MICHIGAN

Arthur R. Gerow, Cheboygan.
William E. Smith, Mohawk.
Christina B. Grozinger, Woodland.

NEW MEXICO

Helen B. Hickman, Hurley.

NORTH DAKOTA

Reuben P. Semrau, Balfour.

PENNSYLVANIA

Marion C. Hemmig, Elverson.
William Tyndall, Mount Joy.

TENNESSEE

Joe Sims, Lawrenceburg.
Onnie M. Hartsell, Limestone.
Everett M. Greer, Newport.
Wilbur Walker, Tiptonville.

TEXAS

Maggie P. Rhew, Anderson.
Chessell Gra, Brookshire.
William F. Hofmann, Carrollton.
Cornelius A. Ogden, Deweyville.
Corban J. Lewis, Eddy.
James S. Carter, Grand Saline.
Wright T. Pridgen, Grapeland.
Ira S. Koon, Hallsville.
Effie H. Briscoe, Hebbronville.
Eva M. Reed, Hempstead.
John V. Lackey, Hico.
Lilburn C. Graham, Lancaster.
Nora C. Brite, Pleasanton.
Henry E. Cannon, Shelbyville.

WEST VIRGINIA

James O. Buskirk, Holden.
Guy E. McCutcheon, Reedy.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 21, 1928*

The House met at 12 o'clock noon and was called to order by the Clerk, Hon. William Tyler Page.

The CLERK. The Clerk will read the following communication from the Speaker:

MARCH 21, 1928.

I hereby designate Hon. BERTRAND H. SNELL to act as Speaker pro tempore to-day.

NICHOLAS LONGWORTH.

The gentleman from New York [Mr. SNELL] will please take the chair.

Mr. SNELL assumed the chair as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, Thou art love, and love resists definition. The undefinable God reveals Himself in a way which defies analysis. The sweetest passions of the human heart, multiplied by infinity, such is our blessed Heavenly Father. Hear us as we call. It is a solemn thing for us to enter this historic Chamber as servants of this wonderful Republic. Amid the stress and crash of change, unaffected by the losses of the past or the hopes of the future, here mighty men have raised their voices in fervent appeal; Thou wert with them. We thank Thee that the years make no change in Thy attitude; Thou art patient because Thou art eternal. As Thy hand was on the past it will be on the present. Our country, stored and armed with education, wealth, and opportunity, do Thou fortify us with courage and wisdom and with all their noble strength, so that it shall never be proclaimed that we are false to our great trust or untrue to our great obligation. O let it never be said that the wisdom of to-day will be the error of to-morrow. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 379. An act for the relief of William R. Boyce & Son;

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States;

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924;

S. 750. An act to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes;

S. 1108. An act for the relief of Una May Arnold;

S. 1131. An act to encourage and promote the production of livestock in connection with irrigated lands in the States of Wyoming, Montana, and New Mexico;

S. 1145. An act to authorize an appropriation for roads on Indian reservations;

S. 1297. An act to extend the benefits of the United States employees' compensation act of September 7, 1916, to Alice E. Moore;

S. 1368. An act to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch;

S. 1428. An act for the relief of R. Bluestein;

S. 1500. An act for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edwards Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co.;

S. 1662. An act to change the boundaries of the Tule River Indian Reservation, Calif.;

S. 1796. An act for the creation of a national monument in Montana, to be known as Battle of the Bear's Paw;

S. 1848. An act for the relief of Frank Dixon;

S. 1899. An act for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua;

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead;

S. 3500. An act for the relief of the city of Philadelphia;

S. 2084. An act for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes;

S. 2306. An act for the relief of William E. Thackrey;

S. 2369. An act to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes;

S. 2511. An act to change the name of St. Vincent's Orphan Asylum and amend the act entitled "An act to amend an act entitled 'An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia,' approved February 25, 1831";

S. 2611. An act to authorize the Secretary of War to loan aeronautical equipment and material for purposes of research and experimentation;

S. 2733. To amend the military record of Joseph Cunningham;

S. 2764. An act for the relief of Nelle McConnell;

S. 2830. An act authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes;

S. 3007. An act 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.;

S. 3026. An act authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz.;

S. 3128. An act to amend section 3 of the act approved April 12, 1926 (44 Stat. L. 239-240), with reference to suits involving Indian land titles among the Five Civilized Tribes;

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes;

S. 3355. An act to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians;

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove;*

S. 3507. An act for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection and Indemnity Association (Ltd.);

S. 3511. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at or near Cotter, Ark.;

S. J. Res. 51. Joint resolution tendering the thanks of Congress to Commander Albert Cushing Read, United States Navy, for his achievement in completing the first transatlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; and

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The message also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

H. R. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 926. An act for the relief of Jennie Roll;

H. R. 3673. An act for the relief of Maj. F. Ellis Reed;

H. R. 4203. An act for the relief of A. S. Guffey;

H. R. 5255. An act for the relief of Jacob F. Webb;

H. R. 6094. An act to amend section 7 of Public Act No. 45, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 7110. An act for the relief of Frances L. Dickinson;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission, of the State of Louisiana, to construct, maintain, and operate a bridge across the Atchafalaya River at or near Melville, La.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 8093. An act for the relief of John Rooks;

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, Calif.;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, Calif.;

H. R. 8824. An act to provide for the construction of the watershed within the Carson National Forest, from which water is obtained for the Taos Pueblo, N. Mex.;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, Philippine Islands;

H. R. 8897. An act to revise and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, County of Cook, State of Illinois," approved March 21, 1924;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10027. An act 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;

H. R. 10083. An act to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton Highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio;

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.;

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.;

H. J. Res. 175. Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital; and

H. J. Res. 211. Joint resolution to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the international exposition to be held in Seville, Spain.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the following bills:

S. 1325. An act for the relief of John A. Fox;

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.;

S. 1665. An act to authorize the board of park commissioners of the city and county of San Francisco to construct a recreation pier at the foot of Van Ness Avenue, San Francisco, Calif.; and

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

The message also announced that the President pro tempore had appointed Mr. DALE and Mr. MCKELLAR members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the United States Civil Service Commission.

The message also announced that the Senate insists upon its amendments to bills of the following titles, disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon:

H. R. 9137. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point, in Wilson and Trousdale Counties, Tenn.;

H. R. 9147. 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 Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.;

H. R. 9197. 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 Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

The message announced that Mr. JONES, Mr. DALE, and Mr. SHEPPARD had been appointed conferees on the part of the Senate upon the foregoing bills.

The message further announced that the Senate had passed with amendments bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

H. R. 340. An act to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes;

H. R. 445. An act authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes;

H. R. 7367. An act to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska;

H. R. 8499. An act for the relief of Arthur C. Lueder;

H. R. 8725. An act to amend section 224 of the Judicial Code;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9860. A bill 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."; and

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

Mr. RAYBURN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FRENCH. Mr. Speaker, will the gentleman from Texas withhold that for a moment?

Mr. RAYBURN. Yes.

THE NAVY DEPARTMENT APPROPRIATION BILL

Mr. FRENCH, from the Committee on Appropriations, reported the bill H. R. 12286, making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes, which was read a first and second time, and, together with the accompanying report, ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. AYRES. Mr. Speaker, I reserve all points of order.

The SPEAKER pro tempore. The gentleman from Kansas reserves all points of order.

CALL OF THE HOUSE

Mr. RAYBURN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-five Members present, not a quorum.

Mr. PARKER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 54]

Andrew	Casey	Douglass, Mass.	Hudson
Anthony	Celler	Dowell	Hull, William E.
Arentz	Clarke	Doyle	Igoe
Auf der Heide	Cochran, Pa.	Eslick	Jacobstein
Bankhead	Connally, Tex.	Frear	Jones
Boies	Crowther	Gallivan	Kendall
Bulwinkle	Curry	Golder	Kent
Burdick	Davey	Graham	Kerr
Campbell	Deal	Harrison	Kindred
Carew	Doughton	Holaday	Kunz
Carley	Douglas, Ariz.	Howard, Okla.	Larsen
Lea	Michaelson	Rathbone	Sweet
Leatherwood	Monast	Robsion, Ky.	Swick
Leech	Mooney	Sabath	Swing
Lindsay	Moore, N. J.	Sears, Fla.	Thompson
Lyon	Moore, Ohio	Shallenberger	Tillman
McDuffie	Nelson, Mo.	Steagall	Tucker
McFadden	O'Connell	Stevenson	Wilson, La.
McSwain	O'Connor, N. Y.	Strong, Pa.	Yates
Magrady	Palmer	Strother	Yon
Mead	Quayle	Sullivan	Zihlman
Merritt	Ramseyer	Swank	

The SPEAKER assumed the chair.

The SPEAKER. Three hundred and forty-seven Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

FEDERAL POWER COMMISSION

The SPEAKER. When the House adjourned yesterday the previous question had been ordered on the bill (H. R. 8141) authorizing additional employees for the Federal Power Commission, and amendments thereto, to final passage. The question is on agreeing to the amendments.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that amendments 1 and 2, the amendments of Mr. SNELL, be voted on coupled together. The committee accepts the third amendment, that offered by the gentleman from Illinois [Mr. MADDEN]. We do not ask for a separate vote on that.

The SPEAKER. The gentleman from New York asks unanimous consent for a separate vote on amendments 1 and 2 coupled together. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the third amendment, the Madden amendment.

The Madden amendment was agreed to.

The SPEAKER. The question now is on agreeing to amendments 1 and 2. The Clerk will report them.

The Clerk read as follows:

Page 2, line 6, after the word "July," strike out "in so far as is practicable"; and on page 2, line 11, after the word "necessary," strike out the remainder of the line down to and including the word "thereto," in line 19.

The SPEAKER. The question is on agreeing to the amendments.

Mr. PARKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Those desiring to take the vote by yeas and nays will rise and stand until they are counted. [After counting.] Sixty Members have risen; not a sufficient number.

Mr. MAPES. Mr. Speaker, may we have tellers on that?

The SPEAKER. As many as favor taking this vote by tellers will rise and stand until they are counted.

Mr. MAPES. I am not sure that I made myself understood. My question is, May we demand tellers on ordering the yeas and nays?

The SPEAKER. The Chair understands that the demand for tellers is on the question of agreeing to the demand for yeas and nays. The Chair will count all gentlemen standing. Those in favor of taking the vote by tellers will rise and stand until they are counted. [After counting.] Thirty-eight gentlemen have arisen; not a sufficient number.

Mr. BLANTON. Mr. Speaker, that was not understood.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. NEWTON. Mr. Speaker, there has been no vote on the amendments.

The SPEAKER. The question was on agreeing to the amendments. The yeas and nays were refused, and the amendments were agreed to.

Mr. MAPES. Mr. Speaker, I am uncertain as to whether the Speaker correctly understood my request.

The SPEAKER. In order that there may be no doubt about it the Chair will again put the question. The question is on agreeing to the amendments.

Mr. MAPES. Mr. Speaker, I do not desire to press the matter if the membership of the House understood what they were voting on.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. NEWTON. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 206, noes 98.

So the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (asked for by Mr. PARKER) there were—ayes 141, noes 158.

Mr. PARKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Those desiring to take this vote by yeas and nays will rise and stand until they are counted. [After counting.] Ninety-five gentlemen have risen, a sufficient number.

The yeas and nays were ordered.

The SPEAKER. Those favoring the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 168, nays 180, answered "present" 1, not voting 85, as follows:

[Roll No. 55]

YEAS—168

Ackerman	Englebright	Johnson, Ill.	Reece
Aldrich	Estep	Johnson, Ind.	Reed, N. Y.
Allen	Evans, Mont.	Johnson, Wash.	Robinson, Iowa
Bachmann	Faust	Kahn	Rogers
Bacon	Fenn	Kearns	Rowbottom
Barbour	Fish	Kelly	Sanders, N. Y.
Beedy	Fitzgerald, W. T.	Kemp	Sears, Nebr.
Beers	Fort	Ketcham	Seger
Begg	Foss	Kiess	Selvig
Black, N. Y.	Free	Knutson	Simmons
Bohn	Freeman	Kopp	Sinclair
Bowles	French	Korell	Sinnott
Bowman	Frothingham	Kurtz	Smith
Brand, Ohio	Furlow	Langley	Snell
Brigham	Gibson	Leavitt	Sproul, Ill.
Britten	Gifford	Leech	Sproul, Kans.
Buchanan	Glynn	Lehlbach	Stalker
Buckbee	Goodwin	Letts	Stobbs
Burdick	Graham	Lowrey	Strong, Kans.
Burtness	Green, Iowa	Luce	Summers, Wash.
Burton	Griest	McFadden	Taber
Bushong	Guyer	McLeod	Tatgenhorst
Butler	Hadley	MacGregor	Taylor, Tenn.
Carter	Hale	Maas	Temple
Chase	Hall, Ill.	Madden	Tilson
Chindblom	Hall, Ind.	Manlove	Timberlake
Clancy	Hall, N. Dak.	Mapes	Tinkham
Collins	Hancock	Martin, Mass.	Treadway
Colton	Hardy	Michener	Updike
Cooper, Ohio	Haugen	Miller	Vestal
Crail	Hawley	Morgan	Vincent, Mich.
Crosser	Hersey	Morin	Wainwright
Crowther	Hickey	Murphy	Watres
Dallinger	Hoch	Nelson, Me.	Watson
Davenport	Hoffman	Newton	Welch, Calif.
Dempsey	Hooper	Niedringhaus	White, Kans.
Denison	Hope	Parker	White, Me.
Dickinson, Iowa	Houston	Perkins	Whittington
Doutrich	Hughes	Porter	Williams, Ill.
Dyer	Hull, Morton D.	Pratt	Wolverton
Eaton	Irwin	Purnell	Wyant
England	Jenkins	Ramseyer	Zihlman

NAYS—180

Abernethy	Crisp	Huddleston	O'Brien
Adkins	Cullen	Hudspeth	O'Connor, La.
Allgood	Davey	Hull, Tenn.	Oldfield
Almon	Davis	James	Oliver, Ala.
Andresen	Deal	Jeffers	Oliver, N. Y.
Arnold	De Rouen	Johnson, Okla.	Palmisano
Aswell	Dickinson, Mo.	Johnson, S. Dak.	Parks
Ayres	Dickstein	Johnson, Tex.	Peavey
Beck, Wis.	Dominick	Kading	Peery
Bell	Douglas, Ariz.	Kent	Pou
Berger	Drane	Kincheloe	Prall
Black, Tex.	Drewry	Kvale	Quin
Bland	Driver	LaGuardia	Ragon
Blanton	Edwards	Lampert	Rainey
Bloom	Elliott	Lanham	Rankin
Bowling	Fisher	Lankford	Ransley
Box	Fitzpatrick	Linthicum	Rayburn
Boylan	Fletcher	Lozier	Reed, Ark.
Brand, Ga.	Fulbright	McClintic	Romjue
Briggs	Fulmer	McDuffie	Rubey
Browne	Gambrill	McKeown	Rutherford
Browning	Garber	McMillan	Sanders, Tex.
Busby	Gardner, Ind.	McReynolds	Sandlin
Canfield	Garner, Tex.	McSwain	Schafer
Cannon	Garrett, Tenn.	McSweeney	Schneider
Carss	Garrett, Tex.	Major, Ill.	Sears, Fla.
Cartwright	Gilbert	Major, Mo.	Shallenberger
Chalmers	Goldsborough	Mansfield	Shreve
Christopherson	Gregory	Martin, La.	Sirovich
Clague	Green, Fla.	Mead	Somers, N. Y.
Cochran, Mo.	Greenwood	Menges	Speaks
Cohen	Griffin	Milligan	Spearing
Cole, Iowa	Hammer	Montague	Stedman
Cole, Md.	Hare	Moore, Ky.	Steele
Collier	Hastings	Moorman	Sumners, Tex.
Combs	Hill, Ala.	Morehead	Tarver
Connery	Hill, Wash.	Morrow	Taylor, Colo.
Cooper, Wis.	Hogg	Nelson, Wis.	Thurston
Corning	Howard, Nebr.	Norton, Nebr.	Underhill
Cox	Howard, Okla.	Norton, N. J.	Underwood
Vinson, Ga.	Weaver	Williams, Tex.	Wood
Vinson, Ky.	Welsh, Pa.	Williamson	Woodrum
Ware	White, Colo.	Wilson, La.	Wright
Warren	Whitehead	Wilson, Miss.	Wurzbach
Wason	Williams, Mo.	Wingo	Yon

ANSWERED "PRESENT"—1

King

NOT VOTING—85

Andrew	Darrow	Kunz	Robsion, Ky.
Anthony	Doughton	Larsen	Sabath
Arentz	Douglass, Mass.	Lea	Steagall
Auf der Heide	Dowell	Leatherwood	Stevenson
Bacharach	Doyle	Lindsay	Strong, Pa.
Bankhead	Eslick	Lyon	Strother
Beck, Pa.	Evans, Calif.	McLaughlin	Sullivan
Boies	Fitzgerald, Roy G.	Magrady	Swank
Bulwinkle	Frear	Merritt	Sweet
Byrns	Gallivan	Michaelson	Swick
Campbell	Gasque	Monast	Swing
Carew	Golder	Mooney	Thatcher
Carley	Harrison	Moore, N. J.	Thompson
Casey	Holaday	Moore, Ohio	Tillman
Celler	Hudson	Moore, Va.	Tucker
Chapman	Hull, Wm. E.	Nelson, Mo.	Weller
Clarke	Igoe	O'Connell	Winter
Cochran, Pa.	Jacobstein	O'Connor, N. Y.	Woodruff
Connally, Tex.	Jones	Palmer	Yates
Connolly, Pa.	Kendall	Quayle	
Cramton	Kerr	Rathbone	
Curry	Kindred	Reid, Ill.	

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Curry (for) with Mr. Byrns (against).

Until further notice:

Mr. Connolly of Pennsylvania with Mr. Gallivan.
Mr. Frear with Mr. Chapman.
Mr. Thatcher with Mr. Gasque.
Mr. Reid of Illinois with Mr. Steagall.
Mr. Magrady with Mr. Connally of Texas.
Mr. Thompson with Mr. Casey.
Mr. Yates with Mr. Bankhead.
Mr. Dowell with Mr. Kindred.
Mr. Cramton with Mr. Harrison.
Mr. Bacharach with Mr. Lindsay.
Mr. Moore of Ohio with Mr. Moore of Virginia.
Mr. Darrow with Mr. Tillman.
Mr. Sweet with Mr. Sullivan.
Mr. Evans of California with Mr. Nelson of Missouri.
Mr. Merritt with Mr. Tucker.
Mr. Swing with Mr. Carley.
Mr. Strong of Pennsylvania with Mr. Doyle.
Mr. Rathbone with Mr. Jones.
Mr. Campbell with Mr. Carew.
Mr. Anthony with Mr. Kerr.
Mr. Michaelson with Mr. Bulwinkle.
Mr. Hudson with Mr. O'Connell.
Mr. Andrew with Mr. Auf der Heide.
Mr. Golder with Mr. Igoe.
Mr. Beck of Pennsylvania with Mr. Quayle.
Mr. Clarke with Mr. Douglass of Massachusetts.
Mr. Palmer with Mr. Oliver of Alabama.
Mr. Robsion of Kentucky with Mr. Swank.
Mr. Roy G. Fitzgerald with Mr. Weller.
Mr. Holaday with Mr. Larsen.
Mr. Kendall with Mr. Mooney.
Mr. Leatherwood with Mr. O'Connor of New York.
Mr. Swick with Mr. Doughton.
Mr. Arentz with Mr. Celler.
Mr. Cochran of Pennsylvania with Mr. Sabath.
Mr. Strother with Mr. Lea.
Mr. Woodruff with Mr. Jacobstein.
Mr. Boies with Mr. Kunz.
Mr. Winter with Mr. Lyon.
Mr. Eslick with Mr. Moore of New Jersey.

Mr. ROY G. FITZGERALD. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. ROY G. FITZGERALD. I was not; but if I had been present I would have voted "yea."

The result of the vote was announced as above recorded.

On motion of Mr. RAYBURN, a motion to reconsider the vote by which the bill was rejected was laid on the table.

KAIBAB INDIAN RESERVATION

Mr. CRAMTON. Mr. Speaker, I present House Joint Resolution 245, to make immediately available the appropriation for a road across the Kaibab Indian Reservation, with the report of the Committee on Appropriations thereon, and ask for its immediate consideration.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I will say that all the resolution does is to make the money immediately available.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That the appropriation of $10,000 for the improvement and maintenance of the road across the Kaibab Indian Reservation, northern Arizona, en route to Grand Canyon National Park, as contained in the Interior Department appropriation act for the fiscal year 1929, approved March 7, 1928, shall be available for expenditure upon the approval of this resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

THE JUDICIAL CODE

Mr. DYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 8725, a bill to amend section 224 of the Judicial Code, disagree to the Senate amendments, and agree to the conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table House bill 8725, disagree to the Senate amendments, and agree to the conference asked by the Senate. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read as follows:

Senate amendments: Page 1, line 6, strike out "$6,000" and insert "$5,000."

Page 2, line 2, strike out all after "court" down to and including "grade," in line 4.

The SPEAKER. The gentleman from Missouri asks unanimous consent to disagree to the Senate amendments and agree to the conference. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the reason why the Senate amendments should not be incorporated in the bill?

Mr. DYER. There are two amendments; both of them are of importance, and the second one is of considerable importance. The chairman of the committee feels we should have a conference upon the amendments as requested by the Senate.

Mr. BLANTON. Mr. Speaker, reserving the right to object, why does not the gentleman from Missouri make the preferential motion "to agree to the Senate amendments" and settle the matter?

Mr. DYER. We are not in favor of the Senate amendments.

Mr. BLANTON. The gentleman is not in favor of the economy that is proposed in the first amendment, whereby we would save $1,000 on salaries per annum?

Mr. DYER. It is the second amendment.

Mr. BLANTON. Then the gentleman is not going to insist on the first amendment going out in conference, is he?

Mr. DYER. Well, I will be only one of the conferees, I will say to the gentleman, and I can not speak for the other conferees.

Mr. BLANTON. Your whole fight is not on the first amendment but on the second one.

Mr. DYER. It is more on that one, as far as I personally am concerned.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Messrs. GRAHAM, DYER, and SUMNERS of Texas.

GRAZING AND RANGE DEVELOPMENT

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 445, a bill authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes, and agree to the Senate amendment.

The SPEAKER. The gentleman from Montana asks unanimous consent to take from the Speaker's table House bill 445, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment: Page 1, line 6, strike out "45" and insert "49."

The SPEAKER. Without objection, the Senate amendment will be agreed to.

The Senate amendment was agreed to.

PROTECTION OF THE WATERSHEDS OF NAVIGABLE STREAMS

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 1181, a bill authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table Senate bill 1181, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take this bill from the Speaker's table, insist on the House amendment, and agree to the conference asked. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, may we have the House amendment reported?

The SPEAKER. The Clerk will report the House amendment.

The Clerk read as follows:

Page 2, strike out all after "270)," in line 3, down to and including the word "expended" in line 11, and insert "available July 1, 1928, $2,000,000; available July 1, 1929, $2,000,000; in all for this period, $4,000,000."

The SPEAKER. The gentleman from Iowa asks unanimous consent to insist on the House amendment and agree to the conference asked. Is there objection?

There was no objection.

The Speaker appointed the following conferees: Messrs. HAUGEN, PURNELL, and ASWELL.

FEDERAL RADIO COMMISSION

Mr. WHITE of Maine. Mr. Speaker, I call up the conference report on the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927.

The Clerk read the title of the bill.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 2317) entitled "An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment, as follows:

Restore the matter proposed to be stricken out by the House, and in lieu of the matter proposed to be inserted by the House insert the following:

"SEC. 5. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"'It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor; and shall make a fair and equitable allocation of licenses, wave lengths, time for operation, and station power to each of the States, the District of Columbia, the Territories, and possessions of the United States within each zone, according to population. The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses

or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That, if and when there is a lack of applications from any zone for the proportionate share of licenses, wave lengths, time of operation, or station power to which such zone is entitled, the licensing authority may issue licenses for the balance of the proportion not applied for from any zone to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary period. Allocations shall be charged to the State, District, Territory, or possession wherein the studio of the station is located and not where the transmitter is located.'"

And the House agree to the same.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
A. M. FREE,
Managers on the part of the House.

JAMES E. WATSON,
JAMES COUZENS,
SIMEON D. FESS,
KEY PITTMAN,
C. C. DILL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill S. 2317 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 1: As the bill passed the Senate it provided that no license for a broadcasting station issued prior to January 1, 1930, should be for a longer period than six months. The House amendment reduced this period of time to three months. The conferees have agreed upon three months.

On No. 2: The Senate bill provided that no license for any other class of station issued prior to January 1, 1930, should be for a period to exceed one year. The House amendment reduced this period of time to six months. The conferees have agreed upon the one year limitation as carried in the Senate bill.

On No. 3: In section 4 of the Senate bill it was provided that the term of office of each member of the commission should expire on February 23, 1929, and that thereafter the commissioners should be appointed for terms of 2, 3, 4, 5, and 6 years. The House struck out this section of the Senate bill. The conferees have agreed to restore the same.

The House added a provision to the Senate bill amending the second paragraph of section 9 of the radio act of 1927. The House provision required the licensing authority to make an equal allocation to each of the five zones established by law of broadcasting licenses, of wave lengths, and of station power and within each zone required that there should be a fair and equitable allocation among the States, the District of Columbia, and the Territories and possessions therein in proportion to population.

