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.;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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;

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

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;

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. Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

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

Mr. NORRIS. My colleague the junior Senator from Nebraska [Mr. HOWELL] is unavoidably detained from the Senate and is absent from the city. I ask that this announcement may stand for the day.

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

SECTION 224 OF THE JUDICIAL CODE

Mr. NORRIS. I ask the Chair to lay before the Senate the action of the House of Representatives on the amendments of the Senate to House bill 8725.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8725) to amend section 224 of the Judicial Code, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORRIS. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BLAINE, Mr. WATERMAN, and Mr. STEPHENS conferees on the part of the Senate.

THE COPLEY PRESS (INC.)

Mr. NORRIS. Mr. President, in relation to some remarks that I made here the other day in regard to the Copley Printing Co., I received a cablegram from Mr. Copley. I ask unanimous consent to have it read at the desk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read the cablegram, as follows:

NAPOLI, *March 20, 1928.*

SENATOR NORRIS,
Washington, D. C.:

Your resolution regarding me has been cabled. I know you are honest and fair. I sold my utility in January, two years ago, to Rollins and Fitkin, retaining only underlying interest. One year ago Fitkin sold to Rollins. Two months ago Rollins sold to Insull. After my sale I retained the presidency, solely as a guaranty to thousands of local investors. However, I performed no executive act. Since purchased by Insull I have not been officer or director, and could not elect myself director without his consent. I do not own any interest in any other utility. I have owned good newspapers for 25 years. I retained these when selling the utility, as they never had any relation. After resting a year and one-half, it became evident to me that I must work. So I looked over the field and bought several more newspapers. The total value, about one-fifth the Chicago Tribune or New York Times. I have no alliance with or agreement with or understanding with any utility man or any utility interest in the world. You have been deceived by some man who does not know. I suspect by some enthusiastic municipal-ownership believer, who does not appreciate the necessity for fair treatment to some one whom he may suspect, whether correctly or not. If this statement is true, you owe me reparation of the wrong you have inadvertently done to me. If this statement is false, I have amply earned the contempt of all honest men.

COPLEY.

PETITIONS AND MEMORIALS

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

Mr. WALSH of Massachusetts presented a petition of sundry citizens of Boston, Reading, Brookline, Malden, Atlantic, Melrose, and Newton, Mass., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented petitions and papers in the nature of petitions of the Central Labor Unions of Holyoke, Cambridge, Lynn, and Salem; the Typographical Union of Springfield; Local No. 179, Iron Moulders Union of North America, of Watertown; the United Building Trades Council and Typographical Union No. 13, both of Boston; the International Union of Steam and Operating Engineers, of Boston and Rockport; and sundry manufacturers and jobbers, all in the State of Massachusetts, praying for the passage of legislation to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases, which were ordered to lie on the table.

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

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

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

Mr. COPELAND presented a petition of sundry citizens of New York City, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution of the board of directors of the Maritime Association of the Port of New York, favoring the passage of House bill 9195, to amend sections 2804 and 3402 of the Revised Statutes, relating to cigars, cheroots, and cigarettes imported from Cuba, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted by the officers and members of the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., protesting against the passage of legislation for the removal of the Brooklyn (N. Y.) Navy Yard to another location, which was referred to the Committee on Naval Affairs.

Mr. BINGHAM presented a letter in the nature of a memorial from Harold K. Dearman, recording secretary of Uncas Council, No. 25, O. U. A. M., of Bridgeport, Conn., remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Hartford (Conn.) Clearing House Association, indorsing the action of the Connecticut State Legislature in calling upon Congress to repeal the Federal estate inheritance tax, which was referred to the Committee on Finance.

He also presented a letter in the nature of a memorial from the board of directors of the Connecticut Reformatory, remonstrating against the passage of House bill 6044, to divest articles made with convict labor of their character as subjects of interstate or foreign commerce, which was ordered to lie on the table.

He also presented letters and papers in the nature of petitions from Naval Post, No. 110, the American Legion, of New Haven; Seicheprey Post, No. 2, the American Legion Auxiliary, of Bristol; and sundry citizens of Cheshire, all in the State of Connecticut, praying for adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented a letter and paper in the nature of memorials of the Connecticut Woman's Christian Temperance Union and the Young Women's Christian Association, both of Hartford, Conn., remonstrating against adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented a letter in the nature of a petition of the Swedish Evangelical Lutheran Emanuel Church, of Hartford, Conn., praying that the immigration quota distribution based on the census of 1890 be retained, that the proposed quota distribution based on national origin be annulled, and that no further measures for reduction of the Scandinavian quotas be passed by Congress, which was referred to the Committee on Immigration.

He also presented a memorial of members of the Swedish Lutheran Church of Bridgeport, Conn., remonstrating against execution of the national origins provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a telegram in the nature of a petition from Ahepa Chapter, No. 62, of Bridgeport, Conn., praying for the passage of legislation providing a debt settlement with the Government of Greece, which was ordered to lie on the table.

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

Mr. McLEAN presented letters in the nature of memorials from Local No. 39, Cigarmakers Union and the Tobacco Strippers Union, both of New Haven, Conn., remonstrating against the passage of House bill 9195, to amend sections 2804 and 3402 of the Revised Statutes, relative to cigars, cheroots, and cigarettes imported from Cuba, which were referred to the Committee on Finance.

He also presented a paper in the nature of a memorial of the Men's Club of Cornwall, Conn., remonstrating against the passage of Senate bill 1752, for the elimination of Government-printed return-card stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of the Woman's Christian Temperance Union of Hartford, Conn., praying for the passage of House Joint Resolution 183, prohibiting the exportation of arms, munitions, and other implements of war to any nation engaged in war, etc., which was referred to the Committee on Foreign Relations.

He also presented papers in the nature of petitions of the Woman's Christian Temperance Union of Hartford and the Civic League of New Canaan, Conn., praying for adoption of the Gillett World Court resolution, requesting the President to consider further exchange of views with the signatory nations relative to the United States reservations to the Permanent Court of International Justice, which were referred to the Committee on Foreign Relations.

He also presented telegrams in the nature of petitions from the International Institute and Board of Directors, Young Women's Christian Association, both of New Haven, Conn., praying for the passage of House Joint Resolution 234, providing admission within the quota of relatives of declarants who

have been admitted into the United States prior to July 1, 1924, which were referred to the Committee on Immigration.

He also presented a paper in the nature of a petition of the Veterans of Foreign Wars, Department of Connecticut, at Meriden, Conn., praying for the passage of House bill 5724, to prevent desecration of the flag and insignia of the United States and to provide punishment therefor, and also House bill 213, proposing to make The Star-Spangled Banner our national anthem, which was referred to the Committee on the Judiciary.

He also presented memorials of the Connecticut Woman's Christian Temperance Unions of Bristol and Hartford, in the State of Connecticut, remonstrating against adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented a letter in the nature of a petition from members of the Ladies Auxiliary to the Fairfield County Rural Letter Carriers' Association, of Bethel, Conn., praying for the passage of the so-called Gibson bill, providing for retirement of carriers after 30 years of service regardless of age, etc., which was referred to the Committee on Civil Service.

CONSTRUCTION OF NAVAL VESSELS

Mr. EDGE (for Mr. EDWARDS) presented editorials from the Morning Post and the Evening Courier, of Camden, N. J., of the 19th instant, which were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

[From the Evening Courier, Monday, March 19, 1928]

SAVE THE SHIPYARDS!

Seldom does an act of Congress, completed or merely proposed, encounter objection from a Camden slant so perfectly matching the national interest in the matter as in the Dallinger amendment to the naval construction bill in the House of Representatives.

After a hot fight between the big-navy men backing Wilbur's plan for 71 ships, and the people who would leave us practically defenseless at sea, the victory went to those reasonable-minded and practical persons who supported the bill for 15 cruisers and an airplane carrier as the plan of wisdom and efficiency.

That was a victory for common sense, showing the world that we intend to protect ourselves and our commerce without challenging the powers to an armament race.

And then, as the plan seemed assured of success, the Representative from Massachusetts, in an excess of zeal for the navy yards of his own State, secures House support for an amendment requiring that half these ships be built in Government yards.

Mistaken zeal, because the art of shipbuilding must be preserved in this country.

This amendment, which decreases the allowance of Government shipbuilding that may come to Camden, is earnestly opposed by the Courier, not merely on behalf of local workers but because the shipyards on the Delaware are vitally important to the Nation.

Shipbuilding combines besides many trades the fine art of putting their products together in the form of a modern ship, a city afloat.

That skill can be preserved only through use.

Without constant practice it would inevitably decay.

The Dallinger amendment if accepted by the Senate would hurt shipbuilding in this country beyond repair.

Distribution of these Government contracts is of supreme interest locally. But that tremendous local interest is overshadowed by the national interest which supports the local claims.

We see it as more than a matter of Camden's good, furnishing employment for more than 3,500 skilled shipyard workers now out of work.

We see it as an essential factor of preparedness. In a national emergency we'll need warships in a hurry. The empty shipyards may still be there. But where will be the skilled workers to man these yards?

That Dallinger amendment must die in the Senate.

And Jersey's Senators owe it to the State and to the Nation to lead the fight for better distribution of these contracts for 15 cruisers and an airplane carrier.

[From the Morning Post, Monday, March 19, 1928]

AN AMENDMENT THAT HITS CAMDEN HARD AND THE NATION HARDER

A Camden picture:

Only 1,600 men are employed to-day in the shipbuilding department of the Brown-Boveri plant in Camden.

Three thousand four hundred other men—all first-class shipbuilders who live in the neighborhood of the Brown-Boveri yards—are out of work.

A Washington picture:

When the naval appropriation bill came up in Congress Friday providing for the construction of 15 cruisers and an airplane carrier, Representative DALLINGER, of Massachusetts, rose to his feet with an amendment. It provided that half of these ships be built at Government-owned navy yards. The amendment was passed.

There was a certain selfishness in the Dallinger amendment. There are Government navy yards up in his district, and he wants as much of the work as possible to go there.

There is a certain selfishness in this editorial. We strongly oppose the Dallinger amendment, and one of the reasons we oppose it is that it would reduce the number of contracts the Brown-Boveri Co. will secure and thus would keep idle more than 3,000 Camden shipbuilders.

But there is a point at issue that is greater than the question of whether New England or New Jersey workers shall build the cruisers for the American Navy.

This is it:

The Government does not own enough navy yards to build a large number of ships quickly if an emergency arose.

The privately owned shipyards can meet nearly any emergency. They proved they could in 1917–18.

Now, if 50 per cent of the peace-time naval construction program is handed over to navy yards it will be a hard blow at the privately owned yards. In Camden, as one example, many of those 3,400 idle shipyard workers will give up shipbuilding entirely. They will drift into other trades and stay there. Many of them will move far away from shipbuilding centers, and it would be hard to bring them back, even in an emergency.

The danger doesn't end with the employment problem, either. The owners of the shipyard, once they come to the conclusion that the Government intends to build half its naval vessels, will soon begin dismantling their yards. Some of them already have passed out of existence—Cramps, for example.

The result will be that we won't have the yards in which to build ships when we need them. That would be a national calamity.

The Dallinger amendment was a bad amendment for Camden and a worse amendment for the country as a whole.

The House passed the appropriation bill with this amendment and sent it over to the Senate.

We hope to see the Senate pass the appropriation bill without the amendment. We hope to see Senators EDGE and EDWARDS lead the fight against it.

Shipbuilding must not be allowed to disintegrate, not merely because it will throw men out of work, though that is a good reason in itself. But a bigger reason than that of unemployment is that when all our shipbuilding plants are booming along they constitute a most important phase of our national defense.

REPORTS OF COMMITTEES

Mr. McLEAN, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 97) authorizing the President to appoint three delegates to the Twenty-third International Congress of Americanists, and making an appropriation for the expenses of such congress, reported it with an amendment.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (S. 3178) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes, reported it without amendment and submitted a report (No. 601) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the joint resolution (S. J. Res. 28) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the years 1866, 1867, and 1868, and vesting the right in each State to sue in its own name, reported it without amendment and submitted a report (No. 602) thereon.

Mr. DENEEN, from the Committee on the Judiciary, to which was referred the bill (H. R. 328) to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested, reported it without amendment and submitted a report (No. 604) thereon.

FORMER SENATOR MAGNUS JOHNSON

Mr. SHORTRIDGE, from the Committee on Privileges and Elections, reported a resolution (S. Res. 176), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for expenses of inquiries and investigations, contingent fund of the Senate, fiscal year 1926, to Hon. Magnus Johnson the sum of $2,500, in full payment for all expenses, including fees and expenses of his attorneys, incurred in prosecution of his claim to a seat in the Senate in the contest of the election of a Senator from the State of Minnesota in 1924.

ENROLLED BILLS PRESENTED

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

SENATORIAL CAMPAIGN EXPENDITURES

Mr. KING. Mr. President, in behalf of the special committee investigating expenditures in senatorial primary and general elections, I desire to submit a report in two parts.

The first one (Rept. No. 603) states in substance that Thomas W. Cunningham was a defiant and contumacious witness before the committee, and the committee recommends that by reason thereof he be adjudged in comtempt of the committee and of the Senate of the United States. To-morrow, if I can obtain the floor, I shall offer an appropriate resolution for the purpose of carrying into effect the recommendation of the committee. It will ask for a warrant to be issued by the Vice President for the arrest of Mr. Cunningham and directing that he be brought before the bar of the Senate for such action as the Senate may determine.

The second report (No. 603, pt. 2) which I submit relates to the witnesses Insull and Schuyler. I shall ask, following the disposition of the Cunningham matter, to take action upon the report last referred to.

The VICE PRESIDENT. The reports will be received and placed on file.

Mr. KING subsequently said: Mr. President, earlier in the day, when I submitted a report dealing with the witness Cunningham, who had been before the special committee investigating campaign expenditures, I stated that I would offer on to-morrow a resolution providing for an order of arrest to be issued by the President of the Senate. I am offering the resolution now and give notice that to-morrow I shall ask for the consideration of the resolution. One of the members of the special committee will not be here for a few days, perhaps, after to-morrow, and therefore I am inclined to offer it now, hoping that the matter may be disposed of on to-morrow.

The resolution (S. Res. 179) was ordered to lie on the table, as follows:

Whereas it appears from the report of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under Senate Resolution 195 of the Sixty-ninth Congress, declined to answer certain questions relative and pertinent to the matter then under inquiry:

Resolved, That the President of the Senate issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of said Thomas W. Cunningham wherever found, and to bring the said Thomas W. Cunningham before the bar of the Senate, then and there or elsewhere as it may direct, to answer such questions pertinent to the matter under inquiry as the Senate, through its said committee, or the President of the Senate, may propound, and to keep the said Thomas W. Cunningham in custody to await further order of the Senate.

BILLS INTRODUCED

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

By Mr. BRUCE:

A bill (S. 3723) to amend and reenact subdivision (a) of section 209 of the transportation act, 1920; to the Committee on Interstate Commerce.

By Mr. COPELAND (by request):

A bill (S. 3724) providing against future floods on the Mississippi and other rivers and for their uninterrupted navigation by restoration of natural channels through dredging and reclamation operations making available thereby vast quantities of valuable God-given fertilizer, and for other purposes; to the Committee on Commerce.

By Mr. GILLETT:

A bill (S. 3725) for the relief of Alfred S. Jewell; to the Committee on Claims.

A bill (S. 3726) to amend section 52 of the Judicial Code of the United States; to the Committee on the Judiciary.

By Mr. WARREN:

A bill (S. 3727) for the relief of Loren J. Zook (with an accompanying paper); to the Committee on Finance.

By Mr. McNARY:

A bill (S. 3728) granting a pension to Elmer J. Allard; and

A bill (S. 3729) granting an increase of pension to Col. F. Bond; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3730) for the relief of Harry E. Hale; to the Committee on Military Affairs.

A bill (S. 3731) to amend section 30 of the act entitled "An act providing for sundry matters affecting the naval service, and for other purposes," approved March 4, 1925; to the Committee on Naval Affairs.

By Mr. DILL:

A bill (S. 3732) for the relief of the Spokane Dry Goods Co.; to the Committee on Claims.

A bill (S. 3733) to provide for the purchase or contracts for purchase and the preparation and distribution of explosives to settlers and farmers for clearing and reclaiming stump and timber land areas, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. REED of Missouri:

A bill (S. 3734) granting a pension to Martha M. Ellison (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3735) including dependent sisters within classes of persons entitled to automatic insurance under the war risk insurance act; to the Committee on Finance.

By Mr. TYDINGS:

A bill (S. 3736) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age; to the Committee on Military Affairs.

A bill (S. 3737) to amend the definition of the words "manufacture of oleomargarine" and to amend the limitation upon oleomargarine taxable at one-fourth of 1 cent per pound in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture and Forestry.

By Mr. JONES:

A bill (S. 3738) relating to the carriage of goods by sea; to the Committee on Commerce.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 245) to make immediately available the appropriation for a road across the Kaibab Indian Reservation was read twice by its title and referred to the Committee on Appropriations.

AMENDMENTS TO TAX REDUCTION BILL

Mr. METCALF and Mr. SHEPPARD each submitted an amendment intended to be proposed by them, respectively, to House bill 1, the tax reduction bill, which were referred to the Committee on Finance and ordered to be printed.

SALE OF PUBLIC LAND IN FLORIDA

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 4378) to authorize the Secretary of the Interior to dispose by sale of certain public land in the State of Florida, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

MEMORIAL ADDRESSES ON THE LATE SENATOR ANDRIEUS A. JONES

Mr. BRATTON. Mr. President, I send to the desk a resolution and ask that it may be read and immediately considered.

The resolution (S. Res. 177) was read, considered, and agreed to, as follows:

Resolved, That Sunday, April 8, 1928, be set aside for memorial addresses on the life, character, and public services of the Hon. ANDRIEUS A. JONES, late a Senator from the State of New Mexico.

SENATORIAL CAMPAIGN EXPENDITURES—LIMIT OF COST

Mr. REED of Missouri submitted the following resolution (S. Res. 178), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Special Committee Investigating Expenditures in Senatorial Primary and General Elections under authority of resolutions of the Senate agreed to May 17, 1926, January 11, 1927, and reaffirmed December 12, 1927, hereby is authorized to expend from the contingent funds of the Senate $65,000, in addition to the amounts heretofore duly authorized.

DISPOSITION OF USELESS PAPERS

The PRESIDING OFFICER (Mr. STEIWER in the chair) laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a statement of useless papers in the State Department, which are not needed in the transaction of public business and have no permanent value or historic interest, and asking for action looking toward their disposi-

tion, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDING OFFICER appointed Mr. BORAH and Mr. SWANSON members of the committee on the part of the Senate.

ANDREW W. MELLON, SECRETARY OF THE TREASURY

The VICE PRESIDENT. The Chair lays before the Senate Resolution 173, coming over from a preceding day, which will be read.

The Chief Clerk read the resolution (S. Res. 173) submitted by Mr. COUZENS March 20, 1928, as follows:

Whereas the Senate of the United States has since October 23, 1923, been investigating the disposition of our naval oil reserves; and

Whereas for nearly all of this time there have been new developments until up to the present time there has been disclosed the worst trail of fraud and corruption in public life that has existed in our history; and

Whereas for considerably over four years Andrew W. Mellon, Secretary of the Treasury, has been familiar with the relationship of Harry F. Sinclair to the Republican National Committee of that period, and which relationship disclosed that the said committee received at least $160,000 of Liberty bonds from Harry F. Sinclair to pay the committee's indebtedness for the 1920 campaign; and

Whereas in November, 1923, Andrew W. Mellon was informed of the source of these bonds and received from the chairman of said committee $50,000 of the bonds; and

Whereas it is true that he returned these bonds, yet he at no time revealed this information until it was indicated from another source; and

Whereas the Interstate Commerce Committee of the Senate have been holding hearings on Resolution 105, to investigate the conditions in certain bituminous coal fields; and

Whereas in the course of this investigation the Pittsburgh Coal Co., a Mellon enterprise, it has been disclosed, has done everything it could to defeat obtaining accurate findings as to its mines by the issuance of the following order:

"*To all mine superintendents:*

"The United States Senate investigating committee is now visiting the Pittsburgh district. Clean up all unsightly conditions. Keep our police in the background. Avoid all arrests. Instruct our men to keep out of trouble. If the committee desires to question any of our employees, see to it that you present men you can trust and who can be depended upon to give the right kind of answers. If you are examined by the committee, do not answer any questions you think might be harmful to our interests. The company will protect you. The company has mailed a spirited letter to each individual employee. If you know of any unsatisfactory condition in company camps or barracks, see that it is eliminated at once.

"(Signed) THE PITTSBURGH COAL CO."

And

Whereas the Senate of the United States has condemned the expense of $786,934 in behalf of WILLIAM S. VARE in a recent election contest in Pennsylvania, and yet in the same contest $1,804,979 was expended in behalf of another candidate; and

Whereas Andrew W. Mellon was a large contributor to this campaign, was a participant as a speaker, and defended contributions to this campaign on the ground that they were like unto contributions to a church; and

Whereas section 243 of the Revised Statutes of the United States makes it a criminal offense for "any person appointed to the office of the Secretary of the Treasury" to be "directly or indirectly concerned or interested in carrying on the business of trade or commerce"; and

Whereas Andrew W. Mellon, Secretary of the Treasury, is a stockholder and therefore is "directly and indirectly interested in carrying on the business of trade or commerce" in corporations such as Gulf Oil Corporation, Gulf Refining Corporation, Gulf Production Co., Gulf Pipeline Co., Gulf Refining Co. of Louisiana, Gypsy Oil Co., Gulf Pipeline Co. of Oklahoma, Mexican Gulf Oil Co., Southern American Gulf Oil Co., Panama Gulf Oil Co., Aluminum Co. of America, and other corporations named by former Senator Ernst in a speech prepared in the Treasury Department and as recorded in the CONGRESSIONAL RECORD of March 14, 1925; and

Whereas the Senate of the United States in the only analogous case of record declared that the Secretary of the Treasury could not be financially interested in trade or commerce; and

Whereas the Government of the United States was defrauded out of $91,000 in the tax case of the Mellon National Bank, the Union Trust Co., and the Union Savings Bank while Andrew W. Mellon was Secretary of the Treasury; and

Whereas Andrew W. Mellon, as Secretary of the Treasury, benefited through indefensible decisions in the tax case of the Gulf Oil Co., as disclosed by the select committee of the Senate appointed to investigate the Bureau of Internal Revenue; and

Whereas there was much evidence of corruption, favoritism, violation of the law, and illegal settlements with certain large taxpayers reported by the select committee of the Senate appointed to investigate the Internal Revenue Bureau; and

Whereas Andrew W. Mellon was responsible for this condition; and

Whereas throughout all of the administration of said Andrew W. Mellon there runs an indifference to the law, a contempt for the law, a defiance of law; and

Whereas an indifference to law, a defiance of law, and contempt for law upon the part of those sworn to uphold and defend the Constitution and laws of the United States breeds and encourages indifference and disrespect for law upon the part of other employees of the Government and upon the part of citizens and thereby contributes to and does undermine and eventually will destroy the Government of the United States; and

Whereas the Senate of the United States has confirmed the appointment of Andrew W. Mellon as Secretary of the Treasury, and to that extent has assumed responsibility for him: Therefore be it

Resolved, That it is the sense of the Senate that Andrew W. Mellon should resign as Secretary of the Treasury.

The VICE PRESIDENT. The question is on agreeing to the resolution.

Mr. COUZENS. Mr. President, the subject of this resolution has been before the Senate in some of its aspects on several occasions. The last time, as I recall, when the subject matter of Mr. Mellon being Secretary of the Treasury came before the Senate was about four years ago in connection with a resolution introduced by the Senator from Tennessee [Mr. MCKELLAR]. Since that time I do not recall that the subject has arisen. Later developments, however, since that time suggested the introduction of the resolution, and with the resolution I coupled other issues raised as to his fitness and competency to hold the position of Secretary of the Treasury.

It is, of course, not necessary to make any specific reference to the work of the Senate in its investigation of the disposition of our naval oil reserves. Every Senator has had opportunity, through the press and otherwise, to be informed of what has developed since the Senate started in October, 1923, to investigate this matter. I think I may say with absolute confidence and without any fear of contradiction that the disclosures over this period of time have shown up the worst trail of fraud and corruption in public life since the achievement of our independence.

In November, 1923, and for some time thereafter, the evidence now before the Public Lands Committee shows that at least $160,000 of Liberty bonds received from Harry F. Sinclair were offered to prominent Republicans. As early as November, 1923, Andrew W. Mellon was sent $50,000 of those bonds. After receiving those bonds he kept them for some days, during which time Chairman Hays called on Mr. Mellon to ask him to take those bonds in exchange for cash. Naturally, with an available market for such high-class securities, the question would arise as to why they had to be peddled in that way. In other words, why could they not have been sold and the cash turned into the Republican National Committee's treasury?

However, to do this would have shown plainly on the face of the transaction where the money came from and would have raised the question as to what Sinclair got in return. This must be covered up at all hazards and by every effort. Therefore, Mr. Mellon was appealed to to aid in covering up this fraud and corruption. It was, of course, explained to him and, after hearing the explanation, Mr. Mellon declined to take the bonds in exchange for cash and have the exchange appear as a contribution to the liquidation of the Republican National Committee's debt for the 1920 campaign.

Knowing that this fraudulent scheme was being perpetrated upon the Republican Party, Mr. Mellon made no statement concerning it. Ample opportunity existed to present this information to the Public Lands Committee. However, year after year went by, with all the disclosures of fraud, and not one word from Mr. Mellon. Death was the only opportunity offered, apparently, to get at Mr. Mellon's connection with this matter. Mr. Pratt had died, but when his memoranda and files were presented to the Public Lands Committee a simple memorandum on a card disclosed the name "Andy." It is safe to assume that if Mr. Pratt had not written the word "Andy" on that card the connection of Mr. Mellon with the fraudulent scheme would never have been disclosed.

When this was disclosed, without any reference to who "Andy" might be, the committee called Mr. V. E. Hommel, cashier of Charles Pratt & Co., of New York City. On page 1469 of the transcript of the hearings before the Committee on Public Lands, Saturday, March 10, 1928, appears the testimony of Mr. Hommel. Mr. Hommel was shown two small memoranda taken from Mr. Pratt's personal files, and on page 1478 of the record testifies:

The CHAIRMAN. Take that first notation on the slip there and see if you can not translate it for us. The first one is "Weeks"; that is clear enough.

Mr. HOMMEL. "Weeks"; yes, sir.

The CHAIRMAN. What is the next one?

Mr. HOMMEL. I am trying to read it; see if that is "Candy."

The CHAIRMAN. Candy?

Mr. HOMMEL. That is what it looks like.

The CHAIRMAN. Might it not be Andy?

Mr. HOMMEL. Possibly.

This was the first public suggestion that connected the name of Andrew W. Mellon with Teapot Dome.

Mr. Mellon was subpœnaed on March 13 and appeared. He told his story, and, on page 1491 of the transcript of the hearings before the Committee on Public Lands and Surveys, we get an interesting glimpse of the story. I read from the testimony:

Senator WALSH. What explanation did Mr. Hays make of his possessions of the bonds?

Mr. MELLON. They had been subscribed or loaned, I think he said. I do not think he mentioned an amount—

I wish to emphasize what follows—

but I had the information or knew that it was a large amount—

I draw attention to the fact when Mr. Hays approached him on this subject he said he already had the information as to the source of the bonds and it was a large amount.

Continuing the quotation:

but I had no fixed amount, but in my mind it was something approaching $300,000, or something about there. I have heard so much of all this that it is a little bit difficult to go back that long, and especially when I have not been having any responsibility in connection with it, not with the committee.

I wish to point out he said he has had no connection with the committee, but he did not say he had no connection outside of the committee.

Continuing the quotation:

It is rather difficult to remember exactly, but it was something in that direction. He wanted to use some of the bonds—he wanted to use them in this way and have the record of the party show not a large subscription, and, besides that, he wanted to use some of the bonds and return them later. That is about as nearly as I can recall what was said.

Mr. Mellon also testified, as shown on page 1489 of the hearings before the Public Lands Committee:

When I became Secretary of the Treasury, the only amount contributed then had been the $2,000. As an explanation for that, in the early part of the campaign Mr. Hays called me on the long-distance telephone from New York and asked me to invite to a luncheon or dinner some of the leading business people, and that he and Mr. Boyce Thompson—

At this point I wish to emphasize the later relations of Mr. Boyce Thompson with the Treasury Department—

would come out to Pittsburgh and explain the proposition they had for raising money for the campaign, which was to be limited subscriptions; that is, $2,000 as a maximum, $1,000 to be subscribed before the nominating convention and $1,000 for the campaign afterwards.

I had had no connection with the national committee nor with national political affairs at that time. Of course I had not in contemplation ever going into public office, but I was called likely because I was the leading banker of Pittsburgh.

Then, continuing to quote from the record Senator WALSH said:

What I would like to learn, Mr. Secretary, is what Mr. Hays told you about where he got the bonds and from whom he got them.

Mr. MELLON. Oh, from Mr. Sinclair.

Senator WALSH. What is that?

Mr. MELLON. From Mr. Sinclair.

There are now going on hearings before the Interstate Commerce Committee, under authority of Senate Resolution 105, to investigate the conditions in certain bituminous coal fields. That investigation has disclosed a condition known by very few of the people of the United States—a condition of crime, brutality, degradation, starvation, and every known violation against the moral code, existing within a few miles of the Capitol in the coal fields of Pennsylvania, in which the dominant operator is the Pittsburgh Coal Co.

The testimony of William G. Warden, chairman of the board of directors of the Pittsburgh Coal Co., taken Friday, March 8, 1928, throws some light on Secretary Mellon's connection with the company. I read from the testimony on page 466:

Senator WHEELER. How much stock does Mr. Mellon own?

Mr. WARDEN. That I do not know. We are having our stock list prepared and it will be down here, which will answer that question.

Senator WHEELER. Secretary Mellon was a director of the company up until the time he became Secretary of the Treasury, was he not?

Mr. WARDEN. Yes.

Senator WHEELER. Do you know whether he owns any stock in the company now?

Mr. WARDEN. I think he does.

Senator WHEELER. The Mellon interests have been looked upon as a dominating interest in this company, have they?

Mr. WARDEN. According to gossip, but not in reality. The directors have been directing this company.

Senator WHEELER. Who handled that bond issue that was spoken of?

Mr. WARDEN. Do you mean the first one I mentioned?

Senator WHEELER. Yes.

Mr. WARDEN. I think it was the Union Trust.

Senator WHEELER. That is a Mellon bank?

Mr. WARDEN. It is supposed to be.

On page 1197 of the transcript of the testimony appears an order presented to the committee by H. T. Brundidge. I might say in this connection that, as I remember, Mr. Brundidge is a reporter for the St. Louis Star. He presented an order to the committee which reads as follows:

To all mine superintendents:

The United States Senate investigating committee is now visiting the Pittsburgh district. Clean up all unsightly conditions. Keep our police in the background. Avoid all arrests. Instruct our men to keep out of trouble. If the committee desires to question any of our employees see to it that you present men you can trust and who can be depended upon to give the right kind of answers. If you are examined by the committee do not answer any questions you think might be harmful to our interests. The company will protect you. The company has mailed a spirited letter to each individual employee. If you know of any unsatisfactory condition in company camps or barracks see that it is eliminated at once.

(Signed) THE PITTSBURGH COAL CO.

In that connection I might say that I saw in the morning press that the Pittsburgh Coal Co. has denied the authenticity of that order, but no officer of the company has denied it before the Interstate Commerce Committee, so far as I know. I confess I have not been there every minute, but I have been there nearly every minute when the committee has been in session.

At the time it was also stated that the Pittsburgh Coal Co. officials, their counsel who was there, and the chairman of their board, said that they had had no opportunity of seeing the order as presented to the committee. I was present when the order was laid before the committee; it was passed all around the table; every Senator had an opportunity to read it; and counsel for every interested party has been privileged under the rules of the committee to ask any questions that they chose of any witness.

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

Mr. COUZENS. I yield.

Mr. FESS. Counsel made the statement before the committee that the order was a forgery and that they would adduce testimony so to prove.

Mr. COUZENS. When did he make that statement?

Mr. FESS. Two or three days ago. I think the statement was made by Mr. Rose.

Mr. COUZENS. As I said, I may have been absent at that very moment, but nothing of that kind was said while I was present.

The Senate on December 9, 1927, declared that it would not seat WILLIAM S. VARE and condemned the expenditure of some $786,000 spent in behalf of his election. I want to say at this time that it does seem to me absurd for the Senate to set such high standards for itself and for its Members, and yet continue in high office men who are much more culpable, so far as election expenses are concerned, than Mr. VARE. I would not say that in connection with Mr. SMITH, because the source of his campaign funds was so objectionable to good sense and decency that in my judgment it is not comparable to the case of Mr. VARE. Yet after the Senate had declined to seat Mr. VARE, after a valiant fight by my friend the Senator from Pennsylvania [Mr. REED], I want to draw the attention of the Senate to the fact that the testimony before the so-called Reed of Missouri committee to investigate election expenses disclosed the following, according to the partial report of the committee, Report 1197, part 2, December 22, 1926.

Pepper-Fisher expenditures, $1,804,979.

The Mellon family contributed and acknowledged the sum of $75,000, as follows:

Andrew W. Mellon, Secretary of the Treasury, $25,000.

R. B. Mellon, his brother, $25,000.

W. L. Mellon, his nephew, $22,000 cash and an obligation of $3,000—$25,000.

Some comment has been made that Mr. Mellon did not participate in this campaign. I hold a photostat copy of the New York Times of May 15, 1926, in which it says:

Mellon speaks in aid of Pepper. Secretary urges renomination of Senator as indorsement of Coolidge régime.

I do not intend to take up the time of the Senate to read this entire article; but there are several paragraphs in Mr. Mellon's speech which I think might be drawn to the attention of the Senate.

First, I desire to point out that this article says:

To-night's meeting, the climax of many weeks of preparation, was the crowning effort of the Mellon-Pepper-Fisher campaign in western Pennsylvania. The great crowd which surged about Motor Square Garden was drawn from all sections of western Pennsylvania. So, in order that those who could not be present might hear what was said, the speeches were broadcast through amplifiers. Beatty Street and Center Avenue were roped off and the inclosure contained a greater multitude than did the big hall.

In Mr. Mellon's speech at this meeting he says—and this is important because of typifying the loyalty of Pennsylvanians to Pennsylvanians:

I am deeply interested in this primary campaign. I am concerned, first of all, in having an honest and efficient State administration, devoted to sound principles of government, and I am also interested from the national viewpoint because of the peculiar and important position which Pennsylvania has always occupied in the politics and Government of the Nation.

Continuing, he said:

The issues of this campaign are far above the personal ambitions of the various candidates for office and far above any single piece of legislation. This election will not only decide the character of government which we shall have in Pennsylvania for the next four years—

And I stop for a moment to direct the Senate's attention to the testimony now being taken before the Interstate Commerce Committee, showing the kind of administration that Pennsylvania is getting from the Mellon-Pepper-Fisher organization.

This election will not only decide the character of Government which we shall have in Pennsylvania for the next four years, but it will determine also whether the State shall continue to be strongly represented in the Senate of the United States.

Further, he says:

Pennsylvania never had a more faithful public official, nor one who has more clearly earned renomination. We Pennsylvanians have the reputation of being loyal to our public officials who are loyal to us. I can not urge you too strongly, therefore, to work and vote for Senator Pepper.

Those are quotations from the article to which I refer.

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

Mr. COUZENS. Just for a question.

Mr. EDGE. That is all. I was rather interested and curious to know just what exception the Senator took to the statements in the speech he has read.

Mr. COUZENS. I took no exception to the statements. I am just showing the connection of Mr. Mellon with the Mellon-Pepper-Fisher campaign, to show that he spent nearly $2,000,000, and yet we condemn another candidate who spent less than $800,000.

Section 243 of the Revised Statutes of the United States says:

No person appointed to the office of Secretary of the Treasury, or First Comptroller, or First Auditor, or Treasurer, or Register shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office, and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information.

In this connection I desire to point out that on March 14, 1925, former Senator Ernst, of Kentucky, in a speech prepared in the Treasury Department, page 217 of the CONGRESSIONAL RECORD of the Sixty-ninth Congress, special session, March 14, 1925, listed the following corporations as so-called Mellon enterprises.

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

Mr. COUZENS. Yes; I yield for a question.

Mr. MOSES. The Senator has asserted that the speech was prepared in the Treasury Department. Has he evidence to that effect?

Mr. COUZENS. Yes; I have evidence to that effect.

Mr. MOSES. Will that be brought out in the course of the Senator's remarks?

Mr. COUZENS. I think so; yes.

The corporations are as follows:

The Gulf Oil Corporation.
The Gulf Refining Co.
The Gulf Production Co.
The Gulf Pipeline Co.
The Gulf Refining Co. of Louisiana.
The Gypsy Oil Co.
The Gulf Pipeline Co. of Oklahoma.
The Mexican Gulf Oil Co.
The South American Gulf Oil Co.
The Panama Gulf Oil Co.
The Gulf Cooperage Co.
The Gulf Commissary Co.
The Standard Steel Car Co.
The Middleton Car Co.
The Baltimore Car & Foundry Co.
The Verona Steel Castings Co.
The Forged Steel Wheel Co.
The Steel Car Forge Co.
The Butler Bolt & Rivet Co.
The Butler Carwheel Co.
The Lyndora Land & Improvement Co.
The Mellon National Bank.
The Union Trust Co.
The Union Savings Bank.
Aluminum Co. of America.
Aluminum Cooking Utensils Co.
Aluminum Die Casting Corporation.
The Aluminum Ore Co.
The Aluminum Seal Co.
The Electric Carbon Co.
The Knoxville Power Co.
The St. Lawrence River Power Co.
The St. Lawrence Securities Co.
The Tallahassee Power Co.
McClintic-Marshall Co.
Union Shipbuilding Co.
Carborundum Co.
The Pittsburgh Plate Glass Co.

This record is made by former Senator Ernst, who was a great defender of the Secretary, and so I have not attempted to check him up; but I assume he was correct, because he said, in response to a question from the Senator from Nebraska [Mr. NORRIS], that these were all Mellon companies.

Mr. EDGE. Mr. President, did the Senator mention the date of the law which he has quoted as disqualifying a man engaged in business from being Secretary of the Treasury?

Mr. COUZENS. I think it was somewhere about 1869. I have not the exact date.

Mr. EDGE. Eighteen hundred and sixty-nine?

Mr. COUZENS. Yes.

Mr. REED of Pennsylvania. Mr. President, it was originally passed in 1789, and is now section 243 of the Revised Statutes.

Mr. EDGE. That was my recollection.

Mr. MOSES. Mr. President, is the Senator about to depart from that portion of his remarks dealing with the statute of 1869, or whatever date it is?

Mr. COUZENS. No; I am not quite ready to depart from that yet. I will listen to the Senator later on if he desires.

Evidently, then, the Secretary of the Treasury is concerned and interested in carrying on the business of trade and commerce, which is prohibited by section 243 of the Revised Statutes.

This same question came up during the administration of President Grant, as shown by the CONGRESSIONAL RECORD for the first session of the Forty-first Congress, 1869. President Grant nominated Alexander T. Stewart to be Secretary of the Treasury. The Senate confirmed the nomination; and in that connection I may say that so far as I can find, the only business of trade or commerce that Mr. Stewart had was the running

of a department store. I am not absolutely sure of that, however.

Mr. MOSES. Mr. President, if the Senator will permit me, that is quite true. The question in connection with Mr. Stewart arose from the fact that Mr. Stewart, in the conduct of his business, was an importer. The Senator undoubtedly is going to refer to another case which occurred later, the appointment of Mr. Franklin MacVeagh, who was also engaged in commercial business in the city of Chicago, and against whom the same objection was raised.

Mr. COUZENS. Yes. That was not nearly so violent an objection as dealing with your own income-tax returns. The mere importation of goods is not nearly so subject to venal action as dealing with your own income-tax returns and the income-tax returns of all of these 38 or 40 corporations which had to report to Mr. Mellon.

Mr. MOSES. Then the Senator's position is that no Secretary of the Treasury should be named who has any income aside from his salary?

Mr. COUZENS. I will deal with that at some other time. There are lots of men who can be secured who have incomes that would not be in conflict with the statute, or in violation of good business ethics.

Mr. MOSES. Perhaps the Senator himself is in that category.

Mr. COUZENS. No; I am not a candidate for the Secretary of the Treasuryship, and I doubt if I would be eligible if I were a candidate.

I referred to the case of Alexander T. Stewart. On March 6, 1869, a few days later, as shown by the RECORD, page 22, President Grant sent a message to the Senate in which he said:

> Since the nomination and confirmation of Alexander T. Stewart to the office of Secretary of the Treasury, I find that by the eighth section of the act of Congress approved September 2, 1789, it is provided as follows, to wit.

President Grant then quotes the entire section which I have just quoted. Then he concludes with another paragraph, as follows:

> In view of these provisions and the fact that Mr. Stewart has been unanimously confirmed by the Senate, I would ask that he be exempted by joint resolution of the two Houses of Congress from the operations of the same.

That was a message from President Grant.

The RECORD then proceeds:

> Mr. SHERMAN. I ask unanimous consent of the Senate to introduce a bill, which of course will have to go over if there is any objection to it.
>
> The VICE PRESIDENT. The message of the President is before the Senate and it must be disposed of before there can be any other action.
>
> Mr. SUMNER. I move that the message be laid on the table, and printed.
>
> The motion was agreed to.
>
> The VICE PRESIDENT. The Senator from Ohio, Mr. Sherman, asks unanimous consent to introduce a bill.
>
> There being no objection, leave was granted to introduce the bill (S. No. 34) relating to the Secretary of the Treasury, which was read twice by its title.

Then Senator Trumbull and others said:

> Let the bill be read at length.
>
> The VICE PRESIDENT. The bill will be reported by the Secretary in full.
>
> The Secretary read the bill, which proposes to repeal so much of the act approved September 2, 1789, entitled "An act to establish the Treasury Department," as prohibits the Secretary of the Treasury from being concerned in carrying on the business of trade or commerce, and to provide that in no case shall he act on any matter, claim, or account in which he is personally interested.
>
> The VICE PRESIDENT. Is there objection to the consideration of this bill at the present time.
>
> Mr. SUMNER. I object. I think that it ought to be most profoundly considered before it is acted upon by the Senate.
>
> The VICE PRESIDENT. Objection being made, the bill is not before the body.
>
> Mr. SHERMAN. I move that it lie on the table and be printed.
>
> The motion was agreed to.

The Senate having refused to act, President Grant, on March 9, as shown on page 34 of the RECORD, sent the following message to the Senate:

> *To the Senate of the United States:*
>
> I have the honor to request to be permitted to withdraw from the Senate of the United States my message of the 6th instant, requesting the passage of a joint resolution of the two Houses of Congress to relieve the Secretary of the Treasury from the disabilities imposed by section 8 of the act of Congress approved September 2, 1789.
>
> U. S. GRANT.
>
> WASHINGTON, D. C., *March 9, 1869.*
>
> Mr. SPRAGUE. I move that the request of the President be granted.
>
> The motion was agreed to.

We find the next reference on page 61 of the RECORD when on March 15, 1869, Senator Trumbull reported back from the Committee on the Judiciary Senate bill 34, the bill which would have repealed the law relative to the Secretary of the Treasury being interested or concerned in trade or commerce.

Senator Trumbull reported that the committee had instructed him to recommend that the bill be indefinitely postponed. The bill was killed, therefore.

There is no additional record of the action of the Senate, but the brief record there is shows plainly that the Senate did not consider with favor the proposal to permit a man interested in trade or commerce to be Secretary of the Treasury.

President Grant was not permitted to appoint Mr. Stewart, and Stewart resigned immediately, and George S. Boutwell was appointed Secretary of the Treasury.

In the opinion prepared by Faust & Wilson, attorneys, wherein they attempted to justify Mr. Mellon being Secretary of the Treasury and a stockholder in trade and commerce at the same time, these attorneys say with reference to the Stewart case:

> Mr. Stewart in an effort to meet the inhibition of the statute offered to convey his entire business to trustees or to retire from it altogether, but this was not considered as meeting the prohibition imposed.

This opinion is reported on page 5247 of the CONGRESSIONAL RECORD of the Sixty-eighth Congress, first session.

So in the only case on record the Senate of the United States held that the Secretary of the Treasury could not be interested in carrying on the business of trade or commerce even if, after his appointment as Secretary, he turned the entire business over to a trustee or retired from it altogether.

This is the only case on record that we can find.

In this connection I desire to point out where the senior Senator from Pennsylvania [Mr. REED] referred to a trusteeship of interest in the Overholt Whisky Co. being held in trust, so that when finally disposed of the results would go to Mr. Mellon, so that in effect it is an example of what the Senate at that time thought was bad policy, namely, that property should be turned over in trust to somebody else for the benefit of the party making the trust.

Certainly Mr. Stewart was in better position to request the Senate to be permitted to continue as secretary, when he turned over all his business and retired, than is Mr. Mellon, who remains a stockholder in many corporations.

In the Mellon National Bank, Union Trust Co., and Union Savings Bank—all of Pittsburgh—tax cases, shown on page 3979 of the record of hearings of the Select Committee on Investigation of the Bureau of Internal Revenue, Sixty-eighth Congress, it is shown that the companies first presented, through their attorney, Mr. Seifert, a consolidated tax return.

I think Mr. Seifert is a partner of the Senator from Pennsylvania. If I am in error in that, he can correct me.

Mr. REED of Pennsylvania. Not in matters in which the Government is interested.

Mr. COUZENS. The Senator says he is a partner of his, but not in matters dealing with the Government.

Some days later Mr. Seifert withdrew this return and presented a return in which it was contended the companies were not consolidated. This return was finally approved. Mr. Seifert contended and the bureau approved the contention that a bank and a trust company were not in a closely related line of business, and therefore could not be forced to consolidate. By this decision the Government lost $91,472.37.

Commenting upon this decision, Senator REED of Pennsylvania, on February 1, 1926, page 3096 of the RECORD, said:

> The truth is, and this I say of my own knowledge, that the Union Trust Co., of Pittsburgh, owned every share of the stock of the Union Savings Bank, except the qualifying shares of the directors. It also owned every share of stock of the Mellon National Bank, except the qualifying shares of the directors. In every sense those corporations are one enterprise. They were exactly what Congress meant to provide for when it provided for consolidated returns. I can not imagine any justice in treating them otherwise than as consolidated. * * * As long as we are going to have a system of consolidated returns we can not get a more obvious case of unification of corporations than exists in that case.

I think everyone will agree with the Senator from Pennsylvania. The attorney in the case, Mr. Seifert, agreed with him and with the select committee. He presented his case as a consolidated return. When they afterwards found that by separating the returns and making three separate returns they would save between ninety and ninety-five thousand dollars, they changed their position and said that they were not consolidated and therefore should not be compelled to consolidate the returns; and they got away with it.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Alabama?

Mr. COUZENS. For a question.

Mr. HEFLIN. Pursuing that course, has the Senator any idea about how much money was lost to the Government? In other words, how much money did the Government lose by such transactions?

Mr. COUZENS. I have not any estimate at all. The figures are so enormous that there is no way of computing them without a thorough investigation. Any figure would be a guess.

Mr. HEFLIN. It was an enormous amount?

Mr. COUZENS. There is no question about it. The report of the select committee made to the Senate indicated that very clearly, and without any argument or attention being paid to it.

Mr. REED of Pennsylvania. The report showed it was $91,000, did it not?

Mr. COUZENS. The Senator from Alabama asks about other cases, how much the Treasury was affected, and I said that was not computable.

Mr. WALSH of Montana. Mr. President, will the Senator yield?

Mr. COUZENS. For a question.

Mr. WALSH of Montana. The Senator concluded his statement a moment ago by saying "and they got away with it"; that is, after they contended that they should make separate returns. Just exactly what was the proceeding which enabled them to escape from the attitude which they had theretofore taken?

Mr. COUZENS. I understand—and I will have to look up the record to be absolutely sure—that they signed an agreement which is provided in the statute, that the case is forever closed. I think that is correct; that after they had gotten several viewpoints or decisions or conclusions by Treasury officials, they found out the one which would allow them to escape with the least amount of taxes, and got that ruling in the Treasury Department.

I think the Mellon National Bank and the other institutions could, without great violence to their financial standing, have refunded the Government some $91,000, but apparently they relied upon the fact that the case was closed, and that was the experience the select committee of the Senate had with respect to many, many cases that were just as illegally closed as this one was.

In the affidavit filed with the committee in this case it was stated that the man who first reviewed the case in the bureau refused to approve it. He took the case to the principal reviewer, one T. J. Enes, according to this affidavit, and Enes held up his finger and said, "Sh! Sign on the dotted line"; and he signed.

I just cite this case to show the menace of having as Secretary of the Treasury a man who is known to be greatly interested in business, and especially in these days, when tax cases affecting his business must come before the department.

When this statute to which I have referred was passed we had no such thing as income-tax returns. We had no process of collecting from one and two billion dollars a year from our taxpayers under laws of secrecy.

Several attempts have been made in the Senate, led by the senior Senator from Nebraska [Mr. NORRIS] to have those records made public records. That does not mean that they have to be taken out of the files of the Treasury Department and published in all the newspapers. It means that the records may be accessible to a person properly entitled to see them, and I want to say here, without fear of contradiction, that hundreds of millions of dollars have been lost to the Government of the United States through the very fact that these cases may be closed and forever obscured from public observation or checking. The Senator from Utah [Mr. KING], who sat through these committee hearings, can vouch that these statements are accurate.

I could cite any number of additional cases showing the condition in the Bureau of Internal Revenue when the investigation was made. There were some eight volumes of testimony, but I know that Senators have not time to read the testimony, so that unless Senators really take a conscientious, earnest interest in these committee investigations nothing comes out of them. That is one of the troubles with the Senate organization, that we have too many committees, and there is a "buck passing" between Senators to see that these things that are dug up in the investigation get some concrete consideration and possibly legislation to correct them.

For example, there was the William Boyce Thompson case. He was the treasurer of the Republican National Committee. I see that the Senator occupying the chair [Mr. MOSES], who is fully familiar with all these facts, I assume, shakes his head, indicating that Thompson was not treasurer of the Republican National Committee. He was treasurer of some Republican committee. So long as the present occupant of the chair is so familiar with all of these transactions, I would be glad if he would enlighten the Senate when he gets out of the chair.

This William Boyce Thompson was one of the men whom Mr. Hays asked Mr. Mellon to meet in Pittsburgh to prepare a plan to secure sufficient money for the campaign.

The record after that shows that this man Thompson was a partner, if I remember correctly, with another man in a lead mine. They sold the lead mine at an enormous profit during the war.

The partner reported his profits. William Boyce Thompson did not report his profits. When the bureau came to check up his partner's profits, they wondered what became of the other half, and they found that Mr. Thompson had secured the other half of the profits. Communications took place between the Treasury Department and William Boyce Thompson, and they finally assessed him approximately a half million dollars more than they had theretofore assessed him. What happened? Thompson came down to the Treasury Department, went into secret conference with a man by the name of Alexander, and settled his tax case for $462. I can not say, but I hope I have imagination enough to know why he got that kind of treatment. I think that the Senate has imagination enough to know why he got that kind of treatment.

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

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. COUZENS. I yield.

Mr. SMITH. How much did the partner receiving the other half pay?

Mr. COUZENS. The record will show. I do not have the figures at hand. I do not know whether the amounts were exactly the same. There was a sliding scale of income, and what might apply to one might not apply to another, because of the incomes being added.

Mr. SMITH. Of course, the force of the statement of the Senator, it seems to me, would be more fully realized if we knew just what the partner, who received his half and regularly paid his income tax, had paid as compared to what the Senator is now alleging Thompson paid.

Mr. COUZENS. It is hardly comparable because the total income from every source is added, and while I might pay more on a certain transaction than the Senator would, in which we were equally interested, yet his income might be greater or less than mine. One can not make a satisfactory comparison because of the graduated scale of income taxes.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. COUZENS. Will the Senator let me finish this statement? I am getting tired.

Mr. MOSES. I wanted to refer to the subject to which the Senator referred while I was marooned in the chair.

Mr. COUZENS. The Senator can go on when I finish.

Mr. MOSES. Will the Senator yield to me for a few questions when he finishes his prepared speech?

Mr. COUZENS. I have no objection to any questions at all.

As I said, I can refer to records in the hearings before the select committee of the Senate which investigated the Internal Revenue Bureau showing the enormous losses to the Government or prospective losses, and I say that advisedly, because I do not know now how those cases were finally settled. There were millions of dollars involved in the cases of the United States Steel Corporation, in the Aluminum Co. of America, in the Standard Steel Car Co., and many other cases, though I do not know now how they have been settled.

Mr. MOSES. Mr. President, will the Senator yield for a question?

Mr. COUZENS. No one will ever be able to know unless the Senate goes into those specific cases to determine to what extent the Government has, to use a vulgar expression, been "gypped" by this procedure.

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

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. COUZENS. When I get through. I will finish this statement first.

There is no question about who is responsible for the condition in the Treasury Department. There is no question about who is responsible for the Internal Revenue Bureau, which, after all these years, is still in an unfortunate condition. There are still cases which I am convinced will show inaccurate and unlawful settlements, and I say that we have no way of getting at the facts. The records are private. Any kind of settlement that Mr. Mellon wants to make, he can make with anybody, honest or dishonest, and I am not saying whether he has given any dishonest instructions. I do not charge that. I point out the possibilities. All he has to do is to tell Mr. Blair how to settle a case and it is settled that way.

Mr. MOSES. Mr. President, will the Senator yield for a question right at that point?

Mr. COUZENS. Oh, yes. I am tired, but I will yield.

Mr. MOSES. Does the Senator know of any instance in which the Secretary of the Treasury has ever told the Commissioner of Internal Revenue how to settle a case?

Mr. COUZENS. Oh, yes.

Mr. MOSES. Will the Senator be good enough to cite them?

Mr. COUZENS. I can not cite them. I would have to look over the records. I want to point out in this connection that, perhaps, it would be difficult to point out the date and the hour, but in the record there was a statement of a memorandum signed by the Undersecretary of the Treasury, Mr. Winston, in connection with three or four Chicago cases, in which he said, "These men are friends of mine."

Mr. MOSES. Of whom?

Mr. COUZENS. Of Mr. Winston, and "therefore be considerate of them," or something to that effect. I will find the record if the Senator is interested.

Mr. MOSES. Were Mellon and Winston one and the same?

Mr. COUZENS. Just a minute. I am going to lead up to it. There were memoranda attached to cases in the Treasury Department, "This is a Mellon company, and the figures are not to be disturbed," or some such thing. I am trying to remember these after several years since we went into the matters. If the Senator is interested in anything else, then I will get the record and put the exact statements in the CONGRESSIONAL RECORD at some other time.

Mr. MOSES. I am trying to get at the facts.

Mr. COUZENS. I will give the facts.

Mr. MOSES. These memoranda, if they are like memoranda in the usual course of business in an executive department, carried initials. Were those initials "A. W. M."?

Mr. COUZENS. I think I will have to look that up. I can not recall those things.

Mr. MOSES. The Senator certainly would recall those initials if they ever appeared?

Mr. COUZENS. No; I would not. There were a lot of initials concerned. I want to point out to the Senator from New Hampshire that whether he gave specific instructions that I can find or not, is not material.

Mr. MOSES. Why not? The Senator is trying to get him removed.

Mr. COUZENS. Because I think he is holding the office illegally under the statute.

Mr. MOSES. Why not proceed to impeach him, and get some Member of the House to move in that way?

Mr. COUZENS. I do not have any connection with the House, and I do not have to accept any instructions from the Senator from New Hampshire.

Mr. MOSES. Certainly, nor from anybody else, and the Senator does not. I understand that perfectly well. I am merely suggesting an orderly procedure.

Mr. COUZENS. If this is a disorderly procedure, the Senator can prescribe his own procedure, and he can do as he pleases. I am not interested in what the Senator from New Hampshire believes or what any other Senator believes.

Mr. MOSES. The Senator from New Hampshire certainly will follow his own course.

Mr. COUZENS. Oh, I know that. I am not trying to dictate his course.

Mr. HEFLIN. Mr. President, will the Senator from Michigan permit me to make a suggestion right there?

Mr. COUZENS. Yes.

Mr. HEFLIN. I think the Senator is now proceeding in an orderly way to get Mr. Mellon out of the office of Secretary of the Treasury.

Mr. MOSES. Mr. President, I hope the Senator from Alabama will amplify that statement before the debate closes.

Mr. HEFLIN. I will probably have something to say on the subject for the edification of the Senator from New Hampshire. [Laughter.]

Mr. MOSES. And for the country at large.

Mr. HEFLIN. Yes; for the country at large.

Mr. COUZENS. I am not going to take much more of the time of the Senate. I want to point out that a condition has existed in the Treasury Department for six or seven years which could not have existed in any private industry in the world. There is not a corporation, from the smallest to the largest that I know of, that would let a traveling man or a cashier pass upon his own cases and approve his own expenditures and his own balance sheet.

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

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. COUZENS. I yield.

Mr. FESS. The Senator referred to Mr. Winston making a notation that "these are friends of ours." That, of itself, might create some suspicion; but I recall that very recently I sent a note to Commissioner Blair introducing some one and saying, "This is a particular friend of mine, and I hope you will give him a hearing." There certainly was no suggestion of anything that was out of order in that. I have done it often.

Mr. COUZENS. If the Senator had been the superior of Mr. Blair, I should say it would be wrong, but he did not happen to be a superior officer over Mr. Blair. I was commenting on the fact that a superior officer gave such a memorandum to a subordinate, and it is not comparable to the case referred to by the Senator from Ohio.

Mr. FESS. The Senator would insinuate then that it was in order to do a thing that ought not to have been permitted?

Mr. COUZENS. I say the Senator can draw his own inference. I am not drawing any inferences. I have my own views about the way of honestly doing business.

Mr. FESS. My inference is that that does not necessarily carry with it anything of moral turpitude at all, and there is no Senator here who has not been guilty of that sort of thing, if that is guilt.

Mr. COUZENS. I am not referring to Senators. The Senator from Ohio may have any moral standard he desires. He has confessed on the floor of the Senate that he did not tell the truth, so that if he has a moral standard of that kind he can have it. That is not my standard of business morals or any other kind of morals.

Mr. FESS. The question about not telling the truth——

Mr. COUZENS. The RECORD shows it and at least the Senate will remember it.

Mr. FESS. Mr. President, will the Senator permit me to make a statement?

Mr. COUZENS. Certainly.

Mr. FESS. That was in reference to an article which was written by Mr. Oulahan. Mr. Oulahan is the chief reporter of the New York Times. I have seen him and have met him once or twice. I never had an interview with him in my life, but I had an interview with one of the New York Times men, and Mr. Oulahan on the Sunday following the interview wrote a running comment on the matter. He made statements there that he probably was justified in getting from the under man, but I had never said anything of that sort.

When the matter came up on the floor of the Senate I made the statement that I said to the reporter at the White House that I found that the President was displeased with what I was stating in regard to drafting him this year.

I made the statement that I said that in order to make sure that it would get across and the President would not be under the responsibility of having it charged that I was speaking for him. I said again that when I said that the President was displeased I had no evidence that he was displeased, but my purpose was to get it to the country, to avoid the President being under the charge that I was talking for him. If that is moral turpitude, let the Senator so regard it.

Mr. COUZENS. I want to say that in order to get it across the Senator stated that he said something that he did not say.

Mr. FESS. I just now made that statement.

Mr. COUZENS. I want to say that Mr. Winston probably said to Mr. Blair something that he intended to get across and without giving specific instructions.

The Internal Revenue Bureau reeks with that sort of thing. Hundreds of men have gone out of that bureau tainted with fraud. There is an accountancy firm by the name of Ernst & Ernst who have rewritten the books of many corporations to enable the books to read so that the corporations pay the least possible tax. If my memory serves me correctly that was done

in the Gulf Oil case. I do know that charges were preferred in the Bureau of Internal Revenue against Ernst & Ernst for their culpable and dishonest and disreputable methods. I know that the case stood there for months and possibly years, and they are still practicing before the Bureau of Internal Revenue.

I mention these things to show what the possibilities are in that bureau under existing law. I do not care about any particular man. I do not care how wealthy he is or who he is. I believe the Congress of the United States should enact laws to prevent the possibility of those things. No matter who the man may be, no matter how honest he may be, it is reprehensible that conditions of this kind should exist year after year, and still continue to exist, and that no legislation should be enacted to attempt to remedy them.

The effort has been repeatedly made to make there records accessible, but no Member of Congress, no auditor, and no one else can walk in there and say, "I desire to see the returns of So-and-so" in order to ascertain whether the cases have been honestly determined. It is an undeniable fact, and the records so show, that case after case has been determined and settled on different interpretations of the law, under different rules and regulations, in some cases favorable to the taxpayer, sometimes unfavorable to him, sometimes unfavorable to the Government, and sometimes favorable to the Government.

I do not say that there is any direct act of conspiracy in the Treasury Department; I do not charge that; but I charge that the department is rotten with favoritism and corruption, and that hundreds of employees have left the department and mulcted taxpayers because of information they have secured in the department, and the department has made no attempt to prevent the taxpayers from being so mulcted.

Mr. REED of Pennsylvania obtained the floor.

Mr. MOSES. Mr. President, will the Senator from Pennsylvania yield to me for a moment?

Mr. REED of Pennsylvania. Yes; I will do so if I shall not thereby lose the floor.

Mr. MOSES. I do not want to take the Senator from Pennsylvania from the floor, but he will recall that at the time when I was marooned——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator.

Mr. REED of Pennsylvania. I yield.

Mr. MOSES. When I was marooned and muzzled in the chair and undertook by a Homeric nodding of the head to correct some statements made by the Senator from Michigan [Mr. COUZENS] in the course of his speech, which I suppose was prepared somewhere but certainly not in the Treasury Department, he took me to task for my gesture, and refused to permit me to make an explanation when I came down upon the floor.

Mr. COUZENS. Oh no; I did not refuse to yield for an explanation, but I thought the Senator wanted to ask me a question. I beg the Senator's pardon.

Mr. MOSES. I said I was marooned in the chair and was not able to say what I wanted to say because the Senator would not permit me to say it. I am going to say it now without interruption from the Senator from Michigan.

Mr. COUZENS. Proceed, sir.

Mr. MOSES. The knowledge of the Senator from Michigan of the history of American politics is somewhat nebulous, especially when he undertakes to say that William Boyce Thompson was ever the treasurer of the Republican National Committee. I say this with full knowledge and long acquaintance with Colonel Thompson, with whom I was contemporary in a preparatory school and whose career since has been thoroughly familiar to me. If the rest of the Senator's information is no more accurate than that, we may safely dispose of what he has had to say by paying no attention to it.

The fact is, Mr. President, that this is a private feud between the Senator from Michigan and the Secretary of the Treasury; it has gone on for many years; and, like the Irishman on the outside when a fight was going on in the hotel office, I am wondering whether I have any right to interfere in a private row; but since the Senator has seen fit to bring his grievances to the floor of the Senate in a recital, vicious, malicious, and, as I believe, untrue in most instances, I wish to say to him that I think a much more orderly procedure would have been for him to have found some enemy of the Secretary of the Treasury in the House of Representatives and to have proceeded in a constitutional manner to get the Secretary out of his place.

Mr. REED of Pennsylvania. Mr. President, the resolution which the Senate is now considering contains 19 preambles or recitals, and it is with the assertions of fact in those that I want, as briefly as may be in my power, to deal. I believe that it will not be necessary to speak so long as the Senator from Michigan found it necessary to speak in advocacy of his resolution.

The first five of those recitals find fault with Secretary Mellon because he did not disclose the transaction of November, 1923, when he was asked to help to conceal a subscription by Sinclair to the Republican National Committee. The facts were brought out by the questioning of the Senator from Montana [Mr. WALSH], and there can not be any dispute about them. In November, 1923, Mr. Will H. Hays, then chairman of the Republican National Committee, telephoned to Mr. Mellon, stating that he was sending him a package of valuable papers and that he would call later and explain about them. The package came; Mr. Mellon was busy. He did not open the package, but he set it off on a corner of his desk and forgot all about it. He did not know that it contained bonds at all; he forgot all about it, and went home, leaving it lying there open on his desk. When he came back the next morning he noticed it, and opened it, and was startled to find that it contained $50,000 of Liberty bonds of the first issue. He had no idea where it came from, except that it came from Hays, nor had he any idea what Hays wanted him to do with the bonds. Obviously they were valuable; he knew they did not belong to himself; and so he put them in the safe until Mr. Hays could——

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

Mr. REED of Pennsylvania. I yield.

Mr. WALSH of Massachusetts. Had Mr. Hays withdrawn from the Cabinet at that time?

Mr. REED of Pennsylvania. I think he had; yes.

Mr. WALSH of Massachusetts. He was not then Postmaster General?

Mr. REED of Pennsylvania. I believe not.

Mr. MOSES. Oh, no; Mr. Hays withdrew from the Cabinet in 1922, after serving for about one year in the Post Office Department.

Mr. WALSH of Massachusetts. I assumed that he had retired from the Cabinet.

Mr. REED of Pennsylvania. I am quite sure he was living outside of Washington at the time. However, Mr. Mellon does not remember how long the bonds lay there in his safe. It may have been one day or it may have been three or four days, but within a few days Hays did come to his office and explain to him that Sinclair had made a large contribution in these bonds, or a loan—the term seems to be vague—had advanced the bonds to help pay off the Republican deficit from the campaign of 1920. I do not remember the exact words, but the substance of it is perfectly distinct. Hays asked Mellon to keep the $50,000 of bonds and to give him in exchange for them a check for $50,000, with the express or implied intention that they should appear on his accounts as a contribution from Mellon and not pro tanto from Sinclair. Mellon instantly and unhesitatingly refused to comply with the suggestion; he said he would have nothing to do with it. He offered the bonds to Hays then and there, but Hays said, "No"; he was going to Indiana and he did not want to carry them with him, and asked Mellon if he would not send the bonds to him—Hays—when Hays returned to New York. Mr. Mellon said he would do so at the first opportunity, and the first opportunity occurred when Parker Gilbert, now the Agent General of Reparations but then Assistant Secretary of the Treasury, happened to be going to New York. Mellon gave Gilbert the bonds, and he took them back to Hays, and that ended the transaction.

Now it is suggested that Mr. Mellon ought then to have disclosed the fact that those were Continental Trading Co. bonds, contributed by Sinclair for a dishonest purpose. But, be it remembered, Mr. President, that nobody outside of the particular group of criminals connected with it knew that there was such a thing as the Continental Trading Co., or that the Continental Trading Co. had ever owned any bonds, or that Sinclair had ever had anything to do with it, or that he got some of the bonds from that company; nobody knew that. It was not possible to have disclosed it; nor do we know yet except by inference. Mr. Mellon naturally made no record of the number of the bonds, and while presumably they came from that wretched pile that had its origin in the Continental Trading Co., no man knows to this day, nor is there any way of finding out. So much for what Mr. Mellon did not do.

Now, let me tell the Senate and the country what Mr. Mellon did do in connection with the unearthing of Fall's treachery to his country and Sinclair's bribery of Fall. The inference, although not the direct statement of the Senator from Michigan [Mr. COUZENS], is that Mellon was trying to hide Sinclair's association with this transaction. The facts speak best for what Mr. Mellon was trying to do. We all remember the appointment of Mr. Roberts and former Senator Pomerene to represent the United States in recovering back the oil properties and punishing the criminals who had acquired them. We all remember, I think, that at the time those counsel were

appointed not one man outside of the parties themselves had ever heard of the Continental Trading Co.; not a soul among us suspected even that Sinclair had given any bonds to Fall or that Sinclair had gotten the bonds from the Continental Trading Co.

The whole thing was shrouded in utter darkness so far as we and all other innocent Government officials knew. When those counsel were appointed they had to proceed against Doheny, and they had to proceed against Sinclair for the recovery of the oil properties that had been taken from the Government. The Senator from Montana [Mr. WALSH] demonstrated to our satisfaction the payment of money by Doheny to Fall. Nobody knew what had passed from Sinclair or whether anything had passed; at least that is my recollection, and I think I state it correctly. The counsel who were appointed had no particular difficulty in working up the case against Doheny, because the Public Lands Committee had done it for them, and they simply took over the witnesses that committee had questioned and the information the committee had elicited; but the Sinclair case, as I say, was shrouded in darkness.

The two counsel, Mr. Roberts and Mr. Pomerene, applied to the Secretary of the Treasury on March 26, 1924, for assistance from the Secret Service. It was easily possible, if one wanted to protect Sinclair or to hide some guilt on his part that was known of, to find four men in the Secret Service with such scant intelligence or experience or zeal that their investigation would have led to nothing; but this same Mr. Mellon who is denounced as trying to hide something and with being an accessory after the fact with Sinclair, had just been going through a most difficult examination in connection with the charges of some person that Liberty bonds had been issued in duplicate and that there had been great overissues. It required a most exhaustive and careful analysis of the Liberty-bond work of the country during the World War. It was proven, as we all remember, that in spite of the haste and pressure under which the Liberty bonds were issued in war time, there had been no overissue. The whole thing was cleared up I think to everybody's satisfaction.

The only guilt in the issuance of Liberty bonds during the war had been on the part of the numbering machine which every once in a while slipped its gears and made duplicate numbers; but the actual amount of bonds outstanding was just what we understood it to be. That investigation had been very difficult. It had been very capably handled by four Secret Service men in the department, and Mr. Mellon, in order that the inquiry into the Sinclair affair and the Fall business should be well done, picked out those experienced men to put on the job and to make a thorough investigation.

Let me tell the Senate how well they worked. They were assigned to that duty March 29, 1924. By the middle of April they had found that in a bank in a town called Carrizozo, N. Mex., there was a deposit of $50,000 of Liberty bonds standing to the credit of former Secretary Fall. They got the numbers of those bonds and hurried back here to Washington; and, starting back in 1917, when the bonds were issued, they followed those in every step and in every transaction that they had passed through down to the time in 1922 when finally they came into Fall's hands.

It is almost a romance to discover the path those bonds took. They were issued to the Federal reserve bank at Atlanta. They were sold by that bank to the Southland Steamship Co., a Savannah concern. That company sold them to the Savannah Bank & Trust Co., and they sold them to the Chase National Bank in New York, and they sold them to a firm of brokers in New York, a Wall Street firm, and they sold them to the Dominion Bank of Canada, and they sold them to a man named Osler; and there the trail seemed to end.

These men camped on Osler's trail, being lied to by him with his explanation of what he bought the bonds for; and when they finally learned the name of the Continental Trading Co., Osler lied again and said that it had been created to help dispose of an estate; but two of them were there by that time, and they stuck to the job until finally their suspicions were thoroughly aroused, and the special counsel that the President had appointed and we had ratified went to Toronto and joined them; and they put Mr. Osler on the grill and got enough out of him to discover that this Continental Trading Co. had something to do with Sinclair. He never mentioned Stewart or the Standard Oil Co. of Indiana, but he did mention Sinclair and a man named Humphreys. Then they went after Humphreys, and through him found references to Stewart and Blackmer and O'Neil. Then Osler left for Africa, and Blackmer and O'Neil left for France, and they followed them across the ocean, and they finally located one of them living under an assumed name in Monte Carlo and helped to get service of process on him there in Monte Carlo. They traced the other one to some place in Czechoslovakia, and they think they will get him yet; and they found Stewart when Stewart was hiding to avoid the service of process in the case pending against him.

Those same Secret Service men later were asked to assist the senior Senator from Montana [Mr. WALSH] and the committee with which he is working; and I believe that we have it on his authority that their support has been whole-hearted and loyal. The details of what they have done for that committee will be divulged in due time when the Senators in charge of that investigation think it wise to make it public. But how can we say, Mr. President, where he has rendered such loyal service as that in silence, claiming no credit for it, not holding himself up to the public as the inspirer of this successful search—how can we say, as the Senator from Michigan has implied, that Mr. Mellon is trying to protect Sinclair or Fall or any of their accomplices?

Now I pass to the next group of allegations in this resolution, and that can be briefly disposed of.

The sixth and seventh paragraphs recite that the Pittsburgh Coal Co. is a Mellon enterprise. With characteristic vagueness, the resolution does not say what Mellon, or to what extent, or how it is a Mellon enterprise, or what the Secretary of the Treasury has to do with it. Then the resolution recites this order which was read by the Senator from Michigan, addressed to mine superintendents, and instructing them in effect to suborn witnesses, to lie to the Senate subcommittee that went to western Pennsylvania last month.

To begin with, the Pittsburgh Coal Co. is not a Mellon enterprise. The Secretary of the Treasury and his brother do own some stock in it, but it is a minority. I understand it is less than 25 per cent. They do not control it. In the next place, no such order as that was issued by the Pittsburgh Coal Co. I am speaking now on information from them and on their testimony to the committee when finally they were allowed to put it in. No such order as that was ever issued by any person in the Pittsburgh Coal Co. to anybody else in the Pittsburgh Coal Co. When that letter was produced it was brought in by a reporter for a St. Louis paper, a reporter named Brundidge, who did, as the Senator from Michigan has said, hand it around to the members of the committee; but they refused to show it to the counsel for the coal company or anybody representing the coal company.

Mr. WHEELER. Mr. President——

Mr. REED of Pennsylvania. Wait a minute. I am going to bear this out.

Mr. WHEELER. The Senator is not going to bear that out.

Mr. REED of Pennsylvania. The Senator will find on page 1243 of the typewritten record where the Pittsburgh Coal Co. counsel asked to see a copy of it.

Mr. WHEELER. Oh, yes; but that is quite different. The Senator is not going to bear out the statement that the committee refused, or any member of the committee refused, to show it to them.

Mr. REED of Pennsylvania. Wait a minute.

Mr. WHEELER. Let me state just what happened.

Mr. REED of Pennsylvania. Let me state what I am told happened, and then the Senator can correct me if I am wrong.

Mr. WHEELER. I should like to correct the Senator, because of the fact that he has made a statement that is incorrect.

Mr. REED of Pennsylvania. All right.

Mr. WHEELER. The statement I desire to make is this: Mr. Brundidge came into the committee room and testified that he understood that this paper was issued by the coal company. He bought it from a sergeant of the coal and iron police working for the Pittsburgh Coal Co. He passed it over to the stenographer, and it was read into the record, and everyone saw it; and it was supposedly a copy of a telegram, as I recall. The committee thought he had handed it to the stenographer. Mr. Brundidge left the stand. When he left the stand it seems that he took this paper with him. The coal company, after he had left the stand and after he had gone, asked the committee to see it. The committee could not hand it to counsel for the coal company because of the fact that we did not have it. We did not refuse to hand it to him.

Let me say to the Senator that this morning Mr. Brundidge called me up on the long-distance telephone from the St. Louis Star, one of the reputable newspapers of the country, and said that he had taken the paper with him because of the fact that it had been read into the record, but that he would be perfectly willing to produce it at any time and at any place that we desired. It is not fair to the committee to say that the committee refused to show it to the Pittsburgh Coal Co. or to any of their representatives.

Mr. REED of Pennsylvania. This much is true, is it not—that this reporter produced the paper; it was not shown to the

counsel for the company; they did make repeated requests to see it——

Mr. WHEELER. No.

Mr. REED of Pennsylvania. The witness was allowed to leave town, taking it with him; it has never been brought back since; the committee did not require Brundidge to tell from whom he had bought it; and it was utterly impossible to cross-examine him, as I am told, on the source of it or the genuineness of it.

Mr. WHEELER. No; the Senator's information is incorrect in many particulars.

Mr. REED of Pennsylvania. Very good.

Mr. WHEELER. If the Pittsburgh Coal Co. representatives have made those statements to the Senator they have made incorrect statements to him with reference to some of the matters. I will tell the Senator just exactly what took place.

The Pittsburgh Coal Co.'s attorneys had been in the room. They had requested permission to cross-examine, and had been told that they could cross-examine any witness who went upon the stand at any time at all. I am sorry that the chairman of the committee is not here to tell the Senator just exactly what occurred.

Mr. MOSES. Mr. President, with the permission of the Senator from Pennsylvania, may I ask the Senator from Montana a question?

Mr. WHEELER. Yes, indeed.

Mr. MOSES. Is it the practice of the committee investigating conditions in the Pennsylvania coal fields to permit exhibits before the committee to be taken away?

Mr. WHEELER. No; not at all. It was not intended by the committee that this paper should be taken away. It was simply a misunderstanding upon the part, as I take it, of a witness.

Let me say to the Senator that Mr. Brundidge—I am not from his State, and I do not know him, excepting, let me say, that he is a reputable newspaper man from the St. Louis Star——

Mr. MOSES. All newspaper men are reputable. I was one myself once.

Mr. REED of Pennsylvania. Mr. President, I am willing to concede that the situation is exactly as the Senator from Montana expresses it. If I have been otherwise informed, I am willing to admit now that I have been incorrectly informed.

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

Mr. REED of Pennsylvania. I want, if I can, to stick to the important things. The important things about this matter are that the order is believed to be a forgery, an invention of somebody; that the Pittsburgh Coal Co. is not a Mellon concern; that Mr. Mellon never heard of the order, and nobody pretends he ever did, until it appeared in the papers; that Mr. Mellon has nothing to do with the management of the Pittsburgh Coal Co.; and I fail to see why the Senate should expel him from office because a company which he does not control did not issue an order which has been shown to be a forgery.

Mr. MOSES. I beg the Senator to stick to the important thing. The Senate can not expel Mr. Mellon from office except upon impeachment.

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

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

Mr. FESS. A statement was made a moment ago of which I think there ought to be a little verification.

Mr. REED of Pennsylvania. Oh, no; I beg the Senator not to waste time on the matter of this order.

Mr. FESS. As a matter of defense of the committee, I think there ought to be——

Mr. REED of Pennsylvania. Will not the Senator defend the committee after 2 o'clock, then? I am going to move to send this resolution to the Committee on Finance, and I do not want to try to postpone a vote until after 2 o'clock. If the Senator will permit me to hurry on——

Mr. FESS. Mr. President, I want to make a statement here.

Mr. REED of Pennsylvania. Then, as I have the floor, and the Senator wants to make a statement over my protest, I yield to him to do it.

Mr. FESS. I think I should do it.

Mr. HEFLIN. Mr. President, I may be permitted to say that I do not think we shall get through by 2 o'clock.

Mr. FESS. Mr. President, with reference to the statement that the committee did not require the name of the person who sold this paper to Mr. Brundidge for $25, I desire to state that the committee did not feel like demanding the name when he asked to be excused. Another witness came on, a minister, and he referred to it, and he said that he did not care to give the name, and we excused him.

Mr. Rose, the counsel of the Pittsburgh Coal Co., however, made the statement that the paper was a forgery. Our committee then said that we would require the name of the parties that are concerned in it.

I do not want the Senator to think that I am a member of a committee that would excuse that sort of thing.

Mr. REED of Pennsylvania. I have not been in attendance on the committee, and I do not know of my own knowledge any of the facts that I have recited, except that it is insisted this is a forgery.

Mr. EDGE. Mr. President, may I ask the Senator what time Mr. Rose advised the committee that it was a forgery? How long ago?

Mr. FESS. It was a day or two after it had been introduced as testimony.

Mr. REED of Pennsylvania. Before this resolution was presented.

Mr. EDGE. Before this resolution was introduced by the Senator from Michigan?

Mr. FESS. Yes.

Mr. EDGE. I draw attention to the fact that it is made a part of the resolution.

Mr. REED of Pennsylvania. Mr. President, preambles Nos. 8 and 9 refer to the fact that Secretary Mellon supported the election of Governor Fisher and of Senator Pepper, and that he contributed $25,000 of his own money, in good faith, openly, to the campaign fund for those two gentlemen and the other 8,000 candidates who were on the Republican slate. I doubt whether the Senate intends to condemn the frank contribution of $25,000 in a bitterly fought campaign, involving not only State but national issues, and I shall not waste any more time on that.

The next group of accusations occur in paragraphs 10, 11, and 12 of the resolution, which recite that section 243 of the Revised Statutes, which forbids the Secretary of the Treasury from owning ships or from carrying on any trade or business, was violated, and then recites that Mr. Mellon is a stockholder in 12 different companies. As a matter of fact, he is a stockholder in only 2 of those 12; 10 of the 12 are mere subsidiary companies in which he has no interest. He is not a director or an officer of any one of them. He has an investment in the stocks of these two companies and of many other companies, but he is not a director or manager or officer of any company or any business whatsoever.

It has been held in Stewart's case that to be the direct owner of a large dry-goods store, and to be engaged in carrying on that business, is a violation of the old act of 1789, and it would be hard to see why it should not be a violation. But perhaps it would be interesting to know just how this is applied to Secretary Mellon. Back in 1921, in the winter, when President-elect Harding asked Mr. Mellon to become Secretary of the Treasury, he accepted, after a considerable amount of reluctance. Then, having accepted, he repented his acceptance and looked for some way to be excused, and somebody told him of the existence of this old act of 1789 and this section of the Revised Statutes. Mr. Mellon called up Senator Knox down here in Washington and asked him to go directly to the President elect, Senator Harding, and tell him that he could not serve; that he was not eligible under this act, because he had a lot of these stocks and therefore would have to be omitted from consideration.

Senator Knox, very much concerned, called in Faust & Wilson, lawyers here in this city, and asked them at once to make a search and give an opinion, and that opinion has already appeared in the CONGRESSIONAL RECORD. I put it in on March 31, 1924, and it appears on page 5246 of the RECORD.

Mr. EDGE. Mr. President, may I interrupt the Senator? Was that the occasion when another Member of this body had introduced a similar resolution asking the Secretary of the Treasury to resign?

Mr. REED of Pennsylvania. That was the time of another attack on Mr. Mellon, when there was a resolution similar to this.

Mr. EDGE. What was the disposition of that resolution?

Mr. REED of Pennsylvania. I do not remember; but Mr. Mellon is still in the Cabinet.

At all events, the substance of that opinion was that a mere investment in stocks of a corporation, unaccompanied by any directorship or holding of office, was not the doing of business within the meaning of that section of the Revised Statutes or of that old act of 1789. The opinion cites a large number of authorities to that general effect, including a New York case, the case of Duell (111 N. Y. Supp. 969), in which it was held directly that a justice of the court of special sessions, who, by the New York law, is forbidden from carrying on any business—the same words we have in the Federal act—is not carrying on a business where he is a stockholder in a corporation engaged in the publishing business in the same city.

There is no decision to the contrary. Every decision of the Supreme Court of the United States on the phrase "carrying on business," including the decisions in the commodities cases, held that mere passive stockholding is not in any sense the carrying on of business of the corporation by the stockholder. I think most lawyers will agree that the distinction is well made.

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

Mr. REED of Pennsylvania. I yield.

Mr. WHEELER. Mr. Mellon was a director of some of these concerns when he was appointed to the Treasury, was he not?

Mr. REED of Pennsylvania. No; he resigned a few days before he was appointed.

Mr. WHEELER. Just prior to his appointment?

Mr. REED of Pennsylvania. Yes; and he disposed of all his bank stock, and all stocks that might conflict with the requirements of the Federal reserve act, which is more strict than this statute, and forbids the ownership of stock, as well as being an officer. All of that was done before he was sworn in, before the appointment came to the Senate.

Paragraph 13 raises a different question, stating that "the Government of the United States was defrauded out of $91,000 in the tax case of the Mellon National Bank while Andrew W. Mellon was Secretary of the Treasury."

