78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5075. Also, petition of R. T. Ballard and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5076. Also, petition of M. J. Riley and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5077. Also, petition of K. M. Kendrick and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5078. Also, petition of Mrs. C. E. Gheen, Alma D. Poole, and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5079. Also, petition of I. N. Rich, Mrs. I. N. Rich, Ruth Rich, Mrs. R. R. Rich, R. R. Rich, and M. E. Rich, residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5080. By Mr. MORIN: Petition of Masters, Mates, and Pilots Association of America, Local No. 25, of Pittsburgh, Pa., opposing favorable report on House bill 11137, on basis of resolution passed at regular meeting on March 6; to the Committee on the Merchant Marine and Fisheries.

5081. By Mr. O'CONNELL: Petition of the International Seamen's Union of America, favoring the Senate amendment to the appropriation for the Shipping Board providing that none of the appropriation shall be used to sustain the sea-service bureau; to the Committee on Appropriations.

5082. Also, petition of the joint legislative committee of the radio industry, Washington, D. C., favoring Federal Radio Commission be extended until March 15, 1929, that the appointment of members of the commission be for terms provided in the radio act of 1927; that the principle of equitable distribution of radio service established in the radio act of 1927 be maintained without adding the arbitrary requirement of a physical equality of distribution which would be without precedent in legislative history; to the Committee on the Merchant Marine and Fisheries.

5083. Also, petition of the New York Photo Engravers' Union, No. 1, New York City, favoring the passage of the Shipstead-LaGuardia bill (S. 1482) and the Cooper-Hawes bill (S. 1940 and H. R. 7729); to the Committee on Labor.

5084. By Mr. OLDFIELD: Petition of Louisa Hickman et al., Denmark, Ark., urging favorable action of proposed increase of pensions of veterans of Civil War and their widows; to the Committee on Invalid Pensions.

5085. By Mr. ROMJUE: Petition of E. S. Binger, W. A. Tweed, et al., in behalf of the Liberty Farm Club, of Williamstown, Mo., for a farm relief bill with an equalization fee; to the Committee on Agriculture.

5086. By Mr. SELVIG: Petition of Joe Rapacz and 19 farmers and residents of Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5087. Also, petition of Joseph A. Roesch and three farmers and residents of Ada, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5088. Also, petition of D. B. Smiley and 39 farmers and residents of Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5089. Also, petition of A. A. Dragseth and six farmers and residents of Eldred, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5090. Also, petition of Lewis E. Sande and eight farmers and residents of Alvarado, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5091. Also, petition of Dick Wibbels and 18 farmers and residents of Mahnomen County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5092. By Mr. SINNOTT: Petition of 170 citizens of Pendleton, Oreg., protesting against enactment of House bill 78, the Lankford bill, or similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5093. By Mr. STRONG of Pennsylvania: Petition of citizens of Hawthorn, Pa., and vicinity, in favor of increasing the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5094. By Mr. SUMMERS of Washington: Petition signed by John F. Erickson and 122 others of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5095. Also, petition signed by Ven Harvey and seven others of Prescott, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5096. By Mr. SWING: Petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5097. Also, petition of citizens of National City, Calif., urging passage of Civil War pension bill providing relief for needy and suffering veterans and widows; to the Committee on Invalid Pensions.

5098. Also, petition of citizens of Orange, Calif., urging passage of Civil War pension bill providing relief for needy and suffering veterans and widows; to the Committee on Invalid Pensions.

5099. Also, petition of residents of San Diego, Calif., urging immediate legislation increasing the pensions of Civil War veterans and the widows of such veterans; to the Committee on Invalid Pensions.

5100. By Mr. TAYLOR of Colorado: Petition from the women voters of Grand Junction, Colo., urging the passage of the alien deportation bill (H. R. 10078); to the Committee on Immigration and Naturalization.

5101. By Mr. WASON: Petition of 47 residents of Keene, N. H., protesting against the passage of House bill 78, known as the Sunday closing bill; to the Committee on the District of Columbia.

5102. By Mr. WELCH of California: Petition submitted by United States Employees Association, San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of the Federal employees; to the Committee on the Civil Service.

5103. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., protesting against the enactment of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5104. By Mr. WYANT: Petition of Department of Pennsylvania, Veterans of Foreign Wars of the United States, indorsing plan of President Coolidge for an adequate United States Navy; to the Committee on Naval Affairs.

5105. Also, petition of 550 members of First Presbyterian Church, Irwin, Pa., favoring passage of Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

5106. Also, petition of Pennsylvania State Chamber of Commerce, by George E. Foss, general secretary, protesting against Sirovich bill (H. R. 6511); to the Committee on Labor.

SENATE

THURSDAY, *March 8, 1928*

(Legislative day of Tuesday, March 6, 1928)

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

PETITIONS AND MEMORIALS

Mr. EDGE presented a communication from Mary P. Shelton, president of the Leonia Women's Republican Club, of Leonia, N. J., with accompanying resolutions unanimously adopted by that club, which were referred to the Committee on Naval Affairs and, on request of Mr. EDGE, ordered to be printed in the RECORD, as follows:

127 GLENWOOD AVENUE,
Leonia, N. J., March 3, 1928.

Hon. WALTER E. EDGE,
Washington, D. C.

DEAR SENATOR EDGE: I have the honor to present to you a set of resolutions passed by the Leonia Women's Republican Club.

It is a special pleasure to us to stay the hand of those in whom we have such confidence.

Most respectfully,

(Mrs. W. B. S.) MARY P. SHELTON,
President Leonia Women's Republican Club.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Resolution unanimously adopted by Leonia Women's Republican Club February 24, 1928

Whereas the members of the Leonia Women's Republican Club assembled at their regular meeting Friday, February 24, 1928, discussed the naval appropriation bill, approved by the President of the United States and by the Secretary of the Navy; and

Whereas an organized movement to prevent the passage of this measure has petitioned our representatives against this program of peace-time security which would bring our common defense up to the 5-5-3 ratio agreed upon at the Washington conference; and

Whereas we believe it to be the sworn duty of our Representatives to uphold our constitutional defense and protection against insurrection from within and invasion from without, from piracy upon the high seas; to protect our coasts and ports; to protect our nationals at home and abroad, and to insure the right of asylum to our nationals in other countries; and

Whereas it is the belief of the members of the Leonia Women's Republican Club that the program of pacifists to make us defenseless under the guise of some idealistic leadership is the direct mandate of enemies to constitutional government and a conspiracy to make us a defenseless nation against stronger nations, thereby weakening our independent position gained after 150 years of successful government under the plan laid down by Washington, Jefferson, Madison, and Jay; and

Whereas the members of the Leonia Women's Republican Club wish to indorse and support the obviously essential program approved by the administration for our peace needs as well as for war insurance: Be it

Resolved, That this organization send to the President of the United States and to the Secretary of the Navy, as well as to Senators WALTER E. EDGE, EDWARD I. EDWARDS, and Congressman RANDOLPH PERKINS our earnest supplication that they assure our security by supporting the naval appropriation bill; be it further

Resolved, That at this time we voice our earnest approval and appreciation of positions assumed by our Representatives in the past for our welfare and general protection in other measures; be it further

Resolved, That a copy of this resolution be incorporated in the reports and minutes of this organization and sent to the press.

Mr. METCALF presented a communication in the nature of a memorial from the Governors of the States of Connecticut, Rhode Island, Vermont, and New Hampshire, which was ordered to lie on the table and to be printed in the RECORD, as follows:

To the Congress of the United States:

As governors of some of the States of the United States which are to be affected by the passage by Congress of the Hawes bill now pending in the Senate and the Cooper bill now pending in the House of Representatives, we urge your earnest consideration of the advisability of enacting into law the principle contained in these measures.

We believe that the passage of this legislation may be the entering wedge to the adoption of such laws as will ultimately result in permitting a State to determine with what States it will carry on interstate business, a principle which should not be extended beyond the scope of the police power.

Further than this, we feel that every State would be obliged to pass statutes prohibiting the sale of the goods covered by such legislation for its own protection, thus completely destroying the market for such goods and bringing about a condition of unemployment in prisons and correctional institutions to the serious injury of the inmates thereof and a great increase in expense of maintenance of such institutions.

It is therefore our opinion that this legislation ought not to pass.

Respectfully submitted.

JOHN H. TRUMBULL,
Governor of Connecticut.
NORMAN S. CASE,
Governor of Rhode Island.
JOHN E. WEEKS,
Governor of Vermont.
H. N. SPAULDING,
Governor of New Hampshire.

Mr. FESS presented petitions of sundry citizens of Limaville, Downington, and Ada and vicinity, all in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WALSH of Montana presented a petition of sundry citizens of Forsyth and Rosebud County, Mont., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

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

Mr. FRAZIER presented the petition of Ruth Young and 18 other citizens of Moffitt, N. Dak., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. BRUCE presented a petition of sundry citizens of Hagerstown, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented petitions of sundry citizens of Columbus, Downington, Willard, and Meigs County, all in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. CAPPER presented a petition of sundry citizens of Lincoln, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

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

He also presented a memorial of members of the faculty and students of Mount Morris College, Mount Morris, Ill., remonstrating against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented memorials numerously signed by citizens of the State of Illinois, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BLAINE presented a memorial of sundry citizens of Antigo, Wis., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

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

Mr. COPELAND presented a letter, in the nature of a petition, from the Erie County (N. Y.) Committee, the American Legion, praying for the passage of legislation to establish a national institute of health, which was referred to the Committee on Commerce.

He also presented a letter, in the nature of a petition, from the Erie County (N. Y.) Committee, the American Legion, praying for the passage of the bill (S. 2370) to amend section 24 of the immigration act of 1917, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Woodstock and Horseheads, in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a telegram from the King Manufacturing Co., of Buffalo, N. Y., favoring the "continuance of the Federal Radio Commission present allocation of stations geographically," which was referred to the Committee on Interstate Commerce.

He also presented a telegram from the Paulist Fathers, Radio Station WLWL, of New York, N. Y., protesting against the passage of pending radio legislation with amendment for equal allocation to each of the five zones, which was referred to the Committee on Interstate Commerce.

He also presented a telegram signed by Harold O. Quick, manager broadcasting station WSYR, of Syracuse, N. Y., stating "we believe highest power should be assigned to stations with best programs and powerful stations should be located where best talent, material, and educational features are easily available and where the tremendous financial outlay necessary may show some reasonable return," which was referred to the Committee on Interstate Commerce.

Mr. NORBECK presented petitions numerously signed by citizens of Watertown, S. Dak., praying for the passage of legislation establishing a national board to censor magazines and books, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3555) 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, reported it without amendment and submitted a report (No. 500) thereon.

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

A bill (S. 3007) to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex. (Rept. No. 501); and

A bill (H. R. 8824) to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex. (Rept. No. 502).

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 3026) authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz., reported it without amendment and submitted a report (No. 503) thereon.

Mr. METCALF, from the Committee on Interstate Commerce, to which was referred the joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, reported it without amendment and submitted a report (No. 504) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2828) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," reported it with an amendment and submitted a report (No. 505) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 8, 1928, that committee presented to the President of the United States the following enrolled bills:

S. 700. An act authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for the conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes;

S. 771. An act providing for the gift of the U. S. S. *Dispatch* to the State of Florida;

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes;

S. 2342. An act providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States; and

S. 2902. An act authorizing the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.

BILLS INTRODUCED

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

By Mr. McNARY:

A bill (S. 3556) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NEELY:

A bill (S. 3557) granting an increase of pension to Leslie Harding; to the Committee on Pensions.

A bill (S. 3558) authorizing Point Pleasant Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.; to the Committee on Commerce.

By Mr. WATSON:

A bill (S. 3559) to create a special highway fund from the proceeds of the sale of surplus war material, highway equipment, and supplies to the Government of France; to the Committee on Post Offices and Post Roads.

By Mr. MAYFIELD:

A bill (S. 3560) authorizing the issuance of service medals to officers and enlisted men of the brigade of Texas Infantry organized under authority from the War Department during the World War, and authorizing an appropriation therefor; and further authorizing the wearing by such officers and enlisted men on occasions of ceremony of the uniform lawfully prescribed to be worn by them during their service; to the Committee on Military Affairs.

By Mr. WALSH of Massachusetts:

A bill (S. 3561) to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor; to the Committee on Education and Labor.

By Mr. WAGNER:

A bill (S. 3562) to establish a landing field for aircraft at Governors Island, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 3563) granting an increase of pension to Emily R. Albee (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 3564) for the relief of J. A. Teat, F. E. Leach, and J. L. McMillan; to the Committee on Claims.

By Mr. BLAINE:

A bill (S. 3565) to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. COPELAND:

A bill (S. 3566) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes;

A bill (S. 3567) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *San Tirso* against the United States, and for other purposes; and

A bill (S. 3568) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. CARAWAY:

A bill (S. 3570) for the relief of Claude L. Pyle; to the Committee on Claims.

By Mr. TYSON:

A bill (S. 3571) granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emory River at Suddaths Ferry, in Roane County, Tenn.; to the Committee on Commerce.

FLOOD CONTROL

Mr. JONES. Mr. President, I feel I should make a brief statement about the flood control bill reported to the Senate by the Commerce Committee. Telegrams are sent out and editorials written opposing the bill based upon something supposed to be in the bill, which is, in fact, expressly negatived by the terms of the bill. It is asserted that the bill provides for a commission to investigate the capacity of States, districts, and communities to contribute toward the cost of flood-control works and to determine the amount of such contributions. No commission is provided in the bill to do anything of this kind. On the contrary, section 2 of the bill expressly declares that by the expenditure of nearly $300,000,000 the communities embraced in the project adopted have largely complied with the principle of contribution. Practically all the contribution called for is the payment of one-third of the cost of bringing the main levees up to the 1914 standard and the furnishing of rights of way for levees along the main river where the same have not already been provided. This latter condition can be met at very slight expense. The Chief of Engineers estimates that one-third of the cost of bringing the main levees up to the 1914 standard is about $4,000,000 if the plan of the Chief of Engineers is adopted. If the plan of the Mississippi River Commission is adopted, covering a portion of the tributaries, this cost will be about $14,000,000. When the magnitude of the work is considered, such contributions are very small.

A board is provided in the bill, but that board is to consider only the engineering differences between the plan of the engineers and the plan of the Mississippi River Commission and has nothing whatever to do with the matter of contributions or the economic phases of the situation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed

without amendment the bill (S. 1531) authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia.

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

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 7459. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture;

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls;

H. R. 11026. An act to provide for the coordination of the public-health activities of the Government, and for other purposes;

H. R. 11579. An act relating to investigation of new uses of cotton;

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891; and

H. J. Res. 215. Joint resolution 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.

CALL OF THE ROLL

Mr. FLETCHER obtained the floor.

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sheppard
Barkley	Fess	McKellar	Shipstead
Bayard	Fletcher	McLean	Shortridge
Bingham	Frazier	McMaster	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Mayfield	Smoot
Blease	Glass	Metcalf	Steck
Borah	Gooding	Neely	Steiwer
Bratton	Gould	Norbeck	Stephens
Brookhart	Greene	Norris	Swanson
Broussard	Hale	Nye	Thomas
Bruce	Harris	Oddie	Tydings
Capper	Harrison	Overman	Tyson
Caraway	Hayden	Phipps	Wagner
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Curtis	Johnson	Ransdell	Warren
Cutting	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ark.	Watson
Dill	Keyes	Sackett	Wheeler
Edge	King	Schall	Willis

Mr. JONES. I desire to announce that the Senator from Vermont [Mr. DALE] is detained on official business.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. The Senator from Florida [Mr. FLETCHER] is entitled to the floor.

Mr. SMOOT. Will the Senator from Florida yield to me for a few moments?

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

ALLEGED REFUND OF TAXES TO WILLIAM RANDOLPH HEARST

Mr. SMOOT. Mr. President, I desire to read a letter into the RECORD to correct a certain statement which was made by the Senator from Alabama [Mr. HEFLIN], and I want to call his attention to the letter. The letter is dated March 5, 1928, and addressed to myself, from the Secretary of the Treasury, Mr. Mellon:

TREASURY DEPARTMENT,
Washington, March 5, 1928.

Hon. REED SMOOT,
United States Senate.

MY DEAR SENATOR: Under date of January 11, 1928, Senator HEFLIN addressed a communication to me in which he inquired what amounts of taxes, if any, had been refunded to William Randolph Hearst since I had become Secretary of the Treasury.

On January 16, 1928, I addressed the following communication to Senator HEFLIN:

"In your letter of January 11 you inquire what amounts of taxes, if any, have been refunded to William Randolph Hearst since I became Secretary of the Treasury.

"You are advised that no refunds of taxes have been made to Mr. Heart during that period."

It appears appropriate to bring this to your attention in view of the remarks of Senator HEFLIN appearing on page 3348 of the CONGRESSIONAL RECORD of February 21, 1928, as follows:

"The corporations in the main seem to be the ones who are to get it. I notice a refund is provided to the Washington News of over $300,000, and this is a presidential year! There are other newspapers which have had refunds in this presidential year involving thousands and tens of thousands of dollars. I understand Mr. Hearst had a refund of $600,000 or $700,000 in the last two or three years, and that he and Mr. Mellon have become exceedingly warm friends."

It is perhaps of interest to you to know that the Washington Daily News, to which Senator HEFLIN probably refers, received no refund from the Treasury Department. It is probable that the Senator has been misinformed concerning the case. Certainly in view of the letter addressed to the Senator on January 16, there is no basis for the statements made on February 21 in respect of the alleged refund to Mr. Hearst.

It occurs to me that you may wish to correct any impression that the erroneous statements by Senator HEFLIN may have left in the minds of his colleagues and have the RECORD show the true facts.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

Mr. HEFLIN. Mr. President, the letter of the Secretary of the Treasury does not say that he has not refunded taxes to any newspaper or other interest connected with Mr. Hearst. I have heard it talked around the Capitol, and other Senators have, I take it, that a large refund had been made to the Hearst interests. It has been talked for a month that it was the cause of the warm friendship which sprang up between the Secretary of the Treasury and Mr. Hearst. Of course, personally, I do not know as to that, but the letter does not cover that situation.

Now as to the Washington News, the press dispatches at the time this refund was given out carried that item. I think I have it in my office. Some one has told me that the refund was to some other News and that it was a mistake on the part of the reporters here in naming it the Washington News. I based my information on that statement in the press and on the other statements which had gone the rounds here.

I shall address another letter to Mr. Mellon, in which I shall inquire more in detail as to certain tax refunds. He has refunded over a billion dollars in taxes since he has been Secretary of the Treasury, and the Senate has not obtained the names of any persons to whom taxes have been refunded, except the list for which I called, which was sent here in response to a resolution adopted by the Senate after he declined to send the names without action by the Senate. I am going to ask him for more detailed information. Then, if I can not get it, I am going to ask the Senate to adopt another resolution.

Mr. SMOOT. Mr. President, I take it that the Secretary of the Treasury objected more particularly because in his letter to the Senator from Alabama on January 16 he made the statement that there was no refund made to the Hearst interests. Then, after that, on February 21 the Senator from Alabama made the statement which the Secretary has quoted in his letter. I suppose that is the reason why the Secretary of the Treasury finds fault with the Senator from Alabama.

Mr. HEFLIN. Mr. President, with regard to that, I desire to say that I have never seen such a letter. I wish to say, however, that since I spoke in this Chamber on the 18th of January on the Hearst-Catholic-Mexican scandal I have received thousands of letters, and there are two or three thousand of them in my office which I have not yet had an opportunity to read. Those letters come from every State in the Union, indorsing my position and commending my course, and it may be that that letter is there. I am going through those letters just as fast as I can, but, with my other duties here, it has been impossible to read them all. There are probably 3,000 which I have not read; it may be that that letter is in my office, but I have never seen it.

Mr. SMOOT. The Secretary of the Treasury quotes from his letter of January 16, I will say to the Senator. Does the Senator say that he did not get that letter?

Mr. HEFLIN. I repeat, I have not seen the letter. It may be that the Secretary's letter is in my office, but my secretary has not called it to my attention. I have never seen it.

Mr. SMOOT. I have simply read the letter into the RECORD in order to have the situation clear so far as concerns the statement made by the Senator from Alabama.

Mr. HEFLIN. I am glad to have the Secretary of the Treasury state his side, I would not deny him that right; I want

him to do that. I am merely telling why I made the statement, and, I repeat, I am going to call on him for a more detailed statement about Mr. Hearst and his interests.

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. FLETCHER. Mr. President, I look upon the question of dealing with Muscle Shoals as one involving a very important problem. It seems to me that we ought to do something with the plants which we have erected there at very great expense to the people and ought to make that great resource useful to the country. Some 12 years ago we appropriated $20,000,000 to start the enterprise. We have been waiting now year after year to determine what to do with that property. After spending some $14,000,000 for the construction of nitrate plant No. 1, it has remained idle; and, after spending $67,000,000 for the construction of nitrate plant No. 2, that remains idle. We spent some $64,000,000 on the Wilson Dam—Dam No. 2 as it is now called—and we are utilizing that to some extent in producing electrical energy and are selling the current to the Alabama Power Co.

The people of the country, and especially the farmers of the country, are obliged to have fertilizer. It is not a question of buying fertilizer every 10 years or every 5 years or every 2 years; they are obliged to have fertilizer every year. That need grows and increases. The original purpose of the development of the enterprise at Muscle Shoals was to produce fixed nitrogen in time of war and to produce fertilizer in time of peace. That has been constantly in the mind of Congress, but nothing has been done about it. The plants at Muscle Shoals are rusting away; they are still idle and we are getting no return, practically, on the investment we have made there.

I am anxious that we should determine upon a definite, fixed policy with reference to this enterprise. I think we have waited long enough; that we have wasted time, just as we have wasted energy and wasted power at Muscle Shoals. We ought to determine the question without further delay. In general, I find myself in accord with the views expressed by the able Senators from Alabama.

I confess to very keen disappointment at the measure the Committee on Agriculture and Forestry has laid before us after its great study and labor in the solution of this problem. I digress here to pay tribute to the distinguished Senator from Nebraska [Mr. NORRIS] for whose honesty of purpose, for whose great ability, patriotism, and statesmanship I have the very highest estimate. The country is indebted to him for the public service which he has rendered and is rendering; but he brings in what he confessedly says is a "compromise" measure, which, in my judgment, does not get us anywhere toward the solution of this problem. It may be the best that the committee could, on account of difference of views, and so forth, bring out; but it seems to me it does not in its final analysis bring us very far, if anywhere, toward a solution of this question.

If I were in the place of the Government, with all its resources behind me, I would be disposed to take a broader and more comprehensive view of the whole Tennessee River situation than is attempted at this time. The possibilities for power development on that river are almost unlimited. The navigation of the river is a very important matter to be considered; and, of course, the production of fertilizer is of vast importance to our agricultural interests and, therefore, to the whole country.

If I had the power to do so and had the resources of the Government behind me, I would consider the whole Tennessee River, with its beautiful valleys and fertile lands and prosperous cities and growing communities everywhere from its source to where it empties into the Ohio River. It has its source up in the hills and mountains of Kentucky, Virginia, North Carolina, and eastern Tennessee. It flows in a southwesterly direction to Chattanooga and then turns southward until it gets close to Muscle Shoals; then it turns in a westerly direction and again in a northerly direction and empties into the Ohio River not a great distance from Cairo, Ill.

The Cumberland River likewise empties into the Ohio a few miles above where the Tennessee pours into that great river. There are possibilities of power development on the Cumberland yet untouched, unsurveyed, even unconsidered. But speaking with reference to the Tennessee, we find it is navigable with a 6-foot channel from the Ohio River to Wilson Dam. Dam No. 1 was built at a cost of some $10,000,000. It develops no power; it serves no useful purpose except for navigation. Dam No. 2, or the Wilson Dam, forms a pool of some 16 miles, and the river is navigable up to that point. Passing from there, there is no navigation possible on the river of any continuous or worth-while sort. Here and there are navigable stretches at certain seasons only and with very light-draft boats.

The next dam on the river above Dam No. 2 is Hales Bar Dam, which was built some years ago at a cost of about $11,000,000. In laying the foundations a subterranean stream was struck, and it became necessary to pour in trainload after trainload of cement in order to fill that up. I understand Mr. Brady's estate charged off something like $7,000,000, and that property now, including the steam plant auxiliary to the water power, is owned, I think, by the Tennessee Power Co. or some subsidiary of that company. Power is transmitted for hundreds of miles from there. Another great purpose served by that dam was to make the river navigable at all seasons of the year with a 9-foot channel from there to Chattanooga and beyond. Under what is known as the Madden-Willis bill it is proposed to build Dam No. 3 north of Dam No. 2. That dam, if built, would make the river navigable for some 80 miles farther, and in that respect it would be an important improvement of navigation on the river.

The Government has adopted a policy of improving the rivers and harbors of the country for a period now extending over a hundred years; and it is entirely in line with the policy of the Government to build Dam No. 3 for navigation purposes as well as for the development of power that would follow as a consequence. Eighty miles of navigable channel would be produced by the building of Dam No. 3. It is estimated that it will cost $32,500,000; perhaps it would cost more, but $32,500,000 is the present estimate of the cost. With the building of that dam and probably one other dam at Guntersville on the river—which some power company is bound to build; in fact, application for a permit has already been filed for a site at Guntersville—we will have continuous navigation from the Ohio River up to Chattanooga and beyond.

Permits are being asked of the Power Commission for some other dams beyond Chattanooga on some sites already applied for, and those dams will be built by power companies if not by the Government. I should have no objection at all to having them built by the Government in the interest of navigation.

At what is called Shermans Dam a site has been selected, also at Sail Creek Dam, White Creek Dam, Marble Bluff Dam, and then we get up to Coulter Shoals Dam and up to Knoxville.

There is not any question at all in my mind but that those dams eventually will be built. Power companies are after them; but in every instance navigation will be promoted, and we shall finally have the Tennessee navigable up to Knoxville from the Ohio River.

A definite proposition, however, has been made by responsible parties for the building of the dam at Cove Creek, on the Clinch River, north of Knoxville and somewhat west. That dam is to be 225 feet high, and, according to the latest estimate of the Army engineers, is to cost $37,000,000. A reservoir covering an area of some 75,000 acres will be provided for it. That dam, if built, and the reservoir created by it, would be an auxiliary power plant extending to Muscle Shoals. It would provide water that would create a navigable depth on the Tennessee River from that point on through all the locks and dams to Muscle Shoals. That auxiliary power would exist without any cost for coal or other appliances or labor. It would be a perpetual auxiliary power plant, useful for all the purposes of navigation and of power from that point to Muscle Shoals. Not only that, but it would make the Clinch River, a tributary of the Tennessee, navigable for some 80 miles, clear into the coal fields of east Tennessee.

So that by building Cove Creek dam and by building Dam No. 3 the Tennessee will be made navigable from the Ohio River to the coal fields of east Tennessee, and on by Knoxville. That would be a very great accomplishment. It would be a great achievement for the Government itself and for the public. To illustrate what it would mean, we are spending now on the Ohio River, in locks and dams which will be completed next year, over $100,000,000 purely for navigation. Not one dollar of that money will ever come back to the Treasury. On the other hand, there is fastened upon the Government the cost of maintenance of those locks and dams, running through the centuries, probably amounting to at least $100,000 every year. That is what we have done for the Ohio River for navigation alone. Here we propose to spend, to make the Tennessee navigable from the Ohio River to the east Tennessee coal fields and by Knoxville, on by Chattanooga and Muscle Shoals and the various towns and communities, $106,000,000, or about that sum; and we have before us in the Willis bill, and the House has before it in the shape of the Madden bill, a proposition of the Air Nitrates Co. and the American Cyanamid Co. whereby

they covenant and agree to pay interest at the rate of 4 per cent on the entire cost of these improvements to the Government for 50 years, annually, and they also covenant and agree to create a sinking fund which will pay back to the Government at the rate of 4 per cent per annum, extending through a period of 100 years, an amortization that will return to it every dollar it has spent on these dams.

Mr. SHEPPARD. Mr. President, is this the Cyanamid Co.'s offer which the Senator is now discussing?

Mr. FLETCHER. I am referring to that as compared to what we have done for the Ohio River, where we have spent equally as much, never to get back 1 cent of it, but have burdened ourselves for all the future for the cost of maintenance. Here, we propose to make great improvements of equal value to navigation, and get back the entire cost of the improvements in the course of time, and 4 per cent interest on the money which we put into it. I submit that that is worth considering.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. FLETCHER. I yield to the Senator.

Mr. KING. I want to ask the Senator whether the proposition of the Cyanamid Co. calls for the construction of the Cove Creek Dam, up on Clinch River, as well as Dam No. 3, or whether their proposition may not be segregated; whether they would not make it in the alternative, that they would pay so much if Dam No. 3 were completed, or an additional amount if both dams were completed, so that the Government would have its choice of building two dams at the cost which the Senator has indicated, or only one at a cost of approximately thirty or thirty-two million dollars.

Mr. FLETCHER. I am inclined to think the Senator is correct about that; but I confess that I have not studied in detail and carefully either of these bills, because they are not actually now before us. I have looked at their general outlines and the major propositions contained in them.

First, they propose to lease the property from the Government for a period of 50 years. I am not opposed to that, especially if the people who are to be the lessees are responsible people, know their business, and are willing to pay a reasonable rental charge for the property; and I think it would be advantageous for us to have some one in position to utilize these plants and get to making fertilizer for the farmers of this country without waiting 10 years for experiments, or for that matter, without waiting another day for experiments.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. FLETCHER. I yield to the Senator, though I should like to proceed.

Mr. SIMMONS. I simply wanted to say that I am delighted to hear the Senator from Florida discuss this question, because in my judgment there is nobody in the Senate who has studied it more closely and understands it as thoroughly as does the Senator from Florida. I desire to ask the Senator from Florida, however, if in speaking about the proposition a few moments ago he referred to the Cyanamid Co.'s proposition which has been so vigorously supported by the two Senators from Alabama.

Mr. KING. And so bitterly assailed by the Senator from Nebraska.

Mr. FLETCHER. I was making reference to their proposal as embodied in the Madden bill and the Willis bill; but I propose to dwell a little more on that a little later.

Mr. SIMMONS. The reason why I ask the Senator is that I thought he spoke only about the amount that they proposed to pay the Government as rental but did not refer to any proposition to do anything for the production of fertilizer.

Mr. FLETCHER. I will get to that in a few minutes. The covenant is that they will produce at Muscle Shoals nitrate plant No. 2, first, 10,000 tons and on up, when they complete the necessary additions there, to 50,000 tons of fixed nitrogen every year. That would mean some 550,000 tons of ammo-phos or ammonium phosphate which would be utilized as fertilizer. Individual farmers can use this ammonium phosphate where they know how to mix it, perhaps here and there, with potash, and in other places, where they do not need the potash, with other filler; but the fertilizer factories are using it now, and of course the concern would be in position to make fertilizer at this plant to the amount of, as I say, some 550,000 tons annually.

That is one of their propositions. Coming back, however, to this situation on the Tennessee, the whole Tennessee River ought to be developed. Navigation ought to be considered; power ought to be considered; the manufacture of fertilizer ought to be considered; and I was giving a brief outline of conditions as they exist.

The river, now navigable from the Ohio River with a 6-foot channel to Wilson Dam, with the building of these dams will become navigable on up to Knoxville and clear into the coal fields of east Tennessee. With the investments already made there we have Dam No. 1, which has cost some $10,000,000; Dam. No. 2, which has cost some $64,000,000; nitrate plant No. 1, which has cost $14,000,000; nitrate plant No. 2, which has cost $67,000,000. Then add to that the cost of Dam No. 3, $35,000,000, and Cove Creek Dam, $37,000,000, and the problem of navigation and power development on the Tennessee will be solved, as well as the problem of manufacturing fertilizer.

All these plants are now idle. Plant No. 1 never has been used. It was built by White & Co. under the direction of the German Chemical Co., and is what they call a plant for producing nitrogen by the synthetic process. It never produced a pound of fixed nitrogen. Nitrate plant No. 2 never has been fully completed. It has a steam power-plant auxiliary, the whole costing some $67,000,000, as I have said, idle, useless, rusting, and wasting away. The maintenance and upkeep costs to the Government of the United States at Dam No. 2 during 1927 were $266,163.64. The maintenance and upkeep costs of the nitrate plant No. 1 from June 30, 1926, to June 30, 1927, were $14,647; and the costs of upkeep and maintenance at nitrate plant No. 2 from June 30, 1926, to June 30, 1927, were $58,177.

I do not know what it is costing to keep up our Waco quarry there, but probably three or four thousand dollars a year. But those are actual costs for caring for the property year by year.

Mr. SMITH. Does that $58,000 take care of the sinking of certain parts of the foundation of nitrate plant No. 2 that they thought perhaps needed some support?

Mr. FLETCHER. It comes under the head of maintenance and upkeep.

Mr. SMITH. It was brought out before the committee that some part of it was insecure and that a certain amount had to be expended.

Mr. FLETCHER. These figures do not include that item. The amount of power sold to the Alabama Power Co. in 1927 was 556,105,000 kilowatt-hours. The revenue received was $1,168,763.33. The total power that could have been developed there would have amounted to 1,051,000,000 kilowatt-hours, which, at the price received during the year, would have given a revenue of $2,165,000.

The only purchaser of that power now is the Alabama Power Co., because they have the only transmission lines connecting with that plant. They take what power they choose to take. They do not consume the capacity production of the plant at all, which ought to be at least 160,000 horsepower. They take about 80,000 horsepower, and the Government is at the mercy of this power company because they have the only transmission lines leading from the plant.

That is the situation. We are spending for upkeep, this property is depreciating, we are charging no interest on our investment, making no use of these expensive plants for nitrate production, for fertilizer production, or anything of the kind, and getting scarcely enough revenue to take care of the property, with no chance, apparently, of getting any more from the sale of the power, because we have no transmission lines. We have to sell what the Alabama Power Co. is willing to buy, and at a price which they are willing to pay. Therefore, we are getting half the capacity of that plant in use at Dam No. 2.

Mr. President, what is proposed? We have before us Joint Resolution 46. Nitrate plant No. 2 has a capacity of 50,000 tons of fixed nitrogen annually. It is idle. Nitrate plant No. 1 is idle, as I have stated.

The report, Report No. 228, states:

> The resolution here reported is a compromise, and has, for its principal object, the operation of Muscle Shoals upon the compromise plan set forth in the resolution for a sufficient length of time to demonstrate what is possible in the practical and economical method of cheapening fertilizer for the benefit of agriculture.

There we have stated frankly in this report the scope and purpose of Joint Resolution 46. It is almost amusing to read the title of this resolution. The joint resolution reads, "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," the very thing it does not do.

The provisions relate to the production and distribution of power. The nearest approach to the manufacture of fertilizer is work of an experimental character. It is said in the report, "for a sufficient length of time to demonstrate what is possible in the practical and economical method of cheapening fertilizer

for the benefit of agriculture." Suppose you call on the people of this country to stop eating until it can be demonstrated what is the best kind of food for them. Suppose you call on the farmers to stop growing crops next year until we can show them what kind of fertilizer is best for them to use. Suppose we discontinue building airplanes because improvements in engines and other parts are being constantly made. Suppose you insist that no more automobiles shall be made because a machine is about to be developed which will make gas or other fuel unnecessary and out of date. It is equally absurd to hold up the manufacture of fertilizers and materials for fertilizers because science is making progress and we expect modern methods will diminish their cost.

Do we need any demonstration that fertilizer is necessary and required by the agricultural interests of the country? Have we not been using fertilizer for years and years? Are not these people who propose now to lease this property actually manufacturing fertilizer? Why wait until we can experiment with some new process and await some new development?

The report says that we are to operate the Muscle Shoals plant on a compromise plan. What sort of a compromise plan? What do they mean by a compromise plan? In the meantime we ought to find a way to use what we have. If a responsible party will covenant to manufacture fertilizer there and furnish it to farmers at cost plus 8 per cent, and beginning right away, why would that not be a desirable thing? If such a lessee would spend $30,000,000 of his own money in adding to the equipment of plant No. 2, and proceed as soon as that could be completed to manufacture fertilizer, would not that be better than letting the plant rust and rot, with no benefit to anyone? If it is possible for such a lessee to manufacture fertilizer there at no cost to the Government and supply it at one-half what it is now costing the farmers, why should not the opportunity be given?

This plant No. 2 is not complete. It can not now make fertilizer. There must be additions to it, new machinery, new equipment, and other things, which will cost some thirty to thirty-five million dollars, it is estimated.

In this Willis-Madden bill, touching again the high spots of it, the lessees agree, themselves, at their own expense and cost, and without any expense to the Government whatever, to make those additions, and to put the plant in condition and fully equipped to manufacture fertilizer.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Florida yield to the Senator from Alabama?

Mr. FLETCHER. I yield.

Mr. BLACK. I just want to call the Senator's attention to the fact that the statement is correct that the plant as now equipped can not manufacture fertilizer, and that neither the Norris resolution nor any other resolution that has been offered provides for an appropriation to put up machinery necessary to manufacture phosphoric acid, without which fertilizer can not be manufactured. Senators may call the bills fertilizer bills all they desire; unless there is an appropriation of some twenty-five or thirty million dollars to put up the additional equipment, they can not possibly manufacture fertilizer, except in small experimental lots.

Mr. FLETCHER. That is quite true.

Mr. SMITH. Mr. President, may I ask the Senator from Alabama if the cyanamide plant which is already there is ready to go on manufacturing cyanamide in an economic way, as compared with the claim that their processes have been developed so as to go beyond what plant No. 2 would do?

Mr. BLACK. I do not care to take up the time of the Senator from Florida——

Mr. FLETCHER. I am glad to have the Senator answer the question.

Mr. BLACK. The whole thing is this, that cyanamide is not the fertilizer the farmer wants. He wants a combination of nitrogen and phosphate so that later on he can, if he desires, mix them.

Mr. SMITH. I just wanted to know if they can produce cyanamide as cheaply and as efficiently there as at their plant at Niagara?

Mr. BLACK. Undoubtedly, with a small amount of additional equipment, the exact amount of which I do not know. But cyanamide is not fertilizer.

Mr. SMITH. I was not talking about that. The base is nitrogen, and that is mixed with phosphoric acid.

Mr. BLACK. It is one of the absolutely necessary elements, and I was calling attention to the fact that none of the so-called fertilizer bills here now, not a single one, provides an appropriation sufficient to manufacture fertilizer. We would be limited to the manufacture of cyanamide.

Mr. FLETCHER. That is quite true, and that is why I referred to the proposition of the lessees under the Madden-Willis bill. They propose to put in those additions and equip that plant for the manufacturing of fertilizer.

Mr. BLACK. That is a fact. I agree with the Senator in that.

Mr. FLETCHER. Which, of course, is a necessary and desirable thing if we are to make fertilizer. We do not need it to make cyanamide alone.

On page 2 of the report it is stated:

> 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 $10,000,000; whereas the construction of nitrate plant No. 2 cost $67,555,355.09.

The synthetic process is suggested here. We have two plants now. We can not make ammonium phosphate. Plant No. 1 is a synthetic-process plant. The fact is that material is now being made in the United States and can be used here. We export large quantities of this fertilizer material. There is a duty of $5 a ton on cyanamide. It is made extensively in Germany, where they lack water power and must use coal.

If you want to help the farmer, you might begin by repealing that duty, perhaps. So with ammonium phosphate. That we need. That is what we must produce for fertilizer purposes. The duty on that is $30 a ton. Germany is a large producer of that material and the duty keeps it out of the United States. Why not repeal the duty on ammonium phosphate if we propose to benefit agriculture?

The materials which I have been discussing are shown in the bottle which I hold in my hand at this time. The black material is cyanamide. It contains 28 per cent of ammonia or 23 per cent of nitrogen. At the bottom is Florida pebble phosphate, which contains from 68 to 70 per cent of bone phosphate of lime. At the top is ammo-phos, or ammonium phosphate, which contains 13 per cent of ammonia and 48 per cent of phosphoric acid. We can make cyanamide at Muscle Shoals just as they are making it at Niagara Falls. We can make ammonium phosphate at Muscle Shoals by making the necessary additions to nitrate plant No. 2, as mentioned. We have close by the pebble phosphate in Florida, an inexhaustible supply of it within close reach. We also have the hard-rock phosphate in Florida and in Tennessee.

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

Mr. FLETCHER. I yield.

Mr. KING. My understanding is that there is an abundance of phosphate within a very short distance of Muscle Shoals in Tennessee or in Alabama.

Mr. FLETCHER. That is true. It is a little different kind from the pebble phosphate and doubtless more difficult to crush and expensive to handle.

Mr. TYSON. That is true. It is phosphate rock.

Mr. FLETCHER. Yes; it contains phosphate. The combination of the phosphate and the cyanamide results from power being exerted and chemical action which finally results in what is really fertilizer or ammo-phos. That has in it no potash, but potash can easily be added, as can any other ingredients that might be required. Even the individual farmer could add those. In order to keep Muscle Shoals and manufacture the ammo-phos or ammonium phosphate there has to be some additional machinery and facilities which will cost, it has been estimated, from $30,000,000 to $35,000,000, and the proposed lessees say they are willing to put that in as a part of their contract.

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

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. FLETCHER. I yield.

Mr. SIMMONS. I would like to ask the Senator if there is anything in the theory which requires them to make the mixture at Muscle Shoals? May they not make the cyanamide at Muscle Shoals and make the mixture at some other point?

Mr. FLETCHER. Yes; they have to manufacture fertilizer, under that proposal, at Muscle Shoals.

Mr. SIMMONS. They have ultimately to manufacture fertilizer.

Mr. FLETCHER. Yes.

Mr. SIMMONS. But does it mean that they must manufacture all the ingredients of fertilizer at Muscle Shoals, or only one or two?

Mr. FLETCHER. They can make the cyanamide there, but they will have to bring in the phosphate to add to it in order to make the ammo-phos.

Mr. SIMMONS. I understood the Senator to say there is quite a duty upon ammonium phosphate?

Mr. FLETCHER. Yes.

Mr. SIMMONS. At the present time, as I understand, the Niagara Falls cyanamide plant is manufacturing cyanamide there and sending it over into New Jersey and there adding the phosphate.

Mr. FLETCHER. I think that is true. I think they make the cyanamide at Niagara and bring the phosphate up from Florida, and then they process it in New Jersey and combine the two and make the ammo-phos, three-quarters of which is sold in this country to fertilizer manufacturers and the rest shipped abroad. Some 52 foreign companies buy this material from them.

Mr. SIMMONS. They bring the cyanamide over from Niagara Falls and have to pay a duty on it?

Mr. SMOOT. No; cyanamide is on the free list.

Mr. FLETCHER. I think the Senator from Utah is wrong.

Mr. SMOOT. From what was the Senator reading?

Mr. FLETCHER. From the tariff act of 1922, paragraph 1583, which states that there are on the free list certain substances used chiefly for fertilizer, not specifically provided for, "Provided that no article specified by name in title 1 shall be free of duty." Turning to title 1, paragraph 7, we find ammonium, carbonate, bicarbonate, 1½ cents per pound, ammonium chloride 1¼ cents per pound, then we find ammonium phosphate 1½ cents per pound and ammonium sulphate one-fourth cent per pound.

Mr. SIMMONS. That means that the cyanamide imported from Niagara Falls pays a duty, does it not?

Mr. FLETCHER. If I am correct in my understanding of it. I am not so certain about the duty on cyanamide. I have been informed that it does pay a duty of $5 a ton, but I have read the law which specifies ammonium phosphate which must pay a duty of 1½ cents per pound.

Mr. SIMMONS. We have plenty of that material in this country, have we not?

Mr. FLETCHER. We have the phosphate rock, an inexhaustible supply of phosphate, hard rock, and pebble phosphate, but we have to make the cyanamide. That has to be manufactured.

Mr. SIMMONS. And that is not manufactured by any concern in this country?

Mr. FLETCHER. Oh, yes.

Mr. SIMMONS. Cyanamide?

Mr. FLETCHER. Yes.

Mr. SIMMONS. No; not by any concern in this country. It is manufactured only at Niagara Falls.

Mr. FLETCHER. Cyanamide, I think, is made by the du Ponts at Charleston and Hopewell. The Cyanamid Co.'s plant is at Niagara Falls.

Mr. SIMMONS. Not cyanamide by name. They are manufacturing synthetic nitrogen, but not cyanamide such as they are making at Niagara Falls.

Mr. FLETCHER. This contains 23 per cent of nitrogen or 28 per cent of ammonia.

Mr. SIMMONS. The point I was making was this: If the Cyanamid Co. now produces its cyanamide in Canada and sends it over into New Jersey and converts it into fertilizer, where they can get the ammonium phosphate free, why, under their contract, could not that same company, by securing Muscle Shoals, make the cyanamide in this country free of duty and then get their phosphate also free of duty?

Mr. FLETCHER. Undoubtedly they could. That is what they would do.

Mr. SIMMONS. And that is probably what they are seeking to do. That is probably what the farmers of the country would not object to having them do if they thought it would reduce the price of fertilizer to the farmer. The farmers would think that by that process they were getting the benefit of some of the tariff duties that tended to put them upon a parity with the manufacturers of the country with reference to the advantages of the tariff.

Mr. TYSON. Mr. President, I want to ask the Senator if he knows under the terms of the bill how much fertilizer the lessee guarantees to manufacture?

Mr. FLETCHER. Under the terms of the Madden-Willis bill?

Mr. TYSON. Yes.

Mr. FLETCHER. A maximum of 50,000 tons of fixed nitrogen a year.

Mr. TYSON. Is that in the bill?

Mr. FLETCHER. It is.

Mr. TYSON. I have not seen the bill and I have not seen the report on the bill, but I have the report on the bill which was introduced last year, and this is a résumé made by the committee:

> This company is obligated to install equipment sufficient to produce fertilizers with a fixed nitrogen content of 10,000 tons. Its obligation to install additional equipment rests upon its ability to sell at a profit the entire output of the first 10,000 tons. It is allowed to charge in the cost of fertilizer every item of cost connected with the construction and operation of the nitrate properties, including each year 10 per cent of its own investment in new plants. The nitrate operations are intended to be distinct from the power operations, and will be self-supporting and profitable, providing fertilizer can be produced cheaply enough to be sold.

In other words, if they did not produce it cheaply enough to be sold, they would not have to sell another pound or ounce of fertilizer, and they would have all that power at their command and the plant could apparently be kept idle without having to produce another pound of fertilizer.

Mr. FLETCHER. I do not think that is the situation under the present measure.

Mr. BLACK. Mr. President, I think I can explain what the provision is, if the Senator from Florida will permit me.

Mr. FLETCHER. Certainly.

Mr. BLACK. It is provided first that they shall have equipment for 10,000 tons of fixed nitrogen. It provides that if at the expiration of the three years they have created in this country, through the farmers' board which is provided, through the Government agency, a sufficient demand for concentrated fertilizer, they shall increase to 20,000 tons. It then provides a like increase every three years, which would, of course, have to be gradual. It also provides that they must have on hand at all times and never under any circumstances less than one-fourth of the 50,000 tons, which would mean, at the present price of that product, about $1,665,000 worth to be kept constantly on hand.

Mr. TYSON. What would happen if they could not sell it?

Mr. BLACK. They would have to hold it on hand and under their bill the amount that they made from the power which had been utilized in manufacturing nitrates would go to reduce the price of fertilizer and they would not get a dime of profit from it.

Mr. TYSON. What good would it do the farmer if we had 10,000 tons stored and he could not get it?

Mr. BLACK. I was explaining that. He would get that. The power which had been used in the manufacture of that fertilizer would then go to reduce the price of fertilizer, and the Cyanamid Co. would not get a dime of profit.

Mr. TYSON. That may be provided in the new measure, but it is not in the old one.

Mr. BLACK. It is in the Willis bill. I have read it with great care.

Mr. FLETCHER. The covenant in that bill is that they shall supply fertilizer to the farmers of the country at cost plus 8 per cent, so they are limited in that way.

If the charge that the proposed lessees are parts of a fertilizer trust, it is the first time in history that I ever heard of when a trust is willing to have its prices regulated and limited.

Mr. TYSON. Is that to be entirely independent of any money they get from power, or are they to use the money they get from power in reducing the cost of fertilizer? The last bill gave them all the money they could make out of the power, and then the fertilizer proposition was entirely an independent proposition and they were allowed to make 8 per cent on that, and if they could not make 8 per cent on it, all they had to do was to keep 10,000 tons on hand and never manufacture another ounce.

Mr. BLACK. They would have $1,665,000 worth of this material on hand all the time, and whenever it was not sold, of course, they would lose the profit on it. So far as the power is concerned, the power that they receive for use in the manufacture of phosphoric acid and cyanamide, there would be very little left over and above that to distribute to the public.

Mr. TYSON. I want to take issue with the Senator on that. It shows there are only 90,000 horsepower required if we make 48,000 tons of cyanamide. This plant, when perfected, will have 610,000 horsepower. That will leave at least 500,000 horsepower free that they can use or sell.

Mr. FLETCHER. Does the Senator mean by using Dam No. 3 and Cove Creek Dam?

Mr. TYSON. All the propositions the Senator has been speaking about.

Mr. BLACK. I can give that exactly, I think, if the Senator from Florida will permit.

Mr. FLETCHER. Certainly.

Mr. BLACK. So far as the manufacture of fixed nitrogen is concerned, the Senator is approximately correct in the amount

of power it will take, which will be from 90,000 to 100,000 horsepower.

Mr. KING. To produce 50,000 tons?

Mr. BLACK. Fifty thousand tons of fixed nitrogen, and then they have only begun. The main amount of power which is needed to manufacture fertilizer is not in the manufacture of nitrogen, as has seemed to be the impression here, but in the manufacture of phosphoric acid. Without phosphoric acid we can not make fertilizer. It will take 180,000 horsepower to manufacture sufficient phosphoric acid in order to obtain the benefit of that plant. The primary power at Dam No. 2 is 67,000 horsepower.

Mr. TYSON. That is the very lowest that it gets down to?

Mr. BLACK. That is primary horsepower there. There used to be a branch that ran down below the home in which I lived which frequently went dry in the winter and sometimes in the summer. I have seen it running after a big rain when 50,000 horsepower could be derived from it; but we can not count that kind of power. We can only count the kind of power that is continuous.

Mr. TYSON. What about the steam plant?

Mr. BLACK. I am going to refer to the steam plant. The secondary power derived from the steam plant is used, but it involves a considerable cost. About 4 mills an hour is what it is figured to cost. Then, if during 95 per cent of the time, for instance, there is not enough hydroelectric power it is supplemented with steam power, which is purely temporary.

Let me refer to my figures which I received from the Government engineers. I have the complete figures here. If Cove Creek and Dam No. 3 were completed it would double the capacity of Dam No. 2; that is unquestioned. That would make for Dam No. 2 134,000 horsepower after completion of Cove Creek and Dam No. 3. Then, from Dam No. 3 it is estimated by the engineers that there can be obtained 27,000 horsepower. That would make for Dam No. 2 134,000 horsepower and for Dam No. 3, if developed by Cove Creek, 54,000 horsepower; and from the steam plant, if enlarged, 120,000 horsepower, or a total of 308,000 primary horsepower, including in that the steam plant.

The total amount of power necessary to produce fertilizer—and the farmer is not interested in cyanamide if he does not get fertilizer—is 280,000 horsepower, which would leave 28,000 horsepower.

As the Senator stated, Dam No. 3 and Cove Creek Dam, constructed by the Government, would be amortized over a period of years. In addition to that, interest would be paid on the amount of the investment at the rate of 4 per cent. That is the situation. There is not now and never has been—and no one can find where any responsible engineer has ever said that there would ever be—600,000 primary horsepower produced from those dams.

What I have said is from the statement obtained from the engineers. Therefore, there would be 28,000 horsepower more than required to produce the fertilizer, if the horsepower required for such production was 280,000. As a result, there would be less than half enough horsepower to supply the one city of Memphis.

Mr. SMOOT. Mr. President, will the Senator from Florida yield to me at this point?

Mr. FLETCHER. I yield.

Mr. SMOOT. I wish to call attention to the fact that when the last tariff bill was passed in 1922 crude phosphates were put upon the free list, as were also cyanide combinations, compounds, and so forth; in fact, all cyanides were placed on the free list, including potassium cyanide, salts of cyanide, and sodium cyanide. We took particular pains that the products entering into the manufacture of fertilizer used by the farmers of the country should be on the free list.

Mr. FLETCHER. This product, ammonium phosphate, is certainly used by the farmers, and ammonium phosphate certainly is not on the free list.

Mr. SMOOT. The Senator knows that refined ammonium phosphate is used also in medicine in this country, and in a great many different other ways.

Mr. FLETCHER. I know that phosphate is on the free list; I realize that. Morocco is sending it over here now as ballast free of duty and selling it here cheaper than it is sold over there, thus taking our market away from us.

Mr. SMOOT. So far as I am personally concerned, if there is a sufficient quantity produced in the United States—and I think there is—to warrant a duty, I would not object at all to such a duty being imposed. But the commodities which I have mentioned, including cyanamides, were placed on the free list because they are used in the manufacture of fertilizer. That provision was adopted in the House of Representatives and was passed unanimously by the Senate, I think. The Senator from North Carolina will recall, I believe, that that was the case.

Mr. SIMMONS. Mr. President, if the Senator from Florida will pardon the interruption, I think we had quite a controversy in the Senate on that question. As I recall, there was a division of sentiment here, and it was a party division. I wish to look into it, however, for I am not quite sure.

Mr. FLETCHER. Mr. President, on this subject I wish to have inserted in the RECORD a letter dated September 8, 1926, addressed to Hon. LISTER HILL by W. P. Pickhardt, of New York. His company represents German concerns, I think. The letter bears on the subject we have discussed. It is evidently a public letter, and I have a right to use it, I take it, although I have not asked permission to use it.

Mr. SMOOT. What is the name of the writer?

Mr. FLETCHER. W. P. Pickhardt.

Mr. SMOOT. I know him very well.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Without objection, the letter will be printed in the RECORD.

The letter is as follows:

KUTTROFF, PICKHARDT & CO. (INC.),
New York, September 8, 1926.

Hon. LISTER HILL,
Room 356, Office Building, House of Representatives,
Washington, D. C.

DEAR MR. HILL: Confirming telephone conversation of yesterday, I give you the prices for several of our synthetic nitrogen fertilizers. These prices are for carload lots, f. o. b. cars at port, duty, if any, included.

Urea: $160.50 per ton of 2,000 pounds, packed in single bags of 65 kos. gross for net. This price includes a duty of 35 per cent, making this product rather expensive for farm use, notwithstanding its excellent qualities.

Leunasalpeter: $70 per ton of 2,000 pounds, packed in bags of 220½ pounds gross; 1 per cent tare allowed on single bags. This material comes in duty free as a fertilizer material under paragraph 1583.

Calcium nitrate: $47.50 per ton of 2,000 pounds, packed in special bags of 220½ pounds gross for net. This also is a duty-free fertilizer material.

Our correspondents abroad also produce other fertilizers, as, for instance, ammonium phosphate, which is dutiable at $30 per ton under paragraph 7, and, of course, can not be imported under this handicap.

The prices quoted are for southern ports. There is a difference in favor of northern ports of about 60 to 75 cents a ton for ocean freights.

I should be glad to discuss the fertilizer situation with you at some convenient time when you are in New York, or later when you have returned to Washington.

Yours truly,

W. P. PICKHARDT.

Mr. KING. Mr. President, it seems to me that there is some misunderstanding among some of us at least with respect to this proposition. I have understood that the paramount ingredient in connection with fertilizer was nitrogen. The claim has been made that we have been subject for years to the Chilean nitrate trust, if it may be so denominated, and that we were one of the few countries of the world that did not have nitrogen. It was said during the war that we must emancipate ourselves from this servitude growing out of our failure to produce nitrogen, and, therefore, the Muscle Shoals plant was constructed, primarily, to obtain nitrogen for munitions and, secondarily, nitrogen for the purpose of making fertilizer for the farmer.

The cyanamide process does obtain nitrogen from the atmosphere. That is the source of supply under the cyanamide process, as it is under the synthetic process. It seems to me that when we can get a company that does produce nitrogen, which is the basis largely if not entirely of our fertilizers, we ought to look with some degree of favor upon it, at least for the purpose of determining whether we will enter into some contractual relation with it, providing that corporation will relieve the Government of the expense of maintaining the plants, and will furnish nitrogen sufficient for munitions purposes when the Government needs them, and nitrogen for farmers to aid them in the cultivation of their crops.

I can not understand this apparent opposition to cyanamide. If cyanamide gets us nitrogen, and nitrogen is what we need, why not use the cyanamide process or use the corporations that produce cyanamide, because they can give us the basis of fertilizer?

Mr. FLETCHER. I think the Senator is entirely correct, and I am much obliged to him for the statement he has made. Of course, nitrogen is one of the necessary elements of plant food; everybody knows that; nitrogen, potash, and phosphate are the three elements required in fertilizer. Here we have

the nitrogen and the phosphate, and we can get the potash. I hope eventually we will be independent of foreign countries in respect to potash. There are some soils which do not need potash.

I did not intend, Mr. President, to get into a discussion of the merits of the Madden-Willis bill. I realize there is probably a great difference of opinion about it, and I do not care to open that up. H. R. 8305 is the House bill and S. 2786 is the Senate bill. However, so long as Senators seem to be interested in the matter, and, of course, primarily and with respect to the main proposition we ought to be interested, I think, I am going to ask the clerk to read a letter which was written by Representative MADDEN to the President. There seems to be some misconception which this letter may clear up. I have not consulted Mr. MADDEN about it or, of course, the President, but the letter seems to be public property. I have several copies of it, and I take it I am not guilty of any impropriety in asking that the letter be read here. Now, I ask the clerk to read it. The tables may be printed in the RECORD without reading. The letter will set forth the merits of the Madden bill.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C., February 13, 1928.

To the PRESIDENT,
Washington, D. C.

DEAR MR. PRESIDENT: In your reply to the official notification (August 14, 1924) of your nomination by the Republican National Convention, you made one statement that should never be forgotten:

"It is well for the country to have liberality in thought and progress in action, but its greatest asset is common sense. The people want a government of common sense."

I am writing you regarding my bill for the disposition of the Government's property at Muscle Shoals, because I believe that the taxpayers have a right to expect us to use this country's greatest asset of common sense in dealing with Muscle Shoals in order to save the assets of the Federal Treasury from incredible waste.

In my decisions about Muscle Shoals since the time I decided to address the House in favor of the acceptance of the Ford offer, February 3, 1923, I have earnestly tried to get at the facts, then follow the dictates of my conscience. I invite the most searching criticism of my bill now before the Committee on Military Affairs of the House, and shall never feel any acrimony toward those who fairly criticize it.

The only interest I have at Muscle Shoals is that of the Government, and in considering the Government's interest I shall try always to weigh the facts and fairly criticize all Muscle Shoals bills which in my judgment neglect the national defense, the welfare of agriculture, and Government economy.

In order, if possible, to correct some of the misunderstandings and misrepresentations of my bill by many who have not investigated the Muscle Shoals facts and by many others who persistently and purposely misrepresent these facts, I have undertaken to present the financial plan in my bill so clearly that it can not be misunderstood, even by those who do not wish to understand it. I send you three tables that speak for themselves.

Table No. 1 sets forth the financial plan in my bill on the same basis as the Panama Canal, 3 per cent bond issue. I have set forth in this table exactly how the Government stands each year for 50 years of the lease, and you will note that at the end of the fiftieth year there is a cash surplus of $20,900,000 remaining in the Federal Treasury after paying 3 per cent on all expenditures by the Government chargeable to water power, to navigation (including all expenditures made at the Wilson Dam during the war)—3 per cent on every dollar spent by the United States at the Wilson Dam, Dam No. 3, and Cove Creek Dam.

In addition to this, there is the sinking fund for the amortization of all of the expenditures of the Government at all three dams in 100 years, which fund at the end of 50 years would have a cash value of $10,800,000, which, added to the $20,900,000 surplus, would give us a total (above 3 per cent on all expenditures at the three dams) cash balance for the Treasury at the end of the lease of $31,700,000. At the end of the lease the Government would become the owner of all fertilizer plants built by the lessee under the lease. It has been estimated that these plants will cost as much as $40,000,000, but valuing them at the end of 50 years at so low a figure as $20,000,000, the value of these fertilizer plants, added to the cash balance of $31,700,000, would give the Government at the end of 50 years, in cash and property, $51,700,000.

If, however, the sinking fund is allowed to run, as it should, for 100 years, as provided in my bill, then at maturity the sinking fund alone would pay into the Federal Treasury every dollar spent at the Wilson Dam, Dam No. 3, and Cove Creek Dam, for national defense, for power, for navigation, and incidental flood control.