The conferees have agreed upon an amendment to this House proposal. This amendment declares that the people of the zones are entitled to equality of radio broadcasting service both of transmission and of reception and that in order to provide this equality the licensing authority shall, as nearly as possible, make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of said zones when and in so far as there are applications therefor. It includes substantially the provisions of the House amendment with respect to the equitable allocation within the zones. It further carries a direction to the licensing authority as to the means for bringing about this equality of broadcasting service. It carries an express provision that if and when there is a lack of applications from any zone for that zone's proportionate part of the licenses, wave lengths, time of operation, or power to which it is entitled that the licensing authority may issue licenses for that part of the proportion not applied for from any zone to applicants from other zones for temporary periods of time. A further provision of the conference agreement is that the allocation shall be charged to the State where the studio of the station is located and not where the transmitter is located.

WALLACE H. WHITE, Jr.,
FREDERICK R. LEHLBACH,
A. M. FREE,
Managers on the part of the House.

Mr. WHITE of Maine. Mr. Speaker, the statement just read I think clearly states the effect of the conference agreement. Perhaps, however, it is appropriate for me to go once more over the ground in somewhat greater detail.

There were three amendments in controversy between the two Houses.

The Senate bill provided that broadcasting licenses should be limited to a period of six months. The House reduced this period of time to three months and the Senate conferees have yielded to the House on this point. So that if, and when, adopted the conference report carries the provision that broadcasting licenses issued during this year shall be for three months of time only.

The Senate bill had another provision providing that for all other kinds of licenses the limit of time should be one year. The House reduced this period of time to six months, but yielded to the Senate conferees and restored the one-year period of time. The compelling reason which moved us to this recession was the fact that it seemed unnecessary that a great number of amateur licenses—some 16,000 or more—and the great number of ship licenses which are issued to the extent of perhaps 2,100 or so—it seemed an unnecessary administrative burden that these licenses should have to be renewed each six months. So we agreed that with respect to all other than broadcasting licenses the period of time shall be one year.

The next provision which was in controversy between the two Houses was the limitation upon the tenure of office of the commissioners. The Senate bill provided that the present commissioners should have a term of one year and that thereafter the term should be two years, three years, four years, and so forth, as fixed in the original law. The House yielded to the Senate on this.

The next matter of controversy, the major difference, the matter in which the membership of the House, I think, was primarily interested was with respect to the Davis amendment, so called.

You gentlemen have clearly in mind that this amendment provided for an equal allocation of licenses, of power, and of wave lengths among the zones set up by the law, and that within each zone there should be an equal distribution among the States in proportion to population. It seemed to the speaker there was one obvious defect in the Davis amendment, and there was also a doubt in the minds of many people with respect to it.

Let me first allude to what I conceive to be the defect which the conference committee has cured. The Davis amendment provided that the licensing authority should make an equal allocation of broadcasting licenses, of wave lengths, and of station power. There was, however, nothing in the amendment as it passed the House relating to the time for which stations should be licensed for operation. If you regarded only the language of the amendment itself, the licensing authority might have made its allocation of licenses, of power, of wave lengths, and then completely wrecked the equality which it was sought to achieve by making a grossly unfair allocation of time for operation.

Mr. MOORE of Virginia. Time for communication.

Mr. WHITE of Maine. Time for communication; yes. Specifically, under that language the licensing authority might have granted to the third zone, using that for purposes of illustration, an equal number of licenses, equality of power, equality of wave lengths, and then provided that this should all be used not in the desirable times for broadcasting, but, say, between 3 and 4 o'clock in the morning. In other words, every advantage secured to the third zone or intended to be secured to the different sections of the country by the language of the amendment, might have been completely lost by this failure to include in the amendment an equal division of time as well as the other factors.

So the House and Senate conferees inserted a provision that there should be also an equal allocation of time.

The next difficulty arose with respect to the time when this equal allocation should be brought about and as to the method for bringing it about.

It was charged frequently, and it was asserted by a member of the Radio Commission, that as this language stood in the House amendment it required that instanter there should be brought about this equality, and it was insisted further that because there was a want of applications from a particular zone that of necessity if there was to be this equality, all zones and all sections of the country must be arbitrarily brought down to the level of the lowest. This was the assertion made, and it raised in the minds of many persons a serious doubt as to the wisdom of the amendment. The conferees of the two Houses

have sought to cure this difficulty by the amendment which we have reported.

We have provided for equal allocation for licenses, wave length, power, and time when and in so far as applications shall be made therefor.

Mr. DAVIS. Will the gentleman yield?

Mr. WHITE of Maine. I yield.

Mr. DAVIS. The gentleman from Maine will agree, will he not, that under the amendment as it passed the House it would not be necessary to reduce all the zones to the least zone?

Mr. WHITE of Maine. That was the contention.

Mr. DAVIS. It was not a sound contention.

Mr. WHITE of Maine. In my opinion, it was an untenable contention. In further answer to the gentleman, the report which I made gives my interpretation of the proper effect of the Davis amendment, so-called. I might as well read now what I said in that report as to the proper construction of the Davis amendment as it passed the House.

I said in this report that the amendment was intended to require the licensing authority, as soon as may be and in proper cases, to issue licenses in number and in kind to applicants from the third zone and other sections of the country sufficient to bring equality in the particulars specified.

Later on I said it is not anticipated that this purpose should be immediately accomplished.

Now, in my opinion the inclusion of that language "when and in so far as applications are made therefor" harmonizes the present conference draft with the purpose and intent of the Davis amendment.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. WHITE of Maine. I yield.

Mr. MOORE of Virginia. Of course it is possible that some question may arise in litigation in reference to the proper construction of the amendment now proposed. The gentleman is chairman of the conference committee on the part of the House. The Supreme Court, as he knows, has said that when there is a question of interpretation of an ambiguous or doubtful provision, it is competent for the court to look at committee reports. The court has also said in one case—and perhaps in others—but in one case that I have in mind, of Binn *v.* The United States (194 U. S.), that answers by chairmen to inquiries propounded on the floor can be looked at by the court in reaching a conclusion. As this is a matter of importance, I am going to take the liberty of making two inquiries of my friend and, with a view to precision, they are in writing. Here is one:

The conferees have reported several amendments to the equalization amendment as it passed the House. Do you consider that the original amendment is substantially changed by the alterations?

Mr. WHITE of Maine. My answer is, I do not. I think this draft agreed on by the conferees is in harmony with the original amendment. Does that answer your question?

Mr. MOORE of Virginia. Yes. I would like to make a further inquiry. If the conference amendments do not result in any change in the interpretation and effect of the original provision, what was the purpose in adopting these amendments in conference? Having in mind the amendment attached to the zone equalization clause, to wit, "When and in so far as there are applications therefor," I wish to ask you whether or not in your opinion the licensing authority has full authority under the provisions as reported by the conferees to reduce the station power, change the wave length or period of time for operation of any existing station, even though such station applies for its present power, wave length, and time for operation? In other words, is your interpretation of the provision as reported by the conferees to the effect that the Federal Radio Commission or other licensing authority has full and unrestricted authority to make an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, or periods of time for operation, and of station power to each of the zones by granting or refusing licenses or renewals of licenses, by changing or reassigning wave lengths, by changing periods of time for operation, and by increasing or decreasing station power, notwithstanding the words "when and in so far as there are applications therefor"?

Mr. WHITE of Maine. I will answer the gentleman's last question first. I will answer that I do. I believe that the powers and the obligations of the commission in these regards are not limited by this language when it says "so far as there are applications therefor." Under the language in the conference draft the commission may do the specific things which I understand the gentleman's inquiry is directed to. I say, I do not believe that the language "when and in so far as applications therefor" in any respect diminishes or takes away the plenary authority of the commission in the particulars referred to.

Now, I will answer what I understand to be the gentleman's first question. The gentleman asks me, if that language effects no change, why was it put in? I do not suppose I am privileged to retell what took place in conference, but I will say this: That when I was asked out of the conference if that was what the Davis's amendment meant, why I objected to putting the amendment in, I did not have any answer. I agreed to the insertion of the language because I conceived that to be precisely what the Davis amendment meant, and I had no objection to the inclusion of the words themselves. [Applause.]

There is nothing new about that language. If gentlemen will go back to the original bill which passed the House, they will find that the language was—and I do not know that I can give it exactly, but in substance—that applications should be granted when and in so far as there was a demand for the same. The Senate had substantially the same language; that applications should be granted when and in so far as there was a demand for the same, and as the law was written and as it now is on the statute books, it is provided that in making the distribution contemplated by the law applications should be acted upon, in and so far as there was a demand for licenses and renewals of licenses. I think in the whole history of the legislation there is an assumption that the commission acts upon applications pending before it, and that was one of the reasons why we shortened the terms of these licenses to three months, so that constantly, at short intervals of time, there should come up before the commission these questions as to whether this or that particular license should be granted, whether this or that power should be allocated, whether this or that wave length should be assigned, or this distribution of time made. And as these applications come up there is the opportunity and there is the duty for the commission to act. Does that respond to the gentleman's question?

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LAGUARDIA. In order to carry out the purpose of the gentleman from Virginia [Mr. MOORE] to have the RECORD clearly show the intent of Congress, while there can be no doubt as to the powers given by this act to the commission itself, the clear intent of the act is, is it not, that individuals or companies now operating under a temporary license or hereafter obtaining a temporary license to operate in the zone having its full allotment, are now operating with knowledge of that condition that the power and the time may be reduced in order to grant the power and time and wave length to another zone, in keeping with the provisions of the act.

Mr. WHITE of Maine. I agree with the gentleman entirely.

Mr. LAGUARDIA. So that there can be no acquired right or vested interest predicated on a temporary license, and that in accepting a temporary license they are estopped, are they not, from claiming an acquired right or vested interest?

Mr. WHITE of Maine. The law so specifically provides, and whenever a license expires the holder thereof must come in and de novo meet all of the terms and conditions of the act, and as these expirations come and as new applications are made, that expressly places upon the licensing authority the duty and the obligation to work out this equality. This language contemplates a gradual and an orderly bringing about of this result of equality, and it negatives the thought, which was in the minds of some people and which disturbed some people, that there should be immediate and arbitrary action in the absence of applications.

Mr. CHALMERS. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. CHALMERS. I want to inquire of the gentleman as to the allocation of power in respect to broadcasting within the several zones themselves, as to whether there shall be an equality of distribution within the zones.

Mr. WHITE of Maine. That is not the provision. The provision within the zones is that there shall be an equitable distribution, according to population, and that permits within the zone the exercise of some measure of discretion and judgment.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. ABERNETHY. I notice that two of the conferees have not signed this report, the gentleman from Tennessee [Mr. DAVIS], and the gentleman from Virginia [Mr. BLAND]. Do I understand the gentleman's construction of this amendment to be in substance the Davis amendment?

Mr. WHITE of Maine. Absolutely.

Mr. ABERNETHY. And the intent of Congress is that it is the duty of the commission to immediately proceed to divide this between the several zones equally? Is that the intent?

Mr. WHITE of Maine. As and when applications are presented to the commission.

Mr. ABERNETHY. And there can be no question about the intent on the part of those who did sign the conference report, that that is what the meaning of the act is?

Mr. WHITE of Maine. I should not personally have signed it unless I believed that to be the fact.

Mr. MOORE of Virginia. Original applications and also renewals?

Mr. WHITE of Maine. Unquestionably.

Mr. ABERNETHY. I understand this matter may probably go to the courts. Do I understand the gentleman's view to be that the court in construing the intent of Congress takes into consideration oftentimes the debates on the passage of legislation?

Mr. WHITE of Maine. I think the gentleman from Virginia [Mr. MOORE] stated the rule.

Mr. MOORE of Virginia. Where there is ambiguity or doubt the court goes as far as I said a while ago. The court will by no means go to the extent of considering the full debate.

Mr. WHITE of Maine. I do not want to take further time. I have stated as clearly as I can the purpose of this portion of the conference report. The real distinction and the only distinction, except for this matter of time which was omitted from the Davis amendment and which has been inserted by the conferees and which I think is important, is that we recognize that there should be a gradual and orderly consummation of this idea and this ideal, and we have undertaken to disabuse the minds of the public of the idea that there is to be an immediate, arbitrary, and destructive bringing about of this result.

Mr. ABERNETHY. The trouble with us on this side of the House, and particularly those of us on the committee, is this: This amendment that the House so emphatically passed was the creature of the brain of the gentleman from Tennessee [Mr. DAVIS]. The House instructed the conferees to undertake to incorporate that into law. We now have this situation, and that is the reason I want the gentleman to get the record clear, that neither of the minority members of the conference committee signed the conference report. That is the thing that is bothering us on this side of the House.

Mr. WHITE of Maine. I can not presume to speak for the minority members. I have stated as clearly and as emphatically as I can my own reasons for the changes that were made in the language—my construction of the language—and I believe I have stated it correctly.

Mr. ABERNETHY. Do I understand it to be the gentleman's purpose to intend to say now, in effect, that this is carrying out the Davis amendment, and that is the idea that the gentleman intends to carry on now and hereafter?

Mr. WHITE of Maine. Absolutely.

Mr. OLIVER of Alabama. Mr. Speaker, will the gentleman yield there?

Mr. WHITE of Maine. Certainly.

Mr. OLIVER of Alabama. In the original act or any amendment thereto the gentleman is not aware of any language that would justify the conclusion that the license created a vested or preferential right?

Mr. WHITE of Maine. I think the language of the law negatives that construction.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. KINCHELOE. I wanted to get the gentleman's opinion on the effect this amendment would have on a broadcasting station located in a zone that has not now its proportion of power and wave lengths. For instance, there is a station in my district that has not now its proportion of power and wave lengths, and its proportion has been cut down gradually ever since it was constructed. Now, if the conferees' report is adopted and it becomes a law, how will that station be benefited by it? It is a zone which has not its proportion of power and wave lengths and still it is being cut down.

Mr. WHITE of Maine. I think under this language it is the clear and plain duty of the commission, when applications come in from zones which are not enjoying the equality at which we aim—it is the plain and manifest duty of the commission that if the applications in other respects conform to the law, that licenses will be granted that will bring about that equality of condition.

Mr. KINCHELOE. Is there any difference between applications that are already in and those yet to be made?

Mr. WHITE of Maine. None whatever.

Mr. SANDLIN. A station that is receiving a sufficient amount of power and wave lengths—is it having its application for license taken up?

Mr. WHITE of Maine. Every station which now has a license and wants to continue must at the end of the license period come in and make an application for a new license de novo, and this conference report says in express terms that the commission may reduce the power and change the wave lengths and the time of operation, and do all of those things that are necessary to bring about this equality.

Mr. SANDLIN. That applies to an application for a renewal, does it not?

Mr. WHITE of Maine. Yes; to a renewal as well as an original application.

Mr. Speaker, how much time have I used?

The SPEAKER pro tempore. The gentleman has used 25 minutes.

Mr. NEWTON. Mr. Speaker, will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. NEWTON. The gentleman has been interrogated as to the meaning of the resolution here, which amends the Davis amendment.

Mr. WHITE of Maine. Yes.

Mr. NEWTON. The question is about guiding the courts in a case of ambiguity. That is the purpose in any of the answers that the gentleman made. Was it meant to restrict in any way the plain language of the conference report?

Mr. WHITE of Maine. Will the gentleman direct my attention to the particular language?

Mr. NEWTON. Here is a provision which says, "It is hereby declared," and so forth, and that language follows there, and it changes the Davis amendment, the text of the Davis amendment. The gentleman has gone on to state the purpose as being in substance the same as the Davis amendment. I am asking the gentleman whether, in answering those interrogatories, his intention was to restrict the plain purport of the report which the House is considering?

Mr. WHITE of Maine. The Davis amendment refers especially to zones when it says there shall be an equality in the allocation of these different factors. The language of the report says that the people of the zones are entitled to equality of radio broadcasting service, both of transmission and reception, and then it says that in order to bring about this equality there shall be this equal allocation.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield right there?

Mr. WHITE of Maine. Yes.

Mr. GIFFORD. As to the real change made by the committee in putting in this word "reception," it reads that we are entitled to an equality of radio broadcasting service, both of transmission and reception, and to bring about that condition they should, as far as possible, have an equal allocation of wave lengths, station power, and frequency.

The commission are instructed to have in mind the fact that there shall be a fair distribution not only of transmission but also reception; and that is what I see they had in mind in writing this language, that there should be a fair distribution of reception. The Davis amendment contemplated equal allocation. We who have hitherto opposed the Davis amendment are fully satisfied with this.

Mr. WHITE of Maine. It had been urged that broadcasting service meant simply reception. Now, in order to bring about complete clarity in respect to that, and in order to make certain that the purpose of the Davis amendment was effectuated, we wrote in that this equality should consist both of transmission and of reception.

Now, Mr. Speaker, I yield 20 minutes to the gentleman from Tennessee [Mr. DAVIS].

The SPEAKER pro tempore. The gentleman from Tennessee is recognized for 20 minutes. [Applause.]

Mr. DAVIS. Mr. Speaker and Members of the House, as has been suggested, one of the other conferees and I declined to sign this conference report. I want to explain why we did so. In the first place, I want to state that I indorsed and agreed to all of the matters agreed to by the conferees except one amendment to the "equalization amendment" as it passed the House. I had no objection even to the other amendments to the "equalization amendment," except the one amendment which is added at the end of the equalization clause as it passed the House, in these words:

In so far as there are applications therefor.

I want to state that I know the gentleman from Maine is entirely sincere in his interpretation of the equalization clause

as reported by the conferees. I want to say further that I think his interpretation is a fair and natural interpretation, and if I were called upon as a member of the commission or as a court to interpret that language I would interpret it just as the gentleman from Maine interprets it and just as I would have interpreted the "equalization amendment" as it passed the House. However, my reason for declining to sign the conference report and my objection to the language to which I referred is that it might be seized upon by somebody as a pretext for a different interpretation.

It is known that at least some members of the Federal Radio Commission are not only not in sympathy with this amendment and its purpose but are decidedly hostile to same. When we consider that they not only ignored but violated the provisions of the equitable-distribution clause in the present law, we may assume that they will probably undertake to distort or misinterpret the provision under consideration. We should not afford them the slightest opportunity to pursue such a course in the future. For instance, suppose that they should take the position, even though unreasonable, that the direction that "the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power to each of said zones when and in so far as there are applications therefor" did not authorize them to change the wave length or reduce the period of time for operation or station power of a station, unless and until such station should apply for such change or reduction.

Of course, such an interpretation would not be in accord with the clear intent of the Members of the House.

It would be very destructive of the whole purpose of the original amendment and subversive of the clear intent of the large number in the House who voted for the original amendment, if that language might be so construed as to mean that it restricts the commission from reducing the power of any existing stations, changing the wave lengths of any existing stations, or anything of that kind, in the absence of applications therefor; that is, for a reduction or for a change of wave lengths.

The present broadcasting structure has simply grown up. It is a patchwork. It started in a small way, and as applications would come in they were granted a license and given some power and some wave lengths, frequently without due consideration for the existing situation. So the present structure, as everybody familiar with the situation knows, is not only unequal and inequitable, but it is unscientific.

I want to say, and anybody else who has studied the situation is bound to agree with the statement, that there can not be an equal or fair allocation of broadcasting privileges unless there is a general reassignment, a reallocation. I am just as much interested in a scientific set-up as I am in equal allocation. I want to improve the broadcasting situation.

I shall not undertake to go into technical details in explaining what I mean further than to give you one instance: On many wave lengths there have been placed a large number of stations, with various and different amounts of station power. They are in many instances placed close together, with the result that the assignment is unsatisfactory to all of them. That exists everywhere. There is such a situation that the only way the commission can ever work it out fairly, scientifically, and satisfactorily is to look at the whole picture and allocate and reassign and make such changes as are necessary to bring that about, and in order to do that they ought to have absolutely unrestricted power to do so. Now, as I say, I think that under a fair interpretation of the whole language they undoubtedly have that power, that they can do it, and that they are directed to do it, but my objection is this: After the House, by an enormous majority, had adopted a provision which is clear and unmistakable in its terms, one that can not be misconstrued or misunderstood, we then go into conference and add a lot of other language and make the provision four or five times as long as it was, and inject language which was unnecessary and language which, if it serves any purpose, can only be to give somebody a pretext upon which to hang some misconstruction of the provision or misinterpretation of the purpose of Congress.

Mr. BURTNESS. Will the gentleman yield?

Mr. DAVIS. For a question, yes.

Mr. BURTNESS. I was wondering if the words to which the gentleman objects that are in the proposed amendment were eliminated "in so far as there are applications therefor," it could not be reasonably assumed that the commission would have to cut down all of the zones in so far as allocations are concerned, actually to the minimum of the lowest zone. It seems to some of us who voted for the amendment offered by the gentleman from Tennessee that this conference amendment really clarifies that situation.

Mr. DAVIS. Oh, no. As the gentleman from Maine said, and as I have repeatedly said, nobody can seriously insist that either the original amendment or this amendment as it stands now directed any reduction to the lowest zone. It does not direct a reduction or an increase; it simply directs the commission to make an equal allocation and leaves it with them to bring about an equalization by reductions or increases or both. The persistent charges to that effect were made by people who were trying to mislead the public or else they did not know what they were talking about and could not understand plain English language.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. DAVIS. I yield.

Mr. LAGUARDIA. The gentleman from Massachusetts [Mr. GIFFORD] frankly stated that he opposed the Davis amendment, but that the present Senate or conference amendment is quite satisfactory to the opponents of the original Davis amendment.

Mr. DAVIS. Yes.

Mr. LAGUARDIA. Clearly that would show there is confusion and there is division as to the interpretation of the amendment in the conference report.

Mr. DAVIS. We have a peculiar situation here. This House adopted the original equalization amendment by a vote of 236 to 134. Now, when it is reported back with amendments, what is the situation?

The large majority that passed the amendment and those who have undertaken to act for them think that the equalization amendment as it passed the House needed no explanatory amendments added thereto, and on the other hand, those in the House who fought the amendment, those who tried to destroy it on a point of order and then upon a vote, seem to get some comfort out of the language added in conference, and are willing to support the conference report. However, I do not think that the equalization provision, as amended in conference, is susceptible of the interpretation which the gentleman from Massachusetts [Mr. GIFFORD] suggested that they probably had in mind in adding certain language to the amendment.

There is an old adage that "history repeats itself," and that is happening in this case, as I shall point out. There is another adage that "a burnt child dreads the fire." I suppose that does not apply to adults.

In the last Congress our Committee on the Merchant Marine and Fisheries reported out a distribution clause which was substantially the same as the one that passed this time except it used the word "equitable" instead of the word "equal." There was no criticism or any opposition on the part of anybody in the House to that. It passed the House. It went to conference. It was changed in conference, and then when the conference report came to the House I made a speech in which I pointed out the changes, and I called particular attention to the changes in the distribution amendment, and I declared that it was rendered ambiguous and that two interpretations could be placed upon it, and I also pointed out in specific terms that it might be interpreted to mean that all that was required was a distribution of equitable service, and that might be rendered by stations in distant States without the States served having any stations within their midst.

I call attention to this not in a spirit of "I told you so" but in order to convince you, if I may, that I am not simply quibbling on words. I do not quibble on words, but I am strongly in favor of saying just what we mean and meaning just what we say in all legislation. Now, what resulted?

At the hearings on this bill recently we examined the members of the Radio Commission who were called upon to interpret that and other provisions, and Judge Sykes, the lawyer member of the commission, said, referring to this distribution clause:

> A great many people for whose opinion I have the highest regard and respect, eminent lawyers, have this idea as I understand of that clause of the law, that if a State or a community in a State is getting good radio service from stations in other States, then that State and community are getting good radio service and, therefore, that State or community is being served, and as a State or community in a State is not entitled to a radio station. That is not my opinion of this clause of the law. My opinion of that clause is it means it was put there to give the States their pro rata quota of radio stations and to communities in States, and that has been my insistence as a member of the Federal Radio Commission on the construction of that section of the law.

And he also stated that he thought the present provision should be clarified and he hoped it would be.

Now, Commissioner Pickard placed the same interpretation upon it as Commissioner Sykes, but Commissioner Caldwell, when he was asked about it, testified as follows:

Mr. BRIGGS. You are in accord with the spirit of the act which specifies specifically that there shall be an equitable distribution?

Commissioner CALDWELL. Of radio stations?

Mr. BRIGGS. Of the different broadcast bands, frequencies and so forth, among the various States and communities.

Commissioner CALDWELL. I have read this provision very carefully, sir, and I do not find the statement there that transmitters, powers, or wave lengths shall be divided equitably among the States and communities.

Mr. BRIGGS. Oh, I do not say divided equally.

Commissioner CALDWELL. I say equitably. I say I do not find the statement that they shall be divided equitably. I find the statement that they shall be so divided that the radio service shall be equitable. Now, that is quite different.

And so it was.

Now, in the face of the history of that legislative action and the result thereof, we are doing exactly the same thing that we did before. There is something else involved in this whole controversy, and that is that the commission and the Government representing all the people will probably be confronted in the courts with a claim of "vested rights."

Why, the gentleman from New York [Mr. CELLER], made two or three speeches on the floor of this House in which he asserted the doctrine of vested rights.

Mr. LAGUARDIA. And will the gentleman say right there that the amendment offered by the gentleman from New York [Mr. CELLER], to give them these vested rights was voted down?

Mr. DAVIS. Yes; and fortunately that showed the attitude and intent of the Congress.