In the first place, that is old, dried bones. That case was thoroughly considered by the select committee, of which the Senator from Michigan was the chairman. The facts were fully given by the representatives of the committee and the representatives of the bureau. The letter of explanation from the bureau, which shows that this merely followed the established course of construction of the act which had been applied to dozens of cases in the bureau before this case came up, appears in the appendix to the record of that subcommittee. When the subcommittee came to make its report to the Senate they did not condemn that finding, they did not find that it was wrongfully done, or make any reflection upon either Secretary Mellon or the Bureau of Internal Revenue for having made it. I can not understand, when that was the case years ago, why it should be raked up now with the statement that the Government of the United States was defrauded. The general remarks that I have to call attention to here in a minute apply to that as well as the next case.

The next one, in paragraph 14, is adroitly drawn. It reads:

> Whereas Andrew W. Mellon, as Secretary of the Treasury, benefited through indefensible decisions in the tax case of the Gulf Oil Co., as disclosed by the select committee.

That would lead any Senator who read it to think that Mellon had benefited by a decision made in the case of his company while he sat there as Secretary of the Treasury, and I dare say that every Senator who read that recital drew that inference from it. The plain truth is that that decision was made under Commissioner Williams, when Secretary Houston was Secretary of the Treasury. It was decided February 28, 1921, before Mr. Mellon was either appointed or sworn in. And now, if you please, by inference here it is charged that Mellon defrauded the Government to his own benefit.

It is said that that is disclosed by the select committee of the Senate. The truth is that it was only in the minority report of that select committee that the time when that decision was made was brought out.

After that select committee had finished its most comprehensive examination of the Bureau of Internal Revenue, after it had made its report to the Senate, the chief counsel of that select committee came before the Finance Committee in the consideration of one of the tax bills. It was after the conclusion of the work of the Couzens committee. His name was Manson, and he was general counsel of the Couzens committee. In the hearing before the Finance Committee I asked Mr. Manson:

> May I ask one question more? In these cases, speaking generally, is the excessive allowance, in your judgment, due to mistakes of the bureau or is it due to corruption?
>
> Mr. MANSON. Oh, I do not maintain it is due to corruption. I do not maintain that. Get that straight.
>
> Senator REED of Pennsylvania. I am asking in all sincerity, because I am not familiar with the facts.
>
> Mr. MANSON. Oh, no.
>
> Senator REED of Pennsylvania. Have you found any evidence of corruption?
>
> Mr. MANSON. Oh, no; I have not any evidence of corruption.

At that same hearing Senator COUZENS himself, in discussing the question of fraud in the Internal Revenue Bureau, made the statement:

> I do not charge that anybody intentionally did anything wrong.

Yet the Senator is willing to introduce this resolution, which states baldly that the Government of the United States was defrauded by Mellon's bank, and that Mellon, as Secretary of the Treasury, benefited through indefensible decisions of the tax case of the Gulf Oil Co., and follows that with the statement that "there was much evidence of corruption, favoritism, violation of the law, and illegal settlements with certain large taxpayers reported by the select committee of the Senate appointed to investigate the Internal Revenue Bureau."

Mr. President, I am through. I can not understand how the Senator from Michigan, having made the statement before the Finance Committee at the conclusion of his investigation that he did not charge that anybody intentionally did anything wrong, and having his counsel there at the same session say that there was no evidence of corruption, can, in this resolution, recite as if it were a matter of course that corruption existed there in that bureau under Secretary Mellon.

Mr. President, I move that this resolution be referred to the Committee on Finance, and on that question I ask for the yeas and nays.

Mr. WALSH of Montana obtained the floor.

Mr. JOHNSON. Mr. President, I was about to suggest the absence of a quorum, but I will not do so if the Senator from Montana wishes to make some remarks.

Mr. WALSH of Montana. Mr. President, I desire to talk briefly upon the pending resolution. I observe the hour of 2 o'clock is about at hand, and I do not want to begin talking unless we are going on with the consideration of this subject.

Mr. NORRIS. Mr. President, I think the Senator from Michigan has gone to lunch, but I was wondering if we could not enter into some arrangement by which we could continue the consideration of this resolution and perhaps dispose of it.

Mr. WATSON. It can not be done except by unanimous consent, and I shall interpose an objection, because I want to take up for consideration the conference report on the radio bill.

Mr. NORRIS. Mr. President, unless there is some arrangement for the disposition of this resolution after a fair and not unreasonably long discussion of it I would like to say to the Senators that they will not be able, in my judgment, to avoid its consideration by an objection or by taking up something else.

Mr. REED of Pennsylvania. Mr. President, I do not want to delay the consideration of the resolution. I would be glad to have a vote now. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The hour of 2 o'clock having arrived, the resolution under the precedents will go to the calendar, and the Chair lays before the Senate the unfinished business, which is Senate bill 1271.

Mr. McKELLAR. Mr. President, in connection with Senate Resolution 173, which the Senate has just been considering, I ask unanimous consent to have printed in the RECORD a similar resolution introduced by me in March, 1924.

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

The resolution submitted by Mr. McKELLAR March 28, 1924, and March 31, 1924, considered, modified, and placed on the calendar, is as follows:

> Whereas section 243 of the Revised Statutes of the United States provides as follows: "No person appointed to the office of Secretary of the Treasury, or first comptroller, or first auditor, or treasurer, or register shall, directly or indirectly, be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public property, or be concerned in the purchase or disposal of any public securities of any State or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department other than what shall be allowed by law, and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of $3,000, and shall upon conviction be removed from office and forever thereafter be incapable of holding any office under the United States; and if any other person than the public prosecutor shall give information of any such offense upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of $3,000, when recovered, shall be for the use of the person giving such information"; and
>
> Whereas section 3168 of the Revised Statutes of the United States provides as follows: "Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture, or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than $500 nor more than $5,000"; and

Whereas it appears from a letter from A. W. Mellon addressed to KENNETH MCKELLAR, dated March 5, 1924: "The refunds to the Gulf Co. and its subsidiaries were charged against three appropriations, depending upon the year in which the taxes refunded were originally collected. The payments were $766,112.29 out of the appropriation for 'Refund of taxes illegally collected, 1918, and prior years'; $1,350,884.63 from a similar appropriation for 1919; and $1,211,143.07 for 1921"; and

Whereas it appears that in April, 1921, after A. W. Mellon had become Secretary of the Treasury in March, 1921, the Treasury refunded to the Gulf Refining Co. sums in amounts shown by excerpts from said letter; and

Whereas other settlements made with other companies in which the said A. W. Mellon is stockholder or otherwise interested; and

Whereas it appears that the said A. W. Mellon is interested in the Overholt Distilling Co.: Therefore be it

Resolved, That the Judiciary Committee of the Senate be, and is hereby, directed to hold hearings by itself or by a subcommittee and report with the least delay practicable:

First. Whether the said A. W. Mellon is directly or indirectly concerned in carrying on the business of trade or commerce.

Second. Whether he is the owner in whole or in part of any sea vessel.

Third. Whether he is holding the office of Secretary of the Treasury of the United States in violation of section 243 of the Revised Statutes of the United States or any of the laws of the United States.

Fourth. Whether he is holding the office of Secretary of the Treasury of the United States in violation of section 3168 of the Revised Statutes of the United States.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. BLAINE] is entitled to the floor upon the unfinished business under the agreement made last night previous to adjournment.

Mr. NORBECK. Mr. President, I desire to ask the Senator from Wisconsin if he will yield for the purpose of permitting me to ask unanimous consent to temporarily lay aside the unfinished business in order that we may take up the conference report on the radio bill?

Mr. BLAINE. I yield for that purpose.

Mr. NORRIS. Mr. President, I would like to submit a unanimous-consent request in the absence of the Senator from Michigan [Mr. COUZENS].

The PRESIDING OFFICER. Does the Senator from Wisconsin yield for that purpose?

Mr. BLAINE. I have just yielded to the Senator from South Dakota to enable him to submit a unanimous-consent request.

Mr. NORBECK. In order to accommodate the Senator from Washington [Mr. DILL] and Senators having the radio legislation in charge, I have agreed that the migratory bird bill may be laid aside temporarily at this hour, and I ask unanimous consent that that may be done.

Mr. NORRIS. I have no objection to that.

Mr. BLAINE. I am glad to yield for that purpose.

Mr. NORBECK. I ask unanimous consent, then, that the unfinished business may be temporarily laid aside for the consideration of the conference report on the radio bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS. Now, let me submit a unanimous-consent request. I ask unanimous consent that the resolution of the Senator from Michigan [Mr. COUZENS], instead of going to the calendar as it would under the rule, may go over until to-morrow without prejudice.

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

Mr. REED of Pennsylvania. I would like to think that over.

Mr. NORRIS. Of course, if it is not done now, it will be too late hereafter.

Mr. REED of Pennsylvania. For the present I object.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Nebraska, and unanimous consent has been given for the consideration of the conference report.

CONFERENCE REPORT—RADIO REGULATION

Mr. WATSON. Mr. President, I submit the conference report and ask that it may be read.

Mr. KING. Mr. President, this is such an important matter that I think we ought to have a quorum. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Seventy-seven Senators having answered to their names, a quorum is present. The clerk will read the conference report on the radio bill.

The Chief Clerk read the report, as follows:

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.

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

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

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. DILL. Mr. President, I think that a short statement regarding the conference report may be desired by some Senators. In the first place, the House amendments to the Senate provision regarding limitation of licenses was partly agreed to; that is, part of the House provision was taken and part of the Senate provision was taken. In other words, the House provision for granting broadcasting licenses for three months

instead of six months, as was provided by the Senate bill, was agreed to, but the Senate provision for granting licenses for a year instead of six months as provided by the House was agreed to.

The principal reason why the Senate provision was agreed to is that there are some 16,000 ships and amateur licenses which would necessarily have to be renewed every six months, and the House conferees agreed that that was unnecessary. So that the House provision as to broadcasting licenses was agreed to, and the Senate provision as to other licenses was agreed to.

The next amendment concerned the Senate provision in the bill that the terms of all the commissioners should expire on February 23, 1929, and that then they would be reappointed for their regular terms as provided in the law for two, three, four, five, and six years. The House struck out that provision, but receded and allowed the Senate provision to stand.

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

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield.

Mr. BRATTON. Is it contemplated now to continue the Radio Commission in office indefinitely?

Mr. DILL. No; the bill as framed in both the House and the Senate provided that the commission's original jurisdiction should continue for one year from March 15, 1928; that would be until March 15, 1929; and then the commission would be an appellate body to which any radio matters might be referred.

Mr. BRATTON. But now, under the proposed law with reference to the expiration of the terms of the commissioners, that applies only to the commission acting as a reviewing body?

Mr. DILL. The provision which the Senate inserted, and to which the House finally agreed, provides that the terms instead of being for two, three, four, five, and six years, shall all end on February 23, 1929, and that then the President shall appoint, according to the terms provided by the original law, for two, three, four, five, and six years.

Mr. BRATTON. But after 1929, and while the commissioners are serving under appointments made in that way, they will exercise only reviewing or appellate jurisdiction?

Mr. DILL. From February 23 until March 15 they would be exercising full powers, and then they would become an appellate body.

Mr. BRATTON. The particular matter that I had in mind was whether, under the proposed law, the Radio Commission will be extended indefinitely as an original tribunal, rather than as an appellate tribunal. I understand that is not the case.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Washington yield to me for just a moment?

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

Mr. DILL. I yield.

Mr. ROBINSON of Arkansas. As I understand, after a year the original jurisdiction will be exercised by the Secretary of Commerce?

Mr. DILL. Yes.

Mr. ROBINSON of Arkansas. And appellate jurisdiction will vest in the Radio Commission. What are the powers of the Radio Commission under this arrangement in connection with its appellate jurisdiction?

Mr. DILL. Under the appellate jurisdiction the Radio Commission has final authority as to everything. The Secretary of Commerce may exercise certain powers set out in the bill, such as granting new licenses and performing the administrative work that is now being done by the commission, but any person with an interest—and I call the Senator's attention to that it is very broad—any person with an interest may appeal any act or ruling of the secretary to the commission.

Mr. ROBINSON of Arkansas. What are claimed to be the advantages of continuing for one year the original jurisdiction of the Radio Commission?

Mr. DILL. In the first place, the commission has had a rather hectic career, if I may use that term. Congress failed to make an appropriation for it in the second deficiency appropriation bill last year, as it did for many other activities, and the commission had no money until December, when the deficiency bill was passed.

Mr. ROBINSON of Arkansas. But, as I understand, the commission functioned until the appropriation became available, and then practically ceased to function.

Mr. DILL. I think that is true with the exception of one member. I think one member of the commission has functioned very well, even though the other members have not. Then, too, two of the commissioners died, and one of them resigned. The commission has been rather uncertain in its tenure, and, not knowing whether it was going to be continued after March 15, the members did not feel they should ask Congress to appropriate money that would build up a large personnel which would have to be dropped on the 15th of March. The members of the commission in the hearings have stated that if they were continued another year they would come to Congress and ask for a substantial appropriation in order that they might enlarge their activities and provide a personnel that would make their work more intelligent and more effective.

Mr. ROBINSON of Arkansas. My understanding has been that another consideration has entered into the action of the nonaction of the Radio Commission, and that is the fact that the nominations of members of the commission have not been confirmed.

Mr. DILL. I think that is true.

Mr. ROBINSON of Arkansas. And they have taken the position that they either can not or will not do anything substantial until the Senate shall have disposed of their nominations. I have felt that the best way to entitle a commissioner to confirmation was for him to demonstrate his value or usefulness. As I understand, there is no limitation on the power of a member of the commission by reason of the fact that his nomination has not been confirmed. I myself received a letter from a member or members of the commission stating that to be the case; that they felt embarrassed by the fact that their nominations had not been confirmed, and that the indication was nothing would be done until the Senate acted.

Mr. DILL. I wish to say in that connection that I have been a very severe critic of their failure to act. I think they have pursued an entirely mistaken course, and their very failure to act, I think, has delayed their confirmation, because some of us have been fearful that they were planning to do something that they were afraid to do before the question of their confirmation came before the Senate. I wish to say that one of the commissioners, Mr. Lafount, from the fifth zone, has gone ahead, has made some 70 changes in wave lengths in his own zone, and has been doing the work there just the same as though his nomination had been confirmed. He is making a record of which I think he can be proud.

Mr. McKELLAR. Mr. President, it seems to me a very remarkable situation that the Radio Commission, having been appointed by the President and having been duly acting as a commission, declines to do any work of a material nature because it has not been confirmed. It looks as if it is undertaking to hold a threat over the Senate, and, so far as I am concerned, I desire to say that I am wholly opposed to being threatened.

Mr. DILL. I wish to say to the Senator that it is the understanding of the committee that as soon as this legislation shall be disposed of the question of confirmation will be brought before the Senate for action.

Mr. McKELLAR. I hope for rejection, not for other action.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. I yield.

Mr. BARKLEY. While it is claimed that the commissioners have been afraid to act in the absence of confirmation, is it not true that they have acted in very many cases without confirmation, while in other cases, where they did not want to act, they have used their failure of confirmation as an excuse for refusing to act?

Mr. DILL. I think the Senator's statement is correct. I know of no defense for the refusal of the commission to act in many of these cases.

Mr. BARKLEY. They had sufficient power to authorize the construction of a 50,000-watt broadcasting station in Chicago by Mr. Insull recently, did they not?

Mr. DILL. They did. They have all the power that they would have whether confirmed or not; there is no question about that.

Mr. BARKLEY. Let me ask the Senator another question. We have all received many protests from people in our States and all over the country with reference to the activities or lack of activities of the Radio Commission with respect to chain broadcasting stations, and monopolies, and all that. To what extent does this proposed legislation cure that situation?

Mr. DILL. This proposed legislation does not attempt to control chain broadcasting. The commission already has power to control chain broadcasting. Nor does it attempt to meet the so-called monopoly complaints as such. If the Senator will bring that up a little later when I discuss the chain system, I will be glad to answer him further.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Louisiana?

Mr. DILL. I yield.

Mr. BROUSSARD. I understand the Senator to have stated that Mr. Lafount went along and granted some permits and that he has done his work. His nomination has not been confirmed, has it?

Mr. DILL. No.

Mr. BROUSSARD. I understand there is only one member of that commission whose nomination has been confirmed.

Mr. DILL. Yes.

Mr. BROUSSARD. He happens to live in my zone, and the complaint among my people is against the nonaction of the commission on the ground that it is awaiting the confirmation of the other members. The member from my zone is confirmed; he is the only member of the commission whose nomination has been confirmed. I know the Senator has given much time and thought to the subject. Why is it that Mr. Lafount has been able to do all these things when his nomination has not been confirmed and a member who is confirmed is holding up everything down in my zone?

Mr. DILL. I can not answer that question fully other than to say that Mr. Lafount has been able to do these things he has done because he has shown initiative and ability to go ahead and to make these changes, and the other members of the commission have approved his action. Whether the commissioner representing the zone of the Senator has tried to remedy the conditions of which he complains, and the commission has refused to permit the changes, I do not know.

Mr. McKELLAR and Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. DILL. I think the Senator from Tennessee was first on his feet.

Mr. McKELLAR. Mr. President, I was very much interested in the statement just made by the Senator from Kentucky [Mr. BARKLEY], in which the Senator from Washington concurred, in reference to the Radio Commission awarding to Samuel Insull, of Chicago, a 50,000-watt power station. That is more than has been awarded to all the broadcasters in the whole southern division. Has any reason been given by the commission to indicate why they are powerless to act on other applications and yet are able to give to Samuel Insull, of Chicago, of fame or of lack of fame or of notoriety, such a large amount of power?

Mr. DILL. So far as I know, the only reason given was that the application was made and that he had the facilities to present excellent programs, and the commission were willing that a high-power station should be located in Chicago.

Mr. McKELLAR. In other words, they give the power to whom they want to give it and use the excuse of their failure of confirmation for not giving the smaller users of power what they should have.

Mr. BARKLEY. In other words, to them that have is given and to them that have not is taken even that which they have. [Laughter.]

Mr. SMITH. Mr. President, I should like to ask the Senator a question in connection with the statement made by the Senator from Louisiana [Mr. BROUSSARD] concerning the commissioner in his zone. I presume that the map which is hanging on the wall is an accurate picture of the zones.

Mr. DILL. Yes; it is drawn for that purpose.

Mr. SMITH. Have the commissioners been selected with reference to their citizenship within the respective zones?

Mr. DILL. Yes; they have been; each commissioner must be a resident citizen of the zone which he represents.

Mr. SMITH. I know that consideration is a matter of very great importance in legislation along this line as well as along some other lines.

Mr. DILL. I should like to discuss the amendments, and then I may answer a number of questions as I go along.

The House amendment which has caused so much discussion was the amendment which it added to the Senate bill and which reads as follows:

> The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act broadcasting licenses, wave lengths, and station power, and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

I think the word "area" has been stricken out.

Mr. WATSON. That word has been stricken out.

Mr. DILL. That provision, as I have read it, imposed a rigid, hard and fast rule. It attempted to bring equality of radio service by a mathematical formula. It entirely disregarded nature and scientific facts regarding radio.

Mr. SMITH. Based on population?

Mr. DILL. The distribution in States within a zone is to be based on population. The equal division was based upon the zones as they were established by the law when the commission was created. When the measure went to conference the Senate conferees believed that the situation was such that some legislation to compel equality of service was necessary.

I wish to call the attention of the Senate to the map which I have had hung on the wall at the back of the Chamber to show what the condition is in so far as the commission has already allocated wave lengths and power. This zone [indicating] in the New England section, including New England and the States of New York, New Jersey, Delaware, the District of Columbia, and Maryland, containing less than 4 per cent of the area and about 24,000,000 people, has been granted 223,000 watts of station power. What we mean by "station power" is the number of electric watts the stations use to force their signals out from the transmitter. This little area, embracing less than 4 per cent of the area of the country, has been given 37 per cent of all of the power used by all the radio stations in the United States.

The second zone, containing Pennsylvania, West Virginia, Virginia, Kentucky, Ohio, and Michigan, had 106,000 watts, only half of the little zone above it.

This great area of 11 Southern States, known as the third zone, had 47,000 watts, as compared with this little area with 223,000 watts.

The fourth zone, the great Central West, running to the Canadian line, had 165,000 watts of power.

The fifth zone, containing the western part of the United States and Alaska, but with nearly all of its important stations in the States, had 62,000 watts of power.

Thus you will see that the greatest power has been given to the smallest area.

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

Mr. DILL. Just a moment.

These high-powered stations, these stations permitted to use a large amount of power, use that power with but two results, namely, to drown out all other electrical signals within the radius which they serve continuously and to send signals out across the country long distances.

I have another map over here, which explains this situation even more fully.

There are three 50,000-watt stations in the northeastern section of the United States. Those are the highest-powered broadcasting stations we have. They are as follows:

WEAF, in New York, with 50,000.

WGY, at Schenectady, with 50,000.

KDKA, at Pittsburgh, with 50,000.

There is also WJZ, at Boundbrook, N. J., with 30,000.

There are four stations with a total of 180,000 watts of power in this little corner of the country, and the whole remaining part of the United States has no station to exceed 10,000 watts in power.

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

Mr. DILL. Yes.

Mr. COPELAND. Were those stations opened after the commission was appointed?

Mr. DILL. Oh, KDKA was the original licensed station, I think, in the United States, but it did not have this high power.

Mr. COPELAND. And it was in existence before the commission was appointed?

Mr. DILL. Oh, yes. All of them were in existence before the commission was appointed. There is no question about that. But WEAF had only 5,000 watts. They are the great corporation stations of the Radio Corporation, the General Electric, and the Westinghouse Co.

Nobody, so far as I know, is complaining of giving these stations the right to broadcast with such power as will send their programs out clearly. The complaint comes because of the fact that these immensely high-powered stations send out their signals in such a way that they interfere with and heterodyne other stations in other sections of the country, and in that way blanket the radio field.

Mr. EDGE. Mr. President, will the Senator yield at that point?

Mr. DILL. Yes.

Mr. EDGE. The fact which the Senator has pointed out, that particularly in zone No. 1, in the New Jersey and New York section, they have these large stations, is not a matter of any satisfaction to the local people—quite the contrary.

Mr. DILL. The fact of the matter is it is the worst possible thing for them.

Mr. EDGE. Exactly. All or a large proportion of my protests from New Jersey come because of the fact that the large station of the Radio Corporation of America, I believe, at Boundbrook drowns out all the local radio so that they get a hum and do not get even the big radio stations.

Mr. DILL. And if they try to get any other station anywhere on the dial, these high-powered stations force them off.

Mr. EDGE. Exactly so.

Mr. DILL. And that makes the advertising value of the high-powered station greater, because everybody in that area must listen to it. That is why they wanted this high power, and the commission has given them what they want.

Mr. EDGE. In other words, I wanted to make it clear that this large number of watts—and I am not enough of a radio engineer to discuss it from the practical standpoint—is not sought by the local residents of those districts.

Mr. DILL. Not at all.

Mr. EDGE. We would be very glad indeed if they were not there.

Mr. DILL. I am sure the radio listeners of that section do not desire such high power for those stations.

Mr. McMASTER. Mr. President, does the Senator understand that the amendment that it is proposed to agree upon corrects the situation that he is describing at the present time?

Mr. DILL. Before I leave this subject I want to say that the amendment attempts to equalize in part the distribution of power and, as I believe, will remedy the indefensible injustice of the present division.

Mr. McMASTER. Is the Senator aware of the fact that one of the commissioners has been spreading propaganda up in the New England States and in that particular part of the country against any change in the law that would permit the diminishing of the power?

Mr. DILL. Yes, Mr. President; and at the proper time, when the confirmation question is up, I shall discuss the fitness of an unconfirmed administrative official of this Government doing that.

Mr. McMASTER. Will the Senator, at some time during his talk, explain in a concrete way just how the amendment will change that situation?

Mr. DILL. Yes. I want to get this situation clear, and then I thought I would try to do that.

Mr. MAYFIELD. Mr. President, will the Senator yield right there?

Mr. DILL. Yes.

Mr. MAYFIELD. Will placing these chain stations on one wave length obviate the trouble that we have in the South?

Mr. DILL. That brings up another question. The engineers who have been before the committee have stated that it has not yet proved to be practicable and feasible to broadcast chain programs on one wave length. In other words, these station oscillators, these transmitters, send out their vibrations at a terrific speed, so fast that the human mind can not conceive of it. It runs up into the hundreds of thousands per second; and they have not yet reached the point of accuracy in keeping a transmitter at its speed or on its wave length, on its frequency, exactly enough to prevent variations in the different wave lengths and, therefore, this variation by different broadcasting instruments causes a squeal and makes it impossible to hear the program. So the best information that the engineers have given us is to the effect that chain broadcasting on one wave length is not practicable.

It is true that in Massachusetts two stations are broadcasting on one wave length; but we find that those stations are connected by wires that keep them on the same frequency, and it would cost literally millions and millions of dollars to connect all of the chain stations of the country in such a way as to be able to do that. It may be that the time will come when that can be done, but it does not seem to be practicable up to this time.

Mr. MAYFIELD. The great complaint that I receive from my people is that when they are listening to a musical program or to a sermon they are interrupted by the broadcasting of a bridge game. Bridge, bridge, bridge, comes in all the time; and they want to get away from that.

Mr. DILL. I have this map to show what the chain system to-day is.

A program originates, we will say, at WEAF. The National Broadcasting System has its main headquarters, its chain station, there. These dark lines that run to all these various cities represent the chain stations that broadcast the same program on different wave lengths in all sections of this country; so that you see how the New York program is sent out to all the sections as far west as Denver.

Mr. BARKLEY. At the same time?

Mr. DILL. At the same time, but on their own individual wave lengths. Then out at Los Angeles there is another chain of the broadcasting stations running up the Pacific coast and into Spokane, my own town. They have not yet made a regular connection between Denver and the coast, although they sometimes do, for special occasions make that hook up and connect even a larger number of stations.

Each of these stations broadcasts on its own wave length with its own power; and the commission has cleared 25 channels. There are 89 channels available for broadcasting. They have cleared, as they call it, 25 channels. They have taken off all of the important stations, but two or three—sometimes only two, sometimes three, sometimes four stations off these wave lengths. They put a station like WEAF, of New York, on a wave length, and then they have placed another station—I think KGW, in Portland, Oreg.—on the same wave length, as I remember. WRC, here in Washington, is on the same wave length as KFI, in Los Angeles. In other words, they have cleared the channels so that there will not be much interference between these stations.

Then on 23 of these 25 channels that have been cleared for the purpose of giving the distant listener a chance to hear various programs, they have these chain programs. The result is that when a listener is hearing the chain program at Cincinnati, the bridge game the Senator talks about, and it is on a certain wave length, and he does not want to hear it, he tunes over to the wave length of Cleveland, and he gets the same program; and then he tunes to Chicago and gets the same program; he tunes to Des Moines and gets the same program. Thus, all of these big stations on these cleared channels run the same programs; and that is the cause of this complaint of the people who can not get away from the bridge game. The other channels have so many stations on them that they interfere seriously if a listener attempts to tune in on any of them from a distance.

We had the commissioners before us about two months ago——

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. DILL. In just a moment. We discussed this matter with them, and they said that they thought changes ought to be made and that these chain stations should be put on the wave lengths that were more crowded, because they were only supposed to serve local purposes, and leave these cleared channels for the independent programs. But all this time has gone by and nothing has been done, and nothing will be done, I suppose, until the commission has been passed upon; and that is one of my causes of complaint against the commission.

Mr. BARKLEY. It could be done?

Mr. DILL. It could be done; yes; and they said they would do it.

Mr. McKELLAR. Mr. President, I want to ask the Senator this question:

As I read the figures, and according to the Senator's statement, three of these broadcasting stations have about one-fourth of all the power of the air?

Mr. DILL. The Senator can add it up.

Mr. McKELLAR. I have done so, and that is correct.

Mr. DILL. There are 625,000 watts, approximately, and here are three stations that have 150,000 watts.

Mr. McKELLAR. That is substantially one-fourth. Now, under the provisions of this amendment, are the commissioners directed to equalize that situation; or have they the power, under this, to proceed to permit these three great advertising concerns that the Senator speaks of to monopolize one-fourth of all the power of the air?

Mr. DILL. This bill provides that they shall divide the wave lengths, the power, and the time of operation as nearly equally between those zones as possible. When you cut the first zone from 223,000 down to 125,000, if you do not use any more power in the whole country than you do, you can not leave two or three stations of 50,000 watts apiece without shutting off all the rest; and you have to assume that this commission will use some judgment and some sense, and that they will not do a thing like that.

Mr. McKELLAR. Of course, it is perfectly apparent that if the commission does the fair thing it will not allow three broadcasting concerns to own and operate and control one-fourth of all the air power of the country; but what I want to know is, under the amendment as reported by the conference committee, will this be done?

Mr. DILL. I do not think so. I may say this——

Mr. McKELLAR. Then I think we ought to amend it.

Mr. DILL. The conferees discussed the question of attempting to limit the commission in granting more than a certain amount of power to a radio station; but the changes in radio are so rapid, and conditions vary so often, that it seemed unwise legislation to attempt, by legislative fiat, to fix a scientific proposition such as that would be.

Mr. McKELLAR. That would not be a scientific proposition. That would be just a fair proposition. It is an equitable proposition. It is inconceivable to me that any commission having to do with this, appointed under the law, would so far forget themselves as to permit three concerns of the country to own one-fourth of all the air power of the country. It seems to me to be such a shame that the Congress ought to correct it at earliest possible moment; and I am astonished to think that we have any such condition here.

Mr. WATSON. Mr. President, I quite agree with the Senator in his main contention; but I do not think the Senator thinks that Congress should undertake to parcel out these wave lengths any more than we should make railroad rates.

Mr. McKELLAR. If the Senator will permit me to answer, the radio commission is but the servant of the Congress, and the Congress has the right to direct it what to do, and we ought to direct it to do the fair and straight thing. We ought not to recognize any commission that would permit such a state of affairs in regard to this great new discovery or invention such as the Senator has portrayed here this afternoon.

Mr. WATSON. That is precisely what we do in the last amendment adopted.

Mr. DILL. Let me say that that is, after all, an engineering question, to be decided by experts.

Mr. WATSON. That is all there is to it.

Mr. DILL. And it did not seem wise to the conferees to attempt to legislate on an engineering question.

Mr. McMASTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. DILL. I yield.

Mr. McMASTER. Is it not true that under the amendments proposed here after all the commission can do exactly as it pleases?

Mr. DILL. No; I do not agree with the Senator.

Mr. McMASTER. Where is there any restricting language?

Mr. DILL. There is no restricting language as to the amount of watts they can give any one station. Let me say this to the Senator, they could put a 50,000-watt station down in Florida, another in New Orleans, and another in Los Angeles. I hope they do not, but they could.

Mr. McMASTER. Yes; but they are not obliged to do it. They can leave that radio station in exactly the present condition if they choose.

Mr. DILL. No.

Mr. McMASTER. Where is the commanding language?

Mr. DILL. Let me read to the Senator:

> It is hereby declared that the people of all the zones established by section 2 of this act are entitled to equality of radiobroadcasting 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.

So that they are directed by law to give equality of service, both in transmission and in reception, and then, to explain what we mean by transmission and reception, we say by dividing as nearly equally as possible the station power, the wave lengths, the time of operation, and the licenses.

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

Mr. DILL. I yield.

Mr. BRATTON. I think this situation to-day is intolerable and inexcusable. I do not care whether it is brought about by acts of omission or acts of commission, it is indefensible. I think the independent broadcaster and the masses of the people throughout the country are not accorded equitable use of the air nor the benefits of this new discovery.

Under the terms of the bill, suppose the present commission or some other commission were to determine that the present situation is fair and is equitable under existing conditions. What remedy would the people have?

Mr. DILL. Any station, under this law, can go into court and overturn any such allocations as to-day exist that do not make equality possible. The present allocations can not be defended on any theory of equality of service.

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

Mr. DILL. I yield.

Mr. McKELLAR. How could any broadcaster do that when the Senator has just stated that under his own interpretation of this proposed law the commission will not change the situation as it exists to-day, but that the three great broadcasting stations that now control one-fourth of all the power can continue under the proposed law? If those three can continue under the proposed law, no broadcaster could go into court and get relief.

Mr. DILL. If the Senator understood me to say that, he misunderstood me.

Mr. McKELLAR. That is what I understood the Senator to say.

Mr. DILL. I did not make that statement, or at least did not intend to, because I am certain the courts can and will protect both broadcasters and listeners under this law against the inequality now being practiced.

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

Mr. DILL. I yield.

Mr. MAYFIELD. I want to direct the attention of Senators to this map. Here are five zones. The southern zone, which is the third zone, is larger in area than any other zone in the country. It has more people living in it than any other zone in the United States. Yet it has only 47,000 watts. Two stations in the State of New York have 50,000 watts each. Pittsburgh has a station with 50,000 watts. I want to know if there is anything in this conference report that will give the Southern States a more equitable division?

Mr. WATSON. Does the Senator know whether or not anybody ever applied for more power down there?

Mr. MAYFIELD. Yes; I do.

Mr. McKELLAR. Mr. President, I do. I know a man who has been here for weeks demanding of the commission that additional amounts of power be given to certain stations in my State, and the reply has been that they are not going to do anything until these men are confirmed. In other words, they imply a threat.

Mr. MAYFIELD. Mr. President, there are applications pending at this moment before the commission for 70,000 additional watts from people in my State.

Mr. BARKLEY. Mr. President, is it or not true that by reason of the unfair allocation of power to some stations in certain sections of the country other stations already in existence have been compelled to go out of business, in addition to the denial of the right to establish new ones?

Mr. DILL. That is one of the excuses the commission has given for not licensing stations, that there were so many stations on the air and too much power was already being used. There have been plenty of applications. The trouble seems to have been that applications of certain stations were granted readily and others were refused or delayed.

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

Mr. DILL. I yield.

Mr. EDGE. I can see very plainly that in any attempt to make any hard and fast rule of division—in other words, to take the country and divide it into five equal parts, either on the basis of population or of area—there might be perfectly justifiable ground for criticism, as, for instance, in the evidence of the allotment of watts; but I think some of the Senators representing sections having a lesser number of watts fail to understand some phases of the engineering problem, which I will freely admit I understand only in the most general way.

New Jersey is in this first zone, which has been discussed so frequently as having 106,000 watts. As a matter of interest and desire the people of New Jersey are willing to give to Texas or to any other State of the Union three-fourths of that power, because, as a matter of fact, it interferes with their service. We do not want it; we have no desire for it. The smaller stations in New Jersey, providing more or less local programs, are very much more popular to the average citizen with a small radio than the great big station at Bound Brook, which has been referred to by the Senator from Washington.

The latter station simply drowns out all the small programs, and I have hundreds, almost thousands, of protests about it. I think all will admit there must be large stations in order to have a cross-country service, and even an over-seas service, which they are giving these days. So far as the actual distribution is concerned, if there is any mechanical way whereby the large stations can be relocated, they should be divided in some way between the Atlantic and the Pacific, the North and the South, so that every citizen could get the service. As far as zone No. 1 is concerned, from my knowledge, we would be delighted to have two or three of these stations taken and put in some other section of the country.

Mr. BRATTON. Mr. President, the Senator from New Jersey says that the people of New Jersey would be glad to surrender a part of the power allocated——

Mr. EDGE. To the large stations.

Mr. BRATTON. Would those concerns themselves be ready to surrender any part of it?

Mr. EDGE. I can not speak for those concerns.

Mr. BRATTON. That is the thing about which we complain, that the commission does not take steps to deprive them of it, and allocate it fairly and equitably throughout the country.

Mr. EDGE. Then the engineering problem, I think, enters into it, a matter which I can not discuss. Somebody else will have to discuss that.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Louisiana?

Mr. DILL. I yield.

Mr. RANSDELL. I wish to say, in response to the question of the Senator from Indiana, which I understood was a query as to whether the southern stations were demanding more power——

Mr. WATSON. Not right now, not "are demanding," but at the inception did demand, in the beginning.

Mr. RANSDELL. I can speak for only one station in my State, which I know has been making the most persistent efforts for the past seven or eight months to get more power. It is station KWKH, at Shreveport. They have a very splendid station there. They have been working hard to get more power, and they have not got it. They are trying hard to get 3,500 watts.

Mr. GLASS. Mr. President, we can hear them very well on the radio. Every time I tune in my radio set all I hear is "This is Shreveport," and complaining about their lack of power.

Mr. RANSDELL. That may be, but they have only 1,000 watts and they have been asking for 3,500; but they have not got it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington has the floor and Senators desiring to interrupt him must address the Chair and the Chair will endeavor to learn from the Senator having the floor whether he desires to yield.

Mr. DILL. Mr. President, I want to answer all the questions I can. I recognize that this subject is very involved, and I do not want to shut off any Senator who has any question to ask. I recognize how easy it is for the debate to be taken entirely away from me, however. But I want to be as liberal as possible.

Mr. WATSON. Mr. President, if the Senator will yield to me——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. DILL. I yield.

Mr. WATSON. There seems to be what I regard as a mistaken impression, that is, that very high-powered stations are essential to chain broadcasting. I wish the Senator would explain that that is not true.

Mr. DILL. I may say that the high-powered station has nothing whatever to do with the broadcasting by the chain system, that the wires simply carry the program to the station, and one station may broadcast at 500 and one at 5,000 and one at 10,000. Each is individual in its own field. The power of the originating station has nothing to do with it.

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

Mr. DILL. I yield.

Mr. SMITH. Is there any provision in this bill under which the American public can get now and then a space during the evening performance to hear something sensible, rather than be drowned out with jazz?

Mr. DILL. I must say to the Senator that we have not written in the bill any direction to the commission as to allowing only jazz programs or only some other kind of programs. In other words, that would mean giving the commission the power of censorship, and that is not desirable.

Mr. SMITH. The Senator from Virginia said a moment ago that when he takes up his receiver about all he hears is the complaint of Shreveport that they have not power enough to get their program on the air. My experience has been that I can not get to hear anything but "Tin-pan alley." That is about all we get in the evening.

Mr. DILL. I want to say this, that I think that while the House amendment has been a good thing for the Congress, because it has enabled us to get our views before the country, it has been a better thing for the commission. I think the members of the commission have learned something of the country's sentiment through the discussion of this legislation. I believe the commission will try to carry out the new provisions of the law.

Mr. McKELLAR. Mr. President, let me ask the Senator this question: If these high-powered stations are not necessary to chain broadcasting, why is it that they have demanded and received such enormous amounts of power?

Mr. DILL. The commissioners have explained their action by saying that they wanted to give these fine programs put on in New York and Pittsburgh and Schenectady to the southern and western country, and they must have some high-powered stations to do it. At the same time, they defend the chain program on the theory that they must carry these fine programs by wire to the various communities.

Certainly there is no need of both. When the chain is in operation there can be no defense for the high power anywhere on the chain, except it be in a place like Denver, away out in the middle of the mountains, where there is no station within 500 miles that carries a chain program.

Mr. McKELLAR. As I understand the Senator, he thinks that the chief fault lies in the action of the present commission.

Mr. DILL. I do. I want to say further that in my judgment if the commission had carried out the law as it is now written, this legislation would not have been necessary. The present law provides that the licensing authority shall distribute these wave lengths and power in such a way as to give all the people of the various States and communities fair, efficient, and equitable radio service. They have distorted the interpretation of that into meaning that they must give a New York program to somebody down in southern Texas, or out in Colorado, even though there is no chain, and therefore they defend these high-power stations. It never was intended by Congress. There is no good defense of it, in my judgment.

Mr. BRATTON. The Senator has just declared himself on the very question I had in mind. I know he has given a great deal of thought to this subject and perhaps knows as much about the attitude of the commission as anybody. But what the Senator has said up to this time in justification of the commission's action or nonaction does not satisfy me at all. I am wondering if the commission has ever offered any additional reason for failure to act.

Mr. DILL. I have heard no additional reasons, and I shall express my opinion about the members of the commission when we take them up for confirmation. In fact, I have collected much other data for that purpose.

Mr. BRATTON. I shall do so too, but for the time being I want to put myself on record as saying that I think the record of the commission up to date is indefensible.

Mr. DILL. It is a very striking fact to me that the man who was put on the commission last and who would be supposed to know least about its work, or was supposed to know least about it, is doing the most to correct the situation.

Mr. BRATTON. I concur in that. I think the commissioner representing the fifth zone has done remarkable work, and it simply accentuates the fact that there is no justification for the failure of the other members of the commission to act.

Mr. EDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Jersey?

Mr. DILL. I yield.

Mr. EDGE. As I follow the Senator—and I am inclined to a great extent to accept his views—there is nothing materially wrong with the law.

Mr. DILL. I do not think so.

Mr. EDGE. It is a question of its administration.

Mr. DILL. But the commission has taken the position that there is an ambiguous wording in the equitable-service provision, and so we have tried to write this language so clearly that there could not be any doubt about what we mean. All of the qualifying phrases are for the purpose of making clear that Congress desires the commisison to divide licenses, wave lengths, time of operation, and power equally among the five zones.

Mr. EDGE. In other words, the Senator is now trying to direct them, as far as it is possible in a more or less involved mechanical responsibility, about making an equitable division.

Mr. DILL. Absolutely. This legislation should not be necessary at all, and if we had a commission which would carry out the purposes of Congress it would not be necessary. For instance, we have put in certain directions as to how the commission is to provide the equality of service which we have declared the people of each zone to be entitled to. When we said "equality of service," "both of transmission and reception," we have gone ahead and explained the meaning by directing that the commission shall allocate as nearly equal as possible the licenses, wave lengths, time of operation, and station power. We do not mean equality of transmission and reception in terms of high-power stations in the East for listeners in the South and West. We mean equality in terms of licenses, wave length, time of operation, and station power. Any other interpretation is false and in defiance of the purpose of this provision.

Mr. EDGE. I want to say that I have great confidence in the Senator from Washington and the Congressman from Maine and others on the conference committee in dealing with an involved question of this kind, if they can bring in a unanimous

report, as they have, knowing their desire to serve all sections of the country.

Mr. McKELLAR. It is not a unanimous report.

Mr. EDGE. It is unanimous on the part of the Senate. The Senator from Indiana [Mr. WATSON], the Senator from Michigan [Mr. COUZENS], the Senator from Ohio [Mr. FESS], the Senator from Nevada [Mr. PITTMAN], and the Senator from Washington [Mr. DILL] submit a unanimous report so far as they are concerned, and I do hope the conference report will be adopted in order that we may at least give it a trial.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. I yield.

Mr. HEFLIN. I want to say to the Senator that there have been many complaints from my State about the administration of the law and about the unfairness shown by the commission. The Senator from New Jersey [Mr. EDGE] just stated about what I had in mind; that is, whether it is the fault of the law or the fault of the administration of the law. I suppose the Senator is going to discuss in detail just what changes have been made in the law by this measure?

Mr. DILL. There is some ground for difference of opinion about the meaning of equitable service, but I take it there can be no difference of opinion as to what is meant by equality of service when we say "both of transmission and of reception," and then, in order to secure that equality, we command the commission to make an equal distribution of wave lengths, power, time of operation, and station power.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. I yield.

Mr. BARKLEY. If the present commissioners have distorted the meaning of the law now on the statute books, can we hope that the present commissioners will act with any greater intelligence or judgment in interpreting the new law?

Mr. DILL. We will have an opportunity to pass on those commissioners in a few days, and I shall discuss that question more at length then. I want to say, though, that I think even these commissioners have learned a lesson from the fight which has been carried on in the House. They have been led to see that Congress and the country want a change.

Mr. BARKLEY. It has been a pretty expensive lesson to the people.

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

Mr. DILL. I yield.

Mr. McKELLAR. I want to call the Senator's attention to the wording of this particular provision:

> Equality of radiobroadcasting 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.

Are not those words "in so far as there are applications therefor" likely to give rise to the same misunderstanding and to the same confusion or the same difference of opinion under which the commission, when appointed or as acting, can continue the present deplorable situation in so far as radio is concerned?

Mr. DILL. Let me answer by first calling the attention of the Senator to the fact that if we struck out those words, we still have a provision at the end of the paragraph that says that if there is any unused power it may be distributed among the zones. So far as I am able to judge, the language complained of by the Senator is surplusage, and I am not concerned whether it is in or out. There was a difference of opinion among the House conferees, some wanting it in and others wanting it out, but the majority voted to leave it in.

I have placed on the wall a chart showing the amount of power requested by radio applicants in the different zones, the amount of power granted, and the amount denied. I call attention to the fact that 107,000 watts of power was requested in the first zone and 74,000 granted; 135,000 requested in the second zone and 11,000 granted; 84,000 requested in the third zone and 10,000 granted.

Mr. MAYFIELD. When was that?

Mr. DILL. Since the installation of the commission. There was 181,000 in the fourth zone and 140,000 granted; 65,000 in the fifth zone and 35,000 granted.

Those figures were given me by the secretary of the commission a few days ago, and he later found that there were some small differences, so they are not exactly accurate, but the proportions are approximately the same. They show that there were plenty of applications to have made up the proportionate share of power, had the commission granted them, but there was no law compelling them to grant those licenses in case there were applications. If there are no applications, certainly there is no reason why we should put in cold storage a certain amount of wave length and a certain amount of power.

Mr. SIMMONS. Mr. President——

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

Mr. DILL. I yield.

Mr. SIMMONS. It appears that the third zone, which embraces the entire South, made application for 84,000 watts and got 10,000?

Mr. DILL. Yes.

Mr. SIMMONS. That zone was discriminated against in a way that no other zone was.

Mr. DILL. Yes.

Mr. SIMMONS. I want to say to the Senator that I have had from my State various complaints from parties who are trying to get some of this power. One of those concerns was trying to get 10,000 watts, the total amount that was granted to the whole zone.

I agree with the Senator that very likely the trouble we are in now is of a dual nature. One of the causes is the inactivity or the malactivity of the commissioners appointed. The other is the inadequacy of the law. The law as it is written is too broad. It allows probably any sort of interpretation that the commission may see fit to place upon it. I think the change which the conference report proposes will in part remedy the trouble so far as the law is concerned, provided and only provided that it carries out the will of Congress. I believe that the debates which have taken place here this afternoon will indicate to any commission that may be appointed what construction the Congress places upon the language. If the commission is one which desires to carry out the law, then I do not believe it will have any difficulty in ascertaining what was the purpose of Congress in enacting the law.

Now, I want to ask the Senator a question. Under the reported bill how long would it be, if we should confirm these men, before we could get rid of them if they do not comply with our wishes?

Mr. DILL. That is the reason for the Senate amendment which the House accepted—namely, that they would hold office until the 23d of February, 1929, and then they must come up for confirmation again. The Senate committee were so fearful of intrusting the present commissioners, if they should be confirmed for any great length of time, that we put in that amendment so that if they do not carry out the new law we can refuse to confirm them if they are reappointed and can have new commissioners appointed.

Mr. SIMMONS. Then does not the Senator think the best thing we can do in the circumstances is not to confirm these men, because they have heretofore willfully, it would seem, refused to act or at least to act in the interest of the public? Some of them being refused their confirmation, will other commissioners be appointed who will have full knowledge of the purpose of the new law, and then, if they do not carry it out, as I understand the Senator, we can remove them at the end of one year?

Mr. DILL. The question of confirmation is not up and I do not want to go into it at this time. I will say that I agree that some of these commissioners should not be confirmed and I hope a majority of the Senate will agree with me; I shall discuss that when the question comes before the Senate for action.

Mr. SIMMONS. The only reason why I suggest that now is because I do not feel that with the record of the present commissioners before us we should have any doubt about what ought to be our action in the premises. I wanted to know if we put in some other men, as I think we will do, whether we will be able to get rid of them in a year unless they carry out the spirit and purpose of the law.

Mr. DILL. That is the provision of the new statute.

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

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

Mr. DILL. I yield.

Mr. COPELAND. The Senator has exhibited to us a chart showing for each zone the requests made for power, the quantity of power granted, and the amount denied. May I ask the Senator if it costs a lot of money to install a radio station?

Mr. DILL. Yes; and I want to discuss that for a moment, if I can get the opportunity to do so.

Mr. COPELAND. Is it not probable, may I ask the Senator, that many times where power was requested, on investigation the commission found that the people requesting it did not have the means to establish the station?

Mr. DILL. That may be true, and it may be that the commission found that they did not have the financial backing which would enable them to present programs that would justify the allowance of the request. I am not saying that that power should be granted, but I do say there were sufficient applications that no such inequality is necessary as is shown in the present condition.

Mr. COPELAND. But the Senator will point out that it costs a lot of money to install a plant and a lot of money to operate it?

Mr. DILL. Yes. My own opinion is that these 50,000-watt stations should not be permitted in the radio field. In the first place, they take an enormous expenditure of money and in the second place they are a radio nuisance both where they exist and throughout the country as a whole. If the power was kept down to a reasonable basis I think we would be a lot better off; at least I would like to see it tried.

The Senator is correct in this. It costs a tremendous amount of money to provide a 50,000-watt station, and there are not many sections of the country where there are organizations of capital that are willing to invest the necessary amount of money. In fairness it may be said that there have not been applications for these high-powered stations in some sections of the country, but that does not justify the allocation of so much power to a few big stations in one corner of the country and then the refusal of power to stations in other sections of the country because it is said so much has already been granted.

Mr. COPELAND. I think the Senator is entirely correct in his explanation.

Mr. COPELAND and Mr. WATSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. DILL. I yield first to the Senator from New York.

Mr. COPELAND. I have been advised of one application made by a group of men who did not realize the tremendous cost involved. It developed that they did not have money enough even to buy the microphones. Of course, it is very proper in such a case that there should be a denial of the application.

Mr. SIMMONS. Mr. President——

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

Mr. DILL. I yield.

Mr. SIMMONS. I want to say that in the case of the two applications of which I spoke as coming from North Carolina the conditions which the Senator from New York has described did not exist. The applicants had the money; one of them had his plant, and was ready at once to utilize the power for which he asked. I know that of my own knowledge.

Mr. DILL. That has been true in most cases and the commission is to blame.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. DILL. I yield.

Mr. WATSON. The Senator from Tennessee [Mr. McKELLAR] a moment ago asked a question, and the Senator from Washington started to answer it, but was interrupted.

Mr. DILL. I have forgotten what the question was.

Mr. WATSON. The question was in regard to the use of the words "in so far as there are applications therefor," whether or not these applications are pending. That is the question which constituted the main point of disagreement between the Senate conferees and the House conferees, and I should like the Senator to go into that fully and explain it.

Mr. DILL. Mr. President, my own thought is that whether that language shall be in the proposed law or not, the proposed law will cover those cases; in other words, if there are applications pending then, according to the provision in the latter part of the paragraph, a proportionate share may be divided up among other zones. I do not see any need of putting in the language twice, but there were certain of the House conferees who were extremely anxious to have it inserted, because they thought otherwise it would first have to be decreed, to go into cold storage, as it were, and the request of other stations denied, and then another application and another routine procedure would necessarily be gone through before the application could be granted. They claimed that meant delay and red tape and insisted the words mentioned be inserted. My own view is that the commission would do the practical thing in either case, so I refused to take sides between the House conferees who were in disagreement.

Mr. McKELLAR. Mr. President——

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

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

Mr. McKELLAR. If the Senator will permit me, I desire to suggest that the words "when and in so far as there are applications therefor" must have been put into the bill for some purpose. I can not conceive of how any member of the committee would have suggested those words or have added those words unless there were some purpose in so doing. When I look at a number of applications as given in the exhibit "radio-station power," it looks as if there are applications for 575,000 watts, which is nearly all of it. How could the words have any application in view of those figures?

Mr. DILL. Of course, conditions in the future might be different. There might not be so many applications in the future.

Mr. McKELLAR. That is possible; but what I fear is that the inclusion of this language to the minds of those who are behind it has some meaning, and that meaning is to confuse the issue and to prevent an equalization, in my judgment.

Mr. DILL. I think that was the fear that some of the House conferees had, but I have not shared that view.

Mr. COUZENS and Mr. HARRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. DILL. I yield first to the Senator from Michigan.

Mr. COUZENS. I desire to say to the Senator from Tennessee [Mr. McKELLAR] that there was considerable discussion with respect to that particular feature, and one of the conferees was afraid that some of the zones which now have in excess of their quota might arbitrarily have it taken away, whether there was need for it elsewhere or not; and there seemed to be no justification for doing that. Is not that correct?

Mr. DILL. Yes. As I have stated, I do not think it makes any difference whether the words are retained or not. I think the effect will be just the same.

Mr. McKELLAR. Then, if I may ask a question of the Senator from Michigan, he is of the opinion that the words that I have quoted, "when and in so far as there are applications therefor," have only the meaning that he has suggested?

Mr. COUZENS. Absolutely. I think the conferees were unanimous in the belief that that was the exact meaning, and that no zone would be required to go without its quota for any reason whatsoever; but that in case such zone did not require or ask for or petition for or apply for the power, it would not be fair automatically to take it away from some other zone which might need it.

Mr. McKELLAR. If I may ask the Senator one other question, does he believe that under the wording of this proposed statute there will be an equal distribution of power throughout the country according to zones?

Mr. COUZENS. That is certainly the intent of the proposed law, and I think it is very specific.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. DILL. Yes; I yield.

Mr. HARRIS. From the information I receive I wish to say that the people in my State are getting less than one-third of the service they got a year ago. There will be no demand for power if they can not get the service, and at this time they can not get any service west of Pittsburgh; they can not get any from New Orleans. The distance is being limited more and more. I understood from the Senator that the nominations of the commissioners, or some of them, at any rate, would not come up for confirmation until some time next year.

Mr. DILL. No; the question of the confirmation of their nominations will come up within a few days.

Mr. HARRIS. When will their terms expire?

Mr. DILL. Their terms will expire on the 23d of February next, when all of them will be up for reappointment.

Mr. HARRIS. For the RECORD I offer a letter from Col. W. E. Simmons, of Lawrenceville, Ga., one of the leading men of my State, which I ask may be printed at this point as a part of my remarks.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

LAWRENCEVILLE, GA., *March 19, 1928.*

Senator W. J. HARRIS,
Washington, D. C.

DEAR SIR: I see in the Constitution of this morning that the two Houses of Congress have disagreed on radiobroadcasting and that the two bills will be sent to conference.

Probably this letter will reach you too late to serve its purpose, but I take a long shot at it anyhow.

The people of this State are getting not exceeding one-third of the service that they were a few months ago, which is due to the formation of a National Radio Corporation, with headquarters in New York City, of which the Metropolitan Station of that city is exclusive manager.

It is called a "chain," and there are 28 broadcasting stations in it, each of which broadcasts the same thing at the same time, and two-thirds of the territory covered prior to the creation of this combination is absolutely cut off, and these are constantly on the air during broadcasting hours. Pittsburgh, Pa., is now as far west as can be heard in Georgia, and even New Orleans has been cut out, and I suppose all the other Southern States are in the same situation, nor farther north than New York City.

Before this corporation came into existence we could hear regularly from any section of the United States within the reach of our radio.

In my opinion, the only remedy to get rid of this abominable situation is to abolish this chain, or any other like one if there be such a one.

Yours truly,

W. E. SIMMONS.

Mr. DILL. Mr. President, I wish to call attention to one other table on the wall which shows what has happened under the Radio Commission. When the law was passed on February 23, 1927, the first zone had 200,000 watts of power. The figures on this chart were issued on March 15. The map was made up a little earlier so there is a slight variation from the figures on the map. This chart gives 214,000 watts, an increase of 14,000 watts to a zone that already had 200,000 watts. A few days previously the figures were 223,000 watts.

The second zone had 114,000 watts when the commission took charge, and that number has been reduced to 109,000. A few days previously it was only 106,000 watts, so that already the commission is bowing to the demand for equality.

The third zone, which had 53,000 watts, was reduced to 47,000 watts, but since the discussion has been going on it has been brought back to 55,000, an increase of 2,000 over what it had when the commission began a year ago.

The fourth zone, which is the Middle West zone, where a great number of stations had sprung up, had 307,000 watts, which the commission cut to 171,000, although they had not left the first zone at 200,000, but increased it to 214,000 watts.

The fifth zone had 119,000 watts and was cut to 62,000, but recently has been raised to 77,000 watts.

I call attention to these figures to show that the commission did not attempt to equalize conditions at all. It has practically given no attention to that feature, but it has gone on the theory that when great organizations of capital representing great stations have come in and asked for added power it should be granted, while the little fellows, the independent stations, scattered throughout the country, have had their power reduced. They have been told there was no power available; that there were no wave lengths to be given them; and that there were too many stations on the air already. They defended their action by saying that other stations had been given enormous power and additional power could not be granted these other stations. That is the reason that the House was forced to adopt this provision and why the Senate conferees accepted it.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield.

Mr. BRATTON. I go further than does the Senator from Washington and say that the figures to which he has just referred indicate conclusively that the commission has increased the discrimination instead of correcting it. The power allotted to the first zone has been substantially increased, while the power allotted to other zones has been substantially decreased. It seems to me that that table alone constitutes a serious indictment against the administration of the law.

I quite agree with the Senator from Washington that the fabric of the law seems to be good, but the administration of it has been far from the standard that should have been maintained; at least, that is my candid judgment about it. Along the line of what other Senators have said, I wish to say that the general complaint reaching me is that the service accorded ordinary radio users has been much less satisfactory; in fact, much more unsatisfactory under the present commission than it previously was.

Mr. COPELAND. Mr. President——

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

Mr. DILL. I yield to the Senator from New York.

Mr. COPELAND. May I ask the Senator, Do the decreases marked upon the chart represent arbitrary decreases made by the commission?

Mr. DILL. I may say to the Senator they represent just exactly what the chart shows. They represent the amount of power that was in each zone when the commission took charge and the amount of power in each zone now.

Mr. COPELAND. That does not answer my question.

Mr. DILL. The Senator asked me if the decreases have been arbitrary. I may say in answer to that that they are the result of the commission's grants and refusals of increased power.

Mr. COPELAND. Is it not probable that in the fourth zone—I know nothing about it and I want the information—is it not probable that some of those stations voluntarily retired from the field?

Mr. DILL. Some of them did.

Mr. COPELAND. And on that account there is indicated on the chart a decrease?

Mr. DILL. Yes.

Mr. COPELAND. In other words, in the pioneer days of the industry, before it had developed as it has since developed, undoubtedly many concerns went into the business of broadcasting and then found that the expense involved was beyond their means. So when the Senator points out a decrease for the fourth zone and what appears to be an enormous lessening of power, it may well be that to a considerable extent that is due to the fact that these concerns of their own accord found it impossible to go on.

Mr. DILL. I wish to say, in view of the many applications for power in the fourth zone, as shown by the other chart, there being 181,000 watts applied for and only 41,000 granted, that, while it may be true that some of the decrease was caused by concerns that went out of existence, I think there were requests for far more power from stations in that area than there was power allowed.

Mr. COPELAND. The Senator knows very well how misleading figures are——

Mr. DILL. I do.

Mr. COPELAND. Unless they are correlated and brought together. It might well be, as was pointed out a little while ago, that many applications were made where the applicants themselves found that they were not able to go forward. I have not in mind the State of the Senator from North Carolina, because it was not in his State, but my attention was called to an application in another State, an application filed in good faith by individuals who thought that they could actually establish a broadcasting station, but when they found that they had to spend a hundred thousand dollars or a hundred and fifty thousand dollars they ascertained at once that they could not do it. So I think that all these figures have to be brought together. They do look condemnatory——

Mr. DILL. They are condemnatory.

Mr. COPELAND. But I think they can be explained.

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

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. DILL. I yield.

Mr. BRATTON. It is remarkably strange that the conditions should be of one character in the fourth zone and entirely opposite in the first zone; that is to say, that the power in the fourth zone is decreased to a large extent and increased substantially in the first zone. It is wholly improbable that the decrease in the fourth zone is due to the applicants being unable to go forward, either from a financial standpoint or otherwise, whereas in the first zone all the applicants could and did go forward. In the table to the right it is shown that the commission had been requested for 181,000 watts plus and granted only 41,000. It is wholly improbable that that is due to the circumstances to which the Senator from New York has referred.

Mr. COPELAND. Mr. President——

Mr. DILL. I yield to the Senator from New York, and then I should like to proceed with the discussion.

Mr. COPELAND. Mr. President, it does not seem strange to me at all. In New York, in the first zone, with three or four great big concerns using a great amount of power, some others came in that had abundant financial means to go on; but I can

well understand, I want to say to the Senator from New Mexico, that it might have happened in the fourth zone, in the remote sections of that zone, that little stations which have sprung up found themselves utterly incompetent to compete with the broadcasting from Chicago or from some near-by point such as Minneapolis or St. Paul; they had no following, and the radio "fans" were not satisfied with the incomplete and, perhaps, unworthy programs offered by those small stations.

Mr. BRATTON. Mr. President, I wish to ask the Senator a question, and then I shall not interrupt the Senator from Washington further.

Mr. DILL. I yield to the Senator.

Mr. BRATTON. I do not know so much about conditions in the third zone, but I do know something about them in a part of the fifth zone; and the complaint there is against chain broadcasting emanating principally from New York. The people there do not want that broadcasting. They prefer the independent stations; but under the administration of the law by the present commission they are barred from getting that which they want, and are compelled to submit to that which is highly unsatisfactory to them, namely, chain broadcasting coming principally from the stations in the first zone that are so strong that they practically put the small broadcaster out of business; and the people do not want these programs.

Mr. BROUSSARD. Mr. President, will the Senator yield further?

Mr. DILL. I yield to the Senator.

Mr. BROUSSARD. May I say to the Senator from New York that the complaint made from the State of New Jersey is that your 50,000-watt power station there makes it impossible for a station in New Jersey, properly financed, to be heard, because the powerful station in New York absolutely puts it out of the air.

Now, I want to come down to the third zone. That is the zone in which my State is. I have been fighting this commission for a long while to get a permit to increase the power up to 3,500 watts. The man who wants it has spent considerably over $300,000. He advertises nothing. He is simply giving entertainments. He is a man of means.

Mr. MAYFIELD. What amount has he now?

Mr. BROUSSARD. While he was granted a permit of 1,000 watts, this commission called him here and required him to divide his time with a station in Iowa, while they were granting to the first zone everything they wanted. This man is now trying to get 10,000 watts. Why? Because these powerful stations in Chicago and New York absolutely silence his machine, and he must violate the law in order to be heard at all; and because he violates the law they refuse to give him 3,500 watts, while the commission sends agents to New Orleans and Memphis begging people there to apply for power that they will grant to them, though they are denying it to a man who already has a station.

Mr. MAYFIELD. Mr. President——

Mr. BROUSSARD. That is the situation there; and the explanation that the Senator from New York is offering is absolutely not applicable to this situation. These parties want more power. They can not get it; but permits are granted right and left to other sections of the United States, and the reason given for not increasing this power is that the other commissioners are not confirmed. The man from my zone is confirmed, however, and still we can not get anything.

Mr. DILL. Of course, the authorizations that may be made even by the commissioner from your zone would necessarily have to be approved by the commission. Whether or not he has attempted to do that, I do not know.

Mr. MAYFIELD. Mr. President, I should like to ask the Senator from Louisiana a question.

Mr. DILL. I yield.

Mr. MAYFIELD. Does the Senator have reference to Mr. Henderson?

Mr. BROUSSARD. Of Shreveport; yes.

Mr. MAYFIELD. Could not the commission grant this application for additional wattage?

Mr. BROUSSARD. It could, but it does not do it.

Mr. MAYFIELD. Why not?

Mr. BROUSSARD. For various reasons that they assign. They want to see what will become of this law, whether or not this law will be enacted. They want to see whether the commissioners will be confirmed; but in the meantime, Commissioner Lafount is not confirmed, and he has been getting every increase.

Mr. MAYFIELD. And the commissioner from the third zone was confirmed last year.

Mr. BROUSSARD. Yes; he was.

Mr. MAYFIELD. And could grant this power.

Mr. BROUSSARD. And he is the only commissioner that is confirmed.

Mr. DILL. He could grant the power if the other commissioners would vote to approve his recommendations.

There is one other thing, Mr. President, that I want to call attention to, about the lack of equality of treatment. I have had set up here a chart showing a number of stations of different powers.

Under the 500-watt stations—those are the smaller broadcasting stations—the first zone has 58, the second 38, the third 47, the fourth 96, and the fifth 50.

When you go to 1,000 watts, the first zone has 17, the second 14, the third 13, the fourth 43, and the fifth 25.

When you go to 5,000 watts you are getting into responsible radio stations. You have 11 in the first zone, 5 in the second zone, 3 in the third zone, 15 in the fourth zone, and 4 in the fifth zone.

When you go to 10,000 watts you have five in the first zone, one in the second zone, none in the third zone, one in the fourth zone, and none in the fifth zone.

That shows the tremendous favoritism granted in favor of the medium high-powered stations, and shows again the necessity of some legislation to compel the commission to yield more equality of treatment.

Mr. McKELLAR and Mr. COPELAND addressed the Chair.

Mr. DILL. I yield first to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, on page 2 of this report I read this:

> 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.

Would the Senator be willing to agree to a motion to recommit with directions to the committee to contend for the striking out, on page 1, of the words "service, both of transmission and of reception, and in order to provide said equality," and also the words "when and in so far as there are applications therefor," and inserting in lieu thereof, just before the word "licensing," the word "and," so that the section will 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, and 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.

In other words, if that language is stricken out, under the proviso which I read first it is perfectly clear that the commission shall have the power to allocate to one zone unused power of another zone for temporary purposes, and that is all right; but does not the Senator think that the language in the first part of the section that I have read ought to be stricken out in the interest of clarity, especially when there has been a misunderstanding, or a claimed misunderstanding, of what the law was before; and ought we not now to make the law so plain that even the commission can understand what it is?

Mr. DILL. I should not want to agree to any such motion. The proposal which the Senator makes is to strike out the words "both of transmission and of reception"?

Mr. McKELLAR. Yes.

Mr. DILL. I think those words should be in there, for the reason that when we said "equality of radio service" the commission took the attitude that service in the form of supplying programs from distant stations was complying with the law.

Mr. McKELLAR. Yes.

Mr. DILL. Now, when we say "both of transmission and of reception," and then go ahead to define what we mean by it, by dividing equally the licenses, the wave lengths, the station power, and the time of operation, we have made it so clear that, as the Senator has suggested, not even the commission can misunderstand it; and for that reason I think it would be a mistake to take out those words.

Mr. McKELLAR. Will the Senator agree to a motion to recommit, leaving in those words, but striking out the other words that I have read?

Mr. DILL. I must say to the Senator what I said before, that I do not think the other words have any effect at all. However, the majority of the House conferees wanted them in, and the House adopted this report without a roll call; and I think it would be a very serious mistake to think of committing it back to the conferees.

Mr. McKELLAR. Let me call the Senator's attention to this situation: Those words were put into this bill for the purpose of establishing some sort of confusion, so that the commission could make a division that is not contemplated by the rest of the act. I say, further, that if there is any trouble about this equality of division, it will come from those words. Then, why should we put into this act words that admittedly are not necessary, and the Senator admits that they are not necessary? Why should we put them in there?

Mr. DILL. I may say that I think the request to put them in came from those who were opposed to this legislation originally, and the words were put in as much to save their face as anything else. That is all I could figure out of it. I repeat that I do not think they have any effect, except this:

The argument was made that without those words in there the commission must first sit down and take the 650,000 watts of power and divide it by five, allot so much to each zone, and then put it in cold storage, as it were, until there were applications made from other zones, and then redistribute it; while this would permit them to look at the applications, and if any zone lacked its proportionate share they could divide it in the beginning.

Mr. McKELLAR. Ah, Mr. President. The proviso is perfectly clear that the commission has the power to do what the Senator states that it was the purpose to have done; but the words here are confusing. They are conflicting. The Senator has called them surplus, but I want to say that the enemies of this legislation are not trying to save their face. They are trying to save their power. That is their purpose. It is not for the purpose of saving their face, in my judgment.

What they want is to save these great broadcasting stations that now have a monopoly of the air. That is what they are trying to do. They are not trying to save their face; and what we ought to do is to put in this act language which will convey our thoughts even to a Radio Commission, so that there can not be any misunderstanding about it.

Mr. PITTMAN. Mr. President——

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

Mr. PITTMAN. While I did not take as active a part in this conference as the Senator from Washington, and know very much less about it, I was present when this language was agreed on. I call to the attention of the Senator from Tennessee this language:

> 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.

That is a plain statement of the law. Now, what is the rest of it?

> And in order to provide said equality—

This is method only, mind you. The other is the statement of the law. Now it comes down to the method of carrying it out. Please draw the distinction between the declaration of law and the method of carrying it out.

> 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 station power, to each of said zones.

You can not carry out the law unless somebody applies for it.

> When and in so far as there are applications therefor.

Mind you, that provides the method of carrying it out. The first two sentences state there must be equality. From there on is the provision for the method—that is, that whenever there are applications, those applications shall be so granted as to carry out that equality.

For instance, going on a little further, the first zone to-day is far in excess of the third zone. It is impossible, until the applications from the third zone are filed, to bring about equality. If the language had been that there should only be equality as based upon applications, the Senator from Tennessee would be right, but it does not say that. It says that there shall be equality, but the method of arriving at the equality must depend upon applications. It is impossible to make it equal until somebody applies for it, and it says it shall be carried out whenever there are applications.

Mr. WATSON. That is, unless they arbitrarily assign 120,000 watts to each zone, whether anybody wants it or not.

Mr. PITTMAN. It can not be done.

Mr. WATSON. And leave it there unused.

Mr. McKELLAR. Mr. President, if the Senator will permit me, the proviso toward the close of the section provides specifically that they can allot it.

Mr. WATSON. After a time. What the Senator from Tennessee wants is that each zone shall be allotted the same power in the beginning, whether anybody wants it or not.

Mr. McKELLAR. With the power in the commission to reallocate it where there are no applications for it. That language can not be misunderstood, it can not be distorted, it can not be misused, if that language goes in. The Senator will find that this bill will fail of the purpose for which it was drawn.

Mr. WATSON. I think the Senator is entirely mistaken.

Mr. DILL. I want to call attention to another thing. The language is "applications therefor," and it does not even require that they shall be applications that meet the other requirements of the bill.

Mr. PITTMAN. The proviso in the first place declares for equality among the zones.

Mr. McKELLAR. I agree with the proviso. The proviso ought to be in the bill.

Mr. PITTMAN. The other provision is that for the purpose of carrying this out licenses shall be granted equally, so far as there are applications therefor, but it does not disturb the first sentence, which provides that there shall be equality.

Why is that provision in there? Because if it were not there, there would be no restrictions on the length of time that they could let it in the other zone, but it limits them to three months. The provision is a limitation on the first part of it.

Mr. McKELLAR. I hope the Senator is right.

Mr. PITTMAN. Let me say one other thing before I take my seat. This bill, in the opinion of the Senate conferees, obtains what the Senate wants. It has been a very difficult proposition. It has been very difficult to get the House and the Senate together. I have been surprised that they have come together even to this extent.

What have we here? We have a declaration of the law of equality. We have a declaration that means that as the applications come in they must be granted to comply with that equality. We have a declaration that if there is not an application from the weak zone, No. 3, and there is from some other zone, that it shall be only a temporary one to the other zone, and expressly in the license stated that it is temporary.

It may be said that the commission may not carry out this law. Of course, it may not. Yet someone must be vested with this matter. It is a matter of detail. They have to keep track of the number of watts and the number of stations and everything in each of these zones for the purpose of carrying out this law. Someone must be vested with discretion in this matter, and we vest the commission with the discretion.

The Senate, for the protection of itself, provided that the life of this commission shall expire in February. After that there will be no commission. Consequently it will be up for reappointment. It went further than that. It said that until 1930 no license shall be granted for a longer period than 90 days. No matter how unfair these commissioners might be, no matter how many mistakes they might make, they will be mistakes that will be terminated at the end of 90 days, or, if the life of the commission is renewed, at the end of a period of six months. It is so fixed that they can not do irreparable damage.

They may, for instance, for a period of 90 days, do a wrong to one of the zones, but the licenses are for only 90 days' time. We have made plain by the bill and by the discussion what Congress means. The question is, Will this commission carry it out or attempt to? If they do not, then they can do injustice for a period of only 90 days at a time. When the licensees come back in February, the commission will be dead, and the President of the United States will not reappoint any of them if they have violated this law, and if he does reappoint them the Senate of the United States will not confirm them.

Mr. BROUSSARD. Mr. President, will the Senator yield to me to ask a question for information?

Mr. PITTMAN. I yield.

Mr. BROUSSARD. I think the life of the last commission expired on the 15th of this month. What would be the effect of the enactment of this measure? Would it revive the commission?

Mr. PITTMAN. It would revive the commission until February.

Mr. DILL. Until March 15th.

Mr. BROUSSARD. Of next year?

Mr. PITTMAN. Yes. The life of the commission would expire on March 15th of next year.

Mr. HALE. Mr. President, the four great stations of New York, Schenectady, Boston, and Bound Brook were in existence before the commission was appointed, were they not?

Mr. DILL. They were.

Mr. HALE. Has the power of those stations been increased since that time?

Mr. DILL. I am not sure. I am not able to answer that without looking at my notes, but my memory is that there was an increase in power in WEAF that had been authorized by the Department of Commerce before the commission came in. I think a construction permit was issued to allow WEAF to be raised to 50,000 watts. That is my memory. The commission approved that when it came in.

Mr. HALE. On account of an arrangement that had been made beforehand?

Mr. DILL. Yes. It was under no compulsion to do that, and it is under no compulsion to leave it at 50,000. An increase at Schenectady has been allowed since the commission was formed.

Mr. HALE. A great deal has been said about the favored first zone. If we take out the 145,000 watts in effect at those four great stations in February, 1927, we would have had exactly 55,000 watts in that zone.

Mr. DILL. That is exactly true.

Mr. HALE. A considerably less number of watts than in any other zone.

Mr. DILL. But there were 45,000 watts not in use at that time. I think they would have had 100,000 watts in that zone.

Mr. HALE. But it was not all being used at that time.

Mr. DILL. The Senator means by other stations?

Mr. HALE. Yes.

Mr. DILL. It is the high-powered stations that have built up the first zone.

Mr. HALE. What I want to make clear is that it is the high-powered stations that make it appear that the zone is favored.

Mr. DILL. Yes, absolutely; and the other parts of that zone have suffered, just as other parts of the country have suffered.

Mr. HALE. Is there anything in the conference agreement that will cause the commission to cut down the stations outside of the four great stations?

Mr. DILL. I think not.

Mr. KING. And permit smaller stations to be established?

Mr. DILL. It provides—

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 * * * according to population.

Of course, it would give New York a major portion, but not such a controlling position as it now has.

Mr. HALE. In the Senator's opinion, would the reduction be made largely in these great stations, or in the small stations outside? We have very little power being used now in the stations outside.

Mr. DILL. I should think it would come in the big stations. There is no way of being certain about that. That is a matter that must necessarily be argued out with the commission. But I do not see how the commission could defend these high-powered stations continuing at the expense of the rest of the country in that zone.

Mr. HALE. We have less than our share at the outside stations now.

Mr. DILL. Undoubtedly; and the reason this zone has all this enormous amount of power is due to the high-powered stations that have been located there.

Mr. CARAWAY. Is it true that if the commission saw fit it could leave the station at Schenectady with all its present power?

Mr. DILL. I doubt whether it can, under the equitable-allocation provision.

Mr. CARAWAY. Equitable allocation means whatever the commission want to say it means.

Mr. DILL. If the commission attempts to defy this law Congress will have its remedy, and I think Congress would be justified in exercising its power, after all of the discussion that has been had. It may be said in defense of the commission that the law was new; that there were differences of opinion; there was some doubt as to what Congress wanted; but there can be no doubt of the meaning of Congress now.

Mr. CARAWAY. I am at a loss to know how the commission could ever have interpreted the law as it did.

Mr. DILL. I am, too, with respect to the equitable distribution to the whole of the country.

Mr. KING. Mr. President, the argument just now made by my friend from Washington was made when the present law was under consideration, namely, that the measure was clear and unmistakable, and that the commission would not dare to transgress it; that its duties were clearly mapped out, and that if they failed to live up to the requirements of the statute Congress had its remedy.

Now, my friend is making the same argument, for the same commission, at least some of them, that he made when the present law was under consideration. I was just wondering what the basis of his hope and his faith is for the proper interpretation of the law in the future, when there has been such a misinterpretation up to date.

Mr. CARAWAY. Is there any way possible by law to remove from the minds of announcers the belief that they are funny? I would particularly like to get rid of that.

Mr. OVERMAN. Mr. President, I want to ask a question of the Senator from Washington. I understand that the stations are to be licensed for only 90 days?

Mr. DILL. Yes. They are licensed for only 60 days at the present time, but they can not be licensed for more than 90 days.

Mr. OVERMAN. How about licenses now in existence?

Mr. DILL. They are for 60 days.

Mr. OVERMAN. For the stations in New York?

Mr. DILL. Yes.

Mr. OVERMAN. Then any new station that is licensed will be licensed for 90 days?

Mr. DILL. It can not be for more than 90; it may be less.

Mr. OVERMAN. And after the license has expired, they must apply for another license?

Mr. DILL. They must apply for a renewal of license. I want to say to the Senator that we may criticize the commission for many things, but that is one thing in which they have certainly tried to protect the interests of the people. They have tried to improve the situation whenever it needed to be improved in that they have not granted any licenses for long periods of time.

Mr. BRATTON. Mr. President, it is not my purpose to take very much of the time of the Senate in discussing the conference report. The situation is so vital and affects the people of the country in such a peculiar way that I feel justified in making a few observations with respect to conditions, and what I conceive to be the contributing causes thereto.

I think the discussion this afternoon has illustrated one fact beyond question, and that is that the country at large is displeased and dissatisfied with the present administration of radio, that new science which is having so much to do with disseminating knowledge and entertainment among people throughout the country. I think that members of the commission might well take note of that fact. If there is any section of the country that is satisfied with the present situation, unless it be the first zone, I am not acquainted with the fact.

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

The PRESIDING OFFICER (Mr. STEIWER in the chair). Does the Senator from New Mexico yield to the Senator from New York?

Mr. BRATTON. I yield.

Mr. COPELAND. I would not have the Senator believe that in the first zone there has not been dissatisfaction. There are a great many who have applied to me for assistance before the commission and I am frank to say that in most of those instances it was found that they did not have the financial backing and the wherewithal to make a success of the station. My purpose in rising was to make clear that New York by all means has not had everything it wanted in the matter of radio stations.

Mr. BRATTON. I appreciate the correction on the part of the Senator from New York. I accept it.

Mr. President, the situation is not free from its difficulties. Under the terms of the law we continue a commission already created for the purpose of administering the law. The first part of the amendment contained in the conference report declares a principle. It is declared in this language:

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

I think no one can dispute the fairness or accuracy of that declaration of principle. A fair and an equitable distribution of broadcasting service, both of transmission and reception, is all that the people can request or expect. The remainder of the provision has to do with details in carrying the declaration of principle into effect. That is all it does. It provides the details with which the principle shall be administered in this 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; and shall make a fair and equitable allocation of licenses, wave lengths, time for opera-

tion, 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.

If the commission in administering the law will follow that mandate of Congress, there can be no serious inequality or injustice visited upon any section of the country. The bill first declares for a fair and an equitable distribution of the privilege and the power. The first declaration of administration in carrying out the principle is that the wave lengths and the other administrative features shall be allocated among the States, the District of Columbia, and the territories within each zone according to population. The proposed law then continues:

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.

I have no complaint to make with the fabric of the law. I have said previously to-day, and I repeat it now, that I think the conferees have evolved a very satisfactory and wholesome law. I desire to compliment the members of the conference, particularly the Senator from Indiana [Mr. WATSON] and the Senator from Washington [Mr. DILL] for the painstaking and careful manner in which they have dealt with the subject.

What I am concerned about is the administration of the law, because if the future is to be judged by the past I think the masses of people of the country have just cause to be apprehensive that equitable treatment will not be accorded them, but that monopolistic control will continue to run rampant and with rampage throughout the country.

The figures, maps, and data furnished the Senate to-day are startling. I have received complaints about the constantly decreasing standards of service that have been accorded radio patrons throughout the country. It is easy to understand now why those complaints have been reaching us so frequently and so continuously. The suggestion that the members of the commission have been impotent and inert or anemic, so to speak, because they had not been confirmed, simply strikes at the intelligence of the Senate. That is no excuse nor justification. It does not appeal to anybody. They must know, as we know, that until they were confirmed or rejected they have the power to go forward and administer the law just as actively and faithfully as they would have after confirmation; not only that, it was their duty to do so, and any statement that they have failed to act because they have not been confirmed simply raises a doubt in the mind as to whether they should be confirmed. I shall content myself with making this statement: It raises a serious doubt as to whether they should be confirmed.

I think the independent broadcasters have not received fair nor equitable treatment. I think they have suffered an unjustified discrimination. I think no theory can be advanced which supports the treatment accorded the independent broadcasters in the country by the present commission. I do not say this as to all members of the commission, because I think their degree of fidelity has differed in a marked way. Some of them have been active. Some of them have met the responsibilities and duties of their office. Some of them have served their respective districts with a high degree of efficiency. But that can not be said for other members of the commission.

Mr. President, I intend to vote for the conference report, although I wish it were possible to accord the independent broadcasters of the country some safer mandate and greater assurance that they will receive better treatment than the present law grants them. I do not think that is possible now. I hark back to what the Senator from Nevada [Mr. PITTMAN] said a few months ago, that the present law forbidding the issuance of any permit or license beyond a 90-day period protects the people of the country against any vested right that might operate to their injury upon a permanent basis. The present law gives the Congress the right to protect the people in the way of refusing to confirm the commissioners as and when their nominations reach the Senate for confirmation or rejection. The protection, therefore, is dual; it is two-fold. I think the people of the country must depend upon the commission to administer the law, upon the Congress to improve the law, and upon the Senate to protect them in carefully considering nominations for membership on the commission. If the present intolerable condition continues, if it is not corrected forthwith, if the commission continues to be impotent and inert, contending that it is impaled with nonconfirmation, I see but one thing for the Senate to do and that is to reject those assuming that attitude and have other commissioners appointed who will administer the plain mandate of the law, clearly amplified and interpreted by what has been said upon the floor of the Senate to-day.

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

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Utah?

Mr. BRATTON. I yield.

Mr. KING. The Senator stated that the Senate has the power to correct wrongs which may result from maladministration or misinterpretation of the law by refusing to confirm the commissioners who may offend. I am sure the Senator, upon reflection, will concede that this remedy is inadequate. He will recall many instances where the Senate has refused to confirm appointees of the President, not from partisan or capricious motives, but because it was believed they were incompetent or otherwise disqualified; but notwithstanding the Senate's action, the President reappointed them, sometimes during the term when they were rejected, and in some instances after the adjournment of Congress. In the cases I am referring to the rejected and reappointed persons continued to act as de jure and defacto officials until the next session of Congress, when their names were again transmitted to the Senate and they were again rejected. It seems to me that if the people are to be protected solely by the power of rejection by the Senate, it is rather a slender reed upon which to rest. In my opinion, with the experience which we have had, with the great amount of study which has been given to this important question by members of the Committee on Interstate Commerce, as well as by other Senators and by the other branch of Congress, a measure broad and comprehensive, one that would deal effectively with this important question, should be presented for our consideration.

It seems to me we are somewhat—shall I say derelict? That is too strong a word. We are not sufficiently cognizant of the evils from which the people are suffering in what I may call the radio world. Perhaps we are too indifferent to the injustices arising from the monopolistic control of a beneficent force or power, which like the air of heaven should be free to all. That some organizations have been too powerful and have sought and achieved monopolistic control of stations and wave lengths can not be denied. It is far from certain that the measure before us, which we are asked to approve, will secure justice and equality to individuals or sections of our country. It is conceded that the bill agreed upon by the conferees is defective and imperfect, but it is hoped that it will improve present conditions and that the commission charged with its enforcement will properly interpret its provisions.

