will flow over the top of it at the maximum discharge nearly three times as much water as tumbles down the precipice of Niagara. It is one of the greatest engineering feats of its kind ever attempted, and if the flow of the Tennessee River can be equalized by the construction of a storage dam it will stand in a class by itself as one of the greatest power-development projects in the history of civilization. The Government owns it. We have spent the taxpayers' money to get it. It is the property of the people of the United States. When we provided for the taking of the people's money to build it we said that we never would lease it to any private party or corporation. That has been the law ever since we began its construction. It has been the law while every dollar of public money was appropriated to build it and all the other facilities in connection with it. It seems to me that unless we can give a reason why it is not logical or fair or honest or economical to carry out that provision, we ought to adhere to it.

I think I ought to state right here, Mr. President, something about Dam No. 3. Senators remember, or if they do not remember they will find if they will look it up, that no one is asking for the right to build Dam No. 3. It is about 12 miles farther up the river than Dam No. 2. If it is built, it will back up the Tennessee River for 65 miles and make 65 miles navigable, much more navigable than it has ever been before, navigable at all seasons of the year, at all times; but, so far as power is concerned, it is an expensive proposition. Therefore I would say if I were a business man and had money to put into a power development and there was nothing in the dam but power that I would not invest my money in it. It is not an economical proposition. The dam there is much longer than Dam No. 2, but not nearly so high.

As we know, Dam No. 3 has never been constructed. I have investigated it. Engineers have sounded and made borings clear across the river and located it exactly, but we have spent no other money on it, so far as I know.

It will produce about 40 per cent as much power as Dam No. 2, but it will dam the river up much more. As a navigation proposition it is a necessity. As a flood-control proposition it is practically a necessity. Perhaps some day on those two lines alone the Government will build Dam No. 3. We can not expect private parties to build it unless we contribute a great deal on the flood-control item and the navigation proposition.

Dam No. 3 is not included in the pending joint resolution. We left out everything except, as the joint resolution undertakes to provide, to take care of the property which the Government now owns at Muscle Shoals.

The joint resolution here reported is a compromise, and has for its principal object the operation of Muscle Shoals upon a compromise plan set forth in the joint resolution, and which I have tried briefly to explain, and to have this operation for a sufficient length of time to demonstrate what is possible in a practical and economic method of cheapening fertilizer for the benefit of agriculture. Recent history has demonstrated that the extraction of nitrogen from the atmosphere has been gradually and systematically cheapened and that, in the scientific progress of cheapening the extraction of nitrogen from the atmosphere, less and less power has been necessary. At the present time modern scientific plans for the extraction of nitrogen from the atmosphere do not use water power. It is cheaper and more economical, under the present scientific methods, to use coal for such purposes.

No modern plant has been constructed in the United States in recent years where hydroelectric power has been used. I am referring now to the cyanamide process, the cyanamide process being the one provided for by nitrate plant No. 2. This is not because power produced by coal is cheaper than hydroelectric power. I want Senators to understand this. So often, when we locate a modern plant where there is cheap coal, we think we are going to use the coal for the power, and while we will have to have some power, yet power is a secondary proposition. This is not because power produced by coal is cheaper than hydroelectric power, but because coal in a way is the raw material necessary to the extraction of nitrogen from the air.

The coal is converted into coke and is not used for power purposes. The nitrogen is obtained from the air by eliminating from the atmosphere oxygen, its other element, and the coke produced from the coal is used for this purpose. We have an unlimited supply of nitrogen in the atmosphere, and in the atmosphere nitrogen is united with oxygen. If we could get the oxygen out of the atmosphere we would have left nitrogen, one of the ingredients of fertilizer, although it would be left in a state that the farmer could not use it. It would be a gas.

The only power used in a modern plant is the power that is necessary to operate the machinery. A nitrogen-fixation plant that would produce 40,000 tons of nitrogen a year—the same as that which could be produced by the operation of plant No. 2—would, under modern conditions and present scientific knowledge, cost about $10,000, whereas the construction of nitrate plant No. 2 cost a little over $55,229,000 for the bare plant. To this must be added the cost of Waco Quarry, which was a little over $1,273,000. Waco Quarry supplies the limestone, and nitrate plant No. 2 can not be operated without limestone, so that the plant costs a little over $56,502,000. This makes the plant complete, but without any power to operate it. The War Department, in giving the cost, includes the steam plant, which would make a total cost of a little more than $69,000,000; but inasmuch as the steam plant, which cost a little more than $12,555,000, can be used for other purposes and is absolutely necessary as an auxiliary in the operation of Dam No. 2, it is not included in the total cost of nitrate plant No. 2.

The power necessary to operate the machinery in a modern plant equal to the capacity of nitrate plant No. 2 would take about 16,000 horsepower, whereas the power necessary to operate plant No. 2 that we have at Muscle Shoals would require approximately 100,000 horsepower.

All this improvement in and cheapening of the process of getting nitrogen from the air has taken place since the war and since the construction of nitrate plant No. 2 at Muscle Shoals, which uses what is known as the cyanamide process. It seems clear, therefore, that it would be the height of folly and useless expenditure of public money to use the valuable power at Muscle Shoals for the operation of nitrate plant No. 2 in the production of fertilizer, when it is so clear that the same results can be obtained so much more economically and at so much less financial investment and expense by using the modern methods now known to the scientific world.

I might say, Mr. President, that no one claims, even in the most modern plant, that the problem has been completely solved. It is still under consideration; it is still being studied by chemists all over the known world; and in the building of every plant and in the operation, so far as I know, of every modern plant experience has developed something new that has cheapened the process and caused it to require less power.

It is quite clear also that nitrate plant No. 2, if operated to its full capacity, could not produce fertilizer as cheaply as it is now being produced in the general trade, and, therefore, its operation would prove of no benefit whatever to American agriculture, but would be a useless waste of power that might be used for the benefit of all classes of people within transmission distance of Muscle Shoals.

It should be added that scientific men in all parts of the world are working on the problem of still further cheapening

the process of the extraction of nitrogen from the atmosphere, and it is fair to assume that the wonderful improvement that has been made since the war will continue and that the process will be further very materially cheapened. It should be added also that in all the improvements that have been made in the various processes the tendency has been, and still is, to use less and less power in the various improved methods for the extraction of nitrogen from the air. It has already reached such a point of development and improvement that power is but an incident in the process and that in the erection of a plant, cheap coking coal is of much more importance than cheap power.

In order to enable us to operate nitrate plant No. 2 at Muscle Shoals in the production of fertilizer, at a price that would even compete with fertilizer as it is sold upon the market to-day, we would have to have power practically to the amount of 100,000 horsepower at from $4 to $6 per horsepower per year; and when we realize that this power, upon the market, is worth from five to six times that amount, it is quite apparent that nitrate plant No. 2 can not be economically utilized for the purpose of cheapening fertilizer to the American farmer.

The original act for the construction of the various governmental projects at Muscle Shoals provided that the power developed there should not be leased, sold to, or operated by private parties, and that such projects should in peace times be used for the cheapening of the manufacture of fertilizer.

In order, therefore, to carry out as nearly as possible the original intention of the act and to be at the same time in conformity with modern scientific knowledge upon this subject, the joint resolution as reported provides that the electricity developed at the governmental projects at Muscle Shoals shall be disposed of for the use, as nearly as possible, of the people living within transmission distance of Muscle Shoals, and that the profits derived therefrom shall be devoted to the construction of fertilizer plants and for the manufacture and distribution of fertilizer, and for experimentation in that field with a view of cheapening the production of fertilizer, thus carrying out the original intention of the act.

The dam and steam plant at Muscle Shoals have never been completed according to the original plans and specifications. In the dam there are some more power units to be installed. The place for the installation is provided and all the appliances of housing and foundation for such additional power units are complete and ready for the installation of the machinery. Since the necessary work for the installation of the machinery has already been paid for and since the power is there to operate the additional machinery and is at present going to waste, the committee considers it but good business to install this machinery. The steam plant is in practically the same condition. The buildings and foundations have all been constructed with the idea of putting in the additional machinery and, for the same reason, the committee believes that this additional machinery should be installed and that it is an economic loss, both as to the steam plant and the dam, not to install what has already been provided for and the main expense connected with it already paid.

The present conditions at Muscle Shoals are very unsatisfactory. The Secretary of War has no authority to enter into contracts for the sale of the electricity generated there for any specific definite term. Contracts for the sale of electricity must contain a provision that the Secretary of War can terminate them on short notice and that such contracts are always made subject to any action that Congress may take in the disposition or the control of the governmental properties at Muscle Shoals. He is, therefore, unable to obtain a fair and reasonable price while Congress is debating the question and trying to reach an agreement upon what shall be the permanent policy of the Government. He has another serious handicap. There is in reality but one customer for the electricity which the Government generates at this plant, and that is the Alabama Power Co. This is because the Alabama Power Co. is the only company, either governmental or private, that has any physical connection with the generating system owned by the Government at Muscle Shoals. In order to place the Secretary of War upon a fair business basis to secure reasonable prices for the electricity generated at Muscle Shoals, the joint resolution provides that he may make such contracts for a period of 10 years and that he has the authority to construct, or permit to be constructed by others, transmission lines that will connect Muscle Shoals with other possible bidders for the current generated.

In order that the Secretary of Agriculture need not be delayed in the construction of fertilizer plants while a sufficient fund is accumulating from the sale of electricity the resolution authorizes an appropriation not exceeding $2,000,000 for the immediate commencement of the construction of fertilizer plants, either at Muscle Shoals, or elsewhere.

The resolution makes it obligatory to construct one of such plants at Muscle Shoals, and provision is made for turning over to the Secretary of Agriculture of a part of the properties of the Government at Muscle Shoals, and also for supplying to the Secretary of War any additional power that he may need. It is believed, however, that but little, if any, of the power generated at Dam No. 2 will be used by the Secretary of Agriculture for such purpose, because, in the progress of scientific investigation and study, power has become a minor item in the construction of a fertilizer plant; and I feel, therefore, that by the sale of the electricity generated at Dam No. 2 and at the Government steam plant at Muscle Shoals the profits accumulating from such sale will result in a much cheaper production of fertilizer than though the power itself were used in the production of fertilizer according to the methods that are now obsolete and out of date.

Later on, Mr. President, I am going to take up in detail the fertilizer proposition. I shall endeavor to establish by scientific evidence that the statements I have briefly made so far are all true and are demonstrated by scientific facts; so that, in my judgment, there is no doubt whatever that in some way we ought to utilize and dispose of the power that is developed at Muscle Shoals and ought also to utilize the proceeds for the purpose of improving the processes for extraction of nitrogen from the air and also for the improvement of the manufacture of a mixed fertilizer.

We must remember that when nitrogen is extracted from the air we have only one ingredient of fertilizer, whereas there are two ingredients that we must have in addition to nitrogen. We must also have potash and we must also have phosphorus. While we can get nitrogen in unlimited quantities, so far as the supply is concerned—for it is obtained from the atmosphere—the process of getting it from the atmosphere is still very complicated, although it has been much improved since the World War. The process of securing nitrogen from the atmosphere has been going on for a great many years. Formerly the only process known was the arc process, developed mostly by the Swedes and Norwegians. It required an immense amount of power. There are still some arc plants. It would not be profitable to erect one here. We can still obtain nitrogen by the arc process, but our power is too valuable to permit us to use it in that way.

Then the cyanamide process was invented. We knew about that at the beginning of the World War, and then, because it was necessary that we should have explosives, our Government constructed nitrate plant No. 2, and it was operated for a while. It has been demonstrated that it can produce 40,000 tons of nitrates a year; I do not think anybody disputes that. Nor does anybody dispute that it will take practically 100,000 primary horsepower to do it. We knew when we built that plant that there was an improved process; our scientific men knew that Germany had a better process; and they constructed nitrate plant No. 1 down there, a much smaller plant, and a steam plant of 6,000 horsepower to operate it. It was a failure. The building is there; the machinery is there; but they were never able to do anything with it.

The truth is that our chemists knew that it was somewhat experimental or they would have constructed it on a larger scale. It was an experiment and they made a failure of it. I am not criticizing the expenditure of money; I am not criticizing our men who constructed it. I think they were justified in doing it. They were rushed at that time. They knew they could get it under the cyanamide process, but they knew that that process required a vast amount of power. They knew there was a better process and they experimented to get it. They succeeded with the cyanamide process. They failed with the other.

When the war was over we went into Germany. What Germany knew became the knowledge of our scientific men.

Mr. HARRISON. Mr. President, before the Senator gets to that proposition I should like to ask him a question. The Senator contemplates, however, pressing the amendment which he has had printed, providing for the Secretary of War to lease nitrate plant No. 2 either to the American Cyanamid Co. or to the American Farm Bureau, I think it is, or to anyone else, without rental cost, and to permit them to procure enough power to operate this plant efficiently, does he not?

Mr. NORRIS. I do not know that I shall offer it.

Mr. HARRISON. The Senator introduced it and I thought he was going to offer it.

Mr. NORRIS. I have no objection to its being offered. Before I get through with my analysis of the Cyanamid Co.'s bid I expect to prove, if Senators will listen to me, that it is perfectly futile; and I would rather pass it as a separate proposition. I hate to put on a thing that I myself believe to be

foolish. I will say to the Senator that I do not want to debate it now.

Mr. HARRISON. Does not the Senator believe, too, that the American Cyanamid Co. in fact care nothing about getting that particular plant but want to get the power developed there?

Mr. NORRIS. Undoubtedly.

Mr. HARRISON. And they are using that as an excuse to get it?

Mr. NORRIS. There is not any doubt about it, and I think I will demonstrate that before I get through.

When the Senator interrupted me I was saying that when the war was over we discovered that Germany was getting nitrogen from the air and that she had been doing it under what is known as the Haber process, an improvement over the cyanamide process. Our chemists visited Germany, became acquainted with what was going on there, and experimented here. Our own Government official, Doctor Cottrell, has done his part—and it has been a great part—toward the improvement and cheapening of the method of getting nitrogen from the air. Doctor Cottrell's inventions are known by chemists the world over. He is held in the highest esteem for the inventions and improvements that he has made. Immediately our chemists and chemists in other parts of the world improved upon the process that Germany had, the Haber process, and they have continued to improve on it until to-day they have all kinds of modifications of it; and every improvement that is made has used less and less power.

The steam plant—I think I have already stated this, but for fear I have not I will state it now: I have a notation of it here in my notes—the steam plant at Muscle Shoals has a capacity of practically 80,000 horsepower. When the additional unit is put in it will have a capacity of about 110,000 horsepower; I think, a little over that. I have seen some statements that it would have 111,000 horsepower. Dam No. 2 at present has four generating units of 30,000 horsepower each. They have four units at 35,000 horsepower, making a total installed machinery in Dam No. 2 of 260,000 horsepower. The plans provided for 10 additional units at 35,000 horsepower each, making a total installation of power, if this joint resolution passes, that will be completed and the machinery put in of 610,000 horsepower in Dam No. 2.

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

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield to the Senator.

Mr. BLACK. Is it the Senator's understanding, or has he any information to the effect, that they will ever have that much primary power 100 per cent of the time? Is that possible?

Mr. NORRIS. I doubt myself whether it is possible. I will say to the Senator that nobody knows definitely just how much primary horsepower may be developed there; but you will notice that if we have a 110,000 horsepower steam plant we can convert 110,000 horsepower of secondary power into primary power by operating that steam plant a very small portion of the time. It is almost all clear gain. When you can convert secondary power into primary power, it comes nearer to making something out of nothing than anything else I know of.

When the other dams are built, when the Cove Creek Dam is built, as I hope it will be some time, and other dams are built holding back the flood waters, it will always increase the primary power at Dam No. 2. As to how far we will ever be able to reach in primary power at Dam No. 2, nobody can tell.

Another way of increasing it is this, and it seems to me it ought to be done, and if I had my way I would do it at once: Instead of adding 30,000 more horsepower to the steam plant, which this joint resolution will do, and which will complete the steam plant there, I would build another steam plant. I would build a steam plant of 100,000 or 150,000 horsepower, because every time you do it you are able to convert secondary power into primary power. Of course, the most valuable secondary power is that which comes the nearest to being primary power. In other words, if Dam No. 2 will make 100,000 horsepower 97 per cent of the time there would just be that difference of 3 per cent of the time that you would have to supplement it with something else, and that additional 3,000 horsepower would become primary power the year around, and would cost you practically nothing.

Mr. President, I have here rather a detailed statement of the various kinds of boilers and things we want to put in, more or less technical, prepared by Mr. Merrill, the secretary of the Federal Power Commission, which I think answers even the technical questions that might be asked.

He says, for instance:

The existing and ultimate installation at Dam No. 2 is as follows:

Ultimate, 18 units. The power house is constructed with wheel pits for 18 units, or an ultimate installation of 610,000 horsepower—

As I stated awhile ago—

in turbines, and with a combined rated generator output of 550,000 kva., which at 8/10 power factor is 444,000 kilowatts, or 595,000 horsepower.

Mr. President, I have spoken of improvements in methods of extracting nitrogen from the air. There are quite a number of such plants built in the United States, all of them since the war, all of them since the construction of cyanamide plant No. 2. There has not been another cyanamide plant built in this country. I will discuss the cyanamide part of it more in detail after a while; but right now I want to call attention to what the scientific world has been doing in the construction of plants to take nitrogen from the air.

The du Pont powder people, who need a whole lot of nitrogen in the manufacture of explosives—they are engaged in that business on a purely business basis; they have nothing in it but business—wanted a plant to get more nitrogen. They looked over the country to find a location. They could have extracted nitrogen by the cyanamide process. They could have gone to hundreds of places and gotten cheap water power in the United States. People would have been glad to have them come and locate there; but they were going to do business on a business basis. What did they do? Where did they go? They went down to West Virginia, where they could get cheap coal or cheap coke, and they established a plant down there.

I went down to see their plant. I went down to look it over. While I was not a chemist or a scientific man, I had looked over so many plants that I thought I could get a better idea of what they were doing if I went down there and looked it over, and I did. I took with me Major Burns—I think the members of the Agricultural Committee will all remember him—who sat with us in all the hearings. He is really an expert, and everybody on the committee had unlimited confidence in his judgment and in his word.

I found him to be absolutely trustworthy; and, at my request, after we had been dealing with Major Burns, I had him detailed to sit with the committee, and he did, during all our hearings on Muscle Shoals. When I went down there to look at this other plant I took him with me. I made two trips to Muscle Shoals, and had him with me both times, and I took him with me to look over this du Pont powder plant. He gave me, and could give me, a whole lot of information; and, while no such thing was attempted, if anybody had attempted to deceive me or to practice any deception on me, he would have been able to detect it if I did not.

We were treated very nicely, however. When the du Pont people found out that I would like to see the plant, they sent me an invitation to inspect it. They said they would be glad to show me everything they had. They had no secrets. They sent one of their chief chemists from Wilmington, Del., to go down and be there when I was there; and we went down and went all through the plant, and examined it in detail.

They are people who are starting out, just as we are, to get nitrogen from the air. We ought to learn a lesson from the business world; and, Mr. President, though some people may not believe it, I claim to be a believer in good business. I do not want the Government to do anything except on a good business basis, and I do not want the Government to use its money and squander it in something that is not good business, even though we may be able to fool the farmer while we are doing it; and so I went down to look at this plant.

The plant down there manufactures liquid ammonia, using the Claude variation of the synthetic process. There is the Haber process. There is the Claude process. All these processes are called synthetic processes; and this is a modification, a better plant than they have in Germany. I have an idea that it is as near up to date as any plant in the world to-day; and they have changed it to some extent since they have been there. They showed me several places where they had torn it down and built it up again in an improved way; and they are changing it, they are improving it, all the time.

The plant manufactures liquid ammonia, using the Claude variation of the synthetic process, in which the two raw materials, hydrogen and nitrogen, are welded together under a pressure of 1,000 atmospheres. The hydrogen is obtained from water by breaking it down into its elements—hydrogen and oxygen—through the medium of hot coke in the same kind of water-gas plant that supplies so many of our cities with gas. The oxygen is then eliminated. The nitrogen is obtained from the air by eliminating through burning and purification its other element—oxygen. The mixture of the two gases is purified and then passed through a catalyzer under the pressure of 1,000

atmospheres and at high temperature, when the chemical compound, ammonia, is found.

The plant was erected as a pilot or demonstration plant. It is now operating on a basis of 20 tons of ammonia per day, but has a capacity of approximately 25 tons of ammonia per day. This latter rate approximately equals one-fifth of the nitrogen fixation capacity of United States nitrate plant No. 2 at Muscle Shoals, Ala. The plant has proven successful from the standpoints of quantity and quality of output and cost of product. It is so constructed as to permit of ready expansion to some four or five times its present size.

I have been told in a conversation with one of the officials of the company that since I have been down there they have practically decided that they will double the capacity of that plant in the near future. Plans for expansion have been made, but the execution of the plans depends upon business conditions.

The nitrogen fixation plant, such as the one at Charleston, having a production of approximately 40,000 tons of nitrogen a year, would cost about $10,000,000 for the plant construction itself.

Power is used in this plant only for the operation of machinery and for lights. To maintain a production of 25 tons of ammonia per day, power to the extent of approximately 3,500 horsepower is constantly required. If the plant had the output of United States nitrate plant No. 2, power to the extent of some 16,000 horsepower would be required. The operation of United States nitrate plant No. 2 requires approximately 100,000 horsepower, as I have before stated. The plant was located at Charleston primarily because of the availability of cheap coke, which in turn requires cheap coal.

The same company has a plant on Puget Sound, where hydrogen is obtained from water by separating it into its elements with electricity. If hydrogen is obtained by the electrolysis of water, approximately seven times as much power is required as when hydrogen is obtained from water through coke. The experience of the company is to the general effect that hydrogen, which is by far the more expensive of the two raw materials, can be obtained at about the same cost through the two modifications of the process when coke sells at approximately $4 per ton and power sells at approximately $5 per horsepower year.

There you have the comparison. No man in his right senses, Mr. President, if he had power any place within a reasonable radius of our cities, or any of our plants of production and manufacture, would sell power at $5 per horsepower per year if he could get $30.

In many regions in the East coke can be obtained at the figure quoted—$4 per ton—but firm power can scarcely be obtained at less than four or five times the price quoted; indeed, I think it would be more accurate to say at not less than five or six times that price. In spite of the fact that coal is quite expensive in the Puget Sound region and power is relatively inexpensive, the electrolytic hydrogen obtained at the Puget Sound plant costs considerably more than the coke hydrogen obtained at the Charleston plant.

In other words, with this modern plant, there are various modifications, and they have a plant out in the Puget Sound country where power is comparatively cheap, where coal is high, and there they use more power, because they use the other process, which is another modification of the Haber or synthetic process. Yet, with their cheap power there, the manufacture is not nearly as cheap as when the product is made from coal in Charleston, W. Va.

The company in Charleston is shipping a large part of its product—liquid ammonia—in tank cars to one of the du Pont explosive plants near Wilmington, Del., where it is converted into nitric acid and used in the manufacture of explosives. It thus replaces Chilean sodium nitrate, which for many years has been the sole raw material for the manufacture of nitric acid. This is a very important step from the standpoint of national defense. The company seems to feel that within a year or two the du Pont Co. will be making practically all of its nitric acid from ammonia, and that industry in general will likewise have largely substituted ammonia for Chilean sodium nitrate in the manufacture of nitric acid.

Nitrogen in the form of ammonia can be easily and inexpensively shipped because of its liquid state and very high concentration. Ammonia contains approximately 82 per cent of fixed nitrogen and is the most concentrated nitrogen compound known.

The company seems to feel quite enthusiastic about the future of nitrogen fixation in this country by means of the synthetic ammonia process.

Mr. President, there is a plant still larger than the du Pont plant, of the Allied Chemical Co., I think, though I may be mistaken about the name, now under construction at Hopewell, Va. I understand that it is several times larger than the plant at Charleston. They are using the synthetic process.

There is a plant at Syracuse, N. Y., I think the first one constructed in this country, using the same process. There are quite a number of others. But there are now under construction in the United States these large plants, constructed for the purpose of getting nitrogen from the air, and not a single one of them uses the cyanamide process.

Can there be a better demonstration for practical business than that, where men engaged in doing the thing we want to do to help agriculture and doing it as a business proposition, on a business basis, are operating in that way? Do we want to set up the Government of the United States in defiance of business experience and follow a plan that is obsolete and that will cost many times as much to operate in order to get nitrogen from the air?

Mr. GLASS. Mr. President, I may say to the Senator that the plant being established at Hopewell, Va., is to be perhaps the most extensive plant of the kind ever established anywhere, and those who are interested in it tell me very confidently that it will produce an infinitely greater amount of nitrogen than Muscle Shoals is capable of producing.

Mr. NORRIS. I thank the Senator for his interruption and for his statement. I have never been to Hopewell. I do not know how far they have gotten along. If they had had their plant completed, I would have gone down there after I had been to Charleston, because, in answer to the propaganda that has been going on for the last year over the United States to line up the farmers in favor of the cyanamide bill, and, as I am going to demonstrate, in which the American Farm Bureau Federation was misled and deceived by their Washington representative, which I think I will prove as nearly as anything can be proven outside of mathematical demonstration, I wanted to equip myself, I wanted to be prepared to say that I had gone into these business concerns where they were moving along on a business basis, and found that they would not think of such a thing as getting nitrogen from the air by the cyanamide process.

I invited one of these chemists to come to my office, and I said to him, "Suppose I had the authority now, and I gave you Dam No. 2 and nitrate plant No. 2 for nothing, and you wanted to get nitrogen from the air; what would you do?" His answer came back in a flash, "I would sell the power on the market, and go where I could get cheap coal, and build a synthetic process plant to get it."

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

Mr. NORRIS. I yield.

Mr. SIMMONS. I wanted to ask the Senator a question for information. I take it that most of the nitrogen that is being extracted from the air is being produced for the purpose of making explosives.

Mr. NORRIS. Yes, it is; that is true.

Mr. SIMMONS. Only a small percentage of it is sold as fertilizer to the farmer. I wanted to ask the Senator whether up to this time the price of nitrogen extracted from the air has been reduced below the price of nitrogen furnished from the mines of Chile. Is it not still true that the farmer can get his fertilizer from the mines of Chile at a lower cost than that at which he can get it in the American markets, through the nitrogen extracted from the air, and that Chilean nitrate is very much better and very much safer than that which is secured in the other way?

Mr. NORRIS. As a fertilizer proposition, I should think that was true, but the du Pont people say, as I remember it, that they are getting practically all of their nitrogen now through their own process, and getting nothing from Chile. But, of course, the Senate must remember that when we are speaking of nitrogen, and getting it from the atmosphere, we are still a good ways from fertilizer. We still have a long road to travel before we could get a fertilizer which the farmer can use.

Mr. SIMMONS. The point I desire to make is this, that it is of no benefit to the farmer to have these commercial concerns extracting nitrogen from the air, if after they have extracted it the farmer has to pay more for it than he would have to pay if he bought it from abroad. The theory of those of us who have insisted that the Government should manufacture nitrogen for the farmer was that we might make it possible for the farmer to secure the product essential for fertilizer at a cheaper price than he is now paying for it. It does no good for him to secure an abundant supply if it costs more than the price he would have to pay elsewhere.

Mr. NORRIS. I have no doubt that it is correct. But this resolution in my judgment paves the way, if it is scientifically

possible, and I believe it is, to get cheaper fertilizer, by experimentation and manufacture by the Secretary of Agriculture on a large scale. He will use all the funds that come to him from the sale of electricity and power at Muscle Shoals.

Mr. SIMMONS. The Senator has just attempted to prove that the production of nitrogen from the air has enormously increased in recent years.

Mr. NORRIS. It has.

Mr. SIMMONS. But the price has not gone down.

Mr. NORRIS. The price of nitrogen has not?

Mr. SIMMONS. The price has been maintained. There never has been any trouble on the part of the farmer in getting a sufficient supply of nitrogen. It was not his complaint that he could not get a sufficient supply, but his complaint was that he could not get it at a reasonable price. This enormous increase in production through private enterprise apparently has not resulted in reducing the price below what it was before.

Mr. NORRIS. The price of nitrogen, I think, is down.

Mr. SIMMONS. No. There may be some years in which it is down, but this is not one of them, and year before last was not one of them. I think it was down a little bit last year.

Mr. NORRIS. I know we are getting nitrogen from the atmosphere now at practically one-half of what it cost to get it from the air before the war or immediately after the war.

Mr. SIMMONS. That is not the question. I have no doubt they have reduced the cost of production. I have no doubt that they will continue to reduce the cost of production. The question I want to get at—and that is the only purpose I have in interrupting the Senator—is whether they have yet got the price of synthetic nitrogen down as low as the price the farmer has to pay for a material equally as good and better that he imports from a foreign country.

Mr. GLASS. Mr. President, if the Senator will permit me, I do not know what the prices are which prevail in certain plants, but I am told by various trustworthy parties interested in the plant now being constructed at Hopewell that that plant is not to make nitrogen for explosive purposes, but largely, if not exclusively, for agricultural purposes. It is to be constructed and operated by a corporation with unlimited financial means, and I am told that they are to produce and sell the nitrogen at one-fourth of its now prevailing price.

Mr. NORRIS. I am glad to get that information. My information was—and I am speaking only from memory, because I did not make a notation of it when I was at Charleston—that they were producing nitrogen at practically one-half what it used to be. But, as I said, we have not reached the zenith, we have not reached the limit yet of cheapening the process of producing nitrogen. I have no doubt that the people in Hopewell ought to do a lot better than the people of Charleston, and will keep on improving.

But I do not want Senators to get the idea that that settles the fertilizer proposition. We might get the nitrogen for nothing, but if our phosphorus and potash cost too much, it might be even increased over the present prices. To get fertilizer we must have phosphorus, potash, and nitrogen, and we are dealing here with only one of the ingredients.

If the joint resolution is passed, the Secretary of Agriculture will use these funds not only to cheapen the extraction of nitrogen from the air but to cheapen potash and phosphorus. Perhaps there can not be so much done for phosphorus, but there is a great deal to be done in cheapening potash production. We have spent millions of dollars out of the Treasury of the United States in different parts of the country trying to locate potash beds. As a member of the Committee on Agriculture and Forestry, I have helped to report to the Senate several bills, and under those bills we have spent enormous amounts of money and have located potash beds in large quantities. None of them, however, seems to be practical for development now because the development would cost more, unless the method of getting it out of the ground is improved, than it would cost to get the potash elsewhere. We go now mainly to Germany for our potash.

To locate a fertilizer plant, to get cheap fertilizer, we must have in view several things—the cost of nitrogen, if we get it out of the air, which will depend on cheap coke, the cost of phosphates, and the cost of potash. If we locate the plant far inland, the potash which is shipped from Germany will cost a great deal in the way of railroad freight, which will be much more expensive than ocean freight. Then we must locate the plant as near as possible to the people who are going to use it. When fertilizer is mixed, it is heavy, and the freight is an important thing to the consumer, who must pay the freight after it is manufactured.

There are quite a number of things that must be taken into consideration in the location of a plant for the manufacture of fertilizer. It may be, if we had a location where we had cheap coal far inland, that to ship the potash from Germany would cost too much; and that if we would locate the plant on the seaboard, at a harbor, to manufacture nitrogen and ship it by rail, instead of locating the fertilizer plant where we manufacture the nitrogen, it would be better. The du Pont people do most of their manufacturing at Wilmington, Del. They get their nitrogen from West Virginia. It is shipped up there in liquid form in tank cars. There it is utilized. The place where they use it is hundreds of miles away from the place where they produce it.

Mr. FLETCHER. Mr. President, may I suggest to the Senator, because there are three elements in this product, nitrogen and potash and phosphate, that the potash situation is rather difficult because, as I understand, there is a German trust that controls the price.

Mr. NORRIS. Yes; I have understood so.

Mr. FLETCHER. I hope we can discover something over here which will make us independent of the German trust.

Mr. NORRIS. We did discover some during the war and we have it yet, but the cost in these times is more than it costs us to get the potash from Germany.

Mr. FLETCHER. The phosphate situation, as I understand it, is this: I think Florida produces something like 86 per cent of all the phosphate mined in this country. We have both the hard rock and the pebble phosphate. Those mines in Florida are having rather a hard time because their foreign shipments are limited and cut off and reduced by reason of the discovery of phosphate in Algeria. France is very largely taking away the market in Europe that Florida phosphate producers had. The mines in Florida now are producing it at as low a price as I think it can be produced anywhere. In fact, some of them are not operating on account of the diminution of their foreign market. I do not think we are going to get a much lower cost of phosphate, so far as that is concerned, than we can get now.

Mr. NORRIS. If we are going to locate a plant to get the phosphates from Florida, let us say, and locate it at Baltimore, we would have most of the way ocean freight. I am trying to think of this as a business man would think of it. Baltimore is pretty well located to supply people who use fertilizer. It is in a country where the shipments would be comparatively small. It could not supply the whole country with one plant, because the freight would be prohibitive. It would get its phosphate from Europe. I understand Florida phosphates are mined very cheaply. Most of the haul would be by water at cheap rates. Such a plant would get its potash from Germany. That would be a water haul and cheap. But it could not get its nitrogen in the vicinity of Baltimore very cheaply because coal is too high there. It might locate, as the du Pont people did, down at Charleston, produce its nitrogen down there, and ship it up in tank cars.

All these things, if we are going to locate a fertilizer plant, have to be taken into consideration, and not the least of them is to locate the place where fertilizer is finally made in a territory that is going to use the fertilizer.

I want to say one word, and then I am going to quit for the day. It seems to me I ought to say this in connection with what I have said about getting nitrogen from the air either by the cyanamide process or any other process, but particularly by the cyanamide process. We have, down at Muscle Shoals, nitrate plant No. 2. It can get nitrogen from the atmosphere for the purpose of producing explosives in its present state, and it can get 40,000 tons of it a year, but it is not in a form to make fertilizer. There is a place in securing the nitrogen from the air by the cyanamide process, whether we are going to utilize it for fertilizer or for explosives, where the methods diverge. We have no machinery at nitrate plant No. 2 to utilize the nitrates in a form to be used as a fertilizer, and everybody concedes that it will cost several million dollars to put in the necessary machinery there to use the nitrogen for a fertilizer proposition. Most people forget that fact when they are talking about getting fertilizer out of nitrate plant No. 2. We have still an investment to make there. I have tried to find out just how much it would be. I have corresponded with some of the experts, and none of them agree. They all agree that it would cost something, a few million dollars. I have asked one chemist, in whose word I have the greatest confidence and who has no possible interest in the matter except the interest of his country, who says that in his judgment it will cost as much to put nitrate plant No. 2 in such condition that we can use the 40,000 tons of nitrates to make fertilizer as it would cost to build an entirely new plant to make it by the synthetic process and to make the same amount of it in a year.

No one wants to destroy nitrate plant No. 2 until we have replaced it with some method equally as good or better, that

will get the same amount of nitrogen from the atmosphere that that plant will produce, because if war broke out to-morrow we would start that machinery going the next day to make explosives. But the time has about come, as I am informed by chemists, when we could well afford, as one chemist said, to build a new plant to get as much nitrogen out of the atmosphere as that plant would produce. We can build a plant of equal capacity for what it would cost to add the necessary machinery to nitrate plant No. 2 to make fertilizer. If we have not reached that point now, we soon will reach it.

So we have proposed no disposition of nitrate plant No. 2 in the joint resolution. I think it ought to be held in a stand-by condition to avoid any possibility that we would find ourselves at war without the necessity of getting the nitrogen from the air.

But I would like to say that private parties, the plant at Hopewell when it is completed, the plant at Charleston now, a plant at Syracuse, N. Y., and several other plants that did not exist at the time we went into the war, would produce more nitrogen than we can get at nitrate plant No. 2 in case that was destroyed and we went to war without it.

Mr. HEFLIN. Mr. President——

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

Mr. NORRIS. I yield.

Mr. HEFLIN. I merely wish to suggest that it is a quarter after five and to ask the Senator if he would be willing to suspend as it is desired to have an executive session?

Mr. NORRIS. I told the Senator from Kansas that just as soon as I made this brief statement I would be willing to suspend. However, I do not want to lose the floor because I have not finished.

Mr. HEFLIN. I am not trying to take the Senator from the floor at all. I thought perhaps he would prefer to yield now and go on to-morrow.

Mr. NORRIS. I shall try to finish to-morrow what I have to say.

Mr. HARRISON. Mr. President, the Senator has no objection to my offering my amendment to the joint resolution and let it be pending?

Mr. NORRIS. No; I have no objection to that.

Mr. HARRISON. Very well. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The clerk will read the proposed amendment.

The LEGISLATIVE CLERK. It is proposed to amend sections 2, 3, and 4 so that they will read as follows:

SEC. 2. In order to secure equitable distribution of Muscle Shoals power, according to the policies herein set forth, the Secretary of War is hereby empowered and authorized to lease the said power plants or to sell at the switchboard the current generated at said steam plant and said dam to municipalities and corporations authorized by law to distribute and sell electric current for general public use under public regulations; and to carry out said authority the Secretary of War is authorized to enter into contracts for such lease or sale for a term not exceeding 15 years from the 1st day of January, 1929: *Provided*, That no municipality shall receive a greater amount of power than upon the principle of equitable distribution that it is entitled to receive.

SEC. 3. It is hereby declared to be the policy of the Government and the Secretary of War is authorized to dispose of the current generated at Muscle Shoals for public use, except as provided in section 8 herein, subject to regulation provided by the laws of said States, and without unfair discrimination between municipalities or as to rates or service between users of such current.

SEC. 4. In order to place the Secretary of War upon a fair basis for making such contracts and for receiving bids for the sale of such current, if in his opinion it is necessary therefor, he is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such current, to construct, lease, or authorize the construction of transmission lines for the sale and distribution of current within transmission distance in any direction from said Dam No. 2 and said steam plant.

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

Mr. NORRIS. Mr. President, I wish to make an inquiry of the Senator from Mississippi. Is that the same amendment a copy of which the Senator gave to me yesterday?

Mr. HARRISON. It is a copy, with only immaterial changes, one being an extension of the term of the lease from 10 to 15 years.

Mr. HEFLIN. Mr. President, I understood that the amendment was to lie on the table.

The PRESIDENT pro tempore. The amendment offered by the Senator from Mississippi is the pending question.

COLONEL LINDBERGH—POEM BY HORACE C. CARLISLE

Mr. HEFLIN. Mr. President, the brilliant poet of Washington, Mr. Horace C. Carlisle, has just written a magnificent poem on Colonel Lindbergh, in which he calls him "The citizen at large of all the world." I ask unanimous consent to have this splendid poetic tribute to Colonel Lindbergh printed in the RECORD.

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

LINDBERGH

By Horace C. Carlisle

Above the boiling billows of the deep,
  Through long unmeasured miles of lonesome air,
With one courageous, daring, danger sweep,
Beyond the reach of rest, relief, or sleep,
  Lindbergh, afraid to fear, defied despair—
And from New York to Paris led the way
To favor, fame, and fortune in a day—
  And won the heart of Europe, centered there.

With laurels placed by presidents and kings
  Of European nations on his brow,
The unassuming Lindbergh deftly swings,
Himself into his plane of silver wings,
  And preaches peace and good will from its prow—
And, then, across the ocean's frowning foam,
Sets sail for old America, and home,
  As, smiling still, he makes his final bow.

America, with open heart and arms,
  Enraptured, hugs her hero to her breast,
While, everywhere, in countless human swarms,
Moved by the merit of his grace and charms,
  The worship of his name is manifest.
Supremely proud of this great feat of his—
But prouder still of what her Lindbergh is—
  A nation welcomes him back home to rest.

Unmindful of the rest that he deserves,
  Filled with the spirit of St. Louis still,
He plans a course from which he never swerves—
To satisfy anew his tenseless nerves;
  To seek, at home, a greater, grander thrill—
To fly alone to every sovereign State,
And, proudly, in each of the forty-eight,
  Declare to these his message of good will.

Then, cross the border line, to Mexico,
  The *Spirit of St. Louis* wings its flight
Above where mountains range and rivers flow
Far, far aloft, where purer breezes blow,
  To lend diviner charm to day and night;
And, with the hero of the higher air,
Amid a world of welcome, landing there,
  Presents him, smiling, as the twain alight.

The peace and good-will gospel from his mouth
  Finds lodgment in the heart of Mexico,
And in the war-worn nation farther south,
And in the torrid lands, immune to drouth,
  In far-off South America below,
This pioneer of over-ocean skies
Through aviation's progress prophesies
  Good will and peace alike to friend and foe.

Then, turning homeward o'er the torrid seas,
  The *Spirit of St Louis* takes the air,
And, swifter than an arrow through the breeze
It flies until it sights the West Indies;
  And stops to tour the islands clustered there—
While Lindbergh gets and gives another thrill
Through his immortal message of good will,
  And paves the way toward interracial ease.

With all the honor Cubans could bestow
  Upon the wonder hero of the skies,
Whose adoration of him seems to grow
As time draws near for him to rise and go—
  To bid farewell to their heartfelt good-byes—
He smiles, as usual—hops into—alone—
The *Spirit of St. Louis*—and is gone—
  To land not till St. Louis greets his eyes.

A chieftain child, at home in earth and sky,
Born underneath the Stars and Stripes unfurled,
Ideal, supreme, of all that walk or fly—
In whose deportment grace and glory lie—
At whom in vain vile envy's darts are hurled—
Lindbergh, throughout all countries, widely known,
Uniquely stands—remarkably alone—
The citizen at large of all the world.

Unselfish as the sun that shines to-day
Upon mankind through ninety million miles,
Immune to fear, unfettered by dismay,
In God's own care—alone—he wends his way
Above the changing clouds' enchanted aisles,
And, hero of the air, o'er land and sea—
Meek as a lamb, bold as a lion—he
His peace and good will preaches through his smiles.