Now, this House passed the White radio bill in the last Congress, in which it unmistakably showed and asserted that there were no vested rights and that they could not be acquired, and so did the Senate; but when at the end of the first session of the last Congress the conferees were unable to agree upon the bill as a whole, what did we do? We unanimously reported a resolution which restricted the period of time for applications, and in the same connection also used this language—I will read the resolution which was reported unanimously and unanimously passed by the House and by the Senate and signed by the President and became the law:

No station license shall be granted by the commission or by the Secretary of Commerce unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right as against the United States to any wave lengths or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

Now, that was the resolution, and similar provisions were contained in the House and Senate bills. But when the bill got to conference this resolution was repealed in the conference report bill. Provisions that were in both the House and the Senate bills were changed.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Mr. Speaker, this is an important matter. We did not ask for any extension of time, but I think a unanimous-consent request to extend the time would not meet with any opposition. We spent two whole days in debating the same proposition before the House.

Mr. WHITE of Maine. How much time does the gentleman want?

Mr. DAVIS. Ten or fifteen minutes.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that the time be extended for 20 additional minutes.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent the time for the consideration of the conference report be extended an additional 20 minutes. Is there objection?

There was no objection.

Mr. WHITE of Maine. Mr. Speaker, I yield to the gentleman from Tennessee 10 additional minutes.

Mr. DAVIS. But the conference report was adopted. Now what was the result. I called attention in my speech on the conference report at the last session to the changes with respect to vested rights. I warned of the danger, I pointed out the fact that in my opinion it would encourage, if not strengthen the cause of those that were asserting vested rights and to show what they think. I call attention to what the gentleman from New York [Mr. CELLER] said the other day on the proposition.

In his remarks of March 7, 1928, the gentleman from New York declared in part as follows:

Should the commission, however, refuse to issue a license to a station existing before the law, the question of vested rights of such owner arise.

It is the opinion of the writer that if anyone has used the ether for a period of time, he has a vested right to continue that use, subject to regulation by the United States Government.

This opinion is based upon a fair construction of the language of section 5 of the act of 1927, as deduced from a reading of that section together with a study of the history of this provision.

Section 5 provides that—

"No station license shall be granted by the commission or by the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States, because of the previous use of the same, whether by license or otherwise."

The history of this provision shows that on July 3, 1926, Congress passed Joint Resolution 123, which became law on December 8, 1926. This resolution provided that no license or renewal should be granted—"unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof."

When the radio act of 1927 was enacted this resolution was specifically repealed by section 39 of the radio act, and the new language of section 5, quoted above, was substituted.

It will be noted that in the language of the joint resolution enforced prior to the radio act the applicant for a license had to sign a waiver of any right or claim to any right as against the United States, while in the new radio act now in force the waiver is as to any claim as against the regulatory power of the United States.

Under the language of the resolution it seems to the writer that the licensee would become a mere tenant at will of the Government, and that under the resolution the Government could at any time order him to desist; and if so, he would have no legal right to continue and would have no remedy other than his constitutional right to just compensation.

The language of the new radio act, however, modifies the provision of the resolution and merely says that the applicant for license must sign a waiver of right as against the regulatory powers of the United States.

I deem the language as modified by the act of 1927 to mean that the licensee is merely subject to "regulation" by the Government.

If a radio station has been established under the law of 1912, and its license has not been revoked "for cause" as provided for in that act, it would seem to the writer that he would have a vested right to continue to use the ether under the new 1927 act, subject only to the regulatory power of the United States.

I am of the opinion that Congress under section 5 can subject the station owners to any reasonable regulations deemed necessary for the public welfare, but that it can not arbitrarily abrogate all privileges.

While the changes of the provisions with respect to vested rights made by the conferees last year have encouraged those who would claim such rights with respect to radiobroadcasting privileges, yet I will frankly state that I do not think that they have or can acquire any such vested rights. I do not think that they would have the alleged vested rights, even though there had been no legislation on the subject. However, I protested against the changes because I knew that such changes would encourage them to claim vested rights.

As a matter of fact, all of the arguments advanced by the gentleman from New York and others in favor of the existence of vested rights on the part of broadcasting stations, the claim that the Government can not refuse a license for the continued operation of a broadcasting station can not stop the station from operating, and if the Government did so it would amount to confiscation for which the Government would be liable in damages, have all been completely answered and refuted by the Supreme Court of the United States in a line of decisions commencing with the case of Kidd against Pearson, in which similar claims were made in connection with the laws prohibiting the manufacture and sale of intoxicating liquors.

Now, some thought that I was then quibbling over language. However, with respect to my position on the conference changes in the provisions relating to both equitable distribution and vested rights, everybody must admit that I was vindicated by the subsequent events.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. ABERNETHY. I understand the gentleman's position is that if the commission now in existence will carry out the evident purpose and intent of the gentleman from Maine [Mr. WHITE], that that is what the amendment means, that would be satisfactory to you?

Mr. DAVIS. Oh, yes. As I stated in the outset, the interpretation placed on the amendment as reported by the gentleman

from Maine [Mr. WHITE] is entirely in conformity with my interpretation of the amendment as it passed the House and in conformity with my views.

In my opinion the equalization amendment as reported by the conferees is no different in substance and effect from the amendment as it passed the House. Some of the conferees insisted upon adding what might be termed explanatory provisions. While those provisions were unnecessary, yet in my opinion the equalization provision as amended in conference can not be naturally or fairly interpreted any differently than the amendment as it passed the House.

What I am objecting to is that those who are disposed to do so might discover some pretext in the added language to distort the clear meaning and subvert the unmistakable purpose of the equalization provision as it passed the House. The House conferees are supposed to carry out the wishes of the House. The language to which I most object was not requested by the Senate conferees; they are willing to accept the provision with or without that language.

Mr. ABERNETHY. I see that we are favored in the gallery by the members of the Radio Commission. It must be evident to them as well as the public that with the broad and clarifying statement of the chairman of the committee [Mr. WHITE] and the interpretation of it by the gentleman from Tennessee that this amendment in the present form means that there must be equal allocation in the various zones. That is the view that the gentleman from Tennessee takes, is it not?

Mr. DAVIS. Yes; there is no difference about that. I think any sort of fair interpretation means what was stated by the gentleman from Maine.

Mr. LAGUARDIA. Then the gentleman from Massachusetts [Mr. GIFFORD] is in error?

Mr. DAVIS. The gentleman from Massachusetts refers to the declaration of purpose that has been inserted ahead of the provision as it passed the House.

That was clearly implied, in my opinion, and I think there can be no question about it in the original amendment as it passed the House.

Mr. LAGUARDIA. But the interpretation which the gentleman from Massachusetts [Mr. GIFFORD] puts to the amendment as it comes from the conferees is entirely different from the interpretation which the gentleman places upon it and which the gentleman from Maine [Mr. WHITE] placed upon it, and he was frank enough to so state.

Mr. HOCH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. HOCH. There is one phrase which I have not heard any comment upon. Beginning on the bottom of the page—

> The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper.

As I understand, the contention is that this equality is always proper. Is this meant to leave it to the commission to determine whether the equality is proper?

Mr. DAVIS. No, indeed. I ask the gentleman to read further on—

> * * * shall carry into effect the equality of broadcasting service hereinbefore directed, when necessary or proper, by granting or refusing licenses or renewal of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewal of licenses.

Mr. HOCH. Of course, that is the means by which they are to bring about this equality, but the phrase seems to limit the declaration that they shall carry into effect the equality of broadcasting service heretofore directed, whenever necessary or proper. What is "whenever necessary or proper"? Whenever equality is necessary or proper?

Mr. DAVIS. The words, "whenever necessary or proper," modify the language directing the granting or refusal of licenses or renewals, changing station power and so forth.

Mr. HOCH. Does not the gentleman think that equality is always proper?

Mr. DAVIS. Absolutely.

Mr. HOCH. Then why should you say they should carry into effect equality whenever they think equality is proper.

Mr. LEHLBACH. Oh, no; if the gentleman from Tennessee will yield. It is the changes or reductions. The changes of wave lengths, in order to produce equality. They should be affected whenever necessary and proper. Is not that the intent?

Mr. DAVIS. Yes. I say this to the gentleman from Kansas. It was apprehended that the use of that other clause, "where and in so far as there are applications therefor," might be construed to prevent the commission from making any changes unless those changes were asked for; in other words, that they could not reduce a station from 50,000-watt power to some lower power unless the station asked to be reduced, and in order to make it clear that they could make changes and reductions even though not applied for, this other provision was adopted. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has again expired.

Mr. WHITE of Maine. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, there is no question whatsoever that the House intended that all sections of the country have equality in broadcasting facilities. I have heard no one dispute the equity and fairness of that proposition. I have known of no vote that was cast against the Davis amendment that was predicated on the proposition that one section of the country was entitled to better broadcasting facilities than any other section of the country. The only opposition that existed to my knowledge to the Davis amendment when it was presented to the House was that it might unnecessarily disturb present conditions without accomplishing the purpose of increasing the broadcasting facilities demanded by another section of the country.

I was appointed as a member of the managers on the part of the House to participate in the conference on this bill with the implied understanding that I was to represent the views of the House, and if I had not been willing to represent the views of the House that there should be equality of broadcasting facilities among the zones into which the country by the act was divided, I would not have accepted this appointment. [Applause.]

The only question in the conference was how that purpose could be safeguarded without the unnecessary and wanton injury to existing facilities. We all acquiesced in the statement of principle which underlay the Davis amendment, to wit:

> It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radio-broadcasting service, both of transmission and of reception.

In my opinion, and in the opinion of any sane person who understands English, I assert that the fact that a zone is entitled to equality of reception of broadcasting does not mitigate or in any way detract from its right to have that same equality in transmission. To further the purpose of the Davis amendment this language was written by Senator DILL and the gentleman from Maine [Mr. WHITE], both of whom are unequivocally in favor of principle of the Davis amendment. I read the language:

> and in order to provide said equality the licensing authority shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency or wave lengths, of periods of time for operation, and of station power, to each of said zones when and in so far as there are applications therefor.

Of course, if some section of the country does not want wave lengths, does not want power, what useful purpose would be served to deprive another section of the country of those wave lengths and that power?

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. CRISP. I have read the language of the amendment of the conferees and I can not see myself how it in any way contravenes the action of the House. As I understand it, they shall make these different allocations to bring about equality if they have applications from some section that is deficient; and if they do not have applications from deficient zones, there is no reason to take wave lengths and power from other zones that have them. Is not that the purpose?

Mr. LEHLBACH. Certainly.

Mr. CRISP. That is what I understood.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. ABERNETHY. But later on if that station comes in and asks for an allocation, they will take it away from the other zones?

Mr. LEHLBACH. Yes.

Mr. ABERNETHY. Is your attitude the same as Mr. WHITE's on this proposition?

Mr. LEHLBACH. Yes; we see eye for eye, and stand toe to toe on this proposition. We are both for equality.

Mr. ABERNETHY. That means the carrying out of the intent of Congress?

Mr. LEHLBACH. Yes.

Now, in the opinion of the conferees, that language which I have just read allows the Radio Commission to establish such equality; and in view of the present situation, that the radio field is saturated and all the power is at present used that can

be used under the present development of the art, and the fact that there are more station licenses than can usefully be coordinated, it necessarily follows that where it was needed to build up a zone some other zone would necessarily have to be stripped of some of its power.

Mr. DAVIS. I want to ask the gentleman from New Jersey if there is any doubt at all in his mind as to whether or not the commission would have the right to reduce the power of an existing station below that which it then had or applied for in its application for a renewal of the license?

Mr. LEHLBACH. Of course. As a matter of fact, without this additional authority the commission is doing it to-day.

Mr. DAVIS. I understand. But you think, in other words, that there is no doubt at all but that they have the right to make a reduction, even though the applicant applies for the same power and privileges that it now has?

Mr. LEHLBACH. Absolutely.

Mr. LAGUARDIA. Anyone operating on a temporary license acquires no permanent rights?

Mr. LEHLBACH. No. There are no vested rights in radio transmission. That is the fundamental principle upon which the whole radio legislation is based. There is no vested right in the use of the ether or the air in transmitting radio energy.

Now, the conferees thought that this language, which I read, which Senator DILL and the gentleman from Maine [Mr. WHITE] wrote, was sufficient to accomplish the purpose of the Davis amendment.

Mr. DAVIS himself desired to clarify it, and he wrote a provision which on my own motion was incorporated in this compromise. It is merely a restating in other language what Senator DILL and the gentleman from Maine drew and agreed to, as follows:

> The licensing authority shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses.

That is simply a rephrasing of the White-Dill proposition, and we put them both in. There are two separate directions to the commission to bring about this equality. They both mean the same thing, but they are couched in different language.

Now, objection is made to the White-Dill proposition because it includes this phrase, "When and in so far as there are applications therefor." Judge DAVIS rewrote the White-Dill proposition. What is his concluding phrase? It is, "When applications are made for licenses or renewals of licenses." It is exactly the same phrase as is carried in the White-Dill language, to which he takes exception. What this hullabaloo is about I can not, for the life of me, fathom. [Applause.]

Mr. WHITE of Maine. Mr. Speaker, I renew my motion for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The conference report was adopted.

On motion of Mr. WHITE of Maine, a motion to reconsider the vote whereby the conference report was adopted was laid on the table.

THE "S-4"

The SPEAKER pro tempore. Under the special order the gentleman from New York [Mr. GRIFFIN] is recognized for five minutes.

Mr. GRIFFIN. Mr. Speaker and ladies and gentlemen, I want to pay a tribute to the dead of the *S-4*.

On December 17, 1927, the *S-4* sank beneath the sea off Provincetown, carrying with her to an untimely death 40 of the flower of the Nation. The indignation of the public was stirred to white heat because this catastrophe was only one of a long train of disasters which on good authority are considered inexcusable. Even the Navy itself consented to an investigation and the President made it the subject of a special message.

The Butler resolution was passed by the House on January 7. It was amended and passed in the Senate on January 30. Conferees were appointed and for 50 days there has been silence—no word, no report whatever.

The failure of the conferees in this matter lays bare one of the most pernicious weaknesses in our legislative system. No group of men in a republic ought to have the power to strangle legislation in this way.

Both Houses, the President, and the people of the country demand that the causes of this catastrophe shall be investigated and that a serious study of safety devices and appliances shall be made at once. We owe that to the men who made this sacrifice.

TO THE DEAD OF THE "S-4"

Three times the moon the zodiac has strode
And gazed with pity on your dark abode;
The snow, the rain, the winter gales have swept
The sea, 'neath which your tryst with death was kept.

Courageous sons, we hail your iron nerve!
You risked your lives Columbia to serve—
And dying, never doubted she would keep
The faith and lift your vessel from the deep;
Whate'er the past that she would make amends:
Restore your hallowed bodies to your friends.

Unselfish dead—one promise has been kept:
The sepulcher of steel in which you slept
Is raised at last by faithful comrades' skill—
And your remains a martyr's grave will fill!
'Twas glibly purred: Your death was not in vain—
From your untimely end would spring some gain:
"Such tragedies could ne'er occur again!"
But what's been done to keep the promise true?
What has been done to keep the faith with you?
What has been done to keep the faith with them,
Our cruel neglects to similar fates condemn?

Shall we forget your sacrifice so great
And shirk our duty in affairs of state?
If there's no pity for your moldering bones
Your death itself our base ingratitude atones!
The age in which we live you have retrieved,
For you have given what you ne'er received—
Loyalty! and thus confirmed the ancient truth:
A nation's honor rests upon its youth!
Posterity will praise and hold you high
When quibbling statesmen shall have sunk in obloquy!

[Applause.]

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12286, the naval appropriation bill.

The SPEAKER pro tempore. The gentleman from Idaho moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12286, the naval appropriation bill.

Mr. FRENCH. Pending that motion, I suggest that we consider for a moment an arrangement as to time. There has been considerable demand for time on this side. I understand from my colleague from Kansas [Mr. AYRES] that there is considerable demand for time on the other side, and possibly it would be unwise to fix the time for general debate now. I wonder what the gentleman's reaction may be?

Mr. AYRES. My idea is that it would not be advisable to fix any definite time at all just now.

Mr. FRENCH. Then I ask unanimous consent, Mr. Speaker, that the time be not fixed, but that it be equally divided between the gentleman from Kansas [Mr. AYRES] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Idaho, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the naval appropriation bill.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. CHINDBLOM] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12286, with Mr. CHINDBLOM in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 12286, the naval appropriation bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. FRENCH. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Chairman, probably no supply bill that the Congress is called upon to consider requires such close coordination of all its parts as does the appropriation bill for the Naval Establishment. Ships, shore stations, officers, men, fuel, aircraft, all are related, and the expansion of any one

item is reflected in the terms of many others. If a cruiser or an airplane be proposed and its need demonstrated, you then must inquire as to its cost, the number of officers and men whose services will be drawn upon, the constant charges for operation and maintenance, and the degree in which it will fit in with other component parts of an immense institution.

The appropriations for the support of the Navy for the several years commencing with 1921 have been as follows:

Appropriations

Year	Direct	Indirect	Total
1921	[1] $433,279,574.00		$433,279,574.00
1922	[1] 410,673,289.23		410,673,289.23
1923	294,873,697.00	[2] $8,000,000.00	302,873,697.00
1924	294,456,528.00	35,450,000.00	329,906,528.00
1925	275,105,067.00	22,500,000.00	297,605,067.00
1926	302,862,378.00		302,862,378.00
1927	319,917,575.00	5,000,000.00	324,917,575.00
1928	338,826,626.22	5,945,000.00	344,771,626.22

[1] Naval act only.
[2] Maximum.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COOPER of Wisconsin. Can the gentleman give us the aggregate of the appropriations from 1921 down to the present time.

Mr. FRENCH. It would be approximately $2,700,000,000.

Mr. COOPER of Wisconsin. That is for the Navy in seven years?

Mr. FRENCH. For eight years. The present bill carries a total appropriation of $369,190,737.

EXPANDING NAVAL COSTS

This is the largest bill for the support of our naval arm in point of money carried that the House has been called upon to consider since the conclusion of the treaty limiting naval armaments. This is brought about chiefly by the mounting cost of naval aviation and the heavier ship construction draft that may be expected during 1929 by reason of the fact that all of the eight 10,000-ton cruisers authorized in 1924 will be under construction at one time.

The committee can vision no prospect of declining naval costs in the immediate future. Indeed, all indications point to an appreciable and immediate upward trend. The additional expense that will be occasioned by the enactment of H. R. 11526, passed by the House on the 17th instant, was indicated during the consideration of that measure. In addition, replacement construction, continuing with the modernization program, and aviation expansion, coupled with increasing maintenance and operating costs, all will occasion an annual outlay of proportions sufficient to swell the aggregate of future annual appropriation bills to sums considerably in excess of the total of the bill herewith presented. In a much greater degree will this be true if capital ship replacement shall proceed as contemplated by the existing treaty and if we shall find it necessary not only to replace but increase the number of ships of other types and to add new types.

These prospective additional burdens can be alleviated in a measure by curbing expenses in a greater degree in directions that I shall suggest during my remarks.

THE FLEET

The following is a list of the ships it is planned to have in commission during the fiscal year 1929:

Battleships (first line)	16
Cruisers (second line)	2
Light cruisers:	
First line	10
Second line	3
Aircraft carriers:	
First line	2
Second line	1
Mine layers (second line)	2
Destroyers (first line)	103
Light mine layers	6
Submarines:	
First line	46
Second line	29
Fleet submarines (first line)	5
Patrol vessels:	
Eagle boats	2
Gunboats	12
Converted yachts	5
Auxiliaries	74
Total	318

The plan calls for one more fleet submarine and one less converted yacht being in commission during 1929 than were planned to be in commission during the present fiscal year. Otherwise, there is no change as to numbers.

The matériel condition of the fleet has been represented to the committee as being generally good. Appropriations have not been adequate to permit of vessels being kept fully equipped with all of the latest instruments or devices which tend to make the ships increasingly efficient, both from an operative standpoint and in battle effectiveness. Development of such devices is so rapid that it raises the question as to just how far we should go in that respect. Reasonable progress along lines that represent latest thought, and repair and maintenance that mean efficiency of existing types, we have tried to keep in mind and make provision for.

PERSONNEL

The personnel situation as regards numbers is depicted as follows:

	Estimated, 1929
Officers, active (line, staff, and warrant)	8,745
Midshipmen	1,746
Officers, retired	1,690
Enlisted men:	
Exclusive of additional for Veterans' Bureau	83,250
Retired	1,498
Nurses	525
Total	97,454

LINE OFFICERS

Of line officers, the estimates include provision for an average of 5,314. On September 30 last the actual number stood at 5,423. The authorized number is 5,499. The Naval Academy is the source of our line officers. The number of appointments thereto by each Senator, Representative, and Delegate in Congress was reduced from five to three in the naval appropriation act for the fiscal year 1924, and that action is being reflected at this time in the smaller number of graduates. The situation will begin to improve with the next graduating class, and by 1932, at a normal rate of attrition during the interim, any deficiency in the authorized number of line officers most probably will have been wholly met. Aviation, however, is imposing heavy demands on the line strength. The present aircraft program alone will require, when completed, 916 officer aviators upon the basis of the present theory of supplying aviation personnel. On January 1 last 458 line officers were employed as aviators and observers. In addition to these, 22 officers were in training on such date and 96 others were engaged on ground duty having to do with naval aviation.

While there is a great surplus of officers on the basis of enlisted strength, whether or not demands and employments not contemplated, when the present authorized strength was established in 1916, in addition to aviation, more than absorb such surplus the committee is not prepared to say. Aviation will continue to draw increasingly on line officers under existing policy, since we are told that the five-year aircraft program now being developed fails to provide planes for the cruisers now being built and certainly not for any vessels not now authorized. The committee believes that there should be a reexamination of line-officer personnel requirements.

In the absence of one, however, it does not desire to assume the responsibility for advocating a course that might result in a hurtful shortage of officer personnel in any branch of naval activity. Pursuantly, it is proposing in the accompanying bill to increase the number of appointments to Annapolis of Senators, Representatives, and Delegates in Congress from three to four. Unless the authorized officer strength be increased before these additional appointees may be graduated, it is quite probable that the number of graduates will exceed the number of vacancies.

ENLISTED MEN

For the present fiscal year appropriations were provided to maintain an average of 83,250 men. This number will be exceeded by approximately 400, because distribution in pay grades has not conformed to the estimate, thus releasing sufficient funds to provide compensation for the excess number.

This bill provides for 83,250 men on the basis of the predicted pay grade distribution. The bill is not designed to provide for any fewer number, and if as shaped under the one-fund clause applying to pay, subsistence, and transportation, it is found that a greater number may be carried within the total provided for such objects the matter could be handled through departmental administration. It should be noted in this connection that the number of vessels that will be in commission during 1929 will remain essentially, if not exactly, the same as planned for the present fiscal year.

NAVAL RESERVE

For the Naval Reserve we are carrying $4,020,000, in addition to $9,232,572 which must be paid to men who have been transferred to the Naval Reserve after many years' service with the Navy proper. The amount for both purposes is an increase over the current year and we believe will meet every legitimate need.

TRANSFERRED RESERVISTS

The naval appropriation act approved August 29, 1916, authorized the transfer of enlisted men to the Fleet Naval Reserve upon the completion of 16 or 20 years' naval service, in which status they receive as a retainer, if transferred after 16 years' service, one-third of the base pay at time of transfer plus all permanent additions thereto, and, if transferred after 20 years' service, one-half of the base pay at time of transfer plus all permanent additions thereto. Such men, when their combined time in the Navy and in the Fleet Reserve aggregates 30 years, assume an actual instead of a nominal retired status and their pay then becomes three-fourths of the base pay they were receiving when transferred to the Fleet Reserve plus the allowances to which enlisted men of the same rating are entitled after 30 years' naval service. By the act approved February 28, 1925, it was provided as to men enlisting subsequently to that date that 20 years' naval service must precede transfer to the Fleet Reserve. The law extends to both the Navy and Marine Corps.

At our request the Chief of the Bureau of Navigation, Admiral Leigh, one of the admirals of the Navy of finest integrity and of soundest judgment, submitted to our committee a statement showing what would be the increases upon the demands in support of this factor during the next few years. We asked the admiral to submit the figures so as to bring out the costs by years at intervals of 10 years. Remember that the intervening years carry their progressively increasing amounts.

Admiral Leigh has estimated that the cost figure will increase as follows until 1980, when the peak will be reached:

1930	$10,292,201
1940	19,459,207
1950	23,183,520
1960	27,953,763
1970	31,305,415
1980	32,829,960

These figures, of course, are subject to fluctuations in personnel strength. The committee suggests that consideration be given to offering as an alternative to men now in the service and as a substitute to those who may hereafter enlist a cash bonus upon discharge after 20 years' service equivalent to one year's pay plus all permanent additions thereto.

SUBMARINES

Prompted by the tragic disaster to the submarine *S-4*, the committee conducted an exhaustive inquiry into possible ways of building or equipping subsurface craft so as to lessen the chance of disaster and so as to do everything practicable looking to the rescue of personnel when imperiled from any cause. The hearings are replete with illuminating statements on this subject. It may be said to the credit of all officers who appeared before the committee and who had served in submarines, both in command and in subordinate capacities, that they advocate nothing for personnel protection that would detract in any measure from the military value of such craft. Also, the committee found complete accord between design, construction, and operating personnel.