Why not write a bill that will protect the people, that will carry out the wishes of Congress, that will inspire the confidence of the people in its justice and merits? Congress will be in session for several months, and it seems to me that we can serve the people in no better way than to recommit this bill and give the conferees further opportunity to consider it and all questions involved and to reframe the measure and bring back to the House and the Senate a bill which will be protective in all its provisions and just to all portions of the United States.

May I call the attention of the Senator from New Mexico to the fact that the independent producers of the instrumentalities employed in the radio industry and business are being injured and in many instances destroyed by the Radio Trust? The testimony given before the Committee on Patents shows the power of this trust; the Senator from Washington [Mr. DILL] and other Senators have examined witnesses, and the information brought to the committee reveals the tyranny and the oppression of the trusts that have gotten the radio business by the throat. They have secured control of the instrumentalities used in the radio business, and the Electric Trust and the Radio Trust—and I differentiate the two—are oppressive, as are other trusts in the United States. We could, and perhaps we should, deny the use of any wave lengths or any license to a trust or monopoly. If a license were denied, it would ameliorate the condition and greatly relieve the people from the abuses from which they have suffered.

Mr. BINGHAM. Mr. President, would the Senator from New Mexico be so good as to yield to me before the Senator from Utah takes his seat?

Mr. BRATTON. I yield with pleasure to my friend from Connecticut.

Mr. BINGHAM. I thank the Senator. Does the Senator from Utah believe in a commission form of government?

Mr. KING. No; I detest and abhor commissions. The more commissions we have—and we have hundreds of them not only in the Federal Government but in the States—the sorrier is the condition of the people.

Mr. BINGHAM. The Senator from Utah remembers that I was one of the few who objected to the creation of the Radio Commission in the beginning, because I agreed with the Senator that it is a useless method of seeking remedies for diseases which can be cured in another way. We ought not to try to impose on a commission duties that belong either to the executive branch of the Government or to the legislative branch. It has given me a certain sad satisfaction to-day to hear the testimony that radio service has been worse since the law establishing the commission went into effect. When we read the RECORD of a year ago we find that great things were promised if we would only set up the Radio Commission.

I do not intend to prolong the debate or to keep my friend the Senator from New Mexico, who has so very generously yielded the floor to me, on his feet any longer than is necessary. I merely want to say that it seems to me a pity, in view of what the commission has done and has not done, that the committee of conference could not have written a different bill, so as to have arranged that Congress might grant the licenses in the different parts of the country, just as Congress to-day grants the licenses for the construction of bridges over navigable streams.

Congress does not give that power to a commission or to an executive officer of the Government. It is a minor matter, but such questions are brought to the attention of our committees, and no one complains that Congress interferes with the navigability of streams. If we can do that as to bridges over streams, why can we not do it in the much more important matter of saying who shall have the privilege of broadcasting through the air?

I had hoped that the committee of conference might work out some scheme whereby the Congress might grant the licenses after hearings by an impartial committee and then might place in the hands of an administrative officer of the Government the task we give to the War Department in the case of bridges of seeing to it that the licenses thus granted shall be properly used and that the "navigability" of the air, if I may use that expression, be not interfered with. I thank the Senator from New Mexico.

Mr. DILL. Mr. President, I want to say, in reply to the Senator from Connecticut, if Congress is going to allot the wave lengths, that we had better establish another House of Congress or not expect to do anything else in a legislative way when we meet here.

Mr. BRATTON. Mr. President, I have great respect for the views expressed by the Senator from Utah [Mr. KING] and for the views expressed by the Senator from Connecticut [Mr. BINGHAM]. I think there is much foundation for their statements, but we are now dealing with a conference report. That is the legislative situation. I repeat that the proposed law declares for a principle against which there can be no sound argument. At the outset it is stated:

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

That is the declaration of principle contained in the bill. Then the proposed law turns to the question of administering the principle thus declared. The Senator from Connecticut has discussed a matter of administering the principle declared in the bill. It may be that his suggestion of a better procedure or machinery to administer that principle is sound; it may be that it is better than the procedure proposed to be set up in the bill; but it would involve a great deal of thought, much research, and no small amount of labor; and under existing law, which confines licenses to periods not to exceed 90 days, no substantial injury can be sustained, because no vested, continuing right can be acquired.

If later in the present session of Congress or in the next session or thereafter it shall be determined that the procedure suggested by the Senator from Connecticut is more wholesome than the procedure established under existing law, Congress will be free to follow his suggestions and enact them into law. The same thing may be said in reply to the observations made by the Senator from Utah [Mr. KING], but our failure now to undertake to write a bill which will prescribe more in detail the administration of the law will not bring any permanent injury to anyone. The procedure will simply be confined temporarily to the duration of the present law and subject to remedy by legislation at any time hereafter.

Mr. President, I think those two factors add a larger degree of protection than merely the right to reject the nomination of commissioners as suggested by the Senator from Utah. If we were confined alone to that remedy, I should say that the public would not have adequate protection because if, when their nominations were confirmed by the Senate, the commissioners would have the right to establish a permanent condition, that would affect the people for all time, carrying with it the power of persons or corporations to acquire vested rights; the public, in my judgment, would not have any adequate protection.

Mr. KING. Mr. President, will the Senator yield for a moment?

Mr. BRATTON. I yield to the Senator.

Mr. KING. From statements made during the debate, particularly by the Senator from Washington [Mr. DILL], it would seem that the nominations of all of the commissioners except one should not be confirmed. I take it that the approval of this conference report will not commit the Senate in any way to the proposition that the nominations of all of the commissioners will be confirmed by the Senate.

Mr. BRATTON. Certainly, Mr. President, I should not want now to be a party to any such agreement or committal. That is a separate matter. But what I had in mind and was endeavoring to say when the Senator from Utah rose to make his observation was that the power of the Senate to reject the nominations of commissioners, coupled with the added fact that the commission itself can not grant vested rights, so that it is impossible for persons to acquire vested rights under any act of the commission, because the licenses are temporary in duration—I think no permanent injustice can be visited upon the country under this bill. If any injustice is brought about, its duration can not extend beyond the life of the legislation itself. Thus the situation is always subject to correction by Congress.

Mr. President, I complain emphatically against the present situation. I think it can not be defended. Whether it is brought about by acts of commission or omission on the part of the commission I do not say. I think some of the commissioners should be absolved from any responsibility for existing conditions. Nevertheless I am entirely dissatisfied and complain in the most emphatic way about the situation in the country. Conceding all this, I think the conference report should be adopted because of the safeguards to which I have already adverted. I intend, therefore, to support the conference report sponsored by the Senator from Indiana [Mr. WATSON] and the Senator from Washington [Mr. DILL], who have given this subject prolonged consideration and painstaking care. In my judgment they have devised a very wholesome piece of legislation.

Mr. BLEASE. Mr. President, I have been very much gratified this afternoon with the arguments on the radio bill. I do not know when I have enjoyed so much pleasure. In the Sixty-ninth Congress, on the 18th of February, 1927, when the radio measure was before the Senate, I addressed the Senate regarding it. I am not a prophet nor the son of one, but I predicted then just what would happen if the radio bill which was then pending should be passed.

Any man, it seems to me, who realizes that we are living in a free country—or at least, we think we are, and that ours are a liberty-loving people—should begin to appreciate that they are tired of being restricted; they are tired of having the Congress of the United States deliberately, cold-bloodedly, with malice aforethought, steal all the powers which the sovereign States of the Union reserved to themselves when the bill of rights and the Constitution of this country were adopted and ratified.

I see there are two maps hanging on the wall. One of them is marked "relief map." Well, if that is relief, God save the people when they come to grief. I think the map over here [indicating] marked "chain stations" is very much more appropriate, because if there ever were a people being put in chains by its Congress the people of the American Nation may certainly be so described.

Why should we attempt to enact in this House cheap, petty, political legislation? I read into the RECORD in the Sixty-ninth Congress—and it is to be found on page 4155 of volume 68, part 4, of the CONGRESSIONAL RECORD of that Congress—a letter from a man connected, and very largely connected, with the radio business, in which he deliberately stated that if the radio bill then pending should be passed it would be the purpose of those who would have control of it to do just exactly what has been done.

Some Senators laughed at it. Some people said it should not have been put in the RECORD; it was folly. I notice now, 13 months afterwards, that the very Senators who stood upon

this floor and laughed at that man about that article are standing here to-day and condemning that bill in as strong language as could be used upon the floor of the Senate and stay within parliamentary usages.

I noticed some time back a little article headed:

WATSON TAKES AIR—DEFENDS RADIO ACT

Senator JAMES E. WATSON, Republican, of Indiana, "took the air" last night in defense of the Federal Radio Commission.

Speaking from the studio of the National Broadcasting Co., WATSON recalled the chaos that existed at the time the radio act was adopted, reminded his invisible audience of the Herculean task that the commission has had in clearing the air, and said:

"And it is my deliberate judgment, after a careful survey of the entire situation, that the Radio Commission has fully justified its creation and that, notwithstanding the many disappointments that its decisions have occasioned, it ought to and will receive the unstinted support of a grateful people."

I knew then that when my very distinguished friend from Indiana—one of the ablest statesmen, I think, in this country, and a man who is very popular, and justly so—rallied to the defense of this baby, the bottle was just about empty of milk. I knew then that when he took his time off of Indiana and went out to make speeches in defense of this illegitimate child of somebody there was something hidden, something that had not yet been brought to light. But we have seen it to-day, and I have enjoyed seeing it very much indeed. Even one of their own cabinet, Mr. Jardine, had this to say about it:

JARDINE PROTESTS INTERFERENCE WITH FARMING PROGRAMS—SUGGESTS RADIO COMMISSION REFUSE WAVE LENGTHS THAT WOULD DISRUPT PLANS—MICHIGAN TO BROADCAST COURSE OF INSTRUCTION—HOME ECONOMICS, SCIENCE, AND ARTS TO BE INCLUDED IN LESSONS GIVEN

By Robert D. Heinl

If anything gets the worst of it in the merry war of further clearing up the ether this fall, it surely will not be the programs of the agricultural colleges. The first suggestion of this was a letter from Secretary of Agriculture Jardine to the Radio Commission. He suggested they refuse to grant wave lengths or increased power to any stations which might interfere with farm programs.

Another bit of handwriting on the wall was the appointment by President Coolidge to the Radio Commission of Sam Pickard, of Kansas, formerly in charge of the United States agricultural radio service.

Likewise, strong reinforcements will come from Representatives and Senators—and even the presidential candidates—who, especially ahead of the election next year, may be expected to champion the farmers' cause with unusual vigor.

However, it looks as if Secretary Jardine has beaten them all to it, for, although as far as anyone can recall the Federal Radio Commission has not refused any farm station anything it has asked for, he has evidently adopted a "you've-gotta-quit-kickin'-my-houn'-dog-around" attitude.

JARDINE SERVES NOTICE

Maybe Secretary Jardine didn't intend going as strong as that, but in what was construed in some quarters to be his ultimatum to the Radio Commission he said:

"The Agricultural Department understands that there are several cases before the commission in which commercial and private organizations are soliciting the commission to increase the strength of their stations and lengthen the period of sending, a situation which if complied with by the commission might result in seriously interfering with the cooperative public radio program of the department and the colleges.

"This is to suggest to the commission the desirability in the public interests of protecting the agricultural colleges against outside interference by refusing to grant to private concerns and commercial agencies power or wave length that would in any way interfere with present cooperative radio programs of the agricultural colleges and the Department of Agriculture."

Mr. Jardine went on to say that the Government at the present time is contributing annually about $7,000,000 in support of the agricultural college extension work. The State and county governments, in cooperation, are contributing $13,000,000 more annually in connection with the same work.

The Agricultural Department and the colleges are assisted in this work by about 200,000 farm men and women acting as local leaders, and 1,500,000 demonstrators. A large number of agricultural colleges are extending their agricultural service by means of radio.

FARM COURSE ANNOUNCED

An example of this is the broadcast by radio of the winter special courses from station WKAR by the Michigan State College of Agriculture at East Lansing. They are to begin January 10 and will run until May 1.

"During the 16 weeks, 32 courses, totaling 320 lectures, will be given by 124 men and women representing 20 departments of the college," John D. Willard, chairman of the Michigan State College radio committee, said. "This winter's schedule includes courses in agriculture, home economics, science, liberal arts, and engineering. Cordial acceptance of the radio offerings in the past two years leads the radio committee to the belief that WKAR can render the greatest service by using the 7 to 8 evening hour for courses of instruction and by using the noon hour for service broadcasts, special announcements, and informative lectures that are not parts of organized courses.

"Most of the radio courses offered this winter are supported by references to textbooks or bulletins, so that the listener may follow the subject more deeply. Such references will be mailed at the beginning of the course free of charge to any who ask for them.

"During 1927 the Michigan State College is undertaking a much wider service to the people of the State than has heretofore been possible. The office of continuing education has been established to make all parts of the institution useful to those who can not come to the college as resident students. Extension work in agriculture and home economics will be enlarged and strengthened. As funds permit, extension work in arts, science, engineering, and veterinary medicine will be developed. The radio courses are an important part of this plan of larger service.

"Reading courses and correspondence courses are in preparation, some being now ready for enrollment. It is the hope that before the close of 1927 the opportunity for a continuing of education may be made real to anyone in the State, regardless of isolation, distance from schools, lack of early educational opportunity, or other handicaps of location or occupation."

TOPICS TO BE DISCUSSED

Among the topics upon which special instruction will be given are poultry, forestry, fertilizers and manures, soil preparation, feeds and feeding, farm explosives, outlook for agriculture, forecasting the weather, chemistry in agriculture, and other subjects of importance to farmers.

Michigan State, of course, is but one of the many agricultural colleges now extending its courses by radio. However, the thoroughness with which its program for the forthcoming year covers the subject serves as a good example of what others are doing. And with this as a background, and such agricultural champions as Secretary Jardine, Commissioner Sam Pickard, and numerous Senators and Congressmen backing up the work, it may be readily imagined how it will be developed in years to come.

That article is from the Washington Post of Sunday, November 13, 1927.

I also have here an article from the Evening Star of Washington, D. C., of Friday, November 25, 1927, headed:

FARMER AND SMALL-TOWN LISTENER TO GET GOOD RADIO SERVICE, COMMISSIONER SAYS

The farmer and the small town listener are entitled to good radio service, and the Federal Radio Commission is going to see that they get it, says Sam Pickard, member of the commission from the Middle West.

"In the business centers and densely populated districts, where most broadcasting stations are located, listeners get good service," Pickard said. "Outside the larger cities, however, where distant stations must be relied on, particularly in the South and parts of the Middle West, reception often is poor."

Mr. Pickard's declaration of the commission's determination to protect the interests of the rural-radio fan was made in connection with the announcement that plans are under way to clear at least 40 channels of interference.

"To the farmer," he said, "radio means more than an appreciated form of entertainment. The radio service of the Department of Agriculture and of agricultural schools is regarded by many as a vital business adjunct. One hunderd and six radio stations, in 39 States and the District of Columbia, were broadcasting farm and home programs and the Department of Agriculture, November 1, all important in rural districts. Most farmers depend upon radio market reports for their business information, so it is vital that they receive without interference."

Thousands of farmers write to the department requesting programs having to do with the most economical way of fattening hogs for market, clover as a soil builder, improvement of country roads, control of disease in livestock, and hundreds of other farm problems. One farmer asked for information on whether "to sell or not to sell the farm."

Farmers have complained that they frequently miss portions of the talk due to static, faulty enunciation, or too rapid speaking. For this reason the department supplements the talks with printed information.

A North Carolina county agent quotes one of his friends as saying: "I wouldn't be without three things on the farm—radio, the telephone, and the automobile."

Listen, now, to what one man says. The Senator talks about what they are going to do if the commission does not do so-and-so. Why do you not do it now? What is the use of waiting when a man puts this kind of a statement in your face?

Commissioner Caldwell, stating that a great number of Senators had called upon him and the other members of the commission for the purpose of interceding for their constituents, but that they refused to do anything and that they proposed to rid the air of all so-called interference, Commissioner Caldwell stating that he was not responsible to anyone in the matter except to the President of the United States, and that what he was doing had the approval of the President.

If so, I am still more glad that the Senators who have spoken to-day have been so emphatic in their denunciation of the present law and the way in which it is being carried out; but, as has been well said by the distinguished junior Senator from Utah, if these men are not confirmed, if, as Mr. Commissioner Caldwell says, they are doing what the President of the United States wants them to do and is approving of their doing, there is not anything to keep him from reappointing them immediately on this commission and keeping them on the people. As he well said, appointments have been made; the Senate has refused to confirm; they have been held over until the next session; as soon as the Senate adjourned they have been reappointed, held over into the next session, and the second session and the third session have been used by one of the Presidents of the United States to keep a man in a public office. Finally, after keeping him there for several months, possibly two or three years, his friends, in order to get rid of this difficulty, persuaded him to send a distinguished colored citizen to Liberia and get him out of South Carolina, for which we thanked Mr. President Roosevelt very much indeed.

But why not send this report back, as was well said here? We have plenty of time. We are killing time now. It does not take a Senator to see that the Senate is killing time every day. We are merely wagging along. There is hardly ever a quorum present. Nothing is being done of any importance to the American people. Why? Because there is a presidential election right ahead, and neither side is particularly anxious to do anything. That is the truth, and the world knows it. We need not try to think that we are the only people that know it. Different bills are being sidetracked. Then can lie over, because neither the Democratic Party nor the Republican Party wants to act on them now, and take the responsibility before the American people in November.

If we are going to kill time, as has been well suggested, why not send this report back and let these gentlemen take it and write a bill that they are satisfied with? They themselves admit that they are not satisfied with this one. They themselves, the men who have studied it the most, the experts here, admit that it is not what they want.

No, Mr. President, it is not what the people want but it is what some interests want. It is what the people want who are controlling radio. It is what the people want who do not want anything but certain speeches to reach the American people during the summer. It is what some people want because they can choke this commission and make them do whatever they want them to do, to the detriment of thousands of American citizens who have a right to the same treatment in any section of the American Nation that any man or woman has in any other section of the American Nation. So why should we hurry?

Mr. President, I have some letters in this connection—one from the executive secretary of the Radio Protective Association, of Chicago, and another from the Technical Radio Laboratory, of New Jersey. In order to save time, I should like to ask that they both be printed as a part of my remarks.

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

The matter referred to is as follows:

RADIO PROTECTIVE ASSOCIATION (INC.),
Chicago, February 2, 1928.

Hon. C. L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR BLEASE: Thank you for the interest you have taken in the fight to save the great radio art from the Radio Trust, and which you manifested by inserting in the CONGRESSIONAL RECORD some important documents bearing on that fight.

I take the liberty of inclosing a pamphlet which sets out the case of the independent manufacturers against the Radio Corporation of America, as well as the resolutions passed by our membership at our Cleveland convention.

The Radio Protective Association is made up of outstanding independent manufacturers in the radio industry, and has sought by every means in its power to check the aggressions of the Radio Trust and to prevent the latter from destroying its independent competitors under the pretense of an alleged patent situation.

Our members will appreciate your continued interest in this fight. So will the American people, for there can be no greater menace to a republic than a monopoly of so important a means of mass communication as the radio.

We understand that hearings will be held by the Senate Committee on Patents next Wednesday on the bill introduced by Senator DILL, which would forfeit the patents of corporations convicted under the antitrust laws. The enactment of that measure into law would be a most formidable weapon against the Radio Trust, which has been a notorious offender in this abuse of patents.

I hope that you will find it possible to attend those hearings.

Sincerely yours,

OSWALD F. SCHUETTE,
Executive Secretary.

TECHNICAL RADIO LABORATORY,
OPERATING RADIO WTRL STATION,
December 23, 1927.

Hon. COLEMAN L. BLEASE,
Senator from South Carolina, Washington, D. C.

MY DEAR SENATOR: Do you realize how the Federal Radio Commission has throttled radio broadcasting?

Do you realize that the commission has practically deeded the air to the national broadcasting group?

The situation merits inquiry and action on your part, particularly in view of the fact that the commissioners responsible therefor are about to come up before you for confirmation of their appointments—Commissioners Caldwell and Pickard.

Let us illustrate the situation of the small broadcaster by our case:

We operate a broadcasting station at Midland Park, Bergen County, N. J., call letters WTRL, which the commission has restricted to a very small station, on a channel of 1,450 kilocycles, or 206.8 meters, and power of 15 watts. You can appreciate that this channel and power are so low as to make the station practically unusable.

Since last June we have been trying to obtain a usable channel from the Federal Radio Commission and also an increase in power, but we have only been met with rebuff after rebuff and we have come to a strong realization that a small broadcaster might just as well butt his head against a concrete wall as to try to get anything from the Federal Radio Commission.

The situation created by the commission is extremely unfair and unjust and merits your attention, because the commission has and is discriminating against the small broadcasters of New Jersey, and the rest of the country, in their campaign to grant a complete monopoly of the air to the National Broadcasting group, which is dominated by the Radio Corporation of America.

For the purpose of helping out the commission and getting away from the New York congestion, we applied to the commission to move the station to Long Branch, but on encountering opposition from the Asbury Park station, we decided to move to Trenton and apply for channel 770 kilocycles, after consulting our engineers, one of whom, Paul E. Ware, is one of the leading radio engineers of the country. At first we took the matter up with Commissioner Caldwell of New York, and after the usual "buck passing" on his part, he finally told us to consult our engineers and select wave length, which we did, selecting said wave length of 770 kilocycles. When we submitted this wave length to him, he hemmed and hawed and thought that it would cause interference with three stations in Chicago. We immediately consulted our engineers again and obtained written reports to show that there would be no such interference.

When we showed these letters to Commissioner Caldwell and formally applied to the commission for this channel of 770 kilocycles, then for the first time and out of a clear sky, and apparently in furtherance of their elimination of the small broadcaster in New Jersey, Commissioner Caldwell informed us that New Jersey had greatly exceeded the power to which it was entitled, and that it had approximately 48,000 watts. We immediately called his attention to the fact that he was doing New Jersey a grave injustice by charging us the power of the New York stations, which merely have their plants in New Jersey, and their stations and studios in New York and who are regarded by the radio industry and the public, and also by the commission, as belonging to New York, which stations have approximately 40,000 watts out of the 48,000, and that this was discrimination and certainly did not show that the commission was acting equitably in the matter.

It is plainly manifest that the commission has absolutely decided irrespective of the legal and property rights of small broadcasters, and without giving any consideration to their taking of their property without the constitutional due process of law and compensation, to set aside the air for the National Broadcasting group.

The commission (in public announcements and according to a letter which our attorneys hold of Commissioner Caldwell, dated October 24, 1927) has formulated a policy to drive off the air all small broadcasters in channels from 300 meters (which is the beginning of the good channels) to 550 meters (which is the highest channel), there being approximately 40 wave lengths in these channels, 90 per cent of which have been exclusively granted to stations of the National Broadcasting group, and which have full time and power run-

ning as high as 50,000 watts. When you realize that the National Broadcasting group operates two chains which only require two channels for their broadcasting, instead of the 35 or 36 given to them, one realizes how unfair the commission has been to the small broadcasters and that a monopoly has been created, in the name of the Government, of this remarkable and important method of communication.

By a very clever and one-sided publicity bureau maintained in Washington, the public has only received the commission's viewpoint of broadcasting and the necessity for eliminating the hundreds of stations, so as to give the radio public a great variety of noninterfering programs, when, in fact, this variety has been reduced to two programs and is solely in the interest of establishing a monopoly of the air in favor of the said group.

Editorial opinion is awakening to the fact and is beginning to wonder why the commission desires to eliminate practically all the small broadcasters when the operation of several stations have shown that several stations may broadcast on the same channel and in the same vicinity without any interference whatsoever.

On December 6, 1927, an editorial appeared in the Newark Evening News which reads in part, as follows:

"The art of broadcasting is definitely limited for a long time to come to some ninety 'communication channels.' The number of stations which may comfortably operate within these ninety-odd channels is variously estimated as lying between 150 and 450. The interesting thing at this time comes in the form of an announcement from Washington that the Federal Radio Commission may exterminate half of the existing stations.

"Certain facts with respect to present operation and the present state of the art are generally well known. Among these, two now stand out. First, broadcasting stations which regularly tie in with three major chains reach a total of about 65, and in so doing cover some 60 of the total of ninety-odd available channels. Second, stations WBZ at Springfield and WBZA at Boston have been in simultaneous operation, utilizing the same channel, for close on to a year, with complete success and unexpectedly gratifying results.

"It is but natural that one ask why all stations tied in with a chain can not utilize the one channel. It is possible technically. It is actually now being done. The expense involved can not serve as an excuse. It is vanishingly small as compared to the magnitude of the immediate benefits which would derive to the chain broadcasters themselves, the public, and the art as a whole."

Just appreciate our position. Here we are a small broadcaster in New Jersey; eminent engineers advise us that 770 kilocycles is an open channel, we apply for this channel, and the commission first advises us that they can not give us this channel, because they have cleared this channel for one large national group, and that it may cause interference with three stations in Chicago, thousands of miles away, when our engineers, one of whom is one of the most eminent in the country, explodes this reason; then the commission tells us that New Jersey has too much power, and for this reason denies our application.

Is this fair to a citizen of the United States?

So as to substantiate our statements, we have prepared and inclose a blue print showing the extreme favoritism and partiality which has been given to the large group, to the detriment and exclusion of the small broadcasters.

When our attorneys wrote a vigorous letter to Commissioner Caldwell, calling his attention to this situation, he had the temerity to offer us a public hearing, and also to write us that reports had come to him that we were off the air, etc. We immediately advised the commissioner, so greatly interested in the public convenience, etc., that we did not propose to go through the futile performance of a public hearing, by which we could hope to gain nothing except to give the commission an opportunity to build up a case upon which to base the decision which they already made against us, and also advising him that the reports which he had received were entirely erroneous and were apparently inspired by the persistency of our application for use of channel 770 kilocycles.

Commissioners Caldwell and Pickard have been unduly harsh and severe, and have practically crushed the small broadcaster. Commissioner recently made statement that commission was now "hard-boiled" and would proceed further and wipe out still more, 300 of the 600 stations. What an outrage this will be if permitted.

You have many great national problems to consider, but radio broadcasting is also a great national problem and one that holds forth such a great opportunity for enlightenment and improvement; and the commission should not be permitted to throttle the same and destroy the rights of small broadcasters.

The commission apparently does not give a "hoot" for anyone, Commissioner Caldwell stating that a great number of Senators had called upon him and the other members of the commission for the purpose of interceding for their constituents, but that they refused to do anything and that they proposed to rid the air of all so-called interference; Commissioner Caldwell stating that he was not responsible to anyone in the matter except to the President of the United States, and that what he was doing had the approval of the President.

We feel that the attention of every Senator should be called to this situation, and we are therefore sending a like letter to every United States Senator. This may result in the commission giving the small broadcasters the consideration to which they are entitled, and also result in a fair and equitable solution of the radio broadcasting problem in accordance with the spirit, as well as the letter, of the Federal radio act.

We beseech your interest and cooperation.

Respectfully yours,

TECHNICAL RADIO LABORATORY,
By D. W. MAY, *General Manager.*

Mr. BLEASE. I also hold in my hand resolutions adopted at the convention of the Radio Protective Association held at Cleveland, Ohio, December 7, 1927, in which they set out some of the abuses and some of the facts; and accompanying it is a resolution addressed to the honorable the Federal Trade Commission of the United States, asking for relief in this matter, which I also ask may be printed in the RECORD.

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

The matter referred to is as follows:

Resolutions adopted at the convention of the Radio Protective Association held at Cleveland, Ohio, December 7, 1927

RADIO PROTECTIVE ASSOCIATION (INC.),
134 South La Salle Street, Chicago.

To the honorable the Senate and the House of Representatives in Congress assembled:

Whereas the framers of the Constitution of the United States, to stimulate and foster creative ability and genius by rewarding inventors, gave Congress the power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries," and pursuant to that power Congress has by patent statutes given to inventors, for limited periods, the right to exclude others from using, making, and selling the specific invention described in a specific patent; and

Whereas Congress has forbidden combinations in restraint of interstate commerce and attempts to secure monopolies, and the courts have repeatedly held that patents did not give a license to anyone to combine in violation of such antitrust laws; and

Whereas, nevertheless, the American Telephone & Telegraph Co., the General Electric Co., the Westinghouse Electric & Manufacturing Co., and other companies, under the pretense of a patent situation, have entered into agreements with each other under which they have eliminated all competition between themselves, have pooled the patents which they have acquired from a long list of original inventors in the Radio Corporation of America, and have agreed to pool all future patents they may acquire in the same corporation, regardless that many of these patents cover inventions which are in competition with each other; and

Whereas the alleged or prima facie rights granted by these patents to exclude others from making specific commodities have been so combined as the weapons of a conspiracy, backed by capital running into the billions of dollars, thus creating a show of power and resources that has been used to intimidate and oppress independent factors in the industry by imposing serious financial and engineering restrictions upon their freedom of action; and

Whereas—to cite but one instance of these monopolistic attempts—by exclusive agreements with 95 per cent of the avenues of distribution, the aforesaid Radio Trust has attempted to monopolize the manufacture of the radio vacuum tube, which, although the patents thereon have expired, is the fundamental invention that has made all radio progress possible; and

Whereas all of these illegal agreements and conspiracies have had the same object of monopolizing the radio industry, of destroying the freedom of competition therein, and of wiping out the independent manufacturer as well as the independent dealer and jobber; and

Whereas this perversion of the American patent system has and always will cast a deadly blight over the very inventive genius which it was intended to inspire with new courage and ambition; and

Whereas these restraints of trade have already greatly damaged the aforesaid independent manufacturers and merchants and have done even greater injury to the public by increasing the prices of receiving sets and other radio devices and have placed a cloud over the development of the entire industry; and

Whereas radio is the greatest social invention since the days of early Egypt and has the greatest social, political, and cultural implications for the masses of the people in the United States and throughout the world: Therefore be it

Resolved by the Radio Protective Association, in convention assembled in the city of Cleveland, as the organization of the independent radio industry of the United States, That we do hereby petition the Senate and the House of Representatives to investigate the attempts to concentrate this great social art in the hands of a monopoly which is seeking to stifle its development, and further, to the end that the

patent system may no longer be used to destroy the freedom of interstate commerce in the United States, to enact additional legislation which shall provide that individuals, firms, or corporations who may combine the alleged specific rights, given them by specific patents, to eliminate competition among themselves and thus attempt to "patent" an entire industry, shall for such wrongful use of these statutory grants, forfeit these patents in a manner similar to that provided by the act regulating the issuance of broadcasting licenses under which a broadcaster convicted of a violation of the antitrust statutes shall forfeit his rights to broadcast; and that these patents, upon such a conviction, shall be declared to have ceased to exist as such and to have become public property.

To the honorable the Federal Trade Commission of the United States:

Whereas your honorable body is now engaged in the investigation of the illegal pool of competitive patents and the illegal agreements under which said pool was formed, created, and entered into by the Radio Corporation of America, the American Telephone & Telegraph Co., the General Electric Co., and the Westinghouse Electric & Manufacturing Co., and other companies, better known as the Radio Trust, which exists in restraint of the freedom of interstate commerce and in violation of the Clayton and Sherman laws; and

Whereas your honorable body has also undertaken to investigate the violation by said Radio Trust of the Sherman and Clayton antitrust laws by certain illegal requirements imposed on its patent licensees under the so-called "tube clause" of its license agreements with other radio set manufacturers; and

Whereas said Radio Trust has not confined its efforts to restrict, in violation of the law, the freedom of commerce in radio between the several States, but has also, by illegal agreements with foreign corporations, sought to destroy and restrain the radio business of American receiving set and socket power and tube manufacturers with a foreign country, to wit; the Dominion of Canada; and

Whereas the Radio Trust has thus done irreparable damage to the radio manufacturers of the United States by the destruction of the major part of their commerce with the Dominion of Canada: Therefore be it

Resolved by the Radio Protective Association, in convention assembled in the city of Cleveland, as the representative of the independent radio industry of the United States, That we petition your honorable body to cause immediate steps to be taken to investigate these illegal agreements with foreign corporations to destroy said commerce of the independent manufacturers with the Dominion of Canada, and that your honorable body proceed at once to the fullest extent of the authority granted by law to compel said Radio Trust to cease and desist from such efforts to interfere with this commerce with the Dominion of Canada.

Mr. BLEASE. I also have a statement entitled "The truth about the patent situation and Radio Trust," sent out by the Radio Protective Association of Chicago. It is not very long. It is in pamphlet form and contains letters from different people in Chicago and New York who know what they are talking about, people who know exactly what the situation means, and the terms of the agreement. I ask that that be printed in the RECORD.

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

The matter referred to is, as follows:

THE TRUTH ABOUT THE PATENT SITUATION AND THE RADIO TRUST

(Some interesting correspondence from the files of the Radio Protective Association, 134 South LaSalle Street, Chicago)

The Radio Protective Association was organized by a group of outstanding independent manufacturers to oppose the efforts of the Radio Corporation of America to obtain a monopoly of the radio industry under the pretense of an alleged patent situation.

It is incorporated under the laws of Illinois and the charter recites its purpose to be "to promote the progress of science and the useful arts in so far as they apply to radio, and to preserve the freedom of said science and useful art." This wording is taken from the paragraph of the Constitution of the United States which sets out the only basis on which Congress is authorized to make patent laws.

The headquarters of the Radio Protective Association are at 134 South LaSalle Street, Chicago.

WHY WAS STATEMENT SUPPRESSED?

The statement of the case of the independent manufacturers against the Radio Corporation of America, which figures in this correspondence, was prepared by the Radio Protective Association at the request of the editor of Radio Retailing, published by the McGraw-Hill Publishing Co., of New York City.

But its editor suppressed the statement prepared in response to his request, and the Radio Protective Association believes that its members are entitled to know the reason given by the editor for that suppression.

TEXT OF THE CORRESPONDENCE

The following correspondence tells its own story:

RADIO PROTECTIVE ASSOCIATION,
134 South La Salle Street, Chicago, August 25, 1927.

EDITOR RADIO RETAILING,
Tenth Avenue and Thirty-sixth Street, New York, N. Y.

DEAR SIR: Ten days ago Mr. Sutliffe, your western editor, asked us for a statement that would set out comprehensively and in detail the position of the independent manufacturers in reply to the interview you published in Radio Retailing for August with Mr. Sarnoff, of the Radio Corporation of America. Mr. Sutliffe called our attention to the statement which you had printed in connection with Mr. Sarnoff's interview:

"In fairness to both sides of the patent controversy, the editors have made every attempt possible to obtain a statement from a number of the leading 'independents,' as well as from the Radio Corporation of America. Up to the time of going to press, however, several of the largest independent manufacturers who were approached by the editors were unwilling to make any kind of a presentation of their case for publication at this time. We still hope that it may be possible to persuade some spokesman for this group to outline definitely the case for the independents."

In response to this request, and with the assistance of Mr. Ernest R. Reichmann, our general counsel, we drew up a statement which set forth the position of the independent manufacturers who make up our membership. Mr. Sutliffe sent this to your office and we are now surprised to learn from him that you are unwilling to publish it.

We find it difficult to understand this attitude because we have also had letters from a number of our members inclosing your letter of August 9 asking them their position in this controversy. In your letter you say:

"We believe that the independent manufacturers have a strong and just case, but so far no spokesman for the independents has had the courage to come out and definitely uphold their cause."

When we gave our statement to Mr. Sutliffe we wrote these members and told them that we had given you a statement of the position of the independent manufacturers, and we believed they would feel that this would represent their position when they read it in Radio Retailing.

For this reason it is difficult to understand your present position, particularly in view of your statement, "so far no spokesman for the independents has had the courage to come out and definitely uphold their cause!"

Can you give us an explanation that we may send to our members?

Sincerely yours,

OSWALD F. SCHUETTE,
Executive Secretary

STATEMENT DISPLEASES EDITOR RADIO RETAILING

MCGRAW-HILL PUBLISHING CO. (INC.),
Tenth Avenue at Thirty-sixth Street,
New York, N. Y., August 29, 1927.

Mr. OSWALD F. SCHUETTE,
Radio Protective Association,
134 South La Salle Street, Chicago, Ill.

DEAR MR. SCHUETTE: We believe if the writer could sit down and have a chat with you regarding the Radio Corporation of America controversy that you would appreciate more clearly the reason why Radio Retailing feels it is not in the interest of the radio industry to publish the statement which you sent to us.

First of all, we believe what is needed now more than a rehash of gossip and rumors is a definite and logical statement of facts which will set forth the independents' position. For example, we understand there is some valid evidence concerning the background of the Alexanderson patent which would be permissible in a defense in court.

While we are just as apprehensive as your members regarding the possibilities of a monopoly in this industry, we do not believe any good will come of our giving over editorial space to hearsay. We are quite sure there is some one on the side of the independents that will contribute constructive thinking on the present crisis, which we must confess, is not contained in your statement.

If you can prepare for us a concise statement, let us say of the defense which Mr. Reichmann would undoubtedly put up in the event of a suit against one of the independents, Radio Retailing would be only too happy to have the opportunity of printing it. Of course, we believe in justice to our readers that the statement should give the names of the companies that you are representing.

Hoping that you will find it possible to contribute an article of fact rather than one which indulges in personalities, we are

Very cordially yours,

WILLIAM C. ALLEY.

A REPLY TO THE EDITOR

RADIO PROTECTIVE ASSOCIATION,
134 South La Salle Street, Chicago, September 3, 1927.

Mr. WILLIAM C. ALLEY,
Radio Retailing, McGraw-Hill Publishing Co.,
Tenth Avenue at Thirty-sixth Street, New York, N. Y.

DEAR MR. ALLEY: We have your letter of August 29, explaining why Radio Retailing would not use the statement which we prepared, at your request, as the answer of the independent manufacturers to the interview you printed in the August issue of Radio Retailing, with Mr. David A. Sarnoff, vice president and general manager of the Radio Corporation of America.

Your explanation of your refusal to print that answer is even more amazing than the refusal itself. For in it you say: "What is needed now more than a rehash of gossip and rumors is a definite and logical statement of facts. * * * We do not believe any good will come of our giving over editorial space to hearsay."

The statement we prepared for you contains not a single line of gossip, or "rumors," or hearsay. It confines itself exclusively to the egally established facts that underlie the radio situation, taken from the records in the hands of the United States Government and the courts and including the terms of the Radio Corporation of America license agreements which Mr. Sarnoff said in your own interview were "well known to the radio trade."

True, these are the very facts which the Radio Corporation of America is now most anxious to keep out of the minds of the great radio buying and listening public. For that public constitutes the final court of appeals in this issue.

Nor does our statement "indulge in personalities" as you say in your letter. In charity, we can only express the belief that maybe, after all, you have not even read it. There is no personality in it. It refers to Mr. Sarnoff, courteously, and by name, only because it was an interview with him which you asked us to answer.

It is truly a remarkable suggestion on your part that the statement should have contained the "valid evidence concerning the background of the Alexanderson patent which would be permissible in a defense in court," or "the defense which Mr. Reichmann would undoubtedly put up in the event of a suit against one of the independents." Surely no sane person would publish, in advance of trial, his defense to a possible lawsuit. But we concur in your "understanding" that there is such "valid evidence," for it always happens in litigation that receives much public attention that a great deal of new and unexpected testimony comes to light.

Are we to infer from your suggestion concerning this evidence in the Alexanderson patent that it is the position of Radio Retailing that, in the event one patent can be established, then all the questions arising out of the creation of an illegal pool of patents and the subsequent licensing by that patent pool of its competitors under agreements destroying the independence of these competitors are no longer open to investigation by the Congress, the Federal Trade Commission, or the courts? Is it your position that such a decision in one patent suit would prevent the Department of Justice from prosecuting an attempt to monopolize an entire industry and to apportion it among the parent companies of the pool in violation of the Sherman and Clayton antitrust laws?

Or, does Radio Retailing believe that had an ordinary radio manufacturer, worth, say, $500,000, owned the Alexanderson patent that he could thereby have placed the entire industry under one control and domination? Could he, with that patent, have consummated a monopoly of the tube business? Could he have levied a "tea tax" of 7½ per cent on all parts and accessories used by his competitors in their sets?

Regarding your request for the names of our members, we explained to your Mr. Sutliffe that all of our members had not consented to the publication of their names, but we did give him enough names of outstanding figures in various manufacturing divisions of the industry, among our members, to demonstrate beyond debate that we were a reputable and responsible organization, with real authority to speak for the independents. The oppression now existing in the industry, which courts have always found to be symptomatic of monopoly, is such that, in the light of your attitude as revealed by your letter, we see no reason why we should now confide our membership list to you.

But far beyond any of these questions, your letter reveals what you may have tried to conceal, that it is really our conclusions which you do not desire to publish. That is probably why you say you can not find any "constructive thinking on the present crisis" in the statement. We would be glad to debate the soundness of these conclusions with you in any forum and at any time.

For their is just one issue at stake in the radio industry. That is the issue between monopoly and free competition; the issue between those who defy the antitrust laws and those who seek their enforcement.

This letter may seem long to you. It would be if it were addressed only to you. But it is not. It is addressed also to our members to whom we feel that we owe an explanation of the policy which has prompted you to suppress the statement you asked for, after you had circularized them with the declaration that you had found no "spokesman with courage" among the independent manufacturers.

We probably do not need to tell you that other editors have not been so timid about publishing the truth in this controversy.

The battle has just begun!

Yours, for a free industry,

OSWALD F. SCHUETTE,
Executive Secretary.

"HARSH, BITTER, AND ACRIMONIOUS"

RADIO RETAILING

MCGRAW-HILL PUBLISHING CO. (INC.),
Tenth Avenue at Thirty-sixth Street,
New York, N. Y., September 6, 1927.

Mr. OSWALD F. SCHUETTE,
Executive Secretary Radio Protective Association,
134 South La Salle Street, Chicago, Ill.

DEAR MR. SCHUETTE: Answering your letter of September 3, let me reiterate Radio Retailing's willingness to publish any clear-cut, straightforward statement of the position of the independent manufacturers in the patent situation, said statement to be signed by some prominent radio manufacturer whose name will carry weight with the industry.

We will not publish anything that constitutes a libelous attack on any corporation. We will publish, as I have said many times before, a clean-cut statement of the independents' position that does not indulge in what politicians would call "mud slinging."

Your statement may read all right to you, but to some one looking at it from a cold, disinterested standpoint it seems harsh, bitter, and acrimonious. We know you would not want your name to be associated with any article that read like "sour grapes."

Yours for a clean fight and a free industry,

WILLIAM C. ALLEY,
Acting Managing Editor.

TEXT OF THE SUPPRESSED STATEMENT

It would be pleasant if wars could be won with perfume and sweet language. But that the members of the Radio Protective Association may judge for themselves whether the statement prepared in their behalf is a "clear-cut, straightforward statement" of their position or "a rehash of gossip and rumors," or "hearsay," or "personalities," the text of the statement suppressed by Radio Retailing is here printed in full:

[From the Radio Protective Association, 134 South La Salle Street, Chicago]

By Oswald F. Schuette, executive secretary

The case of the so-called independent radio manufacturers against the Radio Corporation of America rests upon a vital and fundamental principle that is important to all American industry. Ever since the Sherman antitrust law was passed in 1890 attempts have been made to evade its purpose by private corporations under the pretext of patent ownership. The fundamental social doctrine of the United States, guarded zealously by its statutes and its courts, is that monopoly destroys both industry and democracy.

There is voluminous evidence in the archives of Congress and in such text compilations as Vaughn's Economics of our Patent System (MacMillan, 1925) that the concentration of control over an industry under one balance sheet stifles and suppresses the art of the industry. Developments which threaten to make existing assets obsolete are placed on the shelf and inventors find it useless to deal with the one existing customer.

PATENTS MUST PROMOTE PROGRESS

Under the Constitution of the United States, the patent laws are written to promote the progress of science and the useful arts. The patent statutes are designed to stimulate invention, and the use of patents to obtain a contrary effect is a perversion of these laws. Furthermore, the courts have held that patents do not give a license to anyone to escape the prohibitions of the Sherman and Clayton antitrust statutes, and have held, therefore, that the pooling of competing patents, resulting in the restraint of trade, is illegal.

In this light let us examine the position of the Radio Corporation of America and the independent radio manufacturers. Almost a year after the armistice, in the turmoil still existing in the Washington departments of the Government, the Radio Corporation of America came into being, and now the Radio Corporation claims it was created "at the request of the Government"! As a matter of fact, the report of the Federal Trade Commission on the radio industry, made in 1923 (p. 16), reveals that Secretary Daniels refused to sanction the Radio Corporation plan, stating that he believed in Government ownership of radio and that only Congress could authorize such a move. Apparently the officials of the War Department also refused to sanction this plan.

According to this report, when the formation of the Radio Corporation of America was first discussed with the Navy officials in the spring

of 1919 it was planned only to authorize the General Electric Co. to buy existing Marconi patents and pool them with the General Electric Co.'s inventions. This was actually accomplished in October, 1919, and the Radio Corporation was incorporated. It was not until July, 1920, that the patents of the American Telephone & Telegraph Co. and its subsidiary, the Western Electric Co., were put into the pool, and another year—in June, 1921—that the patents of the Westinghouse Electric & Manufacturing Co. and its subsidiary, the International Radio Telegraph Co., were absorbed under a series of agreements which practically divided the ownership and control of the Radio Corporation among the General Electric Co., the Westinghouse Co., and the American Telephone & Telegraph Co.

AN ILLEGAL POOL OF COMPETING PATENTS

As a result, there were pooled in the hands of the Radio Corporation approximately 1,000 radio patents and the parent companies entered into a series of agreements with the Radio Corporation and with each other that are of the greatest significance and importance to the radio industry, and to which we refer in detail hereafter.

With reference to whether the patents so pooled were competing patents, let us consider here only a few radio-circuit patents. The alleged superheterodyne, the tuned radio-frequency, and the regenerative patents were among those pooled. David A. Sarnoff, vice president of the Radio Corporation of America, in Radio Retailing for August, 1927, referring to the superheterodyne circuit declares that "it is the one element of our line that most distinguishes it from competitive radio equipment." Judge Thacher, in the Atwater Kent case, in supporting the contention of the Radio Corporation, held that the Westinghouse Co.'s Armstrong circuit, alleged to cover regeneration, was "utterly different" from the Alexanderson patent, owned by the General Electric Co. and alleged to cover tuned radio-frequency.

It certainly should not be difficult for radio engineers to conclude that among 1,000 patents there must be a number of similarly interesting examples of competitive inventions.

DISREGARDING THE ANTITRUST LAWS

As conclusive evidence of the total disregard by the Radio Corporation of America and its parent companies of this fundamental and far-reaching principle of our antitrust laws, we point to the clause recurring with startling and significant emphasis in all the agreements between the Radio Corporation of America and the parent companies and between the parent companies themselves, providing for the pooling of "all future inventions." It is hard to imagine any future radio invention which would not be competitive with what has already been developed.

Another important detail in these agreements was the careful division in the activities of the parent companies, whereby they eliminated competition among themselves. To the General Electric Co. was apportioned 60 per cent of all the manufacture of commercial receiving apparatus, including tubes. To the Westinghouse Co. was allotted 40 per cent.

The American Telephone & Telegraph Co. was given the exclusive right to all commercial activity in wireless telephony. What does this promise for the development of wireless telephony in the United States? We are still using telephone apparatus developed 30 years ago, although many improvements have been made in the art and have long been in use in Europe. Wireless-telephone service is already installed on fast German trains for the use of passengers.

Now, after all these steps toward a monopoly, we find the Radio Corporation, according to Mr. Sarnoff's interview in Radio Retailing for August, 1927, "licensing competitors under patents necessary for the type and character of sets upon which they (the competitors) have built their business." In the New York Times of August 12, 1927, Mr. Sarnoff also said that "it is the policy of the Radio Corporation to encourage legitimate competition."

TERMS OF LICENSE AGREEMENTS

Mr. Sarnoff says in the same Radio Retailing interview that the terms of the licensing agreements are well known to the radio trade. What are they? In substance a licensee agrees to pay a royalty of 7½ per cent of his invoice price of radio sets, including cabinets, speakers, socket-power equipment or batteries, and other accessories, with a minimum guarantee of $100,000 for a period of four and one-half years; this, for the privilege only—and this is of the utmost importance—of making tuned radio-frequency receivers. He is licensed to use only his present manufacturing facilities and the license agreement can not inure to the benefit of assigns, successors, or legal representatives of the licensee without the written consent of the Radio Corporation of America. In other words, consolidation and amalgamation of the licensee are at the option of the Radio Corporation of America. Mr. Sarnoff has said he intends to control the entrance of any new aggregation of capital into the radio business, and that is the meaning of this particular paragraph.

The licensee, further, must license the Radio Corporation of America, or any of the parent companies, under any patents he may have or obtain, in any field, during the term of the agreement, at a reasonable price. And if one can not be agreed upon, the value is to be fixed by the New York statute of arbitration.

THE FAMOUS "TUBE" CLAUSE

Another clause requires the licensee to purchase sufficient tubes from the Radio Corporation of America initially to actuate all the sets made by the licensee. In defending this clause, Mr. Sarnoff points out the importance of tubes in the operation of sets and adds that "the tube is the neck of the bottle in the modern radio set."

Mr. Sarnoff's metaphor is a particularly happy one: No bottle can rise higher than its neck. Under this clause in the license agreement, the Radio Corporation of America will control the type and efficiency of the sets manufactured by the licensee. Under this clause the development and engineering of the sets of the licensee will be dictated by the Radio Corporation of America. Furthermore, although Mr. Sarnoff concedes, undoubtedly by advice of counsel, the right to other manufacturers "not infringing patents" to compete for the replacement market, it needs no argument to anyone acquainted with the radio trade to prove that this clause is intended to assure to the Radio Corporation a complete monopoly of the tube business.

Mr. Sarnoff may claim that this is fostering "legitimate competition," and it is probably true that this fostering has been carefully guided by his legal department because it is obviously designed to give the Radio Corporation control of its competitors and to keep them in subservience. How many radio manufacturers in the past three years could have met an additional 7½ per cent cash outlay at the end of each radio season? How many could have paid the $100,000 a year minimum? Each year the ranks would have decreased. All the commercial uncertainties of the past are still with us, and now the licensees have the additional one of making the public pay the increased price necessitated by these royalties. No one knows better than Mr. Sarnoff the financial vicissitudes of the manufacturer of radio sets. He must therefore know of the power which the Radio Corporation of America will gain over the radio industry by its position as a creditor under these license agreements with its competitors.

RADIO CORPORATION OF AMERICA METHODS OF "FOSTERING COMPETITION"

In other words, how can the Radio Corporation of America claim that it is fostering competition by placing its competitors in a frame of mind where they must be ever conscious that they have to meet a fixed cash liability of 7½ per cent of their billings with $100,000 as the annual minimum; that their engineering must be built around the Radio Corporation of America tube characteristics and their production around Radio Corporation of America tube deliveries; that if they desire to consider their business as a realizable or negotiable asset they must keep themselves in good standing with the Radio Corporation of America?

And at all times every signatory of one of these licensing agreements must have before him the possibility that a new invention may destroy the commercial value of the tuned radio-frequency circuit, but the $100,000 a year minimum would remain in force. Even the Radio Corporation of America might embarrass its licensees by such an invention or it might put the invention on the shelf and keep the royalty income as another evidence of the power which a monopoly has to throttle the development of an industry.

So we have the picture of three of America's greatest corporations in the electrical field pooling their patents to build a radio monopoly. That is the Goliath which the independent manufacturers are called upon to meet. It has licensed such as it chooses among its competitors, and if it can carry out its program it will condemn to death by far the largest majority numerically of the manufacturers of receiving sets, as well as 75 per cent of the manufacturers of tubes, accessories, and parts. And the few it permits to remain will be compelled to live in the same subservience which it now imposes by its license agreements upon those of its competitors who pay their royalties into its treasury. If the Radio Corporation is allowed to carry out these plans, the independent dealer will be forced to go the same way as the independent manufacturer, for it is the history of monopoly that the destruction of competition makes the few dealers that remain mere hired salesmen of the trust.

HIGHER PRICES FOR SETS

So far as the listening public is concerned, the consummation of this monopoly will mean higher prices for sets. Under the battle cry of "stabilization" there will be stagnation in the development of the radio industry; under the pretense of the patent laws there will be a stifled art; in defiance of the antitrust laws there will be the destruction of competition.

The future of radio is still untouched. Before us there opens a broad vista of partially explored fields of radio science—television, wireless telephony, telephotography, broadcasting of power, the breaking down and building up of the electrons in food, the transmission of the life-giving ultra-violet rays, and the many ramifications that lead from these. Yet in all of these there is to be no commercial basis for independent or competitive development!

PURPOSES OF THE RADIO PROTECTIVE ASSOCIATION

It was to meet this crisis in the radio industry that the Radio Protective Association has been formed by the outstanding representatives

among the independent manufacturers to secure the protection of the laws for this great and growing industry; to mobilize public opinion in behalf of a free art; to appeal to Congress and the other Federal authorities at Washington, as well as to the courts, against the menace which threatens them. The Federal Trade Commission is already investigating the Radio Corporation of America. Resolutions are pending in the Senate to investigate the great aggregations of capital in holding companies in the electrical industry, and it will not be difficult to broaden these to cover the power which such an aggregation of capital could obtain, through monopoly of the radio industry, over the welfare, the happiness, and even the politics of the American people.

Mr. BLEASE. I have a chart, which I do not propose to take up the time of the Senate to read, nor am I going to try to read it, but I am going to hand it to the Senator from Washington, who has taken so much interest in this matter, and let him see, State by State and city by city, just exactly what discriminations have been made under the present law, and what some sections of this country have suffered under the present law.

The Senator from Connecticut a while ago asked the Senator from New Mexico if he was in favor of commission form of government. I am not, but I do not blame the gentlemen on the other side of the Chamber for being in favor of it, because it is a particular form of government that belongs to the Republican Party.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. BLEASE. I yield.

Mr. BINGHAM. Does not the Senator believe that there were just as many commissions formed in Washington under the eight years of the last Democratic administration as under the last eight years of Republican administration?

Mr. BLEASE. Mr. President, I guess I have but one way to answer that. First, thank God, I am not responsible for that administration. I was not a part of it, and did not have anything to do with it. Another thing, I do not think it was entirely in the hands of the Democratic Party, by any means.

Mr. BINGHAM. The Senator will at least admit that those of us who still believe in the principles laid down by Thomas Jefferson, on whichever side of the aisle we happen to sit, do not believe in the commission form of government, and have a right not to believe in it.

Mr. BLEASE. Not only a right, but it is a God-given privilege which we all ought to exercise on both sides of the aisle.

I have never believed in the commission form of government for cities. There are two, I believe, in South Carolina, and neither one of them is ever at peace. That form of government was adopted for those cities under an administration that you might call a part of the administration of the eight years to which the Senator referred, with which, I repeat, I had nothing to do, and I was not responsible for any action it took.

I am opposed to a commission form of government, and I am not delivering a lecture to the Senate, nor would I be so presumptuous as to attempt to do so, but I do think, and have thought for many years, that the American Congress has been derelict in its duty, I do not care under what President it was.

The Constitution of this country puts upon us certain powers and certain duties, and I do not think it is right for this Congress or any other Congress to delegate the lawmaking power to anybody. I do not think it is right for them to allow commissions to make rates for railroads. I do not think it is right for them to have commissions to do anything that can be considered the making of laws, rules, or regulations under which people can be tried in court and put in jail. That is distinctly the right of the American Congress. That is the right, that is the power which the makers of the Constitution intended to vest only in Congress; and if it had not been so there would not have been an executive, a judicial, and a legislative department of the Government.

I think that men should be men and vote for what they believe to be for the best interests of the people they represent and should never delegate to any man or any set of men, be they Republicans or Democrats, the power to make any rule or any law, but they should be simply to execute or carry out the laws made by the people in the House and the Senate. That is one thing that is causing us so much trouble to-day. There is another bill now pending in Congress, and I am opposed to that bill for these reasons: I am opposed to any bill—radio bill or other—in which the Congress delegates its right to make laws to a commission or to an individual.

I do not believe in judge-made law, of which we have so much in this country to-day. Legislatures pass laws and judges construe them to suit themselves. At last it is the judge making the law instead of the lawmaking body.

In other instances we have had executives who have taken it upon themselves to construe what the law is, and to carry it out according to their idea. I think we have a strong example of that now, when the President of the United States has this country at war with another country. Instead of taking out of that country the troops that are in it, he is maintaining them there, directly in violation of the Constitution of the United States.

How can we, who sometimes say so much about law, the crime wave, murders, robberies, and the other many crimes that are being committed in this country—how can we and the others who are the representatives of the people in the three different branches of this Government expect the poor man, the ignorant man, the untrained and the unlettered man, to obey the laws when he looks up and sees his President, the President's Cabinet, judges, Representatives, and Senators openly violating the law?

Mr. President, I repeat that I have had a good deal of pleasure out of this controversy this afternoon. I am glad these gentlemen have come over to my way of thinking, and realize at last that they presented a very unsatisfactory measure then. I hope that before we get through with this report they will realize another failure and go back and make it right, and save the confusion and trouble that we are likely to have for another year if something is not done now.

Now is the accepted time to give the people their rights in the radio service.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

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

Mr. CURTIS. I hope the Senator will not do that.

Mr. BLEASE. I want a full vote on this matter. I would not mind having a yea-and-nay vote.

Mr. CURTIS. Quite a number of Senators are absent and we want to have an executive session. I doubt if we could get a quorum now. I would suggest that we have an executive session and then take a recess until to-morrow.

Mr. BLEASE. I do not think we ought to vote on the conference report with so few Senators in the Chamber.

Mr. WATSON. The suggestion of the Senator from Kansas is entirely agreeable.

Mr. CURTIS. Will not the Senator from South Carolina withdraw his demand for a quorum call?

Mr. BLEASE. I withdraw it, with the understanding suggested by the Senator from Kansas.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow noon.

The motion was agreed to; and the Senate (at 5 o'clock p. m.) took a recess until to-morrow, Friday, March 23, 1928, at 12 o'clock meridian.

UNIFICATION OF RULES RELATING TO BILLS OF LADING FOR CARRIAGE OF GOODS BY SEA

In executive session this day, on motion of Mr. BORAH and by unanimous consent, the injunction of secrecy was removed from the following convention and protocol of signature thereto:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a certified copy of a convention for the unification of certain rules relating to bills of lading for the carriage of goods by sea and a protocol of signature thereto, which were signed on behalf of the United States by the American ambassador at Brussels on June 23, 1925.

The convention was also signed by representatives of Belgium, Great Britain (with reservations), France, Rumania, Poland and the Free City of Danzig, Germany, Spain, Japan (with reservations), and Italy on various dates between September 8, 1924, and September 17, 1925, and by representatives of Hungary, Estonia, and the Kingdom of the Serbs, Croats, and Slovenes during the International Conference on Maritime Law held at Brussels April 6–10, 1926. The protocol of signature was signed on behalf of all these countries except Japan.

There is also inclosed a copy of the procès-verbal of signature, giving the names of the signatories and the respective dates of

signature, to which are annexed the reservations made by the plenipotentiaries of Great Britain and Japan at the time of signing.

I invite the attention of the Senate to the accompanying report by the Acting Secretary of State concerning the purposes of this convention and certain facts relating to its origin and history.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February*.

The PRESIDENT:

The undersigned, the Acting Secretary of State, has the honor to lay before the President with a view to their transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of a convention for the unification of certain rules relating to bills of lading for the carriage of goods by sea and a protocol of signature thereto, which were signed on behalf of the United States by the American Ambassador at Brussels on June 23, 1925.

The convention was also signed by representatives of Belgium, Great Britain (with reservations), France, Rumania, Poland and the Free City of Danzig, Germany, Spain, Japan (with reservations), and Italy on various dates between September 8, 1924 and September 17, 1925, and by representatives of Hungary, Estonia, and the Kingdom of the Serbs, Croats, and Slovenes during the International Conference on Maritime Law held at Brussels, April 6–10, 1926. The Protocol of Signature was signed on behalf of all these countries except Japan.

There is also inclosed a copy of the procès-verbal of signature, giving the names of the signatories and the respective dates of signature, to which are annexed the reservations made by the plenipotentiaries of Great Britain and Japan at the time of signing.

The responsibilities and liabilities of carriers of goods by sea for loss or damage to cargoes, their duties and rights, and the responsibilities and rights of shippers as at present governed by the laws of the several countries differ greatly. The purpose of the rules incorporated in this convention, which have been in preparation for a number of years, is to establish international uniformity in these matters on a basis fair to ocean carriers, cargo owners, insurers, and bankers.

The convention substantially in its present form was drafted at the fifth session of the International Conference on Maritime Law, held at Brussels, October 17–26, 1922, at which 24 countries, including the United States, were represented by officially designated delegates. In the report which the delegates of the United States made of the proceedings of the conference, they strongly recommended the adoption of the rules contained in the convention. The 1922 draft was subsequently amended in a few minor particulars not affecting the general principles of the rules, at a meeting of the subcommittee of the conference held at Brussels in October, 1923, at which the United States was represented.

The convention in its final form and the protocol of signature thereto were opened at the Belgian foreign office on August 25, 1924, to remain open for signature for one year, or until August 25, 1925.

In anticipation of, or independently of, the signing of the convention, several bills in which the rules were incorporated were introduced in the House of Representatives in the Sixty-seventh and Sixty-eighth Congresses, with a view to the adoption of the rules by legislative action in the United States, as has been done in Great Britain. The Committee on Merchant Marine and Fisheries of the Sixty-eighth Congress held final hearings on January 28 and 29, 1925, at which the views of various interests in the United States were developed. While there was practically unanimous approval of the general principles of the rules and of the adoption of most of the provisions of them by the United States, certain amendments in detail were proposed. On February 27, 1925, the committee made a favorable report to the House on a bill in which certain of the amendments proposed were embodied. As the report of the committee was made only a few days before the adjournment of Congress, no further action was taken by Congress.

In view of the approval of the general principles of the rules which had been given by the interests affected and the importance of encouraging the movement for uniformity, as well as the strong indorsement of the rules given by the delegates of the United States to the international conference, the convention and protocol of signature were signed on behalf of the United States by the American ambassador at Brussels on June 23, 1925, within the year in which they were open for signature.

Certain of the interests which had requested modifications in the bill before the Committee on Merchant Marine and Fisheries have filed with this department objections to a number of the provisions of the rules with a view to having the United States either refrain from ratifying the convention or make reservations in connection with its ratification.

After obtaining the advice of Hon. Charles M. Hough, judge of the United States Circuit Court of Appeals, New York City, who was one of the delegates of the United States at the international conference held at Brussels in October, 1922, in regard to the objections made to the technical provisions of the rules, I have concluded that these objections would not warrant me in refraining from submitting the convention and protocol of signature to you in the usual way for transmission to the Senate.

It is, however, appropriate that I should mention that among the objections made to the department is one that contractual relations between individuals such as those which are created by bills of lading—in these proposed rules between the shipper and the ocean carrier—should be regulated in the United States by legislation in which both houses of Congress participate and not by treaty. On this point I may say that, in my opinion, the matter may legally be dealt with by treaty, which is the most certain and direct method of obtaining international uniformity. Such uniformity would be prevented to the extent to which amendments in details are made by the United States and by other countries which may follow such a precedent.

The rules in the convention cover the period of transit of goods by sea—namely, from the time of loading on the vessel to the time of discharge therefrom. In so far as regards American overseas commerce it is intended that the existing law of the United States (the Harter Act of February 13, 1893, 27 Stat. 445), shall continue to govern liabilities between shippers and carriers before goods are loaded on a vessel and after they are discharged therefrom. That fact can be made clear by an appropriate reservation if this be deemed necessary.

Respectfully submitted.

JOSEPH O. GREW,
Acting Secretary of State.

DEPARTMENT OF STATE,
Washington, February 24, 1927.

[Translation]

INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO BILLS OF LADING

The President of the German Republic, the President of the Argentine Republic, His Majesty the King of the Belgians, the President of the Republic of Chile, the President of the Republic of Cuba, His Majesty the King of Denmark, His Majesty the King of Spain, the Chief of the Estonian State, the President of the United States of America, the President of the Republic of Finland, the President of the French Republic, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the seas, Emperor of India, the Regent of the Kingdom of Hungary, His Majesty the King of Italy, His Majesty the Emperor of Japan, the President of the Republic of Latvia, the President of the Republic of Mexico, His Majesty the King of Norway, Her Majesty the Queen of the Netherlands, the President of the Republic of Peru, the President of the Republic of Poland, the President of the Portuguese Republic, His Majesty the King of Rumania, His Majesty the King of the Serbs, Croats, and Slovenes, His Majesty the King of Sweden, and the President of the Republic of Uruguay,

Having recognized the utility of laying down in common accord certain uniform rules relating to bills of lading have decided to conclude a Convention to that effect and have designated as their Plenipotentiaries, namely:

The President of the German Republic:
- His Excellency Mr. von Keller, Minister of Germany at Brussels.

The President of the Argentine Republic:

His Majesty the King of the Belgians:
- Mr. L. Franck, Minister of Colonies, President of the International Maritime Committee;
- Mr. A. Le Jeune, Senator, Vice President of the International Maritime Committee;
- Mr. F. Sohr, Doctor of Law, Secretary General of the International Maritime Committee; Professor at the University of Brussels.

The President of the Republic of Chile;

The President of the Republic of Cuba;

His Majesty the King of Denmark;

His Majesty the King of Spain:
His Excellency the Marquis of Villalobar and Guimarey, Ambassador of Spain at Brussels,
Chief of the Estonian State:
His Excellency Mr. Pusta, Minister of Estonia at Brussels.
The President of the United States of America:
His Excellency Mr. William Phillips, Ambassador of the United States at Brussels.
The President of the Republic of Finland:
The President of the French Republic:
His Excellency Mr. M. Herbette, Ambassador of France at Brussels.
His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the seas, Emperor of India:
His Excellency the Right Honorable Sir George Grahame, G. C. V. Q., K. C. M. G., Ambassador of His Britannic Majesty at Brussels.
The Regent of the Kingdom of Hungary:
Count Olivier Woracziczky, Baron of Pabienitz, Chargé d'Affaires of Hungary at Brussels.
His Majesty the King of Italy:
Mr. J. Daneo, Chargé d'Affaires ad interim of Italy at Brussels.
His Majesty the Emperor of Japan:
His Excellency Mr. M. Adatci, Ambassador of Japan at Brussels.
The President of the Republic of Latvia:
The President of the Republic of Mexico:
His Majesty the King of Norway:
Her Majesty the Queen of the Netherlands:
The President of the Republic of Peru:
The President of the Republic of Poland:
His Excellency Count Jean Szembek, Minister of Poland at Brussels.
The President of the Portuguese Republic:
His Majesty the King of Rumania:
His Excellency Mr. Henry Catargi, Minister of Rumania at Brussels.
His Majesty the King of the Serbs, Croats and Slovenes:
Messrs. Straznicky and Verona.
His Majesty the King of Sweden:
The President of the Republic of Uruguay:
Who, duly authorized therefore have agreed on the following:

ARTICLE 1

In this convention the following words are employed with the meanings set out below:

(a) "Carrier" includes the owner of the vessel or the charterer who enters into a contract of carriage with a shipper.

(b) "Contract of carriage" applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea; it also applies to any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such instrument regulates the relations between a carrier and a holder of the same.

(c) "Goods" includes goods, wares, merchandise, and articles of every kind whatsoever except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried.

(d) "Ship" means any vessel used for the carriage of goods by sea.

(e) "Carriage of goods" covers the period from the time when the goods are loaded on to the time they are discharged from the ship.

ARTICLE 2

Subject to the provisions of Article 6 under every contract of carriage of goods by sea the carrier, in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods shall be subject to the responsibilities and liabilities, and entitled to the rights and immunities hereinafter set forth.

ARTICLE 3

1. The carrier shall be bound before and at the beginning of the voyage to exercise due diligence to—

(a) Make the ship seaworthy;

(b) Properly man, equip, and supply the ship;

(c) Make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation.

2. Subject to the provisions of Article 4 the carrier shall properly and carefully load, handle, stow, carry, keep, care for, and discharge the goods carried.

3. After receiving the goods into his charge the carrier or the master or agent of the carrier shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things:

(a) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;

(b) Either the number of packages or pieces, or the quantity, or weight, as the case may be, as furnished in writing by the shipper;

(c) The apparent order and condition of the goods;

Provided that no carrier, master, or agent of the carrier shall be bound to state or show in the bill of lading any marks, number, quantity, or weight which he has reasonable grounds for suspecting not accurately to represent the goods actually received or which he has had no reasonable means of checking.

4. Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with paragraph 3 (a), (b), and (c).

5. The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages, and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

6. Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into the custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading.

If the loss or damage is not apparent, the notice must be given within three days of the delivery.

The notice in writing need not be given if the state of the goods has at the time of their receipt been the subject of joint survey or inspection.

In any event the carrier and the ship shall be discharged from all liability in respect of loss or damage unless suit is brought within one year after delivery of the goods or the date when the goods should have been delivered.

In the case of any actual or apprehended loss or damage the carrier and the receiver shall give all reasonable facilities to each other for inspecting and tallying the goods.

7. After the goods are loaded the bill of lading to be issued by the carrier, master, or agent of the carrier to the shipper shall, if the shipper so demands, be a "shipped" bill of lading, provided that if the shipper shall have previously taken up any document of title to such goods, he shall surrender the same as against the issue of the "shipped" bill of lading. At the option of the carrier such document of title may be noted at the port of shipment by the carrier, master, or agent with the name or names of the ship or ships upon which the goods have been shipped and the date or dates of shipment, and when so noted, if it shows the particulars mentioned in paragraph 3 of Article 3, it shall for the purpose of this article be deemed to constitute a "shipped" bill of lading.

8. Any clause, covenant, or agreement in a contract of carriage relieving the carrier or the ship from liability for loss or damage to or in connection with goods arising from negligence, fault, or failure in the duties and obligations provided in this article, or lessening such liability otherwise than as provided in this convention, shall be null and void and of no effect. A benefit of insurance in favor of the carrier or similar clause shall be deemed to be a clause relieving the carrier from liability.

ARTICLE 4

1. Neither the carrier nor the ship shall be liable for loss or damage arising or resulting from unseaworthiness unless caused by want of due diligence on the part of the carrier to make the ship seaworthy and to secure that the ship is properly manned, equipped, and supplied and to make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage, and preservation in accordance with the provisions of paragraph 1 of article 3. Whenever loss or damage has resulted from unseaworthiness, the burden of proving the exercise of due diligence shall be on the carrier or other person claiming exemption under this article.

2. Neither the carrier nor the ship shall be responsible for loss or damage arising or resulting from:

(a) Act, neglect, or default of the master, mariner, pilot, or the servants of the carrier in the navigation or in the management of the ship.

(b) Fire, unless caused by the actual fault or privity of the carrier.

(c) Perils, dangers, and accidents of the sea or other navigable waters.

(d) Act of God.

(e) Act of war.

(f) Act of public enemies.

(g) Arrest or restraint of princes, rulers, or people or seizure under legal process.

(h) Quarantine restrictions.

(i) Act or omission of the shipper or owner of the goods, his agent, or representative.

(j) Strikes or lockouts or stoppage or restraint of labor from whatever cause, whether partial or general.

(k) Riots and civil commotions.

(l) Saving or attempting to save life or property at sea.

(m) Wastage in bulk or weight or any other loss or damage arising from inherent defect, quality, or vice of the goods.

(n) Insufficiency of packing.

(o) Insufficiency or inadequacy of marks.

(p) Latent defects not discoverable by due diligence.

(q) Any other cause arising without the actual fault or privity of the carrier, or without the fault or neglect of the agents or servants of the carrier, but the burden of proof shall be on the person claiming the benefit of this exception to show that neither the actual fault or privity of the carrier nor the fault or neglect of the agents or servants of the carrier contributed to the loss or damage.

3. The shipper shall not be responsible for loss or damage sustained by the carrier or the ship arising or resulting from any cause without the act, fault, or neglect of the shipper, his agents, or his servants.

4. Any deviation in saving or attempting to save life or property at sea or any reasonable deviation shall not be deemed to be an infringement or breach of this convention or of the contract of carriage, and the carrier shall not be liable for any loss or damage resulting therefrom.

5. Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding 100 pounds sterling per package or unit or the equivalent of that sum in other currency unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading.

This declaration if embodied in the bill of lading shall be prima facie evidence but shall not be binding or conclusive on the carrier.

By agreement between the carrier, master, or agent of the carrier and the shipper another maximum amount than that mentioned in this paragraph may be fixed, provided that such maximum shall not be less than the figure above named.

Neither the carrier nor the ship shall be responsible in any event for loss or damage to, or in connection with, goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading.

6. Goods of an inflammable, explosive, or dangerous nature to the shipment whereof the carrier, master, or agent of the carrier has not consented with knowledge of their nature and character may at any time before discharge be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment. If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average, if any.

ARTICLE 5

A carrier shall be at liberty to surrender in whole or in part all or any of his rights and immunities, or to increase any of his responsibilities and liabilities under this convention provided such surrender or increase shall be embodied in the bill of lading issued to the shipper.

The provisions of this convention shall not be applicable to charter parties, but if bills of lading are issued in the case of a ship under a charter-party they shall comply with the terms of this convention. Nothing in these rules shall be held to prevent the insertion in a bill of lading of any lawful provision regarding general average.

ARTICLE 6

Notwithstanding the provisions of the preceding articles, a carrier, master, or agent of the carrier and a shipper shall in regard to any particular goods be at liberty to enter into any agreement in any terms as to the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or concerning his obligation as to seaworthiness so far as this stipulation is not contrary to public policy, or concerning the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods carried by sea, provided that in this case no bill of lading has been or shall be issued and that the terms agreed shall be embodied in a receipt which shall be a nonnegotiable document and shall be marked as such.

Any agreement so entered into shall have full legal effect:

Provided that this article shall not apply to ordinary commercial shipments made in the ordinary course of trade, but only to other shipments where the character or condition of the property to be carried or the circumstances, terms, and conditions under which the carriage is to be performed are such as reasonably to justify a special agreement.

ARTICLE 7

Nothing herein contained shall prevent a carrier or a shipper from entering into any agreement, stipulation, condition, reservation, or exemption as to the responsibility and liability of the carrier or the ship for the loss or damage to, or in connection with, the custody and care and handling of goods prior to the loading on, and subsequent to the discharge from, the ship on which the goods are carried by sea.

ARTICLE 8

The provisions of this convention shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of seagoing vessels.

ARTICLE 9

The monetary units mentioned in this convention are to be taken to be gold value.

Those contracting states in which the pound sterling is not a monetary unit reserve to themselves the right of translating the sums indicated in this convention in terms of pound sterling into terms of their own monetary system in round figures.

The national laws may reserve to the debtor the right of discharging his debt in national currency according to the rate of exchange prevailing on the day of the arrival of the ship at the port of discharge of the goods concerned.

ARTICLE 10

The provisions of this convention shall apply to all bills of lading issued in any of the contracting States.

ARTICLE 11

After an interval of not more than two years from the day on which the convention is signed, the Belgian Government shall place itself in communication with the governments of the high contracting parties which have declared themselves prepared to ratify the convention, with a view to deciding whether it shall be put into force. The ratifications shall be deposited at Brussels at a date to be fixed by agreement among the said governments. The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the powers which take part therein and by the Belgian Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Belgian Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relating to the first deposit of ratifications, of the notifications referred to in the previous paragraph, and also of the instruments of ratification accompanying them, shall be immediately sent by the Belgian Government through the diplomatic channel to the powers who have signed this convention or who have acceded to it. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 12

Nonsignatory States may accede to the present convention whether or not they have been represented at the International Conference at Brussels.

A State which desires to accede shall notify its intention in writing to the Belgian Government, forwarding to it the document of accession, which shall be deposited in the archives of the said Government.

The Belgian Government shall immediately forward to all the States which have signed or acceded to the convention a duly certified copy of the notification and of the act of accession, mentioning the date on which it received the notification.

ARTICLE 13

The high contracting parties may at the time of signature, ratification, or accession declare that their acceptance of the present convention does not include any or all of the self-governing dominions, or of the colonies, overseas possessions, pro-

tectorates, or territories under their sovereignty or authority, and they may subsequently accede separately on behalf of any self-governing dominion, colony, overseas possession, protectorate, or territory excluded in their declaration. They may also denounce the convention separately in accordance with its provisions in respect of any self-governing dominion, or any colony, overseas possession, protectorate, or territory under their sovereignty or authority.

ARTICLE 14

The present convention shall take effect, in the case of the States which have taken part in the first deposit of ratifications, one year after the date of the procès-verbal recording such deposit. As respects the States which ratify subsequently or which accede, and also in cases in which the convention is subsequently put into effect in accordance with Article 13, it shall take effect six months after the notifications specified in paragraph 2 of Article 11, and paragraph 2 of Article 12, have been received by the Belgian Government.

ARTICLE 15

In the event of one of the contracting States wishing to denounce the present convention, the denunciation shall be notified in writing to the Belgian Government, which shall immediately communicate a duly certified copy of the notification to all the other States informing them of the date on which it was received.

The denunciation shall only operate in respect of the State which made the notification, and on the expiry of one year after the notification has reached the Belgian Government.

ARTICLE 16

Any one of the contracting States shall have the right to call for a fresh conference with a view to considering possible amendments.

A State which would exercise this right should notify its intention to the other States through the Belgian Government, which would make arrangements for convening the conference.

Done at Brussels, in a single copy, August 25, 1924.

For Germany:
(Signed) KELLER.
For the Argentine Republic:
For Belgium:
(Signed) LOUIS FRANCK.
(Signed) ALBERT LE JEUNE.
(Signed) SOHR.
For Chile:
For the Republic of Cuba:
For Denmark:
For Spain:
(Signed) THE MARQUIS OF VILLALOBAR.
For Estonia:
(Signed) PUSTA.
For the United States of America:
(Signed) WILLIAM PHILLIPS.
For Finland:
For France:
(Signed) MAURICE HERBETTE.
For Great Britain:
(Signed) GEORGE GRAHAME.
For Hungary:
(Signed) WORACZICZKY.
For Italy:
(Signed) GIULO DANEO.
For Japan:
(Signed) M. ADATCI.

Subject to the reservations formulated in the note relative to this treaty and appended to my letter dated August 25, 1925, to His Excellency Mr. Emile Vandervelde, Minister for Foreign Affairs of Belgium.

For Latvia:
For Mexico:
For Norway:
For the Netherlands:
For Peru:
For Poland and the Free City of Danzig:
(Signed) SZEMBEK.
For Portugal:
For Rumania:
(Signed) HENRY CATARGI.
For the Kingdom of the Serbs, Croats and Slovenes:
(Signed) Dr. MILOVAD STRAZNICKY.
(Signed) Dr. VERONA.
For Sweden:
For Uruguay:

PROTOCOL OF SIGNATURE

The high contracting parties may give effect to this convention either by giving it the force of law or by including in their national legislation in a form appropriate to that legislation, the rules adopted under this convention.

They may reserve the right:

1. To prescribe that in the cases referred to in paragraph 2 (c) to (p) of Article 4, the holder of a bill of lading shall be entitled to establish responsibility for loss or damage arising from the personal fault of the carrier or the fault of his servants which are not covered by paragraph (a).

2. To apply Article 6 in so far as the national coasting trade is concerned to all classes of goods without taking account of the restriction set out in the last paragraph of that article.

Done at Brussels, in a single copy, August 25, 1924.

For Germany:
(Signed) KELLER.
For the Argentine Republic:
For Belgium:
(Signed) LOUIS FRANCK.
(Signed) ALBERT LE JEUNE.
(Signed) SOHR.
For Chile:
For the Republic of Cuba:
For Denmark:
For Spain:
(Signed) THE MARQUIS OF VILLALOBAR.
For Estonia:
(Signed) PUSTA.
For the United States of America:
(Signed) WILLIAM PHILLIPS.
For Finland:
For France:
(Signed) MAURICE HERBETTE.
For Great Britain:
(Signed) GEORGE GRAHAME.
For Hungary:
(Signed) WORACZICZKY.
For Italy:
(Signed) GIULIO DANEO.
For Japan:
For Latvia:
For Mexico:
For Norway:
For the Netherlands:
For Peru:
For Poland and the Free City of Danzig:
(Signed) SZEMBEK.
For Portugal:
For Rumania:
(Signed) HENRY CATARGI.
For the Kingdom of the Serbs, Croats and Slovenes:
(Signed) Dr. MILOVAD STRAZNICKY.
(Signed) Dr. VERONA.
For Sweden:
For Uruguay:

PROCES-VERBAL OF SIGNATURE

August 25, 1924, the international Convention for the unification of certain rules relating to bills-of-lading was opened at the Belgian Ministry of Foreign Affairs for signature by the Plenipotentiaries of the States represented at the International Conference on Maritime Law.

The signatures of the Plenipotentiaries whose names follow, have been successively received:

September 8, 1924, for Belgium,
Mr. L. FRANCK,
Mr. LE JEUNE,
Mr. SOHR.
November 15, 1924, for Great Britain,
H. E. the Right Honorable Sir GEORGE GRAHAME.

In the proceeding to the signature of the present Convention, His Excellency made, in the name of his Government, the declaration of which the terms are reproduced in an annex to the present Procès-Verbal.

February 28, 1925, for France,
H. E. M. HERBETTE.
March 12, 1925, for Roumania,
H. E. M. HENRY CATARGI.
June 23, 1925, for the United States of America,
H. E. Mr. WILLIAM PHILLIPS.
August 22, 1925, for Poland and the Free City of Danzig,
H. E. M. JEAN SZEMBEK.
August 24, 1925, for the Republic of Germany,
H. E. M. VON KELLER.
August 24, 1925, for Spain,
H. E. THE MARQUIS OF VILLALOBAR AND OF GUIMAREY.
August 25, 1925, for Japan,
H. E. M. M. ADATCI.

In proceeding to the signature of the present Convention, to the exclusion of the Protocol of Signature, His Excellency made in the name of his Government, the declaration of which the terms are reproduced in an annex to the present Procès-Verbal.

September 17, 1925, for Italy,

M. GIULIO DANÉO.

April 8, 1926, for Hungary,

COUNT WORACZICZKY.

April 10, 1926, for Estonia,

His Excellency Mr. PUSTA.

April 10, 1926, for the Kingdom of the Serbs, Croats and Slovenes,

Messrs. STRAZNICKY and VERONA.

I, the Undersigned, His Britannic Majesty's Ambassador at Brussels, on affixing my signature to the Protocol of Signature of the International Convention for the unification of certain rules relating to Bills of Lading, on this 15th day of November 1924, hereby make the following declarations by direction of my Government:

I declare that His Britannic Majesty's Government adopt the last reservation in the additional Protocol of the Bills of Lading Convention.

I further declare that my signature applies only to Great Britain and Northern Ireland. I reserve the right of each of the British Dominions, Colonies, Overseas Possessions and Protectorates, and of each of the territories over which His Britannic Majesty exercises a mandate to accede to this Convention under Article 13.

(s) GEORGE GRAHAME,
His Britannic Majesty's Ambassador at Brussels.

Brussels, this 15th day of November 1924.