Endowed with skill learned in experience school,
Above the earth, in God's great solitude,
Like Him, the Author of the golden rule,
Immortal Lindbergh, erstwhile "flying fool,"
Too, goes about, divinely doing good,
As, with the gift of healing in its wings—
He, in the *Spirit of St. Louis*, brings
The Master's golden rule to humanhood.

Back in his infancy, or early youth,
God must have hitched his wagon to a star,
And led him on—as Naomi led Ruth—
In wisdom's higher ways of deeper truth,
On up to where his inner secrets are—
Up, up, and up, and yet the higher still—
To be His great apostle of good will,
To arm the world for peace instead of war.

THE FLATHEAD POWER-SITE LEASE

Mr. LA FOLLETTE. Mr. President, on Tuesday, February 21, during a discussion of the conference report on the Interior Department appropriation bill, the senior Senator from Montana [Mr. WALSH] directed my attention to a statement made by Mr. John Collier that—

The money stake of the Indians in the Flathead power-site lease * * * is $228,000 a year for 50 years.

At that time I had not the advantage of having before me a statement upon which that conclusion was based. In justice to Mr. Collier, therefore, I ask unanimous consent to have inserted in the RECORD the calculations upon which that statement was made.

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

Both bids for these power sites are indefensibly low, and the Montana Power Co., by offering to surrender 15,000 horsepower at 1½ mills per kilowatt-hour, is seeking to obtain the lease at an unreasonably low rental. The competing bidder, while bidding more than the Montana Power Co., likewise is bidding unreasonably low.

The Indian tribe, according to the Federal power act and the regulations of the Federal Power Commission, is entitled to compensation for their power sites "for the most profitable purpose for which used, including power development."

This means that the tribe is entitled to a rental equal to the commercial value of the raw (undeveloped) power.

It must be assumed that the Federal Power Commission, if set free from any commitments, express or tacit, growing out of the "tentative agreement" of February 17, 1927, and if left free from any implied legislative direction to accept the Montana Power Co.'s present bid, or otherwise to require the delivery of power at cost—under such conditions it must be assumed that the Federal Power Commission would apply the terms of the law and regulations and would fix a rental equal or nearly equal to the commercial value of the raw power.

That rental would be considerably larger than $1 or $1.12 per horsepower per year.

THE RENTAL SHOULD BE THREE TIMES LARGER

Here, as in all the preceding statements, we are not in the field of theory; any layman can corroborate or criticize the following computations.

The value of raw water power is not an absolute figure, because the total investment necessary for its development, and other factors as well, vary with time, place, and circumstance. In the case of the Flathead power site the total necessary investment is not officially known with exactness, and the production cost will vary according to the amount of developed horsepower.

But the following is categorically known:

The upward limit of the commercial value of raw power at a power site is determined by cost of steam-plant production in the neighborhood plus the additional transmission costs, if any, entailed in the hydrodevelopment. In other words, the upward limit of the commercial value of raw power is from 3½ to 5 mills per kilowatt-hour. That is the maximum commercial rental which can reasonably, practically be fixed for a power site which it is desired to lease immediately.

And now what does $1 per horsepower per year represent in kilowatt-hour rental? It represents 0.304 per cent of 1 mill—three-tenths of 1 mill per kilowatt-hour. In other words, $1 per horsepower per year, assuming a 50 per cent load factor, is between one-tenth and one-fifteenth of the maximum reasonable and practicable commercial rental which could be demanded and obtained.

We do not assume that the Federal Power Commission will demand that maximum reasonable rental which a private owner of a power site would stand out for and would get. Theoretically, it may be the duty of the Federal Power Commission so to proceed, for it is made the guardian over a trust property by the terms of the Federal power act. But the pressure for early leasing is great, and it is a fact that other power sites exist in Montana, some of them on public domain, not so large nor so feasible as the Flathead power site, yet obtainable for that lower rental which the law permits where public domain power sites are being leased.

But it is entirely safe to assert that the Federal Power Commission could and should fix a minimum rental for the Flathead sites, amounting to at least one-third of that minimum rental which is theoretically proper. In other words, the minimum rental for the Flathead sites ought to be not less than 1 mill per kilowatt-hour for the developed power or three and one-third times larger than is proposed by the Montana Power Co.—nearly three and one-third times larger than is proposed by the competing bidder.

THE INCREASED RENTAL WOULD NOT INFLUENCE RATES

Would such an increased rental demand influence the sales prices of electric power? Here again the layman can answer almost as well as the expert. The sales prices of electric power in Montana run from the lowest wholesale rates of about 6 mills to the retail rates of 3, 4, and 5 cents, or 30, 40, and 50 mills. The increased rental here discussed, which is approximately two-thirds of 1 mill, represents about one-ninth of the sales price of power when wholesaled in largest blocks to the mines and railroads of Montana; about one-sixtieth of the cost of power retailed in that State. The difference is so slight that it could scarcely be reflected into the lowest wholesale rate; it certainly could not be reflected into the retail rates. The issue, therefore, has to do with the Indians and the lessee—more revenue to the Indians versus a little less of cheap production to the lessee.

And what does the difference amount to quantitatively?

What are the Indians fighting to get—to get rightfully under the terms of the law? What is the Montana Power Co. fighting to get?

The difference between 0.304 mill rental per kilowatt-hour and 1 mill rental per kilowatt-hour is seven-tenths mill per kilowatt-hour. Translated into a yearly rental per horsepower unit, the difference is as follows: One mill per kilowatt-hour is 3.28 larger, or $3.28 per horsepower unit per year. The rental which the Flatheads are to lose by the terms of the Montana Power Co. proposal is, therefore, $228,000 a year on the basis of a 100,000 horsepower development; and by the terms of the competing bid the amount which the tribe would lose would be $216,000 a year.

IT WILL NOW BE CLEAR WHY THE MONTANA POWER CO. HAS MADE ITS CURIOUS PROPOSAL

Obviously, other things being equal, the Montana Power Co. would not want to deliver 15,000 horsepower at less than cost, to be distributed over a distribution system paid for by the Government, in competition with the wholesale and retail market of the Montana Power Co.

* * * * * * *

The Montana Power Co. is naturally willing to sacrifice the 15,000 horsepower (taking it out of the small rental which it is offering the Indians) and to risk a competing Government distribution scheme, whose collapse through inefficiency it would expect, if by this means it can obtain one of the largest power sites on the continent for a very low rental—a rental so low that it represents a saving to the company of at least $228,000 a year. With the above facts understood, the strenuous effort by the Montana Power Co. to set in motion a Government competition with itself in the power-distributing field, becomes at once understandable. The comparatively low bid of the competing bidder is, of course, predicated on the low bid of the Montana Power Co.

And the loss to the Indians appears as a huge one, $228,000 a year of lost rentals is $11,400,000 over the 50-year period of the lease, on the basis of a 100,000 horsepower development.

It is $22,800,000 on the basis of a 200,000 horsepower development, and it its this larger development which probably will represent the average development over the 50-year period of the lease. That is the stake in the present struggle over the Flathead power sites. * * *

SEA SERVICE BUREAU OF SHIPPING BOARD

Mr. LA FOLLETTE. Mr. President, I ask to have printed in the RECORD an editorial from the Washington Post of February 22, concerning the sea service bureau maintained by the Shipping Board.

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

A BUREAU THAT MAKES LAW

The Senate has attached an amendment to the appropriation for the Shipping Board to the effect that none of the appropriation shall be used to maintain the sea service bureau. The bureau is now nothing but an employment office, performing services which by law are assigned to the shipping commissioners, for whom offices are provided in every port of entry that is also a port of ocean navigation.

The first duty of the shipping commissioner's office is "to afford facilities for engaging seamen by keeping a register of their names and characters." This is exactly the work that the sea service bureau is doing at an expense of about $150,000 a year. This is an inexcusable waste of public money. If the shipping commissioners have not done this duty they should do it, as required by law.

The shipping commissioners have an added duty of seeing that the laws relating to seamen are obeyed. There are certain laws for the protection of the seamen which would be obeyed if this work was done by the shipping commissioners. Among these laws are certain penalties for misconduct when committed by the seamen or when committed by the officers of the vessel. The sea service bureau disregards these laws and places men on what is called the deferred list (black list), in lieu of submitting those men to the regular authorities for trial and punishment. These laws were passed to protect life and property at sea by maintaining proper skill and discipline. To disregard those laws and substitute therefor the whim of the owner, the master, and the sea service bureau must necessarily result in fostering a disregard for law and in driving skilled and law-abiding seamen from the service.

By its own admission the sea service bureau uses the deferred list in lieu of the penalties not only for serious infractions of discipline, but even for crimes. This is a vicious system of lawmaking by a bureau, in disregard of the laws of Congress. The bureau should be abolished. The House conferees should accept the Senate amendment to the Shipping Board bill.

LIMITATION OF INJUNCTIONS

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Milwaukee Journal of February 20, concerning the so-called Shipstead bill relating to injunctions.

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

ARE WE TIED IN A KNOT?

A. P. Thom, counsel for the Association of Railway Executives, tells the Senate Judiciary Committee that the Shipstead bill to limit the use of the injunction would be declared unconstitutional. He may be right, but does he think that would settle the question? Mr. Thom further argues that Congress set up a system of Federal courts and can not now change it. That sounds pretty foolish, at least as an argument for not doing things Mr. Thom and his executives don't want done to the injunction. It sounds foolish because it amounts to telling people that they have been tied up in a knot and are now powerless to rescue themselves.

The Constitution has done so well in the things which the fathers foresaw and has submitted itself so well to stretching to cover what they could not foresee, that we tend to suspect an argument that it prescribes courses which would seem to the men who wrote it unjust. However, we all know that the Constitution is invoked now and again to shelter practices revolting to the moral sense of our times. If Mr. Thom is right and the Constitution really prevents Congress doing anything about the abuse of injunction that has grown up in our day, he is really arguing for amendment to the Constitution. And in the end, if necessary, he and his executives will get it.

We like to believe the framers were wise enough to avoid tyranny. We know they did not intend that we should have government by Federal courts through the use of injunctions. We know they were wise enough to foresee that some amendment of their work would be necessary. Sound advice to great employers of labor to-day, and especially to railroad managements and mine managements, is to cooperate with Congress in limiting the excesses of which they have been guilty in recent years.

OHIO RIVER BRIDGE NEAR NEW MARTINSVILLE, W. VA.

Mr. NEELY. I ask unanimous consent for the immediate consideration of the bill (S. 2801) granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River. The bill is in regular form, and to it there is no objection.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

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 Commerce with an amendment, in section 1, page 1, line 8, after the name "West Virginia," to strike out "to a point at or near Duffy, Monroe County, Ohio," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation at or near New Martinsville, Wetzel County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. That the said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

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 granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va."

ADJOURNMENT

Mr. CURTIS. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 24, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, *February 23, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, we thank Thee for the infinite revelation of Thy wisdom. So intensify our motives that our aim shall be to express the lofty in that which seems to be small and trivial. Draw us so near to Thee that principle, affirmation, and a prevailing sense of duty may be the sustained attractiveness of our characters. Put into our souls the love of the pure and in our lips the law of kindliness. Oh, lead us on to do the right. Do the right, for finally it will be acknowledged everywhere; do the right, for some day it will bring up all arrears; do the right, for it will eventually stand forth in the white light that must forever beat against the Father's throne; do the right, for in the ages to come it shall be crowned with fullness of joy and pleasures for evermore. The Lord God help us. Amen.

The Journal of the proceedings of yesterday was read and approved.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bill and joint resolution of the House of the following titles:

H. R. 9280. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.

H. J. Res. 156. House joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress to be held in Great Britain during June-July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1759) entitled "An act to appropriate treaty funds due the Wisconsin Pottawatomi Indians."

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.

The message also announced that the Senate had passed the following bill, in which the concurrence of the House of Representatives was requested:

S. 1104. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10635) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. SMOOT, Mr. MOSES, Mr. OVERMAN, and Mr. HARRIS to be the conferees on the part of the Senate.

GEORGE WASHINGTON

Mr. YATES. Mr. Speaker, I ask unanimous consent to insert in the RECORD some remarks of my own delivered yesterday upon the anniversary of the birth of George Washington.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. YATES. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following address on George Washington, delivered by me before the Association of Oldest Inhabitants of the District of Columbia on Washington's Birthday:

Mr. Chairman Noyes, ladies, and gentlemen, I acknowledge with grateful thanks the privilege of taking part in a Washington Birthday celebration with the Association of Oldest Inhabitants of the District of Columbia.

I consider it indeed a privilege. Nay, more, I feel it is an adornment, a decoration, to receive such a recognition from so distinguished, so high-minded, and so useful an organization.

I am proud to be your guest and speaker, not only because you are distinguished, but because you do a noble deed. You are helping to create interest in things that concern us all, and popular interest in public affairs is the foundation of our civilization and the safeguard of the liberties of every American that lives. If ever the liberties of our land go tottering to their fall, it will be because of an ignoble thing—indifference to public things. Whatever o'ercomes indifference is thus noble. And therefore you are entitled to thanks. And so, if I were President of the United States and could be here, I would thank you here and now. Would tender to you the thanks of the Republic because you thus promote patriotism.

Oliver Wendell Holmes sings:

Welcome to the day returning,
Dearer still as ages flow,
While the torch of faith is burning
Long as freedom's altars glow.
See the hero whom it gave us,
Slumbering on a mother's breast,
For the arm he stretched to save us
Be its morn forever blest!

Hezekiah Butterworth sings:

Arise, 'tis the day of our Washington's glory;
The garlands uplift for our liberties won.
Oh sing in your gladness his echoing story,
Whose sword swept for freedom the fields of the sun!

Not with gold nor with gems
But with evergreens vernal,
And the banners of the stars that the continent span,
Crown, crown we the chief of the heroes eternal,
Who lifted his sword for the birthright of man.

Lord Byron sings:

Where may the wearied eyes repose
When gazing on the great
Where neither guilty glory glows
Nor despicable state?
Yes; one (the first, the last; the best,
The Cincinnatus of the West,
Whom envy dared not hate,)
Bequeathed the name of Washington
To make men blush there was but one.

THE REVOLUTION, O AMERICANS! THE DAYS OF 1776!

A historic darkness follows a historic day.

British force has undertaken to coerce the high-minded and valorous tillers of Massachusetts soil.

They are steady, sturdy, simple souls, these Massachusetts Minutemen; but they are startled into high resolve, they are inspired by a magnificent indignation, they are roused into a grand temerity. It is patience shocked into impatience; it is peace turned into war.

Noble men of 1776. Momentous impulse; memorable results.

The people hasten to the hustings; the burgesses rally at the council houses.

John Adams, John Hancock, James Otis, Patrick Henry, all gild brilliantly the page of history.

Congress after Congress; Congress observing a fast day; Congress at prayer; Congress listening to Richard Lee urge his immortal resolution:

"These Colonies are, and of right ought to be, free and independent States."

And now the bell is ringing on Independence Hall, the cannon roar in New England, and the Carolinas are all ablaze with bonfires.

"All men are created free and equal."

"Life, liberty, and the pursuit of happiness are the inalienable rights of every man."

Every community stirred to its foundations in the mighty crisis.

Noble men of 1776! They all stand in deadly peril.

Ben Franklin finds "his philosophy too cold for the South and his jokes too warm for the North," but he jokes just the same, saying "We must assuredly all hang together, or we shall assuredly all hang separately!"

Battle after battle, Bunker Hill, Long Island, Brandywine, Valley Forge, Trenton, Princeton, Eutaw Springs, General Lincoln surrendering his sword to Cornwallis at Charleston (even as in later days the sword of Cornwallis was handed to General Lincoln), then Saratoga! And, finally, Yorktown!

Permit me to read here page 115 of Weem's Washington:

"On hearing in Congress the fall of Cornwallis the Doorkeeper swooned with joy—on hearing the same news in Parliament Lord North fell back in his chair in distress. The stern features of war relaxed but Washington beheld the sight with doubt—

"Great Britain—if she 'play quits,' it must be the work of that Providence who ruleth in the armies of heaven and earth and whose hand has been visibly displayed in every step of our progress to independence."

FRANCE

Meanwhile, Franklin in Paris. Lafayette to the rescue, Rochambeau and Count D'Estaing to the rescue. Old Baron Steuben and old DeKalb and De Grasse to the rescue. Kosciusko to the rescue. Freedom's friends all to the rescue!

Oh, let the breezes bear every bud and blossom, aster and nasturtium, camellia and lobelia, pansy and honeysuckle, and all their fragrant sisterhood, away, to-day, to the grave of Lafayette and Kosciusko and DeKalb, and all those who gave us help, in that dark young day, when help was dear.

And let us break open the baskets and pour forth the blossoms, and make to bloom like the rose the resting places of the hundreds and thousands of the martyrs of that time.

They could have had only the mistiest conception of this stupendous Nation of to-day; yet they fought as if for a world.

Over the 300 wild horsemen whom Francis Marion led, and whom Major Tarleton could not whip or catch, we could make a pile of flowers, all afire with the flame which lighted their dauntless hearts.

Deck the spot which is the last resting place of Ethan Allen, who so angered the British by his famous battle cry, "The Great Jehovah and the Continental Congress," and forget not the youngsters who followed him and were known as "the Green Mountain boys."

And give bluebells and other blooms to place above the three militiamen whom Major Andre and Benedict Arnold's gold could not corrupt nor bribe.

And jasmine for Molly Pitcher, who fired the old brass cannon after her husband, the gunner, was cut down on the fateful field of Monmouth.

THE COLONIAL MAID

And, oh, begonia, and petunia, and hyacinth, and fuschia, and lily, and rose for all those colonial maids and matrons, heroines every one, who, in every part of the distressed land, from the ocean to the mountains, from Quebec to Kentucky, charming maids and matrons, cheered on and on the "ragged continentals," in their buckskin clothing and their coonskin caps, and caused them to endure and ever still more to endure. O lovely lovers of liberty, ye shall not be forgot!

The widow Mott, hastening the conflagration of her own home rather than have it fall into foemen's hands; Margaret Corbin, the Joan of Arc, herself wounded in action! Abigail Adams, Deborah Sampson, Martha Washington, Molly Starks, Betsy Ross—what a glorious roll!

"Nor shall your glory be forgot,
While fame her record keeps
And honor guards the hallowed spot
Where valor proudly sleeps."

Their sacrifices were sublime, their privations were pitiful, their aid more precious than rubies!

FLAG

And let us of this generation fail not to remember that but for that winning fight by all these men and women the flag we love to-day would never have been conceived.

"*Resolved,*" said Congress, "*Resolved,* That the flag of the United States shall be 13 stripes, alternate red and white, with 13 stars on a blue field, representing a new constellation."

Could there have been in the mind or soul of man or woman a more beautiful conception? "A new constellation?" As a matter of fact, did this inspiring, poetic, celestial idea come from the brain of any mere man? I do not think it did; I think it come from Betsy Ross.

All hail to thee, thou grand old flag
Still floating o'er the free,
Though soiled and torn by foemen hands
Thou'rt doubly dear to me.

When, in my boyhood early days
I saw thee first unfurled,
I deemed thee then the pride of earth,
The glory of the world.

And when in later years I stood
In busy haunts of men,
And saw thee float o'er field and flood,
Old flag, I loved thee then.

But now, when neath thy glorious folds
No slave need cringe nor bow,
My father's and my country's flag,
I love thee better now.

Float on, old flag, until thy stripes
Shall all the nations heal,
And tyranny throughout the earth
Shall thy just vengeance feel.

"FIRST IN WAR"

The panorama discloses in every section, as a matter, of course, George Washington. There are few tableaux in which he fails to occupy the center of the scene.

In 1775 we see him draw the sword of command under the old elm at Cambridge.

Glorious sword; sacred blade!

Sword never to be sheathed, although dangers multiply; although disasters develop; although defeats and retreats dishearten, until British cannon cease to bellow and British bluster is heard no longer.

"FIRST IN PEACE"

In 1789 we see him standing on the balcony, at New York, taking the oath—the words of that tremendous obligation trembling on his lips as they went upward to be registered in heaven.

How clean and pure he kept both sword and oath!

I call, as witnesses, William McKinley, President; John Marshall, Chief Justice; Daniel Webster, Senator (orator, February 22, 1832, the one hundredth birthday); Major General (Marquis) Lafayette; Lieut. Col. (Congressman) Henry Lee (chosen to deliver the address before Congress on the day set apart, December 26, 1799); Abraham Lincoln.

SEVEN TRIBUTES TO WASHINGTON

President William McKinley, 1899:

"To-day, nearly a century from Washington's death, we turn reverentially to study the leading principles of that comprehensive chart for the guidance of the people.

"It was his unflinching devotion to these perceptions of duty which more than anything else made him what he was, and contributed so directly to make us what we are.

"Following the precepts of Washington we can not err.

"The wise lessons in government which he left us it will be profitable to heed.

"He seems to have grasped all possible conditions and pointed the way safely to meet them.

"He has established danger signals all along the pathway of the Nation's march.

"His wisdom and foresight have been confirmed and vindicated after more than a century of experience."

John Marshall, in the Life of George Washington, says (p. 122, ch. 6), in connection with that depressing experience, the retreat of Washington's army through Jersey:

"Among the many valuable traits in the character of Washington was the unyielding firmness of mind, which resisted these accumulated circumstances of depression, and supported him under them.

"Undismayed by the dangers which surrounded him, he did not for an instant relax his exertions."

Webster on Washington's conduct of America's foreign relations:

"The maxims upon which Washington conducted our foreign relations were few and simple. The first was an entire and indisputable impartiality toward foreign states.

"The famous phrase, 'Honest friendship with all nations, entangling alliances with none,' was not Washington's, but Jefferson's. But his words were fully as forceful; they show his deep fear that foreign influence would insinuate itself into our councils through the channels of domestic dissensions and obtain a sympathy with our own temporary parties.

"With a tone of earnestness nowhere else found, even in his last affectionate farewell advice, he says:

"'Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government.'"

Lieut. Col. (Congressman) Henry Lee, December 26, 1799:

"The founder of our Federate Republic—our bulwark in war, our guide in peace, is no more! First in war, first in peace, and first in the hearts of his countrymen, he was second to none in the humble and enduring scenes of private life.

"Methinks I see his august image and hear falling from his venerable lips these deep-sinking words:

"'Cease, sons of America, lamenting our separation; go on and confirm by your wisdom the fruits of our joint councils, joint efforts, and common dangers.

"'Reverence religion; diffuse knowledge throughout your land; patronize the arts and sciences; let liberty and order be inseparable companions; control party spirit, the bane of free government; observe good faith to and cultivate peace with all nations; shut up every avenue of foreign influence; contract rather than extend national connection; rely on yourselves only; be American in thought and deed!

"'Thus will you give immortality to that Union which was the constant object of my labors.'"

General (Marquis) Lafayette wrote to Chief Justice John Marshall a letter about the Battle of Monmouth, and in this letter said:

"Never was General Washington greater in war than in this action. His presence stopped the retreat. His disposition fixed the victory. His fine appearance on horseback, his calm courage, roused by the animation produced by the vexation of the morning, gave him the air best calculated to excite enthusiasm."

Abraham Lincoln's tribute:

"Washington's is the mightiest name of earth—long since the mightiest in the cause of civil liberty; still mightiest in moral reformation. On that name no eulogy is expected. It can not be. To add brightness to the sun or glory to the name of Washington is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on."

Washington not a demigod.

This outburst, by Lincoln, seems to me to cap the climax. It seems to be the very sublimity of hyperbole—something quite beyond description or realization. After this flight of impassioned, impressive eloquence, it would seem that no soaring, no words of human utterance, could higher soar. Of course, I shall not attempt it.

The condition or situation would seem to be well set forth in the book entitled "Sally Cary: a Long-Hidden Romance of Washington's Life" (by Wilson Miles Cary, published in 1896), in these words:

"The microscope of history has been diligently leveled for the past century upon the character and personality of Washington. His fame, great as it was in his life, has been steadily expanding with the Republic, till now the Father of His Country has fairly burst the bonds of human nature and assumed the proportions of a demigod. His epistles throw a side light and help to save him from that colorless dehumanization to which too indiscriminate eulogy was fast reducing our grandest American. * * * They show steady control of strong impulses which pygmies never feel."

FIVE ASPECTS OF WASHINGTON

Finding myself unable to cope with these other speakers and writers, some of whom knew Washington personally, and all of whom studied him minutely, I, after endeavoring to study them all as minutely as a busy life has permitted, have fully come to the conclusion that I am not qualified to attempt to discuss the whole life and character of our first President.

And so I shall not endeavor to go over his ability as a general and an executive, which more than a thousand writers have elaborately discussed.

But I will try to mention some of the things most dear to his heart and most notable in his action.

I. FRIEND OF EDUCATION

That he believed in and was in favor of education—in other words, the general diffusion of knowledge—is shown by the following quotation from his farewell address:

"It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shape the foundation of the fabric. In proportion as a government gives force to public opinion it is essential that public opinion should be enlightened.

"Promote, then, as an object of primary importance institutions for the general diffusion of knowledge."

A hundred other things bear testimony—for example, he maintained at college at his own expense nine of his own relatives; and we all know the unremitting enthusiasm with which he pushed his project for the Military Academy at West Point. He also found time to serve as chancellor of the William and Mary College and to urge the maintenance of a national university.

II. LABOR CHAMPION

That he believed in work and effort and thoroughness admits of no denial or debate. His theory is well set forth in a letter to a nephew, Bushrod Washington, reading as follows:

"Remember, that it is not the mere study of the law but to become eminent in the profession of it which is to yield honor and profit. The first (the law) was your choice, let the second (eminence) be your ambition; that the company in which you will improve most will be least expensive to you. And yet I am not such a stoic as to suppose that you will (or think it right that you should) always be in company with Senators and philosophers; but of the young and juvenile kind let me advise you to be choice. It is easy to make acquaintances, but very difficult to shake them off (however irksome and unprofitable they are found) afer we have once committed ourselves to them."

Would it not have been a priceless boon to all of us in this presence if some one had only in our early youth emphasized the fact that distinction in any profession comes only with the highest attainment and that not even profit comes without such attainment? After bitter experience, we all know that there is no real success without intense application; and that he who is content to be a mere student instead of a master will not only be without honor but also without profit.

"The heights by great men scaled and kept
Were not attained by sudden flight;
But they, while their companions slept,
Were toiling upward through the night."

WASHINGTON, MODEL PUBLIC SERVANT

Believing in work—w-o-r-k—as he did, our Washington never turned down a chance, never neglected an opportunity, never turned a deaf ear, never was blind to an appeal to lend his presence and approval to a church or charity, a deserving fraternity or lodge, or a worthy association of either men or women, whether conspicuous or humble. He never despised public office. He was not a shrinking patriot. He did not bury himself in some solemn chamber of reflection, some old law office or courthouse. He did not hide therein to wait for the hour when the public ear should become attuned to his words. On the contrary, all his efforts were such as to fasten the public eye upon him and cause him to be searched out among his fellows. He was one of that brilliant company, the surveyors of his day, a hard worker on vast estates, penetrating savage wildernesses while yet a minor. (Let us not forget the challenging fact that not only Washington but Thomas Marshall, of the third Virginia line, and later Abraham Lincoln and later a host of our celebrities, were once surveyors.) He was a member of the house of burgesses before the French and Indian War, was a major and assistant adjutant general before he was a lieutenant colonel in the days of General Braddock, and the latter's ill-fated "expedition" and ambush. He was a delegate to the Continental Congress until 1775, when elected commanding general, and was "president and deputy from Virginia" in the Constitutional Convention beginning 1787. And he found time to be warden in his church, master in his lodge, and chancellor of a college.

III. RELIGION

That he was a believer in Divine Providence is shown by the following extract:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.

"In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

"The mere politician equally with the pious man ought to respect and to cherish them.

"A volume could not trace all their connections with private and public felicity.

"Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice?

"And let us with caution indulge the supposition that morality can be maintained without religion.

"Whatever may be conceded (to the influence of refined education), reason and experience forbid us to expect that national morality can prevail in exclusion of religious principles."

It is in recognition of Washington's belief in God that the likeness of him in imperishable bronze which hangs on the wall of the old Subtreasury in old New York represents him on his knees in the snow at Valley Forge on that mighty day when he made his most urgent appeal to Heaven.

O Valley Forge! Have you been to Valley Forge? If not, hasten, I beg you, to go at your earliest opportunity.

See the breastworks; the line where Lafayette's division lay; the line of Mad Anthony Wayne; the great arch of marble with its lettering—

"They shall hunger no more;
Neither thirst any more."

And, above all, see the bronze praying stool and on it the words: "Day of fasting and prayer, June 1, 1774. I went to church and fasted all day." A reproduction in the handwriting of George Washington.

IV. THE LOVER

I remark, in the fourth place, that there really was a Washington who was not a demigod, or any kind of a god, but a very, very human, terrestrial being. It rejoices my heart to be able to truthfully say this—rejoices my heart that there was a talking, walking, living, loving Washington. It would not help me to know that he was a demigod, unearthly, far apart. It could do me no good to be exhorted to imitate a demigod, because I could not so do, by any possibility. But there is the very liveliest incentive and the most potent inducement for me to try to be like him in my little humble obscure individuality, when I learn that he was just flesh and blood and mortal man, like you and me, tempted at all points like as we are.

I cite you to two examples of his humanness, his earthly, undivine—or rather nongodly make-up.

See him riding up to the town of Monmouth in the early dawn. His ragged army has just been revived (somewhat) by the spring following the winter at Valley Forge.

In three divisions it is marching upon Monmouth. The hour has come to turn and fight. (To every man and nation comes the hour when he or it must turn and fight or die. That hour has come to him.) He advances full of hope, eye alight, head erect, soul aloft. All of a sudden he meets one of his most able and conspicuous generals, Charles Lee, in full retreat, when he ought to be in full advance. Washington spurs his horse up to that of Lee until the stirrups clash, and says, "You are a —— poltroon!"

Would you have had it otherwise? Would you have had that cowardly or calculating commander (trusted by our Washington in the hour of our peril) escape his deserved rebuke? God forgive me, but I am glad that he used the good, the short, the ugly word. In that one moment we had revealed to us and to history the fact that underneath was a soul of tempestuous, tumultuous passion, always hitherto controlled by the man and mastered by him. Deep emotion was also exhibited the day the treason of Benedict Arnold was discovered and the day the militiamen retreated at Kips Ferry—the day he tried to beat the line forward with the flat of his sword—and the day Major André was executed.

And see him offering his hand to five different girls—five different girls in 10 years, pressing his suit—

At 16 to Mary Carey, of Fairfax.

At 18 to Mary Brand, of Westmoreland.

At 20 to Mary Fauntleroy, of Richmond.

At 22 to Mary Phillipse, of New York.

At 26 to Martha Custis, whom he married in his twenty-seventh year. Are you not glad? I am! It makes him seem less remote; more like us! I rejoice that all the men of valor who have kept the flag in the sky have been ardent lovers of American women—all of them. When they fought, they fought violently, and then fell violently in love.

V. WASHINGTON, THE OPTIMIST

I remark, in the fifth place, that George Washington was a real, an eternal optimist.

He had his disappointments, and, indeed, plenty of them, but he was not a pessimist.

He was hopeful always, in a cool, determined way; not flamboyant.

A pessimist has been defined as a man who, having to choose between two evils, takes no chances, but chooses both.

I know the breed; you know the brand; it is an ugly type.

Such a man continually goes about contending that everything is going from bad to worst, going to "the demnition bow wows." Such a man believes that "there were giants in those days," but not now.

He believes that there are no longer anywhere, on land or sea, any good preachers, any good teachers, any good doctors, any good lawyers, any good capitalists, any good laborers, any good editors. He thinks they are all dead and gone.

And such a man is wrong.

As a matter of fact, there never were in any time or clime so many good preachers, so many good teachers, so many good doctors and lawyers and editors as there are to-day.

There never was so much generosity and benevolence and philanthropy and good samaritanism in general, never so much of the milk of human kindness in the hearts of men, never so much of the Lord God Almighty in humanity as there is to-day.

While it is a time for patience and forbearance and for withholding of judgment it is not a time for pessimism.

And while it is a time for discouraging the fanatic, who goes searching for liberty with a torch in one hand and a bomb in the other, it is not a time to be discouraged about the progress of liberty, not a time to gratify the kings and emperors and sultans and czars and mikados by giving the impression that the American experiment of self-government is (in any sense or to any degree) a failure. Make no mistake, no king or emperor or sultan or czar (or mikado) is lying awake at night praying for the success of this Republic; let us not please him by admitting that we have failed, for we have not failed, and we stand at this hour facing the noblest opportunity ever faced by free government.

Concerning "opportunity" a gifted orator once said:

"I knock but once,
And I return no more;
If sleeping, wake!"

This is a false doctrine.

Here is a better verse:

"They do me wrong,
Who say I come no more,
When once I knock and fail to find you in,
For every morn I knock at every door
And bid you wake and rise to fight and win."

Faith in God and in humanity and in freedom never deserted Washington.

Difficulties never made him afraid. Jefferson once said he was a stranger to fear.

The unalterable determination and dogged perseverance which fought on after Long Island fell; fought on after the abandonment of New York; fought on after the retreat through Jersey; fought on after the retreat from Philadelphia; fought on after the loss of Charleston, and the overrunning of the Carolinas; fought on, with Howe at Philadelphia and Clinton at New York, with Burgoyne coming down from Canada, and Cornwallis and Tarleton coming up from Carolina, despite Benedict Arnold ravaging New England, and the sinister presence of the Hessian—can you imagine optimism greater?

And then see him during that period from 1783 to 1789—long, tedious, weary years—talking, talking, writing, writing, urging, urging, that the Union under one government is the only salvation.

Oh, the faith; oh, the sublime faith in that glad and grand and glorious heart!

Faith in America, his country, and her people! Optimism, indeed!

That sacred flame on the Nation's altar never died down, because he kept it alive.

It burned and burned as our forefathers fell around about the campfires that cradled our liberties.

And it flamed right on, in Washington's soul, all through the ensuing six years, those anxious years 1783 to 1789, following the Revolution.

And then, when those six years went by, and 1790, 1791, 1792, 1793, 1794, 1795, and 1796 came—that is, seven more years came—still he stood there at the altar of the Nation tending the eternal flame, stood there a pillar of fire himself, between this infant Republic and all the powers and politics that imperilled it.

What if he had fallen, what if he had failed, had faltered? Where and what would we, the Americans, have been to-day?

The theories and principles that he harbored in his heart he reveals more fully than elsewhere in his farewell address to the American people, in 1796. I have already read to you what he said about education and about religion. I now must read a few things which show the absolute confidence in the ability of the American Republic to take care of itself.

"Let us erect a standard to which the wise and honest may repair. The rest is in the hands of God."

"Let us impart all the blessings we possess or ask for ourselves to the whole family of mankind."

"'Tis substantially true that virtue or morality is a necessary spring of popular government."

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world."

"The great rule of conduct for us in regard to foreign nations is to have with them as little political connection as possible."

"Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies."

Richard Watson Gilder sings:

Ye who defeated, 'whelmed,
Betray the sacred cause, let go the trust;
Sleep, weary, while the vessel drifts unhelmed;
Here, see, in triumph rise the hero from the dust!

All ye who fight forlorn
'Gainst fate and failure; ye who proudly cope
With evil high enthroned; all ye who scorn
Life from dishonor's hand, here take new heart of hope.

WASHINGTON—CRITICISM OF HIM IN HIS DAY

Thomas Wentworth Higginson says:

"On the last day of office a Philadelphia newspaper dismissed Washington with a final tirade, worth remembering by all who think that political virulence is on the increase:

"'Lord, now lettest Thou Thy servant depart in peace, for mine eyes have seen thy salvation,' was the exclamation of a man who saw a

flood of blessedness breaking in upon mankind. If ever there was a time that allowed this exclamation to be repeated, that time is the present. The man who is the source of all our country's misery is this day reduced to the rank of his fellow citizens and has no longer the power to multiply the woes of these United States. Now more than ever is the time to rejoice. Every heart which feels for the liberty and the happiness of the people must now beat with rapture at the thought that this day the name of Washington ceases to give currency to injustice and to legalize corruption. * * * When we look back upon the eight years of Washington's administration it strikes us with astonishment that one man could thus poison the principles of republicanism among our enlightened people and carry his designs against the public liberty so far as to endanger its very existence. Yet such is the fact, and if this is apparent to all, this day should form a jubilee in the United States."

My fellow citizens of the year 1928, when I came across this item and example of the criticism and abuse which Washington encountered in his day, I, of course, remembered, as most of us do in a sort of general way, that Washington was much criticized in his official lifetime by men and writers who disapproved his policies, and that he must have suffered much in his feelings, conscious as he was of the rectitude of his conduct and the purity of his motives. But I confess I was horrified at the malignity of this particular piece of abuse.

Is it any wonder, ladies and gentlemen, that on the last day in office, the same day as this attack, Washington wrote to General Knox comparing himself to "the weary traveler who sees a resting place and is bending his body to lean thereon," and is it any wonder that he added, "To be suffered to do this in peace is too much to be endured by some"?

CONCLUSION

My fellow citizens, Washington was, of course, much more than a great lover, great believer, great advocate of education and of religion and of federal union, and of individual industry. Soldier and general, legislator and executive, politican and diplomat, he was all these and more. He was a farmer and business man and promoter and explorer and many things more. But I consider his chief distinction is that he was the giver, to the world and humanity, of its chiefest example of free government. I think we ought here and now to highly resolve that he shall not have struggled in vain; highly resolve that we will not fail him (as he looks over the battlements of heaven to observe us); that we will do all that feeble finite hand and mind can do to make real that which was his ideal.

O men and women of America, I believe that this dear country of ours was divinely ordained. I believe that the curtain of waters of the Atlantic Ocean was held right down on the east side of this continent until the prow of Columbus parted these western waters in 1492 for a mighty purpose. And I believe that that mighty purpose was and is to establish—yea to maintain—here on this western continent a mighty and model Republic. I believe that it is part of that mighty purpose that this mighty Republic should be and become in truth and in fact the heir of the ages, the child of the centuries, the beacon light of liberty, the last hope of humanity, utterly regardless of what it costs—in men or in money, in brain or in bayonets, in treasure or in tears. Wise and just, brave and firm, our forefathers and our fathers have gone away for a while and have left in our hands the work of their hands. It is worth saving; it is worth serving. Let us do so right now in humble imitation of their august example—pledge to the mighty work of our lives, our fortunes, and our sacred honors.

"Thou, too, sail on, O ship of state."

PERSONAL INCOME AND CORPORATION TAXES

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to print in the RECORD some remarks of my own concerning personal incorporation taxes.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ACKERMAN. Mr. Speaker and Members of the House, I present herewith statements showing the amounts of personal income and corporation taxes paid in the various States for the calendar year 1927, as contrasted with the year 1926. The percentage first referred to indicates the entire percentage of the State's proportion to the whole amount or 100 per cent received as income taxes by the Internal Revenue Bureau:

Alabama paid total personal and corporation tax for 1927 of $10,058,322, or 0.46 per cent, as compared with a total tax paid for 1926 of $8,934,017, or 0.41 per cent, an increase of $1,124,305 over 1926, or 12.58 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by seven States combined, as follows: Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Vermont.

Arizona paid total personal and corporation tax for 1927 of $1,681,763, or 0.08 per cent, as compared with a total tax paid for 1926 of $1,646,623, or 0.08 per cent, an increase of $35,140 over 1926, or 2.14 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by two States combined, as follows: New Mexico, and North Dakota.

Arkansas paid total personal and corporation tax for 1927 of $4,453,030, or 0.20 per cent, as compared with a total tax paid for 1926 of $5,166,830, or 0.24 per cent, a decrease of $713,800 under 1926, or 13.81 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by five states combined, as follows: Arizona, North Dakota, New Mexico, South Dakota, and Nevada.

California paid total personal and corporation tax for 1927 of $114,811,451, or 5.23 per cent, as compared with a total tax paid for 1926 of $108,090,054, or 4.98 per cent, an increase of $6,721,397 over 1926, or 6.22 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 22 States and Hawaii combined, as follows: Colorado, Rhode Island, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Colorado paid total personal and corporation tax for 1927 of $12,743,556, or 0.58 per cent, as compared with a total tax paid for 1926 of $12,257,773, or 0.56 per cent, an increase of $485,783 over 1926, or 3.96 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Wyoming.

Connecticut paid total personal and corporation tax for 1927 of $33,065,855, or 1.51 per cent, as compared with a total tax paid for 1926 of $31,747,900, or 1.46 per cent, an increase of $1,317,955 over 1926, or 4.15 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 14 States combined, as follows: Nebraska, Arkansas, Utah, South Carolina, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Delaware paid total personal and corporation tax for 1927 of $15,740,594, or 0.72 per cent, as compared with a total tax paid for 1926 of $11,913,619, or 0.55 per cent, an increase of $3,826,975 over 1926, or 32.12 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

Florida paid total personal and corporation tax for 1927 of $24,301,807, or 1.11 per cent, as compared with a total tax paid for 1926 of $46,678,668, or 2.15 per cent, a decrease of $22,376,861 under 1926, or 47.94 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 12 States combined, as follows: Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Georgia paid total personal and corporation tax for 1927 of $12,923,299, or 0.59 per cent, as compared with a total tax paid for 1926 of $14,164,922, or 0.65 per cent, a decrease of $1,241,623 under 1926, or 8.77 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Wyoming.

Idaho paid total personal and corporation tax for 1927 of $1,183,047, or 0.05 per cent, as compared with a total tax paid for 1926 of $1,443,435, or 0.07 per cent, a decrease of $260,388 under 1926, or 18.04 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by any one of the following States: North Dakota, New Mexico, South Dakota, and Nevada.