Table No. 2. In this table I have used a rate of interest of 3¼ per cent on the total expenditures of all kinds at Wilson Dam, Dam No. 3, and Cove Creek Dam, and at the end of 50 years there will be a surplus of interest earned over 3¼ per cent amounting to $7,830,000. Adding this to the value of the sinking fund at the end of 50 years, which is $10,800,000, there will be a total cash surplus of $18,630,000, and including the value of the fertilizer plants constructed by the lessee, estimated at $20,000,000 (as found above in the 3 per cent plan), which are to become the property of the Government at the end of the lease, there will be a total surplus in cash and property of $38,630,000.

Table No. 3. This table does not include any part of the cost of the dams chargeable to navigation, but shows, if bonds were issued (and of course I do not favor a bond issue), the surplus remaining after paying 3 per cent, 3¼ per cent, 3½ per cent, and 4 per cent on all expenditures at all three dams, except navigation charges—navigation being treated here as in all other river and harbor projects. Your especial attention is directed to the fact, that with a 4 per cent interest rate there will remain a surplus of $140,480.

We have two legislative plans before Congress for disposing of Muscle Shoals. The Madden-Willis plan, so called (Senator WILLIS, of Ohio, having introduced my bill in the Senate), and what is known as the Morin-Norris plan, found in H. R. 10028, introduced into the House by Mr. MORIN, of Pennsylvania, and S. J. Res. 46, introduced into the Senate by the Senator from Nebraska, Mr. NORRIS (Mr. LAGUARDIA, of New York, has introduced the Norris resolution into the House).

The Morin-Norris bills are both power bills open to serious objections that are, in many respects, the same. The Morin bill would authorize a "satisfactory lease" of the power properties in language so vague as to make it impossible to estimate what the returns to the Government would be. What does Mr. MORIN mean by "net return," and who is to decide what the "reasonable value of the properties so used" amounts to? The Morin-Norris plan proposed a water-power policy for the Government to generate and distribute power at Muscle Shoals among the States within transmission distance. The Morin-Norris bills do not, either of them, state or offer an estimate of what this proposed Government water-power policy, with extended transmission lines, will cost. However, in the hearings before the Senate Committee on Agriculture and Forestry in 1924, Mr. E. A. Yates, vice president of the Alabama Power Co., testified that the interconnected power systems of the Southeast would be able to absorb a large part of the Muscle Shoals power with the construction of several main transmission lines approximating in cost $10,000,000. But Mr. Yates explained that as the demands increase for power and transmission lines are extended the final investment in lines, equipment, and appliances would amount to a sum which Mr. Yates estimated at from three to five times the Government's investment in the Muscle Shoals project, and Mr. Yates made the significant statement that "this is quite necessary to bear in mind if a permanent market is to be found for this large volume of power."

The authors and supporters of the Morin-Norris plan are called upon to furnish for the information of Congress and yourself some approximate estimate of the cost of the Government water-power distribution policy they propose to establish at Muscle Shoals. The supporters of the Morin-Norris plan should furnish Congress a statement in the same detail that I am sending to you, showing what amount the Government will receive each year for power sold by the Secretary of War as authorized under the Morin-Norris bills and how the Government will stand in the end. Of course, in order to make such a statement—and Congress is entitled to it—the authors and supporters of the Morin-Norris plan will have to negotiate with the Alabama Power Co. They should negotiate just as carefully with Mr. Martin, president of the Alabama Power Co., to ascertain what he will be willing to pay the Government for power under the terms of the Morin-Norris bills, as the House Committee on Military Affairs has negotiated with Mr. Bell, president of the American Cyanamid Co., to find out defintely and exactly what that company will pay the Government under the terms of the Madden bill.

It was disclosed before a subcommittee of the House Committee on Appropriations at a late hearing that since the beginning of the Government's power operations at Muscle Shoals, on September 12, 1925, the Government has received from the Alabama Power Co. only about 2 mills per kilowatt-hour, and total payments have been received from the sale of power amounting to $2,123,644.49.

In a letter to the chairman of the House Committee on Military Affairs I called attention to the fact that if during the entire period of operation of the Wilson Dam power plant, two and two-tenths years, the Secretary of War had been required to earn 4 per cent on an investment chargeable to power of $27,500,000 (this allows $16,500,000 to be charged to navigation and war expenditures), the deficit would have been $1,830,798.61 on December 1, 1927. The statement of the United States engineers shows that our actual net annual earnings to date have amounted to a return on this $27,500,000 of only 1 per cent.

I can not speak for other Members of Congress, but I can never vote for any Muscle Shoals legislation which will cause the Federal Treasury to continue such losses as these, and under the Morin-Norris

plan only the Alabama Power Co. can tell us what our losses are going to be.

The Alabama Power Co., being the only available purchaser of power from the United States, should be requested to make an offer under the terms of the Morin-Norris bills for the power at the Wilson Dam. If there are any other possible purchasers, they should be invited to make proposals. With these power offers in hand, the Secretary of War can furnish us the cost of power at the Wilson Dam per kilowatt-hour, and then we can definitely state what profit the Government will make on this power.

The Alabama Power Co. will pay more for power at Muscle Shoals than the lessee in my bill proposes, for it is not the power company but the consumer who bears the added cost. The profits of the Alabama Power Co. are guaranteed by law. You will recall that the power companies proposed to pay the United States, in addition to other interest payments, $1,200,000 annually at the Wilson-Dam on account of the benefits from the regulated flow of the river from the Cove Creek Dam. Though this offer of $1,200,000 a year was illegal and unenforceable, the Alabama Power Co. could make it legal, and then we could find out whether there is a majority of the Members of Congress in favor of using Muscle Shoals for the manufacture of fertilizer.

The fertilizer plan in the Morin-Norris bills is essentially the same, and provides for extensive scientific research and experimentation. Not only do these bills authorize a special appropriation of $2,000,000 for experimentation and manufacturing but they devote to this purpose the entire net revenue which the United States would receive from the sale of the Muscle Shoals power, amounting in the lease I recommend to an average of more than $3,550,000 per year.

Under the Madden-Willis bill the United States leases its properties to competent private operators, and is out of both the fertilizer business and the power business, and in the end receives in full both the principal and interest on its entire investment in the water-power properties in addition to a substantial surplus.

Under the Morin-Norris plan we go deeper and deeper into a hazardous commercial venture without even an estimate to guide us as to the financial demands that we must meet to pay for this far-flung and wholly unnecessary program of experiment and manufacturing. The authors of these bills should at least furnish a statement to Congress as to what the cost of these experimentations and plant operations will be.

The Government already has a costly research and experimental experience account. We have nitrate plant No. 1, a failure, costing $14,000,000. Our fixed-nitrogen research laboratory has cost us in expenditures from March 29, 1919, to December 31, 1927, $2,149,904.42, and yet, after spending a total in research and experimentation of $16,149,904.42, we are asked to authorize $2,000,000 in cash, and an average of $3,550,000 revenue (receivable annually for the power under my bill) to construct and operate experimental and production plants, and with no approximate statement of how much the Government will finally have to pay for this vast research and experimental venture. After spending $16,149,904.42 in research and experimentation, instead of continuing this waste the lessee in my bill agrees to establish laboratories for chemical research in fields of interest to agriculture, and will expend upon such research annually not exceeding $1 per ton on the fertilizer produced and sold by the lessee. This cost of chemical research will be charged to the farmers, who ought to pay it, and the lessee will expend perhaps $500,000 a year for research when the maximum production of fertilizers at Muscle Shoals is reached, and without any cost to the Government.

If we can not find out what is the best nitrogen process in 10 years, and after spending over $16,000,000 in research and experimentation, what will it cost us under the Morin-Norris plan to find out? Will it be common sense to continue our wasteful research and experimental policy or stop it and stop our guarding and maintenance of the nitrate plants which has already cost over $5,000,000, as my bill provides?

The power companies and fertilizer manufacturing interests will favor and support the Morin-Norris plan. The power companies last October indorsed the plan suggested by the Secretary of Agriculture and the director of the fixed-nitrogen research laboratory, and this plan is the plan of the Morin bill. The National Fertilizer Association has given its indorsement to the plan proposed by the United States Department of Agriculture. This plan is, in part, adopted in the Norris bill, and entirely in the Morin bill. If I were in favor of the power companies and did not stand for national defense and the production of fertilizers in time of peace at Muscle Shoals for the farmers, I would support the Morin-Norris plan, which allows the Alabama Power Co. to have Muscle Shoals and the Tennessee Electric Power Co. to have the Cove Creek storage dam.

I repeat to you what I said on the floor of the House on January 23, "I want to see whether the power companies of the United States have more power to pass legislation in the House than the House itself has."

Mr. President, in the interest of Government economy, in behalf of farm relief and national defense at Muscle Shoals, let us adopt a policy of business common sense.

Sincerely yours,

MARTIN B. MADDEN.

The tables accompanying the letter are as follows:

TABLE No. 1.—*Profit to Government from interest payments under Willis-Madden bill with 3 per cent financing*
(Same basis as Panama Canal 3 per cent bond issue)

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3 per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
0		$47,000,000	0		0	0	0	0	0	Approximate estimate at beginning of lease period.
First year	Wilson Dam	47,000,000		Wilson Dam	$200,000					One-half additional units in Wilson Dam ready at end of first year. Work begun on Dam No. 3 and on Cove Creek Dam. First year of deferred interest payments on Wilson Dam.
	One-half additional machinery in same.	3,500,000								
	Dam No. 3	1,000,000								
	Cove Creek Dam.	1,000,000								
Total		52,500,000	$1,575,000		200,000	$1,375,000	$1,375,000	0	0	
Second year	Previously invested.	52,500,000		Wilson Dam	200,000					First one-half of additional machinery in Wilson Dam has been available for a year and 4 per cent interest on same is payable. Remainder of this machinery is now ready. Work progressing on Dam No. 3 and Cove Creek Dam.
	Remainder of machinery.	3,500,000		Extra machinery	140,000					
	Dam No. 3	10,000,000								
	Cove Creek Dam.	9,000,000								
Total		75,000,000	2,250,000		340,000	1,910,000	3,285,000	0	0	
Third year	Previously invested.	75,000,000		Wilson Dam	200,000					4 per cent interest now payable on entire installation of additional machinery in Wilson Dam. Cove Creek Dam completed at end of third year of lease.
	Dam No. 3	10,000,000		Additional machinery.	280,000					
	Cove Creek Dam (completed).	10,000,000								
Total		95,000,000	2,850,000		480,000	2,370,000	5,655,000	0	0	
Fourth year	Previously invested.	95,000,000		Wilson Dam	200,000					4 per cent interest begins on full amount Cove Creek investment (assume no locks in Cove Creek storage dam). Dam 3 completed at end of fourth year of lease
	Dam No. 3 (completed).	11,500,000		Additional machinery.	280,000					
				Cove Creek Dam	800,000					
Total		106,500,000	3,195,000		1,280,000	1,915,000	7,570,000	0	0	

TABLE NO. 1.—*Profit to Government from interest payments under Willis-Madden bill with 3 per cent financing*—Continued

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3 per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
Fifth year	Previously invested (no further investment).			Wilson Dam Additional machinery. Cove Creek Dam Dam No. 3	$200,000 280,000 800,000 160,000					First year of deferred interest payments on Dam No. 3.
Total		$106,500,000	$3,195,000		1,440,000	$1,755,000	$9,325,000	0	0	
Sixth year				Wilson Dam Additional machinery. Cove Creek Dam Dam No. 3	200,000 280,000 800,000 160,000					Second year of deferred interest payments on Dam No. 3; final year of deferred interest payments on Wilson Dam.
Total			3,195,000		1,440,000	1,755,000	11,080,000	0	0	
Seventh year				Wilson Dam Cove Creek Dam Dam No. 3	1,500,000 800,000 160,000					Final year of deferred interest payments on Dam No. 3. Full 4 per cent is payable on $37,500,000 at Wilson Dam this year and hereafter.
Total			3,195,000		2,460,000	735,000	11,815,000	0	0	
Eighth year				Wilson Dam Cove Creek Dam Dam No. 3	1,500,000 800,000 1,060,000					Full 4 per cent payable on $26,500,000 at Dam No. 3 this year and hereafter. No further deferred interest.
Total			3,195,000		3,360,000	0	11,650,000	$165,000	0	
Ninth to thirty-fifth year, inclusive.			86,265,000	27-year total	90,720,000	0	[1] 7,195,000	[2] 4,455,000	0	
Thirty-sixth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 747,264					Principal and interest of deficit in lessee's payments amounts to $20,016,000 at end of thirty-fifth year; one-fifteenth of this is now payable annually with 4 per cent interest on unpaid balances.
Total			3,195,000		5,441,664	0	4,948,336	2,246,664	0	
Thirty-seventh year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 693,888					
Total			3,195,000		5,388,288	0	2,755,048	2,193,288	0	
Thirty-eighth year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 640,512					
Total			3,195,000		5,334,912	0	615,136	2,139,912	0	
Thirty-ninth year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 587,136					
Total			3,195,000		5,281,536	0	0	2,086,536	$1,471,400	
Fortieth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 533,760					
Total			3,195,000		5,228,160	0	0	2,033,160	3,504,560	
Forty-first year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 480,384					
Total			3,195,000		5,174,784	0	0	1,979,784	5,484,344	
Forty-second year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 427,008					
Total			3,195,000		5,121,408	0	0	1,926,408	7,410,752	
Forty-third year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 373,632					
Total			3,195,000		5,068,032	0	0	1,873,032	9,283,784	
Forty-fourth year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 320,256					
Total			3,195,000		5,014,656	0	0	1,819,656	11,103,440	

[1] Deficit at end of 35th year.

[2] Accumulated surplus during 27-year period.

TABLE NO. 1.—*Profit to Government from interest payments under Willis-Madden bill with 3 per cent financing*—Continued

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3 per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
Forty-fifth year				Current interest Deferred interest Interest on deferred interest.	$3,360,000 1,334,400 266,880					
Total			$3,195,000		4,961,280	0	0	$1,766,280	$12,869,720	
Forty-sixth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 213,504					
Total			3,195,000		4,907,904	0	0	1,712,904	14,582,624	
Forty-seventh year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 160,128					
Total			3,195,000		4,854,528	0	0	1,659,528	16,242,152	
Forty-eighth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 106,752					
Total			3,195,000		4,801,152	0	0	1,606,152	17,848,304	
Forty-ninth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 53,376					
Total			3,195,000		4,747,776	0	0	1,552,776	19,401,080	
Fiftieth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 0					This surplus of $20,900,000 remains after paying full bond interest on all expenditures for water-power purposes, including those made during the war, and on all expenditures chargeable to navigation improvement.
Total			3,195,000		4,694,400	0	0	1,499,400	20,900,480	

Basis of computations

Present investment in Wilson Dam as of Feb. 1, 1928, including locks	$47,000,000
Estimated cost of additional generating machinery in Wilson Dam	7,000,000
Estimated cost of Dam No. 3 complete with lock	32,500,000
Estimated cost of Cove Creek Dam (no locks required)	20,000,000

TABLE NO. 2.—*Profit to Government from interest payments under Willis-Madden bill with 3½ per cent financing*

[Same basis as Panama Canal 3 per cent bond issue]

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3½ per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
0		$47,000,000	0		0	0	0	0	0	Approximate estimate at beginning of lease period.
First year	Wilson Dam One-half additional machinery in same. Dam No. 3 Cove Creek Dam.	47,000,000 3,500,000 1,000,000 1,000,000		Wilson Dam	$200,000					One-half additional units in Wilson Dam ready at end of first year. Work begun on Dam 3 and on Cove Creek Dam. First year of deferred interest payments on Wilson Dam.
Total		52,500,000	$1,706,250		200,000	$1,506,250	$1,506,250	0	0	
Second year	Previously invested. Remainder of machinery. Dam No. 3 Cove Creek Dam.	52,500,000 3,500,000 10,000,000 9,000,000		Wilson Dam Extra machinery	200,000 140,000					First one-half additional machinery in Wilson Dam has been available for a year and 4 per cent interest on same is payable. Remainder of this machinery is now ready. Work progressing on Dam 3 and Cove Creek Dam.
Total		75,000,000	2,437,500		340,000	2,097,500	3,603,750	0	0	
Third year	Previously invested. Dam No. 3 Cove Creek Dam (completed).	75,000,000 10,000,000 10,000,000		Wilson Dam Additional machinery.	200,000 280,000					4 per cent interest now payable on entire installation of additional machinery in Wilson Dam. Cove Creek Dam completed at end of third year of lease.
Total		95,000,000	3,087,500		480,000	2,607,500	6,211,250	0	0	

TABLE No. 2.—*Profit to Government from interest payments under Willis-Madden bill with 3½ per cent financing*—Continued

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3½ per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
Fourth year	Previously invested. Dam No. 3 (completed).	$95,000,000 11,500,000		Wilson Dam Additional machinery. Cove Creek Dam	$200,000 280,000 800,000					4 per cent interest begins on full amount Cove Creek investment (assume no locks in Cove Creek Storage Dam). Dam 3 completed at end of fourth year of lease.
Total		106,500,000	$3,461,250		1,280,000	$2,181,250	$8,392,500	0	0	
Fifth year	Previously invested (no further investment).			Wilson Dam Additional machinery. Cove Creek Dam Dam No. 3	200,000 280,000 800,000 160,000					First year of deferred interest payments on Dam No. 3.
Total		106,500,000	3,461,250		1,440,000	2,021,250	10,413,750	0	0	
Sixth year				Wilson Dam Additional machinery. Cove Creek Dam Dam No. 3	200,000 280,000 800,000 160,000					Second year of deferred interest payments on Dam 3; final year of deferred interest payments on Wilson Dam.
Total			3,461,250		1,440,000	2,021,250	12,435,000	0	0	
Seventh year				Wilson Dam Cove Creek Dam Dam No. 3	1,500,000 800,000 160,000					Final year of deferred interest payments on Dam No. 3. Full 4 per cent is payable on $37,500,000 at Wilson Dam this year and hereafter.
Total			3,461,250		2,460,000	1,001,250	13,436,250	0	0	
Eighth year				Wilson Dam Cove Creek Dam Dam No. 3	1,500,000 800,000 1,060,000					Full 4 per cent payable on $26,500,000 at Dam No. 3 this year and hereafter. No further deferred interest.
Total			3,461,250		3,360,000	101,250	13,537,500	0	0	
Ninth to thirty-fifth year, inclusive.			93,453,750	27-year total	90,720,000	2,733,750	16,271,250	0	0	
Thirty-sixth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 747,264					Principal and interest of deficit in lessee's payments amounts to $20,016,000 at end of thirty-fifth year; one-fifteenth of this is now payable annually with 4 per cent interest on unpaid balances.
Total			3,461,250		5,441,664	0	14,290,836	$1,980,414	0	
Thirty-seventh year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 693,888					
Total			3,461,250		5,388,288	0	12,363,798	1,927,038	0	
Thirty-eighth year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 640,512					
Total			3,461,250		5,334,912	0	10,490,136	1,873,662	0	
Thirty-ninth year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 587,136					
Total			3,461,250		5,281,536	0	8,669,850	$1,820,286	0	
Fortieth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 533,760					
Total			3,461,250		5,228,160	0	6,902,940	1,766,910	0	
Forty-first year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 480,384					
Total			3,461,250		5,174,784	0	5,189,406	1,713,534	0	
Forty-second year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 427,008					
Total			3,461,250		5,121,408	0	3,529,248	1,660,158	0	
Forty-third year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 373,632					
Total			3,461,250		5,068,032	0	1,922,466	1,606,782	0	

TABLE No. 2.—*Profit to Government from interest payments under Willis-Madden bill with 5¼ per cent financing*—Continued

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3½ per cent	Lessee's payment to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
Forty-fourth year				Current interest Deferred interest Interest on deferred interest.	$3, 360, 000 1, 334, 400 320, 256					
Total			$3, 461, 250		5, 014, 656	0	$369, 060	$1, 553, 406	0	
Forty-fifth year				Current interest Deferred interest Interest on deferred interest.	3, 360, 000 1, 334, 400 266, 880					
Total			3, 461, 250		4, 961, 280	0	0	1, 500, 030	$1, 130, 970	
Forty-sixth year				Current interest Deferred interest Interest on deferred interest.	3, 360, 000 1, 334, 400 213, 504					
Total			3, 461, 250		4, 907, 904	0	0	1, 446, 654	2, 577, 624	
Forty-seventh year.				Current interest Deferred interest Interest on deferred interest.	3, 360, 000 1, 334, 400 160, 128					
Total			3, 461, 250		4, 854, 628	0	0	1, 393, 278	3, 970, 902	
Forty-eighth year.				Current interest Deferred interest Interest on deferred interest.	3, 360, 000 1, 334, 400 106, 752					
Total			3, 461, 250		4, 801, 152	0	0	1, 339, 902	5, 310, 804	
Forty-ninth year.				Current interest Deferred interest Interest on deferred interest.	3, 360, 000 1, 334, 400 53, 376					
Total			3, 461, 250		4, 747, 776	0	0	1, 286, 526	6, 597, 330	
Fiftieth year				Current interest Deferred interest Interest on deferred interest.	3, 360, 000 1, 334, 400 0					This surplus of $7,830,480 remains after paying full bond interest on all expenditures for water-power purposes, including those made during the war, and on all expenditures chargeable to navigation improvement.
Total			3, 461, 250		4, 694, 400	0	0	1, 233, 150	7, 830, 480	

Basis of computations

Present investment in Wilson Dam as of Feb. 1, 1928, including locks	$47, 000, 000
Estimated cost of additional generating machinery in Wilson Dam	7, 000, 000
Estimated cost of Dam No. 3 complete, with lock	32, 500, 000
Estimated cost of Cove Creek Dam (no locks required)	20, 000, 000

TABLE 3.—*Assuming a bond issue for financing the Madden-Willis bill, the following shows the surplus above bond interest*

(Considering navigation expenditures on same basis as other rivers, without any interest charges or sinking fund)

Interest payable to United States by lessee during lease period under Madden-Willis bill totals $177,740,480.

Average investment of United States during lease period (not including $10,000,000 chargeable to navigation at Wilson Dam, and $6,000,000 chargeable to navigation at Dam No. 3), is $88,800,000.

The surplus at various rates of bond interest is as follows:

	3 per cent	3¼ per cent	3½ per cent	4 per cent
Lessee's interest payments	$177, 740, 480	$177, 740, 480	$177, 740, 480	$177, 740, 480
Bond interest requirements	133, 200, 000	144, 300, 000	155, 400, 000	177, 600, 000
Surplus	44, 540, 480	33, 400, 480	22, 340, 480	140, 480

Mr. FLETCHER. Now, let us get back to the report on this resolution. I was discussing that. Objection is made that nitrate plant No. 2 can not be economically utilized in the manufacture of fertilizer. The claim is made that it is out of date, and that there are modern methods now available that ought to be adopted.

I ask, why are not the so-called modern methods being employed somewhere? Who is making fertilizer material by the modern methods in the United States? The Du Pont people at Charleston, W. Va., are making nitrogen, but are not making fertilizer. The Hopewell people are making nitric acid, not fertilizer. If we can find a lessee who will contract to use these plants in the making of fertilizer, why not jump at the opportunity? The power is there, going to waste. Why not use it?

The Alabama Power Co. takes only what it chooses to take. More power can be easily added, and why not use it in making fertilizer?

This report speaks about selling power. Selling it where, to whom? We are dependent entirely on the Alabama Power Co. to distribute the power. If water power is not needed, why locate a plant at Muscle Shoals? The claim in the report is that gradually we are getting away from the use of water power in the making of fertilizer. If it is not needed, why locate a plant at Muscle Shoals? Why not go to the coal fields with the fertilizer plant? Yet this resolution compels the location of a plant at Muscle Shoals, and some other plants for experimental purposes in other parts of the country?

Who claims to-day that we do not need the power in the making of fertilizer? If anyone makes that assertion with any sort of faith in its soundness, then why locate a fertilizer plant where we can get water power at all? Why not take it into the coal fields, as I have said, where we can make nitrogen by the synthetic process?

The report further says:

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 that purpose. The original act provided for the use of plants at Muscle Shoals for the cheapening of the manufacture

of fertilizer. The report says that. I wish to adhere to that original purpose. Why delay further about it?

This report further states:

It 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.

Then why go on and complete Wilson Dam at an enormous expenditure? Why complete nitrate plant No. 2, as this resolution proposes? Why should the Government engage in producing power and selling power? Selling it where? What are the transmission lines going to cost; where are purchasers for the power to be found? What about rights of way for your lines? What about existing franchises in cities already owned by your competitors?

The report states:

The resolution provides for the construction of fertilizer plants, to be begun immediately.

What kind of plants? It is said that the cyanamide process or method is out of date and obsolete, that there are modern methods known to the scientific world. Where are they and what are they? Why not specify? This resolution does not do anything of the kind. Where are these plants located? The manufacture of fertilizer by what process? Why not use the power which we have already there now going to waste? Why talk about obsolete and out-of-date methods, when the evidence is conclusive that ammonium phosphate is being actually manufactured successfully in the United States?

I am told that the proposed lessees mentioned in that letter now manufacture 140,000 tons of ammonium phosphate a year, and sell about three-quarters of it to the fertilizer companies of the United States, and ship to some 52 foreign countries. That is all made by this obsolete process. Do you want any further evidence that the cyanamide process is practical, is feasible, and can be used in the manufacture of fertilizer, than the fact that they are doing it, and doing it successfully?

Mr. President, we should not continue longer importing at great expense large quantities of nitrate from Chile when we can make that material, when we have all the facilities and all the resources for doing it here.

We imported Chilean nitrate in 1831 to the value of $16,050; in 1851, to the value of $35,000; in 1871, to the value of $673,000; in 1891, to the value of $3,000,000; in 1911, to the value of $17,000,000; in 1921, to the value of $42,000,000; in 1918, to the value of $70,000,000; in 1926, we imported over 1,000,000 tons, of the value of $47,000,000.

Since 1831 we have imported from Chile more than 20,000,000 tons of Chilean nitrate, of the value of more than a billion dollars. The export duty to Chile has amounted to more than a quarter of a billion dollars, which we have paid. That has been added, of course, to the price of the nitrate. This nitrate contains about 15½ per cent of fixed nitrogen. The yield for 1,000,000 tons we annually import is about 150,000 tons of fixed nitrogen. About 660,000 tons of this 1,000,000 tons are used for fertilizer purposes, so the farmers get about 100,000 tons of pure nitrogen annually from Chile. The capacity of nitrate plant No. 2 is 50,000 tons of pure nitrate. Why should we not operate it?

If other processes are discovered to produce it cheaper, the American Cyanamid Co. will undoubtedly be the first to adopt them. One obstacle in the way of the Government actually operating the plant in order to produce fertilizer is shown by the contract with the Cyanamid Co., one of the proposed lessees under the Madden-Willis bill, which actually constructed plant No. 2 under a contract with the Government. It has never been completed fully, but whatever has been done there was done by that company, and under that contract it was provided that if the Government undertook to manufacture fertilizer at that plant it must pay the Cyanamid Co. $1,250,000 for the use of their patents. In other words, the Government is not in position to make fertilizer there until they have acquired the patent processes for making the fertilizer, and if they used the cyanamide process they undertook and agreed to pay $1,250,000 for the use of those patents.

See what the fertilizer bills have been mounting to. Using the 1920 census, North Carolina's bill for fertilizer is nearly $49,000,000 a year; South Carolina's bill, $52,000,000; Georgia's bill, nearly $46,000,000; Florida's bill, about $15,000,000. The consumption in Florida has increased from about 260,000 tons in 1920 to nearly 400,000 tons in 1926. The bill now is probably more than $15,000,000 a year.

Compare these bills with the total cost of Dam No. 2. Power is not so much needed in those States. What they really need is power in the form and shape of fertilizer. They need it sent down there, not by transmission wires, but in fertilizer bags. There are unlimited power possibilities in this region and there is no need for the Government going into the business of developing power and electric energy. The Aluminum Co., on the little Tennessee River, has already developed 100,000 horsepower and are doubling that now.

As far as Florida is concerned, we can get all the power there is any possible use for from the Chattahoochee River, 300 miles nearer than Muscle Shoals. We already have some water power developed in Florida on the Withlacoochee River, and power can be developed on the Suwannee, Santa Fe, and other rivers in Florida.

But, as a matter of fact, Mr. President, facing the truth as it exists, we can make power, especially in the ports of the State—at Jacksonville, at Miami, at Tampa, at St. Andrews Bay, and at Pensacola and at other ports—by the use of fuel oil, which comes to us by water, as cheap as it can be made at Muscle Shoals.

It is not a question of power we are concerned about; it is a question of meeting the needs of agriculture. That is the thing we must look after, and that is the thing we ought to devote ourselves to in connection with this proposition.

Now, Mr. President, I want to refer to the fact that many of us favored what is known as the Ford offer, and on that subject one of the most conscientious men that ever sat in this body took that view. He was one of the finest characters I ever knew, a patriot and a statesman; not only that, but a statesman who took a broad view, who kept in mind not the next election but the next generation. Not only was he a statesman but a scientist, a chemist, and he knew the difficulties of making fertilizer and the problems involved in it. I had very great admiration, as I think we all had, for former Senator Ladd, of North Dakota. Senator Ladd favored accepting the Ford offer. He wrote several articles—one on November 2, 1924, and another on November 29, 1924—for the Saturday Evening Post entitled "Why I am for Henry Ford's offer for Muscle Shoals." In the first-mentioned article he said:

As to the questions of chemistry involved in the solution of the Government's Muscle Shoals problem, however, I have some decided opinions of my own, based upon the history of air nitrogen developments and upon my own study and experience as a chemist; and with this viewpoint I approach the Government's problems at Muscle Shoals and present my views to the readers of the Saturday Evening Post.

Further on in the article he said:

At Muscle Shoals the Government has built two nitrate plants. Nitrate plant No. 1, with a capacity of only 30 tons of nitrogen in the form of ammonia a day, was an unsuccessful experimental plant costing $13,000,000. Nitrate plant No. 2, which cost $67,000,000, is the largest nitrate plant in the world employing the cyanamide process. Its capacity is 40,000 tons of pure nitrogen a year. This is equivalent to about 250,000 tons of Chilean nitrate, or about 70 per cent of the entire amount imported from Chile annually for use by American agriculture. Unfortunately there is ample evidence that this plant will have to be radically changed to produce the improved concentrated fertilizers that are admittedly possible, while the cost of such changes and additions, from estimates given by the Hon. MARTIN B. MADDEN, chairman of the House Committee on Appropriations, will be at least $25,000,000.

Then he considered the question, first, Shall power production and distribution or fertilizer manufacture be paramount? and he dwelt upon such question and insisted that the fertilizer manufacture should be paramount, and said:

Second. Germany, prior to the war, was importing about 600,000 tons of Chilean nitrate annually, while to-day she is independent of Chile through the operation of her war-built air nitrogen plants.

Third. Authorities are agreed that combined nitrogen in the form of ammonia, which costs the farmer from 20 to 25 cents a pound when purchased in the form of mixed fertilizers, can be manufactured at Muscle Shoals for 5 to 6 cents a pound by several well-known processes.

Further on in his article he said:

It was made clear during the extended hearings before our committee that if we would divorce the nitrogen industry from reliance upon water power we immediately must turn to coal; but the country knows only too well how a coal strike can paralyze transportation and industry. Shall we deprive our future fertilizer industry of water power and make agriculture itself dependent upon the good grace and tolerance of the coal operators and their miners?

The domestic price of by-product nitrogen fertilizer is fixed by our domestic monopoly—mostly coal operators—in accordance with the price of Chilean nitrate, and the latter is fixed by a world-wide monopoly called the Chilean Nitrate Producers' Association. Our farmers fare no better at the hands of the by-product coke monopoly than they do at the hands of the Chilean nitrate monopoly. It seems to me that if we want to get cheaper fertilizer for American farmers we must find some other road than by permitting the fertilizer industry to be exploited by

coal and coke operators who have already declined to sell American farmers cheaper fertilizers, regardless of any technical advantage in doing so.

My position as to the use of the Muscle Shoals power in the manufacture of fertilizers squares exactly with that of Dr. E. H. Hooker, president of the Manufacturing Chemists' Association and of the Hooker Electrochemical Co., who is one of the leaders in the application of electric power to chemistry in the United States. Doctor Hooker told our committee that if the full opportunities for fertilizer manufacture are to be realized at Muscle Shoals, then the amount of power that would be necessary to meet the growing demand for fertilizer "will probably increase rather than decrease, although it will be less per unit."

* * * * * * *

The proposal of Senator NORRIS that we divorce the power from the fertilizer and limit the amount of power to be used in the manufacture of fertilizer to not more than 25,000 horsepower of primary or dependable power and 75,000 horsepower of secondary or irregular power and engage in a cooperative business relation with the Alabama Power Co. and its associates in order to distribute the larger portion of the power, although a satisfactory arrangement to the associated power interests and to the fertilizer group, will never have my support. Public utilities have had absolute domination of our water powers in this country for a generation, but never yet have they accomplished anything of importance to the farmer, although they themselves say in the report of the committee on public policy, National Electric Light Association, at their convention in June, 1922:

"No nation such as ours is stronger than its agriculture. * * * Any movement, therefore, to build up the city at the expense of the farming community is shortsighted."

* * * * * * *

Senators may vote down the Ford offer, but when they do they should realize that the Ford proposal is the only one in which the responsibility of operating nitrate plant No. 2 to full capacity is guaranteed and the operation carried on at private and not at public expense. Mr. Ford's obligations are not limited to nitrogen alone, but include other commercial fertilizers, of which there are only two—phosphoric acid and potash. The capacity of nitrate plant No. 2 means sufficient nitrogen for 2,000,000 tons of 2-8-2 commercial fertilizer—worth about $60,000,000—annually, while the total consumption of commercial fertilizers in the United States in 1921 was 5,183,523 tons; so it is very evident that the minimum fertilizer production proposed by Mr. Ford is by no means the insignificant portion of the total American consumption which the opposition would lead the country to believe.

* * * * * * *

The comparative economic benefits of the Muscle Shoals power, when utilized in fertilizer manufacture as against public-utilities service through a superpower system, are evident when it is recognized that the farmers' expenditures for fertilizers in the 11 Southern States from Virginia to Arkansas, as shown in the following table and upon the map, were $207,000,000 in 1920, while the expenditures for electric lighting and power purchased from all public utilities as recently as 1922 in the same States amounted to only $109,000,000.

A saving of 50 per cent of the farmer's fertilizer bill in these 11 States would be a greater economic benefit to the people of that region than would result if every purchaser of public-utility light and power in those States were supplied at 10 cents on the dollar. Such a reduction would be absurd and manifestly impossible, while it is generally conceded that the cost of fertilizers can be reduced one-half at Muscle Shoals.

Comparing the proposal in the Madden-Willis bill with the Ford offer, I insist that the latter is more favorable to the Government and the public than was the Ford offer.

1. Henry Ford's proposal was an offer to make a lease. The Madden-Willis bill carries the lease in itself. That is to say, the precise terms, so there can be no question about what the contract will eventually be, are set forth in the body of the Willis bill. The covenant is nominated in the bond.

2. Ford proposed to purchase nitrate plants; Madden-Willis bill provides for their lease.

The Ford offer was a proposal to purchase the nitrate plants. The title to the property passed entirely out of the hands of the Government. The Madden-Willis bill being a lease, the title to the entire property remains in the United States.

3. Ford without chemical experience; American Cyanamid Co. successful fertilizer manufacturers.

Neither Mr. Ford nor his organization had manufacturing knowledge of the fertilizer business. American Cyanamid Co. for years has been successfully producing cyanamide and concentrated fertilizer—ammonium phosphate—and selling it on a large scale, and is as experienced in the fertilizer manufacturing business as Ford is in the automobile business.

4. Ford made no definite agreement to manufacture concentrated fertilizer; Madden-Willis bill requires the production of concentrated fertilizer in the form of ammonium phosphate.

The benefits of Muscle Shoals to agricultural regions at a distance depend upon the production of concentrated fertilizer containing high percentage plant food and therefore making cheaper transportation possible. Ford merely agreed to make nitrogenous fertilizers, without specifically naming any particular kind of nitrogenous fertilizer.

5. Fertilizer production in Ford offer has been increased 25 per cent in Madden-Willis bill.

Obligation as to fertilizers under the Ford offer was limited to fertilizers containing 40,000 tons of fixed nitrogen in a form not stated. The ultimate production under the Madden-Willis bill is 25 per cent greater and totals 50,000 tons of fixed nitrogen in a form which is definitely stated as ammonium phosphate. (Ammonium phosphate as now made carries 13 per cent ammonia and 48 per cent phosphoric acid, a total of 61 per cent plant food.)

6. Lease period under Ford offer 100 years instead of 50 years as proposed in Madden-Willis bill.

The lease period in the Ford offer was for 100 years, and in the Madden-Willis bill the lease period is for 50 years.

7. Lessee under Madden-Willis bill pays more interest to the Government on its Muscle Shoals investment than Ford proposed.

In the Ford offer the interest rate was 4 per cent, but there was a preliminary period during which only a fraction of 4 per cent was payable, creating a deficit below 4 per cent which was never made good. In the Madden-Willis bill this deferred interest is payable with interest thereon, and the Government receives the full 4 per cent.

8. Lessee under Madden-Willis bill pays royalty on Government's limestone; Ford proposed to purchase Waco Quarry.

In the Ford offer no royalty was payable on limestone removed from the Waco Quarry. Under the Madden-Willis bill a royalty of 5 cents per ton is payable on all limestone removed. With nitrate plant No. 2 running at capacity the royalty on limestone will amount to from $12,000 to $15,000 annually to be paid by the lessee to the Government.

9. Lessee under Madden-Willis bill pays Government more for maintaining mechanical equipment at Wilson Dam than Ford proposed to pay.

In the Ford offer the Government was responsible for maintaining the long series of gates and mechanical equipment across the top of the Wilson Dam. In the Madden-Willis bill the lessee maintains the gates, as well as the power houses and generating equipment.

10. Ford's offer to limit fertilizer profits to 8 per cent not as definite as lessee's agreement under Madden-Willis bill.

The Ford offer limited fertilizer profits to 8 per cent of cost but did not definitely specify the items to be included in cost; the Madden-Willis bill also limits fertilizer profits to 8 per cent of cost but avoids future controversy by definitely specifying the items to be included in cost.

11. Ford did not waive royalties on patents; lessee under Madden-Willis bill waives all royalties on fertilizer processes.

There was no provision for waiving of royalties in the Ford offer; the Madden-Willis bill provides that no charge shall be made for royalties on fertilizer processes now owned or which may be acquired by the company, nor any royalties upon inventions made through the program of research provided in the contract. In the contract between the United States and the American Cyanamid Co. for building nitrate plant No. 2 it was agreed that in case nitrate plant No. 2 was operated by the Government the American Cyanamid Co. should receive a royalty on cyanamide produced amounting to $30 per ton of fixed nitrogen. Running at a capacity production of 50,000 tons of fixed nitrogen annually, as provided in the Madden-Willis bill, the royalty would have been $1,500,000 per annum.

12. No distribution of power in Ford offer; surplus power to be disposed of under Madden-Willis bill.

The Ford offer made no provision whatever for the distribution of surplus power from Muscle Shoals; the Madden-Willis bill provides that such power shall be disposed of for the purpose of distribution, subject to State and Federal laws, for general domestic, industrial, and commercial uses.

13. Government nitrate plants and lessee's fertilizer plants become Government property at end of lease period in Madden-Willis bill; Ford would have continued to own the property.

Under the Ford offer the Government never regained title to or possession of its nitrate plants. The Madden-Willis bill not only provides that the Government shall regain possession of its nitrate plant properties at the end of the lease period (it never parts with the title to these properties at any time) but also confers upon the Government, without charge, the title to all fertilizer plants built by the lessee at his own expense on the leased premises. The value of these additional fertilizer

properties to be built by the lessee has been estimated at from thirty to forty million dollars.

Those who are favorable to the Ford offer have here clearly a much better proposition, more favorable to the manufacture of fertilizer, more favorable to the farmer and to the public in general than the Ford offer.

There appeared in the Dearborn Independent for January 3, 1927, an article or editorial entitled "Nitrates or battle cruisers," in the course of which this statement was made:

> Whenever the right is granted by any executive of the Government, or by the power commission, or by Congress to any power company to build and own the Cove Creek Dam under the water power act, that will be a gift of $50,000,000 to the power combine.

I say let the Government build the Cove Creek Dam, own the reservoir and dam as auxiliary power for all the plants, and that means the securing of navigation on the Tennessee, not only navigation south but navigation 80 miles farther up to the coal fields of Tennessee. Let the Government build that dam and let the Government refuse to make this gift of $50,000,000 to the power company.

I want to submit for the RECORD a communication from the commissioner of agriculture of Florida, dated January 18, 1927, together with an article which he prepared and which is published in the Florida Review, entitled "Muscle Shoals, by Nathan Mayo, commissioner of agriculture." I ask that the letter and article may be printed in the RECORD.

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

The letter and article are as follows:

THE STATE OF FLORIDA,
DEPARTMENT OF AGRICULTURE,
Tallahassee, January 18, 1927.

Hon. DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SIR: I am inclosing a copy of Florida Review. In it you will find an article on Muscle Shoals, in which I have tried to express what I believe to be the views of the American farmer on this question.

I fully realize that you are awake to the situation as regards Muscle Shoals, and that you stand ready to vote for whatever bill offers the greatest benefit to farmers.

As commissioner of agriculture for Florida, I am deeply concerned with the early and correct disposition of this highly important matter. Agricultural leaders everywhere are agreed that there should be action, definite and positive, by the present Congress. Those who made possible the development of that wonderful plant at Muscle Shoals did so with the plan and purpose expressed in the national defense act of June, 1916, that this plant should be operated for the purpose of making fertilizer except in time of war.

Since the signing of the armistice, November 11, 1918, we have had eight years without war. And, so far as Muscle Shoals is concerned, we have had eight years without fertilizer. The plant at Muscle Shoals has made only about 5,000 tons of nitrates. Its power has been sold to private interests at a low price—a thing plainly contrary to the purpose for which the plant was built.

Meanwhile the farmers have been paying high for nitrogen. Their annual bill for fertilizers runs well over $200,000,000. Probably one-half of this sum represents the cost of nitrogen, the most expensive single element in fertilizer.

Conservative authorities place the saving we might hope for from the operation of Muscle Shoals as a nitrate plant at from $3 to $5 per ton for each ton of fertilizer used. As we use more than 7,000,000 tons of fertilizer per year in the United States, you can readily see that Muscle Shoals would effect a tremendous sum-total saving to the farmers of the land. In Florida alone we estimate that the proper operation of Muscle Shoals would mean a saving of over $1,000,000 per year on our fertilizer.

When you have read it I should be glad to have your comments on the article inclosed, and also your views on the Muscle Shoals legislation now pending in Congress.

Very truly yours,

NATHAN MAYO, *Commissioner.*

[From the Florida Review, Tallahassee, Fla., January 17, 1927]

MUSCLE SHOALS

By Nathan Mayo, commissioner of agriculture

With Congress again in session, the American public is once more manifesting interest in the disposition of the Muscle Shoals matter. This great piece of unfinished business has been before our National Legislature for years. The American farmers, and especially the farmers of the South, are particularly concerned with this subject. Perhaps never in history has Congress had before it a matter more fraught with economic importance to southern farmers than this question of utilizing the power of Muscle Shoals for the benefit of agriculture.

The potential value of the Tennessee River for industrial purposes has long been recognized. It is said that George Washington himself, as a young man, following his work as a surveyor and civil engineer, made a survey of the Tennessee River near Florence, Ala., and declared that it offered wonderful opportunities. From that time to now, down through the Nation's history, men have sought to harness nature's provision for power generation at this point.

During the World War, in June, 1916, Congress made an appropriation of $20,000,000 for beginning operations at Muscle Shoals for the production of nitrates, based on recovering nitrogen from the air in the form of fixed nitrates as a basis for ammunition.

Since then additional appropriations have been made by Congress until our Federal investment at Muscle Shoals has reached the enormous sum of almost $150,000,000.

Here we quote from a speech delivered by John W. Newman, former commissioner of agriculture of Kentucky, at a meeting of the Farmers Union, Lexington, Ky., January 1, 1927:

"It is not our purpose to pass upon the wisdom of Congress in making this huge appropriation at the time. The facts are, the money has been expended and the plant is there to show for itself. The question is, What shall be done with this plant now that the country has it? One can scarcely visualize what a million dollars can buy. Multiply this by a hundred and fifty and you will begin to get some conception of the enormity of the plant along the banks of the Tennessee River. The Wilson Dam itself is approximately a mile long, 125 feet high, and backs the waters of the river up for about 17 miles, forming the great Wilson Lake. The power generated by this dam alone is, in round numbers, under full-stream conditions, 200,000 horsepower. Now, picture approximately 6,000 acres of land, upon which are located a steam plant capable of generating 125,000 horsepower to supplement the power production of the dam; dozens of magnificent factory buildings, all filled with high-priced, highly developed machinery, the best the world affords; hundreds of residences; storehouses; its 500-acre limestone quarry, at least 80 feet in depth; 25 miles of railroad; steam engines; cars; rock-crushing machines, capable of turning out 1,200 tons of rock per day; switchboards; high-tension lines; storerooms filled to bursting with materials; power sufficient to keep hundreds of thousands of men at work, and you will have some idea of this immense Government plant. It was operated for five weeks and made approximately 5,000 tons of fixed nitrogen—enough for the nitrogen content of approximately 50,000 tons of ordinary fertilizer.

"The power is there. The machinery is there. It has been demonstrated that the most costly content of fertilizers, namely, nitrogen, can be made at a reasonable cost. Yet it remains idle, because the President of the United States can not lease it except by act of Congress, and the funds have not been provided by Congress for its operation in the interest of the American farmer. The sad part of it is that the farmer, in the meantime, is contributing unnecessary millions in profits to foreign nations and to the fertilizer companies operating in America. The annual importation into America of Chilean nitrates, as a prime basis for ordinary mixed fertilizers, amounts to millions of tons. The export duty for this Chilean nitrate is $12 per ton. The profits to the importers run into other millions, all of which our farmers pay."

Florida has a peculiarly good reason for wanting action on Muscle Shoals. Our State probably uses more high-nitrogen fertilizer per crop-acre than any southern State. We used last year approximately 400,000 tons, at an average price of $36 per ton; and around half of this $36 is represented by the nitrogen content of the ton. In other words, Florida spent more than $7,000,000 for her nitrogen in 1926.

If Muscle Shoals can manufacture nitrates cheaply enough to reduce this outlay of $7,000,000 to any appreciable extent, Florida farmers would like to have it done.

Muscle Shoals can be made into a national blessing or a national shame. It was the intent of the framers of our national defense act that American agriculture should benefit from Muscle Shoals. The national defense act, under which the initial appropriation was made, provides that the President of the United States can operate this plant for the production of ammunition bases in times of war and for fertilizer products in times of peace. It is now more than 10 years since this act was passed. We have had eight years of peace, during which the chief beneficiary of this gigantic power plant has not been the American farmer, but the private interests which have bought this power from the Government at a nominal sum.

Congress should adhere to the plan of those whose vision saw in Muscle Shoals a vast agency for the help of the American farmer. Muscle Shoals should be put in operation. Its giant power should not be bartered away to those who will amass millions and billions of dollars profit from it. In time of peace, it belongs to the American farmer, not to the American capitalist. And so long as we are at peace, its product should be nitrates, up to the full needs of agriculture. When these needs have been met, and not until then, should a single kilowatt of its power be sold to private interests, who will in turn use it for private gain.

The farmers of the Nation are buying more than 7,000,000 tons of fertilizer per year, at a total outlay of more than $200,000,000, which exceeds the total cost of Muscle Shoals by more than $50,000,000.

If we assume that the price of this fertilizer would be reduced to the amount of only $3 per ton by the operation of Muscle Shoals—and that is probably a low estimate—we have here a saving of $21,000,000 per year. Within 10 years, properly operated, this vast national asset could be made to pay back in savings to the farmers of the land every penny our Nation has put into it. Will Congress do its duty?

Mr. FLETCHER. Mr. President, I have already taken more time than I anticipated on this matter. It is a matter of very great importance. I hope we can arrive at some definite conclusion with respect to the policy to be adopted and with respect to the putting to use these properties and placing this great enterprise on a sound basis.

Mr. KING. Mr. President, will the Senator from Florida before he concludes permit an inquiry?

Mr. FLETCHER. Certainly.

Mr. KING. If I understand the Senator, I am rather disposed to accept the view which he has announced; that is, that he prefers to subordinate the power possibilities of the enterprise and project to the commercial manufacturing of fertilizer for the use of the farmer. We have the so-called Norris proposition before us, which emphasizes the power scheme; indeed, as I understand it, and as I interpret it, it means, if we accept it, that we shall have power and we shall not have fertilizer, because the Government has utterly failed thus far in its experimentation in producing fertilizer, whereas private individuals and corporations have succeeded and undoubtedly can succeed. If we reject the Norris proposition, does the Senator from Florida think that the so-called Madden bill or Willis bill—the latter being before the Senate and the former before the House of Representatives—would carry out the plan for which the Senator has been contending, would sufficiently protect agriculture, and would sufficiently prevent the Government from going into private business, for I am very much opposed to the Government going into private business; that is, in the field of private endeavor?

Mr. FLETCHER. I think undoubtedly, Mr. President, the proposed lease set out in the Madden-Willis bill would bind the lessee to operate the plant. The Government under that lease would retain title, of course, to all the property, to all the dams that it has already built or may build hereafter, to all the improvements, and the lessee would control and operate the plant for a period of 50 years. Then, of course, control of the property would all revert to the Government. The Government, however, would have nothing to do with the operation during the lease period. Among other things that I did not mention before, I think the contract provides that the lessee shall spend $35,000 a year in the maintenance of the Wilson Dam and shall also spend $25,000 a year in the maintenance of Dam No. 3, in addition to the other things I mentioned just a moment ago.

There may be some details about the bill that I would prefer to have changed; it may be that we should want to offer some amendments to it; but in a broad, general way it would place us on a definite foundation. We would lease the property for a period of years; we would secure the manufacture of fertilizer that we desire and that the country needs. Then also we would be free from cost, from care, and from responsibility in connection with the maintenance of the property. I think that would be very desirable. However, whether the details of the measure are exactly what we would all like, whether we would like to amend the measure in some respects is another matter; but generally speaking that is where I should like to get on this proposition.

I voted for the Ford offer and I favored that rather than have the Muscle Shoals property lie idle and go to waste. I think, in its broad sense, the offer under the Willis-Madden bill is better than was the Ford offer, as I have just stated.

Mr. SIMMONS. Mr. President, will the Senator kindly tell me to which offer he is referring—to the offer of the Cyanamid Co.?

Mr. FLETCHER. I am referring to the offer as mentioned in the Madden-Willis bill. The parties to whom I refer are the Air Nitrates Corporation and the American Cyanamid Co.

Mr. SIMMONS. Will the Senator permit me at this point to ask him a question?

Mr. FLETCHER. Yes.

Mr. SIMMONS. Does the Senator believe that cyanamide as a nitrate will ever prove satisfactory to the farmers of this country or will ever take the place of the nitrate of soda that we get from Chile?

Mr. FLETCHER. I understand that it has to be combined with phosphate before it becomes fertilizer material, in order that it may not do harm.

Mr. SIMMONS. It must be combined with a precision equal, I think, to that with which medicine is compounded in order to make it safe; but does the Senator believe that it will ever be used in sufficient quantities to supply the needs of the farmers of this country for nitrate of soda or that it will ever take the place upon the farms of this country that is now occupied by nitrate of soda which is imported from Chile?

Mr. FLETCHER. I think there is no doubt but that it will do so.

Mr. SIMMONS. Mr. President, I have very serious doubts about it, and I am trying right now to get some light upon that question. I have talked with some chemists about it, and they have expressed to me a very adverse opinion with reference to the use of cyanamide to any considerable extent as a source of nitrogen. The cost of fertilizer to-day is largely determined by the cost of the nitrogen that is in it. The potash cost has been greatly reduced, I think; the phosphate cost is probably not so very much in excess of what it was before the World War; but the nitrogen cost has not been reduced in the same proportion.

Mr. FLETCHER. Mr. President, may I say to the Senator from North Carolina that cyanamide contains 23 per cent of nitrogen. The nitrates from Chile contain only, I think, about 15 per cent. The nitrogen must be extracted, separated from the other elements, and then combined with phosphoric acid to make ammonium phosphate, which is the form ready for use as fertilizer material.

Mr. SIMMONS. That is not the question, Mr. President. The question is whether we can with safety use enough of the cyanamide to supply the demands of the soil for nitrogen. I think we can not, except upon certain special soils, and as applied to certain particular crops; but, taken as a general proposition, I think the consensus of opinion among farmers and chemists is that cyanamide can never take the place of nitrate of soda as we get it now from Chile, and that some other process must be invented to enable us to use safely a larger quantity than can be used by the present process. In other words, it is necessary to use a very large quantity of acid phosphate and a large quantity of potash and a large amount of filler, in order to use a small quantity of cyanamide with safety to plant life. If the margin of safety happens to be exceeded the crop is destroyed. I am very much troubled about that situation. I have been sending inquiries to some people who, I think, can throw some light on the subject. I am afraid that Senators are not sufficiently familiar with chemistry to throw the necessary light on it.

Mr. FLETCHER. I think the Senator is laboring under a misapprehension. Cyanamide is not used as a fertilizer; it is not sold to the farmers to be so used.

Mr. SIMMONS. I know that. Of course, it would kill every crop that it was used on, if that were done.

Mr. FLETCHER. It is merely an ingredient of fertilizer that has to be mixed with other ingredients before it is available for use on the farm.

Mr. SIMMONS. The point I make is that there can not safely be put on the land a sufficient quantity of that cyanamide mixed with phosphate and with potash to give the necessary quantity of nitrate of soda.

Mr. BLACK. Mr. President, may I make a suggestion to the Senator?

Mr. SIMMONS. Certainly.

Mr. BLACK. The Senator is absolutely correct, in my judgment, in his statement about cyanamide. The plan is not to use cyanamide in the mixture as cyanamide, but to extract from the cyanamide the nitrogen that is contained in it. It makes no difference whether that nitrogen comes from Chile or comes from the air; the nitrogen will be exactly the same. When that nitrogen is extracted from the cyanamide and it is mixed with phosphate, through a phosphoric-acid process, there is an absolute departure from cyanamide; it has ceased to be cyanamide by a chemical process.

Mr. SIMMONS. Then let me ask a question. As a farmer I know that there can be used almost an unlimited quantity of Chilean nitrate on the land without hurting it and without hurting the plant life. If cyanamide be taken and there be extracted from it ammonium, we will say, or nitrate of soda, can that be used in large quantities with safety to plant life? Can there be used as much of that as there can be of nitrate of soda in the Chilean form?

Mr. BLACK. I will explain that. There can not be so much of that used as there can be of nitrate of soda, because nitrate of soda in the Chilean form contains 15.5 per cent of nitrogen. The cyanamide contains, in addition to the nitrogen, lime, and the lime could and would be injurious under many circumstances.

Mr. SIMMONS. The lime can be extracted?

Mr. BLACK. Certainly; that is the only way fertilizer could be manufactured from it. The lime is separated from the nitrogen and then the remaining nitrogen under a chemical process is mixed with phosphate and with some other ingredient.

Mr. SIMMONS. With potash.

Mr. BLACK. Yes; with potash, if it is desired to use potash; and so there has been an absolute departure from the cyanamide, and the danger which the Senator anticipates from the use of cyanamide disappears.

Mr. SIMMONS. Does the Senator mean to say that the secondary product that is obtained from cyanamide by eliminating the lime is as harmless to plant life as is nitrate of soda?

Mr. BLACK. I mean to say that the nitrate that is obtained from cyanamide by proper extraction is exactly the same chemically, according to the formula, as the nitrate obtained from nitrate of soda; there is not a particle of difference on earth; it is all nitrate. One would injure no more than the other, because one has the same chemical properties as the other.

Mr. SIMMONS. Would it be possible to use the same quantity?

Mr. BLACK. It could be used in the same quantity and would have exactly the same effect, because both are nitrogen after the process of extraction has been completed.

Mr. SIMMONS. Now, I should like to ask the Senator. Has any of that secondary product been put on the market by the Cyanamid Co.?

Mr. BLACK. It has been put on the market by mixing the nitrogen with phosphate under the form of ammonium phosphate and sold under the trade name of "ammo-phos." There is no difficulty whatever in extracting the nitrogen.

Mr. SIMMONS. Has the Senator any information as to the amount of ammo-phos which was sold in the market of the United States in the last year?

Mr. BLACK. Ammo-phos as ammo-phos, according to my understanding, was not sold in the market of America.

Mr. FLETCHER. It is sold to fertilizer factories.

Mr. BLACK. Some of it is sold to fertilizer factories. I gave the figures a few days ago. Thousands of tons have been shipped to foreign countries that are sadly in need of fertilizer. It has been used both in foreign nations and in the United States through the intermediary of commercial fertilizer factories.

Mr. SIMMONS. Then the Senator means to say that ammo-phos was combined with phosphoric acid and potash, and fertilizer was thus made. Now, can the Senator give the number of tons of that product that were purchased by the manufacturers of fertilizer as compared to the number of tons of nitrogen that were purchased?

Mr. BLACK. I can not give the number of tons in comparison. It was not near so many, as I showed the other day in my statistics; but it was the entire output of the only cyanamide plant in North America. That is what was sold—the entire output.

The point I rose to attempt to explain was simply that I agree fully with the Senator in his statement that cyanamide as cyanamide would not be as useful as nitrate coming from Chile, for the reason that the nitrate coming from Chile is combined with a filler which is harmless to the soil, but the nitrate under the cyanamide process is combined with lime, which is frequently harmful and injurious to the soil.

Mr. KING. And to some soils beneficial.

Mr. BLACK. And to some soils beneficial, just as the Senator stated; but as a general fertilizer, for general use, cyanamide would not be satisfactory. If, however, you extract the nitrogen from the cyanamide and mix it with phosphate under the process which we hope will be installed at Muscle Shoals, although none of the bills provide for it as now pending, or the joint resolution of the Senator from Nebraska, or the substitute—it would take a tremendous expenditure to put up the necessary equipment to mix the phosphate with the nitrogen—if that plant is put up there, and Dam No. 3 is built, right up in Tennessee, in Giles County, there could be floated down the river on barges phosphate rocks, or they could come from Florida, thereby combining the two. When you extract the nitrogen from the cyanamide, leaving out the harmful element of lime, and combine it with phosphate, then you have nothing injurious to your crops, and you have absolutely gotten away from the danger which the Senator foresaw of the lime contained with the nitrogen in cyanamide.

Mr. SIMMONS. Now, will the Senator answer one more question? He says that product was sold to some extent in the American markets and used by the makers of fertilizer in combination with acid phosphate and potash. I want to ask the Senator whether this secondary product—for that is what it is—of cyanamide has, up to this time, been made so as to be sold in the market as cheaply as the Chilean product?

Mr. BLACK. Yes, sir; it has been made so as to sell, according to the figures which I give to the Senator, and is being sold at figures which would be related as 7.6 cents a pound to 15.5 cents a pound.

Mr. FLETCHER. Now, may I answer the Senator's question—I think I can to some extent, anyhow—about the quantity that has been put on the market by the Cyanamid Co., which manufactures ammo-phos? My information is—and I have been told that by gentlemen who, I think, are reliable in every way—that they are manufacturing now about 140,000 tons of this ammonium phosphate, and that they sell about three-fourths of that to fertilizer factories in the United States, and the remainder they ship abroad to some 52 countries.

Mr. BLACK. One hundred and forty thousand tons of ammo-phos, does the Senator mean?

Mr. FLETCHER. Yes; 140,000 tons of ammo-phos, this material here.

Mr. SIMMONS. And they sell about one-third of that to the American fertilizer producers?

Mr. FLETCHER. About three-fourths of it to the fertilizer manufacturers.

Mr. SIMMONS. Does the Senator know the price at which they sell it, as compared to the price of the other material?

Mr. FLETCHER. No; I do not know, but the price must be as the Senator from Alabama stated.

Mr. NORRIS. Mr. President, the reason why fertilizer is so cheap to-day is because the Cyanamid Co. are selling this stuff to the fertilizer trade. I suppose that accounts for the rejoicing that I have heard so many times, from sections of the country where they use fertilizer, that they are getting it so cheaply to-day. The Cyanamid Co. are in the business. They have been making fertilizer and selling it to the fertilizer people. Therefore you people from the South who use a great deal of fertilizer get it so cheaply; and that is the reason why it is desired to turn over this whole property to the Cyanamid Co., and invest $77,000,000 more of public money, because in their operations in the fertilizer world they have so cheapened the product that they have all the farmers in favor of them.

Mr. SIMMONS. I asked the question, Mr. President, because there is an outcry, or seems to be an outcry, coming from the farmer that the price of the farmer's fertilizer has not been reduced, but rather has been increased. I do not know whether that is true or not.