At the moment of proceeding to the signature of the International Convention for the unification of certain rules relating to Bills of Lading, the undersigned, Plenipotentiary of Japan, makes the following reservations:

a) *To Article 4.*

Japan reserves to itself until further notice the acceptance of the provisions in (a) of paragraph 2 of Article 4.

b) Japan is of the opinion that the Convention does not in any part apply to national coasting trade: consequently, there should be no occasion to make it the object of provisions in the Protocol. However, if it be not so, Japan reserves to itself the right freely to regulate the national coasting trade by its own law.

(s) M. ADATCI.

BRUSSELS, *August 25, 1925.*

REVISION OF INTERNATIONAL SANITARY CONVENTION OF JANUARY 17, 1912

In executive session this day, the Senate having had under consideration Executive D, Sixty-ninth Congress, second session, an international convention signed at Paris on June 21, 1926, revising the international sanitary convention of January 17, 1912, advised and consented to its ratification, subject to the following understandings and conditions:

1. The ratification of this international sanitary convention is not to be construed to mean that the United States of America recognizes a régime or entity acting as government of a signatory or adhering power when that régime or entity is not recognized by the United States as the government of that power.

2. The participation of the United States of America in this international sanitary convention does not involve any contractual obligation on the part of the United States to a signatory or adhering power represented by a régime or entity which the United States does not recognize as representing the government of that power until it is represented by a government recognized by the United States.

3. The Government of the United States reserves to itself the right to decide whether from the standpoint of the measures to be applied a foreign district is to be considered as infected and to decide what measures shall be applied to arrival in its own ports under special circumstances.

On motion of Mr. BORAH, and by unanimous consent, the injunction of secrecy was removed from the convention, which is as follows:

To the Senate:

To the end that I may receive the advice and consent of the Senate to ratification, I transmit herewith an international convention signed at Paris on June 21, 1926, revising the International Sanitary Convention of January 17, 1912.

The convention now transmitted was signed by the American plenipotentiaries subject to two declarations recited in the accompanying report of the Acting Secretary of State to me, and I recommend that the advice and consent of the Senate to ratification be given subject to them.

CALVIN COOLIDGE.

THE WHITE HOUSE, *Washington.*

The PRESIDENT:

The undersigned, Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, an international convention signed at Paris on June 21, 1926, revising the International Sanitary Convention of January 17, 1912.

The plenipotentiaries of the United States signing the convention were Dr. H. S. Cumming, Surgeon Geneal of the United States Public Health Service, and Surg. W. W. King, also of that service, who signed subject to two declarations entered in the protocol of signature, an authenticated copy of which is also furnished for transmission to the Senate. These declarations are as follows:

"The plenipotentiaries of the United States of America formally declare that their signing the International Sanitary Convention of this date is not to be construed to mean that the United States of American recognizes a régime or entity acting as Government of a signatory or adhering power when that régime or entity is not recognized by the United States as the Government of that power. They further declare that the participation of the United States of America in the International Sanitary Convention of this date does not involve any contractual obligation on the part of the United States to a signatory or adhering power represented by a régime or entity with the United States does not recognize as representing the government of that power until it is represented by a government recognized by the United States.

"The plenipotentiaries of the United States of America declare, furthermore, that their Government reserves to itself the right to decide whether from the standpoint of the measures to be applied a foreign district is to be considered as infected and to decide what measures shall be applied to arrival in its own ports under special circumstances."

It is recommended that the advice and consent of the Senate to ratification be made subject to these two declarations.

Respectfully submitted.

JOSEPH C. GREW,
Acting Secretary of State.

DEPARTMENT OF STATE,
Washington, February 23, 1927.

[Translation]

INTERNATIONAL SANITARY CONVENTION

His Majesty the King of Afghanistan; the President of the Republic of Albania; the President of the German Empire; the President of the Argentine Nation; the Federal President of the Austrian Republic; His Majesty the King of the Belgians; the President of the Republic of the United States of Brazil; His Majesty the King of the Bulgarians; the President of the Republic of Chile; the President of the Republic of China; the President of the Republic of Colombia; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Egypt; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the United States of America; Her Majesty the Queen of Ethiopa and His Imperial and Royal Highness the Prince Hereditary and Regent of the Empire; the President of the Republic of Finland; the President of the Republic of France; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Possessions beyond the Seas, Emperor of India; the President of the Republic of Greece; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of the Hedjaz; the President of the Republic of Honduras; His Serene Highness the Regent of the Kingdom of Hungary; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the Republic of Liberia; the President of the Republic of Lithuania; Her Royal Highness Madame the Grand Duchess of Luxenbourg; His Majesty the Sultan of Morocco; the President of the Republic of Mexico; His Serene Highness the Prince of Monaco; His Majesty the King of Norway; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Majesty the Shah of Persia; the President of the Republic of Poland; the President of the Portu-

guese Republic; His Majesty the King of Rumania; the Captains Regents of San-Marino; His Majesty the King of the Serbs, Croats and Slovenes; the President of the Republic of Salvador; the Governor General Representing the Sovereign Authority of the Soudan; the Swiss Federal Council; the President of the Republic of Czechoslovakia; His Highness the Bey of Tunis; the President of the Turkish Republic; the Central Executive Committee of the Union of the Soviet Socialist Republics; the President of the Republic of Uruguay and the President of the Republic of Venezuela.

Having decided to make in the provisions of the Sanitary Convention signed at Paris on January 17, 1912, the changes that are called for by the new data of prophylactic science and experience, to set up an international set of regulations relative to exanthematous typhus and smallpox and to broaden, as far as possible, the field of application of the principles which inspired the international health regulations, have decided to conclude a convention to that effect and have appointed as their plenipotentiaries, to wit:

His Majesty the King of Afghanistan:
M. Islambek Khoudoiar Khan, Secrétaire de la Légation d'Afghanistan à Paris.

The President of the Republic of Albania:
M. le Dr. Osman, Directeur de l'Hôpital de Tirana.

The President of the German Empire:
M. Franoux, Conseiller intime de Légation à l'Ambassade d'Allemagne à Paris.
M. le Dr. Hamel, Conseiller au Ministère de l'Intérieur de l'Empire.

The President of the Argentine Nation:
M. Federico Alvarez de Toledo, Ministre d'Argentine à Paris.
M. le Dr. Abaoz Alfaro, Président du Département de l'Hygiène.
M. Manuel Carbonnel, Professeur d'hygiène à la Faculté de Médecine de Buenos-Ayres.

The Federal President of the Republic of Austria:
M. Alfred Grünberger, Ministre d'Autriche à Paris.

His Majesty the King of the Belgians:
M. Velghe, Secrétaire général du Ministère d'Intérieur et de l'Hygiène.

The President of the Republic of the United States of Brazil:
M. le Professeur Dr. Carlos Chagas, Directeur Général du Département National de la Santé publique, Directeur de l'Institut Oswaldo Cruz.
M. le Dr. Gilberto Moura Costa.

His Majesty the King of the Bulgarians:
M. Morfoff, Ministre de Bulgarie à Paris.
M. le Dr. Tochko Petroff, Professeur à la Faculté de Médecine de Sofia.

The President of the Republic of Chile:
M. Armando Quezada, Ministre du Chili à Paris.
M. le Dr. Emilio Aldunate, Professeur à la Faculté de Médecine du Chili.
M. le Dr. J. Rodriguez Barros, Professeur à la Faculté de Médecine du Chili.

The President of the Republic of China:
Le Général Yao Si-Kiou, Attaché militaire à Paris.
M. le Dr. Scie Ton-Fa, Secrétaire spécial à la Légation de Chine à Paris.

The President of the Republic of Colombia:
M. le Dr. Miguel Jimenez Lopez, Professeur à la Faculté de Médecine de Bogota, Ministre Plénipotentiaire de Colombe à Bérlin.

President of the Republic of Cuba:
M. Ramiro Hernandez Portela, Conseiller de la Légation de Cuba à Paris.
M. le Dr. Mario Lebredo, Directeur de l'Hôpital "Las Animas."

His Majesty the King of Denmark:
M. le Dr. Th. Madsen, Directeur de l'Institut des Sérums de l'État.
M. I. A. Korbing, Directeur de la Société des Armateurs réunis.

The President of the Republic of Poland, for the Free City of Danzig:
M. le Dr. Witold Chodzko, ancien Ministre de la Santé.
M. le Dr. Carl Stade, Conseiller d'État du Sénat de la Ville libre de Danzig.

The President of the Dominican Republic:
M. le Dr. Betances, Professeur à la Faculté de Médecine de Saint-Domingue.

His Majesty the King of Egypt:
Fakhry Pacha, Ministre d'Égypte à Paris.
M. le Major Charles P. Thomson, D. S. O., Président du Conseil Sanitaire Maritime et Quarantenaire d'Égypte.
M. le Dr. Mohamed Abd El Salam El Guindy Bey, deuxième Secrétaire de la Légation d'Égypte à Bruxelles, Délégué du Gouvernement Égyptien au Comité de l'Office International d'Hygiène publique.

The President of the Republic of Ecuador:
M. le Dr. J. Illingourth Ycaza.

His Majesty the King of Spain:
M. le Marquis de Faura, Ministre, Conseiller de l'Ambassade d'Espagne à Paris.
M. le Dr. Francisco Murillo y Palacios, Directeur Général de la Santé d'Espagne.

The President of the United States of America:
M. le Dr. H. S. Cumming, Surgeon General, Public Health Service.
M. le Dr. Taliaferro Clark, Senior Surgeon, Public Health Service.
Dr. W. W. King, Surgeon, Public Health Service.

Her Majesty the Queen of Ethiopia and His Imperial and Royal Highness the Prince Hereditary and Regent of the Empire:
M. le Comte Lagarde, Duc d'Entotto, Ministre Plénipotentiaire.

President of the Republic of Finland:
M. Charles Enckell, Ministre de Finlande à Paris.
M. le Dr. Oswald Streng, Professeur à l'Université d'Helsingfors.

The President of the French Republic:
Son Excellence, M. Camille Barrère, Ambassadeur de France.
M. Harismendy, Ministre Plénipotentiaire, Sous-Directeur au Ministère des Affaires Étrangères.
M. de Navilles, Sous-Directeur au Ministre des Affaires Étrangères.
M. le Dr. Calmette, Sous-Directeur de l'Institut Pasteur.
M. le Dr. Léon Bernard, Professeur à la Faculté de Médecine de Paris.

For Algeria:
M. le Dr. Lucien Raynaud, Inspecteur général des Services d'Hygiène d'Algérie.

For French West Africa:
M. le Dr. Paul Gouzien, Médecin-Inspecteur général des Troupes coloniales.

For French East Africa:
M. le Dr. Thiroux, Médecin-Inspecteur des Troupes coloniales.

For French Indo-China:
M. le Dr. L'Herminier, Dèlégué-de l'Indochine au Comité consultatif du Bureau d'Orient de la Société des Nations.
M. le Dr. Noël Bernard, Directeur des Instituts Pasteur d'Indochine.

For the States of Syria, Grand Liban, Alaouïtes and Djebel-Druse:
M. Harismendy, Ministre Plénipotentiaire, Sous-Directeur au Ministère des Affaires Etrangères.
M. le Dr. Delmas.

For all other colonies, protectorates, possessions and territories under French mandate:
M. le Dr. Audibert, Inspecteur général du Service de Santé au Ministère des Colonies.

His Majesty the King of the United Kingdom of Great Britain and Ireland and the British possession beyond the Seas, Emperor of India:
Sir George Seaton Buchanan, Kt., C. B., M. D., Médecin en chef au Ministère de l'Hygiène.
M. John Murray, C. M. G., Conseiller au Foreign Office.

For the Dominion of Canada:
M. le Dr. John Andrew Amyot, C. M. G., M. B., Directeur Général du Ministère d'Hygiène du Dominion du Canada.

For the Commonwealth of Australia:
M. le Dr. William Campbell Sawers, D. S. O., M. B., Médecin au Ministère de l'Hygiène.

For the Dominion of New Zealand:
M. le Lieutenant-Colonel Sydney Price James, M. D.

For India:
M. David Thomas Chadwick, C. S. I., C. I. E., Secrétaire due Gouvernement de l'Inde au Ministère du Commerce.
For the Union of South Africa:
M. le Dr. Philip Stock, C. B., C. B. E., Délégué au Comité de l'Office International d'Hygiène publique.

The President of the Republic of Greece:
M. Al C. Carapanos, Ministre de Grèce à Paris.
M. le Dr. Matarangas Gèrassimos.

The President of the Republic of Guatemala:
M. le Dr. Francisco A. Figueroa, Chargé d'Affaires à Paris.

The President of the Republic of Haiti:
M. le Dr. Georges Audain.

His Majesty the King of Hedjaz:
M. le Dr. Mahmoud Hamoudé, Directeur Général de la Santé Publique.

The President of the Republic of Honduras:
M. le Dr. Ruben Aúdino-Aguilar, Chargé d'Affaires à Paris.

His Serene Highness the Regent of the Kingdom of Hungary:
M. le Dr. Charles Grosch, Conseiller au Ministère de la Prévoyance Sociale.

His Majesty the King of Italy:
M. le Dr. Albert Lutrario, Préfet de 1st classe.
M. le Dr. Giovanni Vittorio Repetti, Général Médecin de la Marine Royale Italienne, Directeur sanitaire du Commissariat Général de l'Emigration.
M. le Colonel de Port Odoardo Huetter, Commandant du Port de Venise.
M. Guido Rocco, Premier Secrétaire de l'Ambassade d'Italie à Paris.
M. le Dr. Cancelleiere, Vice-Préfet de lre classe.
M. le Dr. Druetti, Délégué Sanitaire à l'étranger.

His Majesty the Emperior of Japan:
M. Hajimé Matsushima, Conseiller d'Ambassade.
M. le Dr. Mitsuzo Tsurumi, Délégué de Japon au Comité de l'Office International d'Hygiène publique.

Le Président of the Republic of Liberia:
M. le Baron R. A. L. Lermann, Ministre de Libéria à Paris.
M. N. Ooms, Premier Secrétaire de la Légation.

The President of the Republic of Lithuania:
M. le Dr. Pranas Viciuska, Lieutenant général de Santé de réserve, chargé de cours à L'Université de Kaunas, Médecin en chef de la ville de Kaunas.

Her Royal Highness Madame Grand Duchess of Luxembourg:
M. le Dr. Praum, Directeur de Laboratoire Bactériologique de Luxembourg.

His Majesty the Sultan of Morocco:
M. Harismendy, Ministre Plénipotentiaire, Sous-Directeur au Ministère des Affaires étrangères.
M. le Dr. Lucien Raynaud, Inspecteur général des Services d'Hygiène d' Algérie.

The President of the Republic of Mexico:
M. le Dr. Raphaël Cabrera, Ministre du Mexique à Bruxelles.

His Serene Highness the Prince of Monaco:
M. Roussel-Despierres, Secrétaire d'Eat de S. A. S. le Prince de Monaco.
M. le Dr. Marsan, Directeur de Service d'Hygiène de la Principautè.

His Majesty the King of Norway:
M. Sigurd Bentzon, Conseiller de la Lègation de Norvège à Paris.
M. le Dr. H. Mathias Gram, Directeur Général de l'Administration Sanitaire.

The President of the Republic of Paraguay:
M. le Dr. R. V. Caballero, Chargé d'Affaires du Paraguay en France.

Her Majesty the Queen of the Netherlands:
M. Doude van Troostwyk, Ministre des Pays-Bas à Berne.
M. le Dr. N. M. Josephus Jitta, Président du Conseil d'Hygiène.
M. le Dr. de Vogel, ancien Inspecteur en chef du Service Sanitaire aux Indes Néerlandaises.
M. van der Plas, Consul des Pays-Bas à Djeddah.

The President of the Republic of Peru:
M. le Dr. Pablo S. Mimbela, Ministre Plénipotentiaire du Peru à Berne.

His Majesty the Shah of Persia:
M. le Dr. Ali-Khan Partow-Aazam, ancien Sous-Secrétaire au Ministère dl'instruction publique, Vice-Président du Conseil sanitaire et Directeur d l'Hôpital Impérial.
M. le Dr. Mansour-Charif, ancien médecin de la Famille Royale.

The President of the Republic of Poland:
M. le Dr. Witold Chodzko, ancien Ministre de la Santé.
M. Taylor, Sous-Chef du Département de Traitès.

The President of the Portuguese Republic:
M. le Professeur Ricardo Jorge, Directeur Général de la Santé publique.

His Majesty the King of Rumania:
M. le Dr. Jean Cantacuzéne, Professeur à la Faculté de Médecine de Bucarest.

The Captain Regents of San-Marino:
M. le Dr. Guelpa.

The President of the Republic of Salvador:
M. le Professeur Lardé-Arthés.

His Majesty the King of the Serbs, Croats and Slovenes:
M. Miroslav Spalaïkovitch, Ministre Plénipotentiaire à Paris.

The Governor General representing the sovereign authority of the Soudan:
M. le Dr. Oliver Francis Haynes Atkey, M. B., F. R. C. S., Directeur du Service Médical du Soudan.

The Swiss Federal Council:
M. Alphonse Dunant, Ministre de Suisse à Paris.
M. le Dr. Carriére, Directeur du Service fédéral de l'Hygiène publique.

The President of the Czechoslovak Republic:
M. le Dr. Ladislav Prochazka, Chef des Services sanitaires de la Ville de Pargue.

His Highness the Bey of Tunis:
M. le Navilles, Sous-Directeur au Ministère des Affairs Ètrangères.

The President of the Turkish Republic:
His Excellency Aly Féthy Bey, Ambassador of Turkey to Paris.

The Central Executive Committee of the Union of Soviet Socialist Republics:
M. le Professeur Nicolas Semachko, Membre du Comité Central Exécutif de l'U. R. S. S., Commissaire du Peuple pour la Santé ib; oqie de; a R. S. F. S. R.
M. Jacques Davtian, Conseiller de l'Ambassade de l'Union des Républiques Soviétistes Socialistes à Paris.
M. Vladimir Egoriew, Sous-Directeur au Commissariat du Peuple pour les Affaires Ètrangères.
M. le Dr. Ilia Mammoulia, Membre du Comité Central Exécutif de la République Socialiste Soviétiste de Géorgie.
M. le Dr. Léon Bronstein, du Commissariat du Peuple pour la Santé Publique do la République Soviétiste Socialiste de l'Ukraine.
M. le Dr. Oganes Mebournontoff, Membre du Collège du Commissariat du Peuple pour la Santé Publique de la R. S. S. de l'Uzbékistan.
M. le Dr. Nicolas Freyberg, Conseiller au Commissariat du Peuple pour la Santé Publique de la R. S. F. S. R.
M. le Dr. Aléxis Syssine, Chef du Département sanitaire et épidémiologique du Commissarjat du Peuple pour la Santé Publique de la R. S. F. S. R., Professeur à l'Université.

The President of the Republic of Uruguay:
M. A. Herosa, ancien Chargé d'Affaires de l'Uruguay à Paris.

The President of the Republic of Venezuela:
M. José Ignacio Cardenas, Ministre du Vénéquéla à Madrid et la Haye.

Who, after depositing their full powers, found to be in good and due form, have agreed to the following provisions:

PRELIMINARY PROVISIONS

For the purposes of this Convention, the high contracting parties adopt the following definitions:

1. The word *circonscription* designates a fully defined part of territory, for example: a province, a government, a district, a department, a canton, an island, a commune, a city, a city district, a village, a port, a community, et cetera, regardless of the area and population of those parts of territory.

2. The word *observation* means isolation of the persons either on board a ship or in a sanitary station before they are given free pratique.

The word *surveillance* means that the persons are not isolated, are immediately given free pratique, but are reported to the health authorities in the several places they are to visit and subjected to a medical examination by which their health condition is ascertained.

3. The word *équipage* includes all persons who are not on board for the mere purpose of being carried from one country to another, but who are employed in any capacity whatsoever in the service of the ship or persons on board, or of the cargo.

4. The word *jour* means an interval of twenty-four hours.

TITLE I. GENERAL PROVISIONS

CHAPTER I. PROVISIONS TO BE OBSERVED BY THE GOVERNMENTS OF THE COUNTRIES PARTICIPATING IN THE PRESENT CONVENTION ON THE APPEARANCE OF PLAGUE, CHOLERA, YELLOW FEVER, OR CERTAIN OTHER INFECTIOUS DISEASES IN THEIR TERRITORY

SECTION I.—*Notification and subsequent communications to other countries*

ARTICLE 1

Each Government shall immediately notify the other Governments and, at the same time the International Office of Public Hygiene;

(1) The first authentic case of plague, cholera, or yellow fever discovered in its territory;

(2) The first authentic case of plague, cholera, or yellow fever which occurs outside the limits of local areas already affected;

(3) The existence of an epidemic of typhus or of smallpox.

ARTICLE 2

Every notification prescribed in Article I shall be accompanied, or very promptly followed, by detailed information as to—

(1) Where the disease has appeared;

(2) The date of its appearance, its source and its type;

(3) The number of established cases and the number of deaths;

(4) The extent of the area or areas affected;

(5) In the case of plague, the existence of that disease or of an unusual mortality among rats;

(6) In the case of cholera, the number of germ carriers when these have been discovered;

(7) In the case of yellow fever, the presence and relative prevalence (index) of *stegomyia calopus* (*aedes Egypti*);

(8) The measures taken.

ARTICLE 3

The notifications contemplated in Articles I and II are to be addressed to the Diplomatic Missions or failing them to consular offices in the capital of the infected country and shall be held at the disposition of consular officers established in its territory.

These notifications shall also be addressed to the International Office of Public Hygiene which shall communicate them immediately to all diplomatic missions, or failing them, to the Consulates, in Paris, as well as to the principal public health authorities of the participating countries. Those prescribed under Article I shall be addressed by telegram.

The telegrams addressed by the International Office of Public Hygiene to the Governments of countries participating in the present Convention or to the principal public health authorities of these countries, and the telegrams transmitted by these Governments and by these authorities under this Convention, are treated like State telegrams and enjoy the priority accorded to such telegrams by Article V of the International Telegraphic Convention of July 10/22, 1875.

ARTICLE 4

The notification and the information contemplated in Articles 1 and 2 shall be followed by subsequent communications sent regularly to the International Office of Public Hygiene so as to keep the Governments informed of the progress of the epidemic.

These communications, which shall be as frequent and as complete as possible and shall take place at least once a week with regard to the number of cases and deaths, shall indicate in particular the precautions adopted with a view to preventing the spread of the disease. They shall specify the measures enforced upon the departure of vessels to prevent exportation of the disease, and especially the measures taken with regard to rats or insects.

ARTICLE 5

The Governments undertake to reply to any request for information which is made to them by the International Office of Public Hygiene in regard to epidemic diseases mentioned in the Convention, which occur in their territory, and in regard to circumstances likely to affect the transmission of these diseases from one country to another.

ARTICLE 6

Since rats[1] are the principal agents by which bubonic plague is spread, the Governments undertake to make use of all means in their power to diminish this danger and constantly to keep themselves informed of the condition of the rats in their ports as regards plague infection, by frequent and periodical examinations; and in particular to carry out the systematic collection and the bacteriological examination of rats in every plague-infected area, during a period of not less than six months from the finding of the last plague-infected rat.

The methods and the results of these examinations shall be communicated in ordinary circumstances at regular intervals, and in the case of plague every month, to the International Office of Public Hygiene in order that Governments may be kept uninterruptedly informed by that Office of the condition of ports in regard to plague amongst rats.

On the first discovery of plague among rats on land, in a port free from infection during the previous six months, the communications shall be sent by the most rapid ways.

ARTICLE 7

In order to facilitate the fulfilment of duties put upon it by this Convention, and having regard to the benefits derived from the information furnished by the epidemiological intelligence service of the League of Nations, including its Eastern Bureau at Singapore, and of other analogous bureaus, as well as by the Pan-American Sanitary Bureau, the International Office of Public Hygiene is empowered to make the needful arrangements with the Health Committee of the League of Nations, as well as with the Pan-American Sanitary Bureau and other similar organizations.

It stands understood that the relations established under the arrangements above indicated will not involve any derogation from the provisions of the Convention of Rome of December 9, 1907, and cannot work the effect of substituting any other sanitary body for the International Office of Public Hygiene.

ARTICLE 8

As it is of primary importance that the foregoing provisions be promptly and scrupulously complied with, the Governments recognize the necessity of giving instructions to the appropriate services in regard to the application of these provisions.

As notification is of no value unless every Government be itself informed, in good time, of cases of plague, cholera, yellow fever, typhus, or smallpox, and also of suspected cases of these diseases which occur in its territory, countries participating in the Convention undertake to make it compulsory to declare such cases.

ARTICLE 9

It is recommended that neighboring countries should make special arrangements, with the object of organizing direct exchange of information between the head of the department concerned as regards territories that are contiguous or have close commercial relations. These arrangements shall be communicated to the International Office of Public Hygiene.

SECTION II. *Conditions which warrant considering that the measures prescribed by the convention are or have ceased to be applicable to arrivals from particular areas*

ARTICLE 10

The notification of imported cases of plague, cholera or yellow fever shall not lead to the adoption of the measures prescribed in the following Chapter II in regard to arrivals from the area in which they occurred.

But the measures may be adopted when a first case of plague or yellow fever has occurred which is recognized as a non-important case, or when the cases of cholera from a *foyer*,[2] or when exanthematous typhus or smallpox exists in epidemic form.

ARTICLE 11

In order that the measures prescribed in Chapter II may be limited to places which are actually stricken, Governments must restrict their application to arrivals from defined local areas in which the diseases coming under the present Convention have appeared under the conditions indicated in the second paragraph of Article 10.

But this limitation of an infected local area must be accepted only on the express condition that the Government of the country in which this area is comprised shall take the measures necessary (1) for checking the spread of the epidemic and (2) for applying the measures prescribed by Article 13 below.

[1] The provisions of this Convention regarding rats are applicable to the case of other rodents, and in general to other animals known to be the means of spreading plague.

[2] A "*foyer*" exists when the occurrence of new cases outside the immediate surroundings of the first cases proves that the spread of the disease has not been limited to the place where it began.

ARTICLE 12

The Government of a country in which an infected area is situated will inform other Governments and the International Office of Public Hygiene in the manner specified in Article 3, when the danger of infection from that area has ceased, and when all the preventive measures have been taken. From the time of this information the measures prescribed in Chapter II will no longer be applicable to arrivals from the area in question, except in exceptional circumstances, which must be established.

SECTION III. *Measures at the ports and on the departure of vessels*

ARTICLE 13

The competent authority shall be obliged to take effectual measures—

(1) To prevent the embarkation of persons showing symptoms of plague, cholera, yellow fever, exanthematous typhus or smallpox, and of persons in such relations with the sick as to render them liable to transmit the infection of these diseases;

(2) In the case of plague, to prevent rats gaining access to ships;

(3) In the case of cholera, to see that the drinking water and foodstuffs taken on board is wholesome, and that water taken in as ballast is disinfected if necessary;

(4) In the case of yellow fever, to prevent mosquitoes gaining access to ships;

(5) In the case of exanthematous typhus, to secure the delousing of all suspects before their embarkation;

(6) In the case of smallpox, to subject to disinfection worn garments and rags before they are compressed.

ARTICLE 14

Governments undertake to maintain in and around their large ports and, as far as possible, in and around their other ports, a sanitary service possessing an organization and equipment capable of carrying out the application of the prophylactic measures in the case of the diseases coming under this Convention and especially the measures laid down in Articles 6, 8 and 13.

The said Governments will supply at least once a year to the International Office of Public Hygiene a statement showing in the case of each of their ports the condition of its sanitary organization commensurate with the provisions of the preceding paragraph. The Office will forward such information through the proper channels to the principal health authorities of the participating countries either directly or through some other international sanitary organization in accordance with the arrangements concluded under Article 7.

CHAPTER II. MEASURES OF DEFENCE AGAINST THE DISEASES MENTIONED IN CHAPTER I

ARTICLE 15

Any ship, whatever port it comes from, may be subjected by the sanitary authority to a medical inspection, and if circumstances require it, to a thorough examination.

The sanitary measures and actions to which a ship may be subjected on arrival shall be determined by the actual condition found to exist on board and the sanitary particulars of the voyage.

It rests with each Government, taking into account the information furnished under the provisions of Section I, Chapter I, and of Article 14 of this Convention, as well as the obligations placed upon it by Section II, Chapter I, to determine what procedure is applicable in its own ports to arrivals from any foreign port, and in particular to decide whether, from the point of view of the procedure to be applied, a particular foreign port should be considered as infected.

The measures as provided in this Chapter must be regarded as constituting a maximum within the limits of which Governments may regulate the procedure to be applied to ships on their arrival.

SECTION I.—*Notification of measures prescribed*

Every Government is bound to communicate immediately to the Diplomatic Mission or, failing that, to the Consul of the infected country, residing in its capital, as well as to the International Office of Public Hygiene which shall immediately make them known to the other Governments, the measures which it considers necessary to prescribe with regard to arrivals from that country. Such information will in like manner be held at the disposition of other diplomatic or consular representatives established in its territory.

It also is bound to communicate, through the same channels, the withdrawal of these measures or any modifications thereof.

In the absence of a Diplomatic Mission or a Consulate in the capital, the communications shall be made direct to the Government of the country concerned.

SECTION II.—*Merchandise and baggage—Importation and transit*

ARTICLE 17

Subject to the provisions of the last paragraph of Article 50, the entry of merchandise and baggage arriving by land or by sea for import or for transit may not be prohibited nor may merchandise or baggage be detained at land frontiers or in ports. The only measures which may be prescribed with regard to such merchandise and baggage are specified in the following paragraphs:

(a) In the case of plague, body linen, wearing apparel and bedding which have been in recent use may be subjected to disinsectisation, and, if necessary, to disinfection.

Merchandise coming from an infected local area and likely to harbor plague-infected rats may be unloaded only on condition that the precautions necessary to prevent the escape of rats and to ensure their destruction are taken as far as practicable.

(b) In the case of cholera, body linen, wearing apparel and bedding which have been in recent use may be subjected to disinfection.

In derogation of the provisions of this Article, the importation of fresh fish, shellfish and vegetables may be prohibited unless they have undergone a treatment calculated to destroy cholera vibrios.

(c) In the case of exanthematous typhus, body linen, wearing apparel and bedding which have been in recent use, as well as rags not carried as merchandise in large quantities, may be subjected to disinsectisation.

(d) In the case of smallpox, body linen, wearing apparel and bedding which have been in recent use, as well as rags not carried as merchandise in large quantities, may be subjected to disinfection.

ARTICLE 18

It rests with the authority of the country to which the merchandise and things are consigned to decide in what manner and at what place disinfection shall be carried out and what shall be the methods adopted to secure the destruction of rats or insects (fleas, lice, mosquitos, et cetera). These operations must be performed in such a fashion as to injure articles as little as possible. Clothes and other articles of small value, including rags not carried in merchandise in large quantities, may be destroyed by fire.

It rests with each State to settle questions of compensation for damage caused by disinfection, deratisation or disinsectisation, or by the destruction of the things referred to above.

If, on account of these measures, charges are levied by the sanitary authority, either directly or indirectly through a company or an individual, the rates of these charges must be in accordance with a tariff made public beforehand and so drawn up that the State and the sanitary authority shall, on the whole, derive no profit from its application.

ARTICLE 19

Letters and correspondence, printed matter, books, newspapers, business documents, et cetera, shall not be subject to any sanitary measure. Post parcels shall be subjected to restriction only if their contents include articles on which the measures provided by Article 17 of the present Convention may be enforced.

ARTICLE 20

When merchandise or baggage has been subjected to the operations prescribed in Article 17, any interested party can require the sanitary authorities to issue a free certificate showing the measures that have been taken.

SECTION III.—*Provisions relating to emigrants.*

ARTICLE 21

The sanitary authorities in a country of emigration must subject its emigrants to a medical examination before their departure.

It is recommended that special arrangements be made between the countries of emigration, immigration and transit, with a view to laying down the conditions under which this examination shall be considered satisfactory by them, so that rejections on medical grounds at the frontier of the countries of transit and destination may be reduced to a minimum.

It is also recommended that these arrangements should determine what preventive measures against infectious diseases shall be applied to emigrants in the country of departure.

ARTICLE 22

It is recommended that, at the towns or ports of embarkation for emigrants, there should be an adequate health and sanitary administration having especially (1) a service for medical examination and treatment, as well as the necessary medical and prophylactic equipment; (2) an establishment supervised by the State where emigrants may be subjected to

the health formalities, temporarily housed, and undergo all necessary medical examinations and have their food and drinking supplies examined; (3) premises situated at the port where medical examinations shall be made at the time of the final embarkation.

ARTICLE 23

It is recommended that emigrant ships be provided with a sufficient quantity of vaccines (anti-smallpox, anti-cholera, et cetera), in order to permit, if necessary, of vaccinations during the voyage.

SECTION IV.—*Measures at ports and marine frontiers.*

A. PLAGUE

ARTICLE 24

A ship shall be regarded as *infected:*

(1) if it has a case of human plague on board;

(2) or if a case of human plague broke out more than six days after embarkation;

(3) or if plague-infected rats are found on board.

A ship shall be regarded as *suspected:*

(1) if a case of human plague broke out in the first six days after embarkation;

(2) or if investigations regarding rats have shown the existence of an unusual mortality without determining the cause thereof.

The ship shall continue to be regarded as suspicious until it has been subjected to the measures prescribed by this Convention at a suitably equipped port.

A ship shall be regarded as *uninfected*, notwithstanding its having come from an infected port if there has been no human or rat plague on board either at the time of departure, or during the voyage, or at the time of arrival, and the investigations regarding rats have not shown the existence of an unusual mortality.

ARTICLE 25

Plague-infected ships shall undergo the following measures:

(1) Medical inspection;

(2) The patients shall immediately be landed and isolated;

(3) All persons who have been in contact with the patients and those whom the health authority of the port has reason to consider suspect shall be disembarked if possible. They may be subjected to observation or surveillance, or to a period of observation followed by surveillance,[3] provided that the total duration of these measures does not exceed six days from the time of arrival of the ship.

It rests with the sanitary authority of the port, after taking into consideration the date of the last case, the condition of the ship and the local possibilities, to take that one of these measures which seems to it preferable. During the same period the crew may be prevented from going ashore except on duty made known to the sanitary authority;

(4) Bedding which has been used, and such soiled linen, wearing apparel and other articles as are, in the opinion of the sanitary authority, infected shall be disinsectised and, if there be occasion, disinfected;

(5) The parts of the ship which have been occupied by persons suffering from plague or which, in the opinion of the sanitary authority, are infected, shall be disinsectised and, if there be occasion, disinfected;

(6) The sanitary authority may order deratisation before the discharge of cargo, if it is of opinion, having regard to the nature of the cargo, and the way in which it is loaded, that it is possible to effect a total destruction of rats without removing it. In this case, the ship can not be subjected to a new deratisation after discharge. In other cases the complete destruction of rats on board must be effected when the holds are empty. In the cases of ships in ballast, this shall be done as soon as possible before taking cargo.

Destruction of rats shall be carried out so as to avoid, as far as possible, damage to the ship and cargo (if any). The operation must not last longer than twenty-four hours. All charges made in respect to these operations of deratisation as also all contingent indemnity claims, shall be settled in accordance with the principles laid down in Article 18.

If a ship is only to discharge a part of its cargo, and if the port authorities consider that it is impossible to undertake complete deratisation, the said ship shall be allowed to remain in the port for the time required to discharge that part of its cargo, provided that all precautions, including isolation, are taken to the satisfaction of the sanitary authority to prevent rats from passing from ship to shore, either with unladen goods or otherwise.

The discharge of cargo shall be carried out under the supervision of the sanitary authority, who shall take all measures necessary to prevent the men employed on this duty from becoming infected. The men shall be subjected to observation or to surveillance for a period not exceeding six days from the time when they have ceased to work at the unloading of the ship.

ARTICLE 26

Plague-suspected ships shall undergo the measures indicated in Nos. 1, 4, 5 and 6 of Article 25.

In addition, the crew and passengers may be subjected to surveillance which shall not exceed six days, reckoned from the date of the ship's arrival. The crew may be prevented during the same period from going ashore except on duty made known to the Sanitary Authority.

ARTICLE 27

Ships uninfected with plague shall be given free pratique immediately, with the reservation that the sanitary authority of the port of arrival may prescribe the following measures with regard to them:

(1) Medical inspection to determine whether the condition of the ship corresponds to the definition of a healthy ship;

(2) Destruction of rats on board under the conditions specified in 6 of Article 25 in exceptional cases and for well-founded reasons which will be communicated in writing to the Captain of the ship;

(3) The crew and passengers may be subjected to surveillance during a period which shall not exceed six days reckoned from the date on which the ship left the contaminated port. The crew may be prevented during the same period from going ashore except on duty made known to the sanitary authority.

ARTICLE 28

All ships, except those employed in national coastwise service, must be periodically deratised, or be permanently kept in such a condition that rat population is reduced to the minimum. In the first case they receive Deratisation Certificates, and in the second Deratisation Exemption Certificates.

Governments shall make known through the International Office of Public Hygiene those of their ports possessing the equipment and personnel necessary for the deratisation of ships.

A deratisation certificate or a deratisation exemption certificate shall be issued only by the sanitary authority of the aforesaid ports. The certificate shall be valid for six months. One additional month, however, may be allowed in the case of a ship proceeding to its home port.

If no valid certificate is produced, the sanitary authority at the ports mentioned in the second paragraph of this Article may after inquiry and inspection:

(a) Directly perform the deratisation of the vessel, or cause it to be done under its direction and supervision. When completed to its satisfaction it shall issue a dated *Deratisation Certificate.* It shall decide in each case what process shall be employed practically to exterminate the rats on board; particulars of the mode of deratising applied and of the number of rats destroyed must be entered on the Certificate. Destruction of rats must be accomplished in a manner that will as far as possible save the ship and cargo (if any) from injury. The operation must not last longer than 24 hours. In the case of vessels in ballast, it must be done before loading. All charges on account of these operations of deratisation and all claims, if any, for damages shall be settled according to the terms of Article 18.

(b) Issue a Deratisation Exemption Certificate stating the date and grounds if it is satisfied that the ship is maintained in such a condition that the rat population is reduced to a minimum.

The deratisation and deratisation exemption certificates shall be drawn up as far as possible in a uniform manner. Forms of such certificates will be prepared by the International Office of Public Hygiene.

The competent authority of each country undertakes each year to furnish the International Office of Public Hygiene with a statement of the measures taken under this article and the number of ships which have been subjected to deratisation, or which have been granted deratisation exemption certificates, at the ports referred to in the second paragraph of this Article.

The International Office of Public Hygiene is requested to take in accordance with Article 14 all steps for the interchange of information as to the action taken under this Article and the results obtained.

[3] In all cases where the present Convention refers to "Surveillance" the sanitary authority may substitute "Observation" as an exceptional measure in the case of persons who do not offer adequate sanitary guarantees.

Persons under observation or surveillance must submit to all clinical or bacteriological investigations which are considered necessary by the sanitary authority.

The provisions of this Article do not affect the rights accorded to sanitary authorities by Articles 24-27 of this Convention.

The Governments shall see that all requisite and practicable measures are taken by the competent authorities to accomplish the destruction of rats in ports and the dependent and neighboring ports as well as on lighters and coastwise vessels.

B. CHOLERA

ARTICLE 29

A ship shall be regarded as *infected* if there is a case of cholera on board, or if there has been a case of cholera during the five days previous to the arrival of the ship in port.

A ship shall be regarded as *suspected* if there has been a case of cholera at the time of departure or during the voyage, but no fresh case in the five days previous to arrival. The ship shall continue to be regarded as suspect until it has been subjected to the measures prescribed by the present Convention.

A ship shall be considered *uninfected* notwithstanding that it came from an infected port or that it may have on board persons proceeding from an infected area if there has been no case of cholera at the time of departure, during the voyage, or on arrival.

Cases presenting the clinical symptoms of cholera in which no cholera vibrios have been found, or in which vibrios not strictly showing the characteristics of cholera vibrio have been found, shall be subject to all measures required in the case of cholera.

Germ carriers discovered on the arrival of the ship shall be submitted after disembarkation to all the obligations which may be imposed on such a case by the laws of the country of arrival on its own nationals.

ARTICLE 30

Cholera-infected ships shall be subjected to the following measures:

(1) Medical inspection;

(2) The patients shall be immediately landed and isolated;

(3) The crew and passengers may also be landed and either be kept under observation or subjected to surveillance during a period not exceeding five days reckoned from the date of arrival.

However, persons who can show that they have been immunized from cholera by vaccination effected less than six months, and more than six days before, may be subjected to surveillance but not to observation.

(4) Bedding which has been used, soiled linen, wearing apparel and other articles, including foodstuffs, which in the opinion of the sanitary authority of the port have been recently contaminated, shall be disinfected;

(5) The parts of the vessel which have been occupied by cholera patients or which are considered by the health authorities as being contaminated, shall be disinfected;

(6) Unloading shall be carried out under the supervision of the sanitary authority, who will take all measures necessary to prevent the infection of the men engaged in unloading. They shall be subjected to observation or to surveillance which shall not exceed five days from the time when they cease unloading;

(7) When the drinking water stored on board is considered suspicious it shall be turned off after being disinfected and replaced after disinfection of the tanks by a supply of water of good quality;

(8) The health authority may prohibit the turning off without previous disinfection of water ballast if it has been taken in at an infected port;

(9) It may be forbidden to let run or throw human dejections or the residuary waters of the vessel into the waters of the port, unless they are first disinfected.

ARTICLE 31

Vessels suspected of cholera shall be subjected to the measures prescribed under Nos. (1), (4), (5), (7), (8), and (9) of Article 30.

The crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. It is recommended that the landing of the crew be prevented during the same period except for purposes connected with the service and made known to the sanitary authority of the port.

ARTICLE 32

If the ship has been declared infected or suspected only because of cases on board presenting the clinical features of cholera, and two bacteriological examinations, made with an interval of not less than 24 hours between them, have not revealed the presence of cholera or any other suspicious vibrios, it shall be classed as uninfected.

ARTICLE 33

Vessels uninfected with cholera shall be granted pratique immediately.

The health authority of the port of arrival may order in their case the measures provided under Nos. (1), (7), (8), and (9) of Article 30.

The crew and the passengers may be subjected to a surveillance not to exceed five days from the date of arrival of the ship. The landing of the crew may be forbidden during the same period except for purposes connected with the service and made known to the sanitary authority of the port.

ARTICLE 34

Since anti-cholera vaccination is a method of proved efficacy in checking cholera epidemics, and consequently in lessening the likelihood of the spread of the disease, it is recommended that sanitary administrations will, in the largest measure possible, and as often as practicable, apply specific vaccination in cholera hotbeds and grant certain advantages as regards restrictive measures to persons who agree to be vaccinated.

C. YELLOW FEVER

ARTICLE 35

A ship shall be regarded as *infected* if there is a case of yellow fever on board, or if there was one at the time of departure or during the voyage.

A ship shall be regarded as *suspected* if it had no case of yellow fever but arrives after a voyage of less than six days from an infected port or from an uninfected port in close relation with endemic centers of yellow fever, or if when it arrived having been more than six days out there is reason to believe that it may carry winged *Stegomyia* (*Aedes Egypti*) from the said port.

A ship shall be regarded as *uninfected*, notwithstanding its having come from a yellow-fever infected port if, having had no case of yellow fever on board and arrived after more than six days on the way, there is no reason to believe that it carries winged *Stegomyia*, or when it proves to the satisfaction of the sanitary authority of the port of arrival:

(a) That during its stay in the port of departure it kept at a distance of more than 200 metres from the inhabited land and at such a distance from the pontoons as to make the access of *Stegomyia* improbable;

(b) Or that at the time of departure it was subjected to effective fumigation in order to destroy mosquitoes.

ARTICLE 36

Ships infected with fellow fever shall undergo the following measures:

(1) Medical inspection;

(2) The patients shall be landed, and those of them who are in the first five days of the disease shall be isolated so as to prevent contamination by mosquitoes;

(3) The other persons who land shall be subjected to observation or surveillance not exceeding six days reckoned from the time of landing;

(4) The ship will be moored at least 200 metres from the inhabitated land and at such a distance from the pontoons as will render the access of *Stegomyia* improbable;

(5) Mosquitoes at all stages of evolution shall be destroyed on board as far as possible before discharge of cargo. If unloading takes place before the destruction of mosquitoes, the personnel in charge of that work will be subjected to observation or to surveillance for not more than six days from the time when they ceased unloading.

ARTICLE 37

Ships suspected of yellow fever may be subjected to the measures specified in (1), (3), (4), and (5) of Article 36.

Nevertheless, if the voyage has lasted less than six days if the ship meets the conditions specified under letters (a) and (b) in the subsection of Article 35 relating to uninfected ships, it shall only be subjected to the measures prescribed by Article 36, (1) and (3) and to fumigation.

When 30 days have elapsed after the departure of the ship from the infected port, and no case has occurred during its voyage, the ship may be granted free pratique subject to preliminary fumigation should the sanitary authority deem it necessary.

ARTICLE 38

Ships uninfected with yellow fever shall be granted free pratique after medical inspection.

ARTICLE 39

The measures prescribed in Articles 36 and 37 concern only those regions in which the *Stegomyia* exists, and they shall be applied with due consideration to the climatic conditions prevailing in the countries concerned and also the Stegomyian index.

In other regions they shall be applied to the extent considered necessary by the sanitary authority.

ARTICLE 40

The masters of ships which have touched at ports infected with yellow fever are specially advised to cause a search to be made for mosquitoes and their larvae during the voyage and to secure their systematic destruction in all accessible parts of the ship, particularly in the store rooms, galleys, boiler rooms, water tanks, and other places specially likely to harbor *Stegomyia*.

D. EXANTHEMATOUS TYPHUS.

ARTICLE 41

Ships which, during the voyage have had or at the time of their arrival, have a case of typhus on board, may be subjected to the following measures:

(1) Medical inspection;

(2) The patients shall immediately be landed, isolated, and deloused;

(3) Other persons reasonably suspected to harbor lice, or to have been exposed to infection, shall also be deloused, and may be subjected to surveillance for a time to be specified, but which shall never be more than 12 days, reckoned from the date of delousing;

(4) Bedding which has been used, and such linen, wearing apparel, and other articles as to the sanitary authority of the port considers to be infected shall be disinsected;

(5) The parts of the ship which have been occupied by persons ill with typhus, and that the sanitary authority regard as infected, shall be disinsected.

The ship shall immediately be given free pratique.

It rests with each Government to take after disembarkation the measures which it considers appropriate to secure the surveillance of persons who arrive on a ship which had no case of exanthematous typhus on board, but who left an area where typhus is epidemic less than 12 days before.

E. SMALLPOX

ARTICLE 42

Ships which have had a case of smallpox on board either during the voyage or at the time of arrival may be subjected to the following measures:

(1) Medical inspection;

(2) The patients shall immediately be landed and isolated;

(3) Other persons reasonably suspected to have been exposed to infection on board, and who, in the opinion of the sanitary authority, are not sufficiently protected by recent vaccination, or by a previous attack of smallpox, may be subjected to vaccination followed by surveillance, the period of surveillance being specified in each case according to the circumstances, but never to exceed 14 days, reckoned from the date of arrival;

(4) Bedding which has been used, soiled linen, wearing apparel, and other articles which the sanitary authority of the port considers to be infected, shall be disinfected;

(5) Only those parts of the ship which have been occupied by persons ill with smallpox and which the sanitary authority regards as infected shall be disinfected.

The ship shall immediately be given free pratique.

It rests with each Government to take after disembarkation the measures which it considers appropriate to secure the surveillance of persons who are not protected by vaccination and arrive on a ship that had no smallpox on board, but left an area where smallpox is epidemic less than 14 days before.

ARTICLE 43

It is recommended that ships calling in countries where smallpox is epidemic shall take all precautions possible to secure the vaccination or revaccination of the crew.

It is also recommended that governments should make vaccination and revaccination as general as possible, especially in ports and border regions.

F. COMMON PROVISIONS

ARTICLE 44

The captain and the ship's physician must answer all questions that are put to them by the sanitary authority with regard to the health of the ship during the voyage.

When the captain and the physician declare that there has not been any case of plague, cholera, yellow fever, exanthematous typhus or smallpox, and no unusual mortality among rats on the ship since the time of its departure, the sanitary authority may require them to make a solemn or sworn declaration.

ARTICLE 45

In applying the measures set forth in the preceding subsections A, B, C, D, and E the sanitary authority will take into account the presence of a physician on board and the actual preventive measures taken in the course of the voyage, especially for the destruction of rats.

The sanitary authorities of countries that find it convenient to come to an agreement on the matter may exempt from medical inspection and other measures uninfected ships carrying a physician specially commissioned by their country.

ARTICLE 46

It is recommended that Governments take into account, as to the treatment to be applied to arrivals from another country, measures taken in the latter country to combat infectious diseases and to prevent their transmission to other countries.

Ships arriving from ports which fulfill the conditions set out in Articles 14 and 51 do not derive from that alone any right to special advantages at the port of arrival, but the Governments agree to take into the fullest consideration the measures already taken in those ports, so that all the measures taken at the port of arrival with regard to ships coming from those ports shall be reduced to a minimum. To that end and in order to put shipping, commerce, and traffic to as little inconvenience as possible it is recommended that special arrangements in accordance with Article 57 of this Convention be made in all cases where it would seem advantageous to do so.

ARTICLE 47

Ships arriving from an infected area which have been submitted to sufficient sanitary measures to the satisfaction of the sanitary authority, shall not undergo those measures again on their arrival at another port, whether or not the latter belongs to the same country, provided nothing has happened since which would call for the application of the sanitary measures above referred to and the ships have not called at an infected port, except for coaling.

A ship shall not be considered as having stopped at a port when without having been in communication with the shore it has landed passengers only and their luggage and the mail, or has taken on board only mails or passengers, with or without their luggage, who have not communicated with the port or with a contaminated area. In the case of yellow fever the vessel must, in addition, have kept wherever possible not less than two hundred metres from inhabited land and at such a distance from the pontoons as to make access of *Stegomyia* improbable.

ARTICLE 48

The port authority who imposes sanitary measures shall, whenever requested, deliver to the captain, or any other interested person, a certificate specifying the nature of the measures and the methods employed, the parts of the ship treated, and the reasons why the measures have been applied.

It may also in the same way, on demand, issue free of charge to passengers who have arrived by an infected ship a certificate stating the date of their arrival and the measures to which they and their luggage have been subjected.

SECTION V.—*General Provisions.*

ARTICLE 49

It is recommended—

(1) That bills of health be issued free in all ports;

(2) That fees for consular visas be reduced by way of reciprocity, so as not to represent more than the cost of the service rendered;

(3) That the bill of health be made out in at least one of the languages known to maritime world, in addition to that of the country where it is issued;

(4) That special agreements in the spirit of Article 57 of this Convention be made with a view to doing away gradually with consular visas and bills of health.

ARTICLE 50

It is desirable that the number of ports furnished with an organization and equipment sufficient for the reception of a ship, whatever its health conditions may be, should be in each country commensurate with the importance of the trade and shipping. However, without prejudice to the right of Governments to make agreements for the establishment of common sanitary stations, every country must provide at least one port on each of its seacoasts with the above-mentioned organization and equipment.

Furthermore, it is recommended that all large seaports should be so equipped that uninfected ships at least may undergo immediately upon their arrival the prescribed sanitary measures without being sent to another port for this purpose.

Every infected or suspected ship which arrives in a port not equipped for its reception must proceed, at its own risk and peril, to one of the ports opened to ships of the category to which it belongs.

Governments shall make known to the International Office of Public Hygiene what ports are open to arrivals from ports infected with plague, cholera, or yellow fever, and in particular those open to infected or suspected ships.

ARTICLE 51

It is recommended that there be set up in large seaports:

(a) A regular port medical service, and permanent medical surveillance of the health condition of crews and of the inhabitants of the port;

(b) An outfit for the transport of the sick and suitable premises for their isolation, and for keeping suspected persons under observation;

(c) Installations necessary for efficient disinfection and disinsectisation, bacteriological laboratory, and a force prepared to attend to urgent vaccination against smallpox or against other diseases;

(d) A supply of drinking water of quality beyond suspicion for the use of the port, and a system affording all possible security for the removal of waste, filth, and waste water;

(e) A competent and adequate staff and necessary equipment for the deratisation of ships, yards, docks, and warehouses;

(f) A permanent organization for the detection and examination of rats.

It is also recommended that warehouses and docks should as far as possible be rat proof, and that the sewer system of the port be separate from that of the town.

ARTICLE 52

Governments will refrain from making any sanitary inspection of ships passing through their territorial waters[4] without stopping at the ports or on the coasts of their respective countries.

If the ship, for any reason whatever, should stop at a port or on the coast, it would be subjected to the sanitary laws and regulations of the country to which the port or coast belongs as far as permitted by international conventions.

ARTICLE 53

Special measures may be prescribed regarding any ship in an exceptionally bad sanitary condition likely to facilitate the spread of the diseases mentioned in this Convention, especially crowded ships.

ARTICLE 54

Ships unwilling to comply with obligations imposed by the port authority, in virtue of the provisions of this Convention, shall be at liberty to put out to sea.

Such ships may, however, be permitted to land goods if the ship is isolated and if the goods are subjected to the measures provided by Chapter II, Section II, of this Convention.

Such ships may also be authorized to disembark passengers at their request, on the condition that such passengers submit to the measures prescribed by the sanitary authority.

The ship, while kept isolated, may also take on fuel, stores and water.

ARTICLE 55

Each Government undertakes to have a single sanitary tariff only, which shall be published, and the charges therein shall be moderate. This tariff will be applied in ports to all ships, without distinction being made between the national and foreign flags, and to foreigners in the same conditions as to the country's own nationals.

ARTICLE 56

International coasting traffic will come under special regulations, to be agreed upon by the countries concerned. Nevertheless the provisions of Article 28 of the present Convention shall be applicable to them in all cases.

ARTICLE 57

The Governments, taking into account their peculiar situation, may conclude special agreements amongst themselves, in order to make the sanitary measures prescribed by this Convention more efficacious and less cumbersome. The text of such agreements shall be communicated to the International Office of Public Hygiene.

SECTION VI.—*Measures at land frontiers.—Travellers.—Railways—Frontier Zones—River-Ways*

ARTICLE 58

Observations shall not be established at land frontiers.

Persons showing symptoms of the diseases mentioned in this Convention alone may be detained at frontiers.

This principle does not deprive a State of the right to close a portion of its frontiers if need be. The places through which border traffic will exclusively be allowed shall be designated, and in such cases duly equipped sanitary stations shall be set up at the places thus designated. Notice of these measures shall immediately be given to the neighboring country concerned.

Notwithstanding the provisions of the present Article, persons having been in contact with a person ill with pulmonary plague may be retained at land frontiers under observation for not more than seven days reckoned from the time of arrival.

Persons who have been in contact with a person ill with exanthematous typhus may be submitted to delousing.

ARTICLE 59

In trains coming from infected areas it is important that the railway crew keep watch on the way over the state of health of the travellers.

Medical intervention shall be limited to inspection of travellers and care of the sick and the latters' companions if there be occasion. When this inspection is resorted to, it shall, as far as possible, be combined with the Custom examination in order that travellers may suffer as little delay as possible.

ARTICLE 60

Railway cars running in countries where yellow fever exists must be so arranged as to be as little suited as possible for the transport of *Stegomyia*.

ARTICLE 61

Travellers coming from an area which lies under the conditions coming under the second paragraph of Article 10 of this Convention may be subjected on arrival at their destination to surveillance for not more than six days reckoned from the date of their arrival in the case of plague, five days in the case of cholera, six days in the case of yellow fever, twelve days in the case of exanthematous typhus, or fourteen days in the case of smallpox.

ARTICLE 62

With respect to diseases coming under this Convention, Governments, notwithstanding the foregoing provisions, reserve the right in exceptional cases to take special measures in regard to certain classes of persons who do not offer satisfactory sanitary guarantees, especially persons travelling or crossing the frontier in bands. The provisions of this paragraph are not applicable to emigrants save the provisions of Article 21.

These measures may include the establishment at frontiers of sanitary stations, sufficiently equipped, to ensure the surveillance, and the observation if necessary, of the persons concerned, as well as for their medical examination, disinfection, disinsectisation and vaccination.

As far as possible, these exceptional measures should be made the subject of special arrangements between adjoining States.

ARTICLE 63

Railway cars for passengers, mails or luggage and freight cars may not be detained at the frontier.

If, however, one of the carriages is infected or has been occupied by any person suffering from plague, cholera, exanthematous typhus, or smallpox, it shall be detained all the time required to undergo the prophylactic measures indicated for each case.

ARTICLE 64

The measures concerning the crossing of frontiers by railroad and postal employees are within the province of the administrations concerned. They shall be combined so as not to hinder the service.

ARTICLE 65

The regulation of frontier traffic and questions pertaining thereto, shall be left to special arrangements between the contiguous countries in accordance with the provisions of this Convention.

ARTICLE 66

It shall be the province of the Government of the riparian Nations to regulate the sanitary régime of lakes and river routes by means of special arrangements.

TITLE II. SPECIAL PROVISIONS FOR THE SUEZ CANAL AND NEIGHBORING COUNTRIES

SECTION I.—*Measures with respect to ordinary vessels hailing from contaminated northern ports and appearing at the entrance of the Suez Canal or in Egyptian ports*

ARTICLE 67

Ordinary *uninfected* vessels hailing from a plague or cholera infected port of Europe or the basin of the Mediterranean and presenting themselves for passage through the Suez Canal shall be allowed to pass through in quarantine.

ARTICLE 68

Ordinary *uninfected* vessels wishing to make a landing in Egypt may stop at Alexandria or Port Said.

If the port of departure is contaminated by plague, Article 37 will be applicable.

If the port of departure is contaminated by cholera, Article 33 will be applicable.

The sanitary authority of the port may substitute for surveillance observation either on board or in a quarantine station.

[4] The expression "territorial waters" must be understood in its strictly juridical sense. It does not include Suez, Panama, and Kiel Canals.

ARTICLE 69

The measures to which *infected* or *suspected* vessels shall be subjected which hail from a plague or cholera infected port of Europe or the shores of the Mediterranean or the Black Sea, and which desire to effect a landing in one of the Egyptian ports or to pass through the Suez Canal, shall be determined by the Sanitary, Maritime and Quarantine Board of Egypt in conformity with the stipulations of the present Convention.

ARTICLE 70

The regulations of the Sanitary, Maritime and Quarantine Board of Egypt shall be revised with the least possible delay to conform with the stipulations of this Convention. In order to become effective, they must be accepted by the several Powers represented on the Board. They shall establish the régime to which ships, passengers and merchandise are to be subjected. They shall decide the minimum number of medical officers to be attached to each station, the method of recruitment, the salaries, and duties of such medical officers and all officials appointed to carry out under the orders of the Sanitary, Maritime and Quarantine Board of Egypt the supervision and the execution of preventive measures.

The names of the physicians and officials shall be proposed to the Egyptian Government by the Sanitary, Maritime and Quarantine Board of Egypt, through its President.

SECTION II.—*Measures in the Red Sea*

A. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE SOUTH AND APPEARING IN PORTS OF THE RED SEA OR BOUND TOWARD THE MEDITERRANEAN

ARTICLE 71

Independently of the general provisions in Title I, concerning the classification of and the régime of infected, suspected, or uninfected vessels, the special provisions contained in the ensuing articles are applicable to ordinary vessels coming from the south and entering the Red Sea.

ARTICLE 72

Uninfected ships.—Uninfected ships may pass through the Suez Canal in quarantine. When the ships is to touch at an Egyptian port:

(a) If the port of departure is infected by plague, the ship must have been six full days on the way else the passengers who land and the crews shall be kept under surveillance until the six days are completed.

Loading and unloading of cargo will be allowed with due observance of the necessary measures to prevent the landing of rats;

(b) If the port of departure is infected by cholera, the ship may receive free pratique, but every passenger or member of the crew who disembarks when five days have not elapsed since the date of departure from the infected port, will be subjected to surveillance until the completion of that time.

The sanitary authority of the port may in all cases where that authority considers it necessary, substitute observation on board or in a quarantine station for surveillance. In all cases the sanitary authority may make the bacteriological examinations which it considers necessary.

ARTICLE 73

Suspected ships.—Suspected ships having a physician on board may, if regarded by the sanitary authority as presenting sufficient guarantees, be allowed to pass through the Suez Canal in quarantine under the regulations provided for in Article 70.

When the ship is to stop at an Egyptian port:

(a) In the case of plague, the provisions of Article 6 are applicable, but surveillance may be replaced by observation;

(b) In the case of cholera, the provisions of Article 31 are applicable with the same reservation as to observation instead of surveillance.

ARTICLE 74

Infected ships.—(*a*) *Plague.*—The measures laid down in Article 25 are applicable. Where danger of infection exists, the ship may be required to moor at Moses' Wells or any other place named by the sanitary authority of the port.

Passage in quarantine may be granted before the expiration of the six days required by the regulations, if the sanitary authority of the port considers it possible.

(*b*) *Cholera.*—The measures laid down in Article 30 are applicable. The ship may be required to moor at Moses' Wells or any other place, and in case of a serious outbreak on board, may be sent off to Tor so that vaccination and, if occasion demands, the treatment of the patients may take place.

The ship cannot be authorized to pass through the Suez Canal until the sanitary authority is satisfied that the ship, passengers and crew no longer present any danger.

B. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE INFECTED PORTS OF HEDJAZ DURING THE PILGRIMAGE SEASON

ARTICLE 75

If plague or cholera prevails in Hedjaz during the time of the Mecca pilgrimage, vessels coming from the Hedjaz or from any other part of the Arabian coast of the Red Sea without having embarked there any pilgrims or similar groups of persons, and which have not had any suspicious occurrence on board during the voyage, shall be placed in the category of ordinary suspected vessels. They shall be subjected to the preventive measures and to the treatment imposed on such vessels.

If they are bound for Egypt they may undergo, in a sanitary establishment designated by the Sanitary, Maritime, and Quarantine Board, an observation of five days for cholera and six days for the plague from the date of their embarkation. They shall be subjected, moreover, to all the measures prescribed for suspected vessels (disinfection, et cetera), and shall not be granted pratique until they have passed a favorable medical examination.

It shall be understood that if the vessels have had suspicious occurrences during the voyage they shall pass the observation period at Moses Spring, which shall last five days for cholera and six days for the plague.

SECTION III.—*Organization surveillance*

ARTICLE 76

The medical inspection prescribed by the Regulations may take place at night on ships that come up to pass through the canal if lighted by electricity, and whenever the sanitary authority of the port is satisfied that the lighting facilities are adequate.

The supervision and performance of the prophylactic measures applied in the Suez Canal, and at the quarantine establishments, shall be entrusted to a corps of sanitary guards. These guards shall have the status of police officers with the right to make requisitions in cases where the sanitary regulations are infringed.

SECTION IV.—*Passage through the Suez Canal in quarantine*

ARTICLE 77

The health authority of the port of Suez shall grant the passage through in quarantine, and the Sanitary Maritime and Quarantine Board shall be immediately informed thereof. Doubtful cases shall be decided by that Board.

ARTICLE 78

As soon as the permit provided for in the preceding article is granted, a telegram shall be sent to the authority of the port named by the Captain as his next port of call and also to the port of final destination. The despatch of the telegram is at the expense of the vessel.

ARTICLE 79

Each country shall establish penalties against vessels which abandon the route indicated by the captain and unduly approach one of the ports within its territory, cases of vis major and enforced sojourn being excepted.

ARTICLE 80

Upon a vessel's being spoken, the captain shall be obliged to declare whether he has on board any gangs of native stokers or of wage-earning employees of any description who are not inscribed on the crew list or the register kept for this purpose.

The following questions in particular shall be asked the captains of all vessels arriving at Suez from the south, and shall be answered under oath or solemn declaration:

"Have you any helpers: stokers or other workmen, not inscribed on your crew list or on the special register? What is their nationality? Where did you embark them?"

The sanitary physicians shall ascertain the presence of these helpers and if they discover that any of them are missing they should carefully seek the cause of their absence.

ARTICLE 81

A health officer and at least two guards of the sanitary service shall board the vessel and accompany her to Port Said. Their duty shall be to prevent communications and see to the execution of the prescribed measures during the passage through the canal.

ARTICLE 82

All embarkations, landings, and transshipments of passengers or cargo are forbidden during the passage through the Suez Canal.

However, passengers may embark at Suez or Port Said in quarantine.

ARTICLE 83

Vessels passing through in quarantine shall make the trip from Suez to Port Said or *vice versa*, without lying up.

In case of stranding or of being compelled to lie up, the necessary operations shall be performed by the personnel on board, all communications with the employees of the Suez Canal Company being avoided.

ARTICLE 84

When troops are conveyed through the canal on suspicious or infected vessels passing through in quarantine, the trip shall be made in the daytime only. If it is necessary to stop at night in the canal, the vessels shall anchor in Lake Timsah or the Great Lake.

ARTICLE 85

Vessels passing through in quarantine are forbidden to stop in the harbor of Port Said except in the cases contemplated in articles 82 and 86.

The supply and preparation of food on board vessels shall be effected with the means at hand on the vessels.

Stevedores or any other persons who may have gone on board shall be isolated on the quarantine barge. They shall undergo the regulation measures.

ARTICLE 86

When it is absolutely necessary for vessels passing through in quarantine to take on coal or oil at Suez or Port Said, they shall perform this operation under the necessary guarantee for isolation and sanitary surveillance that may be ordered by the Sanitary, Maritime and Quarantine Board of Egypt. When it is possible to maintain a strict supervision of coaling on board the vessel and to prevent all contact with the persons on board, the coaling of the vessel by the workmen of the port may be permitted. At night the place where the coaling is done should be efficiently illuminated by electric lights.

ARTICLE 87

The pilots, electricians, agents of the Company, and sanitary guards must leave the vessel at Port Said outside of the port between the jetties, and thence conducted directly to the quarantine barge where they shall undergo the measures that may be deemed necessary.

ARTICLE 88

The war vessels hereinafter specified shall enjoy the benefits of the following provisions when passing through the Suez Canal:

They shall be recognized by the quarantine authority as uninfected upon the production of a certificate issued by the physicians on board, countersigned by the commanding officer, and affirming under oath or solemn declaration:

(a) That there has not been any case of plague or cholera on board either at the time of departure or during the passage;

(b) That a careful examination of all persons on board, without any exception, has been made less than twelve hours before the arrival in the Egyptian port, and that it revealed no case of these diseases.

These vessels shall be exempted from the medical examination and immediately receive pratique.

The quarantine authorities shall nevertheless have a right to cause their agents to perform the medical examination on board war vessels whenever they deem it necessary.

Suspicious or infected war vessels shall be subjected to the regulations in force.

Only fighting units shall be considered as war vessels, transports and hospital ships falling under the category of ordinary vessels.

ARTICLE 89

The Sanitary, Maritime, and Quarantine Board of Egypt is authorized to organize through Egyptian territory, by rail, in quarantine trains the transit of the mails and ordinary passengers coming from infected countries.

SECTION V.—*Sanitary measures applicable to the Persian Gulf.*

ARTICLE 90.

The sanitary régime established by Title I of the present Convention shall be applied, as regards vessels navigating the Persian Gulf, by the health authorities of the ports both of departure and arrival.

TITLE III. PROVISIONS SPECIALLY APPLICABLE TO PILGRIMAGES

CHAPTER I. GENERAL PROVISIONS

ARTICLE 91

The provisions of Article 13 are applicable to persons and objects bound for Hedjaz or the Kingdom of Irak and who are to be embarked on a pilgrim ship, even if the port of embarkation is not infected.

ARTICLE 92

When cases of plague or cholera or other epidemic disease exist in the port, no embarkation shall be made on pilgrim ships until after the persons, assembled in groups have been subjected to an observation for the purpose of ascertaining that none of them is stricken with those diseases.

It shall be understood that, in executing this measure, each Government may take into account the local circumstances and possibilities.

In the case of cholera the persons agreeing to being vaccinated there and then by the physician of the sanitary authority shall be submitted to the medical inspection only at the time of the vaccination. They shall not be required to submit to the observation provided for in this article.

ARTICLE 93

Pilgrims must be provided with a round trip ticket or have deposited sufficient money for the return journey, and, if circumstances permit, prove that they command the means necessary for the accomplishment of the pilgrimage.

ARTICLE 94

Only mechanically propelled ships shall be permitted to carry pilgrims on long voyages.

ARTICLE 95

Pilgrim ships that are Red Sea coasters intended for short passages known as "coasting voyages" shall be subject to the provisions in the special regulations published by the Sanitary, Maritime and Quarantine Board of Egypt.

ARTICLE 96

A ship, which, in addition to ordinary passengers, among whom pilgrims of the upper classes may be included, carries pilgrims in less proportion than one pilgrim per 100 tons gross, shall not be considered a pilgrim-ship.

This exemption applies only to the ship, and the pilgrims carried therein, irrespective of class, shall remain subject to all measures prescribed for them in this Convention.

ARTICLE 97

The captain or the agent of the shipping company, as the sanitary authority may elect, must pay all sanitary taxes that may be levied on pilgrims. These taxes must be included in the price of the ticket.

ARTICLE 98

As far as possible, pilgrims who embark or disembark at sanitary stations must have no contact with one another at the landing-places.

Pilgrims who are landed must be distributed at the camp in as small groups as possible.

They must be supplied with good drinking water, obtained either from local sources or by distillation.

ARTICLE 99

Victuals brought by pilgrims shall be destroyed if the sanitary authority considers it necessary.

CHAPTER II. PILGRIM—SHIPS—SANITARY STATIONS

SECTION I.—*General Conditions Applying to Ships*

ARTICLE 100

The ships must be capable of accommodating the pilgrims in the between-decks. Outside of the space reserved for the crew, it must provide for each person, irrespective of age, an area of 1.50 square metres, i. e. 16 English square feet, and a height between-decks of at least 1.80 metres, i. e. about 6 English feet.

It is forbidden to accommodate pilgrims under the first between-decks, that is below the water line.

Satisfactory ventilation must be ensured and below the upper between-deck must be supplemented by mechanical ventilation.

In addition to the space reserved for pilgrims, the ship must provide, on the upper deck, for each person, irrespective of age, a free area of not less than 0.56 square metres, i. e. about 6 English square feet, in addition to the area upon the upper deck reserved for temporary hospital, the crew, shower baths, and latrines, and for the working of the ship.

ARTICLE 101

On deck places must be set apart, screened from view, of which a sufficient number must be for the exclusive use of women.

These places shall be provided with water pipes under pressure, and provided with taps or douches in such a way as to furnish at all times sea water for the use of the pilgrims even if the ship is lying at anchor.

There shall be one tap or douche for every hundred or fraction of 100 pilgrims.

ARTICLE 102

The vessel must be provided, in addition to closets for the crew, with latrines, fitted with a flushing apparatus or with a water tap.

Some of these latrines shall be reserved exclusively for women.

Latrines must be in the proportion of two per 100 pilgrims, or fraction of 100.

There must be no water closets in the hold.

ARTICLE 103

The vessel must have two places for cooking set apart for the use of the pilgrims.

ARTICLE 104

Infirmaries meeting proper conditions of safety and wholesomeness must be reserved for the accommodation of the sick. They must be on the main deck unless in the opinion of the sanitary authority equally healthy accommodations can be provided elsewhere.

They must be constructed so as to allow persons suffering from infectious diseases and persons who have been in contact with them, to be isolated according to the nature of their illness.

The infirmaries, including temporary infirmaries, must be capable of accommodating at the rate of 3 square metres, i. e. about 32 English square feet per patient, not less than 4 per 100 or fraction of 100 of the pilgrims taken on board.

The infirmaries must be provided with special latrines.

ARTICLE 105

Every vessel shall have on board the medicines, disinfectants, and articles necessary for the care of the sick. The regulations made for this kind of vessels by each Government shall determine the nature and quantity of the medicines. Every vessel must also carry the needful immunizing agents, especially cholera and smallpox vaccines. The care and the remedies shall be furnished free of charge to the pilgrims.

ARTICLE 106

Every vessel embarking pilgrims shall have on board a physician holding a regular diploma who must be acceptable to the Government of the country of the first port in which pilgrims embarked on the outward journey. A second physician meeting the same conditions shall be embarked as soon as the number of pilgrims carried by the vessel exceeds one thousand.

ARTICLE 107

The captain shall be obliged to have handbills posted on board in a position which is conspicuous and accessible to those interested. They shall be in the principal languages of the countries inhabited by the pilgrims embarked, and show:

1. The destination of the vessel;
2. The price of the ticket;
3. The daily ration of water and food allowed to each pilgrim according to the regulations of the country of origin;
4. A price list of victuals not comprised in the daily ration and to be paid for extra.

ARTICLE 108

The heavy baggage of the pilgrims shall be registered and numbered. The pilgrims will be allowed to keep with them only such articles as are absolutely necessary. The regulations made by each Government for its vessels will determine the nature, quantity, and dimensions of the said articles.

ARTICLE 109

Extracts from the provisions of Chapters I, II (sections I, II and III), and III of the present Title shall be posted, in the form of regulations, in the language of the nationality of the vessel as well as in the principal language of the countries inhabited by the pilgrims embarked, in a conspicuous and accessible place on each deck and between decks on every vessel carrying pilgrims.

SECTION II.—*Measures to be taken before departure*

ARTICLE 110

At least three days before departure the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must declare his intention to embark pilgrims to the competent authority of the port of departure. In ports of call the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must make this same declaration twelve hours before the departure of the vessel. This declaration must indicate the intended day of sailing and the destination of the vessel.

ARTICLE 111

Upon the declaration prescribed by the preceding article being made, the competent authority shall proceed to the inspection and measurement of the vessel at the expense of the captain.

The inspection only shall be made if the captain is already provided with a certificate of measurement issued by the competent authority of his country, unless it is suspected that the document no longer corresponds to the actual state of the vessel.

ARTICLE 112

The competent authority shall not permit the departure of a pilgrim ship until he has ascertained:

(a) That the vessel has been put in a state of perfect cleanliness and, if necessary, disinfected;

(b) That the vessel is in a condition to undertake the voyage without danger; that she is provided with the necessary plant and appliances for use in case of shipwreck, accident or fire, particularly a wireless apparatus for sending and receiving messages, that may be operated independently of the main engine-room; that she carries a sufficient number of life-saving devices; that she is properly outfitted, appointed, ventilated, and provided with awnings of sufficient thickness and size to shelter the decks, and that there is nothing on board that is or may become injurious to the health or safety of the passengers;

(c) That, in addition to the stores for the vessel and the crew, there are provisions and fuel of good quality on board in places where they can be suitably stored and in sufficient quantity for all the pilgrims and for the entire duration of the voyage;

(d) That the drinking water taken on board is of good quality; that there is a sufficient quantity thereof; that the tanks of drinking water on board are protected against all tainting and closed in such a way that the water can only be let out through the stop cocks or pumps. The devices for letting water out called "suckers" are absolutely forbidden;

(e) That the vessel has a distilling apparatus capable of producing at least 5 liters of water per head each day for every person embarked, including the crew;

(f) That the vessel has a disinfecting chamber whose safety and efficiency have been ascertained by the health authority of the port of embarkation of the pilgrims;

(g) That the crew comprises a physician holding a diploma and as well informed as possible on questions of maritime health and exotic pathology, and who must be acceptable to the Government of the first port where pilgrims embarked on the outward journey, and that the vessel has a supply of medicines in accordance with Article 105;

(h) That the deck of the vessel is free from all cargo and other incumbrances;

(i) That the arrangements of the vessel are such that the measures prescribed by Section III hereinafter may be executed.

ARTICLE 113

The captain shall not sail until he has in his possession:

1. A list viséed by the competent authority and showing the name and sex, of the pilgrims who have been taken on board, and total number of the pilgrims whom he is authorized to embark;
2. A document stating the name, nationality, and tonnage of the vessel, the name of the captain and of the physician, the exact number of persons embarked (crew, pilgrims, and other passengers), the nature of the cargo, and the port of departure.

The competent authority shall indicate on the bill of health whether the number of pilgrims allowed by the regulations is reached or not, and, in case it is not reached, the additional number of passengers which the vessel is authorized to embark in subsequent ports of call.

SECTION III.—*Measures to be taken during the passage*

ARTICLE 114

The deck intended for the pilgrims shall remain free from encumbering objects during the voyage and shall be reserved day and night for the persons on board and be placed gratuitously at their service.

ARTICLE 115

Every day the space between decks shall be cleaned carefully and scrubbed with sand while the pilgrims are on deck.

ARTICLE 116

The latrines intended for the passengers as well as those for the crew shall be kept neat and be cleansed and disinfected three times a day, and oftener if needed.

ARTICLE 117

The excretions and dejections of persons showing symptoms of plague or cholera, dysentery or any other disease preventing their using the infirmary latrines shall be collected in vessels containing a disinfecting solution. These vessels shall be emptied into the infirmary latrines which shall be thoroughly disinfected after each projection of matter.

ARTICLE 118

Articles of bedding, carpets, and clothing which have been in contact with the patients mentioned in the preceding article shall be immediately disinfected. The observance of this rule is especially recommended with regard to the clothing of persons who come near to these patients and which may have become soiled.

Such of the articles mentioned above as have no value shall be thrown overboard, if the vessel is neither in a port nor a canal, or else destroyed by fire. The others shall be disinfected as directed by the ship physician.

ARTICLE 119

The quarters occupied by the patients and referred to in Article 104 shall be thoroughly and regularly disinfected.

ARTICLE 120

The quantity of drinking water allowed daily to each pilgrim free of charge, whatever be his age, shall be at least 5 liters.

ARTICLE 121

If there is any doubt about the quality of the drinking water or any possibility of its contamination either at the place of its origin or during the course of the voyage, the water shall be boiled or otherwise sterilized, and the captain shall be obliged to throw it overboard at the first port in which a stop is made and in which he is able to procure a better supply. He may only take it on board after the tanks shall have been disinfected.

ARTICLE 122

The physician shall examine the pilgrims, attend the patients, and see that the rules of hygiene are observed on board. He shall especially:

1. Satisfy himself that the provisions dealt out to the pilgrims are of good quality, that their quantity is in conformity with the obligations assumed, and that they are suitably prepared;
2. Satisfy himself that the requirements of article 120 relative to the distribution of water are observed;
3. If there is any doubt about the quality of the drinking water, remind the captain in writing of the provisions of Article 121;
4. Satisfy himself that the vessel is maintained in a constant state of cleanliness, and especially that the latrines are cleaned in accordance with the provisions of Article 116;
5. Satisfy himself that the lodgings of the pilgrims are maintained in a healthful condition, and that, in case of transmissible disease, they are disinfected in conformity with Article 119;
6. Keep a diary of all the sanitary incidents occurring during the course of the voyage and present on request this diary to the competent authority of the port of call or arrival.

ARTICLE 123

The persons intrusted with the care of patients suffering with the plague, cholera or other diseases shall alone have access to them and shall have no contact with the other persons on board.

ARTICLE 124

In case of a death occurring during the voyage, the captain shall make note of the death opposite the name on the list viséed by the authority of the port of departure, besides entering on his journal the name of the deceased person, his age, where he comes from, the presumable cause of his death according to the physician's certificate, and the date of the death.

In case of death by a transmissible disease, the body shall be wrapped in a shroud saturated with a disinfecting solution and thrown overboard.

ARTICLE 125

The captain shall see that the prophylactic measures executed during the voyage are recorded in the ship's journal. This journal shall be presented by him to the competent authority of the port of arrival.

In each port of call the captain shall have the list prepared in accordance with Article 113 viséed by the competent authority.

In case a pilgrim is landed during the course of the voyage, the captain shall note the fact on the list opposite the name of the pilgrim.

In case of an embarkation, the persons embarked shall be mentioned on this list in conformity with the aforementioned Article 113 and before it is viséed again by the competent authority.

ARTICLE 126

The bill of health delivered at the port of departure shall not be changed during the course of the voyage. If this requirement is not complied with, the vessel may be treated as an infected vessel.

It shall be viséed by the health authority of each port of call, who shall note thereon:

1. The number of passengers landed or embarked in that port;
2. The incidents occurring at sea and affecting the health or life of the persons on board;
3. The sanitary condition of the port of call.

SECTION IV.—*Measures to be taken on the arrival of pilgrims in the Red Sea*

A. SANITARY MEASURES APPLICABLE TO PILGRIM SHIPS BOUND FROM THE SOUTH TOWARD HEDJAZ

ARTICLE 127

Pilgrim ships hailing from the south and bound for Hedjaz shall first stop at the sanitary station of Camaran, where they shall be subjected to the measures prescribed in the following articles.

ARTICLE 128

Vessels recognized as *uninfected* after a medical inspection shall obtain pratique when the following operations are completed:

The pilgrims shall be landed; take a shower or sea bath; and there soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours. Provided the time limit be not exceeded, the sanitary authority may perform such bacteriological examinations as may be deemed necessary.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed toward Jeddah.

Vessels found, on medical inspection, to be uninfected shall not undergo the measures prescribed hereinabove, if the following conditions are fulfilled:

(1) All pilgrims on board have been immunized against cholera and smallpox;

(2) The requirements of this Convention have been strictly followed;

(3) There is no reason to doubt the declaration of the captain and doctor of the ship to the effect that no case of plague, cholera or smallpox has occurred on board, either at the time of departure or during the voyage.

For plague, the provisions of Article 27 shall be applied with regard to the rats which may be found on board the vessels.

ARTICLE 129

Suspicious vessels on board of which there were cases of plague in the six days following the embarkation and on board of which an unusual mortality of rats is discovered or cases of cholera at the time of departure but no new case in the last five days, shall be treated in the following manner:

The pilgrims shall be landed; take a shower or sea bath; and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected; the parts of the vessel that have been occupied by the patients shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours. Provided this period is not exceeded, such bacteriological examination as may be considered necessary by the sanitary authority may be made.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed to Jeddah.

For plague, the provisions of Article 26 shall be applicable with regard to the rats which may be found on board.

ARTICLE 130

Infected vessels, that is, those having cases of plague or cholera on board or having had cases of plague more than six days after embarkation, or cholera on board within five days, or on board of which rats infected by plague have been discovered, shall undergo the following treatment:

The persons stricken with plague or cholera shall be landed and isolated at the hospital. The other passengers shall be landed and isolated in groups comprising as few persons as possible, so that the whole number may not suffer with and for a particular group in which plague or cholera should develop.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected.

However the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need be disinfected.

The passengers shall remain in the Camaran establishment five or six days according as whether the case is plague or cholera. If a new case should occur after disembarkation, the period of observation shall be extended by five days for cholera and six days for plague, to date from the isolation of the last case.

For plague, the measures prescribed by Article 25 shall be applied with regard to the rats, which may be found on board the vessels.

When these operations have been completed, the ship, having reembarked its pilgrims, shall be sent to Jeddah.

ARTICLE 131

Ships, to which Articles 128, 129, and 130 apply, will be subject to medical inspection on board on arrival at Jeddah.

If the result is favorable, the ship shall receive free pratique.

If, on the other hand, well established cases of plague or cholera have occurred on board during the voyage, or at the time of arrival at Jeddah, the sanitary authority of the Hedjaz may take all necessary measures subject to the provisions of Article 54.

ARTICLE 132

Every sanitary station designed to receive pilgrims should be provided with a trained, experienced, and sufficiently numerous staff, as well as with all the buildings and apparatus necessary to insure the application, in their entirety, of the measures to which said pilgrims are subject.

B. SANITARY MEASURES APPLICABLE TO PILGRIM SHIPS HAILING FROM NORTH OF PORT SAID AND BOUND TOWARD HEDJAZ

ARTICLE 133

If plague or cholera is not found to exist in the port of departure or its neighborhood, and if no case of plague or cholera has occurred during the passage, the vessel shall be immediately granted pratique.