Illinois paid total personal and corporation tax for 1927 of $193,450,035, or 8.81 per cent, as compared with a total tax paid for 1926 of $192,101,247, or 8.84 per cent, an increase of $1,348,788 over 1926, or 0.70 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 27 States and Hawaii combined, as follows: North Carolina, Delaware, Kentucky, Louisiana, Tennessee, Georgia, Colorado, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Indiana paid total personal and corporation tax for 1927 of $28,580,494, or 1.30 per cent, as compared with a total tax paid for 1926 of $27,473,092, or 1.26 per cent, an increase of $1,107,402 over 1926, or 4.03 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 13 States combined, as follows: Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Iowa paid total personal and corporation tax for 1927 of $11,051,218, or 0.50 per cent, as compared with a total tax paid for 1926 of $11,829,421, or 0.54 per cent, a decrease of $778,203 under 1926, or 6.58 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Kansas paid total personal and corporation tax for 1927 of $21,038,453, or 0.96 per cent, as compared with a total tax paid for 1926 of $17,639,395, or 0.81 per cent, an increase of $3,399,058 over 1926, or 19.27 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 11 States combined, as follows: South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Kentucky paid total personal and corporation tax for 1927 of $15,349,107, or 0.70 per cent, as compared with a total tax paid for 1926 of $16,042,401, or 0.74 per cent, a decrease of $693,294 under 1926, or 4.32 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

Louisiana paid total personal and corporation tax for 1927 of $14,125,076, or 0.64 per cent, as compared with a total tax paid for 1926 of $14,084,369, or 0.65 per cent, an increase of $40,707 over 1926, or 0.29 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: Mississippi, Wyoming, Vermont, Montana, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Maine paid total personal and corporation tax for 1927 of $8,234,150, or 0.38 per cent, as compared with a total tax paid for 1926 of $9,108,122, or 0.42 per cent, a decrease of $873,972 under 1926, or 9.60 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by seven States combined, as follows: Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Maryland (includes District of Columbia): Paid total personal and corporation tax for 1927 of $45,293,200, or 2.06 per cent, as compared with a total tax paid for 1926 of $44,548,154, or 2.05 per cent, an increase of $745,046 over 1926, or 1.67 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 15 States and Hawaii combined, as follows: Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Massachusetts: Paid total personal and corporation tax for 1927 of $99,966,598, or 4.55 per cent, as compared with a total tax paid for 1926 of $104,080,261, or 4.79 per cent, a decrease of $4,113,663 under 1926, or 3.95 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 20 States and Hawaii combined, as follows: Colorado, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Michigan: Paid total personal and corporation tax for 1927 of $130,426,190, or 5.94 per cent, as compared with a total tax paid for 1926 of $147,686,072, or 6.8 per cent, a decrease of $17,259,882 under 1926, or 11.68 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 23 States and Hawaii combined, as follows: Tennessee, Georgia, Colorado, Rhode Island, Washington (including Alaska), Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Minnesota paid total personal and corporation tax for 1927 of $26,792,720, or 1.22 per cent, as compared with a total tax paid for 1926 of $29,270,106, or 1.35 per cent, a decrease of $2,477,386 under 1926, or 8.46 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 13 States combined, as follows: Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Mississippi paid total personal and corporation tax for 1927 of $2,757,959, or 0.13 per cent, as compared with a total tax paid for 1926 of $3,569,983, or 0.16 per cent, a decrease of $812,024 under 1926, or 22.75 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by four States combined, as follows: North Dakota, New Mexico, South Dakota, and Nevada.

Missouri paid total personal and corporation tax for 1927 of $53,482,717, or 2.44 per cent, as compared with a total tax paid for 1926 of $56,660,140, or 2.61 per cent, a decrease of $3,177,423 under 1926, or 5.61 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 16 States and Hawaii combined, as follows: Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Montana paid total personal and corporation tax for 1927 of $2,400,309, or 0.11 per cent, as compared with a total tax paid for 1926 of $2,237,600, or 0.10 per cent, an increase of $162,709 over 1926, or 7.28 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by three States combined, as follows: North Dakota, New Mexico, and South Dakota.

Nebraska paid total personal and corporation tax for 1927 of $5,402,215, or 0.25 per cent, as compared with a total tax paid for 1926 of $6,242,163, or 0.29 per cent, a decrease of $839,948 under 1926, or 13.46 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by five States combined, as follows: Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

Nevada paid total personal and corporation tax for 1927 of $553,911, or 0.02 per cent, as compared with a total tax paid for 1926 of $450,135, or 0.02 per cent, an increase of $103,776 over 1926, or 23.05 per cent increase over tax paid for 1926. Nevada paid less than any other State for 1927.

New Hempshire paid total personal and corporation tax for 1927 of $3,131,823, or 0.14 per cent, as compared with a total tax paid for 1926 of $3,017,115, or 0.14 per cent, an increase of $114,708 over 1926, or 3.80 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by four States combined, as follows: Idaho, New Mexico, South Dakota, and Nevada.

New Jersey paid total personal and corporation tax for 1927 of $81,126,528, or 3.70 per cent, as compared with a total tax paid for 1926 of $78,212,227, or 3.60 per cent, an increase of $2,914,301 over 1926, or 3.73 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 19 States and Hawaii combined, as follows: Kentucky, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

New Mexico paid total personal and corporation tax for 1927 of $710,196, or 0.03 per cent, as compared with a total tax paid for 1926 of $616,073, or 0.03 per cent, an increase of $94,123 over 1926, or 15.28 per cent increase over tax paid for 1926. Paid more for 1927 than either of the following States: South Dakota and Nevada.

New York paid total personal and corporation tax for 1927 of $652,301,086, or 29.71 per cent, as compared with a total tax paid for 1926 of $618,415,054, or 28.47 per cent, an increase of $33,886,032 over 1926, or 5.48 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 40 States and Hawaii combined, as follows: California, Maryland (including District of Columbia), Texas, Wisconsin, Connecticut, Indiana, Minnesota, Florida, Oklahoma, Virginia, Kansas, North Carolina, Delaware, West Virginia, Kentucky, Louisiana, Tennessee, Georgia, Colorado, Rhode Island, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

North Carolina paid total personal and corporation tax for 1927 of $19,531,967, or 0.89 per cent, as compared with a total tax paid for 1926 of $19,100,611, or 0.88 per cent, an increase of $431,356 over 1926, or 2.26 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 11 States combined, as follows: South Carolina, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

North Dakota paid total personal and corporation tax for 1927 of $730,926, or 0.03 per cent, as compared with a total tax paid for 1926 of $826,252, or 0.04 per cent, a decrease of $95,326 under 1926, or 11.54 per cent decrease under tax paid for 1926. Paid more for 1927 than any one of the following States: New Mexico, South Dakota, and Nevada.

Ohio paid total personal and corporation tax for 1927 of $111,586,574, or 5.08 per cent, as compared with a total tax paid for 1926 of $119,800,019, or 5.52 per cent, a decrease of $8,213,445 under 1926, or 6.86 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by 21 States and Hawaii combined, as follows: Colorado, Rhode Island, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Oklahoma paid total personal and corporation tax for 1927 of $23,294,430, or 1.06 per cent, as compared with a total tax paid for 1926 of $20,407,278, or 0.94 per cent, an increase of $2,887,152 over 1926, or 14.15 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 12 States combined, as follows: Utah, South Carolina, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Oregon paid total personal and corporation tax for 1927 of $6,024,339, or 0.27 per cent, as compared with a total tax paid for 1926 of $6,264,825, or 0.29 per cent, a decrease of $240,486 under 1926, or 3.84 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by six States combined, as follows: Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Pennsylvania paid total personal and corporation tax for 1927 of $224,440,937, or 10.22 per cent, as compared with a total tax paid for 1926 of $213,418,955, or 9.83 per cent, an increase of $11,021,982 over 1926, or 5.16 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 29 States and Hawaii combined, as follows: Kansas, Delaware, West Virginia, Kentucky, Louisiana, Tennessee, Georgia, Colorado, Rhode Island, Washington (including Alaska), Iowa, Alabama, Maine, Oregon, Nebraska, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming,

Vermont, Montana, Arizona, Idaho, North Dakota, South Dakota, Nevada, and New Mexico.

Rhode Island paid total personal and corporation tax for 1927 of $12,645,207, or 0.58 per cent, as compared with a total tax paid for 1926 of $14,827,361, or 0.68 per cent, a decrease of $2,182,154 under 1926, or 14.72 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Wyoming, Vermont, Montana, Arizona, North Dakota, New Mexico, South Dakota, and Nevada.

South Carolina paid total personal and corporation tax for 1927 of $3,478,787, or 0.16 per cent, as compared with a total tax paid for 1926 of $3,917,000, or 0.18 per cent, a decrease of $438,213 under 1926, or 11.19 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by four States combined, as follows: Idaho, North Dakota, New Mexico, and South Dakota.

South Dakota paid total personal and corporation tax for 1927 of $676,318, or 0.03 per cent, as compared with a total tax paid for 1926 of $837,913, or 0.04 per cent, a decrease of $161,595 under 1926, or 19.28 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by one other State, namely, Nevada.

Tennessee paid total personal and corporation tax for 1927 of $13,619,203, or 0.62 per cent, as compared with a total tax paid for 1926 of $12,725,878, or 0.59 per cent, an increase of $893,325 over 1926, or 7.02 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: New Hampshire, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Texas paid total personal and corporation tax for 1927 of $44,391,136, or 2.02 per cent, as compared with a total tax paid for 1926 of $41,217,710, or 1.90 per cent, an increase of $3,173,426 over 1926, or 7.70 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 15 States and Hawaii combined, as follows: Maine, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Utah paid total personal and corporation tax for 1927 of $3,830,992, or 0.17 per cent, as compared with a total tax paid for 1926 of $3,780,079, or 0.17 per cent, an increase of $50,913 over 1926, or 1.34 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by four States combined, as follows: Arizona, New Mexico, South Dakota, and Nevada.

Vermont paid total personal and corporation tax for 1927 of $2,498,203, or 0.11 per cent, as compared with a total tax paid for 1926 of $2,714,326, or 0.12 per cent, a decrease of $216,123 under 1926, or 7.96 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by three States combined, as follows: North Dakota, New Mexico, and South Dakota.

Virginia paid total personal and corporation tax for 1927 of $22,741,246, or 1.04 per cent, as compared with a total tax paid for 1926 of $19,614,622, or 0.90 per cent, an increase of $3,126,624 over 1926, or 15.94 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 12 States combined, as follows: South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Washington (includes Alaska) paid total personal and corporation tax for 1927 of $12,567,134, or 0.57 per cent as compared with a total tax paid for 1926 of $12,979,249, or 0.60 per cent, a decrease of $412,115 under 1926, or 3.18 per cent decrease under tax paid for 1926. Paid more for 1927 than the total tax paid by eight States combined, as follows: Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

West Virginia paid total personal and corporation tax for 1927 of $15,420,533, or 0.70 per cent, as compared with a total tax paid for 1926 of $14,023,022, or 0.64 per cent, an increase of $1,397,511 over 1926, or 9.97 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by nine States combined, as follows: Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, and South Dakota.

Wisconsin paid total personal and corporation tax for 1927 of $42,928,673, or 1.96 per cent, as compared with a total tax paid for 1926 of $32,994,457, or 1.52 per cent, an increase of $9,934,216 over 1926, or 30.11 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by 15 States and Hawaii combined, as follows: Oregon, Hawaii, Arkansas, Utah, South Carolina, New Hampshire, Mississippi, Wyoming, Vermont, Montana, Arizona, Idaho, North Dakota, New Mexico, South Dakota, and Nevada.

Wyoming paid total personal and corporation tax for 1927 of $2,567,967, or 0.12 per cent, as compared with a total tax paid for 1926 of $1,514,846, or 0.07 per cent, an increase of $1,053,121 over 1926, or 69.52 per cent increase over tax paid for 1926. Paid more for 1927 than the total tax paid by three States combined, as follows: Idaho, New Mexico, and Nevada.

CONTESTED-ELECTION CASE OF CLARK AGAINST WHITE

Mr. COLTON. Mr. Speaker, I call up a privileged resolution from the Committee on Elections No. 1, on the contested-election case of W. H. Clark against Hays B. White, from the sixth congressional district of the State of Kansas, and ask for its immediate consideration.

The SPEAKER. The gentleman from Utah calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 122

Resolved, That W. H. Clark was not elected a Representative in this Congress from the sixth congressional district of the State of Kansas and is not entitled to a seat herein.

Resolved, That Hays B. White was duly elected a Representative from the sixth congressional district of the State of Kansas and is entitled to retain his seat therein.

Mr. COLTON. Mr. Speaker, I shall take only a moment or two on this case. The committee does feel, however, that we should take this occasion, and every appropriate occasion, to serve notice on the public generally, and the members of the bar particularly, that these cases are considered upon their merits and upon the law and that political expediency does not enter into our deliberations.

The committee feels also that we should take this occasion to say that the fees in this case are allowed as we believe a fair and impartial judge would allow such fees for the actual services rendered. In this case, particularly on one side, there appears to have been very little work done, and yet a claim was submitted for more than the entire amount authorized by Congress. The committee has not allowed the amount that was claimed. We went over the matter carefully and allowed what we believed was a fair compensation for the work which was done; in fact, I believe it is a generous allowance, and yet it is less than one-half of the amount that was claimed. We expect to follow the practice of allowing a reasonable fee only, and that for service actually rendered.

Mr. CRISP. Will the gentleman yield?

Mr. COLTON. I yield.

Mr. CRISP. Is this a unanimous report from the committee?

Mr. COLTON. It is. The committee is unanimous in making its report and its finding in this case; and I now yield five minutes to the gentleman from Tennessee [Mr. ESLICK], the ranking minority member of the committee.

Mr. ESLICK. Mr. Speaker, I do not know that I can say anything that would add to the statement of the chairman of the committee, the gentleman from Utah [Mr. COLTON]. Simply the petition and the answer were filed in this case. Absolutely no proof was taken. The attorney for the contestant, W. H. Clark, came before the committee and frankly admitted that the contestant had lost his day in court.

The contestant did make some investigation over the district and had consultations with his attorneys, and for some unknown reason failed to prosecute the contest. Whatever the merits may have been, the committee heard nothing of the facts of the case.

We took up the question of fees and costs, as the chairman has said, just as an impartial judge would. This case was not viewed from the political standpoint, but in order that fairness might be done between the Government on the one hand and the contestant and the contestee on the other, both as to fees and expense account.

There was no difference of opinion between the individual members of the committee and after going over and carefully investigating the expense items and the labor performed by the attorneys, this report comes to the House as a unanimous report, both on the seating of Mr. WHITE and on the question of expenditures.

Mr. COLTON. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the first part of the resolution.

The first part of the resolution was agreed to.

The SPEAKER. The question is on agreeing to the second part of the resolution.

The second part of the resolution was agreed to.

ASSISTANT CLERK TO THE COMMITTEE ON INVALID PENSIONS

Mr. MACGREGOR. Mr. Speaker, I call up a privileged report from the Committee on Accounts and ask for its immediate consideration.

The SPEAKER. The gentleman from New York calls up a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House compensation at the rate of $1,800 per annum, payable monthly, for the services of a temporary assistant clerk to the Committee on Invalid

Pensions for the purpose of making the pending work of the committee current. Such employment shall terminate not later than November 1, 1928.

Mr. MACGREGOR. Mr. Speaker, I move the adoption of the resolution.

The resolution was agreed to.

OFFICE OF THE CLERK OF THE HOUSE

Mr. MACGREGOR. Mr. Speaker, I present another resolution.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That until otherwise provided by law the Clerk of the House be authorized and directed to pay from the contingent fund of the House annual compensation payable monthly as follows:

For the services of a clerk to the Committee on Expenditures in the Executive Departments, $2,880;

For the services of a janitor to the Committee on Expenditures in the Executive Departments, $1,200.

With the following committee amendment:

Strike out the figures "1,200" in line 8 and insert in lieu thereof the figures "1,110."

The committee amendment was agreed to.

The resolution was agreed to.

ERMA RUSSELL

Mr. MACGREGOR. Mr. Speaker, I present another resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That there shall be paid, out of the contingent fund of the House, to Erma Russell, granddaughter of Aaron Russell, late an employee of the House, an amount equal to six months of his compensation and an additional amount not exceeding $250 to defray the funeral expenses of the said Aaron Russell.

Mr. MACGREGOR. Mr. Speaker, with respect to the last resolution (H. Res. 104); I would like the privilege of extending my remarks. This employee was an employee of the House of Representatives for over 50 years, and I would like to make some remarks upon his service.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MACGREGOR. Mr. Speaker, Aaron Russell entered the service of this House as one of its employees on December 1, 1861, and with the exception of eight years, from 1911 to 1919, served continuously, a total service of 58 years. He died at the age of 87 years. It is testified by those who knew him that he was a man of splendid character and faithful in all things. Russell, upon a meager salary raised a large family and educated and fitted them for professional and other service. He was prominent in the work of his church, in which he was a devoted leader, and was active in civic affairs among colored people who esteemed him highly. During his long service here in the House he became well informed and his acquaintanceship embraced statesmen of the stirring days of the Civil War, of the reconstruction period, and of later years. Among his personal friends, who found in Russell a dependable and conscientious public servant, were Thaddeus Stevens, James G. Blaine, Thomas B. Reed, Samuel J. Randall, John G. Carlisle, Joseph G. Cannon, and many others. His particular friend and benefactor was the late Edward McPherson, prominent as a Member of the House and for many years Clerk of the House. In his office Aaron Russell was a clerk, having won successive promotions from his original position as a laborer. In the McPherson family, I am told, Russell was regarded with admiration and affection for his manly qualities.

To his children, Russell was a fine example of right living. They testify to his correct habits. For instance:

We never saw him in the house with his coat or collar off, or his hat on, and never knew him to smoke, whistle, or spit in the house. No matter how hard it might rain he always insisted that the boys black their shoes before going out. "You must start out right," was his rule.

From 1870 until his death Aaron Russell was a member of the Fifteenth Street Presbyterian Church, in this city. The members of that congregation attended his funeral, and the pastor, the Rev. Halley B. Taylor, D. D., delivered the following address, which is worthy of insertion in the RECORD:

When Joseph had caused his father, Jacob, to be brought down into the land of Egypt during the days of the great famine, recorded in the Book of Genesis, he led him into the presence of the then-reigning Pharaoh in order that the father might meet the monarch in whose sight he had found so great favor, and that the monarch might behold the father whose offspring had saved from death both himself and his people.

While they thus confronted each other Pharaoh, manifesting a kindly interest in the old man before him, asked the friendly question, "How old art thou?" And the patriarch, mindful of the everlasting covenant made by the Almighty with Abraham, Isaac, and himself, made answer in these significant words, "The days of the years of my pilgrimage are an hundred and thirty years." Jacob, in thus replying, enunciated a hope that is easily understood by us, but the universal applicability of the truth inferred too often escapes our serious consideration because of the insistent character of the demands made upon us by the conditions of modern life.

In speaking of the days of his pilgrimage he acknowledged himself a pilgrim. For 130 years he had been journeying. Changing times and scenes and conditions had convinced him that here he had no permanent dwelling place. He saw himself a traveling stranger with no hope of perfect rest until he had at last entered the blessed confines of the Land of Promise.

We, like Jacob, should bear in mind that we, one and all, are but pilgrims. That we have here no continuing city and that each dawning day finds us still strangers, ever passing through the world, revealing our real spiritual worth to our fellow travelers by our responses to the things that touch our lives and by our constant endeavor to bring forth as realities the dreams that stir our souls.

Thought of, then, in the light of the foregoing facts, what manner of man was this our departed brother, Aaron Russell, whose still form before us proclaims the end of his pilgrimage?

Mr. Aaron Russell during the days of his pilgrimage saw the coming and going of 87 years. For 67 years he was cheered on the way by the wife of his youth, who less than four months ago preceded him into the better world. To-day their children, responsible and respected members of society, unitedly lift their voices in grateful praise of him because of his unflagging faithfulness to his family. Men covet the plaudits of the multitude, the encomiums of the eloquent and the distinguishing marks of honor received at the hands of the mighty; but we believe that in the light of truth all such testimonials pale into insignificance when compared with the simple tribute, flowing from the hearts and lips of sons and daughters, testifying to the faithfulness of a parent who dealt kindly and lovingly with those in his power within the sacred precincts of his home, away from the sight of men.

These children reverently pay such a tribute to their father, and we would urge you who hear that as pilgrims you seek to cultivate the confidence and love of those nearest you in order that they may sing your praises when your day is done, even as these find pleasure in declaring the fidelity of their father, our brother, to his family.

Through another set of actions we get a glimpse of the real Aaron Russell and realize that to a most remarkable degree he was generous to his friends. There is a studied and ostentatious generosity often shown by men who evidently intend that it shall inure to their immediate benefit or serve to facilitate the progress of their plans in the future; but, in the generosity of our departed brother, no such ends could have been had in mind. While yet of a sound and alert mind, he called his son and ordered the production and destruction of all his personal papers that had to do with the material indebtedness of his friends to him in order that discomfiture might not befall them because of his departure. Certainly, this was a most remarkable demonstration of unalloyed generosity. As a pilgrim he set the example that teaches that in passing on our way we should strew the pathway over which our fellows must follow with the gladsome flowers of kindness instead of the pricking thorns of anguish. His decision harmonized with the petition, "Forgive us our debts as we forgive our debtors."

By the hasty judgment of casual friends Aaron Russell was characterized as pugnacious, but to the eyes of sympathetic friends his so-called pugnacity stood discovered as a fixed principle to stand firmly by his honest convictions. What seemed to have been a fault we must regard as a virtue. Instead of condemning him for his obstinacy we should pray God that all of us might be more determined to stand stubbornly by our hearts' convictions, yielding only to the clear voices of reason, justice, and truth.

If Americans would stand firmly by their convictions as to the undeniable meaning of our Constitution for which these Stars and Stripes stand instead of the existing turmoil, misery, and woe which afflict our land, we should see our country converted into a veritable paradise within the space of a year. May we so live that men may say of each of us that during the days of our pilgrimage we were ever willing to go down with the things in which we believed. We should praise our brother for his positive teaching of so salutary a lesson.

How did this pilgrim respond to the call to cooperate in rendering service with and for his fellowmen?

We are informed in the brief sketch of his life, as just read, that he entered the service of our Government in 1861, and that he served continuously, faithfully, and efficiently until his retirement a very short time ago. The very fact that he rendered cheerful service for three

score years without noteworthy advancement or hope of significant promotion reveals him as a man of rare parts. To look for a generation upon the procession of men moving from stations of inferiority to stations of superiority, and frequently helping them from posts below to posts above him, and to realize that the accident of color was the effective barrier against his own advancement, notwithstanding his merit and efficiency, and continue to render cheerful service, must convince us that this man was a prince in the midst of his nominal superiors if patient endurance be accounted a virtue.

In our scramble to pay homage to men made great by men we often thoughtlessly trample upon men made great by God. I personally believe that there is not a village or hamlet that has not this year laid away among its dead a man who, according to his real merit in the sight of God, was worth more than the most widely known political potentate in our public life. So do we believe that this pilgrim was one of nature's noblemen and that in enduring patiently and loyally such conditions as would have provoked others to rebellion he evinced a spirit that well might rebuke the impatient and ennoble, through genuine humility, the proud.

The most important thing that we can say on this occasion with reference to pilgrim Aaron Russell is that, like Jacob of old, he knew the God of his fathers and for nearly 50 years tried to follow His Son Jesus Christ. For nearly a half century he was a member of the Fifteenth Street Presbyterian Church and for many years served efficiently in official capacity. Because of physical disabilities he had not been able to take an active part in the work of the church since my arrival upon the field, but his abiding interest in the church and its affairs manifested itself upon our meeting together in his home. Here in this room we have often lifted up our voices together in prayer. When his weakened physical condition compelled him to deny himself the company of his friends, upon the advice of his physician, he had it distinctly understood that the restriction must not apply to his minister. As a pilgrim he invited and welcomed such assistance as his minister could render in helping him to follow his Guide, even Jesus Christ, who Himself had traveled every step of the way through this strange country.

How unwise we should be to proceed farther with breathless uncertainty on our journey, to go gropingly into the midst of the imminent dangers that each new hour disposes about our pathway; to risk plunging into the chasm of unutterable disaster along the brink of which we ignorantly walk; to jeopardize, by an ill-timed step, both our temporal well-being and our eternal happiness, when stretched out toward us is the hand of the infinite God who guarantees us safe conduct if we are but willing to acknowledge our own need and accept His proffered aid. May we wisely own that we are pilgrims, and trust in the guidance of Him who sent us forth upon our journey and who will lead us safely through life, through death, and into the land of promise without the loss of a single faithful follower.

His pilgrimage is over. He was faithful to his family; generous in dealing with his friends; firm in his convictions; faithful and patient in his duties; and loyal to his church and to the cause of His Lord, the Christ. Our pilgrimage is yet to end. May we bless our fellow men through following our Lord and Savior Jesus Christ, and enter at last into our eternal home, the fatherland of our souls.

I will also insert the address made by the present Clerk of the House, William Tyler Page, who knew Aaron Russell for nearly a half century, and whose testimony as to his character and worth should be made a matter of public record, as follows:

To the eloquent words just uttered I feel I can add little or nothing in the way of eulogy, but I do feel that I must lay my tribute of affection and esteem at the feet of our brother who lies here.

I wish, Doctor Taylor, that the words you have spoken so eloquently and so truly could be incorporated in the official document, the CONGRESSIONAL RECORD, for it was in the House of Congress that this man served the greater part of his mortal life. Few remain who knew him, none remain who knew him better than I, and none loved or respected him more than I for his real worth as a man.

Forty-six years ago on the 19th of this month I entered the office of the Clerk of the House of Representatives as a mere boy, and the first to take my hand in a helpful spirit and to become my guide and mentor was he whose mortal remains lie here.

Yes; I am proud to say that he and I were fast and warm friends. I am grateful for the life and friendship of my friend Aaron Russell. He was a man in every sense of the word. A man of strong principles, religious and political beliefs, which he would never compromise.

I feel a sense of personal loss, and if it were not that I entertain, as did he, those same fundamental convictions, based upon what we call our religion, I should be as St. Paul said—without hope. But I regard this beautiful life that has ceased its pilgrimage here and has continued its pilgrimage in the life beyond as a wonderful example to all of us. An example of strong character, an example of correct living, an example of unswerving attachment to things that have been proven to be right, and, about all, an example of that perfect life which he tried throughout his existence to emulate; for Aaron Russell was a Christian gentleman if there ever was one, and he never forgot it, and he never hesitated to proclaim it by word and example.

I have served with him in the Capitol as a subordinate, as an equal, and as a superior, and I have always found him the same—true to his ideals, unswerving in his beliefs, and of undoubted rectitude of character. And I want to say to you that you could not find a man whose character furnished a better example.

Now, friends, I can not say more; it would be superfluous; but what I say comes from a heart that is grateful for having known and served with Aaron Russell, and I look upon him now as having just begun a better pilgrimage to that house of many mansions, where he will be greeted with those words, "Well done, good and faithful servant; enter thou into the joy of thy Lord."

We call it death, but He Who went before opened the tomb and made it a gate to eternal life. We look no more upon a closed tomb. He who brought life to us is on the other side of the vale to welcome this pilgrim. So to-day I suppress those natural feelings which come into the breast of a true friend and rejoice that this life has entered into the life eternal, and say in the words of St. Paul, fourteenth chapter, First Corinthians: "Therefore, my beloved brethren, be ye steadfast, as this man was steadfast, unmovable as this man was unmovable, always abounding in the work of the Lord, for as much as ye know that your labor is not in vain in the Lord."

EXTENSION OF REMARKS

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to print in the RECORD an article appearing in the Dallas News on farm relief legislation.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing an article printed in the Dallas News. Is there objection?

Mr. UNDERHILL. I object.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I move 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. 11133, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 11133) 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, 1929, and for other purposes.

The CHAIRMAN. Under the special order the gentleman from Pennsylvania [Mr. CASEY] has two hours and the gentleman from Nebraska 30 minutes.

Mr. CASEY. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, a few days ago, to be exact on the 17th of February, I took occasion on the floor of the House to make a few comments on the significance of the so-called McMaster resolution which was adopted by the Senate of the United States by an overwhelming vote on the 16th of January.

I took occasion at that time to call the attention of the House—and it seems to have attracted some attention outside of the House, particularly from some Members of the House and their constituents, to the apparent great conflict of opinion existing between the representatives of a group of Northwestern States in another body, and their representatives on this floor as registered by their vote on the parliamentary question that came up, tending to show that the representatives on the floor did not agree in the opinion as reflected by the representatives of those States in the Senate of the United States.

Now, gentlemen, that is an important question in this country, in my opinion, and I want to preface my remarks by saying that what I have to say on this issue is without any intention of causing any political trouble to my Republican associates on the floor; but it is an issue of grave importance to the agricultural and business interests of the people of this entire country, especially those who have been clamoring here at the doors of Congress for many years for some relief to agriculture.

My good friend, one of the Representatives from South Dakota [Mr. JOHNSON]—and I am glad that he is here—on the day following my speech arose and undertook to excuse or to explain the votes of his associates from his State and from the other States who voted upon that question directly opposed to the vote of their representatives in another body—

by saying it was merely a formal vote and had no real economic or political significance.

But I respectfully submit, gentlemen, that that is not the case. That Senate resolution came to this body freighted with profound political and economic significance. It had been discussed for many days in the Senate of the United States, and the representatives of those great Northwestern States were appealing to their colleagues to pass a resolution expressing their opinion upon this grave economic question of farm relief.

They were not indulging in a mere waste of time, a mere legislative gesture. I have no doubt the consciousness of the grave position of agriculture in their section of the country as reflected by bank failures and the foreclosure of mortgages and undertaking to find some solution of the question working adversely to their interests, those Senators conceived that one thing working against agriculture was the excessive tariff in the present schedules, forcing them to buy in a protected market a great number of things they have to consume and selling their commodities in the open markets of the world. And they registered that opinion in the solemn record of the Senate before the people of this country, and recognizing as they did the constitutional limitation of their power that all bills controlling revenue must originate in the House of Representatives, they deliberately placed in the last article of that resolution a request that that Senate resolution be respectfully referred to the House of Representatives.

For what purpose? Just to come over here and lie on the table in front of the Speaker, a mere formal gesture, or was it their intention that it should have some force and effect as their solemn opinion upon their own Representatives in this body toward the agricultural interests which they represented? That resolution asked that those excessive industrial schedules be revised downward and at this session of Congress.

The minority leader, Mr. GARRETT of Tennessee, moved to refer that Senate resolution to the only place on earth where the wish of the Senate of the United States could have any hope of being carried into effect, to the Committee on Ways and Means, the committee that must originate tariff legislation and that has the power to repeal the excessive rates they were declaring against. The point of order was made by the Republican leader, the gentleman from Connecticut [Mr. TILSON] and the Speaker sustained the point of order. It is my humble opinion, as the gentleman from Texas [Mr. GARNER] said on that occasion, that that was a decision without parliamentary philosophy to back it. I believed then and I believe now that this House has a right to control the disposition of any paper that may come before it, whether from the Senate or anywhere else, and that the motion of the gentleman from Tennessee was a proper motion, upon which the expression of this House should be obtained.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of South Dakota. I have the greatest respect for the gentleman from Alabama——

Mr. BANKHEAD. And that feeling is entirely mutual.

Mr. JOHNSON of South Dakota. I served with the gentleman on the Rules Committee. I do not desire to embarrass him——

Mr. BANKHEAD. Oh, the gentleman is not going to embarrass me, I assure him.

Mr. JOHNSON of South Dakota. Would the gentleman, if he had been in the chair, have ruled differently from what the Speaker ruled on that occasion?

Mr. BANKHEAD. I certainly would have.

Mr. JOHNSON of South Dakota. That is where we differ—purely on the ruling.

Mr. BANKHEAD. Otherwise I should never have made the statement which preceded the gentleman's inquiry. The gentleman from Connecticut [Mr. TILSON] moved to lay on the table the appeal from the decision of the Speaker, and then our friends on the Republican side began to squirm a bit, I have no doubt. They say that it had no economic or legislative significance, but it was loaded to the guards with that very thing, for the reason that if you had voted with your representatives in another body on that question you would have sent this resolution to the Committee on Ways and Means, and then those who think as they thought about the necessity for revising some of these excessive schedules would at least have had an opportunity to have gone before that committee, controlled by the Republican Party, and have said, "Here is a solemn prayer and petition from a great group of men in the Republican Party, representing, as they do, a great agricultural section of the country." And you would have had the opportunity at least to express your views as to whether those schedules should be revised. But you wanted to take the shortest cut and get out from under this responsibility. You wanted to say, "We will follow the party organization; we think the Speaker is sound in his ruling, and we side-step this whole proposition by sustaining the ruling of the Chair."

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. HERSEY. The men in the West, through their representatives in the Senate, if they really believed in a revision of the tariff schedules, could have gone to the Committee on Ways and Means by a bill or petition, without coming in this irregular way, could we not?

Mr. BANKHEAD. I think that would have been a much more circuitous and unjustified policy than by direct expression of opinion which they indulged in. They took the short cut, and those who voted to keep it away from the Committee on Ways and Means in this House took a roundabout way to chloroform and kill it.

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of South Dakota. Are there any tariff bills now before the Committee on Ways and Means?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of South Dakota. Has the gentleman appeared before that committee in an effort to get any of them out of the committee?

Mr. BANKHEAD. No; of course I have not; but the gentleman from Kansas [Mr. AYRES], a Democrat, has a bill pending before the Committee on Ways and Means, and I call the attention of the western Representatives on the Republican side of the House to the proposal of that bill. It proposes to reduce the present excessive schedules on a great many of the industrial items the farmer has to buy, which the farmer now holds are excessive, and at the same time proposes an increase in the tariff on some or a great many of the articles of agricultural production that you western Representatives say are not now properly protected; so that you have an opportunity, if you desire, to use that as the basis of legislation along the lines of tariff relief which you profess to desire to accomplish at this session of Congress.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. OLDFIELD. In order to keep the record straight, I think the gentleman from Alabama should know, and also the gentleman from South Dakota [Mr. JOHNSON], that the Republican membership of the Committee on Ways and Means has already decided, and has decided two or three times, not to have even any discussion of tariff legislation at this session of Congress or any hearing.

Mr. BANKHEAD. I have no doubt that is a correct statement, because I do not hear it denied by the distinguished chairman of that committee, the gentleman from Iowa [Mr. GREEN], who is present and who heard it.

Mr. GREEN of Iowa. Oh, the gentleman is mistaken. I did not hear the statement.

Mr. OLDFIELD. I made the statement that the Committee on Ways and Means of the House, controlled by the Republican Party, 15 Republican members and 10 Democratic members, has already decided that they would have no hearings on the tariff question or open it up in any way.

Mr. GREEN of Iowa. I do not know how the gentleman knows that.

Mr. OLDFIELD. Because I was there when the committee voted on it.

Mr. GREEN of Iowa. Oh, I challenge the statement of the gentleman and appeal to the record.

Mr. OLDFIELD. Oh, yes. The committee voted two or three times on that proposition.

Mr. GREEN of Iowa. Oh, no.

Mr. OLDFIELD. Do you intend to have any hearings on the tariff question or open up the tariff question at this session of Congress?

Mr. GREEN of Iowa. I will answer that question at the proper time.

Mr. OLDFIELD. And now is the proper time.

Mr. GREEN of Iowa. The gentleman should not make the statement that he has made.

Mr. OLDFIELD. I say that that statement is correct. Do you deny it?

Mr. GREEN of Iowa. The record will not show that, the record of the Committee on Ways and Means.

Mr. OLDFIELD. Do you deny now that you are not going to do it?

Mr. BANKHEAD. The gentleman does not deny it.

Mr. JOHNSON of South Dakota. I would like to ask the gentleman one question. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. JOHNSON of South Dakota. Would the sending of the McMaster resolution to the Committee on Ways and Means have changed the situation in the slightest degree in relation to the tariff, or any action upon it?

Mr. BANKHEAD. Well, my friend well knows that the only way for you gentlemen to get any tariff relief, if you want any—and I do not know whether the gentleman from South Dakota wants any or not——

Mr. JOHNSON of South Dakota. The gentleman wants agricultural relief without doubt.

Mr. BANKHEAD. Very well. I was just coming to that.

Mr. JOHNSON of South Dakota. Will the gentleman answer that one question?

Mr. BANKHEAD. Yes; and I will go on to answer the gentleman's other remarks, and I am glad of the opportunity. The gentleman has been here a number of years, and he knows that the only way in the world to get agricultural relief by a tariff bill is through legislation coming from the Committee on Ways and Means; and although the gentleman was not here to vote on it the other day, his party voted to keep away any effort to revise the tariff, when the resolution came up, and if he and they had not done that they could secure it.

Mr. JOHNSON of South Dakota. If we can get enough votes on the Democratic side of the House for the McNary-Haugen bill I think we can get relief.

Mr. BANKHEAD. Now, so far we have no McNary-Haugen bill. The gentleman from South Dakota in a speech made a few days ago said, "We are going to wait a little longer and see if we can at this session of Congress secure the enactment of the McNary-Haugen bill, and if we can not do that—and the gentleman in saying that was reflecting the views of many Members on the Republican side and many Members on the Democratic side——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. May I have 10 additional minutes?

Mr. CASEY. I yield to the gentleman 10 additional minutes.

The CHAIRMAN. The gentleman is recognized for 10 additional minutes.

Mr. BANKHEAD. Then they say, "If we can not get a vote on the McNary-Haugen bill we will join with the Republican Senators from the northwest section of the country, and with the Democrats who believe in tariff revision, and try to see whether, through that instrumentality, we can not get some agricultural relief.

Now, gentlemen, the time has now come to "talk turkey," to use a colloquial expression, on agricultural and farm relief. The Committee on Agriculture has been holding hearings every year on the McNary-Haugen bill for five or six years past. That bill was passed by the last Congress and vetoed by the President of the United States. Reams and stacks and volumes of testimony were taken concerning all phases of the question of agricultural relief before the Committee on Agriculture. I dare say not one visible phase of it, of any agricultural or economic significance was omitted in the investigation and exploitation of the subject in all its angles before that committee. What the farmers of this country want, if we are to get anything, is to get some definite action on that bill. Now, will some representative of the Committee on Agriculture, and of the party in power give us to-day some assurance of what is to be done on that question and as to what character of bill is to be brought out?

Mr. JOHNSON of South Dakota. Mr. Chairman, will the gentleman yield there?

Mr. BANKHEAD. No. The gentleman is not on that committee. I want some one to speak on the question with authority.

Mr. JOHNSON of South Dakota. I will ask the gentleman what he will do as to voting on that bill if they did report it?

Mr. BANKHEAD. I will vote for it. I voted for it before. The gentleman and his colleagues ought to bring it forward and give us an opportunity to vote on it. [Applause.] You ought to bring it in and let us have a vote on it. The time is passing. It is now nearly the 1st of March, and only two or three months more of this session remain. You ought to decide the question whether you want that bill voted on or take your chances in some other way. There was a great soliloquy in one of Shakespeare's great tragedies, Hamlet. It starts out with—

To be or not to be, that is the question.

Now, on this legislative proposition it seems that something else has occurred in the way of a soliloquy, and that is "to fee or not to fee, that is the question"; whether you are going to bring in a bill with the equalization fee in it or not. That is not yet been determined.

But, gentlemen, I say in all seriousness and in all candor that the agricultural interests of this country are entitled speedily to a report, and are entitled now to a report, from that committee. But you are not going to secure the passage of the McNary-Haugen bill at this session. No one who is candid with himself on that proposition can hope to secure that result so long as President Coolidge entertains his present views on the McNary-Haugen bill in its present form.

Why do not you recognize that situation and bring a tariff bill in here and put it upon issue and do something with it? I say it is the duty of the Republican organization in this House that they should meet and determine by a majority of this House to take up seriously the question of a real revision of the tariff in this country, which your own farmers now recognize and so many of your own Senators now recognize is working a great hardship on the agricultural interests of this country.

You say this question is causing some trouble. I do not know what the gentleman's trouble is out in that western country, whether it is economic or political, but it seems to be a matter that is now generally discussed in that section of the country and will be discussed more and more as time goes on, and those people out there and the agricultural people elsewhere have long realized that the excessive tariff on the things the farmer must consume works hurt to him and disadvantage.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Certainly.

Mr. KETCHAM. Of course, I am not assuming to speak for the Committee on Agriculture, but I want to assure the gentleman that the hearings this year are very exceptional in their character, and they are expected to be concluded very shortly. The present delay is for the purpose of allowing the proponents of the McNary-Haugen bill to be heard. I think I can assure the gentleman, while I do not speak authoritatively for the committee, that within the shortest possible time an agricultural bill in some form will be before the House for consideration.

Mr. BANKHEAD. Can the gentleman give us the assurance that it will be in substance the McNary-Haugen bill as reported and voted upon at the last session of Congress, including the equalization fee in it?

Mr. KETCHAM. I can not give the gentleman that assurance, but I can say that the hearings are exceptional and if the gentleman will do the committee the honor of reading those hearings he will find, even as astute a student of agricultural problems as he is, some fine information that has not appeared in other hearings.

Mr. BANKHEAD. May I ask the gentleman whether he himself is in favor of the McNary-Haugen bill with the equalization fee?

Mr. KETCHAM. I will say very directly and emphatically that I am not. I would regard it as an absolutely futile gesture to present that bill to the President of the United States with his known objections to it. I further submit that it seems to me it is the idlest sort of a gesture for you to carry on that idea with the notion that you are going to fool the farmers into the idea that you are the real friends of farm relief if you pursue that course.