In certain years it seems to be a little cheaper than it does in other years. Last year we had reasonably cheap fertilizer. This year the price has been again advanced.

Mr. NORRIS. I do not know why the Cyanamid Co. have raised the price of fertilizer.

Mr. SIMMONS. It has been raised, however.

Mr. NORRIS. Evidently they think the farmers like to pay a good price and see them prosperous.

Mr. President, it has been stated here several times, and I take the figure as being correct—the Senator stated it just now, and stated it the other day——

Mr. BLACK. That was stated from memory. I put it in the RECORD the other day. That is my recollection of it.

Mr. NORRIS. I am going to refer to something else—the price of nitrogen by the cyanamide process. It has been stated as 7 and 8 cents a pound, as I remember; and I interrupted the Senator the other day when he gave that price and said that in my judgment, as I remembered the figures, nitrogen by the synthetic process—the most modern process—can be produced from the air for practically half the price at which the Senator himself says the cyanamide process produces it. He gives it again to-day at 7 cents; but, to be sure about it, I took it up with three eminent chemists. One of them is Doctor Cottrell, whom you all know. Another one is Doctor Howe, the editor of the leading chemical journal of the entire world. The third one is Doctor Parsons, who was one of President Wilson's committee that located the plant at Muscle Shoals, and a man whom President Wilson sent to Europe to study the fertilizer question.

As far as I know, none of these three eminent men have any interest—they all tell me they have none, and I believe every word they say—no financial or other kind of interest in any factory of any kind, or any system, or anything.

Since the Senator's speech the other day, when he gave the cost as 7 cents, and when I said I thought they were able to get nitrogen from the air by the synthetic process for 4 cents or less, I have taken it up with these men; and, according to

the consensus of opinion of these three chemists, I was too high in my figures. Nitrogen can be produced from the air to-day by the synthetic process for less than 4 cents.

Mr. FLETCHER. Why do they not do it?

Mr. NORRIS. The du Pont people are doing it right down here at Charleston now, so these people tell me.

Mr. FLETCHER. Not for fertilizer.

Mr. NORRIS. They have not made it in large enough quantities. They are not in the fertilizer business; and if they were in the fertilizer business and I produced their testimony here, at once some of these Senators would jump on me and say, "Why, here is the trust! Here are the interested people, and you are producing evidence from interested people!"

The du Pont people at their factory down here at Charleston, in West Virginia, are going ahead on a purely business basis, investing their money for profit. There is no secret about it. They have no interest in fertilizer. They do not make fertilizer. They have never made any fertilizer. They are making explosives, but they get nitrogen from the air to make them; and you could not give them cyanamide plant No. 2 for nothing if you would compel them to operate it.

The Senator from Virginia [Mr. GLASS] told us the other day what a large plant that will be—one of the largest in the world. I think it will be one of the largest in the world when it is completed. I refer to the plant at Hopewell, Va., where they are going into the fertilizer business as a matter of financial profit.

Mr. FLETCHER. I understand that they are making nitric acid.

Mr. NORRIS. They will make nitric acid, undoubtedly. If you get nitrogen from the air by the synthetic process, you get it in the form of ammonia. That is the way they get it, and they are building their plant now. I understand that the plant at Syracuse, one of the first that was built after the war, using the synthetic process, I think by the du Pont people—I am not sure——

Mr. KING. Was that the Cassell process, where the company failed?

Mr. NORRIS. As they have it now, they have utilized factories of the Cassell process and the Haber process. It is a modified form of it, and it is called by a general term the synthetic ammonia process.

Mr. KING. The Senator knows that the Cassell Co. failed.

Mr. NORRIS. It is a scientific fact, Senators—it is scientifically demonstrated, it seems to me—that you can get nitrogen from the air to-day for less than one-half what we could get it for when we commenced these experiments right after the war; and yet Senators cry out against experiments. If it were not for these experiments we would not have a synthetic-process plant in the United States, and during the war we did not have one. They have all been built since, and not a single cyanamide-process plant has been built during that time in the United States.

I can not find fault with a man who still wants to use the cyanamide process. That is all right. In the measure that I have here, while Senators have spoken differently about it, there are no strings on the Secretary of War. He can use the cyanamide process if he wants to. It is not stated in that measure what process he must use. The world is open to him. His hands are untied. He is free, and I want him to be that way, or whoever we designate to make fertilizer with the idea of cheapening it; and every plant that has been put up has cheapened the process.

I am not in touch with the Hopewell people; but I have talked with the junior Senator from Virginia [Mr. GLASS] and with several chemists about their plant. They all know about it. Some of them know about it in a great deal of detail; and they tell me, and I firmly believe it—it is the natural thing to expect—that when the Hopewell plant is completed they will get nitrogen from the air cheaper than the du Pont people get it down at Charleston. It is natural that they should. It will be a larger plant, on a larger scale; and I was told only within the last 10 days, from, I think, a reliable source, that the du Pont people expect to more than double the plant at Charleston, and they expect to cheapen the product even below the present figure.

Mr. SIMMONS. Let me ask the Senator a question: What process do they propose to use at Hopewell?

Mr. NORRIS. The synthetic ammonia process.

Mr. HEFLIN. Mr. President, if the du Pont people do complete their Hopewell plant and manufacture fertilizer, and the one at Charleston, and the Government directs that at least 40,000 tons of fixed nitrogen shall be made annually at Muscle Shoals, will not all of this fertilizer coming into the market help to cheapen it to the farmers? It will produce competitive buying.

Mr. NORRIS. I should think so; but I do not want to handicap my Government by directing that public funds, taken out of the Treasury of the United States, that have been contributed from the toil and the sweat of the masses of this country, shall be used to manufacture a product by a process that is out of date, when we know in advance that we will not be able to compete with these private plants that have been established on a business basis. Therefore I do not want to compel the Secretary of Agriculture to make fertilizer by the cyanamide process. If anything new happens, if any new development takes place, and that process is the cheapest, let him use it. I have no prejudice whatever against it. I want to have this done by the cheapest method. If I am going to vote to put my country into business here to experiment with the fertilizer proposition, I do not want to hamstring them and I do not want to tie them up by anything that will handicap them when they come up against a private party or a private corporation that is doing the same thing.

Mr. HEFLIN. The American Cyanamid Co. is doing business in competition with the synthetic processes of the world, and it is taking trade away from them. It is doing a flourishing business abroad, and it wants to come into the United States, and is willing to invest its money and compete with the companies doing business here.

Mr. NORRIS. It is here now. The world is open to the cyanamide people. They own the patents themselves, and there is no reason why they should not establish a plant in every State in the Union. Why have they not done it? They admit they have been making cyanamide, and there have been other uses for it. Out of it may come a fertilizer; nobody disputes that. They have been making cyanamide for years. Yet men are crying "Fertilizer Trust," when they have been pouring into the coffers of the manufacturers of fertilizers their product, all they have sold here. They are shipping it to Europe, it is said. I am not complaining of them for doing that. It is said, "They have a process, and let us compel the Government to utilize that process, and use it at the expense of the taxpayer," when nobody is doing it on a business basis.

Mr. HEFLIN. The point I am making now is that the Government has plant No. 2, and it is a cyanamide plant.

Mr. NORRIS. That is right.

Mr. HEFLIN. That they have invested millions in it, and that the people who use the cyanamide process can come in and use that and cheapen fertilizer to the farmer.

Mr. NORRIS. All right. Let me make a proposition now to the Senator. Senators say that fertilizer can be made in the cyanamide plant down there, and the product cheapened, and the Senators who are saying that say, "We do not want the Government to do it; we want a private party to do it."

Here are the owners of the patents, the very men who built plant No. 2 for the Government down at Muscle Shoals. If you believe that they are not misrepresenting anything to us, that they do not care about the power, why do you not accept my proposition, which I have signified my willingness to accept in the way of amending my resolution so as to provide that nitrate plant No. 2 shall be turned over to them for 50 years, if they want it, for nothing, without the payment of a cent of rental. Turn over the Waco Quarry, and let them pay only 5 cents a ton for limestone they take out, and then supply them with enough power from the Government of the United States to operate the plant at actual cost. If they are in earnest, if Senators believe what they are talking about, why do they not accept that proposition, and let them make fertilizer? I stand ready to do that now.

Mr. HEFLIN. We expect to have them use that plant to make fertilizer, but we do not want to tie the Government into it.

Mr. NORRIS. All right; let us lease it to the Cyanamid Co. The Senator says he does not want the Government tied into it, and I do not, either. Let us lease it to the Cyanamid Co. If you do not want to lease it to them, name the man you do want to lease it to. Lease it to the Farm Bureau, lease it to Chester Gray, who represents them, lease it to anybody you might name, if he will furnish a bond that he will run it to its capacity and make fertilizer.

Mr. HEFLIN. As soon as we get the Senator's resolution out of the way, we are going to lease it to somebody.

Mr. NORRIS. I am going to offer that as an amendment to my own resolution on the floor of the Senate when the time comes, and I will be delighted if they accept it.

It is said continually that this is the cheapest way to make fertilizer there is on earth. If that is true, there is your opportunity, there is an investment of between fifty and sixty million dollars of the Government of the United States that I am willing to turn over to them free of rent.

Mr. HEFLIN. Then how would the Senator provide for the handling of the surplus power?

Mr. NORRIS. There probably will not be any. Give them all the power they need to operate the plant.

Mr. HEFLIN. If there is surplus power, who will dispose of that?

Mr. NORRIS. Let that be disposed of according to the resolution. Let the little town of Athens, over in Alabama, that has wired here that it is ready to build a transmission line to Muscle Shoals if we will pass this resolution have it. Let all the other towns have it.

Mr. HEFLIN. Suppose they do not all build these lines; then who will dispose of the power?

Mr. NORRIS. Suppose they do not, then we will decide that. Give them an opportunity to do it, and let us see.

Mr. HEFLIN. But the Senator is going to have the Secretary of War dispose of it.

Mr. NORRIS. Yes; but I am not prejudiced about it. Provide for some other agency, say the Federal Power Commission. I will not object to that. We have to have somebody to handle it.

Mr. HEFLIN. We would be tying the Government into it even with that.

Mr. NORRIS. The Government is in it now.

Mr. HEFLIN. Why not lease it?

Mr. NORRIS. Does the Senator suppose somebody is going down there in the night and take possession and kick the Government employees out of all these houses? Will not the Government have to consent to do it?

Mr. HEFLIN. Certainly.

Mr. NORRIS. We have it now. Let us lease it to them, give it to them for 50 years free of rental, if they will make fertilizer. But let us disconnect their bid from the power proposition. You talk about this being only a fertilizer proposition and not a power proposition. There has never been a bid made yet but what has been made on the basis of the power.

Mr. CARAWAY. Mr. President, I want to ask the Senator from Nebraska this question. He has offered to turn over plant No. 2 rent free to anyone who would lease it to manufacture fertilizer. Does the Senator want to do that if it takes all the power generated at Muscle Shoals?

Mr. NORRIS. Yes.

Mr. CARAWAY. I was under the impression, from what the Senator said, that he thought the cyanamide process was not a practical process.

Mr. NORRIS. I do not think it is.

Mr. CARAWAY. Would the Senator want to give to somebody all of Muscle Shoals, to make use of it, if he knew it could not succeed, and that it would not be worth anything to agriculture?

Mr. NORRIS. If their theory is true, then I am wrong. If they accept it, then I am wrong; and I am giving them an opportunity to demonstrate that I am wrong.

Mr. CARAWAY. Is it just a bluff? Is that what the Senator means?

Mr. NORRIS. I do not think they will accept it.

Mr. CARAWAY. That is what I wanted to find out.

Mr. NORRIS. But if they do accept it, it will be because they believe they can do it; and if they can do it, they will get my blessing, just the same as they will the blessing of the Senator from Alabama.

Mr. CARAWAY. I am not trying to be critical of the Senator. I am trying to find out, if it is the belief of the Senator from Nebraska that the process is a failure, and necessarily must result in failure, whether he would want to make a contract to tie up the whole Muscle Shoals plant for 50 years to manufacture fertilizer by a process that he knows would be a failure.

Mr. NORRIS. If I were to answer that question categorically, I would, of course, say "no"; but I am going on this theory: That if these men who are claiming before us now that they are right, and that they can do this, really can do it, I am wrong; and if they can do it, I want to give them an opportunity to do it. If I am wrong, there is a chance to show it; and if they are right, then they can make the fertilizer cheaper.

Mr. CARAWAY. However, does the Senator want to tie up a great natural resource for 50 years, when he is satisfied that it is a mistake and that the process is a failure?

Mr. NORRIS. I am willing to tie it up for 50 years if somebody is willing to take it who will agree to use it exclusively for fertilizer.

Mr. CARAWAY. The Senator believes that fertilizer made by the cyanamide process can not be commercially successful, does he not?

Mr. NORRIS. Yes; I do.

Mr. CARAWAY. Then would the Senator want to tie up this great resource——

Mr. NORRIS. I understand the Senator, and he ought to be fair about this.

Mr. CARAWAY. I am trying to be.

Mr. NORRIS. I am saying that I may be wrong, and they may be right. If that is true, then they will accept the proposition, and I will subside. Then the farmer will be getting fertilizer, and that is all I want.

Mr. CARAWAY. Is the Senator willing to abdicate his right as a Senator and turn over a great natural resource to a corporation, or to an individual, that he knows can not make a use of it which would be beneficial to the public?

Mr. NORRIS. No, no, no!

Mr. CARAWAY. I am not trying to be critical of the Senator.

Mr. NORRIS. I am not willing to do that, but here comes a big corporation and says, "We can make fertilizer with this plant." I say, "If you can make fertilizer with this plant, I am willing you should have it." That is conceding that they may be right, and I may be wrong.

Mr. CARAWAY. Is the Senator willing to concede that anybody ought to have $50,000,000 worth of the Government's property turned over to him to exploit, without paying the Government a single cent for it?

Mr. NORRIS. But they will not be able to do that.

Mr. CARAWAY. Then the Senator is just proceeding upon the theory that he knows nobody can accept it.

Mr. NORRIS. No; not necessarily. If they can accept it, I would let them have it. But that is not the proposition. If these people take it and agree to make fertilizer with it, my proposition will provide that they must furnish a bond that they will comply with those conditions, they will pay maintenance and upkeep of the dam at 4 per cent interest to the Government on the power facilities that it furnishes, but the nitrate plant No. 2 will be given to them rent free, and they will not need to take the power from the Government if they do not want to. If they can get it somewhere else cheaper, let them get it elsewhere.

Mr. CARAWAY. I thought they were to be furnished power at cost.

Mr. NORRIS. That is cost. I figure that as cost.

Mr. CARAWAY. The Senator would furnish power at cost and give them $50,000,000 worth of property rent free for 50 years?

Mr. NORRIS. Yes; if they will make fertilizer. That is going about as far as anybody ought to be asked to go. Instead of being condemned as a man who is trying to prevent the farmer from getting fertilizer, there is an opportunity for these men, there is an opportunity for this farm bureau, if it has not been bluffing us, if it has not been trying to get this power in the guise of a promise to give fertilizer, there is an opportunity for them to accept it. I know some of those men, eminent fellows, I know these Senators here, and I have not any reason to doubt their word. They believe they can do it. If they can do it, then all of my information, and the scientific men who have advised me, are wrong; and that might be. But the result will be cheap fertilizer to the farmer, if they can do it.

Mr. CARAWAY. If the Senator will pardon me, if there was anybody criticizing the Senator from Nebraska, it was not I. I have for him the most profound respect, and I should resent anybody saying that he wants to be an aid to a Power Trust or to a Fertilizer Trust. That, of course, is so unthinkable to me that I do not think anybody is going to make any such charge. What I want to do is to find out exactly what ought to be done. What I was trying to find out was if the Senator was seriously willing to turn over to anyone for 50 years a plant which he says will require every kilowatt of power developed at Muscle Shoals to experiment with a process to make fertilizer which the Senator is sure is not a success, and can not be. I do not think we ought to jockey with the public's interest. I do not think we ought to bluff each other at the expense of agriculture. I just want to be certain that we all understand each other.

Mr. NORRIS. I think this bid of the Cyanamid Co. is a bluff. I think the bid of the power company was a bluff. I think there has not been a single bid ever made for Muscle Shoals where the bidder did not really want to get power, but they always tried to make Congress and the country believe that they were going to make cheap fertilizer. As Hanna and others testified before the committee when they were fighting the Ford offer, if anybody gets this plant and agrees to make fertilizer, he will have to be subsidized with power. My proposition would not subsidize anybody.

Mr. CARAWAY. Oh, yes; it is a $50,000,000 subsidy.

Mr. NORRIS. Under my proposition they get no power whatsoever except the power necessary to operate the plant, and they have to make fertilizer to the capacity of the plant, and make that exclusively.

Mr. CARAWAY. The Senator is offering a $50,000,000 subsidy to start in with.

Mr. NORRIS. I do not think it is.

Mr. CARAWAY. If they accept it.

Mr. NORRIS. The cyanamide plant cost more than $50,000,000; but I am not criticizing its construction. I think the Government was perfectly justified in building it. But it is one of the great war activities. It is out of date now. If we had a war to-morrow, we would probably start it up; but we would not run it six months. If we had a war to-morrow, we would commence to build synthetic plants at Muscle Shoals, perhaps, and at other places, because we could save money by doing that, and scrapping plant No. 2.

Mr. CARAWAY. That brings me down to just what I want to ask the Senator. I discussed this with the Senator in the committee, and I know, unless he has changed his position, what his position is; but I had hoped he would change his position. I am perfectly willing to accept the Senator's resolution with an amendment that they shall determine, by actually running the plant, whether or not nitrate can be made advantageously fixed by the cyanamide process. I am not at all opposed to the Senator having the power then to try the synthetic process. I am just hopeful, in view of the fact that for eight long years we have stood here and said over and over again to the American farmer that Muscle Shoals and the nitrate plants were dedicated to the national defense in time of war, and to agriculture for the purpose of making cheap fertilizer in time of peace, that we are going to keep faith with them, that we are not fooling with them. Let us try out both processes, and whichever one is the more advantageous, let us use it.

I am willing to go further even than the Senator. I am willing to say we shall dedicate every kilowatt of power that is generated at Muscle Shoals to the exclusive use of trying out these two processes. Let us put plant No. 2 in operation, and if the cyanamide process is obsolete or obsolescent and can not be used, that fact will be demonstrated. If the synthetic process is better and cheaper, then we will use it; but we will give to the American farmer a certificate that power has not anything to do with the measure that finally goes through Congress, but that every kilowatt shall be dedicated to giving him cheaper fertilizer. If the Senator will accept the amendment——

Mr. NORRIS. The Senator's amendment makes it compulsory, as I understand it, for the Secretary of Agriculture to operate plant No. 2.

Mr. CARAWAY. Until it be demonstrated whether the cyanamide process is obsolete.

Mr. NORRIS. I have never talked with the Secretary of Agriculture about it, but, in my opinion, when he consulted chemists and experts on the matter he would know just as well to begin with, before he turned a wheel, as he would know a year afterwards that it would not be a success. The cyanamide plants have been operated and every scientific chemist knows just what they can do. They are familiar with the work of every one of them wherever located. My proposition does not prevent him from doing that thing, but it unties his hands and says, "See what you can do with any process you want to use," and there has been no reason why he should not use the cyanamide process if he wanted to do so.

Mr. CARAWAY. If the Senator is so confident that no process except the synthetic is commercailly possible and profitable, then why does any plant anywhere use the cyanamide process?

Mr. NORRIS. The Cyanamid people make a whole lot of things besides fertilizers. I put in the RECORD a list of more than 52 things that the cyanamide people make. Why should we say to the Secretary of War, "You try this process and you try that process." If we want to have a fair test, why not say to him, "Try any or all or anything you want to." That is what I propose.

Mr. CARAWAY. We equipped plant No. 2 for this process. We dedicated it for this particular thing. I believe that it is not a bad thing to keep the faith with the people whose money we used to develop the process.

Mr. NORRIS. Let us see what it would cost.

Mr. CARAWAY. Just a minute, if the Senator will pardon me.

Mr. NORRIS. If we are going to demonstrate it, it would depend on how long we would run it.

Mr. CARAWAY. I would run it long enough that these very experts would know who was right and who was wrong.

Mr. NORRIS. Has the Senator any idea whether that would be a year or two years?

Mr. CARAWAY. I have not the remotest idea. If the Senator is willing to put the whole power in their hands, I should take for granted that he would be willing to trust them and let them say when they have demonstrated it satisfactorily.

Mr. NORRIS. I am willing; but I was trying to find out the Senator's idea as to how much of a test should be made.

Mr. CARAWAY. The Senator has asked me, and I want to tell him. If they can demonstrate in six months that the synthetic process is a wiser and cheaper process, then at the end of six months let us quit the cyanamide process. I would not want to have the Government spend one nickel in doing a thing that it could not do wisely. Whenever that process has been demonstrated to be a failure, then quit it. But as long as private capital is investing millions of dollars in doing that very thing, then I am hardly justified in accepting some other theory which some scientist has evolved that some other process is better. It strikes me that inasmuch as we have said over and over again in the Senate that we want Muscle Shoals to be dedicated to the manufacture of fertilizer in time of peace, we ought to keep the faith with the people.

I was in favor of accepting the Henry Ford offer. I believe if we had accepted the Henry Ford offer we would have been the only class of people on earth who ever got two dollars from Henry Ford where he got only one back. I think he made us a good offer, and further, I think the country would have been infinitely better off if we had accepted it; but those who did not agree with me were in the majority and outvoted me.

Mr. NORRIS. Again let me say to the Senator from Arkansas and to other Senators who are earnestly and honestly trying to do what is right about this matter, as I firmly believe, that I would hate to see an experiment which to my mind would seem useless and a waste of the public money. I want to say frankly to the Senator that if the Senate would like to do that, it would not meet with serious objections on my part, and it would not seriously interfere with my resolution, in my judgment. I think it would be a mistake, but if the Senate thinks that we ought to operate nitrate plant No. 2, or direct somebody to operate it for the purpose of ascertaining what the experiment will show, there will not be any serious objection from me.

Mr. CARAWAY. Then if there is not any serious objection, if the Senator will accept that amendment we will see that his resolution has votes enough to put it through. We can do that.

Mr. FLETCHER. The Senator from Nebraska has provided that the Secretary of Agriculture shall make the experiment. The Senator from Nebraska seems to think his mind is pretty well made up about it. Why not provide for a commission?

Mr. CARAWAY. I do not care about that. I am not committed very much to the Secretary of Agriculture, who has not done much for agriculture, in my opinion.

Mr. NORRIS. In the preparation of the resolution I did not consult with the Secretary of Agriculture himself.

Mr. CARAWAY. I am sure of that.

Mr. NORRIS. I went to the people whom I knew were going to handle the problem. I want to Doctor Cottrell, who is there permanently, and to a great extent it is his language and my resolution. I put in everything he thought we would need. If we direct the Secretary of Agriculture to perform an experiment like the Senator has suggested, there is no question on earth that Doctor Cottrell will have charge of it, and everybody who knows him knows that he would do it absolutely in good faith and give everybody a fair show regardless of what he may think personally.

Mr. CARAWAY. I have no objection to it at all. Whatever we do there, we will turn around and pass it on to the farmer at the actual cost of manufacture. We will give him cheap fertilizer if the cyanamide process can be successfully so used. If it can not be successfully used, I want to know it, just as the Senator from Nebraska does. If it can not be used and the synthetic process can be used, then I am going whole soul and heart with him on the synthetic proposition, and this amendment of mine does not quit his proposition at all.

Mr. LA FOLLETTE. Mr. President, when I came to the Senate Muscle Shoals was one of the first important questions to come up for consideration. At that time I made a very careful study of the subject and discussed it at some length on the floor of the Senate. A considerable part of the speech I made then was devoted to the fertilizer phase of the Muscle Shoals problem. I demonstrated, to my own satisfaction at least, that Muscle Shoals is not a fertilizer proposition; that it is primarily a power proposition. The Senator from Nebraska [Mr. NORRIS], in his extraordinarily thorough and able discussion of all the facts, has, it seems to me, completely demonstrated beyond all possible doubt that the fertilizer phase of the Muscle Shoals problem has been disposed of by the progress

of science. It is at this time, therefore, my purpose more especially to discuss Muscle Shoals in its relation to the problem of electric power.

ELECTRIC POWER A NECESSITY OF LIFE

Mr. President, this is an electric age. It is estimated that to-day one-half the homes in the land use electric lights and that two-thirds of the machines in American factories are run by power from central plants. Expansion in electric service during the last 20 years is amazing. Approximate estimates show that the total gross revenue from the sale of electricity in the year of 1907 was $169,614,691; in 1927 it was $1,783,700,000. It is fast becoming the industry upon which all other industries are dependent. It is demonstrated that electricity can be made the source of light, heat, and power in every home, on every farm, and in every industry at low cost. It is plain that human welfare, comfort, and progress are more and more conditioned on the production and distribution of electric current at reasonable rates.

Long-distance transmission is revolutionizing national life. It makes it possible to electrify the farm; it brings to agriculture its time-saving advantages and economy of labor. Even more significant is the tendency to move the factories away from the congested cities into the country where more wholesome living conditions are available—fresh air, open spaces, gardens, out-door recreation. At the same time, increased use of electricity for power, light, and heat may change the living conditions of the cities, doing away with smoke and grime, promoting health and beauty and cleanliness.

The gigantic force of electricity promises to become as indispensable to the maintenance of modern standards of living as the rays of the sun. And this mighty power created out of the forces of nature must be made to serve all the inhabitants of the earth as economically and as impartially as sunlight.

A PUBLIC UTILITY AND NATIONAL MONOPOLY

Electricity is a public utility. Like the railroads, the water supply, and other kinds of public service, the production and distribution of electricity is subject to Government regulation and to Government ownership. Because of its very nature electric service is a monopoly. For practical purposes electric power can not be stored. It must be used as generated or go to waste. It can be transmitted 300 miles, and power stations can be hooked up to cover a continent.

To insure economy and efficiency in the use of electric power there must be large areas of interchangeable supply. When generated from water power it is not State boundaries but nature's sources of supply that determine the advantageous location and use of large generating plants and transmission lines.

The inherent advantage and necessity of interchange of hydroelectric power is demonstrated in a situation described by the Senator from Nebraska [Mr. NORRIS] in an article which appeared in La Follette's Magazine last October.

In 1922 when, in the State of North Carolina, on account of unprecedented dry weather, some of its streams had ceased to flow and all of them were very much diminished in the volume of their flow, it was going to be necessary, unless some relief came, to close down some of the factories. Some of the cities and towns would have been left in darkness. Some of the street cars would have ceased to operate. Next to North Carolina, in the eastern part of Georgia, was a comparatively large system having many generating plants. They could not give North Carolina any current because they had none to spare. On the west of the territory covered by this plant was another system consisting of many plants hooked together. They, however, had no electricity to spare and could do nothing. West of this company was the Alabama Power Co., operating over a large portion of Alabama and having quite a large system, with many hydroelectric and several steam plants locked together. They had enough electricity for themselves, but they had none to spare. But just west of the Alabama Power Co. was the Government steam plant at Muscle Shoals, with a power capacity of 60,000 horsepower. Fires were started in these engines. Electricity was generated and given to the Alabama Power Co. The Alabama Power Co. spread this electricity through its system, and in turn was then able to grant to the power company in Georgia electricity equal to the amount it had received from Muscle Shoals. The company in turn gave power to the next company, and it gave to the North Carolina distribution system, and thus was relief brought by this relay system and North Carolina was supplied with all the electricity she needed. The effect of this was to transfer to North Carolina without loss enough electricity to save a catastrophe, although the distance between Muscle Shoals and North Carolina is about 800 miles.

Mr. President, in the beginning of electric service, when the current was generated by small plants unrelated to each other, State regulation was a simple matter. In present-day conditions when generating plants have grown to mammoth size, which of necessity are interlocked for efficient production and distribution over long distances, the control of electric service has become increasingly a national problem. In the great game of financiering characteristic of our times control of the electric industry with its complicated structure of holding companies, its countless subsidiaries, watered stock, and concealed profits, is now in the hands of a few power magnates of New York and Chicago.

THE MENACE OF PRIVATE MONOPOLY OF POWER

The menace of the Power Trust is, in my judgment, even greater than that of oil. It happens that right now we have an infamous example of the lengths to which organized wealth will go in its greed for more riches and power. The stealing of Teapot Dome and Elk Hills naval oil reserves by Doheny and Sinclair in collusion with Albert B. Fall, a member of the Cabinet, is a climax in the long record of unscrupulous exploitation of the common people by the oil monopoly.

The Supreme Court has declared the transaction to have been fraudulently made by collusion and conspiracy between the parties. The Supreme Court has said that the company organized overnight to raise the funds out of which Fall was paid $230,000 for his treachery to the United States Government was plainly created for an illegitimate purpose. It has recently been shown that at least $75,000 of these funds raised for an illegitimate purpose were donated by Sinclair to pay Republican campaign expenses in 1920 and $85,000 more was contributed by Sinclair, although at the moment the proof is lacking as to whether this latter batch of bonds came from the Continental Trading Co.

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

Mr. LA FOLLETTE. Certainly.

Mr. NORRIS. I did not understand fully the statement where the Senator referred to "the latter batch of bonds." What batch did he have in mind?

Mr. LA FOLLETTE. I was referring to the $85,000 in bonds as to which Mr. Hays testified that he did not know whether or not they were Continental Trading Co. bonds, but said they were Government bonds and came from Sinclair.

Mr. NORRIS. I have been told by a member of the Public Lands Committee that, as I recall, $25,000 of those bonds which Mr. Hays turned over to Upham were by Upham turned over to somebody else, whom he got to make a contribution of $25,000 to the fund and to whom he gave these bonds with which to make up his payment; that later on this owner of these same bonds that came from Hays turned the bonds over to some institution—I have for the moment forgotten the name of the institution—to which he had made a pledge to make a contribution; that that institution has the bonds now, and that they are all Continental Trading Co. bonds.

Mr. LA FOLLETTE. That makes $100,000 in bonds from Mr. Sinclair to the Republican campaign committee which are now known to have been Continental Trading Co. bonds. That information, I think, must have been brought out at the hearing this morning.

Mr. NORRIS. It came out to-day, as I have been informed.

Mr. LA FOLLETTE. I thank the Senator very much for his interruption.

And yet the parties to the transaction are challenging the right of the Senate and the courts to the knowledge of where the rest of the fraudulent fund was spent.

What the oil monopoly has done to demoralize and disgrace Government and business is only a foretaste of what the electric monopoly can and will do if allowed to proceed unchecked for another decade or so. We all know how the tremendous power wielded by the railroads has been abused. We know what the banking monopoly can do to credit and to the making of war in Nicaragua. But the power of oil and transportation and banking and all other great monopolies combined is not to be compared to the power which will be in the hands of electric magnates with their strangle hold on industry, on transportation, on the functioning of government, and on the private life of every citizen in the land.

Mr. President, Col. Frank Smith, of Illinois, has recently been denied a seat in the United States Senate. A Senate investigation of the Illinois primary disclosed that an enormous slush fund had been used to secure the Republican nomination to the Senate of Col. Frank Smith, chairman of the Illinois Commerce Commission, which has jurisdiction of public-utility regulation in Illinois.

Mr. Samuel Insull, head of a gigantic public-utility combination, was discovered contributing, in violation of express statute, great sums of money for political purposes. Nearly a million dollars was shown to have been used to control the Illinois primary. Col. Frank Smith was shown to be the chief beneficiary of the Insull slush fund. That, Mr. President, is an example of the kind of activity in which great public-utility magnates are engaged.

The Senator from Montana [Mr. WALSH], after an exhaustive study of public utilities, the results of which he set forth in a very able speech at the last session of Congress, introduced a resolution for their investigation. It brought to the Capitol the greatest lobby ever known in all the history of this country, and I do not except the lobby of the railroads in the days of the land-grant steals. The outcome of that phase of the power issue at this session of Congress is now a matter of history.

Representatives of the power monopoly arrogantly declared at the last session of Congress that no bill shall be passed by Congress authorizing the Government, in case the future may require it, to exercise an option for the protection of the people or the development of its resources. A spokesman for the power monopoly said: "I represent an investment of $7,000,000,000 and we do not propose to let the Government enter the power business."

The power monopoly makes the issue that Congress may legislate only as the power monopoly dictates. It raises the issue of whether the Government or the Power Trust is to determine the destiny of the people of the United States. It is another manifestation of the age-long struggle of whether the people shall govern or whether they shall be governed by an autocracy—in our time by an autocracy of organized wealth.

A JUST CRITICISM

Not all the able men connected with the administration of the electric power monopoly are satisfied with its methods and leadership. At least one has had the courage and independence to criticize the policy which is being pursued and to point out its danger.

Mr. Frank Putnam, of Milwaukee, who for the last dozen years has been associated with one of the largest groups of American utility companies, has published a pamphlet under date of February, 1928, on the subject of electrical house heating, in which he foresees a new era of electric service. Previous to his connection with the utility companies, Mr. Putnam was a newspaper writer who fought the earlier antisocial policies of the public utility companies. In this pamphlet he says, among other things:

The leading men of the industry—

Referring to the power industry—

I think, have blundered in permitting or encouraging its national organizations to lobby openly and arrogantly in Washington against Government flood control, irrigation, and water-supply undertakings for the avowed purpose of "keeping the Government out of business." * * * I am not alone among close students of the situation who think the utilities would find it more profitable to be at their next big real job than to be spending money and energy defeating Los Angeles' desire for more drinking water and electric energy from Boulder Canyon, or the Mississippi Valley's desire for flood control with public power development to help pay for it, or the Muscle Shoals region's desire for low-cost energy from the mighty hydroplant there at public expense.

Mr. Putnam says further:

The long-established public policy under which the States protect utilities in enjoyment of monopolies in their several areas requires that the utilities shall supply adequate good service at its fair cost and no more.

Again he says:

As in the case of steam railroads, State regulation will be found incompetent to control in the public interest an industry national in scope, an industry whose products and services will increasingly be sold across State boundaries. Federal regulation will begin and will gradually absorb the functions and powers which even now the State authorities find themselves in large part unable to administer effectively.

The experience of well-known cities, towns, and communities well distributed over the country in the public ownership, operation, and distribution of electric power, has demonstrated that the rates paid to the electric-power monopoly are far in excess of the standard set by Mr. Putnam—"adequate good service at its fair cost and no more."

LESSON TO BE LEARNED FROM ONTARIO'S EXPERIENCE

In 1926 consumers in the United States bought 56,984,000,000 kilowatt-hours of electricity. Industrial-power users and electric railways used 41,964,000,000 kilowatt-hours, paying $519,100,000, or an average of somewhat over 1.2 cents a kilowatt-hour. From the 15,000,000,000 kilowatt-hours supplied for domestic, commercial, and street lighting, the power companies drew a revenue of $1,018,200,000—an average of nearly 6.8 cents a kilowatt-hour. American consumers paid in 1926 a power bill of $1,537,300,000.

In this same year of 1926 consumers in Ontario, Canada, were paying to their publicly owned power system an average of a little over 2 cents a kilowatt-hour for domestic, commercial, and street lighting. For industrial and electric railway power they paid slightly less than 1.2 cents a kilowatt-hour.

Had American consumers of electric power been able to purchase electricity as cheaply as did the citizens of Ontario, they would have paid out, instead of $1,537,300,000, only $805,312,600. Had American consumers been able to buy at Ontario rates they would have saved $731,987,400—nearly half the amount which they did pay.

The difference can not be explained by alleging that Ontario power users had to pay an unjust share of electric bills. If American industrial power users had been able to purchase their power at Ontario rates instead of American rates, they would have paid nearly $29,000,000 less than they did pay in 1926.

Costs of electric-power production have now decreased far enough that domestic consumers need no longer subsidize industrial consumers.

The Ontario Hydroelectric Commission realizes this. Hence, while American domestic consumers still pay an average rate of 7.37 cents a kilowatt-hour, Ontario domestic consumers in 1926 purchased their electricity at an average of 1.81 cents. Of course the amount paid by specific consumers varied with the size of towns and consequent cost of distribution. Detailed figures for domestic consumers are as follows:

Average kilowatt-hour

	Cents
In 21 cities over 10,000 population	1.66
In 48 towns over 2,000 population	2.05
In 174 villages under 2,000 population	3.15

Even a consumer in a small village in Ontario is able to light his home and enjoy conveniences of electrical service at prices he could pay, instead of the 8, 12, or even more cents a kilowatt-hour which he would have paid in this country.

Niagara Falls is not responsible. It by no means furnishes all the power for the Ontario system, which includes several other and smaller hydro developments. Even these were able to supply power at 3 and 4 cents—in practically no case above 5 cents a kilowatt-hour.

This is in startling contrast with the situation at Birmingham, Ala., where the Alabama Power Co. supplies hydroelectric power at 7.45 cents. Meantime the Toronto consumer, also using hydro power, pays 1.7 cents, and the Winnipeg domestic consumer, using power from the local publicly owned hydro system, pays 1.05 cents.

The Ontario Hydroelectric Commission has no monopoly of successful public operation of electric power systems in Canada. Twenty years ago domestic consumers in Winnipeg paid 20 cents a kilowatt-hour to a private company. Consumers in Vancouver still pay 6 cents. In Montreal they are paying 6½ cents. The average rate in Winnipeg for domestic lighting in 1926 was 2.6 cents. Special rates are offered for domestic cooking, so that the average rate for all domestic consumption was 1.05 cents. Power rates, of course, were still lower, and the average for all energy sold was 0.788 of a cent a kilowatt-hour. Vancouver and Montreal have private companies; Winnipeg is supplied by its municipally operated plant.

PUBLIC OWNERSHIP IN THE UNITED STATES

The outstanding instances of public operation in the United States are to be found, to a large degree, in the great cities of the Pacific coast. The Seattle hydroelectric plant supplies 90,000 customers, provides liberally for depreciation, meets all interest and bond-retirement charges when due, accumulates a profit for municipal purposes, and yet charges rates ranging from 5½ cents to 1 mill per kilowatt-hour, depending upon quantity and purpose.

Both Seattle and Tacoma not only provide electric light at unusually low prices, but also supply power for cooking and heating at still lower rates—Tacoma at only one-half cent a kilowatt-hour. Appreciation of the benefits which Seattle and Tacoma have gotten from public operation is shown by the 50,000-horsepower municipal hydroelectric plant now being built by the city of Everett, Wash.

Though charging only 5½ cents a kilowatt-hour for domestic current and offering manufacturers power at rates as low as those anywhere else on the Pacific coast, the Los Angeles public-power system in 1926 made a profit of $2,796,452, after deducting all interest, sinking-fund, and depreciation charges. Ralph L. Criswell, former president of the Los Angeles City Council, estimates that the lower rates made possible by public operation of public utilities are saving Los Angeles consumers $10,000,000 a year.

The great opportunity inherent in public ownership of power plants is indicated by the existence of more than 2,500 municipally owned power systems in the United States. It is true that certain plants, equipped with antiquated machinery or unwisely financed, have been sold to larger power companies; but as many more cities, when confronted with the choice of selling out or of modernizing their plants themselves, have discovered it profitable to continue public operation, and new municipal power plants are being undertaken every month.

Successful public ownership is not a matter of water power. Steam-power plants offer no obstacles to satisfactory public operation. That has been the experience of Springfield, Ill. Its latest report contains a table making an instructive comparison between the rates of the municipally operated plant at Springfield and the rates of the privately operated plants in other Illinois cities of comparable size. The profitableness of public operation, not to a small group of common-stock owners, but to the large number of power consumers, is shown effectively.

City	150 K. W. H. domestic lighting	1,500 K. W. H. commercial lighting	4,000 K. W. H. 30 H. P. Act Conn load
Springfield	$5.28	$30.00	$68.00
Bloomington	15.00	100.50	166.00
Danville	11.25	84.00	142.00
Decatur	15.00	96.00	162.50
East St. Louis	7.43	64.97	101.89
Elgin	15.00	73.12	213.00
Jacksonville	16.25	116.25	192.50
Peoria	6.84	55.28	98.10
Quincy	9.75	58.50	118.00
Urbana	13.00	97.50	174.00

The Springfield plant charges 6 cents for the first 30 kilowatt-hours used for lighting, 3 cents for the next 70 kilowatt-hours, and 2¾ cents for everything over 100 kilowatt-hours. For cooking, the rate is only 1½ cents a kilowatt-hour. Industrial power is supplied at similarly low rates—1¼ cents a kilowatt-hour in addition to a small service charge per horsepower per month.

When public power plants can supply electricity at rates such as these, I am compelled to ask, Why should the Wisconsin Light & Power Co., supplying power to 200 Wisconsin communities, find it necessary to charge domestic consumers an average price of 9.4 cents a kilowatt-hour and industrial consumers an average of 2.7 cents a kilowatt-hour?

As Senator HOWELL has so well and ably demonstrated on this floor again and again, it is not necessary for the public to have a monopoly of electric power to insure reasonable rates. Public competition, or even fear of competition, is enough under certain conditions to bring down rates to a decent level for the consumer and a fair profit to the producer.

THE OPPORTUNITY OFFERED BY MUSCLE SHOALS

In view of the conditions that confront us, the duty of the Senate, in my judgment, is clear. Muscle Shoals is already a publicly owned power station. One hundred and fifty million dollars of the people's money has been invested in the development. It was appropriated under the authorization of the 1918 statute, which provided that the plant should be operated by the Government.

Section 124 of the national defense act of 1916 provides as follows:

> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

It was under such a condition that the $150,000,000 which has been invested in Muscle Shoals was obtained. Unless that statute had contained that provision, no such appropriation could have been passed through the Congress. Muscle Shoals offers the opportunity for the Government to make a comparison in performance, operation, and service with a similar product made by private power. The plant has been developed with Government funds and is now in Government operation.

The significance of the opportunity is even greater when we consider the key position of Muscle Shoals. It is near the heart of future southern industrial development. The possibility for interconnection, thus regularizing the supply in other parts of the South, has already been demonstrated in this debate.

In volume the power at Muscle Shoals is an important ingredient of the southern supply. In 1926 when approximately 3,240,000,000 kilowatt-hours were generated in the States of Alabama, Georgia, Mississippi, and Tennessee, 436,308,735 kilowatt-hours of this amount were generated at Muscle Shoals. In 1927 this rose to 565,609,500 kilowatt-hours, even though the plant was only getting fairly well under way and its sole customer, the Alabama Power Co., was using as little power as possible from the Muscle Shoals plant. With the existing hydroelectric and steam power plant, engineers are certain that at least 700,000,000 kilowatt-hours can be supplied, as this resolution directs, and when proper water storage has been provided, the capacity of Wilson Dam will, it is estimated, rise to from 1,500,000,000 to 2,000,000,000 kilowatt-hours a year. The tremendous responsibility resting upon the Congress is clear.

Honest companies producing power, as in the light of present knowledge it can be produced, contenting themselves with reasonable charges for their labors and capital funds, and with a due regard for the present and future requirement of electrical service, need have no fear of any program which this Congress may adopt or which the American people will demand.

Honest companies can have no proper objection to the setting up of public electricity-producing authorities competing for the power markets with private producers, so long as confiscation is not involved. A public power plant at Muscle Shoals, once operated on a permanent basis, offers a chance to test the highest standards of electric engineering, and if combined with adequate transmission facilities, will provide a most desirable "yardstick" with which to compare the relative merits of public and private undertakings, concerning which Dr. Walter Durand said two years ago:

> Public operation is a test of public character just as private operation is a test of private character. We have had abundant opportunity to judge private character in the large-scale operation of utilities. The chance to try out public character on a similar scale is an imperative need to-day. Competition in method might eliminate the weaknesses and strengthen the strength of both public and private character. (W. R., May 26, 1926.)

Operation at Muscle Shoals by an efficiently organized public authority will assist materially in determining the question of the form of organization most expedient.

EXPERIENCE OF OTHER COUNTRIES

We should profit by the experience of other countries which, after considerable experimentation and investigation, have come to adopt a national power policy. And even though we may beg the question here to-day, and may beg it to-morrow, sooner or later Congress and the Government will have to adopt a national power policy. In Sweden, New Zealand, and South Africa publicly owned power stations have been put into operation in recent years to supply wide areas. The public authority confines itself to generation and transmission, leaving the work of distribution to private enterprise or municipalities. In none of these countries has the adoption of a national power policy meant revolutionary changes in industrial life. Existing private enterprises continue and expand, but they expand side by side and in cooperation and competition with the public undertakings.

The South African plan, adopted in 1922, provides for two authorities. It sets up an electricity control board as a regulatory body, with control over the licensing and regulation of private enterprises. At the same time an electric supply commission was established to purchase or to establish electrical supply undertakings and to coordinate these with the existing enterprises. It has set about its work efficiently and successfully, due without doubt to the fact that while control is retained in behalf of the public interest, the electric supply commission is free to operate like a private concern, without political interference. It has been described as a sort of public-utility corporation with government backing.

Germany, forced by the exigencies of postwar conditions to seek the very best plan of organizing its power resources, has made use of a similar scheme.

I desire to quote from "German power reorganization," by Mr. Quigley, which appears in Electrical Power and National Progress for 1925, page 102:

> The work of reorganization of power supply has covered and is covering three stages:
>
> 1. The whole country becomes split up into a limited number of superpower zones according to the scheme elaborated in 1919. Each zone is covered by a number of trunk lines interconnecting distribution centers and acting as main transmission lines at extra-high voltage.
>
> 2. To avoid the difficulties and the dangers of bureaucratic administration, the work of interconnection is intrusted to power supply companies worked on the lines of private enterprise, the capital of which is owned by the State.
>
> The last stage in the process lies in interconnection of the power zones with each other; the whole country becomes a network of transmission lines, working on a uniform voltage and uniform frequency.
>
> An elaborate regional power scheme was evolved soon after the conclusion of the war, but of this scheme little now remains. At the

present moment three superpower zones have been delimited, the central German, the Saxon, and the Bavarian, while a fourth one, covering Rhineland-Westphalia, would have been also surveyed if the occupation of the Ruhr had not delayed progress. In the central zone one state-controlled company, the Elektrowerke Co., has now been in operation for several years, and supplies Berlin with electricity. In Saxony a similar company was formed in 1923, the Sachsische Co., and has now linked up Dresden with Leipzig through one main trunk line operating at 100,000 volts. This system is connected in the north to the Lauta power station of the Elektrowerke Co. and in the south to the network controlled by the Walchensee Power Co., which acts in Bavaria in the same capacity as the Elektrowerke Co.

It is important to note that state control in the form of these companies begins and ends with generation and transmission; power is generated and supplied in bulk to certain distributing heads scattered over the transmission network, and from these heads authorized distributors carry out the work of distribution.

In that connection it is very similar in its organization to the Ontario system.

The price of power as supplied in bulk is only sufficient to cover the cost of generation and transmission without profits, and the price at which the authorized undertakers are allowed to sell power is controlled by the state, with a view to insuring a fair return on capital invested without unnecessary profiteering. * * * This system leads to pooling of power supplies, a better load factor, and lower average prices.

THE NATURE OF THE OPPOSITION TO PUBLIC OPERATION OF MUSCLE SHOALS

The character and inspiration of the bitter opposition to public operation of Muscle Shoals is by this time understood perfectly well by all of us. We all know, whether we are frank enough to admit it or not, that the opposition to the Norris resolution is only a single phase of a nation-wide campaign to checkmate every effort to preserve the public interest in the electric-power industry. If the power magnates have their way, the merits of the case will not be given consideration; private and special interests, though representing only a very small group of persons, will be protected at all costs. The joint committee of National Utility Associations, which is the superlobby of the National Electric Light Association, the American Electric Railways Association, and the American Gas Association, are extremely nervous. They fear that something may mar the continuance of the career of exploitation which they have so long been encouraged to expect. They have no scruples in using whatever means they can to block this measure. Misrepresentation and distortion of facts, as well as personal pressure, both direct and indirect, are being used and will be used against the Norris resolution just as they were employed to mangle the Walsh inquiry.

For seven years the dogged opposition of the power lobby has prevented a satisfactory utilization of the Muscle Shoals development. One of the worst slanders used by opponents of public operation has been that Congress, through its dilly-dallying, has shown itself incompetent to deal with problems of this kind. There has been shameful delay, but the responsibility must be justly fixed. It should rest, in the first place, upon the small group of men, who, to promote their own power interests, have been and are unwilling to tolerate any disposal of Muscle Shoals other than a gift to themselves. It should rest, in the second place, upon the power lobby, which has exercised its influence to prevent action.

As yet public operation for public advantage along really modern lines has been carried on in comparatively few places. The utilities are trying strenuously to prevent other experiments which would show the weaknesses of the traditional organization of the power industry. They hope to instill in the public mind the faith that because the industry has, for the most part, been organized in a certain way, the traditional way must necessarily be the most satisfactory way, no matter how much economic and technical conditions have changed. If they succeed, the small group of men who dominate the utilities financially can look forward to many years of happiness and comfort at the public expense.

They are not certain of victory. They are not certain of complete and permanent domination unhampered by effective safeguards of the public's interest in the industry.

WHY THE POWER MONOPOLY FEARS PUBLIC OPERATION

The gentlemen representing the joint committee of the National Utility Associations are afraid of a large-scale demonstration in the East of what the people of the Pacific coast and Ontario, Canada, already know—that power can be produced for service as well as for profit.

They are afraid that the people of the Southeast will discover that the rates of 7½ to 12 cents a kilowatt-hour, which they have been paying, are ridiculously high. They are afraid of new examples of efficient operation such as that of the municipal plant at Tacoma with its average rate of one and one-twentieth cents a kilowatt-hour. The public-utility magnates are afraid that domestic-power consumers will get the idea that they, as well as favored large industrial consumers and the fortunate holders of voting common stock, are entitled to a share in the advantages of increasingly economical power production.

The utility interests are afraid that power consumers, both domestic and industrial, will learn that costs are unnecessarily high when, instead of following the example of modern integrated industries, the power industry clings to the antiquated luxury of subdividing itself into a hierarchy of construction companies, technical advisory companies, finance companies, holding companies, superholding companies, and super-superholding companies, each with its separate organization to be maintained and its separate profit to be earned.

They are afraid that power consumers will learn that the 8 per cent return on capital funds for the establishment of power plants, which the utilities claim they require, is needlessly extravagant. They are afraid that it will become known that capital charges need not become annuities upon the industry; that merely because our grandfathers purchased stock in an industry, it does not follow that our great-grandchildren should receive a dole from the earnings of that industry. They are afraid, furthermore, that it may be discovered that huge expenditures for "legal expenses"—none of them for the benefit of the consumer—are unnecessary; that the economical production of electric power is not promoted by the ownership of newspapers, the financing of election campaigns, the subsidizing of literary talent, and the employment of expensive attorneys and "legislative counsel" to oppose every activity which might reduce or regulate private profit.

Some of these people, of course, may be afraid of themselves losing the large profits which they would receive if their companies could swallow up the Muscle Shoals plant. The opposition of the power lobby as a whole, however, is based upon the ground that the power industry can not withstand a demonstration of how cheaply power can be produced.

PUBLIC OPERATION PRESENTS ONLY ECONOMIC AND ENGINEERING PROBLEMS

Mr. President, sooner or later it will be generally understood that the generation of electric power is not a mysterious rite which can be performed only by individuals having the peculiar talents of the financial manipulator. The production and transmission of power certainly, even if this may not appear to be quite as definitely true of the final distribution of power, is merely a matter of specific engineering and economic facts. It is a field of activity in which the qualities which make good salesmen, good advertising experts, and good stock-market riggers are of relatively low value.

The stock promoter and the juggler of accounts are distinctly undesirable as participants in the electrical industry, which, once the broad policies have been laid down, requires only two types of intelligence—that of the engineer and that of the economist. It is the engineer, not the business man, who has been responsible for the amazing progress in the electrical industry. Money alone can not buy such men. Granted reasonable compensation, which an industrial undertaking such as Muscle Shoals can easily pay, men of this sort can be had if the opportunities for constructive work on a permanent basis are present.

Monopolistic patent rights held in private hands can control the output and sale of turbines, but there are no patent rights in restricted ownership to limit the supply of intelligence—at least not yet. The brilliant careers of General Goethals and of Sir Adam Beck are only two of many examples of this fact. Men of this kind are responsible for countless great engineering works both in other countries and in the United States, for the building of the Muscle Shoals plant itself. Men of this kind are going to be entrusted with the work of protecting the Mississippi Valley against future floods—an enterprise whose importance will easily bear comparison with the enterprises of any privately organized electrical company.

It is, of course, true that initiative must always be "private," in the sense that it must always come from individuals. Private initiative, however, is not controlled by the employment in which those individuals are engaged. The initiative responsible for electric power developments has usually been that of engineers. This was the case at Muscle Shoals, except that the engineers happened to be in public rather than in private employment.

PUBLIC OPERATION PRESENTS ONLY ECONOMIC AND ENGINEERING PROBLEMS

There is nothing mysterious about the series of decisions that must be made in the establishment of a great power plant, such as this one at Muscle Shoals. The problems are all problems to be settled by deciding that, in view of specific engineering and economic facts about which there can be little

dispute, action should or should not be taken. Congress, directly or through its appropriate agencies, has, in effect, already decided that power ought to be developed at Muscle Shoals; that such a development will fit in with later and more extensive superpower developments; that in time a market can be found for all electricity generated; and that it is expedient to develop the Muscle Shoals site immediately, bearing in mind, of course, that all such undertakings are likely to have difficulty in meeting their full fixed charges for a few years until the market has been developed.

All of this Congress has decided; there is no opportunity for further initiative, private or public. The plant has begun operation.

We are now faced with the necessity of making certain additional decisions of the same type as those to which I have referred. The testimony of engineers and others conversant with the situation in the South is that use can be made now, or very soon, not only of the power now generated but of all the power which the Muscle Shoals plant can generate, at a price which will meet amply the costs of construction and operation. The sensible thing, therefore, is a decision to complete the Muscle Shoals project as rapidly as possible, as provided in the pending resolution.

Beyond that the only matter within the province of the Congress, though it is one of very great importance, is the setting up of legislative requirements that the sale of power be at a price adequate to meet all costs involved, including charges for depreciation and the amortization of the original cost, and that stipulations be made in selling power to protect the right of consumers to a share in the advantages of cheap power production. After that the problems of power generation are technical problems, to be decided by competent engineers, requiring the interference of business men no more than that of legislators.

The resolution before us authorizes the Secretary of War to construct transmission lines, to place the Government upon a fair basis for making contracts for the sale of electric power. The necessity for this provision is obvious, in view of the monopoly in the purchase of power at present enjoyed by the Alabama Power Co. through its ownership of the only transmission line from Muscle Shoals. If we decide, as we should, that transmission lines are to be built, the planning and building of these lines again are matters of engineering.

They are matters which the Government engineers in charge of the plant are entirely competent to determine, having regard to the long-run development of a superpower system throughout the South and Southeast. In addition, it is entirely probable that the possibility of building other transmission lines from Muscle Shoals will induce the Alabama Power Co. to permit the joint use of its transmission lines, at reasonable compensation, by other power users not directly connected with Muscle Shoals at present.

In all of this a clear distinction must be kept in mind between the generation and transmission of power on the one hand and the local distribution of power on the other. The activities involved in the latter, responsible it is said for 70 per cent of the total cost to the consumer, are what opponents of this resolution enjoy dwelling upon when they wax eloquent over the dangers of bureaucracy.

Mr. President, the Norris resolution in no way proposes that the Muscle Shoals authorities shall engage in the retailing of power. That remains a matter for private companies or for municipalities, whichever the people of each locality may prefer. Some of the fears of the power lobby no doubt are due to the realization that given an adequate supply of cheap power, municipalities could and would compete effectively with private power distributors. Almost without exception, wherever municipal plants have proven unsuccessful it has been due to the small size of the plant and inability therefore to compete with larger and therefore more economical superpower chains. Public operation of Muscle Shoals would materially assist municipalities within its transmission area in economically distributing power themselves, if they so desire.

In all of this, can anyone show tangible cause why public operation could not be adequate and efficient, just as effective as private operation? It is absurd to assert that this proposal would put "the Government into business." The Norris plan would merely insure operation by one group of men working in the public interest rather than by another working in the interest of a handful of private individuals. All necessary initiative has been taken. The problem of financing has been handled more economically than it would have been by private enterprise. The remaining problems of construction and operation are matters not of business enterprise but of engineering technique. Opposition which continues in spite of these facts is dictated by apprehension on the part of the power combine that the Government operation of Muscle Shoals will be highly successful.

An excellent concise statement of the fundamental issue which confronts the Senate is given in another connection by Commissioner Joseph B. Eastman, of the Interstate Commerce Commission, when he said:

> The question of public ownership and operation is, therefore, not one of the theory respecting proper governmental functions but simply a question of practical expediency. Will better results be obtained if the State performs these governmental functions directly or if it farms them out for private enterprise to perform under public regulation?

PUBLIC OPERATION NEEDED TO PROTECT PUBLIC INTEREST

When, in spite of the existence of a regulatory system, holding companies are permitted to buy up power plants at boom prices in a frantic scramble to acquire the largest number of properties, with no regard whatever for their real value, and are then permitted to charge rates sufficient to earn a return upon these fictitious values, when these so-called values are further increased by all sorts of "intangible" factors, and when operating expenses are padded by large payments to advisory and financing companies, all controlled by the same holding corporation, we are confronted with the necessity of public competition to protect the public interest.

I have called attention to the course that is being followed in other countries which are eager to make the most that they can economically of their electric-power resources in South Africa, New Zealand, Germany, and Sweden. It seems astonishing that in this country opposition so bitter should meet an attempt to give to American industrial and domestic consumers the benefits of an improved organization of electrical supply. It is astounding that even in the Senate so much support should be found for an attitude unwilling even to test out fairly the possibilities of a method of electrical supply devoted to furthering the public interest, rather than to the feathering of financial nests.

The opponents of the Norris joint resolution place their case in a most unfortunate light through their unwillingness to bring forward a careful analysis of comparative costs in place of dogmatic assertions with which they content themselves.

EVIDENCE FURNISHED BY MUSCLE SHOALS ITSELF

This disinclination for specific evidence is, however, in my judgment, founded upon good reasons. The evidence most germane to this discussion is that supplied by the Muscle Shoals plant itself, and that evidence supports the position of those who insist upon continued public operation.

Statements have already been made that the operation of Muscle Shoals is creating a deficit. The existence of a deficit thus far is indisputable. Without an understanding of the actual situation at Muscle Shoals this fact, stated without explanation, is well calculated to give the impression which foes of public operation desire.

Two factors have affected the operation of Muscle Shoals thus far. The first is that all hydroelectric installation requires a period of time before coming to full operation. Machinery must be tested and readjusted, and operation at best is intermittent.

Sale of power from Muscle Shoals began September 12, 1925. From then until the end of the fiscal year, June 30, 1926—a period of great operating fluctuations—the total number of kilowatt-hours generated was 231,859,900, yielding a revenue of $416,818. In the subsequent fiscal year, 1926–27, however, a total of 511,262,400 kilowatt-hours were generated, with revenues of $1,070,321. The totals for the calendar year 1927 were 565,609,500 kilowatt-hours and revenues of $1,168,763, a sum covering not only operating expenses—amounting to $229,739 during the last fiscal year—and charges for depreciation and amortization, but making a contribution toward interest upon the funds invested as well.

It is evident that the difference between the financial results for the first two years were considerable, as anyone conversant with the establishment of new power plants would expect. Even if a deficit should occur from the operations of a number of years, this would only be in accordance with the financial history of virtually every other electric development in the country.

The second factor is one for which Congress is directly responsible. Its failure to provide for the completion of the Muscle Shoals plant has held down the output of electric power. Its failure to provide for the building of such transmission lines as might be necessary has thus far given a monopoly of the power generated to the Alabama Power Co., owning the only transmission lines connecting with Muscle Shoals. Its failure to provide for permanent operation has led to the making of a contract with the Alabama Power Co. under which the company

pays only 2.06 mills a kilowatt-hour for such power as it sees fit to take.

The Alabama Power Co. itself has only recently increased the capacity of its transmission line, though it still can not take all the power generated, even if it should wish to do so. Concerning the purchases of the Alabama Power Co., Major General Jadwin testified before the House Appropriations Committee last December:

They—

Referring to the Alabama Power Co.—

only take it where it is to their advantage to take it, excepting that our agreement with them is that they will take it in preference to the development of their steam power. They operate so as to get the fullest advantage of all their water-power plants, but we take preference over generating it by steam at the same price.

Mr. President, while power was thus being wasted, citizens of Muscle Shoals and other cities in northern Alabama applied vainly for the right to purchase power directly from the Muscle Shoals plant. Due to the character of its arrangements with the power company, the War Department declined to grant their request.

As long as this situation continues it is impossible that the financial yield of the Muscle Shoals plant can increase very rapidly. It will be otherwise if the Norris joint resolution shall be adopted. Completion of the plant, building of transmission lines to supply the available and potential markets for power, and the making of contracts for a reasonable period of years and at a fair and adequate price will enable the Muscle Shoals plant to operate as successfully, financially, as it has already been operating technically.