ARTICLE 134

If plague or cholera is known to exist in the port of departure or its vicinity, or if a case of plague or cholera has occurred during the voyage, the vessel shall be subjected at Tor to the rules established for vessels coming from the south and stopping at Camaran. The vessels shall thereupon be granted pratique.

SECTION V.—*Measures to be taken upon the return of pilgrims.*

A. PILGRIM SHIPS RETURNING NORTHWARD

ARTICLE 135

Every vessel bound for Suez or for a Mediterranean port, having on board pilgrims or similar masses of persons, and hailing from a port of Hedjaz or from any other port on the Arabian coast of the Red Sea, must repair to Tor in order to undergo there the observation and the sanitary measures indicated in Articles 140 to 142.

ARTICLE 136

Pending the creation at the port of Akaba of a quarantine station meeting the requirements, pilgrims going from the Hedjaz to Akaba by sea shall undergo the necessary quarantine measures at Tor before landing at Akaba.

ARTICLE 137

Vessels bringing pilgrims back toward the Mediterranean shall pass through the canal in quarantine only.

ARTICLE 138

The agents of navigation companies and captains are warned that, after completing their observation period at the sanitary station of Tor, the Egyptian pilgrims will alone be permitted to leave the vessel permanently in order to return thereupon to their homes.

Only those pilgrims will be recognized as Egyptians or as residents of Egypt who are provided with a certificate of residence issued by an Egyptian authority and conforming to the established model.

Pilgrims other than Egyptians, can not be landed in an Egyptian port after leaving Tor, except by special permit under special conditions imposed by the Egyptian health authority, in accord with the Sanitary, Maritime and Quarantine Board of Egypt. Consequently, navigation agents and captains are warned that the transshipment of pilgrims not residents of Egypt at Tor, Suez, Port Said, or Alexandria is forbidden except under a special permit for each case.

Vessels having pilgrims on board who are not Egyptian nationals shall be subject to the rules applicable to these pilgrims and shall not be received in any Egyptian port of the Mediterranean.

ARTICLE 139

Egyptian pilgrims shall undergo an observation of three days and a medical examination and if there be occasion, disinfection and disinsectisation at Tor, or any other station designated by the Sanitary, Maritime and Quarantine Board of Egypt, pilgrims shall not be permitted to enter any Egyptian port in the Mediterranean.

ARTICLE 140

If plague or cholera is found to exist in Hedjaz or in the port from which the vessel hails, or if it has existed in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for infected vessels.

The persons stricken with plague or cholera shall be landed and isolated in the hospitals. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not suffer with any particular group in which the plague or cholera should develop.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the baggage and cargo suspected of contamination shall be landed and disinfected. Their disinfection as well as that of the vessel shall be thorough.

However, the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need undergo disinfection.

The measures provided in Article 25 shall be applied with regard to the rats which may be found on board.

All the pilgrims shall be subjected to an observation of six full days from the day on which the disinfecting operations are completed, in the case of plague and five days in the case of cholera. If a case of plague or cholera has appeared in one section, the period of six or five days shall not begin for this section until the day on which the last case was discovered.

ARTICLE 141

In the case contemplated in the preceding article, the Egyptian pilgrims shall be subjected, besides, to an additional observation of three days.

ARTICLE 142

If plague or cholera is not found to exist either in Hedjaz or in the port from which the vessel hails, and has not been known to exist in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for uninfected vessels.

The pilgrims shall be landed and take a shower or sea bath, and their soiled linen or the part of their wearing apparel and baggage which may appear suspicious in the opinion of the health authority shall be disinfected. The duration of these operations shall not exceed seventy-two hours.

However, a pilgrim ship, if it has had no plague or cholera patients during the course of the voyage from Djeddah to Yambo or Tor and if the individual medical examination made at Tor after debarkation establishes the fact that it contains no such patients, may be authorized by the Sanitary Maritime and Quarantine Board of Egypt to pass through the Suez Canal in quarantine even at night when the following four conditions are fulfilled:

1. Medical attendance shall be given on board by one or several physicians graduated and duly accepted;
2. The vessel shall be provided with disinfecting chambers in good working order;
3. It shall be shown that the number of pilgrims does not exceed that authorized by the pilgrimage regulations;
4. The captain shall bind himself to repair directly to the port which he names as his next call port.

The sanitary tax to be paid to the Quarantine administration shall be the same as the pilgrims would have paid had they remained in quarantine three days.

ARTICLE 143

A vessel which has had a suspicious case on board during the voyage from Tor to Suez may be sent back to Tor.

ARTICLE 144

The transshipment of pilgrims is strictly forbidden in Egyptian ports except by special permit and on the conditions laid by the Egyptian Sanitary authority in accord with the Maritime Sanitary and Quarantine Board of Egypt.

ARTICLE 145

Vessels leaving Hedjaz and having on board pilgrims who are bound for a port on the African shore of the Red Sea shall proceed directly to the quarantine station named by the territorial authority to which that port belongs, where they shall submit to the same quarantine procedure as at Tor.

ARTICLE 146

Vessels sailing from Hedjaz or from a port on the Arabian coast of the Red Sea, in which neither the plague nor cholera prevails, which have no pilgrims or similar groups of people on board, and have had no suspicious occurrence during the voyage, shall be granted pratique at Suez after a favorable medical inspection.

ARTICLE 147

Passengers coming from the Hedjaz who have accompanied the pilgrimage shall be subject to the same measures as pilgrims. The appellation of merchant or any other will not exempt them from the measures applicable to the pilgrims.

B. RETURNING PILGRIMS GOING NORTH BY CARAVAN

ARTICLE 148

Whatever the sanitary condition in the Hedjaz may be, pilgrims travelling by caravan must repair to one of the quarantine stations upon their route, there to undergo according to circumstances the measures prescribed by Articles 140 or 142 for pilgrims who have been landed.

C. PILGRIMS RETURNING SOUTHWARD

ARTICLE 149

In the event of the pilgrimage being infected, pilgrim-ships, returning to places south of the Straits of Bab-el-Mandeb, may be required, by directions of the Consular Authority of the countries to which the pilgrims are going to stop at Camaran and there undergo medical inspection.

SECTION VI.—*Measures applicable to pilgrims travelling by the Hedjaz Railway*

ARTICLE 150

The Governments of the countries through which the Hedjaz railway passes shall make all necessary arrangements to organize the sanitary supervision of pilgrims during their journey to the Holy Places, and the application of prophylactic measures in order to prevent the dissemination of infectious diseases presenting epidemic features bearing in mind the principles of the present Convention.

SECTION IV.—*Sanitary information concerning the pilgrimage*

ARTICLE 151

The Sanitary Maritime and Quarantine Board of Egypt will transmit periodically, and if occasion arises, by the speediest route, to the sanitary authorities of all the countries interested, and concurrently, to the International Office of Public Hygiene under the conditions provided by this convention, all sanitary information and reports that may come to its knowledge during the pilgrimage concerning the sanitary condition of the Hedjaz and the countries through which the pilgrims pass. It will also get up an annual report which shall be sent to the said authorities and the International Office of Public Hygiene.

CHAPTER III. SANCTIONS

ARTICLE 152

Every captain convicted of not having conformed, in the distribution of water, provisions, or fuel, to the obligations assumed by or for him, shall be liable to a fine of not more than fifty francs (gold) for every failure. This fine shall be collected for the benefit of the pilgrim who shall have been the victim of the default, and who shall prove that he has vainly demanded the execution of the agreement made.

ARTICLE 153

Every infraction of Article 107 shall be punished by a fine of not more than 750 francs (gold).

ARTICLE 154

Every captain who has committed or knowingly permitted any fraud whatever concerning the list of pilgrims or the bill of health provided for in Article 113 shall be liable to a fine of not more than 150 francs (gold).

ARTICLE 155

Every captain of a vessel arriving without a bill of health of the port of departure, or without a visé of the ports of call, or who is not provided with the list required by the regulations and regularly kept in accordance with Article 113 and Articles 125 and 126, shall be liable in each case to a fine of not more than three hundred francs (gold).

ARTICLE 156

Every captain convicted of having or having had on board more than 100 pilgrims without the presence of a graduated physician according to the provisions of Article 106 shall be liable to a fine of not more than 7500 francs (gold).

ARTICLE 157

Every captain convicted of having or having had on board a greater number of pilgrims than that which he is authorized to embark according to the provisions of subsection 1 of Article 113 shall be liable to a fine of not more than 125 francs (gold) for each pilgrim in excess.

The pilgrims in excess of the regular number shall be landed at the first station at which a competent authority resides, and the captain shall be obliged to furnish the landed pilgrims with the money necessary to pursue their voyage to their destination.

ARTICLE 158

Every captain convicted of having landed pilgrims at a place other than their destination, except with their consent, or excepting cases of *vis major*, shall be liable to a fine of not more than 500 francs (gold) for each pilgrim wrongfully landed.

ARTICLE 159

All other infractions of the provisions relative to pilgrim ships are punishable by a fine of not less than 250 nor more than 2500 francs (gold).

ARTICLE 160

Every violation proven in the course of a voyage shall be noted on the ship's papers as well as on the list of pilgrims. The competent authority shall draw up a report thereof and deliver it to the proper party.

Contraventions of Articles 152 to 159 inclusive will be certified by the sanitary authority of the port at which the ship has called.

Penalties will be imposed by the competent authority.

ARTICLE 161

All agents called upon to assist in the execution of the provisions of the present Convention with regard to pilgrim ships are liable to punishment in conformity with the laws of their respective countries in case of faults committed by them in the application of the said provisions.

TITLE IV. SURVEILLANCE AND EXECUTION

I. SANITARY, MARITIME, AND QUARANTINE BOARD OF EGYPT

ARTICLE 162

The Stipulations of Appendix III of the Sanitary Convention of Venice of January 30, 1892, concerning the composition, powers and duties, and operation of the Sanitary, Maritime, and Quarantine Board of Egypt, are confirmed as they appear in the khedival decrees under date of June 19, 1893, and December 25, 1894, as well as in the ministerial decision of June 19, 1893.

The said decrees and decisions are annexed to the present convention.

Notwithstanding the provisions of the said decrees and decisions the high contracting parties agree that—

I. The number of Egyptian delegates on the Egyptian Sanitary, Maritime and Quarantine Board shall be increased to five:

(1) The President of the Board, appointed by the Egyptian Government, and who will only have a casting vote;

(2) A European doctor of medicine, Inspector-General of the Sanitary, Maritime and Quarantine Service;

(3) Three delegates appointed by the Egyptian Government.

II. The Veterinary Service of the Sanitary, Maritime and Quarantine Board shall be transferred to the Egyptian Government.

The following conditions shall be observed:

(1) The Egyptian Government will collect sanitary taxes on imported cattle not to exceed those now collected by the Egyptian Sanitary, Maritime and Quarantine Board;

(2) The Egyptian Government undertakes in consequence to pay annually to the Sanitary, Maritime and Quarantine Board a sum representing the average of the excess of receipts over the expenditures of the said service during the three budgetary years preceding the date on which the present Convention is put into force.

(3) The measures to be taken for the disinfection of cattle ships, of skins, and of other animal derivatives, shall be as in the past in charge of the Sanitary, Maritime and Quarantine Board.

(4) The foreign personnel now in the veterinary service of the Sanitary, Maritime and Quarantine Board will be granted the benefit of the salaries appropriated by Law No. 28 of 1923, regarding the conditions of service and the retirement or discharge of officials, employees or agents of foreign nationality.

Grading of salaries shall be as provided by the above-mentioned law. The other details will be fixed by an agreement between the Egyptian Government and the Sanitary, Maritime and Quarantine Board.

III. On account of the great distance between the Port of Suakim and the headquarters of the Egyptian Sanitary, Maritime and Quarantine Board at Alexandria, and the fact that the pilgrims and passengers who disembark in this port of Suakim concern from the sanitary point of view only the territory of the Soudan, the sanitary administration of this port will be detached from the said Board.

ARTICLE 164

The ordinary expenses resulting from the provisions of the present convention, especially those relating to the increase of the personnel belonging to the Sanitary, Maritime, and Quarantine Board of Egypt, shall be covered by means of an annual supplementary payment by the Egyptian Government of the sum of 4,000 Egyptian pounds, which may be taken from the surplus revenues from the lighthouse service remaining at the disposal of said Government.

However, the proceeds of a supplementary quarantine tax of ten tariff dollars per pilgrim to be collected at Tor shall be deducted from this sum.

In case the Egyptian Government shall find difficulty in bearing this share of the expenses, the Powers represented in the Sanitary, Maritime and Quarantine Board shall reach an understanding with that Government in order to insure the participation of the latter in the expenses contemplated.

ARTICLE 165

The Sanitary, Maritime, and Quarantine Board of Egypt shall undertake the task of bringing the provisions of the present convention into conformity with the regulations at present enforced by it in regard to the plague, cholera, and yellow fever, as well as with the regulations relative to arrivals from the Arabian ports of the Red Sea during the pilgrim season.

To the same end it shall, if occasion arises, revise the general regulations of the sanitary, maritime, and quarantine police at present in force.

These regulations, in order to become effective must be accepted by the various powers represented on the Board.

II. MISCELLANEOUS PROVISIONS.

ARTICLE 166

The proceeds from the sanitary taxes and fines collected by the Sanitary, Maritime and Quarantine Board shall in no case be employed for objects other than those within the province of the said Board.

ARTICLE 167

The High Contracting Parties agree to have a set of instructions prepared by their health departments for the purpose of enabling captains of vessels, especially when there is no physician on board, to enforce the provisions contained in the present convention with regard to plague, cholera, and yellow fever.

TITLE V. FINAL PROVISIONS

ARTICLE 168

The present Convention supersedes, as between the High Contracting Parties, the provisions of the Convention signed at Paris on January 17th, 1912, and also, the case arising, those of the Convention signed at Paris on December 3rd, 1903. These two last named Conventions will remain in force as between the High Contracting Parties and any State which is a party thereto and is not a party to the present Convention.

ARTICLE 169

The present Convention will bear to-day's date and may be signed up to October 1st of the current year.

ARTICLE 170

The present Convention shall be ratified and the ratifications shall be deposited at Paris as soon as possible. It shall not come into force until it has been ratified by ten of the High Contracting Parties. Thereafter it will take effect as regards each High Contracting Party from the date of the deposit of its ratification.

ARTICLE 171

The States which have not signed the present convention shall be permitted to adhere thereto upon request. Notice of this adhesion shall be given through diplomatic channels to the Government of the French Republic and by the latter to the other Contracting Parties.

ARTICLE 172

Any of the High Contracting Parties may declare, at the moment either of his signature, ratification or accession, that his acceptance of the present Convention does not include neither all nor any of the protectorates, colonies, possessions or mandated territories, and may subsequently accede, in accordance with the preceding Article, on behalf of any one of its protectorates, colonies, possessions or mandated territories excluded by such declaration.

In faith whereof the respective Plenipotentiaries have signed the present Convention.

Done at Paris the twenty-first day of June, nineteen hundred and twenty-six, in a single copy, which will remain deposited in the archives of the Government of the French Republic; and of which certified copies will be transmitted through the diplomatic channel to the other Contracting Parties.

For Afghanistan:
ISLAMBEK KHOUDOIAR KHAN.

For Albania:
Dr. OSMAN.

For Germany:
FRANOUX.
HAMEL.

For Argentina:
F. A. DE TOLEDO.

For Austria:
Dr. ALFRED GRUNBERGER.

For Belgium:
VELGHE.

For Brazil:
CARLOS CHAGAS.
GILBERTO MOURA COSTA.

For Bulgaria:
B. MORFOFF.
TOCHKO PÉTROFF.

For Chile:
ARMANDO QUEZADA.

For China:
S. K. YAO.
SCIE TON FA.

For Colombia:
MIGUEL JIMÉNEZ LOPEZ.

For Cuba:
R. HERNANDEZ PORTELA.

For Denmark:
TH. MADSEN.

For Danzig:
CHODZKO.
STADE.

For the Dominican Republic:
BETANCES.

For Egypt:
FAKHRY.
DR. M. EL GUINDY.

For Ecuador:
J. ILLINGOURTH.

For Spain:
MARQUIS DE FAURA.
DR. F. MURILLO.

For the United States of America:
H. S. CUMMING.
W. W. KING.

For Ethiopia:
LAGARDE, DUC D'ENTOTTO.

For Finland:
ENCKELL.

For France:
CAMILLE BARRÈRE.
HARISMENDY.
NAVAILLES.
Dr. A. CALMETTE.
LÉON BERNARD.

For Algeria:
Dr. RAYNAUD.

For West Africa:
Dr. PAUL GOUZIEN.

For East Africa:
THIROUX.

For Indo-China:
Dr. L'HERMINIER.
Dr. N. BERNARD.

For the States of Syria, Grand-Liban, Alaouïtes and Djebel-Druse:
HARISMENDY.

For all other colonies, protectorates, possessions and territories under French mandate:
AUDIBERT.

For the British Empire:
G. S. BUCHANAN.
JOHN MURRAY.

For Canada:
J. A. AMYOT.

For Australia:
W. C. SAWERS.

For New Zealand:
SYDNEY PRICE JAMES.

For India:
D. T. CHADWICK.

For the Union of South Africa:
PHILIP STOCK.

For Greece:
AL. C. CARAPANOS.
D. MATARANGAS.

For Guatemala:
FRANCISCO A. FIGUEROA.

For Haiti:
GEORGES AUDAIN.

For Hedjaz:
Dr. MAHMOUD HAMOUDÉ.

For Honduras:
RUBÉN AUDINO AGUILAR.
For Hungary:
Dr. CH. GROSCH.
For Italy:
ALBERT LUTRARIO.
GIOVANNI VITTORIO REPETTI.
ODOARDO HUETTER.
G. ROCCO.
GIUSEPPE DRUETTI.
For Japan:
H. MATSUSHIMA.
MITSUZO TSURUMI.
For Liberia:
R. LEHMANN.
N. OOMS.
For Lithuania:
Dr. PR. VAICIUSKA.
For Luxembourg:
Dr. PRAUM.
For Morocco:
HARISMENDY.
Dr. RAYNAUD.
For Mexico:
R. CABRERA.
For Monaco:
F. ROUSSEL.
Dr. MARSAN.
For Norway:
SIGURD BENTZON.
For Paraguay:
R. V. CABALLERO.
For The Netherlands:
DOUDE VAN TROOSTWYK.
N. M. JOSEPHUS JITTA.
DE VOGEL.
VAN DE PLAS.
For Peru:
P. MIMBELA.
For Persia, ad referendum:
Dr. ALI KHAN PARTOW AAZAM.
MANSOUR CHARIF.
For Poland:
RICARDO JORGE.
For Rumania:
Dr. J. CANTACUZÈNE.
For San-Marino:
Dr. GUELPA.
For the Kingdom of the Serbs, Croats and Slovenes:
M. SPALAIKOVITCH.
For Salvador:
CARLOS R. LARDÉ-ARTHÈS.
For the Soudan:
OLIVER FRANCIS HAYNES ATKEY.
For Switzerland:
DUNANT.
CARRIÈRE.
For Czechoslovakia:
Dr. LADISLAV PROCHAZKA.
For Tunis:
NAVAILLES.
For Turkey:
A. FÉTHY.
For the Union of the Soviet Socialist Republics:
J. DAVTIAN.
J. MAMMOULIA.
L. BRONSTEN.
O. MEBOURNOUTOFF.
N. FREYBERG.
AL. SYSSINE.
V. EBORIEW.
For Uruguay:
A. HEROSA.
For Venezuela, ad referendum:
JOSÉ IG. CARDENAS.

ANNEXES

Khedival decree of June 19, 1893

We, Khedive of Egypt, on the recommendation of Our Minister of the Interior, with the advice and consent of our Cabinet, and considering that it is necessary to introduce various amendments in our decree of January 3, 1881 (2 Safer 1298), decree:

ART. 1. The Sanitary, Maritime, and Quarantine Board shall decide on the measures to be taken to prevent the introduction into Egypt, or the transmission to foreign countries, of epidemic diseases and epizootics.

ART. 2. The number of Egyptian delegates shall be reduced to four, as follows:

1. The President of the Board, appointed by the Egyptian Government and to vote only in case of a tie.

2. A European doctor of medicine, Inspector General of the Sanitary, Maritime, and Quarantine Service.

3. The Sanitary Inspector of the city of Alexandria, or whoever acts in that capacity.

4. The Veterinary Inspector of the Administration of sanitary services and public hygiene.

All the Delegates must be physicians holding a regular diploma, granted either by a European faculty of medicine or by the Government, or be regularly appointed officials in actual service, of the grade of vice consul at least, or of an equivalent grade. This provision is not applicable to the present incumbents.

ART. 3. The Sanitary, Maritime, and Quarantine Board shall exercise permanent supervision over the sanitary condition of Egypt and over arrivals from foreign countries.

ART. 4. As regards Egypt, the Sanitary, Maritime, and Quarantine Board shall receive each week, from the Board of Health and Public Hygiene, the sanitary bulletins of the cities of Cairo and Alexandria, and each month the sanitary bulletins of the provinces. These bulletins shall be transmitted at shorter intervals when, owing to special circumstances, the Sanitary, Maritime, and Quarantine Board so requests.

On its part, the Sanitary, Maritime, and Quarantine Board shall communicate to the Board of Health and Public Hygiene any decisions it may have reached and any information it may have received from abroad.

The Governments shall address to the Board, if they deem proper, the sanitary bulletin of their country, and shall notify it of epidemics and epizootics as soon as they appear.

ART. 5. The Sanitary, Maritime, and Quarantine Board shall ascertain the sanitary condition of the country and send inspecting boards wherever it may deem necessary.

The Board of Health and Public Hygiene shall be notified of the dispatch of these boards and shall endeavor to facilitate the performance of their mission.

ART. 6. The Board shall adopt preventive measures for the purpose of preventing the introduction of epidemics and epizootics into Egypt via the maritime or desert frontiers, and it shall determine the points at which temporary camps and permanent quarantine establishments are to be located.

ART. 7. It shall draft the note to be written on the bill of health issued by the health offices to departing vessels.

ART. 8. In case of the appearance of epidemics or epizootics in Egypt, it shall adopt preventive measures with the object of preventing the transmission of these diseases to foreign countries.

ART. 9. The Board shall supervise and control the execution of the quarantine sanitary measures which it has adopted.

It shall draft all regulations relating to the quarantine service and see to their strict enforcement both with regard to protecting the country and to maintaining the guarantees stipulated by international sanitary conventions.

ART. 10. It shall regulate, from a sanitary standpoint, the conditions under which pilgrims going to and returning from Hedjaz are to be transported, and watch over their state of health during pilgrimage.

ART. 11. The decisions reached by the Sanitary, Maritime, and Quarantine Board shall be communicated to the Ministry of the Interior they shall also be made known to the Ministry of Foreign Affairs, which shall notify them, if necessary, to the agencies and consulates general.

However, the President of the Board shall be authorized to correspond directly with the consular authorities of maritime cities in current matters connected with the service.

ART. 12. The President, and, in case of his absence or impediment, the Inspector General of the Sanitary, Maritime, and Quarantine Service, shall see to the enforcement of the decisions of the Board.

For this purpose he shall correspond directly with all the agents of the Sanitary, Maritime, and Quarantine Service and with the various authorities of the countries. He shall, with the advice of the Board, direct the sanitary police of the ports, the maritime quarantine establishments, and the quarantine stations of the desert.

Finally, he shall transact current business.

ART. 13. The sanitary inspector general, the directors of sanitary offices, and the physicians of sanitary stations and quarantine camps must be selected from among physicians regularly diplomaed either by a European faculty of medicine or by the Government.

The delegate of the Board of Djeddah may be a diplomaed physician of Cairo.

ART. 14. The Board shall designate its candidates through its President to the Minister of the Interior for all offices and positions under the Sanitary, Maritime, and Quarantine Service, said Minister alone having a right to appoint them.

The same course shall be followed in regard to dismissals, transfers, and promotions.

However, the President shall have the direct appointment of all the subaltern agents, laborers, servants, etc.

The appointment of the sanitary guards shall be reserved to the Board.

ART. 15. The number of directors of sanitary offices shall be seven, their residence being at Alexandria, Damietta, Port Said, Suez, Tor, Souakim, and Kosseir.

The sanitary office of Tor may operate only during the continuance of the pilgrimage or in time of epidemic.

ART. 16. The directors of the sanitary offices shall have under their orders all the sanitary employees of their district. They shall be responsible for the proper performance of the service.

ART. 17. The chief of the sanitary agency of El Ariche shall have the same powers and duties as those entrusted to the directors by the foregoing article.

ART. 18. The directors of the sanitary stations and quarantine camps shall have under their orders all the employees of the medical and administrative service of the establishments under their direction.

ART. 19. The sanitary inspector general shall have the supervision over all the services under the Sanitary, Maritime, and Quarantine Board.

ART. 20. It shall be the mission of the delegate of the Sanitary, Maritime, and Quarantine Board at Djeddah to furnish the Board with information as to the sanitary condition of Hedjaz, especially in time of pilgrimage.

ART. 21. A disciplinary committee composed by the President, the Inspector General of the Sanitary, Maritime, and Quarantine Service, and the three delegates elected by the Board, shall be intrusted with an examination of the complaints lodged against the agents belonging to the Sanitary, Maritime, and Quarantine Service.

It shall draw up a report on each case and submit it to the consideration of the Board convened in general assembly. The delegates shall be renewed every year. They shall be reeligible.

The decision of the Board shall be submitted by its President to the sanction of the Minister of the Interior.

The disciplinary committee may inflict, without consulting the Board: 1st Censure and 2d suspension of pay up to one month.

ART. 22. The disciplinary penalties shall be:

1. Censure.
2. Suspension of pay from eight days to three months.
3. Transfer without indemnity.
4. Dismissal.

All without prejudice to any actions to be brought for common law crimes or offenses.

ART. 23. Sanitary and quarantine dues shall be collected by the agents belonging to the Sanitary, Maritime, and Quarantine Service.

The latter shall conform, in regard to accounts and book keeping, to the general regulations established by the Ministry of Finance.

The accounting officers shall address their accounts and the proceeds of their collections to the President of the Board.

The accounting officer who is chief of the central bureau of accounts shall acquit them over the visa of the President of the Board.

ART. 24. The Sanitary, Maritime, and Quarantine Board shall have control over its own finances.

The administration of the receipts and expenses shall be intrusted to a Committee composed of the President, the Inspector General of the Sanitary, Maritime, and Quarantine Service, and of three delegates of the Powers elected by the Board. It shall be entitled "Committee on Finances." The three delegates of the Powers shall be renewed every year. They shall be reeligible.

Subject to ratification by the Board, this Committee shall fix the salary of the employees of every grade; it shall decide on the permanent and the unforeseen expenses. Every three months, at a special meeting, it shall make a detailed report on its management to the Board. Within three months following the expiration of the budgetary year, the Board, upon the recommendation of the Committee, shall strike a final balance and transmit it through its President to the Ministry of the Interior.

The Board shall prepare the budget of its receipts and that of its expenditures. This budget shall be adopted by the Cabinet, at the same time as the general budget of the Government, as an annexed budget. In case the expenditures should exceed the receipts, the deficit shall be covered from the general resources of the Nation. However, the Board shall without delay examine into the means of balancing the receipts and expenditures. Its recommendations shall be transmitted by the President to the Minister of the Interior. Any surplus that may exist shall accrue to the treasury of the Sanitary, Maritime, and Quarantine Board; it shall, after a decision is reached by the Sanitary Board and ratified by the Cabinet, be devoted exclusively to the creation of a reserve fund for use in emergencies.

ART. 25. The President shall be obliged to order voting done by secret ballot whenever three members of the Board so request. Voting by secret ballot shall be compulsory whenever it is a question of the choice of Delegates of the Powers to form part of the Disciplinary Committee or of the Committee on Finances and when it is a question of appointing, dismissing, transferring, or promoting employees.

ART. 26. The Governors, Prefects of Police, and Mudirs shall be responsible, as far as concerns them, for the enforcement of the sanitary regulations. They, as well as the civil and military authorities, shall give their assistance, whenever legally called upon by the agents of the Sanitary, Maritime, and Quarantine Service, in order to insure the prompt enforcement of the measures taken in the interest of public health.

ART. 27. All previous decrees and regulations are repealed as far as contrary to the foregoing provisions.

ART. 28. Our Minister of the Interior is intrusted with the enforcement of the present decree, which shall not be enforceable until November 1, 1893.

Done in the Palace of Ramleh, June 19, 1893.

ABBAS HILMI.

By the Khedive:

RIAZ,

Head of the Cabinet, Minister of the Interior.

Khedival decree of December 25, 1894.

We, Khedive of Egypt, on the recommendation of Our Minister of Finance, with the advice and consent of our Cabinet, with the consent of the Commissioner-Directors of the Public Debt Fund as regards article 7, and with the consent of the Powers, decree:

ART. 1. Beginning with the fiscal year 1894, there shall be deducted annually from the present receipts of lighthouse dues the sum of 40,000 pounds Egyptian, which shall be employed as explained in the following articles.

ART. 2. The sum deducted in 1894 shall be used: 1st To cover any deficit during the fiscal year 1894 of the Quarantine Board, in case it has been impossible to entirely cover such deficit with the resources derived from the reserve fund of said Board, as will be stated in the following article; 2d to meet the extraordinary expenses necessitated by the fitting up of the sanitary establishments of Tor, Suez, and Moses Spring.

ART. 3. The present reserve fund of the Quarantine Board will be used to cover the deficit of the fiscal year 1894, and it shall not be reduced to an amount less than 10,000 pounds Egyptian.

If the deficit should not be fully covered, the remainder shall be met with the resources created in article 1.

ART. 4. From the sum of 80,000 pounds Egyptian derived from the fiscal years 1895 and 1896 there shall be deducted: 1st An amount equal to that which has been paid out in 1894 from the same receipts, to be applied to the deficit of said year 1894, so as to bring up to 40,000 pounds Egyptian the sums allotted to the extraordinary works provided for in article 1 for Tor, Suez, and Moses Spring; 2d the sums necessary in order to cover the deficit of the budget of the Quarantine Board for the fiscal years 1895 and 1896.

After the aforementioned deduction has been made, the surplus shall be devoted to the construction of new lighthouses in the Red Sea.

ART. 5. Beginning with the fiscal year 1897, this annual sum of 40,000 Egyptian pounds shall be used to cover possible deficits of the Quarantine Board. The amount necessary for this purpose shall be conclusively determined by taking as a basis the financial results of the fiscal years 1894 and 1895 of the Board.

The surplus shall be devoted to a reduction in the lighthouse dues, it being understood that these dues shall be reduced in the same proportion in the Red Sea and the Mediterranean.

ART. 6. In consideration of the aforementioned deductions and allotments the Government shall, beginning with 1894, be relieved of any obligation in regard to the expenses, ordinary or extraordinary of the Quarantine Board.

It is understood, however, that the expenses borne hitherto by the Egyptian Government shall continue to be borne by it.

ART. 7. Beginning with the fiscal year 1894, upon the settlement of account of the excesses with the Public Debt Fund, the share of these excesses due the Government shall be increased by an annual sum of 20,000 pounds Egyptian.

ART. 8. It has been agreed between the Egyptian Government and the Governments of Germany, Belgium, Great Britain, and

Italy that the sum alloted to a reduction of the lighthouse dues, in accordance with article 5 to the present decree, shall be deducted from the sum of 40,000 pounds Egyptian provided for in the letters annexed to the Commercial Conventions concluded between Egypt and said Governments.

ART. 9. Our Minister of Finance is charged with the enforcement of the present decree.

Done at the Palace of Koubbeh, December 25, 1894.

ABBAS KILMI.

By the Khedive:

N. NUBAR,
Head of the Cabinet.
AHMER MAZLOUM,
Minister of Finance.
BOUTROS GHALI,
Minister of Foreign Affairs.

Ministerial decision of June 19, 1893, concerning the operation of the sanitary, maritime, and quarantine service

The Minister of the Interior, in view of the Decree of June 19, 1893, decides:

TITLE I.—THE SANITARY, MARITIME, AND QUARANTINE BOARD

ART. 1. The President shall be obliged to convene the Sanitary, Maritime, and Quarantine Board in regular session on the first Tuesday of each month.

He shall likewise be obliged to convene it whenever three members so request.

He shall, finally, convene the Board in extra session whenever circumstances demand the immediate adoption of an important measure.

ART. 2. The letter of convocation shall indicate the questions to be considered. Except in cases of urgency, no final decisions shall be made on any but questions mentioned in the letter of convocation.

ART. 3. The secretary of the Board shall prepare the minutes of the meetings.

These minutes must be presented for signature to all the members who have attended the meeting.

They shall be copied in full on a register which shall be preserved in the archives concurrently with the original minutes.

A provisional copy of the minutes shall be delivered to any member of the Board so requesting.

ART. 4. A Permanent Board composed of the President, Inspector General of the Sanitary, Maritime, and Quarantine Service, and two Delegates of the Powers elected by the Board, shall be charged with making decisions and taking measures in urgent matters.

The Delegates of the Nation interested shall always be summoned to attend, and shall be entitled to vote.

The President shall vote only in case of a tie.

The decisions shall be communicated at once by letter to all the members of the Board.

This Board shall be renewed every three months.

ART. 5. The President, or, in his absence, the Inspector General of the Sanitary, Maritime, and Quarantine Service, shall direct the deliberations of the Board, but shall vote only in case of a tie.

The President shall have general direction of the service. He shall be charged with causing the enforcement of the decisions of the Board.

SECRETARIAT

ART. 6. The secretary of the Board, chief of the secretariat, shall "centralize" the correspondence with the Ministry of the Interior and the various agents of the Sanitary, Maritime, and Quarantine Service.

It shall be in charge of the statistics and archives. It shall have added to it clerks and interpreters in sufficient number to attend to the discharge of business.

ART. 7. The secretary of the Board, chief of the secretariat, shall attend the meetings of the Board and prepare the minutes.

He shall have under his orders the employees and servants of the secretariat.

He shall direct and supervise their work, under the authority of the President.

He shall have custody of and be responsible for the archives.

BUREAU OF ACCOUNTS

ART. 8. The chief of the central bureau of accounts shall be "the accounting officer."

He shall not be permitted to assume office until he has furnished a bond the amount of which shall be fixed by the Sanitary, Maritime, and Quarantine Board.

He shall, under the direction of the Committee on Finance, supervise the operations of the employees whose duty it is to receive the sanitary and quarantine dues.

He shall draw up the statements and accounts which are to be transmitted to the Ministry of the Interior after being adopted by the Committee on Finance and approved by the Board.

THE SANITARY INSPECTOR GENERAL

ART. 9. The sanitary inspector general shall have supervision of all the services under the Board. He shall exercise this supervision under the conditions provided in article 19 of the Decree dated June 19, 1893.

He shall, at least once a year, inspect each of the sanitary offices, agencies, or posts.

Besides, the President shall, upon the recommendation of the Council and according to the needs of the service, determine the inspections which the Inspector General shall make.

In case of impediment of the Inspector General, the President shall designate, with the consent of the Board, the official who is to take his place.

Every time the Inspector General has visited an office, agency, sanitary post, sanitary station, or quarantine camp, he shall give an account to the President of the Board, in a special report, of the results of his inspection.

During the intervals between his rounds of inspection, the Inspector General shall, under the authority of the President, take part in the direction of the general service. He shall take the place of the President in case of absence or impediment.

TITLE II.—SERVICE OF PORTS, QUARANTINE STATIONS, AND SANITARY STATIONS

ART. 10. The sanitary, maritime, and quarantine policing along the Egyptian coast of the Mediterranean and Red Seas, as well as on the land frontiers, in the direction of the desert, shall be intrusted to the directors of the health offices, the directors of sanitary stations or quarantine camps, the chiefs of sanitary agencies or sanitary posts, and the employees under their orders.

ART. 11. The directors of the health offices shall have the direction of and be responsible for the service both of the office at the head of which they are placed and of the sanitary posts thereunder.

They shall see to the strict enforcement of the regulations on sanitary, maritime, and quarantine police. They shall obey the instructions they receive from the President of the Board and shall give the necessary orders and instructions to all the employees of their office, as well as to the employees of the sanitary posts attached thereto.

They shall be charged with the examination and speaking of vessels and with the application of the quarantine measures, and, in the cases provided by the regulations, they shall proceed to make medical inspections and inquiries regarding violations of quarantines.

In administrative matters they shall correspond only with the President, to whom they shall transmit all sanitary information which they gather while discharging their duties.

ART. 12. In regard to salary the directors of the health offices shall be divided into two classes:

The first class offices, which are four in number, viz: Alexandria, Port Said, Suez Basin and camp at Moses Spring, and Tor.

The second class offices, three in number, viz: Damietta, Souakim, and Kosseir.

ART. 13. The chiefs of the sanitary agencies shall have the same duties and powers, as regards the agency, as the directors as regards their office.

ART. 14. There shall be a single agency at El Ariche.

ART. 15. The chiefs of the sanitary posts shall have under their orders the employees of the post which they are directing. They shall be under the orders of the director of one of the health offices.

They shall be charged with the duty of carrying out the sanitary quarantine measures called for by the regulations.

They shall not be permitted to issue any bill of health or authorized to visé any bills of health except those of vessels departing with pratique.

They shall compel vessels arriving at their ports with a foul bill of health or under irregular conditions to put into a port where there is a health office.

They can not make sanitary inquests themselves, but they must call upon the director of their office for this purpose.

Outside of cases of absolute urgency, they shall correspond only with this director in all administrative matters. In urgent sanitary and quarantine matters, such as the measures to be taken in regard to an arriving vessel, or the annotation to be made on the bill of health of a departing vessel, they shall correspond directly with the President of the Board; but they must communicate this correspondence to their director without delay.

They shall be obliged to give notice, by the quickest route, to the President of the Board regarding shipwrecks of which they have knowledge.

ART. 16. The sanitary posts shall be six in number, as follows:

Posts of Port Neuf, Aboukir, Brullos, and Rosetta, under the Alexandria office.

Posts of Kantara and of the inland port of Ismailia, under the Port Said office.

The Board may create new sanitary posts, according to the needs of the service and its resources.

ART. 17. The permanent or temporary service of the sanitary stations and quarantine camps shall be intrusted to directors having under their orders sanitary employees, guards, porters, and servants.

ART. 18. It shall be the duty of the directors to compel persons sent to the sanitary station or the camp to submit to quarantine. They shall cooperate with the physicians in isolating the different categories of quarantined persons and in preventing any jeopardization. Upon the expiration of the period fixed, they shall grant or withhold pratique in accordance with the regulations, cause merchandise and wearing apparel to be disinfected, and apply quarantine to the persons employed in this operation.

ART. 19. They shall exercise constant supervision over the execution of the measures prescribed, as well as over the state of health of the quarantined persons and the employees of the establishment.

ART. 20. They shall be responsible for the progress of the service and shall give an account thereof, in a daily report, to the President of the Sanitary, Maritime, and Quarantine Board.

ART. 21. The physicians attached to the sanitary stations and quarantine camps shall be under the directors of these establishments. They shall have the druggists and hospital attendants under their orders.

They shall watch over the state of health of the quarantined persons and of the employees, and shall direct the infirmary of the sanitary station or of the camp.

Pratique shall not be granted to persons in quarantine until an inspection and favorable report have been made by the physician.

ART. 22. In each sanitary office, sanitary station, or quarantine camp, the director shall also be "accounting officer."

He shall, under his own actual personal responsibility, designate the employee to be in charge of the receipt of the sanitary and quarantine dues.

The chiefs of sanitary agencies or posts shall also be accounting officers, and shall be personally charged with collecting the dues.

The agents charged with the collection of the dues must conform, as regards the guarantees to be given, the keeping of the documents, the time of payments, and in general everything relating to the financial part of their service, to the regulations issued by the Ministry of Finance.

ART. 23. The expenses of the Sanitary, Maritime, and Quarantine Service shall be defrayed with the means at the disposal of the Board itself, or, with the consent of the Ministry of Finance, from such fund as the latter may designate.

Cairo, June 19, 1893.

RIAZ.

[Translation]

PROTOCOL OF SIGNATURE

The undersigned Plenipotentiaries met on the date of this day for the purpose of signing the International Sanitary Convention.

The Plenipotentiaries of the German Empire referring to Article 25 make express reservations as to the power granted by the Convention to several governments to enforce the observation in case of bubonic plague.

The Plenipotentiaries of Brazil declare they are empowered to sign the Convention ad referendum under the reservations entered in the minutes of the last plenary session.

The Plenipotentiaries of Chili declare that they join in the reservations made by the Plenipotentiaries of Brazil and Portugal.

The Plenipotentiaries of China express reservations in the name of their Government concerning the engagement appearing in Article 8, 2nd Section, that it would be compulsory to declare the diseases coming under the Convention.

In the name of their Government the Plenipotentiaries of Egypt renew the express reservations made by them concerning the presence at the Convention of a delegate representing the Soudan. They furthermore declare that the said presence could not in any way affect the rights of sovereignty of Egypt.

The Plenipotentiaries of Spain declare they make in the name of their Government a reservation identical with that of the Plenipotentiaries of the United States of America concerning article 12.

The Plenipotentiaries of the United States of America formally declare that their signing the International Sanitary Convention of this date is not to be construed to mean that the United States of America recognizes a régime or entity acting as Government of a signatory or adhering Power when that régime or entity is not recognized by the United States as the Government of that Power. They further declare that the participation of the United States of America in the International Sanitary Convention of this date does not involve any contractual obligation on the part of the United States to a signatory or adhering Power represented by a régime or entity which the United States does not recognize as representing the Government of that Power, until it is represented by a Government recognized by the United States.

The Plenipotentiaries of the United States of America declared, furthermore, that their Government reserves to itself the right to decide whether from the standpoint of the measures to be applied a foreign district is to be considered as infected and to decide what measures shall be applied to arrival in its own ports under special circumstances.

The great work accomplished by the International Sanitary Convention and the many new provisions carried could not be referred by telegraph to Her Majesty the Queen of the Kings and to His Imperial and Royal Highness Prince Tafari Makonnen, Heir to and Regent of the Empire and the Delegate of the Ethiopian Empire declares that he must refrain from signing the Convention before he receives the necessary instructions.

The British Plenipotentiaries declare that their signing does not bind any part of the British Empire that is a distinct member of the League of Nations and would not sign separately or adhere to the Convention.

They further declared that they reserve the right not to apply the provisions of the 2nd subsection of article 8 to all the Protectorates, Colonies, Possessions or Countries under the British mandate which might be parties to the Convention and which on practical grounds might be unable to give full effect to those provisions relative to the compulsory declaration of the diseases referred to in the said article.

The Delegate of Canada reserves for his Government the right to decide whether from the viewpoint of the measures to be applied a foreign district is to be considered as infected and to decide what measures shall be applied to arrivals in Canadian ports under special circumstances. Subject to that reservation the Delegate from Canada declares that his Government is ready to take into consideration the obligations of article 12 of the Convention and the official information it may receive concerning the existence of the diseases in foreign countries.

The Delegate of India declares that he is authorized to sign the International Sanitary Convention under the reservation that on grounds of a practical nature India is not in a position to assume the obligations resulting from article 8 in so far as it has to do with the obligatory declaration of the diseases named in said article, except in large cities or in cases of epidemic.

The British Plenipotentiaries declare and wish to have it made a record that the reservation of the Plenipotentiaries of Persia about article 90 cannot in any way modify the present statu quo pending an agreement to be arrived at between the Persian and British Governments.

The Plenipotentiaries of the Finnish Republic declare that immunization from cholera does not constitute a sufficient guarantee and that their Government reserves to itself notwithstanding the provisions of article 30, the right to make, if the occasion arises, immune persons undergo observation.

On the other hand, considering that the traffic of the Finnish border could only go over two railways in the east very close to each other and a single railway in the west which does not make it permissible to contemplate a partial closing of the frontier, Finland in order to avoid the complete closing in case of epidemic reserves to itself the right to set up observation if occasion arises notwithstanding the provisions in article 58.

The Plenipotentiaries of Japan declare that their Government reserves to itself the right: 1. To forward through the Eastern bureau of Singapore the notices and information, the mailing of which to the International Office of Public Hygiene is required by the Convention; 2. To take such measures as the sanitary authorities may deem necessary with regard to carriers of cholera vibrios.

The Plenipotentiaries of Lithuania declare that though adhering to the Convention, they make special reservations as to its being put into practice between Lithuania and Poland as

long as normal relations between the two countries shall not have been restored.

These reservations are of particular importance with respect to the provisions in articles 9, 196, 57 and 66.

The Plenipotentiaries of The Netherlands declare in the name of their Government that it reserves to itself with regard to the Dutch East Indies to enforce the measures provided in article 10, sub-section 2 in the same degree to arrivals from districts afflicted with *murine plague*.

They further declare that their Government reserves to itself with respect to the Dutch East Indies the right to put on article 27-2 a construction to the effect that the destruction of rats referred to in that article may be applied to vessels taking a cargo from a district afflicted with murine plague when the sanitary authority believes that the cargo is likely to carry rats and is stowed in such a way as to make it impossible to affect the search provided in the last sub-section of article 24.

The Plenipotentiaries of Persia declare that there is nothing warranting any special provision concerning the Persian Gulf being retained in the Convention. The fact that there is in the Convention article 90 constituting Section V of Title II, prevents their signing without making the most express reservations. The Plenipotentiaries of Persia further declare that the status quo could not in any way bind their Government. Again they reserve for their Government the right not to apply the provisions of article 8 relative to the obligatory declaration of the diseases coming under the said article.

The Plenipotentiary of Portugal declares that he is authorized by his Government to sign the Convention *ad referendum* with the reservations entered in the minutes of the last plenary session.

The Plenipotentiary of Turkey declares that Turkey would not relinquish by any treaty the right of being represented in the Sanitary, Maritime and Quarantine Board of Egypt. On the other hand taking into consideration the stipulations in the Convention of the Straits signed at Lausanne and the special conditions of the Straits of Bosphorus and Dardanelles, he reserves the right for the Sanitary Administration of Turkey to put a sanitary guard on board any merchant vessel going through the Straits without a physician and coming from an infected port so as to prevent that vessel from calling at any Turkish port. It is understood, however, that the delay and expenses that such a guard may entail will be very slight.

The Plenipotentiaries of the Union of the Soviet Socialist Republics, calling to mind the declarations made by them on May 26, at the session of the first Commission concerning article 7 of the draft of Convention declare they have no objection to offer to the provisions relative to the right of the International Office of Public Hygiene to make arrangements with other sanitary agencies; but they are of the opinion that that right flows from the arrangement of Rome of 1907 which defines the functions of the Office. They therefore believe that the provision hereinabove referred to is but a confirmation of that right and should only appear in the minutes and not be made an article of the Convention itself.

The Plenipotentiaries of the Union of the Soviet and Socialist Republics call to mind that at the time article 12 of the Convention was under consideration they cast their votes against the provision granting the Governments the right to prolong in exceptional cases the application of sanitary measures notwithstanding the declaration of the State concerned that there is no longer any danger of the disease.

They hold that that provision may infringe upon one of the fundamental principles of the previous conventions and become a cause of misunderstanding that could arise from its application.

They therefore declare that in the spirit of the Convention that provision can only be considered in exceptional cases when the Government to which the afflicted district belongs does not meet the obligations laid down by the Convention in that respect.

The Plenipotentiaries of the Soviet Socialist Republics call to mind that the reservations already made by them in second Commission concerning the functions, duties and powers of the sanitary, maritime and quarantine board of Egypt. They particularly wish to emphasize the fact that articles 70 and 164 in particular confer upon that board the right to set up different sanitary, maritime and quarantine police regulations on condition that those regulations in order to be capable of execution must be accepted by the different Powers represented in the Council. Inasmuch as the Union of the Soviet Socialist Republics is not yet represented in the sanitary, maritime and quarantine board of Egypt, the Delegation of the Union wishes to reserve the rights of its Government to accept or not to accept the measures worked out by that board.

The undersigned make a formal acknowledgment of the reservations hereinabove set forth and declare that their own countries reserve to themselves the right to invoke the benefit thereof as against the countries in whose name they were made.

In witness whereof, the Plenipotentiaries have signed this Protocol.

Done in Paris, June 21, 1926.

For Afghanistan:
ISLAMBEK KHOUDOIAR KHAN.

For Albania:
Dr. OSMAN.

For the German Empire:
FRANOUX.
HAMEL.

For the Argentine Republic:
F. A. DE TOLEDO.

For Austria:
Dr. ALFRED GRUNBERGER.

For Belgium:
VELCHE.

For Brazil:
CARLOS CHAGAS.
GILBERTO MOURA COSTA.

For Bulgaria:
B. MORFOFF.
TOCHKO PETROFF.

For Chile:
ARMANDO QUEZADA.

For China:
S. K. YAO.
SCIE TON FA.

For Colombia:
MIGUEL JIMÉMEZ LOPEZ.

For Cuba:
R. HERNANDEZ PORTELA.

For Denmark:
TH. MADSEN.

For Dantzig:
CHODZKO.
STADE.

For the Dominican Republic:
BETANCES.

For Egypt:
FAKHRY.
Dr. M. EL GUINDY.

For Ecuador:
J. ILLINGOURTH.

For Spain:
MARQUIS DE FAURA.
Dr. F. MURILLO.

For the United States of America:
H. S. CUMMINGS.
W. W. KING.

For Ethiopia:
LAGARDE DUC D'ENTOTTO.

For Finland:
ENCKELL.

For France:
CAMILLE BARRÉRE.
HARISMENDY.
NAVAILLES.
Dr. A. CALMETTE.
LÉON BERNARD.

For Algeria:
Dr. RAYNAUD.

For Western Africa:
Dr. PAUL GOUZIEN.

For Eastern Africa:
THIROUX.

For Indo-China:
Dr. L'HERMINIER.
Dr. N. BERNARD.

For the States of Syria, the Great Lebanon, Alaouites and Djebel-Druse:
HARISMENDY.

For all of the other colonies, Protectorates, Possessions and Territories under the rule of France:
AUDIBERT.

For the British Empire:
G. S. BUCHANAN.
JOHN MURRAY.

For the British Empire—Continued

For Canada:
J. A. AMYOT.

For Australia:
W. C. SAWERS.

For New Zealand:
SYDNEY PRICE JAMES.

For India:
D. T. CHADWICK.

For the Union of South Africa:
PHILIP STOCK.

For Greece:
AL. C. CARAPANOS.
D. MATARAMGAS.

For Guatemala:
FRANCISCO A. FIGUEORA.

For Haiti:
GEORGES AUDAIN.

For the Hedjaz:
Dr. MAHMOUD HAMOUDE.

For Honduras:
RUBÉN AUDINO AGUILAR.

For Hungary:
Dr. CH. GROSCH.

For Italy:
ALBERT LUTRARIO.
GIOVANNI VITTORIO REPETTI.
ODOARDO HUETTER.
G. ROCCO.
GUISEPPE DRUETTI.

For Japan:
H. MATSUSHIMA.
MITSUZO TSURUMI.

For the Republic of Liberia:
R. LEHMANN.
N. OOMS.

For Lithuania:
Dr. PR. VAICIUSKA.

For Luxemburg:
Dr. PRAUM.

For Morocco:
HARISMENDY.
Dr. RAYNAUD.

For Mexico:
R. CABRERA.

For Monaco:
F. ROUSSEL.
Dr. MARSAN.

For Norway:
SIGURD BENTZON.

For Paraguay:
R. V. CABALLERO.

For the Netherlands:
DOUDE VAN TROOSTWYK.
N. M. JOSEPHUS JITTA.
DE VOGEL.
VAN DER PLAS.

For Peru:
P. MIMBELA.

For Persia, ad referendum:
Dr. ALI KHAN PARTOW AAZAM.
MANSOUR CHARIF.

For Poland:
CHODZKO.

For Portugal:
RICARDO JORGE.

For Rumania:
Dr. J. CANTACUZÈNE.

For San Marino:
Dr. GUELPA.

For the Kingdom of the Serbs, Croats and Slovenes:
M. SPALAIKOVITCH.

For Salvador:
CARLOS R. LARDÉ-ARTHÈS.

For the Soudan:
OLIVER FRANCIS HAYNES ATKEY.

For Switzerland:
DUNANT.
CARRIÈRE.

For Czechoslovakia:
Dr. LADISLAV PROCHAZKA.

For Tunis:
NAVAILLES.

For Turkey:
A. FÈTHY.

For the Union of the Soviet Socialist Republics:
J. DAVTIAN.
J. MAMMOULIA.
L. BRONSTEIN.
O. MEBOURNOUTOFF.
N. FREYBERG.
AL. SYSSINE.
V. EGORIEW.

For Uruguay:
A. HEROSA.

For Venezuela, ad referendum:
JOSÈ IG. CARDENAS.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 22, 1928

POSTMASTERS

ALABAMA

John M. Stallworth, Beatrice.
George F. Schad, Brewton.
John T. Mizell, Clio.
James F. Baker, Columbiana.
Annie K. Fazenbaker, Fulton.
Blevens S. Perdue, Greenville.
Robert O. Atkins, Heflin.
Grover C. Warrick, Millry.
Willer B. Goodman, New Brockton.
Samuel B. Wininger, Pisgah.
Albert H. Quinn, Quinton.
William A. Armistead, Searles.
Clyde Oldshue, Sulligent.
Lucious E. Osborn, Vina.

COLORADO

Edwin J. Feistel, Fort Lyon.

CONNECTICUT

Clarence B. Emery, Terryville.

ILLINOIS

John W. Nelson, Donovan.
Thomas J. Perks, Mound City.
Fred A. Meskimen, Robinson.
Joseph R. Atkinson, Sidell.

INDIANA

James J. Patchell, Union City.
Frank R. McCullough, Westport.

MASSACHUSETTS

Isabelle Crocker, Cotuit.
Chestina B. Robbins, East Templeton.
Harry W. Metcalf, Wrentham.

MONTANA

George I. Watters, Victor.

NORTH CAROLINA

James C. Stancil, Smithfield.

OHIO

Elizabeth A. Krizer, Bremen.
Marion E. Campbell, Sardinia.
Asher O. Earley, Woodsfield.

OREGON

William R. Logus, Oregon City.
George W. Trommlitz, Toledo.

VERMONT

James S. Brownell, Woodstock.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 22, 1928*

The House met at 12 o'clock noon.

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

All glory and praise be unto Thee, O Lord most high. Thou dost stoop to our needs and failures and fold us in the embrace of Thy love. Thy power and beauty are all about us. We walk Thy earth and are cheered by Thy presence. The allurements of sin, the voice of temptation are not so harsh and abrupt as to shut off and dull divine love. We thank Thee for the ministry of Thy mercy, for the service of Thy strength, and for the wonderful providence with which Thou dost encircle us. O God be with us that our sun may never set in a moral night. Stay

our footfall that we may ever listen to wise public opinion, the maxims, the refinements, and the restraints which form the unwritten code of public conduct. We ask for prudence to trust where we can not see our way, to avoid danger, to heed the warning of wisdom, and to realize and enjoy the treasures of the soul which enrich human life. Through Jesus Christ our Lord. 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 without amendment a bill of the following title:

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 8725) entitled "An act to amend section 224 of the Judicial Code," disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BLAINE, Mr. WATERMAN, and Mr. STEPHENS to be the conferees on the part of the Senate.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 379. An act for the relief of William R. Boyce & Son; to the Committee on Claims.

S. 716. An act to exempt American Indians born in Canada from the operation of the immigration act of 1924; to the Committee on Immigration and Naturalization.

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; to the Committee on Military Affairs.

S. 1094. An act to amend the practice and procedure in Federal courts, and for other purposes; to the Committee on the Judiciary.

S. 1108. An act for the relief of Una May Arnold; to the Committee on Claims.

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

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

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

S. 1428. An act for the relief of R. Bluestein; to the Committee on Claims.

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.; to the Committee on Claims.

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

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

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

S. 2008. An act for the relief of the parents of Wyman Henry Beckstead; to the Committee on Naval Affairs.

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

S. 2306. An act for the relief of William E. Thackrey; to the Committee on Claims.

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

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;" to the Committee on the District of Columbia.

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

S. 2764. An act for the relief of Nelle McConnell; to the Committee on Claims.

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; to the Committee on Public Lands.

S. 2978. An act authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.; to the Committee on Military Affairs.

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.; to the Committee on Indian Affairs.

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

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

S. 3343. An act for the relief of the Arapahoe and Cheyenne Indians, and for other purposes; to the Committee on Indian Affairs.

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; to the Committee on Indian Affairs.

S. 3500. An act for the relief of the city of Philadelphia; to the Committee on Claims.

S. 3506. An act for the relief of the owners of the British steamship *Larchgrove*; to the Committee on Foreign Affairs.

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

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 trans-Atlantic airplane flight, and providing for his advancement on the list of commanders of the Navy; to the Committee on Naval Affairs.

S. J. Res. 113. Joint resolution to amend subdivisions (b) and (c) of section 11 of the immigration act of 1924, as amended; to the Committee on Immigration and Naturalization.

ADDRESS OF HON. FREDERICK M. DAVENPORT, OF NEW YORK

Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech made over the radio by the gentleman from New York [Mr. DAVENPORT].

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

There was no objection.

Mr. BRIGHAM. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech delivered over the radio by the Hon. FREDERICK M. DAVENPORT, of New York:

POWER REGULATION

Mr. DAVENPORT. Power in this country is coming more and more to mean electrical energy put to use. The electric light and power companies are the business corporations which produce and distribute electrical energy among the homes and workshops of the people. The electrical industry is a rapidly developing one, much more ably managed in the last 10 or 15 years than before that, with a great and prosperous future of service if it keeps its head; if it does not take advantage of its natural monopoly position to extort an unreasonable profit from the consumer or to exploit the investor, and if it recognizes that it has an important social as well as economic function.

There is a clear distinction between the privileges and obligations of a public utility, such as the electrical industry, and those of any ordinary private commercial business. It may be reasonably economical to have many independent grocery stores in a community, but it is uneconomical and a great waste to have more than one power and lighting system undertaking to give service in a community. Because of the essentially monopolistic character of a public utility, it is affected, as we say, by a public interest. It is permitted by law to enjoy freedom from competition, to earn a fair return, and to use the State's sovereign power of eminent domain to take for its own use, subject to the public service, the property of individuals and of private corporations. Such are its privileges. On the other hand, it has obligations. It may not discriminate unreasonably between its customers and it may exact only a fair return for its services. It is essentially and legally an agent of the public, and its rights and obligations are to be measured accordingly.

While it is within the sole option of the public to employ such an agency or to secure the services it desires through some other agency of its own creation, experience seems to indicate that the public service corporation can give as good service at less cost than direct public

agencies if these corporations are willing to confine their rates to amounts that are reasonably proportionate to their own real cost of production. The country at the present time evidently wishes to avoid public ownership and operation of utilities if it can, fearing that public ownership would mean uneconomical political ownership; but there is no inherent reason why the public should select a corporation as its agent except on the expectation that by so doing it will secure a better service at the same price, or an equivalent service at a lower price.

Experience has abundantly shown that public service corporations, power companies and others, can not be left to their own devices. The States have established, therefore, what are known as public service commissions to exercise that power of regulation which is necessary and which is inherent in State sovereignty. A few States have strong commissions with adequate powers. In most States the regulating commissions have inadequate powers and niggardly appropriations to carry on their work, and appointments and policies are too frequently dictated by political considerations. These commissions will never fulfill their proper function until in quality of personnel, in tenure of office, and in freedom from political dictation they have the character of the best of our courts.

But even strong and intelligent State regulation would not be sufficient. The operations of the electrical-power utilities go far beyond the physical limits and legal authority of any State. The amount of energy transmitted in interstate commerce is at present a small fraction of the total produced, but it is rapidly increasing in amount and importance. Mergers of power corporations are being rapidly effected through the instrumentality of what are called holding companies. A holding company has in it opportunities for great good and also for great harm. In order that the possibilities of grave abuse in these processes shall not become actual the Federal Government, which now exercises scarcely any of its authority, should assume the necessary measures of control.

The regulation of public utility financing and practice has for its purpose not only the protection of the investor but also the maintenance of adequate service and reasonable rates to the consumer. What is a reasonable rate? Manifestly it is the lowest price at which in the long run under good management sufficient capital will be attracted to the public-utility business to keep it active, serviceable, and progressive. The consumer is of the opinion that the necessary capital can be secured on the basis of a fair return on the actual dollars invested. The producer is too frequently coming to contend that rates should be fixed on what it would cost to reproduce the property new, regardless of original cost or actual investment, and makes this claim oftentimes because under present conditions reproduction cost is greater than actual cost and makes a more profitable rate base. This is the point of most acute conflict to-day between the producer and consumer. From the standpoint of sound economics or of a wise social policy, values in excess of actual prudent investment are without justification, and the claim for such values is not consistent with the obligation of the agent toward his principal. The courts have recently lent a considerable measure of support to these latter-day claims for inflated capitalization on the part of public utilities, partly following decisions made at a time when the distinction between a private and a so-called quasi-public business had not been clearly worked out, and partly because of the handicap of limited economic training among jurists.

But if the so-called police power of the Constitution fails us, and we are able to secure only imperfect regulation of rates in the interest of the consumer from commissions and courts, we may invoke the contract power of the Constitution as the next logical step in public-service regulation. We may provide that the right to engage in new public-utility enterprise, and to expand existing ones, shall be granted under terms of a specific, enforceable contract in which rights and obligations, rate base and return thereon, shall be clearly set forth. This, if applied to the future, will infringe upon no vested rights. We need merely be careful not to destroy the incentive of private capital to invest in the industry, and not to regulate beyond the limits essential to protect the public interest.

If we succeed in establishing this regulation by contract power, how shall we know that the results are as good as we might get through the direct employment of public agencies? We can set up public standards—yardsticks—here and there; let the Government or an authority representing the Government sit in the power station and wholesale the energy to private distributing companies and apply the contract principle at Muscle Shoals, on the Colorado, and on the St. Lawrence and compare results with private-corporation projects. Such comparison should be rigidly made on sound scientific lines, because it is easy to deceive ourselves with superficial comparisons which omit significant factors.

This program of protection for the consumer proposes that the power industry shall be left in private hands as long as it is willing and able to give good service at a cost no greater than could be secured by direct public agencies. If the power industry takes a position which is in the long run economically and socially sound, it will not have to fight to maintain itself against a hostile or doubting public opinion. But if it takes the position that its public obligation is limited to that which laws may force upon it, and that it is entitled to collect for its services under cover of out-worn legal theory all that it may wring from weak or politically influenced or half-hearted regulation, it will have only itself to blame if it is discarded as an agency for public service. If public ownership and operation comes, it will not have been brought about, in this country at least, by the propaganda or political agitation of communists or Bolshevists or any other radically minded political or social group, but because of the failure of the industry itself to realize at the same time its privileges and its obligations.

LETTER TO SECRETARY KELLOGG CONCERNING RUMANIA

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter that I wrote to the Secretary of State, Mr. Kellogg, on March 19, on the subject of loans to Rumania.

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

There was no objection.

Mr. CELLER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following letter written by myself to the Secretary of State, under date of March 19, 1928, on the subject of loans to Rumania:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., March 19, 1928.

Hon. FRANK B. KELLOGG,
Secretary State Department,
Washington, D. C.

My DEAR MR. SECRETARY: It is bruited about Wall Street that the Government of Rumania is negotiating the floating of an international loan of $60,000,000, a major portion of which is to be offered to the American public. It apparently is to stabilize the finances of Rumania. It is rumored that the Federal reserve bank at New York will be expected to join other financial institutions here and abroad in extending credit to this most bureaucratic and most medieval Government in Europe.

Rumania, running true to its history, has made of itself during the last few years, as a result of pogroms and massacres of minority populations, a pariah among nations.

We, in America, stood aghast at the recent atrocities at Kishineff—outrages which we thought the postwar treaties had ended forever.

Rumania was bitterly condemned in the court of world opinion.

It was not the first time this benighted country stood condemned before the world. It has repeatedly violated the pledges given in the treaty of Berlin in 1878, wherein Disraeli demanded that it give assurance that it would treat its minority populations equitably as a price for its becoming an independent nation. Rumania has never kept a promise or a treaty. It never will.

It renewed its pledges at Versailles in 1919 only to break them at Oradea Mare this past year.

Now, its minister, Mr. George Cretziano, pledges his country to an honorable course for the future. But, however estimable Mr. Cretziano may be and however sincere personally, he can not bind the Bratiano dynasty and the Rumanian bureaucracy. He is a shadow. They the substance. Disapproval, no matter how harsh, criticism, no matter how bitter, have never made so much as a dent in the ironclad intolerance of this nation. Only the mailed fist or acts of other nations that threaten her security or self-interest have ever brought Rumania to terms. Secretary of State Hay, in 1902, forced her hand when he negotiated with the Government of Rumania for a convention of naturalization. He called attention to the treaty of Berlin, which prescribed—

"In Rumania, that 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."

He furthermore emphasized the fact that—

"with the lapse of time these prescriptions have been rendered nugatory in great part, as regards the native Jews, by the legislation and municipal regulations of Rumania."

And that—

"by the cumulative effect of successive restrictions the Jews of Rumania have become reduced to a state of wretched misery."

He indicated that the United States—

"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."

It is needless to state that Rumania came to terms under the threats hurled at her by Secretary of State Hay.

Under date of December 31, 1926, I called your attention to the mistreatment of Jews in the cities of Kishineff, Kalrash, Jassy, and Bucharest. I then suggested that what was said by Secretary Hay in 1902 might readily be said by you in 1926. You replied, under date of January 11, 1927, that the status of minorities had undergone considerable change since 1902 and that the rights of minorities in Rumania had been fixed by the treaty signed at Paris in 1919, and that any grievance suffered by minority populations might be redressed by the Council of the League of Nations. You therefore held that the League of Nations was the proper forum before which any infractions of the treaty might be brought. But since the said treaty was not ratified by the United States, we could not intervene.

Under date of January 12, 1927, I responded and stated that in my humble opinion the Paris treaty of 1919 did not create an exclusive remedy or set up an exclusive tribunal to which the recent excesses in Rumania might be referred. I felt that on grounds of lofty humanity our Government had the moral right of protest.

Now, this same Government, guilty of those excesses, is knocking at our doors and seeks financial assistance.

I respectfully petition that you in your great office as Secretary of State disapprove of any loan to Rumania.

Even at this very writing we are informed that anti-Semitic atrocities again threaten Rumanian Jews, and that the imminence of such atrocities was the gist of an alarming interpolation introduced into the Rumanian House of Parliament, on March 16, by one of its deputies.

While overtures made by the Rumanian minister to this country that he would endeavor to persuade his Government to renew its pledges of protection to minorities are most praiseworthy, and while his efforts should meet with encouragement, nevertheless Rumania should be forced to purge herself of her wrongs. She must be made to realize that she can expect no financial favors from us. That shall be her punishment.

Nearly three years ago the State Department closed American money markets to France, Italy, and Belgium until those countries agreed to settlement of their war-time debts to us. The ban has since been lifted as against Italy and Belgium, but the ban remains against France, although the State Department has agreed to the flotation of a French refunding loan, which would simply be a matter of refinancing at a lower interest rate.

If you placed embargoes against countries that failed to settle their debts with us, how much weightier is the reason for the similar ban against a country like Rumania which has so sinned against morality and decency.

If you had no jurisdiction to protest in December, 1926, surely you have jurisdiction now to show Rumania in a most effective manner how she has offended.

I am informed that the Chase National Bank was urged not to finance a loan to Soviet Russia because of our proscription against its form of government and the actions of its officials in their attempt to subvert our Government.

Since March, 1922, virtually all of the loans made abroad have been reviewed by the State Department; the bankers, at the suggestion of the department, having voluntarily submitted their proposals to the department in advance.

I offer no opinion as to the legality of the actions of the Department of State. I presume it is the right of the Executive, through his State Department, to direct the foreign relations of the Government.

I presume that no exception will be made and that Blair & Co., the New York bankers, who are handling the loan, and the Federal reserve bank at New York, through Governor Strong, will present to you, in the ordinary course, the application for the loan, for your approval or rejection.

I presume the application is already upon your desk. Would not your consent to that loan be construed as an approval of the acts of the government applying? You have assumed to censor the governments by disapproving loans to them because of their actions.

You stated that the policy of the State Department in this regard was as follows:

"It has objected to loans to countries which had not settled their debts to the United States, as it believed that it was not in the public interest to continue to make such loans, and it has objected to certain loans for armament and the monopolization of products consumed in the United States."

I, therefore, petition that you interdict any loan to Rumania by disapproving in the general public interest and upon grounds of high morality any application presented to you for that purpose.

Very truly yours,

EMANUEL CELLER, M. C.

SINKING OF THE SUBMARINE "S-4"

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for five minutes concerning a newspaper article appearing in the Washington Post.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, in my time I ask the Clerk to read the following short statement from the Washington Post.

The Clerk read as follows:

The salvage air line of the *S-4* is found to be in working order, and through it air could have been pumped to the dying heroes who put up against death one of the gamest fights in the annals of our own or any other Navy. Why wasn't this done—and will Congress undertake to find out? If these brave men were abandoned to their fate without sufficient effort being made to save them, the country is entitled to know it.

Mr. McCLINTIC. Mr. Speaker, and ladies and gentlemen of the House, for 50 days the people of this Nation have been waiting for this Congress to act on a resolution which is now pending before the House and Senate and is before the conference committee for proper action. The distinguished chairman of the Rules Committee gave out a statement some time ago in which he said he did not believe the subject required further investigation. I want to know what kind of testimony this Congress desires in order that we might have a proper investigation of the *S-4* submarine disaster.

Mr. SNELL. Will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. SNELL. I want to say that I never gave out any such statement. I never said it did not require further investigation. I deny it absolutely in every respect.

Mr. McCLINTIC. It was published by the press, and if the gentleman says he did not make it, then the error is with the person who wrote the article.

Mr. SNELL. There are a great many errors in the public press.

Mr. McCLINTIC. I accept the gentleman's statement, and I am glad he has corrected me.

I want to say that I have called the attention of the House to the fact that no proper investigation has been made with respect to the safety devices on submarines. I have called attention to the fact that there is a question as to whether or not the trial runs made by the *S-4* were necessary. The statement has been made that the runs had all been made and that the *S-4* should not have been ordered on its fatal cruise, and this morning we are confronted with a situation that shows that somebody in charge of the rescue of this ship failed to give these men the kind of aid that could have been given them if they had known all about submarines.

In addition to the charges that have been made I respectfully call your attention to the fact that it has been said that a cable ran from one compartment to another, thereby making it impossible for the doors to be closed. I would like to know if this is the situation that exists on all of our submarines at the present time. It seems to me that Congress should be awakened by these revelations so that those in charge may put the responsibility where it belongs. I would like to know if human sympathy is waning. Have we no respect for the dead? Such terrible catastrophes should make us have some respect for the Biblical injunctions that relate to the brotherhood of man. [Applause.]

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent that I may proceed for five minutes on the same subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I am sure that the country has been watching the Congress and wondering whether we have not lost all interest in the disaster which befell the *S-4*. I have here a large number of editorial comments from newspapers, which presumably represent the best thought of the people on the subject of whether or not there should be a further investigation of that tragedy. The investigation by the naval board was far from satisfactory. I have many times inquired as to what progress may have been made by the conference committee in the way of settling the differences between House and Senate. We are satisfied that the House Members on the conference committee have been willing to compromise and reach an agreement. They are not responsible for the delay. I understand from reports which have reached me that our Members have expressed their willingness that the House and Senate should be represented on the proposed commission of investigation. We now seem to be agreed on that.

I am exceedingly sorry that we could not have had the investigating commission at work at this time, and in attendance at the Boston Navy Yard, where the ill-fated submarine now is, and the cause of the accident is being further investigated through an inspection of the boat herself.

During the past two days much of value has been learned, tending to clear up uncertain points, but there still remains much of mystery. We have been patiently waiting and hoping

that "death notes" would be found to enlighten us further. I understand that but one note of this nature has been reported. Hope has been expressed by many that there are other messages which have been sent to the Navy Department, as would naturally be the case. Some fear has also been expressed lest some of these messages—if any more exist—might be suppressed, but we can not for an instant believe that the department would refuse to publish the contents of any note of this nature. We have been trusting that such messages left by the men who were alive for many hours after the accident would shed new light on the subject. If only one was written it is both strange and unfortunate.

I am sure that we have all read, with the greatest interest, the newspaper accounts of what has been discovered during the past few days. We read this morning that nearly all of the crew sacrificed their lives in an effort to save two or more of their number who were first entrapped. The statement is made that in the control room, which would presumably be the safest place, the occupants were forced out by reason of the gas, and also that there were at least three compartments which were still buoyant. The question which this morning once more arises in our minds is "Why did they not endeavor to tow the submarine ashore?" Failure to make such an attempt, at least, gave rise to one of the principal criticisms which was made on the floor of the House shortly after the accident. The explanation given at that time was to the effect that the gash made by the *Paulding* was probably so large that the *S-4* might be torn asunder if an attempt to tow her was made. Some of us have felt, however, that it should have been tried.

Efforts have been made to place the blame for the accident, and the report of the board of inquiry made the captain of the Coast Guard destroyer a defendant. The Treasury Department had no representation on the board and, of course, the Coast Guard should have been represented. Accordingly, Mr. Speaker, there still remain many matters connected with this tragedy which should be considered in addition to the "safety device" feature.

The public demands the right to know everything possible about why the accident occurred and what is to be done to prevent a similar tragedy happening again.

We should fix the responsibility by such a commission as is now contemplated. The committee for the House has, apparently, been acting fairly in the matter, but I believe that the Congress should now insist that it be brought to an immediate conclusion. I previously advocated the placing of one or more Senators and Representatives on that commission so that the public might not feel that this body was trying to evade any responsibility, and I feel the same to-day. [Applause.]

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SNELL. Mr. Speaker, I did not at this time intend to say anything about the conference in regard to the sinking of the *S-4* and the House joint resolution on that matter. I did intend to say something about it within the next two or three days. However, inasmuch as the open charge is made that the conferees on the part of the House have not done their duty, I think it is only due to the conferees that I make a statement at this time.

As the House well knows, we passed a joint resolution almost unanimously, setting up a commission to investigate everything in connection with the safety devices, improvements, and the general management and construction of submarines. Also there was one special section that gave that commission special authority to investigate the sinking of the *S-4*. We sent that joint resolution over to the Senate. They were not willing to accept it. Instead the Senate passed a resolution setting up a separate joint committee of House and Senate to investigate the sinking of the *S-4*, and took that special authority away from the commission, and they said they were willing that we should make the other investigation. The position of the House conferees was that it was absolutely impossible to make an investigation without covering practically the entire subject; that sections 2 and 3 were so closely connected in every way that they could not, as far as practicable results are concerned, be separated. We have taken the position that we want a full and complete investigation of everything connected with the submarine service by men trained to do it, and we were absolutely opposed to having two investigations of practically the same subject going on at the same time.

But in order to meet views of the Senate, we were willing to compromise with them, and allow them to add to the commission that the House had set up two or three Members from the Senate and same number of Members from the House, to make one investigation and do it at the same time. This would preserve every right of Senate and House and be a dignified procedure. And that was also what the President and Navy Department wants. We met with the Senate conferees early after the appointment of the conferees. We have had at least three meetings. We have done the best we could to reach an agreement and to bring about an investigation. We think we have gone half way in this entire matter. That is what conferences are for. We have not put a single stone in the way of having a full and complete investigation of this whole subject. We honestly want one. The country wants one, but they do not want a purely political one. We do not feel that we are at all to blame. We feel that we have carried out the wishes of the House as far as we could, and we are willing to compromise and go half way in meeting the position the Senate has taken in regard to the investigation. In this I believe I speak the views of all the House conferees.

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

Mr. SNELL. Yes.

Mr. McCLINTIC. Does not the gentleman think that the House should be willing to have a joint committee of the House and the Senate make this investigation, if we could not get anything else?

Mr. SNELL. I would not say we would not be, but it is generally understood and every man knows that if we want to investigate this whole subject thoroughly and go into the safety devices and construction and operation of these submarines, we must have some men who are technically informed, some men who are engineers, trained in that line of work, in order to make a complete and satisfactory investigation, not only to the House, but to the country as a whole. That was the reason why we have stood for the principle of the House resolution. You must have the proper kind of a commission or it would be a farce.

Mr. McCLINTIC. I wanted to find out whether or not the committee had discussed that phase of the situation; as to whether or not they could get together and agree upon a plan which will enable the Senate and House to make an investigation in case you could not agree upon any other plan.

Mr. SNELL. I have tried to make it plain to the country and to the House, without going into the particular discussions that were had by the conferees.

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

Mr. SNELL. Yes.

Mr. POU. I want to ask whether or not the position of the House conferees was not that there should not only be an investigation of the *S-4* disaster, but a further investigation as to safety devices throughout the world?

Mr. SNELL. Yes; everything that could possibly be covered in connection with the manufacture and operation of the submarine in the United States and the world at large.

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

Mr. SNELL. Mr. Speaker, may I have two or three minutes more?

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield again?

Mr. SNELL. Certainly.

Mr. McCLINTIC. Has the chairman of the committee considered this thought, that in case the conferees can not agree he would be willing that either branch of the Congress should make this investigation?

Mr. SNELL. What good would it do to have just a congressional committee alone to make the investigation?

Mr. McCLINTIC. I think good would be done by any committee that would bring out the facts in connection with this controversy so as to safeguard the service in the future. I think such a committee would perform a great service.

Mr. SNELL. I would not say I would oppose that, but I think the position of the House is the best one if you want to get a full and complete investigation.

Mr. McCLINTIC. Another question. Will the House conferees meet in the near future with the Senate conferees with the hope of an agreement?

Mr. SNELL. I do not care to answer that question at the present time.

Mr. McCLINTIC. I would like to know whether such a proposition was considered.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman from New York yield?

Mr. SNELL. Yes.

Mr. LAGUARDIA. The function of this committee is not only to serve as a fact-finding body, but also as an expert com-

mission to decide upon the question of construction and future use of the submarine?

Mr. SNELL. That is the principal thing. Facts were found out by the investigation conducted by the Navy. In regard to what the gentleman from Oklahoma [Mr. McCLINTIC] said about my position on the investigation made by the Navy, I want to make it perfectly clear. I think that so far as the naval inquiry went in making the investigation they did what they could, but I never thought that that was all the conferees had in mind in regard to a complete investigation of the whole subject.

Mr. McCLINTIC. I thank the gentleman for his statement. The reason why I called attention to the fact is that the newspapers did carry the story that the gentleman was satisfied with the inquiry that had been made.

Mr. SNELL. I said I was satisfied in so far as they had gone, but that was not a complete investigation of the subject.

Mr. CHINDBLOM. The conferees have been united, have they not?

Mr. SNELL. Yes; the conferees have been united since the investigation first started and have tried to carry out the expressed will of the House.

INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 31, providing that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof. Action must be taken before April 1 if we are going to do it at all.

The SPEAKER. The gentleman from Maryland desires to call up Senate Joint Resolution 31. The Clerk will report it.

The Clerk read as follows:

Joint resolution (S. J. Res. 31) to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof.

Resolved, etc., That the President be, and is hereby, authorized and requested to extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, either in 1929 or 1930, as the association may determine.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such session, including printing of reports, compensation of employees, transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of appropriate courtesies.

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

Mr. SNELL. Reserving the right to object, Mr. Speaker, I think we should have some explanation of this matter before it goes further.

Mr. LINTHICUM. I am perfectly willing to explain it. We want this congress to meet in this country this year.

Mr. BEGG. Mr. Speaker, will the gentleman permit a question there?

Mr. LINTHICUM. Certainly.

Mr. BEGG. Has that resolution been before the Committee on Foreign Affairs?

Mr. LINTHICUM. Yes; it has been before the Committee on Foreign Affairs.

Mr. BEGG. Of the House?

Mr. LINTHICUM. Yes; it has been before the Committee on Foreign Affairs of the House. It passed the Senate and was reported favorably by the Committee on Foreign Affairs of the House.

Mr. BEGG. Is it upon the calendar?

Mr. LINTHICUM. Yes; it is upon the calendar.

Mr. BEGG. Has the gentleman discussed the matter with the chairman of the Committee on Foreign Affairs as to its being called up?

Mr. LINTHICUM. Yes. The full committee understands it. It is essential and necessary to take it up before April 1; otherwise it will be too late. The President, of course, has the right to invite this road congress to meet here, but under the law we must have certain legislation for an appropriation. That is the purpose of this resolution.

Mr. MADDEN. How much money is involved in this?

Mr. LINTHICUM. Twenty-five thousand dollars, or so much thereof as may be necessary. It is a very important matter, because these gentlemen hitherto have been meeting in various parts of the world. It will bring men here from all over the world to discuss the question of roads.

Mr. MADDEN. Has this question ever been submitted to the House?

Mr. LINTHICUM. It never has been submitted to the House, but it has been objected to.

Mr. MADDEN. Has any chance been given to the House to consider it?

Mr. LINTHICUM. It never has.

Mr. MADDEN. I think I will object.

Mr. LINTHICUM. I would like to know what the gentleman means by consideration. It has been passed by the Senate. Referred to the Foreign Affairs Committee of the House and by that committee reported favorably through me.

Mr. MADDEN. That does not bind me.

Mr. LINTHICUM. I hope the gentleman will not object as it is a very important matter.

Mr. MADDEN. As I say, that does not bind me and I object for the time being.

NAVAL APPROPRIATION BILL

Mr. FRENCH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12286) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the 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.

The CHAIRMAN. When the committee rose last evening the gentleman from Idaho [Mr. FRENCH] had occupied 55 minutes of time in general debate and the gentleman from Kansas [Mr. AYRES] 67 minutes.

Mr. FRENCH. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. WINTER].

Mr. WINTER. Mr. Chairman and gentlemen of the committee, in the March North American Review, whose editorial and executive office is in New York, and publication office in Concord, N. H., there appeared an article under the name of one J. M. Scanland, whose residence is Los Angeles, Calif., and under the title "Reducing States to Territories."

In the main, the article is an attack upon Arizona. There are few, if any, who knowing all the circumstances will fail to find the animus in the assault upon Arizona. The Arizona Representative in the House is abundantly able to take up the gage of battle for his State and I do not rise for that purpose.

I have taken the floor for the reason that this same article contains a most untrue, inexcusable, and libelous passage specifically against Wyoming. The question naturally arises as to the animating motive of the writer in his attack upon my State. Whom does Mr. Scanland represent? I am loth to believe that he represents anyone but himself. I now quote his written statement concerning Wyoming from the magazine I have mentioned:

Another constitutional question arises in the case of the decaying State of Wyoming. It wants to go out, or rather be turned back into a Territory, with a Territorial government, which would be mainly supported by the General Government. It has not violated any provision of the enabling act, but alleges that it is too poor to support a State government. It is mostly a stock and grazing country, and the population is shifting, unsteady, and unproductive. Within the last few years Wyoming has shown very little increase in the number of its inhabitants, and a large number of these are not really citizens. According to the census of 1920, the State had a population of 194,402, or about 17,000 less than the basis for a Representative in Congress. It is reported that its few industrial resources are declining, and the people have held meetings, from time to time, and will petition Congress to "dissolve" the State Government. They allege that the expenses are more than they can bear, and they desire to get rid of a horde of officials.