Submarine service carries with it hazards greater than extend to most branches of naval activity. We have had our appalling losses, but so have other nations. Since 1919 the United States has lost 89 of her officers and men attached to submarine duty, but during that time Great Britain has lost 200 officers and men and Japan 135.

It will not do for us to say that because the United States has been more fortunate than other countries that we have attained a point beyond which we should not go.

With this thought we are carrying in the bill $200,000 for examination and experimental purposes by the Navy Department.

We did not carry money for pontoons because we were told frankly by the officers of the department that they were not in accord upon a policy that was definite enough to justify us in making an appropriation; and as for a salvage ship, the bill was passed only last week by the House authorizing preparation of plans for such a ship, and as the measure is not law, manifestly our bill could not carry money for the purposes proposed.

FUEL

When it comes to the matter of steaming we approach another question that involves large amounts of money.

For fuel and transportation the Budget estimate is $10,690,000, as against $12,000,000 for the current fiscal year, a reduction of $1,310,000. There has been a reduction in the average price of fuel oil from $1.33228 per barrel to $1.16048, in consequence of which a sum approximately $1,000,000 of the current appropriation will not be used. In view of this unanticipated surplus in the current funds, the reduction proposed in the Budget actually is around $300,000. But on account of the lower price of fuel oil the steaming provided was actually increased.

The committee is proposing $10,319,656, or $370,344 less than the Budget estimate, arrived at in this way: The average amount of fuel oil consumed during the fiscal years 1926 and 1927 and estimated to be consumed during the fiscal year 1928 is 6,454,725 barrels. By fiscal years the figures run roundly 6,480,000, 6,260,000, and 6,625,000, respectively. To this average figure the committee has added the estimated consumption of fuel oil during the fiscal year 1929 by the two new aircraft carriers—*Lexington* and *Saratoga*—and the total is 359,558 barrels less than the steaming plans call for. In fact, your committee is of the opinion that somewhat less steaming should be considered rather than plans for greater steaming. It is recognized that a proper amount of steaming is necessary if for no other than the very important reason of familiarizing personnel with the functioning of these masses of floating mechanism, but there is a point where wear must enter the equation and should have the serious attention of the department and the Congress.

AVIATION

July 1, next, will usher in the third year of the five-year program authorized by the act approved June 24, 1926, intended by annual increments to provide the Navy with 1,000 "useful airplanes." When the program period commenced on July 1, 1926, eliminating all planes on hand not coming within the definition of "useful airplanes," the Navy possessed 351 planes on hand and 288 on order. Starting from this point the following table shows the progress made and the predicted status at the end of the fiscal year 1929, during which orders will be placed for 299 planes:

	On hand	Deliveries during year	Wastage	Situation at end of year
July 1—				
1926	351	256	139	468
1927	468	419	182	705
1928	705	[1] 270	[1] 175	[1] 750
1929	750	[1] 271	[1] 238	[1] 783

[1] Estimated.

Assuming that by the end of the fiscal year 1929 the estimated number of 783 useful planes on hand to be correct, it is predicted that during the fiscal years 1930 and 1931, 369 and 401 planes, respectively, will need to be ordered to round out the program on schedule.

LIGHTER THAN AIR

In the act of June 24, 1926 (44 Stat. 764), authority was carried for the construction of two rigid airships of approximately 6,000,000 cubic feet capacity each, at a cost of not to exceed $8,000,000 for both ships. The naval appropriation act for the current fiscal year carried an appropriation of $200,000 toward the construction of one of these airships at a limit of cost of $4,500,000. That appropriation has not been obligated. It appears that a fixed-price contract can not be concluded for the construction of a single airship at a maximum figure of $4,500,000. Representations have been made that the two ships can be built, under a fixed-price contract, for a total cost of $8,000,000. The accompanying bill has been framed to enable that to be done. In addition to the previous appropriation of $200,000 the bill carries $1,800,000 to apply on such a contract during the fiscal year 1929. It was indicated to the committee that construction of the two vessels would not proceed simultaneously and that "full provision would be made in the contract that the second ship should incorporate the results of lessons learned in the design and construction of the first one, and with the interest of the Government further protected by the right of cancellation of the second ship if changing circumstances make that advisable." The appropriation has been proposed with that understanding, fortified by a legislative provision requiring that the contract shall carry a cancellation clause and a clause limiting the Government's total financial obligation should the cancellation right be exercised.

As aviation has expanded, we have needed to expand our personnel. On January 1 last we had 758 commissioned and warrant officers of the Navy and the Marine Corps attached to aviation and 8,616 enlisted personnel. Adding to these figures 2,317 civilian employees, we have to-day in naval aviation approximately 10,933 personnel of all kinds.

Measured in money, naval aviation for 1929 will cost $32,735,000.

Mr. RAGON. Can the gentleman give the figures of the personnel attached to aviation from the Army?

Mr. FRENCH. Not accurately; it may be that some one from the Military Committee can give this information.

Mr. TABER. Approximately 11,500.

Mr. RAGON. And what were the figures the gentleman gave for the Navy?

Mr. FRENCH. For the Navy we have 758 commissioned and warrant officers as of January 1, and 8,616 enlisted personnel. In addition, we have 2,317 civilian employees, making a grand total of 10,933.

MARINE CORPS

For the Marine Corps we are providing for the establishment based on 1,176 commissioned, commissioned warrant, and warrant officers and 18,000 enlisted personnel.

Mr. UPDIKE. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. UPDIKE. Was any provision made for Marine Reserves?

Mr. FRENCH. We are providing for them, and while we can discuss that question more adequately under the five-minute rule, we are carrying something for expansion.

MODERNIZING BATTLESHIPS

Authorization was contained in section 2 of the act of March 2, 1927, for the modernization of the U. S. S. *Nevada* and *Oklahoma* at a total cost of $13,150,000. Half of this sum was appropriated in the first deficiency act, fiscal year 1928, and the estimates the committee considered included the remainder. Work of overhaul commenced in December, at which time it was the expectation that the ships would be completed and back in service by July 1, 1929. Since the work was started it has developed that it might be necessary to do other work not contemplated by the authorization.

These two ships will make a total of eight of our capital ships to undergo extensive overhaul since the calendar year 1924. It developed during the course of the hearings that as to the other six, in addition to the money expended on them pursuant to the authorization act approved December 28, 1924, maintenance appropriations were dipped into to the extent of $300,000 for each vessel. Such procedure was entirely lawful but work of such proportions, in addition to that contemplated by the authorization act, should have been foreseen and made a part of the recommendation for modernization legislation. The course pursued used moneys which could better have been employed in effecting improvements needed on ships of other types.

The committee wishes to avoid a repetition of this action in connection with the major overhaul of the *Nevada* and *Oklahoma* and, consequently, is attaching to the appropriation on account of such vessels a proviso denying the use of other appropriations for altering, improving, or repairing such ships.

INCREASE OF THE NAVY

There is included under this head in the estimates and in the accompanying bill $48,000,000. The comparative figure for this year, including a transfer of $5,115,000 from the naval supply account fund, is $39,615,000.

The 1929 funds will be applied as indicated in the following table:

Vessels (number, type, and unit cost)	Appropriation proposed, 1929			Remaining to be appropriated
	Construction and machinery	Ordnance	Total	
2 submarines, V-5 and V-6 ($6,320,000)	$1,350,000	$540,000	$1,890,000	[1] $2,900,000
2 cruisers, Nos. 24 and 25 ($16,750,000)	5,600,000	2,200,000	7,800,000	450,000
3 cruisers, Nos. 26, 27, and 30 ($16,750,000)	11,550,000	9,450,000	21,000,000	13,800,000
3 cruisers, Nos. 28, 29, and 31 ($16,750,000)	13,000,000	4,310,000	17,310,000	32,490,000
Total	31,500,000	16,500,000	48,000,000	49,640,000

[1] Contingent upon authorization.

The fiscal year 1930 will see all of the above ships practically completed. A final appropriation of about $10,000,000 will need to be provided in the fiscal year 1931 to wind up the work.

No limit of cost heretofore has been imposed on the armor, armaments, and ammunition for light cruisers *29*, *30*, and *31*. Such limit for ordnance on the other five cruisers is fixed at $5,650,000 per vessel. The committee is including provision in the appropriation, "Increase of the Navy," limiting the ordnance costs on account of light cruisers *29*, *30*, and *31* to $5,650,000 per vessel.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLACK of New York. I want to find out what is responsible for the difference in these figures on new construction and the figures the gentleman gave the other day in considering the naval authorization bill, indicating that there would be spent on new construction for the coming year about $72,000,000.

Mr. FRENCH. My figures to which the gentleman refers as having been made last week included not only money for purposes that are in the pending bill, but included also money for the proposed program.

Mr. TABER. And included aviation also.

Mr. BLACK of New York. What does aviation amount to? I think the figures that I am giving are strictly the figures on the authorized appropriations, and the gentleman had another line for the expense entailed in the bill. Of course, the gentleman was not giving us figures the other day on anything unauthorized.

Mr. FRENCH. I have my remarks right here, and I would say that as I analyzed the question the other day I took into consideration the amounts carried in the proposed program. What year did the gentleman refer to—1929?

Mr. BLACK of New York. 1929. What are the figures as of the other day for 1929, on new construction?

Mr. FRENCH. The existing program I indicated as calling for $72,240,000, which included the aircraft that were authorized, and included $6,575,000 for modernization of two battleships.

Mr. BLACK of New York. Does the gentleman know what aviation happens to be on new construction? We have $48,000,000 of naval new construction, and the difference between $48,000,000 and $72,000,000 would have to be aviation.

Mr. TABER. Fifteen million five hundred and sixty thousand dollars.

Mr. FRENCH. That is approximately the figure?

Mr. BLACK of New York. Then the figures of the other day were not strictly what the gentleman had in mind for this year?

Mr. FRENCH. Yes.

Mr. BLACK of New York. They are about $7,000,000 short.

Mr. FRENCH. No. My figures are correct. If the gentleman will let me follow through, I think he will agree that my statement of last week and my statement of to-day are in accord. Probably I should say that in my table the other day I included for 1929, $635,000 for additional aircraft, and we are not carrying that in the present bill. Why? Because these aircraft are not authorized. So if the gentleman will regard my statements of to-day as pertaining to projects that have been authorized, and my statements of last week as including in addition programs that will be authorized in all likelihood, I am sure he will find that the totals are correct for the purposes intended.

POSSIBLE PROGRAMS

Under the terms of the limitation of armaments treaty—chapter 3, article 21—the United States, after consultation with the other contracting powers, shall arrange for a conference of all the contracting powers, which shall convene as soon as possible after the expiration of eight years from the coming into force of the present treaty, to consider what changes, if any, in the treaty may be necessary to meet new developments.

This conference will thus fall due in 1931.

What shall we look forward to by way of a modification of the existing program? I trust we may have reason to anticipate an agreement upon types of ships not now limited in the treaty as to total tonnage, and that such agreement may fix among the powers signatory to the treaty, and possibly other powers that may desire to unite, limitations that may ease the mind of thoughtful people on the question of competitive building of ships. This should be done in the interest of world peace.

To-day when we are considering the money bill for the Naval Establishment of the United States I naturally think of possible new programs that may mean possible lessening of the costs of naval armaments. Probably all the world will recognize that the United States just now is able to bear heavy burdens better than any other of the world powers. Even so, the burdens for the Naval Establishment rest heavily upon our people, and with our vast resources can we not afford to invite other nations to consider if naval burdens may be reduced?

If that be so, it ought to be the easier thing for the United States to take the lead in discussing in its great legislative body and in outlining the policies through its administration ways and means by which reductions can be brought about. It is a fine and generous thing for a strong power to do.

The replacement cost of the ships of the United States would be approximately $1,200,000,000. They tell us that the life of a military ship is approximately 20 years. If that be so, you have already calculated in your mind that the annual cost of replacement of our ships is $60,000,000. Suppose we add the program to the establishment that you authorized the other day. You will then increase the replacement cost annually from $60,000,000 to $75,000,000 or $80,000,000. What can we do to meet this situation?

The figures are startling. Unless we can find a way to reduce construction of ships of war, if we are to maintain our ratio among the powers of the world, this will be our share of "the white man's burden."

CAN WE EXTEND THE LIFE OF NAVAL CRAFT?

When I directed your attention a moment ago to the total replacement cost of our naval craft you will remember I used 20 as a division to obtain the annual cost, because 20 years in a rough way is taken as an arbitrary life of most ships of military type.

This average life is due in large measure to obsolescence. In types of craft where intricate machinery bulks large, obsolescence advances with great rapidity. At the Geneva conference last year proposals were considered of fixing the life of various types. Hon. W. C. Bridgeman, speaking before the plenary conference on June 20, 1927, suggests the following: Capital ships, 26 years; 8-gun cruisers, 24 years; destroyers, 20 years; and submarines, 15 years. Other suggestions of life were offered as the conference proceeded. No results were attained. But may we not pursue this question? If obsolescence is a controlling factor in fixing the life of battleships or cruisers or submarines, then if all nations were to agree upon a definite arbitrary life of more extended years, obsolescence would be a factor common in like measure to all nations, and hence no nation would be placed at disadvantage by extending the average period of replacement. Suppose the annual replacement cost of the ships of the Navy of the United States is $60,000,000 annually, as it is to-day, fixed upon an average life of 20 years for our ships, and the average life could be extended to 25 years, this would mean that the annual replacement cost would be reduced by $12,000,000 or down to $48,000,000. If the annual replacement cost were $80,000,000, the reduction would be $16,000,000.

REDUCE NUMBER WITHIN TYPES

May I suggest another possible program? Why by agreement should we not strike lower figures in numbers of types of ships beyond which we may not build? Let me make an illustration. Under the Washington treaty after 1934 the tonnage of the United States and of Great Britain in battleships will be 525,000 tons each; Japan, 315,000 tons; and France and Italy each 175,000 tons. Some of the older ships by that time will be replaced by new, and three battleships will be withdrawn from our fleet, not again to be replaced. Adjustments by replacement and withdrawal will be made likewise in the battle line of the other nations that are parties to the agreement. But why do the United States and Great Britain require 15 capital ships each, and why Japan 9? Why not 10 each for the United States and Great Britain and 6 for Japan, and corresponding ratios for other nations?

The replacement cost of one battleship to-day is something like $40,000,000. It requires but a little calculation to determine the possibilities in reduction costs to all nations by applying the principle to this and other types. May we not move somewhat in this direction? A horizontal reduction of 33⅓ per cent would cut off approximately $100,000,000 from the annual budgets of Great Britain and the United States.

THE REPLACEMENT HUMP

Consider another factor that should challenge at once the great powers who are parties to the Washington treaty. Under present plans on account of the age of ships the entire replacement program for battleships of the United States, save alone the *Colorado* and the *West Virginia*, will occur within a period of 10 years, or from 1931 to 1941. The *Colorado* and *West Virginia* would follow two years later. As great a turnover must be met within the same period by Great Britain and Japan. This factor should drive home the thought of extension of life of capital ships and the lessening of numbers to the end that the annual naval budget may be reduced.

During the working out of such programs, allowances and adjustments would need to be made on account of certain differences in speed and tonnage of individual ships, and range and caliber of guns.

RELATED FACTORS

The lessening of the burdens of naval programs is not limited by money costs to ships. In it will be found reductions in man power, reductions in fuel, reductions in shore stations, reductions in repair and replacements.

MODERATION IN SHIPS IN COMMISSION

Finally, then, the United States to-day has upon her list of ships, including those available for shore duty, more than 600, and of this number we are providing in this bill that 318 shall be in commission in 1929.

I remember reading in a volume entitled "Nations and Navies," from the pen of the brilliant British naval writer, Hector C. Bywater, a statement to the effect that the battleships of Great Britain are to-day more powerful than all the battleships of the rest of Europe combined, and what he said as to battleships is true also of British cruisers; and what he says as applied to types of ships of Great Britain is true of the United States and Europe, exclusive of Great Britain, and what he said as being true there is true also of the ratio of strength of the United States with relation to the navies of North and South America, exclusive of our own country, and likewise it is true of Asia. What I have said is patent and yet why not remind ourselves now and then of just such truths?

When we think of the question from this point of view is it not apparent that if among the great powers of the world which to-day are strong upon the sea understandings can be worked out that will reduce naval armaments it will mean for world peace and it will mean for a reduction of naval budgets as well?

Mr. CRISP. Will the gentleman yield?

Mr. FRENCH. I shall be glad to yield.

Mr. CRISP. The gentleman has made a very interesting and instructive speech. The gentleman spoke about the obsolescence of vessels in 20 years. Is that because they figure the ships are antiquated because they do not have on them the latest improvements or is it a fact that the ships are still seaworthy?

Mr. FRENCH. Well, in the largest part, I would say it is because of improvements in design, propulsion power, guns, and the other factors which enter into making a ship effective as a military ship.

Mr. CRISP. That is what I had always understood, but I wanted to get the gentleman's view.

Mr. FRENCH. That is correct.

Mr. CRISP. In view of the gentleman's statement about extending the life of a ship for 25 years.

Mr. MADDEN. As a matter of fact, a ship is as seaworthy after 30 years as she is at 20 years?

Mr. FRENCH. Oh, yes. That is true of hulls. Engines and machinery must be replaced. It is an interesting thing in that connection to notice that many of the ships which are plying the seas to-day are ships that have been upon the registers for many, many more years than 20.

Mr. BLACK of New York. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLACK of New York. Will the gentleman let us know how many destroyers will be in commission next year and how many submarines?

Mr. FRENCH. We plan 103 destroyers; of the first line, 46 submarines; of the second line, 29; and fleet submarines, 5.

Then there is another factor in which we are always interested. Navies are not limited to shore establishments, ships, and fuel; they include officers and enlisted personnel. As the members of your committe have met officers and enlisted personnel, not only of the Navy but of the Marine Corps, it is the universal testimony of all, if you ask an officer, that the enlisted personnel is superb; that it is made up of the fine type of men whom we ought to have to make up the enlisted personnel of the United States Navy; and if you ask the enlisted personnel who the best officer is, he will tell you, "My commander," "My captain," "My officer." That is the spirit which has meant success for the American Navy. It is the spirit that characterizes the American Navy to-day; and it is the spirit that from the days of John Paul Jones down to the present hour has enabled the American Navy to reflect glory and honor upon not only the Naval Establishment but upon our country, as we have stood during a hundred and fifty years for definite ideals in the interest of humankind. [Applause.]

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. SHALLENBERGER. Could the gentleman add to his very interesting speech an estimate or statement of the total amount the Government has invested in the fleet we now have?

Mr. FRENCH. In the ships—the floating establishment—it would be approximately $1,200,000,000; and in shore stations, as I recall the figures, somewhere around $650,000,000.

Mr. SHALLENBERGER. Did I understand the gentleman to say that in case we do not make an adjustment before the next peace conference in 1931 he contemplates that in the next 10 years we might have to replace the entire fleet?

Mr. FRENCH. I will say to my colleague that if he will examine the treaty adopted in 1923, in which a replacement program is worked out, he will find it means that every battleship of the United States Fleet may be replaced, except the *West Virginia* and *Colorado* alone, between the years 1931 and 1941. The *West Virginia* and *Colorado* would follow along two years later.

Mr. SHALLENBERGER. And it would take something like $1,000,000,000 to make that replacement?

Mr. FRENCH. Well, of course, we must bear in mind that when 1934 shall be reached, instead of 18 battleships we may prefer to have 15 battleships of larger tonnage than the present. If you take 2 from 15, that would leave 13, and the 13 must be replaced unless some modification shall occur within the 10 years, and the other 2 would follow on in the next 2 years.

Mr. PERKINS. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. PERKINS. As I understand, the bill will provide for the appointment of four cadets to Annapolis?

Mr. FRENCH. Yes.

Mr. PERKINS. When are the extra appointments to be made?

Mr. FRENCH. They would follow on this year, although I take it, coming so late, probably not more than one-half of those nominated would enter, but the law would become effective at once.

Mr. SHALLENBERGER. Will the gentleman permit one other observation?

Mr. FRENCH. Yes.

Mr. SHALLENBERGER I followed the figures which the gentleman gave as to the probable cost of the Navy for six or seven years in his very interesting speech a week ago, and I made a computation showing that it was going to cost us something like $2,200,000,000, but according to the gentleman's present statement the entire replacement of the fleet would be something like $1,200,000,000, so how is it we will spend in the half of 10 years something like twice as much as the entire cost of the fleet? Is that a fair statement of what the gentleman's figures show?

Mr. FRENCH. Well, I think the gentleman will remember this: That when I spoke on Friday I covered merely the period of time within which the program that was proposed then would last. I stated I thought that would have all been completed in 1935 and I did not go beyond 1935 except as to ships begun.

Mr. SHALLENBERGER. Then the gentleman's figures did show that in all probability in the next six years we will spend twice as much as the entire fleet is worth. Is that right?

Mr. FRENCH. I did not mean to say anything a moment ago that would bear out such an inference. Possibly the gentleman referred to my remarks upon cost of maintenance as well as replacement.

In response to the question of the gentleman from Wisconsin I indicated a figure somewhat in excess of $2,700,000,000. This figure included operation and maintenance, and we must remember that operation and maintenance items make up, in round figures, between $280,000,000 or $290,000,000 of the present bill, and they will make up, unless we arrange some program of reduction, as large a part of any bill that will be presented for the support of the Navy during many years to come.

Mr. SHALLENBERGER. The point I wanted to bring out, and the one upon which the gentleman is conveying information to us, is that the cost of maintenance of the Navy, as we go on, is even more than the value of the Navy at any certain date.

Mr. FRENCH. The cost of maintenance of the Navy every year, including even substantial repair and overhaul, is practically equal to four times the average replacement cost when we think of replacement as meaning new ships.

Mr. SHALLENBERGER. That is the point I wanted to bring out.

Mr. SEGER. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. SEGER. In connection with the gentleman's statement about adding an extra assignment of candidates to the Naval Academy, has the gentleman given any thought to extending the period which is mandatory for his remaining in the service after he has been graduated?

Mr. FRENCH. I think that is a question that can probably be better handled by the administration. Personally, I think a midshipman owes it to the country and to the establishment from which he has graduated and to the service in which he has enrolled to serve for a reasonable time after graduation.

Mr. SEGER. The period at this time is two years.

Mr. FRENCH. Generally speaking, that is policy rather than law.

Mr. SEGER. I agree with the gentleman, because I believe that after a graduate has received four years of technical training as an engineer he ought to give more time than two years to the service of the Government.

Mr. FRENCH. Then there is another point in this same connection. Men who have urged four midshipmen or more for the Academy premise their argument largely upon the fact that these young men will flow back into our civilian life and will be ready to be called upon for service. I submit that a graduate of the Naval Academy, notwithstanding the fact that upon graduation he has a fine education and basic training for the Navy, after all is not very well fitted for naval service unless he shall have added to his work at the Academy several years' experience upon ships.

Mr. SEGER. I agree with the gentleman.

Mr. FRENCH. Mr. Chairman, I yield back the balance of my time.

Mr. AYRES. Mr. Chairman, I yield 40 minutes to the gentleman from Arkansas [Mr. RAGON].

Mr. RAGON. Mr. Chairman, it is my purpose to discuss some features of the great flood which swept the Mississippi Valley in April and May of last year and emphasize the extent of the damages suffered by the destructive flood waters of the tributaries of the Mississippi and indicate something of the need of flood control on these streams.

NATIONAL PROBLEM

Much has been said since that great flood of the national aspect of any flood-control project proposed for the Mississippi River Valley. Control of destructive flood waters in the Mississippi River Valley is no more a national question to-day than it has been in the past. For the purpose of navigation flood control has been recognized as a national problem based principally upon its effect on commerce and national defense, and the Government has for years made contributions to this end. So flood control has been recognized as a national problem, although it has been treated by the Government as incidental to navigation.

The destructive floods which swept down the Mississippi Valley, taking great toll of life and property, is within itself a national question which should engage the attention of the Government as such. In order for it to come within the generally accepted term of "a national problem" there must be found in the Constitution provisions for expending money from the Federal Treasury to encompass the purpose of flood control. It is not my purpose to go into a lengthy or detailed discussion of the authorities provided in the Constitution for such expenditures but rather to mention them and pass them up without comment. Article I, section 8 of the Constitution provides that—

> Congress shall have powers * * * to provide for the common defense and general welfare of the United States * * * to regulate commerce, and to establish post offices and post roads.

Under any one or all of these provisions of the Constitution is provided ample authority for the Government to provide money for the control of destructive flood waters upon any stream where conditions are of such proportions as to justify.

The Jones bill, which is now before the Senate, and the Reid bill, which has been considered by the House committee, recognize these clauses in the Constitution as sufficient authority for the expenditure of money for flood control in certain parts of the Mississippi River Valley. These bills are based upon the fundamental proposition that if commerce is interrupted, postal facilities impaired, and our national defense and general welfare are threatened and imperiled, the National Treasury may be looked to as a source for relief. The Jones bill particularly makes the source from which the relief is to be obtained national. But the scope of the relief afforded is very local, indeed. For this reason it is my purpose to make an appeal for flood protection on the tributaries. We are opening this fight and will prosecute it diligently to secure tributary relief.

I do not contend that the Government should go out upon every remote stream which every now and then has some freshet which causes damages of more or less proportion and expend money for the control of its flood. But it is my contention that when destructive flood waters completely paralyze commerce, imperil our national defense, stop the transmission of our mails, and drive multiplied thousands of people

from their homes and exact a great toll of human lives, all combine to approach a calamity of such proportions that no civilized government with a constitution such as ours can afford to ignore it. Of course, the participation of the Government in bringing relief to any stricken State or community would depend altogether upon how seriously any one of these constitutional provisions was involved. The degree of this involvement should determine the participation of the Federal Government in the project.