Had the Senate been unwise enough two years ago to accept the bid of the 13 allied power companies, the receipts from Muscle Shoals would have been $600,000, instead of the $1,168,763 received from "inefficient" Government operation at a price much lower than would have been necessary had Congress acted so as to permit the making of adequate contracts.

The unreasonable delay, founded upon blind prejudice, in passing legislation which will permit the proper utilization of Muscle Shoals ought to be ended by this session of Congress. Complete development of the Tennessee River, for both power and navigation, should be undertaken as rapidly as possible. We are confronted with a situation which requires immediate action. We have an organization that has been working effectively and which should continue to do so. We should realize that we have a going concern on our hands. If the structure of its organization can be improved, that should by all means be done.

It is more important, however, that provision be made for the completion of Muscle Shoals enterprise, and for the sale of the electrical energy now being produced there upon a fair basis.

THE FERTILIZER FALLACY

One of the misrepresentations to which the power lobby has succeeded in giving the widest currency is the notion that Muscle Shoals is in some peculiar manner especially suited to the production of fertilizers. The fallacy of this idea has been exposed repeatedly and again in the course of the present debate by the Senator from Nebraska [Mr. NORRIS].

I will content myself with quoting from a recent discussion of "Muscle Shoals, nitrogen, and farm fertilizers," by R. O. E. Davis, who is carrying on investigations in the use of fixed nitrogen for the Bureau of Chemistry and Soils of the Department of Agriculture, in the January, 1928, Annals of the American Academy of Political and Social Science. He says:

RELATION OF MUSCLE SHOALS PLANTS TO POWER

The association in the public mind of nitrogen fixation with power and with fertilizers has led to the belief that the Muscle Shoals plants can be economically operated for the production of fertilizers because of the power available there. Nitrate plant No. 2 at Muscle Shoals is a cyanamide plant, and this method for fixation of nitrogen is already being rapidly displaced throughout the world by the direct synthetic methods. The consumption of power by the cyanamide process is about four times that of the synthetic processes. Plant No. 1 at Sheffield, based on the direct synthetic method, was designed for only one-fifth the capacity of plant No. 2, and only a portion representing about one-fourth its capacity was ever completed sufficiently to make a test run. It was shown that this plant would have to be rebuilt to be operative. The cost of remodeling the plant would be considerable. In addition, the cost of power is not an important consideration in the operation of this process.

To operate plant No. 2 at Muscle Shoals would be to utilize the power in fixing nitrogen by the process that is being rapidly displaced in the competitive markets of the world. To use the power for the operation of the direct synthetic process, it would be necessary to construct a plant based on the latest developments in this field, developments that have shown hydroelectric power unnecessary in its operation. The use of this power for the commercial operation of either process would be inadvisable, since it would employ it either in an uneconomic or an unnecessary manner and would prevent its utilization in processes where it is essential or its distribution for industrial and domestic purposes. This is of real importance, for Muscle Shoals is so located that the demands upon its power, especially to the west and south, will undoubtedly increase.

Hydroelectric power is not necessary for nitrogen fixation by the direct synthesis method. This method employs the gases hydrogen and nitrogen and brings about their combination as ammonia under pressure at a temperature of around 500° C. in the presence of a catalyst. In the first and largest plants of this sort, constructed in Germany, the hydrogen and nitrogen mixtures were prepared by the reaction of air and steam on coke in gas producers and purified before use for combination as ammonia. The principal power requirement is in the compression of the gases to several hundred atmospheres before they enter the reaction chamber, and this power can be obtained just as readily from coal as from water.

Mr. President, I ask unanimous consent that the remainder of the article may be incorporated in the RECORD as a part of my remarks.

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

The matter referred to is as follows:

It is possible to obtain hydrogen from water by electrolysis and in this method electric power is necessary. However, the direct synthesis process when operated with electrolytic hydrogen requires about 20 per cent more power than the cyanamide instead of 75 per cent less when chemical means of producing the hydrogen are used. Hence the electrolytic hydrogen is used principally where it is obtained as a by-product from an electrochemical process as in the manufacture of chlorine. There are a number of places where waste hydrogen is being produced as a by-product and this hydrogen may be utilized in the direct synthesis process.

The possibilities in the production of ammonia make the situation somewhat uncertain, but show a definite drift toward the use of coal in producing hydrogen. This makes it unwise either to tie up for a long time any considerable amount of water power in a process that is being rapidly superseded, or in using it in a process in which power is of minor significance.

The fact that nitrogen fixation is more closely allied with coal than with hydroelectric power makes it more important for the economical development of the industry that the plants be close to coal-producing centers. Such locations also have the advantage of distributing the nitrogen-fixation plants and from the standpoint of fertilizer distribution would be an additional saving in freight rates over that due to the production of the more concentrated products already referred to.

THE SITUATION AT MUSCLE SHOALS

At Muscle Shoals there is a large water power available, developed for use in fixing nitrogen by a process that at the time was well understood and dependable. This process is now being rapidly displaced throughout the world by the direct synthetic methods, in which hydroelectric power is not necessary. The power not necessary for nitrogen fixation will find a market in the rapidly developing public utilities and industries of the region.

Of the two plants at Muscle Shoals, plant No. 1 is of small capacity and will require reconstruction to be put in operative condition on a process for direct synthesis of ammonia, and plant No. 2 is a complete cyanamide plant of 40,000 tons nitrogen capacity, built as a war-time necessity, but tendering toward obsolescense because of the rapid development of direct synthetic methods. The present-day development of nitrogen fixation does not require hydroelectric power. In fact the industry is more closely allied to the coal industry than to water power.

The commercial development of nitrogen fixation plants in this country is taking place rapidly as evidenced by the establishment of a number of direct synthetic plants, and the projection of plans for other plants by two of the largest chemical manufacturing concerns in the country. Large amounts of new types of fertilizers from the nitrogen fixation products will not be produced, however, until the market develops for these materials; and the market must be developed through a campaign of education regarding the properties and use of the new materials. It is inevitable that the use of fertilizers will increase and the area of use widen, also that, with the present sources limited, the concentrated chemical products will form the basis of the future fertilizer industry.

Plans for the utilization of Muscle Shoals have ranged from private lease and operation of the power and nitrogen fixation plants to Government ownership and operation of both; and from the separation of power and nitrate plants under private operation to the sale of power, and the operation of the plants by the Government for experimental and educational purposes in developing the new forms of fertilizers. Whatever the solution of the problem is, it should take

account of the ultimate demand for hydroelectric power in that region, the development of the nitrogen fixation industry in relation to power, and the development and introduction of the new fertilizer materials.

Mr. LA FOLLETTE. Mr. President, doubtless it will become possible to produce fertilizers much more cheaply than heretofore. The advantages of more economical production should, however, go to the farmer and not to private corporations. Funds for experimentation to the end that fertilizers may be produced more cheaply should be available. They are made available by the Norris joint resolution, which thus carries out the desire of those who wish Muscle Shoals dedicated to the advancement of agriculture.

The Norris joint resolution does not, however, permit a private corporation to make use of Muscle Shoals until it succeeds in developing a cheaper method of production which can then be carried on in other plants unlimited by the restrictions upon profits which would necessarily, and properly, form part of any lease of Muscle Shoals. Nor does the Norris joint resolution permit a corporation, ostensibly organized for the manufacture of fertilizers, to enter upon the wholesaling of power as soon as it has perfunctorily complied with the conditions of its lease. Surely none of the Members of the Senate are so guileless that they fancy that a limitation upon the profits of one corporation from the sale of power would prevent it from selling power at a "reasonable" price to another corporation, owned by the same stockholders, and entirely unchecked by the conditions binding the first corporation.

By tolerating the repeated representations of these so-called fertilizer companies, we have assisted them in deceiving an unfortunately large number of farmers. It is high time that hypocrisy be abandoned. If we intend to make a gift of the Muscle Shoals site to private power companies, let us do so frankly, without deluding either ourselves or the farmers, who are justly eager to secure fertilizers at a price better adjusted to their needs.

The farmer as a stalking-horse for predatory interests has again been given a rôle which he has, unfortunately, been required to occupy too often. It was in the name of the farmer that the timber and stone act was passed. It was in his name that the land-grant steals were put through Congress. His name is taken in vain in an effort to permit the seizing of Muscle Shoals. The Senator from Nebraska [Mr. NORRIS] has riddled the fertilizer scheme at Muscle Shoals. He has not left a leg for them to stand on.

The Norris joint resolution provides for the use of the profits from Muscle Shoals operation for the necessary experimentation in the fixation of nitrogen which the flux of the science demands. The passage of the joint resolution in its present form will do more to bring about the cheapening of fertilizer than any other act which Congress could pass.

THE DEMAGOGUERY OF BUSINESS

We have heard of the demagaguery of politics. There is a demagoguery of business which is far more harmful in its effects than any of the political demagoguery which this country has experienced. Representatives of the utilities call attention to the millions of shareholders in the industry. They neglect to point out that all but a few of these shareholders hold stocks the return upon which is fixed, and the owners of which have no control over the operations of the business which is called theirs. These people—I am speaking of those whose investments were made honestly—are interested only in safety for the interest upon the funds which they have invested. They are not the people who, under the guise of taking the Government out of business, are really engaged in putting business into politics, in making a business of political maneuvering and political corruption to the end that they may profit to the fullest extent.

One of the gravest evils of American politics has been the levying of compulsory assessments upon office holders in order to finance the machinations of political rings. Political officeholders have, however, occasionally been defended against this imposition. The fate of the power consumer thus far has been otherwise. The thousands and millions of dollars expended by the manipulators of the utilities have been derived from compulsory assessments, but from compulsory assessments levied upon the consumers of electric power. As yet, the American people have little understanding of the proportion of the amounts recorded by their electricity and gas bills which represent nothing more than so-called legal expenses to cover the expense of influencing the opinions of these very consumers and of carrying on lobbies both here and at the capital of every State in the Union.

We have heard a little of the campaign contributions made by power companies, and what we have heard is evidently only the beginning. Can anyone contend seriously that contributions of this sort constitute a proper cost of power production? It is with funds dishonestly collected and expended—when not dishonestly, then in the course of a campaign of misrepresentation—that the greater part of the opposition to this joint resolution is being financed.

The issue with which we are now dealing is only a single phase of one of the gravest problems confronting this Nation. It is necessary to determine whether the production of electrical power shall be a means of increasing national industrial effectiveness and the standard of living of every American citizen or whether it shall be a means of supplying profit, unconscionable profit, to a few individuals.

The responsibility of formulating a national power policy rests upon Congress. The deliberation and adoption of this policy must take place here and not in the city of New York at 420 Lexington Avenue.

I have called attention to the advantages which will result from continued and more effective public operation of Muscle Shoals. It should in the first instance serve the power consumers within its area. It should in the second instance aid us in evaluating the results of the organization of the electric-power industry as it has grown up in other parts of the country. Attempts are being made to divert our attention. We must keep the issue clear. We can easily dissipate another of our national heritages. It is our duty to devote the resources of Muscle Shoals to the welfare of the people of the Southeast and to the welfare of the entire United States.

Mr. President, to-day the issue involved in electric power is a dominant issue. To-morrow it will be paramount. This question of electric power and its distribution to the consumers of America will never be settled until it is settled rightly. It will present itself in phase after phase, in session after session of Congress. It will be fought out upon the floor of this Chamber and upon the floor at the other end of the Capitol.

Already at this session of Congress one phase of the power issue has been passed upon by the Senate of the United States. In that contest the power interests won a victory. They mangled and hamstrung the Walsh resolution for an investigation of that industry; but, Mr. President, I believe it was a temporary and a costly victory. In my humble opinion, more Senators will be retired to private life by angry constituencies upon the vote on the Walsh resolution than were defeated upon the vote when the seating of Newberry was an issue in the Senate. The power industry has made the issue, Mr. President. It is going to a higher court than this for final decision. It is going to be settled ultimately by the people of the United States.

For seven years—since 1921 the senior Senator from Nebraska [Mr. NORRIS], single-handed and alone, has conducted one of the most dramatic, one of the most courageous contests on behalf of the public interests ever waged in the Senate of the United States. By the sheer force of logic, backed by his courage and determination, he has beaten back, time after time, the power interests determined to take away from the people of the United States this prize at Muscle Shoals. They have been disguised in one uniform and then in another; but each time the senior Senator from Nebraska has stripped them of their false apparel and revealed them in their true and proper character here in the Senate of the United States.

It is rumored that there is a majority of 10 in this body to defeat the Norris joint resolution. I trust this is not so; but, if it should prove to be so, then the people of the United States will attend to the matter. They will retire to private life and elect in their stead enough Senators to reverse that majority, who are prepared to stand here and fight the power monopoly and to defend the interests of the public in this greatest of economic issues confronting us to-day for solution.

Mr. HEFLIN. Mr. President, I offer an amendment to the amendment of the Senator from Mississippi [Mr. HARRISON], which I ask to have read and have pending.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). The Senator from Alabama offers an amendment to the pending amendment.

Mr. HEFLIN. I want to have it read and lie on the table.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The Chief Clerk read as follows:

On page 3, following line 9, insert a new numbered section, to read as follows:

"SEC. —. All contracts for lease of the Muscle Shoals power properties or for the sale of the power therefrom shall provide that whenever, upon recommendation of the president of the American Farm Bureau Federation, the national master of the National Grange, and the president of the Farmers' Educational and Cooperative Union, the President of the United States shall decide that the Muscle Shoals

power is needed for the manufacture of commercial fertilizers, either through the use of nitrate plant No. 2 or otherwise, said power shall be subject to recall for the manufacture of such fertilizers, and any such contract for lease or sale executed by the Secretary of War shall be subject to cancellation by the President when, in his judgment, the needs of agriculture shall require it."

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. BLACK. Mr. President, I ask unanimous consent to insert in the RECORD, at the request of a citizen of Sheffield, Ala., a letter which he has received from the counsel, I believe, of the Tacoma lighting plant with reference to rates at Tacoma as compared with rates in certain southern cities. I should like to state that these rates show a great amount more paid for power in these southern cities than in Tacoma.

I am inserting this communication at the request of a citizen of Sheffield, who has also sent me a telegram, and I believe has sent one to the Senator from Tennessee [Mr. MCKELLAR], supporting the Cyanamid bid. He desires, however, to have these comparative rates put in the RECORD.

I also ask unanimous consent to insert in the RECORD a report made by Chester H. Gray, Washington representative of the American Farm Bureau Federation, to the board of directors of the American Farm Bureau Federation touching his legislative work in Washington. I do this at his request, in view of the fact that the statement has been made, according to my recollection, that Mr. Gray has spent practically all his time on the Muscle Shoals project. This will show the complete work of his body and of his board during this year in legislative circles at Washington.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD.

Mr. NORRIS. Mr. President, I want to make an inquiry. I hope the Senator from Alabama will excuse me. My attention was diverted. What was the article the Senator asked to have inserted in the RECORD?

Mr. BLACK. A report made by Chester Gray to the board of directors of the Farm Bureau with reference to his legislative work in Washington.

Mr. NORRIS. When was it made?

Mr. BLACK. I have the date. I think it shows the date on the face of it.

Mr. NORRIS. Was it recently?

Mr. BLACK. Yes.

Mr. NORRIS. One of the regular reports he makes?

Mr. BLACK. Yes; and the other report shows, according to the Senator's contention, that the rates at Tacoma, Wash., are cheaper in places where the people are supplied by public utilities.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

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

The following is an analysis of a typical Tacoma light bill:

Nine-room home of Homer T. Bone. Consumption between November 15 and December 15, 1927. Total consumption, 686 kilowatt-hours on a combined residence lighting, refrigeration, and cooking circuit. Total charge for 686 kilowatt-hours was $8.75.

Chattanooga, Tenn., advertises itself as "Dynamo of Dixie." It is a city of approximately the same size as Tacoma. It is supplied by hydroelectric plants.

Rate "I" is the lowest domestic rate in Chattanooga, and is filed with the State regulatory body as the "metered residence light, refrigeration, and cooking or heating combined" schedule. This schedule is as follows:

Nine cents per kilowatt-hour for first 40 kilowatt-hours per month.

Three cents per kilowatt-hour for all current used in excess of first 40 kilowatt-hours per month.

Minimum charge, $3.15 per month.

Five per cent discount if paid within 10 days.

Compare this cheapest Chattanooga rate with the Tacoma rate. Based on a consumption of 686 kilowatt-hours, the Chattanooga charge will be as follows:

First 40 kilowatt-hours at 9 cents	$3.60
Next 646 kilowatt-hours at 3 cents	19.38
Total, 686 kilowatt-hours	22.98
Less 5 per cent	1.14
Total Chattanooga charge	21.84
Chattanooga charge	21.84
Tacoma charge	8.75
Difference	13.09

By comparison it will be observed that the Tacoma rate is 40 per cent of the rate charged in Chattanooga, or, in other words, the Chattanooga rate is 250 per cent of the Tacoma rate for exactly the same service.

During this period of time above mentioned, and on a separate metered circuit, this same home used 1,563 kilowatt-hours in electric heaters as an auxiliary to a hot-water heating system. The charge for this service was $7.80, or at the rate of one-half cent per kilowatt-hour.

Copies of these bills in the city of Tacoma can be supplied to you if you desire to use them for comparison.

From the foregoing one will readily understand why the Power Trust operating in your section objects to any form of public ownership. It also objects to cities owning their own distribution systems and buying power at 2 mills from the Government Muscle Shoals plant and distributing it over their own municipal systems, and putting the profit in their city treasuries or giving it back to the consumers in the form of cheap light rates. Two mills is one-fifth of a cent per kilowatt-hour, which means that if this power was available for distribution over municipal systems, the people in the country adjacent to Muscle Shoals might enjoy light and power rates as cheap as those enjoyed in Tacoma. The city of Tacoma has been in the light and power business for nearly 40 years and its plant has been eminently successful. It now owns two big hydroelectric plants and is preparing to build a third hydro plant of an additional 50,000 horsepower installation. There may be men in the city of Tacoma who would like to force the city to abandon its municipal plant, but if such men are here they lack the courage to publicly offer such advice. If Tacoma paid the rates charged in Chattanooga, it would probably add to the bills of light and power consumers an amount of money almost equal to the total tax budget of the city of Tacoma—in other words, it would add frightfully to our tax burden, and all that we would get in exchange for this concession would be a few thousand dollars in taxes, which would represent but a small fraction of the added cost.

H. T. BONE.

REPORT OF CHESTER H. GRAY, WASHINGTON REPRESENTATIVE, TO THE BOARD OF DIRECTORS, AMERICAN FARM BUREAU FEDERATION, FEBRUARY 17, 1928

Perhaps the most effective way of making a report to the members of the board of directors in the middle of a congressional session is to take the resolutions of the ninth annual meeting, American Farm Bureau Federation, and consider the legislative projects upon which our Washington offices are interested in connection with each resolution.

Since Resolution 1 is a reaffirmation of many prior resolutions, let us delay its consideration for the end of this report.

Resolution 2 is entitled "A national agricultural policy." In carrying forward the intent and substance of this resolution there was introduced early in the session of Congress S. 1176, by Senator MCNARY, and H. R. 7940, by Chairman HAUGEN. At the beginning of the session one might have doubted the ability of these measures to make any progress. Politics were more in evidence in regard to farm relief at that time than were economics. It was argued on the one side that such bills need not be considered by Congress, as they could not be passed, or, if passed, would be sure of a veto. On the other side it was maintained that success with such bills deserved continuing consideration on the part of Congress, and the question of veto was a matter which need not be a determining factor. In the Washington offices of the American Farm Bureau Federation it is realized that more than in the present instance our organization has found itself in opposition to presidential desires. This has been true on ship subsidy in former years, on certain phases of railroad legislation, on daylight saving, and on many other legislative projects which need not be mentioned. If our membership concludes that a project is necessary, it is the duty of those in the employ of the federation to carry out the membership mandates no matter where opposition might come from in so doing.

Hearings are still continuing on the House bill, and will continue under present indications for another week. On the Senate side the bill has been reported out exactly as it was introduced by Senator MCNARY early in the session, with no hearings whatever. In due time it is expected the House committee will report its bill with some changes no doubt. Whichever branch of Congress acts upon farm relief first is not likely to have its measure taken as a whole by the other House, as was the case in the Sixty-ninth Congress. We may reasonably expect farm relief to go to conference this session, which will give us an opportunity finally to refine the bill into that final form which may be necessary after it has been subjected to amendments on both floors.

There has been no weakening or equivocation in our continuing advocacy of the equalization plan. That plan seems stronger among farm groups to-day than it ever has been, with more such groups represented at Washington before the House committee, and with a congressional strength which justifies us in being not alarmed at the fate of the measure in final roll calls.

Resolution 3 is entitled "Muscle Shoals." The Madden bill, named in that resolution, is now H. R. 8305. It has a companion measure on the Senate side, introduced by Senator WILLIS, of Ohio, S. 2786. Only one public appearance has been made by the Washington offices on this project before committees, and that was before the

Senate Committee on Agriculture. As is usual, we found ourselves then face to face with those who advocate Government operation at the Shoals instead of private operation, as is our position. Through a mistaken statement as to the power available at the shoals, efforts are made to make the American Farm Bureau Federation appear to be more interested in power than in fertilizers. When it is stated that 1,200,000 horsepower are available at the shoals in spite of the well-known engineering facts that with the Wilson Dam, Dam No. 3, 17 miles up the river, Cove Creek Reservoir, 400 miles up the river, and the steam plant enlarged 50 per cent—all provided for in the Willis-Madden bill—there will be only a total of between 300,000 and 340,000 horsepower, it is seen how misleading statements may be relative to the shoals. It will take about 280,000 to 300,000 horsepower to carry out the fertilizer guaranties and obligations in the Willis-Madden bills, so that with the actual amount of dependable power which will be had at the shoals when all the developments above enumerated are finished, there will be mighty little power left in the classification ordinarily called primary power.

The question of obsolescence of the Muscle Shoals enterprise has been recurrent for some time, so that it was necessary to meet this question fearlessly. Accordingly, the Washington offices issued a map showing where the plants all over the world which are operating by the cyanamide process—that being the one installed at the shoals—are situated. This map has created a profound sensation, as the authenticity of it can not well be called in question, when references are displayed on the face of the map showing where all data are secured. By meeting the question of obsolescence, and by actually letting it be known what the power developments are at Muscle Shoals, we have placed ourselves in a good position to carry on our advocacy of the Willis-Madden bill for private operation of the shoals as opposed to Government operation.

The Senate committee has reported out the Government operation resolution of Senator NORRIS, which does not provide for the development of the Tennessee River; does not return to the Government any of the costs which have thus far been expended on that project; does not limit the profit to be made on fertilizers to 8 per cent; makes no provision for a farmer board of control; and absolutely separates the power from the making of fertilizers. All of these aspects of the situation are adequately provided for in the Willis-Madden bill, and the power is to be sold under the latter measure in fertilizer sacks rather than over the high lines.

The House Military Affairs Committee is now reading the Muscle Shoals bill section by section in executive session with Mr. Bell, president of the American Cyanamid Co., with a representative of the Attorney General's office present. It is thought we are on the last lap of the deliberations of this committee prior to its report of the Madden bill.

Resolution 4 deals with the subject of "Equalizing domestic and foreign costs of production." Many bills have been introduced this session, particularly on the House side, to increase the import duties on agricultural products. Congressmen DICKINSON, FISH, FRENCH, SELVIG, HUDSPETH, and MANLOVE, not to mention others, have bills all of which upon specific agricultural commodities seek higher duties. It is known that other bills of similar nature are in process of preparation. It is understood that these bills may not make much progress this session, but they surely indicate that when the tariff act is to be revised agriculture is going to be present with its data and facts at hand before the Ways and Means Committee of the House to see that its products are more adequately cared for than has been the case heretofore. It is gradually developing in the minds of those who study the question of equalizing domestic and foreign costs that our present equipment and machinery for raising duties under the flexible provision of the present tariff act are inadequate; first, because the 50 per cent minimum is oftentimes not enough, and second, because the terms of section 315 of the tariff act, which section contains the flexible provision, are so specific and stringent that the United States Tariff Commission can not work with that expedition which the commission and others desire. However, time has not been permitted our Washintgon offices to secure the introduction of a bill to make more flexible and usable the present so-called flexible provision. In fact, it may not be necessary to do this, as the rewriting of the tariff act is not far distant, and in that rewriting more flexible provisions may be put in than were thought necessary when the present act was drafted.

An interesting phase of the importation of commodities is at hand in connection with our Resolution 4 in a fight which we have made to secure the free importation of raw phosphate rock from Morocco. This rock may be slightly higher in phosphoric content than is our domestic rock, and seemingly it has been sold to our consumers cheaper than our own production. When, however, this rock was sought to be introduced to our markets the antidumping provisions were called into force and effect, and the Customs Bureau, after having had hearings and referring the question to Secretary Mellon, has issued an order that the importation of Moroccan phosphate constitutes dumping, and therefore is subject to the imposition of an antidumping fee. This decision is equivalent to putting a tariff on plant-food constituents, which our farmers desire to get at the cheapest possible dollar. In this case before the Customs Bureau we have been very active trying to carry out the mandate of our membership in Resolution 4.

Considerable interest has been aroused in relation to our resolution on equalizing domestic and foreign costs of production in the banana situation. Formerly we have considered tropical vegetable oils as being obnoxious to our butter and animal fat producers, and now we are realizing that bananas are directly competitive to practically every fruit which is home grown with us. The board may be informed that in a short while a bill will be introduced seeking an import duty on bananas.

The entire tariff situation is such that, as has been previously called to the attention of the board, to handle it properly at Washington would require the full-time attention of a technologist. The members of the board may recollect that at former times suggestions have been made that if Budget requirements could permit, we should have a tariff technologist, a taxation specialist, and a cooperative marketing specialist for the enlarging work at Washington.

Continuing our reference to tariff matters, it may be stated that last week on the onion case alone there were at Washington representatives from 15 of our States, coming from all sections of our Nation, which occupied practically the full time of a week for Mr. Ogg, who had in advance given much of his time for a month in preparation for the case. Data have been under process of assembling for this case for a year, and it is by general consensus of opinion of those present, Members of Congress as well as producers, that the American Farm Bureau Federation had the scientific data without which the producers' case before the Tariff Commission would have been sadly situated. And now we have before us the milk and cream case, which is up for hearings in the middle of the congressional session, when our duties are supposed to be on legislation specifically. Following the milk and cream case comes along several others upon which our membership in various parts of the Nation is keenly interested.

Resolution 5 deals with taxation. Before the Ways and Means Committee full-length presentations were made upon the general question of Federal taxation, and later upon the specific question of reduction of Federal estate taxes. Our main advocacy in matters of Federal taxation are as follows:

(a) A minimum reduction of the Federal debt $1,000,000 annually;
(b) Tax reduction is not the dominant issue, but debt reduction is;
(c) The basis of paying Federal taxes is ability to pay;
(d) Every citizen has an obligation to support the Federal Government in some manner relative to tax burdens; and
(e) Necessity to consume is no proper basis for levying Federal taxes.

Trends are in evidence that exemptions and reductions in Federal-tax brackets are politically attractive. It must be stated that although exemptions do not repeal the tax right of the Federal Government, if carried to an inordinate extent they practically nullify the provisions of a revenue act; so, in the American Farm Bureau Federation, we do not advocate granting more and more exemptions with greater and greater reductions where those exemptions and reductions are made applicable either to those of big income-earning capacity or to those of more modest incomes.

Our fight to retain the estate taxes is a remarkable example of the efficacy of having a position and standing for it with data to substantiate the position taken. Much praise should be given Chairman GREEN, of the Ways and Means Committee, for his staunchness in the matter of the Federal estate tax—not meaning to imply that other members of that committee are not as loyal to the proposal of retaining the Federal estate tax as is true of the chairman.

We have to face constantly, as in a sort of twilight zone, the sales-tax idea. There is a residue of sales taxes in the revenue act now expiring. For instance, the so-called nuisance and admission taxes, the excise tax on automobiles, and such like, are virtually sales taxes and are paid by those who have not the greatest ability to pay, and who have oftentimes the greatest necessity to consume. We desire to clear the revenue act of the last vestige of sales taxes, such as those above enumerated, so that the proponents of sales taxation methods, if ever they try to impose such a method of taxation upon us, will be required to begin at zero and work up.

The State federations are giving studious attention it is found to Resolution 28 of the eighth annual meeting, but if we had in our organization a taxation specialist he could so synchronize the work of our many federations on tax matters that after a term of years our State-tax structures would be quite different from those which exist at the present time, and so much more uniform in character.

In the Senate the tax matter is held up until the middle of March when the income of the Government as related to the expenditures now being provided for by Congress can be more definitely known. It seems probable that the tax matter will get into such a tangle that the farm bureau program of no tax reduction will be very nearly accomplished. As the tax bill now stands it provides for a reduction of approximately $300,000,000, which is really $225,000,000 more than is necessary in the way of reduced Federal taxation. Especially is this true when we note that the Federal debt is not being wiped out as rapidly as was the case for a few years immediately following the war. The tendency is to pay less on the debt and reduce taxes more. This is, it may be said, a political tendency. The thing to be economically desired is to eliminate the debt and then, if desirable, reduce taxes.

Resolution 7 on flood control is of special importance to many of our members. The Washington offices in November made arguments before the House Flood Control Committee, dealing with the general phase of flood-control matters. Later a written statement was supplied Chairman REID of that committee, with maps and data of different kinds supplied occasionally. During the past week a statement was given Senator JONES, chairman of the Senate Commerce Committee, upon the same subject, accenting the main thoughts contained in Resolution 7. The controversy over flood control largely revolves around whether or not the Federal Government shall pay the expenses. Upon that question our position in the American Farm Bureau Federation is definitely stated in our resolution. The Washington offices have maintained throughout all hearings and arguments that the communities and States subject to inundation, having gone in years past to great expense to protect themselves, can not any longer carry the burden. Furthermore, since the question of flood control is by general recognition stated to be a national affair, the National Government consequently should bear the expense at least on the large navigable rivers.

Another point of controversy, though less in importance than the one of whether or not the Federal Government should bear the expense, is concerning the creation of a special Federal bureau or commission to have charge of flood-control affairs. Since we in our organization have stated a reliance on the Corps of Army Engineers for the technical carrying out of our flood-control program, the Washington offices have maintained that a special flood-control commission is not necessary. Such a special commission would necessarily need to go to the Army engineers to secure its technological information and would really be an extra and superfluous body carrying out the engineering details recommended to it by the Army engineers.

It has been stated in our presentations that the expense of the complete flood-control plan on the Mississippi River will fall between $300,000,000 and $1,000,000,000, with the lesser amount being much more exactly the one to be paid. It also has been suggested that each Congress will not be burdened with the necessity for large appropriations, but that from $30,000,000 to $50,000,000 per Congress will be sufficient to carry the work on for a term of years until the job is done. A decade is specified in our statement as being the least time during which such a large program might be consummated, and it has been pointed out that a generation may go by before the entire project is finished. In other words, we are not advocating necessarily a quick control of floods, but are advocating an effective control whenever the policy has been first determined upon by Congress, and then constructively followed out by the Army engineers, being supplied with appropriations by subsequent Congresses.

Recently a great deal of turmoil has arisen because neither committee has made a report on this subject. The slowness with which the committees are arriving at their recommendations makes the demands of last year for an extra session of Congress to go into the flood-control matter posthaste look ludicrous. Properly considered, the committees of Congress should be commended for the carefulness with which they are approaching this question: First, on account of the money involved, and, second, on account of the engineering facts which must be ascertained prior to the carrying out of any policy. It is to be expected that the most important features of our flood-control program as above outlined in Resolution 7 will be incorporated in the bills which are to be reported from the proper committees.

Resolution 8 is upon the subject of transportation. The Jones bill, S. 744, has been reported from the Senate Committee on Commerce, and declares it to be the continuing policy of the United States Government to maintain by replacement, rebuilding, and otherwise, an American merchant marine of permanent character. This bill, although not actually a Government operation bill, is being so considered generally, and is being attacked as committing our Government to a permanent policy of the Federal Government remaining in the shipping business. It is contended against this bill that if the Shipping Board is permitted to rebuild and reequip the Government owned and operated lines, then some provision should be made so that private lines can also be reequipped and reconditioned as necessity arises. If this is not done, the opponents of the Jones bill contend eventually we will have nothing but Government operation of ships, as the private-owned lines must disappear under trade competitions, much of which competition might come from the Federal Government itself. Those who dislike the Jones bill are advocating other solutions—such a one being to grant special rates for the carrying of mail abroad, in a manner similar to that which is in vogue with railroads. It is also explained that the operators of merchant marine can be saved some expense by having some of the employees on the vessels commissioned as members of the American merchant-marine reserve, and paid for by the Federal Government, so that in case of future wars we may have an adequately trained and governmentally commissioned marine body ready for instant service.

The question of direct subsidy to an American merchant marine has not gained headway at Washington, as it seems no one has the courage to advocate an outright payment from the Federal Treasury for losses sustained by private operators of lines under American registry. Much interest has been attracted recently by the proposal of an American corporation to invest many millions of dollars in ships, providing the Government will loan such corporation perhaps 75 per cent of the capital costs of the vessels at low rates of interest and long-time amortization payments, with mail contracts and merchant marine reserves installed as above described.

Perhaps the Jones bill as reported from the Senate committee will not be the measure which is finally approved by Congress, but some compromise bill containing various of the features above enumerated may comprise our future merchant-marine policy.

Appropriations for the development of the large inland river system are making usual progress through Congress. An effort was made in the House to cut the appropriations below $56,000,000, which was the sum designated by the Army engineers and advocated by all groups in favor of inland river development. When this question came to a vote on the floor of the House, although the committee report did not retain the entire $56,000,000, that amount was reinstalled by floor action with an overwhelming majority. It is not expected that any change in this situation will develop on the Senate side. The controversy to a large extent relative to the last few million dollars was on the question of whether or not the Missouri River should come in for its share of development and barge-line transportation.

Singular as it may seem in connection with inland river matters, and with the rivers and harbors bill generally, we have heard nothing this session about lake levels. At former times that subject was highly controversial in connection with the so-called Chicago Drainage Canal and the Illinois River Channel. On account of the large precipitation of rain in the last year, the lake levels are coming up again, and it seems to be under process of demonstration in a natural way that the lake level is coming back to where it often times has been before; and will in some future years drop low again because that has been the record of the lake levels since the sixties of the last century.

Dealing with the question of transportation, but more specifically in our flood-control presentation, we have stressed upon every occasion the necessity of surveys of our main streams. Until we know more about the water which comes down our streams, its varying amount from year to year, and from month to month, we can not know whether to build our dams for storage, for navigation, for power purposes, nor can we fit storage of water for flood-control purposes in with storage of water for power purposes. Time was in years gone by that navigation dams were built low and frequently, thus developing slight, if any, power from the water flowing down the streams. By the survey of one stream in the United States, the Tennessee River, we have discovered that navigation dams should be built high and less frequently, making, so to speak, lakes above the dam which would wonderfully help transportation and also give enough head of water to develop power which eventually would pay for the entire navigation project.

Lately the question of flood control comes into this picture so that now more than ever we need surveys of our tributary streams, so that the location of reservoir sites may be pointed out by Army engineers, which sites may be made useful to keep back that peak of water which causes disaster in flood times, later to disgorge the water for secondary power uses during the dry months, and so be ready in the next freshet period to retain the next flood. This question of surveying our streams, then, is as much a question of transportation and power as of flood control. It is encouraging to know that adequate funds for such surveys are coming along with the usual river and harbor features.

A bill (H. R. 107) by Mr. BURTNESS has been introduced to provide that toll bridges on our national highways shall revert to the Government when tolls have amortized costs and interest. This bill has not made progress, but will have more force put behind it when other matters are not so pressing. In the meantime the chartering of toll bridges is going merrily along, with the result that in the future the citizens who have paid taxes to build hard-surfaced highways will find barriers of private ownership erected to profit from the public expenditure.

Resolution 9 of the ninth annual meeting deals with agricultural appropriations. In carrying out this resolution the following projects have been actively supported:

(a) The Capper-Ketcham extension bill (S. 1285, H. R. 6074). These measures have been reported out of the Appropriations Committees in slightly different form. We are daily expecting a vote on the floor of the Senate, and we would have had such vote last week except that Senator KING, having heard from some people in his State who thought all the money was going to home economics, asked for more time to study the measure.

(b) The Robinson-Aswell bill, proposing $500,000 for extension work in the flood areas, has been signed by the President.

(c) The appropriation for tuberculosis eradication is being carried along in the Department of Agriculture bill. Quarantine and control work for insect and plant pests and diseases are items in the agricultural bill which it is thought require special attention on our part.

(d) The effort to get more appropriations for fundamental research by the United States Department of Agriculture has resulted in the Budget Bureau providing a greater amount than heretofore for these purposes, but not to the extent we desired. Hearings have just been concluded before the House subcommittee on Agricultural Appropriations expressing the importance of this appropriation.

(e) The highway funds are not yet reported from the committees, but will be in due time, substantially the same amounts as last session, namely, $75,000,000 for Federal aid to highways and $7,500,000 for forest trails. Efforts are under way to get special items for highway and bridge reconstruction in the flooded areas.

(f) The United States Tariff Commission in its original estimates requested about $950,000. When this request was filed with the Bureau of the Budget there was pending a deficiency bill carrying $135,000, which under the conditions then existing would have been expected to pass. However, this deficiency bill was shaved to a bare $4,000 when it finally passed. The Bureau of the Budget reduced the estimates of the Tariff Commission to approximately $750,000, which is the approximate amount now being made available for the Tariff Commission. This amount is $68,000 more than last year, but as above noted, is about $200,000 less than the Tariff Commission desires. We are feeling our way toward having a special resolution introduced carrying more money for the Tariff Commission, as it seems useless to go before the Bureau of the Budget asking for a supplemental estimate for the commission. As above noted in this report dealing with Resolution 4, our work before the Tariff Commission is of tremendous interest to our membership, so that everything we can do to enable the commission to keep up with its work, especially the cases pending under the flexible provisions, would be very beneficial to us.

(g) An item for enforcement for the so-called Lenroot-Taber milk bill of the Sixty-ninth Congress is in the agricultural appropriation bill.

(h) It is useless and, in fact, nearly impossible to enumerate all of the items relative to appropriations which must be kept moving along in regard to agricultural affairs.

No effort, other than those above enumerated in this report, is made to follow all the bills on appropriation matters.

In carrying out the substance of Resolution 10, "European corn borer," the Washington offices have been participant in many conferences on the subject; and as a result of all the interest in corn-borer control matters we have by recent introduction H. R. 10377 by Congressman PURNELL, which carried an authorization for $10,000,000 for this work. Hearings on this measure will be had beginning about the 1st of March. The bill is very much like the one of last session, and provides, among other features, for expenditures for any necessary farm clean-up which is, in the judgment of the Secretary of Agriculture, in addition to the normal and usual farm operations.

Some excitement was caused in January by a delegation from Ohio which came to Washington expressing opposition to all corn-borer control work. It is not thought that this delegation made any permanent impression upon the congressional mind. However, it is recognized to be important that every possible farm agency be invoked for its assistance in getting the $10,000,000 appropriation provided for in the Purnell bill on account of other pending and much larger appropriations, and also on account of the uncertainty of the revenue measure which in a former portion of this report was alluded to. It will not be as easy to get the $10,000,000 this time as it was last session.

Resolution 11, "packer and stockyard act," has been started in its legislative career by the introduction of several bills dealing with packers and stockyards. The ones of most concern to us seem to be those introduced by Senator CAPPER, S. 2506, and a companion bill by Congressman HOPE. The Washington office has been unable to outline any policies in regard to these measures on account of the inability down to this time of getting the consensus of opinion expressed by our legislative committee and by similar committee of the National Livestock Producers' Association. It is suggested to the board of directors or to the legislative committee that this question should be decided soon, as hearings have once been announced for this measure on the Senate side, but were postponed; evidently because other people were not any more ready to decide the matter than are we.

The substance of the bills above referred to is contained in some definitions relative to what constitutes a "stockyard" and a "dealer" in livestock. A "stockyard" is defined substantially as any place, establishment, or facility conducted for profit and consisting of pens or other inclosures in which livestock is held for sale, slaughter, or shipment in sufficient volume as will affect the market value in commerce of such livestock. This definition will include not only the large livestock yards in such places as Buffalo, Chicago, and Kansas City, but also lesser concentration points out in more rural districts. The term "dealer" is defined as being any person, including any packer, engaged in the business of buying or selling livestock other than on a commission basis at a stockyard for slaughter or otherwise. With the enlarged definition of "stockyard" as above described, and with authority given the Secretary of Agriculture in other portions of the measure to grant certificates of public convenience and necessity, the thought is that all stockyards would be subject to regulation by governmental agencies, which heretofore has not been the case. The entire question of direct buying of livestock is tied up with this bill and is a highly controversial proposition.

Resolution 12, entitled "Immigration," has not yet taken up much of our time at Washington, but must be attended to forthwith after our return from this meeting of the board of directors. A long list of bills have been introduced, only a few of which need be attended to by us.

The Box bill—H. R. 6465—seeks to make the quota provisions applicable to Mexico, Cuba, Canada, and other continental American countries. A new measure, which is said to reflect the administration point of view, has been introduced by Senator WATSON—S. 3019—and contains in its final sections a provision permitting the temporary admission as non-Americans for periods of not more than six months not to exceed 10,000, otherwise admissible aliens from each foreign country to perform seasonal or emergency labor in the United States.

Hearings on the general question of immigration, particularly in regard to the Box bill, on the House side were scheduled to begin February 16 and run throughout next week. It is expected that no radical change will be made in the immigration law, but as above stated there are many desirous of modifying the act. Our resolution deals specifically upon one phase of the immigration question, in that we ask for a congressional investigation before any additional immigration restrictions are applied to nationals on the Western Hemisphere. This phraseology could be interpreted seemingly only one way in regard to the Box bill, namely, to oppose that measure or any similar one that seeks to evoke at this time such restrictions.

Farm-loan affairs have not been prominent at Washington this winter, legislatively, down to date. Their prominence has been altogether in the personal relation, reference being made to the fight relative to confirmation of the three recess appointees, which confirmation was reported favorably by the Senate Committee on Banking and Currency and later was approved on the floor of the Senate with 13 dissenting votes. As far as can be remembered, no national farm organization filed formal opposition before the committee in regard to this confirmation matter.

It was inexpedient to start a legislative program such as is contemplated by the report to the American Farm Bureau Federation by the special farm loan committee until the personal equation relative to the confirmation matter was out of the way. Several Senators have been seen—and a few Congressmen—in regard to the report of this special farm loan committee. Recently we have had a dinner conference with half a dozen of the Senators whose records are constructive on farm-loan affairs to make arrangements for writing into definite form the recommendations of the farm loan committee. This work is now well under way and in a few days we may expect the introduction of a bill which will carry substantially the list of recommendations submitted by the farm loan committee.

It will be gratifying to the members of the committee to learn that their work is received in the finest way by all those to whom it is brought and is recognized to be, as it was intended to be, wholly constructive. This does not mean to imply that every particular recommendation of the 18 recommendations contained in the report is approved by every Member of Congress with whom conferences have been had on the subject, but the general lines and the recommendations meet with the happiest approval from all.

It is understood among those with whom conferences have been had upon this subject that this project when introduced as a bill will not be known as a farm bureau project, even though the American Farm Bureau Federation is wholly responsible for the origin of the work. It is thought more strategic not to have it designated under the name of any specific farm organization.

In cataloguing the list of bills under resolution 14, "omnibus," on account of the many items contained in the resolution, a hurried view will suffice:

(a) Funds are carried in the agricultural appropriations bill for developing the use of electricity on the farm.

(b) The same is true in regard to farm fire prevention.

(c) S. 1418, by CAPPER, and H. R. 11, by KELLY, each seeking to establish retail price fixing, are dead so far as this session of Congress is concerned.

(d) The Swing-Johnson bill, as is usual, has taken the center of the stage relative to the Colorado River, or, more commonly called the Boulder Dam project. The Washington office has assumed a neutral attitude down to date and will continue so to do unless the board of directors or the legislative committee can interpret that portion of Resolution 4 dealing with the Colorado River project. Whatever may be said about the Boulder Dam project it can not be stated with proof that the project will bring under cultivation more acreage to compete with other acreage in the United States.

Indeed, it may bring in more acreage; but if it is not developed by national legislation, the water will be used on the Mexican side with Japanese and Mexican labor and the farm products will come into our country with cheaper costs of production and thereby be more competitive than if the same water had been used for production purposes on the American side. In this connection your attention to the joint letter which the American Farm Bureau Federation, the National Grange, and the Farmers' Educational and Cooperative Union sent to Congress recently upon the general question of whether or not more acreage should be brought into cultivation. In this joint letter, which is herewith reproduced in full, it will be noted that no specific projects relating to irrigation, reclamation, or southern community welfare

interests are mentioned. The wisdom of avoiding the mention of any particular project in this connection is perhaps demonstrated in the case of Boulder Dam, above mentioned, where the water is going to be used on one side or another of the border, and if we do not use it the Mexicans will. No argument is intended by this to induce the board to make a decision one way or the other, but merely to clear the situation in regard to whether or not the Boulder Dam project should be condemned on the score that it brings in more acreage.

THE NATIONAL GRANGE,
THE AMERICAN FARM BUREAU FEDERATION,
THE FARMERS' EDUCATIONAL AND COOPERATIVE UNION,
Washington, D. C. February 8, 1928.

To the Members of the Seventieth Congress:

Everyone agrees that one of our major national problems is the successful handling of our agricultural surpluses. During the last six years our area under cultivation has declined nearly 15,000,000 acres but our surplus is still our great national problem.

Several measures are now before Congress which look toward increasing the acreage under cultivation, which would be secured by different methods in various bills. During the recent years of agricultural depression the organizations which we represent have repeatedly gone on record as opposing any legislation which would look toward placing any further acreage under production or additional producers upon farms, until agriculture has been restored to economic parity with other forms of industry and commerce.

When such parity is restored, increased agricultural production from our present developed acreage will amply care for any increase in our population for many years to come.

Most respectfully yours,

FRED BRENCKMAN,
Washington Representative The National Grange.
CHESTER H. GRAY,
Washington Representative American Farm Bureau Federation.
CHARLES S. BARRETT,
President The Farmers Educational and Cooperative Union of America.

The little amendment to the packers and stockyards act necessary to classify live poultry as livestock will have no difficulty in its legislative course.

The Walsh resolution seeking a governmental inquiry into the growth and capitalization of public utility corporations has had a tempestuous career thus far, and has, at the dictation of this report, been referred to the Federal Trade Commission for action rather than to a special senatorial committee as provided for in the original resolution. It is alleged that the power lobby has been very potent in Washington relative to this resolution, such influence seeking to have the resolution handled by the Federal Trade Commission rather than by a special Senate committee.

Forestry has assumed a position of spot-light importance this winter at Washington. The original McNary-Clarke Act set a pace for forestry development. The present McNary-Woodruff bill is progressing nicely and provides continuing appropriations for forestry work authorized in the original act. Also the McNary-McSweeney bill, which outlines continuing policies on forestry affairs, establishes forestry stations for the study and promotion of an enlarged forestry policy, and carries appropriations therefor. Hearings on the McNary-Woodruff bill have been held with a favorable report and are soon to be held on the McNary-McSweeney bill. Seemingly, no opposition will materialize. Such measures as the two above mentioned, dove-tailing as they do into the McNary-Clarke Act, when correlated with tax easement by State laws so that woodlots will not be taxed to death before they come into productiveness, will go far in obtaining a national forestry program. It is not intended to slight other bills on forest affairs, but only the bills which are of prime significance to us are enumerated.

A measure which seeks to require truth in market reports being intended to apply specifically to cotton matters is H. R. 1508 by Congressman WILSON, of Mississippi. This bill has not made to date any appreciable progress.

No progress has been made in regard to the measure to effect a stabilized price level and secure stable purchasing power of money through additional instructions to the Federal Reserve Board. This measure by Congressman STRONG of Kansas has had voluminous hearings before the Sixty-ninth Congress, but not before the Seventieth Congress. It is a question which needs the most profound study, has many points of merit in it, and will in some form or other be written into the Federal laws when more adequately understood.

Attention of the board is invited to the resolutions by the home and community department, which recommends continuing the work of the so-called Sheppard-Towner or maternity and infancy act. Since this resolution was not referred to the Resolutions Committee, and was not called to the attention of our voting delegates at the last annual meeting, it will give the Washington office somewhat more definite authority to proceed if the board will express its opinion upon the matter.

In 1925 our organization adopted a resolution in favor of appropriations for vocational training, or, as it is commonly called, the Smith-Hughes work. The National Association of State Directors of Vocational Training has had introduced a bill which is based upon the Capper-Ketcham agricultural extension measure, and asks for similar appropriations for the vocational work. This bill has been heard before the House Committee on Education and the Senate Committee on Agriculture and Forestry, with no report from either committee thus far. It is not likely that the Director of the Budget will declare that the appropriations authorized in the bill are in keeping with the Budget requirements of the Nation, so that the progress of the measure will be handicapped if not stopped. The Washington offices have given attention to the measure and have stated frankly to the active proponents thereof that the bill is not likely to make progress this session, and will need more organizations behind it when it next starts through the legislative grist here. It is probable that the bill will be amended so that clearer lines of demarcation will be set out between the work of the Smith-Hughes forces, and that of the Smith-Lever employees.

Standard containers has been reported from the Senate Committee on Agriculture, and will be, under present indications, reported from the House Committee on Coinage, Weights, and Measures next Monday, February 20.

Truth in fabrics is promised consideration by the Senate Committee on Interstate Commerce as soon as one or two more major and troublesome questions are disposed of. On the House side the situation is not so favorable upon this project.

Postal affairs have been attended to by appearance before the House Committee on the Post Office and Post Roads, by advocating a director of the parcel post, a general protective policy for the Parcel Post System, in the making of rates, and that extra charges on any parcel-post packages should be removed. We also continue to advocate cheaper postage for library books, as well as the authority which will permit sending of insecticides, fungicides, and germicides through the mails.

The policy of the American Farm Bureau Federation on corn sugar legislation never has been of a positive nature. If we have any position on such legislation, it was stated in our resolution of 1926 in these words: "The American public is entitled to know where its food products are grown and the purity thereof * * *. We oppose the passage of any bill through Congress which would permit lowering the quality of our foods through adulteration." The last sentence, above quoted, it is recollected, was approved by the resolutions committee of the eighth annual meeting in 1926 as a general expression of our position on corn sugar legislation, which legislation was before the resolutions committee at that session for approval. The question uppermost in corn sugar legislation is whether or not such sugar should be sold without designating its nature and origin, or shall it be sold simply as sugar, the same as cane and beet products are merchandized. Since the chemical formation of the corn sugar is different from that of cane and beet sugars, it may be alleged, and is from many quarters so alleged, as being a breaking down of the pure food and drugs act to allow corn sugar to be sold simply as sugar.

Considerable confusion has resulted as to our position upon corn sugar legislation. Perhaps it would be well for the board of directors to give a positive statement, whereas our position down to date, as above noted, seems to be of a negative nature.

More than 40 individual projects are on our schedule at Washington, and each requires at times careful watching and pushing to keep it from falling by the wayside. If we should include individual appropriation items which are in fact legislative projects of themselves, it will make our project list at Washington well beyond 50.

In further consideration of resolution 1 a rapid enumeration of a few bills is made, inasmuch as such bills carry out policies which have been decided upon in a general way by our organization and reaffirmed in this resolution.

The wool standards bill, S. 1343, by ODDIE, H. R. 7459, by MORGAN, appropriates some money now lying in the Treasury for the development of the wool standards in our Nation. The bill has been reported from the House committee and is expected soon to be acted upon favorably in the Senate committee.

The agricultural attaché bill, S. 1178, by MCNARY, H. R. 9107, by KETCHAM, permits the Department of Agriculture to appoint and sustain agricultural representatives abroad.

The decennial census bill, H. R. 393, by FENN, has not yet been reported by the committee and needs to be amended by having the date of the census to be on or about December 1, so that the data collected will fit into the statistical year of the Department of Agriculture; and needs further amendment by having designated in the bill certain types of information to be secured by enumerators.

Several barge line bills have been introduced, all seeking to develop barge-line transportation on various of our rivers.

Free passports for farmers studying agriculture abroad, H. J. Res. 198, by MCSWAIN, will be supported by our organization, especially since the American Farm Bureau Federation is making arrangements to conduct the second Cooperative Farm Bureau pilgrimage abroad.

The radio bill, S. 2318, extending the life of the Radio Commission another year, until it can more adequately bring under regulation the

various factors in radio activity, is in keeping with our resolution of a year or two ago.

The trade-mark bill, H. R. 6683, by VESTAL, contains one section which will permit the name "farm bureau" to be trade-marked and prevents its miscellaneous use by those unauthorized to use it.

A national agricultural day, H. J. Res. 22, is of minor importance, but is in keeping with one of our resolutions of a year or two ago.

This opportunity is taken to thank the board of directors, the legislative committee, President Thompson, and the State federations for a loyalty to our legislative program which is remarkable, and which it is believed never yet has been surpassed in the American Farm Bureau Federation. Particular comment should be given to the fact that our State federation officials are extremely careful not to take positions by correspondence or in person contrary to the general position of the American Farm Bureau Federation.

The legislative program at Washington is indeed very heavy. Even in a report as extended as this one it is impossible to get the entire program into words which explain it. The Washington representative has in times past, when Congress was not in session, been very glad to participate in series of meetings in States under the direction of State federations, so that the entire program might be more adequately brought to the membership. It is felt that in the period following adjournment of this session of Congress more of such work among the county bureaus and the State federations can be profitably done. The Washington representative holds himself ready to serve in this field work and hopes to be of assistance in promoting the strength of the organization generally by doing so.

Respectfully submitted.

CHESTER H. GRAY,
Washington Representative.

SUPPLEMENT

STATUS OF VARIOUS BILLS—CORRECTED TO FEBRUARY 18, 1928

(Note: X means approved; XX means opposed; XXX means needs amending)

Farm relief

X. S. 1176, by MCNARY; ordered favorably reported February 15, without hearing.

X. H. R. 7940, by HAUGEN; hearing in progress.

Muscle Shoals

X. H. R. 8305, by MADDEN; hearings in progress.

X. S. 2786, by WILLIS.

XX. S. J. Res. 46, by NORRIS; reported to Senate February 13.

Taxation

X. H. R. 1, by GREEN; hearings held before House committee; reported December 7; passed House December 15 with amendments; held up by Senate committee awaiting tax returns.

Merchant marine

XXX. S. 744, by JONES; reported to Senate with amendments; passed Senate with amendments.

Capper-Ketcham extension service bill

X. S. 1285, by CAPPER; reported to Senate.

X. H. R. 10568, by KETCHAM; reported January 23.

Corn borer bill

X. H. R. 10377, by PURNELL.

Farm loan legislation

X. Way cleared for introduction of bill in Senate carrying out resolution of A. F. B. F.

Reforestation

X. H. R. 42, by FREE; authorizing $100,000 annually as Federal aid for purchase and distribution of forest tree seeds and plants for reforestation. No hearings yet.

X. S. 1344, by ODDIE; compansion bill to H. R. 42, by FREE.

(McNary-Woodruff bill)

X. S. 1181, by MCNARY; reported January 9; passed Senate with amendments February 6.

X. H. R. 357, by WOODRUFF.

(McNary-McSweeney bill)

X. S. 1183, by MCNARY.

X. H. R. 6091, by MCSWEENEY; hearings on March 1, 2, and 3.

Flood control

XXX. H. R. 8219, by REID of Illinois; reported by House Committee on Flood Control, and provides for all expenses to be paid by Federal Government.

Rivers and harbors bill

X. H. R. 11616, by DEMPSEY; containing appropriation of $50,000,000 which includes development of upper Missouri River. Bill became a law in the last Congress; appropriation for 1929 (fiscal year) being carried in War Department appropriation.

Standard container bill

X. H. R. 8907, by PERKINS; hearings will probably end February 20; early report expected in time for call of committee following Wednesday or week following.

X. S. 2148, by MCNARY; reported without hearing February 14.

Decennial census bill

XXX. H. R. 393, by FENN; hearings in progress.

Wool standards bill

X. S. 1343, by ODDIE; no hearing yet.

X. H. R. 7459, by MORGAN; reported January 20.

Reduction of postal rates

XXX. H. R. 9296, by GRIEST; changes postal rates; hearings in progress.

X. S. 808, by COPELAND.

Truth in fabric

X. S. 1621, by CAPPER.

X. H. R. 7907, by FRENCH.

Agricultural attaché bill

X. S. 1178, by MCNARY.

X. H. R., 9187, by KETCHAM.

Agricultural day resolution

X. H. J. Res. 28, by GARBER; no hearings.

Extension of barge lines

X. H. R. 10710, by DENISON.

X. H. R. 5686, by STRONG of Kansas.

X. H. R. 7362, by WILLIAM E. HULL.

X. S. 1760, by SHIPSTEAD.

Regulation of toll bridges

X. H. R. 107, by BURTNESS; being held up by House Interstate Commerce Committee.

Research on poultry diseases

X. S. 812, by COPELAND.

Federal aid to highways

X. H. R. 383, by DOWELL; hearings in progress ($75,000,000).

X. S. 2327, by PHIPPS.

Special Federal aid for roads and bridges in flood areas

X. H. R. 10864, by HALE; introduced February 13.

Packers and stockyards act

XXX. H. R. 490, by HAUGEN.

XXX. S. 2506, by CAPPER.

Immigration

XX. H. R. 6465, by BOX; making the quota provisions applicable to nationals of American countries.

Retail-price fixing

XX. S. 1418, by CAPPER.

XX. H. R. 11, by KELLY.

Classification of live poultry as livestock

X. S. J. Res. 42, by COPELAND; passed Senate by substituting H. J. Res. 112, February 2.

X. H. J. Res. 112, by LEA; passed House January 16. Approved by President.

Walsh resolution to investigate the Power Trust

X. S. Res. 83, by WALSH of Montana; reported by Committee on Interstate Commerce with amendments; amended to refer investigation to Federal Trade Commission, and passed in this form February 15.

Utilization of cotton

X. H. R. 10642, by BLANTON; introduced February 7; promoting utilization of low-grade cotton and putting embargo on all raw jute products.

X. H. R. 10763, by JONES; investigating new uses for cotton.

Free passports to American farmers traveling abroad

X. H. J. Res. 198, by MCSWAIN; permitting issuance of free passports to farmers traveling in Europe to study farming methods.

Extending Radio Commission

X. Watson radio bill.

Vocational training bill

XXX. S. 1731, by GEORGE; providing additional appropriations for Smith-Hughes work.

XXX. H. R. 9201, by MENGES; same as the above bill.

Corn sugar

XXX. S. 2806, by CAPPER; permits corn sugar to be used as substitute for cane and beet sugar.

XXX. H. R. 10022, by COLE of Iowa; same as above.

Trade-mark bill

X. H. R. 6683, by VESTAL; contains section allowing the name "farm bureau" to be trade-marked.

Boulder Dam

XXX. S. 728, by JOHNSON; provides for development of that project.

XXX. H. R. 5773, by SWING; same as the above bill.

Mr. HARRISON. Mr. President, I wish to inquire of the Senator from Nebraska if he will agree to a unanimous consent that a vote shall be taken upon the amendment now pending at a certain time to-morrow?

Mr. NORRIS. Mr. President, without consulting with anyone, I would hardly care to enter into an agreement.

Mr. SMITH. Mr. President, I would object to any unanimous-consent agreement until certain of us who have not had an opportunity of expressing ourselves specifically in reference to this legislation shall have such an opportunity.

Mr. NORRIS. I think there are some other Senators, besides the Senator from South Carolina, who feel that way.

Mr. HARRISON. I may say to the Senator from South Carolina that my reference was only to the amendment I have offered, which is pending.

Mr. SMITH. So far as I am concerned, I would not want to give my consent to any commitment on any one amendment until those of us who desire have had an opportunity to express ourselves with reference to the general legislation.

Mr. NORRIS. I agree with the Senator from South Carolina. While I would like to get a vote as soon as possible, I do not want to prevent anyone from speaking on the general subject. There are several Senators who want to talk on the subject generally, and I presume they would rather not do so after we had started voting. When that general debate shall be concluded, I myself will try to get an agreement to limit speeches, for instance, on the pending amendment, to 5 or 10 minutes, or some such time as that.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls; and

H. R. 11026. An act to provide for the coordination of the public-health activities of the Government, and for other purposes; to the Committee on Commerce.

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 7459. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture;

H. R. 11579. An act relating to investigation of new uses of cotton; and

H. J. Res. 215. Joint resolution 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.

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891; ordered to be placed on the calendar.