* * * With Wyoming, there is an easier way out: A State can dissolve itself by refusing or failing to elect State officials, just as a cross-roads village commits suicide by refusing to collect taxes. True, some State officials may cling to their offices "until their successors are qualified," under a technicality. But if the people generally refuse to elect their successors, and, worse than all, refuse to pay taxes, the

State will die a natural death. Another way out is by annexation. Wyoming can ask to be annexed to one or more of the adjoining States. This can be done by the willingness of the other State or States to receive the unprosperous State.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. DOUGLAS of Arizona. May I inquire of the gentleman who wrote that article?

Mr. WINTER. One J. M. Scanland, who resides in Los Angeles, Calif. I have already indicated that under all of the conditions and circumstances there may be those who surmise a motive.

It is difficult to find language, permissible on this floor, sufficiently strong to properly characterize this defaming article. I brand every statement of alleged fact or conclusion in that passage, excepting the census return for 1920, as an absolute falsehood. No shadow of excuse, mitigation, or extenuation can exist. The writer could not have been ignorant of the facts. He must have known better, and therefore he is a deliberate libeler. Insanity or decadent senility of the writer are the only possible explanations, other than malicious falsehood.

There is no sounder, healthier, or more promising State than Wyoming. Only an ignoramus or scandalmonger would use the word "decaying" in connection with that State.

Wyoming is not limited to a "stock and grazing industry." Incidentally its sheep industry numbers 3,000,000 head, producing 25,000,000 pounds of wool annually, ranking next to Texas, which is first, and which has an area more than two and one-half times as large as Wyoming.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. JOHNSON of Texas. Texas is also first in a good many other things than wool, is it not—in cotton, oil, and other products?

Mr. WINTER. I do not dispute that. I am stating here that Texas is first in sheep and wool, but, area for area, Wyoming surpasses it in that industry.

Mr. JOHNSON of Texas. I appreciate the compliment.

Mr. WINTER. Cattle last year numbered 594,000, with a valuation of $14,540,000. Hogs last year produced $1,900,000. But the agricultural wealth produced in 1926 was $71,000,000. The mineral wealth produced in the same year was $78,000,000. The assessed valuation for tax purposes in Wyoming in 1927 was $457,000,000. It has 1,500,000 acres of irrigated farms and as much more susceptible of irrigation. It ships tremendous amounts of honey and turkeys, seed peas, seed beans, and seed potatoes. It has four sugar-beet factories, and more planned. It produces fruits and highest-class vegetables for shipment.

In 1927 Wyoming produced 21,000,000 barrels of oil, 6,400,000 tons of coal, 603,000 tons of iron; private capital has just finished the building of a $2,000,000 cement plant near Laramie. Our State is just beginning the development of vast proven resources of coal, iron, oil, asbestos, potash, phosphate, sodium, aluminum, gypsum, and other valuable deposits, all together estimated to be of a value of many billions of dollars. Our water-power possibilities are almost incalculable. It has 3,500 square miles of oil-shale surface deposits containing, according to Government reports, 21,000,000,000 barrels of oil. There are scores of great natural-gas fields supplying many of our towns with this greatest and finest fuel. It has 30,000 square miles of coal lands, sufficient to supply the United States for hundreds of years. It has 8,500,000 acres of forests. It has paid into the Treasury in the last 10 years, from its public lands and mineral royalties, $42,000,000, and will pay in as much more in the next 10 or 15 years. Wyoming produced last year in mineral, agricultural, livestock, and manufactured products $237,000,000. Here are some of the principal items:

MINERAL	
Oil (refined value)	$110,000,000
Coal	18,000,000
Iron	450,000
Other minerals	2,500,000
AGRICULTURAL	
Hay	15,000,000
Wheat	4,629,850
Sugar beets	3,524,000
Corn	3,104,200
Oats	2,432,320
Barley	1,641,600
Potatoes	2,106,000
Apples	53,200
Beans	740,000
Rye	586,000
Butterfat	94,100
Milk	859,574
Butter	1,477,000
Cheese	1,477,000
Poultry and eggs	1,963,000
LIVESTOCK	
Cattle	$14,410,000
Sheep	11,400,000
Wool	7,876,050
Hogs	1,963,000
MANUFACTURING	
Manufactured products	25,000,000

It ranks first of all the States in coal resources; second in the sheep industry; second in per capita wealth; fifth in oil production. This record is made with only 40 per cent of our area in private or State ownership. So much for the absurd proposition that our resources are declining. Such are the plain statistical records which are obtainable by any writer. There is no State of greater potential wealth. Yet a man states over his signature that we say we "are too poor to support a State government"!

Mr. ABERNETHY. Will the gentleman yield for an observation?

Mr. WINTER. I yield.

Mr. ABERNETHY. I may say to the gentleman that I served with him on the committee for quite a while and I know his senior Senator very well. I have never yet ascertained but what Wyoming was a considerable factor in national legislation, and I can not figure out just how anybody could get the idea that they were trying not to be a State.

Mr. WINTER. I will go on with that subject a little further.

Mr. ABERNETHY. I hope the gentleman will not take offense at what I have put into his speech.

Mr. WINTER. I thank the gentleman for his remarks. I take them to be decidedly complimentary.

Our total State debt is only $1,919,000. But five States in the Union have a smaller debt. We paid $9,500,000 in taxes in 1926. We have no "horde of officials." Our State government is clean.

The statement that our people have held meetings for the purpose and will petition Congress to "dissolve State government" is so amazing and absurd as to cause amusement—amusement shot through with flashes of righteous indignation. The fact is that the Wyoming Legislature last year filed a memorial with Congress to cede the remaining public lands to the State. We are protesting against being kept in a state of dependency in any respect to the Federal Government, except as all States cooperate with and are assisted by the General Government under nation-wide policies applicable to all the States. Wyoming not only does not want to "go out or be turned back into a Territory, to be mainly supported by the General Government," an idea never spoken or dreamed of in our State, but, on the contrary, it is insisting upon its rightful place and full sovereignty as a sister State in the Union. It is crying out against dependency upon the General Government and pleading for full independence and jurisdiction, with right of taxation or its equivalent over its soil and resources. It objects to legislation which would forever keep 60 per cent of its area under Federal control, nontaxable, and force it to continue asking the Government for proportionate aid.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. GREEN of Florida. The gentleman has said something about forest lands and I was glad to hear the gentleman speak about the forest lands of the West. I trust that when the program for southern reclamation, in Florida in particular comes in the gentleman will assist us.

Mr. WINTER. I listened with a great deal of sympathetic interest to the presentation before the Committee on Irrigation and Reclamation of views with respect to the bill introduced in that regard by the gentleman from Georgia [Mr. CRISP], and I expect to give the matter further consideration in the committee.

Mr. ROMJUE. Will the gentleman yield?

Mr. WINTER. I yield.

Mr. ROMJUE. In view of what the gentleman has said about the vast amount of wool production in Wyoming, and from the general trend of his discussion, I judge Mr. Scanland has not yet pulled the wool over the eyes of the gentleman.

Mr. WINTER. No; my eyesight and insight are good and unimpaired. Far from being "shifting, unsteady, and unproductive," the population of Wyoming is unusually stable, steady, and productive. We have a per capita wealth of $4,663, ranking as the second State in the Union in that respect. We have had a uniform increase of population. From a population of 194,402 under the census of 1920, the estimate given out by the Census Bureau for July 1, 1928, was 247,000; an increase of 27 per cent in seven years.

Those who wrote the ordinances of 1787 and 1789 under the Constitution, provided that when an area contained 60,000 people it was qualified, so far as population was concerned, to

be admitted into the Union as a State. Wyoming has four times that number and is increasing steadily. The States east of the Mississippi began statehood with little more than the required number. They had to be subsequently developed.

I hold before me the estimated population table just issued by the Census Department. According to this table, the population of Wyoming as of July 1, 1928, is now more than one-half that of New Hampshire, two-thirds that of Vermont, and 3,000 greater than that of Delaware. Yet no one ever proposed reducing these States to Territories. New York has not asked that Delaware, with its one Congressman, be demoted and her political representation in the Congress be annulled. Other States made no growth, according to this table, in population between 1920 and 1928, but no sane man would suggest for a moment that they are decaying or are too poor to sustain a State government, have exhausted their industrial or natural resources, and should be returned to a Territorial status.

As to the stability and ability of the people of Wyoming, it is only necessary to call attention to the fact that Wyoming has furnished to the Nation Justice Van Devanter, of the United States Surpeme Court; Justice Van Orsdel, of the District of Columbia Court of Appeals; William C. Deming, president of the United States Civil Service Commission; Frank W. Mondell, former Republican floor leader of the House of Representatives, former member of the United States Finance Corporation, permanent chairman of the last Republican National Convention; Senator Joseph M. Carey, deceased, author of the Carey Act and other national legislation; Ex-Governor Robert D. Carey, chairman of the President's Agricultural Commission; Ex-Senator Clarence D. Clark, who was for many years chairman of the Senate Judiciary Committee; John E. Osborne, once Assistant Secretary of State; Senator JOHN B. KENDRICK, mentioned as a possible candidate for the Vice Presidency on the Democratic ticket; and Senator FRANCIS E. WARREN, chairman of the Appropriations Committee of the United States Senate, who at 83 years of age is on active duty and who has a longer service in the Senate, 36 years, 34 years continuous, than any man in the history of the United States from its formation.

Mr. ROMJUE. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. ROMJUE. The gentleman has overlooked the name of Buffalo Bill.

Mr. WINTER. No; I have not reached him in the list. I have not mentioned them all yet.

In authors of national fame, the following are found on Wyoming's scroll: Struthers Burt, Katherine Newlin Burt, Hal G. Evarts, Dr. Grace Raymond Hebard, Bill Nye became famous as the editor of the Laramie Boomerang. Buffalo Bill's home and life's work were at Cody, Wyo. Chancellor A. G. Crane, of the Wyoming University, is constantly sought to head the universities of larger States. For several years the debating team of our State university had the most remarkable percentage of winning debates of any team in the United States. Two years ago our debating team was given the decision here in Washington over the team of the George Washington University.

The records of our university, schools, churches, hospitals, fraternal orders, literary, art, musical, and service clubs denote a people of highest character and active aspirations.

Our "decadent" people furnished the greatest proportion of physically fit men out of the number examined in the World War of any State in the Union. Wyoming 87.64 per cent, California 78.34 per cent is the record. Based on the 1920 census, Wyoming sent 1 out of every 17 of her population into the ranks, 5.9 per cent. California sent 1 out of 30, which is 3.3 per cent. Two years ago the Legislature of Wyoming was presented with the Collier National Trophy for having made the highest record in the Union in the increase of percentage of votes cast for President out of the total qualified number of electors. Wyoming has fewer illiterates than 37 States in the Union. Our "decaying" State and people outrank in intelligence and education the State and people of California, the residence of the Scanlandmonger. We stand as the eleventh State and California the twenty-first in this respect. Our people are 92 per cent white and 87 per cent native-born American.

The whole article, which is an absolute misrepresentation from beginning to end, is so supremely ridiculous that it causes laughter in my State, but is so libelous that I am compelled to call your attention to the same and brand it as such. Ignorance is no excuse for such an attack. But it is not a question of mere ignorance and stupidity. Pure invention and mendacity is the only sufficient characterization. The author of the defamatory article has attempted to make a feeble defense when called upon to explain on what facts he based his statements, by citing a record showing that Wyoming did not of late years produce any copper, whereas it formerly produced some. Wyoming never was a great or permanent copper-producing State, but even if it had so claimed a downward variation or cessation in annual output does not even indicate, much less prove, that its "industrial resources are declining." California did not produce any diamonds last year. Is it therefore a decaying State? Again, he says a record shows we did not produce as much coal last year as the year before. What of it? If that is a criterion then Pennsylvania and Ohio and Illinois are decaying, and their industrial resources declining. Of course, everybody knows the condition of the coal industry was unfavorable and production was reduced in the last year throughout the Nation. Did California produce any coal last year? She did not. Hence, according to the Scanland logic, California is on the road to ruin and should be deprived of statehood. She produced but little more oil in 1927 than she did in 1926. Ergo, she is a decaying State, and her industrial resources are practically exhausted!

On these two items alone hangs the whole defense or attempted justification of the libel writer. How flimsy and utterly unavailing are these as facts to justify his statements! Thirdly, and lastly, he insists he saw "somewhere, sometime, something" in a paper of an account of a meeting in Wyoming where some people protested against high taxes!

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. TAYLOR of Colorado. Is it not true that the press generally and all of the business men's associations in the surrounding States have very loyally upheld the hands of Wyoming in this matter?

Mr. WINTER. They certainly have, and the people of Wyoming are very appreciative of that fact. Those close to us, our neighbors, who know us best, have resented this attack as much as we have.

And that is the extent of his alleged reason for the allegation that Wyoming "will petition Congress to dissolve the State government." In what State of this Union have there not been meetings and resolutions protesting against high taxes? Without searching the record, the answer is—none. These ridiculous and absurd statements constitute his entire defense. I assert, without further argument, that all these facts do not in the slightest degree tend to justify the passage I have quoted. It therefore seems apparent that we must look behind them for the motive of this utter and malicious misrepresentation. Just what the motive back of the malice of Mr. Scanland in the Review article is has not been fully revealed. In due time it will be further disclosed. We of Wyoming sincerely hope that California is not implicated and will repudiate this unfounded attack emanating from a Los Angeles writer. It is to be hoped that California Representatives will not countenance this infamous assault upon Wyoming, even by silence.

While the article is amazing in its untruthfulness, it is more astounding that a reputable magazine would print and publish it. The editor permitting this article to appear in his magazine merely offered to print any communication correcting alleged errors. This is not sufficient. This publication and those responsible for it have an affirmative duty to perform in making a complete retraction and apology.

At this point I submit the following, which has just come to hand, from the North American Review:

> We recognize the justice of the demands contained in the editorial of the Wyoming State Tribune with reference to article in the March issue North American Review, entitled "Reducing States to Territories." We desire to offer our sincere apologies and amende honorable for having given currency to statements, now revealed to be unsupported, reflecting upon the reputation and integrity of the State and citizens of Wyoming. We can only justify the acceptance for publication by quoting the State Tribune's phrase that "accidents may happen in the best-regulated families." Through the courtesy of Congressman WINTER we will publish his correcting statement in the earliest possible issue, which is the May number.

Mr. McMILLAN. Will the gentleman yield?

Mr. WINTER. Yes.

Mr. McMILLAN. Does that come from the editor of this magazine?

Mr. WINTER. Yes. The editor of the North American Review. I thank him for the full and frank apology and trust the retraction and explanation will reach all who have read the article.

Wyoming has only begun to grow. It is young, vigorous, and filled with potential riches. With the records I have given I feel abundantly fortified in declaring that Wyoming will yet be one of the greatest States in the Union in population, wealth, and productiveness, as it now is in natural resources, undeveloped strength, in education, intelligence, character, high ideals, true Americanism, and patriotic devotion. We have an

abiding faith in the greatness of our common country and in the honor and honesty of our Government. We believe in its principles, in its service to its own people, and to humanity. Wyoming, as one of the sisterhood of States, proud of its sovereignty, with honor and glory will do the full share of a State in fulfilling the high destiny of the United States. [Applause.]

Mr. TABER. Mr. Chairman, I yield 30 minutes to the gentleman from Colorado [Mr. TIMBERLAKE].

Mr. TIMBERLAKE. Mr. Chairman and Members, on February 23, I introduced in the House a resolution as follows:

Joint resolution authorizing the restoration of a limitation on the importation, free of duty, of Philippine sugar

Whereas the encouragement and protection of the growth of the sugar beet and sugar cane in the United States, and of the production of beet and cane sugar, in the interest of agriculture and as a measure of economic stability and defense, has long been an important feature of our tariff policy; and

Whereas a continuation of such policy is highly important from the standpoint of agriculture and as a defense against the dangers inherent in a condition of dependence on foreign supplies of sugar; and

Whereas the Congress, in the passage of the Payne-Aldrich tariff act of 1909, which gave duty-free entry into our ports to most Philippine products, recognized the danger to the stability and growth of the domestic production of sugar, in an unlimited duty-free importation of sugar from a tropical region with cheap labor and practically unlimited areas favorable to the growth of sugar cane, and limited the duty-free importation of Philippine sugar to a maximum of 300,000 tons per annum, although less than 40,000 tons of Philippine sugar was imported into the United States in 1909; and

Whereas under this limitation and up to the time of the Fordney-McCumber Tariff Act of 1922, the importation of Philippine sugar had never reached 200,000 long tons per annum and had averaged less than 115,000 long tons per annum, and therefore the continuation of the limitation did not appear necessary or essential; and

Whereas the importation of Philippine sugar has increased from 147,212 long tons in 1921 to 473,674 long tons in 1927, being an increase of over 220 per cent; and

Whereas the privilege of an unlimited duty-free market for Philippine sugar in the United States tends to delay the further logical development by the Philippine people of their local oriental sugar markets and to make them largely dependent upon a single competitive export crop, contrary to the principles of diversified agriculture and industry upon which depend ultimate economic, cultural, and political progress; and

Whereas the unlimited and constantly increasing duty-free importation of Philippine sugar into the United States constitutes a grave menace to the continuation of the domestic sugar industry; and

Whereas there is no purpose or disposition to deprive the sugar producers of the Philippines of our free market to the extent to which they have heretofore enjoyed it but rather to protect the American beet and cane farmers and sugar producers from an indefinite increase of duty-free importations imperiling the existence of the domestic sugar industry: Therefore be it

Resolved, etc., That from and after the passage of this resolution sugar coming into the United States from the Philippine Islands, the product of such islands, shall be admitted free of duty in an amount not in excess of 300,000 long tons in any one fiscal year.

I think the preamble and the resolution are self-explanatory, but the matters at issue are so important that I feel it my duty to review briefly the facts and conditions which, in my opinion, justify, and from a viewpoint of our American sugar-beet growers demand, the limitation of the duty-free importation of Philippine sugar.

ATTITUDE OF CONGRESS TOWARD PHILIPPINE SUGAR PRIOR TO 1913

A brief analysis of our tariff relations with the Philippine Islands, I believe, will demonstrate conclusively that the United States Government never intended to place the American farmer in unrestricted competition with the products of Philippine soil. While concessions have been made in our tariff laws in favor of Philippine sugar, a study of the various tariff acts and the conditions existing at the time of their passage will convince any fair-minded man that the Congress intended to protect the sugar-beet growers of the United States from competition with sugar produced in the Philippine Islands under tropical conditions of living and wages.

From the time the Philippine Islands were ceded to the United States by the treaty of peace April 11, 1899, until the passage of the so-called Philippine act of March 8, 1902, sugar and other products of the Philippine Islands entering our ports were assessed the same rates of duty as like products coming from other countries.

The act of March 8, 1902, provided that upon all articles the growth of the Philippine Islands coming into the United States from such islands there should be levied, collected, and paid only 75 per cent of the rates of duty upon like articles imported from other countries.

The fact that the Congress saw fit to levy the full rate of duty on Philippine products entering the United States from the time of the acquisition of the islands in 1899 until the passage of the act of 1902, and by the passage of the latter act continued to levy such duty to the extent of 75 per cent of the rates levied against other countries, is conclusive evidence that the Congress intended to protect American farmers from competition with the cheaply produced products of Philippine soil.

The tariff act of August 5, 1909, the Payne-Aldrich Act, provided that all articles, the growth or product of the Philippine Islands, should be admitted into the United States free of duty, except rice and a specified amount of tobacco and cigars, and except in any fiscal year sugar in excess of 300,000 gross tons.

It will be seen from the above that while the act of 1909 placed most Philippine products on the free list, sugar was accorded a different status. At the time of the passage of this act less than 40,000 tons of Philippine sugar entered the ports of the United States annually, but the Congress even then recognized the potential future danger to the agricultural economy and production of domestic sugar from an unlimited expansion of the Philippine sugar industry and therefore limited the duty-free importation of sugar from the islands to 300,000 tons in any year.

WHY THE LIMITATION ON PHILIPPINE SUGAR IMPORTS WAS OMITTED IN TARIFF ACTS OF 1913 AND 1922

This 1909 limitation to 300,000 tons per annum remained in force until the enactment of the Underwood tariff in 1913, which materially reduced the tariff on sugar and provided that sugar should go to the free list May 1, 1916. Quite naturally the Philippine limitation was omitted from these provisions. On April 27, 1916, an act was approved which repealed the free-sugar provision of the Underwood Tariff Act three days prior to the time when it would have gone into effect. Chairman Kitchin, of the House Ways and Means Committee, in reporting this bill, stated that the legislation was necessary because the Treasury, owing to the decline in customs and other receipts, needed the revenue yield from sugar amounting at that time to nearly $45,000,000 net. As this action of the Democratic House was therefore taken from the standpoint of revenue, the Philippine situation was not considered.

When the Republican Congress took up the consideration of the Fordney-McCumber Tariff Act of 1922 the importation of Philippine sugar had never reached 200,000 long tons in any one year and had averaged between 1919 and 1921 less than 115,000 long tons annually. The subsequent enormous increase of Philippine production and export was not then anticipated and therefore the restoration of the limitation upon the free importation of Philippine sugar did not appear to be necessary.

At this point I will insert in the RECORD a table showing the domestic beet-sugar production and imports of sugar into the United States from 1909 to 1927:

Domestic beet-sugar production and imports of sugar into the United States, 1909–1927

Year	Production United States beet sugar	Sugar imports into the United States			
		Cuba	Philippines	Hawaii	Porto Rico
FISCAL	*Long tons*	*Long tons*	*Long tons*	*Long tons*	*Long tons*
1909	457,562	1,277,795	37,343	456,636	218,059
1910	455,511	1,566,812	78,513	495,801	254,036
1911	535,268	1,494,467	102,836	451,436	288,319
1912	618,354	1,422,604	194,451	538,154	327,808
1913	654,822	1,924,902	90,697	484,537	341,705
1914	644,691	2,199,377	52,121	497,656	286,273
1915	780,554	2,136,111	145,912	571,814	262,912
1916	732,729	2,084,418	119,595	519,020	436,329
CALENDAR					
1918	679,420	2,211,469	60,537	450,781	300,419
1919	648,617	2,984,885	78,514	517,368	357,737
1920	972,340	2,572,389	130,230	490,905	368,798
1921	911,151	2,312,565	147,212	483,150	419,014
1922	602,679	4,042,094	245,365	506,905	321,725
1923	786,607	3,059,235	212,398	463,566	305,497
1924	973,214	3,296,829	302,685	604,363	350,703
1925	815,179	3,502,763	439,977	674,249	536,082
1926	800,893	3,821,332	339,674	667,080	499,329
1927	946,429	3,256,299	473,674	690,308	518,784
Increase 1927 over 1909 per cent	106.8	154.8	1,168.4	51.2	137.9

The failure of Congress to restore some limitation on the free importation of Philippine sugar under the Fordney-McCumber Act of 1922 coincides with the beginning of unprecedented expansion of the sugar industry in the Philippines. Production and imports soared; imports of duty-free sugar have hurdled the old 300,000-ton barrier which in 1909 seemed essential to the protection of the domestic sugar industry. Imports have increased from 147,212 long tons in 1921 to 473,674 tons in 1927, an increase of over 200 per cent, while during the period from 1909 to 1927, inclusive, the imports of Philippine sugar have increased over 1,168 per cent, and even this may be only an indication of greater gains in the immediate future.

A continuation of this constantly increasing flood of duty-free Philippine sugar, sent to the United States in bottoms not subject to our coastwise shipping laws, will eventually displace the million tons now contributed by the domestic industry.

In April, 1927, the freight rates on sugar per hundred pounds were approximately as follows:

	Cents
Cuba to New York	13½–14
Cuba to Galveston	11 –12
Cuba to New Orleans	10½–11½
Cuba to Boston	15 –16
Cuba to London	22½
Philippines to San Francisco	27
Philippines to New York	32
Porto Rico to New York	16
New York to Chicago (all rail)	56½
New York to Chicago (lake and rail)	51½
New York to St. Paul-Minneapolis (rail)	69
New York to St. Paul-Minneapolis (lake)	60½
New York to Missouri River	77½
California to Missouri River	84
California to Chicago	84
Denver to Chicago	56
Denver to St. Paul-Minneapolis	56
Salt Lake City to Chicago	69
Salt Lake City to St. Paul-Minneapolis	69
New Orleans to St. Paul-Minneapolis	66
New Orleans to St. Louis	53½
New Orleans to Chicago	54

To prevent further aggravation of this serious condition some limitation on duty-free imports must be restored. To restore the old 300,000-ton limitation would be claimed to be unfair, but to restore a limitation at 500,000 tons, well in excess of maximum present imports, would serve to reestablish equilibrium and forestall what now looms as an inevitable decline in the domestic industry.

FORCING THE AMERICAN FARMER TO COMPETE WITH TROPICAL LABOR

On July 19, 1897, Chairman Dingley, of the Committee on Ways and Means, said on the floor of Congress:

> I believe that the time has come when the production of our own sugar from the beet ought to be and can be successfully entered upon, and thus the $75,000,000—soon to be $100,000,000—sent abroad for the purchase of our sugar ultimately distributed here to our farmers.

In fulfillment of Mr. Dingley's utterance, which, indorsed by Congress, fostered the great beet-sugar industry of America, farmers received in 1927 over $55,000,000 for their sugar beets alone. Other benefits from livestock operations and improved yields in other crops in rotation with sugar beets equaled the $100,000,000 payment to farmers enunciated in Mr. Dingley's prophecy.

Our Government, since the enactment of the Dingley tariff of 1897, has never contemplated forcing the American farmer into competition with tropical labor 7,000 miles across the Pacific. This competition, however, is inevitable unless Congress restores a limitation on duty-free importation of Philippine sugar.

A sharp contrast exists between the standards of agricultural life in the United States and the Philippines. The American beet grower enjoys a virtual partnership with the manufacturer of sugar. Under the form of contract most widely in use among the 19 beet-growing States of the Union the farmer is guaranteed prior to planting his seed a fixed initial minimum price per ton for his beets, to be paid in cash immediately after harvest.

Over and above this initial guaranteed minimum price per ton, the usual contract provides for additional payments to the farmer on a sliding scale if the sugar content and market price of sugar warrant such increase. In other words, the beet grower can not receive less than the guaranteed cash minimum, but may, and usually does, receive more under certain conditions.

The Department of Agriculture estimated the 1927 beet tonnage in the United States at 7,737,000 tons, and under these participating contracts, averaging over $7 a ton and reaching $8.50 in some localities, the farmer received from his beets alone, as I have stated, over $55,000,000.

What such payments mean to agricultural communities can only be fully realized when it is remembered that only a portion of the farm is devoted in any one year to sugar beets. Sugar cane, like alfalfa, is cut successive years from a single planting, but beets are planted and harvested annually in rotation with other farm crops.

LIMITATION OF PHILIPPINE SUGAR IMPORTS OF BENEFIT TO THE ISLANDS

The restoration of the policy of 1909, placing a limit upon the future importation of Philippine sugar entering the United States, while protecting the domestic sugar industry would work no hardship on Philippine sugar producers now operating in the islands. On the other hand, it would prevent the islands from becoming entirely dependent on a single competitive export crop and stimulate the universally accepted principle of crop diversification, long advocated by the Department of Agriculture and recognized by economists as essential to economic, cultural, and political progress.

For the Philippine Islands to become more and more dependent on a single, competitive export crop, artificially stimulated to tremendous production by an unlimited duty-free market in the United States, would delay economic, political, and cultural development of the Philippine people. Such an abnormal growth would be contrary to the accepted principles of diversified agriculture, on which balanced prosperity depends.

Governor General Stimson on his recent arrival in the Philippines, while he quite naturally stated that he was "opposed to anything which could possibly restrict the agricultural development of the Philippines," said:

> The islands are capable of producing many farm products now unknown here, and I intend to encourage diversified farming and give the people the varied interests which I believe will result in enhanced prosperity.

The diversification of agricultural production, the need of which the new Governor General so clearly recognizes, will be greatly stimulated if the Philippine people are reminded that they can not reasonably expect a duty-free market in the United States for an unlimited production of sugar. The free importation of 500,000 tons, which my resolution contemplates, relieves the Philippines from the payment of duty in a sum amounting to about $22,000,000 annually.

Manuel L. Quezon, president of the Philippine Senate, was apprehensive of the present disturbed condition in 1926, when after pointing out the ultimate danger to the insular people of flooding the United States with cheaply produced duty-free sugar he said:

> The land on which sugar cane is now being grown can be utilized for other products with profit to the producer.

The adoption of the proposed resolution would not necessitate the abandonment of the sugar production on the lands now being utilized in the Philippines for that purpose but would suggest the wisdom of devoting new areas brought into cultivation to the production of other and particularly noncompetitive agricultural products.

It is believed that the national welfare of the Philippines will be best served by the utilization of their vast uncultivated tracts for the production of such noncompetitive commodities as rubber, fibrous plants, and coffee, rather than sugar, citrus fruits, and other crops grown in large quantities by American farmers and upon which the agricultural prosperity of many States largely depends.

The Sixty-seventh Congress wisely directed an investigation by the Departments of Commerce and Agriculture of the possibilities of rubber production in the Philippines. According to the report of this commission, published in 1925, more than 1,500,000 acres on the islands of Mindano, Basilan, and Jolo were suitable for para rubber plantations. Plentiful labor for the project was found to be available.

It seems extremely unwise for such undeveloped territory to go into sugar production, as is the present tendency, in the light of the advantages to the islands which would be realized through promotion of crop diversification. According to the Philippine Bureau of Agriculture there are under cultivation only about 14,320 square miles, or 12½ per cent of the total land area. It has frequently been predicted that the Philippines, like Cuba, which doubled her production of sugar in 10 years, might eventually produce 2,000,000 or 3,000,000 tons of sugar annually. Manifestly no such production should be encouraged on the theory of a duty-free American market. The climate, soil, and cheap tropical labor conditions are similar in many respects to the island of Java, one of the greatest sugar-producing areas in the world.

DANGER OF REMOTE SUGAR SUPPLY

In the history of Europe are events centering on the sugar beet, worth reviewing in light of the Philippine sugar problem.

The modern beet-sugar industry was literally born in the cradle of war. After years of experimental work by random investigators came Napoleon's famous decree of 1811 appropriating a million francs to be used in establishing sugar schools and extending concessions to farmers and manufacturers. By 1813, when France, blockaded by her enemies, was unable to secure sugar from remote sources, 334 small beet-sugar factories were in operation in France.

From this period dates the growth of the great beet-sugar industry in Europe, now functioning in 17 countries as one of the major sources of food for man and beast and contributing in 1927 over 8,000,000 tons of sugar or one-third of the world's supply.

Germany leads the nations of Europe with 1,665,000 tons of sugar in 1927. Then comes Russia and the Ukraine with 1,500,000 tons, and Czechoslovakia with 1,265,000. France, with 870,000 tons, falls only a little short of the beet-sugar output in the United States.

Out of Napoleon's desire to make France independent of foreign supplies of sugar, Germany learned a great lesson of sugar economy, which now makes her the greatest beet-sugar country of Europe.

How far German's ability to produce her own sugar, one of the three great human food requirements, contributed to her amazing stamina during the war, it is difficult to estimate.

It is an ironical gesture of history that England forced Napoleon to grow sugar beets, that France taught Germany, and that Germany later should supply England with much of her sugar. Loss of German sugar during the war was a grave matter to England—so grave, in fact, that since the war England has heavily subsidized a domestic beet-sugar industry, and now has a dozen factories in operation in the hope that never again shall she be caught short of sugar. It is said sugar beets are now growing on the private estates of King George.

It would be the height of folly for the United States to build up a tremendous sugar industry across the Pacific at the expense of the domestic industry, and become largely dependent on that supply. To do so would result in wiping out a quarter century's progress by the American farmer and eventually sacrificing an investment in the beet-sugar industry of $225,000,000. To do so would be to disregard entirely what, to the nations of Europe, has long been an established principle essential to economic security.

NO GENERAL TARIFF REVISION REQUIRED

Restoring the policy of 1909 is not a tariff problem in the familiar sense. It proposes no revision of the present tariff, nor a tariff on Philippine sugar in the amounts now entering the United States. The question resolves itself into whether it shall henceforth be the policy of our Government to produce sugar in the United States or to transfer this encouragement and stimulation to an industry 7,000 miles across the Pacific at the gateway of China and under the shadow of Japan.

DOMESTIC BEET-SUGAR INDUSTRY SHOULD BE FOSTERED AND ENCOURAGED

Since 1897, with the adoption of the Dingley Tariff Act, we have deemed it necessary to foster the development of a sugar industry within the continental limits of the United States, which to-day contributes over 1,000,000 tons to the Nation's needs, and pays the American farmer over $55,000,000 annually for his sugar beets, not to mention added millions received through the feeding of by-products to cattle and the stimulation of other crops in rotation with the beet.

Since 1897, as I have stated, we have fostered the domestic sugar industry. Since 1921 we have begun, without realizing it, to discourage the domestic industry in favor of the Philippine industry. The time has come, not to make a choice between them, but to establish an equilibrium satisfactory to both.

To-day there are over 100 beet-sugar factories in 19 States of the Union, but in 1927 only 84 were in operation. In recent years earnings have been low; failures in many cases are now imminent. Many factories have closed; others have been forced to move to more favorable locations. Two years ago Louisiana's total cane-sugar output was less than the single production of one of the larger western beet-sugar factories. To-day, only by valiant effort, is our cane-sugar industry of the South getting back on its feet. The introduction of new varieties of disease-resisting cane, together with greater mechanical efficiency in manufacturing, are giving hope to Louisiana.

Fundamentally responsible for the present plight of the domestic industry is the dislocation of the world sugar industry during the war. Overexpansion of sugar production in tropical countries outside of the war zone, and inability of those tropical countries to return to equilibrium with reference to the revival of Europe's great beet-sugar industry, have played havoc with the domestic industry.

THE AGRICULTURAL ECONOMY OF THE SUGAR BEET

The difficulty encountered in interesting the American farmer in the sugar beet a quarter of a century ago has always seemed incomprehensible to European visitors. The statement of a German agronomist, "In Europe we have to grow the sugar beet," has since become a classic epitome of the beet's importance in agriculture and livestock operations.

American farmers are now coming to realize that by rotating sugar beets with cereal and other crops the acreage yield of the latter is increased from 50 to 100 per cent.

At present in the United States the total cultivated area devoted to sugar beets is still so relatively small as compared to other crops that the effect of beet culture on stimulating other crop yields is not appreciated by the general public as widely as in Europe.

In Europe, where large areas are devoted to beet culture, the result is shown to a marked degree. This is illustrated in the following table showing the average yield of certain crops in 1913 in seven northwestern beet-growing countries of Europe and in the United States taken as a whole:

Average yield per acre

	Northwestern Europe	United States
	Bushels	*Bushels*
Wheat	24.7	15.2
Rye	28.4	16.2
Barley	36.2	23.8
Oats	47.7	29.2
Potatoes	210.7	80.4

European agronomists and economists are unanimous in attributing their large acreage yields to the fact that their farmers rotate cereal and other crops with sugar beets and other hoed crops, one year in four.

Sugar beets have an outstanding economic value from a marketing standpoint as compared to wheat, potatoes, and other bulky crops. In shipping these latter crops, the entire bulk has to bear the expense of the long haul to the market or else be converted into livestock products and shipped to the market. But a large part of the food consumed by an animal is utilized to maintain the animal during the fattening period.

It is estimated that it takes 500 to 1,000 pounds of hay and grain to produce a gain of 100 pounds of livestock.

On the other hand an acre of sugar beets produces not only 2,500 pounds of pure white granulated sugar, 100 per cent of which is digestible as human food, but also the by-products from an acre of beets, properly fed to livestock in a balanced ration, will produce 300 pounds of meat.

These by-products are beet tops, beet pulp, and molasses. W. D. Lippitt, general manager of the Great Western Sugar Co., testified as follows before the Senate Finance Committee in 1921:

> The by-products alone of an acre of sugar beets will produce as much human food in the form of meat as will the entire product of an acre of corn. I regard as quite conservative the estimate that the by-products of an acre of sugar beets will properly handled produce 300 pounds of beef or mutton. Using this as a basis it will be apparent that in addition to the output of 1,000,000 tons of sugar each year the industry should be credited with an annual contribution to the national food supply of 240,000,000 pounds of meat products.

The encouragement of the growth of sugar beets and sugar cane is not only important and essential to the prosperity of agriculture in many localities over a wide area of our country, and the domestic production of sugar is not only of tremendous importance in stabilizing prices and maintaining our position of economic independence in time of peace but the maintenance and increase of this production is of vital importance should we unhappily be confronted with war conditions. These considerations, particularly the latter, are very clearly set out in an editorial in the Washington Post, Sunday, March 11, 1928, which is as follows:

[From the Washington Post, Sunday, March 11, 1928]

WAR AND NO SUGAR

Governor General Stimson, upon his arrival at Manila, has stated that he is "opposed to anything which could possibly restrict the agricultural development of the Philippines." He had reference to the proposal to restrict to 500,000 tons annually the free importation of Philippine sugar into the United States. But he added that "the

islands are capable of producing many farm products now unknown here, and I intend to encourage diversified farming and give the people the varied interests which I believe will result in enhanced prosperity, eventually making possible industrialization."

The enormous profit in sugar making, made possible by free entry of the product into the American market, has a tendency to confine the Philippines to a single product. This is not a healthy tendency, either for the Philippines or for the United States. At the rate of increased production of sugar it will not be many years before the United States will be dependent upon Philippine sugar. It is driving out its competitors, including domestic beet sugar, Hawaiian cane sugar, and Cuban cane sugar. Thus, unless the tendency to overproduce this single crop in the Philippines is checked, the United States will find itself compelled in case of war to guard a 7,000-mile avenue through which to procure a necessity of life.

The authorities charged with the duty of planning for the defense of the United States are doing their utmost to make this country self-sustaining. They are laying out methods for developing chemicals, metals, minerals, woods, and other raw materials so that when war comes the United States will not be cut off from its necessary supplies. In the meantime, through a mistaken policy of excessive generosity toward the Philippines, Congress is destroying the domestic and nearby sources of sugar, which is as indispensable as any war material.

Congress should make a liberal allowance for the production of Philippine sugar by permitting its importation free of duty, but beyond a certain point a duty should be imposed. The limit commonly deemed to be just to all concerned is 500,000 tons a year. The islands are not exporting that quantity to the United States at present, but they are rapidly increasing their output, at the expense of producers in the United States, Hawaii, and Cuba. Governor Stimson's plans for diversification of production in the islands will fail so long as sugar is admitted free into the United States in unlimited quantities. A large quota of the Navy will be needed to protect this commerce in time of war, whether the United States be a neutral or a belligerent.

It is not prudent to create such a state of affairs, as a matter of self-defense, and it is not conducive to prosperity in the Philippines to make the people dependent upon a single crop. Congress should impose a reasonable limitation upon the free entry of Philippine sugar.

In conclusion I wish to add that the passage of this proposed resolution will carry out the original intent of the Congress to protect the American sugar-beet farmer from the cheaply produced sugar of the Philippine Islands; will prevent those islands from becoming a one-crop country, a condition which is economically unsound; will stimulate the production of sugar within continental United States, and thereby annually distribute to American labor, industry, and agriculture hundreds of millions of dollars which we are now sending abroad for a necessary food commodity which we have every facility for producing at home. [Applause.]

Mr. GUEVARA. Will the gentleman from Colorado yield for a question?

Mr. TIMBERLAKE. I yield to the gentleman.

Mr. GUEVARA. The gentleman from Colorado is aware of the fact there is free trade between the United States and the Philippine Islands.

Mr. TIMBERLAKE. There is free trade, with certain exceptions that have been made.

Mr. GUEVARA. And while the United States can send her products to the Philippine Islands duty free, does the gentleman from Colorado believe it would be fair that the Philippine Islands should be limited as to the products they can send to the United States?

Mr. TIMBERLAKE. The gentleman will admit that his country has not yet arrived at the status of a State, will he not?

Mr. GUEVARA. But we are under the American flag.

Mr. TIMBERLAKE. Yes; you are under the American flag as one of our dependencies.

Mr. GUEVARA. May I again ask the gentleman from Colorado if he believes it is fair to allow the United States to send any of its products to the Philippine Islands without any limitation whatever while the Philippine Islands are to be limited in the sending of their products to the United States.

Mr. TIMBERLAKE. I have endeavored to be very liberal with respect to the Philippine situation, and I believe it is to their advantage, in the event they should ever become independent—which is the hope, I presume, of the gentleman—because the Philippine Islands would then be deprived of any duty-free market in the United States.

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

Mr. AYRES. Mr. Chairman, I yield one minute to the gentleman from the Philippines [Mr. GUEVARA].

Mr. GUEVARA. Mr. Chairman and gentlemen of the committee, the gentleman from Colorado [Mr. TIMBERLAKE] has submitted to the consideration of this committee a very important question, and one which affects our present political relationship. I may agree with the gentleman from Colorado that perhaps the sugar industry of the Philippine Islands is a menace to the sugar industry of this country, and may I suggest that the best remedy is to get rid of the Philippine Islands, and we are now ready to be gotten rid of by the United States.

I believe it is unfair to suggest any proposition limiting the exportations of the Philippines to the United States while the United States is free to export to the Philippine Islands any amount of products produced in this country.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to include therein a statement issued by me on March 6, 1928, on the Timberlake resolution.

The CHAIRMAN. Is there objection to the request of the gentleman from the Philippines?

There was no objection.

The statement referred to follows:

MARCH 6, 1928.

Mr. TIMBERLAKE, of Colorado, has introduced a joint resolution providing that hereafter only 500,000 tons of Philippine sugar per annum may be introduced into the United States free of duty.

Following, as it does, certain allegations of representatives of the Cuban sugar producers and a resolution of the American Beet Sugar Association, the origin of the joint resolution may not unfairly be attributed to this source, or, at least, to the facts alleged by these sources.

From Cuban sources it was alleged that the admission of Philippine sugar free into the United States was a violation of the trade convention between the United States and Cuba. This admits of the simple answer that it is not true. The history of the trade convention with Cuba and of the legislation admitting Philippine sugar into the United States first with a reduction of the duty imposed on foreign sugars and then free of duty to the extent of 300,000 tons and then free of duty without limit makes this perfectly clear.

The present legislation governing the admission of Philippine products into the United States free of duty was enacted after a long discussion of the subject, and at no time during this discussion, extending over 13 years, was it alleged that it in any way violated the trade convention with Cuba. The reasons given by Mr. TIMBERLAKE in the preamble of his resolution do not include a reference to the Cuban convention, so it is believed that that point may be dismissed.

Mr. TIMBERLAKE, in the preamble to his resolution, cites reasons justifying the resolution. In their order they are:

"Whereas the encouragement and protection of the growth of the sugar beet and sugar cane in the United States, and of the production of beet and cane sugar in the interest of agriculture and as a measure of economic stability and defense, has long been an important feature of our tariff policy; and

"Whereas a continuation of such policy is highly important from the standpoint of agriculture and as a defense against the dangers inherent in a condition of dependence on foreign supplies of sugar."

This is a recitation of an American policy embodied in the tariff legislation of Congress. As Filipinos, and speaking for the Filipino people, we can find no fault with this. To-day there is a duty of approximately 2¼ cents a pound on sugar entering the United States from foreign countries, which, in the case of Cuba, is, by a trade convention with the United States, reduced by 20 per cent. This means for practical purposes that the domestic producer of sugar is protected by a duty of 1¾ cents, for the reason that practically all of the foreign sugar consumed in the American market comes from Cuba.

Obviously, with this duty and the actual situation of sugar in the United States market, the domestic producer gets the full benefit of this tariff. In the year 1927, in order to supply the American market with its demand for sugar, it was necessary to bring into the United States sugar in the stated amounts from the following sources:

	Pounds
Hawaii	1,553,071,332
Porto Rico	1,148,127,293
Philippine Islands and Virgin Islands	1,072,714,991
A total of sugar from sources exterior to the continental United States under the American flag	3,773,913,616
From Cuba	7,294,109,258

From other sources the amounts were trifling.

The estimated production of sugar in the continental United States was as follows:

	Pounds
Beet	1,260,400,000
Cane	94,330,000

From the foregoing it is obvious, first, that the domestic sugar grown in the continental United States meets but one-ninth of the demand of the American market; that the total sugar grown under the American flag meets but five-twelfths of the demand of the American market.

Obviously, so long as a great part of the sugar consumed in the United States must come from foreign sources, no reason exists, because of the sugar situation, to discourage the production of sugar

under the American flag. The producer of sugar in the United States can in no way profit by the limitation on the amount of sugar from the Philippine Islands that will come in free of duty into the United States unless the sugar from that source approximately fills the void in the American market left by other domestic producers. Under the present situation and under a situation which would continue, though the production in the Philippines were materially increased, the domestic producer will continue to receive for his sugar the world price of Cuban sugar, plus 1¾ cents a pound.

"Whereas the Congress, in the passage of the Payne-Aldrich Tariff Act of 1909, which gave duty-free entry into our ports to most Philippine products, recognized the danger to the stability and growth of the domestic production of sugar in an unlimited duty-free importation of sugar from a tropical region with cheap labor and practically unlimited areas favorable to the growth of sugar cane, and limited the duty-free importation of Philippine sugar to a maximum of 300,000 tons per annum, although less than 40,000 tons of Philippine sugar was imported into the United States in 1909; and

"Whereas under this limitation and up to the time of the Fordney-McCumber Tariff Act of 1922 the importation of Philippine sugar had never reached 200,000 long tons per annum, and had averaged less than 115,000 long tons per annum, and therefore the continuation of the limitation did not appear necessary or esesntial; and

"Whereas the importation of Philippine sugar has increased from 147,212 long tons in 1921 to 473,674 long tons in 1927, being an increase of over 220 per cent."

The United States Yearbook of Agriculture for 1926 gives the following pertinent information on the subject of sugar available for consumption in continental United States from 1909 to 1926:

Year beginning July 1	Imports as sugar	Brought in from insular possessions	Production
Average:	*Short tons*	*Short tons*	*Short tons*
1909-1913	2,068,427	1,004,493	957,491
1914-1920	2,847,575	1,072,288	1,102,153
1921-1925	3,854,633	1,495,517	1,187,693

The outstanding and obvious inference from this table is that the United States has, even considering its production of sugar in the insular possessions, become more and more dependent on sugar from foreign sources.

The next justifying reason is the following:

"Whereas the privilege of an unlimited duty-free market for Philippine sugar in the United States tends to delay the further logical development by the Philippine people of their local oriental-sugar markets and to make them largely dependent upon a single competitive export crop, contrary to the principles of diversified agriculture and industry upon which depend ultimate economic, cultural, and political progress."

The oriental-sugar market of the Philippines has always been China. It is quite unreasonable, under existing conditions, to expect the Philippines to develop a sugar market in China. With the cessation of the present troubled conditions in China, doubtless a part of the Philippine sugar product will find its market there, as in the past, but it is not desired to depart too far from the theme that all of the sugar produced in the Philippine Islands entering free of duty the American market in no way prejudices the domestic producer of sugar within the continental United States.

Now, as to the single export crop, what are the facts? We get our sugar not produced in the continental United States from the following sources:

Cuba: Sugar constitutes 80 per cent of the export crop of Cuba.

Porto Rico: Sugar constitutes 50 per cent of the export crop of Porto Rico.

Hawaii: Sugar constitutes 60 per cent of the export crop of Hawaii.

Philippine Islands: Sugar constitutes 30 per cent at most of the export crop of the Philippine Islands.

In the Philippine Islands, different from any of these external sources of sugar, there have been the most strenuous efforts made to produce foodstuffs locally. In 1903 rice constituted 37 per cent of the total imports in the Philippine Islands, in 1926 it constituted 4 per cent, and in 1927 it was barely 1 per cent of the imports.

In other words, sugar has by no means the same prominence in the Philippines that it has in Cuba, Porto Rico, or Hawaii. The production is far less per capita.

Then follows the following:

"Whereas the unlimited and constantly increasing duty-free importation of Philippine sugar into the United States constitutes a grave menace to the continuation of the domestic sugar industry."

It is believed that it has been made clear that the bringing into the United States of Philippine sugar free of duty is no menace to the domestic producer of sugar. The domestic sugar industry produces but a fractional part of the sugar consumed in the United States, and the sugar at present brought in from the Philippine Islands means, at most, the curtailment of the rather rapid increase in the importation into the United States of Cuban sugar.

"Whereas there is no purpose or disposition to deprive the sugar producers of the Philippines of our free market to the extent to which they have heretofore enjoyed it, but rather to protect the American beet and cane farmers and sugar producers from an indefinite increase of duty-free importations imperilling the existence of the domestic sugar industry."

The foregoing table from the Yearbook of Agriculture makes clear that the domestic producers of sugar, including the Philippines, fail to meet the domestic demand of the United States by an increasing quantity and not a decreasing quantity. It is necessary to-day for the United States to import from purely foreign sources more sugar to meet the domestic demand than it imported from such sources at any time in the past. Certainly, therefore, there is no present encroachment on the field of the domestic sugar producers by sugar from the Philippine Islands.

The likelihood of an indefinite or early increase of Philippine sugar is best obtained by a study of sugar production in the Philippine Islands.

In the last four normal years of Spanish control of the Philippine Islands—1892 to 1895—the average annual export of sugar from the Philippine Islands was 266,610 metric tons. In the last four years of which there are available completed records—1923 to 1926—the average annual exportation of sugar from the Philippines was 396,969 tons. That is, within this period the sugar exported from the Philippine Islands has increased by but a fractional part of the relative increase from Porto Rico, Hawaii, or Cuba. Not only this, but the increased production in the Philippines has been ridiculously small as compared with increased production in Java or Formosa, territories receiving no benefit from the American tariff. The sugar industry in the Philippine Islands is an old industry, and the recent increase of production and of exportation is due almost entirely to improved mills and to improved agricultural methods.

But one mill has been erected in the Philippine Islands to produce sugar from cane grown on territory not previously cultivated. This mill has so far proven unprofitable, though it has been in operation approximately 15 years.

Briefly, it is necessary now to import more sugar from purely foreign sources to supply the American market than at any time since the extension of American sovereignty to the Philippines. The increase of production in the Philippine Islands during this period has been much slower, notwithstanding the stimulus of the American market, than it has been in the other sugar-producing countries supplying the American market.

The present trade relations with the Philippine Islands were established by Congress after most careful study of the entire subject and are substantially embodied in the following provisions of the tariff act of 1922:

"All articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than 20 per cent of their total value * * * coming into the United States from the Philippine Islands shall hereafter be admitted free of duty: *Provided, however*, That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States * * * shall be admitted to the Philippine Islands from the United States free of duty."

Obviously, this is, and is intended to be, a reciprocal provision. Congress, however, has in the organic law of the Philippine Islands provided that "the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States."

We do not doubt that Congress, having reserved to itself this power, will see to it that the power is exercised for the benefit of the people of the Philippine Islands and will withdraw no privileges upon which the prosperity of the islands so largely depends, without most serious study. A study of the subject leads to but one conclusion, and that is that the present and prospective development of the sugar industry of the Philippine Islands offers not the slightest threat to the domestic industry in the United States.

PEDRO GUEVARA,
Resident Commissioner to the United States from the Philippines.

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I have received a letter, two letters in fact, I think similar to those that many Members of this House have received, from a paper published in Washington, called the National Tribune, with a large, elegant letterhead, a reference to the Stars and Stripes, and the widows and orphans, and so on.

In the letter is a request for the filing of petitions by residents of my district and elsewhere in behalf of legislation for Civil War pensions.

The matter of the attitude of this publication has been before the House previously and possibly there is no use of exploiting the publication any further. I investigated their methods of soliciting subscriptions last year through the Post Office Department to see whether or not they were in fact beyond the pale of the law. They certainly are not within the law from a moral viewpoint regardless of the phraseology and language of the law with respect to using the mails for deceptive purposes.

I have answered the circular letter sent to me, as I suppose many others have been sent, and I desire to read both my reply to the signers of the petitions and my reply to the publication itself, because I think that such deception practiced on many of the susceptible veterans of the Civil War, their widows and orphans, should be exposed, and if one attempt is not successful we should keep up the game. [Applause.]

I am opposed to any publication that sends out, under the cloak of aiding the veterans' widows and orphans, requests for subscriptions and purchases of 7 per cent stock in a company at $1 per share. [Applause.] The nature of the publication and the method of deception is so apparent that we can not be too harsh in our treatment of it.

Now, I want to read the letters, and first I read the one to the first signer of one of the petitions. It is as follows:

MARCH 21, 1928.

Mr. JASON ALLEN,
82 Stoddard Avenue, Pittsfield, Mass.

MY DEAR MR. ALLEN: The National Tribune has forwarded to me a petition signed by yourself and several others, urging the enactment of pension-increase legislation. The House of Representatives recently passed a bill increasing to $40 per month the pensions of Civil War widows who married their soldier husbands after the close of the war and before June 27, 1905. The bill is now before the Senate for consideration. In this connection I might state that the National Tribune has no standing with Congress and no influence with Members thereof. Its main object is to collect subscriptions for the publication and for stock therein from veterans and widows who can ill afford to pay for the same. You may be assured that Members of Congress are anxious to do everything reasonably possible for the veterans and their widows, and whatever they feel they can consistently do will be done without the necessity of anyone subscribing to the National Tribune.

Assuring you of my interest, and with best wishes, I am,

Sincerely yours,

ALLEN T. TREADWAY.

Here is my letter to the president of the National Tribune:

MARCH 22, 1928.

Mr. RICE W. MEANS,
President the National Tribune, Washington, D. C.

DEAR SIR: I beg to acknowledge the receipt of two circular letters sent by you as president of the National Tribune, inclosing petitions from various citizens, some of whom reside in my district and some in the State of New York.

In filing these memoranda received through you I shall also place in the CONGRESSIONAL RECORD copies of my letters to the first signers of each petition as well as a copy of this letter to you. I am frank to say that I am in no way in sympathy with the methods of the National Tribune. In my opinion your motives are not as disinterested as you would have them appear. You are seeking only subscriptions and sales of stock. As one Member of Congress I do not need any assistance from a publication which is trying to live on the veterans or their widows and orphans. My sympathy and my vote will be given to their cause, not through your efforts but in spite of them. I should prefer not to have any other papers sent me from your office. If residents of my district desire to communicate with me upon the subject of pension legislation or upon any other subject, I am always delighted to hear from them and to be of service, but I shall not be a party to a subscription and stock-sales propaganda.

Very truly yours,

ALLEN T. TREADWAY.

Now, that covers the whole story.

Mr. SNELL. Will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. SNELL. I am very glad the gentleman has brought this up on the floor of the House. I have had several letters and have answered them in practically the same tone as has the gentleman from Massachusetts. I told my people that they did not need to subscribe for the Tribune or take any stock in it in order to have their matters properly presented to Congress; that if they would correspond with their regular Member he would do everything in his power to look after their interests.

Mr. TREADWAY. The trouble is that this publication is so persistent in its efforts to live on the veterans and their widows that a little exposure like this is not going to accomplish a great deal of good, but I do think it is our duty to notify our constituents as to the proper means of getting legislation, which is not through the purchase of cheap stocks, not through such scare-head petitions as this. This petition which I am going to drop in the basket has a picture at the head of it of a coffin ready to be lowered into the grave with other monuments around, and if that is a good type of stock solicitation I, for one, do not want to subscribe for any such stock, and I hope no constituent of mine will do so.

Mr. SNELL. That represents where the stock is going. [Laughter.]

Mr. TREADWAY. It represents where the money of the subscriber is going.

Mr. CLAGUE. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. CLAGUE. Will the gentleman tell us who is back of this Tribune?

Mr. TREADWAY. Here are the names according to the official letterhead—Rice W. Means, president; John Lewis Smith, secretary; D. L. Rice, treasurer; vice presidents, John McElroy, John L. Clem, W. L. Mattocks.

The letterhead is:

The National Tribune, the Stars and Stripes, Washington, D. C. "To care for him who has borne the battle and for his widow and orphans." (Abraham Lincoln.)

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

Mr. SCHAFER. Mr. Chairman, I can not permit the statement of the gentleman from Massachusetts [Mr. TREADWAY] to go without making some comment on it. I believe that the people of America have a fundamental right to petition this legislative body and any other legislative body. Personally, I know many veterans of many wars who subscribe to the publication called the National Tribune and who receive a great deal of satisfaction in reading the articles and editorials therein.

If it were not for crystallization of sentiment by organizations and the press in America the veterans of the Nation's wars, their dependents, and widows and orphans would not have adequate compensation and pensions.

Not very long ago a pension bill was vetoed in the name of economy. We had millions and millions to give to foreign governments on debt settlements, but we did not have sufficient funds to grant a meager increase to the aged widows of Civil War veterans.

The gentleman whose name was just mentioned as president of the National Tribune, Mr. Rice W. Means, was formerly a Senator of the United States. He was recently the commander of the United Spanish War Veterans' national organization, and he is a man of high character who has an interest not only in the welfare of his comrades of the Spanish-American War, but also in the veterans of the Nation's other wars, their widows, orphans, and dependents. I have had no opportunity carefully to examine all of the material that was read into this RECORD, but I could not let the occasion pass without stating that I resent the inference as to the character and purposes of this former United States Senator and former national commander of the United Spanish-American War Veterans, who has served this Nation in time of war as well as in time of peace. I know that the statement of the gentleman from Massachusetts regarding the National Tribune will not cause the veterans, widows, and dependents to cancel their subscriptions and stop the paper from coming to their doors.

I sincerely hope that the leaders of this House will make it possible at this session for full discussion of and amendment to legislation to take care of the disabled veterans of the World War. Several sessions ago the World War Veterans Committee was created, and yet that committee has not had a calendar day for consideration of its bills by the House. Legislation from the World War Veterans' Committee has come up under suspension of the rules and has been passed here with only 20 minutes of debate on a side and without opportunity to amend.

Mr. GASQUE. And does the gentleman not know that all of the World War veterans' legislation or pension bills since this administration has been in power have been brought before the House under suspension of the rules.

Mr. SCHAFER. Yes, nearly all of such legislation has been under suspension of the rules.

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

Mr. AYRES. Mr. Chairman, I yield 30 minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman and Members of the House, I am going to talk on a matter of historic importance,

which should be a very interesting subject to the House and also to the country at large.

One of the most interesting and historical spots in the city of Washington is the Congressional Cemetery. While the United States owns a large part of this sacred ground and many deceased Senators and Representatives and other dignitaries of the Government who died in Washington during their term of office lie buried there, yet there is no care or supervision on the part of the Government over this city of the dead and graves and monuments are being sadly neglected.

This situation was called to my attention by the National Society of the Daughters of the American Revolution and at the instance of Mrs. Edwin C. Gregory, the national legislative chairman. I have introduced a bill (H. R. 11916) authorizing the Secretary of War to care for and preserve the land and monuments and care for that part of this cemetery owned by the United States and to preserve and to beautify graves and monuments of the distinguished dead who died while in the service of our Government. Mrs. Gregory and Mrs. A. S. Brosseau, the president general of the Daughters of the American Revolution, are to be highly commended for their efforts and interest in this undertaking. This patriotic move on their part will receive the commendation and thanks of not only the Congress, but of the country as well.

It was in 1807 Christ Episcopal Church first established this burying ground. It was chosen as the burying ground for Senators and Representatives who died in office.

Many years have passed since Congress abandoned the plan of concentrating its official dead in this cemetery. The cemetery is still used by the Washington parish and many handsome memorials are there erected which makes such a sharp contrast to the crumbling tombs and uncared-for monuments and cenotaphs erected to mark the resting places of the official dead.

The cemetery lies about a mile east of the Capitol, situated on the north bank of the Anacostia River, just above Pennsylvania Avenue, and extending from Seventeenth Street east to the river.

A most interesting article by Nelson McDowell Shepard in the Daughters of the American Revolution magazine has this to say:

CENOTAPHS AND EPITAPHS IN CONGRESSIONAL CEMETERY

By Nelson McDowell Shepard

The burying ground of the century-old Christ Church, known nationally as Congressional Cemetery, is rich in the interest its holds for students of the Revolutionary and succeeding periods of American history. The cemetery lies off frequented paths, yet is easily accessible to visitors in Washington, the National Capital. Its sloping greensward gives an unexpected bit of Old World calmness to a medley of river flats and drab streets scarcely a mile east of the Capitol. At the foot of the slope the Eastern Branch of the Potomac River winds along, while quaint walks, stately cedars, and heavily scrolled gravestones transform the upper shore into an interesting, historic spot.

In these surroundings are to be found the only group of cenotaphs—a memorial customary in Europe—ever erected by the United States Government in honor of deceased Senators and Representatives. The strict usage of the cenotaph, however, is not adhered to in every case, for beneath the bleak, gray sandstones lie the bodies of many Members of Congress and other dignitaries of the Government who died in Washington during their term of office.

Unlike the usual ornamental cenotaphs in memory of European statesmen, the American cenotaph is so forbidding in appearance that the venerable Senator Hoar, of Massachusetts, once declared on the floor of the House of Representatives, in which he was then serving, that the thought of being buried beneath one of them added a new terror to death. Other Members evidently agreed with him, as in 1876 Congress refused to appropriate money for the erection of more cenotaphs unless differently designed.

Nearly a century ago Christ Church burying ground was chosen as the resting place for Senators and Representatives who died in office. Later this custom was extended so as to include the burial of other public officers, with a result that the cemetery for years enjoyed a semi-official character and it became generally known as Congressional Cemetery.

Many years have passed since Congress abandoned its plan of concentrating its official dead in one place. The cemetery, however, is still used by the members of Washington Parish, the handsome modern memorials being in sharp contrast to the crumbling relics of an interesting congressional ruling.

It is said that more patriots whose names are linked with the early periods of our history are buried along this river slope, perhaps, than in any other single cemetery in the country. Two Vice Presidents of the United States, one of them a signer of the Declaration of Independence, have been buried there. Private soldiers and those in high command of the Continental Army sleep side by side in the democracy of death. Statesmen of colonial times, members of the Cabinet, of the United States Supreme Court, and of the Congress repose beneath stately monuments and somber cenotaphs, weather stained and moss covered by passing years.

The history of Christ Church leading up to the establishment of the cemetery in April, 1807, is set in the days when the now beautiful Capital of the Nation was a tract of swamps and country lanes. Before the plans for the National Capital were conceived, a tobacco barn on what was later to be a busy street in Washington, afforded a place of worship for adherents of the Episcopal faith. Thomas Jefferson and George Washington, it is recorded by trustworthy authorities, frequently attended Sabbath services there when traveling through its parish. After the founding of the present seat of government, the Washington Parish was organized and the present edifice, known as Christ Church, still standing on its original site, was dedicated in 1808.

Those were the palmy days of the little parish. It became the custom as well as the fashion for the élite of the Capital to attend its Sabbath services. The beloved Lafayette, on his visits to Washington, and the brilliant Alexander Hamilton frequently worshiped under its roof. The vestry reserved a pew for the exclusive use of Presidents of the United States and their families. For this reason the place of worship became known as "the church of state," a designation which it finally yielded to others when the drifting tide of the city gradually left it on the outskirts of fashionable Washington. But during its halcyon days Madison, Jefferson, and Monroe were among the early Chief Executives who most frequently occupied the "President's pew."

With this historic background it is natural enough that Congress should have selected the burying ground of Christ Church as the resting place for Senators and Representatives who should die in office. It is interesting, too, in these days of high living costs and reckless public expenditures to know that the idea of a special cemetery for Government officials was abandoned because of the growing expense involved.

From the time the first cenotaph was erected by the Government over the grave of Senator Uriah Tracy in 1807 until 1876 the same pattern was followed for each stone. Just who selected the form of these monuments early records do not indicate. But the custom of placing cenotaphs in memory of Members of the lower House originated with the monument placed for James Lent, Representative from New York, who died February 22, 1833.

According to the register of graves, 109 interments of Government officials have been made in Congressional Cemetery. Monuments have been erected over 100 of these graves. In addition 85 cenotaphs have been placed in honor of Members of Congress who are buried in other cemeteries. Among these latter are cenotaphs bearing the names of John C. Calhoun, the great "nullifier," and Henry Clay, the "compromiser." Grouped together in even rows in a conspicuous section of the grounds, these funereal monuments at once arouse curiosity.

The cenotaphs are uniform in material and design. Fashioned from sandstone on a base about 5 feet square, upon which is placed a base about 3 feet high; they are surmounted by a rounded top reaching to a broad height of about 5 feet above the ground. With few exceptions, each monument bears upon it the following inscription:

"The Honorable ———, a Member of Congress of the United States from the State of ——— (or in case of a Senator it reads—a Senator of the United States from the State of ———). Born ———, died ———."

A number of these cenotaphs still have spaces for names left blank.

Up to 1835 practically every Member of Congress who died in office was buried in Congressional Cemetery. Means of transportation were so limited that few families were able to convey the remains of their dead from the Capital, but as facilities for transportation grew more adequate this practice gradually ceased. By act of May 23, 1876, Congress abolished the custom of erecting cenotaphs, and provided that thereafter monuments should be authorized only when the deceased Member was actually interred in the cemetery.

The names of the Senators buried there, with the date of their death, are taken from the records, as follows: Uriah Tracy, of Connecticut, July 19, 1807; Francis Malbone, of Rhode Island, June 4, 1809; James Burrill, jr., of Rhode Island, December 25, 1820; W. A. Trimble, of Ohio, December 13, 1821; William Pinkney, of Maryland, February 25, 1822; James Gaillard, of South Carolina, February 26, 1826; James Noble, of Indiana, February 26, 1831; Nathan Smith (removed), of Connecticut, December 6, 1835; Elias K. Kane (removed), of Illinois, December 11, 1835; John Fairfield, of Maine, December 24, 1847; L. S. Pennybacker (removed), of Virginia, January 12, 1847; N. F. Dixon, of Rhode Island, January 29, 1842; William Upham, of Vermont, January 14, 1853; Lemuel J. Bowden, of Virginia, January 2, 1854; J. Pinckney Henderson, of Texas, June 4, 1858; and William N. Roach (no monument), of North Dakota, September 7, 1902.

Sixty-eight Members of the House of Representatives have been buried beneath the spreading trees of the old cemetery. The first was Ezra Darby, of New Jersey, who died January 28, 1808. Others were Thomas Blount, of North Carolina, who died February 7, 1812; Elijah Brigham, of Massachusetts, February 22, 1816; Richard Stanford, of North Carolina, April 9, 1816; David Walker, of Kentucky, March 1, 1820; Nathaniel Hazard, of Rhode Island, December 17, 1820; John

Dawson, of Virginia, March 31, 1814; William Lowndes, of South Carolina, October 12, 1822; James Gillespie, of North Carolina, January 10, 1805 (interred later); W. A. Burwell, of Virginia, February 16, 1821; Daniel Heister, of Maryland, March 8, 1804 (interred later); Thomas Hartley, of Pennsylvania, January 1, 1801 (interred later); David S. Kauffman, of Texas, January 30, 1851; James Jones, of Georgia, January 11, 1801 (interred later); Edward Bradley, of Michigan, August 5, 1842; George Holcomb, of New Jersey, December 4, 1828; James Lent, of New York, February 22, 1833; Richard Manning, of South Carolina, May 1, 1836; T. J. Carter, of Maine, March 14, 1838; Barker Burnell, of Massachusetts, June 15, 1843; John Smiley, of Pennsylvania, December 30, 1812; and Narsworthy Hunter, Territorial Delegate from Mississippi, March 11, 1802.

George Clinton, Vice President of the United States, was first interred in Congressional Cemetery, and years elapsed before the body of this venerable figure of the Revolution, friend of George Washington, and early Governor of New York, was taken to his old home in New York for burial.

Tobias Lear, that faithful private secretary to George Washington and the vigilant "Joseph Tumulty" of the Washington administration, also is buried in this section of the grounds. Close by are the graves of Push-Ma-Ta-Ha, noted Choctaw chief; Scarlet Crow, another famous Indian warrior; Gen. James Jackson, a distinguished Georgian; William Pendleton Barbour, Associate Justice of the United States Supreme Court, who died in 1841; H. Brockholst Livingston, also of the United States Supreme Court; William Wirt, an Attorney General of the United States; and Abel P. Upshur, a former Secretary of State and Secretary of the Navy.

In view of the late "unpleasantness" with the Prussians, it is curious to see also here the grave of Baron Frederick Greuhm, first minister to the United States from Prussia, who died in Washington December 1, 1823. Upon his tombstone is inscribed: "This monument is erected by order of His Majesty Frederick Wilhelm III, King of Prussia." Frederick Wilhelm ruled from 1797 to 1840.

The bodies of nearly a hundred soldiers and seamen of the Revolutionary period, the War of 1812, and a few northern and southern soldiers of the Civil War are also interred in the cemetery.

Pausing before a weather-stained monument of simple design, one reads inscribed thereon the story of one of the most regrettable tragedies of the early American Navy. Beneath the monument, side by side in a single grave, rest the bodies of Capt. Beverley Kennon and Abel Parker Upshur, victims of the explosion of a gun aboard the U. S. frigate *Princeton*, February 28, 1844. Both natives of Virginia, the two men formed a friendship in early youth that lasted even to the grave.

For many years a touch of romance was added to the cemetery by the grave of Nathan Cilley, a Member of Congress from Maine, of brilliant promise, who fell on the field of honor at Bladensburg, Md., one of the last victims of the duello in this country. The body of Representative Cilley has since been removed to his home in Maine, but the circumstances of his death are still told with the cemetery legends.

The monument over the grave of Push-Ma-Ta-Ha, known as the white man's friend, is similar in design to the congressional cenotaphs and was erected by the councilmen of the Choctaw Tribe. Several lines of its inscription, dignified and simple in the eloquence of the Indian tongue, are taken from the memorial address delivered over the body of the chieftain by John Randolph, of Roanoke.

Push-Ma-Ta-Ha died while in Washington in 1824 on a mission for his tribesmen. His career was one of notable achievement. "Let the big guns be fired over me," were among the dying words of the chief. Whether guns were fired in salute over the body of the old Indian warrior available records do not indicate, but it is highly improbable that the dying wish of "the white man's friend" was denied by Andrew Jackson, with whom he had fought in many campaigns.

The inscription reads:

"Push-Ma-Ta-Ha, a Choctaw chief, lies here. This monument to his memory is erected by his brother chiefs who were associated with him in a delegation from their nation in the year 1824 to the General Government of the United States."

On the other side of the monument may be found these words of John Randolph:

"Push-Ma-Ta-Ha was a warrior of great distinction. He was wise in council, eloquent in an extra degree, and on all occasions and under all circumstances, the white man's friend. He died in Washington on the 24th of December, 1824, of the croup, in the 60th year of his age."

Within a few yards of this unusual memorial is the family burying plot of Tobias Lear and the Hon. Elbridge Gerry, whose great-grandson now occupies a seat in the United States Senate from the State of Rhode Island. The Gerry monument was erected by act of Congress in 1923. The inscription shows nothing to indicate his proud Revolutionary record as a signer of the Declaration of Independence. It also makes no mention of the fact that in 1797 he was one of the envoys sent to establish relations with France. Later Gerry was elected Governor of the State of Massachusetts, and then elevated to the Vice Presidency in 1812.

The inscription reads:

"The tomb of Elbridge Gerry, Vice President of the United States, who died suddenly in this city on his way to the Capitol as President of the Senate, November 23, 1814. Aged 70."

Thus fulfilling his own memorable injunction:

"It is the duty of every citizen, though he may have but one day to live, to devote that day to the good of his country."

Tobias Lear rests beneath a great flat slab of granite, erected over his grave by his "desolate widow," who lies beside him. The inscription on the tombstone, barely legible, sets forth these facts:

"Here lies the remains of Tobias Lear. He was early distinguished as the trusted secretary and friend of the illustrious Washington, and after having served his country with dignity, zeal, and fidelity in many honorable stations, died, accountant of the War Department, 11 October, 1816, age 51. His desolate widow and mourning son have erected this monument to mark the place of his abode in the City of Silence."

His "desolate widow," Frances Dandridge Lear, so her tombstone records, was born November 17, 1779, and died December 2, 1856. She was Lear's third wife and a great-niece of Martha Washington. Although 40 long years elapsed, Frances Lear remained steadfast to the end—a "desolate widow." Other graves in the family plot bear the names of Benjamin Franklin Lear, born March 1, 1792, died October 1, 1832, and "Maria Lear and infant daughter."

Tobias Lear came to his death in 1816 by his own hand. Early records do not state why. On Washington's election as President, Lear was appointed Private Secretary to the President of the United States, and served as such until some time in the latter part of 1794, when he went to Europe. He had a severe illness in 1793–1794—the exact dates are vague—and Bartholomew Dandridge began acting as Secretary to the President in 1793. William Jackson was a secretary from the autumn of 1789, and George Washington Craik did secretarial work for the President. After Lear's return from Europe in the spring of 1795, he did not resume his position as secretary to Washington until 1798, when Washington appointed him his military secretary in the provisional army establishment. Lear was with him in that capacity until Washington's death in 1799.

In the extreme northern end of the cemetery is the grave of Uriah Tracy, United States Senator from Connecticut, who was the first person interred in the old Christ Church burying ground.

The name of Tracy is closely linked with the earliest development of New England. Uriah Tracy was the great-great-grandson of "Lieftenant" Thomas Tracy, who came to this country in 1637, and founded the town of Norwich, Conn. Colonial records show that Tracy served many terms in the State legislature and was one of the leaders among the Federalists. In 1792 he was chosen speaker of the house, and the following year witnessed his promition to the United States House of Representatives, serving until 1796, when he was elected to the Senate. He remained in the United States Senate until his death on July 19, 1807.

During his service in Congress Senator Tracy became one of the leaders of his party, a man of profound statesmanlike ability, and was particularly famed for his rare wit. Upon his death, the Members of the Senate for the first time wore crape about their left arms as a mark of their affection and respect which they held for their colleague.

James Gillespie, a member of Congress from North Carolina, is another whose Revolutionary service is noteworthy. He died January 11, 1805, and his body was transferred from the old Presbyterian Cemetery in Washington and placed in Congressional Cemetery April 14, 1892, with appropriate honors. He was the last Congressman buried there. Gillespie served with distinction in the State convention of 1776 and in the State house of commons from 1779 to 1783. The only mark on his grave reads: "James Gillespie, North Carolina, died January 11, 1805."

A member of the United States Supreme Court buried in Congressional Cemetery is H. Brockholst Livingston, of New York, who died in Washington March 19, 1823. He entered the Revolutionary Army with rank of captain and won the grade of lieutenant colonel.

Gen. Thomas Blount, of North Carolina, is another interesting figure of the Revolution. At the age of 16 he entered the Army and in 1780 became a deputy paymaster general. He was a major in command of a battalion of North Carolina militia at the Battle of Eutaw Springs. He enjoyed a long congressional career, dying February 7, 1812.

The Pennsylvania muster rolls record Henry Black as a private in the York County militia; corporal in the Cumberland County militia, and as a captain in the Bedford County militia. For many years he was a member of Congress from Somerset, Pa. He died November 28, 1841, but was reinterred in Congressional Cemetery the following year.

Hon. Levi Casey, of South Carolina, a brigadier general of militia in the Revolutionary War, also is buried in the cemetery, by reinterment, August 1, 1832. He died in Washington, February 1, 1807.

"Major John Kinney, of New Jersey, an officer of the Army of the Revolution, died in this city July 17, 1832, aged seventy-five years" is the brief inscription carved upon another stone.

Rear Admiral George W. Baird, United States Navy, retired, has prepared a list of men buried in Congressional Cemetery who may have served in the Revolutionary War. More than 135 names are included in the list. Among them are Commodore Campbell, who died in 1823; Maj. Gen. Jacob Brown, buried in 1826; Commander Isaac Chauncey, 1839; Maj. Alexander Forrest, born 1762, died 1834; James John Kenney, 1757–1832; Capt. Peter Lennox, buried 1833; Colonel Morrison, of Kentucky, died 1823; Col. Lemuel William Ruggles, died 1835; Capt. Robert Taylor, died 1831; Tappan Webster, died 1821; Commander Thomas Tingey, born 1750, died 1829; Maj. Moses Young; Joseph Wilson, born 1743, died 1827; Lieut. William Ross, died 1826.

Near the main entrance a tall, majestic column rears itself to the memory of 22 women war workers killed by an explosion in a cartridge factory on the grounds of the Washington Arsenal, now the Army War College, during the Civil War. Close by is the monument to Joseph Lovell, Surgeon General of the Army, born in Boston, December 22, 1788, and who died in Washington, October 17, 1836. It is recorded that in April, 1812, "on the eve of the hostilities with Great Britain, he entered the military service of his country as a surgeon and served with distinction throughout the war." He soon was promoted to the head of the medical department "which, 'til the close of life, he directed, improved, and adorned."

Another distinguished patriot buried in this section of the cemetery grounds is John Forsyth, whose gravestone simply says that he was a "Secretary of State, died October 21, 1841."

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

Mr. ABERNETHY. Yes.

Mr. BLANTON. The gentleman is making a very important speech, and it is while we are considering a bill that carries $369,000,000. We have on the floor exactly seven Republicans and a few more Democrats. Would the gentleman like to have a quorum? His speech ought to have a quorum. The idea of debating a bill carrying $369,000,000 with eight Republicans on the floor—one more has now come in——

Mr. LAGUARDIA. Oh, the gentleman from North Carolina is talking about a cemetery.

Mr. BLANTON. And that is very apropos just now in so far as the gentleman's administration is concerned. There ought to be an interment.

Mr. LAGUARDIA. Inasmuch as the gentleman is a candidate for another office, it may be a bad omen for him as well.

Mr. BLANTON. Oh, cemeteries are necessary. Men in Biblical days even bargained for the graves they were to lie in. I am just calling attention to the fact that the naval bill carrying $369,000,000 is under discussion, and that my friend from North Carolina is making a splendid speech here, with nobody on the floor to hear it.

Mr. ABERNETHY. It is pretty hard for the gentleman from North Carolina to keep the membership here, especially when he is making a speech.

Mr. BLANTON. It is not the gentleman's speech that has emptied the Hall.

Mr. ABERNETHY. I appreciate the interruption, but I would say to the membership of the House that this neglected spot, the Congressional Cemetery, according to the National Society of the Daughters of the American Revolution, is one of the most interesting and historical spots of the Nation. It is neglected; the monuments are crumbling. The graves are unkept. I am not only carrying out a mission of this great society in bringing the matter to the attention of Congress, but a public service as well. I have introduced a bill to the effect that the Secretary of War should take over the governmental part of this cemetery and care for and maintain it.

Now, in my little home town, the town of New Bern, N. C., about a mile from the courthouse, when I ride by there on many occasions I see flying over a little plot of ground the American flag, and I see a house, and the person who guards on behalf of the Government this city of the dead. There are the graves of those who represented the Union forces in the Civil War. And yet within a mile or two miles of this Capitol there are more distinguished dead buried in this Congressional Cemetery than in any other spot, with no care, with no supervision on the part of the Government.

We find that in 1876, with an idea of economy, the Congress of the United States abandoned the task of taking care of this cemetery. Up to that time there was money appropriated for the purpose of taking care of this cemetery.

Now, in order that the Congress may understand just what I am undertaking to do—and it is not only on my motion, but also at the instance of these patriotic women who are going all over the country, led by Mrs. Brosseau and Mrs. Gregory, and others, undertaking to have marked, cared for, and preserved these sacred spots; and to bring it to the attention of the country that our great Nation does appreciate patriotism, that our great Nation does appreciate its honored dead. I felt that we could afford to take enough time in this commercial age, when everything is looked upon in terms of money, that we could well afford, for the sake of the past, present, and of future generations, to at least appropriate a little money and give over to the care of the Secretary of War this great city of the dead.

Mr. TAYLOR of Tennessee. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. TAYLOR of Tennessee. May I ask where is this Congressional Cemetery?

Mr. ABERNETHY. About a mile from here, on the west bank of the Anacostia River. If you go out there, you will see right alongside this sacred cemetery a dump heap of trash and garbage and things of that kind, evidently in the effort to build up the land. I am not undertaking to say how much money shall be expended on this, but I have left it largely to the judgment of future Congresses and the Secretary of War and to that splendid Army officer, Major General Cheatham, who has charge of the Government cemeteries all over the country.

Mr. TAYLOR of Tennessee. Who are buried there?

Mr. ABERNETHY. I was just reading some of the names of those who are buried there: George Clinton, Vice President of the United States, was interred in the Congressional Cemetery, and his body was finally removed to New York; Tobias Lear, the faithful secretary to George Washington, was buried there; Push-Ma-Ta-Ha, a famous Indian chief; also Scarlet Crow, a famous Indian warrior; Gen. James Jackson, also a distinguished warrior; Mr. Justice Barbour, of the Supreme Court; Brockholst Livingston, also United States Supreme Court; William Wirt, a distinguished Attorney General of the United States; and Abel P. Upshur, former Secretary of State and Secretary of the Navy. Then I read into my remarks about Baron Frederick Greuhm, the famous first minister to the United States from the Kingdom of Prussia.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. MONTAGUE. The gentleman mentioned, I notice, Mr. Upshur—Abel P.?

Mr. ABERNETHY. Yes. I am glad the gentleman asked the question. I am delighted to know that what I had to say is arousing such deep interest of the membership. I really think we should be ashamed of ourselves for not caring for this wonderful place, and we ought to be ashamed because these patriotic women have called it to our attention.

Mr. MONTAGUE. Mr. Upshur was the Secretary of the Navy and also Secretary of State. I thank the gentleman very much for presenting the subject to Congress, and I hope what he says will have weight. It is rather disreputable of us, I think, that we have not done something.

Mr. WELSH of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. WELSH of Pennsylvania. I am in sympathy with the gentleman's purpose. I would like to know what appropriation is made for that cemetery now?

Mr. ABERNETHY. None whatever.

Mr. WELSH of Pennsylvania. I was there about a month ago. It is in a very doleful condition.

Mr. ABERNETHY. Yes. There is a little parish down there. I do not know whether it is a mission parish or not. But there is a splendid rector there, formerly secretary to Senator WARREN, of Wyoming. He is now pastor of that church. I took the matter up with him. There is a little fund that they have laid off to themselves to care for their part of the cemetery. Their part, of course, is naturally kept up in very splendid condition.

Mr. MADDEN. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. ABERNETHY. I will be glad to.

Mr. MADDEN. Is this a private cemetery?

Mr. ABERNETHY. Not the part I am talking about. It is a combination.

Mr. MADDEN. Does the term "Congressional Cemetery" mean anything more than the name?

Mr. ABERNETHY. Yes, sir.

Mr. MADDEN. What does it mean?

Mr. ABERNETHY. I am glad the distinguished chairman of the Committee on Appropriations has asked these questions, and I am glad of his interest. I want to call his attention to a Senate document which was published in 1906 giving a com-

plete history of the Congressional Cemetery, Fifty-ninth Congress, second session, Document No. 72, showing that the Government owns certain lands in that cemetery, and none of these Members of Congress or Senators or distinguished officials of the United States are buried on any other ground than that which belongs to the United States Government.

Mr. MADDEN. Will the gentleman allow me to interrupt him with another question?

Mr. ABERNETHY. Yes.

Mr. MADDEN. I remember that many years ago Mr. Brownlow, of Tennessee, a Member of the House, served with me on the Committee on Appropriations. He came in here with tears in his eyes one day—and, really, they were tears, you know—and he was pathetic. He wanted the grave of Andrew Johnson, a former President of the United States, taken care of by the United States. We acceded to his urgent appeal, and that is the only grave of any President of the United States who lies buried anywhere on the continent which is being taken care of at the expense of the Government. Now, the question arises—and I am not saying this captiously—how far can we go in the care of the cemetery about which the gentleman has spoken?