ARKANSAS HEAVY LOSER

I propose to show by figures, from the most reliable source, that in the flood of 1927 Arkansas was, perhaps, more seriously damaged than any other State. I propose to show by figures from the same source that 88 per cent of the damage done in Arkansas was done by waters independent of and uninfluenced by the Mississippi River. And yet the Jones bill does not propose to relieve this situation in any degree. You might carry out the full purport of the Jones bill and a flood of the exact nature of 1927 would not have its horrors decreased 20 per cent. I say this with all due respect to the powerful committee from which that bill emerged. But as a relief from floods such as we had in 1927, so far as Arkansas is concerned, the Jones bill would be a monstrous failure.

In emphasizing the flood damages on the tributaries, I would not like to see these facts draw the thoughtful consideration of Congress away from the devastations of the lower Mississippi River. But to make clear that the lower Mississippi River was not the only river which devastated great areas and that a popular flood-control plan must revolve around one project common to both the Mississippi and its tributaries. I shall discuss this last thought later. In order for you to get the proper conception of the magnitude of the flood on the tributaries it is necessary to draw some comparison. For this purpose, I recently called upon the Bureau of Agricultural Economics of the Department of Agriculture to furnish me with such figures as they could with regard to the damages suffered in Missouri, Kentucky, Illinois, Tennessee, Mississippi, Louisiana, and Arkansas. I found the only data they had was that furnished by county agents, and it only referred to livestock figures and the amount of crop land inundated and the date at which this inundated territory might be free of water. While this omits all items of damages, except as relates to livestock, yet it affords an authentic yardstick by which we may measure the comparative damages suffered in the different States. Since Arkansas, Louisiana, and Mississippi suffered greater damages than any of the rest, I shall only use the figures that apply to these three States.

TABLE No. 1.—*Livestock lost*

State	Horses and mules	Cattle	Swine	Poultry	Crop land inundated
					Acres
Mississippi	7,375	9,000	22,690	263,300	861,900
Louisiana	7,100	19,580	55,930	487,830	1,105,200
Arkansas	9,250	21,060	66,590	525,440	1,839,400

According to these figures it will be observed that Arkansas had practically a million acres more of crop land inundated than in the State of Mississippi, and practically 725,000 acres more than in the State of Louisiana. It will also be observed that Arkansas had a greater loss in horses and mules, cattle, swine, and poultry than either of the other two States. As stated before, my only purpose in this comparison is to emphasize the tremendous flood damages suffered in Arkansas on the tributary streams.

ARKANSAS FLOOD DAMAGES

Arkansas has more miles of navigable river streams than any other State in the Union. I mean by this, miles of navigable waterways as recognized by the Government as such. The tributary streams of the Mississippi River which flow through Arkansas are the Arkansas River, White River, Red River, St. Francis River, and the Ouachita River. I shall not take the time to go into the details on any of these rivers except the Arkansas, in the valley of which I have lived all my life, and have seen every foot of river from where it rises on the continental divide to where it flows some 1,400 miles distance therefrom into the Mississippi River.

Using data from the same source and in the same tabulated form, which I have applied to the States of Louisiana, Mississippi, and Arkansas, I now submit figures dealing with the damages upon the tributaries of the Mississippi affecting the State of Arkansas. I have taken the Bureau of Agricultural Economics report on each county in Arkansas and combined this with the other counties which form the tributary basins as nearly as it was possible to do:

TABLE No. 2

River	Horses and mules	Cattle	Swine	Poultry	Crop land inundated
					Acres
Arkansas	5,450	11,460	24,220	279,870	910,000
White	1,660	4,610	23,080	121,496	329,000
St. Francis	570	810	5,100	19,660	223,900
Ouachita	570	2,800	5,410	9,040	91,700
Red		90	40	12,000	32,000
Total	8,250	19,770	57,850	442,066	1,586,600

It is difficult to estimate the amount of damages done by the Mississippi River in Arkansas. The levees of the Mississippi River in Arkansas remained intact except for two or three minor breaks. The White River to a small degree and the St. Francis were influenced by backwaters from the Mississippi and the St. Francis received an additional volume of water from the break of the Mississippi Levee in Missouri at the Dorena break. However, my information is that this water was small in comparison to the water which came down the natural drainage basin of the St. Francis River. While the St. Francis River affects Mississippi, Phillips, and Crittenden Counties, I have given the damage to these counties as resulting alone from the waters of the Mississippi River. These areas and some 20,000 other acres accounts for all of the territory flooded in the State of Arkansas by the Mississippi River in the flood of 1927. This important fact should not be forgotten that 88 per cent of the damages as assigned by the Bureau of Agricultural Economics as a result of floods of 1927 in the State of Arkansas came from the water of the tributary streams of the Mississippi. With these astounding facts confronting them, there are those who would to-day go into the Federal Treasury to get money to protect this 12 per cent and totally ignore the other 88 per cent of territory in the State of Arkansas.

DAMAGES ON THE ARKANSAS RIVER

In order to impress upon you the magnitude of the flood suffering from the waters of the Arkansas River in the State of Arkansas, I herewith submit Table No. 3, which compares the damages suffered by the people along that stream with the damages suffered in the entire State of Mississippi:

TABLE No. 3

States	Horses and mules	Cattle	Swine	Poultry	Crop land inundated
					Acres
Entire State of Mississippi	7,375	9,000	22,690	263,300	861,900
Arkansas by Arkansas River alone	5,450	11,460	24,220	297,870	910,100

This total shows that the Arkansas River did more damages on every item furnished by the Bureau of Agricultural Economics except the one item of horses and mules. It discloses that the Arkansas River flooded more crop land by over 150,000 acres than was overflowed in the entire State of Mississippi; and yet flood relief on the Arkansas is practically ignored, both in the Jones bill and under the Jadwin plan. Can it be possible that Congress represents the sentiment of the American people in the matter of the control of destructive waters by eliminating such a problem as this from their consideration? I shall deal in logical order with damages done by the Arkansas River later on.

In giving information as to the damages suffered by the inhabitants along the basin of the Arkansas River it is necessary to give you something as to the amount of rainfall and the volume of water it carried and the carrying capacity of the Arkansas River.

1927 RAINFALL AND CHARACTER OF VALLEY

The rainfall which caused our great flood fell from a point beginning west of Tulsa, Okla., in southeast Kansas and southern Missouri and in northern and western Arkansas. At Tulsa the rainfall was 6 or 8 inches, which fell in a period between April 7 and April 20. A slightly increased rainfall characterized the southeast Kansas and southern Missouri, growing in intensity along the Arkansas Basin until it reached 14 inches at Fort Gibson, Okla.; the same at Fort Smith, Ark.; 16 inches at Fayetteville, Ark.; 16 inches at Jasper, Ark.; and 19 inches at Danville, Ark.; tapering down to 9 inches at Little Rock. Most of this water fell in a short period of three or four days.

Mr. HARDY. In what length of time was that 14 inches of rainfall?

Mr. RAGON. The rain fell in the period between the 7th of April and the 20th of April, but most of it fell in two or three days; practically all of it fell in two or three days.

Mr. McDUFFIE. Were there any cities inundated between Pine Bluff and Fort Smith?

Mr. RAGON. Yes; but I can not tell you about that. I know in my district the flood got up into a part of Little Rock and North Little Rock.

Mr. ARENTZ. Because of the settlers along this river from east to west storage would be impossible within the confines of the State of Arkansas, would it not?

Mr. RAGON. I rather think so. In the proper place I will take that up.

Mr. McDUFFIE. Can the gentleman give any idea of the fall between Fort Smith and Pine Bluff?

Mr. RAGON. I have those figures, but they are not in my mind at present.

Mr. McDUFFIE. What are the power possibilities of the Arkansas River between Pine Bluff and Fort Smith in connection with the development of such work as might be done to control the flood? Would it be possible to generate power?

Mr. RAGON. Yes; and I will deal with that later on.

The Arkansas River, as I have stated before, rises in Colorado and flows in a southeastern direction through Colorado, Kansas, Oklahoma, and Arkansas into the Mississippi River. Its main tributaries are the North and South Canadian Rivers, the Cimmarron River, the Verdigris River, and the Neosho or Grand River. All of these rivers flow into the Arkansas in the State of Oklahoma, the Neosho and Verdigris rising in Kansas and the Cimmarron and South Canadian rising in New Mexico and flowing through Texas and Oklahoma. All of these tributaries except the Canadian flow into the Arkansas above Fort Gibson, Okla. There are other small tributaries, but they do not contribute very much to our damaging floods.

Mr. GARBER. Has the gentleman an estimate of the damages in Oklahoma caused by the tributaries?

Mr. RAGON. Yes. In Oklahoma the estimated damage done in 1927 by the Arkansas River and tributaries is in excess of $20,000,000. In other words, the overflow about which there has been so much talk in the lower Mississippi took a toll in Kansas of $12,000,000, while here in Oklahoma the damage was $20,000,000 before it even reached the State of Arkansas.

Mr. McDUFFIE. The gentleman is making a very instructive statement, one that the House ought to have. I want to ask if there was any loss of life on the Arkansas River and its tributaries?

Mr. RAGON. Yes. I will say to my friend that I have not figured out the loss on the different tributaries, but I feel confident in saying that 80 per cent of the loss in Arkansas was by these tributaries alone.

The Arkansas River Valley, which in Arkansas extends from Fort Smith to Pine Bluff, I believe suffered more permanent and irreparable damage than any other section in all the flooded area in 1927. This valley is approximately 200 miles long and varies in width from 5 to 20 miles. It has 11 cities ranging in population from 3,000 to 100,000, Little Rock, the capital of the State, being the largest. In this valley there is as fertile land as there is within the State, owned principally in small tracts by farmers who in years past might have been termed as prosperous. This valley is largely adapted to cotton, corn, and alfalfa.

According to the United States Army engineers, the low water flow of the Arkansas River at the gauge at Little Rock, which is about 175 miles from the mouth of the Arkansas, is 1,100 cubic feet per second. The bank-full flow of the river at this same point is 370,000 cubic feet per second. On April 21 there passed by this gauge the unprecedented volume of approximately 875,000 cubic feet per second. At the same time there passed the gauge at Clarendon, Ark., on the White River, over 400,000 cubic feet of water per second through a channel, the bank-full capacity of which is only 40,000 cubic feet per second. Hence it will be seen that the combined flow of the Arkansas and White Rivers was 1,200,000 cubic feet per second of water. It is an interesting comparison to note that the flow of the Mississippi River below the mouth of the Arkansas was only slightly above 2,000,000 feet. In other words the Arkansas and White Rivers alone carried practically 60 per cent of the peak volume of waters of the Mississippi River at its highest stage.

ENTIRE ARKANSAS RIVER BASIN DAMAGES

This great volume of water congregated from Oklahoma, southeast Kansas and southwest Missouri converged into a volume of water which passed Fort Smith, Ark., a distance of 165 miles northwest of Little Rock, with a registered flow of 750,000 cubic feet per second. Before the House Flood Control Committee it was estimated that the damages done to Kansas on the tributaries of the Arkansas was approximately $12,000,000. The engineers from the State flood commission of Oklahoma estimates the damage done in 1927 by the Arkansas and its tributaries in Oklahoma to be in excess of $20,000,000. Anticipating that it would be of some interest to Congress to know the actual damages suffered in the Arkansas portion of the Arkansas River Valley, I called upon prominent business men and farmers to get together in each county from Fort Smith to Little Rock and compile figures of the damages suffered in each county. They did so, basing their estimates upon the value of the real estate prior and subsequent to the flood; damages to buildings and contents; crop losses; damage to bridges and highways and levees. As a result of these conferences the damages in each county were given to me as follows: Beginning at Fort Smith, in Sebastian County, there was a damage of $335,000; in Crawford County, $2,750,000; Franklin County, $1,025,000; Logan County, $343,000; Johnson County, $2,142,560; Pope County, $3,800,500; Yell County, $3,870,000; Conway County, $3,450,000; Faulkner County, $1,070,102; Pulaski County, $2,627,000. I did not go to Jefferson and Lonoke Counties, but I wired a friend who was the former mayor of Little Rock and now connected with the chamber of commerce at Pine Bluff, and in reply he wired me the damages to Jefferson County were $4,500,000. The amount of damages suffered in Lonoke County I procured from the Red Cross, which estimated that Lonoke County suffered $261,150 damages. From the same source I procured the damages to Perry County, which were estimated as $31,970, making a total loss in this valley of 200 miles distance of $26,206,532. These figures do not cover an area any closer to the mouth of the Arkansas River than 100 miles. Neither do they cover the great area overflowed by the Arkansas River in Desha, Drew, Chicot, and Ashley Counties. Also they do not include livestock loss.

The fall in the Arkansas River from Fort Smith to Pine Bluff is rather marked, but at Pine Bluff the fall from there to the mouth of the Arkansas is very slight. For this reason, while damages to real estate in counties in southeast Arkansas was very great, it is not so heavy as those counties in the Arkansas Valley. The figures I have given as to the damages in the Arkansas Valley, and the livestock losses heretofore enumerated, do not cover all the items of damages, for I have not an estimate at hand of the damages done to railroads, telegraph companies, coal mines, and other industries. But, adding to the $32,000,000 of damages suffered in Oklahoma and Kansas, the $26,000,000 of known damages done in the Arkansas River Valley in Arkansas alone is sufficient to show that over $58,000,000 of damages was suffered on the Arkansas River from Pine Bluff north and west. I dare say if the facts could be ascertained that no less than $80,000,000 in damages was suffered on the Arkansas River last April.

Through this Arkansas River Valley there runs two great railway lines. One on the north side of the Arkansas River being one of the main lines of the Missouri Pacific, which runs from Kansas City to New Orleans. On the south side of the river runs the Rock Island, from Amarillo, Tex., to Memphis. There are two telegraph lines on either side of the river and main lines of telephone companies. This valley is the most thickly populated of any section in the State.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. MADDEN. And who does the gentleman suggest should pay all this damage that he has referred to?

Mr. RAGON. If the gentleman does not object, I shall be glad to treat that a little later.

Mr. MADDEN. I would like to have the gentleman answer my question, if he will.

Mr. RAGON. Very well. I can answer it here readily. If the gentleman had been listening to me when I began my address——

Mr. MADDEN. Oh, I was listening.

Mr. RAGON. He would have understood that I suggested this. If you are going to accept the logic of the Jones bill, or of the Reid bill, you must make this contribution from the National Treasury, based, as it must be, upon some provision of the Constitution. There must be some postal facility threatened, there must be some commerce interrupted, there must be human lives taken, and combining all, or taking any one of them, you have justification for a contribution upon the part of the Federal Government. How far will you go upon it is the question, and I am not prepared to answer. I do say this, that where your commerce justifies it, where your national defense is impaired greatly, and where human lives are snuffed out, it then becomes a matter where the governmental participation should be heavy, but up here upon some of these streams where commerce is not so involved, where the national defense is not so imperiled, and where the loss of life is not so great or so

often, the loss there involving the Government would be to a very much less extent. My contention is that it depends upon the degree of involvement of these things, upon which we base this constitutional aid, in respect to these different tributaries.

Mr. MADDEN. And it would take some time to ascertain that, I take it?

Mr. RAGON. Yes. There is no other way to do it, if you are going to treat this matter in a comprehensive way, and that is the only way to treat it. If you treat the matter as it should be treated, then it is going to take some time, and we have to abide with patience.

Mr. MAJOR of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. MAJOR of Illinois. The gentleman suggested and it is quite true that neither the Jones bill nor the Jadwin plan take care of the tributaries. Has any plan been submitted that does take care of the tributaries?

Mr. RAGON. We have several, yes, that have been submitted, and I think the Senate is going to adopt them.

Mr. MAJOR of Illinois. What plan, for instance, provides relief for the tributaries?

Mr. RAGON. That would take me into a discussion here that I would not like now to enter.

Mr. HARDY. The gentleman can say the reservoir system.

Mr. RAGON. I shall deal with that later, and that is the reason that I hesitated answering the gentleman from Illinois [Mr. MADDEN].

Mr. McDUFFIE. Mr. Chairman, may I interrupt the gentleman again to ask a question?

Mr. RAGON. Yes.

Mr. McDUFFIE. I was interested to know in your computation as to the damage on this river, what percentage of the amount involves the destruction of crops for that year, and what percentage of it is land that they were able to till and raise a crop on during that year?

Mr. RAGON. They based the crop loss on the actual loss, whatever it was in a county.

Mr. McDUFFIE. And I take it that that was the principal loss; that is, the crop loss?

Mr. RAGON. Oh, no; it was the damage to the washed real estate and the sanded real estate. I am acquainted with every foot of this, because practically all of it runs through my district. I would not give you 50 cents on the dollar for any acre in the Arkansas Valley since 1927, compared to what it was worth before. Men who know—farmers, business men, professional men, men of sound judgment, interested in Arkansas, I know sat around the table, 10 of them, in my county, and I sat with them and listened to them as they computed these damages. The damage to real estate alone in my county which is one of the smallest in the State, was over a million dollars.

During the flood times I was in my home town of Clarksville, Ark., which is in the foothills of the Ozark Mountains and 3 miles from the Arkansas River. For a period of practically 10 days, save and except for radio communications and occasionally when the telegraph and telephones were operating, we were completely shut off from the outside world. The only mail we received for practically 10 days was brought in by one or two airplane visits. For a week we did not receive a daily paper from our capital city, only 100 miles away. All lines of industry were as completely paralyzed as if they did not exist. I recall that the first mail which came to us by train was pulled through water almost up to the fire box of the engine. The conditions existing in my little city were characteristic of conditions throughout the Arkansas River Valley.

When the flood subsided it was discovered that in this beautiful and fertile little valley this devastating flood had cut and sanded splendid farms to such an extent that they were worthless the rest of the year and permanently and irreparably injured from 25 per cent to 75 per cent of their value. I have never seen such devastation as that flood worked to the counties of my own district. It drove over 12,000 people from their homes, 30 per cent of whom never returned, because their homes were wrecked and destroyed. Seventeen people lost their lives as a result of the floods in the Arkansas River Valley. All of this property was destroyed; all these people were driven from their homes, and all of these people were drowned in a section for which the Jadwin plan or the Jones bill makes no provisions whatever.

ARKANSAS RIVER ONCE CONTROLLED

There was a time when the Army engineers had an office at Little Rock and kept an engineer there who had charge of some of the tributary streams of the Mississippi in that State. Some years ago he was removed for reasons of which I do not know. But I do know that there was a time easily within my memory when the Arkansas River was navigable and steamboats plied their way loaded with merchandise as far up the river as Fort Smith. The river, however, has been permitted to fill within recent years until it is no longer navigable for large boats. This flood of 1927 swept every levee in the Arkansas River Valley before it. It cut down banks and carved new channels as effectively as one might make with a gigantic steam shovel. The result is now that the farmers of the Arkansas River Valley find their lands left to the ravages of an overflow by every bank-full rise of the Arkansas River. Unable in most instances, because of financial conditions, to help themselves, they find the back of the hand of their Government turned to them, notwithstanding they can not drive a pile into the river, build a bridge across it, nor put a ferryboat upon it without first having the consent of this great and beneficent Government.

CONSTITUTIONAL REQUIREMENTS MET

All of these facts and figures contribute unmistakably, it seems to me, to bring the Arkansas River within the protecting care of those provisions of the Constitution upon which the Jones bill and the Reid bill are hypothecated. Can an economic wastage of $75,000,000 in a single year in a section not 500 miles long occur and this section be denied the protection which is given it under the commerce clause of the Constitution? Can thousands of homes and a score of lives be lost and this section not be given the protection of the general-welfare clause of the Constitution? When the mails for a period of one week, from Kansas City and Oklahoma City to Little Rock, Shreveport, and Alexandria, La., were completely tied up for a period of a week, can this section be denied the protection of the clause of the Constitution for postal facilities? Camp Pike was one of the cantonments that housed as high as 80,000 soldiers. It is located at Little Rock. Fort Logan H. Roots, used as an officers' training school, is also at Little Rock. Camp Beauregard, in Louisiana, was another place where thousands of soldiers were mobilized. Had this flood occurred during the war period the mobilization of soldiers and their dispatch to different quarters would have been completely tied up from 1 week to 15 days. With this and other features of our national defense entering into the situation, can it be said that we should not invoke the national-defense clause of the Constitution in the prevention of such calamities? If we are going to spend hundreds of millions of dollars for the protection of commerce, saving of human lives, the strengthening of our national defense, and to better our postal facilities from Cairo, Ill., to the mouth of the Mississippi River, who would not give commerce, human life, and the national defense and postal facilities the same consideration in other places where a like disaster has occurred? To say that this Government shall expend hundreds of millions of dollars which would provide a plan, if such can be done, for carrying of flood waters from Cairo to the mouth of the Mississippi River and ignoring all other sections is an assertion not founded on reasonable application of the provisions of the Constitution.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman 15 minutes more.

The CHAIRMAN. The gentleman from Arkansas is recognized for an additional 15 minutes.

IT IS ALL ONE PROJECT

Mr. RAGON. I have studied carefully the testimony of engineers, both in Army and civil life, and am fairly familiar with the entire Mississippi River Valley. How any flood-control plan can be evolved which is successful without incorporating the entire Mississippi Valley from Montana to Pittsburgh and from the Great Lakes to the Gulf is beyond my comprehension. If one will but look at the map, he will see the great Louisiana Territory from the Mississippi back to the Rocky Mountains has a perfect natural drainage. East of the Mississippi he will see the great States of Wisconsin, Illinois, Indiana, West Virginia, Kentucky, North Carolina, and Tennessee have a natural drainage, principally through the Ohio River, a tributary of the Mississippi. It is not my purpose to deal with flood stages on the other rivers, but it will be well to remember that what happened on the Arkansas River and the White River may at any time happen on the Missouri, the upper Mississippi, or the Ohio River. If it had not been for the Arkansas and White River flood, the 1927 flood would not have received a headline on a single newspaper in the United States.

Mr. OLIVER of New York. Mr. Chairman, will the gentleman yield there?

Mr. RAGON. Yes.

Mr. OLIVER of New York. What reason is there for discrimination against your section? If there is any reason at all for granting relief, it seems to me from the arguments you have advanced and the statements you make that equal relief ought to be granted to those people living along the Arkansas River. I do not know of any reason, and I wonder if there is any that has any justice or common sense in it.

Mr. RAGON. The same reason that permits the floods to rush down the Ohio River every year, exacting millions of dollars in damages to those people—the same reason that permits the water every year to rush down the Missouri River—is the reason that applies to the Arkansas River. The Government turns its back to the Arkansas River. It should not be.

Mr. OLIVER of New York. I think if gentlemen in the House would listen to your eloquent speech they would give you more encouragement than they have shown heretofore.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. SHALLENBERGER. It is not a question of paying for damages you have suffered, but you are asking for money to be expended in the future?

Mr. RAGON. Yes.

Mr. SHALLENBERGER. You are not asking for reimbursement for money values that were lost?

Mr. RAGON. No. Let me give you a picture. I was called to the little city of Dardanelle, in a bottom, embracing 55,000 acres, one of the richest pieces of land in the United States. I was taken to an 80-acre farm there that had been bought and paid for by the owner, he paying $225 per acre for that land. He spent the savings of a lifetime to purchase it. There was a hole through that land that had been made there in the Arkansas River bank that was as deep as this Chamber, and it extended the entire distance of that fellow's 80 acres of land, and left that whole 55,000-acre tract open to the ravages of the Arkansas River.

Mr. ARNOLD. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. ARNOLD. I have been very much interested in what the gentleman says about the overflow in his section of country, but what I am particularly interested in is in knowing what form of relief the gentleman recommends to Congress.

Mr. RAGON. I shall get to that shortly.

It seems to me the Mississippi River and its tributaries should be considered as one project, and that its development should be under one administrative unit.

The annual economic wastage by reasons of floods on all of these great tributaries of the Mississippi would more than pay for the most complete flood-control project conceivable within a period of 20 years. Look at these States with their agricultural and industrial wealth. Look at your income-tax returns and see what these States are contributing to the National Treasury each year. One of these great tributaries plows its way through a section which has been aptly termed the "World's great bread basket." Therefore it seems to me that the Mississippi River and its tributaries should be considered as one project and that its development should be under one administrative unit. If the genius of our engineers can provide a means of controlling flood waters of the tributaries, then is it not common horse sense that this control would greatly influence the flood of the lower Mississippi? If this is true, why then pass a flood relief bill which calls for expenditure of more than one-fourth of a billion dollars which only handles the flood waters from Cairo to the Gulf. In treating the Mississippi and its tributaries as one project, it seems to me that it will solve two difficult problems: First, you relieve the distress of those living in the tributary basin, and second, you make less expensive the control works on the lower Mississippi.

In other words, if you can go on the Missouri River and control it, and go on the upper Mississippi and on the Ohio and upon the Arkansas, how in the name of common reason can anyone say that the local control of those floods will not restrain the floods on the lower Mississippi River?

Mr. McDUFFIE. Mr. Chairman, will the gentleman yield?

Mr. RAGON. Yes.

Mr. McDUFFIE. The gentleman is aware of the fact that Congress has authorized a study of the Mississippi and its tributary streams with a view of controlling navigation and controlling the floods upon them. That work will begin in a few days, as I understand it, because Congress only recently appropriated the money, $2,000,000 of which is to be applied to that work at once. I am wondering if that work is not, after all, what the gentleman will need on the Arkansas River as one of the tributaries of the Mississippi. Does the gentleman want immediate relief rather than wait for such a study of that stream?