COLUMBIA (S. C.) FEDERAL LAND AND INTERMEDIATE CREDIT BANK

Mr. BLEASE. Mr. President, a few days ago I introduced a resolution (S. Res. 159) asking that the condition of the Federal intermediate credit bank in my State be examined. I ask to have printed in the RECORD and referred to the Committee on Banking and Currency a few letters in reference to the condition of the intermediate credit bank. If the committee or somebody else does not soon do something the farmers down there will be robbed and then there will be no use of doing anything at all.

There being no objection, the letters were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

[Letter from a prominent business man and farmer]

BEAUFORT, S. C., *February 25, 1928.*

Senator COLE L. BLEASE,
Senate Chamber, Washington, D. C.

DEAR SENATOR: I am glad to see by the newspaper to-day that you are going to have the intermediate credit bank investigated. The Government tried the local officers of the farmer's company that was connected with the intermediate credit bank, but it has not touched the men higher up in the intermediate credit bank. If the men higher up did not know what was going on down here, they should be removed for incompetency. But it is not reasonable to think they did not know. But whatever the facts are let us have them. Come down here with a committee and get at the bottom of it. Don't let them send another set of accountants just to get evidence for the Federal prosecuting officers. They have given us Beaufort people hell, and we are not the crooks they are making out.

An investigation will show what happened to the Beaufort bank that Arnold closed up. As a stockholder and a depositor, I would like to have some outside people come in here and have a real audit made of that bank. They can get a lot of information from Mr. Richardson, and he will give it. He can help in an investigation of the intermediate. They have him headed for Atlanta, but before they get him there I hope you can work it so that he can tell what he knows to some committee that is not trying to put him out of the way. Of course, it is the business of the State authorities and the Federal authorities, who have the prosecutions in hand, to convict him. But we need some one who is after the truth, no matter who it hits. Please help us to get this. Remember that one of those sentenced to jail is a young lady of Beaufort, who everyone knows would as soon cut off her hand as to steal a penny. She comes of an humble home, she worked for a small salary, and helped her home folks with that, and if she is being sent up to shield higher-ups that is something you will not stand for.

With regards,

Very sincerely,

——— ———.

[Letter from a prominent banker and farmer]

BEAUFORT, S. C., *February 25, 1928.*

Hon. COLE L. BLEASE,
Washington, D. C.

DEAR SIR: It gives me pleasure to thank you for introducing resolution in the Senate for investigation of the Federal Intermediate Credit Bank, Columbia, S. C., and, with Congressman HARE'S good work started in the House, I can not help from feeling, when the true facts and conditions that have existed since the failure of Beaufort bank on our farmers in our section are known, the farmers will be rewarded for their labor in the end. Assuring you if I can be of any service to you, I want you to feel at liberty to call on me at any time.

With kind personal regards, I am,

Very truly yours,

——— ———.

[Letter from a prominent farmer and former member of South Carolina House of Representatives]

COLUMBIA, S. C., *February 29, 1928.*

Senator COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR: Have seen with much satisfaction your resolution to have the Federal land bank at Columbia and its agricultural credit department investigated.

I trust that you will be able to carry it to a successful conclusion; it sadly needs looking into, and the interest of the farmer demands it.

With best regards, I am,

Yours very truly,

——— ———.

[Letter from a prominent farmer]

LATTA, S. C., *February 27, 1928.*

Senator COLE L. BLEASE,
Washington, D. C.

DEAR SENATOR: I noticed in the paper where you had introduced a resolution to investigate the Federal Intermediate Credit Bank of Columbia, S. C., which I think is much needed, judging by the hardship that these Columbia banks are allowing our local credit associations to rob the farmer.

To begin with, the farmer can't get any money unless he agrees to buy fertilizer from the agricultural loan, which in most cases costs from two to eight dollars more per ton than he would have to pay elsewhere.

As a rule, what money a farmer gets from these people costs him anywhere from 14 to 25 per cent interest. Our local credit people use the farmer's paper to get the money with and the farmer has to take what he can get and at their own price.

I have papers in my attorney's office in Dillon showing where these people held the farmer's money and fertilizer and caused the farmer a big loss.

Yours truly,

———.

[Letter from a prominent farmer]

NESMITH, WILLIAMSBURG COUNTY, S. C., *March 3, 1928.*

Hon. COLE L. BLEASE,
Washington, D. C.

MY DEAR SENATOR: As a 56-year-old private citizen and supporter in your political "ups and downs," I wish to state that I was glad to read your resolution as to investigation of the Federal banks in South Carolina.

Be sure to look into red-tape methods and manners used by the "financial (middleman) pirates" in dealing out Government money to the farmer. He is first "hog tied" in matter of securities, then "bled to death" before balance of his "borrow" is available. Applies to both Federal land loans and South Carolina agricultural loans.

With best wishes,

Yours truly,

———.

[Letter from former speaker of the House of Representatives of South Carolina, former circuit judge, and a very prominent attorney]

CAMDEN, S. C., *March 2, 1928.*

Hon. COLE L. BLEASE,
United States Senate,
Washington, D. C.

MY DEAR COLE: You can not imagine with what pleasure I have read of your resolution to have the Federal intermediate credit bank in Columbia thoroughly examined by committee of the Senate. You will recall that one night in the Jefferson Hotel I told you that I wanted to see you a few days in Washington, and wish to say that this was the very matter that I had in view. The record as developed in the trial of the Beaufort bank cases certainly warrant a thorough investigation of this bank in all of its ramifications from Washington down, and it is needless for me to say that at any time I can be of any service to you in the matter do not hesitate to call on me.

With kindest personal regards, I am

Sincerely yours,

———,

[Letter from a former citizen of Greenwood County]

CHATTANOOGA, TENN., *March 4, 1928.*

Hon. COLE L. BLEASE,
Washington, D. C.

DEAR SENATOR: I notice a meager account in Greenwood, S. C., paper of your resolution for an investigation of the Federal land-bank affairs. Will you be good enough to advise me the nature of your investigations or along what lines. I was never able to get any satisfaction in writing them in regard to my affairs with them and was not accorded the rights that were due me as an honest, struggling farmer.

I was thrown out of my birthplace wholly on the recommendation of a little cigarette-smoking dude who was more interested in a woman who happened to be promenading the lobby of a hotel than he was in my conference with him.

I don't want to take up your time, but I would like to know what you are doing. My home was at Verdery, Greenwood County.

Yours, etc.,

———.

UNVEILING EXERCISES AT STONE MOUNTAIN, GA.

Mr. HARRIS. I ask unanimous consent for the consideration of Senate Concurrent Resolution 12, submitted by me on the 6th instant.

Mr. CURTIS. Does it carry an appropriation?

Mr. HARRIS. None whatever.

Mr. CURTIS. Does it authorize in any way an appropriation?

Mr. HARRIS. Not at all.

Mr. CURTIS. Then I have no objection to its consideration.

Mr. JONES. Let it be read.

The PRESIDING OFFICER. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 12) was read and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a committee of Congress consisting of five Senators, to be appointed by the President of the Senate, and 10 Members of the House of Representatives, to be appointed by the Speaker of the House, to attend, as representing the Congress of the United States, the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of a portion of the Stone Mountain Monument by the Stone Mountain Confederate Monumental Association.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Friday, March 9, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 8 (legislative day of March 6), 1928

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Franklin Mott Gunther, of Virginia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Egypt.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. George Edwards Goodrich, Infantry, from March 6, 1928.

To be lieutenant colonel

Maj. Pelham Davis Glassford, Field Artillery, from March 6, 1928.

To be majors

Capt. Charles Andrew Willoughby, Infantry, from March 6, 1928.

Capt. Fred McIvor Logan, Infantry, from March 6, 1928.

To be captains

First Lieut. Mark Andrew Devine, jr., Cavalry, from March 6, 1928.

First Lieut. Edwin Eugene Aldrin, Air Corps, from March 6, 1928.

To be first lieutenants

Second Lieut. Carl Douglass Silverthorne, Cavalry, from March 2, 1928.

Second Lieut. Louis William Haskell, Infantry, from March 6, 1928.

Second Lieut. David Myron Schlatter, Air Corps, from March 6, 1928.

Second Lieut. Charles Trovilla Myers, jr., Air Corps, from March 6, 1928.

MEDICAL CORPS

To be captain

First Lieut. Emery Ernest Alling, Medical Corps, from March 1, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8 (legislative day of March 6), 1928

POSTMASTERS

COLORADO

John Davis, Arriba.
Thomas B. Scott, Meeker.

ILLINOIS

Georgia W. Cooper, Congress Park.

INDIANA

Walter C. Belton, Acton.

IOWA

Lewis H. Roberts, Clinton.
Joseph D. Schaben, Earling.

NORTH CAROLINA

Richard J. Pace, East Flat Rock.

OHIO

Howard E. Foster, Chagrin Falls.
Frank H. Shaw, Germantown.

VIRGINIA

Robert L. Olinger, Blacksburg.

WASHINGTON

Lovilla R. H. Bratt, Richmond Beach.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 8, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father and our God, through Thy bountiful mercy every morning is made new and every day is a new beginning. We praise Thee that there was never a night without a day, or an evening without a morning. Thou who givest all things freely make this day radiant with faith, truth, loyalty, and courage. Teach us how to follow Thee and give us wisdom to guide us on. In all our intercourse with men may we be strong, pure, and noble. No permanent failures can ever be recorded in the annals of a truthful man. O, happy is he whose ambition is to be universally helpful and who enters into the fundamental conception of the very best life. Remember our homes, Heavenly Father, especially those who know the silent story, quivering through the heart of affliction. O life—life has many a tangled crossing, and even our finest pleasures have many a break of woe. Wherever the shadows are lowering let them hear the echo, "He that overcometh shall inherit all things." Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President did on the following date approve and sign bills of the House of the following titles:

On March 7, 1928:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii; and

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

BILLS 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, bills of the following titles:

H. R. 437. An act authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 472. An act authorizing the Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 2809. An act for the relief of the heirs of Jacob Thomas;

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 6491. An act to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

H. R. 6579. An act for the relief of James W. Kingon;

H. R. 6684. An act to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes;

H. R. 7553. An act for the relief of James Neal;

H. R. 8293. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

H. R. 8899. An act 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 Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act 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 Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9202. An act to authorize construction at the United States Military Academy, West Point, N. Y.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9339. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; and

H. R. 9484. An act 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 Tombigbee River at or near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to make a brief statement preliminary to preferring a request for unanimous consent. Tuesday, March 27, is the anniversary of the battle or massacre, as it is sometimes called, of Goliad, which is now in the State of Texas. It is situated in the district which is so ably represented here by our greatly beloved colleague, Mr. MANSFIELD. I think the historic importance of that event will justify notice being taken of it here; and in order that that notice may be taken, I ask unanimous consent that upon Tuesday, March 27, after the reading of the Journal and disposition of business on the Speaker's table, the gentleman from Texas [Mr. MANSFIELD] may have the privilege of addressing the House for one hour.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on Tuesday, March 27, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Texas [Mr. MANSFIELD] may address the House for one hour. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I desire to prefer a unanimous-consent request. When I first presented the rule for the consideration of this constitutional amendment I explained to the House that we had provided for five hours of general debate. I also made the statement at that time that if there was apparent need for additional time we would try to arrange for it. I am informed by the gentleman in charge of the resolution that they have had requests for more time than they can grant, and up to the present time it has not been very evenly divided, although they have yielded time as requests have been made. On account of the importance of the whole proposition and the great interest of the Members of the House, I ask unanimous consent that general debate may be extended one hour, to be controlled as heretofore.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate on the White resolution, fixed by the rule at five hours, be extended one hour. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, may I ask whether it is expected to conclude the resolution to-day.

Mr. SNELL. I think that was the hope, but it is impossible to tell what will happen under the five-minute rule.

Mr. GARNER of Texas. I understand that, and I was merely asking at this time whether you expect to vote on this resolution to-day. As I understand it there remains 1 hour and 45 minutes of general debate, and if 1 hour is added to that, it will carry the general debate to about 15 minutes before 3 o'clock. Is it expected to read the resolution under the five-minute rule and vote on it this afternoon?

Mr. TILSON. A bill of this importance, I think, should not be unduly rushed through, and if more time is required to thoroughly consider it, the time ought to be taken. I think we should not attempt to put a limit on it now but go ahead with the discussion. If another hour is necessary, as seems to be the case, then take the hour and after that go on with the consideration of the resolution under the five-minute rule.

Mr. GARNER of Texas. I am not making any objection to it. I am merely trying to get into the RECORD some statement

as to how soon you expect to vote on this measure. Notice was given a week ago that you were going to take it up, realizing it was an important subject, and to put it over for another day, unless the House has some notice of it, I think, would not be exactly in line with the expectation of the Members of the House that the resolution would be voted on to-day.

Mr. SNELL. When I first gave notice that the resolution would be called up, I did not say when the vote would come.

Mr. BANKHEAD. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BANKHEAD. I dislike, of course, to inject any personal question into this matter, but I have given notice that I propose to offer an amendment which, I think, practically all of the Members of the House are very much interested in. I have made arrangements to leave the city to-morrow morning, and I am just inquiring, if it should become necessary, whether I could have some assurance that we could consider that amendment this afternoon before we adjourn?

Mr. SNELL. I do not see how I can give the gentleman that assurance, and I do not know how it is possible to give that assurance now. As far as I am concerned, I do not object to the gentleman offering his amendment at any time.

Mr. BANKHEAD. I will take my chances on it.

Mr. MOORE of Virginia. Will the gentleman allow me to make one suggestion?

Mr. SNELL. Yes.

Mr. MOORE of Virginia. Of course, I shall not object to his request, but it strikes me that instead of extending the general debate it would be more profitable to have an understanding that very liberal opportunity shall be given for discussion under the five-minute rule.

This would bring us down to a consideration of specific proposals covered by the resolution, and a discussion of that sort carried on under a liberal understanding would probably serve better to clarify the subject in reference to particular matters and assist Members in reaching a conclusion.

Mr. SNELL. I do not believe there has been any effort on the part of anyone to cut off liberal discussion on the individual amendments. This is a very important matter and should be discussed freely from all sides, and if it is necessary to take more time than to-day, we should take another day.

Mr. MOORE of Virginia. I think so; and I was merely having in mind the practical view I have just submitted, that we would do better probably in talking under the five-minute rule than in talking further in general debate.

Mr. SNELL. Gentlemen will have that opportunity also if we get the extra hour.

Mr. GIFFORD. Mr. Speaker, may I express the attitude of the committee which may obviate many questions. We have had more requests for time this morning than was anticipated yesterday. In fairness to the committee, I want to say we had but one request yesterday to speak in opposition to this resolution, although we wished such requests to come in if they desired and they ought to have come in on yesterday. Many came in this morning and wish to speak in opposition to the proposed amendment. We wished to hear the opposition yesterday, and as one member of the committee I would like to hear the opposition. We have consented to an extension of general debate for one hour. I wish to say in connection with the question which the gentleman from Virginia, Judge MOORE, has asked that we intend to be most liberal in giving plenty of time on important amendments. Then, again, it will make a great deal of difference whether or not certain amendments to be proposed will be held in order. If such amendments are held in order, it will take considerable time for the discussion of the amendments. Mr. Speaker, I hardly see under all the present contingencies how there is any great possibility that we can finish this matter to-day.

Mr. LAGUARDIA. If we do not finish it to-day——

Mr. GARNER of Texas. You expect to go on to-morrow if you do not finish to-day?

Mr. LAGUARDIA. That is exactly the question I had in mind.

Mr. SNELL. That is the understanding, that we will continue with the resolution until we finish its consideration.

Mr. JEFFERS. Mr. Speaker, in connection with the request, I have no objection to the additional hour of general debate. I have requests on this side for additional time both for and against the resolution. If we have the additional 1 hour and I have 30 minutes of the hour I will split the time evenly between those for and against; and if we do go on with general debate until 3 o'clock with the number of important amendments that will be offered on the proposition, it will be practically impossible to finish the consideration of the resolution this afternoon.

Mr. GARNER of Texas. Mr. Speaker, again reserving the right to object, let me get a little further information, if I can, from the gentleman from Connecticut, the majority leader. I am informed by the gentleman from Louisiana [Mr. SANDLIN] that it was understood or the statement was made that the radio bill would be taken up to-day. Does the gentleman expect to take up the radio bill immediately following the disposition of this resolution?

Mr. TILSON. It is my understanding that that bill will immediately follow this one.

Mr. GARNER of Texas. And if we get through with this resolution to-morrow at any reasonable time we will take up the radio bill and get through with it on Saturday?

Mr. TILSON. That is the understanding.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SNELL]?

There was no objection.

MR. JUSTICE HOLMES

Mr. McSWAIN. Mr. Speaker, I ask the indulgence of the Chair and the House to announce that Mr. Justice Oliver Wendell Holmes, of the Supreme Court of the United States, is 87 years old to-day. I take pride as a South Carolinian in paying a tribute to this distinguished citizen of Massachusetts. [Applause.]

The boyhood environment of Mr. Justice Holmes was almost ideal for the development of upright character. His education was the best that the times afforded. His early manhood was spent in the best school imaginable, to wit, in the Army. During the war, first as lieutenant and, finally, colonel, he was wounded three times. After the war, in 1865, he commenced the study of law and has continued to study that jealous mistress to this good day. Having occupied a conspicuous place at the bar and having been editor of the American Law Review and having published a number of leading articles and books dealing with legal topics, he was chosen to be a professor of law at Harvard College and was finally commissioned a member of the Supreme Judicial Court of Massachusetts, and on August 2, 1899, was made chief justice of that great court. On December 4, 1902, he was appointed Associate Justice of the Supreme Court of the United States, and now for 26 years has been devoting to the laborious and responsible duties of that office all the talents of his richly stored mind, of his highly trained intelligence, and of his thoroughly seasoned patriotic heart.

I rejoice to bear testimony as a South Carolinian to the magnificent public services of this distinguished son of Massachusetts. The example of Mr. Justice Holmes illustrates the obvious truth that you can not fix an arbitrary point in the life of the individual when his usefulness shall end. Both the Army and the Navy have an arbitrary age of 64 fixed by a statute for the retirement of their officers. Some men are younger at 64 than others are at 54, and yet some men are older at 64 than others are at 74. If a man has been temperate in his habits, if his emotions have not from time to time overwhelmed him, it is entirely reasonable to expect from him useful service after he passes the age of 64. For this reason I have advocated the repeal of the existing law requiring Army and naval officers to retire at 64, and have urged instead the enactment of a provision requiring all officers above 60 years of age to appear annually before a medical board for thorough and careful examination as to their physical and mental strength. If deterioration be found, then let the board recommend retirement. But if the officer be found vigorous and hale, physically and mentally, let him continue to serve the Government just so long as he is able to render full service. Surely wisdom and knowledge come with experience. Certainly calmness and understanding should accompany age. Surely both the Army and the Navy need a certain percentage of the officer personnel composed of men of well-balanced judgment, of seasoned understanding, and of ripened wisdom.

Futhermore, it will be better for the officer himself. If he loves his profession, he will be saddened by being separated from the service if he be still in sound health and sufficient strength. Too old to take up a new business or profession he must drag out a discontented existence of idleness. If Marshal Foch had been retired at 64 he never would have commanded 5,000,000 men on the western front. If Marshal Von Hindenburg had been retired at 64 he would never have driven the Russian armies into the Masurian Lakes, and he never would have held, in 1917 and until November 11, 1918, his western lines against the almost irresistible onrushing of allied soldiery.

But to return to Mr. Justice Holmes. I call attention to the fact that his case demonstrates that age and experience do not necessarily bring on a reactionary and ultraconservative

attitude of mind. His decisions show the greatest degree of mental hospitality. His mind is receptive to new ideas and to the impulses of progress. It is remarkable how often Mr. Justice Holmes concurs in some separate opinion by Mr. Justice Brandeis and how often Mr. Justice Brandeis adopts the opinion of Mr. Justice Holmes as his own. It will be recalled that when Mr. Justice Brandeis was nominated for the Supreme Court he was attacked by certain groups as so progressive as to be almost radical; he was regarded as so forward-looking that he never looked back. Since the Anglo-Saxon system of jurisprudence is based upon precedent, it is necessary that a judge should be looking backward most of the time. But it is well that any judge should look forward half the time at least. He must look backward to study the trend and tendency of decisions, to catch the current of opinion, and to discern the underlying philosophy of the law. But having done this much he should turn his eye to the future, and, following the course and direction set by the backward glance, should shape decisions and opinions to fit facts and conditions and circumstances as they are about us and as they certainly will be about us in the immediate future.

Mr. Speaker, at this point I produce some thoughts spoken by me in this connection two years ago relating to the matter of appointments of judges. The longer I live and the more I study the law, and especially our American constitutional system, the more I am convinced that the stability of our institutions depends more upon the character of the judges and the quality of their decisions than it does upon any legislation that Congress or the various State lawmaking bodies may enact. Statutes are but general abstractions to the individual citizen. But when the citizen meets the statute face to face in court and finds his individual property and liberty and life measured in terms of statutes and of common law he finds them measured from the lips of an individual judge—his fellow American, his fellow mortal, and his fellow citizen.

It is a terrific responsibility for one American citizen to be lifted to the position of judge over and above and among his fellow American citizens. If the judge by his language and his conduct shows that he is conscious of his responsibility, that he feels his moral unworthiness to sit in judgment upon the property and liberty and life of his fellow citizen, but that he discharges his duty not as a personal prerogative, but as a solemn official function, then the individual citizen before him and all witnesses to the solemn ceremony will turn away with a feeling of resignation and submission to the law.

But if the judge is petulant and arrogant, if he assumes a personal superiority, and acts as though the person before him had committed lese majesty, as though exercising power by divine right, then the individual whose conduct is measured by the legal standard and the witnesses turn away with resentment and with rebellion in their hearts. If this feeling was sufficiently widespread, the security of the Government might be imperiled. For this reason I contend that the selection of judges for all grades of Federal courts is the highest responsibility that rests upon the President. I congratulate President Coolidge that in two very recent nominations he has ignored party politics in order to vest judicial responsibility in men whose character and abilities would insure its rightful and wise exercise.

Furthermore, Mr. Speaker, at this point I trust it may not be out of place to say that the Supreme Court of the United States now enjoys such confidence from the masses of the American citizens as it perhaps never enjoyed before throughout our entire history. Two decisions rendered within the last year relating to the cancellation of the leases upon the naval oil reserve lands, whereby the court unanimously found from the facts and the law that the leases were and are utterly null and void, firmly convinced the masses of the American people that the court can be depended upon to discern the truth of disputed facts as well as of confused law, and to declare that truth with courage and in language plain and unmistakable. Now, all American citizens know that the Supreme Court is a bulwark of justice and is the refuge of those that might otherwise be persecuted and oppressed.

[Extract from CONGRESSIONAL RECORD, March 8, 1926, p. 5222, vol. 67, p. 5, 1st sess. 69th Cong.]

WHERE TO FIND RECRUITS FOR SUPREME COURT

Since the Supreme Court justices have great powers of "judicial legislation" and are called upon to exercise "judicial statesmanship," the selection of such justices is manifestly a delicate and difficult responsibility. But Mr. Justice Holmes came to the service of the highest Federal court with the clearest demonstration of his existing fitness for that sacred office. As teacher of law and as author of legal commentaries, he had exhibited a thorough comprehension of the whole field of common law, which is the matrix from which grow all other forms of legal development. For 20 years he had been a member of the Supreme Judicial Court of Massachusetts. Therefore the elevation in 1902 was no experiment. His talents and aptitude for judicial service had already been tried, tested, and demonstrated. To appoint a lawyer without judicial experiences, however great may be his abilities as a counselor or his success as an advocate, is apt to be an experiment in the sense that he is untried. However high in political counsels one may be, however great his learning or powerful his intellect, yet these are no guaranty of that judicial balance of temperament, that mental and spiritual fairness and toleration, that intellectual humility and sense of justice so desirable, yea, so essential, to the delicate responsibilities of the Supreme Court. And here is an example and thought for him who nominates and for those who confirm.

There are 161 United States circuit and district judges and 277 justices of supreme courts. All these have been tried and found either fit or wanting. They have either manifested some of the ideal judicial qualifications or they are simply holding a mediocre average. Would it not be an inspiration for all these judges to feel their work, their careers, their conduct, are constantly under the observation of those having the power to say "come up higher." If the justices and judges of the courts above named realized that the vacancies upon the Supreme Court of the United States would be filled by the promotion of those already exercising judicial office, it certainly would stimulate their energies, and the effect would be not only to find the fitted material for the Federal Supreme Court, but would attract and hold better material to the lower courts.

Talented lawyers would thus be encouraged to accept the humbler judicial stations as stepping-stones to the great goal of any honorable lawyer's ambition. Judges would be fired by a praiseworthy ambition so to serve as to deserve promotion. Then our great judicial keystone that completes the arch of our constitutional structure would always be composed exclusively of tested material. Then there would be no disappointments and misfits. There would be higher proficiency and greater efficiency all along the line. Confidence in the court would undoubtedly increase. Complaints should certainly cease. This suggestion is put forth with great humility and respect.

JUSTICE TO EMERGENCY OFFICERS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to explain in my own words a certain bill I have introduced, H. R. 11756, with reference to promotion in the Army of the United States.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, the bill I have introduced to increase the efficiency of the Military Establishment, and for other purposes, is designed to remedy a situation at present existing with regard to the commissioned personnel of the Army which has seriously impaired the morale and the efficiency of the officers of the Army.

Section 1 of the bill designates those officers of the Regular Army and Philippine Scouts who shall be considered promotion-list officers and subject to the provisions of the bill with reference to such officers.

Section 2 changes the present arrangement of the promotion list with respect only to captains and lieutenants who came into the service since the beginning of the World War; that is to say, April 6, 1917. The present promotion-list arrangement of these officers is based on a War Department interpretation of the Army reorganization act of June 4, 1920, which ignores completely, with reference to such officers, the grade for which these officers qualified on examination and to which they were appointed. This section arranges officers who were appointed captains from civil life under the bill with captains of the Regular Army, first lieutenants with first lieutenants, and second lieutenants with second lieutenants. In each grade the officers are arranged among themselves according to the time-honored War Department principle of length of service, provided that where length of service is equal the arrangement shall be made according to age. No officer will lose his present rank in the Army on account of the proposed change in the law. The general effect of the section will be to put older, more experienced officers ahead on the promotion list of younger, less experienced officers. The bill does not disturb the present relative position on the promotion list of West Point classes and gives all members of such classes the benefit in the arrangement of the age of the oldest member of the class. The length of service considered for the purpose of such arrangement is service rendered between April 6, 1917, and November 11, 1918, which are the same dates specified for this purpose in the Army reorganization act of June 4, 1920.

Section 3 of the bill provides to a limited extent for promotion of all promotion-list officers according to length of service; from second lieutenant to first lieutenant in 3 years, to captain in 10 years, major in 17 years, to lieutenant colonel in 23 years, and to colonel in 28 years. This promotion, how-

ever, is limited by certain maximum percentages prescribed for certain grades. This portion of the bill is substantially the same as the Wadsworth bill which passed the Senate at its last session.

Section 4 of the bill is likewise substantially the same as a similar provision of the Wadsworth bill. It provides for voluntary separation from the service of promotion-list officers, such separation to be made on the application of the officer and subject to approval at the discretion of the President. This section will have the tendency toward eliminating from the Army the so-called "hump" which the War Department has found to be detrimental to the best interests of the service. Preference is given to the application of a group of officers, 4,599 in number, who were on July 1, 1926, between the ages of 31 and 37, inclusive. This group of officers will constitute the real "hump" about 27 years from now unless some such provision as contained in this bill is enacted into law. These officers will at that time fill all the higher grades of the Army from general down to and including major, and they will all go out of the service in a period of six or seven years, thereby causing a sudden elevation to the higher grades of officers whose previous experience has been in the company grades only. This section also abolishes an indefensible distinction which is at present made between the limited and unlimited retired lists of the Army.

Section 5 of the bill provides for compensation to those officers who leave the service under the provisions of section 4. It provides for retired pay for such officers at the rate of 2½ per cent per year in case of officers of less than 20 years' service and 3 per cent for those of more than 20 years' service, with suitable protection for officers who entered the service at an age greater than 45 and with the proviso that any officer who retires by reason of having reached the age of 64 will receive retired pay of 75 per cent of his active pay. This provision is in order to correct a palpable injustice in present law as to this class of officers. It is provided that retired pay, under the section, will not be less than 50 per cent nor more than 75 per cent. The only lump payment provided for in the bill is a provision for the payment of a lump sum equivalent to one year's pay, inserted in order to encourage officers in the "hump" to take advantage of the provisions of the bill within the next two years in leaving the service, and for six months' pay for those leaving the service after the expiration of two years.

Section 6 protects any officer from losing his present commission through operation of the bill.

Section 7 abolishes the restriction placed upon employment of retired officers. The present law imposes unjust restrictions on the employment of retired officers and is unnecessary from the point of view of protecting the interests of the Government, the laws as to fraud being ample for this purpose. Separations provided for in section 4 must be had in the interests of the Government. This section provides for fair treatment of officers so separated.

Section 8 is the usual repealing clause as to other inconsistent legislation.

In my humble judgment a very serious mistake was made by those having in charge the interpretation and administration of the provisions of the Army reorganization act in 1920, in that an arrangement was made whereby captains and lieutenants were so scrambled that men with previous military service in the National Guard and with much actual combat service during the World War and of mature years, some of them above 40 years of age and appointed as captains, find that officers who were then first and second lieutenants have been promoted and actually have passed them, and some of those who were then lieutenants are now majors, though 20 years younger in age and therefore having 20 years less of experience and knowledge of life and of men.

I respectfully submit that this was an outrageous discrimination against those patriotic citizens that served without compensation in the National Guard preparing themselves for war, and who when war came, rendered highly valuable service, which was as valuable as any rendered by Regular Army officers of the same rank. These emergency officers were educated at their own expense, or at the expense of their families, or of their States and their State institutions. Furthermore, most of these emergency officers acquired valuable professional and business experience. All this they bring into the service of the Regular Army and it is no small contribution. I respectfully submit that there is nothing mysterious about the military art. It is not necessary that a man should be picked quite young and trained in a military institution and kept in the Army all of his life in order to make a good officer. In fact, the education which is exclusively military, and the experience which is confined exclusively to the Army, is partial and narrow and limited. On the other hand, the Army has need of men of affairs. It has need of men that understand the civilian point of view.

These emergency officers had been trained in the school of actual experience and of actual war. To discriminate against them by denying them promotion as they advance in age and Regular Army experience and to promote over them young men, most of them educated at the expense of the United States Government at West Point Military Academy and averaging in age 20 years younger, is an injustice, and if this injustice were brought squarely and fairly to the attention of the individual Members of Congress I feel quite sure that legislation would be promptly enacted correcting such injustice.

Education in a particular school can not confer brains or character. These are the individual equation. Many men possess brains and character and yet never went to any college. The most important qualification for an Army officer is leadership, and the rough-and-ready school of life develops leadership as no other school can.

The result of the injustice that has been done to the emergency officers appointed to the Regular Army in the reorganization in 1920 will be glaringly manifest upon realizing that many of them will be retired on account of age while still holding the rank of captain, while other officers about 20 years younger will be holding the ranks of lieutenant colonel and colonel and will themselves before retirement become brigadier generals and major generals. Now it can not be successfully contended that these emergency officers which were commissioned in the Regular Army in 1920 are not as good men in the point of moral character, in the point of intellectual equipment, and in the point of actual military experience as men 20 years younger.

The only basis for such discrimination and unfairness is the excuse that the reward in promotion to higher rank and higher pay should come as the result of long service in the Army, that such is the reward of entering the Army when young and of staying in the Army. This is unsound, because when these officers now described generally as emergency officers were about 21 years of age there was no need for their services in the Regular Army. The Regular Army was then relatively small. They had no opportunity to become commissioned. But when the Army was expanded and the call was made in 1920 for those officers who had been trained, many of them in military schools, and who had served many years in the National Guard, and who had served on the border in 1916, and who had served about two years during the World War, they responded and applied for and accepted commissions in the Regular Army on the assumption that the law would be so construed that they would be arranged on the promotion list with captains of the Regular Army. They had a right to assume that all the captains in the Regular Army—including themselves—would advance at the same rate, and that all lieutenants in the Regular Army would advance at the same rate and behind all captains. They had no right to assume that there would be discrimination in the arrangement of the promotion list.

When, however, they find that officers about 20 years younger in many instances, and who held ranks junior to them at the time the emergency officers were commissioned in 1920, are now being promoted around them and to rank above them, then it is sufficient to make them indignant; and whether they are indignant or not, I as one of their friends and as a friend of justice and as a friend of a sound and fair basis and proper morale in the Army, and as a friend of a wise and sound policy of national defense, am indignant and I believe that the Members of this House would all be indignant if they realized the discrimination that has been made. Promotion in rank and in pay should be the reward for age, experience, ability, and service in the cause of national defense, whether that service was all in the Regular Army or was partly in the National Guard in peace time and partly in the service of the United States during the World War and partly in the Regular Army itself. The question is this: Has the officer got the ability and the experience, and has he served the Nation?

I am also appealing to the fair-minded officers of the Regular Army and especially to those as members of the General Staff that constitute the close advisers to the War Department, to say that an injustice was done and cooperate in its correction. The sooner the War Department shows this attitude, the sooner will it find the response of cooperation on the part of Congress. The Members of Congress do not look at technical refinements and arbitrary classifications such as prevail in the Regular Army. The Members of Congress look at substance rather than shadow. They look at the real situations and not artificial distinctions. They look at facts as they are and not as special interests would have them.

Therefore, Members of Congress realize that service to the Nation, whether in the Regular Army or in the National Guard, or in war time, is the real fact that should count in giving the reward of promotion in rank and pay.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. WHITE of Kansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S. J. Res. 47), with Mr. LEHLBACH in the chair.

The Clerk read the title of the joint resolution.

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Chairman, I am opposed to the amendment to the Constitution, because I can see nothing in it that would make any improvement.

Changing the date from the first week in December until January 4 in order to eliminate what is termed "lame duck," seems to me to be a weak point in the argument, because it stands to reason that a Congressman, who has been here one, two, or three terms and then retires either by defeat or of his own accord, is just as loyal to the United States Government as any new Congressman would be that came in and it would be his ambition to vote for bills for the best interests of the country, and so the fact that he has to retire would not, in my opinion, cause him to vote for vicious legislation. On the other hand, I would rather think he would be more careful at retirement than when he first came in, because he would want his record to be clear and there can be no denial of the fact that this man who retires, and is called the "lame duck," from his experience would be more sound in voting than the new man that knew nothing about it whatever. So, from that standpoint I can see no argument or advantage in eliminating the "lame duck."

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. GARRETT of Tennessee. The attitude of some of us who sympathize with the proposed change is not leveled at the Representative who may be defeated or retire. I agree that he would be just as patriotic as the new Representative, but it is to the change of Government policy indicated by a change in party control.

Mr. WILLIAM E. HULL. That does not change my idea of this proposed amendment.

And there is another point that I want to make that might not be considered pertinent but, on the other hand, every man that comes to Congress is not so well off that he can just throw away three or four months' time. Probably 60 per cent of the Members of this Congress are dependent to some extent upon the salary. They have their families to keep and their children to educate. They must come here in September to put their children in school, if they want to bring their families here. Does it not stand to reason that no one would want to come here in September and remain until January 4 before Congress commenced? My judgment is that you would be better off if you could start the session earlier than December instead of putting it off until January 4.

Another thing that I am opposed to is bringing men here on January 4 and holding them until January 24 with nothing to do. It is true, you can organize the House, but you would not, in my judgment, get 50 per cent of the Congressmen to come here until close to January 24.

I am going to make one point here: We will say that we have an upheaval in politics and the Congress is changed by 60 or 70 per cent and you are forcing all of these new men into Congress with a new President. That makes the whole administration green people and legislation is put before them. Some of it may be vicious legislation. No one is particularly posted—all new men—there is no telling what kind of legislation might accrue.

Does that answer the question of the gentleman from Tennessee?

Mr. GARRETT of Tennessee. That expresses the gentleman's opinion of what may happen.

Mr. LOZIER. The position of the gentleman is that the old Congress is to act as a wet nurse for the new Congress?

Mr. WILLIAM E. HULL. That does not require any answer.

The time-honored custom of holding the inaugural parade and the delivery of the inaugural address from the veranda of the Capitol on March 4 necessarily would be discontinued on account of the weather on January 24. This is more than a holiday to the Nation. The children of the schools, the people from all over the world, look forward to inauguration day. To discontinue the opportunity for this great celebration would be an unwelcome custom to the people of this Nation.

Mr. CELLER. The gentleman knows that not one Constitution that was copied from ours after the treaty of Versailles has the provision for the assembling of the Congress 13 months after election?

Mr. WILLIAM E. HULL. That does not change my idea of this amendment.

Under the present system, the President has an opportunity to select his Cabinet at his leisure, form his official family circle, and become thoroughly conversant with Federal affairs before he is called upon to write his message to Congress. He understands thoroughly the condition of the Federal Government, and is thereby capable of giving the Congress a statement of the true conditions of the affairs of the Union. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman and gentlemen of the committee, this resolution which we are considering is in the nature of a referendum, and before it is effective it is to go to 48 States, and gives them an opportunity to pass upon it, and they therefore take the most of the responsibility. Unless 36 States ratify the amendment, of course, it is not a part of the Constitution. I am for this resolution, and believe the States should have the right to vote upon the question and say whether they want it or not.

Now, the tenure of office of a Member of the House of Representatives is very brief—two years—and to say that a Representative shall not take office until 13 months of his two-year term has expired is an inconsistency which no private business would ever tolerate for a minute. There is not a municipality, there is not a State, that would tolerate for a moment an elective officer not taking his office until 13 months after he was elected.

Another inconsistency and glaring defect in our Constitution is in our congressional elections. After making a campaign on great issues between the political parties, the majority party oftentimes is defeated; and yet the political party the people have voted for has no opportunity to express itself in legislation for 13 months after the election. And for three months of that time the party which has been repudiated is permitted to legislate and control the policies of the Government.

Mr. LEAVITT. Will the gentleman yield?

Mr. BROWNE. I have only a short time.

Mr. LEAVITT. The gentleman has made a statement that the newly elected Member does not take his office for 13 months. He begins on the 4th of March.

Mr. BROWNE. Yes; but he can not take his seat unless some extraordinary thing happens and the President calls a special session, and that does not happen in many years.

Another defect in the present system is when no candidate for President receives a majority of the votes in the electoral college and the election of President is thrown in the House of Representatives under the twelfth amendment to the Constitution, and the Senate is given the power to elect a Vice President if no candidate for President has received a majority in the House of Representatives, and the result is if the Senate elects the Vice President the Vice President acts as President for four years.

A still greater contingency might arise when there would be a deadlock in both the House of Representatives and the Senate when no one would be elected as President and no one elected as Vice President. Under the Constitution there would be no way of electing a President or Vice President, and it might result in a great crisis which would threaten the very life of this Government.

It might easily happen that a whole administration is defeated. The defeated President would not, of course, call a special session of Congress and the repudiated administration would have three months' control of all branches of the Government with the express mandate of the people opposed to their policies. This is certainly not according to the spirit of our form of government. The proposed amendment gives the House of Representatives the right to elect a President in any contingency that can happen. In case of death of the President elect or Vice President elect before they take their oath of office which is a serious omission in our Constitution.

Under the proposed amendment, if the House was not able to elect a President and the Senate elected a Vice President, the Vice President would only hold office until the House could elect a President. It might not be in that session, it might be in the next session; but at any time that the House of Representatives selected a President he would become President, and the Vice President selected by the Senate would retire as President. So it gives the House of Representatives, the people's body, the full power of electing a President in such a contingency which the framers of the Constitution desired it to have. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I shall address myself entirely to the lame-duck argument, because, in spite of all that may be said, if it were not for the fact that some newspapers have exaggerated this feature you would never have had this resolution before the Congress. I call this to the attention of the Members of this House because most of them were intimately acquainted and associated with some of the gentlemen whom I propose to name who served with distinction in the House during the short term of Congress after their successors were elected. In the House at the last session of Congress there were Mr. BARKLEY, of Kentucky; Mr. HAYDEN, of Arizona; Mr. THOMAS, of Oklahoma; Mr. TYDINGS, of Maryland; Mr. Lineberger, of California; Mr. Hill, of Maryland, all of whom ran for the Senate. After they were elected or defeated they took their seats for the short session and voted in the House on matters of legislation intelligently, honestly, and were efficient Representatives. Who would say that Senator Pepper, of Pennsylvania, or Senator Lenroot, of Wisconsin, senatorial lame ducks of the last session, were not the peer of their successors? I call the attention of some of the older Members of the House to the fact that Mr. Mondell, at one time majority floor leader of the House, and my colleague Mr. DALLINGER, and Mr. ARENTZ, who are now Members of the House, were at one time lame ducks, or could be put into that group or category. Yet they served during the short session with honor to themselves and credit to their districts. If there is any man in this House who believes that under the lash of defeat he is not just as capable and just as honest and just as efficient as he would be if he had been reelected to this House, then that man should vote for this resolution; but if, on the other hand, he believes that he can be honest, efficient, capable, and well qualified, even though he should be defeated, he ought to vote against the resolution.

Mr. STEVENSON. Before the gentleman leaves that feature of his remarks, will he not please name Uncle Joe Cannon, who was twice a lame duck?

Mr. UNDERHILL. I am going to name him. In this House there are WEB WILSON, of Mississippi; TOM CONNALLY, of Texas; TOM BLANTON, of Texas; all running for another office. Will any one of them change his attitude or be less efficient provided he is not put immediately to work, if he should be fortunate or unfortunate enough to be elected to another body?

We have two present Members appointed to the bench, BOWLING of Alabama and GREEN of Iowa. Are they less efficient to-day, are they less honest, or less capable than they would be if they had not that office before them?

Let me name a few lame ducks of the past. Bascom Slemp, of Virginia, and Everett Sanders, of Indiana, Secretaries to the President, were both ex-Congressmen when appointed. There was Phil Campbell, of Kansas, who was defeated because he bought a house over in Virginia; Sam Winslow, who voluntarily retired; Uncle Joe Cannon, though twice defeated in the same class, because the last time he voluntarily retired; John Weeks, who after he was a lame duck was made Secretary of War, and no better Secretary of War ever served; and Harry New, the present Postmaster General, who was a lame duck. Speaker Champ Clark and President William McKinley were lame ducks. At the last session of Congress Mr. Coyle, of Pennsylvania, and Mr. Carter, of Oklahoma, whose defeat was a tragedy rather than anything else, and whose constituents would have sent him back a month later if they had had the chance to reflect, were lame ducks. Then there was Mr. Funk, of Illinois; Mr. Upshaw, of Georgia; Mr. Tincher, of Kansas; Ogden Mills, of New York. You gentlemen who were their colleagues at that time know how well qualified they were, how effectively they worked, how honestly they worked, how efficiently they worked during the short session when they were lame ducks. If it were not for the newspapers and the propaganda and the silly talk about lame ducks, you never would have heard of this resolution.

Mr. GARRETT of Tennessee rose.

Mr. UNDERHILL. One more thing, and then I shall be glad to answer any question the gentleman from Tennessee has to ask. Will anyone here whose service is longer than mine tell me of any legislation of evil purport that passed during a lame-duck session? Will anyone tell me of any urgent legislation of great good that failed of passage during a lame-duck session?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. First, I yield to the gentleman from Tennessee. Will he tell me of any legislation that has been determined by the votes or influence of the lame ducks? I ask this question of my friend from Tennessee, who has had so much longer service than I.

Mr. GARRETT of Tennessee. I want to say this, that the individual factor, the personal equation, does not enter into the consideration of this matter in my mind at all. The gentleman is falling into the same error that the gentleman from Illinois [Mr. WILLIAM E. HULL] fell into.

Mr. UNDERHILL. The gentleman will agree with me that if it were not for the lame-duck agitation you would never have heard of this resolution?

Mr. GARRETT of Tennessee. Oh, no.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON of Missouri. I am friendly to and purpose to support the pending joint resolution which reads as follows, as it relates to Congress, and to which I alone shall address my remarks:

ARTICLE —

SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

In December, 1925, I introduced in the House a joint resolution similar to the Norris resolution in so far as it relates to changing the time when Congress shall assemble, which reads as follows:

House Joint Resolution 10, Sixty-ninth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,
December 7, 1925.

Mr. DICKINSON of Missouri introduced the following joint resolution; which was referred to the Committee on Election of President, Vice President, and Representatives in Congress and ordered to be printed:

Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of Members of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concuring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"SECTION 1. That the terms of Senators and Representatives shall commence on the first Monday in January following their election.

"SEC. 2. That the Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in January, unless they shall by law appoint another day.

"SEC. 3. That the terms of Senators and Representatives who may be in office at the time of the adoption of this amendment shall end at noon of the first Monday in January of the year in which such terms would otherwise have ended on the 4th of March."

I would have been glad to have voted for the Norris resolution as it came from the Senate. I will be glad to vote for the White resolution as reported to the House from the committee. I want to congratulate the governing power in this House, the dominant party in control, which has at last permitted this joint resolution to come before the House for consideration. Three times the Norris resolution passed the Senate by large majorities and came to the House for action. There has been no reasonable excuse for delayed consideration by the House. The time has come when the Members of this House shall determine whether they are willing to submit a constitutional amendment by which Members of Congress elected in November can come here in January, two months after election, and commence the discharge of their duties. Under present conditions

Members elected in the fall do not take their seats for 13 months, unless called in special session after March 4 by the President of the United States. That should be remedied and, in my judgment, is the most important part in this joint resolution.

It has been suggested that the resolution as presented should be amended in certain proposals. Much can and will be said both for and against the pending resolution and much may be said in favor of some of the amendments that have been suggested. The provision in section 2 by which Congress in its second session or in even-numbered years shall not continue in session after noon on the 4th of May would be a great improvement on existing law. That has seemed to me to be a wise provision. Both sessions commencing on the 4th of January—the first session not limited—the second session limited to four months and that session the election year. Under existing law the life of the second session is three months with generally an adjournment of about two weeks covering the Christmas and New Year holidays. Under the proposed resolution it would run for four consecutive months and adjourn in May in the election year.

The suggestion has been made that it would permit a filibuster. No; not a successful filibuster. If any attempt or effort be made to prevent the passage of a bill, the President can immediately call Congress into session. Congress would live and the bills would live and the legislation would be perpetuated, and the inducement to filibuster would not be present, because it could not be done so readily as now. Under the Constitution now, the short term is at the end of the term and ends with the 4th of March, and then Congress dies and all bills die and a successful filibuster kills legislation. So a short session for four months at the beginning of the second year is far better for legislative purposes than an interrupted three-months' session at the end of the second year.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Missouri. Yes.

Mr. BYRNS. I will not take up much of the gentleman's time; but the chief reason that has inclined me to vote for the Norris resolution is the very fact that it would do away with the short session and the opportunity for one or more Members of the Congress to hold up the entire proceedings by a filibuster. The gentleman refers to the White resolution, which limits the session. That is one reason why I am opposed to the White amendment. Those filibusters usually occur in connection with an appropriation bill, and the Norris amendment would prevent any Member from holding up an appropriation bill and forcing an extra session. I do not see how the White amendment relieves the situation.

Mr. DICKINSON of Missouri. As I stated, the filibuster comes now at the conclusion of a Congress and Congress dies on the 4th of March. But when Members know in either body that at the end of four months Congress still lives, and that bills will not die until the next January, and that the President can call Congress into session, there will be no danger, so far as the appropriation bills are concerned, and he would not hesitate to call Congress into extra session in order to pass the supply bills if necessary. However, supply or appropriation bills are usually easily disposed of in three months.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Missouri. Yes.

Mr. CELLER. Under the conditions that now prevail you would have your filibuster always just prior to the 4th of March, not in the election year. Now, in the amendment offered by the committee in this House you simply postpone the filibuster to May 4. Under the Norris bill, as it came from the Senate, if you have a filibuster, Congress can remedy that.

Mr. DICKINSON of Missouri. I prefer and will vote for the Norris bill, if the opportunity occurs; and I will vote for the White bill as it is, or if changed by proper and not hurtful amendment. I do not object to striking out the four-months provision, but Congress usually adjourns in long sessions about June 1, and the four months for the short session is a great improvement on the existing law.

I have not lost faith in popular government. I believe that the people have the right to be heard on all questions, and particularly on questions that are fought over in Congress, which they would have after a four-month term when Congress would adjourn, and then the issues would be discussed before the people prior to the election. I am heartily in favor of the pending resolution to the end that the issues when fought out before the people should be taken up by Congress and not laid aside for new issues that may be suggested by dominant influences. Believing as I do that the people are not only interested in legislation, but are interested in having fought out and determined and written into law the things that they have discussed at home, I favor men coming here not 13 months, but 2 months, after the election, so that the chosen agents and Representatives selected at the polls shall legislate for the people on the issues discussed in their districts. I have no patience with the suggestions of a cooling-off period and a forgetting of the discussions had and the promises made before the people who are responsible for our presence here. I have known many men to be retired from public service because of a failure to respond to the majority thought of their constituents. I appreciate the force of the suggestion that the power of Congress to legislate should not be curbed by limiting the session of Congress and I am not unfriendly to that idea. In all probability Congress in its second year, the election year, would probably adjourn in abundant time, and for that reason the Norris resolution may be better in which no limit is put on any session, nor was there any limit in the resolution proposed by myself in the last Congress, and which I did not reintroduce because of the pending Norris and White resolutions.

The proposed or Bankhead amendment for a four-year term I feel would be helpful as far as the Congress is concerned and make it a stronger and more capable body, yet such amendment might help to defeat the amendment when sought to be ratified on the idea that it would be a surrender of power by the people. Too much power has already been lost, and those who framed the Constitution felt it well to let their Representatives, as well as State and county officers, go back to the people for approval or disapproval of the record after short terms. The Congress is more nearly responsive to the wishes of the people. The trend has been in later years to surrender power to the executive branch of the Government, continually encroaching on the rights of the people. The legislative branch of the Government grows weaker as the years run by continual surrender of power to the Executive, which is becoming all powerful and grows stronger with years as it absorbs power that should be retained by Congress, which more nearly represents the expressed will of the people, unless thwarted by Executive or other strong influences. Congress would be strengthened and the expressed wishes of the people better regarded by the passage of this resolution. I call attention to the utterance of the Democratic Party in its last national platform under the head of "Popular elections," which reads as follows:

> We pledge the Democratic Party to a policy which will prevent Members of either House who fail of reelection from participating in the subsequent sessions of Congress. This can be accomplished by fixing the days for convening the Congress immediately after the biennial national election; and to this end we favor granting the right to the people of the several States to vote proposed constitutional amendments on the subject.

Most State legislatures meet in January after election in November for short sessions. Why should not Congress meet within two months after election? Why set aside the will of the people by longer delaying the service of those elected to represent in Congress their wishes and permitting those defeated in elections in November to make in short sessions the laws that do not express the will of the people recently declared?

Thirteen months is too long to keep a newly elected Member from taking his seat in Congress. Besides, the defeated Member, conscious of his retirement by the majority votes of his people, will look to the Executive for place and favor and appointment; and he would be more apt to yield to strong influences desiring special legislation, helpful to special interests. Let us end this condition by passing this joint resolution, with or without amendment, pass the White or Norris resolution and end this inexcusable condition. Strengthen Congress and thereby aid the people whose representatives we are, to have their will effectively written in the laws of the land.

I hereby insert the original Senate joint resolution for which the White amendment, as amended, was a substitute, and follow it with the White amendment, as amended in Committee of the Whole House:

Senate Joint Resolution 47, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,

March 9, 1928.

(The House considered and amended the Senate joint resolution by striking out all after the resolving clause and inserting the so-called White amendment as a substitute, which latter as amended in the Committee of the Whole House on the state of the Union was reported to the House and agreed to. Upon the question on agreeing to the Senate joint resolution as amended by the White substitute it was decided in the negative, two-thirds not voting in favor thereof.)

The following is the text of the original Senate joint resolution for which the White amendment, as amended, was a substitute:

Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 15th day of January, and the terms of Senators and Representatives at noon on the 2d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 2d of January, unless they shall by law appoint a different day.

"SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The Congress shall by law provide for the case of the failure to choose the Vice President before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President or until the Senate chooses a Vice President.

"SEC. 4. This amendment shall take effect on the 15th day of October after its ratification."

The following is the text of the White amendment as amended in Committee of the Whole House on the state of the Union and in the House, but which was rejected on the final vote:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified.

"SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission."

March 9, 1928.

Attest:

WM. TYLER PAGE, *Clerk*.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. JOHNSON of Texas. Mr. Chairman, amendments to the Federal Constitution, like the holy bonds of matrimony, should not be lightly entered into. For such changes, when once made, are not easily put asunder.

Statutory law may endure for a day or a decade, but in the light of our past history constitutional provisions abide through the centuries.

The organic law of the land should not be changed unless a necessity or a changed condition has arisen that demands it, unless the general welfare and the public weal can not be conserved without it.

Measured by this test, in my judgment the conditions are such as to not only warrant but demand the submission and, I trust, the adoption of the proposed amendment.

I shall take pleasure, therefore, in voting for this resolution and thereby submit the proposed amendment to the 48 States for ratification or rejection.

Constitutional amendments could be proposed the wisdom or expediency of which might be questionable in the minds of the National Legislator, and yet, out of deference to the demands of the people and to terminate long continued agitation favoring its consideration, he might be willing to vote to submit it so that the States could act upon it, since without the initiation by Congress such opportunity would not be afforded them. But such is not my attitude with reference to this amendment.

I have a deep and abiding conviction that the chief purpose sought to be accomplished thereby in our organic law is needed and that the change should be made. Furthermore, I am convinced that the American people favor it, and I doubt not but what every State in the American Union will promptly and with unanimity ratify this amendment if it is submitted to them.

The form of the resolution as reported to the House by the committee, especially section 2 thereof, is not altogether to my liking. This section has to do with the time of meeting and adjournment of the sessions of Congress. I can see no reason, and have heard none offered by the committee, why the session in the even numbered year should not, as provided with reference to the odd numbered year, reserve to Congress the right by law to appoint a different day of meeting other than January 4. In each odd numbered year—

such meeting shall be held on the 4th day of January, unless they shall by law appoint a different day.

The present provision of the Constitution, in fixing the date of meeting, reserves the right to Congress to fix another day, other than that named in the Constitution, and I think it well that the right should still be reserved to Congress and that reservation should apply to sessions held in both years, rather than as to only one, as provided in the committee's report. Congress may never see proper to exercise the right, by statutory law, to change the date of meeting, but nevertheless it is a wise provision that such right shall be reserved, so that if occasion should arise it could be so exercised.

I am opposed to that portion of section 2 which directs that the sessions of Congress, in the even numbered years, shall end on the 4th day of May. The only reason I have heard advanced in favor of this provision is that in election years this early adjournment of Congress would give the Representatives and Senators opportunity to engage in their campaigns for reelection. This convenience of the Members does not, in my judgment, outweigh the argument that the public welfare should be first considered, and that an arbitrary date of adjournment will be conducive to filibusters and prevent, on some occasions, the completion of the legislative program and problems demanding solution at that time. We have had many instances where in the present short session of Congress a single willful Senator has obstructed the proceedings and caused the defeat of legislation that was needed, many times involving appropriation bills for the support of the Government.

Instead of the fixed calendar date of January 4 for the convening of Congress, it occurs to me it would be preferable to substitute the "first Monday in January" for the beginning of the session. The present constitutional provision names "the first Monday in December" as the beginning date, and it would be in keeping with that precedent to name the day of the week rather than the day of the month. Otherwise many of the sessions, at least one out of seven, would convene on Sunday.

To meet the objections pointed out, in lieu of section 2 as now written, I would suggest that the entire section be rewritten so as to read as follows:

SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in January, unless they shall by law appoint a different day.

This language would be identical with that of the present Constitution on this subject, except that the word "January" would be substituted for the word "December."

While I shall vote for amendments making the changes suggested, and hope for their adoption, I am not prepared to say

that if these amendments should be defeated that I would then vote against the resolution. The resolution in its present form would greatly improve and be infinitely preferable to the existing conditions. Even the short session would be one month longer than we now have. And furthermore, the two chief objects sought to be accomplished—that is, the elimination of the long period of time after Congress is elected before it functions, and the abolishment of what is popularly known as the lame-duck session of Congress—would be accomplished, both of which are achievements devoutly to be desired.

There is no justification, under present conditions, for existing law whereby a newly elected Congress—unless called in special session by the President—does not function until 13 months after its election. Members of Congress are the only officials of the Federal Government, and I dare say the only officials of any State or municipal government of the United States, or of any government in the world, who must wait and mark time 13 months after their election before they enter upon the chief duties to which they have been elected.

We boast in America of our efficiency and alacrity in doing things, and yet ours is the only government in the world that has this long period of marking time before its legislative body begins its work.

In England the Parliament usually convenes in two or three weeks after election. In Canada there is no definite time fixed by law, but the time has generally been short, in analogy to conditions prevailing in England. In France the Chamber of Deputies, in case of prorogation and a new election, must convene within 10 days following the close of the elections.

The German constitution of August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the election.

In Hungary the date of assembling is within six weeks; in Australia 30 days after the day fixed for the return of the writs of elections; in Brazil the elections are held on the first Sunday in February, except that when they occur in the same year with elections for President and Vice President, they are to be held on the 1st of March, and the Congress must assemble May 1. In the first case there is an interval of three months and in the second two months. In Argentina the elections take place on the first Sunday in March, and the constitution requires the Congress to meet on May 1, an interval of two months. In the Netherlands the States-General must assemble within three months. The Polish Parliament must convene on the third Tuesday after election.

You will observe that the other leading governments of the world have only from 30 to 90 days after the election before their legislative body convenes. It is unthinkable that in the great Republic of the United States, where we boast of our representative government and our ability to achieve and accomplish things in much shorter time than any other nation on earth, there should be an enforced intermission of 13 months after the National Congress is elected before it is permitted to begin its labors.

Such a delay was possibly justified and necessary over 138 years ago, when our Constitution was adopted. Transportation and means of communication then were undeveloped and it took months to negotiate distances that can now be covered in a few days, or possibly in hours. Railroads, electricity, trolley lines, automobiles, telegraphs, telephones, and radio were not then dreamed of. Robert Fulton had not then invented the steamboat and the steam engine was unknown. It required months for the entire Nation to know the result of a national election, and it required additional months thereafter for the Congressmen, by means of horses, stage coaches, and ox carts, to reach the National Capital.

One reason assigned for choosing Washington for the site of the National Capital was its location on the Potomac River, making it more accessible by means of water transportation, and also thereby facilitating communication of happenings in the National Capital. In this age of steam, electricity, radio, and airplanes you might as well require the Members of Congress to travel in ox carts to the National Capital as to require them to wait 13 months after their election before beginning their legislative duties.

The only excuse given by the opponents of the proposed constitutional amendment for continuing this antiquated, useless, and unreasonable delay of 13 months is that it affords "cooling time" after the heat of the campaign before the legislative program is begun. This is an impeachment of our capacity for self-government. I fear that what the advocates of "cooling time" really want is time within which to forget party pledges and campaign promises.

When the people speak in their national elections their will should, without undue delay, be crystallized into law. "Cooling time" is to give opportunity for forgetting pledges made and to break with impunity platform obligations. Political parties and candidates who in good faith make pledges will redeem them, and those making them in bad faith should be made to do so. The doctrine of strict accountability should obtain.

Champ Clark once said of a certain political party to which he did not belong that "It was long on promises and short on performances." If the redeeming of party pledges is required to begin within two months after election, rather than within 13 months thereafter, the American people will discover what parties and what candidates are profligate in promises and "punk" on performances.

What is popularly called the "lame-duck" session of Congress is the short session that convenes after the November election. It convenes on the first Monday in December and adjourns on March 4. The entire session is begun and held after the election, and its membership is there not by virtue of the last preceding election but the election held two years prior thereto.

Those of the Members who were defeated in the preceding session are known as "lame ducks," hence the name is applied to the session.

Eloquent speeches have been made on this floor, citing individual instances of Members who had served in the short session, after their defeat, with credit to themselves and for the country's good. But this is not the question. There is far more involved than the personality of the membership. When the Nation has chosen the membership of the House or the Senate only those so chosen should thereafter be permitted to legislate.

This is sound in principle and is essentially right in a representative government. Frequently the results of elections are revolutionary in overturning the administration and its policies, and it is manifestly unfair that the party or the Members who are not in harmony with the will of the people, as expressed in their last election, should continue to exercise the power of making laws.

When the people select a new Congress, whether they have acted wisely or foolishly in their selection, those chosen are their representatives, and thereafter only these should make the laws of the Nation.

The essence of representative government is involved in this declaration. Whether justified or not, "lame-duck" Members have been frequently pointed out as making fair weather with the administration in the hope of securing some appointment, and there are numerous instances where such Members have received at the hands of the President lucrative offices. Not only the temptation but the ground for suspicion should be removed by eliminating entirely the "lame-duck" session.