Mr. ABERNETHY. In answer to the gentleman's remarks, I will say that I can fully appreciate the fact that if the Government itself did not own the land then we might not be on strong and solid ground; but I call the distinguished gentleman's attention to the great burying ground of Arlington, which is maintained by the Government, and I call the gentleman's attention to the various Federal cemeteries all over the country.

Mr. MADDEN. That is a very proper thing where we have a national cemetery dedicated to that purpose.

Mr. ABERNETHY. But up until 1876 the Congress did appropriate. I have not taken the time to go into all the details of this, but Congress did appropriate money and there was legislative authority for the care of these graves. Let me say further that one of the troubles we have is that a part of this property belongs to the church and a part of it belongs to the Government. My bill proposes to authorize the Secretary of War to take charge of that part which belongs to the Government, to care for it and to preserve those graves, and I take it the gentleman would favor such legislation.

Mr. MADDEN. I think anything like that is a proper thing to consider.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. LAGUARDIA. How did the Government acquire the land originally?

Mr. ABERNETHY. It bought it, or it was donated, I am not sure which, but the title is in the Government.

Mr. LAGUARDIA. Through appropriations made for that purpose?

Mr. ABERNETHY. Either through appropriations or by gifts. In other words, there are about 500 lots there which belong to the Government.

Mr. BUSBY. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BUSBY. I want to suggest to the gentleman that I was in the Congressional Cemetery last year and spent considerable time there. The secretary of the association which controls that cemetery went over the ground quite a bit with me in looking for the grave of Push-Ma-Ta-Ha, who was one of the Indians holding a high commission in the Army and who died here. I asked him about the ownership and the present management of the Congressional Cemetery and, if I remember correctly, he told me that the interest of the United States Government in the lands therein, except such plots as were occupied by graves, had been surrendered by the Government to this church organization.

Mr. ABERNETHY. That is not correct.

Mr. BUSBY. I merely make that statement to ask the gentleman this further question: Since the date of the document you have exhibited, 1906, have you made an investigation as to the ownership of the land outside of the land on which there are graves?

Mr. ABERNETHY. There is no question about the fact that the Government owns a part of this land, and the Washington Parish, according to its rector, does not undertake to assert any claim to that part of the land. At one time there was some legislation sought here, which went before the District Committee, of which the distinguished gentleman from Texas [Mr. BLANTON] is a member. That legislation had to do with vacating certain streets for the purpose of establishing more cemetery plats. The bill passed the House but did not pass the Senate. There was some effort at that time on the part of certain ones to remove some of these cenotaphs, particularly where there were no bodies under these monuments.

Mr. LANKFORD. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. LANKFORD. I was in this cemetery two or three years ago and it is my recollection that there are several men and women buried there at one place who were killed during the Civil War by an explosion in the navy yard, and there is a large monument erected to those people.

Mr. ABERNETHY. I am glad the gentleman called my attention to that. In the article from the magazine of the Daughters of the American Revolution, which is incorporated in my remarks, I read further, and I am quoting from it because it shows a great deal of study, of the subject by the writer:

> Pausing before a weather-stained monument of simple design, one reads inscribed thereon the story of one of the most regrettable tragedies of the early American Navy.

This comes in very aptly when we are considering the naval bill. Now, listen to this:

> Beneath the monument, side by side in a single grave, rest the bodies of Capt. Beverley Kennon and Abel Parker Upshur—

The gentleman who was spoken of by the distinguished gentleman from Virginia, Governor MONTAGUE—

> victims of the explosion of a gun aboard the U. S. frigate *Princeton*, February 28, 1844. Both natives of Virginia, the two men formed a friendship in early youth that lasted even to the grave.

Now, here is another very interesting excerpt which I will read from this article in the magazine:

> For many years a touch of romance was added to the cemetery by the grave of Nathan Cilley, a Member of Congress from Maine, of brilliant promise, who fell on the field of honor at Bladensburg, Md., one of the last victims of the duello in this country. The body of Representative Cilley has since been removed to his home in Maine, but the circumstances of his death are still told with the cemetery legends.

Mr. BRIGGS. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. BRIGGS. What was the appropriation that the Government previously made for the maintenance of this cemetery?

Mr. ABERNETHY. A small amount from time to time carried in an appropriation bill, probably $1,000 or $2,000. At one time they helped to put an iron fence around the cemetery and at another time they appropriated a little money for aiding in the upkeep of it.

Mr. BRIGGS. What reason was given for the discontinuance of that upkeep?

Mr. ABERNETHY. Economy and neglect.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ABERNETHY. May I have a few minutes more? I have had a number of interruptions.

Mr. AYRES. I yield the gentleman five minutes more, Mr. Chairman.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SUMMERS of Washington. When I visited this cemetery I found it impossible to tell what actual interments had taken place and what had not. It seemed to have been the custom to erect a small monument there to any Member of Congress who died during a certain period regardless of where he was buried; is not that the fact?

Mr. ABERNETHY. Some of those cenotaphs are there while the bodies are elsewhere, but they stopped that custom in 1876.

Mr. SUMMERS of Washington. Then how may one know who is buried there and who is not?

Mr. ABERNETHY. The records of the cemetery are open to every one and I am going to put a list of them in the RECORD, with the permission of the House.

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks in this particular. I am going to supply this data, and not only supply such data as to those who are buried there but also give the names and the dates of their deaths so that the House may know all the facts.

Mr. SUMMERS of Washington. I think the neglect is a reproach on the Congress and is a thing that ought to be taken care of.

The CHAIRMAN. Does the gentleman ask leave to incorporate any documents?

Mr. ABERNETHY. Yes; I ask unanimous consent, Mr. Chairman, to incorporate in my remarks lists taken from this document.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to revise and extend his remarks, and to incorporate therein certain data which he has indicated. Is there objection?

There was no objection.

Mr. ABERNETHY. Now, gentlemen, I will not undertake to read further from this article, because I have permission to put it in the RECORD. I simply want to say I consider this one of the sadly neglected spots which we should now attend to. The bill which I have introduced has been referred to the great Committee on Military Affairs of the House, and I hope the membership of the House will read the remarks I make here to-day, because I am going to incorporate in my remarks the names of men from nearly every State in the Union, men of character, men of discernment, men who have written their names high on the scroll of fame, and I am sure this Congress, even at this late date, will not be remiss in its duty in undertaking to beautify and take care of this sacred spot, and will say to this worthy and great patriotic organization, the National Society of the Daughters of the American Revolution, "We are pleased you have called this to our attention. We will respond and respond promptly." [Applause.]

The lists referred to by Mr. ABERNETHY are as follows:

The names of the deceased Senators, Representatives, and other notables interred in the Congressional Cemetery in Government ground, State from which they come (if known), and date of death (if known), as shown by the register of the cemetery and inscriptions on the monuments, are as follows:

History of the Congressional Cemetery

SENATORS

Name	State	Died
Uriah Tracy	Connecticut	July 19, 1807
Francis Malbone	Rhode Island	June 4, 1809
James Burrill, jr	do	Dec. 25, 1820
W. A. Trimble	Ohio	Dec. 13, 1821
William Pinkney	Maryland	Feb. 25, 1822
John Gaillard	South Carolina	Feb. 26, 1826
James Noble	Indiana	Feb. 26, 1831
Nathan Smith [1]	Connecticut	Dec. 6, 1835
Elias K. Kane [1]	Illinois	Dec. 11, 1835
John Fairfield	Maine	Dec. 24, 1847
I. S. Pennybacker [1]	Virginia	Jan. 12, 1847
N. F. Dixon	Rhode Island	Jan. 29, 1842
William Upham	Vermont	Jan. 14, 1853
Lemuel J. Bowden	Virginia	Jan. 2, 1864
J. Pinckney Henderson	Texas	June 4, 1858
William N. Roach (no monument)	North Dakota	Sept. 7, 1902

REPRESENTATIVES

Name	State	Died
Ezra Darby	New Jersey	Jan. 28, 1808
—— Whitting (no monument)		
Thomas Blount	North Carolina	Feb. 7, 1812
Elijah Brigham	Massachusetts	Feb. 22, 1816
Richard Stanford	North Carolina	Apr. 9, 1816
George Mumford	do	Dec. 31, 1818
David Walker	Kentucky	Mar. 1, 1820
J. H. Purvian (no monument)		
Nathaniel Hazard	Rhode Island	Dec. 17, 1820
Jesse Slocum	North Carolina	Dec. 20, 1820
William L. Ball	Virginia	Feb. 29, 1824
Christopher Rankin	Mississippi	Mar. 14, 1826
Alexander Smyth	Virginia	Apr. 17, 1830
Jonathan Hunt [1]	Vermont	May 15, 1832
Charles C. Johnson	Virginia	June —, 1832
George E. Mitchell	Maryland	June 28, 1832
James Jones	Georgia	Jan. 11, 1801
Levi Casey	South Carolina	Feb. 3, 1807
Philip Dodridge	Virginia	Nov. 19, 1832
James Lent [1]	New York	Feb. 22, 1833
John Smiley	Pennsylvania	Dec. 30, 1812
T. T. Bouldin [1]	Virginia	Feb. 11, 1834
John Dawson	do	Mar. 31, 1814
Hodge Thompson	New Jersey	July 23, 1828
T. D. Singleton	South Carolina	Dec. —, 1833
T. J. Carter	Maine	Mar. 14, 1838
Isaac McKim	Maryland	Apr. 1, 1838
Nathan Cilley [1]	Maine	Feb. 24, 1838
Warren R. Davis	South Carolina	Jan. —, 1835
Littleton P. Dennis	Maryland	Apr. 14, 1834
James Blair	South Carolina	Apr. 1, 1834
Theodorick Bland	Virginia	
George Holcomb	New Jersey	Dec. 4, 1828
Joab Lawler	Alabama	May 8, 1838
James Gillespie	North Carolina	Jan. 10, 1805
Jeremiah McLene	Ohio	Mar. 19, 1837
Richard Manning	South Carolina	May 1, 1836
Salmon Wildman [1]	Connecticut	Dec. 10, 1835
J. W. Hornbeck	Pennsylvania	Jan. 16, 1848
R. P. Herrick [1]	New York	June 20, 1846
Henry Frick	Pennsylvania	Mar. 1, 1844
William Taylor	Virginia	Jan. 17, 1846
Peter Bossier [1]	Louisiana	Apr. 24, 1844
S. G. Wright	New Jersey	July 30, 1845
Albert G. Harrison	Missouri	Sept. 7, 1839
Jas. W. Williams	Maryland	Dec. 2, 1842
R. W. Habersham [1]	Georgia	Do.

[1] Removed.

History of the Congressional Cemetery—Continued

REPRESENTATIVES—continued

Name	State	Died
Benjamin Thompson	Massachusetts	Sept. 24, 1852
Alexander H. Buel	New York	Jan. 29, 1853
Charles Andrews	Maine	Apr. 30, 1852
Francis J. Harper	Pennsylvania	Mar. —, 1837
James A. Black	South Carolina	Dec. —, 1848
Edward Bradley	Michigan	Aug. 5, 1842
George C. Dromgole	Virginia	Apr. 28, 1847
Felix G. McConnell	Alabama	Sept. 10, 1846
John B. Dawson	Louisiana	July —, 1845
Joseph H. Peyton	Tennessee	Nov. —, 1845
Barker Burnell [1]	Massachusetts	June 15, 1843
William Lowndes	South Carolina	Oct. 12, 1822
William W. Potter	Pennsylvania	Oct. 29, 1839
W. A. Burwell	Virginia	Feb. 16, 1821
Daniel Heister	Maryland	Mar. 8, 1804
Thomas Hartley	Pennsylvania	Jan. 1, 1801
Henry Black	do	Nov. 28, 1841
Charles Ogle	do	May 16, 1841
Joseph Lawrence	do	Apr. 17, 1842
James Gillespie (two monuments)	North Carolina	Jan. 10, 1805
David S. Kauffman	Texas	Jan. 30, 1851

OFFICIALS OTHER THAN SENATORS AND REPRESENTATIVES

Name	State	Died
Narsworthy Hunter, Territorial Delegate	Mississippi	Mar. 11, 1802
Unknown captain (no monument)		
Do		
George Clinton, Vice President	New York	Apr. 20, 1811
Samuel A. Otis, Secretary of the Senate		Apr. 22, 1814
Elbridge Gerry, Vice President	Massachusetts	Nov. 23, 1814
Tobias Lear, Secretary to President Washington.		Oct. 11, 1816
Captain Campbell	South Carolina	Nov. 11, 1820
Colonel Morrison	Kentucky	Apr. 23, 1823
Frederick Greuhm, Prussian minister		Dec. 1, 1823
Catharine Bresson, wife of secretary to French legation.		Jan. 28, 1824
Push Ma-Ta-Ha, Choctaw Indian chief		Dec. 24, 1824
Unknown page in the House		
Lieutenant Rose	New York	Nov. 22, 1825
Maj. Gen. Jacob Brown		Feb. 24, 1828
Commodore Ridgely (no monument)		
Commodore Patterson		Aug. 25, 1839
Commodore Rodgers		
Judge Phillip Pendleton Barbour, Associate Justice, U. S. Supreme Court.		Feb. 24, 1841
Abel P. Upshur, Secretary of State [1 2]		Feb. 28, 1844
Capt. Beverley Kennon [1 2]		Do.
Surgeon General Lovell (no monument)		
Major General McComb		June 25, 1844
Major General Gibson		Sept. 30, 1861
Gen. John A. Rawlins, Secretary of War under Grant.[1]		Sept. —, 1869

[1] Removed.

[2] Upshur and Kennon were killed by the explosion of a gun on the warship *Princeton;* had been lifelong friends and were buried in the same grave.

* * * * * * *

The names of deceased Representatives and Senators for whom cenotaphs have been erected by the Government are as follows, giving the name, State from which they come, if known, and date of death, if known (as shown by the register of the cemetery and the inscriptions on the monuments):

Name	State	Died
REPRESENTATIVES		
John Q. Adams	Massachusetts	Feb. 23, 1848
John Millen	Georgia	Oct. 15, 1843
Orin Fowler	Massachusetts	Sept. 3, 1852
Herman A. Moore	Ohio	Apr. 3, 1844
Davis Dimock	Pennsylvania	Jan. 13, 1842
Henry Ness	do	Sept. 10, 1850
J. M. Harmanson	Louisiana	Oct. 25, 1850
Daniel P. King	Massachusetts	July 25, 1850
Gabriel Holmes	North Carolina	Recess, 1829
Charles Slade	Illinois	Recess, 1834
Henry Wilson	Pennsylvania	Recess, 1826
Benj. F. Deming	Vermont	Recess, 1834
John Coffee	Georgia	Recess, 1836
Lewis Williams	North Carolina	Feb. 25, 1842
Wm. S. Ramsey	Pennsylvania	Oct. 18, 1840
Alexander D. Simms	South Carolina	
Thomas L. Homer	Ohio	
Amos E. Wood	do	Nov. 19, 1850
Patrick Farrelly	Iowa	Jan. 12, 1826
John Linn	New Jersey	Jan. 19, 1828
Jacob Crowninshield	Massachusetts	Apr. 15, 1808
Peterson Goodwin	do	Feb. 21, 1818
Nathan Bryan	North Carolina	June 4, 1798
David Dickson	Mississippi	Recess, 1836
R. P. Henry	Kentucky	Recess, 1820
George L. Kinnard	Indiana	Nov. —, 1836
James Johnson	Kentucky	Recess, 1826
William S. Hastings	Massachusetts	June 17, 1842
Simeon H. Anderson	Kentucky	Aug. 11, 1840
Anson Brown	New York	June 14, 1840
James C. Alvord	Massachusetts	Sept. 30, 1839
John M. Holley	New York	
Rudolphus Dickinson	Ohio	Mar. —, 1849

Name	State	Died
REPRESENTATIVES		
Chester Butler	Pennsylvania	Oct. 5, 1850
Silas M. Burroughs	New York	June 3, 1860
William O. Goode	Virginia	
John Schwartz	do	June 20, 1860
Cyrus Spinck	Ohio	
T. L. Harris	Illinois	1858
John A. Quitman	Massachusetts	July 16, 1858
Samuel Brenton	Indiana	1857
James Lockhart	do	1856
John G. Montgomery	Pennsylvania	1857
John G. Miller	Missouri	1857
Preston S. Brooks	South Carolina	1857
Sampson W. Harris	Alabama	1857
Thomas H. Bayly	Virginia	
James Meacham	Vermont	Aug. 23, 1856
Presly Ewing	Kentucky	
John F. Snodgrass	Virginia	June —, 1854
Henry A. Muhlenberg	Pennsylvania	Jan. —, 1854
Brookins Campbell	Tennessee	Dec. 25, 1853
Robert Rantoul, jr	Massachusetts	Aug. 7, 1852
Truman Hoag	Ohio	Feb. 5, 1876
Thomas E. Noel	Missouri	Oct. 4, 1867
Cornelius S. Hamilton	Ohio	Dec. 21, 1867
David Heaton	North Carolina	June 25, 1870
Benjamin F. Hopkins	Wisconsin	Jan. 1, 1870
James Hinds	Arkansas	Oct. 22, 1868
Thaddeus Stevens	Pennsylvania	Aug. —, 1868
Elijah Hise	Kentucky	May 8, 1867
Darwin A. Finney	Pennsylvania	Aug. 25, 1868
Charles Dennison	do	June 28, 1867
Philip Johnson	do	Feb. 1, 1867
Henry Grider	Kentucky	Sept. 7, 1866
James Humphrey	New York	June 10, 1866
Orlando Kellogg	do	Aug. 24, ——
Owen Lovejoy	Illinois	Mar. 25, 1864
John W. Noell	Missouri	Mar. 14, 1862
Luther Hanchett	Wisconsin	Nov. 24, 1862
Goldsmith Bailey	Massachusetts	May 8, 1862
Thomas B. Cooper	Pennsylvania	Apr. 4, 1862
Geo. W. Scranton	do	Mar. 24, 1861
Jas. Gillespie	North Carolina	Jan. 10, 1805
SENATORS		
Samuel L. Southard	New Jersey	June 26, 1842
Thadeus Betts	Connecticut	Apr. —, 1840
Andrew P. Butler	North Carolina	May 25, 1857
Moses Norris	New Hampshire	Jan. 11, 1855
Thomas J. Rusk	Texas	July 29, 1857
Josiah I. Evans	South Carolina	May 6, 1858
James Bell	New Hampshire	May 26, 1857
Chester Ashley	Arkansas	Apr. 29, 1848
John G. Calhoun	South Carolina	Mar. 31, 1850
Henry Clay	Kentucky	June 29, 1852

One cenotaph unmarked.

* * * * * * *

Mr. AYRES. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. BUSBY].

Mr. BUSBY. Mr. Chairman and members of the committee, it is my purpose to talk to you during the time I shall occupy the floor regarding the great future of the South—my section of the country. I am sure it is rapidly being recognized that the South is at least one of the garden spots of the United States. We are so favored by climate and by nature in the way that is necessary for a people to develop that we are rapidly attracting the attention of capital and industry from every section of this country and from other places.

I know there has been throughout the history of our Nation a belief in certain sections of our country that the South is not developed, that it has a great many people in it who are not educated, and that it has labored under various disadvantages. I am sure there are sections of the country and individuals in such sections of the country who are yet asking the question that Nathanael asked on one occasion: "Can there any good thing come out of Nazareth," and I would reply with the answer of Philip when he said, "Come and see." This is the only proposition we have to offer you about the greatness of the South. Come and see.

I am sure many times we forget to take into consideration the difference in the length of time that the Northern and Eastern States have had in which to develop, compared with the time in which the South has had to develop and the hardships through which it has been forced to go.

For instance, take the New England States—the North and East—we find that for more than 200 years they have been pushing forward under circumstances favorable to development, while not much more than 100 years has the South been opened to settlement. It was only in 1817 that Mississippi became a State. About 20 years after that we had a great period of land speculation, booms of all kinds in the way of land trading. Mushroom banks grew up, and then came the panic of 1837, which swept all of this fictitious prosperity away. We went along for a period of about 25 years after that and the Civil War came upon the country. The history of the destruction through which the South went during that war is too familiarly known to each one of us, and it would serve no good purpose for me to repeat it. We saw practically all that had been accumulated in wealth in the South swept away by the horrors of war. The torch had consumed our farm buildings, homes, and other property; the animals and other property that were usable in times of war had been carried away. When the war ended in 1865 our people found themselves practically destitute from the standpoint of means and the things necessary for a livelihood.

But our troubles were not ended there, because at the close of the war we entered upon the beginning of a misgovernment orgy that swept away the few remaining assets we had and that pledged the credit of our States for years to come to meet bond issues and expenditures that were totally unjustified. I mention this here not out of any spirit of animosity for what happened and the great wrong done our people, but merely to show the great disadvantage my section of the country was confronted with from an economic standpoint.

I shall not deal with my State of Mississippi in disclosing the great waste brought to the South by the carpetbagger, scalawag, and negro governments, because its records on that point are not so complete as the records in other States. I am going to read you some excerpts from a book entitled "Reconstruction of the Constitution of 1866 to 1876," by John W. Burgess, professor of political science and constitutional law, dean of the faculty of political science at Columbia University in New York, and I presume a northern man.

The proposition as he presents it with regard to South Carolina is:

> During the year 1872, in addition to all this, there came to the knowledge of Congress and of the people of the North the frightful and scandalous corruption of the "State" governments in the South. It is very difficult to get at distinct and reliable facts upon a subject which officials undertake to cover up and keep shrouded in darkness. But the record of these doings in South Carolina was something as follows: The house of representatives, the majority of the members of which were negroes, and the presiding officer of which was the notorious F. J. Moses, spent $95,000 to refurnish its assembly hall where the aristocrats of South Carolina had never spent over $5,000. Clocks costing $600 each, sofas $200 each, chairs at $60 each, desks at $125 each, mirrors at $600 each, cuspidors at $8 each—such were the items of the bill. In the four years from 1868 to 1872, $200,000 were expended for furniture for the legislative chambers alone. Then came the bills of supplies, sundries, and incidentals, amounting in one session to $350,000, $125,000 of it for a free restaurant, lunch counter, and bar, at which the members and their friends fared most royally, eating, drinking, and smoking and paying not a penny therefor directly nor indirectly, since many, if not most, of the members of that legislature paid no stiver of the taxes. Then came the printing bills, averaging more than $150,000 a year where $10,000 would have been more than enough to pay every legitimate expense of that kind.
>
> Then came the sale of franchises of all kinds, and the pledging of the credit of the "State" in the form of bonds to aid all sorts of enterprises pretended to be set on foot, or promoted, as is now said, by combinations of legislators or officials or their friends. In 1868 the "State" debt was about $5,000,000 with almost enough assets to pay it. In 1872 the assets had disappeared and the debt was more than $18,000,000 and nothing worth mentioning to show for it. And all this when the "State" taxes had been raised from less than a half million of dollars a year on a valuation of over $400,000,000 to $2,000,000 a year on a valuation of less than $200,000,000 of property.

Mr. SIROVICH. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. SIROVICH. Was the legislature responsible for this exorbitant expenditure in money in South Carolina composed of natives?

Mr. BUSBY. Most of them were natives, but were ignorant colored people, few of whom could read or write, under the supervision and superintendence of carpetbaggers who came down there to get what they could from what we had left after the war. That was the situation in South Carolina, the debt having been increased from $5,000,000 to $18,000,000, the assets of the State swept away, while the credit of the State was mortgaged for the future.

Mr. LOWREY. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. LOWREY. In response to the question put by the gentleman from New York, I want to quote Horace Greeley, who said that—

> The carpetbaggers came down there, and when they arrived in the State they set their carpetbags down and said, "Let us prey."

[Laughter.]

Mr. BUSBY. That is fine. Now, I want to refer to another State, that of Louisiana, by this same authority, and show what was done.

LOUISIANA

Under the leadership of the brilliant young adventurer, Henry C. Warmoth, of Illinois, the financial history of the "State" was even more scandalous. During the four years of Warmoth's governorship, from 1868 to 1872, the average annual expenditure of the "State" government was about $6,000,000, when measured by the previous experiences of the "State" $600,000 would have been ample to defray all legitimate expenses. At the beginning of Warmoth's administration the debt of the "State" was between six and seven millions of dollars, with more than enough assets to extinguish it. At the end of the four years of his power in 1872, the debt was nearly $50,000,000, the assets had all disappeared, and there was nothing worth mentioning to show for the one or the other.

In the counties and municipalities of both "States" the corruption was equally rampant, shameless, and vulgar. It is impossible to obtain exact figures in regard to it or to estimate with any degree of exactness or even probability the amounts stolen and made away with. In the other reconstructed "States," where the adventurers and the negroes held sway, the "State" governments worked along the same lines, though not to the same appalling extent.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr BUSBY. I will yield.

Mr. O'CONNOR of Louisiana. Colonel Warmoth is a constituent of mine and lives in the first congressional district. I have no interest in him politically; he is a lifelong Republican. I know his son. Colonel Warmoth was never a scalawag nor a carpetbagger in the iniquitous sense that looted the South. Colonel Warmoth remained there and invested everything he had in the sugar industry and has endeavored to promote the best interests of the State.

Mr. BUSBY. My opinion from history is that the gentleman's statement is awry. Warmoth went there as a carpetbagger, one of the great despoilers of that State; and when he got whipped by another organization that was worse than he, he settled down to become a citizen.

Now I am mentioning this subject for no other purpose than to show you the deplorable condition of the finances of the South after 1875 and 1876.

Mr. TILSON. Will the gentleman yield?

Mr. BUSBY. Yes.

Mr. TILSON. The gentleman does not intend to use this as a campaign issue, I hope. Surely he is not going as far back as that?

Mr. BUSBY. No; if I were going to use it for a campaign issue I would bring out some worse things; but instead I am stressing the economic situation.

Mr. SIROVICH. Will the gentleman yield?

Mr. BUSBY. I will.

Mr. SIROVICH. Is it the gentleman's intention to prove that the Republicans were corrupt at that time?

Mr. BUSBY. I do not think there is need of any proof of that. Everybody admits it.

Mr. KING. "Birds of a feather flock together."

Mr. BUSBY. Yes; I have heard that statement at the other end of the Capitol. [Laughter.]

Mr. HOGG. Will the gentleman yield?

Mr. BUSBY. I will.

Mr. HOGG. I wonder if the gentleman from Mississippi will tell us how many qualified voters there are in the State of Mississippi. I am interested in the data he is giving.

Mr. BUSBY. I can tell you how many votes were cast. About 350,000 people voted in the last election, and I suppose they were qualified or they would not have voted.

We did the best we could in the South to mend our financial condition after the period of reconstruction. We went along until the panic of 1893, which swept over the country, and I believe it hit the South worse than other sections, because we were less able to bear it for the reasons stated. We went on and a few years later the World War came. Like the rest of the country, we entered into that and went through with it. The last six or seven years I feel has been practically the only period that the Nation has had time in which to direct its attention to the South. During that time we have made wonderful strides and progress.

Within recent years factories of almost all kinds have been established in the South. Especially is this true with regard to cotton factories.

MAJORITY OF COTTON SPINDLES IN THE SOUTH

In the past we have thought of the manufacture of cotton as being an occupation confined almost wholly to the New England States. That is not the case at present. The cotton manufacturing industry is drifting toward the South—the land in which cotton is grown, where ideal conditions exist for the establishment and operation of cotton factories. There we have a better climate than has New England; the natural resources in water power, coal, hydroelectric power, and materials suitable to the manufacture of cotton are almost ideal. Another advantage is that it is not necessary to pay high freights on the raw product from the field to the mills.

I have before me the report from the Bureau of the Census on the activity in the cotton-spinning industry for January, 1928. It shows that there are 36,000,349 cotton-spinning spindles in place in this country; 18,424,000 of these are located in cotton-growing States, as against 16,280,000 that are located in the New England States. This shows that 2,144,000 more spindles are located in the South than are located in the New England States.

This is a striking bit of information, but not so striking as the fact that this same report shows that of the spindles in the Southern States only 553,000 were idle as against 3,870,000 idle spindles in the New England States during January. This is still not the most striking feature about the report. The active spindle hours for January for the spindles located in the Southern States averaged 308 hours per spindle in place. This was a little less than 12 hours per day for 26 working-days in the month. The active spindle hours for January for the New England States averaged per spindle in place 143 hours. This was 5½ hours per day for 26 working-days in the month.

We have all along thought of Massachusetts as being the leading cotton-manufacturing State of the Union. In this same report it is shown to have 10,111,000 spindles, which is a little less than one-third of the spindles in the entire country.

The same report shows that the spindles in Massachusetts had active spindle hours for January, average per spindle in place, only 130 hours for the month, against 324 hours per spindle for South Carolina, 320 hours per spindle for North Carolina, and a 308-hour average per spindle for the entire South for the month.

I am calling your attention to these things as an example of what is taking place in the South.

Now, you can easily see the idleness that exists in the cotton-spinning industry in the New England States as compared with the cotton-spinning industry in the South. Per spindle, it does not come within half of the number of employed hours as do the southern spindles.

In Mississippi, the State in which I have the honor to represent the fourth congressional district, capital has come in recent years in leaps and bounds. We have modified some of our laws so as to make them more inviting to outside capital. We have enacted statutes that will exempt factories, manufacturing establishments, and other industries from taxes for a period of five years. A bill is before our State legislature, which is now in session, that provides that all cattle, sheep, hogs, and goats in the State of Mississippi shall be exempt from all State, county, and ad valorem taxes for a period of 10 years. We have repealed some of our objectionable antitrust laws that did so much to drive capital out of Mississippi. As we now stand, Mississippi has a system of laws that is most attractive to honest capital for honest business looking forward to the development of the great resources of our great State.

The report of Hon. Walker Wood, the secretary of state of Mississippi:

FOREIGN CAPITAL COMES TO MISSISSIPPI

The following figures show the amount of "domestic and foreign capital which qualified to do business in Mississippi for the years 1921 to 1927, inclusive."

I am not going to refer to domestic capital but to foreign capital only, or capital coming into the State from the outside. The foreign capital in 1921 amounted to $5,075,000; in 1922, to $6,283,000; in 1923, $10,617,000; in 1924, to $4,218,000; in 1925, to $6,098,000. About that time we repealed some of our antitrust laws, so that in 1926, instead of its being a little over $6,000,000, as it was the year before, outside capital amounted to $219,000,000, and in 1927 it jumped to $586,000,000. To sum up: Foreign capital which qualified to do business in Mississippi for the period 1920 to 1923 was $62,907,400; for the period of 1924 to 1927 it was $815,907,890.

The banks in Mississippi, according to a recent statement of the State bank examiner, show a corresponding increase in bank resources and a correspondingly healthy financial condition throughout the State.

MISSISSIPPI BECOMING A GREAT DAIRYING STATE

I hold in my hand an article written by Mr. Ben Hilbun, of Starksville, Miss., dealing with the dairying industry of the State. Attached to this article is a map of Mississippi, with counties marked. On this map are shown 96 plants relating to the dairying industry.

The first creamery was established in Mississippi in 1912 at the Agricultural and Mechanical College, which is the State college for boys. That was in the dark days when the boll weevil with his devastation and destruction first visited our cotton fields. Cotton had been our principal money crop, but we had been forced by what appeared to be an enemy to turn to something other than cotton in order to raise the necessary cash with which to pay our taxes and other expenses. Seventeen thousand pounds of butterfat were used by this creamery during its first year, for which it paid $4,423 to the farmers in the surrounding territory. That was a little more than 16 years ago. A few months ago, when Mr. Hilbun wrote his article, there were 27 creameries operating in the State. These produced butter valued at about $3,500,000 during 1927, compared with the production of a little more than $4,000, 15 years before. Some creameries are operated cooperatively by farmers, others by incorporated capital, and others in various ways. The first great milk plant of the State was located at Starksville, Miss., by the Borden Southern Co. about three years ago. This was a milk-condensing plant. I am informed that this plant was built with an understanding with the people that they would furnish it with 40,000 pounds of milk per day.

The reception accorded the plant by the farmers in the surrounding territory was so cordial that in about 60 days it was receiving around 60,000 pounds of milk per day; a few weeks later the supply had reached 80,000 pounds per day, and within about a year the milk supplied this plant was around 120,000 pounds per day, and had overrun the capacity of the plant. The Borden Co. was forced to notify the people in the surrounding territory through the county papers that the plant's capacity had been overrun and that they could not use all the milk that was being supplied until the plant could be enlarged. This was done as rapidly as possible, and it is, I am informed, at the present time using about 200,000 pounds of milk per day. No industry was ever accorded a warmer reception than was the dairying business by the people of Mississippi.

Following the Borden plant at Starksville, the Carnation Milk people established a milk-condensing plant at Tupelo, Miss. Its experience in receiving a milk supply was similar to the experience of the Borden plant at Starksville. The Borden Co. established a second milk-condensing plant in Mississippi at Macon, about 40 miles southeast of Starksville. The Pet Milk people, of St. Louis, Mo., are now engaged in constructing a milk-condensing plant at Kosciusko, in my district. This plant, with all equipment, I am informed, will cost around $500,000, and will pay to the farmers in the surrounding territory for milk supplied from $3,000 to $4,000 per day the year round, but I shall refer more at length to this plant a little later.

A considerable number of cheese factories have been established in the State within the past year. They are coming so rapidly that I am unable to tell you just how many have been built, but I am sure it is safe to say as many as 15 cheese factories have been built or are being built. Three have been begun in my district since I came here in the past December. They will be ready for operation during the coming summer. They are located at Houston, Water Valley, and West Point.

Heretofore it has been believed that cheese making could not be profitably carried on in the South. There was some notion that probably the weather was too warm and was not favorable to making the highest quality of cheese. Last summer the Kraft Cheese Co. was constructing a plant at Durant, Miss. They had several places in view for additional cheese factories, but would not proceed with any additional factories until they had finished the Durant plant and had produced cheese in it. This they did, and found that the section of the country and the milk received were suitable to the manufacture of the very highest grade of cheese. Since then Kraft has established a great number of plants in northeast Mississippi.

Barbour & Co., Kramer, and others interested in the cheese business are placing large cheese factories in Mississippi.

Mississippi has about 65 ice-cream plants, which produce about one and one-half million gallons of ice cream annually. Mississippi has four dried-buttermilk plants. It has five wholesale milk shipping centers, which supply New Orleans, Memphis, Birmingham, and other large cities with approximately one and one-half million gallons of whole milk annually.

The best information available at the present time as to the value of the milk products in Mississippi for 1927 is that they are around $18,000,000 to $20,000,000. There is every reason to believe that with the rapid incoming of milk plants, cheese factories, creameries, and so forth, the value of milk products in Mississippi will be doubled within the next two or three years.

Our people are rapidly securing high-grade milk-producing cows to take the place of all scrub stock which is being as rapidly disposed of.

We have a suitable climate for the dairying industry. The winters are mild and the temperature is rarely above 95 in the summer. Pasturage is good for about seven months in the year, making it unnecessary to feed the milk producers except very little during that time. Many people secure splendid results in milk production from pastures alone. In fact, practically no one feeds the year round. We have an abundance of pure, fresh, running water.

Mr. W. T. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. W. T. FITZGERALD. How are these dairies kept up? Do they have agricultural products there sufficient to keep up, or do they have to import feed from the North?

Mr. BUSBY. We do not have to import any kind of feed. The very best feed for dairy cattle is Lespedeza hay, cottonseed hulls, and cottonseed meal; silage and hays produced locally. These are the best milk producers that our people have been able to find, and they are grown in the territory where we have the dairying industries. Alfalfa is grown in abundance in some sections of our State; soy beans, velvet beans, Johnson grass, clover, and almost every other variety of hay can be produced; corn is also grown in abundance, it being one of the two main crops in Mississippi. In fact, we can produce all the home-grown feed necessary.

Now I wish to go back to the subject of the Pet Milk Co. plant at Kosciusko. I would like to call your attention very briefly to what one northern paper had to say about this particular plant, and it happens that this paper is printed in Chicago, the home of Mr. MADDEN, chairman of the Appropriations Committee. It is entitled "Farm and factory."

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

Mr. BUSBY. Could I have a little more time?

Mr. AYRES. About how much time would the gentleman wish?

Mr. BUSBY. Five minutes.

Mr. AYRES. Mr. Chairman, I yield to the gentleman five minutes.

Mr. BUSBY. Officials of the Pet Milk Co. make the statement with much pride that they have never established a plant in a community without bringing a greater degree of prosperity to the people. I read:

PET MILK CO. PLANT AT KOSCIUSKO

The development of the dairy industry in the State of Mississippi is still at a high temperature. The Pet Milk Co. will construct their fifth milk-condensing plant in the South at Kosciusko, Miss., on the Illinois Central Railroad. The five plants have been constructed during the past 12 months. This company has been gradually finding its way into the South because of its faith in dairy possibilities in that territory. They had been branching out into southeast Missouri and also into Maryland, and when the recent dairy fever swept the South the Pet people did not hesitate to cast their lot in Kentucky, Tennessee, and Mississippi. Other plants will be considered by them wherever the raw material is available.

The plant to be built at Kosciusko will be a typical Pet milk plant. The ground plan is approximately 120 feet by 240 feet. The plant, when completed, will cost $225,000. Up-to-date machinery will be installed throughout and most of the work will be done by these labor-saving devices. However, the plant will employ about 40 men in all departments. The plant will be equipped to handle 200,000 pounds of milk per day and ready to meet a larger supply if necessary. The Pet Milk Co. is too well and favorably known to need an introduction to the territory they have decided to locate plants in, because nearly every family has been introduced through the canned products coming into their homes. They will be more than welcomed by the people of Kosciusko.

Officials of the Pet Milk Co. make the statement with much pride that they have never established a plant in a community without bringing a greater degree of prosperity to the people. To have sufficient supplies for their big plant there must be highly developed dairying in the community. A capacity supply of milk for the plant means a pay roll to the farmers of from three to four thousand dollars per day. This should be a highly desired distribution of wealth to any community.

The good people of Kosciusko fully appreciate this and have engaged a dairy expert on full time to develop increased production of milk for the plant. More farmers are becoming interested, cows are being bought, pure-bred sires are being sought, and the development bureau of the Illinois Central is lending its cooperation in every way possible.

The foundation for this plant was laid by the Illinois Central Railroad when it promoted the creamery at West, Miss., in 1914. (Farm and Factory, Chicago, Ill., January, 1928.)

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

Mr. BUSBY. Yes.

Mr. MADDEN. Of course, the publication that prints the news about so much prosperity in Mississippi is a successful publication, and I hope the industry it speaks about will be successful. There is no doubt but that, sooner or later, industry in the South is going to make the South blossom like the rose, and the day can not come too soon to meet my views of what ought to happen. I would like to see the South succeed in every phase of its activities, and when they have begun to realize the necessity of employment of the people in the manufacture of goods to be used by people everywhere, then it will be for the first time that the people of the South will realize that the economic development of the South will depend in a large measure on the activities of their people along lines that will cooperate with industries in other sections of the country; and that can not come too soon to make me happy. [Applause.]

Mr. BUSBY. Following that, I have tried to detail to you here the financial conditions through which we have gone as a section of the country, to illustrate the proposition that heretofore we have been destitute of capital, and for good reasons. We have a great people, industrious, true, and patriotic; no better or finer people can be found anywhere. We have had the spirit and the mind and effort, and have been willing and have striven all along to do those things that you suggest, and the things we ought to have done and would have done but for the financial catastrophes I have mentioned, for which we were not to blame and which we could not avert; but you can not develop a section of the country without capital, and under the circumstances I have mentioned as having overtaken us from time to time we have been denied that opportunity of peacefully going along and taking the action necessary to make the desired development that we were entitled to, and that is now coming in our section of the country. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MAAS].

The CHAIRMAN. The gentleman from Minnesota is recognized for 10 minutes.

Mr. MAAS. Mr. Chairman, I have a resolution which I will ask to have the Clerk read.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the Clerk may read the resolution referred to. Is there objection?

The Clerk read as follows:

Resolution

Whereas there are organizations in the United States who undertake to protest against every measure directed at adequate national defense of the United States by arranging to have thousands upon thousands of letters sent to Members of Congress against such measures; and

Whereas these letters are usually of a very similar character and frequently contain direct or indirect threats of a political nature against Members of Congress; and

Whereas it is alleged that these campaigns against any military measure, even for necessary national defense, are undertaken on a commercial basis, are misleading, false, and are improperly attempting to influence national legislation; and

Whereas it is further alleged that certain of these organizations are dominated, financed, and inspired by domestic and foreign interests with ulterior purposes against the best interests of the United States: Therefore be it

Resolved, That the Speaker of the House of Representatives appoint a select committee to consist of nine Members, which committee is authorized and directed to conduct a thorough investigation of organizations, associations, or leagues of whatever nature that have for their purpose protesting or organizing and leading protests against the military and naval defense programs of the United States. The committee shall investigate the personnel, financing, interrelationships with other organizations of whatever nature and purpose, administration, and propaganda methods of such organizations and report its findings to the House of Representatives as soon as possible with such recommendations as it may deem advisable.

For the purposes of such investigation, the committee is authorized to sit and act at such times and places during the sessions and recesses of the Congress, at the seat of government and elsewhere, to employ such stenographic services to report its hearings, to have such printing and binding done, and to make such expenditures (including expenditures for travel) as it may deem necessary. The committee is further authorized to send for persons and papers, to administer oaths and affirmations, and to take testimony. The Speaker is authorized, upon the request of the committee, to issue subpœnas for such purposes, and the Sergeant at Arms of the House is directed to serve the subpœnas. Any person who willfully refuses to obey any such subpœna, and any witness guilty of contumacy, shall be liable to the penalty provided in section 102 of the Revised Statutes. All expenses of the committee incurred under this resolution shall be paid out of the contingent fund of the House on vouchers authorized by the committee, signed by the chairman thereof, and approved by the Committee on Accounts.

Mr. MAAS. Mr. Chairman and ladies and gentlemen of the House, practically all Members of Congress have been bombarded with hundreds and thousands of letters in the last few weeks against the House Naval Affairs Committee's program. I know at least one Member who has received over 2,500 such letters. The character of these letters and the circumstances surrounding this campaign are too significant to be ignored. These letters have been no coincidence. It is evident they are a result of a well-organized, well-financed, and well-directed campaign.

The United States is not a militaristic nation; it is committed against any policy of a great standing army or navy. It is, however, committed to adequate national defense. Organized attacks against purely defense measures, attacks that are misleading, that misrepresent both to the people and to Congress, and that directly or indirectly threaten Members of Congress with political punishment can not go unchallenged.

I hold no brief for the present naval program. It should be judged on its merits, but it must be given exactly that opportunity. I do not charge that those who oppose it are insincere, or even that such a program is necessary. I deliberately withheld introduction of this resolution until after the present naval authorization program was voted upon. Now, however, we come to the time of looking into certain sinister phases of this whole situation. I stand squarely on the right of the people of this great Republic to petition Congress for redress, but I hold that it is a long cry from the legitimate right to petition Congress and the commercialized propaganda machines that arrange protests against any and every military or naval measure designed for our national defense at so much "per protest." I do not refer to those sincere organizations that are quietly and devotedly working to promote genuine peace—I am myself a member of several—but to these doubtful organizations that merely concentrate attacks against anything American in favor of anything foreign.

There is at least one organization in Washington, within the shadows of the White House, that boasts that it has 2,500 trusted agents throughout the country that can, on a day's notice, organize a campaign to Congress of from 50,000 to 250,000 letters. It is commonly charged that there are organizations participating in these campaigns that are run for profit and not patriotism. It is also commonly charged that these organizations are dominated and inspired, if not actually financed and directed, by foreign interests whose purpose is to render the United States defenseless. If these charges are not true, then they should be stopped; but if these charges are true, it is a most damnable outrage, and is a challenge to every red-blooded, home-loving American who is worthy of the name.

In any event, it is high time that Congress and the people of the United States are given the facts in the case. If these organizations are directed by true, loyal, and patriotic citizens of the United States, they are entitled to the proper recognition by the American people; but if they are carelessly, deliberately, or viciously misleading the American people in the interest of sinister foreign influences, they are traitors and should be driven out in the open, exposed, and kicked out of the country. [Applause.]

I for one, as a Member of Congress and a citizen of the United States, demand the facts and ask Congress to get them. [Applause.]

Mr. FRENCH. I would like to yield just a little more time, if necessary, to make a suggestion in connection with the resolution. The chairman of the subcommittee is not advised of any particular group of individuals to which the gentleman refers. I do not know, in fact, that he refers to any particular person or group, but it seems to me, as chairman—and I am saying this without consultation with any other members of the subcommittee or the Congress—that if an inquiry is to be made along the line the gentleman recommends, I suggest that the committee also investigate the sources of propaganda and the propagandists in favor of increasing enormously every type of naval and military burden, in other words, that we make the

special committee responsible for an inquiry into the other side of the question. [Applause.]

Mr. MAAS. I am perfectly willing to concur in that suggestion. I feel confident of the patriotic motives of the organizations that are working for the adequate defense of the country, but I will be delighted also to have an investigation made of their activities. If there are sinister influences at work on that side also, I am just as anxious to know that. What I want are the real facts in the whole matter.

Mr. FRENCH. I wish to say to the gentleman——

Mr. BLANTON. Mr. Chairman, will the gentleman yield? How does the gentleman stand on the Caraway resolution?

The CHAIRMAN. To whom does the gentleman yield?

Mr. MAAS. I yield to the gentleman from Idaho.

Mr. FRENCH. I beg to say that not only do Members of Congress receive letters protesting against what have been called defense programs, but they receive definite literature and arguments, propaganda, if you please, urging the most extravagant programs, which mean vast expenditures of money, under the guise, at least, of military defense. If those who protest against proposed programs are to be investigated then I submit that all groups or individuals who are urging increases of such programs be made the subject of a like inquiry.

Mr. MAAS. But in that connection does the gentleman get letters by the thousands and in the same language or approximately the same language?

Mr. FRENCH. Well, we get them so definitely that we are pretty certain they are inspired and that there is definite organization back of the propaganda.

Mr. MAAS. I agree with the gentleman then.

Mr. FRENCH. May I make this further observation: Personally I am not much inclined to think the country or this Congress is going to be disturbed very much by propaganda. Propaganda is said at its best to be education. That is true. At its worst it is vicious, lying statements calculated to mislead. The Members of this body ought to sort out the good from the bad, or assemble facts which will enable them to choose between the right and the wrong, the true and the false. That is our responsibility. We should not stifle criticism. It may be we ought to do what the gentleman suggests. I do not know, but if so, we ought to make the inquiry complete. Are programs urged in the name of national defense that upon closer examination find their inspiration in navy yards or shipbuilding centers, or in personal ambitions that seem to be satisfied by lordly high command? Gentlemen must be impressed that not only are sound and reasonable programs being advocated but beyond that, and in the name of national defense there is urged every conceivable program that filches money from the Treasury in the name of necessary increase of the Naval and Military Establishments. [Applause.]

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

Mr. FRENCH. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. TILSON. Will the gentleman yield?

Mr. MAAS. Yes.

Mr. TILSON. When the gentleman has been in Congress a little longer he will learn to pay less attention to paid propaganda. After all I should like to know who is influenced by all this that we know to be only propaganda? I think the gentleman would probably serve Congress and the country better if he would provide in his resolution for larger wastebaskets in which to deposit this stuff that we all recognize as propaganda, usually emanating from a paid source.

Mr. MAAS. Well, it is misleading, and I want not only the Congress to know about it, but the country.

Mr. TILSON. These sources of propaganda do not mislead anybody except the few victims who contribute for the purpose of sending out this sort of propaganda. They are the ones who are victimized. Members of Congress do not care about it and as a rule they pay no attention to such stuff. It is for the most part rubbish and nonsense so far as Members of Congress are concerned, and we should pay no attention to it. We should not even dignify it with an investigation.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. MAAS. Yes.

Mr. GARNER of Texas. The gentleman believes, I presume, that these things ought to be exposed and that we ought to know where they come from?

Mr. MAAS. Yes.

Mr. GARNER of Texas. Then if you will pass what is known as the antilobbying bill you will have information about all these people. Congress is entitled to have the information the gentleman requests, and the lobby bill will require that information to be given to Congress by all corporations and individuals who undertake to influence Congress. That ought to be done, and I hope the subcommittee will report the bill to-morrow and that it will be favorably reported by the Judiciary Committee. Then I hope the gentleman from Connecticut [Mr. TILSON] will interest himself sufficiently so that we may bring it before this House.

Mr. TILSON. I do not take these things quite as seriously as the gentleman does, for I do not feel that they can or do influence anybody.

Mr. GARNER of Texas. The gentleman does not feel, then, that the people who come here for the purpose of influencing Congress ought to be dignified with the idea that they are lobbyists? I think they ought to be protected; I think lobbying ought to be made respectable and that those people who engage in it ought to be required to come here and tell who they are, whom they represent, and how much money they spend. [Applause.]

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

Mr. FRENCH. Mr. Chairman, I yield 20 minutes to the gentleman from Tennessee [Mr. REECE].

Mr. REECE. Mr. Chairman, my purpose in requesting recognition at this time is to discuss the question of an American merchant marine with particular reference to its relationship to our national defense, and I deem it not inappropriate to do so while we are considering the appropriations for a great arm of defense of the Government.

In the year 1920, with a view to promoting national defense and national commerce, the people of the United States, through their representatives in Congress, declared their intention to establish and maintain an American merchant marine.

It is well to note that in proclaiming this intention—and for the exact language of the proclamation, I refer you to section 1 of the merchant marine act—the thought of national defense took precedence, as it always should, over the idea of mere commercial advantage and financial gain. Close as we then were to the greatest of all wars, it was but natural that in seeking to reestablish our merchant fleets upon the seas we should give first consideration to the question of safeguarding our country's interests in time of national peril, and should relegate to a position of secondary importance the promotion of ocean commerce with other maritime nations.

I believe that as the Great War slowly recedes into the vista of the past we are in danger of losing our former sense of values in regard to American shipping. I believe that in debating this great national issue we are permitting commercial considerations to outweigh and obscure those other and more vital concerns which directly touch the question of national defense.

Let us not lose sight of the relative importance of these two main functions of the American merchant marine—to provide national safety, on the one hand, and to encourage international trade on the other. Let us remember that one of these is absolutely essential to our continued existence as an independent people, while the other, in time of stress, we could manage to do without. Thomas Jefferson appraised the matter correctly when he said, speaking of the merchant marine:

> As a branch of industry, it is valuable; as a resource of defense, it is essential.

In order that we may not be helpless in time of emergency, let us, in time of tranquillity, plan for adequate transoceanic service by fast American ships, built in American shipyards, owned, manned, and operated by American citizens, documented under the American flag, and dedicated to the twin objects of American defense and American peace-time commerce with friendly nations. Let us have a truly American merchant marine, with the emphasis on American.

Mr. Chairman, I am in full sympathy and accord with the laudable efforts of my distinguished colleagues, on both sides of the House, who seek to provide, by mail subventions, construction loans, and other forms of indirect aid, that material support which seems to be necessary if our shipowners are to compete successfully with the mercantile marines of other nations. In my opinion, these aids should be generously bestowed. And if there arises any question as to how a particular proposal is going to work out—whether, for instance, the amount of aid will prove too little or too much—then I say that we should err on the side of national safety, rather than on the side of national shortsightedness.

Mr. LAGUARDIA. Will the gentleman yield for a question right there?

Mr. REECE. I yield to the gentleman.

Mr. LAGUARDIA. Does not the gentleman believe we might have done better had we appropriated part of the $274,000,000 which we approved the other day for 15 cruisers direct to a merchant marine, which could be used as a naval auxiliary in time of need?

Mr. REECE. I think some policy along that line might well be worked out.

Mr. LAGUARDIA. This would have kept our shipyards going and would have provided auxiliary ships.

Mr. REECE. Yes; and I think the Committee on the Merchant Marine and Fisheries may in the near future bring to the floor a bill which in a large measure meets the suggestion which has been offered by the gentleman from New York.

It was not so long ago in the world's history when every merchant ship was a full-fledged ship of war, carrying an ample complement of guns and a crew well trained in the use of lanyard and cutlass. And it is a matter of record that even after it had become the fashion to build one kind of vessel for a warship and quite another kind for a merchant ship merchantmen nevertheless continued to be used as naval auxiliaries whenever hostilities occurred between maritime nations. In our own case history tells us that the War of the Revolution and the War of 1812 were both to a great extent fought at sea by our merchant ships, converted into privateers, rather than by our regular ships of war.

In the War of the Revolution American privateers, which were simply armed American merchantmen, manned, of course, by our indomitable American seamen, carried the war across the ocean to the enemy's coasts and valiantly captured or destroyed three times as many enemy ships as did all our regular war vessels put together.

In the War of 1812—sometimes called the second war for independence—our converted merchantmen, upholding the glorious traditions won by our privateersmen of the former generation, inflicted six times as much damage on enemy shipping as did our entire Regular Navy.

These, Mr. Chairman, are the incontrovertible facts of history, available to every student, every strategist, every American patriot.

The vital war-time need for merchant ships was again forcefully illustrated during the Civil War, when the small Union Navy was augmented by hundreds of converted commerce carriers, without whose invaluable aid the Federal Government could not have maintained its effective blockade of southern ports. The records show that in order to man this improvised fleet the merchant marine contributed 7,500 officers and 40,000 seamen in the years from 1861 to 1865. I cite these figures because I believe that we are prone to forget what a momentous part our merchant service played in winning the war between the States.

The supreme value of the merchant marine for purposes of national defense was again brought home to us during the Spanish War, when for the first time in our history we were confronted with the necessity of transporting and maintaining large bodies of troops overseas. Many of the gentlemen within reach of my voice will recall that the Army and Navy transport services, made up wholly of merchant ships, came into being at this time; and as the fortunes of our merchant marine were then at low ebb, almost any American ship that would float was pressed into service, among them several old side-wheelers built during the Civil War. The fact is, that in their desperate efforts to secure sufficient tonnage the military authorities seized upon American ships of commerce, whether passenger vessels or freighters, wherever they could be found.

Our few fast trans-Atlantic liners—ships like the *St. Paul*, *St. Louis*, *New York*, and *Paris*—were armed with rapid-fire guns and quickly transformed into auxiliary cruisers. And if anyone is curious to know how they acquitted themselves, I refer them to that glorious page of American history on which is inscribed the story of how the converted merchant ship *St. Paul*, on June 22, 1898, off San Juan, P. R., under the heavy shore batteries of the enemy, met and defeated the fast Spanish torpedo-boat destroyer *Terror* and the Spanish cruiser *Infanta Isabel*. Mr. Chairman, I trust I will not be misunderstood when I say that that action might be called a battle between the Spanish Navy and the American merchant marine.

But in spite of memorable deeds such as the one just cited, our merchant service, as it existed at the time of the Spanish War, was not numerically equal to the task of supplying all our needs in the way of transports and naval auxiliaries, and we were forced to buy and charter many ships in the world market. We might well have taken the lesson to heart. We might well have determined that the future should find us at all times prepared to support the Navy with an adequate fleet of fast, modern merchant vessels, properly designed for conversion into cruisers, hospital ships, transports, supply ships, and colliers.

I say that we might have done all this, but, of course, we did nothing of the kind. We are an optimistic people, and one manifestation of our optimism is our notorious carelessness in providing for national defense. Living at peace with the world, untroubled by international jealousies, without desire to enlarge the national domain by foreign conquest, prosperous beyond the wildest dreams of less fortunate nations, we are accustomed to take our responsibilities lightly and to brand as alarmists those who occasionally remind us that the proper time in which to prepare for adequate national defense is not during the feverish days of war but during the blessed days of peace.

The next episode, therefore, was but a duplicate of the one just recounted. Disregarding the precious lessons learned in the War of the Revolution, in the War of 1812, in the Civil War, and in the war with Spain with respect to the value of a merchant marine we slowly drifted into the maelstrom of the World War, notwithstanding that we were inadequately equipped with transports and naval auxiliaries.

Mr. Chairman, it is significant that when war was declared against the Central Powers in April, 1917, we had not a single troopship sufficiently seaworthy and speedy to risk the perilous voyage across the submarine-infested Atlantic. In this dire emergency—as in so many other emergencies in our history—we called, of course, upon the country's old stand-by, the American merchant marine. It is a matter of record that 14 of our gallant ships of commerce, responding instantly to the appeal, were hastily converted into transports and forthwith bore the American advance guard overseas.

This expedition, as we all know, was the merest beginning. It soon developed that our deep-sea merchant vessels, few in number and for the most part unsuited in type, were unequal to the work of transporting and maintaining an overseas military expedition of 2,000,000 men. Fortunately for us, this happened to be a war in which we had powerful allies. While they continued to hold the enemy, we devoted our boundless wealth and energy to the heartbreaking task of building—in the shortest possible time—an adequate fleet of merchant vessels, in order to throw across the Atlantic our famous "bridge to France."

Under the able administration of the Shipping Board, aided by the country's most competent ship-construction experts, we built 2,300 ships, enough if placed end to end to have lined both sides of the highway between here and Baltimore. In order to accomplish this unheard-of task, we also had to build or finance hundreds of shipyards, and train and house thousands upon thousands of ship workers. Due to war-time inflation, this construction program cost us $3,000,000,000—a sum estimated to be four times as large as it would have been before the war. To this sum must be added another $5,000,000,000 paid out by the American people in ocean freight charges as a penalty for not having an adequate merchant marine upon the outbreak of hostilities in 1914. Had the lessons learned in other wars been heeded, a large part of this expenditure of $8,000,000,000 would have been unnecessary.

These are shocking and unpalatable truths. They offend both our pride and our complacency. And yet, like all great truths, they contain lessons of the utmost value, and for that reason should not and can not be glossed over. Bearing in mind that this $8,000,000,000 represents the cost of our unpreparedness in merchant ships, we find it easy to realize the truth of those memorable words of Admiral Gleaves, of the United States Navy, commander of convoy operations during the World War, when, in his History of the Transport Service, he made use of the following language:

> The outstanding lesson which the experience of the war has driven home to us is the value both in peace and in war of a prosperous deep-sea merchant marine.

Mr. Chairman, these golden words furnish the text of my remarks, "The value both in peace and in war of a prosperous deep-sea merchant marine." This, as Admiral Gleaves has so tersely expressed it, is the outstanding lesson which the Great War has driven home to us. But I submit that it is even more; that, in fact, as I have tried to show, it is the lesson which has been driven home to us by the experience of all the great wars in which we have ever participated on the sea—the war for independence, the War of 1812, the Civil War, the war with Spain, and the World War.

Is this outstanding and oft-repeated lesson to be once more disregarded? Are we to temporize forever with a situation which so profoundly affects our material well-being, our military and naval strength in time of peril, and our future destiny among the nations?

The speeches made on this most vital issue, almost without exception, stress the commercial importance of our merchant marine without, in my opinion, sufficiently stressing its

value as a naval auxiliary. I desire merely to say that no one recognizes more clearly than I the great peace-time commercial advantage that accrues to any nation which possesses a strong merchant fleet. By all means let us have a merchant marine commensurate with our unparalleled prosperity and vast foreign trade. But let us not lose sight of the value of such a fleet as a naval asset in time of emergency, since it is one of the fundamental axioms of sea strategy that a navy without auxiliaries is a navy in name only. Let us, therefore, see to it that these auxiliaries, in the form of modern passenger and cargo steamers, are provided in generous numbers. The way for us to bring this about is to furnish those necessary aids which will make it possible for American citizens to own and operate American merchant ships in the ocean carrying trade of the world. Let us resolve that whatever may have been our mistakes in the past, we shall henceforth and forever recognize "the value in peace and in war of a prosperous deep-sea merchant marine."

Mr. O'CONNOR of Louisiana. Will the gentleman yield for a question?

Mr. REECE. Yes.

Mr. O'CONNOR of Louisiana. It has always occurred to me, as a proponent of an adequate American merchant marine, that our weakness lay in the fact the country at large believes that all proposed legislation with respect to a merchant marine is intended to salvage a war investment. It has occurred to me that probably our strength would lie in a new attitude, and that is to demonstrate to the country that if we never had a war it would be economically justifiable at this time for the country to embark upon the policy which the gentleman is expatiating upon so clearly and so forcibly and so eloquently.

Mr. REECE. I think the gentleman is quite right in his statement that it is economically justifiable, and then in the event of war we would be much better prepared by having an adequate American merchant marine.

Mr. O'CONNOR of Louisiana. Will the gentleman permit another observation?

Mr. REECE. Yes.

Mr. O'CONNOR of Louisiana. I think it is generally admitted that the Panama Canal was constructed largely upon the theory that the American people believed it was a commercial enterprise, when it was really a military necessity. I do not mean to say that the Government deluded the people, but it was found diplomatic and sagacious to lead them along the lines of thought that it would make for a great commercial enterprise. As a matter of fact, it is singular that the incidental feature has subordinated what was really the principal feature, so that I agree with the gentleman that if we could prove to the country that a merchant marine is entirely justified economically there would follow the great result which the gentleman has in mind, and which he has so ably discussed—namely, an auxiliary to our Navy.

Mr. REECE. I quite agree with the gentleman.

As Thomas Jefferson would have said; it is valuable in commerce, it is essential in war.

Mr. LAGUARDIA. Of course, the Panama Canal has served a very useful peace-time purpose.

Mr. O'CONNOR of Louisiana. I said the real purpose originally was that of military necessity, and the incidental purpose was a commercial one. In the course of time, as a result of the workings of fate, the incidental purpose has subordinated in importance what was the real purpose originally.

Mr. LAGUARDIA. Thank God for that.

Mr. O'CONNOR of Louisiana. I join the gentleman in that fervent declaration.

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

Mr. FRENCH. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. TILSON. Will the gentleman yield for a question?

Mr. REECE. Certainly.

Mr. TILSON. I am very much interested in the gentleman's statement in regard to the value of a strong merchant marine as a part of our national defense. Has the gentleman given special attention to the proposition of very fleet ships like the proposed four-day boats for the north Atlantic, which are to make the trip across the ocean from dock to dock in four days? Has the gentleman considered how extremely useful such vessels would be in case of war?

Mr. REECE. The program which I am advocating would embrace such services, and to my mind it is essential to adequate national preparedness as well as advantageous commercially.

Mr. TILSON. If such a program could be carried out it would relieve to a very great extent the necessity not only for fast transport ships, but also for airplane carriers, as these vessels are proposed to be built so as to carry and use commercial airplanes.

Mr. REECE. They could easily be converted into airplane carriers in case of necessity.

Mr. TILSON. They could be used directly as airplane carriers, because by reason of their very great speed they would be able to run away from almost any enemy vessel.

Mr. REECE. That is quite true.

Mr. LAGUARDIA. Will not the gentleman also stress the amount of good they could do in times of peace?

Mr. TILSON. Oh, certainly. That point is not overlooked and, in fact, is quite obvious, being the main purpose of the ships. The national-defense side of it is that which needs emphasizing most, and this the gentleman from Tennessee is doing ably and forcefully in his address to-day.

Mr. ABERNETHY. Will the gentleman yield?

Mr. REECE. Yes.

Mr. ABERNETHY. I am very much interested in the gentleman's interest in a merchant marine, because I am from a section of the coast, and I am pleased to see this able and conscientious Member of Congress from the interior so vitally interested in this great subject of an adequate merchant marine. I simply wanted to make this observation.

Mr. REECE. Those who dwell only upon the commercial aspects of this momentous subject seem disposed to overemphasize the necessity of having the merchant marine show a direct financial profit, though I think such is possible, as if there were not a multitude of indirect profits growing out of these all-important shipping operations. The question is a large one, and its discussion would take me too far afield. But I would like to point out that a great national industry such as commercial shipping is a source of indirect profits running into untold millions annually, irrespective of the profit or loss involved in the merely physical operation of the ships. Do we expect our National Guard to show a direct financial profit? Do we derive a direct financial return from the millions spent by the Federal Government on good roads? Has anyone ever been so fatuous as to propose that the Army and Navy should be placed on a paying basis? I for one believe that we should not attempt to justify our shipping operations solely from the standpoint of bookkeeping. Let us not lose sight of the intangible benefits—the indirect good—the all-round "value both in peace and in war of a prosperous deep-sea merchant marine."

The congressional district which I have the honor to represent lies at some distance from the seaboard, in the pleasant valleys and rolling farm lands of eastern Tennessee. The sterling citizenry of that district—American to the core and engaged for the most part in quiet, agricultural pursuits—might well be pardoned if they possessed but a superficial knowledge of the present state of American shipping. I am proud to say, however, that the citizens of Tennessee have followed with eager interest and keen solicitude the varying fortunes of the American merchant marine. They realize its importance as a naval auxiliary. They know that without ample transoceanic service under the American flag they can not hope to secure the most advantageous freight rates when their surplus products are moved overseas to the great foreign markets. And so they have watched with admiration the ingenious efforts of the United States Shipping Board to establish an adequate merchant-marine service with inadequate ships, most of them built during the war for war-time use and, therefore, not the best suited for competitive commercial service to-day. They have noted with growing concern the feverish shipbuilding activities of the other great maritime nations, and the launching in foreign shipyards of whole fleets of fast, modern motor ships destined, in the absence of constructive legislation by the Congress of the United States, to drive our older war-built merchantmen from the seas.

Mr. Chairman, while we debate the issue here, let us pause long enough to look out beyond the audience gathered in the galleries surrounding this Chamber and endeavor in imagination to envisage those other American citizens on the farm lands of the interior, their faces intently turned in this direction as they patiently wait to see whether their chosen Representatives in Congress have at last fully come to realize "the value both in peace and in war of a prosperous deep-sea merchant marine."

We have all seen the merchant marine in time of peace busily engaged in that purely commercial phase of its activities that invariably comes to the fore in these discussions. We all retain a mental picture of our merchant ships loading and unloading at the docks, of the busy wharf scenes, and the almost human work of the great cranes. We recall at will the cries of the stevedores and picture the husky longshoremen running the freight aboard or ashore, the little tugs carefully handling the giant steamers, and the passengers waving their last farewells as the ship's band plays a lively air. We mentally reproduce

these scenes whenever reference is made to the merchant marine. It is a picture of peaceful industry, full of life and sunshine and color.

But there is another picture—more sombre, more dramatic, more intense—a picture that illustrates the more vital function of the merchant marine. If not so well known, it is nevertheless a picture which those of us who were privileged to play our modest part in the Great War still bear in vivid memory.

I have in mind, Mr. Chairman, the picture of a wild, tumultuous night in the mid-Atlantic, the waves running like liquid mountains, and the rain and sleet mingling with the flying spray. As the storm for an instant abates, the wind tears the clouds from the face of the moon and discloses, slowly creeping along through all the fury and dislocation of the storm, two lines of troopships, half smothered in foam, fighting their way eastward in the very teeth of the gale.

That, Mr. Chairman, is my picture of the American merchant marine. I like to look back upon it for, when all is said and done, most of us lead drab lives and only in our dreams manage to escape to other scenes of romance and enchantment. And so I like to look back and dream of those days when the merchant marine, in all its war-time glory, was making history—I like to remember that when the armistice was signed the transport service consisted of some 389 merchant ships, with 106 additional vessels ready to be taken over, a grand total of approximately 500 transports and supply ships, all belonging to the American merchant service. I think we realized then, even if some of us have forgotten now, "the value both in peace and in war of a prosperous deep-sea merchant marine."

I am for an American merchant marine. I am not so much concerned whether it is privately owned, or publicly owned, so long as it is American owned. I think it is a laudable thing to have a merchant marine for peace-time commerce with friendly nations, and a still more laudable thing to have a merchant marine for war-time defense against unfriendly nations. Let us not play fast and loose with the Nation's safety, whatever we may do about the country's foreign trade. View the arguments from any angle you will, they will all be found to point in one direction. I have tried to indicate that direction. I have tried to show that we can not go far wrong if we consistently bear in mind "the value both in peace and in war of a prosperous deep-sea merchant marine." [Applause.]

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

Mr. FRENCH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. BROWNE].

IMMIGRATION ACT AND NATIONAL-ORIGIN CLAUSE

Mr. BROWNE. Mr. Chairman and gentlemen of the House, the immigration act of 1924 as amended provides for a system of determining the immigration quotas on the basis of the national origin.

The theory of the national origin is that the original native stock in 1920 is assumed to be the same as that of the white population enumerated in 1790, from which the original native stock is descended. That the annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin bears to the number of inhabitants of continental United States in 1920, the minimum quota of any nationality shall be 100. The quota committee in its report submitted on December 15, 1926, took as the basis for determining the original native stock the volume, entitled "A Century of Population Growth," published by the Bureau of the Census in 1909. The quota committee admitted—

that there was a considerable element of uncertainty in the classification.

The operation of the national-origin clause has been suspended and has never been in force. The law, however, has had the effect of causing a great deal of irritation and disturbance, and I believe that it should be repealed.

The advocates of the national-origin clause did not know what it would accomplish. It was offered on the floor of the House as an amendment to the immigration bill in 1924, and was overwhelmingly voted down by the Members of the House. I am glad to say that I voted against it at that time, and have voted against putting it in force at every opportunity I have had since.

The national-origin clause was added to the immigration bill in the Senate and was kept in the bill in conference.

WHAT NATIONAL-ORIGIN CLAUSE WOULD DO

If the national-origin clause is not repealed it will mean, according to the best information I can get on the subject, that Germany, Norway, Sweden, Denmark, and the Irish Free State will lose more than 50 per cent of the number of immigrants now allowed to come from their countries and Russia and Italy will gain almost 100 per cent more than their present quota. This expressed in figures means that Germany, which now has a yearly quota of 51,227, will be reduced to 23,428, a loss of 27,799. Sweden, whose quota is 9,561, will be reduced to 3,259, a loss of 6,302. Norway, whose annual quota is 6,453, will be reduced to 2,267, a loss of 4,186. Denmark, whose quota is 2,789, will be reduced to 1,044, a loss of 1,745. The Irish Free State, whose quota is 28,567, will be reduced to 13,862, a loss of 14,705. A total loss of immigrants from these five northern European countries of 54,737 immigrants per year. These figures alone, to any unprejudiced person familiar with the history of these nationalities and their accomplishments in America, should be sufficient reason for the repeal of the law without further argument. I know how thorough and even technical the immigration laws are administered. The literacy test given to adults, and the intelligence test which is given to young children who are often confused and embarrassed, does not do them justice. I have seen a whole family turn back and give up their long anticipated hopes of coming to America because a member of the family of tender years was not able to pass the intelligence test and their parental love, of course, would not permit the parents to forsake their offspring.

Our consular officers, before granting visas to immigrants, make a careful examination of the applicant and then a second examination is made at Ellis Island.

I am not criticizing the law regarding a strict physical or mental examination or its administration, although in some cases I believe our officials are overtechnical, but I mention these matters to show that the immigrants we allow to enter the United States are not the riffraff that certain propagandists are trying to make the American people believe, but are strong, self-reliant, intelligent people who desire to better their condition and are desirous of working. They have heard of the United States of America as the land of opportunity and promise, and moved by the thought of improving their own and their children's condition come to our shores.

In several recent contests where prizes have been offered for the best essays on citizenship, school children, who have been born across the seas, have been awarded prizes.

THE ONLY NATIVE AMERICANS ARE THE AMERICAN INDIANS

It makes me tired to hear people speak disparagingly of immigrants. All of us or our ancestors were immigrants at some time or other and because some came 25 years or 100 years before others gives them no higher claim to citizenship or the opportunities that America offers. The door of opportunity is open to all. The acid test is not when did you or your ancestors come to America but what have you accomplished since you came here. Have you made good citizens? Have you made the most of your opportunities?

All of these nationalities which the law discriminates against have been home makers. Quite a large proportion of these early pioneers took up wild land which they cleared and made into farms and established homes where their children live to-day. The Mississippi Valley, which Lincoln called "The Valley of Democracy," is second to no section of our Nation or the world in agriculture, industries, and wealth or in the establishment of its schools and great State universities. The marvelous development of the Mississippi Valley and the Middle West is due in a large measure to the hard work, energy, and sacrifice made by the races of people which the national origin law would discriminate against.

The national-origin clause should be repealed. [Applause.]

Mr. FRENCH. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman and gentlemen, I want to make a short but earnest appeal for the support of the Air Mail Service. I want to make an appeal for it on the ground that it constitutes valuable reserve for our national defense. I also want to make an appeal for it on the ground that it is entitled to the support of Members of Congress in its growth and development.

I went out the other day and took a flight with that national hero of whom we are all justly proud, Colonel Lindbergh, and came back and promptly introduced a bill H. R. 12291, to provide that Members of Congress and officers of the executive departments should be authorized to use the Government Air Mail Service.

What is the situation to-day? Congress created the Air Mail Service several years ago, but we have made no provision to use it ourselves.

We "ballyhoo" through the country urging private concerns to support the air mail by giving it their business, but we refrain from giving it our own business. We loudly and profusely praise with words the achievements of this latest and

most up-to-date enterprise, and yet we completely ignore it in our official activities. We claim we want our Government business transacted with efficiency and economy and yet we condemn ourselves to the antiquated choice of slow mail on the one hand or the expensive telegraph on the other.

Colonel Lindbergh has been now for three days taking up group after group of Members of Congress on these 20-minute air trips. I wonder why he does it. Certainly there can be no thrill in it for him. Last summer he spent weeks flying from city to city all over this country, a distance of 22,000 miles. Certainly that was not for the mere purpose of receiving the praise and applause of the people. To my mind, these flights, which to him must be tame and tiresome, were made and are being made to arouse public interest in aviation and support for the air mail service from which he came. He has his whole heart in this work and looks upon the air mail service as the most promising avenue for the development of aviation in this country.

I read from a speech by the Second Assistant Postmaster General, Mr. Glover, in which he says:

> The greatest need of the air mail to-day is that a great universal advertising campaign should be inaugurated to sell the air mail.

When can we start with the greatest need that the commercial aviation has to-day—advertising? Colonel Lindbergh has done some wonderful advertising. Let us do him the honor to confess ourselves converts to his publicity campaign. If we ask the private business concerns of the country to patronize and support it with their patronage, we, the greatest of all business concerns, should give it our patronage also.

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

Mr. SWING. I will.

Mr. OLIVER of New York. On what terms would the gentleman give our business to the air mail—we have franking privilege and the penalty, but it gives the Government no money. I would be willing to go along with the gentleman if he will point out how to do it.

Mr. SWING. The bill I have introduced provides that the Clerk of the House and the Secretary of the Senate shall be authorized to supply Members with air-mail stamps for postage on official first-class correspondence requiring expeditious transmission. It accords the same privilege to the executive departments. It provides that the Post Office Department shall furnish air-mail stamps which shall have printed on the face the fact that they are for official use only. It provides the same penalty for the use of air-mail stamps for private business that is now a penalty for the misuse of the franking privilege.

Mr. OLIVER of New York. Would not the air-mail companies send in a bill to the Government for the carrying of that mail?

Mr. SWING. The stamps for Members of Congress would be bought out of the contingent fund of the House and out of the contingent fund of the Senate, and for other officials out of the contingent funds of the various departments.

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

Mr. SWING. Yes.

Mr. BLANTON. It will cost money to make these special stamps. After all, it is to be left to the discretion of the Members, so far as the question of the expedition of their mail and necessity for the use of the air service is concerned. Why would not the gentleman better provide in his bill that such official mail be stamped "Air mail" if it is to go by air mail, and that would save all of the red tape and all of the expense.

Mr. SWING. I am not concerned with the details of how it is accomplished. I do think, however, that the requirements of the use of an air-mail stamp is the better practice. It would cost no more to print the stamp with the words "for official use only" than otherwise, because they are going to print the stamps anyway, and I feel a good deal like my old father said when he gave me my first pocketbook. He said it would help me to save my money, because if I kept loose change in my pocket, I would spend it before I knew it, but if I have to first reach for my pocketbook and open it up to take out the change, I would think twice before spending it. So in this case, in order that the expense may not run into any large figures, the stamps are in the Congressman's desk and he must stop, think, and decide whether his letter is such as requires expeditious transition, before using the air-mail stamp. Of course, in the long run it must be left to each one's individual honor and judgment and that will seldom go wrong.

But, to-day, as I pointed out, the Members of Congress have only the one choice of slow mail or expensive telegrams. Before the air mail was adopted, I used to get from 10 to 12 telegrams a day. Now I get 4 to 5 telegrams a day and from 4 to 5 air-mail letters. I am still sending the same number of telegrams as formerly, but I know that if we are given the privilege of the air mail, that I can cut my telegraph bill in two and save the Government much more on telegrams than my air mail will cost.

Then the saving in time is important. It takes five days for ordinary mail to go from here to my district in California, and two and a half days is the flying time.

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

Mr. SWING. Yes.

Mr. BLANTON. Is the gentleman having a hard time convincing the committee about the value of his bill? It seems to me that he ought to be able to get that bill reported and have the Speaker arrange recognition here and have it passed very quickly.

Mr. SWING. No one knows better than the gentleman from Texas that the fact that a proposition has merit is no assurance of it being adopted.

Mr. BLANTON. Oh, I was not speaking about the Swing-Johnson bill. I was speaking about the new bill that the gentleman has to provide Congress with air-mail service.

Mr. SWING. Very well. I am glad to have the gentleman's support in the matter.

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

Mr. SWING. Yes.

Mr. LOWREY. Has there not been some delay even about getting his great bill, the Swing-Johnson bill, reported?

Mr. SWING. I think that will come before the House in due and proper time. At least, I have that assurance. I bespeak for this infant industry, in which we all have faith, such support as we can properly give it. The country is air-minded and wants this new enterprise to succeed, and we should do our part.

In Europe the governments actually subsidize their air-mail routes. I do not ask that, the private contractors do not ask that, nor does the Post Office Department ask it. It is not necessary but the least that we can do is to officially recognize the air mail by using it ourselves on all proper occasions.

Mr. BLANTON. If I understood the gentleman, yesterday he was up in the air with Colonel Lindbergh and came back and immediately put this bill in the basket. Did he get this idea while up in the air?

Mr. SWING. Yes, the idea was given a strong impetus by that ride. I wish more Members of Congress would fly, because it brings home to them in the most convincing manner the fact that aviation and transportation by air is a reality and that its development is moving forward rapidly every year. We ought not to wait until the pioneering has all been done and the country covered with routes before giving this service our tardy recognition. We ought not to trail along in the rear of private business. Our Government ought to lead in worth-while causes. True, we have spent over $15,000,000 to lay out and start these routes, all the more reason why we ought to patronize them. At the proper time I hope my bill will come before the House and receive your whole-hearted support.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. KVALE].

Mr. KVALE. Mr. Chairman, the two gentlemen who have preceded me have spoken, one of national origins and the other of Colonel Lindbergh. I would like to say a few words on both subjects.

The CONGRESSIONAL RECORD yesterday morning brought the information that the Senate has just passed a joint resolution (S. J. Res. 113) postponing for one year the application of the national-origins provision in the present immigration act.

Mr. Chairman, I am mindful of the rules of the House which forbid criticism of the upper body of Congress, and I shall conform to that rule. But this I do say: If this House shall adopt a similar resolution, or the same resolution, its Members who are responsible for that action will be guilty of the most cowardly act performed during the present administration.

If this resolution is enacted, what will be the reason? Stating the case in plain, unembellished English that no one needs misunderstand, it is because we have a presidential election in the fall. There is not a Member of the House who does not know this.

What sane person can find any other reason for postponing action on the repeal of the national-origins provisions? I have no quarrel with the person who favors this provision. I merely disagree with him. But I demand an opportunity to vote for or against this repeal, and to have that opportunity now. And I say without the slightest hesitancy that the person who does not dare to face this proposition now is not the clever and adroit political maneuverer he imagines himself, but is an evader of issues and one who tempers principles ac-

cording to policy. Such procedure not only is indefensible and unworthy of representatives of the citizens of this Nation, but it also leaves an admittedly inaccurate and undependable, unscientific plan to be passed upon later, and, perhaps, if the rather transparent plan of the administration is successful, to be carried into effect when political pressure is less forceful and dangerous.

Legislators and executives who can not debate and act on this problem on its merits now, I repeat, are admitting the weakness and the impracticability of this plan, even while they assure themselves that this is a most excellent piece of political strategy. That applies, whether that person be domiciled in the White House, whether he be a member of the Cabinet, or a Member of Congress. With the administration organization to support them, they know that the many opponents of the national-origins plan will of necessity have to support their resolution to postpone its operation another year, if that is the only resolution that can reach a vote. Yes, even the chairmen of committees stand relatively helpless.

Why postpone action on this important legislation one year or more? We have had the estimates of the would-be experts sent us through the three Secretaries of executive departments whose task is was to prove the reliability of the statistics and compuations upon which this plan is based. We have studied them for more than a year, during which time these experts have also studied and computed.

A few days ago we were favored with another guess by these same experts, apparently intended to throw a sop to the nations discriminated against in this monstrosity called the national-origins plan. That report designating the plan, unsupportable by documentary and statistical evidence, confirms the inevitable conclusion that this plan can never be justified by such methods or by any other fair and intelligent reasoning. If we wait yet another year, undoubtedly we shall be favored with another guess made under the guise of scientific investigation.

Let us have done with this equivocation. If we who want to prevent this unscientific, silly piece of legislation from becoming the law of the land are defeated by a majority vote in this House, we will accept the verdict and bow before that majority. But let us face the proposition as men and not dodge aside from it and conceal ourselves under the shelter of an ambiguous vote until the oncoming storm of the presidential election shall have passed.

Let me add right here—although it should not be necessary—that we who oppose this provision do so wholly and solely in the interest of our Nation and our country.

Obviously, I have no time to discuss the immigration problem—and it is a problem—or the national-origins provision in the act of 1924. Nor is it necessary. The hearings before the Committees on Immigration in both Houses of Congress and hundreds upon hundreds of pages in the CONGRESSIONAL RECORD these last four years furnish ample material for anyone desirous of acquainting himself with the facts. In passing, I again want to call the attention of my colleagues to a table prepared by a statistician of repute and renown, Doctor Norlie, which I inserted in the RECORD on January 17 of this year; a table which, with other data, furnishes food for thought to any unbiased mind.

To-day I have but one suggestion to make.

The debate on the immigration bills during the last few years became at times somewhat bitter. The atmosphere was surcharged with rancor and prejudice, the air was filled with epithets of "foreigners," "aliens," and the like, with all the implications conveyed by those terms. The accusation was made in so many words that those who opposed certain provisions of the proposed immigration laws were "not many generations removed from Europe," and hence very un-American, to put it mildly.

The finest and noblest type of American manhood to-day, the ideal of American youth, the best-loved man in the world, and the most valuable life in the United States to-day, Col. Charles A. Lindbergh, is not only "not many generations removed from Europe," but is the son of an immigrant, proud of his American citizenship, but also justly proud of his Swedish ancestry and heritage. If the proposed guesswork legislation had been the law of the land some years ago, in all likelihood Colonel Lindbergh would not have been born in America.

The Lone Eagle is flying over the Nation's Capital these days, carrying as passengers Members of Congress and their families. Many of us have already made the delightful trip with this pilot, having no misgivings as to our safety and security in his care. Many others will avail themselves of the coveted opportunity. My suggestion is this: That on to-morrow or Saturday the Members of the Immigration Committees of both Houses of Congress who favor the actual operation of the national-origins plan be given a special trip by Colonel Lindbergh, in order that they may have the privilege of even closer contact with this man, an example of the class of people that are having the door shut in their face by this provision that proposes to reduce by nearly two-thirds the annual immigration from Sweden, Norway, Denmark, Germany, and the Irish Free State, and open wide the gates to the inhabitants of the little island to the west of the North Sea who do not make use of the quota now allotted to them.