Mr. RAGON. If there is no immediate relief, there will not be anything left there to relieve. The gentleman has asked a very pertinent question. The engineers tell me that under the projects incorporated in the river and harbor bill last year, and for which we made appropriations to carry them out at this session, it will take, perhaps, 10 years to complete some of that program. If you are going to take that length of time on the Arkansas River, then you will feed us to the wolves; we have nothing left.

I want to compliment the gentleman and his committee on the forward step which they have taken. But as for flood control, it does not serve the purpose.

Mr. McDUFFIE. I want to say to the gentleman that I think in the case he has made out here to-day it might be proper for the engineers to prefer the Arkansas River, to devote their time and attention to that program and speed it up, as to the development of the stream and all its uses as a whole. We might be able in a short time to get a full and complete plan for this river for the control of floods, the development of navigation, and power if there be power possibilities.

Mr. RAGON. Our complaint, I might add here, is this: If you permit them to go down to Cairo, Ill., and build great flood works, with diversion channels in the State of Arkansas and State of Louisiana, which will take for flood-way purposes almost as much territory as is now flooded, you are putting something there that the Government will be slow to abandon; and they will accept that kind of a ramshackle flood-control plan in preference to going up these streams and protecting them as they should be protected.

I think what ought to be done is that the project for the lower Mississippi ought to be interlocked with all of these tributaries and all considered as one project under one administrative unit.

Mr. SHALLENBERGER. Will the gentleman permit another inquiry?

Mr. RAGON. Yes.

Mr. SHALLENBERGER. We are getting a great deal of information from the gentleman's speech. Has the gentleman made any estimate as to how much water we would have to hold back on these tributaries?

Mr. RAGON. I am coming to that right now.

Mr. SHALLENBERGER. In order to render the losses on the lower Mississippi negligible?

Mr. RAGON. I come to that right now, and I quote nothing but figures from the Army engineers in substantiation of what I say.

FLOOD PLAN

It is quite popular in this day for everyone to have his pet flood-control plan, and I may appear novel in not having any plan. I think our engineers should be told to go and prepare plans and then should be given the money to carry them out. I know, if supplied with money, the engineers could relieve largely the awful catastrophe which occurred in the Arkansas River Valley. In some places levees, dredging, and revetment might be employed to aid those exposed to the floods. Again, I am of the firm opinion that reservoirs may be effectively employed in holding back headwaters of the tributaries. I will call no names, but I have been advised by what should be the highest engineering authority in the United States that reservoirs on the tributaries could be used successfully in the prevention of local floods on the tributaries. If this is true, how can it be reasoned that this would not influence the volume of waters in the lower Mississippi? I have before referred to the fact that 815,000 cubic feet per second was gauged at Little Rock in April, 1927. The gauge at Fort Smith showed in the same flood that 740,000 second feet passed down the Arkansas River at that place. Little Rock is approximately 200 miles from the mouth of the Arkansas River and Fort Smith is 165 miles northwest of Little Rock, and we find that the difference in the flood waters at Little Rock and Fort Smith was approximately 75,000 cubic feet per second. Eminent engineers have surveyed out reservoirs in the State of Oklahoma, which they contend would easily take care of the surplus amount of this water. Within 150 miles of Fort Smith is the location of one of these proposed reservoir sites. If these reservoirs could have been employed in keeping back 400,000 cubic feet per second of the water that passed Fort Smith, the Arkansas River Valley and the other sections of the Arkansas overflowed by the Arkansas River would have been entirely prevented. If this can be done on the Arkansas and the White River, why can it not be done on other tributaries?

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. AYRES. Mr. Chairman, I yield the gentleman 10 additional minutes.

The CHAIRMAN. The Chair will state that 10 minutes would give the gentleman more than one hour. Is there objection to the gentleman from Arkansas proceeding for another 10 minutes, making the total of time allotted to him 1 hour and 5 minutes?

There was no objection.

Mr. RAGON. With these facts in mind, gentleman, that you can retain back here in the State of Oklahoma more than one-half of the entire flood waters that passed Fort Smith, and then to say that will have no influence whatever upon the flow of the Mississippi River, which is 365 miles from Fort Smith, and the flow of which loses only 75,000 cubic feet per second as it traverses that distance, is to say something that sounds absolutely ridiculous.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. RAGON. I yield.

Mr. HOWARD of Oklahoma. Does the gentleman know that the estimates of the engineers who figured out the program for those reservoirs are that it will only cost $21,000,000 to hold back that water by building those reservoirs?

Mr. RAGON. I will say to the gentleman from Oklahoma that I had an engineer figure this up for me the other night, and that gentleman said he could hold back 500,000 cubic feet per second at an expenditure of only $19,000,000, and yet we are foreclosed, apparently, from any consideration whatever of this in the Jones bill or the Jardine plan.

Mr. HOWARD of Oklahoma. I will say to the gentleman that is in variance with the report of the engineers who are not in favor of reservoirs.

Mr. RAGON. That may be true.

Mr. W. T. FITZGERALD. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. W. T. FITZGERALD. How does the gentleman's idea with respect to his proposition compare with the conservancy dam on the Miami?

Mr. RAGON. I am not familiar with that dam, and I would not want to say.

Mr. W. T. FITZGERALD. That has stood the test for several years.

Mr. RAGON. I understand it is very successful.

Mr. McDUFFIE. Will the gentleman yield?

Mr. RAGON. Yes.

Mr. McDUFFIE. Would there be fall enough in those upper reaches to generate power when we create these reservoirs?

Mr. RAGON. Oh, yes. What is the height of Pike's Peak?

Mr. SHALLENBERGER. Fourteen thousand feet.

Mr. RAGON. It starts on the continental divide and it falls to almost sea level at the Mississippi, and about the only place it is practically level is from Pine Bluff to the mouth. I will say that from Muskogee, Okla., to Pine Bluff, Ark., there is not a wilder river of its size in the United States than the Arkansas River.

Mr. OLIVER of New York. The gentleman is making one of the finest speeches I have ever heard on this question. A flood is caused by too much water being in the channel of a river, and if you take the water away and hold it in reservoirs you can not have a flood—is not that right?

Mr. RAGON. That is correct.

Mr. OLIVER of New York. I think the gentleman's argument is practically unanswerable.

Mr. RAGON. I want to say frankly that I did not believe in reservoir control at first. I doubted it seriously until I began last summer's study of reservoir control, and I am saying to you frankly that if what the Army engineers say is correct, taking the physical facts that are always unerring and applying them to the advice of the Army engineers, you can not escape the conclusion that the larger part of the 1927 flood could have been absolutely solved by the construction and use of reservoirs. [Applause.]

It seems to me that a proper solution of the flood problems of the Mississippi Valley can only be brought about by Congress laying down a broad policy of flood control and river regulation and appropriating sufficient money to do emergency work on the lower Mississippi with direction to our engineers to begin at once a comprehensive survey of the entire Mississippi Valley, and then report back to Congress at the earliest practicable moment a project for its adoption. I am forced to the conclusion that any other action upon the part of Congress will prove "penny wise and pound foolish."

THE COST

I know that in the minds of many there revolves the question, Would not this cost too much money? While I would not advocate it, I think the Government would find it sound business in the long run to pay every penny of the expenses. There are sections where the Government can not well afford to exact contributions, while other sections might well afford it. We do not now realize the importance in the future of more navigable waterways in this country. This is because we do not need them at present. It seems to me the economic trend of transportation points to an ultimate freight rate which will be almost self-destructive. New modes of transportation have sprung up so suddenly and rapidly that our great railway systems have had to act carefully to avoid their demoralizing effects. It is not impossible that within the next 10 or 15 years there will be a revolution in the transportation facilities of this country. Then when you add to this an additional population of 50,000,000 of people, why should not the strong hand of the Government hold transportation charges to its people within reasonable bounds because of its ability to set in motion new commercial highways on our navigable rivers? No; it is not a dream; it is history evolving from the life and experience of other nations. If our rivers are neglected until that time, it means that their preparation will be doubly expensive. If the reservoir system will do what its proponents contend it will do, then it will solve the problem of navigation, not only on the tributaries, but on the lower Mississippi as well.

I can not estimate the cost, and I do not believe the engineers can estimate the cost of such a project, until they have had the opportunity to survey the valley in its entirety. And this has not been done. Congress should see to it that it is done before they embark upon some of the colossal schemes which have been proposed. Congress can not avoid the responsibility of saying what the policies shall be, and our engineers can not avoid the responsibility of carrying out that policy. We should not permit the engineers to dictate our policies nor to name the amount to be expended, and they should not presume to do so; the responsibility for a policy is ours and we should discharge it.

Representing a district that was cut to the heart by that flood, I do not propose to return to my people and say the lower Mississippi received all of the relief and that the Arkansas River received none, if I can possibly help it. To those Members in the basins of the upper Mississippi, the Ohio, and the Missouri, I would say that you stand in constant danger of the same devastating flood that was suffered by the basin of the Arkansas. In time this will come to you, and what account will you render to your people if you fail to give your efforts to bring about a comprehensive flood-control plan for this country? I do not want to be misunderstood as wanting to withhold relief from the lower Mississippi, but I do want to most emphatically record myself as supporting a comprehensive plan that will take care of floods in the Mississippi Valley everywhere the yardstick of a national problem can be applied, and I hope that every Member on the tributaries to the Mississippi will join the Members on the Arkansas River, from Colorado to the Mississippi, in demanding a comprehensive flood-control plan. [Applause.]

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, I rise to call the attention of the Congress of the United States to the unparalleled brutal treatment accorded to my coreligionists in a seemingly friendly country of Rumania. Many days ago I attended a mass meeting at Cooper Union in the city of New York, at which time I had the honor of addressing myself to a large assemblage of Americans, who were met to protest against anti-Semitism as practiced in Rumania. I was then requested to call the attention of our Congress to the existing situation. I am rising now to give expression to the feelings of our people.

About this time a year ago the assaults upon the Jews in Rumania made it necessary to hold a large mass meeting in the city of New York and to arrange similar protests in other communities. A delegation representing the American Jewish Congress and associate organizations went to Washington at that time and presented the facts with regard to the sad plight of the Rumanian Jewry to our Secretary of State. Other attempts were made to interest officials of our Government and leaders of public opinion in the matter. Action was also taken at that time tending to impress upon the Rumanian Government both the wrongs which were being committed against the Jews and the harm which is likely to come to Rumania herself from the pursuit of such a policy of oppression and failure to check anti-Semitic agitation. The charges which were then made and the facts which were presented to representatives of our Government have since been confirmed by non-Jewish and

impartial sources of the highest standing. An investigation has been made on behalf of the American committee on the Rights of Religious Minorities made up of about 50 prominent Americans. Every charge was fully confirmed and there is no question but that the Rumanian Government had been guilty of the most atrocious conduct unfit for a civilized nation and crying to Heaven for redress. In spite of the protests and warnings that were given to Rumania at the time of the disturbances of last year, the riots and outrages were repeated in a number of cities in December, 1927. Nor has the House of Representatives been silent about this matter. Several of my colleagues saw fit to introduce resolutions on this subject. The conscience of the country has been aroused and it is up to this august body to see to it that public opinion thus stimulated result in a change of attitude in Rumania.

The conclusion of the late war left in its wake throughout central Europe a number of nations with Racial or Religious "Minorities," for which the treaty of peace promised equitable treatment. Rumania, let us be fair, is not the only culprit in central or eastern Europe. But Rumania can not plead the sense of defeat and humiliation which may be responsible for unrest or disturbances in countries like Hungary. Rumania came out of the war enormously augmented in area and population. Her duty, nay, her very self-interest should prompt her to consolidate what she had won. But the poorest conceivable way of cementing a new nation together is by intimidation and denial of legal and moral rights.

The Rumanian outrages can be summarized under the heads of destruction of Jewish life, destruction of Jewish property, and desecration of Jewish places of worship. The larger aspects of the Rumanian situation are discrimination against Jews in public office, in public institutions of learning, and other public manifestations of the anti-Semitic spirit. This latter portion of our grievances can hardly be ameliorated by action without the country. The problem of public persecution is too deep-seated and too broad to enable us to eradicate it by any action which we may take, but this Congress is able and should take action against destruction of Jewish life, destruction of Jewish property, and desecration of Jewish places of worship.

In this connection permit me to read from the preliminary report of the American committee on the Rights of Religious Minorities, as published in the New York Times of December 7, 1927:

The deputation is unanimous in feeling that the anti-Jewish propaganda, which has attracted special attention in Rumania, is part of a widespread and ugly manifestation of racial and religious hatred. Rumania is not the only offender, and while the commission deals with conditions in Rumania it feels that the anti-Semitic riots which have recently occurred in Hungary illustrate how widespread this deplorable hatred is.

Hungarian minorities within the borders of Rumania are entitled to the fullest measure of protection within the rights accorded them by the minorities treaties, but likewise all minority groups in Hungary itself are also entitled to the fullest measure of protection of all those rights and privileges which are accepted as the basis of every civilized and decent nation.

Rumania has an unequaled opportunity to face courageously a complex situation and to attempt the solution of a problem which, while perplexing, is yet capable of a peaceful solution. Rumania can go far toward solving the question if she wills to do so. When she signed the minorities treaty she assumed the obligation, as a member of the family of nations, to deal justly with all the minorities within her borders.

REPORTS ARE CONSIDERED

The American committee on minorities has had occasion to study the situation in Rumania from time to time, and your deputation has taken into consideration all former reports made and the replies of the Rumanian Government, and in addition has had access to other reports, such as those to the League of Nations and the various replies of the Rumanian Government. Besides this it has studied with care histories recently written of Rumania, and documents now being circulated through its propaganda department. In view of all the circumstances, while we believe that there has been some improvement in the condition of affairs and that the minorities are being treated with more justice than heretofore, we are also convinced, nevertheless, that a considerable body of public opinion in Rumania will support nothing less than the granting to the minorities of those rights guaranteed by the treaties and considered by all civilized nations as the minimum requisite for an independent existence of a free people.

The commission is of the opinion that there remains a wide discrepancy between the constitution adopted by the State, which is liberal in many respects, and its enforcement through the officials, particularly noticeable in the administration in the outlying districts.

What has been said of the constitution also can be said of the laws relating to civil liberties. The courts have in many instances, some notorious, been either intimidated or deliberately used by groups for their own ends. The Codreanu and Totu murders, involving the killing of a police officer while in the performance of his duties, and the shooting of an innocent Jewish student are two conspicuous examples. Enlightened public opinion will continue to look with disfavor on the administration of the laws of any country where defenseless people find it safer to court arrest than to take their chances on the public streets. That this situation has developed in a number of instances in regard to the Jews is proved by the evidence submitted to the commission.

SYMPATHY FOR COUNTRY'S AIMS

The commission deeply sympathizes with the desire of Rumania to raise the state of its own people that they may have part in the future guidance of its affairs and in the administration of its laws. The system of education formulated is in many regards excellent, especially for citizens of Rumanian speech and race. We believe that the makers of these laws and those responsible for their administration have failed to give sufficient weight to the fact that loyalty can not be achieved by force. Patriotism is instilled by benefits conferred and not by outward compulsion. Every failure to enact school laws equitable to the minorities and every failure to administer them fairly is a grievous error on the part of a great nation endeavoring to use rightly elements which might be built into a loyal citizenship.

The attempt to Rumanianize the minority groups by force and to destroy their confessional schools, managed for centuries by their churches, will, if persisted in, undoubtedly deprive Rumania of the confidence also of people abroad who would otherwise be her friends. Therefore we believe that if Rumania cares to put herself in a good position in the eyes of the rest of the world she will permit the minorities to have the sort of schools to which they are accustomed, grant them a reasonable autonomy, and give them the full right to teach the historic languages of their respective peoples as well as the Rumanian tongue. Supervisors over them should be reduced to a point where, while efficient teaching freed of irredentism is secured, the officials will not handicap these schools in their work. At present the amount of official correspondence is so great that the Government offices are obviously overburdened, and the minorities do not receive replies regarding vital matters sometimes for as long a period as a year after their letters have been sent. The minority schools should especially be given some stability for the future and relieved from the perpetual fear that they may be unfairly closed. The splendid old Roman Catholic, Presbyterian, Lutheran, Unitarian, and Jewish institutions, many of them 200 or 300 years old, might well be looked on as an asset instead of a menace to the nation. We call the attention of the leaders of the Eastern Orthodox Church to the fact that, contrary to the understanding of some of them, the subsidies promised the minority schools have not been given.

UNCONCILIATORY ATTITUDE

Many of the Rumanian school officials, where a difference of opinion arises in promulgating a new order or administering a law, adopt an unconciliatory attitude. We are satisfied that these officials could, by conference with minority groups, alleviate a great deal of the misunderstanding which otherwise has been and will continue to be a cause of bitterness.

The commission calls attention to the administration by the Rumanian officials of the citizenship laws. There is no doubt that the fundamental right of citizenship is denied to thousands who are justly entitled to it. Thus they are arbitrarily deprived of those safeguards accorded by every nation to its nationals, and this in spite of solemn guaranties of the minorities.

The commission found, during its visit, that a hideous campaign of intimidation and brutality was being carried on against the Jewish citizens of the State, its motive being a mixture of arrogant intolerance and ignorant hatred. It is true that there is not now as much terrorism as formerly. The improvement is due to three causes: First of all, the systematic campaign carried on for several years against the Jews has so intimidated them that they absent themselves in large part from the universities and public life. Secondly, the virulence of the campaign has reacted unfavorably on Rumanian prestige abroad. Thirdly, the promises of the Liberal Party to certain groups of Jewish voters in the summer of 1927 have brought some cessation of anti-Semitic excesses. We rejoice in this step taken by the party now in control of the Government, and trust that what is now only a temporary party move may become an accepted and sanctioned governmental policy.

SERIOUS DANGER TO PEACE

Without going into detail about the causes of violence preceding and during the election of July 7, 1927—which was generally believed to be a crying scandal in Rumania—we must point out the serious danger to the peace of Europe in the repression of the franchise rights of minorities and groups outside the administration.

The commission was impressed with native intelligence, industry, kindly disposition, and friendliness of the Rumanian people, especially evident among the peasants in the villages. Greater Rumania obviously seeks to find her place among the more forward-looking nations

of the world. In view of these facts, which are amply supported by the evidence of all travelers and those best informed, it is extremely unfortunate that the state church should have sanctioned the National Christian Defense League and the National Rumanian Christian Students' Union, whose program and publications are a disgrace to our civilization, an insult to the name of Christian, and a black blot on the fair name of Rumania. We think it most unfortunate that students for the priesthood of the state church should have taken part in demonstrations against fellow citizens of other religious preference or racial background, on the basis of racial or religious prejudice. We courteously, and at the same time urgently, call the attention of the Rumanian State Church to the situation, and in the name of our common Christianity urge that it purge itself of all anti-Semitism and bitterness toward people in Rumania of other racial stocks. We point out the danger of allowing the students in theological schools to continue their agitation against Rumanian citizens of Jewish and other racial origins, either in the Regat or in the annexed territories. The hope of the future of Rumania and the peaceful solution of its problems will vanish from another generation unless the churches and schools contribute to their settlement, which can be secured only by tolerance toward all races and languages.

There has never been in Rumania what has come to be technically known as a pogrom—that is, a massacre inspired and sanctioned by the State.

There have been excesses, acts of terrorism, and such molestation of peaceful elements of the population as to cause continual fear and unrest and generally to reflect badly upon those who are responsible for the peace and welfare of the country. There is moreover grave danger in allowing the youth in the universities and schools to conduct anti-Semitic agitations. Even worse is the complacency with which many people regard the attitude of certain professors and teachers in the schools and universities toward these movements, not only condoning but even encouraging them. The students who develop in the atmosphere of anti-Semitic bitterness will be the citizens and the teachers of to-morrow, and will pay less attention to the pogromless record of their country than their predecessors have done. We believe that this bitterness is not representative of the enlightened opinion of the great body of university professors and school teachers of Rumania; nevertheless, it has been accepted with far too much complacency by the educated citizenship and leadership of the nation.

It is our opinion that certain officials of the Government have made a great mistake in forbidding thousands of individuals, who belong to the minority groups, to maintain their status and in registering as Rumanians those who for some time have spoken other languages. The commission is satisfied that the Rumanian Government could with great profit to itself study the facts relating to the census and the methods by which it was taken. We are convinced that many of these complaints which seem to us justified can easily be righted.

The commission was satisfied that the violence of which the Baptists and other groups complain is actual and constituted a charge of religious persecution and therefore endangers the highest interests of the state church, and the prestige of the nation. We urge the officials of the church, with the Government authorities, to work out some plan by which these people may be granted full religious and civil liberties.

POINTS TO SITUATION OF CHURCHES

We call attention of the Government to the situation of the Hungarian-speaking Lutheran Churches and urge that a legal status satisfactory to them be established.

We call the attention of the Government to the situation of the Roman Catholic minorities, particularly in the Banat, the western borders of Bucovina, and urge that a speedy and satisfactory settlement of the relations between the Government and the Roman Catholic Church be made. The consequences of delay here will intensify the feelings, based as they are on the recognized international claim of the church and its servants.

The attention of the state church is called to many cases of apparent unfairness to the minority churches in the distribution of land under the agrarian laws, to confiscations of church buildings and property of the minority communions; to the proposed laws restricting minority churches; to the present practice of obliging members of minority churches to pay for some of the new buildings of the state church through forced contributions or through the granting of public-park sites to orthodox churches in regions where the orthodox church is itself a minority. We urge this powerful church in the interest of Christian fellowship and good will to use its good offices in bringing together those who feel they have complaints and the Government authorities in order to find a solution.

The commission discovered a feeling of widespread resentment among the members of the minority churches against the compulsion exercised by the Government enforcing them and their children to attend the services of the state church on patriotic occasions. The commission believes that the churches and the Rumanian Government can work out a plan whereby the feelings of members of minority churches will not be violated.

Finally, the commission was impressed by the fact that there are in the annexed territories of greater Rumania great resources of educated citizenship, from which the Rumanian Government could draw with great profit for the service of the State. Many of these citizens at the present time find themselves in despair at what seems to be a studied, determined effort on the part of the majority to discriminate against them in the filling of official positions.

The Rumanian public authorities have been fully and thoroughly warned. I shall quote from the Jewish Daily Bulletin two significant reports. Under date of December 9:

FILDERMAN ACCUSES RUMANIAN GOVERNMENT OF FAILURE TO HEED OUTBREAK WARNINGS

(Text of Doctor Filderman's speech in Parliament)

BUCHAREST, December 9.—The attitude of the Jewish population toward the student outbreaks in Transylvania and Jassy was defined by Dr. William Filderman, president of the Union of Rumanian Jews, speaking in Parliament on the question.

Doctor Filderman said that the Government had had plenty of warning that this sort of thing was going to happen, and it had taken no action to prevent it. The disturbances, he pointed out, had been going on all through the month of November. Yet the Government had not even thought it necessary to order an inquiry. No rioter had been punished; no serious effort had been made to prevent further disturbances.

"Before the congress in Oradia Mare was opened," he said, "I submitted to the Minister of the Interior, M. Duca, a number of memorandums signed, in addition to myself, by Senators Horia Karp and Dr. Emil Jacobi. We warned the minister that the things which have occurred were going to occur and we suggested what measures were necessary in order to prevent them. I declare here that no measures whatever were taken by the Government, neither the measures which we suggested nor others. Things happened in the trains and on the railway stations worse than anything which had happened in the universities. We immediately reported these things to the ministry of the interior, and we were promised an inquiry. I declare that no inquiry whatever was made, and the rioters continued their way to Oradia Mare unhindered.

"In Oradia Mare the rioters gained still more courage and they did things not only worse than anything done at the universities but worse even than anything done in the trains and on the railway stations, worse than anything, in fact, that had happened in recent years. The Aurora, the organ of Doctor Lupu, a minister in the Government, was censored on December 8 because it wrote about the things which had taken place in Oradia Mare. It suggested that something worse had happened than actually was the case. I will not speak of facts which I know because the Government knows them, too. I will only analyze what happened at the congress. M. Lobonzu, the prefect of Bicaz, declared at the congress that the congress was of importance both for the aliens without and the aliens within. Who are these aliens within? The Cuvintul of the 7th instant stated that General Mosciu was present at the congress as the representative of the Government, and that as such he praised the activity and the nationalist fight of the students. The same issue of the Cuvintul stated that the president of the congress made the rare declaration that now they were going to consider with the students the question of the numerous clauses.

"The congress also dealt with the law regarding dead bodies for dissection, with the basic principles of which I, too, agree. Several years ago I myself proposed the enactment of this law to Doctor Anghelescu, then Minister of Education. Doctor Anghelescu replied that the Christian Church would oppose it. As for the Mensas and the students' homes, I am in full agreement with the students that the Government has never kept its promises. I don't know everything that was discussed at the congress, but I do know that the questions which were discussed are formally prohibited by the regulation for order and discipline among the students which was published in the Monitorul Official of May 13, 1923. Student federations are allowed only for the purpose of extending their special studies, and the university rectors are required to take steps to prevent the decisions of the congress being carried out. Further, private persons are prohibited from taking part in the students' gatherings, and on the platform of this congress there was present a Turkish journalist named Achmet Riza Bey. The statutes do not allow students to deliver speeches at meetings. Who gave permission for the resolutions which were adopted to be proposed and discussed? Students are not allowed to participate in societies whose purpose is anarchic. A movement which seeks to change the social position of all the Jews of this country, is it not anarchic? The Government promises to carry out a rigorous investigation. But the investigation and the punishment of the guilty is the duty of the judicial power.