Mr. BANKHEAD. There are a good many men on your side who seem to stand by the theory of making that gesture and undertaking to fool the farmers.

Mr. KETCHAM. If that shall be the majority opinion of the committee I am entirely agreeable to their having the utmost opportunity and I shall not interpose any objection except by my vote against it.

Mr. BANKHEAD. Mr. Chairman, I yield back the remainder of my time. [Applause.]

Mr. CASEY. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, I wish to thank the gentleman from Pennsylvania [Mr. CASEY] for extending me 10 minutes in which to discuss a matter of considerable importance not only to my constituents but, I believe, of importance to the people of this country.

Ordinarily I would not rise to discuss this subject, for the reason that I have discussed it frequently before, and I crave the indulgence of the Members assembled here to-day for imposing upon them for a few minutes, because it might be regarded as an imposition in view of the fact that I have, ever

since I came to Congress, been accorded the honor on the 8th of January yearly of speaking in regard to the importance of the Battle of New Orleans. Of course, the 8th was on Sunday this year. Congress was not in session, and no one from any of the States that are particularly interested in the significance of that victory could speak of the imperishable glory won by Jackson and the wonderful results that flowed from the success of American arms on that battle field.

On that day, my friends, I was in New Orleans and had the honor of speaking, at the request of the United Daughters of 1776 and 1812, in probably one of the most historic squares on the American Continent. It is Jackson Square in the city of New Orleans. On the north and south sides that square is flanked by buildings that are known to lovers of art from one end of this country to the other, from ocean to ocean, and from the Great Lakes to the Mexican sea, as it has been felicitously termed. On the west side of that square is a cathedral, the replica of the chapel at Versailles erected by order of Louis XIV. Over the main altar is Louis IX announcing the seventh crusade. It is said to be one of the finest paintings in America. In that cathedral services were held commemorating and celebrating with appropriate musical and ecclesiastical ceremonies the success of American arms on the fields of Chalmette. On one side of the cathedral is the celebrated Cabildo, in which was consummated the Louisiana Purchase, the greatest land transaction in the history of the world. On the other side is the replica of the Cabildo, known as the bishopric. As I said, ladies and gentlemen in the galleries and my fellow Members, that square is probably one of the most historic squares on the American Continent. One feels, when he is standing in that hallowed spot, that the words, "Take off your sandals; you stand on holy ground," would be entirely applicable. In that square is one of the three great equestrian statues erected to the memory of Andrew Jackson. The work is that of the celebrated sculptor, Clark Mills. One is at Nashville, one is at New Orleans, and one is here in Jackson Square, opposite the White House.

I am speaking, as I said before, my friends, at the request of the United Daughters of 1776 and 1812, because on the day I spoke they asked me if I would not communicate the fact that they, the daughters, held this great meeting in that hallowed spot, in that wonderful square, among those historic surroundings, and ask the Members of Congress to pass a bill which I have pressed here since I first had the honor of coming to Congress.

That battle field, my friends, belongs to the National Government. On it is erected a monument which cost $25,000 years and years ago. As the result of a provision in the old act whereby the custody, care, and control of the grounds and the monument were given to the United Daughters of 1776 and 1812, the Federal Government has been prohibited from doing anything in regard to that monument or the grounds on which it stands.

I speak occasionally upon this subject, my friends, in a feeling way, because I was born and reared right adjoining that battle field.

When I think of its desolate condition, when I look upon the fact that one of the most important spots in the United States of America is neglected and that Americans who journey down there from all parts of the United States bow their heads in shame and express that sorrow at the neglect of the Federal Government with respect to this battle field, I feel I ought to come before the Members of this House and ask them to write either me or the chairman of the Committee on Military Affairs asking for the passage of the bill which I have introduced, and which I hope will become a law, and which will permit the Federal Government to take control of this battle field and with a small expenditure put it in such a condition that it will not be a disgrace to the American people.

I believe, my friends, in maintaining a proper reverence for the landmarks of America, for its great institutions, and for its great battle fields. [Applause.]

This battle, in my judgment—and I do not think this has been seriously controverted by any people who have studied history—determined that the Louisiana Purchase should be a part of the United States of America. It is true that Jefferson purchased the Louisiana Territory from France for the sum of $15,000,000. This is a matter of history, but everyone knows who has looked into the record of the whole transaction that Spain conveyed to France by a secret treaty the Louisiana Territory and that act was ultra vires of the powers of the ambassadors or commissioners of Spain and was denounced by England and Spain as a legal fraud.

France conveyed no better title to the United States of America than it had received from Spain, and when Pakenham landed down below New Orleans it was for the purpose of recovering territory that belonged to the ally of England—Spain—and if this had been done the Spanish flag would be floating west of the Mississippi River to-day or that territory would be another Canada, and the United States of America would be confined to the territory lying between the Mississippi River and the Atlantic Ocean and the Lakes and the Florida parishes, which was transferred to England in 1763, one year after France had transferred the Louisiana west of the Mississippi River to Spain.

But aside from the wonderful importance of the battle from this standpoint, my friends, I want to say to you that the great victory of Jackson on Chalmette Plains was of incalculable value from another standpoint. The War of 1812 was the greatest tragedy the American people ever had to face. Vicissitude after vicissitude, disaster after disaster, befell our arms, and I am not mentioning it with any gratification, I mention it reluctantly and only for the purpose of driving home the everlasting truth that a house divided against itself can not stand [applause], and in order for the people of our country to be successful in peace and in war there must be no sectionalism, they must be arm to arm, heel to heel, and shoulder to shoulder. You know that during the War of 1812 the Hartford Convention sprung into existence and New England was threatening to secede. They were not in favor of the war, and as a consequence the British forces landed and the American troops fled ignominiously before them. The Capitol was burned and the school children of America were crying in the streets of the cities, villages, and hamlets over the disgrace that had befallen their country. There was no united effort to repel the foe. There was that division, that schism, that discontent, that will always make for disaster and the breaking down of the morale of the people, and America would have emerged from that war with nothing to boast, except for the outcome of this great battle.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. CASEY. Mr. Chairman, I yield five additional minutes to the gentleman from Louisiana.

Mr. O'CONNOR of Louisiana. The value or one of the great values to be attached to this battle was that it revived the broken morale of the American people. It restored confidence in the attitude that they were able, when united and standing heel to heel and shoulder to shoulder and heart to heart, to beat any foe that might ever invade the American continent, and Kentuckians and Tennesseeans and Mississippians and Louisianians, with one common purpose in view, and that was to control the Mississippi River and repel the foe, went down to New Orleans under the invincible Jackson and the veterans of the peninsular wars went down as if stricken by a hurricane, and the men who afterwards took part in the Battle of Waterloo were routed horse, foot, and dragoons.

Mr. RANKIN. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. RANKIN. That battle also created more respect for the American flag among foreign nations than any battle that was ever fought on American soil.

Mr. O'CONNOR of Louisiana. I am glad to receive that statement.

Mr. RANKIN. And it was the first battle and the outstanding battle that raised the United States to the position of a world power.

Mr. O'CONNOR of Louisiana. Unquestionably.

As I said before, Mr. Chairman and gentlemen, we were broken, broken in spirit, broken in heart, and everyone believed that the States were going to disintegrate and go back to the protection of the mother country or that we would have a country made up of New England, a country made up of the Southern States, and that beyond the Mississippi would be a new country entirely made up by Americans who had crossed the Mississippi River and were not contented with conditions that obtained or they would have cemented an alliance with Spain or England.

You heard Washington's address read here on yesterday, in which he assured the people of American blood along the Mississippi River that by treaties with Spain and England that there probably would be no reason for discontent in the future.

Mr. BOWMAN. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I yield.

Mr. BOWMAN. What, if anything, has been done to preserve and maintain this battle field?

Mr. O'CONNOR of Louisiana. Nothing. I want to touch briefly upon that, and I am glad the gentleman has asked the question.

In 1907 Congress authorized the completion of this monument at a cost of $25,000. There are monuments in cemeteries

all over the United States far more pretentious and far more deserving to be called monuments than this little modest affair on the battle field where Jackson's headquarters were. But a provision was inserted in the act whereby the custody and care and control of the battle field was given to the United Daughters of 1776 and 1812.

My friends, the people of the Southern States are not overrich. All we have are our memories and our prestige that have sprung from a service devoted to our States, to our God, and to our people. Of course, this organization took it over very proudly, hoping they would be able to accomplish the purpose, but they can not, and they have now authorized me to ask the Federal Government to take care of its own property. They can not carry on, though they have heroically tried to do so. This will not be a great expense, and in my judgment, gentlemen, it will not only be a patriotic act but it will be an act of decency because, as the battle field is to-day, it is a reflection upon the patriotism of the American people.

Why, it signifies that they are willing to forget the influence of these great battle fields in the history of America, that they are not mindful of the wonders accomplished and the tremendous results that flowed from that great battle.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I will.

Mr. GREEN of Florida. Inasmuch as the strong arm of the Government goes out to preserve these monuments and their proper dedication on the battle fields throughout the United States, does the gentleman believe that the people of New Orleans should be compelled through civic organizations to perpetuate this battle field?

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. I do not want to occupy any more time. I have carried out the commission at the request of these good ladies. I was reluctant to comply with their request because I have spoken so frequently on this subject, but I am glad I have done so. May I ask permission to extend my remarks in the RECORD by including an article written by Mr. Clifford Raymond in the Liberty Magazine, which contains probably the best account that I have read up to this time of the Battle of New Orleans? Its leading title should be "Lest we forget." It is strong medicine in some respects, but nations, like individuals, need strong medicine. It should keep us in mind forever of the great national truth, "In union there is strength"—that a house divided against itself can not stand.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

JACKSON AT NEW ORLEANS—THE STORY OF A CAMPAIGN THAT SAVED THE WEST

By Clifford Raymond

The fourth battle to keep New Orleans out of British hands was fought January 8, 1815. It was decisive, almost obliterating the British, and is celebrated now as Jackson Day.

The first one, fought December 23, 1814, was a night attack by the Americans on the British advance regiments which had landed from small boats off Lake Borgne, taking the defenders of the city by surprise. This was on plantation lands along the Mississippi, 7 miles below the city to the southeast—lands skirted by cypress swamps and marshes.

The night fight was a confused affair, with friends mistaken for enemies and enemies for friends. The British kept the field. The second meeting had been a grand reconnaissance by the British to test the American line. The third had been an artillery duel, with the infantry of the two armies as spectators. The British artillerymen were outshot and driven from their guns.

British officers, experienced in America—such as those who had met Joshua Barney's artillery at Bladensburg, Md., a few months before—were prepared for that, but the soldiers more recently come from the Napoleonic wars were not. It was inexplicable that American artillery could outshoot British guns.

Bladensburg had been the capsheaf of national disgrace. Only Barney's sailor-manned artillery relieved the incompetence and panic. New Orleans later was an astonishing victory. There was some difference in the quality of American troops engaged, but most of the difference was in one man—Andrew Jackson.

The United States was down to the dregs of the cup of humiliation when the New Orleans campaign began. Its credit was gone. Its specie was gone. It was dissolving. The New England States had definitely withdrawn their militia from Federal service.

Massachusetts and Rhode Island were negotiating what was virtually a treaty of defense and alliance, as if one were Mexico and the other Guatemala. The Hartford Convention had begun, and it was, without much cover, an assemblage of secessionists.

Massachusetts was bustling with few factories, and, in spite of its closed ports, it and the other New England States had all the hard money in the country. Elsewhere the large banks were broke.

James Monroe, Secretary of State, had to pledge his personal credit to get a nickel for the Government. He was always flat himself, but his credit was better than that of the United States. In 1814 $40,000,000 was needed. Congress dared authorize an issue of only $25,000,000 in bonds and the Treasury dared offer only $10,000,000, of which $9,000,000 was jobbed out at 88 per cent of its face value.

New England would not buy bonds. It had the largest and best-equipped militia (80,000), but would not allow it to be used by the United States; and it was spending its specie to discount British drafts for enemy army paymasters; and it was getting the hard money back by selling supplies to the British commissary.

New England and upper New York subsisted the enemy army in Canada for its attacks from the north, driving cattle across the boundary and hauling in forage, grains, and mess supplies.

Sir George Prevost, the British commander, wrote his home office that his army was fed by the Yankee supplies.

Sedition, secession, disgrace, and dishonor had been pyramided upon the fragile Republic in sectional rivalries and partisan ignominies until union was a mockery and national stability was a comedy.

The Union was so nearly done for that the most radical secessionists in Massachusetts waited only for the capture of New Orleans to make it a fact. Then John Cabot would be President of New England. For every New England man who died under Brown, Scott, Macomb, Perry, and MacDonough, 10 fractious theorists, profit seekers, and blind partisans did work in the rear which made that sacrifice futile.

Madison was sick with anxiety. The city of Washington was taken, the public buildings were burned, the President of the United States was a fugitive in the Virginia woods, and his wife, fleeing in a coach, was subjected to the insults, profanity, and obscenity of a panic-stricken rabble crowding the roads from the city they hadn't the courage to defend.

The cup was about drained, and New England secessionists watched with unmistakable satisfaction the failure of the war and the possible dissolution of the Union. Fully half of New England was loyal, but the other half seemed to have the upper hand.

There was a Unionist in the White House some 18 years later who was ready to hang John Calhoun for secession threats in South Carolina over the tariff. That President was Andrew Jackson, who at New Orleans had not been able to get muskets for all his soldiers, so badly had sedition and disunion broken the power and credit of his Government in war.

If the meaning of the sentiment in the flagstaff of this magazine needs explanation, it may be found in circumstances of its authorship.

Stephen Decatur was in command of American frigates in this war—of the *United States*, which captured the *Macedonian;* of the *President*, which was captured by a British squadron. His toast to "my country, right or wrong" comes to this generation from battle fields of American dead killed by soldiers fed by American beef and American breadstuffs when American soldiers could not get war material.

If Decatur seems ethically indifferent to debatable points of right or wrong, it may be because of his observation of the physical consequences of disunion, disloyalty, dissension, and discord.

The White House was burned in August, 1814. Decatur gave his toast in April, 1816. He was mortally wounded in a duel at Bladensburg in 1820. The cause was his country's military honor as he saw it in his controversy with James Barron, another naval officer.

It was the sardonic luck of the United States to declare war on Great Britain just as Napoleon was starting his self-wrecking campaign against Russia.

It was the further luck of the luckless Republic still to be at war when the allies were marching into Paris, when Napoleon was sent to Elba, and Great Britain, thoroughly irritated, was free to use as many of Wellington's veterans as might be needed in America.

The British used the West Indies as a base. The first rendezvous for the warships and transports was Bermuda. From there the expedition sailed to harry the coast of the Chesapeake, to burn public buildings in Washington, to raid the shores of the Patuxent and the Patapsco Rivers in Maryland, and attack Baltimore.

The purpose, as stated by the British admiral, Cochrane, in a letter to Secretary of State Monroe, was "to carry into effect measures of retaliation against the inhabitants of the United States for the wanton destruction committed by their Army in Upper Canada" and "to destroy and lay waste such towns and districts upon the coast as may be found assailable."

The distracted Government in Washington could do nothing to save the National Capital, and a contemptuous enemy stacked up the President's furniture and applied the torch. Dolly Madison had time before flight to have a negro servant save the portrait of Washington.

Baltimore defeated the attack and the expedition sailed away, leaving ravaged shores.

The second rendezvous again was in the convenient West Indies. This time the warships and transports anchored in broad Negril Bay, in Jamaica, 50 vessels, with the 80-gun *Tonnant* as flagship. More troops joined the army there—Major General Keane's four regiments of Wellington's peninsular veterans and the Praying Highlanders of the Ninety-ninth Regiment from the Cape of Good Hope.

There were 3,100 men who had been in the taking of Washington, 1,500 marines, two regiments of Jamaica negroes, and probably 10,000 sailors. The British troops were the flower of the army, and a touch of at least reflected genius was to be found in Maj. Gen. Sir E. Pakenham, Wellington's brother-in-law.

This was November. The Gulf coast was the object of attack, and New Orleans, it could be seen, was the almost certain point. At New Orleans there was nothing but a governor quarreling with the legislature, a population which was supposed to regret its recent incorporation into the United States with Napoleon's sale of the Louisiana Territory, and of this populace a few hundred creole gentlemen drilling in uniformed companies. But there was to be Andrew Jackson, and the creole gentlemen proved that their loyalty to their new country was gunpowder proof.

The war was as nearly a religion in the American West as obstruction to it was an article of faith in New England. Ohio, Indiana, the Northwest Territory, Kentucky, and Tennessee had not been interested in the avowed causes of it.

The impressment of seamen, indignities to American sovereignty on the sea, interference with trade, and maritime humiliation and injury did not affect western corn planters and fur traders, but the continuance of the Indians in western land did.

The success of the Revolution had not ended the British-Indian alliance for the restriction of the American westward advance. English profit and Indian profit each required the stemming of the pioneers.

Tecumseh's great plan of Indian union—the second and last of a native statesman, Pontiac's being the first—had been disclosed prematurely because the evangelistic end of it, his brother, the Prophet, broke loose too soon. William Henry Harrison had his bare victory at Tippecanoe, near Fort Wayne, Ind., the year before war was declared on Great Britain for maritime reasons.

Tecumseh had reached far out for his confederation against the whites, and the Creeks of the South were the right wing of his hope. His left rested on the British outposts in Canada, and his center was in the tribes in the Northwest Territory.

Indians meant British intrigue to such men as Andrew Jackson. Every frontier leader knew that the new States and Territories could not have peace until Great Britain was persuaded to take another view of the westward American movement.

Tecumseh's evangel among the Creeks had shot the fiery arrow in August, 1813, when the white settlers had congregated in and about Samuel Mims's place above the Tombigbee and Alabama Rivers for protection. Mims's buildings had been stockaded, and there was a garrison of soldiers.

One drowsy August day it was stormed by 1,000 Creeks under the half-breed Weatherford. Four hundred soldiers and civilian men, women, and children were killed by the Indians.

The reverberating horror of that frontier disaster brought action, and, in the course of it, the great soldier of the frontier, Jackson. He was still suffering from the wound of his fight with the Bentons in the tavern at Nashville, and his intestinal disorders had a fresh grip on him; but he almost destroyed the Creeks as an Indian power. Jackson had the frontiersman's attitude toward the Indian and a great hatred of enemy whites who used them.

Pensacola was Spanish governed, but the British had not respected the neutral character of the Florida territory and the Spanish were agreeable to the British use of it. Pensacola had been a base of supplies for the Creeks and a refuge for escaped warriors—Red Sticks, as they were known.

While the British prepared to ravage the Chesapeake region and the Gulf coast with their Napoleonic veterans, Jackson was carrying on a private war with Spain to teach the Spanish governor what neutrality meant.

When he was ordered to the defense of New Orleans, he was preoccupied with the Spanish and the British along the Florida coast and what is now Alabama. He thought the British would attack Mobile, and almost up to his discovery of the enemy on the Villeré plantation, 7 miles from New Orleans, he maintained that opinion. When he was assembling troops for the Louisiana defense he left at Mobile at least 1,000 regular troops, seriously weakening himself.

President Madison and Secretary Monroe had information of the great invasion being prepared at the Jamaica base. The American peace commissioners sitting with the British at Ghent were standing firm against impossible British terms and were sending military intelligence to Washington.

The administration had much difficulty in bringing Jackson to see the real danger. Monroe wrote him that "Mobile is a comparatively trifling object with the British Government," and that Jackson's presence on the Mississippi River with the main body of his army was of vital importance.

Jackson did not yield to Washington's urgence until November 22, 1814, when he set out from Mobile. Four days later the British sailed from Negril Bay, Jamaica. Jackson was sick and traveled the 125 miles slowly.

He had sent General Coffee with his mounted riflemen to Baton Rouge. He had ordered the Forty-fourth Regular Infantry, 331 rank and file, to New Orleans, where the Seventh Regulars, 465 men, were stationed. His other forces were widely dispersed.

General Carroll's 2,500 Tennessee militiamen were coming down the Mississippi, and somewhere above them on the river were about the same number of Kentuckians under Generals Adair and Thomas.

There were also on the Ohio or Mississippi two boat loads of muskets. Both boats were proceeding leisurely, the captains, by agreement with the authorities, trading along the way. Fortunately, General Carroll found one boat and took the arms. Hinds's Mississippi Dragoons, 100 or so strong, were near Baton Rouge.

Jackson entered New Orleans December 2. He approached the town by the road along the Bayou St. John, which empties into Lake Pontchartrain on the north.

He met the Louisiana authorities, the quality folk, and Commodore Patterson, with the ships *Carolina* and *Louisiana*. Jackson said he could save New Orleans, and the people stopped some of their dissensions.

He was the object of great curiosity, particularly to the creole ladies, who viewed him with whatever prejudgments of his character they might have, as duelist or disciplinarian, bar-room fighter or Indian fighter, gallant husband or border bully. They found he had courtly manners, and when he said that New Orleans and its women were safe from the rumored British toast to "Booty and beauty," they believed him.

If the city anticipated the application of this sentiment in the event of capture, there was justification in the letter from Lord Bathurst to General Ross after the taking of Washington, before Ross's death was reported in England, to "make its [New Orleans's] inhabitants feel a little more of the effects of your visit than what has been experienced at Washington."

Jackson, as it was revealed later, had just three weeks to put the city in defense, and his preconceptions of how the attack would be made were all wrong. He thought the British would sail up the 100 miles from the Gulf to the city and put it under the navy guns. That would require the reduction of Fort St. Philip, 60 miles down. If the river route should not be used, Jackson thought the enemy would gain Lake Pontchartrain to the north and come down from there.

He devoted himself to inspections and to encouraging the local militia. Six gunboats on Lake Borgne were to apprise the general of an approach by the lakes and to resist a small boat attack if they could, the lake not being navigable for the British ships.

The British came to the lake entrance December 10. The watching gunboats under Lieutenant Jones retired into the lake. The British organized a boat party of 1,000, sailors and marines, which, after a rowing pursuit from the night of December 12 until noon December 14, caught the gunboats becalmed and captured them. That was 40 miles to the east of New Orleans and word of it reached the city the evening of December 15.

Jackson sent messengers to Coffee at Baton Rouge, and Carroll and Adair up the river, to hurry down. Coffee started on December 17 and traveled 120 miles in two days with 800 men, 450 being unable to keep the pace. Carroll's Tennesseeans were at the city's outskirts December 21.

It is strange that, with the approach of the British revealed by the capture of the gunboats, Jackson did not know where the enemy was. Its advance was on the Villeré plantation before its movements were unmasked to him.

British supplies and guns for the attack had to be transported 30 miles in small boats from the ships outside Lake Borgne, and it was a week's work. The advance was disembarked on the Isle aux Poix in the lake December 14.

The Villeré plantation was within 7 miles of the city, but two British officers successfully scouted the approach to it December 18, with Spanish fishermen from a village at the mouth of the Bayou Bienvenu as guides.

Along the river bank there was the levee and a road. The plantations extended back to a cypress swamp. Canals and bayous cut the ground. The scouts led the advance off the Isle aux Poix to the Villeré plantation so secretly the morning of December 22 that Major Villeré was captured in his own home.

By the next day 1,600 British troops were on the river bank less than 7 miles below the city, and neither Jackson nor anyone else there knew of it until messengers came running in with the alarm. One was Villeré, who had escaped and got into the city with the news.

New Orleans did not have a yard of earthworks to protect it; but if Jackson had been remiss thus far, he was so no longer. He was himself when he saw his enemy. He set about to do what few commanders would have done—to atack a post of the best troops of the age with about their same number of city volunteers; Louisiana militia, frontier riflemen, regulars, and sea smugglers and freebooters, outfits

which had never operated together under any command, many never having been under fire.

The curiosities of the New Orleans campaign are many, not the least of which is the still prevailing American belief that there was but one short murderous battle, with American riflemen behind cotton bales.

Jackson hastily assembled Major Planché's battalion of creole volunteers, Hinds's dragoons, Beale's New Orleans sharpshooters, Coffee's riflemen, a few Choctaw Indians under Jugeant, negro freedmen under Dacquin, the Regulars, and some of the patriotic smugglers of the Lafitte brothers from their Baratarian roost. It was as strange a force as ever advanced under an American general.

Jackson marched out of the city with about 2,200 men, leaving half of his force as protection against an attack from the north. The British on the plantations by the river bank were under Colonel Thornton, who had led the attack at Bladensburg.

Pakenham had not yet taken command of the army, and Major General Keane, who had it, wanted all the forces assembled before he advanced. Thornton had about 1,900 in camp, and in the fighting he was reinforced by two regiments.

The *Carolina* dropped down the river in the afternoon and was to use its guns on the British right. Jackson sent Coffee's riflemen along the edge of the swamp to flank the British and, if possible, to get behind them. Jackson was to attack right, left, and center, and the guns of the *Carolina* were to give the signal.

At a little after 7 in the evening Commander Patterson sent his first shot into the British position, and the fight began in the dusk and was carried on in the dark. Coffee's men, coming out of the swamp, fought as they knew best—Indian fashion—and when too close for rifle fire, with knives, tomahawks, and rifle butts.

In the dark enemy and friend soon became indistinguishable. Even the British order was broken. Groups and detachments stumbled about in the night, advanced, retreated, fought, surrendered, died in each other's clutches, or hid. The British could not get full advantage of their superiority in discipline, but they had enough of it to keep the field. Coffee's men were involved with the reenforcements coming up, and that spoiled their encircling movement. Between 9 and 10 o'clock the firing ceased.

The losses were not excessive. Keane reported 267 killed and wounded; the Americans 213 killed, wounded, and missing. The steadiness of the British had saved them, but the American onset had been sufficiently daring to make the enemy respect the force defending the city.

Jackson hadn't driven the advance into the river, but he had caused it to lose the only opportunity of getting into the city without going over fortifications. Two miles from the field of this night attack he put soldiers and negroes to work throwing up earthworks in the land between the cypress swamp to his left and the river to his right.

After a few feet of digging, water would ooze up and it was difficult to raise the works. Cotton was tried. It was a failure, as the artillery duel proved later, and it was then dragged out.

For the Napoleonic veterans of the British Army the military situation was as trying as any they ever had been in. Physical conditions were distressing. It was cold and wet. They were miles from their source of supplies. The *Carolina* in the river fired on them, and although the casualties were not numerous a few cannon can make even a disciplined force miserable out of all proportion to the danger.

The small boats were bringing more men all the time, but the *Carolina* kept most of the force under cover. Worse still, the navy began to taunt the army for being held up. The British naval officers said that if the soldiers could not get going they would land the sailors and do the job themselves.

Pakenham, coming on the field Christmas Day, felt the ignominy of his position and sent back to the ships for cannon to dispose of the *Carolina*. The labor was tremendous, but by December 27 a battery was ready. Hot shot and shell drove the ship's crew ashore and the schooner was destroyed. The *Louisiana*, farther up the river, was hauled out of range.

Patterson, however, had succeeded in getting one 24-pound gun and two 12-pounders ashore to the west bank from the *Carolina*, but the British were free to move about on firm land without losing legs and heads, and that was a solace to the spirit.

It was time, Pakenham decided, to try a grand reconnoissance and test out what lay between him and New Orleans. He had 10 of the best British regiments, 2 regiments of West Indian black troops, brought along because of their supposed adaptability to the climate and now half frozen, and the support of numerous marines.

The advance began December 28. In less than 3 miles it came to Jackson's breastworks. There, under the fire from the *Louisiana* and the rifles from the American line, it stopped. Pakenham planned to breach the works with artillery and then storm.

More guns had to be brought from the British fleet. Meanwhile Jackson strengthened his batteries. The British guns were ready January 1, and the artillery duel began. If there was an advantage in metal and position, it was with the British, but after five hours' firing not a British gun was being served.

The British in their gun protections had used barrels of sugar, which were found to offer no protection whatever.

Jackson got his cotton from boats in the river. The New Orleans cotton merchant, Nolte, was a volunteer in Major Planché's battalion. He protested when high-grade cotton was taken off a boat of his and complained that a low grade, obtainable in the city, would serve just as well.

Tradition credits Jackson with the remark that if he owned the cotton he would have additional reason for defending the line. The cotton proved to be as unfit for fortification as the sugar. It caught fire and nearly demoralized the defense.

The American artillery superiority was undeniable when the royal artillerists had fled from their guns, and the British conceded it.

"Never was a failure more remarkable or unlooked for than this," the British lieutenant, Gleig, wrote in his journal of the campaign. Admiral Codrington, of the British Fleet, wrote that "such a failure in this boasted arm was not to be expected, and I think it a blot on the artillery escutcheon."

Some of the American artillerists were the Baratarian smugglers of the French brothers, Jean, Pierre, and Dominique Lafitte.

Since December 10 the greatest armada and the finest army Great Britain had ever sent to American waters had been approaching a city of a State but recently added to the American Union, with a population relied upon to be hostile to the Union, and the powerful expedition had been stopped cold by a strangely conglomerate army of defense under a gaunt, sick Indian fighter.

Pakenham prepared for a grand assault on both sides of the river. Secretly he extended a canal to get boats on the river. Major General Lambert was on his way with two regiments, and the delay for preparations was not wasted time. Pakenham wanted the reinforcements before he attacked.

The Kentuckians of Thomas and Adair reached the American camp, but they, unlike the Tennesseeans under Carroll, had not met a boatload of muskets, and they were not equipped.

When Pakenham's canal was dug he put his boats in the river and sent 1,000 men across under Colonel Thornton. The defense on the west bank of the river consisted of Patterson's battery facing the water, some works by Major A. L. Latour, and some Louisiana volunteers.

It was Jackson's weak side, but an enemy on the west river bank had the river to cross before he could get into New Orleans.

When Jackson discovered that Pakenham was putting men across to the west shore, he ordered some of the unequipped Kentuckians to double back the 5 miles to New Orleans, beg the citizens for the use of firearms saved out to meet a possible slave uprising, and, thus equipped, to ferry across and come back down the other bank.

The Kentuckians, with what they could get, went across the river and down to join the inadequate defense. They were exhausted when they arrived and ineffective when they were needed. And no wonder.

A deserter had crossed over to the British ranks from the American lines and had reported that the weakest spot in Jackson's defense was the left, toward the cypress swamp. There was where Coffee's riflemen were strung out. They reached to the swamp, and at its edge their line was run backward to prevent a possible flanking movement. It was a weak line when the deserter last saw it.

The British, after the slaughter which followed their attack, had enough vitality left in them to hang the deserter, he crying out against the injustice of it. Carroll's Tennesseeans had come into Coffee's lines, and the British attack, seeking a weak spot, had gone into the deadliest rifle fire.

The thing which Pakenham did in trying the attack was admittedly desperate, but so also was his whole position, in spite of his splendid army. He could not maneuver. There was no room. On one side was the river. On the other side was the marsh and swamp.

It was British tradition that troops could take a position in frontal attack, carrying material for filling ditches and ladders for scaling walls. It also was in the history of British regiments in America that they had not done it on many occasions; but Pakenham with his reputation to maintain, was convinced that he had to do it, even with Andrew Jackson animating the troops behind the breastworks.

Pakenham died rallying the men when they withered under the rifle and artillery fire. Before that fire, in 25 minutes, the storm troops of Great Britain disappeared. There were 700 killed, 1,400 wounded, and 500 taken prisoners. Major General Gibbs was mortally wounded, and Keane was seriously injured. The American loss was 8 killed and 13 wounded.

On the other side of the river the British drove the Kentuckians back. Their flight was inconsequential, except that it made Jackson mad and started a feud which lasted almost a lifetime with General Adair and Kentucky, the Kentucky folk thinking that they had been most miserably treated.

Jackson's night attack on the British was December 23. In Ghent, December 24, the American and British peace commissioners signed a treaty of peace. They were drinking each other's health when Jackson and the British were counting the dead. The news of the peace did not

arrive until February, but before that the United States knew that the attempt to restore Louisiana to Spain or to set it up as a free nation had failed.

The Louisiana Purchase, stretching to the Pacific, was safe. The Mississippi was an American river. The threat of an Indian buffer State in the Northwest Territory between the Republic and Canada was gone. Great Britain was definitely out of American western affairs for the first time.

New England secession was stopped. The Government under President Madison had a gift of life from Andrew Jackson on the Mississippi a full month before it knew that the war was over.

In that month, if New Orleans had been taken, the peace signed at Ghent and unknown in the United States might have been only a postscript written to national disunion. With victory, the Union was a Union again, and it was the South which next would assert the right of withdrawal when the acts of the Union were unpleasant to a State. South Carolina was to take the place of Massachusetts in this respect.

Wellington was asked what explanation he had for the failure of his veterans. He said he did not know what might have been the matter with them. They had not seemed to be as good in Louisiana as they had been in Spain. He thought they lacked an iron will driving them.

Probably they lacked Wellington, but more probably their difficulty was that they met Jackson.

Mr. O'CONNOR of Louisiana. Kentucky, Tennessee, Mississippi, and Louisiana are as one for this bill, and Members from all the other States have assured me of their support. At their request I am making the leading provisions of the measure a part of this address. I know this House is for the bill. The Members all want to see the old historic place where the good fight was fought properly taken care of, for, after all, we have the same hopes, aspirations, and desires—divided only as the waves, but one as the sea. I know that the Secretary of War will give his approval to the patriotic purpose that may be accomplished by the expenditure of a small, modest sum. It is flexible and elastic in its provisions, giving the Secretary of War the power to consummate the purpose in his own way, and when he sees fit to do so he will discharge that duty, I know, in accord with the dignity of the great trust that will be his. It is the Government's own property, and the Nation should and will be glad through him to do the noble thing. The bill directs him to submit annually to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921, an estimate of the amount required to be expended in connection with preserving and maintaining the monument and grounds in a suitable manner and in placing markers on the battle field so as to establish and fix the position of the several divisions of American and British troops; and place such statues and busts of American officers as he may deem necessary to perpetuate their valor and appropriately embellish the battle field. He shall also cause to be built and constructed, at a cost to be fixed by him, a memorial or shrine, which shall be a repository for such records, portraits, pictures, and trophies which may be presented by States, subdivisions thereof, and patriotic societies and organizations and persons of American birth, and accepted by the Secretary as appropriate to such an edifice.

Let the day be all the brighter, the night has been so long and so dark.

Mr. CASEY. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. WILSON].

Mr. SIMMONS. Mr. Chairman, I yield the gentleman from Mississippi 15 minutes additional.

The CHAIRMAN. The gentleman from Mississippi is recognized for 45 minutes.

Mr. WILSON of Mississippi. Mr. Chairman and Members of Congress: A great calamity has befallen our people. The inhabitants of the Mississippi Valley have fought against this tragedy for more than 200 years. No soldiers ever fought more valiantly or more honorably for their country and loved ones than the courageous souls who live along the banks of the Mississippi have fought for their home and country and loved ones in the years that have passed.

The people of the great Mississippi Valley have impoverished themselves and put a tremendous debt upon their children's children in an effort to cope successfully with the ever-increasing danger of this mighty stream. They have not complained. They have merely asked for that justice to which every citizen of our country is entitled.

The Mississippi River receives drainage from 31 States, or from an area that represents 41 per cent of the entire area of the United States. These waters thus drained come rushing like a mad torrent down upon these helpless people, and in an effort to control this almost uncontrollable stream these people, especially those who live in the lower Mississippi Valley, have spent and mortgaged their all. And after fighting this stream through all these years, and after they have exhausted their every resource to control it, they come now to that great mother of us all, the Government of the United States, to ask you to come to their rescue and to assume the responsibility that rightfully belongs upon the shoulders of the Government.

A GIANT OF 60,000,000 HORSEPOWER

The Mississippi River from Cairo to the Gulf is a 60,000,000 horsepower giant during flood. If this great power could be harnessed, Muscle Shoals would be but a useless pigmy in comparison.

But this 60,000,000-horsepower giant is largely spent in driving great volumes of water down the river, eroding banks, transporting silts, and beating a ceaseless and dangerous tattoo upon the levees along its course.

Even though only a fraction of its potential power is used, the Mississippi River, greatest in the world, is a direct servant to the continental United States in drainage, navigation, water supply, power, and other vital aids to manufacturing and agriculture.

It is the Nation's servant. Yet it is a source of great danger to a certain part of the Nation, and that endangered portion is not responsible for the condition that makes a sword of Damocles hang over its head night and day.

The people of the stricken and endangered area have a right, therefore, as expressed by the Staple Cotton Cooperative Association, of Greenwood, Miss.—

to ask that the Nation protect us from floods which originate in the national domain, and to do this not as a favor, but as a national duty, and as a good business proposition as well.

NATIONAL RESPONSIBILITY NOT A NEW IDEA

National responsibility for the control of the Mississippi is not a new idea, born of the tragedy of 1927. It dates back to the very first days of this Republic. Washington and Jefferson, by word and action, made it plain that this greatest river of our continent was for the Nation to use and to control. The early statesmen of this Republic emphasized this responsibility of the Government for the river.

If the system be not national—

Said Henry Clay once in the United States Senate—

I should like to know one that is national.

President Lincoln said:

The most general object I can think of would be the improvement of the Mississippi River.

The statesmanship of America must grapple with the problem of this mighty stream—

Said President Garfield—

It is too vast for any State to handle; too much for any authority other than that of the Nation itself to manage.

President Roosevelt, after a visit to the valley, said:

We must build the levees and build them stronger and more scientifically than ever before.

And President Coolidge recognizes the responsibility of this Government, although he has, to date, indicated that the burden of this responsibility should be shared by the affected States. His party said, however, in a platform plank:

The Mississippi River is the Nation's drainage ditch. Its flood waters, gathered from 31 States and the Dominion of Canada, constitute an overpowering force which breaks the levees and pours its torrents over many million acres of the richest land in the Union, stopping mails, impeding commerce, and causing great loss of life and property. These floods are national in scope and the disasters they produce seriously affect the general welfare.

While the Democratic Party expressed it in this language:

We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of overflow of land and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property imposes an obligation which alone can be discharged by the Federal Government.

Partisanship does not cast its selfish shadow across this humanitarian issue.

The tragedy of 1927 in the Mississippi Valley, followed by the disastrous floods in New England, has touched and united the hearts of the North and South in a common sorrow, and kindled in their hearts the desire that this Government shall not withhold its full protection from any stricken section over which the threat of a repetition of calamity still rears its ugly head.

IN MEMORY OF BEN HUMPHREYS

And while we are considering this great problem may we not pause for a moment, for my heart is in the grave with one who sleeps an eternal sleep in a beautiful little city built upon the very banks of this great stream, one who did much to stifle the foul spirit of partisanship that too often enters into our deliberations here.

If the great Benjamin G. Humphreys could speak to us now, he would plead for his Government to protect his people in the valley that he loved so well.

The fight that is now being carried on is but the culmination of his splendid efforts.

Ben Humphreys had more information about the Mississippi River and its problems than all the other students of this subject, and it would make him rejoice to-day to know that his friends of days gone by here in this body are fighting his battle for his people.

He threw to you gentlemen the torch when his faltering hands could hold it no longer. He bade you hold it high. And I know you are not going to break faith with Ben Humphreys, your friend, and the great servant of a great cause. [Prolonged applause.]

PROTECTION, NOT RECLAMATION

I desire to call your attention now to this statement from the message of President Coolidge read to the Seventieth Congress at its opening session last December:

The Government is not an insurer of its citizens against the hazard of the elements.

The Government does not undertake to reimburse its citizens for loss and damage incurred under such circumstances.

Mr. Chairman, the people of the Mississippi Valley are not seeking reimbursement for the tremendous damages they have suffered. They are not asking that this Government pay them back, dollar for dollar, or a cent for a dollar, for their losses in the 1927 flood or in any of the numerous floods previous to that time. They are not asking the Government to write insurance policies against the hazard of the elements.

But they are asking that their lives and property and general welfare be given the adequate protection guaranteed them under the Constitution as citizens of the United States.

Protection and not reclamation or reimbursement is the request of the people of the Mississippi Valley.

No more reasonable a plea ever came from the lips of a stricken people.

No request was more just nor filled with greater merit.

And no country in the history of all the world from its beginning to this hour was ever in better position to be able to help its citizens in time of a national crisis than is the Government of the United States to-day.

HOW THE PEOPLE HAVE PAID

For 125 years and more these people of the Mississippi Valley have not balked at one of the greatest works of reclamation ever undertaken by any people anywhere—

Said the Hon. Alf H. Stone, of Mississippi, in a memorandum submitted to the Flood Control Committee of the House.

They have spent uncounted millions in the task—

He continued—

speaking for the Yazoo Mississippi Delta area alone, we have still outstanding nearly $50,000,000 of bonds which represent money spent for drainage canals, highways, public buildings, schoolhouses, street paving, etc., and we are raising annually more than $10,000,000 in taxes.

These people ask no help of anybody toward completing this work of development and reclamation. All they ask is that what they have accomplished be protected against floods from elsewhere, that the fruit of their hundred years of toil be not destroyed by the waters of the Nation's greatest stream.

THE DEFINITION OF RECLAMATION

Mr. Chairman, we ask that the Government assume full responsibility for an adequate flood-control program.

We ask that it protect the lives and property of the people of the Mississippi Valley.

It is the land of this region that is to be benefited—

Said President Coolidge.

To say that it is unable to bear any expense of reclamation is the same thing as saying that it is not worth reclaiming.

But, as a matter of information and definition, let me say that reclamation of the rich land adjacent to the Mississippi River is not consummated by the simple building of an adequate levee system.

You might as well say that the building of levees on the Amazon in the wilds of South America reclaims the lands adjacent to this river and is, therefore, a reclamation project.