The entire purpose of this amendment is to so change the Constitution that the people's will, as expressed in the national election, shall be sooner carried into effect, and that after an election is held only those chosen shall legislate. If we believe in democracy and a representative form of government, surely we should welcome such a change. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Chairman and members of the committee, in opposing this resolution I do so not because I have undue reverence for any human document, but when I took my oath of office and raised my hand to support and defend the Constitution of the United States that imposed upon me the obligation of defending it against deformation by any proposed amendment when the proposition appealed to me as being unsound and unsafe. It appears to me that this proposition, as put before the House to-day, is an unwise proposition and one which I hope will not be adopted.

All day Tuesday those of us who were opposed to the resolution listened to the remarks of those gentlemen who favored it and, without minimizing the statements of any gentlemen who took the floor on Tuesday, I have not heard one good, sound, or safe reason advanced as to why we should make this change in the fundamental law of our Republic. Not one gentleman pointed to a single instance in our whole national career to show that we had suffered by reason of this cooling period, so called, provided for in the Constitution of the United States.

We have heard a great deal of talk about improved methods of locomotion and improved methods of communication and transportation. It seems to me the world must be going crazy over the question of speed. I am not so much afraid of delay as I am of speed. We have motorized the United States but do not let us motorize the United States Congress. You can change the methods of transportation by your inventions but you can not change the working of the human mind. The human mind, in solving these great political questions, works the same to-day as it did in 1787. We ought to remember that when the forefathers, the men who drafted this Constitution, wrote it they provided for a possible 13 months' period between the time of

a Member's election and his functioning as a Representative in Congress in order that he might think things over and in order that he might hear from his constituents as to what they really think.

To-day we are apt to be misguided by noise and mistake noise for formulated public opinion. That is the danger which is going to confront this country in the future. There is too much haste along every line. We find it in business and in industry, but do not let us drag undue haste into the halls of legislation. If there is one place in the world where our people can afford to be conservative and where they can afford to think things over with due deliberation it is right here on this floor. [Applause.] Do not let us be misguided by this tremendous rush and hurry of the day in ordinary business matters. We are legislating to-day for 100,000,000 people, and in 50 years from now we will be legislating for probably 200,000,000. Everything is becoming more and more complicated each day, and therefore let us take the time to think these things over and be sure that we really understand what the real, sincere desire of our people as a whole is in major legislative matters before we act.

Now, one other practical suggestion, which I want to throw out for your consideration, is this: If the President of the United States is elected on the 5th of November in any one year and on the 24th of January he takes office, what time has he in the political heat and turmoil of modern politics, when he is selecting his Cabinet, when he is receiving his congratulations, and under this influence and that influence, to consider and set forth before this Congress a chart or plan for its guidance? I ask you to consider that.

One other thought, in the few minutes at my disposal, is this: We think we are independent, and we probably think we are fearless, but let us remember that we are only average men in our independence and in our fearlessness. We all, like other men, have a tendency to look toward the rising sun and the source of political power, and when an administration comes into office and the House of Representatives is composed of men inexperienced in legislation, the tendency is for them to obey the dictates of that power rather than to act upon their own well-formed opinions. It is the invisible government—the government outside of the Halls of Congress that I am afraid of—and you are not going to have the courage to resist that influence, especially if the terms of Representatives expire right at the height of administrative power and control.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, this proposition, boiled down, is nothing else than seeking to continue a system necessary in the day of the pony express and stagecoach in a day of radio and airplane.

The gentleman from Pennsylvania [Mr. WELSH] who just addressed you stated that a Member requires 13 months to formulate ideas and to make up his mind on legislation. I will say to the gentleman that any man who runs for Congress who requires 13 months to get an idea in his head will not get an original idea in 13 years.

So much has been said about the cooling process. In the first place, it is not a cooling process, because a man who takes his office in December and is confronted with a primary in April is not undergoing a cooling process by any means. At this very moment there are several Members of the House in their districts engaged in a primary fight. I will say more about that in a moment.

Another gentleman says that it would be most inconvenient for the children of Members in their schooling. The convenience of the Members should not be considered here at all.

Then, finally, the gentleman from Pennsylvania comes out with the brilliant idea that the President of the United States, from January 4 to 24, will be too busy receiving congratulatory messages, that he would not have the time to prepare his message and approve the budgetary recommendations. Such arguments need no answer.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAM E. HULL. Why should not the Congressmen have some consideration in this matter?

Mr. LAGUARDIA. He should have no consideration, because we are public servants. We must subordinate the convenience of Congress to the good of the country. Judging by the way we all break our necks to be elected, it seems to me there is sufficient glory and honor in the position, so that we should set everything aside for the convenience of the public.

Mr. WILLIAM E. HULL. Is it not true that the gentlemen from New York go home about three days a week and the rest of us have to stay here all the time?

Mr. LAGUARDIA. The gentleman has not seen the present speaker at home two or three days every week.

Mr. WILLIAM E. HULL. No; but I will leave it to the gentleman if a great number of the other Members in the East here do that as well as a number of the Members from New York.

Mr. LAGUARDIA. I can not answer for all my colleagues from New York. I have been trying to reform New York for 20 years, and Tammany Hall will not let me. [Laughter and applause.]

Mr. WELLER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WELLER. How about the gentlemen who live in Pennsylvania and New Jersey?

Mr. LAGUARDIA. Well, we will not talk about that. Another speaker——

Mr. SIROVICH. Will the gentleman yield?

Mr. LAGUARDIA. No. Another speaker suggested that the press was urging this; that this is all propaganda. Now, why should not the press urge a matter of this kind? It is refreshing to see that the people do get their propaganda across once in a while. I see nothing wrong about that. The idea of taking office 13 months after election is so antequated that it is natural for the people to want a change, and their only means of expression is through the press. I see nothing wrong about that.

Now, when you select individual cases and say, "So-and-so was a lame duck; did he do well?" that is not meeting the question involved. The question involved is that the Congress itself, not one or two individuals, sits here after the people have expressed their choice on certain issues, and this brings me up to the amendment suggested by the gentleman from Alabama [Mr. BANKHEAD].

Now, again, we must not consult our convenience or our personal desires in the matter of our terms. You can not make the term of the Representatives in the lower House four years without destroying one of the very fundamentals of our form of government in making the term two years, so that in the midst of the presidential term the people may have the opportunity of expressing approval or disapproval of the administration. I will concede that it is inconvenient, burdensome, and expensive to run for Congress and to go through a political campaign every other year. I will admit that it is not only inconvenient to the Members but costly to the State and inconvenient to the people to have a congressional election every two years. Nevertheless, it can not be changed. That is part of our representative form of government. The cost, the trouble, the expense is the price of democracy. The matter of term of the President received a great deal of consideration at the Constitutional Convention. The matter of how long the President should remain in office—the four-year term—was by no means the result of snap judgment or hasty conclusion. It represented the best thought of the Constitutional Convention. It was the result of a great deal of thought, study, and consideration. There were at that convention, among the framers of the Constitution, a great many believers in representative government, men who wanted to make sure that the Revolutionary War had not been fought in vain and that this country would always have a government by the consent of the governed. These men thought that the four-year term for President was too long.

The four-year term was agreed to only after it was provided that the people would retain a check and control over the President by having the opportunity to elect their Representatives in the lower House in the middle of his term, or every other year. The House of Representatives, holding the purse strings of the Government, could always check and control the Executive. The framers of the Constitution would not and did not intend to elect an administration—that is, a President and a Congress—and have the people lose entire control for four years. That is what the proposed amendment suggested by the gentleman from Alabama would do, and that is why I am against it and shall vote against it in the event that the Chair should rule that the amendment is germane. Just imagine a President taking office who all of a sudden develops war proclivities. Imagine, if you will, a President getting a mania for war, and the people of the country being entirely against his policies and his program. They would only have to endure it under the present system for two years if the President had control of Congress, but at the end of that time the people could protect themselves, send an adverse House to Washington, and thereby check any policy that did not meet with their

approval. Why, the two-year election of Members of the House of Representatives with a four-year term for President is one of the very basic principles of our form of government. And again I say that all inconveniences and all burdens of Members must be entirely disregarded in the discussion of this resolution, and the needs of the age in which we are living, the wishes of the American people, are and should be the only controlling factors.

There is a tendency in this country at this very moment, perhaps in keeping with the tendency in other parts of the world, to get away from representative Government, to get away from the fundamentals of democracy, and such a spirit is displayed by those who oppose the resolution and those who would support the Bankhead amendment. We must guard the fundamental principles of self-government; we can not be too vigilant. The resolution advancing the date of convening Congress carries out the idea the framers had in mind.

There is no use of repeating here the purpose of the present constitutional provision. But just to reflect back for a moment to the condition of the country at the time this provision was drafted and adopted as a part of the Constitution answers itself. With the exception of Members of Congress and their families, and instructors in civics and constitutional lawyers, I do not believe there are 2 per cent of the American people who know that a Member of Congress is elected one year and does not take his office until 13 months afterwards. People just do not realize that condition still continues. When I came here in 1917 it may have been necessary then to allow 30 days' time for a meeting of Congress after election. To-day even that condition is changed. It would be possible to call Congress to-day with existing means of communication and transportation, and get every Member from every part of the United States here with the exception, of course, of the Philippines in three days.

By the use of radio communication and aerial transportation, you could get every Member of Congress here in that time That is an extreme illustration, of course. That represents ideal conditions all the way through, in contrast to conditions that existed when the present provision of the Constitution under which we are now operating was adopted. The element of time in getting the returns of the elections here and getting the notice back and getting Members to the Capital is a thing of the past.

The big thing about having a new Congress immediately after election is that it is elected on certain issues, yet the old Congress comes in and may by its appropriations alone defeat the very things on which the new Congress has been elected. So I say you can not argue for something when there is really no sound argument against it. I could never find out just what the opposition to this change is. I am sure it could not be the shortening of one term of Congress by a few months. You know, Mr. Chairman, and we all know that there has been resistance to consideration of your resolution on the floor of the House.

I do not see how any Member can stand up and say that for sentimental reasons he does not want to change the Constitution, because that is really the only reason that can be given, the sentimental reason that the Constitution has so provided and he just wants to keep the Constitution intact. He certainly can not advance any sound, logical reason for opposing it.

To stop amending the Constitution is simply to stop progress in every field of human activity. Gentlemen, the framers of the Constitution were men of great vision. They had in mind a certain type of government, and they took everything into consideration that they could at that time humanly contemplate. Yet when that remarkable instrument was drafted and adopted steam had not yet been developed in everyday use. They did not contemplate that this great continent would be spanned by railroads; the propeller and the steamboat had not been developed; the telegraph had not been invented; the only means of communication at that time were post roads, and so they took pains to provide for post roads in the Constitution, and placed supervision over post roads in the Federal Government. They did not have the living conditions brought about by the present industrial and economic conditions we have to contend with today. Chemistry had not developed. They never imagined that it would be possible to go out and garner all the crops and all the foodstuffs of the harvest and hold them back in storage—cold storage and dry storage and refrigerating plants—and just release it a little at a time so as to control prices. They could not imagine any such thing, and therefore a great many conditions which were brought about by the development of chemistry and electricity, mechanics and science, had not been covered by the provisions of the Constitution. We will have to amend the Constitution from time to time to fit the time and the age we live in. They never had the taxing problems that we have to-day, otherwise they never would have put in the provisions which required later the adoption of the sixteenth amendment to the Constitution. So from that argument there is nothing to fear.

On the argument, that of the cooling-down process, the answer is that exactly the reverse happens. Instead of cooling down in 13 months a new Congress convenes on the eve of congressional primaries, which creates a decided heating process. It is far better to have a representative legislature reflecting the wishes of the people at home and the people of the country after election than to have a Congress convening immediately preceding a primary and election, such as now happens.

The adoption of the resolution and the changing of the date of Congress from 13 months after election to about 3 months after election will have a tendency to make Congress more responsive to the will of the people and more keen to the pending issues of the day. I invite a fair examination of every argument that has been presented against this resolution. It will be seen that none of them are on sound, basic grounds, but rather for selfish, personal, and petty reasons.

It can not be said that this proposed constitutional amendment comes suddenly upon the House, because it has been before us from the very first day of this Congress, and it has been before every Congress for the past 15 years. Let the Seventieth Congress do the right thing at this time. In voting for this resolution I know that I am carrying out the wishes of the great majority of the American people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Chairman and gentlemen, in talking with a friend of mine a day or two ago about this proposed amendment he ventured the suggestion, "The more I think about it, the less I think about it." [Laughter and applause.]

This is the way I feel. A good deal of stress has been laid on the charge that we do not get into action until 13 months after we are elected. Well, this is sometimes true, but the policy of the Government, I assume, is represented by the President, and the President has the power, if there is any policy that ought to be inaugurated in connection with which an emergency exists, to call us together very shortly after the 4th of March.

This is only three months, about, after we are elected, and you can stay here all summer under that call or you may sit into the following winter, and you will learn then for the first time that being a Member of Congress is no sinecure.

I think, inasmuch as the President has the power to issue such a call, every emergency is provided for.

Under the proposed amendment you are to come in on the 4th of January. The President is to come in on the 24th of January if he can get in. Congress has to be organized in the meantime, and if the Speaker and the other elements that enter into the organization of the House should not be elected before the 24th of January, what is going to happen to the President on the 24th of January? There is nothing in the resolution that provides for that situation. I take it the President can not come in unless Congress is organized.

Then you propose in this amendment of the Constitution to have two sessions of unlimited periods, in the course of which there is no restriction on what you can do. Unless you have a limit somewhere on one of these sessions, what is to prevent appropriations beyond reason?

If all the bills that are pending, when there is no short session of Congress, should be taken up for consideration and passed, it would cost the country billions.

Mr. CELLER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CELLER. This bill provides for a short session ending May 4.

Mr. MADDEN. I know it, but there is a proposition to cut that out. Unless there is a short session there is no limit to extravagant waste in appropriations and no limit to the tax that would be imposed upon the backs of the American people. Instead of a short session as it now exists being a menace to the country it is one of the greatest safety valves we have. It fixes a time when we must get out, when you can no longer continue to heap a load on the tax-burdened backs of the people.

Mr. BROWNE. Will the gentleman yield?

Mr. MADDEN. The gentleman would not yield to me.

Mr. BROWNE. I did not have so much time.

Mr. MADDEN. I yield.

Mr. BROWNE. Does the gentleman favor two short sessions?

Mr. MADDEN. If there is to be an amendment to the Constitution, I favor limiting the second session of Congress; but I am unalterably opposed to any change in the Constitution at this time. [Applause.]

Mr. CELLER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CELLER. How would the gentleman propose to end a filibuster in the Senate Chamber?

Mr. MADDEN. There is no way to end a filibuster in the other body. That is a part of its royal function. [Laughter and applause.] That is the thing that gives it a standing, whether it be good or bad.

Mr. GIFFORD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GIFFORD. As to the short session protecting the people, has the gentleman in mind the failure of the last deficiency bill?

Mr. MADDEN. I am not sure about that.

Mr. GIFFORD. If we had not had a chairman who was courageous enough to take some liberty, the country might have been badly off.

Mr. MADDEN. Somebody had courage enough during the last summer to meet the emergency, and I was that one. There was a great flood in the Mississippi River, causing disaster throughout the States through which it ran. There was need for money and no place where you could get it. There was no appropriation that belonged to the work. The question was submitted to the Comptroller General and he ruled against the authority of anyone to act. The President was afraid to act and the Director of the Budget was afraid to act. It was submitted to me. They asked me what I thought about it. I read the decision made by Comptroller General McCarl. I wrote him a letter. I said if I was in your place I would have rendered the same decision. It is correct; it is the law; but sometimes it is more important to violate the law in a great emergency than it is to obey it. This is one of those times, and I am going to take the responsibility to violate the law and meet the emergency. I said that I would do that and submit the question to Congress for ratification. Congress, of course, ratified, for there was nothing else for it to do. I would be less than human if I did anything else than what I did. It was not done surreptitiously, but openly and above board.

It was done because life and property were at stake. We had the money in another fund, and we borrowed it and paid it back by the unanimous vote of Congress.

I am proud to have been one of the instrumentalities through which the relief was rendered in that important case.

Now, there is no question whatever that a man is just as good a Member of the House during the so-called lame-duck session as at any other session. I think those words "lame duck" is an insult to Members. It is an insult to place any such appellation on them, for they are just as brave, just as patriotic, and just as wise in the short session as at any other time.

Mr. GIFFORD. If the gentleman will permit, the affirmative side of the question has not been argued from that point.

Mr. MADDEN. That does not restrict my right, does it? [Applause.] I am a law unto myself, as you see. Sometimes I am regular and sometimes irregular, but I am always in favor of the best consideration of every problem that affects the American people as it comes to us for solution. I believe the men whose terms have expired who are in the last session, who are about to retire, makes them no less able, no less patriotic, no less interested in the advancement of the American cause, no less concerned about the welfare of the American people, and no less qualified to act. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Chairman, a matter which involves an amendment to the Constitution of the United States is of such vast importance and so far-reaching that the proposal must be studied carefully before it is agreed to. The Senate resolutions proposes principally to change the Constitution as to the terms of the President and Vice President and Members of Congress and the time and date when Congress shall convene and Members of Congress shall take oath of office.

If this change or remedy is found to be necessary, of course, it invokes the interposition of the present powers of our regulatory Government. The proposed amendment must be adopted by resolution of both Houses of Congress and then must be submitted to the legislatures of at least 36 States, which in turn must ratify the proposal to become effective, and, of course, the legislature of each State comprises two branches, and some States require an additional referendum by the people when a constitutional amendment is proposed for ratification. To bring this elaborate machinery into working order involves a great deal of time and expense and should only be invoked when a fundamental right is affected or invaded, and the amendment itself is so obviously and universally needed that it requires little contest or argument.

I am not satisfied that the proposals in this resolution are necessary to this extent, nor am I clearly satisfied that the changing of time, terms, and dates is so vital to the preservation of our rights as to warrant taking this action.

We should be slow, indeed, to meddle or tinker with the document that has so thoroughly stood the test of time and has been referred to by that great statesman Gladstone as "The most wonderful work ever struck off at a given time by the brain and purpose of man." There is no doubt that it would be more pleasant and agreeable to have the President of the United States take office and the inaugural exercises take place in the month of May or June than in the month of March, and while some have stated that the month of January is the beginning of the calendar year, it would be well to start the term of Congress during the first month of the year, this argument, however, can be met and answered, because the fiscal year of the United States Government and its departments is as of June 30, and it would be, it seems, just as plausible to argue that the new President and the newly elected Congress should begin their terms on July 1 as it is argued that they should begin their respective terms during the month of January.

The greatest difficulty I find with this is how to handle and meet the so-called "lame-duck" situation and the fact that usually a Member of Congress does not take his seat until Congress is convened, 13 months after the election, and there is no question that there have been many abuses.

Members of Congress who have been rejected by the voters at the polls should in good conscience after such rejection limit their activities to the will of the people and to the legislation which controls the election. I find that the lame-duck argument is actually offensive, although not fundamentally wrong, and therefore I do not advocate amending the Constitution solely to meet the lame-duck situation, but, rather, to enjoin upon Congress and its Members to do and aid in enacting legislation in the light of the Constitution and of the verdict at the polls, letting each Member of Congress and of the coming Congress constitute himself a minuteman to see that such opinions and judgments of rejected Members of Congress are weighed in the light of the present status and even may be discounted to some extent.

As to the suggestion made by the gentleman from Alabama [Mr. BANKHEAD] that we also amend the Constitution to provide for a four-year term for a Member of the House of Representatives instead of the present constitutional two-year term, I can not concur or give my approval. It is no doubt a hardship and a burden upon a candidate to make a campaign each two years. It is expensive to the candidate and it is expensive also to the various States and districts to hold these frequent elections, necessitating the elaborate machinery being put into action of the respective districts, but I find that this, too, is not fundamental and that the men of 1789 who argued and disposed of this question in the Constitutional Convention decided for all time that the House of Representatives should be the House representing the people and the Members of the House should be close to the people. Members of the House should frequently go before their constituents and give an account of their stewardship of the office and the work that they have done in their behalf, so that the constituents, if they are not satisfied with their Representatives, may have the opportunity of making a change.

It is the greatest check upon the life of the Republic to have the Representatives of Congress in constant contact with the people of their district, and a four-year term to lengthen the tenure of office might tend to minimize the watchfulness and vigilance of a Representative. The theory of our Government and the Constitution is that the Senators would be elected by the legislatures, and the Senate represents the sovereign State as distinguished from the House, representing the people. Many criticisms were leveled at this method of selecting Members of the Senate, and hence the constitutional amendment which was passed provided for a direct vote of the people in senatorial elections.

With reference to the proposal in the resolution to convene Congress on January 4 and the inauguration of the President on January 24, it would seem that this would leave 20 days for organization of the House of Representatives, the election of a Speaker, and the assignment to committees, but at the same time we would also have during this period a lame-duck President, who, of course, may not be in political sympathy with the Congress and its Members. Under these circumstances, 20 days would be sufficient to organize the House; but in case a question may arise when there would be a contest in

the selection of a Speaker or as to the committee assignments which would not be disposed of in this time, we can see that in either of these proposals there might be a filibuster which would make it disastrous. Therefore it does not appeal to my judgment that there should be any change in the Constitution in this respect. There would also have to be a count of electoral votes and also the election of the President in case the election was thrown into the House. All of which would take a good deal of time and might not be completed before the term fixed for inauguration of President on January 24.

As things are now, we know our Constitution and realize its strength, and we feel that we are in a better position as things are than to change a document which has world-wide approval as the most liberal and satisfactory guaranty of liberty.

The great document of our Constitution is not ideal, but it has worked very satisfactorily, and these proposals are not of such magnitude or dignity to warrant changing the elaborate machinery. In my judgment, if this resolution passed the amendment would not be adopted by the legislatures of the United States; it would be rejected. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. An analysis of the discussion hitherto indicates a preponderance of opinion in favor of the purposes of this measure. It discloses also much uncertainty in matters of detail, and the accomplishment of the chief object will be thwarted unless gentlemen remember that compromise and concession are of the essence of legislation. Somebody has said that all legislation is the second best, which means, of course, that it is never possible to get perfection; and in this instance, unless those who are so strongly favoring or opposing this or that detail will yield to the necessities of the case, we may lose the important object. I would, therefore, remind you that there will be a committee of conference on this resolution, which will give due consideration to all these matters of detail, and should the House not favor its report, the House may then take appropriate action to uphold its views.

Analysis of the debate also shows that but one or two speakers have raised the question of the purpose the framers of the Constitution had in mind. It was argued that they meant to provide a time during which the passions of men might subside and a better perspective of the public needs be secured. This is quite contrary to the facts. The present schedule is wholly a matter of accident. The Congress learned in September that enough States had ratified the Constitution.

Its members desired an election at the earliest prudent moment, which they decided would be the first Wednesday in January. Next they wanted the Electoral College to meet as soon as possible, and they decided it should be on the first Wednesday in February. Then they wanted the Congress to assemble as soon as possible, and they decided it should be on the first Wednesday in March. By beginning terms on that day the present schedule became practically inevitable, but no thought whatever seems to have been given to this. So it was wholly accidental that the present program was imposed upon the Republic. No other country in the world has such a program. Even in England, conservative of nations as she is, no such argument would ever be advanced as was presented on the floor of this House in the matter of the purpose of the founders.

And what happened after the Constitution was accepted? Up to the Civil War nearly one-half of the States provided for elections in the odd years, so that the period between a man's election and his return to receive the judgment of his constituents included all of his actual service. It is neither historically right nor philosophically right to oppose this amendment on the score of what the fathers had in mind.

The objections have been chiefly to the details of the schedule. Let me very briefly comment on them. First, it is complained that once in every four years the House may be brought together earlier than is necessary by reason of the 20 days' proviso. My own State, following the example of California, has put into its constitution a provision for the very purpose of permitting an interval between the organization of the legislative body and its active functioning, in order that the committees may without interruption, without the necessity of appearing on the floor of the house, deliberate and decide as far as they may. It would be a gain to the Federal House if even once in four years its committees might have that interval to study the problems before them.

Fear is expressed lest in the January, when the choice of President might be thrown into the House, its organization might be so delayed by a deadlock over the election of a Speaker that the 25th day of the month might find the Nation without a President. This mischance could be easily avoided by the resort already used on two occasions—the adoption of a special rule for choice by plurality after a certain number of ballotings. Can it fairly be assumed that a House would not use common sense in meeting such an emergency?

Objection has been raised by the distinguished chairman of the Committee on Appropriations [Mr. MADDEN] in the matter of the public finance. He has intimated to the House that it would be unfortunate to take away barriers that prevent the House from acting. Sir, I fear he underestimates the esteem in which we hold him and hold his committee. I fear it is his modesty which prompts him to intimate to the people of the United States that it is not safe for the Legislature of the Nation to function. We know that in him and in his committee we have a safeguard and protection against extravagance, which makes every argument that he offered on that score ineffective and vain.

It is further objected that there will be difficulties by reason of the termination of the session on the 4th of May. Why, sir, it is but necessary for the President to call us together on the next day without any of the task of organizing, electing the Speaker, and choosing committees, without the many days of work caused by the necessity of beginning over again with a clean slate. Immediately the House may function.

But let me go quickly to other objections. One is that there is no public demand for this, and that it is a matter of propaganda—recent propaganda. Why, sir, ever since I could read I have read the protests offered against the 4th of March as inauguration day—quadrennial protests on the ground of danger to health and of discomfort to all concerned, by reason of everything the month of March brings that is unsuitable. I remember my first visit to Washington. I was brought here as a small boy to see the second inauguration of General Grant.

I was attacked with one of the ills of childhood, and so inclement was the weather that I had to watch that procession from behind windowpanes. Although I was not here at the time of the inauguration of President Taft, I remember the accounts of the blizzard which raged and I know that the papers throughout the country then demanded that we no longer subject our public servants to the menace of such a day.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. TILSON. I wish to inquire of the gentleman if January 24 is apt to be any better?

Mr. LUCE. January 24 is likely to be so much worse that there would be no attempt to endanger our health and lives by outdoor exercises. It has been common knowledge in Washington for many years why this reform has been delayed. The reason may be found in the mercenary instincts of some of the business people of Washington—the hotel men, the handlers of excursions, the shopkeepers, who year after year have opposed this salutary and desirable reform.

Of course, these are trivial things compared with the great principles that are involved, yet they are not to be ignored.

I wish also to call your attention to two or three other personal considerations. First, the hardship upon Members who are unable to have a definite idea as to the periods during which they will stay here, in matters of buying or renting houses, the bringing of families, the education of children, and so forth. The Christmas recess is a source of inconvenience to all of us. Those are petty details, but still may be thrown into the scale for what they are worth.

There is a more serious consideration to which I would address myself, namely, the argument that there is no public demand for this change. I am a member of the American Bar Association, together with more than 26,000 other lawyers in this country. It was in the year 1917 that this association first took up the study of the subject.

In 1921 they voted in favor of this proposal and appointed a special committee to push it along. The chairman for some years was a man I knew well, he having been a classmate of mine, a lawyer of Boston, eminent in his profession, conservative by reason of his surroundings and tendencies, earnest in his championship of this measure. A judge of the Federal court in my own State joined with him in urging upon me this reform. Year after year that special committee has advised this change, and the Bar Association has approved. That body, I may say, is probably the most conservative organization in the United States. The most serious and conservative body of men that you could select has again and again asked Congress to do this thing.

Yet you say it is a matter of temporary agitation and propaganda. I deny it. The Congress of the United States has been asked to do this thing for years and years, and the growing demand for it has at last brought this measure to the floor of the House. [Applause.]

Let me mention a more serious consideration still, that of the public business. Gentlemen in the course of this debate

have said that no harm has come from the present system. At least one member has demanded that somebody point out wherein the country has suffered. Is his memory so short? Is your memory, gentlemen, so short? Mine can go back to the 4th of March only one year ago and to my anxiety when I stood on the floor of the Senate and watched the black clouds over the legislative sky. That anxiety was never to be forgotten. Suddenly the clouds broke and the sun shone through. The Senator who was blocking action desisted for a few minutes, and with some others the bill in which I was so keenly interested slipped by.

But let me remind you of other bills of more consequence that did not have such fortune. The filibuster caused the loss of the public buildings bill, which by this time would have been distributing $100,000,000 among the thousands who to-day hunt for employment and find it not. It prevented final action on the emergency Army officers' retirement bill, and so deprived for still a year longer many an incapacitated man and his family of the help the House had by overwhelming vote decided to give. It kept uselessly in the vaults of the Treasury for still another year the hundreds of millions we have now voted to return to alien owners. Many another righteous measure failed of enactment. We of the House had sent to the Senate 428 bills and resolutions that were prevented from becoming law. Think of the effort wasted by the committees of the House, the time lost here on the floor, the harm done to innocent sufferers by delay of justice, and then tell me if such things call for no remedy.

Mr. WELSH of Pennsylvania. Who was responsible for that? Was it the rules of the Senate or the Constitution of the United States?

Mr. LUCE. It was in the last analysis because of the too-short period for the Senate to do its work.

Do you want to know why the Senate has four times passed this resolution almost unanimously? It is because the Senate knows that its work can not be done in three months. Look where we are this year on the 8th day of March. The appropriation bills have not been passed yet.

Mr. MADDEN. Will the gentleman allow me to correct him?

Mr. LUCE. Certainly. I am always anxious to be corrected at the moment.

Mr. MADDEN. The appropriation bills are all over there but one.

Mr. LUCE. My intent would have been clearer had I said they were not all over there as yet.

Mr. MADDEN. They are all over there but one.

Mr. LUCE. The gentleman and I have no quarrel, and yet he takes my time. But he is welcome to all of my time if he wants it, so much do I admire him as the appropriations leader of this House.

But I crave for opportunity to tell you about the failure of the deficiency bill. Because of its failure, there was no money for the payment of the salaries of judges; there was no money for the juries; there was no money with which to pay pensioners; and there was no money for loans on adjusted compensation. In many directions there was hardship. There is hardly a day goes by that demands are not coming into the office of Massachusetts Members for more work for our navy yards, and the reason for that is the failure of the second deficiency bill. Men out of work and men suffering.

Let me tell you another thing to illustrate the perils of the present situation. A veterans' hospital bill went to the Senate last year and should have been acted upon. There was an evident, immediate, imminent need of at least 2,000 more beds for the sick veterans of the World War. That bill failed, and now we of the House have to do all that work over again. Far, far worse, by reason of the failure of that bill more than 2,000 crippled, disabled, suffering veterans of the World War will have been delayed one year in the receipt of the attention that the Nation ought to give to them in its own hospitals.

Sir, it is said that the filibuster would not be prevented if we were forced to adjourn on the 4th of May. But I have already pointed out to you that a special session can be easily secured whenever needed. I will also point out to you that we will have extended the life of the short session by one month—by full one-half if you take into account the Christmas recess—which is the opportunity the Senate desires to do its work. At any rate, by so much will we limit the power of the filibuster.

In a long debate like this it is almost impossible to present any novel proposition, but I have one that has not been brought to the attention of the House, and I think it has not even been suggested publicly or privately. Let me point out to you that at present we are prevented from functioning, save with the permission of the President, for 9 months, the first 9 of every term, so that out of every 24 we have only 15 available for our work upon our own initiative. Under the new schedule that period of possibility is extended by 3 months, so that we will have 18 months instead of 15 during which we can follow our own judgment as to sitting in order to legislate for the benefit of the country.

There has been much discussion as to the right of constituents to be represented in this House as may be shown by a majority of their votes. I believe in that right. Next fall I am going on the stump, in company with every other man on my left here, and tell my people the reasons why the party to which I belong should be returned to power. The men on the right are going to set forth reasons why it should be rejected. They may prevail or we may prevail. In either case, how can the winners justify themselves by putting a limitation on the things they have promised to do, saying they will not attempt to do them for 13 months after the people have given them their confidence?

Why have platforms if we intend thus to postpone the time for them to be put into effect in the hope that our pledges will be forgotten and that we need not act? How much better the practice of the rest of the world where, when a majority of the people have declared their desires, immediately the new principles are brought into operation!

You quibble about the time the President would have in which to prepare himself. The newly chosen Prime Minister of England has but two or three days. So it is with the Prime Ministers in Canada, in France, in Germany, and over all the rest of the world. A gentleman who puts forth that proposition here has himself been the governor of one of the States of this country, and he had but two months to prepare himself to be governor. There is not one of the 48 States that attempts to follow a program like ours that demands such a delay as is here incurred. In not one of them is it planned to keep a defeated man in office any longer than can be helped.

Because I believe the will of the people should be promptly put into law, because I believe the majority of the people should prevail in the enactment of legislation, because I believe that the representatives they send into this House should have the earliest practicable opportunity to vote as they have promised they will vote to carry into effect the measures they have advocated, I hope the principles of this resolution may prevail. I hope the proposal as it stands may go to the committee of conference. I hope amendments will not so confuse that we shall lose sight of our main object, which is to correct the unfortunate results of an accident, results that can not be justified logically, results that I am confident are unsatisfactory to the majority of the House, as I am sure they are to the majority of the people of the United States, results that make for inefficient legislation, results that make for hardship to all concerned, results that are bad for the welfare of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JEFFERS. Mr. Chairman, I yield 14 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, the matter of proposing a resolution for the amendment of the Constitution is too important a matter for the interests of the individual Member, for the interests of the party, and certainly for the interests of a group to be considered.

I shall endeavor in the time that is allotted to me to analyze the situation as it presents itself to us, conceding to each gentleman on the floor of this House the purpose to cast that vote which will reflect his judgment as to the best interests of the country.

Some confusion has arisen here, it seems to me, judging from the statements of gentlemen, as to what the framers of the Constitution did in regard to the sessions of Congress. The fathers did nothing with regard to the sessions of Congress. The fathers provided that the legislative responsibility should rest with the Congress, that the period of their service should be two years between elections; they should meet on the first Monday of December unless the Congress otherwise determined. This is the entire Constitution with reference to the sessions of Congress. Some very remarkable statements, it seems to me, have been made in connection with this consideration. We have heard much about cooling time between the election and the beginning of service, and, strange as it may seem, this resolution embodies a restriction upon the length of a session of Congress.

There are a number of different sorts of governments in the world. Ours is that government which began, in so far as we have history, in the forests of Germany. It is a popular system. If we forget the nature of our system of government, gentlemen, we can not wisely proceed in matters of this sort. Ours is a government of the people. There are no kings, no hereditary rulers, in this country. If we fail, if the people do not have the capacity to select their public officials, or if these public officials when selected do not have the ability and the courage and the statesmanship to stand against improper pressures and represent the best interests of the Nation, our sort of government fails. It depends not upon written constitutions but upon the virtue and governmental capacity of the people.

I want to make another suggestion, and I can, of course, only touch the high points here. Gentlemen are afraid the people will make mistakes. They are afraid to trust their newly elected Representatives.

Gentlemen, in my judgment that policy is an unwise policy which would attempt to protect the people against the possibility of making mistakes even. In this Nation of ours it is the people's Nation. They have the right to make mistakes. They can have no guardian. Only through mistakes which they make and the wisdom which they get from experience do people become wiser and wiser as the generations go on. The time is too long now between election and beginning service.

Under the existing methods a Member takes office, begins work, as has been stated, 13 months after he is elected. This resolution proposes two months between election and service. Gentlemen object to only two months intervening because they say there is not cooling time. What a reflection upon persons who come to take their place here. Why, that is just about the right amount of time, even if they were hot at election time. A Member has been through his campaign, he has been considering public questions, he has had two months to wind up his business and come on here without having to loaf around his home for 13 months and become an eyesore to every man in the community. [Laughter and applause.] If people elect a man to office, they want him to get on the job, and if he can not cool off in two months in the middle of the winter, put him in a refrigerator for two months. After the people have defeated a Member of Congress it is in direct conflict with the philosophy and the fact of representative government for him to continue to hold the office of their Representative. [Laughter.] I want to vote for this resolution. I hope the limitation upon the length of the last session, contained in section 2 of this resolution, will be stricken out, so that I will be able to vote for the resolution.

Why that restriction in the Constitution now? The framers of the Constitution did not incorporate any restriction. The business of Congress is growing with the growth of the country. There is greater need now than ever, and we are still growing. Section 2 provides for the termination of the last session by the Constitution—by the language of the Constitution—on the 4th day of May. Under the existing Constitution, in so far as the Constitution is concerned, Congress convenes and adjourns when it chooses; I mean in so far as the Constitution is concerned.

It is now proposed in section 2 that the discretion and the judgment of the Congress its own control over its time shall be limited by the language of the Constitution. Members say if there is need of more time the President can call an extra session. It is a remarkable fact that Members of Congress on the floor of this House, in the face of the philosophy of our system of government, which divides our Government into three coordinate branches and puts the legislative responsibility upon the Congress, now by their own act would submit the suggestion on amendment to the Constitution that if, after we have been in session for four months and the legislative business of the country has not been attended to, then we shall have to depend upon the President to convene us in extra session in order that we may discharge our constitutional duty.

Think of this, gentlemen. Self-respecting Representatives of a great people, upon their responsibility as Members of the American Congress suggesting to the people that the sole power be put in the hands of the President of the United States, and the responsibility there of calling us back like young children to our task if the work has not been finished. I am not trying to discuss the entire resolution.

There are three different sorts of provisions in the Constitution: Those provisions which delegate power, those provisions which are provisions of reservation and of limitation, and then those provisions which establish and provide for the operation of the functioning machinery of the Government. To cut off all succeeding Congresses from the right to take more than four months to discharge their constitutional duty or to place any other such limitation upon the judgment of those who will come after us in responsibility is poor statesmanship. It violates every conception of free and responsible government. Neither wisdom nor patriotism will die with us. It is unwise, it is contrary to the nature of a system of popular government, that a generation or a Congress, in responsibility, should undertake to put into the Constitution of the United States provisions which limit the sound judgment of those who may come after us in responsibility as to how long a time they ought to have in which to do their work. [Applause.]

No gentleman will say that it is wise in the organic law of the country absolutely to limit the power of Congress in the second year to legislate only through a period of four months. But gentlemen say the President can call the Congress in extra session. Think of that. The legislative responsibility rests here. It is here now. The Constitution puts it here. But this section 2 would take away from Congress control over eight months of the last year. If the session ought to be limited, Congress can limit it by legislation.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. SUMNERS of Texas. Yes.

Mr. MOORE of Virginia. Does not the gentleman think it is very absurd to attach any such limitation to a session with the business of the Government constantly increasing?

Mr. SUMNERS of Texas. It is the height of absurdity. People sometimes laugh at the Congress. That is not good for the country. For the sake of the Nation, Congress must hold the respect of the country. We will pass on, but the Congress must go on as long as our Government lasts. Its necessary independence must be preserved, not for its own but for the country's interest. How can you expect the country to have respect for a body of men charged in the Constitution with legislative responsibility who says to the country, as in this proposed amendment, "Tie our hands so we can not sit in Congress more than four months during the last session, and leave it to the wisdom of the President of the United States only whether or not Congress shall have further time in which to discharge its constitutional responsibilities"? [Applause.] No wonder they laugh at a Congress like that.

Mr. GIFFORD. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. GIFFORD. Have not we in the last hundred years lived under the same condition with Congress forced to end by limitation on March 4?

Mr. SUMNERS of Texas. When we come to submit a resolution proposing a constitutional amendment to correct an evil, then do we have to put up a second evil to choose between, when we are master of our own fortunes, destiny, and responsibility? We are masters of the situation. We have the power, and I appeal to you as Representatives of the American people not to say that the people can not govern in this country through their chosen Representatives. I challenge history for any proof that my people and those from whom my people have come—although they may have made mistakes—have not made a supreme demonstration of the ability of the people to govern. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MOORE of Virginia. It seems to me the answer to the gentleman from Massachusetts is that we have the power to make a session begin at 12 o'clock noon on the 4th of March instead of the first Monday in December. I am unalterably opposed to constitutional limitation upon the power of officers to do their work.

Mr. SUMNERS of Texas. This Constitution did not come from the fathers as its source of origin; it came from the experience of ages out of the governmental instinct and the developed governmental capacity of the people. Have we reached that time in this country when we are unwilling to trust to the capacity of the people? If they do not have it, they must get it, and get it in the school of experience. They need no constitutional guardianship.

Talk about a cooling time and all that sort of rot as though the American people and their ancestors through the ages have not demonstrated governmental capacity and have to have somebody fanning them for three or four months before they can begin after an election. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman and gentlemen, it might be well for us to take a glance at the reasons that are put forth for the proposed change in the Constitution. First, that it will dispense with the short session, known as the lame-duck session. I do not propose to waste any time on that, from

the lame-duck standpoint. The distinguished list of men who have been enumerated has shown that they are not dangerous. The gentleman omitted to state on two occasions Uncle Joe Canon was rejected by his constituency and became a lame duck. Yet nobody could question the patriotism of Uncle Joe, and never did.

You might look in the chair and see the distinguished Speaker, a statesman who by a paroxysm of politics at one time was made a lame duck for one Congress. But he came back here and is known as a statesman. So we will throw that aside. The first thing is to get clear of the lame-duck session.

The next was to provide another time for the meeting of Congress. Let us see what we can do. It is well enough to know what we can do. These are the two principal things. Then we have to provide for a method of counting votes and declaring elected the President and Vice President different from the present method and safeguard the possibility of a death between the time of the vote and the time the vote is declared. What can we do as it now is?

Those are the three things we want to do—make more safe the declaration of the election of a President, make sure that Congress meets a short time after it is elected, and make sure that the lame ducks are eliminated. Congress can now provide that a Congress elected the first Tuesday in November can take office and begin work and begin its session on the 4th day of March, if it sees fit. It has done it. A reference was made a while ago to what the fathers had done. Did you know that the reason your term begins on the 4th of March was because the Continental Congress directed that the first session of the Congress begin on the 4th day of March, 1789? So the fathers established that, and all congressional terms begin at that time, and for all time they have run for two years under the Constitution, and, therefore, terminate at 12 o'clock on the 4th day of March.

Congress can fix the 4th day of March; and in 1869, for instance, the Congress in January passed an act that the succeeding Congress should meet at 3 o'clock p. m. on the 4th day of the next March, and it so met. Congress has also provided that the Congress meet on the 15th day of October, and time and again it has done that. It has provided that it should meet on the 4th day of January, and Congress so met; but after all, in the experience of 140 years Congress has come to the conclusion that the time named in the Constitution is best and they have abolished all of these other periods and have left it there to start on the first Monday in December or upon the call of the President.

So that you do not need this proposition in order to have the Congress meet earlier after their election. You could do it in four months if the Congress had sense enough to require it and consider it good statesmanship to do it. That is all there is to that.

Take the other proposition, the matter of the election of the President and the Vice President. Some one a day or two ago said there might be a death, that the nominee of the Republican or the Democratic Party might be voted for in the Electoral College and elected, but die between that time and the time of the declaration, and that there was no provision for electing somebody else. That may be true, but is it any trouble to fix that? At the present time the electors are required to vote on the second Monday of January, and the vote is declared on the second Wednesday of February. If there is so much danger of a President dying between the time he is elected by the electors and the election is declared, just move it up; and Congress can do that, it is expressly authorized to do it, and it has fixed the dates now fixed, and you could put it one week before the declaration of the vote in the House here, and with the present methods of communication and transportation the votes can all be here and be declared, and you would have to take a chance of only a week, and almost any life insurance company would take a chance on the life of the President elect for a week.

I shall take up now what my objections to this change are. It is proposed to put into the hands of the Congress that is elected in the same struggle with the President the power to declare the election of the President. You have had contests in the past, and you may have them in the future. Take a Congress elected the first Tuesday in November, and let us say that there are contests as there were in 1876, when in three or four States the seat of every Member was contested, and there was also a contest as to the presidential vote.

Take that case, for instance, suppose the Congress elected in 1876 had come here with those contested Members, most of whom were excluded afterwards, all seated and helping to declare the election in 1876 of a President, when there was only 1 vote between the candidates, and you would have committed to the people who are most interested in the controversy the determination of the controversy; whereas if you have a Congress whose membership is already determined and the seats have been assigned, a Congress that is held over, with everything certain, the people will accept their verdict without question; and in the other contingency they would not. I well remember as a boy hearing of the electoral commission when it was rigged up here, which down with us we thought did not do right by us. My own brother, who had participated for the first time in an election that year, was reading the account of how the commission was named to my father, who was a very conservative man and profoundly in favor of Mr. Tilden for President. My brother remarked that it looked as if they had fixed it up so that the Republicans would have 1 majority every time. My father then said, "Let me tell you something. We are face to face with a very serious situation. I have been through one war. I do not want another. The people need certainty rather than political advancement. They have fixed it so that there will be no doubt about a determination that will settle this without a war, and we would better have that than political advantage or war or a revolution or a riot as the result of it." For the same reason I say that the old Congress should be here with its commission unquestioned, with every man here entitled to his seat by the action of this House to declare the election of a President, rather than a crowd with a lot of their seats contested, brought in in the same paroxysm and upheaval with which the President has been elected, seething with partisanship. They would not appeal to the sober sense and confidence of the people of this country like a Congress that has already been properly seated and vouched for. It should take more than political expediency to justify changing our organic law.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. ROMJUE].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. ROMJUE. Mr. Chairman and gentlemen of the committee, the Constitution of the United States ought never to be changed as long as there is a reasonable doubt about the advisability of that change. The gentleman who has just left the floor, the gentleman from South Carolina [Mr. STEVENSON], has, I am sure, brought to your attention some very vital points in this resolution. So far as changing the date of the time of the meeting of Congress is concerned, he has correctly explained to you that that can be done without any constitutional amendment and without the passage of this resolution.

If that question were all that is involved in this resolution, gentlemen, I would have no objection to supporting the change; but that by legislative enactment and not by constitutional amendment. But there are also other matters involved in and connected up with this question which have no place whatever in a constitutional amendment. And what are some of those things? In the first place, you provide by this resolution that under the change Congress shall assemble on the 4th day of January. The Members of the Congress will commence serving their constituents at that time and on that date. The President of the United States does not begin his service at that time, but he is to begin 20 days later, to wit, on January 24.

Now, why? What will happen? With a new Congress coming in, my friends, practically one month will be lost. Why? Because when the new Members come here under the provision regarding the 4th of January, the outgoing President will say, "I am to retire in a few days; I am to go out of the President's office on January 24; I do not wish to submit any message to this incoming Congress; wait 20 days until your new President is coming in." And so for 20 days the Congress sits here idly waiting for the new President to come in and deliver his message. So that after all, when by this resolution you extend the time from the 4th to the 24th of January, it means an extension of but one month more. Under that regulation you have lost almost a month due to the regulation itself, and, on the other hand, where formerly and as at present Congress begins in December and may run on if it wishes until the next December, under the new rule you will, by the manner I explained a moment ago, reduce your time of effective service from 12 months to 11 months, because the incoming Congress will have to wait 20 days for the incoming President, which amounts to nearly a month.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. Not now. My friends, the purpose in the formation of this Government and the very basis on which it was founded was to represent and protect the people of this country in their fundamental rights and liberties, and that being so the fixing and division of terms was so arranged that this lower House of Congress should have frequent contact with the people of the country.

Now, I assume that it is as important for the Representatives of the people to know what the people think and what the people want, so that the Congress may thereby be the better able to give them the proper service. But what do you in this resolution? Ah, my friends, every two years every Member of this House is up for election; he goes back to his constituents to discuss, during the campaign, the questions that are foremost in the minds of the people. You talk about being unemployed, that is, after you are elected, for a few months. Under the resolution now asked to be passed you are limited just as much as at present as to the length of the two sessions of Congress, except for one month, and 20 days are lost in that. My friends, there is nothing more important to the Members of this House, and there is certainly nothing more important to the people of this country, than that the Representatives of the people put in some of their time in close contact and close association with the people whom they represent, so as to know the needs and wishes of the people and to discuss with them and get their personal views as to what they want done. But under this resolution, if it is put into the Constitution, what happens? Ah, my friends, you have taken away that time when you are not in a political campaign, and by this resolution you have tied yourselves up in this body, so that you are deprived of the privilege of conferring with them as you now have the opportunity to do, and then by constitutional limitation you say, "You are to return home to your constituents." When? Only when we are up again for our election, and when a man's attention is diverted to his campaign instead of being devoted entirely to the transaction of the public business.

The terms of Congress should be left so that when they expire the term of the President would also expire, except, of course, that his term is four years, while that of the lower House of Congress is two years and that of the Senate is six years, so that when the President's term of office expires it will be on the same date of the expiration of the term of the Members of the House and one-third of the Senate, because, as I said before, if the terms of the Members of the House and Senate are made as this resolution provides—to begin 20 days before the President takes his office as President—they would merely be compelled to wait the 20 days for the President to deliver his message and to outline the legislation he deems advisable for the country, and that time would practically be time wasted, almost a month. So even if this resolution were to be added as an amendment to the Constitution, under its present terms it would be in fact on the 24th of January that the President would come in office, and it would be practically the 1st of February before the President and the House and the Senate could settle down to business, which would only mean advancing the matter about five weeks, as that would be the difference between the 24th of January, as this resolution provides, and the 4th of March, which is the date of the present expiration. So, after all, it would only accomplish very little.

Moreover, under the Constitution as it was originally written by the wise and sensible statesmen who were present at the formation of the Government they left it so that dates of the beginning and ending of any session of Congress may be changed or fixed by an act of Congress without any constitutional amendment, and I submit it is a dangerous practice to be changing the Constitution of the United States by a constitutional amendment, and particularly so on matters that could be remedied, if there is need for remedy, by the passing of a law, because if a law is passed and placed on the statute books of our country, if it proves unsatisfactory, it can be promptly repealed, but if a matter is written into the Constitution of the United States it can not be changed except by going through a process of tedious work in bringing it about, and, as a matter of fact, up to the present time, there has never been a constitutional amendment taken out of the Constitution once it has been written in.

Some who are in favor of this resolution say that the 20 days' time between the beginning of the term of Congress and term of the President will give time in the event that the election of the President is thrown into the House of Representatives, there to be settled. I want to call attention to the fact that while this wonderful Government of ours has been in operation for now approximately 150 years, only about three times, as I now recall, has the election of the President been thrown into the House of Representatives to be settled. First, it occurred when Mr. Jefferson was elected President the first time. The House of Representatives determined who should be the President, and strange to relate the deciding vote was cast by Alexander Hamilton. Second instance was when Andrew Jackson ran for President the first time. While he received more votes for President than any other one, he did not receive the required number of electoral votes to seat him as President, and when it was thrown into the House of Representatives to be settled that time John Quincy Adams was elected. Henry Clay, who had been a candidate against both Jackson and Adams, threw his influence to John Quincy Adams, and Mr. Adams was elected, and Mr. Clay himself was selected by Mr. Adams as Secretary of State. The third instance, resulting in some little difficulty in the selection of a President, was the contest between Hayes and Tilden, and this case was somewhat different from the other two and finally determined by a commission designated for the settlement of that contest. So neither of the first two cases, which were the two only strictly clear cases presented to the House of Representatives, caused any particular confusion, and the Government under its present form of Constitution has operated in a very satisfactory manner, so far as this problem and many others are concerned, and I think it is a dangerous thing to forget the wisdom of Jefferson, Madison, and Franklin, and other great statesmen of their time, who rendered such great service in drafting and giving to the people the great Constitution which they aided so much in framing for us.

Of course, we can find an individual now and then at the present day who thinks the ideas, thoughts, and works of such men as Madison and Jefferson could be fairly eclipsed by themselves. When we meet such a character, however, it is well worth our time to ponder long before taking their counsel and advice.

Some have argued that January 24 would be a better date to inaugurate a President on account of the weather on the 4th of March. My opinion is that we are apt to find in this country of ours more severe weather on the 24th of January than we do on the 4th of March, so I really see no sound argument for the change of the date for that reason. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KVALE].

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. KVALE. Mr. Chairman, we have waited and waited for eight long years for a chance to vote on this resolution. And why do we have that opportunity now to express our wishes? It was said here that the press is responsible for it. I grant you that may be the case. In that event, then, let us thank God for the press and hope that it may function along the same line in many other instances.

But why has there been such pressure brought to bear upon Congress by the press of the country? It is because they in turn are responsive to the demands of the people, and those demands have been brought to the attention of Congress by the people all these years and have been denied. By whom? By a majority of the Members of this House or the Congress? Not at all. During all these years a majority of the Members of this House has been in favor of the Norris resolution, but the leadership of this House has denied us the opportunity to express our opinion and our vote on the subject. That is well known, and the injury spoken of by the gentleman from Massachusetts [Mr. LUCE] to the crippled soldiers of this country, and many other instances that might be mentioned must not be laid at the door of the Senate and its filibuster last June, but should be charged to the leadership of this House, consisting of three men. They are fine men and I do not in any way question their integrity or their patriotism or their sincerity. Our viewpoints differ; that is all. But these three men, the Speaker of the House and the majority floor leader and the chairman of the Committee on Rules—these three men have prevented this House from having a chance to vote on this proposition all these years.

Mr. O'CONNELL. Will the gentleman yield?

Mr. KVALE. Yes; I yield.

Mr. O'CONNELL. How did we get it up now?

Mr. KVALE. We got it up because they did not dare block it any longer. That is the only reason we got it.

Mr. CELLER. Will the gentleman yield?

Mr. KVALE. Not now, please. We have it now, as I say, because they have yielded to these demands, but in yielding to these demands to give the membership of this House a chance to vote upon it, I am afraid there is a joker in it. I refer to the limitation of the short session of Congress. By doing that you are inviting the filibuster just as much as you are at the present time. It is true that a filibuster is not always an evil.

There are instances in the history of the Senate when one man, the elder La Follette, of Wisconsin, by a filibuster saved the taxpayers of the United States over $900,000,000, and there may be other instances. But these are exceptions that prove the rule. In the vast majority of cases the filibuster is a nuisance and is an injury to the country, and I am very much afraid that by placing this joker in the bill you have made it

possible to repeat these instances of the filibuster. I now yield to the gentleman from New York.

Mr. CELLER. I did not want to interrupt the trend of the gentleman's thought, but I would like to get his views on this proposition: What does the gentleman think of having a ratification by the States made by conventions convoked in the States rather than by the State legislatures?

Mr. KVALE. Oh, of course, I would like to have the people have their say on all amendments to the Constitution.

Mr. CELLER. In other words, the gentleman is in favor of that method; that is, by the convocation of conventions in the various States for the purpose of ratification?

Mr. KVALE. No; I am in favor of as representative a ratification as possible, but if there is any movement started to make it more difficult to change the Constitution, then I am opposed to it. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman and gentlemen of the committee, I had not intended to say anything in regard to this proposition, but the more I have listened to the debate and the more attention I have given to it the more important I think it is that each one who is opposed to this proposition should express that opposition on the floor of the House.

I appreciate very well that the proponents of this measure are opposed to having the lame-duck proposition presented. I also appreciate that my friend from Tennessee looks at the whole proposition perhaps differently than the average American citizen does. Regardless of any interpretation he may put on this, I feel that the average citizen throughout this country interprets the whole proposition from the standpoint of the individual Congressman who comes here and passes on laws after he has been defeated for reelection. You can say what you please, but if it had not been for the significant application of those two words, lame duck, the propaganda that has been spread throughout this country would never have been one-half as effective as it has been, and if it had not been for that propaganda I doubt whether this proposition would be on the floor at this time.

Some reference has been made to foreign governments and that they do not follow our plan. As far as I am concerned that does not make any impression on me whatever, because our form of government is entirely different from their forms of government. We do not start with the same premise and, of course, we do not follow along the same direction. The fact that they do not wait so long a time before a new government expresses itself has nothing whatever to do with our situation.

I appreciate the fact that there is some feeling among our people that 13 months is too long to wait for the convening of a new Congress, and there is probably some real reason for this amendment on that ground alone. But I want to call the attention of the House once more to Article I, section 4, of the Constitution, which specifically provides:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Now, if there is a demand in this country that Congress shall meet sooner than a year from the time it is elected, it is entirely within the province of Congress itself to change the date of that meeting and provide that we shall meet here regularly on the 4th day of March after the election. So it is not necessary to have a constitutional amendment in order to reach this change in our present program. The only thing that would be gained under the present amendment is to set it ahead about 40 days, and we can do the other without any amendment to the Constitution.

Mr. CELLER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CELLER. The gentleman would not say that the Congress itself could change the tenure of any one or all of the terms of the Members of Congress?

Mr. SNELL. No; I would not say that.

Mr. CELLER. That is what you would have to do.

Mr. SNELL. No; I said we could pass a law providing that we should meet here on the 4th day of March after the election, and it can be done at the present time as provided in section 4 of the Constitution.

Mr. STOBBS. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. STOBBS. Of course, in doing that we do not eliminate the so-called lame-duck session of Congress, and a constitutional amendment is necessary to do that, is it not?

Mr. SNELL. I am glad the gentleman asked me that question. In all the debate that has been held on the floor of this House, and in every article I have ever read I have never heard or seen any reference made to one single piece of important legislation which the lame ducks in the House have helped to defeat, and I have never known of a piece of legislation of importance which in any way has been affected by the few men who were lame ducks. If the gentleman can call my attention to a single thing of that kind, I wish he would do so at the present time.

Mr. STOBBS. It is not so much the fact that your lame duck, so called, would vote wrong on legislation but it is allowing men to vote after an election who are not responsive to the wishes of the people.

Mr. SNELL. Statistics show that on the average there has not been a change of more than 12 per cent in the membership of the House. Has the gentleman any idea that the 12 per cent of new men coming in six weeks after they are elected, regardless of how intelligent they are, or how much experience they have had, would have very much influence on the legislation that is passed through that session of Congress?

Mr. STOBBS. Suppose Abraham Lincoln had not received a majority of the vote in the Electoral College and the vote had been thrown into that so-called lame-duck second session, when James Buchanan was President and both the House and Senate were under the control of the Democratic Party at that time, would Abraham Lincoln have been elected President of the United States, and does the gentleman think that so-called second session should have had the opportunity to pass on the election of a President of the United States under such circumstances? [Applause.]

Mr. SNELL. There might be something in that; but carrying that a little bit further, you have in the proposed amendment a provision that Congress shall come here 20 days before the President is inaugurated in order to canvass the vote.

If the presidential election has been so close that the election is thrown into the House of Representatives, let me tell you, my friends, the election of a number of the Members of the House will be so close that the election of a great many of them will be contested and you will have men voting on the election of a President under this proposed amendment whose own term of office in the House is not secure at the time they are voting.

Mr. STOBBS. There was quite a substantial difference between the second session of the Sixty-eighth Congress and the first session of the Sixty-ninth Congress.

Mr. SNELL. I do not get the gentleman's point on that.

Mr. STOBBS. If President Coolidge, for instance, had not received a majority of the electoral votes, his chance of being elected President would have been greater in the first session of the Sixty-ninth Congress than in the second session of the Sixty-eighth Congress.

Mr. SNELL. That may be true, but you are embodying here a proposition of 20 days where a great many men are going to pass on the election of the President who do not possess a clear certificate of election for themselves. Do you think that a good proposition?

Mr. CELLER. Will the gentleman yield?

Mr. SNELL. Yes; I will be pleased to yield.

Mr. CELLER. Did we not have three different occasions in the history of our country when so-called "lame ducks" or defeated Members of Congress participated in the election of a President?

Mr. SNELL. Yes; we have had three cases of that kind and we might have a similar case when Congress would not organize during the 20 days allowed in this resolution.

Mr. CELLER. Does the gentleman think it would be a fair proposition to have men who have been defeated by their constituents participate in the election of a President?

Mr. SNELL. You have that situation in either event, and I do not like either one of the situations, but I prefer the present situation when we have a year within which to get things done rather than 20 days, when in all probability the contests will not have been decided.

Mr. KETCHAM. Will the gentleman yield for this one suggestion?

Mr. SNELL. Yes.

Mr. KETCHAM. In response to the question raised by the gentleman from Massachusetts [Mr. STOBBS], has the gentleman thought that in the election of a President we do not vote as individual Members, but vote as States, and therefore the very small percentage of difference would cut very little figure in such an election?

Mr. SNELL. That may be true, but if we had a very close election there might be a great many of the individual Members

whose election would be contested, and that would undoubtedly be so if the election was so close that the election of the President was thrown into the House of Representatives.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, last Tuesday I discussed at length the pending Norris-White resolution, stating in detail some of the many reasons why I am giving this proposed constitutional amendment my whole-hearted support. I now desire to answer the claim advanced by the opponents of this resolution that the people should be protected from themselves, and that a repudiated Congress should constitute itself a wet nurse for the new Congress chosen by the American electorate.