"It would be better for the Government to make clear with whom lies the blame, because the Government failed in its duty to prevent the disturbances. Here there is no need of an inquiry. The punishment must be immediate, because they have shown either that they are accomplices or that they are incompetent. What measures have been taken?

I ask the Prime Minister and the Ministers of the Interior, Justice, Education, and War what measures did they take, first, against the students who beat their Jewish fellow students in the universities and in the streets; secondly, to prevent the disturbances in the trains, on the railway stations, and in Oradia Mare; thirdly, against those representatives of the Government who failed to carry out the laws and engaged in negotiations with irresponsible persons?

"Will the students' organizations which have violated the laws be further tolerated?" Doctor Filderman demanded. "Will the Government in future regard the activities of the anti-Semitic students as anarchic? Will the Government fully compensate the victims? Will the Government rebuild the demolished synagogues? What measures does the Government intend to take against the Government officials and professors who engage in spreading anti-Semitism in the exercise of their official duties? Who covered the costs of the students' congress and of the banquets to the students, which was estimated at 7,000,000 lei? What measures will be taken by the Government against the prefect who termed us 'aliens'? Did General Mosciu represent the Government at the congress?

"I declare in the name of the Jewish population," Doctor Filderman continued, "that we do not want the intervention of Hungary at the League of Nations. Rather than defend us, let the Hungarian Government settle the Jewish question in Hungary."

Turning to the Peasants' Party, Deputy Filderman asked why their organ, Dreptatia, had given no report of the disturbances?

Deputy Madjura replied: "The censor suppressed it. But why are you with the Liberals?"

Doctor Filderman: "Democracy gives everyone a right to his opinions. We held that it was beneficial for the Jews that we should join the Liberals. That is our opinion. You have no right to complain of that."

Deputy Madjura, who followed Deputy Filderman, accused the Government of responsibility for the disturbances. "The Government," he said, "had compelled the university authorities to readmit the students who had been expelled for organizing the anti-Jewish disturbances, and the result was that they had organized these fresh disturbances."

The Minister of the Interior, M. Duca, said that the Government had always expressed its desire to stand in the best possible relations with the Jewish population. "The students are now demanding for the fifth year the enforcement of a numerus clausus. We expelled Professor Cuza from the university," he said. "Others brought him back. The Government will do everything possible to restore order."

Deputy Filderman, speaking again, declared that he was satisfied with the minister's assurance for the future, but he was not satisfied with the present situation. Either M. Duca had not issued any orders or those orders were ignored and those who were responsible for that had not been punished, he declared.

And, again, on December 16:

RUMANIAN GOVERNMENT GIVES FURTHER ASSURANCES AS JEWISH SENATOR PRESSES FOR EXPLANATION

(By our Bucharest correspondent)

BUCHAREST, December 16.—The question of the Rumanian Government's policy in respect to the Jews, in view of the recent excesses, was raised in the Senate to-day by Senator Horia Karp, one of the Jewish representatives, who has been in Transylvania investigating the situation there.

My interpellation, Senator Karp said, is of a general character, and is concerned with the policy of the Government in respect to the Jewish population. During the elections we entered into a bloc with the Government. I am convinced that M. Duca desires a policy of rapprochement toward the Jewish population. The late M. Jan Bratianu also desired it. And yet the Government is culpable because it has supported the nationalist policy of the students. It is not for the school youth to engage in the defense of the national interests. All the citizens of the country stand together in the defense of the great interests of the State. We are not enemies of our country, as our university professors seek to make others believe.

Senator RADUCANU. All the students are not guilty. The guilt lies only with a gang of hooligans.

Senator KARP. Professor Duca said that, too. But I have seen what happened with my own eyes and heard with my own ears. We must not be afraid of what will be said abroad. We shall do greater service to our country if it is known abroad that the Senate will not allow these things to happen. All the governments that have been in power for the last six years have been afraid to touch the students' movement. The students probably imagine now that they are much more than anybody else. What has the present generation given the country except that it has murdered Manciu and Falik? At the congress in Oradia Mare Professor Cetunianu lauded the students because they are demanding a numerus clausus, and Professor Paulescu praised them because they have driven the Jews out of the medical faculty. No one was punished after what happened at Dorna-Vatra or Rimnic Vilcia, nor after the incidents in the universities. Of course, things have gone so far that the students have even attacked soldiers and officers. If the students wished, they could have killed thousands of people in Oradia Mare. It is intolerable that teachers, professors, and prelates should take part in the anti-Semitic movement. A priest who consecrates the banner of the swastika is no Christian. In Czernowitz a Jew bequeathed money for a students' home, and not a single Jew is allowed to enter that home.

"The Government," Senator Karp proceeded, "has not kept its word to carry out a policy of rapprochement. M. Duca is shielding Secretary of State Tatarescu. M. Tatarescu ought himself to resign his post in the Government. The Universul, the paper of the Minister of Justice, M. Popescu, said that the students were provoked. If a newspaper published by a member of the Government writes in that fashion, the students may well think that they have a right to do whatever they wish. It is a lie to say that anyone provoked the students. The Jews took 1,000 students into their homes and fed and lodged them during the congress, and they paid for many other students who were put up at hotels because they had no room to billet them in their homes. When I asked the procuror what evidence there was that boiling water had been poured upon the students from Weiszlovicz's Hotel, he replied that he had seen a pool of water on the pavement. I am glad that for the first time in six years the Government is now condemning these acts of barbarism, and that certain sanctions have been made. Perhaps other sanctions will follow, for in Oradia Mare and in Cluj none of the authorities did their duty. The police chief allowed himself to be carried shoulder high by the students while they were shouting 'Down with the Jews.' I hope that that fine Christian declaration made by Bishop Cieragariu will impress the students and have some effect upon them. The students are demanding punishment for those who are libeling them. But the students demolished five synagogues and shops and private houses and looted property. In Oradia Mare they were seen carrying parcels of goods, and in Bucharest stolen goods were taken from them.

"When I visited the synagogue in Oradia Mare the general who was with me crossed himself, seeing the havoc that had been wrought there. Peasants wept when they saw the desolation that had been made of the synagogues, and one peasant woman fell on her knees and prayed to God that he should not punish all Christians because of this sacrilege. Twenty-eight scrolls of the law were torn to pieces in Cluj. The dust carts came and collected them as if they were so much refuse. The Jews had to pick the pieces of parchment out of the dust heaps. If the students in Cluj took no part in the disturbances, how did the students know where all the six synagogues were situated? On the second day the students came to the university with pieces of parchment from scrolls of the law in their lapels. Even those who were living with Jews wore these pieces of parchment in their lapels.

"I demand of the Government," Senator Karp cried, "that it should protect the Jewish population, that it should prohibit professors from engaging in anti-Semitic propaganda, that it should grant a moratorium of three months to those traders who have suffered damage, and that the autonomy of the universities should be withdrawn where it is a question of public security. If the Government does this, these events will not occur again."

M. Duca, Minister of the Interior, said in reply: "I understand the feelings of M. Karp, especially in view of the disgraceful profanation of the synagogues. I represent not only my personal opinion, but the opinion of the whole Government. We believe that the consolidation of Greater Rumania must take place with the cooperation of all the minorities. We have taken steps to punish the guilty officials, and I declare that we have not yet finished. When the inquiry is completed, other punishment will follow. We are determined to rid Rumania of the feelings which now dominate our university youth. We ask Senator Karp to have confidence in us and not to raise too often questions which have already been dealt with. We shall restore the synagogues which have been demolished and we shall compensate the victims."

Rumania achieved its independence at the Congress of Berlin, held in 1878, in which the leading personages were Lord Beaconsfield and Bismarck, the greatest European statesmen of the day, and of many times. It was due to the efforts of these statesmen that a clause was placed in the treaty with Rumania wherein Rumania guaranteed equal treatment to all religions. How this clause was carried out by Rumania requires no extended discussion. But let us now turn to the famous letter of our own John Hay, Secretary of State, to the Rumanian Government, dated August 11, 1902:

SECRETARY HAY TO RUMANIA

DEPARTMENT OF STATE,
Washington, August 11, 1902.

EXCELLENCY: In the course of an instruction recently sent to the minister accredited to the Government of Rumania in regard to the bases of negotiation begun with that Government looking to a convention of naturalization between the United States and Rumania, certain considerations were set forth for the minister's guidance concerning the character of the emigration from that country, the causes which constrain it, and the consequences so far as they adversely affect the United States.

It has seemed to the President appropriate that these considerations, relating as they do to the obligations entered into by the signatories of the treaty of Berlin of July 13, 1878, should be brought to the attention of the governments concerned and commended to their consideration in the hope that, if they are so fortunate as to meet the approval of the several powers, such measures as to them may seem wise may be taken to persuade the Government of Rumania to reconsider the subject of the grievances in question.

The United States welcomes now, as it has welcomed from the foundation of its Government, the voluntary immigration of all aliens coming hither under conditions fitting them to become merged in the body politic of this land. Our laws provide the means for them to become incorporated indistinguishably in the mass of citizens and prescribe their absolute equality with the native born, guaranteeing to them equal civil rights at home and equal protection abroad. The conditions are few, looking to them coming as free agents, so circumstanced physically and morally as to supply the healthful and intelligent material of free citizenhood. The pauper, the criminal, the contagiously or incurably diseased are excluded from the benefits of immigration only when they are likely to become a source of danger or a burden upon the community. The voluntary character of their coming is essential; hence we shut out all immigration assisted or constrained by foreign agencies. The purpose of our generous treatment of the alien immigrant is to benefit us and him alike—not to afford to another State a field upon which to cast its own objectionable elements. The alien, coming hither voluntarily and prepared to take upon himself the preparatory and in due course the definitive obligations of citizenship, retains thereafter, in domestic and international relations, the initial character of free agency, in the full enjoyment of which it is incumbent upon his adoptive State to protect him.

The foregoing considerations, whilst pertinent to the examination of the purpose and scope of a naturalization treaty, have a larger aim. It behooves the State to scrutinize most jealously the character of the immigration from a foreign land, and if it be obnoxious to objection to examine the causes which render it so. Should those causes originate in the act of another sovereign State, to the detriment of its neighbors, it is the prerogative of an injured State to point out the evil and to make remonstrance; for with nations, as with individuals, the social law holds good that the right of each is bounded by the right of the neighbor.

The condition of a large class of the inhabitants of Rumania has for many years been a source of grave concern to the United States. I refer to the Rumanian Jews numbering some 400,000. Long ago while the Danubian principalities labored under oppressive conditions, which only war and a general action of the European powers sufficed to end, the persecution of the indigenous Jews under Turkish rule called forth in 1872 the strong remonstrance of the United States. The treaty of Berlin was hailed as a cure for the wrong in view of the express provisions of its forty-fourth article, prescribing that "In Rumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever," and stipulating freedom in the exercise of all forms of worship to Rumanian dependents and foreigners alike, as well as guaranteeing that all foreigners in Rumania shall be treated without distinction of creed on a footing of perfect equality.

With the lapse of time these just prescriptions have been rendered nugatory in great part, as regards the native Jews, by the legislation and municipal regulations of Rumania. Starting from the arbitrary and controvertible premise that the native Jews of Rumania domiciled there for centuries are "aliens not subject to foreign protection," the ability of the Jew to earn even the scanty means of existence that suffice for a frugal race has been constricted by degrees until nearly every opportunity to win a livelihood is denied, and until the helpless poverty of the Jew has constrained an exodus of such proportions as to cause general concern.

The political disabilities of the Jews in Rumania, their exclusion from the public service and the learned professions, the limitations of their civil rights and the imposition upon them of exceptional taxes, involving as they do wrongs repugnant to the moral sense of liberal, modern peoples, are not so directly in point for my present purpose as the public acts which attack the inherent right of man as a breadwinner in the ways of agriculture and trade. The Jews are prohibited from owning land, or even from cultivating it as common laborers. They are debarred from residing in the rural districts. Many branches of petty trade and manual production are closed to them in the overcrowded cities where they are forced to dwell and engage, against fearful odds, in the desperate struggle for existence. Even as ordinary artisans or hired laborers they may only find employment in the proportion of one "unprotected alien" to two "Rumanians" under any one employer. In short, by the cumulative effect of successive restrictions the Jews of Rumania have become reduced to a state of wretched misery. Shut out from nearly every avenue of self-support which is open to the poor of other lands, and ground down by poverty as the natural result of their discriminatory treatment, they are rendered incapable of lifting themselves from the enforced degradation they endure. Even were the fields of education, of civil employment, and of commerce open to them as to "Rumanian citizens," their penury would prevent their rising by individual effort. Human beings so circumstanced have virtually no alternative but submissive suffering or flight to some land less unfavorable to them. Removal under such conditions is not and can not be the healthy, intelligent emigration of a free and self-reliant being. It must be, in most cases, the mere transplantation of an artificially produced diseased growth to a new place.

Granting that in better and more healthful surroundings the morbid conditions will eventually change for good, such emigration is necessarily for a time a burden to the community upon which the fugitives may be cast. Self-reliance and the knowledge and ability that evolve the power of self-support must be developed and, at the same time, avenues of employment must be opened in quarters where competition is already keen and opportunities scarce. The teachings of history and the experience of our own Nation show that the Jews possess in a high degree of the mental and moral qualifications of conscientious citizenhood. No class of immigrants is more welcome to our shores when coming equipped in mind and body for entrance upon the struggle for bread and inspired with the high purpose to give the best service of heart and brain to the land they adopt of their own free will. But when they come as outcasts, made doubly paupers by physical and moral oppression in their native land, and thrown upon the long-suffering generosity of a more favored community, their migration lacks the essential conditions which make alien immigration either acceptable or beneficial. So well is this appreciated on the Continent that, even in the countries where anti-Semitism has no foothold, it is difficult for these fleeing Jews to obtain any lodgment. America is their only goal.

The United States offers asylum to the oppressed of all lands. But its sympathy with them in no wise impairs its just liberty and right to weigh the acts of the oppressor in the light of their effects upon this country and to judge accordingly.

Putting together the facts now painfully brought home to this Government during the past few years, that many of the inhabitants of Rumania are being forced by artificially adverse discriminations to quit their native country; that the hospitable asylum offered by this country is almost the only refuge left to them; and they come hither unfitted by the conditions of their exile to take part in the new life of this land under circumstances either profitable to themselves or beneficial to the community; and that they are objects of charity from the outset and for a long time—the right of remonstrance against the acts of the Rumanian Government is clearly established in favor of this Government. Whether consciously and of purpose or not, these helpless people, burdened and spurned by their native land, are forced by the sovereign power of Rumania upon the charity of the United States. This Government can not be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Rumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself but in the name of humanity. The United States may not authoritatively appeal to the stipulations of the treaty of Berlin, to which it was not and can not become a signatory, but it does earnestly appeal to the principles consigned therein, because they are the principles of international law and eternal justice, advocating the broad toleration which that solemn compact enjoins and standing ready to lend its moral support to the fulfillment thereof by its cosignatories, for the act of Rumania itself has effectively joined the United States to them as an interested party in this regard.

You will take an early occasion to read this instruction to the Minister for Foreign Affairs, and should he request it leave with him a copy.

I have the honor to be, your obedient servant,

JOHN HAY.

Rumania has been openly and notoriously violating every pledge made by it during this period of 50 years. A similar restriction on the Rights of Religious Minorities was placed upon Rumania in the covenant of the League of Nations. The same evasion of its terms which characterized Rumania's brutal disregard of its obligations of 1878 characterize also its evasion of obligations under the treaty of 1918. In other words, Rumania can not be trusted.

On the other hand, the Rumanian Government is seeking to avoid its responsibility by claiming that some of the excesses committed against its Jewish subjects were the work of foreign conspirators. According to a statement made by the Rumanian Government to Lucian Wolf, secretary of the joint foreign committee of the Board of Jewish Deputies, an Anglo-Jewish association of London, the Rumanian Government claims that it will take all legal steps to put down the excesses without fear or favor. The statement continues that the Rumanian Government will do its full duty because it realizes that the first victim of disturbances is Rumania herself. If that is the truth, and if it really represents Rumania's attitude in the matter, we can only hope and pray that the powers

to be in Rumania will realize how important it is to do what it pretends to do. A large number of British, American, and Continental European concerns have withdrawn credits from Rumanian industry and commerce. This is but a step in the right direction. If the Rumanian Government is powerless to stop the outrages, then the Rumanian Government can not be trusted. If the Rumanian Government is anxious to put an end to the excesses, it can do so and will obtain full cooperation and sympathy from this country. We do not believe in religious persecution. We have written into our Constitution (first amendment):

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

The Constitution also says (Article VI, subdivision 3):

No religious tests shall ever be required as a qualification to any office or public trust under the United States.

We believe that it is the duty of government to cherish, aid, and assist those who exercise religion in any form, and the Government will never dream of imposing any religion from without. If Rumania wishes to maintain the good will of this country, if she desires to continue in the esteem of the world, she should put an end to excesses and punish the guilty.

Only by continued strong and unequivocal action on its part can Rumania expect this country to continue to maintain relations with it.

In 1910 this House saw fit by unanimous resolution to urge upon the President of the United States to abrogate the treaty this country had with Russia, because of Russian persecution of the Jews. This House was unanimous and the resolution proposed was carried with but one dissenting vote. Let us show a united front to Rumania at this time. Either she ceases her anti-Jewish excesses or we shall cease all intercourse with Rumania.

I hope that this latter course will not be necessary and that Rumania will once and for all maintain her promises and her dignity as a nation.

RUMANIA ARRAIGNED AT THE BAR OF PUBLIC OPINION FOR ITS ATROCITIES

The American people should take notice of the action in Rumania with respect to the destruction of life and property and desecration of places of worship of its inhabitants.

Rumania's failure to stop these atrocities would be justification for America's refusal to treat with it as a civilized nation.

In 1902 Rumania mistreated its minorities, and then the late John Hay, Secretary of State, stated the American views, as follows:

The right to remonstrate against the acts of the Rumanian Government is clearly established in favor of this Government.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Illinois [Mr. ARNOLD].

GEORGE ROGERS CLARK MEMORIAL

Mr. ARNOLD. Mr. Chairman and gentlemen of the committee, February 25, 1779, Fort Sackville, Ind., with its British garrison was surrendered to the American forces under the leadership of that courageous soldier and patriot, George Rogers Clark. That date marks the culmination of one of the most eventful and colorful campaigns in the annals of American history.

No military campaign contributed more to the greatness of America than this engagement, and no military leader received so little recognition for his valiant services than has George Rogers Clark and his band of pioneer patriots. All that vast territory between the Alleghenies and the Mississippi River north of the Ohio River to the Great Lakes was under the control and domination of the British. Savage bands of Indians, urged on by unscrupulous British leaders to a frenzy of fiendish delight, were committing unspeakable horrors and depredations on the scattered frontiersmen. The struggling Kentucky pioneer settlers were threatened with extinction and the peace and security of the Nation menaced by the British control of this territory.

George Rogers Clark knew the necessities of the time. He had a vision of America's future greatness. He saw a vast empire in the Northwest Territory, without which the American Nation would be circumscribed and impotent among the nations of the world, a nation confined to the Atlantic seaboard, hemmed in by foreign powers. He realized the new nation could not expand to its cherished greatness with England in possession of our back door.

At the time he was fighting for the preservation of American pioneer settlements in Kentucky, where Daniel Boone and Si Kenton were distinguishing themselves in that dramatic period of Indian warfare and frontier settlement in the Kentucky country. Wave after wave of Indian sallies were devastating the white settlements north of the Ohio and spreading consternation and havoc among the Kentucky settlers by their fresh outrages, instigated by British posts north of the Ohio River.

He conceived the idea of proceeding across the Ohio, attack the British posts at Kaskaskia and Cahokia on the Mississippi River on the Illinois side and Vincennes on the Wabash River on the Indiana side, wrest those posts from the enemy, and by so doing break up the British nests instigating Indian outrages and add that vast domain east of the Mississippi and north of the Ohio to the Republic, then in the making. With this vision in mind he returned to his native State of Virginia. He was born in 1752 in Albemarle County, Va., a mile and a half from Monticello, Thomas Jefferson's birthplace, where the father of the Declaration of Independence lived and now lies buried. He was a boyhood friend of that great statesman and nine years his junior. That friendship continued throughout their lives. It was soon to play an important part in that critical period and in America's future greatness.

George Rogers Clark was one of six brothers, all of whom served with distinction in the Revolutionary War except William, who was too young. William later achieved distinction as the Clark in the famous Lewis and Clark expedition through the great Northwest to the Oregon country. Patrick Henry, of "Give me liberty or give me death" fame, was then Governor of Virginia. He received Clark's proposal with sympathy, but with hesitation. He realized the limits of the Old Dominion State at that time and the absolute necessity of the success of American arms in Washington's campaign against the British. All available men and supplies were most urgently needed for Washington's army.

Thomas Jefferson was called into the conference. Jefferson at once grasped the possibilities and importance of the plan. In this conference were also George Mason and George Wythe, two other sturdy Virginia patriots of that day. As a result of the conference, largely through the influence of Jefferson, Governor Henry persuaded the assembly to approve, it is said, without the assembly knowing the full import of the mission, and George Rogers Clark was commissioned a colonel of Virginia Militia, authorized to draw twelve hundred pounds from the public treasury, to raise and equip 7 companies of 50 men each to proceed to the Kentucky country for the avowed purpose of defending the Kentucky pioneers against British and Indian outrages.

Clark was given two sets of instructions; one public and to be used in raising his army for the defense of the Kentucky settlement, the other confidential, the authority to Clark to wage his campaign north of the Ohio. He finally succeeded in raising and equipping 150 men. Marching directly to the Ohio and down that river, he made camp on Corn Island, in the Ohio, between Jeffersonville, Ind., and Louisville, Ky. A small company of Kentucky riflemen, who it was thought could be spared from the hard-pressed settlements of Kentucky, joined him. When it was learned the object in view was to attack the British posts north of the Ohio River, some of the more weak-hearted deserted him. For the historic data of this remarkable campaign in the Illinois country we have the journal of Captain Bowman, Clark's most courageous, valiant, and trusted officer, written at the time of the campaign; Clark's letter of November 19, 1779, to George Mason; and the memoirs of Clark prepared at the suggestion of James Madison.

On the 24th of June, 1778, during a total eclipse of the sun, he proceeded down the falls of the Ohio with Kaskaskia on the Mississippi River as his first objective, but with old Fort Sackville at Vincennes as his main objective. During the preceding year he had sent two men into the Kaskaskia country to get the lay of the land and the sentiment of the French settlers toward the new Republic. It was known the British watched the Mississippi well. An unsuspected route must be taken. Silently and swiftly he dropped down the Ohio to the mouth of Massac Creek, secreted their flatboats, and made ready to travel a primeval overland route to Kaskaskia of 100 miles. This route took them through the counties of Massac, Johnson, Williamson, Jackson, and Randolph.

He knew Kaskaskia to be the more vulnerable point, and the wisdom of striking the first blow at that far-removed settlement and getting the people of that French settlement with him, many of whom he had learned were already friendly to the American cause. The route traveled was through a perilous wilderness infested with 15 powerful and hostile Indian tribes in sympathy with the British.

July 4, 1778, Kaskaskia was taken by surprise and the garrison captured without firing a gun. Displaying a spirit of

boldness and diplomacy rare in the annals of history, the Kaskaskians, who had been deceived by the British into believing the Big Knives, as the Kentucky riflemen were then known, were ruthless savages and cannibals, were allowed for some time to maintain this opinion. Clark was a master strategist and diplomat of the frontier country. His boldness so awed the settlement that when a meeting was called and the friendly alliance between France and America was disclosed, and he informed them of his desire to bring the blessings of liberty to them, the terror of the Creoles was soon changed to joy and they readily took the oath of allegiance to America.

A company, under the command of Captain Bowman, was sent to Cahokia, on the Mississippi River, a few miles below St. Louis. Some of the French inhabitants of Kaskaskia voluntarily sought permission to join the company. They soon persuaded the residents of Cahokia that the Americans were their true friends, and the garrison at Cahokia surrendered and became subjects of the new Republic. A French priest, Father Gibault, of Kaskaskia and Vincennes, in sympathy with the American cause, when assured that freedom of religion would not be interfered with, cast his powerful influence with Clark, and there, and later at Vincennes, was a most powerful factor in adding to the success of the expedition.

Governor Hamilton was in possession of the British fort at Vincennes. Between Clark and Hamilton lay some 150 miles of wilderness and swamp. Clark realized the necessity of striking at Hamilton before the British learned of his exploits in the Kaskaskia country. He boldly resolved to march against Vincennes without delay. To have gone down the Mississippi and up the Ohio and the Wabash would have been too costly in time. He sent the *Willing*, a boat laden with supplies and munitions, by that route, with instructions to meet him in the Wabash below Vincennes.