It is not. No land is reclaimed until it has people who will live on it and work it; until it has railways, highways, drainage, churches, schools, banks, health centers, markets, towns and cities filled with businesses, places of amusement and attraction; and the people of the Mississippi Valley have provided these things and have, therefore, by their own efforts and expenditure of time, energy, and money already reclaimed this land.

They have done this at the sacrifice of their profits, and after their own resources have been exhausted and their taxes paid and devoted largely to this purpose they have mortgaged their places until the major portion of their holdings is tied up in legal paper to loan companies, insurance companies, and brokerage houses.

But they began this reclamation in the first days of the history of the valley as a place for American citizens to live and toil for self and home and country; and they, having put their hands to the plow, have never turned back.

What they have reclaimed, therefore, they ask you now to protect.

WITH REFERENCE TO JADWIN

The Chief of Engineers of the United States Army at the time of the 1927 flood was Maj. Gen. Edgar Jadwin, a native of Pennsylvania, a Regular Army man, now 63 years old, and who for 43 years has been in the military service of this Government.

It was his task to recommend an engineering program to prevent a repetition of the 1927 tragedy of the Mississippi. His assignment was technical.

It was neither his duty nor his province to make any recommendation as to where the money should come from to do the work or whether the Government should bear it all or just a part.

But his position as Chief of Engineers is of such importance at this time that whatever he says has a direct bearing upon flood-control program and legislation. And, either by his own free will and thought or by direction from a higher source, he recommended a division of the financial responsibility for flood control.

In full justice to General Jadwin I desire to say that I believe he has the finest possible grasp of the engineering task involved, but I do say that he exceeded his province when he tried to say where the money should come from to do the work or as to who should assume the responsibility. That is the province of Congress, and Congress alone.

BEWARE OF A MUSSOLINI OF FLOOD CONTROL

In putting the huge flood-control program into operation let us beware of creating a Mussolini. I am opposed to the Jadwin request that the Chief of Engineers administer the flood-control program as a sovereign dictator. This is exactly what he would have done. He says:

The Army Engineer flood-control plan contemplates that the project be administered by the Chief of Engineers, with the Mississippi River Commission working under him in an advisory capacity.

He then says this in support of his request that would make the Chief of Engineers a virtual Mussolini:

How many commissions ever administered a job with efficiency? The United States Government has a single head, with advisors. So do the various departments of the Government. Every corporation is administered by a single head.

The general is evidently unmindful of a very familiar portion of the Constitution of the United States when he says that this Government is administered "by a single head with advisors." I suggest that he read again the Constitution that very plainly creates a governmental triumvirate composed of the executive, the legislative, and the judicial branches. The Congress of the United States is not the "advisor" of the President; neither is that the function of the judicial branch of the Government.

I do not think that General Jadwin is so personally ambitious that he desires to go down in history with the fame of General Goethals, and I do not think that his request for the powers of a Mussolini for the Chief of Engineers in regard to flood control is a personal desire, because his four-year tour of duty as Chief of Engineers will be ended by operation of the Manchu law or by retirement before any plan can get well under operation.

But I do think that his suggestion is unworthy of serious consideration. The administration of this program rightly belongs in the hands of a commission of engineers and econo-

mists; its personnel should include civil engineers with Mississippi River experience in equal number and with equal rank and power with the Army engineers; and one or two practical business men from the Mississippi Valley, who have first-hand and lengthy contact with the river problem, should have a place thereon.

Mr. McDUFFIE. Will the gentleman yield?

Mr. WILSON of Mississippi. I will.

Mr. McDUFFIE. I want to suggest to the gentleman that in all these projects submitted the Chief of Engineers for his examination reports—I think on every occasion they have put in an estimate as to the cost of this project—how much money it is going to take. In justice to General Jadwin I do not think he meant to go out of his way, but thought evidently it was a part of his duty in passing judgment on it to suggest the cost.

Mr. WILSON of Mississippi. I am not impugning his motive, but I still maintain that it is not his nor any other engineer's duty to recommend to Congress whether the Government shall bear the whole expense or the locality a part of the expense.

Mr. McDUFFIE. It has been done.

Mr. WILSON of Mississippi. Yes. Murder has been committed, but a second murder does not make the first one right.

Mr. McDUFFIE. But the gentleman is arguing that it was wrong; I do not agree that it was wrong.

Mr. WILSON of Mississippi. I am not complaining of his right to give an estimate of the cost, but of his division of responsibility betwen the Government and the locality.

Mr. McDUFFIE. The gentleman does not think that the locality should ever contribute to the project?

Mr. WILSON of Mississippi. Not when it is a matter that affects the general welfare of the people of the United States; no, sir.

ENGINEER JADWIN NOT INFALLIBLE

Lest too much faith be placed by laymen in the words and plans of an engineer, especially one of the prominence, by virtue of his rank and assignment, as Edgar Jadwin, I want to read a statement made by a gentleman of the valley who is not an engineer, but who is an unquestioned authority upon the Mississippi River problem, and who explodes with fact one of Jadwin's pet suggestions.

I quote from the brief submitted to the Flood Control Committee by Hon. Oscar Johnston, discussing the plan of the Army engineers:

Not being a civil engineer, I shall not presume to criticize the engineering plans submitted by the general, other than in a single particular, namely, the matter of "fuze-plug levees."

The plan provides for a fuze-plug levee at Cypress Creek. The idea of the plan is that at a given height in the water this "fuze plug" will blow out, break, or be overflowed, permitting the escape of a given quantity of water; the maximum of this quantity is stated in the plan at 900,000 cubic feet per second. The greatest crevasse, I believe, that has ever occurred in the Mississippi Levee was the break at Mounds Landing, when the water stood approximately 19 feet above the level of the ground. This break was a half-mile in width. The water swept through with an unprecedented velocity, and yet it is only estimated that the flow through this crevasse was approximately 500,000 cubic feet per second. This crevasse washed out a lake or "blue hole" more than 100 feet deep and cut a channel more than a mile back into the interior, destroying 5,000 acres of land by depositing sand of such character as to prevent successful cultivation of the soil in the future. If such a result happens at one of the fuze plugs, it would be almost an impossible task to restore the levee without looping or building back for some distance. A few successive breaks of this sort at the same point would shortly result in a channel being cut from the head to the mouth of the spillway.

Those of us who have lived behind levees the greater part of our lives are decidedly of the opinion that levees have a perverse way of not breaking at points where they are expected to break. Frequently water is impounded and raised temporarily as the result of a windstorm; frequently windstorms bring about waves that wash into and cut through a strong levee standing several feet above the crest of the water; frequently levees are undermined by water seeping through below the base.

We believe from practical experience, as opposed to engineering theory, that such spillways as are constructed should be of the type commonly known as "controlled," or should be left open at the head and leveed along the sides so that the flow of water through the spillways may be controlled and regulated.

$296,400,000 OR $750,000,000?

The Army Engineer report, recommended in toto by President Coolidge, says "the total cost of the recommended project is $296,400,000."

The President, transmitting this report saying that the Government "may even bear 80 per cent of such costs," infers that 20 per cent, or $59,280,000, would be all, therefore, that the local areas would have to pay.

But the engineer plan very plainly omits an estimate for drainage, costs of flowage rights, and rights of way for flood control.

The Mississippi River Commission submitted the figure of $775,000,000 as its best estimate of the cost of a comprehensive flood-control plan. Now, 20 per cent of this would be $155,000,000—and that is a far cry from the figure of $29,280,000 as would be indicated by the Army engineer estimate.

Let us not be misled, nor try to mislead, in handling this situation. We people of the Mississippi Valley are ready and willing to open our books to you, without a page concealed; and in return we ask that the agencies of this Government charged with recommending a plan for congressional action deal with us fairly, frankly, and aboveboard.

THE PLEDGE OF THE CONSTITUTION

The preamble to the Constitution of the United States, augmented by section 8 of Article I thereof, pledges the aid of this Government to such a situation as arose when the flood of 1927 threatened the general welfare of the people of this country.

This pledge was made in the very beginning of the political sovereignty of this country; and when a situation arises that requires a pledge to be fulfilled, the fulfillment thereof becomes a solemn duty.

It is, therefore, the solemn duty of this Government, in keeping faith with its Constitution and its people, to assume the responsibility now and hereafter for protection of the lives and property of the people of the Mississippi Valley. [Applause.]

To say that the Government will assume "part responsibility" is to shirk a duty. To impose upon an innocent people any portion of this financial responsibility is to evade a solemn pledge. In such a national disaster as that of the Mississippi flood of 1927, the absolute responsibility for further prevention lies wholly and unqualifiedly upon the National Government.

To bring this tragedy under the provisions of the so-called general-welfare clause of the Constitution is no task at all. It comes under the constitutional guaranty, because the lives of American citizens are in constant hazard under the present situation.

No people can live with any feeling of security and build real American homes while facing probable disaster—

Said the United States Chamber of Commerce.

Mr. Hoover made the statement that to permit one and one-half millions of people to live under such a continuous hazard from year to year is unthinkable.

IN OPPOSITION TO LOCAL CONTRIBUTIONS

The Mississippi River is the Nation's stream—

Said Hon. Le Roy Percy, former United States Senator from Mississippi, and prominent for many years in flood-control work.

The Nation at its expense should construct and maintain levees and other means of flood protection.

Chairman FRANK REID, of the House Flood Control Committee, made this statement:

The people of the Mississippi Valley have already been bled white in paying the bill of the Nation's drainage. It is unthinkable that any student of our Government will assume that the United States, in the discharge of the purely national governmental function of protecting the lives and property of its citizens from destructive flood waters of navigable rivers and promoting the interstate commerce of this Nation, should demand of local communities a part payment of the cost.

Hon. L. O. Crosby, president of the Mississippi State Board of Development and personal representative of Governor Bilbo at the hearings, made this statement:

When you gentlemen of the committee have ascertained the facts and the real conditions that exist in the flooded area, I have no hesitancy in believing what the people of my State believe—that you will recognize it as a national problem, and we will have action along those lines.

Hon. A. H. Stone, of Washington County, Miss., made this succinct statement in the course of his valuable testimony before the committee:

It is a national proposition, and it always has been national in its scope.

Hear the words of a man who has seen the maximum local effort and money go to nought in the face of this herculean problem:

The situation is becoming more and more tense until this lower country, which is as fine a country as there is in the world, by degrees you may say is going to destruction.

That is from the testimony of A. M. Pepper, representing the Yazoo-Mississippi Delta Board, a man who has spent the greater part of the 27 years of his life face to face with this threat of destruction; and who realizes, as do others, that this is no longer a task for anyone save the Government itself.

AVOID A "KILKENNY-CAT FIGHT"

Hon. Walter Sillers, sr., of Rosedale, Miss., who represented the Board of Mississippi Levee Commissioners and who began his fight against this problem in 1882, knows that if this Government refuses to take full charge of the problem now that the result will be, as expressed in his testimony before the committee—

A Kilkenny-cat fight, in which only a few districts will survive.

The waters of many States pouring into the Mississippi overcharge the stream to the extent that it makes it impossible for the few States in the lower reaches to handle the situation, and the control of the flood waters becomes a national problem—

He said.

Two principles laid down by the Mississippi Department of the American Legion when it held its annual meeting in Greenville before the waters had receded from that stricken city, are worthy of remembrance. Capt. W. T. Wynn, who represented that organization in the hearings at Washington, put them in the record, as follows:

First. That the control of the flood waters of the Mississippi River is a national problem, and the sole responsibility should be vested in the National Government.

Second. That the matter of flood control should not be interfered with by political differences; it is a matter beyond party lines or the now mythical sectional border, and no halfway measure should be tried.

The immensity and national importance of the question is sounded in a section of the testimony of Mr. Alexander Fitzhugh, a prominent business man of Vicksburg, Miss., when he told the committee:

We believe a careful estimate of the situation would justify the statement that the control of the floods of the Mississippi River is equally as important to the business of the country as the construction of the Panama Canal, and surely the moral obligations resting upon Congress to protect the people of the flooded section is more binding.

DILEMMA OF THE TAXPAYERS

Mr. J. S. Allen, chief engineer of the Board of Mississippi Levee Commissioners, a man of long experience and high standing in his profession, gave valuable testimony at Vicksburg when hearings were held by the Mississippi River Commission at the suggestion of the War Department.

What he said I want you to hear—and I quote this important paragraph from his testimony:

My board is heartily in favor of the Government taking over these levees. We realize that our taxpayers have come to the end of the road.

In fact, I make this statement here in all sincerity: That if the Nation can not see a way to turn this over to the Corps of Engineers in toto I think it is time for the local taxpayers to get out of the valley entirely. That statement has been made by able lawyers and business men not only in my territory but from several territories, and they make it from their hearts. I am convinced that they have gone as far as they can.

The report of the commission for 1925 shows that the local taxpayers put up $154,000,000 for levees alone since 1882 and the Federal Government put up $63,000,000; or, in other words, 71 per cent by the local districts and 29 per cent by the United States.

It has become too heavy and it is up to you, as I can see it, to make the valley safe absolutely—build so big that there will be no question of failure.

DEPTH OF FINANCIAL ABILITY SOUNDED

The levee boards have a bonded indebtedness to-day that passes the $40,000,000 mark. They have sounded the depth of their financial ability.

The truth of the matter is, Mr. Speaker and Members of Congress, that the levee boards have reached that condition frequently reached by the individual—financial embarassment.

Their bonds are no longer sought in the financial mart. Listen to this warning from William R. Humphrey, representing the Compton Investment Co. and the Mississippi Valley Group of Investment Bankers Association:

I have been asked to come before you to discuss the question of whether levee districts can float bonds at satisfactory prices on the present market to pay a portion of the cost of flood-control works.

I have given a good deal of thought to this question; and the answer is, no; they can not.

The question immediately arises, why can not these bonds be marketed? The answer to that is that there have already been too many defaults in the payment of special assessment bonds. The good market which they enjoyed two or three years ago is not in existence now.

The investment bankers have found for some time that they can not sell drainage and levee bonds.

Now, many breaks in the levee in the 1927 flood occurred simply because the local people were financially unable to cope against the problem. Definite citations of this condition were made in the testimony of Hon. Oscar Johnston when he said:

Two of the breaks that happened in Arkansas this past year happened because of the inability of local contribution. I have reference to the break at Knowlton and another at Laconia Landing. Both of those levees were known to be below grade and unsound and insecure, and it was known two years or more before the flood to every engineer on the river that they would not withstand a flood. The Mississippi River Commission went in and offered to do the work under the prevailing rule—one-third contribution by the local district, two-thirds by the Mississippi River Commission—and the two little districts, almost poverty stricken and bonded, answered: "We are unable to furnish our one-third." The Mississippi River Commission made the only answer that it could make: "We can not under the law give you any aid," and the two levees were left down. The water that poured out of the west bank of the Mississippi River at Knowlton and Laconia demonstrated and emphasized the fallacy of requiring local contributions, wherein one little local district can sit back and say: "We can not contribute," and a crevasse may happen there that will overflow the whole district and make worthless all the work that has been done.

THE ATTITUDE OF THE PRESS

Editorial opinion that flood control is a national responsibility is not confined to the press of the Mississippi Valley. I am glad to note that leading newspapers all over the United States have analyzed the situation and have come out in vigorous editorial expression for a governmental assumption of the entire responsibility.

In this connection I quote two paragraphs from an editorial that appeared in the Washington Post a few days ago:

That the United States must undertake this gigantic work and pay for it is a foregone conclusion. The difficulties in the way of apportioning part of the cost to the lower Mississippi States are insuperable. No method can be found for justly apportioning their share of the cost. No State has the right to expend money for enterprises outside of its boundaries. But beyond these difficulties arises the outstanding fact that the lower Mississippi States are not responsible for the floods and should not be taxed to control them.

The Mississippi River is a national stream, draining many States and benefiting or damaging the American people, as the case may be, without regard to State lines.

The lower States have already taxed themselves for scores of millions for local protection, only to be overwhelmed last year as if they had not spent a dollar. They can not control the river.

If this Nation is in duty bound to pay for any part of flood-control work, it is bound to pay for all of it. The river is not the property of any State or groups of States. It is the property of the United States, and the owner is responsible for the damage done by his property.

PROTECTION IS THE ISSUE

The issue before this Congress for action is whether the Federal Government, as the guarantor of the welfare of its people, shall place into operation the machinery necessary to carry out this guarantee, and to do so at its own expense; or whether it will simply assume a part of the responsibility for this complete guarantee, and demand a pound of flesh from the already suffering valley.

In the words of Hon. J. W. Cutrer, of Clarksdale, Miss., vice president of the Mississippi River Flood Control Association and a brilliant authority upon flood control legislation:

The issue is one of extended security, happiness, and prosperity, or a recurrence of disasters until annihilation must result.

Even in Wall Street, where money is the god of the bankers, and where the soundness of their financial operations determines the ratio of success, the feeling is current that the financial responsibility for the full flood control program belongs

upon the Government of the United States. This is indicated in the testimony of C. H. Markham, chairman of the board of the directors of the Illinois Central Railroad, who said that he had had conferences with New York business men and—

those who understand it [that is, the flood control problem] are of one voice in declaring that this is a national proposition, and ought to be handled by the National Government.

HOW THE PEOPLE SUFFERED

The true story of how the people of the Mississippi Valley suffered in 1927 can never be told nor pictured in words and figures. A master realist, struggling with the task to picture in words the 1927 tragedy, would have to confine himself to his own observations and the stories that came from others. It was too vast for the observaton of one man.

Those who were there and those who were spared the tragedy, but who sympathized with the people of the valley, know that the tragedy can not be reduced to a statement of dollars and cents involved.

Yet tables of losses will convey some idea of the magnitude of the tragedy, and I want to read to you the figures for the 20 counties in my own State that suffered the ravages of the flood:

County of Adams

20 houses destroyed	$12,000
80 houses damaged	24,000
8 stores damaged	4,000
3 gins damaged	7,000
6 barns destroyed	3,000
20 barns damaged	5,000
24 other buildings destroyed	3,000
50 other buildings damaged	4,000
Damage to merchandise	5,000
Damage to farm implements	3,500
Damage to automobiles	2,500
Damage to feed	5,000
Damage to household goods	25,000
Cost of replanting	10,000
Damage to land by washing and spreading of obnoxious grasses	40,000
Loss of rents on lands not cultivated by reason of overflow	130,000
Damage to 200 miles of fence	10,000
Business losses	250,000
Damage to private roads and bridges	10,000
Total property damage	553,000

County of Bolivar

200 houses destroyed	80,000
2,000 houses damaged	100,000
10 stores destroyed	10,000
20 stores damaged	5,000
10 gins damaged	2,000
20 barns destroyed	10,000
50 barns damaged	10,000
1,000 other buildings destroyed	100,000
2,000 other buildings damaged	10,000
Damage to merchandise	50,000
Damage to farm implements	10,000
Damage to automobiles	20,000
Damage to feed	20,000
Damage to seed	10,000
Damage to household goods	100,000
300 horses and mules destroyed	30,000
500 cattle lost	25,000
1,000 hogs lost	10,000
10,000 poultry lost	10,000
Cost of replanting	10,000
Damage to land by washing and spreading of obnoxious grasses	1,000,000
Loss of rents on lands not cultivated by reason of overflow	1,000,000
Damage to 100 miles of fence	20,000
Business losses	1,000,000
Damage to growing cotton crop	500,000
Damage to other crops	100,000
Damage to private roads and bridges	50,000
Damage to private ditches and drains	50,000
Damage to school buildings and equipment	7,500
Total property damage	4,349,500

County of Claiborne

14 houses destroyed	2,100
40 houses damaged	1,000
1 store damaged	150
Damage to feed	300
6 horses and mules lost	600
4 cattle lost	100
Cost of replanting	500
Loss of rents on lands not cultivated by reason of overflow	500
Total property damage	5,250

County of Coahoma

100 houses destroyed	64,800
25 houses damaged	12,500
1 store destroyed	1,500
100 barns destroyed	10,000
250 other buildings destroyed	12,500
Damage to farm implements	$11,250
Damage to feed	2,250
Damage to seed	3,780
Cost of replanting	1,000
Damage to land by washing and spreading of obnoxious grasses	150,000
Loss of rents on lands not cultivated by reason of overflow	36,600
Business losses	25,000
Damage to growing cotton crop	50,000
Damage to other growing crops	10,000
Damage to private roads and bridges	500
Damage to private ditches and drains	5,000
Total property damage	396,680

County of Grenada

125 houses damaged	9,375
200 other buildings damaged	5,000
Damage to feed	2,000
5 horses and mules lost	500
10 cattle lost	200
2,000 hogs lost	20,000
500 poultry lost	250
Damage to 10 miles of fence	500
Business losses	10,000
Damage to private roads and bridges	7,500
Total property damage	55,325

County of Holmes

50 houses damaged	2,500
15 stores damaged	150
6 barns damaged	150
40 other buildings damaged	400
Damage to farm implements	1,000
Damage to automobiles	250
300 hogs lost	1,500
100 poultry lost	75
Cost of replanting	15,000
Loss of rents on lands not cultivated by reason of overflow	2,000
Business losses	25,000
Damage to growing cotton crop	10,000
Damage to other growing crops	2,000
Damage to private roads and bridges	5,000
Total property damage	65,025

County of Humphreys

Houses, stores, gins, barns, and other buildings destroyed and damaged	760,715
Damage to merchandise	225,000
490 horses and mules lost	49,000
700 cattle lost	14,000
2,400 hogs lost	24,000
28,000 poultry lost	14,000
Loss on average crop expected	3,228,024
Damage to school buildings and equipment	15,000
Total property damage	4,329,739

County of Issaquena

2,725 houses destroyed or damaged	550,000
Barns destroyed or damaged	60,000
Other buildings destroyed or damaged	70,000
Damage to merchandise	10,000
Damage to farm implements	40,000
Damage to automobiles	15,000
Damage to feed	40,000
Damage to seed	10,000
Damage to household goods	135,000
410 horses and mules lost	41,000
350 cattle lost	7,000
1,950 hogs lost	19,500
17,000 poultry lost	8,500
Sheep and goats lost	1,000
Damage to land by washing and spreading of obnoxious grasses	400,000
Damage to fences	20,000
Damage to school buildings and equipment	5,000
Total property damage	1,432,000

County of Jefferson

10 houses destroyed	6,000
40 houses damaged	10,000
8 stores damaged	4,000
1 gin destroyed	4,000
3 barns destroyed	1,500
10 barns damaged	2,500
12 other buildings destroyed	1,200
25 other buildings damaged	2,500
Damage to merchandise	4,000
Damage to farm implements	2,000
Damage to automobiles	2,000
Damage to feed	3,500
Damage to household goods	15,000
12 horses and mules lost	1,200
75 cattle lost	3,000
200 hogs lost	2,000
500 poultry lost	250
Cost of replanting	5,000
Damage to land by washing and spreading of obnoxious grasses	30,000
Loss of rents on lands not cultivated by reason of overflow	68,000
Damage to 100 miles of fence	5,000
Business losses	200,000
Damage to private roads and bridges	10,000
Total property damage	382,650

County of Leflore

600 houses damaged	$15,000
1 gin damaged	250
Damage to farm implements	1,000
Damage to feed	2,500
Damage to seed	2,475
200 hogs lost	1,500
2,000 poultry lost	1,000
Cost of replanting	35,000
Damage to land by washing and spreading of obnoxious grasses	5,000
Loss of rents on lands not cultivated by reason of overflow	50,000
Business losses	50,000
Damage to growing cotton crop	100,000
Damage to other growing crops	10,000
Damage to private roads and bridges	4,000
Total property damage	277,725

County of Panola

10 houses damaged	500
6 other buildings damaged	150
Damage to baled cotton	250
Damage to farm implements	150
Damage to automobiles	250
Damage to feed	1,000
Damage to seed	500
Damage to household goods	500
10 horses and mules lost	1,000
25 cattle lost	750
250 hogs lost	2,500
200 poultry lost	100
Cost of replanting	2,000
Loss of rents on lands not cultivated by reason of overflow	7,000
Business losses	10,000
Damage to private roads and bridges	5,000
Total property damage	31,650

County of Quitman

25 houses damaged	875
65 other buildings damaged	650
Damaged to household goods	300
20 horses and mules lost	2,000
10 cattle lost	200
20 hogs lost	200
200 poultry lost	100
Cost of replanting	1,000
Damage to land by washing and spreading of obnoxious grasses	10,000
Loss of rents on lands not cultivated by reason of overflow	2,500
Business losses	50,000
Total property damage	67,825

County of Sharkey

4,535 houses damaged	619,000
50 stores damaged	15,000
25 gins damaged	15,000
150 barns damaged	37,500
5,500 other buildings damaged	137,500
Damage to merchandise	8,000
Damage to baled cotton	4,200
Damage to farm implements	87,500
Damage to feed	115,000
Damage to seed	67,500
Damage to household goods	312,000
300 horses and mules lost	37,500
500 cattle lost	12,500
5,000 hogs lost	50,000
25,000 poultry lost	12,500
Cost of replanting	156,250
Damage to land by washing and spreading of obnoxious grasses	50,000
Loss of rents on lands not cultivated by reason of overflow	500,000
Damage to fences	40,000
Business losses	500,000
Damage to growing cotton crop	560,000
Damage to other growing crops	400,000
Damage to school buildings and equipment	20,000
Total property damage	3,756,950

County of Sunflower

30 houses destroyed	12,000
2,050 houses damaged	205,000
2 gins damaged	5,000
2,000 other buildings destroyed	100,000
8,000 other buildings damaged	200,000
Damage to farm implements	100
Damage to automobiles	2,000
Damage to feed	20,000
Damage to household goods	60,000
50 horses and mules lost	5,000
200 cattle lost	4,000
3,000 hogs lost	30,000
37,500 poultry lost	17,000
Cost of replanting	150,000
Loss of rents on lands not cultivated by reason of overflow	400,000
Damage to 10 miles of fence	1,000
Business losses	500,000
Damage to growing crops	100,000
Damage to private roads and bridges	5,000
Damage to private ditches and drains	5,000
Damage to school buildings and equipment	5,000
Total property damage	1,826,100

County of Tallahatchie

100 houses damaged	$2,500
20 barns damaged	2,000
200 other buildings damaged	2,000
Damage to farm implements	2,000
Damage to feed	5,000
Damage to seed	5,000
Damage to household goods	2,500
50 horses and mules lost	5,000
100 cattle lost	1,500
1,000 hogs lost	10,000
3,000 poultry lost	1,500
Cost of replanting	5,000
Loss of rents on lands not cultivated by reason of overflow	125,000
Damage to 10 miles of fence	1,000
Business losses	200,000
Damage to growing crops	10,000
Damage to private roads and bridges	10,000
Damage to private ditches and drains	5,000
Damage to matured crops	12,000
Total property damage	407,000

County of Tunica

Damage to feed	1,000
25 cattle lost	625
50 hogs lost	500
Cost of replanting	4,000
Loss of rents on lands not cultivated by reason of overflow	2,000
Business losses	15,000
Damage to growing cotton crop	50,000
Damage to other growing crops	10,000
Total property damage	83,125

County of Warren

182 houses destroyed	32,600
625 houses damaged	21,000
6 stores destroyed	6,000
10 stores damaged	1,500
5 gins destroyed	25,000
5 gins damaged	5,000
300 barns damaged	22,500
50 other buildings damaged	3,750
785 other buildings damaged	19,625
Damage to merchandise	2,000
Damage to farm implements	15,000
Damage to automobiles	10,000
Damage to feed	30,000
Damage to seed	2,000
Damage to household goods	22,400
30 horses and mules lost	3,750
190 cattle lost	7,600
1,200 hogs lost	12,000
3,500 poultry lost	1,750
Cost of replanting	6,200
Damage to land by washing and spreading of obnoxious grasses	7,500
Loss of rents on lands not cultivated by reason of overflow	150,000
Damage to fence	1,000
Business losses	100,000
Damage to growing cotton crop	3,000
Damage to other growing crops	1,000
Damage to private roads and bridges	5,000
Damage to private ditches and drains	1,000
Damage to matured crops	2,500
Total property damage	520,675

County of Washington

2,150 houses destroyed	782,500
12,500 houses damaged	2,687,500
35 stores destroyed	17,500
750 stores damaged	215,000
2 gins destroyed	6,000
48 gins damaged	39,000
105 barns destroyed	107,500
850 barns damaged	90,000
3,500 other buildings destroyed	375,000
8,000 other buildings damaged	270,000
Damage to merchandise	325,000
Damage to baled cotton	2,520,000
Damage to oil mills	500,000
Damage to farm implements	350,000
Damage to automobiles	800,000
Damage to feed	500,000
Damage to household goods	565,000
1,500 horses and mules lost	150,000
3,500 head of cattle lost	140,000
10,000 head of hogs lost	100,000
300 sheep and goats lost	2,250
100,000 poultry	75,000
Loss on replanting	1,250,000
Loss on average crop expected	11,000,000
Damage to school buildings and equipment	40,000
Total property damage	22,907,250

County of Wilkinson

10 houses destroyed	2,000
35 houses damaged	1,750
3 barns damaged	75
75 other buildings destroyed	3,750
50 other buildings damaged	1,250
Damage to farm implements	1,000
Damage to household goods	2,500
150 horses and mules lost	15,000
100 cattle lost	4,000

50 hogs lost	$500
200 poultry lost	100
Loss of rents on lands not cultivated by reason of overflow	150,000
Business losses	225,000
Damage to growing cotton crop	10,000
Damage to other growing crops	2,500
Damage to private roads and bridges	200
Total property damage	419,625

County of Yazoo

10 houses destroyed	10,000
100 houses damaged	50,000
15 stores damaged	7,500
15 gins damaged	15,000
1 barn destroyed	1,000
100 barns damaged	50,000
1,000 other buildings destroyed	150,000
1,000 other buildings damaged	100,000
Damage to merchandise	30,000
Damage to baled cotton	25,000
Damage to oil mills	20,000
Damage to farm implements	50,000
Damage to automobiles	50,000
Damage to feed	75,000
Damage to seed	25,000
Damage to household goods	125,000
50 horses and mules lost	5,000
200 cattle lost	4,000
1,000 hogs lost	10,000
5,000 poultry lost	2,500
Cost of replanting	5,000
Loss of rents on lands not cultivated by reason of overflow	100,000
Damage to 200 miles of fence	6,000
Business losses	100,000
Damage to growing cotton crops	1,500,000
Damage to other growing crops	50,000
Damage to private roads and bridges	2,500
Damage to school buildings and equipment	10,500
Total property damage	2,579,000

RECAPITULATION FOR ENTIRE STATE

A recapitulation of the above figures for the entire State of Mississippi follows:

Crop losses—800,000 acres of crop land flooded:			
Baled cotton damaged		$2,549,450	
Loss on average crop expected (2 counties)		14,228,024	
Loss of rents on lands not cultivated by reason of overflow		2,721,100	
Damage to growing cotton crop (9 counties)		2,783,000	
Damage to other growing crops (11 counties)		695,500	
Damage to matured crops		14,500	
Damage to seed		126,255	
			$23,117,829
Cost of replanting			1,654,950
Losses of livestock:			
3,368 horses and mules		$345,050	
6,489 cattle		224,475	
31,600 hogs		314,000	
500 sheep and goats		3,250	
233,000 poultry		144,775	
			1,031,550
Property damage:			
2,726 houses destroyed		993,200	
22,940 houses damaged	$3,764,500		
2,725 houses, stores, and gins destroyed and damaged (Issaquena County)	550,000		
Houses, stores, gins, barns, and other buildings destroyed and damaged (no number given, Humphreys County)	760,715		
		5,075,215	
52 stores destroyed		35,000	
877 stores damaged		252,300	
8 gins destroyed		35,000	
109 gins damaged		88,250	
235 barns destroyed		133,000	
1,509 barns damaged	219,725		
Barns destroyed and damaged (Issaquena County, no number given)	60,000		
		279,725	
7,911 other buildings destroyed		749,200	
26,056 other buildings damaged	757,425		
Other buildings destroyed and damaged (Issaquena County, no number given)	70,000		
		827,425	
Damage to merchandise		659,000	
Damage to oil mills		520,000	
Damage to farm implements		574,500	
Damage to automobiles		857,000	
Damage to feed		824,550	
Damage to household goods		1,364,400	
Damage to land by washing and spreading of obnoxious grasses		1,682,500	
Damage to fences		105,000	
(8 counties report 640 miles damaged.)			
(13 counties report without giving number of miles.)			
Damage to private roads and bridges		122,200	
Damage to private ditches and drains		61,500	
			15,233,965
Business losses			$3,220,000
Hardwood lumber industry, 42 mills affected			1,165,000
Damage to school buildings and equipment			103,000
Damage to highways and bridges			400,000
Total damage			45,931,294

THIS IS THE TIME FOR ACTION

Mr. Chairman and Members of the Seventieth Congress, this is the time for action. Upon this session of the Seventieth Congress devolves the duty of flood-control legislation that will keep the honor of this Nation as sacred and inviolate as it has been kept since the day of its birth, in every national emergency it has faced, whether at home or abroad.

We know that statutory law can not override a law of nature. But from a study of the laws of nature we know that the proper statutory law can be enacted by this Congress to curb the restless, dangerous spirit of the Mississippi in time of flood.

A law authorizing full governmental responsibility and direction, coupled with an appropriation generous enough to put this responsibility into action, will give to the people of the United States the protection of their lives, property, and general welfare that the Constitution guarantees.

A repetition of the 1927 flood is not impossible, even so soon as next year. There is no time to be lost. The burden of action must not be shifted to another session of this Congress. We must, before we adjourn this session, keep faith with our people and our Constitution.

Let every Member of this body who has a head to think and a heart to feel enlist in this great movement to save and preserve, not only the property, but the lives of our fellow citizens.

The prayer and the hope of the people of the Mississippi Valley is that the high mark of 1927 will never be passed; but unless this mammoth problem is given immediate financial and engineering attention, the threat of an even greater disaster than that of 1927 lies like a shadow across the valley. [Applause.]

Mr. SIMMONS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, on the 1st of February, 1924, I introduced a bill to amend the Judicial Code which would have taken from the United States district courts jurisdiction, in the first instance, to set aside an order or regulation imposed upon a public-utility corporation by a State commission. I introduced that bill in the Sixty-ninth Congress and also in this Congress on the 5th of December, 1927. It is H. R. 95. Originally a similar bill had been introduced by the distinguished gentleman from New Jersey [Mr. BACHARACH].

My bill reads as follows:

Be it enacted, etc., That no district or circuit court of the United States or judge thereof shall have jurisdiction to entertain any bill of complaint to suspend or restrain the enforcement, operation, or execution of any order made by an administrative board or commission in any State, acting under and pursuant to the statutes of such State, where such order was made after hearing upon notice, nor to entertain jurisdiction of any bill of complaint to suspend or restrain the enforcement, operation, or execution of the statute under which such order was made in any case where under the statutes of that State provision is made for a judicial review of such order upon the law and the facts: *Provided,* That nothing herein contained shall limit or affect in any manner the jurisdiction of district and circuit courts of the United States and the judges thereof in matters affecting interstate commerce, nor to prohibit such court or courts or the judges thereof from entertaining any bill of complaint to suspend or restrain the enforcement, operation, or execution of any order made by an administrative board or commission in any State in so far as such order affects interstate commerce.

The purpose of the bill is clear. It simply takes from the United States district court jurisdiction to hear in the first instance cases of public-utility corporations engaged solely in intrastate operations, created by the State in which it operates, subject to the rules and regulations of State commissions or boards, when such corporations seek to avoid obeying an order or rule of a State board or commission. When a public-utility corporation seeks a franchise or enters into a contract with a city to furnish service and agrees on rates and service requirements in order to obtain a franchise, surely it should be expected that it will comply with the terms of the franchise or contract and that should there be any question or difference it would be left to the State courts to decide. The State court is in a better position to understand all of the facts. It is in a better position to understand and know the intent and purpose of the State laws. It is the business of the State court to pass on these questions. Yet the custom has grown for public-utility companies seeking to avoid solemn obligations contained in franchises or contracts voluntarily entered into by them to get away from their own courts, where the facts are known and often where the character and habits of the individuals operating public-utility companies are known, and to resort to a Federal court and there so confuse the issues that the real original issue is lost and, by avoiding the State courts, often obtain advantages utterly unfair to the public and often obtain the authority to disregard rules and terms ordered by the duly

authorized State board or commission having sole jurisdiction over public-utility corporations. Not only in New York has this practice developed but in many of the large cities throughout the United States. The mere fact that this practice has grown to such an extent justifies Congress giving the subject some consideration.

At this very moment in New York City we have just such a situation. As everyone knows, we have extensive subway lines, elevated lines furnishing rapid-transit facilities to the 6,000,000 people of New York. Some of the old surface lines are operating under franchises giving them the exclusive rights to furnish transportation on certain streets. The subway lines are operating under a contract entered into between the operating companies and the city of New York. They now seek to avoid certain terms which they solemnly agreed to and are running to the Federal courts to be protected in their attempt to avoid an obligation and in their plans to disregard the order of our transit commission, which corresponds to the public-utility commission in some of your States.

This is not the first time that New York City has been defeated of its rights by a public-service corporation. Imagine a city of 6,000,000 population entering into an agreement with an operating company, seeking to protect its citizens, making every safeguard possible, maintaining State courts, to find itself deprived of every safeguard that it took, to find itself instead of being the master of the situation in the protection of its 6,000,000 people—I say, to find itself at the mercy of these powerful corporations, who somehow manage to get the Federal courts to stand back of them. New York City had the experience with the gas company case. In that instance the legislature, in accordance with the franchises given to the gas company, fixed the price of gas. The rate was a fair and reasonable rate and was fixed after a great deal of investigation and study. No sooner was the law put into effect than the gas companies ran to the Federal court and got a temporary injunction restraining every State, county, and city official from enforcing the law of the State. The result of that case has done more to make people lose confidence in the Federal court than anything that has happened in a long time. The method of procedure, the partiality, the indifference to the rights of the people of New York, and the clumsy, apparent action of the court and master will be remembered as a miscarriage of justice for many years to come. The court appointed a master in that case. The master happened to have been a very close associate of the judge at one time. The master handed down a decision in favor of the gas company. Oh, yes; it will be said the case went on appeal and was affirmed. That is true. What appellate court can closely examine tens of thousands of pages of testimony? What appellate court can scrutinize volumes—literally volumes of expert testimony and volumes of accountants' reports? Of course, the issues were so confused, the testimony so voluminous, that the appellate courts naturally had only questions of law to pass upon and could not have reviewed such a bulky case that the master took almost a year to hear. Every Member of this House will remember that only a few days ago the Supreme Court of the United States ordered the master to make restitution of part of the excessive fee paid to him by the gas companies. When the matter of the fees came up the city of New York protested that the fees paid to the master were exorbitant and out of all proportion to any known standard for services of the kind; the gas companies and the master replied that it was none of the city's business that they paid the fee to the master willingly and were very happy to pay such a good master such good fees. What a misnomer the word master was in that case. Of course, the gas companies were willing to pay. Why should not they be? Do you wonder, gentlemen, that some of us are stirred to protest, and that we become indignant when we witness—not only witness but are the victims of such flagrant misuse of the Federal courts?

To get back to the case now in the Federal court, the traction companies entered into a contract with the city of New York to furnish rapid-transit service. The city of New York, in consideration of the service to be rendered, built the subways. The subways of New York are property of the city of New York. The city of New York has invested in subway construction over $400,000,000. Among other things, the traction companies agreed to furnish service for a 5-cent fare. No longer was the ink dry on the contract, after several ups and downs of the stock of the companies, each up and down resulting in huge hauls for the gamblers and stock manipulators who control the companies and who seemingly know more about the stock ticker than they do about operating trains, demands were made for increased fare. It is well to point out that just about the time the so-called dual contracts were entered into by the city of New York there was quite a movement in the United States for municipal-operated transit service. In fact, some of the Ohio cities had been so successful that fares had been reduced down to 3 cents. The New York traction companies, sensing that the reduction of fares below 5 cents might become contagious, not only insisted in putting in the 5-cent fare, but made the 5-cent-fare provision as definite, binding, and unalterable as all the legal talent that the traction company could muster could make it.

Even during my time down at city hall as president of the board of aldermen these traction companies made an attempt to increase the fare then. I sat at the hearings through many weeks. I had the opportunity to study and learn the entire history and background of these companies. I got their figures, methods of operation, and learned of their past and present mistakes. Naturally their application before the board of estimate and apportionment was denied. They then went to the State legislature and sought to have a made-to-order law enacted which would provide the means for an increased fare. I was still at city hall and I opposed that law with all the force and strength that was in me. It was the most brazen attempt on the part of a governor to give absolute power to a traction company, ignoring the rights of the city and 6,000,000 people, that was ever attempted by any executive. This same governor is now one of the chief lawyers for one of the traction companies. The protest of the public was so strong that soon the law was modified and even this effort failed. Omitting many of the intervening incidents and attempts of the traction companies to get an increased fare, we come to the last desperate effort, which brings us to the necessity for the serious consideration of my bill. A few weeks ago the traction companies served notice that on a certain day in March the fare would be 7 cents instead of 5 cents. That their plans were well made in advance, that they knew just where they could get an order for temporary injunction seems very likely, for the traction companies have announced that they have already purchased the coin turnstiles to receive the additional fares.