Those who are fighting this resolution are very much concerned lest the people act hastily in translating their will into law. They are afraid the people do not know what they want, or what will be for their best interests. They are worrying themselves sick for fear the people will do a little thinking for themselves. These self-appointed guardians of the public think they have a monopoly on statesmanship and that wisdom will die with them. So they advocate a continuance of the present system by which they can prevent legislative action and much needed reforms for 13 months after they have been repudiated at the polls. In that 13 months they can strengthen their strangle hold on the masses and consolidate their power and control of the Government. I have no patience with this "holier-than-thou" group that looks with indifference and contempt on the efforts of the common people to get a square deal and economic justice.

Article I, section 4, of the Federal Constitution provides:

> The Congress shall assemble at least once each year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Under existing law a new Congress comes into existence on March 4 following the biennial congressional election. Obviously it can not be assembled in advance of March 4 following the congressional election without an amendment of our organic law. Senate Joint Resolution 47 proposes to amend the Constitution so as to authorize the new Congress to assemble at an earlier date, January 4 following the congressional elections. It also provides that the term of the President shall begin January 24, instead of March 4 as under the present law. Under the present system the President is not inaugurated until four months after his election. This article, if adopted, will advance the date the President takes office to less than three months after his election. Under the law as it now exists a new Congress does not assemble until 13 months after it is elected, unless the President should call Congress in extraordinary session. Therefore, the new Congress can not function until nearly one-half of the term of its Members has expired, and necessarily the legislative program of the new Congress is held in abeyance. This is in fact a denial to the electors of their rights to express their approval or disapproval of existing laws or proposed legislation, and is an intolerable postponement of the people's right to initiate new legislation to remedy existing evils. That is to say, after the people have in a nation-wide referendum approved or disapproved legislative or administrative policies their voice is stifled and their hands tied for 13 months, unless forsooth the Chief Executive in his opinion concludes to convene Congress in special session. Thus the will of millions of voters may be set aside and held for naught for 13 months, and the will of one man (the President) neutralizes the will and wishes of a majority of the American people.

Under the present system direct action by the electors is practically impossible, because they are compelled to wait 13 months before their representatives have any opportunity to formulate a legislative program or to put into effect the principles and policies approved by the American people at a general election. I grant you that under existing law the President may, if he so desires, call Congress in extraordinary session immediately following the time the new Congress comes into existence, and very frequently the Presidents have exercised that prerogative, and as a result in numerous instances the electors have obtained speedy relief. But the calling of these special sessions now rests with the Chief Executive of the Nation. If the American electors in a nation-wide congressional election forcibly express their disapproval of existing laws and demand legislative relief therefrom, if the President thinks the people are wrong and still believes in the wisdom of these policies which electors have repudiated, by inaction and failure to convene Congress in special session he can thwart the public will and perpetuate those policies which have been so recently and so overwhelmingly condemned in a nation-wide referendum.

It seems to me that this condition is intolerable and inconsistent with the genius and spirit of our institutions. It is, in effect, a denial to the people of the right of self-government in that they are not permitted to enact new legislation which they believe will promote the public good and are compelled to live under laws enacted by Representatives and Senators who have been relegated to private life, frequently because, in the opinion of the people, these public servants have failed to reflect the will of their constituents or to promote the public good.

It will not do to argue that the people can not be trusted to legislate for themselves; it will not do to say that the will of one man should stand between the people and the enactment of their legislative program, even though that man be President of the United States and of unimpeachable character and unquestionable patriotism. There never will be a time in the life of our Republic when all the people will agree on a legislative or administrative program, and Representatives and Senators who have been repudiated at the polls, or at least have been subjected to a vote of "no confidence," as the situation is sometimes described, should not be continued in office four months longer with the power and opportunity to enact additional legislation akin to that disapproved by the people.

But some of the Members of the House are opposing this resolution on the alleged ground that there may be a deadlock in the House and it may not be able to organize and elect a Speaker between January 4, the day Congress convenes, and January 24, the day fixed for the inauguration of the President. Obviously, this objection is more imaginary than real. It is extremely improbable under our system of party government that a deadlock of that long duration will ever occur. The American people would not tolerate a Congress that would deliberately precipitate a condition that would prevent the choice of a President, or the inauguration of a President who has been chosen by the people. To urge this objection is, it seems to me, a reflection on the intelligence and patriotism of the Members of Congress. We well know that the emergency to which the opponents of this resolution refer will never occur.

Moreover, the Constitution does not require that Congress shall have elected a Speaker before it declares the result of the vote in the Electoral College, nor does it necessarily follow that Congress shall have elected its other officers before it proceeds to choose a President, in the event none of the candidates have a majority in the Electoral College. The Constitution requires the House and Senate to declare the result of the vote in the Electoral College, but there is no mandate that the House must have perfected a two-year organization before it proceeds to discharge its constitutional duty in reference to the election of a President. This can be done before it elects its Speaker, before it elects its Clerk, before it elects its Sergeant at Arms and subordinate officers. Under the present practice, the House proceeds to transact important business, namely, the election of a Speaker, before the Members take the required oath. When the Members assemble and take the oath of office, the House is in session, although it has not elected its permanent officers, and the House can then and there join with the Senate in canvassing the vote as reported by the Electoral College, and if the Electoral College has not made a choice, the House, as a legal proposition, can proceed to vote in the constitutional manner for President, although the Speaker and other permanent officers may not be elected for months or never elected.

The custom has been for the Speaker to swear in the Members, but this is a mere custom, and its observance is not necessary. The Members can lawfully take the required oath before a judge or other officer authorized to administer oaths, so far as meeting the requirements of the Constitution. The system we have been following is a mere practice, custom, or regulation adopted by the House from time to time for its own convenience, and it can be changed at the will of the House or by the action of a majority of the newly elected Members.

You well know that this House has absolute control over its own organization, and it can to-day, by a majority vote, displace the Speaker and all of its other officers and place others in their places. Why, the House functions as a House before it elects a Speaker or its other officers. We vote as Members of the House before the House is organized. The House is functioning before and at the time it elects its Speaker and other officers. When a Member takes the prescribed oath, he is a Member of the House; and when a majority of the Members have taken the oath the House exists as an organized constitutional body and can perform any of its constitutional duties. I repeat, when a Member has taken his oath of office,

he is then a Member of this House, and he is qualified to cast his vote for President, assuming, of course, that the Electoral College has failed to choose a President.

Mr. MADDEN. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. MADDEN. A Member of the House does not take his oath of office until we organize.

Mr. LOZIER. That is only a form, custom, or ceremony of the House. The Members have a constitutional right to take the oath of office without regard to whether or not the House has been organized. No House-made custom or regulation can deprive a Member of that right. The right of a Member to take the oath is a constitutional right, and not a right that the other Members of the House can grant or take away. The formalities heretofore followed are not essential, and their nonobservance would not prevent a Member elect from becoming a Member of the House, provided, of course, he had elsewhere or in some other manner taken the required oath.

The dangers so vividly pictured by the opponents of this resolution are imaginary, and if these objections were removed these gentlemen would probably find some other pretext for voting against this much-needed and far-reaching reform. Some men are constitutionally reactionary. They never look at any problem from a progressive standpoint. They are prophets of evil omen, at all times and all circumstances. They are always predicting that the country will go to the "demnition bow wows" if any forward-looking legislation is proposed. Every great reform since the curtain went up on human history has been opposed by "standpatters" who preached the doctrine of "let well enough alone."

But, gentlemen, this "scarecrow," paraded up and down this Chamber by those who are opposing this resolution, sinks into insignificance when we consider the serious complications that may result at any time by failing to amend our Constitution as proposed in the pending resolution. The Members who oppose this resolution leave uncorrected a situation that may result in strife, yes, bloodshed between the people of the United States. You are "gagging at a gnat and swallowing a camel" if you defeat this reform and allow the Constitution to remain in its present shape. I will go more into detail.

In 1924 there were three candidates for President—Mr. Coolidge, Mr. Davis, and Mr. La Follette. For a time it was believed by many well-informed persons that the election might be thrown into the House of Representatives, as it was considered within the realms of probabilities that the votes would be so divided that neither candidate would have a majority in the Electoral College. In that event it would have been the duty of the House to select a President. The present Constitution provides that in selecting a President when there is a deadlock in the Electoral College the House is restricted to the three candidates who had the highest number of votes in the Electoral College, and in this case the House would have had to vote for either Coolidge, Davis, or La Follette. Now suppose under this situation Mr. Coolidge had died between the time the electoral votes were cast and the time the House met to declare the result of the election; that is, suppose Coolidge had died between the second Monday in January and the second Wednesday in February, 1925. In that event the Republican Members of the House would have been compelled by the present Constitution to vote for either Davis or La Follette, or not vote at all, because the Constitution provides that the voting in the House must be for one of the three leading candidates voted for in the Electoral College; and this would have meant that the Republicans in the House would have been disfranchised, because this present Constitution that you refuse to change would not have allowed you to vote for some other Republican in the event of the death of Mr. Coolidge, and your great party would have been disfranchised. And the expressed will of a majority of the American people would have been set aside.

Or suppose John W. Davis had died between the second Monday in January and the second Wednesday in February, 1925. In that event the Democratic Members of the House would have been compelled to vote for Coolidge or La Follette or not vote at all, and that would have amounted to a disfranchisement of the Democrats in the House. Why, gentlemen, are you so wedded to existing order of things that you will allow our Constitution to remain in a condition like this? Here is a real danger, and yet you refuse to remedy it. If President Coolidge had died between the second Monday in January and the second Wednesday in February, 1925, and the Republican Members of the House had been deprived by the present Constitution from the privilege of voting for some other Republican, methinks your Republican constituents would have torn you to pieces for not having remedied a situation of this kind. And, likewise, if John W. Davis had died during this period, then, in that event, the Democrats in the House would have been deprived by the present Constitution from voting for some other Democrat, and your Democratic constituents would have brought you to a stern reckoning, and what they would do to you "would be a plenty." If no candidate had a majority in the Electoral College, and if death had called either Coolidge or Davis between the dates I have mentioned, when the election of a President came on in the House, I can visualize the situation. I can hear the stentorian tones of Haltigan calling the roll. Listen to the names and the response: TILSON, and he would feebly whisper, "John W. Davis." SNELL, and hear him answer, "John W. Davis." WOOD, and hear him respond, "Robert La Follette." LEAVITT, and listen to his dulcet tones as he votes for "Davis." HULL of Illinois votes for "Davis"; MADDEN for "La Follette," and so on. Of course, I understand the vote would be by States, and oh, the confusion and woe in the Republican ranks when Illinois, Ohio, Indiana, Michigan, Pennsylvania, and other rock-ribbed Republican States cast their votes for Davis or La Follette.

This is no joke. It is just what would have happened if President Coolidge had died between the dates I have mentioned, had there been no choice of President by the Electoral College.

And if Davis had died under those conditions, I can hear the gentlemen from the Old Dominion, Mr. MOORE and Mr. MONTAGUE, shouting "Calvin Coolidge" when their names are called. I can even now hear a lot of these southern Democrats, when their names are called, answering feebly, "Calvin Coolidge" or "Robert La Follette." The solid South would be compelled to not vote at all or vote for Coolidge or La Follette; and then you Democrats would curse the day you voted to perpetuate this dangerous condition. I repeat, here is a real, not an imaginary, peril. Are you going to lend your influence to defeat a resolution that corrects this grave situation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. JEFFERS. I yield the gentleman three minutes more.

Mr. LOZIER. Do you Republicans want to leave the Constitution in a condition that would prevent the Republicans in the House from voting for some other Republican if no candidate in the Electoral College has a majority and your presidential candidate should die between the time the vote is taken in the Electoral College and the time the House meets to select a President? And do you Democrats want to leave the Constitution in such a shape as to prevent you from voting for a Democrat under the conditions I have mentioned? And this situation may result at any time. I assert that the present conditions are undemocratic, unrepublican, and un-American, and I for one will now vote to remedy this unthinkable situation.

Mr. LEAVITT. Will the gentleman yield?

Mr. LOZIER. Not now. But, say some, we should have a cooling-off process or delay between the election and the time Members of Congress enter upon their official duties. One purpose in having elections is to afford the American people an opportunity to pass judgment on public policies and on the record of those in power. If the policy of an administration has been repudiated by the American people, this popular verdict should promptly be translated into laws designed to give effect to the wishes of the people as expressed at the ballot box. If a Congress has been weighed in the balance and found wanting, why allow that Congress to hold over for three months longer and fortify and strengthen the policies that have been condemned in a nation-wide referendum?

Napoleon said, "Scratch a Russian and you will find a Tartar." I say, scratch the leaders of the opposition to this resolution, and in a majority of cases you will find standpat reactionaries. I do not think all who oppose this resolution are reactionary, but it is quite evident that practically all the reactionaries in this House are fighting this resolution "tooth and nail."

For years a few Members who dominate this House have strangled this resolution and prevented its consideration. These gentlemen are now exerting their great ability and influence to defeat and prevent its submission to the States. The issue is made up. The roll will soon be called. A record will be made, and the House will determine whether this forward-looking proposal is to be strangled again or submitted to the American people for approval or disapproval.

In relation to the Bankhead amendment, may I make a few observations? Of course, I understand that we have a representative form of government and not a pure democracy. Our constitutional fathers refused to go to the extreme limit suggested by Jean Jacques Rousseau and other leaders of public thought in France and America at the time of the revolutions in those countries against oligarchic and monarchal forms of government.

We adopted a representative form of government as affording the best scheme for the development of our free institutions

instead of a pure democracy, such as prevailed in Greece in ancient times. Our constitutional system of government, especially our legislative body, represents a compromise between the two contending schools of political thought in America at the time our Constitution was adopted. One school was intensely concerned in preserving political and civil rights of the people; that is, of the individual citizen, and desired to protect the masses from the superior power and cunning of the wealthier and more resourceful classes. The other school was suspicious of popular government and had a contempt for the masses and little, if any, respect for the expression of the popular will. One group insisted that we could with safety trust the people; that they had sufficient intelligence, ability, and patriotism to have an active participation in public affairs. The other group insisted on a strong centralized form of government controlled and directed exclusively by the cultured and wealthier classes. These two contending factions finally compromised their differences, and as a result we have a legislative system in which the Members of the Senate are elected for six years and the Members of the House for two years.

The theory in building this system was that the Senate, being the more conservative and stable representative body, would not be influenced by popular appeals or swayed by sudden changes in public opinion, but would resist tides of popular opinion and quick changing public sentiment and therefore be a check on the impulsive political and legislative activities of the House of Representatives which comes every two years fresh from the people.

On the other hand, the term of Representatives was made two years in order that they might at all times be in touch with the people and reflect the popular will. Now, will not this Bankhead amendment, if adopted, to a very considerable extent, make it more difficult for the popular will to be reflected in legislation? Will it not remove the Representatives two years further from the people, make them less reliant on the judgment and approval of their constituents, and more indifferent to the expression of the popular will?

Under the present system every Representative is constantly face to face with the realization that at the end of every two years he must give an account of his stewardship and so conduct himself that his record will merit and win public approval.

Now you purpose by this Bankhead amendment to double the length of the term of Representatives. Do you not thereby make them less dependent on the favor of their constituents, postpone their day of reckoning, and lessen their appreciation of their responsibility as direct representatives of the popular will?

There is much merit in the contention of our constitutional fathers to the effect that our Representatives should be compelled to submit their record and claims to their constituents every two years. The theory is that with long terms public servants become indifferent to the wishes and welfare of their constituents, and if compelled to ask a reelection every two years, they will keep in closer touch with the people and more accurately interpret and reflect the popular will. I concede that long terms will increase the power of a good Congressman to render efficient service, but the converse of this proposition is true, and long terms augment the evil influence of a bad Congressman and increase his power to do harm.

Of the Bankhead amendment, it may be said that it would increase the capacity of an efficient Representative to do good work and to render more valuable public service, and at the same time increase the damage that an unfaithful Representative may do. I think we should retain the two-year term for Members of the lower House. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and in view of the fact that the time is so short, I ask not to be interrupted, for I need every one of the 10 minutes for what I have to say.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, it is a matter of sincere regret that I find myself in opposition to a report and recommendation of one of the fine committes of this House, and I should not allow myself to take this position if I could by any proper means bring myself to support the proposition recommended. This is not a party matter, however, in any sense whatever, but it is a matter which each Member must square with his own conscience, and this is what I must do. Hence my attitude.

Changing the time for the meeting of Congress is not the most important matter in the world. During all the 140 years under the Constitution no Congress has ever deemed it a matter of sufficient importance to even legislate upon the subject, although during all those years Congress has had full, complete, unlimited power to legislate and to fix as the date of meeting any day in the year. If it be a matter of so great consequence that Congress convene on any particular day of the year, why was not the discovery made long years ago and that day selected by an act of Congress?

While fixing the date on which Congress shall meet is not of vital importance; changing the Constitution for this or any other purpose is a serious matter. Of the amendments adopted since the first 10—which were to all intents and purposes a part of the original Constitution—some were unnecessary, some have not worked as expected, some have worked badly, and some have not worked at all.

Doubtless I am somewhat old-fashioned in this respect, but I have a deep, sincere affection and admiration for that old document, and I hate to see it changed without the best of reasons. Our experience in changing this precious instrument has not been such as to encourage further experiment along this line, except for reasons clear and compelling. I do not believe that the reasons given for the proposed change are sufficient or convincing, but, on the contrary, that when analyzed they become untenable.

What are the alleged reasons for adding the proposed amendment to the Constitution? The one argument upon which the demand for a change in the meeting date of Congress is based is that the time is too long between the election and the meeting of the new Congress. Looked at superficially, this is a plausible argument, especially when made to appear that 13 months must elapse after the election before the newly elected Member actually takes his seat; but even this formidable charge can be met and readily answered. In the first place, this charge is not true as I have stated it and as it is usually stated. Under our present Constitution only four months must elapse before the new Member may take his seat. Any longer time than four months is only because Congress, in its wisdom, has not seen fit to fix March 4 as the date for the new Congress to meet. Then we are called upon to pass a constitutional amendment in order to have Congress meet 60 days earlier than it could otherwise. And even then, in the case of a new President, he will not come in for 20 days longer, so that in reality the new Congress will gain only 40 days by meeting January 4 instead of March 4.

But we are told in all seriousness that it will never do for the new Congress to meet as late as March 4, which can be done by a simple resolution, because that would mean running into midsummer, and it is hot in Washington during June and July. Shades of our illustrious predecessors! Shall we amend the Constitution of our country in order to avoid a few days of personal discomfort? [Applause.]

The practice in foreign countries of early assembling is cited, but there is no real similarity, and any argument based on such an analogy is not well grounded but is altogether misleading. In other countries governments fall and cease to function, carrying in their fall both executive and legislative authority, which are not separated, so that a new government must be formed to carry on. There is no such thing in our system of government. Our executive and legislative powers are distinct and our terms of office are fixed by law or the Constitution. And, on the whole, has not the plan worked reasonably well, even as compared with foreign countries?

But it is not necessary to amend the Constitution in order to have an early meeting of the new Congress, and if it be believed that this is what is needed and what the people are demanding, let it be done by an act of Congress. As it stands to-day, Congress can fix any date of meeting it may deem best; and if it should turn out that the day fixed is not the best date, it can be changed and go back to the old date that has served satisfactorily throughout our history. But once fix the date by the Constitution, and it must stand whether satisfactory or not, whether it work well or ill.

Let us consider for a moment whether any real harm comes from postponing the date of convening the new Congress even the full limit of 13 months. We are now under a Budget system and it is working well. During the summer and autumn the President, through the heads of executive departments and the Director of the Budget, prepares the estimates of the several departments and makes up the Budget. It is sent to Congress the first week in December. As at present, the old Congress is organized and before January 4 is well under way in the consideration of the supply bills. The Cabinet heads, who under the outgoing President have submitted their estimates, now come before the committees of Congress and explain each the portion of the Budget which relates to his department. Before March 4, if Congress attends to business, all the supply bills and other necessary legislation is passed, and the old Congress and the old President, with his Cabinet heads and their assistants,

all go out together. The new President comes in on March 4 with a new Cabinet and assistants and begins at once to prepare for the new estimates and the new Budget to be submitted in the autumn.

Meanwhile, the new Congress on and after March 4 stands ready to meet in case of need to pass emergency or any other legislation deemed necessary for the public interest. Time after time the new Congress has been called together early for one reason or another, and there is no danger that the public interest will ever suffer for want of a Congress ready to serve.

Let us see what would be the situation under the proposed amendment. The old President and his Cabinet must make up the Budget as before, but can not submit it before January 4. It is then submitted to a new Congress, not thoroughly organized and without committees. Meanwhile the "lame-duck" President holds on for 20 days. Whether he delivers a message on the state of the Union to the new assemblage, now cleansed of its "lame-duck" contamination, is not specified in the resolution.

Having organized—if no deadlock interferes—and counted the electoral vote, if there is time, the now pure congressional aggregation, out of deference to the new President soon to come in, will probably twiddle their thumbs until January 24 arrives. And now work must begin—on the supply bills, at any rate. A new Cabinet will have taken the place of the old and without time to learn anything whatever about their several departments, with no knowledge whatever of the estimates or the Budget, they must appear before the committees of Congress to explain and defend the provisions of their several bills. The new President must take on faith the Budget of his "lame-duck" predecessor, for surely he is not in position to make up one of his own; and so throughout the first year of his term, the most important year of all for him, the benefits of the Budget system may be nullified, so far as he is concerned. Can you imagine anything worse than such a situation? And yet I have not in the least overdrawn what must inevitably happen in case this amendment should be ratified.

Can we afford to take such a step which, once taken, can not be retraced? It matters nothing to me personally. It matters little to any of us older Members, whose time here after this amendment is in effect at most will not be long; but it does matter very much to the people of the country through all the years to come and to those who follow us here in giving service to the country. I have one boy of my own, dearer to me than my own life, as every father will understand. He is only a schoolboy now, but in the dreams of a fond father touching his son I have seen him standing here in my place, giving himself to the service of his country as his father has faithfully tried to do. I would not for this right arm do anything by my vote that would make his path more difficult or render his service and that of the others who will then stand where we now stand less effective or useful.

I can not vote for this resolution. Neither can I allow it to pass without giving voice to my opposition and utterance to my conviction that its adoption will be an unfortunate mistake which those responsible for it should never cease to regret. And remember, when we give our vote for it and send it on its way all the harm of which it is capable throughout the years to come will have been done, so far as we are concerned. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, of course there is a greater responsibility on Members dealing with a proposition of this sort than dealing with an ordinary statutory proposition. In this case the responsibility is indicated by the provision in the Constitution that a vote of two-thirds of the membership of each House, a quorum being present, shall be required to submit a constitutional amendment. I am a liberal; I do not agree with some that the Constitution is a sort of Ark of the Covenant which is too sacred to be touched, but, nevertheless, as to this matter I apply the view expressed by an old English statesman that when it is not necessary to change it is necessary not to change.

It is unthinkable to me, for the reasons that have been detailed, that the provision will be adopted to terminate the last session of the Congress. The reason indicated by those who favor that idea is that it will cut out filibustering. Some time ago I had occasion to review the history of filibustering since 1841, when it started, and I was brought to the conclusion that very much more good has been accomplished by filibustering than harm. [Applause.] And let me say to my friends from the South that except for the filibustering in the Senate some years ago we might be living under the Force bill to-day.

Now, assuming that the particular provision to which I have referred will be discarded, let me come for a moment to the main provision. Various arguments have been made against bringing about the session of the new Congress on the 4th of January and the inauguration of the President and Vice President on the 24th of January. I am not going to rehearse those arguments, but I am going to call upon my own experience for an illustration of what would have occurred several years ago if that plan had then been in effect.

There was a presidential election in 1876. Following that election there was tremendous controversy as to how the country had voted. The Hayes-Tilden fight came on, marked by unlimited passion and heat. An Electoral Commission was organized. It took a vast amount of testimony and heard from the representatives of the two men principally involved, at the greatest length. It would have been simply impossible for the commission to pass on the case and for Congress to have received the report of that commission and acted on it in the short time elapsing between the 4th of January and the 24th of January.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. JEFFERS. I yield two additional minutes to the gentleman.

The CHAIRMAN. The gentleman from Virginia is recognized for two additional minutes.

Mr. MOORE of Virginia. I sat in the gallery of this House as a schoolboy on the night when, before a crowded House, late in February the report of the Electoral Commission came along for consideration; and I well remember the excitement that prevailed and the predictions of the gravest trouble that might occur, when Mr. Hewitt, of New York, rose and said, representing Mr. Tilden, that he desired the House to adopt the report of the commission.

There had been some time for deliberation. There had been some time to consider what might happen in the event of the failure to adopt that report; and I venture to say, judging from what was the attitude of the country in respect to that election, that if we had had such a plan in effect at that time as now suggested there would have been serious danger of civil war.

Now, why should we run the risk of all sorts of complications and difficulties by indorsing a proposal as to which even many of its advocates are not without doubts? Why should we cultivate the habit of amending the Constitution in such a sudden and impulsive way as is now proposed and, in my opinion, without any compelling necessity? [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I have finally made up my mind as to what I am going to do about this resolution. I do not mind confessing to the House that I was wobbling back and forth on the proposition. I almost had mental St. Vitus's dance through worrying about it.

In the first place, I do not believe we should monkey too much with the Federal Constitution, especially after we attached a blotter to it in the eighteenth amendment. My main difficulty was concerned with the draftsmanship of the resolution now before us. I tried to make out what it meant. I finally concluded that I knew what it meant. Then I tried to set forth in my own language what it meant in a better way, and I could not do it; and then finally I came to the conclusion that I wanted to vote for the resolution. [Laughter.] I went so far on it that I finally decided I would make a speech for it. [Laughter.] I hope I will not get mixed up again before a vote is taken. [Laughter.]

The only substantial defect that I can see in the resolution is that it does not permit a woman to be President or Vice President. I know there is no immediate possibility of a woman becoming President or Vice President, and I only make this remark as an allusion to the Republican old women who are waiting for the nomination. [Laughter.]

It was interesting to hear the gentleman from Massachusetts [Mr. LUCE] remark upon the corruption in the State of Pennsylvania because of the lack of this amendment. Somebody else blamed it on the primary system, and others blamed it on the churches in Pennsylvania. A gentleman on the Republican side, Mr. TILSON, of Connecticut, spoke of his deep love for the Constitution. Oh, how I love to hear Republicans speak of their love for the Constitution! From my experience I realize that

there is only one provision in it that they have any love for, and that is the provision against self-incrimination. [Laughter.]

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. No; I can not.

Mr. LUCE. Mr. Chairman, I rise to question of personal privilege.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLACK of New York. The people of the country want this legislation. They have been agitating to kill the lame duck status for some time. It is an anachronism and ought to be done away with.

We should not worry unduly about the draftsmanship of the proposition. That can be corrected. I say, pass the resolution and in this form, send it to conference, and let the conferees study it and perfect it and polish it up, and give the people what the public wants, namely, a real logical system of Federal administration, a timely system, a system that will bring the Congress and the President nearer election, a responsive system.

We do not have to worry about the particular wording. The conference can take care of that. So I finally came to the conclusion that I ought to vote for it, and I hope everybody I asked to vote against it in the lobby will follow me now. [Applause.]

Mr. LUCE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. LUCE. I rise to a question of personal privilege.

The CHAIRMAN. That can not be raised in the Committee of the Whole House on the state of the Union. It can only be raised in the House itself.

Mr. LUCE. I ask 15 seconds to say that the gentleman from New York has made an error in attributing to me certain language. I did not use that language and made no reference to the subject of which he has spoken.

Mr. BLACK of New York. I am glad he did not.

Mr. WHITE of Kansas. Mr. Chairman, I yield the balance of the time remaining on this side to the gentleman from Iowa [Mr. RAMSEYER]. [Applause.]

The CHAIRMAN. The gentleman from Iowa is recognized for 12 minutes.

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, I want to be helpful in whatever way I can on the proposal that is before us in the brief time at my disposal. First, let us get it into our heads that this is not a proposal to change anything fundamentally vital in the Constitution like, for instance, the nineteenth amendment was, the eighteenth amendment, the seventeenth amendment, and the sixteenth amendment. This is administrative in character. As has been stated on the floor of the House before, it goes to the mechanics of the Government and not to anything vital or fundamental. Reference has been made several times to the situation that prevailed in 1876 and doubt was suggested as to whether the new Congress would have handled that situation as well as the old. No one can answer that, if he is honest with himself, either yes or no. I am not here to presume that the Congress elected in 1876 would have been any less intelligent or any less patriotic than was the Congress that handled that very distressing and unusual situation, a situation which had never arisen before in the history of the country and may never again arise in the history of the country.

The argument is made by the majority leader that we have been getting along for 140 years and this change has not heretofore been suggested. Of course, that same argument could have been made against every constitutional amendment that has ever been proposed, or even against every law that has ever been proposed in the last 140 years. So that point is not vital in the discussion here. He refers also to the difficulty of rearranging our Budget. The Budget can easily be adjusted to the change proposed even though it may necessitate some legislation by Congress. My good friend from Illinois [Mr. MADDEN] says that the short session of Congress is a money saver. I can not now recall the figures, but I think I am within the facts when I state that by looking over the expenditures of a number of years you can tell no difference in the amount of money authorized to be spent in the short sessions and the amount of money authorized to be spent in the long sessions. There has been a gradual increase in appropriations and in expenditures of the Government at least since the Civil War, or soon after the Civil War; they have been gradual and have been going on whether the appropriations have been authorized during the long session or during the short session.

The argument is made, too, that this proposition would not be before us if it were not for propaganda. Insinuations have been made in the press locally and also on the floor of the House that this scheme is a half-baked proposition, ill-considered, and visionary. I am here to tell you that as far as I am concerned I have not gotten any propaganda either for or against it.

The debate here has been very interesting and has been conducted on a high plane of intelligence and reason. I hope it will continue so, and I am sure it will continue so. The manner in which it has been conducted has renewed my faith in this House.

It is a serious proposition to change the Constitution, and it has been seriously considered, and when we get under the five-minute rule in a few minutes I am sure it will continue to be seriously considered.

I had not intended to make reference to the attitude of the American Bar Association on this proposition if it had not been for the fact that the inference has been left here that this proposal originated in the minds of propagandists. So far as I am aware the credit for seriously pressing this proposition belongs to the American Bar Association. I have been interested in this proposal for a number of years, and when the American Bar Association in 1917 referred this matter to a special committee my interest in the proposal was increased. I have watched the development of this proposal before the American Bar Association. During the war it did not receive much consideration. But in 1919 and again in 1920 the American Bar Association indorsed the principle, and in 1921 it referred a special resolution to this special committee. The committee gave it most thorough study, and in 1923 it made a very full and complete report to the American Bar Association. I happen to be a member of the association and was present at the time when this report came up. It had been printed three or four months before, and was in the hands of every member of the American Bar Association and, of course, everybody there was advised of what was in the report.

I am here to tell you what you already know, and that is that the American Bar Association is as intelligent and as conservative a body of men as exists in the country; I will not say more intelligent or more conservative. There are in that organization some of the greatest students of government that we have and they are just as devoted to the Constitution and the perpetuity of our Government as any of us here are. A former president of the American Bar Association sits before us and he can testify to the truth of what I have just said.

Even though this report was printed and in the hands of every member of the bar association three or four months before the meeting of the bar association in Minneapolis, in August, 1923, there was not a voice raised in opposition to this report and there was not a vote cast against the adoption of this report.

Mr. TILSON. Will the gentleman yield there?

Mr. RAMSEYER. Certainly.

Mr. TILSON. Is it not the fact that ever since the first vote was taken in 1917 by the American Bar Association upon this question, the majority in favor of it each year when it has been brought up has been gradually less and less?

Mr. RAMSEYER. The majority? Why, it was unanimous.

Mr. TILSON. It was unanimous the first year.

Mr. RAMSEYER. It was unanimous in 1923, and if there has ever been anything before the bar association since 1923, and I have been getting the reports of the association every year, to indicate there was any opposition to this proposal, I have never seen it or heard of it.

Mr. TILSON. I have understood that the vote in favor of the proposition has been growing less each year since 1917 as the members of the bar association have studied the question.

Mr. RAMSEYER. With me it is not a matter of understanding, it is a matter of knowledge. I was present. [Applause.] I have been following this question and if there has been opposition developed in the American Bar Association against the proposal it has never found place in any of the annual reports of the association reporting the proceedings of their meetings from time to time.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. RAMSEYER. For a pertinent question.

Mr. WILLIAM E. HULL. Is it necessary for the Congress to follow what the American Bar Association advocates?

Mr. RAMSEYER. Certainly not. Nobody has claimed that, but I am simply referring to this to show that the most conservative and the most intelligent thought of the country has been, and is yet, unanimously back of this resolution. [Applause.]

Mr. LEAVITT. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. LEAVITT. Is the American Bar Association back of it in the form in which it is presented to the House or the form in which it was passed by the Senate?

Mr. RAMSEYER. They passed or proposed a resolution, and that resolution I carried from the American Bar Association myself that year of 1923, and introduced it in this House on the first Monday in December, 1923, and the gentleman from Kansas [Mr. WHITE], some time later, as chairman of the committee, introduced an identical resolution, and the resolution adopted by the American Bar Association is almost identical with the resolution here except as to the fourth section, which adds matter to which, I understand, nobody is objecting on the floor of this House.

Mr. LEAVITT. The gentleman referred to a past president of the bar association who is a Member of the House. Is that Member supporting it in the form in which it is presented?

Mr. RAMSEYER. I do not know. The gentleman will speak for himself when the time comes. He may be opposed to it or not; I do not know. If he is opposed to it, so far as I know, he never voiced any opposition to it in the American Bar Association in 1923 or any other time, and we have had such presidents of the bar association of late years as Justice Sutherland, of the Supreme Court, former Justice and ex-Secretary of State Hughes, and in 1923 the president of the association was John W. Davis, the last candidate for President on the Democratic ticket. He indorsed this proposition. If I had the time—my time is about up now—I would read to you what John W. Davis then said about it in his annual address. The presidents of the American Bar Association since this matter has been up have all indorsed it, and, so far as the records of the American Bar Association show, all members of the American Bar Association, with all their intelligence and patriotism and conservatism, are back of this resolution. [Applause.]

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. WILLIAM E. HULL. I would like to know if the United States Chamber of Commerce has indorsed it.

Mr. RAMSEYER. I do not know.

Mr. WILLIAM E. HULL. You are putting it all on the bar association, when the United States Chamber of Commerce would have just as much right to indorse it or not indorse it as the bar association.

Mr. RAMSEYER. If the gentleman was listening to me throughout my argument, he will understand why I drew in the American Bar Association. It was not to argue that you should follow them blindly, but to refute some of the arguments made on the floor of the House and published in the press of this city that this proposition would not be before us but for propagandists. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GIFFORD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. GIFFORD. I would like to ask, first, how much time there may be remaining?

The CHAIRMAN. There are two minutes remaining in the control of the gentleman from Alabama.

Mr. JEFFERS. Mr. Chairman, we have no more speeches on this side. During these remaining two minutes let me just say that I am favorably inclined toward the main object of this proposed amendment to the Constitution. However, I think now, as I have thought all during the time we have had it under consideration in the committee and here in the House, that this specific date for the closing of the session in the even-numbered year ought not to go into the Constitution of the United States, and therefore I shall support appropriate amendments which will be offered at the proper time to correct what I think are serious defects in the proposed resolution; otherwise I think the resolution should be adopted.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

Mr. GIFFORD. Mr. Chairman, I desire to present a unanimous-consent request. Inasmuch as the committee has been very liberal in the matter of granting time I ask for five minutes for debate and an additional five minutes in which to present the parliamentary aspect of the matter, with respect to how we are to proceed in offering amendments. I ask unanimous consent that I may have 10 minutes, principally on the parliamentary situation.

The CHAIRMAN. The Chair would like to state to the gentleman from Massachusetts that the unanimous-consent request made by him is out of order because the time was fixed by the House, and the committee has no power to change it.

Mr. GIFFORD. Mr. Chairman, may I speak out of order for 10 minutes?

Mr. BANKHEAD. Mr. Chairman, I shall be compelled to demand the regular order.

Mr. TILSON. Let the Clerk read the first paragraph.

The CHAIRMAN. The Clerk will read.

Mr. GIFFORD. Mr. Chairman, I rise for the purpose of making a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GIFFORD. I should like to know whether this whole resolution is to be read before amendments are offered, or whether each section will be amended as read? It is extremely important to know which procedure is to be followed.

The CHAIRMAN. The committee substitute, which is the matter to be read for amendment, is the legislative proposition under consideration and is divided into sections. Unless it is otherwise ordered by the committee, the Chair will direct that it be read for amendment section by section.

Mr. CHINDBLOM. Mr. Chairman, the rule prescribes that the committee amendment may be amended as an original bill.

The CHAIRMAN. Surely; for that reason the Chair is directing that it be read section by section.

Mr. GIFFORD. I make the parliamentary suggestion that this bill really contains but one section.

The CHAIRMAN. It is obvious that there are five sections.

Mr. GIFFORD. I think that this ought to be understood before debate on amendments is begun, and I ask for one minute in which to present the situation which may arise if certain amendments are offered.

Mr. BANKHEAD. I ask for the regular order.

The CHAIRMAN. The regular order is called for, and the Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin."

Mr. GIFFORD. Mr. Chairman, I move to strike out the last word. I do this in order to show how important it is fully to understand whether or not, after a section has been amended, we can return to a previous section which may be made necessary by the amendment to a later section. If section 5 should be amended in such a way that section 1 is affected thereby, it is necessary to determine now whether we can without unanimous consent go back and remedy the situation that may have been created. I am sure that many who have argued against sections 1 and 2 have no objections to sections 3 and 4. Amendments to the latter may be made which would make necessary amendments to previous sections. It should, therefore, now be determined whether we are to be permitted to return to the previous sections and amend them without unanimous consent.

The CHAIRMAN. In answer to the parliamentary inquiry by the gentleman from Massachusetts, the Chair will state that although this is a proposal for an amendment to the Constitution of the United States, the practical consideration in Committee of the Whole is no different in practice than considering any ordinary bill. After a section is passed it can not be returned to in committee without unanimous consent.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 3, after line 7, insert a new section, to read as follows:

"SEC. 2. The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States."

Mr. GIFFORD. Mr. Chairman, I make a point of order as to that.

Mr. RAMSEYER. I make the point of order that it is not germane to the section or the resolution as a whole.

The CHAIRMAN. The gentleman from Massachusetts and the gentleman from Iowa make points of order that the amendment is not germane. Does the gentleman from Alabama wish to speak on the point of order?

Mr. BANKHEAD. Does the other side desire to present any argument in support of the point of order? I think that would be the proper procedure.

Mr. RAMSEYER. Is not the burden to show that it is free from the point of order upon the gentleman from Alabama?

The CHAIRMAN. The burden to show that it is in order is on the gentleman from Alabama. The Chair thinks the gentle-

man from Alabama would be entitled to rebut the arguments made in behalf of the point of order.

Mr. BANKHEAD. Mr. Chairman, I will say this in advance of the statement I shall make, addressing myself to the point of order. It is not my purpose to tax the patience of the Chair or the committee. I realize that the present occupant of the chair for a number of years has been a Member of this House; he has been diligent in the study of parliamentary procedure. In addition to that a day or so ago I gave notice to the Presiding Officer of this amendment that I have presented for the consideration of the committee. I have no doubt in advance the occupant of the chair has given the matter some consideration. For that reason I shall make my remarks on the point of order just as brief as possible.

The question has been raised that the amendment proposed is not germane to the resolution or at the place where it is offered as a new section or to the resolution. The question of the germaneness of a proposal is often one involving a close question, and is therefore a matter which concerns the presiding officer. I think the gentleman from Minnesota, Mr. Anderson, late a Member of this Congress, in a decision recorded in the first session of the Sixty-seventh Congress, correctly states the general principles that should govern the Chair in determining the question of germaneness.

On page 2416, volume 61, Sixty-seventh Congress, it says:

> The Chair confesses to having a considerable degree of difficulty with that question. The Chair does not think that the general rule can be laid down, that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee, nor does the Chair think that the opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case.

First, I desire to call the attention of the Chair to the fact that the title to this proposed resolution is not now before the Chair or the committee in its original form. In fact, the House Committee on Privileges and Elections in reporting the resolution saw fit to incorporate at the end thereof this language:

> Amend the title so as to read: "Joint resolution proposing an amendment to the Constitution of the United States."

In its original form the resolution proposes—

> An amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.

So that as now presented the general subject matter of this resolution is not as first expressed in the title, the general purpose and its specific purposes named in the original resolution, but in broad terms it proposes an amendment to the Constitution of the United States.

I submit to the Chair that the amendment proposed is germane upon two theories. First, that section 1 of this resolution deals specifically and in terms with the broad questions of the terms of the President and Vice President of the United States, with the terms of the Members of the Senate of the United States, and with the terms of the Members of the House of Representatives of the United States. It not only does that, Mr. Chairman, with reference to the sitting Members, who will be affected by this resolution in the event of its passage and ratification, but it goes further; in the last line of section 1 it provides:

> And the terms of their successors shall then begin.

So that we see we have before us for consideration under a resolution proposing an amendment to the Constitution of the United States specific proposals dealing not only with the terms of other officials of the Government but with the terms of the Members of the House of Representatives, and by the very terms of the section 1 the terms of the President and Vice President and Members of the House are shortened for a period of some six weeks. If we can deal with a proposition involving the shortening of the terms of sitting Members, at the time of the ratification, and deal with the terms of their successors if ratified, certainly it would be germane and within the general fundamental purpose of the resolution to say that we could extend the time. In short, if we can shorten it, dealing with the same subject matter, I submit that it would appear to be a rather arbitrary ruling of repression against the expression of the real will of the House upon the specific object mentioned in the face of the resolution itself to hold that we can not lengthen the term, and I use the word "arbitrary" in a general sense and not personally in respect to the present occupant of the chair.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BURTNESS. Of course, no one could ever argue that it would not be germane to offer an amendment to change the date from the 4th of January, say, to the 4th of July or the 4th of August. By simply changing one word in this section we could lengthen the term of office a few months, and if you can lengthen it a few months by changing one word, it does seem to me there ought not to be a great deal of objection to proposing an amendment which would in effect lengthen the time two years by some other means.

Mr. BANKHEAD. That is in support of the proposition, as I understand it, for which I contend.

Mr. BURTNESS. And it was so intended to be.

Mr. BANKHEAD. I shall not undertake to cite a long line of authority on this question, because I do not think it is necessary. In volume 5 of Hinds' Precedents, section 5582, this principle is announced, and I shall not read the decision, but just the substance of it:

> To a bill proposing one mode of arranging the presidential succession, an amendment proposing a joint resolution for submitting a constitutional amendment on a plan differing as to details was held germane.

In this same volume, section 5824:

> To a bill amending a general law in several particulars an amendment providing for the repeal of the whole law was held to be germane.

In the same volume, section 5839:

> To a resolution embodying two distinct phases of international relationship an amendment embodying a third was held to be germane.

In the same volume, section 5882:

> To a proposition relating to the terms of service of Representatives and Senators, an amendment proposing the election of Senators by the people was held not to be germane.

I cite this last decision, because probably this decision has fallen under the eye of the Chair, tending to support the point of order; but I respectfully call the attention of the Chair to the fact that that ruling by the late Speaker Crisp was well taken for the reason that in that amendment it not only undertook to deal with the terms of the succession, but it undertook to propose an absolutely new and different method of electing United States Senators, to wit, by a direct vote of the people, instead of by the legislatures of the various States. My amendment proposes nothing new in the Constitution with reference to the method of electing Members of this House. It involves no departure from the constitutional structure at the present time relating to Members of the House of Representatives. All that it does is to seek the opportunity, if presented to the House, under the rulings of the Chair, for the House to say that the present terms of the Members of the House shall be extended.

On the other theory, the Chair is, of course, familiar with the principle that where, in dealing with a bill involving a number of different subjects, an amendment involving a new subject is in order, if germane, to the general principles of the bill. The Chair will notice that the resolution proposes a change in the Constitution of the United States in three different particulars. It undertakes to amend Article II of section 1 of the Constitution in the first section, and it undertakes to amend Article I of section 4 of the Constitution in the second section.

It undertakes to amend the twelfth amendment to the Constitution of the United States in the third section, so that I say, under the principle of germaneness, where different subject matters are undertaken to be dealt with in a bill, a proposal injecting a different subject, if fundamentally along the line proposed in the other proposition, it is germane to the bill. I could cite a lot of decisions on that, but the Chair is familiar with the principle that I am announcing.

Now, as to the third reason, Mr. Chairman, I do not know whether from the investigation of the Chair of that question he has in his own mind reached a decision upon this question. Of course, I have got to take the chances on that. But I want to submit this to the Chair, and it is a sound principle; it is an equitable principle; it is a philosophical principle of parliamentary procedure that if the Chair has any reasonable doubt as to the correctness of a proposition being in order, as Mr. Speaker Clark held and as Mr. Speaker Reed held, and as Mr. Speaker Crisp held, and I believe all the great Speakers of this House have held, where there was involved on the part of the Presiding Officer a serious doubt as to the correctness of a ruling on a point of order as to germaneness, he should resolve that doubt in favor of the membership of the House in order that they might have a free opportunity for an expression of

conviction upon the proposition proposed. And from that standpoint, Mr. Chairman, you will bear in mind that our present distinguished Speaker, on an occasion, I believe, in the present session of the House when this proposal was suggested on a closely contested point of order, if this be such a case, carrying out that principle, he hesitated to make a decision himself, and submitted to the decision of the House the question as to whether or not a point of order was good.

Now, Mr. Chairman, as I said in the beginning of my remarks, I do not want to weary the Chair or the committee. What I have said states the propositions on which I rely as to the germaneness of this proposal.

Mr. GIFFORD. Mr. Chairman, with reference to the discussion of the point of order on "germaneness," I may say that few of us claim superior knowledge of parliamentary law. We have been told that in as far as possible common sense should rule in matters of this sort. In that connection I should like to say that in framing this resolution, which has for its primary purpose fixing the commencement of the terms of President, Vice President, and Members of Congress and establishing the time for the Congress to assemble, we had no thought of permanently changing the presidential term or the terms of Senators and Representatives. All these changes could be made if this amendment were in order. It would seem that the rule of common sense applied to the germaneness of this amendment would be to consider the intent of the contemplated legislation. Is it possible to make germane all provisions of the Constitution wherever the terms of "President, Senator, and Representative in Congress" may appear? We have so much confidence in the Presiding Officer that few of us care to argue the point further. however.

The intricacies of parliamentary procedure are not so involved in a question as to what is germane as is the principle of common sense, applied to the consideration of matters not contemplated and entirely separate in intention and effect.

Mr. RAMSEYER. Mr. Chairman, the rule of germaneness, as I understand, is this: The fundamental purpose of an amendment must be germane to the fundamental purpose of the bill or resolution before the House.

Now, what is the fundamental purpose of this resolution? First—and it is really the only thing that concerns this amendment—section 1 proposes to change the date of the beginning of the terms of Congress and the beginning of the terms of the President and Vice President. That is what is involved in section 1, and section 2 has to do with the date of the assembling of Congress. The rest of the resolution has to do with certain contingencies that might arise in case the Electoral College does not elect a President and a Vice President.

The purpose of the first section is to fix the date of the beginning of terms, not the length of terms. I want you to get that clearly in mind. Not a word is said there about the length of terms. The truth is, that if this resolution is adopted, it will incidentally affect one term of Members of Congress, as now arranged by custom and law. The terms of Senators are fixed by the Constitution, and the four-year term is fixed for the President; but it is not the purpose of this resolution to change the length of terms. That one term will be shortened is not the fundamental purpose of the resolution but is a mere incident to the change proposed for the beginning of the terms.

Now, the gentleman undertakes by an amendment to affect all terms of Representatives in Congress; not of Members of the Senate or the term of the President, but he undertakes to fix all terms of Members of the House at four years. We are only dealing with one term, and the shortening of that one term is only incidental and not the fundamental purpose of the resolution before us. I claim that under the Constitution we could by law change the time for the commencement of the terms of Members of Congress without violating the Constitution.

We could not do so for the President and for Senators. As to the President, the Constitution specifically states that he shall hold his office during the term of four years, Article II, section 1, clause 1. As to Senators, the Constitution specifically states in Article I, section 3, clause 1—

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years.

Their term is specifically fixed. I do not think that by statute we could shorten or lengthen the terms of either President or Senators without violating these constitutional provisions. But let us see what the Constitution has to say in regard to Members of the House. This is Article I, section 2, clause 1:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States.

It does not fix the term of Members at two years. If for some reason Congress should change the term of Members of the House to 21 months to be followed by a term of 27 months and so on alternate the different length of term I think that would be within the Constitution so long as we carried out the mandate of the Constitution and gave the people the right to elect Members every two years. So this provision in section 1, so far as it affects the Members of the House, does not change any existing constitutional provision. The proposed resolution in section 1 incidentally shortens one term of Members of the House two months, and if we did that by statute we would not be violating the Constitution. So in that respect we are not changing the fundamental law. On the other hand, of course, the amendment offered by the gentleman from Alabama changes the Constitution in that it fixes all terms of House Members specifically at four years.

Now, in conclusion let me summarize, Mr. Chairman. First, the fundamental purpose of the amendment proposed is not germane to the fundamental purpose of section 1 of the resolution. That is the first proposition. The second proposition is that the gentleman undertakes to change all terms of Members of the House to four years in length, while the section 1 before us as an incident to its fundamental purpose shortens only one term by two months, but it does not thereby violate the existing provision of the Constitution in Article I, section 2, clause 1. That is all I have to say on that proposition.

I do not think the proposition which the gentleman suggested in closing, that inasmuch as this resolution affects three provisions of the Constitution that he could invoke the rule that where there is a bill proposing numerous or many changes in a law, like the bankruptcy law or the revenue law, that thereby it would be germane to offer amendments to change sections of the law that were not referred to in the bill. There is nothing here akin to that rule, and I shall not even undertake to answer it except to suggest to the Chair that the rule the gentleman from Alabama tries to invoke does not apply to a situation such as is before us.

Mr. GARRETT of Tennessee. Mr. Chairman, I should like to say that I am addressing myself purely to the parliamentary situation and in no way to the merits of the amendment, because I do not happen to be in sympathy with the amendment.

We have here before us a resolution which contains three distinct, separate, and unrelated propositions. Sections 1 and 2, standing alone, would be complete. In other words, the integrity of those sections would not be affected in any way if the House should conclude to strike out all the remainder. So of section 3 and so of section 4. Therefore it would seem to fall within the line of decisions that where a measure contains two or more subjects it is in order to offer a third subject of the same class. I call the Chair's attention to citations from the Manual, which state:

> Thus, the following have been held to be germane: To a bill admitting several Territories into the Union, an amendment adding another Territory; to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities; to a resolution embodying two distinct phases of international relationship, an amendment embodying a third.

Mr. NEWTON. Mr. Chairman, speaking not to the merits but to the point of order, I would like to call the attention of the Chair to this proposition: We are not only governed by the underlying purpose of the resolution or a section of the resolution, but we are also governed by the text of the resolution and the particular section which has been drawn with the idea of accomplishing the underlying purpose. In the particular section before us, in an attempt to effect what the gentleman has called the fundamental purpose, the committee has used certain language. In using that language it has made very substantial changes in the Constitution. Of course, it is the change that they propose to make which forms the basis on which amendments are in order.

As the gentleman from Iowa pointed out, section 2 of Article I of the Constitution says nothing about when the terms of Members of Congress shall begin; neither does the Constitution say when the terms of the President and the Vice President shall begin; neither does it say anything about when the terms of Members shall end or when the terms of the President or Vice President shall end. Now, this section attempts to do both.

It provides that the terms of the President and Vice President shall end, and so on; the terms of Senators and Representatives shall end at a certain time; and then it goes on to say, "that the terms of their successors shall begin" at a certain time.

Therefore in the drafting of this section, in an attempt to accomplish the underlying purpose, the committee has not only commenced the term of Members of Congress and ended that term but they have fixed the date for the beginning of the term of his successor.

It seems to me to be extremely technical if, when the committee has before it a bill which ends the term of a Member of Congress, shortens that term, specifies the date, sets the beginning of the term of his successor, that it would then under those circumstances not be germane to attempt, as has been provided for in the amendment offered by the gentleman from Alabama, to provide that the term shall be four years.

I submit to the Chair that under the circumstances under which this underlying purpose is sought to be carried out in the terms of this section that the amendment of the gentleman from Alabama is in order.

Mr. HOCH. If the Chair will bear with me just a moment in answer to the statement made by the gentleman from Minnesota, the gentleman from Minnesota contends that it would be highly technical not to hold this amendment germane. It seems to me it would be much more technical to hold it germane, because it is only by virtue of a technical situation that section 1 affects the term of Members at all. The thing that is proposed is not to affect permanently the term of any of these officers, and after this amendment goes into effect, if it should be ratified, the term of Members would still be the same as it is now—two years—and it is only a mere incident that in bringing about the change in the beginning of the term we do affect by two months the term of the officers who are in office at the time the amendment is ratified. Therefore to hold that this is germane is to so hold because of a technicality and not otherwise.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. HOCH. Yes.

Mr. BURTNESS. The last clause of section 1 reads as follows:

And the terms of their successors shall then begin.

Suppose an amendment were suggested to simply add to that language so that the clause as a whole would read, "And the terms of their successors shall then begin and shall end four years after the commencement thereof."

Mr. HOCH. I think it would not be germane for the same reason. It is the substantive matter that is important on this question of germaneness. The substantive thing that the amendment offered by the gentleman from Alabama proposes is to change the length of the term of Members.

Mr. BURTNESS. But the gentleman will agree that the Bankhead amendment does nothing more than that sort of language would do if it were added specifically at this point where it states that the terms of their successors shall then begin.

Mr. HOCH. No; it goes to the substantive thing, namely, the length of the term of Members, whereas the resolution before us does not, except in the mere incidental way I have stated with reference to the first officers, have any effect whatever upon the term, and that is the substantive thing upon which we are seeking to legislate.

Mr. LUCE. Mr. Chairman, although I have the keenest interest in parliamentary law and the science of legislation, I have almost never taken the floor on a point of order; and my confidence in the judgment of the Chairman is so great that I would not now so do if the gravity of the situation did not warrant saying a word in order to call attention to the purpose of the rule about germaneness.

You know very well, Mr. Chairman—I need not dwell upon it particularly for your benefit—but if the committee will indulge me, let me point out that the purpose of the rule relating to germaneness is to put Members on warning that a measure is to be discussed, that a proposal is pending. It is to give the committees assurance that they will not be brought on the floor of the House to face problems to which they have given no consideration, upon which, perhaps, no hearings have been held, no witnesses have been allowed to speak; and there is a broader purpose, in order that the public itself may be on guard, for we are here under the eyes of the Nation, and those of the people who take an interest in public questions have the right to know what we are considering.

Therefore it is that this rule about germaneness has commended itself to all our predecessors, and I trust, sir, that no ruling to-day will lead the House, its Members, or the public to believe that proposals that have not been considered, proposals that have not been meditated upon, may without warning be precipitated for the consideration of the House.

The CHAIRMAN (Mr. LEHLBACH). The Chair is ready to rule.

The Committee of the Whole House on the state of the Union has before it for consideration the text of the committee substitute for the Senate Joint Resolution 47. This substitute being read for the purpose of amendment, the gentleman from Alabama [Mr. BANKHEAD] offers the following amendment:

SEC. 2. The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States.

To this a point of order is made that the amendment is repugnant to the provisions of the rule on germaneness, which reads as follows:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

In order to determine whether this amendment is on a subject different from that under consideration it is necessary to examine the subject matter of the legislative proposition to which it is offered as an amendment. An examination of the entire article shows that it is composed of four sections having two distinct and definite purposes. Sections 1 and 2 provide that the term of the President shall commence on the 24th day of January and the terms of Senators and Representatives shall commence on the 4th day of January, instead of as now on the 4th day of March, and that the Congress shall assemble on the 4th day of January, instead of as now on the first Monday of December. That is the distinct proposition involved in the first two sections, the reason for the proposition being to abolish the session of Congress after its successor has been elected and to bring the session of the new Congress nearer the date of election, so that the Congress will be more responsive to the will of the people.

The other proposition deals entirely with who shall exercise the powers of the Chief Executive and perform his duties in the event of the failure to elect the President, Vice President, or both, or in the event of the death of the President elect, or the Vice President elect, or both. These are the distinct and clear-cut propositions involved in the article, and there are no other propositions.

There is no proposition to alter permanently the length of the terms of any of the officers dealt with, either President, Vice President, Members of the Senate, or Members of the House. While in one instance throughout the future history of the country the terms of these officers are shortened by two months, that is merely incident to moving forward the date of the assembling of Congress and the abolition of the session of Congress subsequent to election.

Now, an examination of the amendment offered by the gentleman from Alabama shows that its effect not only deals with the length of the term of the Members, but necessarily affects the make-up of the Senate and of the Congress. Although the Constitution does not in express words say so, it is a necessary result of the structure of our legislature as laid down in the Constitution that a Congress begins with the term of the Members of the House of Representatives and ends with the expiration of the term of the Members of the House of Representatives. That is not the case with the Senate, because the Senate is considered a continuing body, one-third of its Members going out every two years.

So, if this amendment were adopted, it would result in this, that where now in each Congress every Member of the Senate and every Member of the House is a Member at the beginning and remains a Member of the Senate and House until the expiration of Congress, we would have a situation where one-third of the Members of the Senate who began with the Congress would go out in the middle of its work and one-third of the membership of the Senate would come in when the work of the Congress was half done. That shows that this proposition involves not merely the length of the term of the Members of the House of Representatives, and for that reason might be deemed germane to section 1, but other consequences by reason of which it could not be held germane to section 1.

As to the doctrine of germaneness, the Chair has diligently refreshed his memory from the precedents, and will refer first to the decision of former Speaker John G. Carlisle, to which reference has been made.

Mr. Carlisle, prior to his election as Speaker, was a chairman of the Committee of the Whole House on the state of the Union, and in 1880 he rendered a decision in which he discussed at great length the rule requiring amendments to be germane.

When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment.

Representative Fitzgerald, on September 22, 1914, in passing on a point of order that an amendment is not germane, among other things said:

If it be apparent that the amendment proposed some modification of the bill, or of any part of it, which from the declared purposes of

the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.

The question might arise whether the doctrine as to germaneness applies to an amendment to the Constitution, and for that reason the Chair directs attention to a precedent to be found in the fifth volume of Hinds, paragraph 5882:

On January 10, 1893, the House proceeded to the consideration of the joint resolution (H. J. Res. 98) proposing amendments to the Constitution substituting the 31st day of December for the 4th day of March as the commencement and termination of the official terms of the Members of the House of Representatives and the United States Senators, and providing that Congress shall hold its annual meeting on the second Monday in January and substituting the 30th of April for the 4th of March as the date for the commencement and limitation of the terms of President and Vice President.

After debate, Mr. William S. Holman, of Indiana, submitted this amendment:

"That the Senate of the United States shall be composed of two Senators from each State, who shall be chosen by a direct vote of the people of the several States for six years, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature; and each Senator shall have one vote."

Mr. Nelson Dingley, jr., of Maine, made the point of order that the amendment proposed by Mr. Holman was not germane to the pending joint resolution.

The Speaker, Mr. Charles F. Crisp, sustained the point of order.

It will be observed that the proposition then pending to amend the Constitution was substantially the same proposition that is pending at the present time. The difference between the amendment of the gentleman from Alabama [Mr. BANKHEAD] and the amendment held not germane by Mr. Speaker Crisp is that the manner of the election of the Members of the Senate was sought to be added to the propositions then, and the lengthening of the term of Members of the House of Representatives is sought to be appended to similar propositions on this occasion.

Just a word further with respect to the germaneness of this amendment to the text of the committee substitute. The Chair calls attention to the language used on September 19, 1918, by Mr. FINIS J. GARRETT, of Tennessee, presiding in the Committee of the Whole House on the state of the Union, on the question of germaneness. He said:

The present occupant of the chair had the honor of presiding as Chairman of the Committee of the Whole when the amendment was proposed to create the Tariff Commission as a part of a revenue bill. The point of order was made, and the Chair held generally that the meaning of the expression "germaneness" under the facts that were presented was that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.

The Chair commends that language to the House—

that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.

The proposition is now advanced, however, that while the amendment may not be germane to the provisions of the subject matter under consideration, inasmuch as the resolution under consideration amends the Constitution in several particulars, it, therefore, is in order to amend it in any particular, although the amendment may not be germane to the amendments carried in the resolution itself. That is based on a doctrine which is frequently reiterated in this House, that if a bill amends a law in several particulars, the law may be amended by an amendment to the bill in all particulars. The Chair has been unable to find substantial authority for this doctrine. In discussing this contention, Mr. Speaker Clark, on December 5, 1912, stated his opinion very succinctly. He said:

The rule is not that if there are two substantive propositions in the bill you can add anything else to it.