February 5, 1779, four companies, possibly 160 men, well armed but without tents and horses, except a few pack horses, departed from Kaskaskia on the desperate journey through forests, across swimming prairies, and flooded rivers of Illinois for Vincennes. Trees were felled for crossing streams that could not be forded, pirogues hastily constructed for crossing deeper and wider streams. The route ran in a northeasterly direction on the high ground between the Kaskaskia and St. Mary Rivers, through Sparta, in Randolph County, Nashville, in Washington County, then veering to the east, through section 9 in the northwest corner of Jefferson County into Walnut Hill, Marion County. Through Marion County into Clay, through Xenia, Flora, a short distance south of Clay City, crossing the Little Wabash River and Big Muddy Creek, 3 miles apart at point of crossing, a raging stream, 5 miles from bank to bank when crossed, through Richland County, a few miles south of Olney, through Sumner, in Lawrence County, on to Lawrenceville, on the Embarrass River. Here, on the 18th, they heard the morning guns at Fort Sackville.

While there is some controversy as to the exact route pursued by Clark on this march, the best authorities seem to be agreed that the above route was the one followed. He hastened impetuously through wilderness, swamps, and flooded prairies, across waters that could not be bridged, feeling that when once across all dreams of retreat would be foreclosed, and the eyes of his troops would be centered on Vincennes.

Finding the high water of the Embarrass blocked their crossing, they proceeded in a southeasterly course about 9 miles below the mouth of the Embarrass. The Wabash River and other streams at this time of the year were a vast lake, and in the more shallow water and swamps ice had formed and the weather was cold and disagreeable. No man would have ventured through wilderness and swamps and surging streams unless inspired by the spirit of liberty and patriotism. This cool, brave youth of 27, who led these men, had a vision possessed by few men in history, and the courage to carry that vision into execution.

The *Willing*, that had been sent down the Mississippi and up the Ohio, could not be found. Canoes were hastily constructed. On the 21st the army began to be ferried across the Wabash below the mouth of the Embarrass, about a mile and one-half above St. Francisville. Crossing to the Indiana side, they immediately started their march northward toward Vincennes. Warrior's Island, 2 miles from Vincennes, was reached on the 23d, the army floundering through mud and water, half numb with cold, and weak from exposure.

The fort is described as an irregular inclosure about 60 feet at its narrowest place and 200 feet at the widest point, of 2 or 3 acres. It was surrounded by a stockade 10 or 12 feet high, with blockhouses at the corners or angles. In the center was a blockhouse also, which served as quarters for the officers and supply depot. Clark's men had been almost entirely without food and water for six days.

Lieutenant Bailey, with 14 Regulars, was detached to fire on the fort while possession of the town was undertaken by the others. The garrison was taken completely by surprise. The sharpshooters were too much for the men inside the fort, and every time a British soldier showed himself at a porthole he was picked off by one of the sharpshooters.

At 9 o'clock on the morning of the 24th Clark sent a letter to Governor Hamilton demanding immediate surrender and admonished him not to destroy the stores or papers or letters in his possession under penalty of no mercy shown. Hamilton replied that he and his garrison were not disposed to be awed into any action unworthy of British subjects. The firing again commenced. Hamilton sent a letter to Clark proposing a three-day truce to consider such terms as he proposed.

Clark refused, fearing that reinforcements on the way from Detroit would reach Hamilton. He suggested that Hamilton meet him, with Captain Helm, who was held a prisoner in the fort, at the church about 80 yards from the fort. Hamilton proposed terms of capitulation with certain conditions, all of which were rejected by Clark. Clark demanded that Hamilton surrender at discretion, that his troops were impatient to storm the fort, and the result of an enraged body of woodsmen breaking in would be beyond the power of an American officer to save a single man.

Hamilton inquired Clark's reason for refusing the garrison on any other terms than at discretion and was told that he wanted an excuse to put to death the Indian partisans or otherwise treat them as he thought proper; that the cries of the widows and orphans of the frontier which they had occasioned now required their blood; that if Hamilton chose to risk the massacre of his garrison for their sakes it was his own pleasure.

Late in the evening terms of capitulation were signed. The next morning by 10 o'clock, February 25, 1779, Governor Hamilton and his garrison marched out; Colonel Clark and his forces marched in, relieved the sentinels, and secured all the arms and stores. Two days after the capture the *Willing* arrived, but the fort was already in the possession of the Americans.

By Clark's victory the American flag was hoisted never to be hauled down in that vast empire secured to the Union by that memorable campaign. It forever put an end to that bloody carnage of Indian warfare instigated by the British against helpless women and children and defenseless men. It brought peace and security to the pioneer settlers west of the Alleghanies. It forever ended the British-Indian alliances that threatened to break through our back door and by organized raids attack and assail our frontiers from the west. All forces, power, and energy could now be centered on the conflict waged by Washington against the British to bring that conflict to a glorious conclusion.

It was a most potent factor in the success of American arms which gained for the new nation independence from the British Crown. It added as an integral part of the territory of this Nation about 250,000 square miles, from which has been carved five great Commonwealths—Illinois, Indiana, Ohio, Michigan, and Wisconsin. That territory contains more than 25,000,000 people, one-fifth the entire population of the Nation. More than one-fourth of the total agricultural and manufactured products of the country are here produced. More than one-fourth of the Federal taxes are paid into the Treasury by the inhabitants of this territory. The center of population is located within this section. It is the real heart of the American Nation. This inspired vision of George Rogers Clark, made real by his daring, skill, and strategy, and the valor and courage of his pioneer army, stands out as a monumental achievement in American history.

Senate Joint Resolution 23, which passed the Senate February 24 of this year, makes provision for the participation by the Federal Government in a celebration to be held in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by George Rogers Clark and his army of sturdy frontiersmen. It authorizes an appropriation for a permanent memorial at Vincennes, Ind., on the site of old Fort Sackville in commemoration of the event. This is a most worthy recognition of the services of that gallant soldier and his sturdy band of patriots to the American Revolution and the American Nation.

This march of George Rogers Clark and his sturdy band from Kaskaskia to Vincennes is of especial interest to the people of my district. Four counties in the twenty-third Illinois congressional district, the district I have the honor to represent in this body, were traversed in this history-making campaign, and about half the entire route was within the limits of the district as now located. The route of this memorable march through the Illinois country should be designated by proper markings throughout its length that the present and future generations may

know the course traversed by this American patriot and his pioneer army.

This resolution should be adopted that a fitting memorial may be erected on the site of old Fort Sackville as a reminder of the patriotic services and unsurpassed valor and dauntless courage of George Rogers Clark and his pioneer heroes. It is a well deserved honor. It will quicken the patriotic pulse of future generations and redound to the good of a patriotic, liberty-loving America. [Applause.]

Mr. FRENCH. 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. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 12286, the Navy Department appropriation bill, had come to no resolution thereon.

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. 173. An act to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash.;

H. R. 232. An act to amend the act of June 7, 1924, prescribing the persons entitled to the benefits of the National Home for Disabled Volunteer Soldiers and the method of their admission thereto;

H. R. 308. An act authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation;

H. R. 356. An act to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect";

H. R. 926. An act for the relief of Jennie Roll;

H. R. 3673. An act for the relief of Maj. F. Ellis Reed;

H. R. 4203. An act for the relief of A. S. Guffey;

H. R. 5255. An act for the relief of Jacob F. Webb;

H. R. 6094. An act to amend section 7 of Public Act No. 45, Sixty-ninth Congress, entitled "An act authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes";

H. R. 7110. An act for the relief of Frances L. Dickinson;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark.;

H. R. 7224. An act to extend the time for the refunding of certain legacy taxes erroneously collected;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at or near Melville, La.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 8093. An act for the relief of John Rooks;

H. R. 8311. An act to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, California;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, California;

H. R. 8824. An act to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex.;

H. R. 8887. An act for the relief of Victorina Mesa, of Cavite, P. I.;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9031. An act to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near the mouth of the Big Blue River in Jackson County, Mo.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton Highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio;

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.;

H. R. 10954. An act to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa.; and

H. J. Res. 175. An act to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1325. An act for the relief of John A. Fox;

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.;

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; and

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

BILL 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, a bill of the following title:

H. R. 5500. An act to establish a national military park at the battle field of Fort Donelson, Tenn.

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, March 22, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 22, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Legislative appropriation bill.

COMMITTEE ON INDIAN AFFAIRS

(10.30 a. m.)

To extend the period of restrictions of lands of certain members of the Five Civilized Tribes (H. R. 12000).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

A meeting to discuss the Columbia River project.

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To incorporate the Reserve Officers' Association of the United States (H. R. 10299).

COMMITTEE ON THE DISTRICT OF COLUMBIA

Joint hearing before House and Senate subcommittees on insurance and banking in the Senate committee room.

(10 a. m.)

Relating to assuring compensation for accidental injuries or death of employees in certain occupations in the District of Columbia (H. R. 5711). Creating the District of Columbia insurance fund for the benefit of employees injured and the dependents of employees killed in employment, providing for the administration of such fund by the United States Employees' Compensation Commission, and authorizing an appropriation therefor (H. R. 200).

SUBCOMMITTEE ON FISCAL AFFAIRS

(10.30 a. m.)

To fix the amount to be contributed by the United States toward defraying the expenses of the District of Columbia (H. R. 5768).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bills on the committee calendar.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

Granting consent to the city and county of San Francisco, State of California, its successors and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco from Rincon Hill to a point near the south mole of San Antonio Estuary in the county of Alameda, in said State (H. R. 7467).

Granting the consent of Congress to Frank E. Webb, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Bay of San Francisco at or near the extension of Oakdale Avenue near Shag Rock at or near Hunters Point, San Francisco County, on the north, and Visitation Point, San Mateo County, on the south, to a point south of Park Street, city of Alameda, county of Alameda, Calif. (H. R. 8712).

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

To amend the salary rates contained in the compensation schedules of the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services" (H. R. 6518).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

To prohibit the exportation of arms, munitions, or implements of war to belligerent nations (H. J. Res. 183).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FRENCH: Committee on Appropriations. H. R. 12286. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 1007). Referred to the Committee of the Whole House on the state of the Union.

Mr. CRAMTON: Committee on Appropriations. H. J. Res. 245. A joint resolution to make immediately available the appropriation for a road across the Kaibab Indian Reservation (Rept. No. 1008). Ordered printed.

Mr. SINNOTT: Committee on the Public Lands. H. R. 11990. A bill to authorize the leasing of public lands for aviation, and for other purposes; without amendment (Rept. No. 1009). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 89. A bill to declare the future policy of the Post Office Establishment of the United States; with amendment (Rept. No. 1010). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 45. A bill to eliminate the renewal of oath of office of Government employees under certain conditions; with amendment (Rept. No. 1014). Referred to the House Calendar.

Mr. SPEAKS: Committee on Military Affairs. S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; with amendment (Rept. No. 1015). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 11994. A bill to abolish bailiffs and criers in the United States courts and to provide for the performance of their duties by United States marshals and their deputies, and for other purposes; with amendment (Rept. No. 1016). Referred to the Committee of the Whole House on the state of the Union.

Mr. MACGREGOR: Committee on Immigration and Naturalization. H. R. 11351. A bill to exempt American Indians born in Canada of tribes formerly settled in the United States from the operation of the immigration act of 1924; with amendment (Rept. No. 1017). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MOORE of Ohio: Committee on the Judiciary. H. J. Res. 77. A joint resolution concerning lands and property devised to the Government of the United States of America by Wesley Jordan, deceased, late of the township of Richland, county of Fairfield, and State of Ohio; without amendment (Rept. No. 1011). Referred to the Committee of the Whole House.

Mr. CELLER: Committee on Claims. H. R. 8001. A bill conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *City of Beaumont* against the United States, and for other purposes; with amendment (Rept. No. 1012). Referred to the Committee of the Whole House.

Mr. SPEAKS: Committee on Military Affairs. H. R. 10261. A bill for the relief of Edward Tomlinson; without amendment (Rept. No. 1013). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 12015) for the relief of Faber, Coe & Gregg (Inc.), and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee on the Whole House on the state of the Union.

By Mr. GRAHAM: A bill (H. R. 12287) to amend the act entitled "An act in reference to writs of error," approved January 31, 1928; to the Committee on the Judiciary.

By Mr. CAMPBELL (by request): A bill (H. R. 12288) to provide legal-tender money without interest secured by community noninterest-bearing 25-year bonds for public improvements, market roads, employment of unemployed, building homes for, and financing through community banks organized under State laws, its citizens, farmers, merchants, manufacturers, partnerships, corporations, trusts, or trustees, and for community needs of the United States; to the Committee on Banking and Currency.

By Mr. BACHARACH: A bill (H. R. 12289) to provide Federal cooperation with the States in devising means to protect

valuable shore lands from damaging erosions, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. FISH: A bill (H. R. 12290) to designate a building site for the National Conservatory of Music of America, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 12291) authorizing the use of the air mail service by Members of Congress and officials of the United States Government for official correspondence requiring expeditious transmission; to the Committee on Accounts.

By Mr. BURTON: Joint resolution (H. J. Res. 247) to authorize the Secretary of the Treasury to cooperate with the other relief creditor governments in making it possible for Austria to float a loan in order to obtain funds for the furtherance of its reconstruction program, and to conclude an agreement for the settlement of the indebtedness of Austria to the United States; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. AYRES: A bill (H. R. 12292) granting a pension to Thomas G. Red; to the Committee on Pensions.

By Mr. BECK of Wisconsin: A bill (H. R. 12293) granting a pension to Mary Phillips; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 12294) granting an increase of pension to Etta Robinson; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 12295) granting an increase of pension to Emma M. Backus; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 12296) granting a pension to Mary Ellen Nelson; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 12297) for the relief of Marion Downes; to the Committee on World War Veterans' Legislation.

By Mr. HOGG: A bill (H. R. 12298) granting an increase of pension to Elizabeth Deputy; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 12299) granting a pension to James A. Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12300) granting a pension to Emma Gibbens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12301) granting an increase of pension to Elizabeth M. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12302) granting an increase of pension to Julia A. Fritz; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 12303) granting an increase of pension to Mary E. McGuire; to the Committee on Invalid Pensions.

By Mr. KORELL: A bill (H. R. 12304) granting an increase of pension to Ettie Serven; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 12305) for the relief of William Guy Townsend; to the Committee on Naval Affairs.

By Mr. McSWAIN: A bill (H. R. 12306) for the relief of M. C. Green; to the Committee on Claims.

By Mr. MENGES: A bill (H. R. 12307) granting a pension to Sarah Catharine Metz; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 12308) granting a pension to Mary E. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12309) granting a pension to Amanda J. Sutton; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 12310) granting an increase of pension to Nancy L. Many; to the Committee on Invalid Pensions.

By Mr. RUTHERFORD: A bill (H. R. 12311) to provide for the payment of compensation to William J. Tilson; to the Committee on the Judiciary.

By Mr. SINCLAIR: A bill (H. R. 12312) for the relief of James Hunts Along; to the Committee on Indian Affairs.

By Mr. THOMPSON: A bill (H. R. 12313) granting an increase of pension to Charles Hoff; to the Committee on Pensions.

By Mr. VINCENT of Michigan: A bill (H. R. 12314) granting a pension to Frances H. Fowler; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 12315) granting a pension to Edgar Foster; 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:

5728. By Mr. BLAND: Petition of citizens of Mathews County, Va., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5729. By Mr. BURTON: Resolution of Millwrights Local Union No 1142, Cleveland, Ohio, adopted March 14, 1928, approving the passage of the Dale-Lehlbach retirement bill (H. R. 25 and S. 1727); to the Committee on the Civil Service.

5730. Also, resolution of East Cleveland Post No. 163, of the American Legion, adopted March 6, 1928, approving the Fitzgerald-Tyson bill (H. R. 500 and S. 777), providing retirement privileges for the disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5731. By Mr. CRAIL: Petition of Charles A. Lindbergh Camp, No. 103, United Spanish War Veterans, Los Angeles County, Calif., favoring a special bill for the relief of Frank Schallert, and more equitable pensions for Spanish War veterans; to the Committee on Pensions.

5732. By Mr. DAVIS: Petition of J. T. Hester and others, in favor of an increase of Civil War pensions; to the Committee on Invalid Pensions.

5733. By Mr. DEAL: Petition of residents of Norfolk, Va., protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5734. By Mr. DICKINSON of Missouri: Petition by 28 citizens of Dade County, Mo., in behalf of a Civil War pension bill, increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5735. Also, petition by 26 citizens of Greenfield, Mo., in behalf of a Civil War pension bill, increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5736. By Mr. DRANE: Petition against compulsory Sunday observance legislation (H. R. 78), from citizens of Lakeland, Fla.; to the Committee on the District of Columbia.

5737. By Mr. ELLIOTT: Petition of Pauline Miller and 50 others, in favor of Civil War pension legislation; to the Committee on Invalid Pensions.

5738. By Mr. EVANS of California: Petition of Margaret M. Munson and 34 other citizens of Tujunga, Calif., for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5739. By Mr. EVANS of Montana: Petition of Linnea Lodge, No. 174, Order of Vasa, of Butte, Mont., protesting against the immigration quota from Sweden and other Scandinavian countries; to the Committee on Immigration and Naturalization.

5740. By Mr. ROY G. FITZGERALD: Petition of 56 citizens of Oxford, Butler County, Ohio, praying for the early passage of a bill giving further relief to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5741. By Mr. GALLIVAN: Petition of Charles S. Gooding, 27 School Street, Boston, Mass., protesting against House bill 5527; to the Committee on Patents.

5742. By Mr. GARDNER of Indiana: Petition of Isabella C. White and four other citizens of Bedford, Ind., urging that the Congress take immediate steps to bring to a vote a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

5743. By Mr. WILLIAM E. HULL: Petition of C. I. Ring, of Tiskilwa, Ill., and 20 other citizens of Illinois, for increase of Civil War Pensions; to the Committee on Invalid Pensions.

5744. By Mr. JAMES: Petition of citizens of Iron Mountain, Mich., favoring increase of pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5745. By Mr. JOHNSON of Indiana: Petition of numerous voters of Terre Haute, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

5746. Also, petition of voters of Clinton, Ind., for increase of Civil War pensions; to the Committee on Invalid Pensions.

5747. By Mr. KIESS: Petition from citizens of Slate Run, Pa., favoring increased pension for Civil War soldiers and their widows; to the Committee on Invalid Pensions.

5748. By Mr. LINDSAY: Petition of the New York Association for the Blind, favoring the passage of the Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

5749. Also, petition of Maritime Exchange, New York City, presenting resolutions favoring enactment of the Cuban parcel post bill; to the Committee on Ways and Means.

5750. Also, petition of the Industrial Home for the Blind, favoring passage of the Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

5751. Also, petition of the Engineers' Club of Baltimore, indorsing House bill 11142, which provides for immediate appropriation of $2,800,000 for making survey of the alluvial valley

of the Mississippi River and for stream gaugings; to the Committee on Flood Control.

5752. Also, petition of Grace Jacobs Day, of Baltimore, urging favorable action on disabled emergency officers' retirement bill; to the Committee on Military Affairs.

5753. Also, petition of Martha Chapter No. 30, Order of Eastern Star, of Baltimore, Md., registering opposition to the Oddie bill and similar legislation; to the Committee on the Post Office and Post Roads.

5754. By Mr. McFADDEN: Petition of residents of Bradford, Susquehanna, and Wyoming Counties, Pa., protesting against the passage of the Lankford bill (H. R. 78), or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

5755. By Mr. O'BRIEN: Petition of the citizens of Harrison County, W. Va., favoring the Civil War pension bill, carrying rates as proposed by the National Tribune; to the Committee on Invalid Pensions.

5756. By Mr. O'CONNELL: Petition of the Twelfth Assembly District Republican Club, of Brooklyn, N. Y., opposing the removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

5757. Also, petition of the Industrial Home for the Blind, Brooklyn, N. Y., favoring the passage of the Hawes-Capper bill; to the Committee on Interstate and Foreign Commerce.

5758. By Mr. MURPHY: Petition of H. W. Ridge, lockmaster, Brilliant, Ohio, and nine other employees at Lock No. 11, asking for the passage of House bills 492 and 6518; nine business men of Brilliant join in asking for the passage of the above-numbered bills; to the Committee on the Civil Service.

5759. Also, petition of Joseph B. Green and 12 other employees at Lock No. 10, Steubenville, Ohio, asking for the passage of House bills 492 and 6518; 198 residents of Steubenville join in petition for the passage of the above referred to bills; to the Committee on the Civil Service.

5760. Also, petition of Noble E. Gunning, legislative agent, Tippecanoe, Ohio, stating that the Tri-County Grange voted unanimously in favor of the export debenture bill; to the Committee on Agriculture.

5761. Also, petition of Mrs. H. E. Shive, master, and S. D. Bailey, secretary, Mount Nebo Grange, No. 664, Lisbon, Ohio, stating that Mount Nebo Grange has passed a resolution indorsing the Ketcham bill; to the Committee on Agriculture.

5762. Also, petition of A. N. McCombs, of Cadiz, Ohio, protesting against the passage of the Curtis-Reed educational bill; to the Committee on Education.

5763. By Mr. O'CONNELL: Petition of the New York Association for the blind, favoring the passage of the Hawes-Cooper bill; to the Committee on Interstate and Foreign Commerce.

5764. Also, petition of the Maritime Association of the Port of New York, favoring the passage of House bill 9195, the Cuban parcel post bill; to the Committee on Ways and Means.

5765. By Mr. O'CONNOR of New York: Resolution of the Seventh Regiment Veteran Association of New York, urging passage of legislation to improve housing conditions for the personnel of the Army; to the Committee on Military Affairs.

5766. By Mr. PERKINS: Petition from Henry L. Ackerson and other members of the Sons and Daughters of Liberty, of Ridgewood, Ramsey, Mahwah, and Allendale, N. J., protesting against legislation increasing immigration; to the Committee on Immigration and Naturalization.

5767. Also, telegram from Hugh V. Reilly, secretary of the New Jersey State Federation of Labor, urging support of Mexican immigration quota bill; to the Committee on Immigration and Naturalization.

5768. By Mr. PRATT: Petition of residents of Ashland, Jewett, Windham, and Prattsville, Greene County, N. Y., urging passage of House bill 11410; also petition of residents of Livingston Manor, Sullivan County, N. Y., urging passage of House bill 11410; to the Committee on the Judiciary.

5769. By Mr. QUAYLE: Petition of the New York Association for the Blind, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

5770. Also, petition of the Industrial Home for the Blind, urging the passage of the Hawes-Cooper bill; to the Committee on Labor.

5771. Also, petition of the maritime Association of the Port of New York, urging the passage of House bill 9195; to the Committee on Ways and Means.

5772. Also, petition of the International Association of Fire Chiefs, to have the Government set aside a parcel of land in Washington, D. C., for the purpose of erecting thereon a national headquarters for the International Association of Fire Chiefs; to the Committee on Public Buildings and Grounds.

5773. Also, resolution by the Brooklyn Bar Association, of Brooklyn, N. Y., urging the appointment of an additional judge in the eastern district of New York; to the Committee on the Judiciary.

5774. By Mr. RATHBONE: Petition by 40 citizens of Chicago, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of suffering veterans and widows; to the Committee on Invalid Pensions.

5775. By Mr. SINCLAIR: Petition of 61 residents of Williston and Alamo, N. Dak., urging that the Civil War pension bill be brought to a vote; to the Committee on Invalid Pensions.

5776. By Mr. TAYLOR of Colorado: Petition from citizens of Craig, Colo., protesting against the passage of the Lankford or any other bill enforcing compulsory Sunday observance; to the Committee on the District of Columbia.

5777. Also, petition from citizens of Cortez, Colo., urging further relief legislation for veterans and their widows of the Civil War; to the Committee on Invalid Pensions.

5778. By Mr. THOMPSON: Petition of citizens of the fifth congressional district of Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to needy and suffering veterans and the widows; to the Committee on Invalid Pensions.

5779. By Mr. THURSTON: Petition of 31 citizens of Ringgold County, Iowa, petitioning the Congress to pass the Civil War bill, which advocates a minimum rate of $50 per month for every Civil War veteran, $72 per month for every Civil War survivor, and $125 per month for every Civil War survivor requiring aid and attendance; to the Committee on Invalid Pensions.

5780. By Mr. WILLIAMSON: Petition of certain voters of Mellette and Todd Counties, S. Dak., for consideration of a Civil War pension bill; to the Committee on Invalid Pensions.

5781. By Mr. WOOD: Petition of residents of Lake County, Ind., asking that the Civil War pension bill become a law at this session of Congress; to the Committee on Invalid Pensions.

5782. By Mr. WYANT: Petition of citizens of Westmoreland County, Pa., favoring passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

5783. Also, petition of Post No. 781, Veterans of Foreign Wars, by Adjutant J. Howard Snyder, Irwin, Pa., favoring passage of House bill 6523 and Senate bill 1986; to the Committee on Military Affairs.

5784. Also, petition of 180 members of Mount Odin Sisterhood, No. 227, Dames of Malta, of Greensburg, Pa., favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, *March 22, 1928*

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

Almighty and most merciful Father, who hast brought us through the darkness of night to the light of the morning, pour into our souls Thy holy light, that we may ever be devoted to Thee, by whose wisdom we were created, by whose mercy we have been redeemed, and by whose providence we are governed. Fill us with Thy spirit and send us forth as sons of God, that we may glory in all the discipline of life, the tasks and trials by which we are trained to patience and to self-control. Give us wisdom, courage, and understanding, adequate to the demand of the leadership whereunto Thou hast called us, and a faith which shall dispel all the shadows of earth and fill the saddest moments of life with the light of an immortal love. Grant this, O Father, through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 245) to make immediately available the appropriation for a road across the Kaibab Indian Reservation, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 1325. An act for the relief of John A. Fox;

S. 1478. An act to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.;