This notice came in the midst of hearings being held before our transit commission, and, as I said, were apparently made in the course of a well-prepared plan of action. While the transit commission was seeking to prevent any increased fare, while it had ordered the traction companies to continue service in accordance with the terms of the contract and the law, while the city officials were preparing papers to enjoin in the State courts the companies from disregarding their obligations and the law, lo and behold, an order is obtained from a Federal judge, signed at his home, based on several pages of affidavits, all of which were printed and not typewritten, and this order enjoins and restrains not only the transit commission from interfering, but also the courts of the State of New York. True, it was an order to show cause only. But it was an order to show cause which contained the injunctions I have described. At this very moment the State and municipal authorities are stayed from taking any action to protect their rights. The order now comes up for consideration. The judge who has it in his hands now has in his keeping the restoration of confidence in the Federal court. He can, by denying the injunction the traction companies seek, uphold the dignity of the Federal court and win the respect for it of millions and millions of country-loving, law-abiding, decent American men and women. If any constitutional rights of these traction companies are invaded by the State transit commission or even by the State courts, then, but then only, can the traction companies resort to the highest court in the land, the United States Supreme Court. The traction companies created by the laws of the State of New York, doing business only in the State of New York, receiving its charter and franchise from the State of New York, having a contract with the city of New York, all within the State of New York, must abide by the law of the State of New York as construed and interpreted by the courts of that State. If the courts of the State err or mistake, and through their mistake and error deprive the companies of any constitutional right the traction companies are by no means without remedy, for, as I have said, they then have recourse to the Supreme Court of the United States. It was never intended that the United States district court should be the court of first instance in such a case. The sum and substance of the application of the traction companies proceeding in the Federal court is to obtain an increased fare, a matter entirely under the jurisdiction of the State courts, and the parties to the contract both citizens of the State of New York. It involves no other question, yet the reading of the papers and the argument for an injunction leaves the fare question bound in a maze of techni-

calities surrounding the subject of Federal and State jurisdiction. That is just what the traction companies are seeking to do. It wants to get away from the real facts, it wants to get away from the merits of the case, it wants to confuse the issues, it wants to create the question of jurisdiction, and who knows perhaps they too can succeed in avoiding obedience to State law and fulfillment of the terms of their own contract.

This question of fare increase is far more important to the people of the city of New York than most people of the country can imagine. The mere 2 cents difference means a great deal to the working people of the city of New York and it also means literally millions of dollars of profits not only for the traction company, but for those individuals surrounding the traction companies who are on the "inside." Recent hearings by the transit commission has developed that the ownership of large blocks of the stock are in the hands of various groups of men not at all interested in rapid transit for the people of New York, but interested in rapid movement of the stock ticker for themselves. It can readily be seen that the increase in fare for the companies carrying several million passengers a day means several million dollars a year out of the pockets of the working men and women of New York City and into the treasury of the traction companies. It means that the issuance of an injunction by a Federal court restraining the State courts from acting, enjoining the State commission from protecting the people of the city of New York, will give such an impetus, such a push to the stock ticker as to shoot the quotation of this watered stock sky high. Then the big haul. Again the public will come in and buy and the present manipulators of this stock will dump and, without exaggeration, a hundred million dollars will be scooped in. In the meantime the people of New York City are being crowded in cars to such an unwholesome extent that the Department of Agriculture would not permit cattle or hogs to be shipped. Gentlemen, we have cause to protest, we have reasons to become indignant, we have a right to ask for legislation to prevent the misuse and the abuse of Federal courts at the expense of millions of innocent men and women.

Litigation had already been instituted in the State courts, but the representatives of the traction company sneaked to the home of a Federal judge and obtained a temporary injunction. The misuse of Federal courts to avoid obligations under contracts, to disregard orders of State commissions, and to disregard the law itself on the part of public-utility companies has grown to such an extent that it has become a national scandal. The courts are being used instead of administering justice as a delousing plant for dirty and unclean public-utility corporations and that means the traction companies of New York. I make this statement at this time to attract the attenion of municipal authorities throughout the United States that my bill pending would give them the protection that every community in the United States must have and that pressure should be brought to bear to limit by legislation the power of the Federal courts and to take from it the jurisdiction that is now being used for the purpose of legalizing the exploitation of these greedy corporations.

It was never intended that United States district courts should intervene in the first nistance to permit public-utility companies disregarding law or obligations under contracts. The custom now has become so general, the power of traction and other public-utility companies so great, the exploitation of the people so ruthless that Congress must step in and curb this evil.

We do not seek to take from these companies the right to resort to a Federal court or to the Supreme Court on a constitutional question; but when they enter into a contract with a municipality or with a State or a county to obtain a franchise they should first resort to the State courts, and then after exhausting every remedy in the State courts, if a constitutional question is involved, in accordance with the provision of the Constitution, they will then have the right to appeal to the Supreme Court of the United States, but not until then.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLACK of New York. In this New York situation they have gone so far as to try to prevent the municipality and the State from using the State courts to try out the question.

Mr. LAGUARDIA. Exactly—an unheard-off proceeding. It brings confusion into the matter. It beclouds the entire issue. It puts the Federal court in an extremely difficult and delicate position. That was never intended in the creation of the Judicial Code. I hope that this case in New York, notwithstanding all that we may have to suffer, will at least serve to bring the matter to the attention of other municipalities, and that Congress will act on these necessary measures. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CASEY. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. HASTINGS].

Mr. HASTINGS. Mr. Chairman, I introduced yesterday H. Res. 121, authorizing and directing the Committee on the Post Office and Post Roads to investigate why an appointment had not been made for the position of rural carrier on rural route No. 3, out of Westville, Adair County, Okla.

Both of the political parties in their platforms state that they are in favor of civil-service reform. Reading from the Republican platform of 1924, I find the following on civil service:

> The improvement in the enforcement of the merit system both by legislative enactment and executive action since March 4, 1921, has been marked and effective. By Executive order the appointment of presidential postmasters has been placed on the merit basis, similar to that applying to the classified service. We favor the classification of postmasters in first, second, and third class offices, and the placing of the prohibition-enforcement field clerk within the classified service without necessarily incorporating all the present personnel.

Rural route carriers are presumably in the classified service. When a vacancy occurs and there is no eligible list, an examination is called for. This was what was done when a vacancy occurred on rural route No. 3 out of Westville, Adair County, Okla. An examination was held last summer. A list of eligibles was certified by the Civil Service Commission to the Post Office Department on the 25th day of October last, nearly four months ago.

I have made repeated inquiries of the rural route division of the Fourth Assistant Postmaster General's office time after time, trying to get some expression as to why a carrier had not been appointed. You can get no satisfactory answer. A personal call yields no better result. They simply say that they are making some sort of an investigation.

Now, as a part of my remarks I want to place in the RECORD a very short letter which I have written upon this subject:

> HOUSE OF REPRESENTATIVES, U. S.,
> *Washington, D. C., January 31, 1928.*
>
> Hon. H. H. BILLANY,
> *Fourth Assistant Postmaster General,*
> *Post Office Department, Washington, D. C.*
>
> DEAR MR. BILLANY: In reply to your letter of January 28, my information is that a list of eligibles was certified on October 25, 1927. That is now more than three months ago. I hesitate to introduce a resolution upon this subject. However, the patrons there at Westville have brought it to my attention so frequently that I feel constrained to take some action unless an appointment is made in the near future. Of course, if the Post Office Department has any real excuse, that is not indicated in your reply. I think I have a right to insist that a permanent carrier be appointed within a reasonable time from a list of eligibles certified. A full list of three was certified and I think the patrons of the office have a right to have me insist upon some action being taken.
>
> I have hesitated to press the matter until a full opportunity could be had to make the inquiry relative to those whose names appear upon the list. To be absolutely frank with you, it has been indicated to me that an effort has been made to disqualify some one on this list in order that a new list may be certified because of the fact that the name of no Republican appears upon the list. Your reply does not indicate this.
>
> I submit that the Representative of that district is entitled to know why an appointment has not been made.
>
> Sincerely yours,
>
> W. W. HASTINGS.

I have introduced this resolution for an investigation, and it has been referred to the Committee on Rules under the rules of the House. I suppose, of course, that it will there sleep the sleep that knows no waking; but I am determined, Mr. Chairman and Members of the House, that we shall have some sort of an expression from the Post Office Department as to why a rural mail carrier, after a list of eligibles has been certified, is not appointed after four months.

Now, the honest truth about it is that all three of the eligibles happen to be of the opposite political party. They are juggling with the list in the hope that some one on the list can be disqualified and a new list of eligibles called. At present a temporary carrier is appointed by the postmaster, his son; and

he, of course, is of his political faith, and can not hold longer after a permanent appointment is made. That is the real answer to it, and that is the real reason why an appointment has not been made.

I just wanted to take this time of the House to show to the House and to the country that the administration's profession of being in favor of civil service is all bunk.

On April 27, 1926, I took occasion to attempt to expose the hypocrisy of the Post Office Department with reference to the civil service. I stated then that the present administration was the most partisan one I had ever experienced. I quoted extensively from the criticisms of Congressman WURZBACH, of Texas, when he preferred openly the following charge against the Postmaster General and said:

> It is a spoils system pure and simple, without one redeeming quality. The ordinary spoilsman buys influence with his own money. Under the system I am attacking influence is bought with public office.

And again he said:

> The power and influence of these patronage politicians in Washington is simply amazing and almost incredible. This is true especially with regard to the Postmaster General and his first assistant.

And he might well have added "the rural route division of the office of the Fourth Assistant Postmaster General."

Congressman WILSON of Mississippi, on March 22, 1926, stated—

> and yet in my State of Mississippi for months some of the most reputable citizens of that great Commonwealth have charged, without fear of successful contradiction, that post offices in the State were sold in the open market, and that the buying and selling of Federal offices in Mississippi is a common practice.

Again, in the same speech, Congressman WILSON asserted:

> And in my State to-day there exists a condition which has no parallel in the history of the Southland since the dark days that followed the Civil War. Not only are Federal positions sold in the open market to the highest bidders but the control of Federal patronage is almost entirely in the hands of the negroes. God save my country from the sad day when negroes are placed in the seats of the mighty and political control passes into their black hands.

Congressman WURZBACH also asserted in the same speech referred to:

> It has passed beyond that stage, however, and has grown into a national scandal.

I called attention then to the violations of the civil service law and asserted that the civil service was not enforced in the State of Oklahoma.

The Republican Convention will meet again on June 12 at Kansas City and will reassert that it is in favor of the civil service.

> O face, where is thy shame?

Mr. CASEY. Mr. Chairman, I have no further requests for time, and outside of the few general remarks that I shall make with reference to this bill, that will conclude the general debate on our side of the aisle. I yield myself 15 minutes of my remaining time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. CASEY. Mr. Chairman, I desire to say with reference to the bill now before us for consideration and action that the subcommittee of the Appropriations Committee on the fiscal relations of the District of Columbia has devoted a great deal of time to a study of the different items in the bill and the many requests placed before the subcommittee that were not included in the bill. After the very able and intelligent presentation on the fiscal relations between the Federal Government and the District of Columbia by the gentleman from Nebraska [Mr. SIMMONS], the chairman of the subcommittee, I feel that it is unnecessary for me to add anything to what he so well stated the other day.

Speaking generally, I may say that I was agreeably surprised this being my first investigation into District affairs, as a member of the subcommittee, at the able manner in which the affairs of the District were presented to the subcommittee during the hearings by those in charge of District affairs. I agree with the statement made by my colleagues on the committee that the affairs of the District of Columbia are being very ably taken care of. I want to say, however, for the benefit of the few who appeared before our subcommittee who seemed to believe that by hedging and refusing to give direct information in response to questions propounded by the members of the subcommittee, that they would strengthen their case a great deal if they would change their tactics. Those persons at the head of the several departments of the District government are supposed to be intelligent men who understand the English language, and when they refuse to give a straightforward reply to a straightforward question propounded by the subcommittee they might just as well understand that they are not fooling the subcommittee, but are prejudicing their own case. This applies to only one or two of those appearing.

I may also say for the benefit of the RECORD and for the benefit of the Members of the House that it is said by those who have had longer experience on the subcommittee than I have had that the subcommittee in investigating into the affairs of the District of Columbia this year gave the District officials and the school authorities the widest latitude to present their cases that they have ever had before any subcommittee of the House on the affairs of the District of Columbia. This statement is borne out by the fact that the hearings held this year by the subcommittee exceed by 500 pages the amount of testimony taken by any other subcommittee on District affairs. That indicates, I believe, that the committee wanted to be fair and just to all concerned, and wanted to give every person appearing before the committee unlimited time to explain their case in their own way, so that we might get all the facts bearing on the questions before us in order that we might reach a just decision with reference to their contentions.

I just want to say a word with reference to a few of the items in the bill regarding the salaries of employees of the District of Columbia. Much has been said about this item. Some have intimated that the committee was requested or influenced by certain interested parties to go into this matter and bring in a recommendation on this matter. I think I am safe in saying that there was not an employee of the District or the representative of an employee or any employees' organization that took this matter up with the committee. The committee made investigation into this question themselves. When we came to the item in the bill submitted to us from the Bureau of the Budget it carried only $37,000 for step-ups, promotions recommended by the Bureau of Efficiency. We inquired into this, and after investigating it very thoroughly we discovered that instead of $37,000 being sufficient to grant the necessary increases in wages for those recommended for promotion by the Bureau of Efficiency, it took $340,750 to bring these poorly paid District employees up to the average of their grade. There has always been a differential between the Federal employee's salary and the salary of employees of the District of Columbia doing like work. The subcommittee thought and had a right to believe that with the passage of the reclassification act, which provides for equal pay for equal service, that unfair condition was eliminated. But to our great surprise we discovered that that differential was still in existence. After the committee went into this matter very thoroughly and after it had been referred to the clerks of the committee and after consultation with the chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], it was decided that something should be done with reference to these salaries.

But instead of writing into this bill the amount of $340,750 which would be necessary under the reclassification act, the subcommittee decided to make a two-year program of it and cut this item in two. So that in the bill now before us half of that amount is carried, and in the next bill, when it appears before the House, it is anticipated that the balance of this amount will be carried in order to bring these poor underpaid employees of the District of Columbia up to a level with the other employees of the Federal Government doing similar work.

May I state further, Mr. Chairman, that the committee impressed upon the chairman of the personnel board, and all of those who will have anything to do with the allocation of the amount of money written into this bill for increases of salary, that none of it is to be allocated to the employees who are now receiving salaries above the average of their grades; that it must all be allocated to those who are at the minimum of their grades in order to bring those people up where they rightfully belong. If there is any question of doubt between two employees that doubt is to be resolved in favor of the person in the lower grade. So it is an honest attempt to try to do the right thing by the people who have been deprived of what they believe and we believe they should have received some time ago.

It is my opinion that this is going to be very beneficial in the administration of the affairs of the District of Columbia. I could cite many illustrations, but will take one for example, the engineering department, of which Captain Whitehurst is the superintendent. He told us, and the record will show, that under the provisions of the reclassification act and upon the recommendations of the Bureau of Efficiency, 72 employees in his department were entitled to promotion because of their efficiency, but under the $37,000 carried in the bill that came to us from the Bureau of the Budget only 7 employees could be given the necessary promotion. It may have been 7 or 10. I do not recall exactly what the number was.

Mr. SIMMONS. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. SIMMONS. Another marked place is in the sewer department where the amount allowed for step-ups was less than $600.

Mr. CASEY. You can readily see what effect that kind of a system would have upon the employees. Here are 72 employees who because of their efficiency were recommended for promotion and increases in salary by the Bureau of Efficiency, but because of a lack of funds the head of the department was compelled to pick out 7 of the 72 and grant the 7 increases in salary, while the rest were denied the increases they were rightly entitled to. Of course, that would bring about chaos in any organization and much dissatisfaction among the employees, because they were not getting what rightfully belonged to them. Then the charge of favoritism would be made against the head of the division or department, and that would not be for the best interests of the department.

The chairman of the subcommittee has suggested the amount allocated or provided for the employees of the sewer department. I would like to have the time to go into that situation; but I am not going to detain the committee from getting into a reading of the bill. However, I will briefly state this to the members of the committee: The testimony shows that the sewer department has not had an additional employee for about 20 years, with the result that there are certain parts of the District of Columbia, one subdivision in particular, where there is not a sewer or a water pipe, and in that section there are about 40,000 human beings living under those conditions. There are several wells in that section but most of them have been condemned by the bureau of health because of contamination from the seepage of the outhouses. It is a deplorable situation and it should be rectified at the earliest date possible.

In connection with the sewerage system I may also say that Rock Creek, which runs through beautiful Rock Creek Park, which we all visit at least occasionally, to which we are pleased to take our friends and where thousands and tens of thousands of men, women, and children go on Saturday afternoons and Sunday afternoons during the summer, as disclosed in the hearings, is an open sewer and that the sewage of that section is running through Rock Creek Park. That condition should be discontinued at once. I would like to see this bill carry an additional $1,000,000 for the installation of a proper sewerage system and the laying of water pipes in those sections where the poorer class of people live, and I would like to see sufficient money included in some bill to correct the condition I just referred to in Rock Creek Park. A condition of this kind should have no place in any community, let alone a community of this kind, the Capital of the Nation. I hope something will be done to correct it.

I may also say that I believe several of the bureaus of the District need reorganization and need it very badly.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CASEY. Mr. Chairman, I yield myself 10 additional minutes. Of course, our committee has not the right, under the rules of the House, to bring in legislation on this bill. The necessary legislation should be placed before the House by the legislative committee of the House. I will take, for illustration, the bureau of plumbing and inspection. They have, I think, the poorest system of plumbing and the poorest system of inspection there is in any city of its size in the country. They have the old and antiquated idea of inspection and tests that were discarded by every up-to-date city or town 50 years ago, but we still continue those old ideas in the District of Columbia. The health of the people of the District should have some consideration.

Then take the electrical bureau. In this bureau they collect a fee for a permit to install electrical wires and apparatus, but they never inspect any of the work done under the authority of those permits unless the owner requests that an inspection be made, with the result that we had on the books of the electrical bureau at the close of the last fiscal year 6,000 permits that were taken out by every Tom, Dick, and Harry, and no inspections made as the result of the electrical work installed in the buildings. We also have the complaint made that policemen and firemen, while on leave, are doing a great deal of this work without any license, without any experience, without any qualifications, and without any inspections. I am surprised that the fire-insurance rates are not almost prohibitive in the city of Washington under these conditions.

The question was brought up here the other day about 2,000,000 bricks being at the workhouse. It is an admitted fact that the bricks were there and that nobody knew anything about it, except the superintendent of the workhouse, who did not have the money with which to bring the bricks to Washington. He asked for $25,000, with which to recondition the barges and wharves in order that he might be able to bring those bricks to Washington, but that item was cut out by the Bureau of the Budget. The suggestion was made that arrangements be entered into for the use of the railroad that was recently put in there, but railroad freight rates are 50 per cent higher than transportation by water; the superintendent testified that these barges would more than pay for themselves in one year. So the committee disregarded the action taken by the Bureau of the Budget, and are recommending in this bill $25,000, or thereabouts, for the reconditioning of the wharves and barges, so that we may get brick from the workhouse to the wharves in Washington, that they may be used in the construction of schools, sewers, and other municipal works.

With reference to the schools, Mr. Chairman, I believe we have a wonderful system of public schools in the District of Columbia. I believe the school authorities are doing the very best they can under the circumstances to give the best kind of education it is possible to give to the children.

I am also satisfied that we are not progressing with our program of construction of elementary school buildings as rapidly as we should. There are probably many reasons for this. I have not been able to determine, but after a check-up of the municipal architect's office and all the way along the line, I have come to the conclusion that there is a little fault here and a little fault there, with the result that all of it put together makes quite an item.

The result has been that the committee has recommended an increase in the force of the municipal architect's office and changed the fee system which we hope will give the municipal architect all the employees and all the machinery and all the leeway he may need to prepare proper plans and specifications for the buildings that are authorized by Congress, so that we will not hereafter be compelled to wait 18 or 20 or 24 months from the time the appropriation is available until we have a school building in which to put the school children. We want more speed. We want more schools. Money lying around and not being used in the erection of schools does not educate children, and what we want is a speeding up of the school-building program. I think this will be the result; at least I hope so.

One of the difficulties in this respect that I want to call to the attention of the committee is this: Under the present system of authorizations for the purchase of sites for school buildings, the language, while not specifying the exact site, states at or near such and such a locality; of course, under the law the District authorities are not permitted to purchase any sites for school or other purposes at a price that exceeds 125 per cent of the assessed valuation. The record shows that in almost every case of condemnation proceedings in the courts for the acquisition of a site for a school building, the jury has rendered a verdict in excess of the 125 per cent, so we get no happiness from that source. Some different system ought to be worked out. We will need to complete our five-year building program of schools in the neighborhood of 50 or 55 additional sites, and it might be well to look into the advisability of arriving at some understanding whereby we could in some way authorize enough money to be appropriated or to be available for the authorities charged with this work, so that they would be in a position to buy, say, 25 of these sites without carrying them in each bill. I do not know whether this can be done or not, but it strikes me as being a very good suggestion. In this way nobody would know who wanted to buy the property, and we might get it a great deal cheaper than when we carry authorizations in the bill saying that a site will be purchased at or near such and such a place. If we buy a site on the outskirts of the city, and we will sooner or later be compelled to do so, we may buy it at a reasonable price and hold it for several years. Property in that section will naturally increase in value, but the property owned by the District for school purposes will also increase in value, and if the site we own is not exactly

the proper location, it will be very easy to trade it for another piece of property of equal value in the same locality. I believe if we can find some solution whereby we can keep the acquisition of sites ahead of the authorized building of schools, this will do more to speed up the building program than anything I know, and the important part of this, aside from the financial arrangement, is the fact that the municipal architect contends he can not draw the plans or specifications for a school building until he knows the location and topography of the site.

He must make his plans and specifications fit the site, and this is what has been holding him back. So, as I have said, there is a little fault here and a little fault there, but I believe the school authorities are doing the very best they can, and I have nothing but praise for those officials. I think they are doing a very good job under a very difficult situation.

Something has been said here about the superintendent of schools. I do not share this criticism of the superintendent of schools. He is a perfect stranger to me. I only know him as I have seen him on the witness stand before our committee. If I have any criticism at all to make of the superintendent of schools it is because he tries to master too many of the details of the school system; matters which I think he should allocate to his subordinates, and devote his time to thinking out the greater and bigger and more important questions with respect to the education of the children of the District of Columbia. I have no criticism to offer against the actions of the superintendent of public schools. I believe in centralized authority, and I also believe in centralized responsibility, but at the same time I believe in decentralized administration.

With reference to the question of the school children on the border line of the District, I simply want to add that we went into this question very thoroughly. We had all the facts and figures before us, but nobody semed to be able to say whether or not the States of Maryland and Virginia would be able to take care of their school children at the beginning of the next school term. It is said—and with considerable justification—that we are treating them very fairly when we permit those who are now in the public school system of the District of Columbia to continue on through the grades and through the high school, a term of 12 years. Nobody can deny this. What I am interested in, however, is will the States of Virginia and Maryland be prepared to take care of the little tots who become of school age on the 1st of next September? That is the thing I am primarily interested in.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CASEY. I yield myself 10 additional minutes, Mr. Chairman.

This is a rather serious matter. We are talking now of the poorer class of people—the children of the workingmen. The fathers and mothers of these little children are making many sacrifices to give their children a proper education, while very often denying themselves many of the necessities and practically all the luxuries of life, so that they may see their children go through the elementary grades and at least through high school, and for every day we deny these children proper facilities for education we are contributing to the burden of the parents of those children.

If we have these children on half-time school schedules, we are continuing such children in school at least a year longer than they should be there, and we are, therefore, continuing this burden upon the parents of these children and depriving the children of the right of going out into the world and getting the best part of their worldly education—the education of learning how to earn a dollar and appreciate and appreciating its value and what a dollar means.

I have nothing further to say, Mr. Chairman and members of the committee, except to add that there are many men idle in Washington. More so than for many years. There are many men idle throughout the country. It is estimated by those who are supposed to know that there are at least 5,000,000 wage earners now unemployed.

I am afraid that we are making the same mistake that is made almost everywhere else in the country, when a depression appears on the horizon we immediately start to curtail, withdraw money from circulation and reduce the purchasing power of the great mass of the American people, the men and women who earn their bread by the sweat of their brow.

My idea is that instead of withdrawing money from circulation on occasions of this kind, instead of reducing the purchasing power of the great consuming masses of the country, that that is the time we should let loose the flood of money we have tied up and head off if we can the coming depression that is staring us in the face.

I would like to see the Federal Government, acting through the Appropriations Committee, start a building program; let us get into the House the bill for Mississippi flood control, also the Boulder Dam bill, the public building bill, and all other bills calling for appropriations; let us get them all passed by Congress and make the money available so that the representatives of the Government can start constructive work and put these four or five million idle men to work, if we can, and then the wheels of industry will begin to turn, the manufacturers will thrive, and we will all have the prosperity that the country is entitled to. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. SIMMONS. Mr. Chairman, I have no further requests for time on this side.

The CHAIRMAN. General debate is closed, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1929, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal year) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and, in addition, $9,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, to be advanced July 1, 1928, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923, namely:

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the figures $9,000,000 on page 2, line 6, and substitute $10,000,000 in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ZIHLMAN: Page 2, line 6, strike out the figures "$9,000,000" and insert in lieu thereof "$10,000,000."

Mr. CRAMTON. Will the gentleman permit me to offer a substitute so that he may discuss the amendment and the substitute at the same time? I will say for the information of the gentleman that I would like to offer a substitute to strike out the $9,000,000 and insert $7,000,000, and the gentleman can discuss both propositions.

Mr. ZIHLMAN. I will be glad to do that, because I offer this amendment for the purpose of giving me an opportunity to express my views, which are contrary to some of the views set forth by the distinguished gentleman, the chairman of the subcommittee, the gentleman from Nebraska. I want to make clear that this sum which the Appropriations Committee contend is a fair contribution from the Federal Government to the expenses of the District of Columbia is not the result of a developed study or research on the part of Congress, or the committees thereof, but, I understand, was fixed upon by the distinguished gentleman from Michigan [Mr. CRAMTON], who was chairman of the subcommittee some years ago. It has been adopted by the Appropriations Committee as their idea of a fair contribution.

Mr. MADDEN. Will the gentleman yield?

Mr. ZIHLMAN. I will.

Mr. MADDEN. There is only one objection to the gentleman's figures, and that is it has been found by thorough investigation to be too generous.

Mr. ZIHLMAN. In answer to the statement made by the distinguished chairman of the Appropriations Committee, I will say that the last investigation was made by a joint committee of the House and Senate in 1912, and after seriously considering the entire matter recommended that the fiscal relationship which existed since 1878 be continued.

The distinguished gentleman from Nebraska in justifying the contribution of the Federal Government gives as a reason therefor that if the present substantive law was continued, if the contribution of the Federal Government was 40 per cent and the contribution of the District was 60 per cent, then the tax rate that is now $1.70 could be lowered to $1.25.

Mr. MADDEN. One dollar and 20 cents.

Mr. ZIHLMAN. I accept the correction.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. If the gentleman will give me two or three more minutes I shall be glad to yield.

Mr. SIMMONS. That rate will raise half a million dollars more than will be needed by the District under this bill.

Mr. ZIHLMAN. Mr. Chairman, I am surprised at a statement like that being made on this floor by a gentleman who has given conscientious study to the needs of the District for a number of weeks, and, perhaps, months. If the theory advanced by the gentleman from Nebraska [Mr. SIMMONS] is correct, then the District is complete—we have all of the sewer mains that we will need, we have all of the water mains that we will ever need, we have all of the schools; it is a finished job, because, forsooth, if you raise the contribution of the Federal Government you would ipso facto lower the tax rate!

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. As the gentleman knows, I have not asked for any time. I have only five minutes in which to discuss this matter. If the gentleman will give me five more minutes, I shall be glad to yield. I want to call the attention of the House to the uncompleted improvements and other necessary needs of the District which could be taken care of if the Federal contribution were increased. The gentleman from Pennsylvania [Mr. CASEY] a few moments ago called attention to the need of schools in the District of Columbia, that we were behind in our five-year building program.

Mr. MADDEN. And he would not have to do that if Maryland would educate its own children in its own schools.

Mr. ZIHLMAN. I shall discuss that under the heading of schools.

He called attention to the crowded condition of District schools, so that there is room there for the expenditure of additional money.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CASEY. Mr. Chairman, I ask unanimous consent that the gentleman may have five additional minutes. I want to ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CASEY. As I understand the gentleman, he is predicating his position on the $9,0000,00 contribution on the ground that it has not had exhaustive study, and that therefore we do not know whether it is correct or not.

Mr. ZIHLMAN. I am not basing it on that. I am basing it on the fact that I do not think it is an equitable contribution on the part of the Federal Government under the system of government that obtains here as to the budget of expenditures in the District of Columbia.

Mr. CASEY. Will the gentleman give the committee the benefit of his wisdom and tell us how $10,000,000 is a just and equitable amount?

Mr. ZIHLMAN. I advanced that sum in the hope that it would be given consideration at this time and in order to give myself an opportunity of presenting a few humble views on this subject.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. MADDEN. Does the gentleman object to the $9,000,000 because he thinks it is too much?

Mr. ZIHLMAN. No; because I think it is too small.

Mr. MADDEN. We can make it a little less, if the gentleman would like it.

Mr. ZIHLMAN. I say to the gentlemen who are members of this committee that the program of public improvement in the District of Columbia is not complete, that it is far from complete. I say to the distinguished chairman of the subcommittee and to the distinguished chairman of the committee that there are 3,431 outhouses in the District of Columbia that have not sewer connections that they can connect with, and I also say that this number, instead of decreasing, has increased more than 600 during the past five years. I also say to the gentleman that there are miles of streets in the District of Columbia that have no water mains, no water supply available, no sewer connections for the outhouses, and that the people who live in those districts and are without these improvements are the most helpless class of people in the District of Columbia and most in need of your consideration of their wants.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. And I say to the gentleman further that there should be spent on sewer connections alone, in order to wipe out this condition, more than a million dollars.

Mr. SIMMONS. I think I can correct the gentleman's figures there. The engineers have figured that it will take $4,000,000 to put water and sewers throughout the District.

Mr. ZIHLMAN. I said more than a million dollars.

Mr. SIMMONS. Will the gentleman insert in his remarks a statement showing how many outhouses and other insanitary conditions along the District line exist in the gentleman's district that need correction, and that the State of Maryland ought to take care of?

Mr. ZIHLMAN. I have not those figures as to the number, but Maryland has been making splendid progress in furnishing sewer connections to people in that section, and Maryland has been making splendid progress in her school-building program in an endeavor to keep up with the increase in population on the edges of the District.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. MADDEN. Why, it is not more than a few days since the suggestion was made by one of the members of this subcommittee to some of the educators of Maryland that we would be very glad to send them some of these portable schools, but these educators did not want them, because they have not any teachers to supply them with.

They were objecting to having their own children educated in those schools in the District of Columbia, but they had not any teachers they could employ to use them in Maryland if we should send the schools there, though it was stated that they would like a few of these portable schools in order to send to some parts of Maryland where they have a teacher occasionally, and they would use them rather than build schools for themselves.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. I have only a moment.

Mr. BLANTON. Oh, the gentleman can always get time. The gentleman's part of Maryland will never take over any of these portable schools from the District, because the people there send their children to the very best million-dollar schools that we have in this District, and the gentleman from Maryland has seen to that always. What do they want with portable schools?

Mr. MADDEN. I should say the gentleman from Maryland is clever, and he would be cleverer still if he would report from his legislative committee some legislation about the sewers, the absence of which he complains.

Mr. BLANTON. The gentleman from Maryland and his Maryland constituents have had sewer connection and water connection and light connection and school connection and every other kind of connection here in Washington that can be thought of. [Laughter.]

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CASEY. Mr. Chairman, I ask unanimous consent that the gentleman have five additional minutes.

The CHAIRMAN. Without objection, the gentleman from Maryland is recognized for five additional minutes.

Mr. ZIHLMAN. The Committee on Appropriations has insisted on injecting at this time the question of schools. The statement was made by the distinguished gentleman from Nebraska that it was done because the chairman of the committee dealing with District matters has given no consideration to that subject and that I had prevented the consideration of the bill dealing with that question. I referred the bill introduced by the gentleman from Michigan [Mr. CRAMTON] to a subcommittee, of which the gentleman from Illinois [Mr. REID] was chairman, and that committee gave careful consideration to the subject matter of the bill and decided that this was an unnecessary hardship to impose on Federal employees, Army and Navy officers, and others who had moved across the line from the District of Columbia into Maryland and Virginia, and unanimously, to the best of my recollection, the committee reported unfavorably upon that bill.

Not only that, but the subject of schools and the attendance of children who live over the imaginary boundary line between the District of Columbia and Maryland was thoroughly considered by this House last year, and by a most decisive vote the House concluded to continue to allow children from the neighboring States who did not crowd the District schools the privilege of attending the District schools. It has been shown time and time again that under the rules adopted by the School Board of the District of Columbia a child from a neighboring State can not enter a District school if by so doing it deprives the child of a citizen of the District of Columbia of the right of attendance, and there has not been a week during the past several months that I have not been importuned by the fathers and mothers of children living across the line in Maryland, whose children have been forced out of the District schools because they were crowded and the preference was

given to the District children, although the House had decisively settled that question.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. CRAMTON. The House has never had a chance to pass upon this question as a complete entity. It has only had before it such fractions of it as could be brought in as a limitation on an appropriation bill.

The gentleman refers to this "imaginary boundary line" between his district and the District of Columbia. It is a very real line, is it not, when there comes a conflict between the interests of his constituents and those of the taxpayers of the District of Columbia? It is a real line then, in the judment of the gentleman, is it not?

Mr. ZIHLMAN. Well, it is a real line, so far as geographical division is concerned, but it is an invisible line otherwise.

Mr. MADDEN. Did the gentleman say it was a Rhine line? [Laughter.]

Mr. ZIHLMAN. No. Evidently the gentleman refers to a Volstead Act matter. [Laughter.]

Mr. MADDEN. Where allied troops are required to stop the use by outside children of these fine eight-room schools in the District which should have been occupied by the children of the District.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. SIMMONS. The gentleman referred to the fact that parents of children living outside the District complained at being required to take their children out of the District schools?

Mr. ZIHLMAN. Yes.

Mr. SIMMONS. Of course, those parents pay nothing for the education of their children in the District schools. Many people have been requested to take the children out of the border schools where we needed those exclusively for the children whose parents pay for them.

Those people, as I understand, are asked to come into the District schools that are not crowded. I am told by the superintendent of schools that practically in every instance the constituents of the gentleman from Maryland say Congress has given them the right to go to any school they want, and they will have their children go to the Chevy Chase School or Takoma Park, D. C., School, or anywhere else in the District that your Maryland folks want, no matter who is crowded out. That is to say, they are willing to have the District children crowded out and insist on their being allowed to educate their children here in the District wherever they want.

Mr. ZIHLMAN. What I wanted to do principally was to discuss the fiscal relationship between the District of Columbia and the Federal Government. I want to point out certain things that the committee has overlooked, and the fact that it has given attention to certain things over which they have no authority under the law, matters that should come before the legislative committee.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MADDEN. If the Committee on Appropriations had overlooked those things to which the gentleman has referred, the gentleman would then complain that the committee had interfered with matters coming under the jurisdiction of his own committee.

Mr. ZIHLMAN. I say these are matters that could be dealt with without increasing the tax rate.

Now, I want to call the gentleman's attention to another very serious menace in the District of Columbia; namely, the open sewer known as the northeast boundary sewer. It empties into an open lake in the vicinity of the Eastern High School, which is one of the really splendid school buildings in the District of Columbia; and it has been suggested by the War Department that the District Commissioners remedy this condition, which is unsanitary and unhealthful. The District Commissioners have recommended, or at least have advised and suggested, that the present northeast boundary sewer be continued to be drained into the Anacostia River, and estimate for an expenditure of $1,200,000 for the completion of this highly desirable project in the District of Columbia.

Mr. SIMMONS. I do not understand exactly what the gentleman means by the "northeast boundary sewer."

Mr. ZIHLMAN. This is the sewer which is called the largest sewer in the world.

Mr. SIMMONS. You mean the boundary sewer which is intended to take up the Maryland sewage.

Mr. ZIHLMAN. No. I refer to the sewer extending west to Fourteenth Street and north to Park Road and Rock Creek Church Road and south to Florida Avenue. In time of storm it discharges at Twenty-second and A Streets NE.

Mr. CASEY. Every dollar recommended by the Bureau of the Budget has been recommended by the committee for sewers carried in this bill.

Mr. ZIHLMAN. I will answer that by saying let us not be deceived as to the actual conditions that exist. I compliment the committee on its generosity in carrying most of the items that come from the Budget, and in having the courage to increase many items, so far as respecting the grossly underpaid employees of the District. I commend the committee for that. But let us not be deceived. Who wrote 90 per cent of this bill? The Bureau of the Budget. I should say 95 per cent of it. Who wrote it? General Lord? No; not General Lord. One of his subordinates. He fixes the maximum amount, and when the commissioners send it to the Bureau of the Budget they send it back and say, "Cut it $3,000,000, cut it $6,000,000, keep it down," and this bill, which has been so highly commended upon this floor, is 95 per cent written by a subordinate of General Lord in the Bureau of the Budget. So let us not be deceived as to that.

Mr. SIMMONS. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. SIMMONS. We had before us Major Gordon, of the sewer department, and we gave him complete leeway to tell the committee anything he wanted that was not included in the bill.

Mr. ZIHLMAN. Well, I will go off of the subject of the sewers.

Mr. SIMMONS. No; let us stay with it, because the gentleman has made a statement I do not think is justified.

Mr. ZIHLMAN. I made the statement that the sewer I referred to is being discharged in the near vicinity of the Eastern High School and into a sluggish stream. The War Department requested that a study be made of it, and the District Commissioners have recommended to some one that it be continued to the Anacostia River. When the gentleman from Nebraska said it was a Maryland scheme I described the area of it and showed that it was not a Maryland proposition at all. However, I did not bring it forward for that reason.

Mr. SIMMONS. I do not want the House to understand that we are not giving to the District what we were asked for.

Mr. ZIHLMAN. I do not say you have not. You have given for sewers and you have given for new paving, but for some unknown reason you have cut the item for street repairs, one of the most necessary things in the District of Columbia. I do not think there is a Member on this floor who does not know that the streets of the District of Columbia badly need resurfacing, yet the item for repairing the streets has been cut. It seems to me it would have been much better to have cut some other item and increase the appropriation for resurfacing the streets. But that has not been done. The appropriation has been cut for resurfacing, for gutters, and for putting in shoulders on all roads.

In order that the committee and the House may have the benefit of the estimated total of the necessary and also the desirable improvements in the District of Columbia, I am inserting herewith as a part of my remarks, a list of contemplated improvements and new projects covering an estimated program of five years.

This list was furnished me by the secretary of the board of trade and represents the board's views as to the improvements which will be necessary to consider during that period.

From this list it is ascertainable that if Washington is to be made the city beautiful that the President has recommended and about which Congress has often talked, it would be unfair to put this stupendous burden upon the backs of the taxpayers of the District, and that expenditures in the future should be on a proratio basis.

Among those listed as necessary improvements is the question of an airport, which it is estimated will cost $1,500,000. This, it is proposed, should be built in Virginia, and to my mind, the Federal Government should contribute in planning and constructing here an airport comparable with those that are available in Paris, Belgium, and other capital cities.

LIST OF NECESSARY IMPROVEMENTS FOR THE DISTRICT OF COLUMBIA, INCORPORATED IN AN EXPENDITURE PROGRAM FOR COMPLETION WITHIN A PERIOD OF FIVE YEARS

Airport $1,500,000

Under the recent legislation by Congress affecting commerce by air, the Federal Government provides emergency landing fields and lights the airways. The municipalities are required to furnish the landing fields. It is therefore essential that the city of Washington provide an adequate, safe, and convenient airport for the use of the air mail, the air commerce, and of the civilian air activities of the Federal Government. Unusual unanimity among the persons and organizations interested has been obtained on the location of the site and the kind of airport to be obtained. The figure given of $1,500,000 is believed to be an outside figure, and excludes savings which may be expected by the dumping of dredge material from the Potomac River and the dumping of ashes and other refuse from the city of Washington if and when the street-cleaning department is furnished with the necessary trucks, etc., and—if it is felt advisable when the time comes—by the erection of buildings on the field by private parties interested instead of by the municipal government. This project should by all means be started immediately. The sea wall should be built, right-of-way obtained to the field, and roads constructed. After this is done, within the next year or so, the speed of construction of the final airport can be gauged according to the rapidity of the development of aerial commerce.

Farmers' produce market ..... $600,000–$1,000,000

Public Act 776, Sixty-ninth Congress, second session, authorized and directed the Commissioners of the District of Columbia 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. It is generally admitted that it is advisable for a municipality to provide facilities for a farmers produce market and that is a good investment for the city provided the total cost is held down to a reasonable sum. The present farmers produce market is to be eliminated in the immediate future by the new building program of the Federal Government. The new facilities should therefore be provided without delay. The amount needed, $600,000 to $1,000,000, would depend upon final location.

Extension of northeast boundary trunk sewer, from 21st and A Streets NE. to Anacostia River just south of south lock of Lake Kingman $1,212,000

The northeast boundary sewer, one of the largest sewers in the world, and carrying the combined drainage from an enormous area, extending west to Fourteenth Street NW., north to Park Road and Rock Creek Church Road, and south to Florida Avenue, discharging in times of storm at Twenty-second and A Streets NE. The discharge from this sewer is carried in a sluggish open channel into the recently created Lake Kingman. In that Lake Kingman, created in connection with the Anacostia River development, is designed to be maintained as a more or less quiescent inland lake, the discharge of even diluted sewage will create a decided nuisance.

To remedy this evil, the commissioners have made studies at the behest of the Secretary of War, resulting in a proposal to extend this northeast boundary sewer to discharge at a point below the outlet of Lake Kingman and directly into the Anacostia River.

Since the original conception of this extension there has been constructed the Eastern High School, at a location in close proximity to the present sewer outlet, and as the result of the location of this large school there have been many complaints as to the insanitary condition existing at the mouth of the sewer.