And this further suggestion, ironically made by Skandinaven of Chicago, in which I most heartily concur, might be repeated here, that, when we come to vote on the provision, Colonel Lindbergh be invited to circle about the Capitol in his Spirit of St. Louis. What a picture! Might we then open wide the windows, in order that the drone of the motor of the plane piloted by this finest type of American manhood might mingle with our ayes and noes as we vote on whether or not to bar from our shores this type of citizen. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman from Minnesota yields back one minute.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Texas [Mr. BLANTON] 20 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. BLANTON. Mr. Chairman, on the night of February 28, 1928, in the Mayflower Hotel, was held the National Conference on Law Enforcement. Leading men from over the United States attended. Representatives of all of the churches of the United States were there; some of the leading men in all the churches. At that conference Bishop McDowell presided. Never have there been finer speeches anywhere on law enforcement. The Rev. Dr. S. Parkes Cadman, of Brooklyn, delivered a splendid address; similar addresses were made by Bishop Cannon and Bishop Freeman and others of distinguished note.

I believe that the greatest address, one of the greatest I heard, was delivered by one of the leading Catholics of America, Dr. John A. Lapp, professor of sociology in the Marquette University, of Milwaukee, Wis.; a splendid address. I intend now to read that address into the RECORD. It seemed to be the consensus of opinion that night that Doctor Lapp's address ought to be preserved in the CONGRESSIONAL RECORD. And I am going to preserve it. They were all short addresses. For fear I might want to use a little of my time in comment, and might not be able to read all of it within my 20 minutes, I ask unanimous consent, Mr. Chairman, that should I not finish it I may incorporate all of it in the RECORD, and also the brief mention in "Who's Who in America" of Dr. John A. Lapp.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to insert an item concerning Rev. Dr. John A. Lapp from "Who's Who" and such portion of his address as may not be read, as indicated. Is there objection?

There was no objection.

Mr. BLANTON. There is no record of accomplishment and achievement in "Who's Who In America" finer than that credited to Dr. John A. Lapp.

Mr. LOWREY. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. LOWREY. I think it should be understood that the gentleman he has referred to is not a clergyman.

Mr. BLANTON. No. He is a publicist and educator of the first water.

The CHAIRMAN. The Chair understood that he was a prominent clergyman.

Mr. BLANTON. Not all who attended that conference are clergymen. I attended it myself. I did mention some bishops of various denominations, which misled the Chair. The address is as follows:

THE CONSTITUTION VERSUS THE LIQUOR TRAFFIC

[Address delivered at the February Conference on Law Enforcement, February 28, 1928, by Dr. John A. Lapp, of Marquette University]

"I do solemly swear that I will faithfully execute the office of President of the United States and will to the best of my ability preserve, protect, and defend the Constitution of the United States." On the 4th of March, 1929, a citizen of this Republic will stand before the populace with one hand on the Bible and the other hand upraised to God and repeat that solemn oath. Representatives and Senators, members of the State legislatures, and all executive and judicial officers, both of the United States and of the States, will make a similar declaration and take a similar oath on the assumption of office.

What does it signify to take an oath? An oath is "a solemn appeal to God, to some revered person, or thing in attestation of the truth of a statement or the binding character of a promise." In a community where ethical ideas prevail the oath of office of the President of the United States and of representative officials of State and Nation should be sufficient to secure the preservation of the Constitution and the enforcement of laws. Can it be that any man worthy of holding high office would deliberately fail to fulfill such a solemn promise? Can it be that any considerable portion of the people have sunk so low that they would choose high officials knowing that those officials would deliberately break their oath of office? Can it be that virtue is dead among the populace so that oaths have lost their binding character and that men will be applauded for the defiance of that virtue without which social cohesion and civil government could not exist?

We are assembled to-night to make a simple demand to the political parties in this Republic. We are not seeking favors. We are not humble supplicants petitioning for the acceptance of our views upon a great public question. We do not ask the adoption of a new policy. We are offering nothing that is new or strange. We come with a simple demand that the Constitution of the United States shall be obeyed. We do not supplicate. We do not fawn at the seats of power. We are not here to express a wish nor are we here to admonish. We come supported and upheld by the majesty of the Constitution of the United States to demand that one of its provisions, put there by the most overwhelming majority that any of its important provisions was ever accorded, either originally or by amendment, shall be obeyed. We demand of the political parties and their candidates for all offices, from the highest to the lowest, that they shall, when they take the oath of office to support the Constitution of the United States, remember that that Constitution reads:

"The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, and the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, is hereby prohibited."

Against the solemn obligations imposed by the Constitution and the oath of office what do we find as the alternative? We are asked to defy the Constitution for what? Public officials are being encouraged to nullify their oath of office to what end? The voters of the Republic are urged to support nullifiers of the Constitution for what purpose? Surely when citizens and voters and public officials are asked to defy the mandates of the supreme law of the land and to break their oath of office, there ought to be a cause higher than constitutions, higher, in fact, than anything human. But is it so? We are asked to defy the Constitution and encourage the nullification of solemn oaths in the interest of a low, sordid, contemptible, and outlaw business—the manufacture, sale, and transportation of liquor for beverage purposes. A prized charter of the human race is to be sacrificed in the interest of one of the lowest and vilest businesses that ever disgraced the conduct of human beings. The Constitution versus the liquor business! Contemplate the contrast. Contemplate the significance, if you will, of a public opinion expressed in votes that chooses to support liquor in preference to the fundamental law of the land. Surely when presented with the plain issue of "Constitution versus liquor," the moral sense of this country will have no difficulty of choice.

We forget, perhaps, the character of the business which the nullifiers now condone and would reinstate. For 10 years we have not known the open saloon. For 10 years the liquor business has been radically curbed. For 10 years the liquor traffic has not been able to flaunt itself. We are in danger of forgetting what it was that caused this overwhelming decision of the people to outlaw by a constitutional amendment the liquor business. May I take you back to the time before national prohibition became a fact, to the time when the liquor business trailed its sordid and venomous way? Let us see what this thing was against which the moral conscience of the people applied its tremendous power. I beg to read to you the words of one of the greatest leaders in the movement for prohibition, the late Hon. Frank Hanly, former Governor of Indiana. The indictment by this wholesome leader took the form of specific reasons for hating the liquor business.

"I bear no malice toward those engaged in the liquor business, but I hate the traffic.

"I hate its every phase.

"I hate it for its arrogance.

"I hate it for its commercialism; for its greed and avarice; for its sordid love of gain at any price.

"I hate it for its domination of politics; for its corrupting influence in civic affairs; for its incessant effort to debauch the suffrage of the country; for the cowards it makes of public men.

"I hate it for its utter disregard of law; for its ruthless trampling of the solemn compacts of State constitutions.

"I hate it for the load it straps to labor's back; for the palsied hands it gives to toil; for its wounds to genius; for the tragedies of its might-have-beens.

"I hate it for the human wrecks it has caused.

"I hate it for the almshouses it peoples; for the prisons it fills; for the insanity it begets; for its countless graves in potter's fields.

"I hate it for the mental ruin it imposes upon its victims; for its spiritual blight; for its moral degradation.

"I hate it for the crimes it commits; for the homes it destroys; for the hearts it breaks.

"I hate it for the malice it plants in the hearts of men; for its poison, for its bitterness, for the Dead Sea fruit with which it starves their souls.

"I hate it for the grief it causes womanhood—the scalding tears, the hopes deferred, the strangled aspirations, its burden of want and care.

"I hate it for its heartless cruelty to the aged, the infirm, and the helpless; for the shadow it throws upon the lives of children; for its monstrous injustice to blameless little ones.

"I hate it as Abraham Lincoln hated slavery, and as he sometimes saw in prophetic vision the end of slavery, and the coming of the time when the sun should shine and the rain should fall upon no slave in the Republic, so I sometimes seem to see the end of this unholy traffic, the coming of the time when, if it does not wholly cease to be, it shall find no safe habitation anywhere beneath Old Glory's stainless stars."

This is the business that we are asked to condone. It is this for which men are urged to break their oath of office. It is for this that the fundamental charter of America is to be breached. It is this which we are asked to support in its combat to undermine and destroy the Constitution. It is for this that people are to be encouraged in their sneers at the Constitution. This life and soul-destroying, conscience-breaking, lawless business we are asked to support in preference to the fundamental charter of the Republic. It shall not be. The liquor business has deserved all of the condemnation that has been expressed in torrents of righteous words and all of the repressions and prohibitions that have been placed upon it by statutes and constitutions. It doubly deserves them now, when outlawry has been solemnly expressed upon it. After a hundred years of fruitless effort to regulate the infamous conduct of the liquor traffic the people rose, and in one mighty effort, by the vote of 46 of the 48 States, placed their final seal of condemnation on it by enacting the eighteenth amendment.

The liquor business has never changed its character. It can not change. It appeals to the baser elements. It is low and uses its influence to win the low. Wrapping itself in the garb of personal liberty and civil rights, it seeks to confuse substantial citizens. As though the right to drink and get drunk and destroy the peace of one's family and the safety of the community were a personal liberty and a civil right! It appeals with holy unction against the saloon, putting all the blame for all the sordid history of liquor upon that institution, piously declaring that the saloon must not come back. Ah, my friends, let us not be deceived. The saloon is the center of the liquor business. It has always been so, and it always will be so. Mark well that if the liquor business comes back in America the saloon will come back.

If we are to have liquor, some one must sell it. The opponents of prohibition naïvely urge that the Government engage in dispensing liquor. Government ownership of the liquor business is the proposal coming from conservative men who do not believe even in public ownership of water works. They think such ownership would be socialistic, but they are not troubled about the corrupting business of liquor dispensing. The liquor business in the old days amounted to as much as $4,000,000,000 a year.

Think of conservatives who do not believe in public management of public utilities actually approving Government management of liquor to the extent of $4,000,000,000 a year. It is a high price they are willing to pay for the return of liquor. My own judgment is that such a proposition is a mere cover under which the saloon will return. Senator BORAH was right in saying that public management of liquor dispensing would rot the foundations of the Republic in a brief space of time.

There are no methods of management of liquor dispensing that have merit in logic, common sense, or decency. Certain it is that the Government of this country, which is founded for the purpose of promoting the general welfare, will not be allowed to engage in the disgusting business of dispensing liquor.

Realizing the hopelessness of the task of securing by orderly process a change in the Constitution of the country—for which they are welcome to strive—some supporters of the desperate business openly preach the violation of the Constitution and the laws enacted for its enforcement. It is such with which we have to contend to-day. It is to defy such that this meeting is held. It is to stand for the Constitution of the country against any lawless or anarchistic element that we set forth to-night our planks for law enforcement. We ask to-night that he who takes the oath of office as President of the United States in 1929, and all other public officials who are bound by oath to support the Constitution, shall repeat to the nullifiers in adopted form the famous declaration of Lincoln:

"You have no oath registered in heaven to destroy the Constitution, while I have the most solemn one to preserve, protect, and defend it."

I want to show you who the man was who delivered that address before the Law Enforcement Conference. This is what "Who's Who In America" says of that leading distinguished Catholic of America, John A. Lapp. I read:

Lapp, John A. Publicist; b. Fillmore, N. Y., November 19, 1880; s. Frederick and Elizabeth Holland L.; Ph. B., Alfred U., 1906; grad. scholar in polit. science, U. of Wis., 1906–07; fellow in economics, Cornell U., 1907–08; m. Chicago, Mary Clancy, Oct., 1911. In legislative reference work with Charles McCarthy, Madison, Wis., 1906–07; legislative asst. for Legislative Voters' League, Chicago, during session of Ill. Legislature, 1907; asst. in politics, Cornell U., 1908; legislative reference librarian of Ind., Oct., 1908–13; dir. Ind. Bur. of Legislative Information, 1913–18; dir. investigations, Ohio health and old age ins., 1918–19; mng. editor Nation's Health, 1919–23. Sec. State commn. on industrial and agrl. edn., 1912–13; mem. Federal Commn. on Vocational Edn., 1914; mem. Spl. Libraries Assn. and managing editor of "Special Libraries," 1910–17; organized Public Affairs Information Service, 1914; asso. editor Nat. Municipal Review, 1912–13; Am. Political Science Review, 1914–18. Research counselor and ednl. dir. Nat. Catholic War Council, 1919; dir. social action dept., Nat. Catholic Welfare Council, 1920–. Trustee Alfred U. Lecturer in legislation, Ind. U., 1910–16. Author: Learning to Earn, 1915; Our America—the Elements of Civics, 1916; the Catholic Citizen, 1921; Economics & the Community, 1922; Practical Social Science, 1925. Compiler: Important Federal Laws, 1917; Federal Rules and Regulations, 1918. Contbr. to review of legislation in American Political Science Review and other publs. Office: 30 E. Ontario St., Chicago, Ill.

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

Mr. BLANTON. May I have three minutes more?

Mr. AYRES. I yield to the gentleman three minutes more.

Mr. BLANTON. That distinguished Catholic at this meeting of American citizens in the Mayflower Hotel on February 28, 1928, seeking the sole object of law enforcement in the United States, deserves at the hands of somebody this mention. Gentlemen, I thank you. [Applause.]

Mr. LOWREY. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Certainly.

Mr. LOWREY. You have quoted there the oath that the President takes, and the oath that we Members of Congress take, and the oath that the State legislator takes. I want to say that in my State I and every other citizen who registers to vote has to sign in pen and ink practically the same oath, and every citizen must take that same oath, as well as every public official.

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

Mr. AYRES. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. GAMBRILL].

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. GAMBRILL. Mr. Chairman and members of the committee, my purpose in addressing the Committee of the Whole House at this time is to congratulate the subcommittee of the Committee on Appropriations, having in charge the appropriation bill for the Navy Department, for the very commendable and comprehensible bill and report it has submitted.

It is to be regretted that the subcommittee did not deem it proper or desirable to include in the bill before us an appropriation of $250,000 to build a new boathouse at the Naval Academy at Annapolis to replace the two old sheds which for over 32 years have served for this purpose, but inadequately so. It is but fair to state that at the appropriate time I shall offer an amendment to the bill for an appropriation of $250,000 for this purpose, and I hope my amendment, or any other amendment of a similar character, will receive the sympathetic and careful consideration of the committee, which, I am confident, it will.

I am conscious of the fact that in not including in the Navy bill an appropriation for a new boathouse at Annapolis the subcommittee may have been influenced by the fact that authorization for this appropriation was lacking, and I have no disposition to quarrel with that subcommittee or to question its judgment. I can only express the hope that if an amendment of this character is offered no point of order will be made against it.

My main purpose in speaking at this time is to express, in particular, my hearty approval of the appropriation providing for the appointment of four midshipmen at Annapolis from each congressional district and four senatorial appointments instead of three, as at present. This action of the committee can be defended, if any defense be needed, both from the standpoint of the necessities of the service and the desirability of utilizing this splendid educational institution at Annapolis to its fullest extent.

It had been my hope that an appropriation would be made to provide for five midshipmen from each congressional district and the same number by senatorial appointment, but I feel we can well afford to defer to the judgment of the subcommittee having this bill in charge, and one would have to be hypercritical to find fault with the action of the subcommittee.

As I have said, the increase in the number of midshipmen is justified from two standpoints—the necessity of having additional officers for aviation and other purposes, and the desirability of using the great educational institution at Annapolis to its fullest extent so that the country may have the full benefit of its influence.

The Secretary of the Navy, in his annual report for the fiscal year 1927, has pointed out that, while the present number of line officers is 5,499 (a number equal to 4 per cent of the enlisted strength of the Navy as authorized but not appropriated for—137,485 men), the increased size of submarines and destroyers, the greatly increased mechanism of propelling machinery and appliances for the control of gunfire, and especially the constantly enlarged demands of aviation for personnel, all combined, require a larger percentage of officers to enlisted men.

Admiral Leigh, Chief of the Bureau of Navigation, who heartily approves of an increase in the number of midshipmen, and who appeared before the subcommittee on the naval academy of the Committee on Naval Affairs, made the interesting statement that we have not increased the number of line officers in the Navy since aviation became active. Also that aviation activities have drawn 425 line officers for duty, and by 1932, when the five-year aviation program has been completed and we have 1,000 serviceable planes, the Navy will require for this service 863 officers, and may need 1,000 in subsequent years.

If as many as 1,000 officers are drawn for aviation purposes, the line will then be only 4,499 officers instead of 5,499, as authorized. And, according to Admiral Leigh, this may decrease the line officers below the number required to man the ships. It is to be borne in mind that an appropriation for an increase now would not increase the officer strength until about 1932, having regard to the fact that the course at Annapolis is four years.

The average number of midshipmen to graduate, with three appointments, is from 274 to 300; with four appointments, the number to graduate would be about 335; and with five appointments, from 405 to 425. It is also to be borne in mind that about 45 officers are required each year for corps service, as follows:

Marine Corps	25
Supply Corps	8
Construction Corps	8
Civil Engineer Corps	4
Total	45

If the naval program for the construction of 15 additional cruisers and 1 aircraft carrier, authorization for which passed the House on Saturday last, is carried out, then we are confronted with an additional reason for making the appropriation now, so that the increase in officers may be felt by 1932 or 1933, when the new ships will begin to be commissioned.

But aside from the naval needs, as stated, there is every reason why the splendid institution at Annapolis should be utilized to its fullest capacity. No stronger justification for this statement can be made than to refer to the fact that every Board of Visitors to the Naval Academy, since the reduction in the number of midshipmen was made, has recommended that the number be increased to the fullest capacity of the academy. Importance should be attached to these recommendations, as they have been made by Boards of Visitors composed of the most eminent educators of our country and by men occupying commanding positions in the industrial and commercial life of our country. Some of these boards, from whom these recommendations have come, have been composed of such men as Dr. S. W. Stratton, president of the Massachusetts Institute of Technology; Dr. Frank P. Graves, president University of the State of New York; Daniel J. Willard, president of the Baltimore & Ohio Railroad Co.; and John Hays Hammond, the great mining engineer.

The Board of Visitors for 1925 said, in part:

The capital outlay in the plan and equipment of the academy is too large to justify anything save use at maximum capacity, and there is demand in civil life, if not in the Navy itself, for all the men that Annapolis can graduate.

In 1927 the Board of Visitors made this report:

At the present time there is an attendance of midshipmen at the Naval Academy of about 1,600. The plant is sufficiently large and complete to take care of 2,400 men with only a relatively small increased expenditure for instructors and salaries of midshipmen. Since an increased attendance would enable more careful selection of final graduates, and such for whom vacancies in the line or staff of the Navy did not exist and who would be returned to civil life would form a valuable addition to the Navy in time of need, it would seem the part of wisdom that annual appropriations should be made sufficient to maintain the regiment of midshipmen at the maximum now provided by law; the status of each graduate to be that of a temporary ensign until after a two years' satisfactory service at sea, when a permanent commission shall be issued.

One could not find higher recommendations than these, or ones upon which Congress could place greater reliance, and it is very gratifying to find that the Subcommittee on Appropriations, having this bill in charge, has made provisions for an increase in the number of midshipmen.

Mr. AYRES. Mr. Chairman, I yield three minutes to the gentleman from Kentucky [Mr. MOORMAN]. [Applause.]

Mr. MOORMAN. Mr. Chairman, Ladies, and Gentlemen of the Committee: Having been here only a few months, I realize that I have not attained that experience and wisdom which would warrant my thrusting upon this body any opinions or convictions of my own, as worthy of consideration as fundamental; but, as an accredited Member of this Congress, charged with meeting and disposing of the problems of a district, I feel that when I conceive that the rights of those I represent, in justice and under existing rules and law, are ignored and trampled upon—I must speak, even if my first utterance here be one of seeming discord, and concerning that which some may consider an unimportant matter. Sometimes, I am impressed that due consideration of the individual is neglected; that we are prone to consider and attach too much importance to things and persons collectively, thereby losing sight of the importance of the basic unit, the individual, and his guaranteed rights and interests. Anyway, I am the intermediary here between a wronged Kentucky citizen and an Executive order of the President of the United States, and I unhesitatingly raise my voice in earnest yet respectful protest.

Abraham Lincoln was born in my district, not many miles from where my humble constituent, the subject of my remarks, lives. If Lincoln's great spirit could assert itself, if his never-failing ideas of justice and right could prevail in this matter, if he were in Washington now in the position he once adorned, I would approach him with confidence in the interest of this helpless citizen, and I would feel that I had the sympathetic ear of at least one great Kentuckian, American, and Republican. We gave him to the world, one of its towering men, and he became the acknowledged champion of the rights of the wronged. Can we so soon forget the things he said and the principles for which he stood? I am only asking for one that which he so freely gave to all—justice.

PROTEST FOR CONSTITUENT

To illustrate what goes on now in Kentucky in Lincoln's old district, where practically every Democratic postmaster has been removed for political reasons, and often without cause, I desire to read into the RECORD my written protest filed in the Roy G. Adams case, as follows:

Hon. JOHN H. BARTLETT,

First Assistant Postmaster General, Washington, D. C.

DEAR SIR: I have written Senator FREDERICK M. SACKETT a letter or two concerning the application of Roy G. Adams, of Rock Haven, Ky., in my district, for postmaster. I visited his office a time or two and saw him in the House one morning, for a moment. I appealed to him, in the name of justice, in the matter of letting the civil service take its course in this case. I have tried to be courteous, have never made any objection to anybody he suggested for appointment, nor have I endeavored to secure any appointment of a postmaster in my district, understanding the political practice in vogue. However, inasmuch as this boy is a cripple, inasmuch as the people desire his services, inasmuch as I started in to make an earnest protest, and knowing that not to appoint him is wholly wrong, I desire to talk to you and see if you would not let this boy go in on his merits. Senator SACKETT simply said he had to listen to the local Republicans. I wrote you on January 19 as follows:

"I am advised by you to-day that you are considering the appointment of a postmaster at Rock Haven, Ky., an office of the fourth class, from the following list of eligibles:

"Roy G. Adams.

"Mrs. Lula Hawkins.

"I would like to inquire when and how Mrs. Hawkins became an eligible to receive appointment for this office?

"When I have this information I would like to come down and talk to you about it before any action is taken."

Your response was:

"I have your letter of the 19th instant relative to the list of eligibles for postmaster at Rock Haven, Ky., concerning which you were advised under date of January 18, 1928. The Civil Service Commission held an examination for postmaster at Rock Haven, but was unable to secure a complete register of eligibles. The matter was referred to a post-office inspector for report on the suitability of applicants. An inspector submitted the names of Roy G. Adams and Mrs. Lula Hawkins as applicants.

"If you have any information concerning the suitability of either of the applicants mentioned which you think the department should consider in connection with their candidacy and will submit it to this bureau, it will be given careful consideration."

I called to see you some time ago but found you out. Later I saw you. I then went over to the Civil Service Commission and talked to Hon. William C. Deming, president of the Civil Service Commission, and Mr. D. H. Richards, of the application division. It was my desire and purpose to know just exactly the status of the case, as I do not desire to do anybody an injustice, but I propose to get to the bottom of it and ascertain just who is responsible for the rank injustice that is about to be perpetrated, under the guise and name of civil service, against one of my constituents. I requested a written statement of the facts from the Civil Service and have it, as follows:

"Referring to your personal call at this office concerning the fourth-class postmaster situation at Rock Haven, Ky., we have to advise you that examination was held for this office on March 19, 1927, in which Roy G. Adams was the only person who attained an eligible rating, although Mrs. Lula Hawkins was authorized to compete at the same time.

"Upon reporting the results of this examination to the Post Office Department, request was received from the department asking for a full certification of three eligibles. In order to satisfy such request the commission announced a second examination, which was held July 2, 1927. Joseph C. Hawkins and Mrs. Lula Hawkins were applicants, but the examination did not result in securing any additional eligibles. The name of Roy G. Adams was again certified to the Post Office Department as the only eligible on September 20, 1927.

"The regulations governing fourth-class postmaster examinations, as promulgated in Executive orders, provide that in the event that for any office there are less than three eligibles the commission may, in its discretion, authorize selection in the same manner as is provided for offices with annual compensation of less than $500. Such procedure consists in the Postmaster General directing a post-office inspector to visit the locality and to make report for appointment from among the persons filing application in the order of their fitness, such report to be based solely upon the relative suitability of the applicants and their ability to provide facilities for transacting the business of the office. The department is then requested to transmit to the Civil Service Commission a copy of the inspector's report showing the department's action thereon. Up to this time the commission has received no word from the Post Office Department as to its proposed action in appointing a postmaster at Rock Haven, nor has any copy of the inspector's report been received showing such investigation to have been made."

The situation in this case upon which I base my earnest protest of Mrs. Hawkins's appointment as postmaster is that Roy G. Adams and Mrs. Hawkins took an examination for postmaster on March 19, 1927. Adams made a grade of 74.60 per cent, and she failed to become an eligible, only making 38.70 per cent. For political reasons another examination was held. Mrs. Hawkins took it on July 2, 1927, and again failed to become an eligible, only making 35.20 per cent. For political reasons objection was made to Adams, and he was not appointed. I have Senator SACKETT'S statement that the Republican county chairman would not indorse Adams, and that the Republican organization indorsed Mrs. Hawkins. Adams has a long petition of the best people, Republicans and Democrats; no citizen makes any tenable objection to him, nor to the place where he would keep the office, nor to his character or acts as assistant postmaster while he served in the same place for the preceding four years. Notwithstanding these examinations and the fact that the people desired this man, a post-office inspector was sent, presumably to make this woman an eligible, whom the civil service by examination had twice adjudged ineligible. The inspector's report, according to notice from your office, made Mrs. Hawkins eligible, notwithstanding her husband's one and her two failures to qualify. These are peculiar gyrations of the civil service, or is unquestionably post-office hocus-pocus, or is an inexcusable political interference with majority rule, civil service, and common justice. The post-office inspector sent down there must have been a fair and worthy gentleman. Under the circumstances I would say that he acted with caution and care in reporting his conclusions. While his report did place Mrs. Hawkins on the eligible list, yet he frankly prefers Mr. Adams over Mrs. Hawkins in his report, and also says that the place Adams would keep the office is preferable. If

there had been anything at all wrong with Adams your inspector would have reported it.

This is not all. Floyd Patterson, who formerly kept the office and under whom Adams served in the same building for four years, has made an application to be reinstated as postmaster, having been out less than a year. I am informed that Patterson also does not meet with the approval of the Republican county committee, and that he is therefore persona non grata to the powers that be. Just why a worthy gentleman—who is a cripple, but not to the extent of in any degree interfering with the discharge of his duties, who has made the best grade under so-called civil service, and who is experienced and desired by the patrons—should not be appointed is more than I can see. If this situation is permitted to become the basis of Mrs. Hawkins's appointment, I respectfully ask you to tell me why the appointment is made and who is responsible for it? Am I not, as a representative of these people, entitled to answer in writing? From the Civil Service Commission I would like to know why they desired more eligibles? Adams had been good enough for four years. Do they always require a full list?

I am writing this after notice from Senator SACKETT's office that he is going to recommend Mrs. Hawkins, notwithstanding my protests and the facts. You have agreed to hold up the appointment until my protest is filed.

I understand there was appropriated in 1927 over $1,000,000 for civil service. We are implored now for reclassification of the employees, and other such matters claim our attention, and the taxpayers of my district help foot the bills. For what? To interfere with local determination of local matters? To hold out to the people that if they study and pass examinations and qualify themselves they will receive square deals and then help euchre them out of their rights? To furnish a scheme of polite and official legerdemain to make possible the exercise of the will of the political boss? I desire to tell the people who have appealed to me to fight this outstanding injustice and also desire to tell the people of the whole country what kind of political outrages are being perpetrated under the so-called civil service. If it is the desire of the administration and the purpose of the law to have Senators name postmasters on an open and frank basis, amen! Otherwise let us have civil service in fact in dealing with fourth-class postmasters, unhampered by politics and therefore more efficient.

The present system is a mockery, engenders lack of confidence and respect in governmental agency, and amounts to a national farce. If I stood for this inexcusable miscarriage of justice, unpardonable political fake, and unjustified civil-service contortion without protest I would not be worthy to represent my people. Whatever the thing is to which they apply the misnomer Executive order, I have no respect for it if invoked to whitewash and make effective the unwarranted procedure in this case. I desire to know the excuse given and the authority for making this order. Whatever happens, I desire to thank you and the other gentlemen mentioned for the personal courtesy extended me in dealing with the matter.

I am sending copy hereof to Senator SACKETT and the Civil Service Commission in protest of the suggested appointment. This is a small matter, but great principles are involved.

Sincerely,

HENRY D. MOORMAN.

FEBRUARY 20, 1928.

[Applause.]

OFFICIAL RESPONSES

Answering my letter of protest, the United States Civil Service Commission, on March 3, wrote me, from which I quote, as follows:

If this system is a "mockery," it rests with Congress and the President to strengthen it and to require, as did President Roosevelt, that in all appointments of fourth-class postmasters and rural carriers that the highest eligible shall receive the appointment.

Your letter indicated your belief that the objections to the eligible are political. Of course, political consideration should be disregarded in appointments to the classified service. Usually they are so veiled that they are difficult to establish. If it can be clearly shown that an appointment is in fact based upon political considerations, the commission would have authority in the matter, as the civil service rules require that selection for appointment shall be made with sole reference to merit and fitness.

On March 9, Hon. John H. Bartlett, First Assistant Postmaster General, responding to mine of February 20, after giving the favored applicant nearly 20 days in which to get in her alleged petition, said:

Your letter came several days ago in my absence, but it has now been brought to my attention. You wrote about the Rock Haven postmaster appointment regarding which you talked with me some time ago.

I have received a rather lengthy petition, which is said to be signed by patrons of the Rock Haven post office, asking for the appointment of Mrs. Hawkins as postmaster and saying also that during the time she has been serving as acting postmaster she has given good service.

You will recall that the inspector who made the investigation in regard to the candidates for postmaster reported that he found that Mrs. Hawkins as acting postmaster maintained the office in a neat and tidy condition and that the records of the office were well kept.

The department is disposed to appoint Mrs. Hawkins.

SENATOR FAILS TO MAKE DENIALS

Senator SACKETT, to this hour, has not done me the courtesy of making a response, nor himself the justice of making any denial. Why? In the first place, the gentleman knows that the order and rule governing the selection of postmasters is as stated in the commission's letter to me, which is incorporated in my protest, as follows:

The Postmaster General will direct a post-office inspector to visit the locality and make report for appointment from among the persons filing application, in the order of their fitness. Due notice of such visit will be made in the locality to be visited. Such report will be basely solely upon the relative suitability of the applicants and their ability to provide proper facilities for transacting the business of the office.

Neither the Postmaster General nor the commissioner denies that the inspector's report favors Mr. Adams over Mrs. Hawkins both as to suitability of applicants and ability to provide facilities for transacting the business of the office. The inspector's report governs, not an alleged "post-mortem" petition. I challenge the genuineness of the petition, on authority of Mr. Adams, which General Bartlett himself says: "is said to be signed by patrons, etc.," and demand an investigation by him of this feature. Hiding behind this petition, if genuine, would be only a subterfuge.

COMMISSION HAS POWER AND RESPONSIBILITY

In the second place, nobody denies my charge that politics is dominating the situation, even overriding rules, law, and the inspector's report. Anybody knows that both the Postmaster General and Senator SACKETT would have resented the statements of my protest—by vehement denials—had I not stated indisputable truths. The commissioner's own words to me, in response to my protest are:

If it can be clearly shown that an appointment is in fact based on political consideration, the commission would have authority in the matter, as the civil-service rules require that selection for appointment shall be made with sole reference to merit and fitness.

This procedure started under civil service, the president of the commission was told by me, personally, that it was political; my protest recites the details, nobody denies it, so how can civil service escape notice of and blame for such a situation when admittedly clothed with the authority above indicated? Thousands of rank cases could be cited by Members.

CIVIL-SERVICE ADMISSIONS

Further evidencing what appeals to me as an indictment against political domination of the civil-service system, Mr. Herbert E. Morgan, of the Civil Service Commission, appearing before the Census Committee on January 12, 1928, as shown by the committee's hearings, page 25, being questioned by me, and others, as to soldier preference and other kindred matters, when referring to fourth-class postmasters and rural carriers in part, said:

It is a well-known fact that the Post Office Department consults a Member of Congress or other distributor of patronage in the Territory affected as to the person to be selected. Frequently, and I may say almost usually, some one is selected in advance, with the hope that he will be rated among the high three.

Another statement:

It is a fact that politics usually controls in rural-carrier appointments (p. 26, hearings).

Further:

The system of appointments to presidential postmasterships has done more to discredit the Civil Service Commission and the merit system as a principle than anything that has occurred in my 25 years with the Government (p. 27).

A Member said:

So far as civil service is concerned in connection with appointments in my territory, it is a farce (p. 27).

Mr. Morgan's response was:

I quite agree with you, not only as to that district but every other district in the presidential class (p. 28).

Investigation has convinced me that civil service is being imposed on by the Post Office and the executive departments of the Government. The throng that recently stormed the Capitol, earnestly pleading for what they think due, had better also direct their attention and petitions to the preservation of

the true principles of civil service if the system is to survive its present misuse. In my State nearly every appointment is accompanied by some political chicanery if simple justice is the true basis and real civil service the guide.

DOES CULPABILITY CREATE INDECISION?

Notwithstanding the facts and protest, the same "two-examination," disqualified Republican applicant was recommended by Senator SACKETT, and General Bartlett says:

The department is disposed to appoint Mrs. Hawkins.

In other words, after the expense of two civil-service examinations, and the further expense and pretense of sending an inspector down there to report other eligibles, none were reported, and Senator SACKETT's indorsement was made between the two who took the original examination, and he turned down the inspector's choice, with four years' experience, for a disqualified novice.

It is a common practice and subterfuge to permit such "acting postmasters" to hold on. This the senatorially indorsed holder of Roy G. Adams's rightful position may do, judging from the uncertain state of General Bartlett's mind. I have not been further advised in the premises by him. His failure to act would only be another official denial of rights. However, we all know that if the recommended Republican should finally lose, it will be because of this protest. Further, if the nominated Republican wins, it will only be running true to form—evidencing an utter disregard of merit and justice—and will result in a further detraction from the respect due proper governmental function.

CIVIL SERVICE OR SPOILS SYSTEM

Such bureaucratic despotism, sanatorial dictation, and executive highbinding are intolerable in a free government, in the face of civil-service rules and theories. Such action, and the juggling process between these agencies, contravenes every principle of square dealing; and I submit civil service should either be fairly administered as a respected system or dispensed with as a subterfuge, and let such appointments be altogether political.

DIFFERENCE IN THEORY AND PRACTICE

In theory the civil service has certain elements and principles which we all respect. Honestly and fairly administered, and its action respected by the departments and others in authority, most of us approve its general purpose. However, judging from the thousands of reported complaints over the country and conditions in my State, and the repeated and insistent complaints from my district, the present administration is unfairly partisan, palpably misleading, and deplorably disappointing. The system publishes to the world notices, rules, and regulations that invite widows, teachers, cripples, and all others to abandon and neglect their present means of earning a livelihood to prepare for and take examinations for civil-service positions. The implied agreement is that the best qualified person will win. The facts are, however, that merit, whether based on experience, education, or general efficiency, if not possessed by an approved member of the party in power, is often cast aside when the voice of the local political boss is heard.

The expressed will of a community is ruthlessly ignored and a clear-cut fraud is perpetrated by the joint operation of well-paid, overorganized, malfunctioning governmental agencies, the so-called civil-service and Post Office administrations, under Executive orders. My criticism is directed to the political phases as practiced in post-office selections, but the whole system and its personnel will ultimately suffer for the patent injustices perpetrated in this connection. The thousands of men and women under civil service who have observed its rules and rendered faithful service should not have their system brought into disrepute by its improper use by others.

COMPLAINT NATION-WIDE

When I began to receive many protests from my people, as a new Member I conferred with many Democratic Congressmen, whose judgment I respected because they had had long service. The unhappy and humiliating experiences of my own constituents, I find, are the same that deluded aspirants for many civil-service positions are having all over the United States. Since, I have advised many honest Democratic men and women that it meant nothing under present-day civil service to stand an examination and make the highest grade; but they naturally and properly seem to have faith in the pretended fairness and supposed justice of civil service. I am tired of trying to explain this deceitful and farcical system and departmental juggling process, and I take this occasion and means of exposing and denouncing it that my constituents and the country may know the facts. This criticism is neither meant to be personal nor partisan; is intended to be constructive, not destructive; but only as an indictment of what I believe to be organized wrong and systematized injustice. If it conforms to the orders and policies of the President, it is so much the worse therefor.

In the Census Committee we are working on a bill, H. R. 393, which contains a clause giving preference to veterans in the taking of the next census. Over 100,000 people will be employed under it, and it is proposed that 10,000 of them be under civil service. Preference for veterans is now elsewhere provided—one, an average of a small per cent; but, what difference would it make if even 50 per cent is added to a soldier's rating, if he happens to be a Democrat, and there is any kind of a Republican also applying? The answer: A few words in the form of a sophistic statement. Votes and respect of service men should not be had by such deception. They are real men, with brains, rights, and principles, neither dupes nor beggars, and should be treated as the law intended. Civil service and post-office administration should either give them what is intended and represented to be given, if thought deserved, or make no further legislative or administrative pretenses to giving the service men these preferences. He now often fails of appointment even if he has the highest grade on examination; frequently because of his politics, sometimes to reward some pie-hungry favorite of some politician.

CIVIL SERVICE MISUSED BY ADMINISTRATION

But this ambidextrous handmaid of the party in power, civil service, if a tool, is unnecessary; if a real functioning system, it should assert itself in this case by challenging the deceptive and inconsistent practices, and thereby deserve the respect and confidence of those paying for it; and, if the people, if I, if you Democratic Congressmen, passively stand for the present shameful political misuse of this system by the Post Office Department and the President, we are all guilty of suffering indefensible wrongs to those we represent. Too, we are further recognizing and surrendering to the arrogance of departmental dictation and bureaucratic centralized administration by overgrown creatures of Congress. And yet we daily continue to delegate our powers to others to a degree almost alarming.

President Wilson observed the true principles of civil service to the disadvantage of thousands of loyal members of his party. President Roosevelt required that the highest eligible on the list be given the appointment. President Coolidge, the administration under him, in return for this consideration, now uses governmental agencies to discriminate against worthy Democrats and deliberately ignores recognized civil-service principles—all of which constitutes the meanest kind of a spoils system, the very thing civil service was intended to replace and prevent.

Mr. AYRES. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman and gentleman of the committee, the size of the House to-day suggests the size of the Navy after the Republicans got through with it. You know, it never pays in any walk of life to be anything but yourself. I made a mistake last week. I strayed from the beaten path and made the tragic error of trying to defend the President of the United States, and like every other defender of the President of the United States, I was left out on a limb, and I could not get one Republican to come and help me with my amendment, which sought to make the Navy look something like what it ought to be under the 5-5-3 ratio. Somehow or other I could not even get time to talk about the amendment. I just do not know what happened, but I am from New York and we from New York seem to understand when we are getting what we call the "works." I was shut off from debate last week, and I want to thank this committee for giving me an opportunity to discuss the Navy in a rather general way.

In discussing the Navy one must necessarily discuss peace and war and in discussing peace and war one must necessarily say something about history and do a little research work. So I have dug up an ancient document. It is called "Honest in Government," and it is otherwise known as the Republican platform of 1924. I want to read just a couple of paragraphs from it.

His conception and successful direction of the Limitation of Armament Conference in Washington was an achievement which measurably advanced the world along the path toward peace.

That is a reference to President Harding. Here is the promise of the Republicans concerning the Navy.

We pledge ourselves to round out and maintain the Navy to the full strength provided the United States by the letter and spirit of the conference on limitation of armament.

And here is their final and closing clause in their contract with the American people.

In urging the people to elect a Republican President and Vice President we asked them to elect to the Senate and House of Representatives, men and women who believe in the Republican principles, acknowledge party responsibility, and who can be relied upon to keep faith with the people by carrying out the platform which the Republican Party now presents and pledges itself to fulfill.

Last week I offered an amendment suggested by the Navy Department and suggested by the President to bring up the Navy to the 5-5-3 ratio promised by this document but not a Republican stood on his feet to support the amendment, indeed, the Republicans tried, by ways that are know to Members of this House, to see that I should not even debate the amendment. Well, that is not important. It only affects me personally but it is important that this Navy of ours has shrunk to such a low state that the Secretary of the Navy has seen fit to officially report that we only have a second-class Navy, and this party that came into power on the platform is responsible for the situation. I now charge there has been a complete fall-down of administration by the Republican Party as far as the Navy is concerned.

Now, I supported the President, but he did not support himself. Nobody can tell me that if he wanted this program presented by the Secretary of the Navy he could not have done something with this House. If he wants something stopped over here he can get it stopped. He did not care much about a congressional inquiry into the *S-4* disaster, and nothing has been done concerning that type of inquiry. So I believe he still has influence with other Members of the House outside of myself.

Now, what did he say about the situation in his message to Congress? He said:

We can plan for the future and begin a moderate building program.

It needs aircraft development, it needs submarines, it needs airplane carriers, and a material addition to its force of cruisers.

And what else did he say? He said:

We should refrain from no needful program.

It should especially be demonstrated that propaganda will not cause us to change our course.

There was some little discussion to-day about propaganda. Here is a piece of propaganda I received on the Navy, and it is practically the only piece of propaganda I received. It is the message of the President of the United States. The Republican leader [Mr. TILSON] said, on the propaganda question, that we ought to provide larger wastebaskets in which to throw this literature, but I want to know what propaganda influenced the Republican Party and influenced the President to desert the Navy at this time, especially in view of his statement that propaganda would not be permitted to have him change his course.

Propaganda has had a material effect on the White House, has had a material effect on the Republican side of this House and to a great extent on the Democratic side of the House as far as the Navy is concerned, and the suggestion of the gentleman that this propaganda be investigated is not a bad suggestion at all.

Last year the gentleman from Ohio [Mr. BURTON] in talking against the naval bill made a rather unpleasant reference to the gentleman who represents districts having navy yards, indicating that their motive for advocating a large navy might be due to local interests. I find now by a very careful reading of the very elaborate hearings held by this committee on the naval appropriation bill that even to Mr. BURTON of Ohio, great pacifist and international statesman, national defense is to a certain extent a local issue because he appeared before the committee just like the common herd of Congressmen when they are coming in advocating something for their district and he had this to say, Mr. FRENCH introducing him:

Mr. FRENCH. We have with us Representative BURTON. We shall be glad to hear from you, Mr. BURTON.

Mr. BURTON. Mr. Chairman, I am more in favor of construction of aircraft than I am of cruisers. I think that squares more with the developments for the future, and it squares more with what would be useful alike in peace and in war. It seems to me that this proposition to build two ships at a cost of $8,000,000, while one costs $5,500,000, is a rational one, and I should favor it and vote for it on the floor of the House.

Now, I have been trying to find out something about these airships and where they are built. I got a little suspicious of the situation when I found it was almost unanimous on the part of Ohio that it would be in the interest of the Navy to have airships, and I rather suspected that the Goodyear Rubber Co. was a little interested in airship building, and I think this squares accounts with the statement of the gentleman from Ohio as to the so-called navy yard Congressmen.

Now, what has happened since the disarmament conference? First let me read you the original American proposal at the disarmament conference:

The use of capital-ship tonnage as the measurement of strength for navies and a proportionate allowance of auxiliary combatant craft prescribed.

This was subdivision (D) of the main classification of the American proposal, and it clearly contemplated that whatever ratio happened to be arrived at as to capital ships, there should be a proportionate arrangement, either by treaty or by independent operations of the governments involved, to maintain the battleship ratio relative as well to the auxiliary craft.

Now, we have not done this, and yet our friends at Cleveland told the country that if we would only elect these gentlemen, this honest Republican Party, with party regularity, they would live up to this 5-5-3 ratio. And by the way, they used to make a lot of noise about the disarmament treaty, but I do not think you will find much about it in the President's message of 1927.

Now, what has happened generally throughout the world on shipbuilding? Since the Washington conference the United States has built just 19 war vessels of a total tonnage of 157,000 tons. Great Britain has built 57 war vessels of a total tonnage of 338,000 tons. Japan has built 127 war vessels of a total tonnage of 407,000 tons. In merchant ships the United States has built 18 of a total tonnage of 195,000 tons. Great Britain has built 882 of a total tonnage of over 4,000,000 tons. Japan has built 75 of a total tonnage of 335,000 tons, and this is the maritime record of this country on which the Republican Party must go before the country at the coming election.

Now, what was the net result of the Washington disarmament conference?

Mr. Gardiner, a well known Navy expert, has this to say:

The net result of all of this was that where the United States had sought a comprehensive limitation of fleets it secured the limitation only of capital ships and of aircraft carriers, leaving all powers free to build as large a number and volume of cruisers, flotilla leaders, destroyers, submarines, etc., as each might choose. And this fraction of success, that involved the destruction of the better half of the American capital fleet, the United States was obliged to purchase by further agreeing to hold in their inadequate status quo our insular fortifications and naval bases west of the Hawaiian Islands and Alaska, as by Article XIX of the naval treaty.

Now, there are gentlemen who say in a very positive, absolutely final, conclusive and ipse dixit fashion that war with England is unthinkable, and yet they are all talking about it and all thinking about it, and they are all comparing relative naval strengths. The best answer to this suggestion, I have found, is in the English Review of 1921 in a statement of a British writer:

It is easy to declare roundly that a war between this country and America is unthinkable. That statement argues nothing so much as imaginative incapacity on the part of the sentimentalist who makes it.

The gentleman from Texas this afternoon spoke about our oath under the Constitution. There is no part of the Constitution more binding on this Congress and on the President than that requiring us to keep up the national defense, and I say when the Navy Department and the President say we are maintaining a second-class Navy, when they say we are not maintaining a 5-5-3 Navy, and when the Naval Affairs Committee and this committee come in without recommending provisions for a 5-5-3 Navy, they are false to the Constitution of the United States, and there could be no more effective way of nullifying the Constitution than by falling down on the national defense, and incidentally, I may say, that one of the very things that has brought about a failure of national defense is the large amount of money we have spent on the pet project of the gentleman from Texas, to wit, prohibition.

If we had used the money we have thrown away in our efforts to close a few saloons and substitute 3,000 speakeasies in Washington, D. C., and appropriated it to national defense, we could very easily maintain a Navy equal to that, if not superior to, any nation in the world.

Now, I have no quarrel with those who say that they are for peace. We are all for peace. Some think we can get it by not having any arms. Some think we can get it by having a strong defensive system. Others trust in Christianity. Damascus trusted to Christianity, and the people of Damascus were showered with shells from French battleships.

The League of Nations did not say a word. The people of Nanking trusted in Christianity, and they were stormed by bullets and shells, and the great League of Nations did not have a word to say.

Only yesterday the State Department reported that in 1914 we were at the point of dangerous friction with Great Britain over the interpretation of regulations governing the freedom of the seas, and only by the great finesse of the Wilson Cabinet did we avert war in 1914 protesting to Great Britain that she was exceeding her rights under the declaration of London.

There are some who make a great deal about the cost of national defense. The chairman of the subcommittee in start-out said this was the largest and most expensive program we had had since the limitation of armaments.

The United States is spending per capita about $6 a year on the national defense, and Great Britain is spending about $16 a year on national defense.

I understand from an article by Capt. Dudley Knox, an American expert, that the upkeep of the Navy does not cost us 1 per cent of the Navy-protected trade. In the light of that, those who are against national defense in the interest of economy are entirely inaccurate in their position.

Another strange thing about the situation is this flimflam by the Republican Party in trying to mislead the American people on the Navy. The Naval Committee comes in and says we do not need authorization for submarines, we do not need authorization for destroyer leaders, because it already exists. This committee which should coordinate with the Committee on Naval Affairs has brought in a bill without anything in it for new submarines, and nothing in it for destroyer leaders.

Mr. SCHAFER. There are Democrats on the committee.

Mr. BLACK of New York. Yes; and I find fault with them, too. But the Democrats are not charged with the responsibility. They did not write the platform that I have read, either, contracting the American people.

There was subtle appeal made here by a pacifist. They say that those who want a large Navy are arguing for war. The most insidious subtle appeal was made here by the gentleman from Missouri [Mr. LOZIER]. He said if we were to have war we would march on Canada. Just imagine that in these dry days what an insidious appeal that is to people in the United States. [Laughter.]

Mr. SCHAFER. The gentleman from Missouri is a Democrat.

Mr. BLACK of New York. Yes; and he is the only one that said a sensible thing—outside of myself. [Laughter.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. AYRES. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman, a few nights ago I attended an initiation banquet by the Gamma Eta Gamma law fraternity of Georgetown University. I was made an honorary member some years ago. A number of Members of the House and of the Senate have been enrolled by this great fraternity as honorary members. Senator DALE, Representative ROY FITZGERALD, Representative GIBSON, distinguished members of the bench and bar and of the faculty of Georgetown University were present. Some of the best speeches that I have heard in a long time were made on that night. It was during the initiation work, which is of the highest order of excellence, that it occurred to me it would be in the interest of the public welfare for some one to put into the CONGRESSIONAL RECORD that part of the ritual which contains lectures on the common law, the civil law, and on equity. The three lectures are very short, and I am quite sure will be read with interest by every law student and lover of legal literature that may be lucky enough to find them in the CONGRESSIONAL RECORD. I would suggest to those that have an interest in the matter that they read the forty-fourth chapter of Gibbon's Decline and Fall of the Roman Empire. That chapter has been pronounced to be a liberal education in itself on the laws of the mighty empire which have held spellbound the intellect and the imagination of the millions and millions that have pored over their wisdom since that mighty alluring and enchanting fabric went stumbling and tottering to its destruction:

JUDEX' LECTURE ON THE COMMON LAW

(Composed by Ernest C. Butler, first judex of Alpha Chapter)

JUDEX: In the prosecution of any great and important undertaking, the underlying principle which insures success is a broad and firm foundation. So it is with your chosen profession, my brother (s); a privilege, yes, a duty, which you owe to yourself to so lay a foundation upon which to erect a structure which will be an honor not only to yourself but to your profession.

To do this, you must study diligently the history and development of every branch of the law. The law is always in a process of development. By understanding its evolution, you will be able intelligently to proceed in the unexplored fields, and be of valuable assistance in expounding and formulating the laws which are to govern future generations. No branch of the law can be traced with greater benefit or more interest than the common law.

It includes those principles, usages, and rules of action applicable to the government and security of person and property which do not rest for their authority upon any express and positive declaration of the will of the legislature.

A great proportion of the rules and maxims which constitute the immense code of common law grew into use by gradual adoption, and received from time to time the sanction of the courts of justice without any legislative act or interference.

It is not the production of the wisdom of some one man or society of men in any one age; but of the wisdom, counsel, experience, and observation of many ages of wise and observing men.

When the common law is spoken of as the unwritten law, it is meant that it is law not written by authority of law. The decisions of courts which establish or declare a rule of law may be reduced to writing and published in the reports, but the report is not the law; it is but the evidence of the law, a written account of one application of a legal principle, which principle, in the theory of the common law, is unwritten.

It is only by legislative power that law can be framed by phraseology and by forms of expression.

The common law excludes such bondage. Its principles are not limited nor hampered by the mere form in which they may have been expressed; they are still unwritten and ready with all the adaptability of truth to meet every new and unexpected case.

The common law is the evolution of those principles of right and justice embodied in man which he has found advantageous in his intercourse with mankind; therefore it is impossible to state its definite beginning or trace its development apart from the history of the human race.

When the tide of Teutonic immigration swept over northern Europe it carried with it that germ which had developed and characterized it, and which had been transmitted by it to the Angles, Saxons, and Danes long before they left their homes on the shores of the North Sea to invade and take possession of Britain.

The common law of England consists of those maxims of freedom, order, enterprise, and thrift, which had prevailed in the conduct of private affairs, the management of public business, the regulation of domestic institutions, and the acquisition, control, and transfer of property from time immemorial.

The English common law is not in all respects to be taken as the common law of the United States, or of the several States; but our common law is composed of not only the English common law but English statutes as well, as they existed on July 4, 1776, these being modified to suit the conditions of the United States. Some of our States have expressly stipulated in their constitutions that the English common law was to be their law so far as it was applicable to their situation, and the principles upon which courts discriminate between what is to be taken and what is to be left have been much the same whether the common law was adopted by the constitution, statutes, or decisions.

(End of the judex's lecture.)

PRÆTOR'S LECTURE ON THE CIVIL LAW

(Composed by Nathan Grant Foster, first prætor of Alpha Chapter)

MY BROTHER(S): In your search for legal knowledge you have been instructed by our honorable judex in the wisdom of the common law, that proud heritage of the Anglo-Saxon race; a system of law of which the history can be traced far back into the dark forests of Germany, where dwelt our warlike Teuton ancestors.

But centuries before we have any authentic record of the common law there was growing up, on the banks of the Tiber, a system of jurisprudence which is a marvel of wisdom and justice, and which challenges the admiration of the world. This system is known to us as the civil or Roman law, and forms the basis of the laws of continental Europe and a large part of both Americas.

For convenience in instruction, the growth of the civil law may be divided into three periods: First, the period of the early law, dating from the founding of the Eternal City until the compilation of the Twelve Tables; second, the period from the compilation of the Twelve Tables to the codification under Emperor Justinian; and, third, from the codification until the destruction of the Roman Empire.

Very little is known of the law of the first period, which consisted of the leges regiæ, or laws and usages of the Romans under their kings; but after the kings had been expelled and the administration of justice had been transferred from the kings to the consuls, it became necessary to check their despotic power, and for this purpose the Valerian law was enacted. This law granted to persons accused of capital offenses a right of appeal to the people, and it became a principle of Roman jurisprudence, and capital punishment could not be inflicted on a Roman citizen without a vote of the Roman people, and this, like the habeas corpus act of the common law, became the palladium of civil liberty. But the evils arising from an uncertain and varying system

of jurisprudence at length became insupportable and gave rise to the second or middle period of Roman law. A committee of three was appointed to draft a new set of laws, which were submitted to 10 men called decemviri. The result was the Twelve Tables, which were ratified by a vote of patricians and plebeians alike.

These laws were engraved on tablets of wood, brass, and ivory, and were drawn from the laws of the kings, the laws of other nations, and certain new enactments which wisdom and experience seemed to dictate. Time will not permit us to dwell upon the provisions of the Twelve Tables, but you are earnestly admonished to study them at your earliest convenience, since no student of law can afford to be without some knowledge of so renowned a production.

An important source of increase and improvement in the Roman law is found in the edicts of the prætors.

Every prætor on entering upon his duties established and promulgated certain rules according to which he proposed to administer justice during his term of office, and these prætorian edicts finally became a substitute for the Twelve Tables.

Another source of increase was the responsa prudentium, or opinion of the lawyers. The most ancient of these interpreters of the law were the members of the College of Pontifices, or priests, but finally the most eminent private citizens, like Cicero, took up the study and practice of law as being the grace, ornament, and most honorable business of old age.

Other sources of the law were the leges, or the will of the whole people as declared in the Comitia Centuriata; the plebiscita, enacted in the Comitis Tributa; the Senatus Consulta, promulgated by the senate; the legis actiones of the priests, which correspond to our common-law pleadings, was known only to members of the College of Pontifices, and was styled by Cicero a cunning and captious verbal science.

At a later period came the Constitutio Principis, or ordinances of the emperors. These last were of three kinds: Rescripts, or letters in answer to petitions, or to a distant magistrate; decrees, passed in a public court of justice; and edicts.

At length the bulk of Roman law had increased to such proportions that it filled 2,000 books, and a revision became necessary, which led to the third period of the Roman law, beginning in the reign of Justinian.

This Emperor caused the law which had been accumulating for 14 centuries to be collected into one systematic code. The first code, called "Codex Vetus," was the work of Johannes and 10 others, and is now entirely lost. The second, or revised code, consisted of 12 volumes and contained the mass of the law. This was the work of Tribonian and four other justices.

The Pandects, or digests, consisted of 50 volumes, and was an abridgement of the decisions of the prætors and the opinions of eminent lawyers. This was the work of 16 jurists, with Tribonian at their head.

The fundamental principles and elements of the law, designed for the use of students, were gathered in four volumes and were used in the law schools which flourished at Berytus, Rome, and Constantinople. The last were published the Novels of Justinian, or new imperial statutes, passed after the code was completed.

My brother, I have traced for your benefit the growth of the civil law, and how true it is that the labor of man's mind often survives after the works of his hands have crumbled into dust and are forgotten.

From beyond the Danube, and from the dark forests of the north, swept myriads of fierce warriors, who scaled the Alps, and like an avalanche poured into Italy. Rome, the Eternal City, the proud mistress of the world, was overcome, and for a time law was lost in chaos—but only for a time.

A sudden shock may turn the needle from the pole, but the irresistible law of magnetism soon draws it back again.

The grand destinies of Rome are not yet accomplished, for to-day she rules throughout the world by her reason, having ceased to reign by her authority.

(End of prætor's lecture.)

CHANCELLOR'S LECTURE ON EQUITY

(Composed by Charles Vey Holman, first chancellor of Alpha Chapter)

CHANCELLOR. Equity, however defined, my brother(s), is universally regarded by mankind as the practice of absolute justice in the forum of conscience, under the dictate of abstract right.

Aristotle has summed it up cogently and succinctly as being in its very nature the correction of the law wherein it is defective by reason of its universality.

Grotius follows the great Greek philosopher almost literally in his definition, saying: "Peculiarly and particularly, of a truth, equity is the virtue of good will, correctress of that in which the law falls short because of its universality."

Bound by no hard and fast rules of procedure, indebted to the grace of no legal fictions for the right to work out justice, hampered not by the restrictive limitations of precedent, but in all things guided solely by the desire to see equal and exact justice done as between man and man, equity in its earlier estate in our English jurisprudence was so manifestly founded upon basic principles of right and conscience that it seems almost impossible to credit the jealousy with which the courts and practitioners of the common law sought to bar its onward progress.

It seems incredible that courts and officers of justice should have been so prejudiced by adherence to ancient and in many instances outworn forms, capable of perpetuation only by the constant invention of legal fictions to make it appear that the law changeth not, as to war upon a system of judicature whose only aim was to render unto every man his just and equal due. But such was the case for centuries, the courts of common law regarding with utmost jealousy that dispensation of justice which, indeed, was known only as the extraordinary jurisdiction of the court of chancery.

That all this is now so happily changed is due to the inexhaustible leavening power of those primary principles of abstract justice upon which courts of equity founded at once their jurisdiction and their practice.

When we consider, however, those stately words of Justinian, "Justice is the constant and perpetual desire and purpose of rendering unto every man his own right," and remember that this single sentence epitomizes, possibly as fully as so brief a word-photograph can do, the whole scope and range of equity as we understand it, it is not difficult to comprehend that it has so triumphed over its foster brothers, the common law and the Roman civil law; that it has been able, as it were, to soften the rigid outlines of their abstract, logical rules and to mold their mechanical, universal, unvarying results into gentler forms, without, in an iota, impairing their full usefulness as the media of justice and of right, particularly weaving all that is best and truest in each of these great systems of jurisprudence into one grand fabric of universal, all-reaching, all-embracing, all-satisfying law.

Nothing, my brother, could withstand the progress of a system of jurisprudence founded upon principles like those enunciated by Justinian in these words: "These are the precepts of our law: To live honestly, to injure none other, to render unto each his own."

Following the law, supplementing the law, correcting, amplifying, and softening the law, surely Equity's mission has been a graceful and a noble one, and it is small wonder that we seem to-day to be approaching an era when all law will be transmitted into equity and equitable considerations alone will govern in all law—a period to be reached perchance within our own time, when some disciple of the Fraternity of Gamma Eta Gamma may declare to the world that humanity has at last reached that golden epoch foreshadowed by Cicero, when he declared, so eloquently, "If all can not be equal in property, if the talents of all can not be the same, the laws, at least, should be the same, to those who are citizens in the same republic."

My brother, I can not wish you better fortune than that you may live to be the one who shall proclaim the arrival of that glorious day.

(End of chancellor's lecture.)

Great journalists throughout the length and breadth of the land have been for several years editorially calling the attention of the bench and bar to the absolute need of a wiser thought, a stronger and firmer hand, a more enlightened viewpoint, a better understanding, and a more certain and definite attitude in regard to that alone which will make law enforcement yield beneficial results, and that is a receptivity on the part of the people, a receptivity which may be properly denominated obedience to the law.

The attitude of every adult man and woman with respect to the concerns of life is the result of a growth which in a sense is education. There have always been two theories, I think, about education. One theory is that the mind of the child is like a sheet of white paper on which we might write out such characters as we please by instruction. The other theory is that the child is a bundle of inherited capacities and tendencies and can be educated only along the lines to which he is naturally inclined or slants. Perhaps both theories may be and are combined from the standpoint of the teachers of our schools, colleges, and universities to-day. It is certain, however, that in view of the alarming criminal tendencies on the part of a vast number of our people, as evidenced by the newspaper accounts of homicides, thefts, and other law infractions of a major and minor nature, that the controlling agencies in our educational systems must insist with greater and more effective persuasiveness that our schools in all of the grades and branches be used for the purpose of teaching the law as far as the youth and mind of the pupils can accommodate themselves to its simplicities, complexities, and particularly with respect to a compliance with its mandates.

If respect for the law were taught children even as their A B C's, I am satisfied that the school system would emphasize and accentuate the justification for its existence to-day. For it is clear that illiteracy itself, as great a calamity as it may

be to a people could not be any more menacing than the tide of criminality that threatens to engulf the next, if not this present generation. Young men and young women lawyers may find far more fertile fields for their endeavors in the school than in the court room and have the proud satisfaction of knowing that they are preparing the youth of the land for a firmer and nobler attitude toward the law of the country, its institutions, and the splendid destiny we are pleased to assure ourselves is its goal. Even if the schoolhouse be treated as an auxiliary of the home and the church, it is admitted that it furnishes the opportunity where on a broader scale may be taught the principles of virtue, morality, obedience, and patriotism to a degree that might not be attained in any other theater of action. It is clear that in the development of our civilization that the school and the church are both treated as extensions and laterals of the home and more and more the country is depending upon these great institutions to inculcate those virtues which will strengthen the mud sills and foundations of the Republic while adorning its superstructure.

It is a speed age. Airplanes, radio, automobiles as well as their illustrious predecessors, the telegraph and telephone, indicate just as surely as the jazz music the rapidity of the pace at which we are traveling. They are not the cause of our speed so much as an effect of a feverish or hectic desire to race through life instead of sauntering along its many splendid roadways and vistas. Do not misunderstand me, I would not prohibit these instrumentalities that have made for the comfort and convenience of hundreds of millions of people, and the haste and excitement of many more millions. I would wisely regulate their activities and operations, so as to get the greatest possible use out of them with the least possible effect. In the field of mechanics just as in every other phase of human existence, it is well, generally speaking, to regulate rather than to prohbit. Ascertain the ineradicable tendencies of human nature and by a sagacious regulation make an asset out of what would be a liability under prohibition.

I believe, Mr. Speaker, that I am promoting the public welfare in some small way in publishing these lectures and making these respectful observations. I hope that they will prove intellectually entertaining if not instructive to those readers of the CONGRESSIONAL RECORD, whose attention may be arrested by them. And if they contribute in some small way even to bring about that respect for and obedience to the law so absolutely necessary for the continuance of free institutions, and the stability of the Republic itself I will feel tremendously gratified and know that I have not spent this little time in vain.

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 had under consideration the bill H. R. 12236, the Navy Department appropriation bill, and had come to no resolution thereon.

CONFERENCE REPORT—INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WOOD. Mr. Speaker, I submit a conference report upon the bill H. R. 9481, making appropriations for the executive offices and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, for printing under the rules.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) "making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 12, 13, and 14.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", of which $1,000,000, or so much thereof as may be necessary, may be used for reconditioning and operating ships for carrying coal to foreign ports"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 4, 7, 8, 9, 10, and 11.

WM. R. WOOD,
EDWARD H. WASON,
THOMAS H. CULLEN,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report, as to each of such amendments, namely:

On No. 2: Inserts the language proposed by the Senate, including in the appropriation for the National Advisory Committee for Aeronautics the sum of $5,000 for procurement and development of a design for a wind tunnel suitable for research on full-sized airplanes.

On No. 3: Strikes out the appropriation of $14,347, inserted by the Senate, for a utility building and the lighting of the grounds of the Perry Victory Memorial.

On No. 5: Restores the language, stricken out by the Senate, providing for the location of a bathing pool on the site of the McKinley High School.

On No. 6: Inserts the language proposed by the Senate, relative to the use of the appropriation for the Merchant Fleet Corporation for reconditioning and operating ships for carrying coal to foreign ports, modified so as to reduce the amount to be so available from $1,400,000 to $1,000,000, to strike out reference to the number of ships to be so used, and to make the authority permissive instead of mandatory.

On No. 12: Strikes out the appropriation of $65,000, inserted by the Senate, for an additional amount for the Water Boundary Commission, United States and Mexico.

On No. 13: Corrects a section number in the bill to conform to the action of the conferees.

On No. 14: Inserts the total of the bill in the amount as passed by the House instead of the amount as passed by the Senate.

The committee on conference have not agreed to the following amendments:

On No. 1: Extending the duties of the Bureau of Efficiency to include investigations in connection with the municipal government of the District of Columbia.

On No. 4: Providing pay at per diem rates for certain classes of employees under the Office of Public Buildings and Public Parks of the National Capital.

On Nos. 7 and 8: Relating to compensation of attorneys for the Shipping Board.

On No. 9: Relating to the discontinuance of the sea-service bureau of the Merchant Fleet Corporation.

On No. 10: Relative to the use of not to exceed $10,000,000 from the construction and loan fund of the Shipping Board in reconditioning the steamships *Mount Vernon* and *Monticello*.

On No. 11: Relating to the amount to be expended for attorneys' fees by the Shipping Board.

WILL R. WOOD,
EDWARD H. WASON,
THOMAS H. CULLEN,
Managers on the part of the House.

WILLIS B. CROSS

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3145) for the relief of Willis B. Cross, with a Senate amendment thereto, and agree to the Senate amendment.

The Clerk reported the Senate amendment.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to take from the Speaker's table the bill H. R. 3145, with a Senate amendment thereto, and agree to the Senate amendment. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, has the gentleman consulted with the ranking Democratic member of his committee?

Mr. BOWMAN. Yes.

Mr. GARNER of Texas. And this is entirely satisfactory to him?

Mr. BOWMAN. Yes.

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

There was no objection.

ANCHORAGE, ALASKA

Mr. CURRY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 340) 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, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk reported the Senate amendment.

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

Mr. SCHAFER. Mr. Speaker, reserving the right to object, do these Senate amendments meet with the approval of the Delegate from Alaska [Mr. SUTHERLAND]?

Mr. CURRY. They do. The Delegate from Alaska introduced the bill. The bill was reported, and it was passed unanimously by the House. I discussed the matter with him. He was here a few minutes ago.

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

There was no objection.

SEWARD, ALASKA

Mr. CURRY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7367) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000, for the purpose of constructing and and equipping a public-school building in the town of Seward, Alaska, with Senate amendments thereto, and agree to the Senate amendments.

The Clerk reported the Senate amendments.

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

Mr. SCHAFER. Mr. Speaker, reserving the right to object, does the Delegate from Alaska approve these amendments?

Mr. CURRY. He does. He introduced the bill. The bill was reported by the committee and passed the House unanimously on the Consent Calendar.

Mr. GARNER of Texas. I understand that these bills and amendments have the approval of the ranking minority member of the gentleman's committee?

Mr. CURRY. Yes. Not only the ranking minority member, but all of the minority members of the committee as well as the majority members.

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

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BURTON, for two days, on account of important business.

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. 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. 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 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; and

H. J. Res. 211. Joint resolution to amend Public Resolution 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain.

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

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.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, a joint resolution and bills of the following titles:

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

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

ADJOURNMENT

Mr. FRENCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to, and accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Friday, March 23, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, 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 THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON THE JUDICIARY

(10.30 a. m.)

To amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions (H. R. 7951).

INTERSTATE AND FOREIGN COMMERCE COMMITTEE

(10 a. m.)

Granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland City, Ark. (S. 1104).

COMMITTEE ON THE POST OFFICE AND POST ROADS—SUBCOMMITTEE ON AIR MAIL

(10 a. m.)

To grant authority to the Postmaster General to enter into contracts for the transportation of mails by airships to foreign countries and insular and Territorial possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound (H. R. 10553).

For the award of the air mail flyer's medal of honor (H. R. 8535).

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 2

(10 a. m.)

Proposing an amendment to the eighteenth amendment of the Constitution (H. J. Res. 203).

EXECUTIVE COMMUNICATIONS, ETC.

415. Under clause 2 of Rule XXIV, a letter from the Secretary of State, transmitting samples of approximately 255,000 papers which are useless to the Department of State have been submitted to the Librarian of Congress under the terms of the Executive Order No. 1499, dated March 16, 1912, and were found to have no historical value, was taken from the Speaker's table and referred to the Committee on Disposition of Useless Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 7900. A bill granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; without amendment (Rept. No. 1020). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 5681. A bill to amend the act of February 28, 1925, fixing the compensation of employees in post offices; with amendment (Rept. No. 1021). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER: Committee on the Judiciary. H. R. 8270. A bill to amend section 52 of the Judicial Code of the United States; with amendment (Rept. No. 1022). Referred to the House Calendar.

Mr. SUTHERLAND: Committee on Mines and Mining. H. R. 339. A bill to increase the effectiveness of expenditures for roads, bridges, and trails in the Territory of Alaska, and for other purposes; with amendment (Rept. No. 1024). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 11463. A bill to fix the salaries of certain judges of the Territories and insular possessions of the United States; with amendment (Rept. No. 1026). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. S. J. Res. 113. A joint resolution to amend subdivisions (b) and (e) of section 11 of the immigration act of 1924, as amended; without amendment (Rept. No. 1027). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILL AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAMSEYER: Committee on the Post Office and Post Roads. H. R. 9620. A bill for the relief of E. H. Jennings, F. L. Johanns, and Henry Blank, officers and employees of the post office at Charleston, S. C.; without amendment (Rept. No. 1018). Referred to the Committee of the Whole House.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. R. 10957. A bill to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920; with amendment (Rept. No. 1019). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 6780. A bill for the relief of David J. Williams; with amendment (Rept. No. 1023). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Missouri: Committee on Naval Affairs. S. 802. An act for the relief of Frank Hanley; without amendment (Rept. No. 1028). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SNELL: A bill (H. R. 12316) to provide for an increase of the fees of United States commissioners, and to require the payment of those fees by the defendants in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

By Mr. ROWBOTTOM: A bill (H. R. 12317) authorizing the Wabash Bridge Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River at a point in White County, Ill., and Posey County, Ind., at or near New Harmony, Ind., and Crossville, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. PEAVEY: A bill (H. R. 12318) granting allowances for rent, fuel, light, and equipment to postmasters of the fourth class, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: A bill (H. R. 12319) to provide for the use of transcripts of testimony in certain cases; to the Committee on the Judiciary.

By Mr. GRAHAM: A bill (H. R. 12320) to amend the longshoremen and harbor workers' compensation act; to the Committee on the Judiciary.

By Mr. GREEN of Iowa: A bill (H. R. 12321) to establish an estate tax law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. RAGON: A bill (H. R. 12322) to quiet title and possession with respect to certain lands in Faulkner County, Ark.; to the Committee on the Public Lands.

By Mr. BERGER: A bill (H. R. 12323) to establish a minimum wage for all civilian employees of the Federal Government; to the Committee on the Civil Service.

By Mr. HOUSTON of Hawaii: Joint resolution (H. J. Res. 248) providing for the issuance of a special postage stamp in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook; to the Committee on the Post Office and Post Roads.

By Mr. MAAS: Resolution (H. Res. 143) that the Speaker appoint a select committee to conduct an investigation relative to protests against the military and naval defense progress of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLGOOD: A bill (H. R. 12324) for the relief of James William Riley; to the Committee on Military Affairs.

By Mr. BECK of Pennsylvania: A bill (H. R. 12325) to authorize and direct the United States Employees' Compensation Commission to pay compensation to Annie Gaffney for the death of her son, William Leo Gaffney; to the Committee on Claims.

By Mr. BRIGGS: A bill (H. R. 12326) to authorize a survey of Clear Creek and Clear Lake, Tex., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. CANFIELD: A bill (H. R. 12327) granting an increase of pension to Susan E. Beard; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 12328) granting an increase of pension to Mary M. Wilson; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 12329) granting a pension to Mina Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12330) granting a pension to Marshall E. Anderson; to the Committee on Pensions.

By Mr. EATON: A bill (H. R. 12331) granting an increase of pension to Evaline Zeliph; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12332) granting an increase of pension to Mary E. Jones; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 12333) for the relief of Charles Davis; to the Committee on Military Affairs.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12334) for the relief of Samuel B. Faulkner; to the Committee on Military Affairs.

By Mr. HALL of Indiana: A bill (H. R. 12335) granting a pension to Nathan Ain; to the Committee on Pensions.

By Mr. HANCOCK: A bill (H. R. 12336) granting an increase of pension to Abraham Silverstein; to the Committee on Pensions.

By Mr. HUDSON: A bill (H. R. 12337) granting a pension to Jessie J. Ziem; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12338) granting an increase of pension to Anna Crow; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 12339) authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock; to the Committee on the Public Lands.

By Mr. SPEAKS: A bill (H. R. 12340) granting an increase of pension to Letitia Rutter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12341) granting an increase of pension to Anna C. Tway; to the Committee on Invalid Pensions.

By Mr. STOBBS: A bill (H. R. 12342) to incorporate the Universalist National Memorial Church Foundation; to the Committee on the Judiciary.

By Mr. SWICK: A bill (H. R. 12343) granting an increase of pension to Sarah Reiber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12344) granting an increase of pension to Minnie Leeper; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 12345) granting a pension to Susan Maynard; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 12346) granting a pension to Annie L. Thomas; to the Committee on Invalid Pensions.

By Mr. KNUTSON: Resolution (H. Res. 142) to pay Fred R. Miller for extra and expert services to the Committee on Pensions; to the Committee on Accounts.

PETITIONS, ETC.

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

5785. Petition of Scandinavian Fraternity of America, protesting against the national-origin clause method of determining quotas and urging the elimination of the same; to the Committee on Immigration and Naturalization.

5786. By Mr. ALDRICH: Petition of George E. Perry and 64 other voters of Warwick, R. I., urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of veterans and widows; to the Committee on Invalid Pensions.

5787. By Mr. BERGER: Memorial of the Women's Club of Kandiyohi County, Minn., urging favorable action on the resolution offered by Representative Berger providing for an investigation of conditions in the bituminous coal fields; to the Committee on Interstate and Foreign Commerce.

5788. By Mr. BLOOM: Petition of John E. Hanson, of 184 Winthrop Street, Brooklyn, N. Y., and 309 other citizens of Brooklyn and Greater New York, protesting against House bill 78, Sunday observance bill; to the Committee on the District of Columbia.

5789. By Mr. BOHN: Petition of citizens of Schoolcraft County, Mich., to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5790. By Mr. BUCKBEE: Petition of William C. Gridley and 58 other citizens of Rockford, Ill., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5791. By Mr. BURTON: Resolution of the Columbia League of Women Voters, Columbia, Mo., approving House Joint Resolution 1; to the Committee on Foreign Affairs.

5792. By Mr. CHRISTOPHERSON: Petition of Rural Free Delivery Mail Carriers' Association, of Lincoln County, S. Dak., favoring optional retirement of civil-service workers after 25 years' service, or arrival at the age of 55 years; to the Committee on the Civil Service.

5793. By Mr. COCHRAN of Pennsylvania: Petition of numerous residents of Stoneboro, Mercer County, Pa., urging the passage of legislation increasing the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5794. By Mr. CRAIL: Petition of J. H. Hoeppel, commander General Harrison Gray Otis Post, No. 1537, Veterans of Foreign Wars; past commander Charles A. Lindbergh Camp, No. 103, United States War Veterans; past commander Glenn Dyer Post, No. 247, American Legion, Los Angeles County, Calif., favoring increased pay for retired Army men; to the Committee on Military Affairs.

5795. By Mr. CULLEN: Resolution of Maritime Association of the port of New York, urging the early enactment of House bill 9195; to the Committee on Ways and Means.

5796. Also, resolution by the Twelfth Assembly District Republican Club, as opposed to the removal of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

5797. Also, resolution by the Brooklyn Bar Association, urging passage of the bill providing an additional judge for the eastern district of New York; to the Committee on the Judiciary.

5798. By Mr. DENISON: Petitions of various citizens of Dongola, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5799. Also, petition of various citizens of Murphysboro, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune in order that relief may be accorded to veterans and their widows; to the Committee on Invalid Pensions.

5800. Also, petition of various citizens of Coulterville, Ill., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

5801. By Mr. EATON: Petition of 108 residents of Trenton and North Plainfield, N. J., urging increases in Civil War pensions; to the Committee on Invalid Pensions.

5802. Also, petition of 67 residents of the fourth New Jersey district, against any measure to increase the number of immigrants now allowed to come into this country in any year; to the Committee on Immigration and Naturalization.

5803. By Mr. ELLIOTT: Petition of Mary C. Smith et al., of Liberty, Ind., in regard to Civil War pensions; to the Committee on Invalid Pensions.

5804. By Mr. EVANS of Montana: Petition of Mrs. C. E. Ingersoll and other residents of Florence, Mont., urging the passage of the Civil War pension increase bill; to the Committee on Invalid Pensions.

5805. By Mr. FRENCH: Petition of 68 citizens of Elk River, Idaho, urging increased pension relief for Civil War veterans and widows; to the Committee on Invalid Pensions.

5806. By Mr. GALLIVAN: Petition of Federal Employees Union, Local No. 130, William A. Smith, secretary, 4 Mount Vernon Street, Charlestown, Mass., urging passage of the Welch salary increase bill (H. R. 6518); to the Committee on the Civil Service.

5807. By Mr. HANCOCK: Petition of Flora M. Merrick and other residents of Syracuse, N. Y., in favor of increases of pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5808. By Mr. HOGG: Petition of Mr. and Mrs. Harry C. Frank and 30 other citizens of Fort Wayne, Ind., asking immediate and favorable action of Congress on House bill 433, to increase pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5809. By Mr. JOHNSON of Texas: Petition of W. F. Sims, president of the Hillsboro Dry Goods Co., of Hillsboro, Tex., opposing Senate bill 1752, to prevent printing of return address on stamped envelopes by the Post Office Department; to the Committee on the Post Office and Post Roads.

5810. By Mr. JOHNSON of South Dakota: Petition of members of the Kiwanis Club, Webster, S. Dak., urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

5811. By Mr. KVALE (by request): Petition of Rev. Anthony Scholzen, Bird Island, Minn., protesting against enactment of legislation proposing to discontinue governmental printing of return cards on stamped envelopes; to the Committee on the Post Office and Post Roads.

5812. By Mr. LEHLBACH: Petition of citizens of Newark, Irvington, and vicinities, protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

5813. Also, petition of the Pride of Peter Cooper Council, No. 74, Sons and Daughters of Liberty, Newark, N. J., protesting against any measure to increase the number of immigrants now allowed to come into this country; to the Committee on Immigration and Naturalization.

5814. By Mrs. LANGLEY: Petition of residents of Floyd County, Ky., urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

5815. By Mr. MILLER: Petition of citizens of Seattle, Wash., indorsing bills and measures providing for increase in pensions to veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

5816. By Mr. O'CONNELL: Petition of District Council of New York City, United Brotherhood of Carpenters and Joiners of America, favoring the passage of the Bacon bill (H. R. 11141); to the Committee on Labor.

5817. Also, petition of the Holy Name Society, Church of Our Lady of Lourdes, Brooklyn, N. Y., opposing the passage of the Curtis-Reed bill; to the Committee on Education.

5818. By Mr. O'CONNOR of New York: Resolutions adopted by the board of directors of the Maritime Association of the port of New York, favoring enactment of House bill 9195; to the Committee on Ways and Means.

5819. By Mr. STEELE: Petition of 19 citizens of Atlanta, Ga., asking that steps be taken to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

5820. By Mr. SPEAKS: Petition signed by Grace M. Loughenry and some 69 citizens of Columbus, Franklin County, Ohio, urging enactment of legislation for the relief of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

5821. By Mr. SUMMERS of Washington: Petition signed by Howard Garrison and 82 others, of Ellensburg, Wash., and vicinity, urging an increase in pensions to widows of Civil War veterans; to the Committee on Invalid Pensions.

5822. Also, petition signed by Anna Watson and 34 others, of Pullman, Wash., urging increase in pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

5823. Also, petition signed by members of the Grand Army of the Republic Woman's Relief Corps and Daughters of Civil War Veterans, of Ellensburg, Wash., urging an increase of pension to Civil War widows; to the Committee on Invalid Pensions.

5824. By Mr. TILSON: Petition of William Preston and other residents of New Haven, Conn., and vicinity, protesting against passage of House bill 78; to the Committee on the District of Columbia.

5825. By Mr. TINKHAM: Petition of 199 citizens of Massachusetts, against the passage of House bill 78; to the Committee on the District of Columbia.

5826. By Mr. TREADWAY: Petition of citizens of Massachusetts, urging Congress to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5827. By Mr. ZIHLMAN: Petition of citizens of Sandy Hook, Md., urging immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *March 23, 1928*

(Legislative day of Thursday, March 22, 1928)

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

DEATH OF SENATOR WOODBRIDGE N. FERRIS

Mr. COUZENS. Mr. President, it is with great sorrow and regret that I announce that my colleague, Senator FERRIS, of Michigan, expired at 6.15 this morning from an attack of bronchial pneumonia. I may say that he had the affection and regard of all Senators. He was modest, sincere, and earnest. At a future time I shall ask the Senate to set apart a day on which fitting tribute may be paid to his life, character, and public services.

I send to the desk resolutions, for which I ask immediate consideration.

The VICE PRESIDENT. The resolutions will be read by the Chief Clerk.

The resolutions (S. Res. 180) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow the announcement of the death of Hon. WOODBRIDGE N. FERRIS, late a Senator from the State of Michigan.

Resolved, That a committee of 10 Senators be appointed by the Vice President to take order for superintending the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The VICE PRESIDENT appointed as the committee under the second resolution the Senator from Michigan [Mr. COUZENS], the Senator from Kansas [Mr. CURTIS], the Senator from Arkansas [Mr. ROBINSON], the Senator from Ohio [Mr. FESS], the Senator from New York [Mr. COPELAND], the Senator from Oregon [Mr. STEIWER], the Senator from Kentucky [Mr. BARKLEY], the Senator from Washington [Mr. DILL], the Senator from Maryland [Mr. TYDINGS], and the Senator from Iowa [Mr. BROOKHART].

Mr. COUZENS. Mr. President, as a further mark of respect to the memory of the deceased Senator I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 24, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 23, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Rev. Charles Tilton, D. D., of Boston, Mass., offered the following prayer:

Lord, Thou hast been our dwelling place in all generations, before the mountains were brought forth, before Thou hadst ever formed the earth and the world. Even from everlasting to everlasting Thou art God; in Thee we live and move and have our being, and Thou upholdest all things by the word of Thy power. Master of life and men, be Thou present in this assembly to-day to lead and to guide in all the counsels and deliberations of this hour. May every act be begun, continued, and ended in Thee. Thou art the guide of all the universe; Thou tellest the stars by their name, and yet Thou dost note the sparrow's fall with tender sympathy. Thou rulest the nations, and yet Thou leadest the babe by the hand and hearest the faintest cry of infancy and old age. May Thy gentleness make our Nation great. Bless, we pray Thee, these assembled Representatives of our Nation from every part of the land. Bless their homes, bless the towns and cities and States from which they come. Bless, we pray Thee, the President of the United States; guide and direct his steps, and may his life