Mr. Speaker GILLETT, on June 19, 1919, speaking on this phase of the question of germaneness, said:

That although more than one clause or section of a law is amended, that fact does not necessarily bring the whole law before the House, but the law itself is only subject to amendment when the propositions under consideration are numerous and go to the heart of the law and change the law in a vital way.

It is insisted that these proposed amendments do not go to the heart of our Constitution or change it in a vital way. The gentleman from Alabama [Mr. BANKHEAD] in his argument has referred to the decision found in Hinds' Precedents, volume 5, section 5824. The Chair is familiar with that decision and calls attention to the situation that led to the ruling upon which the gentleman from Alabama relies. In holding an amendment to the original law in order because the bill under consideration amended the original law in various particulars the Speaker pro tempore, who was Mr. Dalzell, of Pennsylvania, said this:

It is apparent from even a casual examination of the bill that it is a general amendatory bill. Section 1 relates to clause 15 of section 1 of the existing bankruptcy law; section 2 relates to clause 5 of section 2 of the existing bankruptcy law; section 3 relates to clause 4 of subdivision A of section 3 of the bankruptcy law; section 6 relates to section 17, and section 10 relates to section 40, and so on, skipping from section to section throughout the entire law, without regard to the particular relation of these sections to each other. In other words, 16 sections in all of the 70 sections of the bankruptcy law are here sought to be amended, or more than one-fourth of the entire law.

In other words, the decision upon which reliance is placed for the doctrine was in a case where the bill under consideration revised generally the original law.

Mr. Sidney Anderson, on June 10, 1921, in passing on an amendment to a bill amending the war risk insurance act in various particulars, the amendment under consideration applying to a section of the original act, not dealt with by the pending bill, said:

The Chair does not think that the general rule can be laid down that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee nor does the Chair think that the opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case.

The point of order was sustained.

Chairman Stafford, on December 10, 1921, in passing on a similar point of order as now under consideration, said:

The gentleman invokes the rule that because the bill under consideration amends two or three provisions of the Judicial Code, therefore it is in order to amend all or any section of the entire Judicial Code. The Chair can not subscribe to that doctrine, since it would violate the fundamental principles that guide the procedure of the House in the consideration of questions that come up from time to time.

The Chair has fortified himself with many other precedents, but does not deem it necessary to go further into an exposition of what the records disclose.

In order to point out the fact that the decision that the Chair is about to render is not based on the decisions only of certain presiding officers, the Chair calls attention to the fact that a decision was made on this very point on May 20, 1920, and that an appeal therefrom was taken, and the decision at that time, holding that the amendment was not germane, was sustained by an almost two to one vote; so that the highest authority that can exist for the ruling that the Chair indicates he is about to make, is the decision of the House itself, on an appeal, sitting in Committee of the Whole House on the state of the Union.

On that occasion a bill containing a series of amendments to the war risk insurance act was under consideration, dealing with various matters of administration but not with the beneficiaries or the benefits provided for in the act. Mr. Sims of Tennessee offered an amendment to include a certain class within the beneficiaries under the act. The point of order that the amendment was not germane was sustained.

The decision was made by the present incumbent of the chair, who reads it not because it has intrinsic merit but that it may be known just what question was involved in the precedent established by the House itself:

On May 20, 1920, Mr. LEHLBACH ruled as follows:

"The amendment of the gentleman from Tennessee [Mr. Sims] reads:

"'That section 401 of the war risk insurance act is amended as follows:

"'The Chair presumes the intent is to add to the end of section 401 this additional proviso. The bill under consideration is a bill to improve the facilities and service of the Bureau of War Risk Insurance and further amending and modifying the war risk insurance act as amended. The first section of the bill provided for the installation of regional offices and suboffices, and the various other sections of the bill provide for the mode of administration and method and manner of making payments under the bill. The bill is entirely within that general scope. It is not a bill generally amending the war risk insurance act. It does not amend it in various particulars, but only amends it in the method or manner of making certain payments; in

matters of administration, in other words. It does not deal with a class of beneficiaries or change the advantages that beneficiaries may enjoy, nor does it in any way define or modify who such beneficiaries may be. The Chair therefore thinks that the amendment offered by the gentleman from Tennessee is not within the scope of the bill or any of the provisions of the bill and is, therefore, not germane, and sustains the point of order.' "

The Chair, therefore, sustains the point of order that this amendment is not germane to the joint resolution, nor is it in order, under the rule of germaneness, because the resolution amends the Constitution itself in various particulars.

Mr. BANKHEAD. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Alabama appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced himself as in doubt.

The CHAIRMAN. Those in favor of sustaining the decision of the Chair will rise and stand until they are counted.

The committee divided; and there were—ayes 207, noes 33.

The CHAIRMAN. The decision of the Chair stands as the judgment of the committee.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Illinois moves to strike out the section. The gentleman is recognized for five minutes.

Mr. CHINDBLOM. Mr. Chairman, this is not a pro forma motion. If the committee adopts the motion to strike out this section, I shall follow it by further motions to strike out section 2 and section 5.

I would be in favor of the retention of sections 3 and 4, because they deal with what I conceive to be a matter of immediate necessity, or, at least, a matter of large importance at the present moment. They relate to the election of a President and Vice President where the Electoral College has failed to elect, and provide for several hiatuses now actually existing in the provisions of the Constitution.

I observed in the discussion of this constitutional amendment that at least one Member was of the opinion that he was merely voting upon a question of a referendum; that all he was doing in supporting this resolution was to vote to submit to the legislatures of the States the question whether they desired the Constitution of the United States to be amended in the manner here proposed. I want to say that I conceive my duty to be much larger and greater and more important than that. I believe that I myself, using my own judgment. reaching my own opinion, following the best light that has come to me in determining for myself, and I might say also for my constituency, as representing them, should consider whether it is in the interest of all the people of the United States that an amendment such as here proposed shall be adopted. So we can not take the consoling unction to our souls and absolve ourselves from responsibility by imagining that we are merely submitting this amendment to the States. We are saying to the people of the United States, "We believe the Constitution should be amended in the manner here proposed." We are actually sponsoring and recommending the amendment.

I am opposed to the sections which I have enumerated—sections 1, 2, and 5—not so much because they relate to the period of the time when Congress shall convene, but because of the very dire consequences which to my mind the adoption of this provision might have in the election of a President and Vice President of the United States under the conditions which will exist even after the adoption of this amendment.

We are proposing here that the Congress shall take office on the 4th of January and 20 days later, on the 24th of January, Congress shall be ready to determine who shall be the President and Vice President of the United States. In other words, it is necessary that every question of contest as to membership in the House or Senate, every difference of opinion as to the organization, and the preliminary labor necessary for the functioning of both the House and the Senate shall have been completed within 20 days prior to the inauguration of the President of the United States.

We can well dispose of this question as to the convening of Congress by statute if we desire. We can propose, I hope, some other amendment which will not subject the country to dangers such as were suggested by the gentleman from Virginia [Mr. MOORE] and the gentleman from South Carolina [Mr. STEVENSON]. I commend to the House the study of the remarks made by both those gentlemen.

I am afraid that we have been too much influenced by the so-called argument that the last session of a Congress now is a pro forma session and is largely dominated by certain gentlemen who are described as "lame ducks" and who are said to control action in that session. The Members who have more experience in the House know that there has not been an occasion within the last nine years, at least, when any such situation has arisen. I would rather leave to that session of the Congress, that closing session under our present system, the matter of passing appropriation bills and passing necessary legislation after the election in November than I would leave it to a new Congress after 20 days of existence, 20 days of attempted organization, to determine the question of the election of the President and Vice President in case of a contest. And if there should be any question or difficulty about the election of a President or Vice President we may be certain that there will be contest after contest in the various congressional districts and in the States as to Representatives and Senators which will be presented to the Congress for their determination at that very time.

Therefore, Mr. Chairman, without any further argument, I ask unanimous consent to revise and extend my remarks, and insist upon my motion, not as a pro forma motion, but as a substantive motion. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. Is there objection to the request of the gentleman from Illinois to revise and extend his remarks?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I am naturally anxious to expedite, if possible, the passage of this resolution. Now that the amendment has been ruled not in order it should be possible speedily to dispose of the other amendments which, it is expected, will be offered. There are two which, I think, would not be opposed by the committee. Another, that as to the limitation of May 4, seems to be the principal one to which objection may be made. This has already been much debated, and it would seem that we should be able to reach a vote on the proposal by 5 o'clock. I wish to avail myself of this opportunity to comment briefly on certain arguments which have been advanced in opposition to the report of our committee.

We wish to be reasonable and not object to amendments that do not take the heart out of the resolution. I think that the new Members of the Congress, having had their 13 months of waiting after their election, are fully as well qualified to judge the desires of the people as some of us who may have been here longer.

If I should remain here long enough to be made the leader of the House or be elected Speaker—which is, of course, highly improbable—or even be made chairman of the Committee on Rules or on Appropriations, I should, I suppose, love the machinery that placed me there. I should grow exceedingly conservative and regard our present political machinery as about perfect.

But the people are watching the Congress. I think that many of us full well realize that they are demanding that the present situation be changed. The committee has felt that there is a very real demand for legislation of this nature. The American Bar Association, a wonderful organization, appeared before the committee as the first witness favoring a change. I regret that not more copies of the hearings are available for the Members to read. It should be remembered that we have held hearings over a period of several years and have listened to many strong and able advocates of the proposed change.

The argument made by the chairman of the Committee on Appropriations was to the effect that short sessions of Congress would be of benefit to the country. He argues that the Budget would not be available and passed upon by the President elect, but if the President elect will have had time enough to write his message advising us as to the legislative needs for the session, surely he can approve a Budget previously prepared by the Director of the Budget, there being plenty of opportunity to make supplementary estimates later as they may be needed or desired.

Mr. MONTAGUE. Mr. Chairman, I wish to offer a perfecting amendment.

The CHAIRMAN. A motion to perfect has precedence over the motion that is pending, and the Clerk will report the amendment.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the words in line 5, page 3, "the fourth day of" and insert "the second Monday in."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 3, line 5, strike out the words "the fourth day of" and insert in lieu thereof the words "the second Monday in."

Mr. HOCH. Mr. Chairman, I make the point of order that the amendment is not germane, because the effect of it would

be to change the length of term of Members of Congress. The amendment is therefore out of order under the ruling just made by the Chair. The second Monday in January not falling always upon the same day of the month, the effect of it would be to have a variable term for Members of Congress. The length of the term would vary several days from year to year. I am in sympathy with what I think is the gentleman's purpose, that the date of the meeting which is provided for in section 2 should be upon Monday, but the proposed amendment would affect the length of the term and not the date of meeting.

Mr. MONTAGUE. I will be very candid with the gentleman. I made the motion for the purpose of getting the floor. I do not care whether you vote it in the resolution or not, because I think the whole proposition is bad. [Applause.]

The CHAIRMAN. The Chair overrules the point of order.

Mr. MONTAGUE. Mr. Chairman, I am very reluctant to impose myself upon the committee after an arduous day, and so late in the afternoon. If I were not impelled by a sense of conviction I would not do so. I do not know that I can add anything to the debate or that I can contribute to arguments that have been made, but I wish to relieve myself of my duty, and in an effort to do that I beg your patient and indulgent consideration.

I would have this committee go back to the Constitutional Convention of 1787. In this convention, when the question of the meeting of Congress arose, Mr. Madison wished to know the reasons "for fixing by the Constitution the time of the meeting of the Legislature, and suggested that it be required only that one meeting at least should be held every year, leaving the time to be fixed or varied by law." Mr. Ellsworth was of like opinion. Mr. Madison again expressed himself at a subsequent point in the debate as of the same opinion. Mr. Mason, the author of the great bill of rights, "thought the objections against fixing the time insuperable." I repeat, he thought the objections to fixing the time insuperable; "but that an annual meeting ought to be required as essential to the preservation of the Constitution." Mr. Randolph held the same opinion and offered an amendment which is practically clause 2, section 4, of Article I. But as there was no provision in the Constitution for regulating the periods of meeting, and as some precise time must be fixed, he moved that the words "unless a different day shall be appointed by law," should be added after the "second Tuesday of December," the language already agreed upon. This had to be done, for otherwise Congress might not exist. So the Constitution gave that date as the physical medium by which Congress could operate, and that is the reason for the present date.

May I say, Mr. Chairman, that this enlarging amendment was carried by eight States to two, and by the votes of the weightiest members of that body, members of an ability that may not occur again unless some great event brings them forth from the womb of chaos.

The provision of the Constitution is practically in the words of Mr. Randolph:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December—

Now Mr. Randolph's language—

> unless they [the Congress] shall by law appoint a different day.

Now, I submit, so far as getting rid of what has been opprobriously called "lame ducks," we need no constitutional amendment. Congress can change these dates. Congress can "by law appoint a different day" so long as we keep within the two years for which Representatives are elected.

Mr. BURTNESS. Will the gentleman yield?

Mr. MONTAGUE. In a moment.

We have full and ample power to do this now under the existing Constitution. There can be, I think, no successful contradiction of that construction of the Constitution. If I am sound in this, why should Congress desire to have a constitutional amendment to bind it to do something it already has the right to do? Are we afraid of ourselves?

I now yield to the gentleman.

Mr. BURTNESS. I was wondering if the gentleman's amendment was not really intended to be offered to section 2 rather than to section 1. Section 2 deals with the time of meeting, while section 1 deals only with the term of the Members of Congress.

Mr. MONTAGUE. I will state to the gentleman, I have no special interest in the amendment that I have offered, but I have a special interest in the whole resolution. [Applause.]

The CHAIRMAN (Mr. CHINDBLOM). The time of the gentleman from Virginia has expired.

Mr. MONTAGUE. Mr. Chairman, I ask for five additional moments.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. RAMSEYER. Will the gentleman yield.

Mr. MONTAGUE. I yield to the gentleman from Iowa.

Mr. RAMSEYER. Does the gentleman object to the Constitution fixing definite lengths of terms of President and of Members of Congress and of Senators?

Mr. MONTAGUE. I will not discuss that now.

Mr. RAMSEYER. The Constitution itself fixes that.

Mr. MONTAGUE. I have no objection to what the Constitution does, I only object to what you want to do to the Constitution. [Laughter and applause.]

Mr. RAMSEYER. The committee is not attempting in section 1 to do anything the gentleman is talking about.

Mr. MONTAGUE. I hope the gentleman will not misunderstand me. I am dealing frankly with the House. I do not often appear upon the floor. I am simply asking their liberality and generosity to enable me to speak for a few moments against this resolution, and my amendment was designed to give me a parliamentary status whereby I could obtain the floor.

Mr. RAMSEYER. I want the gentleman to have all the time he desires, and nobody is crowding this bill, as I understand.

Mr. MONTAGUE. No; it ought not to be crowded, and I have the utmost confidence in the fairness of the gentleman.

Mr. RAMSEYER. But fixing the length of the term of Congress is one thing, and fixing the time of the meeting of the Congress is quite a different thing.

Mr. MONTAGUE. Yes; and I contend that we have the right now under the Constitution to fix the time of the meeting.

Mr. RAMSEYER. We agree with you there.

Mr. MONTAGUE. That is all I am contending.

Mr. RAMSEYER. Within certain limitations, of course.

Mr. MONTAGUE. In other words, it is just as competent for this Congress to fix the 4th day of January by its own enactment as it is to fix the 4th day of January by this resolution offered in the form of a proposed amendment to the Constitution. We can do now under the Constitution in this matter just what we could do under the proposed amendment, if it should be ratified by the people of this country.

I must hurry. I wish to speak briefly of the President. We are curtailing by this proposed amendment the time within which the President-elect may prepare for the discharge of his very onerous and august duties. We are subtracting, roughly, two months from the present period of preparation.

I submit that from the election in November until the 4th of March following is not at all too much time to give the President of the United States within which to make adequate preparation for his duties. [Applause.]

I think he needs 13 months more than the Members of the House need 13 months.

Mr. HUDSON. Will the gentleman yield for a question?

Mr. MONTAGUE. Yes.

Mr. HUDSON. Does the gentleman contend that we could fix the date of the incoming Congress, say, beginning the 4th of March without changing the Constitution?

Mr. MONTAGUE. I think so.

Mr. RAMSEYER. Will the gentleman yield? I think we can, but to fix it on the 4th day of January without changing the term of the beginning makes one session of two months.

Mr. MONTAGUE. I am not speaking of the mechanics or merits. I am speaking of the competency of the body to make the change.

Mr. RAMSEYER. Will the gentleman yield once more? Speaking of the beginning of the meeting of Congress, when the gentleman suggests that Congress can meet on the 4th day of January——

Mr. MONTAGUE. What was in my mind by suggesting a day of the week was that we ought not to meet on Sunday.

Mr. RAMSEYER. You could not change the beginning of the term of Congress without a constitutional amendment.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. RAMSEYER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONTAGUE. This question has been precipitated upon the House by the agitation of the so-called lame-duck sessions, an argument that I must repel so far as my individual views are concerned. I do not think that this country has suffered

grievously from the "lame ducks." I have been in the House a little over 14 years, and I know some ducks that never walked so well as they did after they became lame. [Laughter.] Nor did they ever fly so well as they did after there were winged. [Laughter.] They were brought to a sober sense of responsibility and exercised their judgment without fear or favor or hope of reward.

Mr. MOORE of Virginia. Will the gentleman yield? Some one sitting near me said that this is a quack remedy for a supposed lame-duck evil. [Laughter.]

Mr. MONTAGUE. Now, when we come to the President, we hear the argument that should there be a failure to elect we desire an election by the Congress that comes in with or through the presidential election. You do not wish a judicial tribunal, you desire a Congress with all the passion and prejudice of the campaign.

I would have little hope of the American Republic or the existence of our institutions if I thought the old Congress did not have sufficient honesty and intelligence to act fairly in an election of the President. I would rather select a judge in a trial where his interest is not involved than to take my chances before a court having personal interest or partisan interest in the case.

Now, another observation—if we meet under this resolution on the 4th of January, and there is a failure to elect a President, is not the House powerless to vote under certain conditions? My eloquent and able friend from Missouri intimated that the House, though unorganized, is competent—but is there a House? Since 1789 we have been required to elect a Speaker and organize before doing any other business. That is a long period, 139 years. I may be in some things too much swayed by traditions, but I must have some respect for the operation of the machinery of the House for 139 years. [Applause.] This resolution is a matter of machinery, and should be set in motion or operation by constitutional methods. It is procedural in character, and should be under the flexible control of the legislature—the Congress, where it now is.

We may have the House here in session in a great party contest, when our partisan passions run high, and there is no prejudice quite so insidious as partisan prejudice. Persons who possess it in its most aggravated form, dream not of its virus. After the Congress is assembled, we may have a contest for the Speakership. Oh, the explanation that this is short work. Do Members know that one time it took from December until the February following to elect a Speaker of this House, Mr. Pennington of New Jersey, as I recall. Other contests have run over many days, and under settled procedure. Since the statute of 1789, as I have heretofore stated, no other business of the House shall be done until the House is organized.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent for three minutes more.

There was no objection.

Mr. MONTAGUE. In answer to the argument of my friend from Missouri, I submit that the procedure which he suggests as a solution of this difficulty named can not be determined by a disorganized House. It should be not within the jurisdiction of parliamentary institutions to submit so grave a matter as the election of the President of the United States to the machinery of chaos—an unorganized House, with no restraints, with no lines of operation, just thrown hurly-burly into a mass of men; with no Speaker, under no oath, perhaps not even a Clerk, for he may have died. This would be chaos run mad.

To recapitulate, I have no objection to the convening of Congress nearer to the date of the election of its Members, though I do not think the abuses that follow are as aggravated as have been portrayed in the debate. Argument has been made here that the short session will encourage filibusters. That is true, but the end of any session will encourage filibusters, I care not whether you fix the date on the 4th of May or the 4th of March. There is no alchemy in the change of dates. The question is, Is that the end of the session? and while I am in favor of orderly procedure and I regret some filibusters that have happened, I am profoundly grateful for others that have happened. I think that the evils that we would fly to will outweigh the evils that we now endure. [Applause.]

Mr. WOOD. Mr. Chairman, the chairman of this committee having this bill in charge, and for whom I have a very high regard, a few moments ago deplored the possibility of any amendment being submitted to this resolution that would take the heart out of it. In my opinion the best thing that this committee can do is to take the heart out of this resolution. I believe that the country has concluded, or is very rapidly concluding, that the Congress of the United States submitted one amendment that should have had its heart taken out at the time it was being considered. I refer to that amendment which makes it a law to elect Senators by a direct vote of the people. If that question were before this House to-day, with the experience that has been had since it became a part of the fundamental law of this country, I do not believe it would get 15 votes in the House.

Mr. BROWNE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BROWNE. Why does not the gentleman submit such an amendment and try it?

Mr. WOOD. I expect and hope that the time is not far distant, recognizing the mistake that was made in adopting that amendment to the Constitution, when this body will take the initiative and propose an amendment striking it from the Constitution of the United States.

Mr. Chairman, I can not feel that this resolution has been thoroughly considered. I do not believe it would be conducive to the best interests of the country. Under the law as it now exists the electoral vote is to be counted upon the second Wednesday of February. That law would have to be changed and, of course, it may be changed. The gentleman from Virginia [Mr. MONTAGUE] referred to the fact and cited an instance where this House was more than a month in electing a Speaker. There is one instance in the history of the Congress of the United States where the House was more than three months in electing a Speaker. What has happened may happen again. Either the gentleman from Iowa or the gentleman from New York, I forget which, attempts to make light of the argument of the gentleman from Pennsylvania that it is well that there be a cooling time after a Congress is elected. I think that argument is worthy of the greatest consideration. We are rapidly degenerating not into a condition where two dominant political parties control, but into a system of bloc and clique and association control, and we are passing laws of the most vital importance, affecting the weal and woe of this country, which are submitted in passion and adopted in passion. If there is that time, 13 months, in which sober thought may take possession of those who are elected to control the destinies of this country in the House of Representatives, they may be able to dispel that passion and dispel that prejudice that actuated the electorate in electing them to this body. We can not spend too much time in deliberation upon the statutes of this country which are adopted for the control of our Government, and we should be very slow indeed to change the fundamental law of the country, the Constitution of the United States.

Mr. Chairman, I am of opinion that the greatest service that this House can render is to take the heart out of this resolution, and I am of opinion that this debate is not without service because it will awaken in the minds of the people of the United States the importance of the greatest deliberation and the most profound thought and consideration before it changes the Constitution of the United States. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. Was the amendment offered by the gentleman from Virginia withdrawn or is it pending?

The CHAIRMAN. It is pending.

Mr. WHITE of Kansas. 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. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate Joint Resolution 47, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, and had come to no resolution thereon.

THE COOPER BILL

Mr. FENN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a communication from the Governors of New Hampshire, Connecticut, Rhode Island, and Vermont regarding the Cooper bill.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD by printing a communication from various governors with regard to the Cooper bill. Is there objection?

There was no objection.

Mr. FENN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following communication from the Governors of New Hampshire, Connecticut, Rhode Island, and Vermont regarding the Cooper bill:

To the Congress of the United States:

As governors of some of the States of the United States which are to be affected by the passage by Congress of the Hawes bill now pending in the Senate, and the Cooper bill now pending in the House of Representatives, we urge your earnest consideration of the advisability of enacting into law the principle contained in these measures.

We believe that the passage of this legislation may be the entering wedge to the adoption of such laws as will ultimately result in permitting a State to determine with what States it will carry on interstate business, a principle which should not be extended beyond the scope of the police power.

Further than this, we feel that every State would be obliged to pass statutes prohibiting the sale of the goods covered by such legislation for its own protection, thus completely destroying the market for such goods and bringing about a condition of unemployment in prisons and correctional institutions to the serious injury of the inmates thereof, and a great increase in expense of maintenance of such institutions.

It is therefore our opinion that this legislation ought not to pass.

Respectfully submitted.

H. N. SPAULDING,
Governor of New Hampshire.
JOHN H. TRUMBULL,
Governor of Connecticut.
NORMAN S. CASE,
Governor of Rhode Island.
JOHN E. WEEKS,
Governor of Vermont.

THE HAWES-COOPER BILL

Mr. CELLER. Mr. Speaker, I ask unanimous consent that my colleague, Mr. JACOBSTEIN, now out of the city, have the right to extend his remarks in the RECORD on the subject of the Cooper bill.

The SPEAKER. The gentleman from New York asks unanimous consent that his colleague, Mr. JACOBSTEIN, may be permitted to extend his remarks in the RECORD on the subject of the Cooper bill. Is there objection?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, under leave granted to extend my remarks, I ask to have printed in the RECORD the following communication from the Legislature of the State of New York, expressing approval of the bill now before Congress known as the Hawes-Cooper bill (S. 1940; H. R. 7729):

Resolution of the New York State Legislature relative to the Hawes-Cooper bill (S. 1940, H. R. 7729)

(By the Senate)

Whereas a bill has been introduced in the Senate and House of the United States Federal Congress which has for its purpose granting to the States the power to legislate for self-protection against the products of convict labor from other States, as follows:

"A bill to divest goods, wares, and merchandise, manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

"Be it enacted, etc., That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise."

Whereas the enactment of this bill will empower the States that do not permit the products manufactured in their penal institutions to be placed on the public market to protect themselves from the products of penal institutions of other States, and the object is to protect free labor which is now and for many years has been suffering from the competition of products made by the inmates of penal institutions: Therefore be it

Resolved (if the assembly concur), That the New York State Legislature hereby extends its approval of the bill now before the Federal Congress and urges its passage; it will be a humane law that has been demanded by the people of our country for more than half a century; be it further

Resolved (if the assembly concur), That copies of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Federal Congress and to Representatives of the State of New York in the United States Senate and House of Representatives.

BY THE ASSEMBLY

Whereas the State of New York has for the protection of labor from competition with prison-made goods enacted laws compelling the labeling of all goods made by convict labor; and

Whereas the prison-made products of other States having no such laws are being shipped into this State and sold in competition with the products of free labor: Therefore be it

Resolved (if the senate concur), That the Legislature of the State of New York petition and urge Congress to pass the Hawes-Cooper bill now pending in the House of Representatives providing that all prison-made goods for State or interstate sale shall be plainly marked as such; and be it further

Resolved (if the senate concur), That our Representatives in Congress be asked to further the passage of such legislation.

Indorsements of the Hawes-Cooper bill have also been received from the following business firms and organizations of the State of New York:

International Association of Garment Manufacturers, 395 Broadway, New York City.

H. D. Bob Co. (Inc.), 40 Leonard Street, New York City.

New York Photo Engravers Union, No. 1, 502 World Building, New York City.

United Textile Workers of America, 1 North Mohawk Street, Cohoes, N. Y.

American Meat Cutters, Local No. 95, 42 Nichols Street, Rochester, N. Y.

Boot and Shoe Workers' Union, 62 State Street, Rochester, N. Y.

Journeymen Stone Cutters' Association, Rochester Local, Rochester, N. Y.

Consolidated Machine Tool Corporation of America, Rochester, N. Y.

Bakers' Union, No. 14, 530 St. Paul Street, Rochester, N. Y.

Nine State federations of labor and 54 industrial organizations in addition have sent communications urging the enactment of this bill into law.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. LEA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a substitute which I will propose to-morrow to section 3 of this proposal.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by inserting an amendment which he proposes to offer to-morrow to the pending resolution. Is there objection?

There was no objection.

The substitute referred to follows:

Amendment to be offered by Mr. LEA: Page 3, strike out lines 15 to 24, inclusive, and lines 1 and 2 on page 4, and insert the following, preceded by quotation marks:

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where no Vice President elect has qualified, declaring who shall then act as President or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified."

FARM RELIEF

Mr. BROWNING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter that my colleague from Texas [Mr. JONES] has written on the export debenture plan for farm relief.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing a letter written by his colleague [Mr. JONES]. Is there objection?

There was no objection.

Mr. BROWNING. Mr. Speaker, pursuant to the consent granted me for extending my remarks, I submit the following letter written by my colleague, Hon. MARVIN JONES, of Texas, on the export-debenture plan for farm relief:

WASHINGTON, D. C., *February 17, 1928.*

Mr. J. M. NORTH,
Editor The Star-Telegram, Fort Worth, Tex.

DEAR MR. NORTH: I have read with interest the editorial entitled "Recognizing the tariff," which appeared in a recent issue of your paper, and having reference to the export premium or debenture plan as a solution for the farm problem. It is an able discussion of this proposal, and I thank you for the attention given it. However, there are one or two suggestions in the editorial that I should like to comment upon. You say the plan "recognizes the tariff as a benefactor and by inference approves it." I can not agree to this statement in its full meaning. No one has ever questioned that the high tariff has certain advantages for the manufacturer, but these advantages are gained by way of increased prices which the people of the whole country must pay for the articles manufactured.

Under the present tariff act the Government collects as customs duties on foreign-made goods coming into this country approximately $600,000,000 per year. Behind the tariff wall the manufacturers collect

in increased prices some $3,000,000,000, according to conservative estimates. Of course, it is a good thing for them. No tariff can give any such great advantages to the basic agricultural commodities. This is true because we produce a surplus of these commodities—a surplus of wheat, a surplus of cotton, a surplus of corn, and a surplus of most products of the farm. This surplus must seek an outside market. At the same time those who produce these commodities must buy their supplies under the increased price of highly protected articles. The cultivator that cost $28 in 1914 under a revenue tariff cost $62 in 1924 under the protective policy. The tariff covered all the component parts that went into the making of the cultivator. The grain binder that cost $150 in 1914 cost $225 in 1924, with similar increase for farm machinery generally. The price of aluminum ware, cutlery, clothing, etc., materially advanced. These increases the farmer must pay.

The export premium or debenture plan purposes to issue to any farmer, cooperative organization, or other exporter of basic farm commodities, a premium certificate measurably equivalent to the tariff, and to make these tenderable in payment of tariff duties, or imported articles generally. The effect would be reflected back, and would increase the price of the various farm commodities in the domestic market. The premium thus placed on exportation would automatically lift the domestic price substantially the amount of the premium.

The export corporation provision is for the purpose of removing any possibility of the full advantages of the premium not being reflected back in the price paid to the farmer, and would be a sort of "musket behind the door" to prevent any collusion to deprive the farmer of the increase in price. If the farmer were not getting the full advance in price on any commodity the corporation could simply step in and buy, export, and sell such commodities. It would then be a powerful agency in assuring the farmer a reasonable price.

So much for the plan. How about its actual results? Its direct advantages would be $10 additional per bale on cotton, or $150,000,000 additional to the southern cotton farmers, 20 cents per bushel on wheat, or $160,000,000 additional to the wheat growers; similar advantages would accrue to other crops. Then, too, its stimulation of world trade and prices would furnish great indirect advantages.

Since the farmer because of the tariff must pay an increased price for the articles he buys, is it unfair to furnish him a correspondingly increased price tied onto the same system for the commodities he has for sale? Is there anything akin to party disloyalty in saying that whatever laws are enacted shall as far as possible have a national application? Is it wrong to provide that when the farmer exports a commodity and sells it in a world market that he may purchase the things he needs in that world market and bring them in without actual payment of duty? If so, then what becomes of the doctrines of equal rights to all?

Whether we have a high tariff or a revenue tariff, the export premium could be used with rates adjusted to suit the tariff schedules.

I believe in a revenue tariff, but in applying that tariff it should be made to cover every article coming through the customhouse from which a revenue may be derived, whether it be the raw product or the finished article. This has been good Democratic doctrine since Andrew Jackson's day. But whatever tariff there is, it should be uniform, and the debenture plan will tend to make it so.

You indicate that some may have fears of mortal flaws in operation. I can see no basis for such fears. It is not new. It is not untried. A similar plan is now in effect in four countries—Germany, Sweden, Czechoslovakia, and partially in France.

It was first enacted in Germany in 1902, and reenacted in 1925. It covers wheat, oats, buckwheat, and other principal agricultural products of Germany. One of the students in that country says of its operation, "That it certainly put money in the pockets of the farmer."

It was adopted in England more than 100 years ago, and remained a part of her system until the great increase of her population called for the consumption of more farm products than her limited acreage could produce. Thereupon she ceased to be an exporter of farm products, and the plan was naturally not needed any longer.

Everyone who has thoroughly studied this proposal admits that it would give the farmer increased prices. Everyone must admit its fairness. It will tend to equalize values as between agriculture and industry. The whole farm-movement cry for five years has been for equality. Why not give it to them? The export plan would require no expensive machinery. It is grounded on legal principles. It would be simple in application, national in scope, and effective in operation.

RADIO EQUALIZATION AMENDMENT

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent that my colleague from Tennessee [Mr. DAVIS] be permitted to extend his remarks in the RECORD on radio legislation.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Tennessee [Mr. DAVIS] be permitted to extend his remarks in the RECORD on radio legislation. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, there has been much misrepresentation of the purpose and effect of the amendment designed to insure a fair distribution of broadcasting licenses, wave lengths, and station power, which the Committee on the Merchant Marine and Fisheries has reported to the House, and which will come up for action in the House to-morrow or next day.

The lobbyists and propagandists of the radio monopoly have persistently disseminated the false argument that the station power in all the other zones would be reduced to the power now allocated to the zone with the lowest power if this amendment should be adopted. The amendment directs no such thing; nobody wants that done, and surely not even the present commission would be foolish enough to so administer the provision. The amendment authorizes and directs an equalization between the zones and a fair and equitable allocation within each zone in proportion to population. It is a perfectly fair and simple proposition.

The station power allotted to all the zones now amounts to about 600,000 watts. There would certainly be no good reason for reducing this power. It could well be increased.

If the first zone, with only 3.63 per cent of the total geographical area, can absorb 223,000, or 36.98 per cent of the power, surely the other zones, with so much greater geographical area, could absorb as much power much more easily. Consequently, if the Radio Commission desires to continue the present amount of power in the first zone and the people therein are satisfied with the present condition, they need not reduce the power in the first zone but increase the power in the other zones. However, the commissioners have repeatedly stated that there should be reductions in the congested areas, and probably the course which would and should be pursued would be that a fair equalization would be brought about by both increases and reductions—that would be a matter of administration to be worked out by the commission.

As a matter of fact, the listeners in the highly congested areas are suffering more than anybody else. They can satisfactorily hear only a few of their very high-powered stations, and no outside stations.

However, those of us in the neglected areas are only asking for a square deal for our sections. We want an opportunity to have our own stations with decent wave lengths and adequate power so that we can hear them, as well as the New York stations.

The following tables give some illuminating facts, under the present allocation.

Under the equalization clause, and with the present national station power, which would undoubtedly be the very minimum, it will be noted that all of the States except three or four would be entitled to increased station power:

State	Per cent Nation population	Per cent Nation receiving sets	Per cent Nation power	Per cent zone population	Per cent zone receiving sets	Per cent zone power now given
ZONE 1						
New England	6.9	9	4.34	30	31	8.5
Connecticut	1.3	1.23	.35	5.7	5	.1
Massachusetts	3.6	5.68	3	16	23	8.8
New York	9	10.09	27	43	45	72
New Jersey	2.9	2.98	2.88	13	12	7.8
Maryland	1.4	1.26	.95	6	5.2	2
ZONE 2						
Pennsylvania	8.1	7.74	9.9			
Ohio	5.4	5.6	4.6	23.4	26.5	25.8
Michigan	3.4	4.18	2.5	15.6	19.08	14.4
Virginia	2.1	1.4	.38			
West Virginia	1.4	.93	.06			
Kentucky	2.3	1.2	.17			
ZONE 3						
Zone 3	23.14	15.97	7.8			
ZONE 4						
Indiana	2.74	2.72	1.05			
Wisconsin	2.5	2.6	1.05			
Minnesota	2.3	2.3	1.69			
Nebraska	1.2	1.55	.99			
Kansas	1.65	1.55	.66			
Missouri	3.2	3.1	2.83			
Illinois	6.6	7.2	13.8			
ZONE 5[1]						
California	3.19	6.34	4.4			(1)
Montana	.51	.48	.11			(1)
Idaho	.40	.42	.37			(1)
Wyoming	.18	.23	.083			(1)
Colorado	.87	1.27	1.7			(1)
New Mexico	.33	.33	.83			
Arizona	.31	.38	.12			(1)
Utah	.42	.63	.2			(1)
Nevada	.07	.08				(1)
Washington	1.26	1.85	1.9			(1)
Oregon	.72	1.10	.9			(1)

[1] Equalization amendment on basis of present national power would give States in fifth zone following increase of station power: California, 18,060; Montana, 6,420; Idaho, 245; Wyoming, 2,020; Colorado, 7,950; Arizona, 3,555; Utah, 4,560; Nevada, 108; Washington, 5,665; Oregon, 4,810.

NOTE 1.—Equalization of present national power would give second zone increase of 13,965 watts or 13 per cent.

NOTE 2.—Equalization of present national power would give third zone increase of about 73,000-watt power or 155 per cent.

NOTE 3.—Equalization of present national power would give fifth zone increase of about 59,000-watt power or about 96 per cent. It would give California an increase of about 59 per cent over present power.

There are enough formal applications for power or increased power on file with the Federal Radio Commission to more than absorb the increased power to which the second and third zones would be entitled, as above. Formal applications for power or increased power are on file sufficient to absorb a large percentage of the increase to which the fifth zone would be entitled. In addition, the radio commission has denied numerous applications from existing stations, as well as new stations, in those zones. For instance, the commission has denied applications for an increase to 20,000-watt power each filed by three existing broadcast stations in the fifth zone.

As to the necessity of this amendment, we have but to consider the manner in which the Radio Commission not only disregarded but affirmatively violated the equitable distribution clause in the act of 1927, as disclosed by the data which they upon request filed with the committee at the hearings.

For instance, they filed a list of "existing stations that have applied for change in power or wave length and power." I placed the totals of those applications by zones, showing the "power requested" and "power granted," in the CONGRESSIONAL RECORD of March 2, 1928, and they will be found on page 3987.

Although the first zone was already favored with more power than any of the other zones, and a great deal more than three of the other zones, yet these records of the commission show from the time they went into office up to January 15, 1928, that stations in the first zone requested power of 89,655 watts and were granted 81,905 watts, of which 60,500 watts thus granted were to New York stations.

On the other hand, stations in the other four zones requested 186,650 watts and were granted only 45,110 watts. In other words, the other four zones made request for more than twice as much as the first zone and yet received but little more than half as much as the first zone. That is "equitable distribution" with a vengeance.

The above data does not embrace new stations which have applied for licenses, or existing stations which have applied for more power, but whose applications have been denied or are still pending. Data as to those applications may be found on page 3987 of the CONGRESSIONAL RECORD of March 2, 1928.

COMMISSION ON THE ELECTORAL SYSTEM

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks by placing in the RECORD a bill which I have introduced and which, in a measure, is intended to take the place of the proposal now before the House.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following bill which I have introduced and which, in a measure, is intended to take the place of Senate Joint Resolution 47:

H. R. 11853, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,
March 7, 1928.

Mr. LEAVITT introduced the following bill; which was referred to the Committee on Rules and ordered to be printed:

A bill creating a commission on the electoral system of the United States and defining its duties

Be it enacted, etc., That a commission on the electoral system of the United States is hereby created, which shall consist of three members of the Committee on the Judiciary of the Senate, to be appointed by the President of the Senate, and three members of the Committee on the Judiciary of the House of Representatives, to be appointed by the Speaker.

SEC. 2. That it shall be the duty of the commission on the electoral system of the United States to compile, review, study, and correlate all available information on the subject of the system for the election of the President and Vice President of the United States from its origin to the present time, including provisions of the Constitution of the United States, laws enacted by Congress and by the legislatures of the several States pertaining thereto, and debates and discussions thereon. Said commission shall examine particularly and thoroughly into the following hypothetical questions and any other questions that may have arisen or which may arise concerning the succession to the office of Chief Executive of the United States under any and all possible circumstances, to wit:

(a) Does the Secretary of State succeed to the Presidency if for any reason there is no constitutionally elected President by the March 4 when the term of the Chief Executive begins?

(b) Shall there be a special election, or does the person succeeding to the Presidency fill out the unexpired term?

(c) If the election were ordered in case of a vacancy in the office, could it be for the unexpired term, or would it have to be for a term of four years, thus disarranging the four-year period of the Government?

(d) Does the commission of a Cabinet officer expire on March 4, and would this prevent succession?

(e) For what length of time would a Cabinet officer act as President?

(f) Shall the choice of a Chief Executive be intrusted to the House of Representatives about to go out of existence, when such House may even be under control of the party defeated at the preceding November election?

(g) Where the President elect dies before the second Wednesday in February, the day fixed by law for counting the electoral vote, may the House of Representatives elect a President?

(h) In case of failure to count the votes and declare the results by the 4th of the March, when the term of the Chief Executive begins, where the electors have not failed to elect but Congress has failed to declare the result, may the count continue?

(i) Would the Vice President or Vice President elect succeed to the Presidency should the President elect die before the 4th of the March, when the term of the Chief Executive begins?

(j) Who would be President in case both President elect and Vice President elect should die before the March 4 when the term of the Chief Executive begins?

(k) If more than three persons voted for as President should receive the highest number and an equal number of votes in the Electoral College, and suppose there were six candidates, three of whom had an equal number, who is to be preferred?

(l) If there should be more than two of the candidates for the Vice Presidency in a similar category, for how many, then, and for whom would the Senate vote?

(m) If a candidate for President should die after the election and before January 12 of the following year and before the electors met, how should they vote?

(n) If the President elect should die after the Electoral College has met and before Congress counted the vote, how could the vote be counted? Or could it be postponed?

SEC. 3. That the commission shall report to both the Senate and the House of Representatives the results of its labors on or before the first Monday in February, 1929, accompanied by drafts of one or more proposed amendments to the Constitution of the United States which, if necessary in the judgment of the commission, may be deemed to be necessary to remedy any omissions or defects in the electoral system of the United States and to render safe and sure beyond reasonable doubt the perpetuity of the office of Chief Executive constitutionally and legally. The commission is authorized to employ such assistance as it may require, at such compensation as the commission may determine to be just and reasonable, to have such printing and binding executed as may be necessary, and to incur other reasonable expenditures for the proper conduct of its work from appropriations hereby authorized to be made by Congress.

SEC. 4. That the commission shall have access to and the right to examine any books, documents, papers, or records, original or printed, in possession of any officer of the United States for the purpose of securing the information needed by the commission in the prosecution of its work; and the constituted authorities of the several State governments are requested to cooperate with the commission to the extent that may be necessary.

PERMISSION TO ADDRESS THE HOUSE

Mr. BURTON. Mr. Speaker, I ask unanimous consent that after the reading of the Journal on Monday next the gentleman from New York [Mr. FISH] may address the House for 10 minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on Monday next, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from New York [Mr. FISH] may address the House for 10 minutes. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CRAMTON (at the request of Mr. MAPES), indefinitely, on account of illness.

To Mr. TAYLOR of Tennessee, for seven days, on account of important personal business.

SENATE JOINT RESOLUTION AND BILLS REFERRED

A joint resolution and bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. J. Res. 95. Senate joint resolution 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; to the Committee on Agriculture.

S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment; to the Committee on Naval Affairs.

S. 624. An act for the relief of the Van Dorn Iron Works Co.; to the Committee on Claims.

S. 656. An act to amend section 15a of the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes; to the Committee on the Public Lands.

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington; to the Committee on Roads.

S. 1678. An act for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

S. 1823. An act to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes"; to the Committee on Military Affairs.

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy; to the Committee on Naval Affairs.

S. 2126. An act to provide for compensation for Ona Harrington for injuries received in an airplane accident; to the Committee on Claims.

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy; to the Committee on Naval Affairs.

S. 2456. An act to establish game sanctuaries in the national forests; to the Committee on Agriculture.

S. 2660. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes; to the Committee on the District of Columbia.

S. 2788. An act for the relief of Charlie McDonald; to the Committee on Claims.

S. 2855. An act for the relief of the estates of John Frazer, deceased, Zephaniah Kingsley, deceased, John Bunch, deceased, Jehu Underwood, deceased, and Stephen Vansandt, deceased; to the Committee on Claims.

S. 2966. An act for the relief of Oliver C. Sell; to the Committee on Military Affairs.

S. 3194. An act to establish the Bear River migratory-bird refuge; to the Committee on Agriculture.

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps"; to the Committee on Pensions.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.; and

H. R. 9843. An act 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.

The SPEAKER also announced his signature to an enrolled bill of the Senate of the following title:

S. 1531. An act authorizing the Secretary of Agriculture to sell the Weather Bureau station, known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Friday, March 9, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 9, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Legislative appropriation bill.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To safeguard national defense; to authorize, in the aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms (H. R. 10028).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A hearing to consider private bills on the committee calendar.

EXECUTIVE COMMUNICATIONS, ETC.

399. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Columbia and lower Willamette Rivers between Portland, Oreg., and the sea, and of Columbia River from Tongue Point base, Astoria, Oreg., to its mouth (H. Doc. No. 195), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. J. Res. 60. A joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington, as a tribute to the negro's contribution to the achievements of America; with amendment (Rept. No. 853). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. J. Res. 204. A joint resolution providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW.; with amendment (Rept. No. 854). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; with amendment (Rept. No. 855). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 8223. A bill to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.; with amendment (Rept. No. 856). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 9966. A bill to provide for the reimbursement of certain patients at the United States Veterans' Hospital, Sunmount, N. Y., for loss and damage to personal effects; without amendment (Rept. No. 857). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 10027. A bill to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States; with amendment (Rept. No. 858). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER: Committee on the Judiciary. H. R. 5769. A bill to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes; without amendment (Rept. No. 860). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 9496. A bill to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army; without amendment (Rept. No. 861). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 2279. An act authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes; without amendment (Rept. No. 862). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 9784. A bill for the issuance and execution of warrants in criminal cases and to authori: bail; with amendment (Rept. No. 863). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 8423. A bill for the relief of Timothy Hanlon; without amendment (Rept. No. 859). 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. 3243) for the relief of Sterrit Keefe; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 3539) for the relief of Frank Murray; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 11863) granting a pension to Anna Dix; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COHEN: A bill (H. R. 11885) to provide for the free entry of articles imported for exhibition at expositions to be held in New York by the French Chamber of Commerce of the city of New York; to the Committee on Ways and Means.

By Mr. LaGUARDIA: A bill (H. R. 11886) to establish the office of captain of the port of New York and to define his duties; to the Committee on Interstate and Foreign Commerce.

By Mr. MOREHEAD: A bill (H. R. 11887) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT of Texas: A bill (H. R. 11888) authorizing the issuance of service medals to officers and enlisted men of the Eighth Regiment Texas Infantry, organized under authority of the War Department under date of November 19, 1917, and were recognized by the United States Government on October 3, 1918, and authorizing an appropriation therefor; and further authorizing the wearing by such officers and enlisted men on occasions of ceremony of the uniform lawfully prescribed to be worn by them during their service; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 11889) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies; and for other purposes; to the Committee on Flood Control.

By Mr. PALMER: A bill (H. R. 11890) allowing the rank, pay, and allowances of a captain, Medical Corps, United States Navy, to the medical officer assigned to duty as personal physician to the President; to the Committee on Naval Affairs.

By Mr. DYER: Joint resolution (H. J. Res. 229) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BEERS: A bill (H. R. 11891) granting an increase of pension to Carrie A. Speck; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 11892) granting an increase of pension to William G. Shotwell; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 11893) granting an increase of pension to J. Alfred Guiou; to the Committee on Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 11894) granting a pension to Leo H. Fitzpatrick; to the Committee on Pensions.

Also, A bill (H. R. 11895) to correct the naval record of Daniel V. McKendry; to the Committee on Naval Affairs.

By Mr. DYER: A bill (H. R. 11896) for the relief of John K. Davis; to the Committee on Foreign Affairs.

Also, a bill (H. R. 11897) for the relief of J. Hall Paxton; to the Committee on Foreign Affairs.

By Mr. ENGLAND: A bill (H. R. 11898) granting an increase of pension to Harriet L. Workman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11899) granting a pension to Letha Dickens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11900) granting a pension to Ballard P. Pettry, alias B. P. Petrey; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11901) granting an increase of pension to Ada Lee Ritter; to the Committee on Pensions.

By Mr. HAMMER: A bill (H. R. 11902) to authorize payment of fees to M. L. Flowe, United States commissioner, Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 11903) granting an increase of pension to Ella Dean; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 11904) granting an increase of pension to Lena Kircher; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 11905) for the relief of Commodore J. M. Moore, United States Coast Guard, retired; to the Committee on Naval Affairs.

By Mr. LOZIER: A bill (H. R. 11906) granting an increase of pension to Mary Kitchen; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 11907) to authorize the commission of Casper P. West as second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 11908) granting a pension to Mary Susan Ann Hatcher; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 11909) granting an increase of pension to Mahala Shifflet; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 11910) granting an increase of pension to Frany Rice; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 11911) granting an increase of pension to Caroline D. Owens; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 11912) granting a pension to Ethel V. Sweetser; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11913) granting an increase of pension to Savilla Kelichner; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11914) granting a pension to William Maguire; to the Committee on Pensions.

By Mr. ADKINS: A bill (H. R. 11915) granting an increase of pension to Clara L. Woford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

5107. Petition of Veterans of Foreign Wars, urging favorable consideration of House bill 9138, a bill to grant a World War service pension to certain soldiers, sailors, and marines of the World War; to the Committe on Pensions.

5108. Petition of Masters, Mates, and Pilots' Association of America, Local No. 25, urging the defeat of House bill 11137; to the Committee on the Merchant Marine and Fisheries.

5109. By Mr. CARSS: Petition of Mrs. Ellen Wiles and 62 other residents of Duluth, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5110. Also, petition of Will A. Herreid and 37 other residents of Deer River, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5111. By Mr. CRAIL: Petition of James D. Jameson and sundry citizens of Los Angeles County, Calif., against the naval armament program now pending in Congress; to the Committee on Naval Affairs.

5112. Also, petition of George Gleason, president Council on International Relations, protesting against action on the Box bill, and suggesting that a commission be appointed to study the question of Mexican immigration and report to Congress; to the Committee on Immigration and Naturalization.

5113. By Mr. GARBER: Petition of residents of Enid, Okla., in protest to the enactment of compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

5114. Also, letter of Gate Quarterly Meeting of Friends, by Coy L. Morgan, clerk of Gate, Okla., in protest to the adoption of the program of naval armament as proposed; to the Committee on Naval Affairs.

5115. Also, letter and resolution of joint legislative committee of the radio industry, Washington, D. C., in regard to radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

5116. Also, letter of W. F. Riffel, Carrier, Okla., in protest to the enactment of compulsory Sunday observance, especially as embodied in House bill 78; to the Committee on the District of Columbia.

5117. By Mr. GIBSON: Petition of citizens of Williamstown, Vt., and vicinity, in opposition to pending legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5118. Also, petition of residents of Bellows Falls, Vt., in opposition to proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5119. Also, petition of residents of Jamaica, Vt., opposing legislation to provide for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5120. By Mr. GRIEST: Petition of Thomas H. Burrowes Council, No. 784, Junior Order of United American Mechanics, Lancaster, Pa., favoring the maintenance of the basic provisions of the immigration act of 1924, including the national-origins system, as a permanent basis for apportioning the immigration, and urging upon Congress the extension of the quota restrictions to Canada, Mexico, the West Indies, and the countries of Central and South America, and also the reduction of the total quota immigration to a maximum of 80,000 per annum, and the passage of House bills 3 and 10078; to the Committee on Immigration and Naturalization.

5121. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, protesting against the enactment of House bill 10568, to foster agriculture and to stabilize the prices obtained for agricultural commodities, etc.; to the Committee on Agriculture.

5122. By Mr. GALLIVAN: Petition of Col. Charles F. Sargent, United States property and disbursing officer for the National Guard of Massachusetts, statehouse, Boston, Mass., urging early and favorable consideration of House bill 9369, "A bill to recognize the military war services of adjutants general and United States property and disbursing officers as Federal military war duty during war period, April 6, 1917, to November 11, 1918"; to the Committee on Military Affairs.

5123. By Mr. GOODWIN: Petition by Mr. and Mrs. Charles F. Bennett and Benjamin A. Bennett, Rush City, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5124. Also, petition by William T. Lauritzen and 99 other residents of Maple Plain, Minn., in opposition to the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5125. Also, petition by Sarah E. Blain and seven other residents of Maple Plain, Minn., voicing their opposition to the provisions of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5126. Also, petition of Lydia Larson and 70 other residents of Foreston, Minn., in opposition to the Lankford Sunday Observance bill (H. R. 78); to the Committee on the District of Columbia.

5127. By Mr. HALL of North Dakota: Petition of members of Florence Kimball Post, No. 7, of the American Legion, of Lisbon, N. Dak., for the enactment of the naval program of the American Legion as first presented to Congress; to the Committee on Naval Affairs.

5128. Also, petition of Kringen Lodge, No. 25, Sons of Norway, of Fargo, N. Dak., for the repeal of that provision of the immigration law of 1924—national origin—method of regulating immigration into this country subsequent to July 1, 1928; to the Committee on Immigration and Naturalization.

5129. Also, petition of members of Wergeland Lodge, No. 247, of the Sons of Norway, of Jamestown, N. Dak., petition for the enactment of Senate bill 1481, which annuls the national-origin clause and retains the present quota distribution based on the census of 1890; to the Committee on Immigration and Naturalization.

5130. By Mr. HARRISON: Petition of J. M. Hillhimer and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

5131. Also, petition of Mrs. A. G. Lotti and others, protesting against the Sunday observance bill; to the Committee on the District of Columbia.

5132. Also, petition of Edward White and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

5133. By Mr. HILL of Washington: Petition of W. H. Buxton and 18 other persons of Spokane County, Wash., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5134. Also, petition of A. D. Murray and 60 other persons of Wenatchee, Wash., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5135. Also, petition of Bernice Chase and 22 other persons of Chelan, Wash., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5136. Also, petition of Peter H. Brady and 136 other persons of Spokane, Wash., protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5137. Also, petition of G. W. Ellis and 104 other persons of Spokane, Wash., protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5138. By Mr. HUDDLESTON: Petition of W. H. Tomfert and numerous other residents of Birmingham, Ala., in opposition to monopolies in broadcasting; to the Committee on the Merchant Marine and Fisheries.

5139. Also, petition of Henry Andrews and numerous other residents of Jefferson County, Ala., in opposition to the District of Columbia Sunday bill (H. R. 78); to the Committee on the District of Columbia.

5140. By Mr. JAMES: Petition of members of the Calumet Methodist Episcopal Church, Calumet, Mich., urging the enactment into law of House bill 78; to the Committee on the District of Columbia.

5141. By Mrs. KAHN: Petition of Henrik Ibsen Lodge, No. 7, Sons of Norway, urging the repeal of the national-origins clause of the immigration act; to the Committee on Immigration and Naturalization.

5142. By Mr. KVALE: Petition of 84 residents of Swift County, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

5143. Also, petition of several residents of Alexandria, Minn., urging passage of the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

5144. By Mr. LINDSAY: Petition of national organization, Masters, Mates, and Pilots of America, protesting the passage

of House bill 11137; to the Committee on the Merchant Marine and Fisheries.

5145. Also, petition of American Broadcasters' Association, embodied in telegram from President Norman Baker, declaring that true conditions misrepresented regarding radio situation, and praying for prolongation of life of Radio Commission; to the Committee on the Merchant Marine and Fisheries.

5146. By Mr. MAGRADY: Petition of numerous citizens of Danville, Pa., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5147. Also, petition of numerous citizens of Columbia County, Pa., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5148. By Mr. MEAD: Petition of residents of Erie County, N. Y., in opposition to the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5149. By Mr. MONAST: Petition of citizens of Pawtucket, R. I., protesting against compulsory Sunday laws; to the Committee on the District of Columbia.

5150. By Mr. NEWTON: Petition presented by members of "Esther Young" Woman's Christian Temperance Union, Minneapolis, requesting favorable support of Stalker bill (H. R. 9598); to the Committee on the Judiciary.

5151. Also, petition presented by members of "Hobart Union," Woman's Christian Temperance Union, Minneapolis, requesting favorable support of Stalker bill (H. R. 9598); to the Committee on the Judiciary.

5152. By Mr. O'CONNELL: Petition of the Connecticut committee on the big navy bill, Hartford, Conn., with reference to the naval program and the Gillett resolution for further action on the World Court; to the Committee on Naval Affairs.

5153. Also, petition of the National Fertilizer Association, Washington, D. C., with reference to the present fertilizer situation in the United States; to the Committee on Agriculture.

5154. Also, petition of the Knights of Columbus, New York State Council, Buffalo, N. Y., favoring legislation enactment which will provide for full Federal responsibility in respect to future protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

5155. Also, petition of the Federal Wild Fowl Protection Association of Stamford, Conn., favoring the passage of Senate bill 2917; to the Committee on Agriculture.

5156. Also, petition of the New York State Council of Churches, New York City, N. Y., opposing a large naval building program as proposed by the Navy Department; to the Committee on Naval Affairs.

5157. Also, petition of the Citizens' Medical Reference Bureau, New York City, opposing the passage of House bills 8128 and 11026, for coordination of health activities and Gorgas Memorial Laboratory; to the Committee on Foreign Affairs.

5158. Also, petition of H. D. Bob Co. (Inc.), New York City, N. Y., favoring the passage of the Hawes-Cooper bill (S. 1940 and H. R. 7729); to the Committee on Labor.

5159. By Mr. REED of New York: Petition of residents of Belfast, N. Y., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

5160. By Mr. ROBINSON of Iowa: Petition signed by Caroline Scherr, of 2071 Elm Street, Dubuque, Iowa, and about 70 other citizens of Dubuque, Iowa, protesting against the passage of the Sunday compulsory observance bill, or any other like bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

5161. By Mr. SCHAFER: Petition of various residents of Wisconsin, protesting against the passage of House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5162. By Mr. SELVIG: Resolution of Hon. Mike Holm, Minnesota secretary of state; J. P. Bengston, assistant secretary of state; and others living in St. Paul, Minn., in favor of the repeal of the national-origins clause and in favor of the present quota disposition and against further measures of reductions of the Scandinavian quotas; to the Committee on Immigration and Naturalization.

5163. By Mr. SHALLENBERGER: Petition of citizens of Nebraska; to the Committee on the District of Columbia.

5164. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., and vicinity, protesting against the enactment of compulsory Sabbath observance legislation; to the Committee on the District of Columbia.

5165. By Mr. VINCENT of Michigan: Petition of residents of Saginaw, Mich., protesting against the passage of House bill 78, or any other bill providing compulsory Sunday observance; to the Committee on the District of Columbia.

5166. By Mr. WATSON: Resolution passed by the State executive committee of the American Legion, favoring the Navy program outlined by President Coolidge and the Secretary of the Navy; to the Committee on Naval Affairs.

5167. Also, petition of Pennsylvania State Chamber of Commerce, by George E. Foss, general secretary, protesting against House bill 6511, introduced by Representative SIROVICH; to the Committee on Labor.

5168. Also, petition of Department of Pennsylvania, Veterans of Foreign Wars of the United States, indorsing plan of President Coolidge for an adequate United States Navy; to the Committee on Naval Affairs.

5169. By Mr. WASON: Petition of 25 residents of Concord, N. H., protesting against the passage of House bill 78, known as the Sunday closing bill; to the Committee on the District of Columbia.

5170. By Mr. YON: Petition of P. P. Anderson and other citizens of Pensacola, Fla., protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

SENATE

FRIDAY, *March 9, 1928*

(Legislative day of Tuesday, March 6, 1928)

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

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

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

S. 1531. An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia;

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road, in Hancock County, Tenn.; and

H. R. 9843. An act 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..

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Edge	Kendrick	Sackett
Barkley	Edwards	Keyes	Schall
Bayard	Ferris	King	Sheppard
Bingham	Fess	La Follette	Shipstead
Black	Fletcher	McKellar	Simmons
Blaine	Frazier	McLean	Smith
Blease	George	McMaster	Smoot
Borah	Gerry	McNary	Steck
Bratton	Glass	Mayfield	Steiwer
Brookhart	Gooding	Neely	Stephens
Broussard	Gould	Norbeck	Swanson
Bruce	Greene	Norris	Thomas
Capper	Hale	Nye	Tydings
Caraway	Harris	Oddie	Tyson
Copeland	Harrison	Overman	Wagner
Couzens	Hawes	Phipps	Walsh, Mass.
Curtis	Hayden	Pine	Walsh, Mont.
Cutting	Heflin	Pittman	Warren
Dale	Howell	Ransdell	Waterman
Deneen	Johnson	Reed, Pa.	Wheeler
Dill	Jones	Robinson, Ark.	Willis

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

PETITIONS AND MEMORIALS

Mr. LA FOLLETTE presented memorials of sundry citizens of Grant County, Wis., remonstrating against adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

Mr. PHIPPS presented a petition of sundry citizens of Denver, Colo., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. BROOKHART presented a memorial of sundry citizens of Wapello County, Iowa, remonstrating against control of radio