It has been recognized that the above sewer extension must be undertaken before Lake Kingman or this section of Anacostia Park can function as recreation centers.

Oxon Run intercepting sewer $750,000

The Oxon Run drainage area is an area comprising over 2,000 acres, and located between Nichols Avenue and Alabama Avenue on the west and the Maryland line on the east. This area is largely undeveloped. However, several communities have sprung up in this area where streets are dedicated and houses constructed. Notably among these communities is the larger part of Congress Heights and the recent addition of Hillcrest. There are between 200 and 300 houses in the communities referred to above. Despite repeated applications by individuals and citizens' associations, it has been impracticable to provide sanitary sewers for any of these houses due to the lack of an outlet sewer.

The item submitted herewith is for an outlet sewer for this drainage area, which would be located in the valley of Oxon Run and located approximately parallel and close to the District line. This interceptor would eventually discharge by gravity to the site of the proposed treatment sewage plant, at which point its effluent would receive treatment in common with all other treatment of sewage by the District.

For completing upper Potomac interceptor $425,000

This interceptor in its entirety will extend along the north shore of the Potomac River from Rock Creek to the District line, and is designed to intercept all sanitary drainage from the area sloping toward the river between the limits named. There are now four points in the upper Potomac River where large volumes of raw sewage are now being discharged. The construction of this interceptor will result in removing this pollution to the river and in addition will provide an outlet for future Maryland sewage now discharging into the Potomac River just west of the District line and discharging from Edgemoor, Battery Park, a portion of Chevy Chase, Drummond, Somerset, and Friendship Heights.

A reciprocal agreement has been entered into between the Commissioners of the District of Columbia and the commissioners of the Washington Suburban Sanitary Commission whereby Maryland sewage may discharge through the District sewers upon the payment by Maryland to the District of the estimated cost of handling said sewage.

Fifty per cent of this entire interceptor will have been constructed upon the expenditure of funds already appropriated for this sewer.

For completing upper Anacostia main interceptor along the Anacostia River between Benning Road and the District line $423,000

This interceptor is located to flank the east side of the Anacostia River, and to intercept all sewage which now, or at a later date, would discharge in a crude state into said river, and the construction of this interceptor should be carried on more or less simultaneously with the Anacostia River improvement north of Benning Bridge.

At the present time there are, within the limits of the District, two sanitary sewers discharging raw sewage into the east side of the Anacostia River, north of Benning Road. One of these sewers, in addition to carrying the sewage from approximately 5,000 persons residing in the District, also carries the sewage from an additional population in Maryland residing in Capitol Heights. A further program now being considered by the Maryland authorities proposes to contribute more Maryland sewage from Seat Pleasant, which sewage will also discharge through the existing District sewer.

This interceptor will not only intercept sewage from District sewers, but is designed to be available for all of those communities lying in Maryland close to the District line, viz, Silver Spring, Takoma Park, North Takoma, Mount Rainier, Bladensburg, Hyattsville, Riverdale, College Park, Berwyn, and other smaller communities which now discharge crude sewage into the upper reaches of the Anacostia River, and consequently pollute that portion of the Anacostia which traverses the District.

The Maryland sewage from the communities referred to above may discharge into District sewers by virtue of an agreement entered into between the Commissioners of the District of Columbia and the commissioners of the Washington Suburban Sanitary Commission, under which agreement the Maryland authorities would pay to the District an amount equal to the cost to the District of pumping said Maryland sewage.

There has already been expended on this project of flanking the east side of the Anacostia River a total of $319,500.

Sewer service for houses where privies exist $4,000,000

There are now being maintained in the District of Columbia 3,431 box privies. The number of such privies are increasing rather than decreasing, as is evidenced by a count which indicates that the number has increased by 682 in the past five years.

To eliminate these privies, which are considered as a source of possible disease, necessitates the coordination of appropriations for grading, for water service, and for sanitary sewers. Sewers, being water carriers, are worthless unless water is available. Water can not be made available until such time as the streets are brought to the established grade, in that it is considered necessary that water mains be laid at a constant depth below the surface.

It is felt that effort should be put forth to introduce sanitary improvements in these sections known as Deanwood, Kenilworth, Burrville, Barry Farm, etc., in which communities the majority of privies exist and which communities are practically without modern improvements.

Site for and construction of incinerators, city refuse division $650,000

The maximum working capacity of the trash-disposal plant is about 800 cubic yards per day. In times of heavy rains, etc., this capacity is materially reduced by the inadequacy of the incinerators to burn the wet paper which can not be baled. At such times it is necessary to place the excess on the Congressional Cemetery dump and burn it there.

In addition to this bulk, a considerable amount of the material received at the Congressional Cemetery dump from the various United States Government activities is of a combustible nature and must be burned daily to avoid the possibility of starting a general fire on the dump.

Inside of three years we will have filled all our present dumps, and by such time a start must be made to send all the material collected in

street cleaning and a large proportion of the ashes to some new dumping point. The volume of the street-cleaning material must be reduced by incineration.

There is also a possibility that it may be necessary to forbid the placing of combustible material on the Benning dump owing to the smoke nuisance.

Because of the above conditions, and the constant complaints of various citizens' associations regarding burning materials on dumps, a transfer station, trash-salvaging plant, and incinerators of sufficient capacity should be constructed immediately. It is therefore recommended that $650,000 be appropriated for the acquisition of a site and construction of the above plant.

Site and buildings for garage, shop, etc., city refuse division.... $150,000

The city refuse division owns and occupies a building in the interior of square 367, covering 12,500 square feet of ground. This was originally used as a stable, but is being converted to use as a garage and shops.

In the very near future the hauling equipment of the department must be entirely motorized. This is mainly due to the scarcity of dumps and the consequent increased length of haul.

The city refuse division has now reached the capacity of the present plant in which are repaired, repainted, and reconstructed all auto trucks used by that division, in addition to the building of all new truck bodies, and it is very necessary to add to the existing building. By the purchase of the balance of the plot the present ground area would be doubled, and the construction of an addition to the building would provide for a garage, shops, and storerooms in an ideal location.

New Chain Bridge.... $366,000

A new bridge is required to provide adequate capacity for traffic and to insure safety for traffic on this bridge, the carrying capacity of which is uncertain due to deterioration resulting from its age, 54 years.

Connecticut Avenue Bridge over Klingle Road.... $500,000

A bridge of greater capacity is required to take the place of the existing structure, due to the heavy traffic over Connecticut Avenue.

New Calvert Street Bridge.... $1,200,000

The replacement of Calvert Street Bridge by a bridge to conform with the treatment of Rock Creek Park is projected to afford increased capacity for traffic.

The roadway of the existing structure is inadequate and the bridge has not sufficient strength for the heavy traffic of the present day.

Twentieth Street Bridge over Piney Branch.... $300,000

A bridge of greater capacity with improved alignment is required to take the place of the existing light iron bridge.

Municipal center, purchase of land.... $9,000,000
Municipal center, buildings.... 10,000,000

The act authorizing the acquisition of the triangle south of Pennsylvania Avenue for the erection of various Federal buildings authorizes the taking over by the Federal Government of the District Building and the square to the south of the present building, which was considered available for a much-needed expansion of the District Building. As a new location for the District offices will have to be obtained in order to replace the building and site to be taken over by the Federal Government, and as there are a number of District activities in rented buildings and a number of other District activities which are not now adequately provided for, it is proposed to purchase the area between Pennsylvania Avenue on the south, Louisiana Avenue, D Street, and Indiana Avenue on the north, Seventh Street on the west and Third Street on the east, for the site of the new municipal center.

It is deemed highly desirable that the purchase of this site should be made at one time in order that the part to be improved by the construction of new buildings will not enhance the value of the property not acquired. By purchasing the whole site at one time a material saving can be made over piece-meal purchase. It would not be necessary or desirable to proceed with the construction at a rapid rate, and present plans call for a development of square 490 as the site for a building to house the various courts of the District of Columbia, and it is expected that this would be the first part of the site developed. Provision for the construction of the building should be made at the rate of about $2,000,000 per year, and when the building on this square is completed the development of square 491, directly south of this square, should be undertaken to provide suitable quarters for the police and fire departments, recorder of deeds office, and some other District activities.

The site can be purchased for about $9,000,000. The court building will have approximately 8,068,000 cubic feet, at an estimated cost of $1 per cubic foot, while the building on square 491 will be approximately the same size and same cost.

Opening and extension of streets and avenues.... $4,000,000

The opening and extension of the following streets and avenues is important in that they will provide better traffic conditions in their respective locations; furthermore, land values are increasing, and the longer these projects are delayed the greater will be the cost of their acquisition. Dedications have already been made to the District of portions of all of these streets.

Nebraska Avenue is the only street on the highway plan in the area west of Rock Creek Park, excepting Western Avenue, which extends directly from the Potomac River to Rock Creek Park. This street is approximately a mile east of Western Avenue, and crosses Massachusetts, Wisconsin, and Connecticut Avenues, and connects up Wesley Heights, Tenleytown, and Chevy Chase.

Foxhall Road: This road connects Wesley Heights and American University with Conduit Road and intersects Conduit Road just west of Georgetown University. A great number of houses were built along this road before the highway plan was established. Many of these houses will have to be moved when the street is widened and, of course, condemnation would be the only procedure. As property values in this section are steadily increasing, it is believed that this street should be condemned as soon as possible.

Potomac Avenue is on the highway plan from Foxall Road to the District line and runs along the high ground overlooking the Potomac River. This street would make a very attractive riverside drive, and for this reason it is believed that steps should be taken to acquire it for its entire length, before any building operations increase the cost of its acquisition.

Colorado Avenue, Thirteenth and Fourteenth Streets are now in process of condemnation.

Maryland Avenue is now in public ownership from Fifteenth Street and Florida Avenue NE. to the the United States Capitol Grounds. The highway plan provides for the extension of this avenue to the Anacostia Park, where it will intersect with Oklahoma Avenue. The opening of this avenue will be of importance in that it will provide a direct connection from the Capitol Grounds to the northern part of the Anacostia Park.

Free Public Library, five-year building and extension program.... $1,696,000

The organic law establishing the public library, as amended, provides that the said library shall consist of a central library and such number of branch libraries so located and so supported as to furnish books and other printed matter and library service convenient to the homes and offices of all residents of the District of Columbia.

The estimate of $1,696,000 would provide for carrying out the larger items in the five-year building and extension program for the library, in providing for sites and buildings for branch libraries as well as additions to the main library building.

Gallinger Municipal Hospital.... $3,000,000

In order to equip the Gallinger Municipal Hospital as a complete municipal hospital capable of accommodating all the patients that are proper municipal charges and discontinue the practice of boarding such patients in private institutions, it would be necessary to erect two additional ward buildings similar to the one now under construction. It would also be necessary to erect a suitable nurses' home, staff building, laboratory, and accessory buildings at a total cost of approximately $2,500,000, and an isolation building for the care and treatment of indigent persons suffering from minor contagious diseases, at a cost of approximately $500,000.

District Training School.... $1,000,000

Additional cottages, school building, dormitory for employees, commissary, and dining-room building, superintendent's residence, and the necessary roads, water and sewer mains, should be provided at the District Training School as soon as possible, because the present demand would undoubtedly fill the school to a number of approximately 600.

Receiving home, division of child welfare.... $150,000

There should be provided as soon as possible a receiving home for the division of child welfare where children could be received when committed by the courts, given medical and mental examinations and such treatment as necessary and afford opportunity for study and classification before these children are sent to permanent boarding homes or institutions. Such a receiving home, properly equipped, would cost approximately $150,000.

Industrial Home School for white children.... $250,000

The Industrial Home School for white children, now housed in a group of old dilapidated buildings, should be abandoned. If funds are not to be derived from the sale of the present property it would cost probably $250,000 to provide a proper site and buildings to reestablish the school on a new site.

District of Columbia Jail.... $500,000

The old-cell wings of the jail have been condemned by competent authority as insanitary and unfit for the confinement of prisoners. To reconstruct the north and south wings, which contain these old cells, would cost probably about $500,000.

Tuberculosis Hospital $150,000

Congestion at the Tuberculosis Hospital requires an early enlargement of that institution. There should be an additional ward building at a cost of approximately $100,000, and a building to house the medical staff, orderlies, and other employees, many of whom are now obliged to live away from the hospital. This building would cost approximately $50,000.

Public schools—Five-year building program $11,000,000

The carrying out of the five-year school-building program, as authorized by the act of Congress approved February 26, 1925, is $3,000,000 in arrears at the present time. In addition, during the two years remaining of the period for carrying out that program, $8,000,000 will be required.

Elimination of grade crossings $680,000

The grade crossings which should be eliminated to provide safety for traffic are placed in the order of importance, as follows: Michigan Avenue, $275,000; Chestnut Street (Fern Street), $164,000; Eastern Avenue (Quarles Street), $153,000; Bates Road (Varnum Street), $88,000.

Total of necessary improvements $53,902,000

LIST OF DESIRABLE IMPROVEMENTS FOR THE DISTRICT OF COLUMBIA

Water-front development, Washington Channel $3,691,000

The act of Congress approved March 3, 1925, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, authorized and directed the Secretary of War to cause preliminary examinations and surveys to be made of the water front on the north side of the Washington Channel, D. C., with the view of surveying same and preparing and submitting plans and estimates of cost for the construction of an adequate terminal or terminals which would provide appropriate facilities for water transportation and for interchange of traffic between vessels and the railroads and highways, respectively, including any recommendations which may be deemed advisable for coordinating the full commercial use of said water front and the approaches, with the beautification thereof.

In accordance with the direction of Congress, the District engineer officer (United States Army Corps of Engineers), after most intensive study, has prepared and submitted a report on the improvement of the water front along the Washington Channel.

The item of $3,691,600 is an estimate by the Commissioners of the District of Columbia of the cost of providing this very desirable improvement.

Pennsylvania Avenue Bridge over Anacostia River $651,000

The construction of a bridge in the line of Pennsylvania Avenue crossing Anacostia River is required to provide capacity for the heavy traffic using that bridge and also to permit dredging of the river as proposed by the Corps of Engineers of the United States Army. The piers supporting the bridge have pile platforms, the piles being cut off at mean low-water level. Provision is also required for traffic on the river by the construction of a draw span at this crossing.

Benning Bridge over Anacostia River $470,000

The construction of a bridge to take the place of Benning Bridge is required for the same reasons outlined in the above statement concerning the Pennsylvania Avenue Bridge.

P Street Bridge over Rock Creek $350,000

The construction of a bridge to take the place of the present P Street Bridge across Rock Creek is required to provide for the Rock Creek Parkway.

Watts Branch Valley storm-water sewer $950,000

Watts Branch Valley extends easterly from the Anacostia River through Deanwood, and this stream drains a large watershed located partly in the District and partly in Maryland. The stream traverses private property through the major part of its length, and is located through a very flat section of the District. Freshet conditions cause this stream to rise out of its banks, inundating large areas of adjacent property.

This valley, with the exception of Rock Creek, is the largest one traversing the District, and to control that portion of the stream which lies within the District would require the construction of over three miles of conduit varying in size from 12 to 15 feet in span.

As to whether this important storm-water conduit should be given open treatment or a closed conduit construction is still a mooted question, and before final decision is reached the National Capital Park and Planning Commission will be requested to study this situation.

Sewage treatment works $2,250,000

At the present time all District sewage is discharged in a more or less crude state directly into the Potomac River, at a point some three miles below Hains Point.

Any impurities such as sewage which are discharged into a body of water become purified by oxidation. In the process of oxidation, oxygen existing in the water is consumed, and if too much of this oygen is consumed from the water fish life is destroyed, in that their life depends upon the water-carried oxygen, without which they would suffocate.

The commissioners being cognizant of this fact have visualized for some years that eventually further treatment must be given to the District sewage before same is discharged into the Potomac River, and with this in view they have, within the past few years, acquired a considerable tract of land in the vicinity of Blue Plains as a site for a future sewage treatment plant. This site is located at the extreme southern point of the District, which is the only strategic location to which all the sewage of the District may be discharged by gravity.

Before venturing upon an expenditure of this magnitude, the commissioners propose to make a request of the Public Health Service that they conduct a survey of the lower Potomac to determine what degree of purification the sewage must undergo at this time. Moreover, the commissioners have in mind that before actually making expenditures for these works they would request authority for appointing a commission of well known sanitary engineers to make a detailed study, with report, as to the best type of treatment works to install.

Key Bridge approach $200,000

Certain desirable improvements should be made in the north approach to the new Francis Scott Key Bridge, to the end that the "bottle-neck" situation which now arises under heavy traffic conditions may be eliminated and a more adequate approach to the bridge proper may be provided.

National Zoological Park $1,145,000

This is an estimate of improvements recommended by the Director of the National Zoological Park, and includes provision for the construction of new exhibition buildings for animals and birds, remodeling of and additions to exhibition buildings, open barless pit for polar bears, monkey pit, three stone-arch entrances to the park, and a fence around the park.

Public buildings and public works $4,501,600

This is an estimate of improvements recommended by the Director of Public Buildings and Public Parks of the National Capital, and includes provision for construction of two additional bathing pools, $900,000; Meridian Hill Park, $400,000; Rock Creek and Potomac Parkway, roads and bridges, $2,000,000, and sea wall, $180,000; repairs to Tidal Basin wall, $7,500; East Potomac Park, walks, $13,000, and widening roads, $65,000; lighting around reflecting pool, Lincoln Memorial, $6,100; and improvement of the Mall, Second to Fifteenth Streets, $930,000.

National Capital Park and Planning Commission $15,000,000

To carry out a desirable plan of development of the National Capital during the next five years it is estimated that the above sum will be required by the National Capital Park and Planning Commission.

Total of desirable improvements	$29,209,200
Total of necessary improvements	53,902,000
Total	83,111,200

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. When I first came to Congress the tax rate in the District of Columbia was 90 cents on the $100. That was the total tax the people of the District of Columbia paid.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. I will say to the gentleman that the tax rate here has been $1.50 since 1878, and that was fixed by law.

Mr. BLANTON. I thought the gentleman would say that. It was so arranged as to assessments, allowed by law to be made for only part value, that when you paid the tax it was only 90 cents on the $100. The assessments were camouflaged and the rate was camouflaged, so that when you paid the tax it was just 90 cents on the $100, and then we raised it to $1.10; then to $1.20; then to $1.30; then to $1.40; then to $1.60; and then to $1.80. During this past fiscal year it was $1.80. For this present fiscal year it is $1.70 on the $100.

I have been fighting the gentleman from Maryland ever since I have been here on that proposition, he wanting the tax in the District just as low as possible for many of his Maryland people who mostly live here in Washington, and I wanting it commensurate with what was fair to the rest of the people of the United States.

Let me show you how unfair the newspapers are on this subject. Mr. Clayton came before our committee the other day and said the tax rate for this present fiscal year was $1.80. I said it was not, but that it was $1.70. They have lowered it for the present fiscal year to $1.70: The next day a Washington newspaper, the News, said I had contended the tax rate was $1.40, and that I had made a mistake, when my whole argument to Mr. Clayton was that he was mistaken in saying it was $1.80, as it had been reduced to $1.70.

Mr. SIMMONS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. SIMMONS. The gentleman is not complaining about the accuracy of that, is he? That is fairly accurate.

Mr. BLANTON. Yes; for this newspaper, it is; but I want to keep the record straight as we go along.

Mr. SIMMONS. That is fairly accurate for a Washington paper.

Mr. BLANTON. For the News or Times, yes. The Star is reliable. When the gentleman from Maryland and I began work on this committee together the whole people back home, the taxpayers all over the United States in the 48 States, paid one-half of every bit of the civic expense of the people who live in the District. They paid one-half of the paving of streets and alleys; they paid one-half of their lighting system; they paid one-half of the expense of the police force and of the fire force and equipment; they paid one-half of the salaries of the 2,500 teachers; they paid one-half of the cost of furnishing free school books here; they paid one-half of the cost of erecting our million-dollar school buildings; they paid one-half of the playgrounds and swimming pools; they paid one-half of the cost of running the water system. Of course, the Government owned the original main water conduit, but they paid also one-half of running it. The people of the United States paid one-half of the expense of erecting the municipal buildings here in Washington and municipal salaries and the hospitals and of the million-dollar bridges. The people back home paid one-half of all the civic expense in the District of Columbia. It was unfair to the people of the United States. They had their own taxes to pay and then they had half of the taxes of the people of the District of Columbia to pay in addition. No wonder Washington became a mecca for tax dodgers. I could name you some of the most prominent rich people of the world who came here to establish a nominal residence for tax purposes, and I can take you out and show you their palatial residences which for at least nine months of the year are nailed up and with nobody in them. They are just nominal residences for taxation purposes only.

A few of us here began to rebel against such a situation, and we began to let the people of the United States know the facts, and this knowledge was reflected in a change of the law here, but the main changes we have been able to get were through the Committee on Appropriations, through the help of Brother CRAMTON and others. We never could get it out of the committee of the gentleman from Maryland [Mr. ZIHLMAN]. He is the chairman of that committee and he has about 15 subcommittees. When he wants to pigeonhole a bill he knows exactly where to refer it, and there is no more chance of getting a bill that he does not want out of his hand-picked subcommittee with a favorable report than there is for a snowball to exist somewhere down below.

Mr. ZIHLMAN. The committee brought out one last week.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. We are not surprised at our friend coming here and proposing this amendment. He has made a fight on this floor every time we have tried to make Maryland and Virginia children pay their school expenses. He has come in here at the last moment and with his bland, pleasing appearance and the influence he exerts with us, he carries it right at the last moment every time; but we ought not to let him carry it this time. We ought to put a provision in this bill that will mean in no uncertain terms that when the people of the District of Columbia pay their school expenses they pay for their own children and do not pay for FRED ZIHLMAN'S constituents over in Maryland and for WALTON MOORE'S constituents in Virginia.

Up until this year there were nearly 3,000 children from Maryland and Virginia going to school here in the District of Columbia, getting their tuition free and getting their schoolbooks free, paid for by the people of the District of Columbia and by the taxpayers of the United States, and this year there are over 2,000 of such children. Let Virginia educate her own children and let Maryland educate her children.

Our friend ZIHLMAN'S district has been getting hand-outs from this Government every year since back in 1841. [Laughter.] I looked up an old RECORD of way back in 1841, when there was a big fight made against a tremendous expenditure for the building of a big highway through the gentleman's district.

Mr. ZIHLMAN. That was in 1807.

Mr. BLANTON. Yes; but 1841 was when the main fight was started against it. His district has been getting hand-outs ever since.

Now, what are we going to do about it? Are we going to look after the interests of Brother HERSEY'S people in Maine and the people in Connecticut and the people of Ohio and the people of Texas and consider all of their interests, or are we just going to keep on voting on behalf of these two districts in Maryland and in Virginia?

I have no unkind feeling toward the people of Washington. They are among the finest people in the world. I fraternize with them here and I believe I have as many friends among them, in spite of my fights on this tax question, as my friend, the gentleman from Maryland. They are a bully, fine set of people and they will appreciate you when you stand up and do your duty, even though it may hurt them a little bit; but as long as they are paying a tax rate of only $1.70 on the $100, they are not hurt.

If you will go right over here to Baltimore, in Maryland, 40 miles from Washington, and find out what the people there pay on a Packard car and what they pay as personal taxes and as real-estate taxes, and then come over here and see the low tax rate on same in the District of Columbia, you will see at once that the people of Baltimore are paying twice what the people of the District of Columbia pay, and it is because of this fight that the gentleman from Maryland makes here every year. Oh, of course, it makes him popular and they talk about drafting him for the Senate. [Laughter.]

Mr. ZIHLMAN. The gentleman has that distinction, not me.

Mr. BLANTON. Oh, they do not have to draft me. [Laughter and applause.] I will say to my friend that whenever I am drafted I respond. [Laughter.] I do not wait and hang back. I am right in the front every time leading on a proposition that I know to be right.

Mr. ZIHLMAN. Does the gentleman go to the finish?

Mr. BLANTON. Yes; I have never failed to go to the finish yet.

Mr. ZIHLMAN. I just wanted to know if the gentleman was going to finish in this fight.

Mr. BLANTON. Yes; I am going to be over yonder in the other end of the building watching this very proposition next year [laughter and applause], and I will be in a position where I can stop you, FRED, when you send this kind of a proposition over there. We sometimes can not do it here under the five-minute rule. Under our procedure here, with 435 Members, you can not stop these things, but you can stop them over there. That is one reason I am willing to make the sacrifice. [Laughter and applause.]

We ought to take care of this proposition by backing up our friend SIMMONS and his splendid committee. We ought to back up Mr. CRAMTON on this proposition. I am too good a prohibitionist to follow him all the way sometimes on some things. He gets a little off on the prohibition question sometimes, and I will not follow him when he goes to voting for the Hawley bill, but he is right on this fiscal system and I am with him.

Mr. CRAMTON. Mr. Chairman, I offer a substitute motion. On page 2, line 6, in lieu of the motion proposed by the gentleman from Maryland, I move to strike out "9,000,000" and insert in lieu thereof "7,000,000." and on that I ask recognition.

The CHAIRMAN. Is the gentleman from Michigan amending the amendment?

Mr. CRAMTON. I am offering a substitute for the amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Substitute offered by Mr. CRAMTON: Page 2, line 6, strike out "9,000,000" and insert in lieu thereof "7,000,000."

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, the gentleman from Maryland [Mr. ZIHLMAN] has made an appeal that abandons the proportionate plan which he has heretofore advocated and now urges the lump-sum plan, but that it be increased from $9,000,000 to $10,000,000. He has talked about an investigation of the question and a study by a commission, and so forth, but he has laid down in his discussion no basis whatever on which any commission could proceed to determine whether $9,000,000 was right or $10,000,000 was right, except this—that the District needs more improvements.

I had thought of making a more or less extended address on the subject and have so stated to several Members of the House, but after hearing the address the other day of the gentleman from Nebraska [Mr. SIMMONS], following the very careful consideration given the question by his able subcommittee, I realize the uselessness of discussing the question at length or attempting to supplement that presentation.

But at this moment it does seem proper that I say something about how the lump-sum plan came to be adopted. The gentleman from Maryland has presented here something about the needs of the District—that he considers urgent for schools, sewers, and water mains—and I assume that he is correct in his statement. I am willing to assume that there does exist now in the District a need for more schools, sewers, and water mains. But what community in the United States does not have such needs? Certainly no growing community. The Treasury of the United States is not to be expected to meet these needs in other cities of the United States, and it ought not to be expected to meet them in the city of Washington, the District of Columbia, further than some basis would justify it. Simply the fact that they need these things is not enough justification to call on the Treasury to supply them.

I will say this: I have been abused regularly, constantly, and consistently by the newspapers of Washington since the adoption of the lump-sum plan came from an amendment that I offered to an appropriation bill. I have been abused constantly, pictured as an enemy of progress in the District, whereas there is no one in this Congress, no one in the District, who is more desirous of seeing Washington a beautiful city and worthy of being the Capital of the country than am I. But I do not propose to see my constituents unfairly burdened in bearing the expenses—not of the Capital City, but of the people of Washington.

The gentleman refers to the need of schools, sewers, and water mains as being urgent. If it had not been for the adoption of the lump-sum plan the gentleman from Maryland even could not begin to picture the urgency of the needs that would confront the city now. Here was the situation: During the World War the city grew rapidly in population. New areas were built up that would be productive of taxes. The new areas grew up and the population increased with a great increase of District property and District needs, but without equal expansion of Federal property or needs. There was created a terribly urgent need for sewers, streets, lights, water mains, and all that, but following the World War—when the country was overburdened with taxation—it was not to be considered, any great increase of the Federal contribution to District expenses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. What I sought to do was to arrive at some plan so that the urgent needs of the people of the District could be taken care of without unfairly burdening the Federal Treasury that was staggering already under great burdens of taxation. The people here were paying $1.20 or something like that. The people in my district were paying $3 or $4. I did not feel that the people of the District had reached their capacity to pay for the things they needed, but under the proportionate plan of 40-60 every time $10 was added to the appropriation bill $4 came out of the Federal Treasury. I offer the lump-sum amendment providing that our full contribution should be $8,000,000 plus certain fees that would come back. Later in a compromise with the Senate it was made $9,000,000 plus the fees, and that is what it is now.

Under that plan we would contribute the $9,000,000; and then, however much more the appropriations were for the District, the District would take care of the balance. In other words, it opened the way by which contributions of the District could be increased without increasing the Federal burden. That is what has made possible the development of the last four years. It is that system that has made it possible to get appropriation bills through here, and has made possible the tremendous increase in facilities in the way of schools, sewers, water mains, and so forth, that mean so much in the Washington of to-day.

It could not have been done otherwise. Before that we were always being attacked as being parsimonious with the District. Under the lump-sum plan it was contemplated that the appropriation bills would be larger than they had been before; and they are larger; but because they are larger that does not mean that we must abandon the system. The purpose of the system was to permit appropriation bills commensurate with the needs of the District. Before then we were attacked as being parsimonious. I contended, when I offered that amendment, that it would permit the people of the District to occupy a more dignified position when they came before Congress. Theretofore they had come here asking for money from the Treasury when they urged improvements. Now, when they come to the committee and say that they want more expenditure for this or that purpose, it is their money that they are urging the expenditure of, and they are entitled to our consideration.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ZIHLMAN. Where do the citizens of the District of Columbia get this opportunity of urging these needed improvements? To what tribunal, to what august body do they present these demands?

Mr. CRAMTON. They get a pretty good hearing in the newspapers. I have always noted that.

Mr. ZIHLMAN. In other words, the gentleman concedes that they have no authorities to whom they can go?

Mr. CRAMTON. Oh, I have not conceded that. I assume this, and I imagine the gentleman from Nebraska [Mr. SIMMONS], as well as the gentleman from Pennsylvania [Mr. CASEY] and other members of that subcommittee, will confirm it. I know that the members of the subcommittee have been making a study of these things in contact with the people, and I assume that anyone who has information as to any need will have had no difficulty in getting to any member of that committee to present those needs.

Mr. SIMMONS. The people of the District have their commissioners, they have their city officials, and always during the three years that I have been a member of this subcommittee we have given hearings to absolutely every citizen in the District who asked for it, without exception.

Mr. CASEY. And I want to say for the information of the gentleman that during our investigation into this matter, we asked the District Commissioners to furnish us with a map of the District of Columbia with an outlay of the sewer system, spoken of by the gentleman from Maryland [Mr. ZIHLMAN], extending to those places which he talked about, and the commissioners admitted that they never had had any such map, and the question had never been studied, and they have never made any requests of Congress for additional sums for that purpose.

Mr. SIMMONS. And may I ask the gentleman from Pennsylvania whether the idea that he wishes to convey to the House is that the first time the question was given consideration was when the gentleman from Pennsylvania himself raised it? I refer to this question of sewerage.

Mr. CASEY. Yes; the hearings show that.

Mr. CRAMTON. Of course, there are some political and some newspaper needs that even exceed the real needs of the people of the District. The fact is that the people have full opportunity of presenting their needs, and they have an opportunity to adopt resolutions. I notice one thing in the current year. It has gotten to a point when occasionally a meeting of those citizens will adopt a resolution that they do not want their tax rate any higher. I assume that if the gentleman from Maryland were to offer an amendment here providing for all the needs that he has mentioned he would get protests from at least two-thirds of the citizens' associations of the District of Columbia, since under the present system it is their money that is being expended.

I just want to conclude with this, that the idea of the lump-sum plan as set forth in my attempt was not an exact and scientific decision as to the amount that should be contributed. It was based upon the thought that we would continue to spend what we had been spending, although I thought it was too high. There has now been made a study and a showing. The newspapers of the District have been insisting that in determining how much we should contribute there should be a comparison of the property of the Federal Government and of the value of the property of others in the District of Columbia. That has been their insistence from the first.

The gentleman from Nebraska [Mr. SIMMONS] has shown that when the sacred half-and-half theory was born it came from that parentage; that theory of an assessment of Federal property, joined with the agile and fertile brains of some people here, which permitted them to include in that assessment of Federal property the streets and highways of the District of Columbia. That is the theory upon which our 50-50 contribution was based—an assessment of our property—and now it is shown to us by an investigation of this subcommittee, more thorough, more logical, and complete than any hybrid commission that could be created would accomplish, that if we are to base it on that plan, then instead of its being $9,000,000, as the bill carries, or $10,000,000, as the gentleman from Maryland proposes, it ought not to be over $6,000,000. In view of that I offered my amendment to the gentleman's amendment to make it $7,000,000. However, so strong is my desire to be liberal to the District, taking into consideration that this is our Federal Capital, I am not disposed to press the $7,000,000 amendment unduly.

Mr. DALLINGER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DALLINGER. Does the gentleman know of any other case where the Government—State, county, or municipal—pays any taxes or makes any contribution toward the government of any municipality within its boundaries?

Mr. CRAMTON. No. And this Congress uniformly refuses to do so as to any other place.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the substitute offered by the gentleman from Michigan to the amendment offered by the gentleman from Maryland.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CRAMTON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 6, noes 57.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LICENSE BUREAU

For personal services in accordance with the classification act of 1923, $17,820; temporary clerk hire, $1,500; in all, $19,320.

Mr. SIMMONS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Nebraska offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment offered by Mr. SIMMONS: Page 4, on line 24, after the figures "$19,320," strike out the period, insert a colon, and add the following: "*Provided*, That hereafter no person shall practice phrenology in the District of Columbia without paying the license tax named in paragraph 32, section 7, of the District of Columbia appropriation act, approved July 1, 1902, subject to the proviso contained in said paragraph."

Mr. SIMMONS. Mr. Chairman, probably this provision is subject to a point of order. I have consulted the chairman of the District legislative committee and the ranking member on the Democratic side, and others on the committee. The amendment is designed to do away with the gypsy fortune tellers who now infest Pennsylvania Avenue and other parts of Washington. If it is adopted, it will have the effect of doing away with these gypsy fortune tellers. I thought that ought to be stated.

Mr. HUDSON. What will they be required to pay as a license?

Mr. SIMMONS. They are not required to pay anything now, nor required to have a license.

Mr. HUDSON. If this is adopted what will they have to pay as a license?

Mr. SIMMONS. Twenty-five dollars a year.

Mr. HUDSON. Do you expect to drive them out in that way?

Mr. SIMMONS. The chief of police can deny them a license in his discretion.

Mr. LAGUARDIA. I think it is a very dangerous precedent to license it.

Mr. HUDSON. If the gentleman is trying to control it by licensing it, I do not think he will control it.

Mr. LAGUARDIA. You should not license it. By licensing it you appear to be legalizing it.

Mr. SIMMONS. No license is necessary at present.

Mr. LAGUARDIA. What I fear is that the gentleman is in a manner legalizing it.

Mr. SIMMONS. The gypsy fortune tellers are now practicing their trade without a license and can not be stopped.

Mr. LAGUARDIA. The only way to stop it is to make it a penal offense. We do it in New York City and in New York State. Anybody who undertakes to predict the future is prohibited from practicing that supposed art. We have cleaned them out in New York City.

Mr. HUDSON. I am not going to oppose this amendment. On the contrary, I hope it will be adopted; but I do hope that the District legislative committee will bring in legislation here that will put these people out of business. You may have a chief of police who will give them a license.

Mr. SIMMONS. At the present time there is no way for even the chief of police to stop them.

Mr. LAGUARDIA. The chief of police can not even use his discretion in refusing to issue a license. Suppose an applicant applied for a license and the chief of police refused. The applicant may mandamus the chief of police if he refuses to license an applicant and licenses anybody else. You can not get away from that.

Mr. SIMMONS. The licenses are to be issued by the chief of police in his discretion.

Mr. LAGUARDIA. But there is always a point and limit to the discretion of the police officials.

Mr. HUDSON. The gentleman from New York knows that the chief of police has it in his power to refuse a license. But this does not overcome the evil.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Louisiana is recognized.

Mr. O'CONNOR of Louisiana. Mr. Chairman, the superior value of experience is a truth almost axiomatic, it is so frequently expressed. "It is on the anvil of discussion that the spark of truth will fly" is almost a bromide, and it is and always will remain true that it is by and through discussion that legislative, economic, judicial, and governmental truths are ascertained. The experience of a city of a size similar to that of Washington and a population approximately the same may be of value to the people of the District of Columbia. For years the city of New Orleans, pursuing the legal and political plan adopted by most of the cities, had executive, legislative, and judicial departments of government elected by the people every four years. We got along fairly well with it; but finally our people, who are somewhat like the other people in the United States, with slight differences due to environment—finally our people determined on a commission form of government, and now we have a mayor and four commissioners, and they are invested with full and complete powers to discharge all the functions which devolve upon a city of that size, which has about 450,000 inhabitants. Those four commissioners and the mayor in New Orleans have executive power, and it is also their function to legislate by adopting ordinances and rules and regulations which have the force and effect of law. They even discharge quasijudicial functions. That is, they appoint recorders, who impose penalties for the vindicating and enforcement of municipal ordinances. We derive our charter in the city by a grant from the State. The city charter here in Washington is called the organic law. But there is no difference in the two propositions from a political and legal standpoint.

I have often wondered why the city of Washington could not be granted full, plenary, complete, and exemplary powers in order to discharge obligations which necessarily rest upon a city having the population and requirements of Washington. I have thought, with many of my countrymen, I suppose, why on earth a committee in charge of the affairs of the District of Columbia has to come to the House of Representatives—and then our enactment goes to the Senate—for the purpose of adopting a rule or regulation or ordinance that would prohibit fortune telling and other fake practices for imposing on the credulous people of the District and those who come here.

Why, it does look absurd almost to the standpoint of causing laughter from people who have given municipalities and their functioning any thought at all, that the Congress of the United States should be called upon, with its multitudinous duties of a national character, to pass upon the wisdom and the necessity of some little regulation with respect to traffic on the streets or with respect to suppressing what is generally regarded as pestiferous fraud upon the credulous and those who are not well informed and who seek fortune-tellers to divine the future.

Mr. LAGUARDIA. The gentleman will be surprised to know that well-informed people go and have their fortunes told. We had that experience in New York City and those people even opposed the law.

Mr. O'CONNOR of Louisiana. I suppose that superstitution is the vice of a great many who pretend to despise it. That is about the size of it, and I think I understand the gentleman thoroughly.

Mr. CASEY. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. Yes.

Mr. CASEY. Of course, in the city to which the gentleman refers, the people have the right to vote and elect their own municipal authorities; they also spend their own money, but here is involved an appropriation of $9,000,000 from the Federal Treasury to be spent by officers who are not subject to recall or removal from office by the taxpayers of the city. That may make a difference.

Mr. O'CONNOR of Louisiana. It may, but really I do not see why it should make any difference. I do not see why the commissioners should not be permitted to discharge the functions of their office in the fullest and most complete manner and to meet all the exigencies and emergencies that spring into existence daily in the administration of a big city.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. I have heard this proposition as to what the Government should contribute to the support of the District of Columbia debated and discussed seriously and facetiously ever since I came here, which is about 10 years ago. I have not made up my mind fully upon the matter because I thoroughly understand it has its complexities and a good many bewilderments. I understood it was stated here on the floor that it is conceded the value of all the Federal property, real and personal, if it has any personal property, is approximately $407,000,000 and that if the tax rate which is applied to all other private and personal property were applied to that it would be something a little more or less than $7,000,000 per annum. I do not know how successfully that idea has been controverted by the friends of the District of Columbia, and I imagine there may be other factors which will enter into a decision of the matter which may make for some permanent policy upon the part of the Federal Government with respect to the District of Columbia. I do know that in all other cities of the United States of America Federal property is not taxed at all but, of course, as the gentleman from Pennsylvania [Mr. CASEY] has said, this being the Capital of the Nation there are some difficulties with respect to the amount the Federal Government should contribute.

I may say, however, that I have never believed in a short-minded or short-visioned policy with respect to the administration of any great city. Cities are like the individuals that compose them. You can not be shabby with a city any more than you can with a man or woman, and a city that is wanting in dignity is about as poorly off as an individual wanting in that regard.

I remember that the lamented McKinley was in New Orleans a number of years ago. He had gone down there to discuss the sugar tariff at the invitation of the sugar people of Louisiana, and I might give you some information or a good story in regard to that trip. It was thought at that time that the leading people in the financial, industrial, agricultural, and commercial activities of Louisiana were about to turn Louisiana over to the Republican Party in that presidential election then pending; that is, they were to go Republican. But there are difficulties in the way of the success of all plans. "The wisest plans of men and mice gang aft aglee." The issue at that time which overshadowed all others and, like Aaron's rod, swallowed all other rods, was the race question thrust on us by some who thoughtlessly, I hope not heartlessly, undertook to trample out of existence Anglo-Saxon-Celtic civilization and supplant it with mongrelism and Africanism. That issue was brought up and forced to the front by men who feared the political effects and consequences which would flow from the negroes misconstruing reaction, and it changed the attitude at the last moment of those who were going to put the State over for McKinley. McKinley said in that address——

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. O'CONNOR of Louisiana. Mr. Chairman, I ask for one additional minute.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. I want to finish this contribution to the information of the Members of the House. McKinley said there, with 20,000 people in the arena in which he spoke, "I do not believe in a cheap coat because a cheap coat inevitably will make for a cheap man." That may not have been the most intellectual argument that could be made on the tariff, but for some inscrutable reason it had the effect of carrying that big crowd off its feet and it went wild with enthusiasm for McKinley and for the utterance he had delivered with respect to what makes for a great, self-respecting people. In that utterance the masses found comfort. They saw in it good wages which make for decent, upstanding American men and women. It makes for that purchasing power, without which the wheels of prosperity are slowed up, if not stopped altogether. You can not beat them down into poverty; you can not clothe them in shabby attire, put them on half-soled and broken shoes, and expect them to live up to the highest traditions of a great Republic like this. [Applause.[

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. LAGUARDIA. Mr. Chairman, I am in sympathy with the purpose sought by the gentleman from Nebraska [Mr. SIMMONS] in offering this amendment, but I can not vote for it because it is not the proper way of going about it. There is only one way to do a thing, and that is to do it the right way. You can not enact a penal law by putting a limitation on appropriations. I will go further than anyone else on the floor of this House in limiting appropriations to achieve a certain purpose

Mr. SIMMONS. Will the gentleman yield?

Mr. LAGUARDIA. Surely.

Mr. SIMMONS. I frankly stated that this proviso was subject to a point of order.

Mr. LAGUARDIA. I know the gentleman did.

Mr. SIMMONS. This is not a limitation at all, but it is the enactment of substantive law in this bill.

Mr. LAGUARDIA. Absolutely. The gentleman was perfectly fair about it. But if you are going to do it that way, you might as well go the whole way and put in a penal provision that it shall be unlawful hereafter for any person to predict the future or relate the past for a consideration or otherwise, and that any person who violates such a law shall be guilty of a misdemeanor and subject to a fine of $50 and imprisonment for 30 days. That is the way to do it, and then the practice will be stopped.

This is going to give rise to all sorts of complications, legal and otherwise. Another thing, gentlemen, it is not safe to vest so much discretion in the chief of police, no matter who he may be. You can not make him the sole arbiter of what phrenology is and what astrology is and what palm reading is and what crystal gazing may be. The one thing we are trying to do all the time is not to vest great discretionary power in our police departments, but say what the law shall be and then let the police enforce the law, and not give to a chief of police the power to say, "All right; I will denote you a phrenologist. Here is your license, and you may go on and tell fortunes." Then some one else may come along whom he does not like and he will not grant him a license.

I am sure the proponents of this amendment do not desire to do any such thing, but instead of curbing this evil you are going to legalize it to a certain extent and you are going to place in the hands of the police department an arbitrary power that I am sure you never intended.

Mr. ABERNETHY. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ABERNETHY. How is the gentleman able to tell that there is not something to these things? Does the gentleman know you can not read the future by the past? I do not know myself, and I am just wondering if the gentleman has any means of telling.

Mr. LAGUARDIA. I did not say that.

Mr. ABERNETHY. I understood the gentleman to say that we are going to pass a penal provision whereby if a man undertook to judge the future by the past he would be violating the law. I think it was Patrick Henry who said something about that once.

Mr. LAGUARDIA. The gentleman was not in the Chamber at the time I made my statement.

Mr. ABERNETHY. Yes; I was listening to the gentleman.

Mr. LAGUARDIA. Then the gentleman did not hear me correctly. I did not say any such thing as that. I was simply relating in substance what the penal law is in many States in connection with fortune telling.

Of course, we can make a guess of what the future may be based on past performances. That is easy.

Mr. HOLADAY. Mr. Chairman, let me call the attention of the gentleman from New York to the fact that there is now in the law a provision authorizing the licensing of clairvoyants, soothsayers, fortune tellers, and so forth. There is a proviso, also, that no license shall be issued without the approval of the major and superintendent of police.

Under the present situation these gypsies we have been talking about do not come under the general licensing section, and therefore they are operating without any license, and the chief

of police has no authority to stop them. With the adoption of the amendment that is offered they will come under the general section, and I will say to the gentleman from New York that personally I do not agree with section——

Mr. LAGUARDIA. With the section itself?

Mr. HOLADAY. No; but that is a matter that must be handled by the legislative committee. By the adoption of this amendment they will come under the general section, and the chief of police has the power to absolutely refuse to issue them a license. It is our understanding that with this amendment adopted the nuisance and evil that has existed will be remedied, as the chief of police will not grant them licenses.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The amendment was agreed to.

The Clerk read as follows:

For purchase of traffic signals and markers, painting white lines, labor, and such other expenses as may be necessary in the judgment of the commissioners, $45,000: *Provided*, That no part of this or any other appropriation contained in this act or that is now available shall be expended for building, installing, and maintaining street-car loading platforms and lights of any description employed to distinguish same.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question.

I notice in this paragraph the appropriation refers to markers, and also the section almost immediately preceding this section is for the purpose of providing "permanent marking on the ground of the system of highways." Are we providing markers under two departments of the city government, or what is the reason for a duplication of appropriation for the purpose of providing markings?

Mr. SIMMONS. Does the gentleman refer to the $3,000 item on page 6 for "permanent marking on the ground of the system of highways?"

Mr. HUDSON. Yes.

Mr. SIMMONS. That is the permanent highway system and includes the location of streets, avenues, and so forth, under the working out of the permanent highway system of the District.

Mr. HUDSON. Signs?

Mr. SIMMONS. Yes; that is under the surveyor's office. The other is an item for the marking of safety zones, no parking signs, and so forth, on the streets.

Mr. HUDSON. I understand.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Northwest: H Street, First Street to Massachusetts Avenue, $7,200.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 22, line 17, insert "Northwest: First Street, G to H, $3,000."

The amendment was agreed to.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 22, line 21, insert the following: "Northwest: Seventeenth Street, Varnum Street to Webster, $4,500."

The amendment was agreed to.

The Clerk read as follows:

Southeast: Sixteenth Street, Good Hope Road to Ridge Place, $12,900.

Mr. SIMMONS. I offer the following amendment.

The Clerk read as follows:

Page 26, after line 23 insert: "Southwest: Virginia Avenue to D Street, $7,800."

The amendment was agreed to.

The Clerk read as follows:

In all, $1,660,000; to be disbursed and accounted for as "Gasoline tax, road and street improvements," and for that purpose shall constitute one fund and be available immediately: *Provided*, That no part of such fund shall be used for the improvement of any street or section thereof not herein specified: *Provided further*, That assessments in accordance with existing law shall be made for paving and repaving roadways where such roadways are paved or repaved with funds derived from the collection of the tax on motor-vehicle fuels and accretions by repayment of assessments: *Provided further*, That in the performance of the street-paving work specially provided for in this act priority shall be given to those streets which are more in the nature of through thoroughfares or arterial highways.

Mr. SIMMONS. Mr. Chairman, I offer the following amendment to correct the total.

The Clerk read as follows:

Page 29, line 21, strike out "$1,660,000" and insert "$1,675,300."

Mr. SIMMONS. That is merely to correct the total, including the items that have been inserted.

The amendment was agreed to.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am in accord with this section of the bill as to the items of new paving. I am not interested in the paving of any particular street and have made no request either of the District Commissioners or of the committee for the inclusion of any items. I am, however, disappointed that the committee has seen fit to cut down the sum total for the building of the curb, gutters, and shoulders of roads, which I consider the most economic type of construction for the replacement of worn-out paving in this city. You have cut this item in the sum of $90,000, and a further cut in the appropriation for resurfacing worn out streets from $800,000 to $600,000—making a total cut of $290,000 in this paragraph. I am advised that the streets which the District government have been shouldering and resurfacing are being constructed at a cost of one-third of what an entire new pavement would cost.

I would like to know from the chairman of the committee why it was necessary to cut this very meritorious item, and further I would like to ask what he means by the language on page 31 where he makes the appropriation for repairs in the sum of $1,475,000 and then provides that $90,000 shall be paid from the gasoline tax for road and street funds, and whether or not this $90,000 is to be deducted from the $1,675,000 as you have now made it or as carried in the bill, $1,660,000?

Mr. SIMMONS. The $90,000 the gentleman refers to provides that it shall be paid out of the gasoline-tax fund.

Mr. ZIHLMAN. It does not come out of the $1,600,000 item?

Mr. SIMMONS. No. The gentleman refers to this as an old item. It is a new item. It is to macadam streets that now have cobblestone gutters, and other streets where they have no curbs they are going to put in concrete shoulders.

We want to recognize their plan, we want to give material encouragement to it, and are giving it to the extent of $200,000. We feel that in view of the complaint that is coming from the people of the District and the requests that we curb their taxes that here was an item on which we possibly should proceed slowly.

About the other $200,000 item the facts are these: For some three or four years now we have been carrying out a program of resurfacing the old streets in the District. The testimony was that next year they would complete the resurfacing program and have the streets up current. They said they wanted $800,000 this year to complete them, that they expected to ask next year for $400,000.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent for an additional five minutes.

The CHAIRMAN. Is their objection?

There was no objection.

Mr. SIMMONS. They said they would want $800,000 in this bill and $400,000 next year, and that the two items, totaling $1,200,000, would complete the resurfacing program in the District.

Mr. ZIHLMAN. Does the committee believe that $1,200,000 will do that?

Mr. SIMMONS. Captain Whitehurst's word goes a long way with the committee, and that is his testimony. We felt that we would not be hampering that program at all if, instead of giving them $200,000 this year and $400,000 next year, we allowed them to proceed in a regular order and give them $600,000 this year, and then whatever part of $600,000 they needed next year to complete the program. I call attention further to this, that in this resurfacing work, by the adoption of what is known as the heater method, they have resurfaced far more streets than they expected to when we appropriated the money.

Mr. ZIHLMAN. The gentleman means that the money has gone further or that they have advanced further with the work?

Mr. SIMMONS. They have advanced further and have done more work with the money that they had. They are nearer completion than they thought they would be when we appropriated the money last year. Captain Whitehurst said if any items were to be cut that this resurfacing item was one they felt could be cut.

Mr. ZIHLMAN. And he justified that?

Mr. SIMMONS. Yes. We are going to complete the resurfacing program next year. This is a plan whereby we are giving them ample money to carry on their work.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read the paragraph beginning with line 12, on page 44.

The CHAIRMAN. Without objection, the Clerk will correct the spelling of the word "completely," in line 12.

There was no objection.

The Clerk continued the reading of the bill, and read down to line 9, on page 46.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent that the consideration of the paragraph contained in the lines 9 to 14, inclusive, on page 46, be postponed until to-morrow, preserving all rights as to points of order and amendment. In other words, that we pass over this item and take it up at the beginning of the reading to-morrow. The item I refer to is as follows:

No part of the appropriations herein made for the public schools of the District of Columbia shall be used for the instruction of pupils who dwell outside the District of Columbia: *Provided*, That this limitation shall not apply to pupils who are enrolled in the schools of the District of Columbia on the date of the approval of this act.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the consideration of the paragraph referred to be postponed until to-morrow, with the conditions stated. Is there objection?

There was no objection.

The Clerk read as follows:

For purchase, installation, and maintenance of equipment, for school yards for the purposes of play of pupils, $10,000: *Provided*, That such playgrounds shall be kept open for play purposes in accordance with the schedule maintained for playgrounds under the jurisdiction of the playground department.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for 10 minutes out of order. Is there objection?

Mr. BANKHEAD. Mr. Chairman, reserving the right to object, the gentleman from Michigan very kindly told me that it was his purpose to make this request. I ask the gentleman whether he is going to discuss a political subject?

Mr. KETCHAM. No; it is more of a statistical matter with some political implications.

Mr. BANKHEAD. Under those circumstances, I think we ought to have a quorum of the committee present.

Mr. KETCHAM. And under those circumstances I shall not press the request.

Mr. BANKHEAD. I suggest that the gentleman can get some time to-morrow.

Mr. KETCHAM. Yes. The only reason that I desire to discuss this matter now is because in a sense it refers to some remarks made by the gentleman from Alabama [Mr. BANKHEAD] earlier to-day. I thought possibly that two of them ought to appear in the RECORD of the same date. Mr. Chairman, I withdraw my request.

The CHAIRMAN. The gentleman from Michigan withdraws his request for unanimous consent, and the Clerk will read.

The Clerk read as follows:

In all, $245,000, and in addition thereto the sum of $100,000 of the unexpended balance of the appropriation of $703,500 contained in the District of Columbia appropriation act for the fiscal year 1927, is reappropriated and made available for the purposes of this paragraph, to remain available until June 30, 1930: *Provided*, That, with the exception of $80,000, no part of this appropriation shall be expended for the purchase of any site the cost of which shall exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value.

Mr. SIMMONS. Mr. Chairman, I offer an amendment to page 52, after line 5.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: Page 52, after line 5, insert the following paragraph:

"The unexpended balance of the appropriation of $703,500 for the purchase of school building and playground sites, contained in the District of Columbia appropriation act for the fiscal year 1927, is continued available until June 30, 1929, for the purchase of school building and playground sites authorized to be acquired in the five-year school-building program act: *Provided*, That part or parts of a site may be purchased under the 125 per cent limitation if the total cost of the part or parts acquired does not at the time of such purchase exceed 125 per cent of the assessed value."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The school buildings authorized and appropriated for herein shall be constructed with all doors intended to be used as exits or entrances opening outward, and each of said buildings having an excess of eight rooms shall have at least four exits. Appropriations carried in this act shall not be used for the maintenance of school in any building unless all outside doors thereto used as exits or entrances shall open outward and be kept unlocked every school day from one-half hour before until one-half hour after school hours.

Mr. SCHAFER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word. The gentleman is recognized for five minutes.

Mr. BANKHEAD. Mr. Chairman, a few moments ago the gentleman from Michigan [Mr. KETCHAM] asked unanimous consent to procede out of order for 10 minutes. I did not object to that request, but suggested we should have a quorum to hear his discussion. The main reason for that suggestion was the fact that no representative of the minority who knows much about the tariff schedules was present at that time. Since that time a few of our friends have come in who are somewhat familiar with that subject. I now withdraw the objection and ask unanimous consent that the gentleman from Michigan may proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Michigan may proceed out of order for 10 minutes. Is there objection?

There was no objection.

Mr. KETCHAM. Mr. Chairman and members of the committee, in a sense I regret to perform the duty and assume the responsibility which I now take upon myself. At almost every session of Congress, and especially in the early days of the session, some of our good friends on the Democratic side try to inject some political angles into purely economic discussions, and in this connection this afternoon I thought our good friend, the gentleman from Alabama [Mr. BANKHEAD] rather censured the Republican Party for the enactment of the Fordney-McCumber tariff act, particularly in its relationship to agriculture.

I gathered that in his heart he feels, honestly and sincerely, that the farmers of the country have been done a very grave injustice by the enactment of that measure. I gathered further from his remarks he thought that the price relationships with reference to agricultural products had been very unfavorably affected as a result of the enactment of the Fordney-McCumber tariff act.

My responsibility, of course, is not to argue this question but simply to present for the consideration of the gentleman from Alabama the real, hard, cold facts of the situation, and let them speak with very much more eloquence and force than I could possibly muster. So I would just ask the gentleman from Alabama and the others who possibly hold to his political philosophy to secure at their leisure and convenience a copy of a publication furnished by the Department of Agriculture through its Bureau of Economics, entitled "The Agricultural Situation." I am now about to read from the December 1 copy of this publication. It is issued monthly. Particularly am I going to quote from "The general trend of prices and purchasing power," on page 9. I would like the particular attention of all interested Members of the House, and I am glad there are so many here at this hour to listen to what I have to say on this very important subject. [Applause.]

My recollection is that the Fordney-McCumber Tariff Act went into effect in September of 1922. Naturally, then, I would expect, if I heard the remarks of the gentleman correctly, that beginning with October, at least, of 1922, each of the agricultural products would begin to strike the toboggan slide and would be less in their actual value in each succeeding year that had come

along and that their comparative value or their purchasing power would be likewise less. But, again, the hard, cold, logic of fact told in figures show the untenable position of the gentleman from Alabama and those who hold with him or those who have a similar political philosophy.

I am now reading the figures.

In October of 1922 the grains, which constitute a very high proportion of the agricultural products of the country, were quoted at 101 in the indexes in comparison with 100 as covering the years 1909 to 1914. In other words, I am using the average price for the years 1909 to 1914 as the base and am calling that 100 per cent. In October of 1922, after the enactment of the Fordney-McCumber Tariff Act, the indexes in grains were 101. In October of 1927 the indexes were 128, an increase of 26 per cent, and there is not an October from 1922 to 1927 when the indexes on the grains were not higher than they were in 1922. [Applause.]

Mr. AYRES. Will the gentleman yield?

Mr. KETCHAM. This is so very interesting, I hope the gentleman will permit me to complete this very delightful and entrancing story, then if there is any time left I will be very pleased to yield to the gentleman because I know he has a great interest in the subject.

Fruits and vegetables: In October, 1922, the indexes were 101. In October, 1927, 138, an increase of 36 per cent. Likewise, in all the five years since that time there has never been an October when the price indexes were not higher on fruits and vegetables than they were in 1922.

Meat animals: On the same basis the index in October, 1922, was 113, and October, 1927, 145; and, likewise, not an October in all that length of time when the indexes were not above what they were in 1922.

Mr. HARE. Will the gentleman yield?

Mr. KETCHAM. I regret that the pressure of time and the exceeding interest in these figures will not permit me to yield in the short time I have. If I can get an extension of time, I will be delighted to yield to my good friend from South Carolina who has introduced a good bill for farm relief.

Dairy products: Index in 1922, October, 136; in October of 1927, 139; and not an October in all that time when dairy products prices were not above what they were in 1922.

Poultry products: 159 in 1922, and 167 in 1927, an increase of 7 per cent with likewise not an October below.

And now we come to cotton. I am sorry we do not have a protective tariff on cotton, because the story can not be told with quite so much pleasure and satisfaction, but yet it is pretty good.

In 1922 the index of cotton was 168, and but one month in that whole period of time with no tariff whatsoever, and that the month of October, 1926, when the index upon cotton was not higher than it was in 1922. In October of 1927 it was 169.

Now, to sum it all up, my good friends, I trust that the logic, the cold logic, of these figures that are impersonal and have nothing of a political flavor in them whatsoever, may speak the cold, hard truth, and I hope they will be consulted by the next one of my good Democratic friends who wants to rise up here and declare that the Fordney-McCumber Tariff Act has been responsible for the ills of the farmer. Summing it all up by taking 30 of the leading agricultural commodities into consideration, the indexes for 1922 were 123 and in October of 1927, 139, or an increase of 13 per cent on the whole list, and not an October in the whole time when the farm-price index was not higher than that of October, 1922.

And now in answer to the question which I know my good friends have right on their tongues' end, and I want to anticipate them if I can, "Oh, but what the farmer has had to buy is immeasurably higher." Again, let the cold figures answer.

Taking 400 products of the United States sold at retail in the United States, in 1922 the index was 176 and in October of last year that index had decreased to 151; in other words, the purchasing power of the farmer's dollar had been improved and 14 is the percentage of decrease in the price of the products which he has to buy.

Putting it now in a final word and in the terms that the farmer himself usually uses, his commodity dollar—in other words, the amount of his commodities that he would have to exchange for commodities of other kinds that he buys, according to the old plan of trade and barter—his commodity dollar was a 70-cent dollar in October, 1922, and in October last it was a 92-cent dollar, or an increase in the relative purchasing power of the farmer's commodity of 32 per cent since 1922. [Applause.]

My friends, this is the whole story molded in cold, impersonal figures, with no political tinge to them whatever. I think they ought to be used as the basis of any fair, square discussion of the effect of the Fordney-McCumber Tariff Act upon the agricultural situation of the country.

Again, I want to thank the large number of my colleagues who have gathered here at the closing hour of the day to hear this very prosaic discussion of the subject that was provoked by my good friend, the gentleman from Alabama in his remarks early in the afternoon. [Applause.]

Mr. GARNER of Texas and Mr. BANKHEAD rose.

Mr. KETCHAM. If I have any time I will be very pleased to yield.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SIMMONS. I object to any further extension of time.

Mr. BANKHEAD. It is late in the afternoon, and we are not going to make much more progress on the bill, and this is an important matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

METROPOLITAN POLICE

SALARIES

For the pay and allowances of officers and members of the Metropolitan police force, in accordance with the act entitled "An act to fix the salaries of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," including compensation at the rate of $1,860 per annum for the present assistant property clerk of the police department, $2,694,727.08.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to proceed out of order for five minutes.

Mr. SIMMONS. Reserving the right to object, the gentleman had time this afternoon and I desire to finish the reading of the provisions with relation to the police department this afternoon. I have assured Members that the House will adjourn at 5 o'clock.

Mr. GARNER of Texas. Will the gentleman yield before he makes objection?

Mr. SIMMONS. I have already objected.

Mr. BANKHEAD. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Alabama makes the point that there is no quorum present. The Chair will count.

Mr. SIMMONS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, 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. 11133, the District of Columbia appropriation bill, and had come to no resolution thereon.

THE COMMITTEE ON MERCHANT MARINE

Mr. WHITE of Maine. Mr. Speaker, on Monday next the Merchant Marine Committee of the House will begin hearings on the various propositions for merchant marine legislation. By authority of the committee I ask unanimous consent that it may sit during sessions of the House while that legislation is before us.

Mr. GARNER of Texas. Mr. Speaker, the gentleman from Tennessee [Mr. GARRETT], in reply to suggestions of that kind, invariably asks the Member to make his request for 30 days, and at the end of that time, if occasion requires, permission could be asked for an extension of the time. I hope the gentleman from Maine will comply with that proposition, for the gentleman from Tennessee does not happen to be present.

Mr. WHITE of Maine. Mr. Speaker, I will modify my request to that extent. I hope before the 30 days have passed that we will have concluded the hearings and reported the legislation to the House.

The SPEAKER. The gentleman from Maine, by authority of the Committee on Merchant Marine, asks unanimous consent that that committee may sit during the sessions of the House during the next 30 days. Is there objection?

There was no objection.

ADJOURNMENT

Mr. SIMMONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Friday, February 24, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, February 24, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend and reenact section 105, chapter 5, of the Judicial Code (H. R. 154).

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 203).

Extending the provisions of existing laws for deportation of aliens and defining the manufacture or sale of intoxicants as a crime involving moral turpitude (H. R. 5688).

EXECUTIVE COMMUNICATIONS, ETC.

373. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Nantucket Sound, Mass., with a view to the removal of shoals in the vicinity of Cross Rip Shoals Light (H. Doc. No. 182), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 98. A resolution providing for a temporary assistant clerk to the Committee on Invalid Pensions (Rept. No. 737). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 100. A resolution providing for a clerk and janitor to the Committee on Expenditures in the Executive Departments (Rept. No. 738). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 104. A resolution to pay six months' salary and funeral expenses to Erma Russell, on account of the death of Aaron Russell, late an employee of the House (Rept. No. 739). Ordered printed.

Mr. MCSWAIN: Committee on Military Affairs. H. J. Res. 177. A joint resolution authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes; without amendment (Rept. No. 740). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOUSTON of Hawaii: Committee on Military Affairs. H. R. 5805. A bill to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made; with amendment (Rept. No. 741). Referred to the Committee of the Whole House on the state of the Union.

Mr. PORTER: Committee on Foreign Affairs. H. R. 9043. A bill to authorize the payment of an indemnity to the Government of France on account of losses sustained by the owners of the French steamship *Madeleine* as a result of a collision between it and the U. S. S. *Kerwood;* without amendment (Rept. No. 742). Referred to the Committee of the Whole House on the state of the Union.

Mr. JACOBSTEIN: Committee on Labor. H. R. 6848. A bill to create in the Bureau of Labor Statistics of the Department of Labor a division of safety; without amendment (Rept. No. 745). Referred to the Commtitee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 10360. A bill to confer additional jurisdiction upon the Court of Claims under an act entitled "An act authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims," approved May 14, 1926; without amendment (Rept. No. 746). Referred to the Committee of the Whole House on the state of the Union.

Mr. QUIN: Committee on Military Affairs. H. R. 11197. A bill to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co., upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.; without amendment (Rept. No. 747). Referred to the Committee of the Whole House on the state of the Union.

Mr. JEFFERS: Committee on Election of President, Vice President, and Representatives in Congress. H. R. 7373. A bill providing for the meeting of electors of President and Vice President and for the issuance and transmission of the certificates of their selection and of the result of their determination, and for other purposes; with amendment (Rept. No. 750). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LINTHICUM: Committee on Foreign Affairs. H. R. 9411. A bill for the relief of Maurice P. Dunlap; without amendment (Rept. No. 743). Referred to the Committee of the Whole House.

Mr. MARTIN of Massachusetts: Committee on Foreign Affairs. H. J. Res. 147. A joint resolution for the relief of the estate of the late Max D. Kirjassoff; without amendment (Rept. No. 744). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 11094. A bill to correct the military record of William Estes; without amendment (Rept. No. 748). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. S. 1287. An act for the relief of the Near East Relief (Inc.); with amendment (Rept. No. 749). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3684) granting an increase of pension to Sarah A. Pickett; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3685) granting an increase of pension to Mary E. Daniels; Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

A bill (H. R. 11253) granting an increase of pension to Alvira J. Conner; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota: A bill (H. R. 11350) to amend the World War veterans' act, approved June 7, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. MACGREGOR: A bill (H. R. 11351) to exempt American Indians born in Canada of tribes formerly settled in the United States from the operation of the immigration act of 1924; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: A bill (H. R. 11352) amending Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia to provide protection on the lives of children by fraternal beneficial associations; to the Committee on the District of Columbia.

By Mr. WELCH of California: A bill (H. R. 11353) directing the Interstate Commerce Commission to investigate certain practices of the American Telephone & Telegraph Co. and its subsidiary companies and the Western Electric Co. and its subsidiary companies; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 11354) to provide for the improvement and modernization of the Western Public Market in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. QUIN: A bill (H. R. 11355) for the relief of Navy personnel and civilian employees of the Navy who suffered loss of household and personal effects due to the earthquake and fire in Japan in September, 1923; to the Committee on Naval Affairs.

By Mr. ROWBOTTOM: A bill (H. R. 11356) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Rockport, Ind.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11357) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Ohio River at or near Evansville, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. CONNALLY of Texas: A bill (H. R. 11358) to provide for the orderly marketing of the surplus of staple agricultural commodities through Federal agricultural export corporations and for the stabilization of the prices of such commodities through the issuance of export debentures; to the Committee on Agriculture.

By Mr. LEAVITT: A bill (H. R. 11359) for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. SMITH: A bill (H. R. 11360) to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. DICKINSON of Missouri: A bill (H. R. 11361) to amend the World War veterans' act as amended; to the Committee on World War Veterans' Legislation.

By Mr. AUF DER HEIDE: A bill (H. R. 11362) to authorize and direct the United States Shipping Board to sell certain property of the United States situated in the city of Hoboken, N. J.; to the Committee on the Merchant Marine and Fisheries.

By. Mr. ENGLAND: A bill (H. R. 11363) authorizing J. B. Thomas, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across New River at or near Prince, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. WINTER: A bill (H. R. 11364) to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.; to the Committee on Indian Affairs.

Also, a bill (H. R. 11365) to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States; to the Committee on Indian Affairs.

By Mr. TIMBERLAKE: Joint resolution (H. J. Res. 214) authorizing the restoration of a limitation on the importation free of duty of Philippine sugar; to the Committee on Ways and Means.

By Mr. HAUGEN: Joint resolution (H. J. Res. 215) to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act; to the Committee on Agriculture.

By Mr. McSWAIN: Joint resolution (H. J. Res. 216) to authorize the study of the battle fields of Blackstock and Musgroves Mill; to the Committee on Military Affairs.

By Mr. BLOOM: Concurrent resolution (H. Con. Res. 22) providing that Congress observe as international good will day May 21, 1928, the first anniversary of the epoch-making flight of Col. Charles A. Lindbergh from New York City to Paris, France, and for other purposes; to the Committee on Rules.

By Mr. KINDRED: Resolution (H. Res. 123) that the Speaker appoint a select committee to consist of five Members of the House to conduct an investigation of the official acts of the Federal Trade Commission, especially with reference to the so-called Aluminum Trust, the so-called Bread or Baking Trust, and all other trusts or combinations dealing in household commodities or articles of food, etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BRAND of Ohio: A bill (H. R. 11366) granting an increase of penison to Ada M. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11367) granting an increase of pension to Mary A. Ackley; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 11368) for the relief of Lieut. Commander W. L. Culbertson; to the Committee on Naval Affairs.

By Mr. CHINDBLOM: a bill (H. R. 11369) for the relief of Nicholas Pascaly; to the Committee on Claims.

By Mr. CORNING: A bill (H. R. 11370) for the relief of Samuel Gettinger and Harry Pomerantz; to the Committee on Claims.

By Mr. CRAIL: A bill (H. R. 11371) granting a pension to George W. Dunaway; to the Committee on Pensions.

Also, a bill (H. R. 11372) granting a pension to Robert A. Johnstone; to the Committee on Pensions.

Also, a bill (H. R. 11373) granting a pension to Sarah M. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11374) for the relief of Arden C. Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 11375) granting an increase of pension to Sarah P. Huff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11376) granting an increase of pension to Carrie T. C. Brown; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 11377) for the relief of Samuel Weinstein; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 11378) granting an increase of pension to Sarah Ellen Adams; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 11379) granting an increase of pension to Alice A. Jackman; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11380) granting a pension to John Hofmann; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 11381) for the relief of William E. Bliss; to the Committee on Claims.

By Mr. FURLOW: A bill (H. R. 11382) granting an increase of pension to Mary Fallon; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 11383) for the relief of Angenora Hines; to the Committee on Military Affairs.

By Mr. HARE: A bill (H. R. 11384) to authorize and direct the Intermediate Credit Bank, of Columbia, S. C., to credit certain notes and mortgages discounted for South Carolina Agricultural Credit Co.; to the Committee on Banking and Currency.

By Mr. HARDY: A bill (H. R. 11385) for the relief of Dr. Andrew J. Baker; to the Committee on War Claims.

By Mr. JOHNSON of Indiana: A bill (H. R. 11386) granting a pension to Sarah J. Adams; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 11387) granting an increase of pension to Hannah E. Odell; to the Committee on Invalid Pensions.

By Mr. MacGREGOR: A bill (H. R. 11388) granting a pension to Joseph Dossinger; to the Committee on Pensions.

By Mr. MOONEY: A bill (H. R. 11389) granting a pension to Harry A. Thompson; to the Committee on Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 11390) granting an increase of pension to Amelia Drake; to the Committee on Invalid Pensions.

By Mr. NORTON of Nebraska: A bill (H. R. 11391) granting a pension to Martha E. Tipton; to the Committee on Invalid Pensions.

By Mr. O'BRIEN: A bill (H. R. 11392) granting an increase of pension to Matilda L. Hardman; to the Committee on Pensions.

Also, a bill (H. R. 11393) granting an increase of pension to Mary P. Crawford; to the Committee on Pensions.

By Mr. PEAVEY: A bill (H. R. 11394) granting an increase of pension to Nicholas G. Penfound; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 11395) granting an increase of pension to Georgia G. Biggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11396) granting an increase of pension to Kate Mathews; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 11397) for the relief of Robert T. Jackson; to the Committee on Claims.

By Mr. SANDERS of New York: A bill (H. R. 11398) granting a pension to Anna Myers; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 11399) granting a pension to John W. Strausser; to the Committee on Pensions.

By Mr. STOBBS: A bill (H. R. 11400) granting a pension to Michael Mulcahy; to the Committee on Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11401) granting a pension to Phoebe W. Hooper; to the Committee on Invalid Pensions.

By Mr. WOLVERTON: Resolution (H. Res. 124), paying $1,200 to John T. Kelly for services rendered the Sixty-eighth and Sixty-ninth Congresses; to the Committee on Accounts.

PETITIONS, ETC.

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

4376. By Mr. BACHMANN: Petition of Edna Reiner and 54 other citizens of Wheeling, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4377. By Mr. BERGER: Memorial of the Federated Trades Council of Milwaukee and its 125 affiliated unions, appealing for the enactment of Senate bill 3116 and House bill 10359, which will establish the 44-hour work week in certain departments of the Government; to the Committee on the Civil Service.

4378. By Mr. CHINDBLOM: Petition of P. Nelson, of Chicago, Ill., and 533 other citizens, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4379. By Mr. CRAMTON: Petition of Rev. H. Z. Davis and 19 other residents of St. Clair, Mich., protesting against the passage of any compulsory Sunday observance bill; to the Committee on the District of Columbia.

4380. By Mr. CURRY: Petition of State, county, and municipal officials and others of the third California district, against House bill 78; to the Committee on the District of Columbia.

4381. By Mr. DAVEY: Petitions signed by citizens of Portage County, Ohio, protesting against the passage of House bill 78, the Lankford bill; to the Committee on the District of Columbia.

4382. Also, petitions signed by citizens of Elyria and Lorain Counties, Ohio, in behalf of bill providing for pensions for Civil War veterans and Civil War widows; to the Committee on Invalid Pensions.

4383. Also, petitions signed by citizens of Akron and Summit Counties, Ohio, in behalf of bill providing for pensions for Civil War veterans and Civil War widows; to the Committee on Invalid Pensions.

4384. By Mr. DOUGLAS of Arizona: Petitions from various towns in the State of Arizona, protesting against House bill 78, introduced by Congressman Lankford; to the Committee on the District of Columbia.

4385. By Mr. ENGLEBRIGHT: Petition of citizens of Crescent Mills, Blairsden, Spring Garden, Alturas, and Quincy, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4386. Also, petition of citizens of Angels Camp, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4387. Also, petition of citizens of Red Bluff, Calif., urging increase of pensions for the widows and veterans of the Civil War; to the Committee on Invalid Pensions.

4388. By Mr. EVANS of California: Petition of Henry G. Dillon and approximately 30 others, against compulsory Sunday observance; to the Committee on the District of Columbia.

4389. Also, petition of citizens of Los Angeles, Calif., protesting against compulsory Sunday observance law; to the Committee on the District of Columbia.

4390. By Mr. FRENCH: Petition of citizens of Viola, Samuels, Lewiston, and Spaulding Counties, Idaho, protesting against compulsory Sunday observance law; to the Committee on the District of Columbia.

4391. By Mr. GALLIVAN: Petition of F. S. Snyder, Batchelder & Snyder Co., 47-63 Blackstone Street, Boston, Mass., protesting against enactment of Senate bill 2506 and House bill 9288; to the Committee on Agriculture.

4392. By Mr. GARBER: Letter of J. W. Coover, of Sharon, Okla., in support of bill for retirement of employees coming under civil service rule, after 30 years of service, providing he is 55 years of age; to the Committee on the Civil Service.

4393. Also, letter of the Queensberry Club, by H. T. Nichols, recording secretary, of Washington, D. C., in support of House bill 7736 to legalize amateur boxing in the District of Columbia; to the Committee on the Judiciary.

4394. Also, letter of J. F. Via, manager of Palace Theater, of Blackwell, Okla., in support of Senate bill 1667 in re motion-picture industry; to the Committee on Interstate and Foreign Commerce.

4395. By Mr. HANCOCK: Petition signed by Sarah Armstrong and other residents of Syracuse, N. Y., advocating increase of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4396. By Mr. HOWARD of Nebraska: Resolution adopted by Neligh Post, Grand Army of the Republic, and approved by the Woman's Relief Corps and the Daughters of Union Veterans, of Neligh, Nebr., favoring the Morgan pension bill; to the Committee on Invalid Pensions.

4397. By Mr. JOHNSON of Indiana: Petition of voters of Rockville, Ind., for the increase of Civil War pensions; to the Committee on Invalid Pensions.

4398. By Mrs. KAHN: Petition of the employees of the St. Francis Theater, San Francisco, Calif., protesting against the passage of the Brookhart bill (S. 1667) relating to distribution of motion pictures; to the Committee on Interstate and Foreign Commerce.

4399. By Mr. KEARNS: Petition of sundry citizens of Bethel, Ohio, praying for the adoption of measures to bring about more satisfactory conditions of radio broadcasting; to the Committee on the Merchant Marine and Fisheries.

4400. Also, petition from citizens of Georgetown, Ohio, in opposition to the building of a competitive Navy; to the Committee on Appropriations.

4401. Also, petition from citizens of Pike County, Ohio, protesting against the building of additional warships; to the Committee on Appropriations.

4402. By Mr. KINDRED: Resolution of the Good Citizenship League of Flushing, demanding more adequate appropriation and more determined enforcement for the antinarcotic work of city and National Government; to the Committee on Ways and Means.

4403. By Mr. KOPP: Petition of citizens of Fort Madison, Iowa, protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4404. Also, petition of citizens of Croton, Iowa, protesting against passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4405. By Mr. KORELL: Petition of citizens of Portland, Oreg., urging that immediate steps be taken to bring to a vote a Civil War pension bill in order that relief may be accorded to veterans and their widows; to the Committee on Invalid Pensions.

4406. By Mr. KVALE: Petition of members of the Lac qui Parle Cooperative Oil Co., Dawson, Minn., favoring passage of the McNary-Haugen bill with the equalization fee included; to the Committee on Agriculture.

4407. By Mr. LINTHICUM: Petition of Railway Mail Association of Baltimore, Md., indorsing House bills 25 and 88; to the Committee on the Post Office and Post Roads.

4408. Also, petition of Baltimore Chamber of Commerce and J. Schoeneman, of Baltimore, Md., urging relief for the Mississippi Valley flood situation; to the Committee on Flood Control.

4409. Also, petition of DeCourcy W. Thom, of Baltimore, Md., objecting to House bill 5729, for the purpose of turning Mena National Forest, in western Arkansas, into a national park to be entitled the "Ouachita National Park"; to the Committee on the Public Lands.

4410. Also, petition of Delane Brown (Inc.), Baltimore, Md., indorsing House bill 9296, providing for changes in postal rates; to the Committee on the Post Office and Post Roads.

4411. Also, petition of the Kimball-Tyler Co., of Baltimore, indorsing McSweeney-McNary bills (H. R. 6091 and S. 1183) on forest conservation; to the Committee on Agriculture.

4412. By Mr. McFADDEN: Petition of residents of Susquehanna County, Pa., granting relief to veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4413. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting passage of House bill 78; to the Committee on the District of Columbia.

4414. Also, petition of citizens of Seattle, Wash., and community indorsing House bills 492 and 6518; to the Committee on the Civil Service.

4415. By Mr. MORIN: Petition of the Pittsburgh Electrotypers Union, No. 68, Alvin E. Abraham, president, and William J. Walters, secretary, of Pittsburgh, Pa., urging passage of Dale-Lehlbach bill, so as to permit optional retirement after 30 years' service with an annuity of $1,200 per year; to the Committee on the Civil Service.

4416. By Mr. MORROW: Petition of Federal employees at Fort Stanton, N. Mex., favoring the Welch and Lehlbach bills; to the Committee on the Civil Service.

4417. By Mr. NEWTON: Petition of C. E. Powers, of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

4418. By Mr. O'CONNELL: Petition of the Central Box Co., of Brooklyn, N. Y., favoring the passage of the McSweeney-McNary bill (H. R. 6091); to the Committee on Agriculture.

4419. Also, petition of the Illinois Bankers Association, favoring the passage of the McNary-Haugen bill, as approved by the American Farm Bureau Federation; to the Committee on Agriculture.

4420. By Mr. OLDFIELD: Petition of Martha A. Moore and others, of Bald Knob, Ark., favoring increases in Civil War pensions; to the Committee on Invalid Pensions.

4421. By Mr. SANDERS of New York: Petition of Norman P. Reynolds, of Darien Center, N. Y., and signed by Will M. Eastman and 182 other citizens of Attica, N. Y., protesting against the passage of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4422. Also, petition of George Rogers and 90 other citizens of Darien Center, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4423. Also, petition of C. E. Curtis and 36 other citizens of Corfu, N. Y., protesting against the passage of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4424. By Mr. SELVIG: Petition of Kay-dugi-gwon-ay-aush and 95 Chippewa Indians of the White Earth Indian Reservation in Minnesota, urging the enactment of a $50 per capita payment; to the Committee on Indian Affairs.

4425. By Mr. SMITH: Petition signed by W. H. Winter and 23 other residents of Boise, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4426. Also, petition signed by Mrs. James C. Lee and 39 other residents of Pocatello, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4427. By Mr. THOMPSON: Petition of citizens of Bryan, Ohio, urging higher pension rates for Civil War veterans and widows; to the Committee on Invalid Pensions.

4428. Also, petition of Brotherhood of Salem Church, of Venedocia, Ohio, protesting against the passage of House bill 7359, providing for extensive additions to the Navy; to the Committee on Naval Affairs.

4429. By Mr. WATSON: Resolution passed by the Solebury Monthly Meeting of the Religious Society of Friends, in opposition to proposed increase of the Naval Establishment; to the Committee on Naval Affairs.

4430. Also, resolution from Radnor Monthly Meeting of the Religious Society of Friends, in opposition to the proposed increase of the Naval Establishment; to the Committee on Naval Affairs.

4431. By Mr. WYANT: Petition of Emily E. Woodley Tent No. 24, Daughters of Union Veterans, Greensburg, Pa., favoring legislation to preserve the flags of the Civil and other wars; to the Committee on the Library.

4432. Also, petition of G. M. Barrow, of Westinghouse Electric & Manufacturing Co., Derry, Pa., favoring establishment of adequate and efficient merchant marine; to the Committee on the Merchant Marine and Fisheries.

4433. Also, petition of Golden Bar Sisterhood No. 194, Dames of Malta, favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4434. Also, petition of Onward Men's Bible Class of the First Presbyterian Church, of Murraysville, Pa., favoring passage of Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

4435. Also, petition of Friendship Ladies' Bible Class of First Presbyterian Church, of Murraysville, Pa., favoring passage of Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

4436. Also, petition of voters of Westmoreland County, Pa., favoring passage of National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

4437. Also, petition of Washington Camp, No. 627, Patriotic Order Sons of America, of Salina, Pa., by A. A. Campbell, box 43, Edmon, Pa., favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4438. By Mr. ZIHLMAN: Petition of Emma S. Newcomer and numerous citizens of Washington and Frederick Counties, Md., protesting against the enactment of House bill 78, or any compulsory Sunday observance laws; to the Committee on the District of Columbia.